

WITNESS STATEMENT

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

NICHE Ref. No: URN:

Statement of: David Parker

Date of birth: Over 18

Occupation: Licensing officer

This statement (consisting of: 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: D. Parker

Date: 09.08.2021

Time and date statement taken:

Check box if witness evidence is visually recorded (supply witness details on rear)

I am a licensing officer within the Leeds district licensing department, West Yorkshire Police.

My role involves liaison with licensed premises and I am tasked with implementing various remedial, action-planning and enforcement procedures on those which do not fulfil their required responsibilities in promoting the licensing objectives.

I also interrogate police computer systems to assess any crimes or incidents said to be associated with named premises. I also deal with applications for new premises licences, variations to existing premises licences, enforcement applications and other clerical duties concerned with the Licensing Act 2003.

I make this statement in relation to premises Barley Mow, Bramley, Leeds LS13 3EN.

History

The Barley Mow are a licensed premises within the Bramley area of Leeds. There have been licensed premises on this site since at least the late 1800's. The premises have in recent years suffered a period of closure until it came into the ownership of the current premises licence holder (PLH) and designated premises supervisor (DPS), Kelly SHAW. The premises have been renovated and the latest update to the licence was a transfer and update to the DPS in September 2020.

Since the premises re-opened there have been a number of incidents report to the police including assaults, public order offences and a breach of Covid 19 regulations. These incidents are outlined in the below Chronology of events.

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Chronology

Issues that led to the summary review

25.6.21 – Assault –

Section 18 Grievous bodily harm with intent - 25th June 2021 - Section 18 of the Offences Against the Person Act 1861.

Affray – 25th June 2021 – Section 3 of the Public Order Act 1986

Between 2330hrs x 2340hrs on 25th of June 2021 police attended to a report of an affray and assault at the premises. It was reported that between 6 to 10 people were fighting in the outside smoking area involving both males and females. During the affray a 16year old male had been assaulted. Subsequent hospital treatment was required resulting in the diagnosis of injuries including two fractures to the skull, a bleed to the brain and a displaced jaw. These injuries resulted in him being admitted to hospital as an in-patient. It was established that at the time of the incident this male was under the influence of alcohol and had allegedly taken cocaine. Enquiries revealed that he had been in the public house playing pool and drinking since between 2015 and 2030hrs until the incident occurred. He states that whilst in the premises he had not purchased but had consumed alcohol, he stated he could not recall taking cocaine.

7.6.21 – Assault

Section 18 Grievous bodily harm with intent – 4th June 2021 section 18 of the Offences Against the Person Act 1861.

At 1630hrs 4th of June 2021 a male had attended the premises he was heavily intoxicated and states that throughout the day he had approximately 14 alcoholic drinks. He continued to be served alcohol until the time of the incident. He states that whilst on the premises an altercation took place during which he was assaulted and knocked to the ground. Subsequently he left the premises and the disturbance continued during which he was assaulted again. He states that the incident resulted in him being knocked unconscious. Hospital treatment was subsequently sought which resulted in treatment for a fractured jaw which he states required him having a metal plate fitted. The matter was reported to the police but no further action was taken due to a lack of support from the victim.

In addition to the above there have been other incidents of concern

2100 x 2110hrs 11.10.20 – Assault whereby the suspect and victim are unknown to each other. Suspect punches victim in the face causing bruising around both eyes. Suspect then follows victim to the carpark and pushes the victim to the floor further kicking and punching the victim whilst he was on the ground.

23.10.20 – Assault whereby suspect and victim are ex partners. Suspect assaults victim by striking them with “pool cue and pool balls”. Matter reported to the Police and suspect subsequently dealt with.

Licensed premises were subject to closure under Covid 19 regulations from 5.11.2020 to 12.4.2021.

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1651hrs 29.3.21 – Covid 19 breach whereby at the time stated officers attend public house after report of ongoing “lock in” with people entering and leaving the premises. Officers find multiple people inside who do not reside there sat in lounge area drinking alcohol and watching TV. Persons dealt with by fixed penalty notices.

2030 x 2045hrs 5.5.21 – Assault whereby suspect is daughter of victim, they have both been drinking in the premises, there has been an argument over drinks and money, suspect has slapped victim to left side of face, victim has fallen from a chair and was unconscious for a small amount of time. Suspect has been arrested when officers came across her in street.

2325 x 2330hrs 27.6.21 – Assault whereby suspect has assaulted victim causing a cut to the thumb. The police were called but the victim refused to engage with them.

1221hrs 18.7.21 – Disturbance whereby two males were asked to leave the premises by the manager a disturbance occurred which involved a buffet being thrown at a gaming machine. The police were contacted but the males left prior to their arrival

Since the suspension of the premises licence West Yorkshire Police have had an opportunity to discuss the issues which led to the summary review with the owner’s representative and solicitor. The discussion aimed to prevent further incidents which have resulted in the PLH and DPS agreeing the following additional conditions to the premises licence.

1. No-one under the age of 18 will be allowed on the premises from 2100 hours.
2. A suitable closed-circuit Television (CCTV) system will be in operation at the premises at all times when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who is capable of operating the system and downloading images recorded by it. These images will be downloaded and provided, on request, to an officer of a responsible authority.
3. A Supervisor’s Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.
4. The minimum number of door supervisors for the premises is 2. The days and hours door supervisors operate on the premises are: Fridays, Saturdays and Sunday preceding a bank holiday Monday from 2000 until the premises are closed.
5. The premises licence holder and/or designated premises supervisor will ensure that a Daily Record Register is maintained on the premises by the door staff. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual’s signature). The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry.
6. Designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.

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7. The premises licence holder and/or designated premises supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and/or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. The Incident Report Register will be retained for a period of twelve months and produced for inspection immediately on the request of an authorised officer.
8. The premises licence holder and/or designated premises supervisor will inform West Yorkshire Police as soon as practicably of any search resulting in a seizure of drugs or offensive weapons.
9. A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with West Yorkshire Police or British Transport Police.
10. The age verification policy adopted by the premises, in respect of the sale or supply of alcohol will be Challenge 25 which means that those seeking to purchase alcohol at the premises who appear to be under the age of 25 will be required to provide acceptable evidence (as approved by West Yorkshire Police) that they are 18 years of age (or older) before any alcohol is sold or supplied to them.
11. All staff will be trained in the premises age verification and Challenge 25 policies.
12. The premises licence holder and/or designated premises supervisor will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aim includes the promotion of the licensing objectives.

I would respectfully request that the proposed modification of conditions be adopted at the review hearing on 16th August 2021. The conditions are appropriate for the promotion of the licensing objectives and address specific concerns West Yorkshire Police have in relation to the premises.

At any review of the interim steps under Section 53D of the Licensing Act 2003, West Yorkshire Police would not object to the modification of the original steps taken (suspension of the licence) only if any modification were to replicate word for word the suggested conditions that were agreed with the Licensing Authority at a previous representation to interim steps hearing held on the 2nd of August. We are mindful that the decision at review does not take immediate effect and would therefore want to ensure appropriate proportionate safeguards are in place until that time. The suggested course of action would ensure that those safeguards have to be in place whilst the premises licence is in effect.

D.Parker

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