

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 **Anthony John Bushell**

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Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Police Sergeant**

This statement (consisting of 14 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.

Dated the **29th** day of **June 2009**

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

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1. I am Police Sergeant 1506 of the Lancashire Constabulary currently based on the Licensing Unit at Chorley, a post I have held since September 2004.
2. My role covers the area of Southern Division of the Constabulary and incorporates the Local authority areas of South Ribble, Chorley and West Lancashire.
3. My duties include the provision of an administrative function with regards applications under the licensing Act 2003, the identification of problem premises with a view to offer support and guidance and the enforcement of licensing legislation.
4. The Crown Pub is situated at 46-48 Chapel Street, Chorley, the Premises Licence Holder and the DPS for the premises is Mark Wayne Davies.
5. Davies has been at the premises since the conversion from the Licensing Act 1964 to the Licensing Act 2003 in November 2005.
6. During this time the premises has come to note on a number of occasions with regards to incidents of disorder, however these have not been significant enough

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for any action to be taken, however there has always been a question mark over his strength of management.

7. On 14th November 2008 we received an application from Davies requesting a variation of the premises licence for the Crown.
8. The application wanted to increase the hours of recorded music from 01.00 hrs to 04.00 hrs, the sale of alcohol from 01.00 hrs to 04.00 hrs and to change the opening hours of the premises from 01.30 hrs to 05.00 hrs.
9. There were concerns regarding these extensions so Davies was invited into the police station to discuss the application with myself and an environmental health officer from Chorley Borough Council.
10. He was informed that the police would make representations against the application for the hours requested and it was suggested that he apply for lesser hours, which he eventually agreed to do effectively reducing the sale of alcohol time from 04.00 hrs to 02.00 hrs and the opening time to 02.30.
11. We also had concerns about the number of people who would stand outside the front of his premises and the potential for disorder that this may create, he was adamant that he would be able to manage this.

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Continuation of Statement / Interview of Anthony John Bushell

12. In addition to this he was advised that we would require door supervisors to be on duty and he volunteered a condition not to serve drinks in glasses or bottles after midnight.

13. A further discussion was had in relation to who would be providing the security for the premises he stated he would be using a male called Andy Parker.

14. I raised this as a concern as I was aware that Parker was not registered as a door supervisor and I strongly advised Davies that he should not use him but get a reputable company.

15. Although still reticent about Davies's ability to manage the premises the amended application was agreed.

16. At the beginning of January 2009 I was informed by PC Sumner that he had attended an assault at the Crown pub where a male had his ear bitten off at 04.00 hrs on 1st January 2009.

17. I was informed that at this time Andy Parker had presented himself to the officers stating that he was the head doorman and pointed out two other door supervisors at the premises these being David Gibson and Ged McGrath.

18. I was aware that Parker, Gibson and McGrath were not registered to work as door supervisors and as such this gave me cause for concern as I had specifically advised Davies that Parker should not be employed in this capacity.

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19. This information was provided to by via a statement from PC Sumner the original of which forms part of a prosecution file for offences under the security Industry Act 2001.

20. I produce a copy of this statement as Exhibit Ref AJB1506/1.

21. As a result of this information I attended the Crown on Monday 5th January 2009 in company with Bob Beeston, the council licensing enforcement officer.

22. At the premises I spoke to Davies and pointed out that he was employing unregistered doorstaff and as such he would be committing offences.

23. Davies stated they had show him certificates that they had passed the door supervisor course. It was pointed out that this was not sufficient and that they needed badges to work.

24. Davies was advised that it was his responsibility to ensure the staff at the premises are registered and that if they were not able to show him the blue badge he should not allow them to work.

25. I established that the company he was using was A&D Security Professionals, the A&D was confirmed as standing for Andy and Dave. I requested an invoice from Davies and he provided me with a company invoice.

26. A copy of this invoice is produced Exhibit ref AJB1506/2

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Continuation of Statement / Interview of Anthony John Bushell

27. I made a note of this visit in my pocket note book a copy of which I produce as Exhibit Ref AJB1506/3

28. As a result of this information I requested patrols make regular visits to the premises to make checks on the doorstaff.

29. I was later made aware that PS Wainwright had attended the premises at 02.15 hrs on 18th January 2009 and found two doorstaff working at the premises these being Dave Gibson and Ged McGrath, they confirmed on the night that they had no badges but that they had passed the course and were awaiting their badges.


30. This information was provided to by via a statement from PC Wainwright the original of which forms part of a prosecution file for offences under the security Industry Act 2001.

31. I produce a copy of this statement as Exhibit Ref AJB1506/4.

32. As a result of this information at 10.00 hrs on 23rd January 2009, I contacted Davies over the telephone and expressed my disappointment that he had ignored my advice and continued to employ unregistered doorstaff.

33. I made a note of this conversation in my pocket notebook and produce a copy as Exhibit Ref AJB1506/5

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34. I had now received confirmation through statements from the Security Industry Authority that the individuals were not registered nor had they applied for badges at the SIA.

35. This information was provided to me via a statement from the SIA the originals of which forms part of a prosecution file for offences under the Security Industry Act 2001.

36. I produce a copy of these statements as Exhibit Ref AJB1506/6

37. I informed Davies that I was considering taking further action against all parties in this matter.

38. I was then made aware of further issues with regards the door supervisors at the premises over the weekend of 23rd/24th January 2009 via E-mail from PC Appleton sent at 01.55 hrs 25th January 2009.

39. I produce the E-Mail as exhibit Ref AJB1506/7

40. Upon receipt of this E-mail I requested further details and as a result I received a further E-mail on 4th February 2009 that outlined that Davies had breached his licence conditions on both evenings by not having the required number of door supervisors on duty.

41. I produce the E-Mail as exhibit Ref AJB1506/8

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Continuation of Statement / Interview of Anthony John Bushell

42. At 15.00 hours on Tuesday 10th February 2009 I again attended the Crown Public House in order to speak with Mark Davies regarding drugs paraphernalia that had been found in his toilets at a visit on 7th February 2009.

43. I was at this time in company with Steve Culleton the licensing manager from Chorley Borough Council.

44. At the premises we spoke to Davies, highlighted that he had customers using drugs in his toilets and asked him what provisions he had put in place to stop this he stated he had done nothing and that he didn't think notices would be a deterrent.

45. He was given advice with regards the prevention of drug use and the implications of allowing drug use to take place on the premises.

46. We then had a further conversation regarding the unregistered doorstaff where I informed Davies that I was looking to prosecute them and would require a statement from him outlining his dealings with the company.

47. Davies refused to provide a statement, however when requested he provided me with further copies of invoices from the company.

48. I produce copies of these invoices Exhibit Ref AJB1506/9

49. I outlined the consequences of failing to co-operate and left him to consider the options.

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50. I made a note of this conversation in my pocket notebook and produce a copy as Exhibit Ref AJB1506/10

51. At a later date I was provided with CCTV footage of the Crown Pub on the 1st January 2009 at the time of the assault taking place.

52. Upon watching the footage I was concerned regarding the amount of persons outside the premises and aspects of disorder taking place.

53. I also noted that persons were drinking outside and were using what appeared to be glasses even though there is a condition on the licence, volunteered by Davies that only plastic glasses would be used after midnight.

54. Upon further scrutiny I observed a male drinking outside the premises I recognised this male to be Steven Headley who is banned by the Chorley Pubwatch from entering licensed premises until 2012.

55. I can say that Davies is a member of Pubwatch, does attend meetings and has been provided with a book showing all the persons banned including Headley.

56. In view of these concerns I wrote to Davies on 16th February 2009 requesting he attend Chorley Police Station to take part in an interview with regards the issues that had come to light.

57. A copy of this letter is produced as Exhibit Ref AJB1506/11

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58. At 15.00 hours on 24th February 2009 Davies attended the police station where I conducted a tape recorded interview with him.

59. During the interview he outlined how he had come to employ Parker and Gibson at his premises and I pointed out the concerns as shown on the CCTV footage from 1st January 2009.

60. I pointed out the fact that Steven Headley can be clearly seen drinking and pointed out that this was undermining the other Pubwatch members.

61. As a result of the interview I decided to allow Davies a final chance to address the issues at his premises and pointed out I would be taking no further action against him.

62. However it was pointed out that should any other issues come to light then I would look at instigating more formal proceedings.

63. On the evening of Saturday 28th February 2009 I was on uniformed duty in Chorley Town Centre carrying out licensed premises visits.

64. Around 23.45 hours I was on Cleveland Street, Chorley, where I saw Steven Headley with a female, I observed them walk towards the Crown Pub and enter the premises.

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65. I made my way to the premises and looked through the front window where I saw Headley stood playing the fruit machine whilst holding a pint of beer.

66. I remained outside the premises and a few minutes later Headley emerged from the premises with a pint glass and stood outside to smoke.

67. At this time I spoke to the doorman on duty and asked if the DPS, Davies was in. He stated that he was upstairs so I requested he brings him outside.

68. A short time later Davies appeared outside the premises and I reminded him of the conversation we'd had with regards Pubwatch, banned persons and in particular Steven Headley being allowed to drink in premises.

69. Davies stated that he understood this and further stated that all his staff were aware of the banned persons.

70. At this point I pointed out Headley who was stood behind him and asked why he was being served in the premises, he had no response to make.

71. I informed Davies that I was disappointed that despite my previous warnings he was still unable to effectively manage his premises.

72. I made a note of this conversation in my pocket notebook a copy is produced
Exhibit Ref AJB1506/12

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73. At the beginning of April I was sent an E-mail by PS Watterson which outlined a visit he had conducted at the premises in the early hours of Sunday 5th April 2009.

74. As a result of the visit it was found that one of the doorstaff Liam Killinger being used at the premises did not have his badge.

75. I produce a copy of this E-mail as Exhibit Ref AJB1506/13

76. This again indicated that despite my previous advice re checking badges Davies was still not doing so and again was a further example of his lack of control at the premises.

77. A subsequent check via the SIA public register shows Killinger as being registered from 29th April 2009, he therefore was not officially registered at the time of the visit.

78. Towards the end of April I was made aware of a police operation taking place in Chorley targeting certain individuals who were involved in the supply of drugs in the town centre.

79. As a result of evidence gathered during this operation it transpired that one of the targeted individuals was found to be openly using and dealing drugs in the Crown.

80. In May I was also made aware of an incident that occurred the early hours of Sunday 10th May 2009 outside the premises and was provided with CCTV footage of the incident.

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81. Upon viewing the footage it showed that there was a large group of known offenders gathered outside the pub and one of these was Anthony Ryan who is banned from entering licensed premises by Pubwatch.

82. This footage shows Ryan drinking at the premises and also shows a fight involving two female customers from the premises as well as a fight that occurs between Ryan and another male, at whom Ryan throws a pint glass taken from the premises.

83. After viewing the CCTV I compiled sections of this footage as well as footage from the CCTV on 1st January 2009 and had them copied onto one disc. I produce this as Exhibit ref AJB 1506/14.

84. I also compiled a reference chart with regards the timings and footage on the disc which I produce Exhibit Ref AJB1506/15

85. As a result of the information from the targeted operation a drugs warrant was issued by Chorley Magistrates Court that was executed at the premises on the evening of Friday 15th May 2009.

86. After a search of the premises and the customers present no drugs were found at this time.

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87. On Tuesday 16th June 2009, I was contacted by the chair of Chorley Pubwatch in order to update me as to what had occurred at the Pubwatch meeting on 2nd June 2009.

88. As part of the update he informed me that there had been an issue with regards the banning of an individual at the meeting.

89. This individual had been nominated by a member of staff at the Crown to be banned as he had been witnessed openly taking drugs in the premises on 14th May 2009.

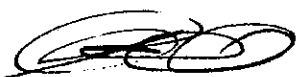
90. However Mark Davies was not happy about him being banned and refused to support the decision.

91. I later contacted the member of staff who worked at the premises who informed me that she had provided some footage of the individual taking drugs at the premises and had subsequently been given a hard time by Davies for nominating him in this way.

92. Further enquiries revealed that the incident had also been reported to the police and log number LC-20090514-0024 refers, this has been produced Exhibit ref AJB 1506/16

93. I made further enquiries with officers at the station and eventually located the footage.

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94. Upon viewing this footage it clearly shows the individual at the premises but also shows Anthony Ryan again openly drinking inside the premises

95. I produce this footage exhibit ref AJB 1506/17

96. It is evident that since the granting of the extended hours at the premises there has been a lack of robust management and it would appear there have been a number of licensing breaches evident.

97. I have compiled a list of alleged breaches and other issues of concern at the premises which I produce as Exhibit ref AJB1506/18

98. I have also reviewed the premises licence and have suggested recommendations to address the issues at the premises.

99. I produce these recommendations as Exhibit ref AJB1506/19

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