

Complete If Req'd	GSC Class:	Reason:
	Handling Conditions:	

MG11

Occurrence Ref:

WITNESS STATEMENT			
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9			
		URN	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Statement of: PC 4416 Katie SPENCER			
Age if under 18: 0'18		(if over 18 insert 'over 18') Occupation: Police officer	
<p>This statement (consisting of 02 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.</p>			
Signature:		Date: 02/05/2023	

I am PC 4416 Katie SPENCER of Leicestershire Police currently based at Mansfield house police station. On Saturday 25th February 2023 I was on duty in full uniform in company with PC 1771 Sam BROWN and our duty for the evening was to conduct licensing checks at various licensed premises around Leicester city centre.

At 23:00 hours that day myself and PC BROWN visited Church Gate Restaurant, 29 Church Gate, Leicester. LE1 3AL. As we approached the main front door, I activated my bodyworn camera to start recording. We entered the Church gate restaurant which was clearly open to the public and I noted the absence of any door staff. Inside at the bar, I saw a group of males; one of which I saw holding a beer bottle and the males had a large quantity of beer bottles around them so licensable activity was taking place.

We spoke to the male who was behind the bar and he confirmed he was the DPS Yosief ESTIFANOS. He was asked why he didn't have door staff on tonight as his licence conditions state he must have door staff from 22:00 hours at the weekend and we were there at 23:00 hours. Yosief said that the doorman had called in sick tonight and that he only found out at the last minute. However he had remained open past 22:00 hours despite this which is clearly breaching his licence. Yosief said that he did not have a back up plan for this situation in terms of having a reserve door man.

Yosief did show us the door staff sign in book which had regular entries showing that they had a door man on Friday and Saturdays between 2100x0100 called Achille MAWHASSA.

Yosief was also asked about 'Ask Angela' to see what his understanding of this was. He understood that it is what people might come up to him to say if they need help however there were no 'Ask Angela' posters on display in the premises and there was no staff training records to show that staff who work there have been taught about this.

Further to this, Yosief also admitted that he has volunteers help him out behind the bar however he does not have any recorded documents to show any training has been given to them. He said he does training on a black board.

Yosief was asked to show us the CCTV system however he was unable to get into the key safe which was located on the front of the building and he was unable to contact the landlord by phone therefore we were not able to

Signature: Signature witnessed by:

Continuation of Statement of: PC 4416 Katie Spencer.....

Page 2

check that the CCTV system was working or whether it was recording the correct time. The CCTV system is located in the basement of the building.

Yosief was advised that he should close for the night as he didn't have door staff. He seemed very relaxed about the fact he was clearly in breach of his licence conditions and appeared to be amused by the whole situation. I told him that I was aware he had received visits in the past and that he should have taken this advice on the previous time. He said that he had stayed open as he needed the money.

When I got back to Mansfield house police station I uploaded my bodycam footage. I produce and exhibit this as KAS/1. There are two parts to this footage which is included in the one exhibit.

Signature: Signature witnessed by:

March 2017

Complete If Req'd	GSC Class:	Reason:
	Handling Conditions:	

MG11

Occurrence Ref:

WITNESS STATEMENT					
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9					
	URN <table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>				
Statement of: Alex WATERS					
Age if under 18: Over <i>(if over 18 insert 'over 18')</i>	Occupation: Police Constable 4527				
<p>This statement (consisting of 1 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.</p>					
Signature:.....	Date: 05/09/22				

I am Police Constable 4527 WATERS and I am based at MARKET HARBOROUGH Police Station.

On Sunday 28th August 2022 at approximately 01:50 hours I was on duty in full uniform crewed with multiple officers on a marked police van conducting a night time economy shift within the Leicester city centre.

I was asked to attend CHURCH GATE following a report of an assault. As I attended I could hear music coming from a bar I cannot recall the name of but know is 29 CHURCH GATE LEICESTER and used to be called VERTIGO. I assumed this is where the fight originated as I could see lots of people inside the bar and could hear the lively music coming from inside. I walked over to a male stood on the door and asked him if he had seen any fighting. He told me that there was a bit of an argument between two people inside the bar so he ejected them and they had walked away prior to police arrival. I then realised that this male wearing a long sleeve shirt I was talking to must have been the door staff however he was not wearing an SIA badge on his arm. My colleagues were still walking around trying to locate the fight so I quickly resumed to inform them that the fight was over and then left in a hurry due to area demand and did not speak to any other person at this location.

I have since been made aware that this bar is only licenced to operate until 01:00 hours and I was here at 01:50 hours whilst music was playing and the bar appeared to be fully open with people dancing inside.

Signature: Signature witnessed by:

29 Church Gate, Leicester. LE1 3AL – History / Time Line

October 2020

The premises licence was not transferred within the required 28 days and therefore expired.

February 2021 (1st Grant Application)

Mr Gebrekrstos EYASU applied for a new premises licence as both PLH & DPS.

Representations were submitted by Leicestershire Police and Leicester City Council Noise & Pollution Team.

On the 27th April 2021, a Leicester City Council licensing hearing was held and the committee refused the application.

The applicant initially appealed the decision but later abandoned the appeal in August 2021.

October 2021 (2nd Grant Application)

Mr Ambasagr BHATA applied for a new premises licence as PLH. With Mr EYASU as DPS.

Representations were submitted by Leicestershire Police and Leicester City Licensing Enforcement.

On the 24th November 2021, a Leicester City Council licensing hearing was scheduled to take place but was later adjourned until 4th January 2022. The adjournment was in order to verify witness statements produced by the applicant.

The re-scheduled hearing commenced on 4th January 2022, with Mr BHATA, Mr EYASU and their licensing consultant present.

The application was refused and an appeal was not lodged.

May 2022 (3rd Grant Application)

Mr Nicodemus KODILA applied for a new premises licence as both PLH & DPS.

Representations were submitted by Leicestershire Police, Leicester City Council Licensing Enforcement and Leicester City Council Noise & Pollution. However, each responsible party reached an agreement with Mr KODILA and this is reflected in the existing licence.

Saturday 20th August 2022 @ 04:25 hours. Suspected unauthorised licensable activity.

Police officers responding to an unrelated incident in the street nearby, heard the sound of a glass being smashed behind them. As the officers turned around, a group of males emerged from the

29 Church Gate, Leicester. LE1 3AL – History / Time Line

front of the premises, one of whom was injured and had blood pouring from his head. The injured males refused to engage and walked away from officers.

Leicestershire Police Incident Number – 120 of 20/08/2022

Sunday 28th August 2022 @ 01:50 hours. Unauthorised Licensable Activity / Disorder & Suspected unlicensed Security Industry Authority (SIA) front line door supervisor.

Please see PC 4527 Waters MG11 evidential statement. (See Annex G)

Leicestershire Police Incident Number - 61 of 28/08/2022.

Friday 9th September 2022 @ 00:04 hours. Unauthorised Licensable Activity.

PC Pritchard walked past the premises whilst off duty and heard loud music escaping from the premises, as the front door was open and lights inside were switched on. Please note that the premises should have closed to the public 64 minutes earlier at 23:00 hours.

Friday 9th September 2022 @ 23:43 hours. Breach of Licence Condition & Unauthorised Licensable Activity

PC Pritchard walked past the location and could hear music from out in the street. Customers were inside the premises consuming alcohol. There was no Security Industry Authority (SIA) door supervisor at the entrance and nor was there again at 00:20 hours on Saturday 10th September 2022, when PC Pritchard walked past the premises again.

Saturday 10th September 2022 @ 01:28 hours – Unauthorised Licensable Activity.

PC Pritchard and PC 993 Makda served a Section 19 Closure Notice – Criminal Justice Act 2001 upon Mr BHATA as the person responsible for the premises at the time of the visit.

Wednesday 21st September 2022 – Meeting / Leicestershire Police Final Warning Letter

Pre-planned meeting held at the premises with Mr KODILA, Lorraine Moore (LCC Licensing Enforcement Team) and myself PC Pritchard.

Mr KODILA was already aware of Leicestershire Police's concerns prior to the meeting, as result of a earlier telephone call conversation and email exchange.

During the meeting Mr KODILA introduced Mr Yosief ESTIFANOS as the new incoming DPS. The DPS transfer was received later that day.

29 Church Gate, Leicester. LE1 3AL – History / Time Line

During the meeting, PC Pritchard served a Leicestershire Police Final Warning Letter upon Mr KODILA, which was also witnessed by Mr ESTIFANOS. (See Annex A)

Wednesday 21st September 2022 – Mr ESTIFANOS appointed as the new DPS.

Friday 7th October 2022 @ 22:45 hours – Intoxicated DPS

Please see PS2866 Cross's evidential statement in relation to Mr ESTIFANOS. (See Annex B)

Monday 10th October 2022 – Mr ESTIFANOS appointed as the new PLH.

Friday 14th October 2022 @ 23:15 hours. Breach of Licence Conditions.

PC Pritchard visited the premises and Mr BHATA again identified himself as the responsible person for the premises at that time. Mr BHATA was unaware of one of the public safety conditions and admitted that he had received no training.

Friday 21st October 2022 – Meeting & Leicestershire Police Warning Letter

A meeting was held at the premises with Mr ESTIFANOS as PLH & DPS. PC Pritchard served a warning letter (See Annex C) upon Mr ESTIFANOS.

PC Pritchard would state that Mr ESTIFANOS was fully aware of the historic issues associated with the premises and that this was his warning.

PC Pritchard would state that during this meeting, Mr ESTIFANOS said to him that Mr BHATA was a member of staff who worked at the premises, whilst Mr EYASU was effectively the real PLH.

(NB - Mr ESTIFANOS is the PLH not Mr EYASU).

Mr ESTIFANOS admitted that he had not provided training to Mr BHATA in relation to the licence condition breach identified on the 14th October 2022.

Friday 4th November 2022 @ 23:17 hours. Fight inside the premises. Leicestershire Police Incident Number 841 of 04/11/2022

The Security Industry Authority (SIA) door supervisor reported a fight inside the premises involving five persons.

29 Church Gate, Leicester. LE1 3AL – History / Time Line

Sunday 27th November 2022 @ 01:18 hours. Suspected unauthorised licensable activity

PC Pritchard re-viewed Leicester City Council CCTV footage. A number of persons were seen stood in the entrance to the premises at 01:18 hours, eighteen minutes after the premises should have closed to the public.

Sunday 18th December 2022 between 03:49-04:02 hours. Suspected unauthorised licensable activity.

PC Pritchard re-viewed Leicester City Council CCTV footage in relation to an incident in proximity to the premises. Whilst reviewing the footage, PC Pritchard observed a number of persons constantly entering and leaving between 03:49 and 04:02 hours, when the premises should have closed to the public at 01:00 hours.

Saturday 25th February 2023 @ 23:02 hours – Breach of Licence Conditions.

Please see PC4416 Spencer's MG11 statement (Annex F) and body worn camera.

Mr ESTIFANOS present during the licensing visit.

Tuesday 7th March 2023 – Leicestershire Police Second Warning Letter to Mr ESTIFANOS

The letter was in relation to events of Saturday 25th February 2023. The letter was posted to the premises but also sent to Mr ESTIFANOS home address. Likewise, the letter was also emailed to Mr ESTIFANOS.

(See Annex D)

Tuesday 11th April 2023 – Temporary Event Notice submitted by Mr ESTIFANOS for an event Friday 21st & Saturday 22nd April 2023 - until 5am the following morning.

Friday 14th April 2023 – Leicester City Council "Counter notice" served upon Mr ESTIFANOS in relation to the above Temporary Event Notice.

Saturday 22nd April 2023 @ 00:01 hours – Unauthorised Licensable Activity

Loud amplified music being played at the location during PS Bradshaw's visit. Mr EYASU identified himself as the owner and responsible person for the premises at that time.

(See Annex E)

29 Church Gate, Leicester. LE1 3AL – History / Time Line

Thursday 27th April 2023 – Leicestershire Police Review Application served upon Mr Estifanos both in person and via email.



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Mr Nicodemus Kodila

C/O – Church Gate Restaurant,

29 Church Gate, Leicester. LE1 3AL

ANNEX A

Letter dated Wednesday 21st September 2022

Leicester City Council Premises Licence Number – LEIPRM1930

Dear Mr Kodila,

This letter is further to my email sent to yourself on Saturday 10th September 2022 and our subsequent telephone conversations.

As result of the unauthorised licensable activities at - Church Gate Restaurant, 29 Church Gate, Leicester. LE1 3AL - on Saturday 10th September 2022 at 1:28am and the multiple breaches of the premises Leicester City Council Premises Licence number – LEIPRM1930, please accept this letter as final written warning.

Leicestershire Police do not believe this was an isolated incident but a continuation of activity since late August 2022.

As the premises licence holder and designated premises supervisor, it is your responsibility to ensure that the premises operating hours for licensable activities is adhered to and the conditions of your licence are upheld.

I will also draw your attention to the Section 182 - Revised Guidance for the Licensing Act 2003 – in relation to “designated premises supervisors”. Section 4:31 states that, *“every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder”*.

Please note that a repeat may render you liable to prosecution or a review of the premises licence.

If you have any questions or queries, please do not hesitate to contact me.

Yours Faithfully,

PC2093 Jeff Pritchard - Leicester City Centre Alcohol Licensing Officer - Leicestershire Police

Mansfield House Police Station, 74 Belgrave Gate, Leicester LE1 3GG

Tel 101 or direct – 07976 845 205 / Email – Jefferson.pritchard@leicestershire.pnn.police.uk

ANNEX B

LEICESTERSHIRE POLICE

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Form MG11(f)

Witness Statement

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

Statement of ... David Charles CROSS

Over 18 years

This statement (consisting of one page, each signed by me) is true to the best of my knowledge & belief & 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 26 April, 2023

Signature

David Charles CROSS, PC 2866

I am David Charles Cross and I am a Police Sergeant for Leicestershire Police and my shoulder number is 2866. I am currently based at Mansfield House Police Station where I am a supervisor for a NPO team. I have been a Police Officer for officer for over 16 years.

On FRIDAY the 7th October 2022 I was on duty in full uniform in a marked Police vehicle with PC 924 PARK when I was asked to attend The Sun Inn on CHURCH GATE, LEICESTER in relation to an assault whereby a male had been hit over the head with a bottle. I arrived at the location at 22:45 hours.

On this date I had cause to speak to a male that I now know to be Yosief Estifanos who stated he was the owner. From looking inside the bar he there was no one else behind the bar and it appeared that he was the sole member of staff on duty along with a member of door staff. The bar/public house seemed to have around 10-15 persons inside who appeared to have pints either on the table or in their hands, whilst I couldn't be sure, the drinks appeared to be alcohol for example pints of lager with noticeable white froth on the top. There was music playing in a different language loud enough to hear it from the street.

The reason for me to have communications with Mr Estifanos was I required to view his CCTV. During my time with this male I could smell intoxicants on him and also noticed that his speech seem slurred and that he was struggling to complete the most basic of tasks and struggling to retain information. Mr Estifanos was also struggling to stand up straight and seemed unsteady on his feet.

From my point of view and my professional opinion Mr Estifanos was drunk.

Signature

David Charles CROSS, PC 2866



Leicestershire
Police
Protecting our communities

Mr Yoslef Estifanos

C/O – Church Gate Restaurant,

29 Church Gate, Leicester. LE1 3AL

Letter dated Friday 21st October 2022

Leicester City Council Premises Licence Number – LEIPRM1930

ANNEX C

Dear Mr Estifanos,

As you are aware, an enforcement officer from Leicester City Council Licensing Enforcement Team and myself held a meeting at the premises on Wednesday 21st September 2022, with the then premises licence holder and designated premises supervisor - Mr Kodila.

You were also present during this meeting as Mr Kodila had invited yourself as he stated you were being considered as replacing him as the new designated premises supervisor.

You were made aware of the previous issues associated to the premises and had sight of the letter dated 21st September 2022 which I served upon Mr Kodila at that meeting.

Therefore, you were aware that the letter was acting as a final written warning and the consequences of such a repeat.

I also recall Mr Kodila stressing the importance to you, about adhering to the conditions of the premises licence and operating hours, should he appoint you.

Following our meeting, a designated premises supervisor transfer application was submitted to specify yourself, followed by the premises licence holder transfer on Monday 10th October 2022 to specify yourself.

At approximately 22:45 hours on Friday 7th October 2022, police officers attended the premises as result of an unconnected incident which occurred outside in the street. Please note this incident is connected to the premises in any capacity and was only as the injured person sought refuge at the premises following an assault outside in the street.

Sgt Cross states he spoke with yourself and asked to review the premises CCTV footage, in order to establish if the incident outside the premises had been captured on CCTV or not.

Sgt Cross states that customers were present on the premises and that licensable activities were in progress. Sgts Cross also states that the only staff who appeared present was a Security Industry Authority (SIA) front line door supervisor and yourself. Sgt Cross has provided an evidential statement to state that in his professional opinion, he believes you were drunk at the time of the visit.



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If this is correct, this is wholly unacceptable and more so as you were the responsible person for the premises at that time that licensable activities were occurring.

At 23:15 hours on Friday 14th October 2022, I conducted a licensing visit to the premises.

An SIA front line door supervisor was present who is positive and fulfils your licence condition in that respect.

Mr Ambasagr who was stood behind the bar and identified himself as being the responsible person for the premises at the time.

At the time of the visit, licensable activities were occurring and customers were consuming alcohol on the premises.

Mr Ambasagr was asked about the public safety campaign called "Ask Angela" and despite explaining the scheme several times, it was clear he had no knowledge of the scheme or knew what to do if a customer was to approach him or another member of staff. Mr Ambasagr later admitted that he had received no training in regards to such a scheme despite it being a licence condition.

As the new premises licence holder and new designated premises supervisor, it is your responsibility to ensure that the premises operating hours for licensable activities are adhered to and the conditions of your licence are upheld.

Please note that a repeat may render you liable to prosecution or a review of the premises licence.

If you have any questions or queries, please do not hesitate to contact me.

Yours Faithfully,

PC2093 Jeff Pritchard - Leicester City Centre Alcohol Licensing Officer - Leicestershire Police

Mansfield House Police Station, 74 Belgrave Gate, Leicester LE1 3GG

Tel 101 or direct - 07976 845 205 / Email - Jefferson.pritchard@leicestershire.pnn.police.uk



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Mr Yosief Estifanos

C/O – Church Gate Restaurant,

29 Church Gate, Leicester. LE1 3AL

Letter dated – Tuesday 7th March 2023

Leicester City Council Premises Licence Number – LEIPRM1930

ANNEX D

Dear Mr Estifanos,

As you will be aware police officers attended the premises after 11pm on Saturday 25th February 2023, to conduct a licensing compliance visit.

It was established that licensable activities were occurring on the premises whilst there was no Security Industry Authority (SIA) front line door supervisor(s) present after 10pm.

The premises Leicester City Council premises licence clearly states, *"the licence holder shall ensure Security Industry Authority (SIA) front line door supervisor(s) are employed at the premises at the weekend from 10pm until close. Door Supervisor(s) must remain on the premises until all customers have left"*.

Therefore, the above is a further breach of your Leicester City Council Premises Licence.

I must remind you that you that you were present during the meeting with the previous premises licence holder and designated premises supervisor on 21st September 2022, when Leicestershire Police served a final written warning letter upon Mr Kodila. Therefore, you were aware of the previous issues associated to the premises.

I must also remind you of my previous letter dated 21st October 2022, following your appointment as designated premises supervisor on 21st September 2022 and premises licence holder on 10th October 2022. The letter again expressed concerns about two incidents on Friday 7th October 2022 and again on Friday 14th October 2022.

As the premises licence holder and designated premises supervisor, it is your responsibility to ensure that the premises licence conditions are upheld.

Please note that a repeat may render you liable to a review of the premises licence.

Please note that a copy of this letter will be sent to the licensing authority for their information.

If you have any questions or queries, please do not hesitate to contact me.



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Yours Faithfully,



PC2093 Jeff Pritchard - Leicester City Centre Alcohol Licensing Officer - Leicestershire Police

Mansfield House Police Station, 74 Belgrave Gate, Leicester LE1 3GG

Tel 101 or direct - 07976 845 205 / Email - Jefferson.pritchard@leics.police.uk

Crime Ref:

RESTRICTED (when complete)

Custody Ref

MG11

Master URN

ANNEY - E E

Not Disclosable

Page 1

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: Mark Bradshaw

Age if under 18: over 18.....(if over 18 insert 'over 18') Occupation: Police Sgt

This statement (consisting of 2 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:..

P573

Date:

26/04/23

I am Police Sgt 753 Bradshaw currently employed by Leicestershire Police and based at Mansfield house police station in Leicester city centre.

On Friday 21st April 2023, I was on duty as part of a night time economy operation and was asked to visit a number of licenced premises.

At 00:01hrs on Saturday 22nd April 2023, I was in a marked police van when I attended 29 Church Gate in Leicester to a bar premises I knew previously as Vertigo. I now believe it trades under another name.

We turned on to Church Gate from the bottom end, travelling towards the general direction of the clock tower. At this point I would say I was 100 metres from the building. The windows on the van were down and I could clearly hear music being played which was escaping from the premises. The music was very loud and reminded me of the sound you hear as you go near a night club. There was no other venue open on this street at that point.

As the van approached the bar, a person on the door which I assumed was a member of door staff went in to the bar and a few seconds later the music was turned down considerably.

I approached the entrance of the premises and asked who was employed as door staff, as no one displaying a SIA badge. The male who earlier popped in to the bar then withdrew an SIA badge from his pocket that was on a lanyard. He presented it to one of my officers who checked he was permitted to work. I asked how many door staff there were and he initially replied two, then one and was unsure as to how many were working.

I then entered the bar and activated my body worn camera and requested to speak to the owner/ manager. A staff member went off to find someone. The bar had one member of the public at the bar and there was a number of people around to the left side of the bar area behind a wall playing pool.

A male then approached, gave his name as Eyasu GEBREKRSTOS and he intimated that he was the owner. I tried to explain why I was there, however the music was so loud I couldn't

Signature: SIGN...

P573

Signature witnessed by:

Continuation of Statement of: Mick Bradshaw

hear him and he couldn't hear me. I then asked him to move towards the door in order that he could hear me. I again asked how many door staff he had on and he again stated he thought he had two working but then changed his mind and settled on one working. I asked about his music and the fact it is supposed to be background music and advised him to turn it down.

I then left the property.

Signature: SIGN

PS73 Signature witnessed by: