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CARLISLE CITY COUNCIL

Report to:- THE CHAIRMAN AND MEMBERS OF THE LICENSING SUB COMMITTEE

Date of Meeting:- 26th September 2006

Agenda Item No:-

| Public | Operational | Delegated Yes | |
|--|------------------------|----------------------|------------------|
| Responsible Authority Representations | Representations | Included | Attending |
| Cumbria Constabulary | Yes | Yes | Yes |
| Cumbria Fire Service | No | No | No |
| Environmental Protection Services | No | No | No |
| Planning Services | No | No | No |
| Social Services | No | No | No |
| Trading Standards | No | No | No |
| Health & Safety Executive | No | No | No |
| Interested Party Representations | | | |
| None | | | |

Title:- SIMPLY DRINKS 2 BEECHWOOD AVENUE, CARLISLE APPLICATION TO REVIEW A PREMISES LICENCE BY CUMBRIA POLICE

Report of:- DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

Report reference:- LDS 71/06

Summary:-

The Licensing Authority has received an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003. The Sub-Committee is asked to consider the request in light of the representation which has been made by Cumbria Constabulary.

Recommendation:-

It is recommended the Sub-Committee determines the application in accordance with one of the options set out in paragraph 5.

J A Messenger
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- The Application, written comments from Cumbria Constabulary a copy of which is attached to this report.

To the Chairman and Members of the Licensing Sub Committee on
26th September 2006

1 THE APPLICATION

The application is for the review of a premises licence under the Licensing Act 2003 in respect of premises known as Simply Drinks, 2 Beechwood Avenue, Carlisle (Appendix 1)

1.1 Applicant - Cumbria Constabulary

In accordance with Section 51 of the Licensing Act 2003, on 2nd August 2006 an application was received from Cumbria Constabulary for the review of the premises licence relating to Simply Drinks, 2 Beechwood Avenue, Carlisle. The review relates to the following licensing objectives:

- the prevention of crime and disorder
- the prevention of public nuisance
- the protection of children from harm

1.2 Grounds for review

The Police have stated that the grounds for the review are:

- An alarming increase in the number of incidents involving the premises has been highlighted over the past year. A disproportionate level of Police attendance at the premises and evidence of increased crime and disorder.
- Despite this increased level of incidents, several verbal warnings from Police and need for Police supervision, there has been no request for dialogue or proactive contact with the Police from the licensee
- Concern for residents welfare and the prevention of public nuisance
- Police concern for the welfare of underage youths, purchasing, then consuming alcohol from the premises.

They have provided additional information to amplify this, which is attached. (Appendix 2)

- 1.3 The review application has been copied and forwarded to the Premises Licence Holder as well as all Responsible Authorities. Further additional details supplied by the Police supporting the application have also been forwarded.
- 1.4 The application has been advertised as required by statute for a 28 day period both on the premises, on the Council website and on the Civic Centre main notice board.
- 1.5 No further representations have been received.

2 PREMISES LICENCE

Premises: Simply Drinks, 2 Beechwood Avenue, Carlisle.
Area Plan (Appendix 3)
Premises Licence (Appendix 4)

2.1 Premises Licence Holder

Wine Cellar Ltd, Blocks D & G The Heath Business & Technical Park, PO Box 13, Runcorn, Cheshire, WA7 4QX. They have held the licence since 24th November 2005 when the Justices' Licence was converted to a Premises Licence under the Licensing Act 2003.

2.2 Current permitted hours

Sale by retail of alcohol "Off the Premises only"

- Sunday 10am - 10.30pm Except Christmas day
- Monday to Saturday - 8am – 11pm Except Christmas day
- Christmas Day Noon - 3pm
- Christmas Day 7pm - 10.30pm
- Good Friday 8am - 10.30pm

2.3 Designated Premises Supervisors

- 24 Nov 05 - 30 Nov 05 Jeffrey George Robson
- 30 Nov 05 - 31 Jan 06 Tracy Mallinson
- 31 Jan 06 - 29 June 06 Chad Brent Jeffrey
- 29 June 06 - 14 July 06 Jeffrey George Robson
- 14 July 06 - Present day Ann Jackson

2.4 Off Licence conditions (Carried forward from Licensing Act 1964)

The conditions under which the licence may operate are included in the premises licence (Appendix 4)

3 POLICY FRAMEWORK

3.1 It is a corporate objective to promote a safe Carlisle. The determination of an application to review a premises licence in accordance with the Act and its statement of licensing policy, fulfils that objective.

3.2 Carlisle City Council statement of licensing policy at Paragraph 5.2.1 states:

The authority will view seriously applications for the review of any premises licence where it involves:

- persistent failure to comply with licence conditions;
- actions or omissions by the licensee (or their staff) which undermine the licensing objectives, particularly where they endanger public safety, expose children to actual or potential harm or cause public nuisance.

3.3 Paragraph 5.2.2 states:

The Authority will also view particularly seriously, any applications for review where:

- there have been proven sales of alcohol to and the consumption of alcohol by children for consumption on or off licensed premises;
- the police have frequently been called to attend to incidents of disorder at the premises;
- there have been frequent sales of alcohol to under age, or persons already intoxicated.

3.4 Section 182 of the Act, issued by the Secretary of State, offers guidance to local authorities. In relation to the review of premises licences, the guidance refers to the options available to the authority (see para. 5 of this report).

3.5 Paragraph 5.108 of the guidance states:

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warning should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvements – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

3.6 Paragraph 5.110 of the guidance states:

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response. For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives'.

- 3.7 Paragraph 5.111 of the guidance relates to modification of the premises licence, stating:

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Accordingly temporary changes or suspension of the licence for up to three months may be imposed. This could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. Accordingly, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for a review.

4 THE LEGAL IMPLICATIONS

- 4.1 The licensing authority must determine the application in accordance with Section 52 of the Act, which outlines the circumstances whereby a hearing is required and the options available to the committee when determining the application.
- 4.2 An appeal may be made to the magistrates' court against the decision of the authority by the responsible authority, interested party or premises licence holder, within 21 days from the date of being notified.
- 4.3 Section 52(11) provides that a determination under this section does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

5 OPTIONS

- 5.1 The application will be determined in accordance with the relevant sections of the Act, the statement of licensing policy and guidance offered by the secretary of state.
- 5.2 The licensing authority must, having regard to the application and any relevant representations, take such steps it considers necessary for the promotion of the licensing objectives. These steps are:
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated supervisor;
 - (d) to suspend the licence for a period not exceeding 3 months;
 - (e) to revoke the licence.
- 5.3 Members should also consider para. 5.108 of the guidance (para. 3,5 of this report) where it is considered that no action or an informal warning should be issued.

J A Messenger
Licensing Manager

App. 1

CA12

Carlisle City Council

Licensing Manager, Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

RECEIVED
02 AUG 2006

I Inspector Adrian Sowerby 427

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|--|
| Postal address of premises or, if none, ordnance survey map reference or description <u>Simply Drinks</u> <u>2 Beechwood Ave</u> <u>Stanwix</u> | |
| Post town <u>Carlisle</u> | Post code (if known) <u>CA3 9BU</u> |

Deleted:

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) <u>Wine Cellar Limited,</u> <u>Blocks DG The Hoath Technical Park, PO Box 13, The Heath, Runcorn</u> <u>Cheshire. WA7 4QX</u> |
|--|

| |
|---|
| Number of premises licence or club premises certificate (if known) <u>PL138</u> |
|---|

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

- b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address <u>Inspector Adrian Sowerby</u> <u>North & East Carlisle Local Policing Team</u> <u>Citadel Police Station</u> <u>Citadel Row</u> <u>Carlisle</u> <u>CA3 8SQ.</u> |
| Telephone number (if any) <u>08453300247</u> |
| E-mail address (optional) |

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

An alarming increase in the number of incidents involving the premises has been highlighted over the past year. A disproportionate level of Police attendance at the premises and evidence of increased crime and disorder.

Despite this increased level of incidents, several verbal warnings from Police and need for Police supervision, there has been no request for dialogue or proactive contact with the Police from the Licensee.

Concern for residents' welfare and the prevention of public nuisance.

Police concern for the welfare of underage youths, purchasing, then consuming, alcohol from the premises.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

Simply Drinks is an off-licence situated on Scotland Road, Carlisle.
Over the past 12 months there have been 52 calls for service at this location. 51 of these incidents relate to anti-social behaviour, criminal activity or disorder. (Chronology of incidents attached.) The incident Logs relate to groups of up to 30 youths, the majority of these being under 18 years, harassing customers as they enter the shop to buy them alcohol, or actually going into the store and purchasing the alcohol themselves. Statistics show that this anti social behaviour is most prominent on a Friday and Saturday night between the hours of 18.00 and 21.30. (Statistics attached). Incident Logs show that whilst hanging around Simply Drinks, there is disorder, noise and harassment to the local community, all associated to alcohol purchased from this store.

The Youths, then armed with bags of alcohol, go into the surrounding communities of Stanwix, Lowry Hill and Kingstown, particularly favouring children's play areas, become extremely drunk and rowdy and cause extreme harassment, alarm and distress to the residents of that particular area. This noise and disorder can last up to the early hours of the following morning.

Residents living in close proximity to Simply Drinks have written letters of complaint and are willing to give Statements of Evidence to support any action the Police may take. One resident stated that she spent her weekends clearing lanes at the back of her home, of broken glass and beer cans and disinfecting the area following youths urinating. She also stated that she felt unsafe in her home, which is in close proximity to the store, so much so, that she has now moved from the area, as a direct result of the store supplying alcohol to underage drinkers.

Because of an upturn in disorderly and nuisance behaviour across City North, particularly on Friday and Saturday evenings, between the hours of 1700 and 2300, a Dispersal Order was granted to cover the period 10 February 2006 and 9th March 2006. (Review attached). This was a successful operation, with a total of 200 hours of patrol (at a cost of 4k), ten youths taken home to parents, the worse for drink, 70 containers of alcohol were seized and 2 youths arrested for public order offences. 1 youth was formally asked to disperse and was arrested shortly after for being drunk and disorderly. Unfortunately once this Dispersal notice ended, the anti social behaviour and disorder resumed.

Over the weekends of 14, 15th July and 21st, 22nd July, 2 police operations were carried out observing Simply Drinks. (A Statement from PC 36 Priestly is attached.) Numerous youths were stopped and alcohol previously purchased from Simply Drinks was seized.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- | ▪ I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- | ▪ I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature M. D. Muddet Pc 378 pp. Insp. Downley

Date 31 July 2006

Capacity Police Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

App 2 (1)

OPERATION MITRE – REVIEW

Background

Operation MITRE is an anti-social behaviour operation, which began in Autumn 2005 following an upturn in disorderly and nuisance behaviour across City North.

Friday and Saturday evenings were highlighted as the main nights for disorder, especially between the hours of 1700 and 2300. On average there were *seven* calls each evening specifically about anti-social behaviour; police officers noticed large groups of young people gathering, as many as 70 were counted on one occasion, drinking, swearing, leaving litter and causing a nuisance.

Traditional policing methods were tried such as high profile patrols and GRIP. The problem continued. An application was submitted for consideration for the use of a Dispersal Order under the terms of the Anti – Social Behaviour Act 2003. Pre-Christmas the disorder reduced to such an extent that the application was put on hold.

Post Christmas incidents increased up to a point in mid January where there were 15 reported incidents in one weekend. Each and every one of these incidents was reported directly by the public and concerned large groups of youths engaged in anti-social behaviour.

As a result of this an application for a Dispersal Order was made and granted.

Enforcement

The order was granted to cover the period 10 February 2006 and 9 March 2006 over a specific geographic area. Substantial press coverage, TV, radio and local newspapers preceded it. Four weekends were targeted for extra police patrols, on both each Friday and Saturday evening, with a local supervisor, local community officer and four other PC's working between 1800 and 2300.

The intention of the Operation was specifically to "...considerably reduce the amount of anti-social behaviour across City North..." The pre Dispersal Order calls for service figures were used as the baseline data.

As well as the Dispersal Order, staff were told to use the full range of police powers available to them, specifically, powers of arrest, confiscation of alcohol and police protection powers.

Outcomes

The general consensus of opinion is that the Operation and, specifically the use of the Dispersal Order has proved a success. There has been a reduction in calls for service from local residents in the areas previously affected by the anti-social behaviour. There has been an average of 3.5 incidents per evening, very few of them from local residents; a significant number generated as a direct result of extra police patrols.

Feedback has been good, at a recent local neighborhood forum PC Priestley attended and was congratulated for the police response to the problem. A call was received from a member of the public congratulating the police for how quiet it now

was. Members of the public who have passed patrols whilst on duty have made positive comments about the impact of the operation.

It is only fair to say that there has been some displacement of the youngsters. Significant numbers have been located at the Chinese Gardens, Bitts Park, the Sands Centre and Cavendish Terrace, all areas out with the Dispersal area. There has been a general shift south towards the River Eden.

A total of 200 hours of patrol (at a cost of 4K) has been conducted, ten young people have been taken home to parents the worse for drink, 70 containers of alcohol have been seized and two young people arrested for public order offences. Only one person has been formally asked to disperse (he was arrested a short while later for being drunk and disorderly). Further action will be taken against a small number of young people with regards to ABC's.

Conclusions

I have no doubt that the operation has achieved the original objective. A full list of logs for pre and post the order are attached at appendix A and show interestingly how the calls have both reduced and changed in nature.

As mentioned above there has been displacement and disappointingly there does not seem to be much of a reduction in terms of the number of youngsters gathering outside the area.

There is anecdotal evidence that displacement has been more widespread than just the local area with other officers claiming that areas such as Denton Holme have been busier.

APP. 2 (2)

TEMPORAL ANALYSIS OF SHELPH DRINKS

| Count of IncidentType Hour | Day | | | Grand Total |
|-------------------------------|-----------|--------|----------|-------------|
| | Wednesday | Friday | Saturday | |
| 02 | | | 1 | 1 |
| 17 | | | 2 | 2 |
| 18 | | | 3 | 8 |
| 19 | | 1 | 2 | 3 |
| 20 | | | 2 | 2 |
| Grand Total | | 1 | 5 | 10 |

This is per incident, there are repeat calls for the same incidents which have not been included so the

2006

Chronology of Incidents - Simply Drinks, Scotland Road, Carlisle.

| Incident No. | Date/Time | Location | Details of Incident | Reported by |
|--------------|--------------------|---------------|---|---------------------------------|
| 0496 | 280805 2109 hrs | Simply Drinks | Male wearing a baseball cap just entered shop and took 8 bottles of Lager in a box. | Sarah – Simply Drinks |
| 0447 | 310805 1954 hrs | Simply Drinks | 3 youths taken a crate of Lager, left shop and turned right into Beechwood Ave. – One male arrested. | Chad – Simply Drinks |
| 0527 | 020905 2150 hrs | Simply Drinks | Report from female that lone female member of staff had just refused known youth and other underage youths alcohol and was worried for staff member's safety. | Resident of Beechwood Ave. |
| 0181 | 210905 1334 hrs | Simply Drinks | Report of young lad trying to buy cigarettes, juice etc., with invalid bank card. | Colin – simply Drinks |
| 0348 | 141005 1802 hrs | Simply Drinks | Complaint from staff re. Kids outside causing a nuisance to customers, asking them to buy alcohol for them. | Chad – Simply Drinks |
| 0372 | 141005 1842 hrs | Simply Drinks | 6 males outside shop aged 12 – 16 years. Hanging around entrance; causing a nuisance. Not sure if they were drinking. | Chad – Simply Drinks |
| 0468 | 221005 2040 hrs | Simply Drinks | 3 youths stole 3 bottles of alcohol. | Chad – Simply Drinks |
| 0437 | 051105 1756 hrs | Simply Drinks | Group of 6 or 7 youths outside shop and refuse to leave, causing a nuisance. Patrol moved them on. | Mr Woodhouse – Simply Drinks |
| 0446 | 051105 1816hrs | Simply Drinks | Report that a male of approx 18 years was buying alcohol and staff were concerned that he was going to give it to youngsters outside the shop. | Chad – Simply Drinks |
| 0365 | 111105 1732 hrs | Simply Drinks | 12 youths hanging around outside shop. Caller has had complaints from residents. | Chad – Simply Drinks |

APP. 2 (5)

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| 0433 | 191105 1838 hrs | Simply Drinks | Group of teenagers hanging around outside the shop, harassing customers. Patrol attended and moved group on. | Chad – Simply Drinks |
| 0476 | 191105 1953 hrs | Simply Drinks | Known youth, under 18 years, stopped after obtaining alcohol from Simply Drinks, very drunk, staff spoken to about selling alcohol to under age persons | PC 427 |
| 0559 | 191105 2206 hrs | Simply Drinks | Report from male stating he was outside Simply Drinks when he was assaulted by 2 males. | Mr Smith, Scalegate Road. |
| 0461 | 211105 2145 hrs | Simply Drinks | 2 bottles of Stella taken by a lad wearing dark duffle jacket and jeans | Chad – Simply Drinks |
| 0398 | 261105 1937 hrs | Simply Drinks | 2 youths standing down the side of the shop asking customers to buy them alcohol. Moved on by patrol. | Leah – Simply Drinks |
| 0447 | 261105 2053 hrs | Simply Drinks | 3 youths hanging around directly at the door of the shop, asking customers to buy alcohol for them. | Leah – Simply Drinks |
| 0278 | 291105 1806 hrs | Simply Drinks | 2 litre bottle cider stolen by youth in hooded top | Chad – Simply Drinks |
| 0455 | 021205 2042 hrs | Simply Drinks | Gang of youths on the corner, outside the shop, pestering customer to get them alcohol. | Leah – Simply Drinks |
| 0489 | 021205 2152 hrs | Simply Drinks | Reporting a group of drunk kids outside the shop – about 8 or 9 of them. | Leah – Simply Drinks |
| 0489 | 031205 2202 hrs | Simply Drinks | Group of youths outside have been refused service and refuse to leave. | Staff – Simply Drinks |
| 0259 | 011505 1545 hrs | Beechwood Ave | Report from resident that older male had bought 3 youths drink from Simply Drinks and then the 3 had been very drunk, began knocking on his door, causing a disturbance. | Resident Beechwood Ave. |
| 0378 | 091205 1909 hrs | Simply Drinks | Large gang of youths outside shop, pestering customers to buy them alcohol. Spoken to by patrol and moved on. | Colin – Simply Drinks |
| 0304 | 201205 1701 hrs | Simply Drinks | Report that customers were being asked to buy youths, hanging about outside the store, alcohol. | Chad – Simply Drinks |

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|------|--------------------|---------------|--|----------------------------|
| 0433 | 221205 2037 hrs | Simply Drinks | Report that 2 young girls age about 15/16 were hassling customers to buy them alcohol. | Lisa – Simply Drinks |
| 0470 | 241205 2114 hrs | Simply Drinks | Male walked into shop and left with crate of beer, without paying. | Leah – Simply Drinks |
| 0297 | 080106 1619 hrs | Simply Drinks | 2 cases of Stella stolen by lad who ran into the shop, then left and jumped into a car. | Colin – Simply Drinks |
| 0395 | 140106 1816 hrs | Simply Drinks | Staff reporting that there was about 12 youths outside the shop causing problems, kept going into the shop to try and buy alcohol. Moved on by patrol. | Colin – Simply Drinks |
| 0475 | 280106 2006 hrs | Simply Drinks | Crowd of drunken lads outside the shop drinking from cans. Obviously under 18 years. Been there for over 1 hour and causing a nuisance. Resident frightened of them. | Resident of Scotland Road. |
| 0416 | 040206 1758 hrs | Simply Drinks | Staff reporting 8 – 9 male and female youths outside the shop causing a nuisance. | Leah – Simply Drinks |
| 0335 | 100206 1820 hrs | Simply Drinks | Staff reporting that 15 youths outside the shop bothering customers. | Chad – simply Drinks |
| 0448 | 180206 1840 hrs | Simply Drinks | Caller stating that he had just visited the off-licence and been asked by a group of youths, average age of 13 year (boys and girls) to buy them alcohol, they were also asking other customers. | Resident – Scotland Road |
| 0369 | 220206 1940 hrs | Simply Drinks | Group of youths hanging about outside shop and around the corner, kept entering the shop and going behind the counter bothering the staff. Theft of 4 pkts cigarettes. | Cheryl – Simply Drinks |
| 0363 | 240206 1824 hrs | Simply Drinks | Large group of youths congregated outside shop, causing a nuisance. | Chad – Simply Drinks |

| | | | | |
|------|--------------------|---------------|--|--------------------------|
| 1369 | 240206 1835 hrs | Simply Drinks | Reporting theft of chocolate, by 4 youths who had been in the shop earlier. | Chad – Simply Drinks |
| 0409 | 250206 1801 hrs | Simply Drinks | Group of youths hanging around the side of the shop. Bothering customers for alcohol. | Chad – Simply Drinks |
| 0376 | 040306 1708 hrs | Simply Drinks | Member of staff assaulted, the previous evening, by 3 young males as he was locking up the shop and the shop door was kicked in. | Chad – Simply Drinks |
| 0339 | 100306 1803 hrs | Simply Drinks | Group of 8 – 9 youths, aged approx 16 years, hanging around outside the shop, asking adults to buy them alcohol. | Colin – Simply Drinks |
| 0583 | 120306 1946 hrs | Simply Drinks | 20 – 30 youths outside the shop, throwing snowballs at the shop and making a lot of noise. | Resident – Beechwood Ave |
| 0363 | 170306 1901 hrs | Simply Drinks | Group of approx 13 – 15 youths causing nuisance outside Shop. | Chad – Simply Drinks |
| 0370 | 170306 1913 hrs | Scotland Road | Large group of 20 youths now heading away from Simply Drinks towards Clarks Field with bags of alcohol. | Anon Female |
| 0447 | 030406 1956 hrs | Simply Drinks | Report of a robbery, offender threatened staff with large knife and took till takings. | Alan – Simply Drinks |
| 0335 | 070406 1720 hrs | Simply Drinks | Male walked into shop, tried to purchase bottle of cider, when asked for ID, refused and walked out with cider without payment. | Cheryl – Simply Drinks |

| | | | | |
|------|--------------------|---------------|---|---------------------------|
| 0498 | 060506 2021 hrs | Simply Drinks | 3 youths, around the corner, asking customers to buy them alcohol. | Chad – Simply Drinks |
| 0431 | 060506 1824 hrs | Simply Drinks | Group of 15 – 20 youths, 14 – 17 years old, gathered outside the shop harassing customers. | Chad – Simply Drinks |
| 0468 | 270506 1953 hrs | Simply Drinks | 6 or 7 youths hanging around the shop, 2 went around the back and ran off with a crate of beer, they did this again and looked to be carrying bottles of wine. No theft reported from shop. | Resident – Beechwood Ave. |
| 0455 | 300506 2131 hrs | Simply Drinks | Staff reporting 2 underage youths drinking from bottles of alcohol outside shop. Staff state they did not sell the youths the alcohol. | Nicholson – Simply Drinks |
| 0510 | 100606 1846 hrs | Simply Drinks | Staff report theft of 6 cans of alcohol, by 6 lads aged about 16/17 years. | Chad – Simply Drinks |
| 0445 | 270606 2210 hrs | Simply Drinks | Shop alarm activated. | Resident Beechwood Ave. |
| 0373 | 290606 1951 hrs | Simply Drinks | Passer by witnessed a young male being beaten up outside Simply Drinks – 3 youths involved, then went into the shop, one male had blood on his hands. No I/P came forward. | Resident of Kingstown |
| 0533 | 010706 1958 hrs | Simply Drinks | Report of a gang of about 15 youths congregating outside the shop arguing among themselves – late teens. | Resident – Scotland Road. |

| | | | | |
|------|--------------------|---------------|--|---------------------------|
| 0524 | 010706 1952 hrs | Simply Drinks | Report of known underage youth and others messing about outside Simply Drinks, going into the middle of the road, fighting and causing a nuisance. Police attended and seized abandoned alcohol. | Resident - Scotland Road |
| 0457 | 150706 1901 hrs | Simply Drinks | Group of approx 20 youths, aged about 14 years, hanging around outside the shop, throwing stones at cars and pedestrians. Going around the back of the shop and stealing drink | Resident - Beechwood Ave. |
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App 2 (4)

(4)

Scotland Road
Stanwix,
Carlisle,
Cumbria CA3 9HF

February 27th 2006.

Dear Sir/Madam,

Unfortunately I find it necessary to write to you directly as I feel the issue is so serious.

The matter to which I refer is the enormous problem of underage drinking in Carlisle.

I am the mother of a 16-year-old boy and feel that I am waging a one-woman war on a national problem. Until my son was 15 he was responsible, quiet and studious. His main passion in life was golf and he aspired to become a professional golfer and most certainly possessed the talent.

In June of last year everything seemed to change and the problem was initially typical teenage behaviour. However it became obvious that the availability of alcohol to minors was verging on the ridiculous with little being done to address this issue.

I discovered that my son was being served alcohol at the off license on Beechwood Avenue in Carlisle. I then took the step of reporting this to both the police and trading standards. Even now I see underage youths leaving this outlet carrying enormous quantities of alcohol, particularly at weekends.

In September of last year my son assaulted me when I arrived home to discover him very drunk. Again, the alcohol had come from the same off licence. I approached them again and this time contacted the regional manager. He denied that this practice was going on but offered to retrain his staff!

In between September and December I experienced further incidents with my son as a result of alcohol. I could not find out where this alcohol had come from but it was almost certainly in the Stanwix area of Carlisle.

I have a young daughter who witnessed these violent and explosive attacks, some lasting for some hours and in early October I suffered a nervous breakdown as a result of the strain.

Additionally, the streets are teeming with teenagers from 13 years upwards all carrying alcohol and creating disturbances. This is very intimidating and as a consequence I am now selling my home of 20 years.

On December 15th my son attended a sixth form party for pupils of Trinity School. Approximately 5% of all who attended would be 18 years old, the rest being underage.

That evening I was subjected to six hours of mental torture at the hands of my son and as a consequence contacted The Child and Adult Protection Team for advice and support. The party in question was being held at KU-BA a licensed club and restaurant on Crosby Street in Carlisle.

I discovered that another party was being held on the 10th February at the same venue so on 6th February I contacted the police to inform them of this. On 10th February I rang again, as I was so anxious this party be stopped.

To my knowledge the party went ahead with no intervention. This bewilders me as the police are constantly asking members of the public for intelligence and support. I offer this whenever I can but I feel that this is now pointless.

I would appreciate that this matter be looked into as I fail to see how a party such as this could be allowed to proceed when the police were very much aware of it.

More recently there have been huge problems at the Chinese Gardens in Stanwix, which has virtually become a ghetto for drinking, terrifying local residents. From my home I watched a group of teenagers, all around the age of 14 years old stuffing bottles of vodka and cans of beer up their coats.

My friend lives opposite the Spar on Scotland Road and regularly observes gangs of youths approaching adults to buy them alcohol. She herself called the police this weekend as they were causing a nuisance outside her house and damaged her car.

On Friday night of last week I dropped my son and two friends off at Hollywood Bowl in Carlisle for a seemingly harmless game of ten-pin bowling. He was served alcohol without any request for identification; he then went into town (without my knowledge) and was served alcohol in a bar called MOJO on Botchergate, a bar notorious for serving underage drinkers.

At approximately 12.30 he was arrested for a Section 5 public disorder offence and spent the night in the cells. The police visited me at 01.00 to be informed of this.

Whilst I am grateful for the dispersal order in Stanwix, it has unfortunately done little to address the real issue. Alcohol is still being served to minors and the police and responsible parents like myself are fighting a losing battle. I am at the end of my tether and whilst establishments continue to flout the law families are being torn apart and destroyed as a result.

If my son had not been arrested last Friday I am certain that my home would have been a dangerous place for both myself and my young daughter. I no longer feel safe either in my home or on the streets.

I implore you to give consideration to these outlets that continue to serve alcohol to people who are quite simply unable to tolerate it. Violence and aggression is now an everyday part of my life and of many others families all going through the same nightmare.

I would be obliged if you could respond to me at your earliest convenience.

Yours Faithfully

CAROL ARMSTRONG .

App 2 (5)

5

Scotland Road
Stanwix
Carlisle
Cumbria CA3 9HF.

Monday May 15th 2006.

Dear Inspector Sowerby,

It is with some regret that I feel I must write to you again regarding the enormous problem of underage drinking in Carlisle.

You kindly agreed to a meeting with me on Saturday April 8th where we discussed the issues I had raised in my previous letter.

The main points were, the sale of alcohol to minors, subsequent anti social behaviour, a specific retail outlet in Stanwix continuously selling alcohol to minors and licensed premises within the city holding sixth form parties

It was agreed that the police felt as strongly as myself and that work would begin, particularly around the issue of "Simply Drinks" on Beechwood Avenue.

As I mentioned previously, the behaviour of my now 17-year-old son and other teenagers has forced me into selling my home of 20 years. In addition, I suffered a nervous breakdown last year and until the sale of my home is complete spend every weekend with my parents, for my own safety.

It is therefore with some sadness that I must report that the situation continues to decline. The off-licence mentioned above is blatantly flouting the law, the crowds of drunken youths is escalating and will only get worse as the summer holidays draw closer.

I also mentioned specific licensed premises that allow sixth form parties to take place. Alcohol is served to a group where only approximately 10% will be 18 or over. It was promised that this would be looked into. I have heard nothing and would like to know what is being done to prevent these types of functions taking place. The premises in question go by the name of KU-BA on Crosby St, Carlisle.

I cannot begin to emphasise my desperation at what is a national problem. However, this national problem blights the lives of ordinary families every day. I feel that we currently have a government who "appear" to be aware of Britain's drinking culture but do not truly understand the gravity of the situation.

Children as young as 12 can be seen from my house drinking vast quantities of vodka, cider etc from as early as 3PM. My house has a lane running to the rear of it, a private lane I may add. It is littered with broken glass and beer cans. My neighbours and myself now spend weekends clearing the lane as well as disinfecting it following boys urinating

against our garden walls. If they can make it to the children's park approximately 200 yards further they urinate there instead.

The last straw was yesterday when my neighbour approached me to inform me that she had seen two boys trying to gain entry to my property. Thankfully, she shouted at them and they left. This is not the first time as I was then told that this had also happened two weeks earlier. I did consider contacting the police but felt there was little point. This situation is going on in towns and cities all over this country and we now live in a society where the young have been given so much latitude that they are lawless.

What am I supposed to do? I am providing the police with information whilst feeling frightened and vulnerable. I may add that I do not live in a run down area of the city but one of the nicest areas to live. It no longer feels safe and residents brace themselves every weekend for the onslaught of drunken loutish behaviour, noise and litter. There is the constant potential for violence and I feel that I am being pushed to my limit.

I have asked for these issues to be given consideration but feel nothing but anger and outrage when I continue to see "children" walking brazenly into a Off-license and emerging with a case of lager, a bottle of vodka and 12 cans of beer as I did at 5PM on Friday 12th May. When I approach the off-license direct they lie and begin quoting meaningless policies on the sale of alcohol pointing me in the direction of the Under 21 board. This is insulting and laughable.

I have lived in Stanwix for my entire life, my children have been brought up in this area and I personally never believed that I would leave. How can people be driven from their homes? A home that I have invested an enormous amount of money and time on. My relationship with my son has deteriorated irreparably as I refuse to condone this appalling lifestyle, and as a consequence he no longer lives with me. This does not stop him from appearing on my doorstep in a drunken state with a group of his equally drunken friends. This in itself is intimidating as I am divorced living with my two daughters one of whom is only 10.

This matter must be looked into as a priority and I would be grateful for a response as quickly as possible. I feel that if the police do not act, members of the public will. Where will this lead?

Yours Faithfully

Carol Armstrong

RESTRICTED (when complete)

WITNESS STATEMENT

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

URN

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Statement of: Carol ARMSTRONG

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: P.T.S. MANAGER

This statement (consisting of 4 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 in it, which I know to be false, or do not believe to be true.

Signature: _____ Date: 17 August 2006

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

I am Carol ARMSTRONG & I lived at 143 SCOTLAND ROAD, CARLISLE for 20 years, I have just moved from this property, which I owned, on the 26th May 2006 whilst living at this property, SIMPLY DRINKS the off-licence on SCOTLAND ROAD first became a problem approx 1 year ago, it seemed to coincide with its name change from BOOZE BUSTERS to SIMPLY DRINKS. How I first became aware of SIMPLY DRINKS serving alcohol to minors was when my son's friend was regularly served alcohol with no problem, he was 16 years of age, & it soon became apparent that he was buying for other youths, including my son. It is a well known fact in my son's circle of friends that if they went into SIMPLY DRINKS & said their name was "JAMES TAYLOR" then they would get served without showing I.D. On one occasion I went into SIMPLY DRINKS, there were 2 members of staff, I spoke with a Scottish

Signature: _____

Signature witnessed by: _____

PTO

RESTRICTED (when complete)

Page No. 2 of 4

Continuation of Statement of: Carol ARMSTRONG

accident & I made out a local agent, I asked the 2 males if they had a problem with under age youths wanting alcohol & they laughed & said there was at least 10 JAMES TAYLOR's walking around Stanwix which implied that anyone called JAMES TAYLOR would be served. The kids in the area know that if the Scottish speaking male number of staff is on duty, they will get served. Towards the end of 2005 I spoke to the Regional Manager of Wine Cellar, on his mobile phone, the first question he asked me was "How did you get my number?" I then passed on my concerns & informed him of what was going on in his store. He replied that he wasn't aware of this & that it could be a training issue & that he would look into it! I heard nothing more & the situation didn't improve. The disorder that I put up with in relation to youths, underage, being served or provided with ~~etc~~ alcohol was a nightmare. I suffered alcohol-fueled aggression from my own son & some of his friends, a few youths tried to get into my house one night whilst I was out, my neighbour heard this & chased them away. On a regular basis from about 16:00 hours on a Friday until the early hours of Sunday morning, groups of up to 30 youths, aged approx 13 years upwards would congregate, always around SIMPLY DRINKS, where they would meet, they would hang around there

Signature: [Signature] Signature witnessed by:

RESTRICTED (when complete)

Page No. 3 of 4

Continuation of Statement of: Carol ARMSTRONG

until approx. 21.00 hours when they would disperse, with their bags of alcohol into various parts of Starwix & Howard Hill. There was always a lot of noise & disorder, fighting, girls screaming & drunken behaviour. I was very angry, I felt like my life had been turned upside down, every weekend was marred by it, I was intimidated by their behaviour. I worried for my younger daughter, who basically couldn't leave the house once the gangs of youths arrived, it just wasn't safe. I've had beer cans thrown at my house, broken glass in my back garden. In the back lane to my house boys urinating against my wall, I've even watched youths urinating in front of me, in the local park. My life, in my home, had changed beyond all comparison, I suffered depression because I was so frightened & stressed living in this environment. In November 2005 I felt I had no option but to move, it was obvious the off-licence was going nowhere, and at this time the youth disorder outside simply drinks was worse than ever, they were out in the street outside the shop, drunk until the early hours of the morning. I even took time off work due to my depression which had a major impact on my family life. I finally moved in May 2006, accepting less for the house than it was valued at.

Signature: ...

Signature witnessed by:

RESTRICTED (when complete)

Continuation of Statement of: Carol ARMSTRONG

Leading up to the sale completion I moved to my mother's house every weekend, as I didn't feel safe there any more. I never imagined myself ever moving from my home. I had spent a lot of money on the property & had a lot of happy memories there & I can honestly say that SIMPLY DRINKS ~~has~~ put an end to that happiness.

I am happy for this statement to be used in any action the Police want to take in relation to SIMPLY DRINKS.

I would just like to add that I also wrote to the Head Office of Wine Cellar, in RYSDALE, informing them about SIMPLY DRINKS staff serving under-aged youth, dated 15 May 2006, to which I did not receive an acknowledgement. They should have this letter on file.

Signature: _____ Signature witnessed by: _____

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App. 2 (7)

F.T. Hodgson, Beechwood Avenue, Stanwix, Carlisle, Cumbria CA3 9BW
Tel/Fax: 01228 526577

14.03.06

7

Councillor Ms. E. Mallinson,
Stanwix Ward,
Civic Centre,
Carlisle CA3 8QG

Beechwood Avenue.

Janar

I am writing regarding the deterioration of this neighbourhood due to the anti-social behaviour of an element of yobs who, regrettably, are housed on the estate at the top of the Avenue.

I have reported a number of incidents from various neighbours to the Police who do attempt, to some extent, to investigate but the root of the trouble is the attraction of the 'booze' shop at the corner of the Avenue and one can witness this almost every weekend when this rabble carry large quantities of drink bought there and possibly elsewhere.

You may recall that we had a meeting which you 'chaired' some two years ago when a representative of the relevant Housing Association sought to calm fears by promising to deal with unruly tenants. I would suggest that they be reminded of their obligations to this area and more importantly, the fact that the patience of many of us is wearing thin. Concern has been expressed to me (in my capacity as a NW member) of residents fearing that they dare not remonstrate with the offenders who are arrogant in their attitude to authority.

I would ask you to consider the issues raised and possibly take these up with the relevant Authorities. It is my firm belief, and that of everyone else resident here, that the closure of this shop would make a very substantial contribution to an overall improvement in our quality of life which is being eroded by a minority.

I await your comments at your convenience.

Yours sincerely,

+ cc. to Councillors Giddes & Stevenson.

David

If & when the licence for this shop comes up, I hope the Cttee will consider the implications. It generates litter, cars on the pavement & a general demise of the neighbourhood. If there a date for ... there will be objections. A

RESTRICTED (when complete)

8

WITNESS STATEMENT

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

URN

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Statement of: Timothy SMITH

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: SCHOOLTEACHER

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

Signature: T. J. Smith Date: 10 AUG 2006

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

I am Timothy SMITH & I live at 2 BEECHWOOD AVENUE, CARLISLE CA3 9BU

I have lived at this address for 13 years. During the last 13 years the property next to mine has always been an off-licence, which now known as SIMPLY DRINKS

I can say that Simply Drinks has had an impact on my quality of life. The building, particularly behind the shop, is overgrown & always covered in litter, cans & bottles, I frequently clear away the litter & the broken glass as the place looks derelict. I go out ~~most~~ many mornings, on my way to work & clear up the mess, & even I have witnessed large groups of youths, up to 20, hanging around outside Simply Drinks. I recognise many of their faces as I am a teacher at Trinity School & I recognise them as attending there, or having just left, which puts their ages at between 15 - 17 years of age. I have witnessed ~~some~~ older youths distributing alcohol.

Signature: Signature witnessed by:

PTO

RESTRICTED (when complete)

Page No. 2 of

Continuation of Statement of: TIMOTHY SMITH

to younger youths which was definitely purchased from SIMPLY DRINKS due to the bags they were in. I have seen youths urinating at the rear of SIMPLY DRINKS & also in the gateway of nos 1 & 3 BEECHWOOD AVENUE.

I find the youths hanging around outside irritating as they know me from school & can be cheeky to me at times.

I am also aware of youths in vehicles who seem to be attracted to this off-licence, they accelerate dangerously with little regard to the residents, one sapling was destroyed, knocked down by a vehicle. I know my neighbour used to plant flowers in a paved area just in from the pavement but because of vehicles parking on this section it has all now been ~~there~~ covered with tarmac.

The place was in such disrepair that the small wall around the property was taken to bits by some youths & thrown about the street.

I would have attended the hearing in the Licensing Panel but due to work commitments it's impossible but I have made this statement in support of any police action.

Signature:

Signature witnessed by:

not necessary to be in a residential area, as there are at least 3 other establishments selling alcohol in this area, one being a national superstore.

At the beginning of 2006 I was present with Mr Jefferey in the rear of Simply Drinks when a resident of Scotland Road entered the shop and spoke with him, specifically regarding to the issue of selling alcohol to youths. I then went and spoke to the resident at his home address and he had the same concerns as everyone else I had spoken to previously.

Over the past 3 months I have attended or have been aware of numerous incidents of disorder involving large groups, numbers in excess of 30, at times, all alcohol related, which is associated to the sale or supply of alcohol to under age youths. The children's play area on Clark's Field is left in a completely unusable condition due to the large numbers of cans and broken bottles left and the smell of urine, also disgusting graffitti upon the play equipment. This has been pointed out to me by Mothers of young families who are now unable to use the park with their youngsters

On behalf of the residents of the Community I serve, I can categorically state that they believe their lives would become peaceful again if Simply Drinks were to close.

Signature:



Signature witnessed by:

PTO

App. 2 (10)

RESTRICTED (when complete)

MG 11T

Page 1 of 3

WITNESS STATEMENT

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

10

Statement of Jason Aaron Priestley

Age if under 18 18+

(if over 18 insert 'over 18')

Occupation: PC 36

This statement (consisting of: 1 pages 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 in it which I know to be false or do not believe to be true.

Signature :

Date: 5th June 2006

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

I am Pc 36 Priestley of Cumbria Constabulary currently stationed at Carlisle.

I am one of the Community Beat Police Officers for the area for Scotland Road, Carlisle.

I am fully aware of a number of problems associated with youth disorder in the area.

Within this area is an Off Licence premises called Simply Drinks it is situated on the junction of Scotland Road and Beechwood Aveune.

I can say that through interrogation of our incident logging system there has been 52 calls for service at the premises in the last 12 months ending (between 28/8/05 and 15/7/05).

51 of these incidents relate to anti social behaviour there has been a chronology produced in relation to these.

I am also aware of complaints from local residents and other members of the public relating youths hanging around the shop and that the premises are actually serving underage youths with alcohol, who are reported to be harassing customers entering and leaving the shop.

The majority of these incidents occur on Friday and Saturday evenings.

The youths that hang around the premises are also responsible for disorder incidents that occur in the wider community, we have had numerous reports in the area of youths with alcohol causing disorder and nuisance.

These include reports from childrens play areas which are left in a disgraceful state, littered with empty carrier bags, bottles and cans many of the bags are Booze Buster carrier bags. Incidentally Simply Drinks still use Booze Buster carrier bags.

These incidents can continue into the early hours.

I am aware of residents living in the area close to Simply Drinks have written letters of complaint regarding the sale of alcohol to youths and the litter and mess left behind.

I am also aware that PC 1099 Goodhall has had occasion to interview staff at the shop in relation to serving alcohol to a young person only a few months ago.

Signature:

Signature witnessed by:

2003(1) MG11(T)

RESTRICTED (when completed)

MG 11T

Continuation of statement of

Page 2 of 3

As a result of the continuing problems and specific complaints relating to Simply Drinks a police operation, Operation Moscow was commenced. Covert observations on the exterior of the shop were authorised and conducted on the following dates:

Saturday 15th July 2006

Friday 21st July 2006

Saturday 22nd July 2006

I was the observing officer and I made my observations of the premises from a distance of no more than 50 meters.

In addition to the observations police patrols were in the area and directed by myself to youths suspected of having purchased alcohol from the shop.

Following the Operation on I seized video tapes 3 video tapes from a member of staff at the shop

Having checked these tapes at the police station I found that one of the tapes was not one required and so I return to the shop later that afternoon and deposited it with the same staff member.

In short I have seized cctv that covers both 21st July 2006 and 22 July 2006, the shop was unable to supply me with the cctv tape that covered the 15th July I am under the impression that this tape has been innocently recorded over.

On Saturday 15 July I commenced observations at 1638hrs. The patrol officers were PC 1011 Delaney and Pc 1882 Ord.

At around 1839hrs I saw a young male exit the premises wearing a black t-shirt he looked about 15yrs old he met with and a young girl wearing a turquoise strappy top.

He left the shop with a carrier bag which looked to contain bottles or cans.

He walked away out of sight towards the direction of the city centre and I directed PC 1011 Delaney to intercept him.

At 1933hrs I observed a male I know to be Adam Robertshaw 22/8/90 who was 15yrs old at the time enter the store with another unknown young male (approx 15yrs) wearing a blue t-shirt. A short time later they left the store together.

They both had carrier bags with them that looked to have bottles or cans in them.

I saw them meet up with some other youths that included another teenager with ginger hair called Lewis Robertson, he also had a bag with him.

I directed Pc 1011 Delaney to these youths as they walked away towards Beech Grove.

I saw as the patrol pulled up that Adam Robertshaw dumped his bag into a garden about three quarters of the way down Beechwood Avenue to avoid detection by the police. He then ran off into Northwood Crescent.

I watched as the patrol stopped and spoke to the remaining youths.

Observations were ceased at 1956hrs.

The following Friday 21st I again commenced observations at 1657hrs.

I did have occasion to direct patrols to individuals during the observations but no relevant evidence was gathered as a result.

Observation ceased at 2102hrs.

On Saturday 22nd July 2006 I again commenced observations at 1642hrs.

On this occasion the patrol officers were PC 1763 Donnelly and Pc 1910 Pereira.

At 1838hrs I observed I male I know to be James Harding 30/11/89 enter the shop and a few moments later leave with a bag that looked to contain a pack of alcohol.

He was wearing a checked baseball cap, I saw as he walked around the corner of Landsdowne Crescent and I directed Pc 1763 Donnelly to him.

I have subsequently seized a video tape from Simply Drinks that shows the same boy purchasing an eight pack of Stella Artois lager at 1840hrs.

This video tape I exhibit as JAP8. I can produced stills from this tape which I exhibit as KS1 KS2 and KS3.

At 1915hrs I observed a male I know to be Adam Robertshaw 22/8/90 enter the shop with another male who looked about 15yrs old. Neither were carrying any bags.

A few moments later they both leave each carrying a carrier bag which looked to contain either bottles or cans. They met up with some other youths and they walked off towards Beech Grove.

Signature: 

Signature witnessed by:

RESTRICTED (when completed)

MG 11T

Continuation of statement of

Page 3 of 3

I directed PC 1763 Donnelly to them and as the patrol approached a number of the youths made off. I have viewed the cctv seized from the store and it shows Adam Robertshaw and the other male purchasing a bottle of cider and an eight pack of lager from the store at 1915hrs. I have produced stills of the transaction exhibit KS4, KS6 and KS7.

At 1942 hrs I saw a male I know to be Thomas Armstrong 5/5/89 enter the shop he left moments later with a packet of cigarettes that he distributed to a group of young people outside.

He then returned to the shop before again leaving this time with a bottle of green liquid, it appeared to be some kind of 'alco-pop'.

He walked off with the group towards Landsdowne Crescent. I directed Pc 1763 Donnelly to the group. I have viewed the cctv tape of the transaction that shows Thomas Armstrong purchasing the alcohol at 1957hrs. I have produced stills of this transaction which are exhibited as KS7 KS8 KS9 and KS10.

Observations were ceased at 2033hrs

Home address:

Postcode:

Signature: Signature witnessed by:



K2



K1



K4



K3





K8



K7



K10



K9

App 2 (11)

11

RESTRICTED (when complete)

MG 11

WITNESS STATEMENT

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

Statement of **Janice Delaney**

URN

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

This statement (consisting of 2 pages 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 in it which I know to be false or do not believe to be true.

Signature : Date: 07.08.06.....

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

I am Police Constable 1011 Janice Delaney of Cumbria Constabulary currently based at Carlisle.

On Saturday 15 July 2006 I was on uniform mobile patrol in company with PC 1882 Ord as part of Operation Moscow. Around 19.00hrs as directed by PC 36 Priestley, I stopped a male and female in Knowfield Avenue Carlisle. I now know the male to be Joe Robinson born 08.01.90 of 6 Larch Drive Carlisle. Joe Robinson was carrying a 'Boozebusters' carrier bag containing 2 x 3 litre bottles of cider and ix 2 litre bottle of cider. I asked Robinson where he bought the alcohol and he stated it had just been purchased at 'Simply Drinks' on Beechwood Avenue. I then asked him who had served him and if he had been asked for any identification. He stated he was sold the alcohol by a male member of staff and that at no time was he asked for any identification or asked to confirm his age. In my opinion Mr Robinson looked 16 years of age and not of age to purchase alcohol. The alcohol was seized by me and placed in the property store registered number 17224 and can be produced as evidence.

At 19.05hrs that same night as part of the same operation I attended 'Simply Drinks' on Beechwood Avenue where it was reported that several youths were causing annoyance. On arrival I saw a large group of youths who began to disperse. One male who I know to be Levi Bell born 25.10.88 of 53 Prescott Road Carlisle, picked up a 'Boozebusters' carrier bag from the pavement. I asked him whose bag it was and he told me it was his, he had bought 8 cans of Castlemaine XXXX lager from 'Simply Drinks' earlier that evening. I asked him who had served him and he told me it was a male member of staff. When I asked if he had been asked for identification he said 'No'. In my opinion Levi Bell does not look of age to purchase alcohol. The cans of lager were seized and placed in the property store number 17225 and can be produced as evidence.

Around 19.45hrs that same day and as part of the same operation following directions from PC 36 Priestley I drove from Beech Grove into Beechwood Avenue in Carlisle where I saw a group of approximately seven males walking along Beechwood Avenue towards Beech Grove. On seeing the marked police vehicle two of the males ran off and I saw one who I know to be Adam Robertshaw born 22.08.90, place a 'Boozebusters' carrier bag into the garden of a property in Beechwood Avenue before running away along Northwood Crescent.

Signature: Signature witnessed by:PTO

I also saw other carrier bags being left in the garden but could not identify who placed the bags in the garden.

I stopped the following persons and spoke with Ryan Fisher born 17.12.91 of 15 Kirkbrae, Michael Harris born 12.12.90 of 47 Brackenridge, Arran Jessamine 14.09.91 of 52 Briar Bank and Lewis Stephenson born 15.10.90 of 10 Riverbank Court. All of these persons had been in the group walking from the direction of 'Simply Drinks'. A search of the gardens was made and three 'Boozebusters' carrier bags were found in a nearby garden. These contained 3 bottles of Vodka kick, one two litre bottle of cider 8 cans of castle maine XXXX lager and 10 Lambert and Butler cigarettes. I asked the group who the bags of alcohol belonged to and Lewis Stephenson stated he had bought the alcohol from 'Simply Drinks' a short time earlier. Lewis Stephenson is a very young looking male who was clearly below the age to buy alcohol. He wore a short sleeved light blue t-shirt. A further search of the gardens in the area was made and a fourth bag containing 3 more bottles of vodka kick. The alcohol was seized and placed in the property store number 17226 and can be produced by me if required.

Signature:



Signature witnessed by:

PTO

App. 2 (12)

12

RESTRICTED- FOR POLICE & PROSECUTION ONLY
(when completed)

MG 11T
Page 1 of 2

WITNESS STATEMENT

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

Statement of Andrew DONNELLY.....

Age if under 18 Over 18

(if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of: 1 pages 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 in it which I know to be false or do not believe to be true

Signature :

PC1763

Date: 23/07/06

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

I am PC 1763 DONNELLY of the Cumbria Constabulary, currently stationed at Carlisle.

At around 1845hours on Saturday 22nd July 2006 I was on uniformed patrol in company with PC 1910 PERREIRA in the Stanwix/Scotland Road area of Carlisle. At this time after being directed by PC 36 PRIESTLEY that a white male wearing a chequered baseball cap who was approximately 5ft10inches in height and of slim build had just been in SIMPLY DRINKS on BEECHWOOD AVENUE, CARLISLE and has made a purchase from this store and left the store carrying a Boozebuster carrier bag just minutes before. PC 1910 PERREIRA stopped this male I now know to be James HARDING bn:- 30/11/89 of 9 LANDSDOWNE CRESCENT who was wearing a chequered baseball cap and was in possession of 2 bottles of Stella Artois in a BOOZE BUSTER carrier bag. When it was established that HARDING was under 18 years of age, PC 1910 PERREIRA asked HARDING where he purchased the items, to which he replied "I PURCHASED IT AT LOCAL NEXT TO WOOLWORTHS". The bottles were seized and exhibited as CJP1. I can say that after stopping HARDING he looked approximately 16years of age and therefore should not be getting served alcohol, particularly when there is an Under 21years policy at the shop .

At 1930hours on the same day PC 1910 PERREIRA and I stopped 5 males on BEECHWOOD AVENUE after we were directed to do so by PC 36 PRIESTLEY after he informed us that these males had been into SIMPLY DRINKS and had made a purchase from the store. 2 males had made off from us running in the direction towards BEECH GROVE. I then stopped males that I now know to be James McDONALD bn:- 07/05/91 of 17 HOLLOWAY, Lewis ROBERTSON bn:- 25/09/91 of 20 BELAH ROAD and Shaun SMITH bn:- 25/09/89 of 21 BRACKENRIDGE. PC 1910 PERREIRA stopped males that I now know to be Adam ROBERTSHAW bn:- 22/08/90 of 17 NORTHWOOD CRESCENT and Michael HARRIS bn:- 12/12/90 of 47 BRACKENRIDGE. All of these males were searched, however, it was a negative result in relation to any items from SIMPLY DRINKS. I then asked who the other 2 males were that ran off, to which SMITH stated "ONE OF THE LADS WAS LEE CARR OF NEWFIELD DRIVE, HE'S ABOUT 15YEARS OLD, HE'LL HAVE PROBABLY GONE HOME". I can say that all of these males look between 15-16years of age and should not be getting served alcohol, particularly so when SIMPLY DRINKS allegedly has an Under 21years policy in place.

At around 2003hours on the same day PC 36 PRIESTLEY informed us that there was a group of people walking from BEECHWOOD AVENUE onto LANDSDOWNE CRESCENT who had just been into SIMPLY DRINKS and had made a purchase from within this store. At 2005hours PC 1910 PERREIRA and I stop checked 5 people, 3 males and 2 females on LANDSDOWNE CRESCENT. They were who I now know to be Tom ARMSTRONG who stated that he was 18years old and gave me his date of birth to be 05/05/88 and resided at OLD STABLES, NEWTOWN, IRTHINGTON, Cheryl OLIVER bn:- 02/10/89 of 2 THORNTON ROAD. PC 1910 PERREIRA stopped people who I now know to be Lewis CHANDLER bn:- 25/09/90 of 53 ALMERY DRIVE, Stephanie JOHNSTON bn:- 29/07/91 of 13 MOORVILLE DRIVE and

David FOX bn:- 17/08/90 of 70 PENNINGTON DRIVE. Tom ARMSTRONG had in his possession a Morrisons carrier bag containing 2 bottles of San Miguel and 1 bottle of Madfrog vodka drink. I asked ARMSTRONG how old he was to which he replied "IM 18", I then asked him if he had any identification he could show me, to which he replied "NO IV'E LEFT IT AT HOME". I then informed him that I was confiscating the alcohol under the confiscation of alcohol act as I did not believe that he was of 18years old and that I believed that his friends he was with were going to consume alcohol and they were under 18years old. ARMSTRONG replied "THAT'S NOT ON THAT IM 18". I then seized the Morrisons carrier bag with 2 bottles of San Miguel, seized exhibited as AD1, and 1 bottle of Madfrog vodka drink, exhibited as AD2. I then asked ARMSTRONG where he got the alcohol from to which he replied "THE SAN MIGUEL IV'E HAD FOR A BIT FROM MORRISONS AND THE MADFROG I HAVE JUST BOUGHT FROM SIMPLY DRINKS JUST THEN". I then asked ARMSTRONG was asked to show identification at SIMPLY DRINKS, to which he replied "NO, THEY KNOW IM 18 THEY'VE SEEN IT BEFORE AND HAVE KEPT IT BEHIND THE COUNTER, I NEVER GET ASKED WHEN I GO IN THER ETO GET A DRINK". Exhibits AD1 and AD2 were placed in Carlisle Police station property store, ref no:- 17283, exhibit AD2 can be produced at court for evidential purposes if required. OLIVER had nothing in her possession. Pc 1910 PERREIRA seized 1 bottle of Morrisons cider from JOHNSTON, exhibit CJP3, and 1 bottle of Strongbow cider from FOX, exhibit CJP4.

PC1763

App. 2 (13)



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CUMBRIA CONSTABULARY

Witness Statement

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

Statement of Steeve WHITEHEAD

Age if under 18 Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 1 pages 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 11th day of August 2006

Signature

PC 1717

I am PC1717 WHITEHEAD of Cumbria Constabulary currently attached to Carlisle Police Station. At approximately 1800 hours on Friday the 21st July 2006, I was on duty in uniform on mobile patrol in company with Pc312 Dyer.

We were deployed on the XA91 beat in Carlisle, targeting youths who were drinking alcohol underage.

At this time we were on Sanderson close, Carlisle, I stop checked a male I now know to be Adam Robertshaw born 22.08.90, because he was drinking fosters lager and then threw the can into a garden and proceeded to walk away. I suspected Robertshaw had committed an offence, namely purchased alcohol underage. I cautioned Robertshaw and asked him how he had obtained the lager. He stated he had purchased it that afternoon from Simply Drinks on Scotland road, Carlisle. He stated that the sales assistant hadn't asked him for any form of identification.

I asked Robertshaw how old he was and he stated 15 years old. I can confirm that in my opinion Robertshaw is very fresh faced and only looks 15 years old.

I allowed Robertshaw to proceed when he picked up the litter he had dropped.

PC 1717

APP '3'



Premises Licence Review
Simply Drinks, Beechwood Ave, Carlisle



13/Sep/2006
 (c) Crown Copyright 2005 Carlisle City Council Licence No: 0100024459

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APP. 4

City of



Carlisle

Licensing Act 2003
Premises Licence

PL138

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Simply Drinks

2 Beechwood Avenue, Carlisle, Cumbria, CA3 9BU.

Telephone 01228 522601

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|--|--------------------|-----------|------------------------------|
| M. The sale by retail of alcohol for consumption OFF the premises only | Sunday | 10:00am | 10:30pm Except Christmas Day |
| | Monday to Saturday | 8:00am | 11:00pm Except Christmas Day |
| | Christmas Day | Noon | 3:00pm |
| | Christmas Day | 7:00pm | 10:30pm |
| | Good Friday | 8:00am | 10:30pm |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|-------------|-----------|---------|
|-------------|-----------|---------|

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Wine Cellar Limited Blocks D & G The Heath Business & Technical Park, PO Box 13, The Heath, Runcom, Cheshire, WA7 4QX.
Telephone 0845 458 6100

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Wine Cellar Limited 04598369

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Ann JACKSON

48 Whernside, Carlisle, Cumbria, CA2 6SS.
Telephone 01228 546654 or 01228 401819 (evening)

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Licensing Act 2003
Premises Licence

PL138

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
 WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA208

Issued by Carlisle

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Licensing Act 2003 Mandatory Conditions

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Embedded conditions

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Recorded Music

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City of



Carlisle

Licensing Act 2003
Premises Licence

PL138

ANNEXES continued ...

Provision may be made for the public entertainment in the premises by the reproduction of wireless (including television) broadcasts (or of programmes included in any programme service [within the meaning of the Broadcasting Act 1990] other than a sound or television broadcasting service), or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

See Annex 1

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable

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