

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Ps Stuart Ratcliffe** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 202453**.....

This statement (consisting of:4..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: Date: 12/07/2012.....

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

This statement refers to Vintage Public House, 563 Fulham Road, SW6 1ES. I make it in my position as Licensing Sergeant for Hammersmith and Fulham Police. This statement provides a summary of meetings held with the premise, an overview of details held on police indices with regard to the incident on 17/06/12 and a summary of the police position. This statement should be viewed in conjunction with the initial expedited review papers served by police.

On 15/06/2012 I attended Vintage Public House, 563 Fulham Road. On this day England were due to play Sweden in a European Championship football match. As part of our policing operation the licensing unit visited all licensed premise within the boroughs town centre areas pre- match. This was to ensure that sufficient control measures were in place. On attending Vintage I spoke to a male whom I know to be Mr Chico Morad-Malham, a manager at the premise. We discussed measures at the premise and I highlighted recent issues at the premise to him. I explained that any further incidents would result in Police action and stressed the importance of no further incidents. Morad-Malham confirmed that he understood the requests made.

On 20/06/12 I returned to duty from rest day leave. On my return I carried out crime checks which indicated that there had been a large disturbance outside Vintage on the 17th June 2012 at approximately 0200 hours. I viewed information on police indices and requested a meeting with the Designated Premise Supervisor and management team to discuss the incident. I was told that the premise licence holder was not in the country.

The following information was available to me through the police computer aided dispatch (cad) system. This system logs 999 emergency calls to the police and police generated incidents. On 17/06/2012 there were seven cad reports calls to police regarding the incident. These Cad reports provide the following information:

CAD 1247 on 17/06/2012 at 0214 hours was created in response to a call from an independent member of the public. The informants personal details are known to Police. The caller stated that there were 20 people fighting with knives, bottles and wood and that someone was hurt.

CAD 1256 on 17/06/2012 at 0215 hours was created in response to a call from an independent member of the public. The informants details are known to Police. The caller stated that people were fighting and that an ambulance was needed. The informant further stated that men can be seen fighting with chains as weapons.

Signature: Signature witnessed by:

Continuation of Statement of **Ps Stuart Ratcliffe**

CAD 1258 on 17/06/2012 at 0215 hours was created in response to a call from an unknown caller. The informant stated that there was a fight outside Vintage Nightclub and a male was lying on the floor.

CAD 1270 on 17/06/2012 at 0216 hours was created as a result of an armed Police Officer from the Diplomatic Protection Group requesting urgent assistance to assist with a fight in progress.

CAD 1274 on 17/06/2012 at 0217 hours was created in response to a call from an independent member of the public. The informants details are known to Police. The caller stated that there was a male lying on the ground with lots of blood and approximately forty persons gathered around.

CAD 1282 on 17/06/2012 at 0218 hours was created in response to a call from an independent member of the public. The informants contact details are known to Police. The caller stated that there was a violent incident and then on being connected to an operator stated that Police were already on scene dealing.

CAD 1304 on 17/06/2012 is the Police CAD created to manage the incident. The Cad documents the closing of two roads to form crime scenes, the re-routing of buses in the area and actions around the road traffic incident. The incident has caused the considerable use of police, London Ambulance Service and National Health Service resources. This incident remains under investigation by CID officers.

On 21/06/2012 between 1600-1730 hours I met with the premise DPS Daniel STRAM and the management team at Fulham Police Station. Also present was Police Constable Michael Payne. The meeting began with a clear introduction from myself that I would conduct the meeting in a full and honest manner and that I expected the other parties conduct to be similar. The Licensing Act 2003 encourages a direct and partnership approach to issues, but this can only be achieved where integrity and honesty is displayed by all parties. During this meeting I asked questions relating to the management of the premise, the exact operating hours of the premise, details surrounding the incident on the 17/06/12 and a full discussion relating to all conditions on the premise licence.

I asked questions to establish the exact management of the premise. The management structure was explained to me and it was explained that Bryan Mason was the premise licence holder. I explained the importance of the Premise Licence Holder and position of Designated Premise Supervisor alongside the previous history of failures and incidents at the premise. In my opinion there has been no clear change in management and control of the premise throughout the premise history. No variation to the premises licence was submitted prior to review proceedings being instigated.

We discussed the hours that the premises actually operates. I was told that in general the premise operates Mon-Wed 1700-2330, closed Thursdays and open Friday- Sunday 1700-0200 hours. The management team stated that the premise was not food led.

I asked questions to establish events surrounding the 17th June 2012. The premise initially denied that the disturbance had anything to do with the premise. Through the course of the meeting it was then established that participants in the disorder had been in the premise and that alcohol had been consumed. It was explained to me that the premises had taken a booking for an 18th Birthday Party involving a group of females. It was explained that this booking had been taken after the patron had been at the premise the week before and had celebrated her birthday in between re-attending the premise. I highlighted to the DPS and management team that if alcohol had been served to this person the weekend prior to the incident then this would constitute an underage sale and be a criminal offence.

Signature: Signature witnessed by:

Continuation of Statement of **Ps Stuart Ratcliffe**

I also highlighted the fact that conditions 41 and 42 of the premise licence have regard to a challenge 21 policy being in force and I questioned the operational effectiveness of this policy.

We discussed the fact that condition 37 of the premise licence states that no glass shall be removed from the premise. I explained that a champagne bottle had been seized by police at the scene. I questioned whether this had come from the premise. I was told that it had not. I currently await confirmation from the investigating officer regarding exact details relating to the champagne bottle. It is my personal knowledge that the availability of champagne in Fulham at approximately 0200 hours is limited in availability.

We discussed the actions of door supervisors and the dispersal of patrons in preventing the incident. Condition 31 of the premise licence states " The security staff shall make best efforts to prevent persons who are coming or going from the premises from causing a nuisance or engaging in anti-social behaviour in the near vicinity of the premise." The premise stated that an altercation had occurred within the premise earlier in the night. Good practise would have been to have removed one party from the premise at the earliest opportunity. This did not occur. As a result an incident was allowed to develop unchecked as the premise closed. It is apparent to police that door supervisors did not intervene in an appropriate manner and that no person from the premise called police at the time of the incident.

After the meeting I attended the premise. I noted that the premise had a drugs safe in the basement area and no log book as per condition 19 of the premise licence. In my experience I often get quoted by defence solicitors and barristers that every pub and club in London has drugs in it. Aside from the Licensing Objectives, if this is the case then I find an empty drugs safe with no log book, in a premise that has a conditioned entry and search policy difficult to understand. This gives me cause for concern with regard to the running and management of the premise. Based on this I believe that the premise is not searching patrons as required by their premise licence or the premise is not seizing and disposing of drugs as they are required.

On 5/07/2012 at Fulham Police Station I met with Mr Glenn Knowles at the request of the premise. This meeting occurred after the interim measures appeal hearing. Mr Knowles provided me with a folder containing measures that the premise would put in place. These related to a change in door staff, management structure and the provision of a club ID scan machine. Police have considered the measures offered. Police do not believe that these differ fundamentally from conditions offered at the interim measures appeal hearing which the licensing sub-committee have previously declined as appropriate.

Since these meetings I have been provided with a statement by DC Best, who is the investigating officer for the robbery offence that occurred on 21/05/2012. This statement has been provided independent of the Licensing Unit. The statement has been served on the licensing authority. It is my opinion that this statement indicates a lack of support for the licensing objectives. The non-provision of cctv to police in this instance has prevented the potential detection of suspects for a serious offence.

Police action with regard to this premise has been fully considered. Police believe that actions have been appropriate, proportionate and timely. The premise has been reviewed on two previous occasions. Previous reviews have resulted in additional conditions being attached to the premise licence and a period of suspension. This has resulted in a premise licence which has 47 conditions which include strict management criteria, search policy, cctv operation and match day conditions. Police do not believe that there are any other appropriate conditions that can be added to support the

Signature: Signature witnessed by:

Continuation of Statement of **Ps Stuart Ratcliffe**

licensing objectives. As a result police believe that the revocation of the premise licence is necessary in order to support the licensing objectives.

Signature: Signature witnessed by:

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | | |
|--|-----|--------------------------|----|--------------------------|------------------------------|
| a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| b) I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> | |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PS 51FH 202453 Ratcliffe** Station: **Fulham**

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **DC Lydia Best**..... URN:

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

This statement (consisting of: **2**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature:

Date:

04/07/2012

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

This statement is in relation to a bar called Vintage on Fulham Broadway.

I am investigating a robbery which happened there on 21/05/2012. The victim for this robbery told police that he was a customer inside the bar for a while, and then when he left he was attacked by a group of males. The victim told me he believed that the individuals that robbed him may have been in the bar earlier in the evening, and seen the Rolex that he was wearing, which they stole.

Police attended the venue on the evening and watched the CCTV. Although they noted that it did not show the offence, the fact that it may have shown the suspects earlier in the evening meant that it needed to be copied and viewed. I could not find a phone number for the venue, so I attended the location on 31/05/2012. Unfortunately it was closed, but I did get a phone number. I then called and spoke to a man who identified himself to me as Chico. Chico knew all about the incident, and assured me that he would get a copy of the CCTV made and contact me when it was ready for me to collect. I waited, but did not hear back, so on 07/06/2012 I called Chico again. He told me that he had given a message to his manager, and was surprised that he had not called back. He said he would chase it up. Again, I waited for a reply, but heard nothing. On 18/06/2012 I called again and again explained to Chico the importance of the CCTV. He told me that he did not think that the victim or the suspects had been paying customers at the club. I explained that nevertheless, I needed to see the CCTV whether it corroborated the victim's story or not. Chico then gave me Daniel's number, explaining that Daniel was the manager. He told me that Daniel was currently in a meeting, but I should try to call him later in the afternoon. I did try to call him later, but there was no reply and no voicemail facility. I still heard nothing back. On 19/06/2012 I called Daniel again, and finally got through to him. He seemed very reluctant to make any copies of the CCTV, even after I explained again, the importance of the footage. I sent him a text message with all my contact details should there be a problem. I then received a message from him on 22/06/2012 saying that he could not now record the CCTV as it was a day too late and all the footage has been erased.

There is no other CCTV in the surrounding area that caught the fight. Although the CCTV would not have caught

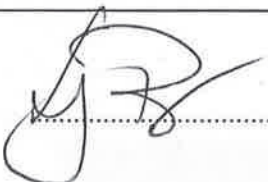
Signature:

Signature witnessed by:

Continuation of Statement of **DC Lydia Best**

the fight, I believe it may have shown the suspects choosing their victim. Without this CCTV I now have no further leads for this investigation. As a result of the robbery the victim had a bruised jaw and cuts to his hand. Although it has not been confirmed by doctors at this time, he also believed he had a broken nose, which caused him to have a black eye. I took a photograph of the victim's injuries on 23rd May 2012, which I have printed and which I exhibit as LAB/1, LAB/2 and LAB/3. This was a nasty assault, committed in order to steal an expensive watch. I had no help from the club in trying to identify the suspects, despite explaining that the victim and myself believed they may have been in the club and seen the victim's watch prior to the robbery.

Signature:



Signature witnessed by: