

On 23rd January 2020 Ms Tracey Warne & [REDACTED] attended an interview under caution in relation to some alleged offences under the licensing act 2003 namely under S136(1) which relates to knowingly allowing or carrying on or attempting to carry on unauthorised licensable activities otherwise than in accordance with an authorisation. The offences relate to events that took place at Thirsty Beak Café Bar, Unit 5c Dukes Court, Macclesfield.

Due to the size of the document that records the interview this is a summary of the offences that Tracey Warne and [REDACTED] were questioned about.

Tracey Warne was asked how long she had held a personal licence – Tracey advised it was early 2000's when licensing was under the courts, which was prior to the Licensing Act 2003.

Tracey was asked if she considered herself to be experienced in the licensed trade, which she confirmed she did.

Tracey was asked how much influence she has over the bar the business and she replied that she has 100% if needed.

Tracey and [REDACTED] were asked when they were made aware that [REDACTED] had visited Dukes Court on 23rd August 2019 along with a number of other premises to see if anyone had any CCTV from 18th August that may help with their investigation into an incident early that morning. Neither Tracey nor [REDACTED] were at the premises when [REDACTED] visited and [REDACTED] left her card with staff at Beanies (which is also owned by Tracey & [REDACTED]) and asked if they could get one of them to contact [REDACTED].

Both confirmed that they were made aware of the visit on the same day; they were told a card had been left, but they never got it, it had been lost and they were not asked to call [REDACTED] as per the message that had been left.

[REDACTED] did contact [REDACTED] on 23rd August and after the conversation, [REDACTED] emailed Tracey & [REDACTED] a formal request for CCTV from 18th August, which both confirmed they received.

[REDACTED] chased the request on the 30th August as the CCTV still hadn't been made available.

Tracey was then invited into a meeting at the Police Station on 6th September 2019 however, Tracey did not attend [REDACTED] attended on her own.

Tracey was asked why she did not attend and she said she might have had a large funeral on that day for which she had to do flowers, so it was flower shop related why she could not attend.

At the meeting on the 6th September 2019, [REDACTED] advised both [REDACTED] that the footage was not available.

Following the request for CCTV, it had come to light that the premises CCTV was only recording for 11 or 12 days (the premises licence condition requires 28 days).

[REDACTED] was also asked for the footage from the courtyard cameras, which she manages on behalf of Selmar who she rents the premises from. [REDACTED] advised that the CCTV system is stored in a communal cupboard and someone had changed the password on the system, so she was unable to access the cameras to see if there was any footage from 18th August 2019. [REDACTED] advised that to remove the password the CCTV system had to be wiped clean so it could be started again so there was no way of playing anything back on it.

On 19th September 2019, [REDACTED] attended Dukes Court to meet with [REDACTED] who looks after the CCTV for [REDACTED] and Tracey. During the meeting Tracey came over to find out what was going on and it was on this day that Tracey was told by [REDACTED] that the CCTV at Thirsty Beak didn't comply with the conditions on the premises licence.

[REDACTED] also advised Tracey that there was evidence on the Thirsty Beak Facebook page that the DJ was playing music in the courtyard and this did not form part of the premises licence. Tracey confirmed that she remembered this conversation.

[REDACTED] advised that because they also own Harley's which had an outdoor music licence, they thought they could use that even though the bar wasn't open as they had some water leaks so couldn't open as it wasn't safe. [REDACTED] had not realised that there was a certain space designated for Outside entertainment on Harley's licence.

Tracey and [REDACTED] were shown the video from their Facebook page and they were asked if they would agree that the area the DJ was in was not the permitted area he should be in, both said yes they agreed that the DJ Booth was too far down the courtyard.

Tracey and [REDACTED] were also questioned about customers having drinks outside in the courtyard which is clearly shown on the video, their premises licence authorises supply of alcohol for consumption 'on' the premises. The courtyard is not included in the red line plan for their premises licence.

Tracey and [REDACTED] were asked if they would agree that there had been a direct breach of the licence conditions in relation to continuous recording and the storage of CCTV footage.

Both agreed that there was a problem with the technology that they weren't aware of and unfortunately yes if that breaches a condition of the licence, but it was rectified immediately and we now know its fully functioning.

Tracey and [REDACTED] were asked about training on the system and when the changes were completed to make it compliant. [REDACTED] pointed out that the last time they had licensing visits it had been compliant.

[REDACTED] advised that [REDACTED] trained them on the CCTV and when Officers [REDACTED] carried out a check, it was working fine. [REDACTED] pointed out that when [REDACTED] had visited on 27/09/2019 the CCTV still was not recording and wasn't set to save sufficient footage to meet the licence condition. In addition, there was no one on the premises who could operate the CCTV and [REDACTED] had to be called.

On 25/10/2019 Further licensing visits were made and again it was found the CCTV only recorded for 18 days.

On 28/11/2019 [REDACTED] visited the premises and on this visit the CCTV was compliant with the conditions on the licence.

Tracey and [REDACTED] were asked about how they employ their door staff. At the meeting on 6th September 2019, [REDACTED] provided names of the door staff they use. [REDACTED] advised that they employ door staff through Pioneer Executive Security, which is managed by [REDACTED]. When asked about how the door staff were paid [REDACTED] advised that sometimes she pays them directly and other times she is invoiced by [REDACTED]. She advised that [REDACTED] sometimes ask her to pay a door supervisor an extra £100 so [REDACTED] asked if this is taken off the invoice.

██████ also asked whether Tracey or ██████ check the SIA badges to ensure that the staff working for them are appropriately licensed. ██████ advised that because they mostly have ██████ working for them, they know all their details and when their badges are due to expire. ██████ advised anyone else they do not know who they will be sent and they assume that ██████ will have done the checks, as it is his company and their using his insurance.

Tracey & ██████ were asked about the insurance for the door staff and they said that ██████ provides the insurance, they provided a copy of a document which was emailed to ██████ at the Bubbleroom, which ██████ said is what ██████ forwarded to her, he was supposed to provide a proper PDF copy but that was all she had.

When ██████ visited on the 27th September 2019, they observed the doors to Thirsty Beak open with loud music playing and the excuse that was given to officers at the time was that the doors had been kept open because customers slam the door and break the glass.

Tracey and ██████ were asked if they were aware of the condition on their licence, regarding the door being closed, which both said they were and Tracey acknowledged that yes it was a breach of the condition.

Tracey and ██████ were challenged about serving alcohol to persons when they were intoxicated, they denied doing this and were advised that during an incident at the premises a police officer had noted on the incident that the person involved was very intoxicated.