

RESTRICTED (when complete)**WITNESS STATEMENT**

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

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Statement of: Sergeant Andrea Gilbert

Age if under 18: _____ (if over 18 insert 'over 18')

Occupation: Police 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: _____

Date: 22nd February 2013Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Sergeant Andrea Gilbert of Cambridgeshire Constabulary. I am currently based at Parkside Police Station and working with the Cambridge City Centre Problem Solving Team. I am providing a statement following an application being made by Subway for a late night refreshment license in their Market Hill outlet.

This statement will detail mine and my teams observations on the impact that late night refreshment venues have on the cleanliness, level of anti-social behaviour and violence, the traffic congestion and overall feel on the City. It will also comment upon feedback received by other agencies and recent incidents from inside and around the Subway venue.

There are already several late night refreshments venues in the area of Market Hill. It is apparent that late night revellers visit the area in their masses as they finish their evening to obtain hot food. This means that we experience large numbers of usually very intoxicated individuals who are tired and hungry and instead of going home, they stand in queues waiting for food. They also congregate in the immediate area to consume their food. This has a knock on effect in many different areas:

- A typical Friday and Saturday night sees an increase in the number of anti-social or violent incidents that are called in to the Police in this area. Evidence which can be provided by Inspector Poppitt. The increased numbers results in more noise in the area with revellers swearing, shouting or singing. On 3rd February 2012, an Officer reports that she saw two males squaring up to each other and grabbing their throats. She reports that passer-bys did not appear to be disturbed by the behaviour. Residents and tourists should not come to expect this level of violence with the City Centre.
- Taxi drivers, both private hire and hackney carriages loiter in this area where they are either waiting

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Signature witnessed by:

Continuation of statement of

for their customers to obtain food or are hoping to pick up a fare. The most common place for them to park is right outside Subway itself. This causes significant disruption down Market Hill as vehicles, including emergency service vehicles are unable to pass. Incidents have also been witnessed by the team where taxi drivers become agitated with each other and swear and argue in the street. We also see individuals arguing over who is getting into what taxi. The taxis tend to park half on the kerb and half on the street which then puts pedestrians at risk as they try to squeeze past them.

- The litter bins around Market Hill get full very early on in the night. This then leads to litter being scattered around the street. We witness people both dropping litter and kicking it down the street.
- Consuming food around the Market Hill area leads to individuals both vomiting and urinating in the area.
- On a busy night the Market Hill and Market Square areas can feel very hostile and Police will be in this area to encourage revellers to remain calm and deter any violence. This causes a drain on the Police resources and stops them patrolling and dealing with incidents in other areas.
- Due to the large numbers of people in the Market Hill area, has meant that this area has become a hotspot for begging as the streetlife individuals target those loitering in the area.
- I also have concerns that intoxicated individuals visiting Subway for food may stagger out of the premises and then straight into the road. When vehicles are able to pass through this congested area, we often see vehicles travelling at some speed. I am concerned that a customer may well be involved in an accident.
- I am able to comment that not all incidents are reported to the Police Control Room and even though we see an increase in the number of reported incidents in this location at busy times, this is not an accurate representation of the number of incidents occurring. The Police receive calls via Cambac reporting violence and anti-social behaviour in this area. There is also a number of door staff in the locality who will deal with incidents without reporting it to anyone. We also have street pastors in the area who look after the welfare of highly intoxicated individuals without calling for assistance of the Police.
- No other late night refreshment venue offers seating in the area well into the early hours of the morning. I am concerned that people will remain in the area even longer if they are allowed to sit

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Signature witnessed by:

PTO

Continuation of statement of

down, consume a hot drink and sandwich in order to stay out of the cold and to warm up. Keeping people in the area for even longer will only increase the risk of all the above mentioned points becoming worse.

I have received correspondence from Dr David Secher, Bursar of Gonville and Caius College. He has stated that the existing opening times of Subway cause considerable disturbance to student rooms by patrons congregating or passing through the area. They cause an unwelcome noise. This locality includes over 20 listed buildings. He reports that litter and vandalism creates a considerable burden of cleaning and maintenance to the College, their tenants and others in the City.

I have recently received a list of premises who have had their windows smashed. There are 15 premises on the list and all of them are in the Market Street, Market Passage, Market Hill and Sidney Street area. This is another example of the level of crime and anti-social behaviour in the area.

To give the committee an insight into some recent incidents in this locality, I can refer to incident CC-16022013-0069. This is the report of an affray. CCTV captured evidence of an individual heading towards Rose Crescent where a verbal altercation has occurred on the Market Square. This escalates and results in two victims being punched and hit and knocked to the ground. They are then kicked to the head. One victim reports being knocked unconscious. Incident CC-06022013-0007 relates to a report of a violent male causing problems with door staff in this locality. Finally incident CC-27012013-0440 was called in by Subway who reported two drunk males in the shop where one had urinated on the floor. The males had also been asleep in the premises.

From the City Centre Policing perspective, a late night refreshment license at Subway will have a detrimental affect on the City and it's Policing.

Signature

Signature witnessed by:

PTO

RESTRICTED - FOR POLICE AND PROSECUTION ONLY
(when complete)

Witness Details

Home Address: _____ Post Code: _____

Home Tel No: _____ Work Tel No: _____ Mobile Tel No: _____

Email Address: _____ Preferred means of contact: _____

Best time of contact: _____

Sex: Male / Female Date & Place of Birth: _____ Former Name: _____

Ethnicity Code (16+1): _____ Religion _____

Dates of Witness Non-Availability to attend court: _____

Witness Care (please tick or type in box provided)

Yes No

a) Is the witness willing to attend court? (If no, include reason(s) on form MG6) ☐ ☐

b) What support measures could be put in place to ensure attendance?

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (If Yes, submit MG2 with file) ☐ ☐

d) Does the witness have any particular needs? ☐ ☐

If Yes, what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent - For Witness Completion (please tick)

Yes No N / A

a) The Victim Personal Statement scheme (victims only) has been explained to me: ☐ ☐

b) I have been given the Victim Personal Statement leaflet: ☐ ☐

c) I have been given the leaflet "Giving A Witness Statement to the Police – What Happens Next?": ☐ ☐

d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) ☐ ☐ ☐

e) I consent to my medical record in relation to this matter being disclosed to the defence: ☐ ☐ ☐

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable: (eg. Child care proceedings, CICA) ☐ ☐

g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services: ☐

Witness Signature: _____ Print Name: _____

Parent/Guardian/Supporter Signature: _____ Print Name: _____

Address and telephone number if different from above: _____

Statement Taken By (print name): _____ Station: _____

Time and Place Statement Taken: _____

Cambridgeshire Constabulary – Contact Details

The officer dealing with your case/taking this statement is:

Officer: Rank & Number:

Station:

Telephone:

Contact E-Mail:

Incident/ Crime Reference

No:

The officer dealing with your case can help but may not always be available.

If you have any questions you can also call the CRIME AND INCIDENT MANAGEMENT UNIT: 0345 456 456 4

Giving a witness statement to the police – what happens next?

Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell the police:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact your Witness Care Officer to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with criminal offence in England and Wales. Although they work closely together, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the police in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately by calling the Police Service Centre – on 0345 456 456 4.

Will I be told what is happening in the case?

The police and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact the police at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare).

Victims of crime are usually told:

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty'
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent:

- a letter telling you when and where to go
- an explanatory leaflet.

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform your local Witness Care Unit as soon as possible (numbers overleaf). If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason, you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

Their telephone numbers are listed on the reverse of this sheet.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason

will ask the court for permission to use them. The Witness Care Service, police or Witness Care Office will tell you what is available and the police or CPS will be able to discuss your needs.

Witness Care Unit

If the case goes to court, you will be contacted by a Witness Care Officer, working within the Witness Care Unit.

The witness Care Officer will keep you fully informed of the progress of the case once the defendant has been charged and, where possible, will do this within one day of the Unit receiving the information.

There are dedicated Witness Care Units set up in Cambridge, Huntingdon and Peterborough which provide support to victims and witnesses of crime.

Witness Care Officers assess the needs of victims and witnesses and provide practical solutions to ensure their attendance at court to support criminal proceedings.

The Witness Care Officer will be your single point of contact from the first court hearing date and throughout the court process, and will give you practical support and any other information you might need. If your case proceeds to the Crown Court you will be allocated a separate Witness Care Officer who specialises in Crown Court proceedings.

Contact details for Witness Care Units:

Cambridge/Ely areas
01223 - 823505/6/7

Huntingdonshire/Fenland areas
01480 825221

Peterborough area
01733 863189

Victim Support and Witness Service

The Victim Support scheme operates from a number of locations within Cambridgeshire, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victims and witnesses will be offered support from Victim Support's Witness Service, which is independent, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Cambridgeshire
0845 389 9523

Victim Support Helpline
0845 30 30 900

Victim Support's Witness Service
at following Courts:

Cambridge Magistrates Court
01223 315982
Cambridge Crown Court
01223 488378

Wisbech Magistrates Court
01945 475120

Peterborough Crown Court
01733 559050

Peterborough Magistrates Court
01733 565638

Huntingdon Combined Court
01480 450449

The Witness Charter

The Witness Charter sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- the police, if you are a witness to a crime or incident
- other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence at a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, your rights are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a very serious nature and the police have told you that you are likely to be called to give evidence in court, the police will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summonsed, or dealt with out of court.

Being kept updated on progress after charge:

If you are a prosecution witness to any offence, the police will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court, or held in custody until the first court appearance
- what relevant bail conditions apply

Further information about the Witness Charter or the Victims Code of Practice can be found at www.cjsonline.gov.uk