WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9 Magistrates' Courts Act 1980, s.5B

URN

Statement of Dean Haythornthwaite

Age if under 18: Over 18 *(if over 18 insert 'over 18')* Occupation: Police Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature Date 25/07/2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: ☐

Tick if witness evidence is visually recorded *(supply witness details on rear)* ☐

I am Police Sergeant 2065 of Durham Constabulary, I am a Sergeant in the Neighbourhood Policing Team however I am currently covering the role of Sergeant of the Harm Reduction Unit with responsibility for licensing.

On 3rd July 2019 Durham Constabulary applied for a Summary Licence Review in relation to the premises licence for Lux Bar, 28-30 Front Street, Consett, DH8 5AQ on the basis that the premises is associated with serious crime or disorder. I shall detail below the concerns of the constabulary.

1. Shortly after midnight on 1st July 2019 a male was assaulted inside Lux Bar, Front Street, Consett. The victim in this assault was attacked by two males by means of being struck to the face, and hit over the head with a bottle causing the bottle to smash. Once the victim fell to the ground he was further subjected to a sustained attack by both males. The male has been left in need of hospital treatment for a significant wound to his head and face, as well as extensive injuries to his body. This incident is recorded as a crime of Wounding with Intent, which is the most serious level of assault under the Offences Against the Persons Act 1861. This was a vicious and sustained attack which is caught on CCTV. I can produce a copy of the CCTV footage as exhibit DLH/1 and would describe the footage as follows:

Footage shows three males making their way to the stairs, two male together followed by a third. After a short conversation the two males attack the third male in a brutal and sustained attack. At 00:35:28hrs one of the males can be seen to strike the victim over the head with a bottle. When the first door supervisor arrives on scene he is unable to control the situation. It's only when the second and third door supervisors arrive that they are able to begin to take some level of control.

It's worthy of note too that throughout this attack on the bottom right hand corner of the screen we see someone sat a very short distance away, a male with his hand in his pocket. Despite the incredibly violent scene that unfolds in front of him the male doesn't move, flinch or even take his hand out of his pocket. This causes me concern as it appears as though this kind of behaviour is totally normal.

One of the two offenders described above was known to the management and door staff premises as they had been involved in another serious assault just a few weeks before, on 27th May 2019. I shall refer to him as Male 1 from here. By way of further clarity, following Durham Constabulary's summary review application, on 27/05/19 Male 1 attacked a customer after another offender had attacked a different customer inside the premises, leaving him unconscious. This was all part of one incident, in which two customers were attacked.

Male 1 was barred from the premises.

On 1st July 2019, in spite of the fact that Male 1 was barred from the premises, he had been allowed entry. The manager of the premises and the door staff had a discussion about his presence and according to the manager, they agreed to "keep an eye on him" and eject if it got busy. It is our submission that this fundamental failing by the management to properly control who has access to the premises has resulted in a very serious assault taking place

The officers who initially attended the incident were wearing body worn cameras. I have reviewed the footage of this and when discussing the individuals responsible one of the door supervisors said to the officer:

""These two lads are known to cause a lot of bother."

"We're good friends with them, but yet they're trouble causers. We let them in because the bar had expired, we'd only barred them for four weeks."

These comments are of significant concern to police.

For clairty, the two male offenders in this case have now both been convicted of assault occasioning actual bodily harm and are awaiting sentencing.

2. Turning to the incident on 27th May 2019, on this occasion Male 1 (above) and another (I will refer to him as Male 2) attacked two males inside Lux Bar, leaving one unconscious. There are a number of failings by the premises on this occasion too. On this occasion, Male 2 was already banned from local licensed premises under the Pubwatch scheme, a fact of which the manager and door staff were aware. Following the attack the offending males go to leave the premises as door staff go to the assistance of the victim. One of the two offending males then return to the scene, inches from the now very vulnerable victim, unchallenged and collect his bottled drink before leaving the premises. It is Durham Constabulary's submission that on this occasion Male 2 should have not been allowed entry in to the premises in the first place and because of this failing he went on to commit this serious assault. Furthermore having carried out this attack, one of the attackers can be clearly seen on CCTV to return to the scene in the presence of door staff, unchallenged. He could easily have carried out a further attack if he had been so minded. I can produce this CCTV as exhibit DLH/2.

I have reviewed the body worn camera footage of the officers who attended on this occasion too. On this occasion a door supervisor names one of the individual responsible (Male 2), states that he is on pub watch that he shouldn't be in the bar.

3. On 28th April 2019 another serious assault occurred which began inside these premises, I have spoken to the officer in charge of the investigation who has appraised me of the facts. On this occasion one male assaulted another just inside the doorway of the premises by means of punching him. The two parties were separated and the suspect was removed from the premises by door staff. The suspect remained outside the premises waiting for the victim, a point the door staff were aware of. According to statements, door staff kept telling the victim not to go outside yet as the suspect was waiting for him. They did not call the police. After waiting for 20 minutes the victim eventually left the premises and was further attacked outside. This time he was knocked unconscious and as he fell to the ground he caught his head on a brick wall causing significant and serious facial injuries. This second incident was entirely avoidable had staff or door staff contacted police about the male waiting outside. It also furthers our concerns about the level of violence associated with the premises.

4. The current owners and operators of Lux Bar obtained their licence in November 2018 and began trading in December 2018. Since that time there have been 6 reported assaults associated with the premises. In the last 9 weeks of trading, before the suspension on the 5th July 2019, there were three very serious assaults, as set out above.

Durham Constabulary's licensing officer has spoken with and met representatives from Lux on a number of occasions to officer advice and support. On 5th June 2019 that officer met with a representative of Lux Bar, to express significant concerns about the most recent incident (27/05/2019) and to seek assurances that the licensing objectives would be actively promoted. It is of concern to Durham Constabulary that following that meeting the latest assault occurred, where once again a male known to be violent, in that very premises, was allowed entry.

5. On 2nd July 2019 Durham Constabulary representatives met with representatives of Lux Bar, they were the DPS (Mr Skotidakis), the Premises Licence Holder and manager (Mr Toshi). The content of this meeting caused very serious concerns for Durham Constabulary in relation to the management of this premises and the lack of control in place. During this meeting it was established the person in day to day control of the premises is Arif Toshi, he is the husband of the only director of Bar Lux Ltd. Bar Lux Ltd are the PLH. Mr Peter SKOTIDAKIS is DPS. Both Arif and Peter thought that Peter was PLH, he is not. When asked what he does at the premises Peter, the DPS, replied "nothing really" he stated he just comes and has a look around sometimes and helps out behind the bar occasionally, if it's busy. Neither Peter nor Arif had any knowledge of the conditions attached to their premises licence. A number of other concerns came out during this meeting. Mr Toshi explained that he and his door team couldn't or wouldn't refuse entry to people as it might cause trouble. It was evident at this meeting that Mr Toshi did not know that it was not only his right to refuse entry to his premises but his duty, if the

circumstances dictate it. I asked Mr Toshi if he knew what his planning permission hours of operation were. He had no knowledge at all on this matter and his trading hours regularly exceed these hours, albeit by 30mins. Whilst I accept that planning and licencing are different frameworks with separate legislation, it was apparent that Mr Toshi had no knowledge of some of the basic principles required to operate this premises safely and within the legislation.

6. On 5th July 2019 an interim steps hearing took place in respect of the premises licence for Lux Bar following the police application. At this hearing a decision was taken to suspend the licence of Lux Bar pending the full hearing. Lux Bar did not contest this matter. A few hours later the Lux Bar Facebook page, which is publically accessible, was updated to promote the Lux "summer rave". I can exhibit copies of the Facebook posts as DLH/3. It is of concern that just a few hours after such an important hearing the operators of this premises chose to promote this event, the flyer for which shows the headline act as "DJ Assault" and there is "no dress code."

It is Durham Constabulary's submission that the management of this premises are failing to properly control the premises to such an extent that it has become associated with serious crime and disorder and is putting the public at risk of harm.

Lux Bar indicated that they would be willing to work with the police on finding a resolution and we would be happy to discuss their proposals with the venue. However, we would want to see a significant change in direction for the business, as well as a meaningful reduction in the hours. The latest promotion material, the "Summer Rave" does not give us confidence that there is a desire for the significant changes that we would wish to see. If we are unable to come to an agreement on this matter then we would respectfully ask the committee to consider revocation of this licence.

Signature: Signature witnessed by:

DLH/3

Posts from Facebook, taken 1714hrs on 05/07/2019

Lux Bar
4 hrs ·

‼️ ‼️ Important announcement ‼️ ‼️

‼️ ‼️ share share share share ‼️ ‼️

Due to an electrical fault last night we closed early, today we had workmen out & we have to get electrics sorted ASAP so with that LuX will be closed till this is all fixed. Please keep eye on page for re-opening date.
We will keep you updated.
Sorry for any inconvenience.
Safety for lux customers is paramount.

Thanks management.

Ps
the lux summer rave is still going ahead don't worry we won't let you down there 💋 💋

Thank you again management.....

Like Comment Share

5

11 shares