

LICENSING ACT 2003

OBJECTION LODGED BY NORTHUMBRIA POLICE

To: The Licensing Officer, Northumberland County Council

cc: Mr Jacob Castleman

Your Ref:

Name of Premises: Cock and Bull, Queen Street, Amble, Northumberland
NE65 0DQ (Curious Taverns Limited)

Type of application: Application to vary a premises licence.

Name of person/body submitting application:
Mr Jacob Castleman (Curious Taverns Limited)

Date of receipt of application: 4 May 2020

Summary of Objection:

The Licensing Act 2003 gives Northumbria Police as a responsible authority provision to object to an application for the variation of a premises licence if it is believed that the granting of such a licence would undermine the licensing objectives. Northumbria Police object to the granting of the variation of the premises licence for the Cock and Bull, Amble as it is believed that the granting of such a licence would compromise the Crime Prevention objective.

Mr Jacob Castleman has applied for the variation of the premises licence to include off sales and extend live music hours namely: Monday to Thursday 4pm to 23:00, Saturday 12pm to 23:00 and 12:00 to 22:30 on a Sunday. Hours open to the public mirror the above.

Off sales are described in the application as:

To allow off sales and extend live music hours.

“Off sales to include takeaway canned products and served to a pop up beer garden on the nearby town square”.

The variation also includes live and recorded music in the building.

During the summer months of 2019 Amble Neighbourhood Policing Team received via the Amble Town Council several complaints from members of the public that groups of males were sitting outside the premises drinking and that the Licensee was encouraging this by placing several picnic tables outside.

Within the first week of the Cock and Bull opening the Policing Team were informed that the Town council had received 5 complaints in relation to customers being served drinks then taking them outside onto the public footpath.

The Mayor spoke to the licensee at the time and advised of this issue.

The Licensing authority also spoke to the premises licence holder and advised him to stop allowing this.

Historically Amble has had many issues with people drinking alcohol on the main shopping street (Queen street) and the town square. This caused Crime, Anti-Social Behaviour and elderly persons and children to be intimidated and so a Designated

Public Place order was put in place for Amble. These are now known as public space protection orders.

Since this was introduced the area has flourished with tourism booming and a marked reduction in drunkenness of vulnerable young people.

Should the Cock and Bull be allowed off sales on the Town Square many of the other establishments in Amble who are also without outside space will undoubtedly wish to compete and we will see an increase in the historic issues.

The Cock and Bull is adjoining the town square and the war memorial, during the summer evenings children and families gather in the town square to play games and socialise, they would be deterred from using this community space and there would be increased risk to them if alcohol consumption was permitted in this area. There have already been anecdotal complaints of young girls being intimidated and shouted at by patrons of The Cock and Bull who were drinking outside when they tried to use the public toilets which are attached to the building.

The space is also adjacent to one of the busiest roads within the town being located at the bottom of the main shopping street with no barriers to people spilling into the road. To the rear of the premises is residential housing, the occupants of which will be subjected to additional noise should the variation be allowed.

Enquiries with the Licensing authority in relation to the original application submitted by Mr Jacob Castleman suggested that he had come to some agreement with the Amble Development Trust for permission to use the town square for the pop up beer garden.

Mr Castleman makes no mention of any agreement in his application for a pop up beer garden in Amble Town Square nor does he offer any explanation as to how this pop up beer garden would operate or be controlled.

The granting of the variation of the premises licence in its current format would bring potential issues in relation to crime and disorder; DPPO's/PSPO's were put in place for a reason, the area is not suitable for what is being proposed and even in the absence of a DPPO/PSPO, Northumbria Police would not support this application.

On Saturday 16th May 2020, following information from the licensing authority, Sergeant David Emmerson and PC Jameson attended the Cock and Bull, Public House, Queen Street, Amble.

Sergeant Emmerson saw a male carrying a container which he suspected to contain alcohol which had been purchased from the Cock and Bull.

The male confirmed this to be the case.

An A board was at the front of the premises advertising the sale of beer between Friday and Sunday 12pm and 3pm and also offering a delivery service.

Social distancing markings were also on the ground.

Mr Castleman the licensee was spoken to and following a conversation confirmed to the Police that he was selling alcohol to members of the public.

The Cock and Bull premises licence authorises the supply of alcohol on the premises only and does not allow off sales.

Mr Castleman attempted to argue his position; he was requested to stop trading and was reported for summons.

He has shown a complete disregard for the licensable activity authorised by the premises licence.

Northumbria Police therefore object to this application for the reasons as outlined.

From Chief Inspector Amanda Dumighan I have assessed this application and object to it around the reasons outlined below. I appreciate that currently the government legislation prohibits this activity currently but Northumbria Police would also object once this has been changed and daily business resumes. There are concerns around using the town centre square being used for this purpose we have had complaints previously around crime and disorder in that area. Reports have included people attending the area drinking and anti-social behaviour taking place. There is a war memorial in close vicinity and previously complaints have been raised around drinking and disorder. There is also a Designated Public Place order in effect in Amble and this application may cause disorder. The order was put in place to deal with ongoing concerns. Therefore we would object to the proposed application on those grounds. I note the recent incident where Mr Castleman has sold alcohol without having the necessary licence even though he has been advised around this over a period of time and still went ahead. I wish this incident to be considered as part of the review.

Officer's Name: Amanda Dumighan Chief Inspector Harm Reduction	Telephone Number: Mobile numbe.
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Date of sending objection 27/05/2020



VERA BAIRD QC
POLICE & CRIME COMMISSIONER



NORTHUMBRIA
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Statement of :	Acting Sergeant David Emmerson		
Age	Over 18	(if over 18 insert 'over 18')	Occupation: Police Officer 8117
This statement (consisting of <u>2</u> 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 anything which I know to be false, or do not believe to be true.			
Signature	<u>8117</u>	Date:	<u>17th May 2020</u>
Tick if witness is visually recorded	<input type="checkbox"/>	(supply witness details on rear)	

I am the above named officer and am currently based at Alnwick Police Station.

On Saturday 16th may 2020, I was on duty in uniform and on mobile patrol in company with PC 1059 Jameson.

As a result of information received regarding the suspected sale of alcohol 'off licence' from the Cock and Bull public house, Queen Street, Amble, I had cause to attend with other officers, in order to speak to the licensee, an male I now know to be Jake CASTLEMAN, born 17th April 1992.

As I arrived on scene, I activated my Body-Worn Video camera as my attention was drawn to a male who was carrying a container I suspected contained alcohol he had recently purchased from the pub.

I alighted from my vehicle and spoke to the male customer who confirmed this was the case. I then made my way to the front of the premises, where I could see there was an 'A-Board' advertising the sale of beer between Friday and Sunday 12-3pm and also offering a delivery service. As I approached the entrance to the premises, I could clearly see markings on the ground indicating social distancing guidance, as well as a table in front of the pub doorway. There was a polythene screen covering the top portion of the open door.

Signature	<u>8117</u>	Signature witnessed by	
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I spoke to a male with dark brown hair, a beard and glasses, who identified himself as CASTLEMAN, who confirmed he was in fact the licensee. I asked CASTLEMAN if he was selling alcohol to members of the public and he confirmed that he was. I advised him that according to our information, he did not have a licence enabling him to sell alcohol 'off licence'. CASTLEMAN attempted to argue the fact that he believed he was allowed to do this, and began to quote extracts of revised government guidance regarding the selling of goods in the current Covid-19 crisis, as well as complaining about the council and licencing officer.

I explained to him that this would not excuse him from the need to have the relevant licence to sell alcohol to customers for consumption off the premises.

I then requested that he cease trading in this way and both he and a colleague began to pack away the table and polythene screen.

At 12:45 hours that same day, I cautioned and reported CASTLEMAN for summons for the offence of Breaching Licencing Conditions. He replied made no significant reply.

Footage of the entire incident which I had filmed on my Body-Worn video camera, along with a photograph of the A-Board advertising the sale of alcohol was taken and subsequently placed onto the Northumbria Police Digital Media repository.

I can produce these at court, if required, as follows:

Body-Worn video, Exhibit DE/1

Photograph, Exhibit DE/2

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WITNESS STATEMENT

(CJ Act 1967, s.9;MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: PC 8129 Bowlt

Age if under 18: over 18 (if over 18 insert 'over18') Occupation: Police Constable 8129

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 anything which I know to be false, or do not believe to be true.

Signature: L. Bowlt

Date: 27/05/20

I am Police Constable 8129 Bowlt, currently employed by Northumbria Police as the Neighbourhood Officer for Amble. I have 20 years of policing experience and have worked in neighbourhood, specialist and public protection roles, and across every geographical area of Northumbria Police.

My current area of responsibility is the town of Amble, Northumberland and duties include safeguarding the vulnerable, the investigation of crime, and problem solving.

The Cock and Bull is located at 108 Queen Street, Amble, Northumberland and has the benefit of a premises licence authorising the sale of alcohol by retail.

The premises licence is held by Mr Jacob Castleman of Curious Taverns Limited. The individual specified as the Designated Premises Supervisor (DPS) is Mr Jacob Castleman. Castleman was granted the premises licence on the 5th March 2019.

Within the first week of the Cock and Bull opening we were informed that the town council had received 5 complaints in relation to customers being served alcoholic drinks then taking them outside onto the public footpath.

The Town Mayor spoke to the licensee at the time and advised of this issue.

On 5/7/19 the Licensing authority spoke to the premises licence holder to remind him of his license conditions and advised him to stop allowing this.

On 18/07/19 a licensed premises visit was conducted and Castleman was asked if he wished to join the local pubwatch scheme, to date he has not been involved. He was also spoken to in relation to patrons drinking alcohol outside of the premises, he stated that he was looking to get his license altered and was advised to keep patrons inside the premises until this was completed.

Signature:.....

Signature witnessed by:.....

At the start of August 2019 Castleman put picnic tables outside on public land for his patrons to use whilst consuming alcohol bought on his premises and advertised the area as a beer garden. This shows the licence holder is aware of the issues at the premises and that he has taken no steps, as he is required to do as licensee and in order to promote the licensing objectives, to tackle/stop this issue but in fact was actively encouraging the breaches. It also shows a complete disregard for public opinion, safety and patron welfare.

The building which houses the Cock and Bull is attached to the public toilets and during the summer of 2019 there were anecdotal complaints that drunken patrons of The Cock and Bull who were utilising this outside drinking area had been shouting at and intimidating young teenage girls when they tried to use the public toilets. Unfortunately the girls were not able to be traced so the exact nature of the comments and details of offenders could not be ascertained. There is no reason to expect any increase in the safety of vulnerable members of the public should the extension to Mr Castleman's licence be granted.

Historically Amble has had many issues with people drinking alcohol on the main shopping street (Queen Street) and the town square, as well as other areas of the town. This caused crime, ASB, and elderly persons and children to be intimidated. A DPPO was put in place and later converted to a PSPO. Since this was introduced the area has flourished with tourism and a marked reduction in drunkenness of vulnerable young people.

The Cock and Bull adjoins the town square and the war memorial. This is an open public space and popular thoroughfare between the main town centre shopping street and the independent shopping pods at the harbour. During summer evenings children and families gather in the town square to play games and socialise. Local members of the public and tourists alike would be deterred from using this community space and there would be increased risk to them if alcohol consumption was permitted in this area. Alternatively, dependent on the extent of Mr Castleman's plans they may be prevented from using this area entirely, this would in turn potentially lead to loss of revenue for the businesses in both these areas.

The space is also adjacent to one of the busiest roads within the town being located at the bottom of the main shopping street with no barriers to people spilling into the road while walking between the pub entrance and the town square itself.

To the rear of the premises is residential housing, the occupants of which will be subjected to additional noise should the variation be allowed.

Signature:..... Signature witnessed by:.....

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POLICE & CRIME COMMISSIONER



**NORTHUMBRIA
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Statement of :	PC 8690 Mandy HINSON		
Age O' 18	(if over 18 insert 'over 18')	Occupation:	Police Officer
This statement (consisting of <u>3</u> 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 anything which I know to be false, or do not believe to be true.			
Signature:		Date: 24/05/20	
Tick if witness is visually recorded		<input type="checkbox"/>	(supply witness details on rear)

At 12.15pm on Saturday the 16th of May 2010 I was on duty in uniform in company with PC 592 THOMPSON when we were tasked with attending The Cock and BULL public House in The Market Place Amble which is situated at the end of Queen Street. We were to meet other officers at the location to do a Licence Premises Visit due to information which had been received that the Licensee Jake CASTLEMAIN was selling Off Licence liquor with out there being in place the correct licence to do so.

Upon arrival in the car park at the end of the street I saw A/Sgt 8117 EMMERSON approach a male who had just left the premises carrying what appeared to be containers containing alcoholic beverages. This male confirmed to A/Sgt EMMERSON that he had indeed just purchased some carry out alcohol from The Cock and Bull. A/Sgt EMMERSON then walked up the ramp leading up to the entrance to the Pub. I followed A/Sgt EMMERSON who had activated his Body Worn Video.

I noticed two boards advertising the sale of Alcohol for consumption Off the Premises, I also saw yellow tape on the ground designating two meter gaps in accordance with government restrictions for the Covid 19 pandemic. We then approached a table which was across the bar main entrance door on this table were T-Shirts and other items embellished with The Cock and Bull motif. The top half of the

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door was screened with a clear plastic sheet hanging down. I looked inside and saw a male I now know to be Jake CASTLEMAIN and another male sat at the bar behind him drinking coffee. CASTLEMAIN confirmed he was the licensee and also confirmed he was selling alcohol "Off Licence". A/Sgt EMMERSON then explained to CASTLEMAIN that our information pointed to him not having the provision to sell Off Licence alcohol on his current licence.

CASTLEMAN began to argue with us stating that the government had passed an amendment to the law to allow all Premises to serve Off Licence during the Covid 19 outbreak. I then attempted to find this legislation on my Police Phablet as did he. He sat at the bar in an agitated state looking on his Laptop computer. He was unable to produce any Local Government guidance and found an old extract from another county. I was unable to find anything other than a proposal by some Licencing body at the beginning of the Lock Down which was dated in March. When we attempted to point these facts out to CASTLEMAN he was bolshie and obstructive. He wanted to speak directly with the Licencing Officer and the Council whom he stated were in the wrong and had been obstructive. He then said that he was in the process of applying for the variation to his licence to sell Off Licence. I then pointed out that he knew he did not have the relevant licence.

A/Sgt EMMERSON then requested he cease trading and remove his table and goods which he did. A/Sgt EMMERSON then cautioned and reported CASTLMAN for the offences that came to light in relation to his Licence breach. At this point another customer appeared behind me not social distancing at all. I turned to the customer an elderly male and explained that the Pub was closed. He the customer then started shouting to CASTLEMAN "I KNOW A GOOD SOLITOR" He was pointing over my head with a big bag of empty bottles clanking as he did so. I advised this male he was not getting

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served no matter how many veiled threats he issued. I then walked back down the ramp followed a short time later by A/SGT EMMERSON.

From the off CASTLEMAN's attitude was poor to say the least. He talked over officers and made unreasonable demands to speak to the decision makers There and Then. He then attempted to deflect by accusing all the other businesses in Amble and surrounding area of doing exactly what he was doing.

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