

RESTRICTED (when complete)

CLEVELAND POLICE

WITNESS STATEMENT


(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; MC Rules 1981, r70)

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Statement of James Johnson

Age if under 18 Over 18 (If over 18 insert "Over 18") Occupation Pc190

This statement (consisting of 5 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: 19th March 2018

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

I am a Police Constable in the Cleveland Police presently posted to the Licensing unit at Middlesbrough Police office.

I have been in this department for the past 10 years and my duties include the monitoring of licensed premises.

It is my responsibility to ensure that all licensed premises including pubs, clubs, restaurants, takeaways and off licences are ran safely and efficiently as well as monitoring any crime and disorder that occurs at these premises.

If a premise is having problems I would advise on a course of action and would work with the licensee/DPS to help prevent and reduce any issues raised.

I am also involved with pubwatch which is a meeting held every 3 months by licensees and the Police role is to attend as invited guests and offer advice and assistance if requested.

This statement is in relation to the application for a premises licence for Neanderthal's situated at 103 – 107 High Street, Norton. TS20 1AE.

The application requests the sale of alcohol at the premises between 11:00hrs – 22:00hrs, Monday – Sunday with the opening hours of the premises to be 09:00hrs – 22:00hrs,

Signature  Signature Witnessed by _____

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Page No 2

Continuation of Statement of **James Johnson**

Monday – Sunday.

The applicant states that **'The premises is a casual restaurant/café which seats approximately 40-50 people'**.

This premise is situated on Norton High Street at the junction of Mill Street and the licensed part of the premises occupies the ground floor of the building. Norton High Street is a vibrant area of Stockton and has many other licensed premises selling alcohol as well as premises selling hot food to take away.

Norton High Street also suffers from crime and anti social behaviour which has been well documented.

On the application under the licensing objectives there is no mention of a CCTV system to be fitted.

The applicant also states under the Prevention of Crime and Disorder objective that **'Customers can enjoy an alcoholic beverage with their meal but will not be allowed to consume large amounts of alcohol and become heavily intoxicated on the premises'**.

I have spoken to the applicant about this and I have e-mailed her a list of conditions that Cleveland Police believe would be satisfactory for this premises.

I have attached a copy of these conditions which I exhibit as JRJ/1.

The applicant replied stating that she agreed with conditions 2-8 but she is financially unable to install costly CCTV citing the reason for applying for the licence as a means to increase income as soon as possible.

She also stated that she could not agree to condition 9 as it would give her premises an unfair disadvantage to other premises on the High Street.

Signature _____

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Page No 3

Continuation of Statement of **James Johnson**

I have attached a copy of this e-mail which I exhibit as JRJ/2.

Cleveland Police are of the opinion that as the premises wants to sell alcohol then a CCTV system would be essential to prevent any crime and disorder and also be there for the safety of staff and customers.

As previously stated Norton High Street has suffered from crime and disorder with a number of premises also being unfortunate to have been broken into.

Neanderthals itself has suffered a burglary and whilst having a CCTV system would not necessarily prevent this occurring, it may act as a deterrent in the future.

The benefit of having a CCTV system was also demonstrated on Friday 9th March 2018 when I attended a licensed premise on Norton High Street on behalf of a colleague who asked for footage of an assault which occurred inside the premises then escalated to the footpath outside.

I identified the altercation inside the premises and CCTV was downloaded which will be used to prove that the incident occurred and also that the persons named were present.

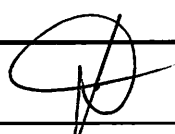
There has also been a recently reported rise in anti social behaviour around the Norton High Street area.

Large groups of young persons have been committing acts of ASB and minor criminal damage and have also entered several licensed premises causing disorder.

Cleveland Police are of the opinion that having a working CCTV system would be beneficial to identifying any person engaged in such activities.

I have carried out analysis of incidents involving licensed premises in Norton High Street showing incidents of crime and anti social behaviour.

Signature _____



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Continuation of Statement of **James Johnson**

This analysis has been gathered from Police systems and is from 1st September 2017 until the date of this statement.

I have restricted the analysis only to on licensed premises and whilst I have not included every incident, the list gives a snapshot of the type of incidents that are being reported to Police. All incidents are prior to 22:00hrs which is the terminal hour for this application.

I exhibit this list as JRJ/3.

The applicant has also submitted seven (7) temporary event notices (TEN) in relation to her premises, the first being received on 6th February 2018.

All of these notices are to allow the supply of alcohol at the premises from 11:00hrs until 22:00hrs.

All except the first notice state that the event is **'To serve alcoholic beverages with meals'**

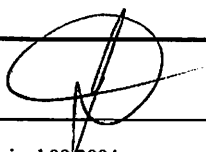
On the actual premises application the applicant has stated **'Customers can enjoy an alcoholic beverage with their meal but will not be allowed to consume large amounts of alcohol and become heavily intoxicated on the premises'**.

The TEN notices also state this so I have asked the applicant to have this as a condition on the licence to this effect with the caveat of allowing 30 persons to be able to consume alcohol without a meal.

Cleveland police are of the opinion that this is a fair compromise as it allows at least half of her customers to be able to drink without a meal.

She has refused to accept this stating her premises would be at an unfair advantage to other premises on the High Street.

Signature



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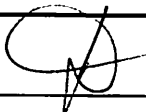
Continuation of Statement of **James Johnson**

I am unsure of how premises wants to present itself as it states on the application it is to be a 'casual restaurant/café which seats approximately 40-50 people' but the applicant will not accept a condition to this effect so is the premises to be another bar?

If this is the case then Cleveland Police are of the opinion that a working CCTV system should be in operation.



Signature



Signature Witnessed by

JRJI

1, A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation.

CCTV will be capable of providing pictures of **evidential quality** in all lighting conditions, particularly facial recognition.

Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.

There will be a minimum of 31 days recording.

The system will record for 24 hours a day.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.

The Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime.

2, Alcohol shall not be removed from the designated licensed area in open containers.

3, All staff will be fully trained and the training must include the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18s (proxy sales) , persons appearing to be under the influence of alcohol and also the operation of the associated 'Challenge 25' policy. Staff will receive refresher training at least every 6 months.

4, Training records, signed by both the staff member and the Designated Premise Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.

5, The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted

JRS/1

sale, together with a description of the incident. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

6, The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the incident book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

7, There will be a minimum of two notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under age the age of 18 are committing an offence.

8, Children under the age of 18 years shall be accompanied by a responsible parent/guardian. Children will not be allowed at the bar or to remain in the premises beyond 21:00 hours.

9, Intoxicating liquor shall not be sold or supplied at the premise otherwise than to persons taking table meals and for consumption by such persons as ancillary to their meal.

However, an exception is made for a maximum of 30 people to consume alcoholic drinks without a table meal in the premises at any given time

JRJ/2

JOHNSON, James (P0190)

From: Emma Moutrey <neanderthalsdeli@outlook.com>
Sent: 28 February 2018 16:34
To: JOHNSON, James (P0190)
Subject: RE: Police conditions

Hello James

Thank you for your email.

After careful consideration I am unable to agree to the conditions for the following reasons:

Restriction 1 - We are financially unable (as a new business) to install costly CCTV. The reason we have applied for the licence is because we need to increase our income as soon as possible.

Restriction 2-8 - I don't have a problem with these conditions.

Restriction 9- This condition would give us an unfair disadvantage to the other businesses on the high street and would prevent us from hiring out the deli for functions which is part of our future business plan. We are financially unable to turn away customers wishing to sit in our deli/restaurant to have a civilised drink because they are not looking to purchase a meal.

We are already heavily restricted by the council including that we have to close as 10pm. I must protect the future of the business and the local people who we employ and who rely on us for their livelihood.

Kind Regards

Emma Moutrey

Director

BETTERLIFE LIMITED

Info@NeanderthalsDeli.co.uk

103 High Street, Norton, TS20 1AE

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From: JOHNSON, James (P0190) [<mailto:James.Johnson@cleveland.pnn.police.uk>]
Sent: 28 February 2018 10:10
To: 'info@neanderthalsdeli.co.uk' <info@neanderthalsdeli.co.uk>
Subject: Police conditions

Hello Emma,

JRJ/2

Please find attached conditions for your premises application.

I have spoken to my Sgt and unfortunately he has said that we would ask for CCTV as a condition. I explained your circumstances but as you intend to sell alcohol on a full time basis it is something that we would like installed for the protection of the premises as well as customers and staff.

Please have a look and let me know your views.

I will need to get them signed by Friday at the latest but if you don't agree with them I will have to submit formal representations and then possibly go to a hearing?

Regards,

James

Pc190 James Johnson

Licensing Support Unit
Middlesbrough Police Office
Bridge Street West
Middlesbrough
TS2 1AB
Tel: 101 x 3177 Mobile: 07515 701003
E-mail: james.johnson@cleveland.pnn.police.uk



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For more information please visit <http://www.symanteccloud.com>

JRS/3
Summary of Incidents

Incident	Time & Date	Report	Result
1	18:08 03/09/2017 Sunday	Male refused service in premises. Aggressive & abusive to staff	Male had thrown drinks at staff but had left prior to Police arriving.
2	21:57 04/09/2017 Monday	Drunken female in premises refusing to leave. Screaming at staff.	Ambulance was called and attended to treat the female who was taken home by her friends.
3	12.26 11/09/2017 Monday	Call about a group of males on bicycles hitting parked cars	Police attended but no persons found.
4	17.57 09/10/2017 Monday	Call from a licensed premises about a fight. Male attacking staff and customers.	Police attended but as this was following a child's funeral, no complaints were made. CCTV was available.
5	20.00 09/11/2017 Sunday	Customer assaults a staff member and another customer in a premise.	Male arrested for assault and received a caution. Incident recorded on CCTV.
6	20.03 30/11/2017 Thursday	Group of males sighted on the High Street throwing snowballs at passing vehicles.	CCTV enquiries done to identify those persons with a view to taking action.
7	19.46 04/12/2017 Monday	Large group banging on doors and windows of a premise.	Group left prior to Police units attending.
8	19.11 06/12/2017 Wednesday	Drunken female in licensed premises has thrown a glass at a staff member.	Female left the pub prior to any Police units attending.
9	20.50 15/12/2017 Friday	Theft of a mobile phone from licensed premises.	CCTV checked and a male was arrested and the phone was recovered.
10	20.00 23/12/2017 Saturday	Large group outside licensed premises causing ASB.	Police called and the group were spoken to by PCSO's. Details taken.
11	21.53 28/12/2017 Thursday	Drunken male in premises threatening to assault staff.	Call came from a staff member who said the male threatened to 'bottle' him. Male left prior to Police attending.
12	19.13 18/01/2018 Sunday	Large group outside a pub throwing snowballs at the premises.	Police attended the scene but the group had made off.
13	21.58 04/02/2018 Sunday	Males reported as fighting inside a licensed premise.	Police attended the premises but no persons made any complaints.
14	15.47 12/02/2018 Monday	Fruit machines in a licensed premise have been broken into.	4 males identified as suspects. CCTV seized. This was the first incident reported but others have occurred at the same premises on 4/2/18 and 3/3/18 where the fruit machines were attacked.

JRS/3
Summary of Incidents

15	19.30 18/02/2018 Sunday	Call made about a female being assaulted on the High Street.	The victim was located but she refused to make a complaint to Police.
16	20.30 25/02/2018 Sunday	Female assaulted in a premise by her ex-partner.	Police attended and spoke to the victim however she refused to make a complaint.
17	21.57 01/03/2018 Thursday	Call about a large fight on the High Street.	Persons had been in licensed premises and a fight spilled onto the road. 4 males were arrested for Affray.