



North Tyneside Council

Licensing Sub-Committee

15 August 2018

Thursday 23 August 2018 in Room 0.02, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

(This is the reconvened meeting of the Sub Committee which was commenced and adjourned on Thursday 9 August 2018)

Agenda Item	Page
1. Appointment of Chair	
The Sub-Committee to appoint a Chair for this meeting	
2. Declarations of Interest and Dispensations	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
3. Procedure for Licensing Act Hearings	2
Procedure for hearing a review of a Premises Licence.	
4. Gills Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear. (Riverside Ward)	7
To consider a review of a Premises Licence.	

Circulated to all Members of the Licensing Sub-Committee:-

Councillor G Madden
Councillor J O'Shea
Councillor A Waggott-Fairley

LICENSING ACT 2003
NORTH TYNESIDE COUNCIL

**PROCEDURE FOR HEARING OF AN APPLICATION
FOR REVIEW BEFORE THE
LICENSING SUB-COMMITTEE (“the Committee”)**

The four licensing objectives, as set out in the Licensing Act 2003, are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Each application that comes before this Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- The merits of the Application
- The promotion of the four licensing objectives
- The statement of Licensing Policy of North Tyneside Council
- The guidance issued by the Secretary of State for Culture, Media and Sport on under Section 182 of the Licensing Act 2003.

The Procedure of the Committee is as follows:-

1. The Chair will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair or Legal Adviser will then explain the procedure to be followed at the hearing.
2. The Committee will then consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for a person to attend as a witness on his/her behalf.
3. The Licensing Officer will present a report to the Committee outlining the application, any relevant representations and the relevant sections of the Council's Statement of Licensing Policy and the statutory guidance.
4. Clarification on any aspect of the report may be sought by:
 - a) Members of the Committee
 - b) the Applicant
 - c) Responsible Authorities
 - d) Other Persons
 - e) Licence/Certificate Holder.
5. The Applicant will be invited to address the Committee about the application for review, indicating why they consider the issues they have raised to be relevant to one or more of the licensing objectives and sufficient to warrant a review of the premises licence/certificate.

6. If an Applicant has obtained prior permission to call a particular witness, then they may call that witness.
7. Relevant questions of the Applicant may be asked by:
 - a) Members of the Committee
 - b) Responsible Authorities
 - c) Other Persons
 - d) Licence/Certificate Holder.
8. Responsible Authorities will be invited to address the Committee, indicating why they consider the issues raised to be relevant to one or more of the licensing objectives and sufficient to support the application for a review of the premises licence/certificate. If a Responsible Authority has obtained prior permission to call a particular witness, then they may call that witness.
11. Relevant questions of the Responsible Authority may be asked by:
 - a) Members of the Committee
 - b) Applicant
 - c) Other Responsible Authorities
 - d) Other Persons
 - e) Licence/Certificate Holder.
12. Each of the Other Persons who have made representations will be invited to address the Committee about the application, indicating why they consider the issues raised to be relevant to one or more of the licensing objectives and sufficient to support the application for a review of the premises licence/certificate.
13. If any of the Other Persons have obtained prior permission to call a particular witness, then they may call that witness.

Note: In order to avoid repetition and to expedite proceedings at the hearing, objectors within the same group of Other Persons are encouraged to appoint an agreed spokesperson to address the Committee.

14. Relevant questions of the Other Person may be asked by:
 - a) Members of the Committee
 - b) Applicant
 - c) Responsible Authorities
 - d) Other Persons
 - e) Licence/Certificate Holder.

15. The Licence/Certificate Holder or their representative will be invited to address the Committee.
16. If the Licence/Certificate Holder has obtained prior permission to call a particular witness, then they may call that witness.
17. Relevant questions of the Licence/Certificate Holder may be asked by:
 - a) Members of the Committee
 - b) Applicant
 - c) Responsible Authorities
 - d) Other Persons
18. The Chair will invite each party to make a brief closing statement. Parties should ideally take no longer than 10 minutes to make their closing statement. Parties will be invited to sum up in the following order:
 - a) Applicant
 - b) Responsible Authorities
 - c) Other Persons
 - d) Licence/Certificate Holder.
20. The Chair will ask all parties if they are satisfied that they have said all they wish to.
21. The Committee will retire in private to consider the application and make its determination. The Legal Adviser will be present to ensure that all matters of law, evidence and procedure are adhered to appropriately but will not take part in the decision.
- 22.1 In considering any representations or a notice made by any party, the Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as the case may be) either before the hearing or, with the consent of all the other parties, at the hearing.
- 22.2 The Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing is given by the Committee, which is not relevant to:
 - (i) their application, representations or a notice (as the case may be) or, in the case of another person, the application, representations or notice of the party requesting their attendance; and
 - (ii) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the prevention of crime and disorder licensing objective.

NB Parties are reminded that any documentary or other information or evidence they wish to produce in support of their application or representation must have been disclosed to all parties prior to the hearing taking place. **Late representations, documents or evidence will only be considered with the agreement of all parties present.**

23. The parties to be advised of the Committee's decision, including reasons for the decision and the decision will be followed up in writing in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence and the licensing objective(s) they relate to. The notification of decision will include information on a party's right to appeal against the Committee's decision.

General Matters

1. Expectations on parties

(a) The Licensing Authority expects all parties to a hearing to endeavour to address any issues openly and to work towards an amicable resolution, if at all possible, prior to the hearing taking place.

(b) All parties will be expected to:

- (i) demonstrate which of the four licensing objectives are addressed in relation to each of the issues they wish to raise at the hearing;
- (ii) draw to the Committee's attention any relevant aspects of the National Guidance or local Statement of Licensing Policy which they also consider are particularly relevant to the Committee's consideration of the issues the party(ies) has/have raised.

2. Agreement that a hearing is unnecessary

A Licensing Authority can dispense with holding a hearing if all persons concerned (Applicants and parties raising a representation) give notice to the Licensing Authority prior to the hearing date that they consider it unnecessary.

Where all such persons have given such notice, and the Licensing Authority agrees that a hearing is unnecessary, the Licensing Authority will give notice to the parties that the hearing has been dispensed with.

3. Failure of parties to attend

The hearing may proceed in the absence of any party who has informed the Licensing Authority that they do not intend to attend or be represented at the hearing.

If a party fails to attend or be represented at a hearing without notifying the Licensing Authority, the Committee may adjourn the hearing to a specific date if it considers it to be in the public interest to do so, or alternatively may proceed with the hearing in the party's absence. In the interests of the other parties, costs and efficiency, hearings will generally proceed notwithstanding the absence of any party (including the Applicant).

Where it is decided to proceed in a party's absence, all notices and representations received from the absent party will be considered by the Committee.

If, in exceptional circumstances, a decision is made to adjourn a hearing, all parties will be advised of the date, time and venue to which the hearing has been adjourned.

4. **Questioning of parties**

The Licensing Authority will generally allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) questioning may be prohibited.

5. **Further clarification**

When addressing the Committee each party shall respond specifically to any points of which it received notice (with the Notice of Hearing) upon which the Committee was seeking clarification.

6. **Questioning by Legal Adviser**

The Legal Adviser to the Committee may ask questions on behalf of, or in addition to, the Committee Members themselves.

7. **Hearsay evidence**

Hearsay evidence will be admissible provided that it is relevant. The weight to be attributed to hearsay evidence will be a matter for the Committee.

8. **Persons behaving in a disruptive manner**

The Committee has the right to exclude any person disrupting the hearing, at their discretion. The Committee can refuse to allow that person to return or, alternatively, may permit him/her to return on such conditions as the Committee may decide. Any person required to leave the hearing may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

9. **No decision-making by Ward Members**

A Member of the Licensing Committee shall not be entitled to participate in any decision-making in relation to any licensing application concerning premises in the Ward for which he/she serves as Councillor.

REPORT

**Meeting/
Decision
Maker(s)** Licensing Sub-Committee

Date: 9th August 2018

Report by: Dawn Frankland
Senior Licensing Officer
Licensing Section
☎ 643 6902

**Contact
Officer(s):** Dawn Frankland
Senior Licensing Officer
Licensing Section
☎ 643 6902

**Title of
Report:** Licensing Act 2003 Application –
Gill's Off Licence
55-57 West Percy Street
North Shields
Tyne and Wear
NE29 0DR

Ward(s): Riverside

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

The Licensing Act 2003 provides that, where an application has been received in respect of the review of a premise licence, a hearing must be held to consider it. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

1.2 The Sub-Committee is asked to consider and determine an application from the Local Weights and Measures Authority for the review of a Premise Licence for Gill's Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR.

1.3 The applicant has been invited to attend the meeting to put forward their case in support of the review application. All persons making relevant representations in support of the applications have been invited to attend as well as the premise licence holder.

1.4 Representations from Responsible Authorities and Other Parties

The applicant for a review is required to forward copies of the application to the Chief Officer for Police, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Fire Authority, Home Office Immigration Enforcement and the Local Safeguarding Children Board with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.

In addition the application has been advertised by the Licensing Authority at the premises, at the main offices of the Council and on the Council website as prescribed. Supporting representations have been made by the Chief Officer of Police, Director of Public Health and Local Safeguarding Children Board, as well as other persons. These are attached at **Appendix 6**.

1.5 Authority to make decisions

In relation to an application for the review of a premise licence the Licensing Sub-Committee can, under the Licensing Act 2003:

1. Modify the conditions on the licence
2. Exclude a licensable activity from the scope licence
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period of not more than three months
5. Revoke the licence

Once the Sub-Committee has reached a decision, the decision and reasons for the decisions must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

2.0 Background

This report relates to an application by the Local Trading Standards Authority for the review of a premise licence for Gill's Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR held by Mrs Manjit Kaur Gill

The application for review and supporting information are attached at **Appendix 1**, plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**. The current premise licence is attached at **Appendix 4**. A chronology of applications in relation to the premises is also attached at **Appendix 5**.

2.1 The Application for the Review of a Premise Licence under Section 51 of The Licensing Act 2003

The Application for the review of the premise licence is made pursuant to Section 51 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 52 of the Act. The grounds for the review are the prevention of crime and disorder and protection of children from harm.

2.2 The current premise licence in respect of Gill's Off Licence allows the following:

1. To permit the premises to **Supply Alcohol (off the premises)**

- Monday to Saturday – 08.00 – 23.00
- Sunday – 10:00 – 22:30

2. The opening hours are as follows

- Monday to Saturday – 08.00 – 23.00
- Sunday – 10:00 – 22:30

3.0 The Representations

Supporting representations from the Chief Officer of Police, Director of Public Health and Local Safeguarding Children Board and other persons have been received. No further representations have been received from any other Responsible Authorities.

4.0 The Parties

The Parties to the hearing will be:

1. The Applicant – The Local Weights and Measures Authority
2. Premise Licence Holder
3. Responsible Authorities – Chief Officer of Police, Director of Public Health and Local Safeguarding Children Board.
4. Other Persons.

5.0 For consideration

The areas for consideration by the Licensing Sub-Committee are:

- Application for the review of a premise licence for Gill's Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR held by Mrs Manjit Kaur Gill

6.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy, Chapter 10 Licensing Objectives and Chapter 9 Reviews.

7.0 The Revised Guidance issued under Section 182 Licensing Act 2003

The Sub-Committee's attention is drawn to the relevant parts of the Revised Guidance issued under S182 Licensing Act 2003 - Chapter 11 Reviews, Chapter 2 Licensing Objectives.

8.0 For Decision

The Sub-Committee is asked to determine the applications in whatever way it sees fit.

9.0 Associated Papers

Appendix 1 – The application for the Review of a Premise Licence together with supporting information.

Appendix 2 – Plan

Appendix 3 – Map

Appendix 4 – Current Premise Licence

Appendix 5 – Chronology

Appendix 6 – Supporting Representations

10.0 Background Information

The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

North Tyneside Council Statement of Licensing Policy

The Licensing Act 2003 and Regulations

Revised Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office

Delegation Scheme – Licensing Committee 7 February 2005

APPENDIX 1



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

R

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.

I The Local Weights and Measures Authority- North Tyneside Council Trading Standards

(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	
Gills Off Licence 55 West Percy Street NE29 0DR	
Post town North Shields	Post code (if known) NE29 0DR

Name of premises licence holder or club holding club premises certificate (if known)
Mrs Manjit Kaur Gill

Number of premises licence or club premises certificate (if known) 00CK/10/3842

Part 2 - Applicant details

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ☐
- 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 ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

Please tick ✓ yes

☐

I am 18 years old or over

**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 The Local Weights and Measures Authority- North Tyneside Council Trading Standards Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

Trading Standards request a review of the premises licence on the grounds of Crime and Disorder and the protection of children from harm.

Background

For a number of years trading standards have adopted a proactive approach to reduce alcohol sales to children. Trading Standards also work with retailers to ensure they are aware of their responsibilities under the Licensing Act 2003. We do this by offering 'best practice' oral and written guidance to support the business. The primary role for Trading Standards Officers under the Licensing Act 2003 is to work in partnership with the Police to prevent the illegal sales of alcohol to children. The most effective method employed by Trading Standards to police such sales is mystery shopping using under-age volunteers. This is commonly known as 'test' purchasing. The test purchasing of alcohol and other age-restricted goods by Trading Standards is seen as a key tool to help prevent anti-social behaviour and/or the long term damage to health caused by substance misuse.

Following guidance from the Better Regulation Delivery Office any test purchasing that is undertaken by the Authority is intelligence led i.e. when information is received about a particular premise concerning the supply of alcohol to children. Officers will normally visit the identified premise and

advise the licensee of the intelligence received and their responsibilities under the Licensing Act 2003. Officers will also advise of any improvements that can be made to ensure that alcohol is not sold to children e.g. reminding staff of the age verification policy.

Information

Chronology of Events

Date	Event
August 2014	Age Aware Pack delivered
August 2017	Intelligence that premises is selling counterfeit tobacco to children
February 2018	Trading standards test purchase - alcohol sold to 16 year old
February 2018	Warning letter with written advice sent to Licensee
March 2018	Second trading standards test purchase - alcohol sold to 16 year old
March 2018	Visit revealed non compliance with written advice
May 2018	Closure notice offered and accepted – persistent sales of alcohol to children, Shop closed for 72 hours
May 2018	Smuggled tobacco concealed on premises

In August 2014 written guidance from trading standards was given to and signed for by Mr Gill. This was in the form of an 'Age Aware Pack' The pack contains advice and guidance on dealing with age restricted products (front cover produced at **Appendix AB1**. A full version will be available if required)

In August 2017 trading standards received intelligence from Northumbria Police that Gills Off Licence was selling counterfeit tobacco to children.

It was therefore decided to include the premises in the next underage sale of alcohol test purchase operation that was to take place.

On the 9th February 2018 a test purchase was carried out using a 16 year old female volunteer. She was able to purchase a bottle of wine. The sale was made by the premise licence holder and designated premises supervisor Mrs Mangit Gill. The volunteer was challenged by Mrs Gill and asked to see some identification which the volunteer did not have. Mrs Gill asked the volunteer to bring it the next time. Mrs Gill was issued with a £90 Fixed Penalty Notice by Northumbria Police for the offence.

Mrs Gill when asked if they had a refusals log stated they did not use one. Mrs Gill also commented when shown a picture of the volunteer that she thought she looked about 15 or 16 years old.

On the 16th February 2018 an officer from trading standards visited the premises. The purpose of the visit was to discuss the underage sale of alcohol and the procedures that were in place to prevent further sales of alcohol to

children. The officer spoke with the licensee's husband Gill. The officer offered advice on how to prevent future sales of alcohol to minors. In particular it was pointed out to Mr Gill that the premises licence stated at Annex 3 (produced at **Appendix AB2**) 'The applicant will display a sign stating that proof of age will be requested prior to the sale of alcohol to anyone who appears to be under the age of 21 years. The applicant will ensure that the proof of age procedure is followed in practice. Further advice was given regarding proof of age, challenge 21 posters, refusals register and staff training (none recorded). The officer also supplied some 'Challenge 21' posters and a refusals register.

Following the above visit trading standards decided to deal with the incident by way of a warning letter. All of the above advice was confirmed in the letter hand delivered to Mrs Gill on the 20th February 2018 (included at **Appendix AB3**).

On the 16th March 2018 a further test purchase was carried out using a 16 year old female volunteer. She was able to purchase a bottle of wine. The sale was made by the sales assistant who was the daughter of the Licensee Mrs Mangit Gill. No challenge was made to the volunteer as to her age, nor was any identification requested. The sales assistant was issued with a £90 Fixed Penalty Notice by Northumbria Police for the offence. The sales assistant could not locate a refusals book.

On the 20th March 2018 officers from trading standards visited the premises to discuss the second sale of alcohol to a minor on the 16 March 2018. Present at the premises were Licensee Mrs Mangit Gill, Mr Gill and their daughter.

Mr and Mrs Gill were shown photos of the 16 year old volunteer. Mrs Gill stated she thought the volunteer looked about 18 or 19 years old. It was apparent that the premises is not complying with the condition attached requiring that the proof of age procedure is followed in practice for anyone who appears to be under the age of 21 years

The officers asked for copy of the CCTV showing the sale of alcohol on the 16 March, however, no one knew how to do this. The posters that had been supplied after the first sale of alcohol (9 February 2018) were not displayed.

Two posters were displayed in the premises. One Challenge 21 poster, which was positioned in an inconspicuous position at the bottom of the sales counter. There was also a poster stating it is illegal to sell alcohol to anyone under 18

Mrs Gill was able to produce a refusal register (copy of last 2 pages produced at **Appendix AB4**). Mrs Gill could not explain why she or her daughter had not been able to produce the register when requested previously. The last entry for the register is the 9th February which was the date of the first sale. It is extraordinary that Mrs Gill had stated on the evening of the first sale on the

(9 February) that she did not use one.

Mrs Gill was not able to produce any staff training records for her husband or daughter. Mrs Gill confirmed that these were the only persons who worked in the shop.

This visit raised real concerns regarding the procedures that were in place to prevent the sale of alcohol to minors. This is further compounded as there has been very little regard given to the warning letter containing 'best advice' sent following the first sale of alcohol to a minor in February 2018

Consideration was given to Section 147A of the Licensing Act 2003 which provides it is a criminal offence to persistently sell alcohol to children. The offence of persistently selling alcohol is committed if, on two or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premises to a person aged under 18.

A letter dated the 26 March 2018 was sent to Mrs Gill inviting her to attend a formal recorded interview (produced at **Appendix AB5**) regarding persistent sales of alcohol to children on the 16 March 2018

At the interview Mrs Gill stated that she had been the Premises Licence holder for about 8 years. The shop mainly sold tobacco and alcohol. Mrs Gill said the premises were operating a 'Challenge 21 Policy'. Staff training was not recorded formally but their legal obligations were verbally discussed with each other on a regular basis. Mrs Gill stated that she had been arguing with some youths before selling to our volunteer on the 9 February and she was confused and had made a big mistake in selling the alcohol. Mrs Gill could not explain why her daughter had sold alcohol to our volunteer on the 16 March 2018

Following this interview a decision was taken to use the powers afforded by

Section 169A of the Licensing Act 2003 - *Powers to give a closure notice*. This section provides that a police officer (of at least the rank of superintendent) or an inspector of weights and measures may give a closure notice where there is evidence that a person has committed an offence of persistently selling alcohol to children at the premises in question and the officer considers that the evidence is such that there would be a realistic prospect of conviction if the offender was prosecuted for it. This sanction is an alternative to prosecution and discharges all criminal liability in respect of the offence of persistently selling alcohol to children. Such a closure notice can last for at least 48 hours but not more than 336 hours (14 days) during which sales of alcohol by retail are prohibited.

Mrs Gill was offered and accepted a closure notice for a period from midnight Tuesday 8th May 2018 until midnight Friday 11th May. The effect of the closure notice is to prohibit the sale of alcohol at the premises for the aforementioned period.(produced at **Appendix AB 6**)

During this period officers confirmed that alcohol was not being sold at the premises. This was evidenced by the shop being closed.

Gills Off Licence was included on a list of premises where intelligence had been received that the business was selling illicit tobacco i.e. smuggled (non duty paid) or counterfeit. On the 3 May 2018 a detection dog was deployed at the premises and located a hidden amount of tobacco. The tobacco was hidden under a shelf behind the counter in a plastic bag. The tobacco discovered was 8 x 50g of Turner hand rolling tobacco and 8 x 50g tins of Virginia Gold hand rolling tobacco. It was believed that the tobacco was smuggled tobacco and was seized. (the tobacco will be available for the committee to inspect)

On the 5 June 2018 Mr Gill was interviewed under caution regarding the tobacco. He explained that he was offered the tobacco by a gentleman who called uninvited into the premises. He offered the tobacco to Mr Gill who agreed to buy them with the intention to sell them. He did not believe them to be illegal. He further explained that they were under the counter because they had a particularly strong smell and he wanted to keep them away from the other tobacco. Mr Gill claimed he had paid £65 in total for the tobacco. The retail value of Turner 50g hand rolling tobacco is approximately £20.

HMRC have confirmed, after examining the tobacco that it is smuggled (non-duty paid) and is illegal to sell in the UK. HMRC have provide witness statements to this effect (produced at **Appendix 7**)

The tobacco also fails to comply with the labelling and packaging requirements of the Tobacco and Related Products Regulations 2016 and The Standardised packaging of Tobacco Products Regulations 2015. The matter is under investigation by trading standards which may result in further action

Summary

Due to all of the above, as a responsible authority under the Licensing Act 2003, North Tyneside Council trading standards have concerns about the ability of the premises licence holder to prevent crime and disorder and protect children from harm. In particular it is of grave concern that even after two failed test purchases and accepting a closure order that this premises was willing to risk selling illicit tobacco.

Finally, I would to draw the Committees attention to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) specifically paragraphs:-

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

It is considered appropriate that the Committee follow the Home Office Guidance at 11.28 specifically that the crime prevention objective is being undermined through the premises being used to further crimes and the only appropriate decision in this case is that the premises licence should be revoked.

Please provide as much information as possible to support the application (please read guidance note 3)

4

Day Month Year

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

If you have made representations before relating to the 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 ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

15 /06/ 2018

.....

Capacity The Local Weights and Measures Authority- North Tyneside Council
Trading Standards

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

North Tyneside Council
Quadrant, The Silverlink North, Cobalt Business Park,

Post town

Newcastle Upon Tyne

Post Code

NE27 0BY

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix AB1

Age Aware

If you work
somewhere that
sells age restricted
products such as
alcohol and cigarettes
please read this
information pack.

Included in this pack

- A fact sheet which sets out the relevant ages at which consumers can buy age restricted goods and what steps you can take to help prevent under age sales occurring
- Advice on how to refuse a sale
- Acceptable proof of age
- Refusal register advice
- Staff training advice



North Tyneside Council

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Appendix AB2

Annex 3 - Conditions attached after a hearing by the licensing authority

1. 1. The applicant will display a sign stating that proof of age will be requested prior to the sale of alcohol to anyone who appears to be under the age of 21 years. The applicant will ensure that the proof of age procedure is followed in practice.

2. CCTV camera material will be stored for 28 days.

Appendix AB3

,



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Public Protection Services
Trading Standards
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
www.northtyneside.gov.uk

Mrs Manjit Gill
Gills Off Licence
55-57 West Percy Street
North Shields
Tyne & Wear
NE29 0DR

Our Ref:

Your Ref:

Date: 19th February 2018

This matter is being dealt with
by

Direct Line:
Fax:

Dear Mrs Gill

Warning Letter
The Licensing Act 2013
Sale of Alcohol to a Minor on 9th February 2018

I write further to my discussion with your husband, Mr Jaswinder Singh Gill, on the 16th February 2018 regarding the above incident.

On Friday 9th February 2018 as part of a joint test purchasing exercise by officers from this Authority and Northumbria Police a 16 year old female volunteer visited your store and attempted to buy alcohol. The volunteer approached the till and proceeded to purchase a bottle of Lambrini wine. You asked our volunteer how old they were, their date of birth and if they had any ID. Our volunteer said they were 18 and gave a false date of birth but did not provide you with an ID.

During my discussion with Mr Gill he stated that you had informed him that our volunteer just put the money down for the alcohol and picked it up quickly before you had the chance to look at any ID and refuse the sale. This was not mentioned by you during our discussion about the sale on the 9th February.

As you are aware it is a criminal offence under the Licensing Act 2003 to sell alcohol to a person under 18 years of age. At the time of the sale you, as the seller of the alcohol, received a £90 fixed penalty notice issued by a Police Officer for contravention of section 146 of the 2003 Act.

On the 16th February 2018, I discussed with Mr Gill what procedures you have in place to help prevent sales of age restricted products to minors.

After due consideration of the full circumstances, it has been decided on this occasion that no further enforcement action will be taken by this Authority in relation to this incident. However, you are warned that should a similar incident occur in the future we may reach a different conclusion and commence criminal proceedings against the seller, licensee and/or any persons who may be vicariously liable. In addition or as an alternative, we or Northumbria Police may seek a review of the premise licence under the Licensing Act 2003 in our capacity as a Responsible Authority.

The Licensing Act 2003 provides a defence if a sale to a person under 18 occurs, if you can show you took all reasonable precautions, and exercised all due diligence to avoid committing an offence. While ultimately what steps are necessary to satisfy this defence would be up to a court of law to decide I would advise you to consider adopting the following steps: -

- Mr Gill stated only he, you and your daughter work in the shop and you do not employ anyone else. *If there is any doubt as to the age of a purchaser they should be asked for suitable photographic identification, such as a passport, driving licence or a Proof of Age Standards Scheme (PASS) accredited proof of age card such as Citizenscard. If the person cannot provide satisfactory identification then the sale should be refused.*
- Operate a Challenge 21 policy. This means asking for ID from anyone who appears to be under 21 years old and inspecting the ID. This can help minimise the risk of making an underage sale and can assist you when faced with making judgements about a purchaser's age. Do not merely ask a person for their date of birth.
- Displayed challenge 21 posters around your premises. I only saw one such poster displayed on the bottom of your sales counter. I believe it is a condition on your premise licence that you will display a sign stating that proof of age will be requested prior to the sale of alcohol to anyone who appears to be under the age of 21 years. Also that you will ensure that this proof of age procedure is followed in practice.
- You should maintain a refusals book/log for all age restricted products such as the one Mr Gill showed me. Make sure everyone who works in your store all make refusals in this book. The refusals book should also be inspected and signed-off by you on a regular basis to ensure everyone working in your store are refusing consumers who look underage. The refusals book should be kept close to the till.
- If you employ any other members of staff in the future they should be given training on the laws relating to age restricted goods such as alcohol and cigarettes. It would be advisable for each individual member to be given their own personal training record. Such as the one the contained the Age Aware pack you have. This should include a signed statement by them that they have received advice and training from you regarding the sale of age restricted products.

Further guidance on the law relating to age restricted products is contain the Age Aware guidance pack which you have.

It is my duty to draw your attention to the relevant provisions of the Licensing Act 2003, as set out in the enclosed Memorandum.

In addition to the above mentioned condition on your premise licence relating to operating a challenge 21 policy. There are several other conditions on your licence relating to CCTV and signage. Please find attached a copy of these conditions.

Breach of any of these licence conditions could result in a review of your premise licence or a prosecution.

As discussed one of the methods used by Trading Standards to check whether or not sellers of age restricted products are complying with the law is to use child volunteers to visit shops to attempt to purchase such products. As such your store together with other stores which sell age restrictive products will be visited in the future.

Should you have any queries regarding this matter or require further advice in respect of the issues raised, please do not hesitate to contact me on 0191 6436625

Yours sincerely

**Trading Standards Practitioner
Inspector of Weights & Measures
Trading Standards**



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Public Protection Services
Trading Standards
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
www.northtyneside.gov.uk

Mrs Manjit Gill
Gills Off Licence
55-57 West Percy Street
North Shields
Tyne & Wear
NE29 0DR

Our Ref:

Your Ref:

Date: 19th February 2018

This matter is being dealt with by

For the attention of Mrs Manjit Gill

MEMORANDUM

Your attention is drawn to relevant extracts of the Licensing Act 2003, a full copy of which is available from any branch of The Stationery Office or on the website www.legislation.gov.uk

Licensing Act 2003

Section 146 Sale of Alcohol to Children

- (1) A person commits an offence if he sells alcohol to an individual aged under 18.
- (2) A club commits an offence if alcohol is supplied by it or on its behalf-
 - (a) to, or to the order of, a member of the club who is aged under 18, or
 - (b) to the order of a member of the club, to an individual who is aged under 18.
- (3) A person commits an offence if he supplies alcohol on behalf of a club-
 - (a) to, or to the order of, a member of the club who is aged under 18, or
 - (b) to the order of a member of the club, to an individual who is aged under 18.
- (4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that-
 - (a) he believed that the individual was aged 18 or over, and
 - (b) either-
 - (i) he had taken all reasonable steps to establish the individual's age, or
 - (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if-
 - (a) he asked the individual for evidence of his age, and
 - (b) the evidence would have convinced a reasonable person.

(6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 (£5,000) on the standard scale.

Section 153 Prohibition of unsupervised sales by children

(1) A responsible person commits an offence if on any relevant premises he knowingly allows an individual aged under 16 to make on the premises-

- (a) any sale of alcohol, or
- (b) any supply of alcohol by or on behalf of a club to or to the order of a member of the club,

unless the sale or supply has been specifically approved by that or another responsible person.

(2) But subsection (1) does not apply where-

- (a) the alcohol is sold or supplied for consumption with a table meal,
- (b) it is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used), and
- (c) the premises are (or the part is) not used for the sale or supply of alcohol otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 (£200) on the standard scale.

(4) In this section "responsible person" means-

(a) in relation to licensed premises-

- (i) the holder of a premises licence in respect of the premises,
- (ii) the designated premises supervisor (if any) under such a licence, or
- (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

(b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question, and

(c) in relation to premises which may be used for a permitted temporary activity by virtue of Part 5-

- (i) the premises user, or
- (ii) any individual aged 18 or over who is authorised for the purposes of this section by the premises user.

Of which notice is hereby given.

.....

**Trading Standards Practitioner
Inspector of Weights & Measures
Trading Standards**

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under this 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. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

- 1.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 with effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i)

P is the permitted price,

(ii)

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii)

V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c)

"relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i)

the holder of the premises licence,

(ii)

the designated premises supervisor (if any) in respect of such a licence, or

(iii)

the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)

"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)

"valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

- 1. A sign to be displayed stating that the management has the right not to serve any customers who are drunk or acting in an anti-social manner.**
- 2. CCTV and 2 cameras to operate at the premises. A sign to be displayed stating that the premises are protected by 24 hour video surveillance for the customer's own safety.**
- 3. A sign to be displayed stating that customers and visitors are not allowed behind the counter at anytime.**
- 4. A sign to be displayed stating that customers are respectfully requested to dispose of litter in an appropriate manner and to respect the neighbours by leaving the premises in an orderly manner.**

Annex 3 - Conditions attached after a hearing by the licensing authority

- 1. 1. The applicant will display a sign stating that proof of age will be requested prior to the sale of alcohol to anyone who appears to be under the age of 21 years. The applicant will ensure that the proof of age procedure is followed in practice.**
- 2. CCTV camera material will be stored for 28 days.**

Appendix AB4



REFUSALS REGISTER

Date	Product	Time	Name of Person or Description	Observations	Staff Member
5/4/17	Green fuel	1-PM	male 16 yrs green hair	no ID / no sale	✓
18/9/17	Cas	2 PM	girl 16 yrs grey	no ID no sale	✓
22/9/17	Cas	12 PM	girl 16 yrs grey	no ID / no sale	✓
2/10/17	card	5 PM	girl 18 yrs brown	no ID / no sale	✓
16/10/17	card	4 PM	male 18 yrs grey	no ID / no sale	✓
25/10/17	Cas	11:30 AM	male 18 yrs brown	no ID / no sale	✓
24/12/17	Cas	4 PM	male 19 yrs brown	no ID / no sale	✓
1/1/18	Cas	4 PM	girl 18 yrs brown	no ID / no sale	✓
13/1/18	Cas	4 PM	girl 16 yrs brown	no ID / no sale	✓

MANAGER'S SIGNATURE

[Signature]

DATE:

	Product	Time	Name of Person or Description	Observations	Self Member
18/1/18	CIA	10:30 AM	Male 16 years / spiky hair	NO ID / no Sale	
22/1/18	Wace 3	2 PM	Male 16 years / short hair	NO ID / no Sale	
30/1/18	Leahani	8 PM	Girl 14 years / Brown	NO ID / no Sale	
2/2/18	C105R-	2 PM	Boy 16 years / Ash for side	NO SALE	
3/2/18	C11	12:50 PM	Boy 16 Tol	NO Sale	
7/2/18	Leahani	3 PM	Girl = 17 years	NO ID NO Sale	
8/2/18	C105R.	about 3-4 PM	boy = 16 yr.	NO ID, NO Sale.	
9/2	C 9.	6 PM	Girl about	NO ID NO Sale	

Manager's Signature: _____

Date: _____

Appendix AB5



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Public Protection Services
Trading Standards
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
www.northtyneside.gov.uk

Mrs Manjit Gill
Gills Off Licence
55-57 West Percy Street
North Shields
Tyne & Wear
NE29 0DR

Our Ref:

Your Ref:

Date: 26th March 2018

This matter is being dealt with
by:

Direct Line: (0191) [redacted]
Fax: (0191) [redacted]

Dear Mrs Gill

Interview Letter

The Licensing Act 2003 – Persistently Selling of Alcohol to Children Sales of Alcohol to Minors on 9th February 2018 and 16th March 2018

I write further to my visit to your premises on the 20th March 2018 with my colleague [redacted] during which we discussed the above incidents and what procedures you have in place to help prevent the sale of alcohol to persons under 18 years of age.

On Friday 9th February 2018 as part of a joint test purchasing exercise by officers from this Authority and Northumbria Police a 16 year old female volunteer visited your store and attempted to buy alcohol. The volunteer approached the till and proceeded to purchase a bottle of Lambrini wine. You asked our volunteer how old they were, their date of birth and if they had any ID. Our volunteer said they were 18 and gave a false date of birth but did not provide you with any ID. Following the sale an officer from Northumbria Police issued you with a £90 fixed penalty notice for contravention of section 146 of the 2003 Act.

On the 16th February 2018 I visited your premises and discussed the incident with your husband, Mr. [redacted] Gill. Following this our service decided to deal with the incident by way of a warning letter and advice to you on the steps you should take to help prevent the sale of alcohol to minors and also comply with the conditions on your premise licence. In particular that you operate a challenge 21 proof of age policy.

On Friday 16th March 2018 our service carried out a further joint test purchasing exercise with Northumbria Police. A 16 year old female volunteer visited your store and attempted to buy alcohol. The volunteer approached the till and proceeded to purchase a bottle of Gallo Family White Grenache wine. Your daughter Miss [redacted] sold the wine to our volunteer. Our volunteer was not asked her age or for any ID.

Following the sale an officer from Northumbria Police issued your daughter with a £90 fixed penalty notice for contravention of section 146 of the 2003 Act.

On the 20th March 2018 my colleague and I visited your premises to discuss both incidents. This visit raised certain concerns regarding the procedures you had in place to prevent the sale of alcohol to minors. These included the fact that you did not appear to be operating a challenge 21 proof of age policy and the lack of ability by anyone to work/download images from your CCTV system.

Section 147A of the Licensing Act 2003 provides it is a criminal offence to persistently sell alcohol to children. The offence of persistently selling alcohol is committed if, on two or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premises to a person aged under 18.

In addition section 169A of the Licensing Act 2003 allows a relevant office, which would include an appointed inspector of weights and measures of a local authority, to give a closure notice as an alternative to a criminal prosecution for the offence of persistently selling alcohol to children. Such a closure notice can last for at least 48 hours but not more than 336 hours (14 days) during which sales of alcohol by retail are prohibited.

As criminal offence(s) may have been committed by you under the above mentioned legislation I would like to conduct a formal interview about the above incidents with you. This interview will be recorded in accordance with the Police and Criminal Evidence Act 1984 and under caution. I would advise you to consider consulting a solicitor for advice and/or to accompany you to the interview.

I would therefore request that you contact me to arrange for a suitable date and time for you to attend the interview which will be carried out at North Tyneside Council's office at the Quadrant East, Silverlink North, Cobalt Business Park, North Tyneside.

I would also request that you down load or keep copy of the incident from the 16th March 2018 from your CCTV system and the incident on the 9th February 2018, if you still have it.

Thank you for your assistance.

Yours sincerely

**Trading Standards Practitioner
Inspector of Weights & Measures
Trading Standards**

Appendix AB6



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Public Protection Services
Trading Standards
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
www.northtyneside.gov.uk

Mrs Manjit Gill
Gills Off Licence
55-57 West Percy Street
North Shields
Tyne & Wear
NE29 0DR

Our Ref: _____

Your Ref: _____

Date: 24th April 2018

This matter is being dealt with
by _____

Direct Line: (0191) _____

Fax: (0191) _____

Dear Mrs Gill

**Sales of Alcohol to Minors on 9th February 2018 and 16th March 2018
The Licensing Act 2003 – Persistently Selling of Alcohol to Children – Closure
Notice**

I write further to the interview you attended on the 20th April 2018 to discuss the above sales of alcohol to minors.

Having reviewed the facts of the case our service is proposing the deal with the offence of persistently selling alcohol (relating to the sales made on 9th February 2018 and 16th March 2018) which was committed by you as the person holding the premises licence in respect of the above premises by way of a closure notice. This action would be an alternative to a trial.

We are proposing that the closure notice would last for 72 hours from 00:00 (midnight) on Tuesday the 8th May 2018 to 00:00 (midnight) on Friday the 11th May 2018. This would prevent you selling any alcohol for this period. However could still open during this period and sell other products such as cigarettes etc.

During this period you would need to cover up the alcohol in your store.

Please find attached a copy of the closure notice which gives details of the effect of accepting the proposed prohibition (closure), what to do if you wish or do not wish to accept the proposed prohibition.

Further guidance and information on the offence of persistently selling alcohol and closure notices is contain in the guidance notes which I gave you on the 20th April 2018. You may also wish to discuss the notice with your legal representative.

In addition as a responsible authority under the Licensing Act 2003 an application for review of your premises licence is being drafted by our service for submission to North Tyneside licensing committee. Details of this application will be sent to you in due course.

At the review hearing members of the licensing committee will consider all the evidence and consider what action, if any, to take. The options for the committee to consider are to:

- Take no action
- Modify or add conditions of the licence this can include modifying hours
- Exclude a licensable activity from the scope of a licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence

At the review the committee may take into account any action(s) you taken to help prevent further sales of alcohol to minors. Having discussed this matter with you our service would recommend you adopt the following procedures:

- Record the training given to everyone working in your store (including your husband and daughter) on dealing with sales of alcohol and other age restricted products. On the individual training record sheets you have been given. Also record any future refresher training given to staff on these records.
- Increase your challenge 21 policy to challenge 25 and display posters in your store explaining that you operate such a policy. Please find enclosed some challenge 25 posters.
- Ensure your refusals register is kept close to the till so that it can be used if a sale is refused. Also regularly check that it is being used.
- Learn how to use your CCTV system including how to record, view and download recordings (if needed).

If you need any further explanation of this letter or advice please do not hesitate to contact me.

Yours sincerely

**Trading Standards Practitioner
Inspector of Weights & Measures
Trading Standards**



North Tyneside Council

CLOSURE NOTICE FOR PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Section 169A(2) of the Licensing Act 2003

This notice offers a period of closure as an alternative to criminal prosecution for an offence of repeatedly selling alcohol to underage persons. It is addressed to the person(s) (which may include a company etc.) who hold the relevant premises licence for the premises concerned. A copy of this closure notice will be sent to the holder of the premises licence at the address for that person set out in the licence.

The premises licence holder(s) should read parts 10, 11, 12 and 13 of this notice with particular care as they contain information concerning their rights. If you have been handed this notice and are not the premises licence holder, you may wish to inform the premises licence holder(s) that this notice has been served.

1. Name of the inspector of weights and measures giving this closure notice.								
2. Name of trading standards officer serving this closure notice. (A closure notice may be served by being handed to a person on the premises who appears to have control of or responsibility for the premises and who need not be the premises licence holder).								
3. Date on which closure notice is given.	2	4	0	4	2	0	1	8

Details of premises and premises licence holder(s).	
4. Address of premises in respect of which this notice is being given.	Gills Off Licence 55 - 57 West Percy Street North Shields NE29 0DR
5. Premises licence reference number and issuing licensing authority.	00CK/10/3842 North Tyneside Council
6. Name of premises licence holder(s).	Mrs Manjit Kaur Gill
7. Address of premises licence holder(s). (This is the address to which a copy of this closure notice will be sent).	

8. Particulars of alleged offence under section 147A of the Licensing Act 2003, including:

**particulars of unlawful sales made to persons under 18;
dates of the sales; and
the individuals making the sales (so far as known).**

(Note: you can be liable for the offence if you were a premises licence holder at the time each unlawful sale took place on the premises).

First unlawful sale:	9 th February 2018 - Mrs Manjit Kaur Gill
Second unlawful sale:	16 th March 2018

9. Proposed period (at least 48 hours but not more than 336 hours (14 days)) during which sales of alcohol by retail are to be prohibited (commencing not less than 14 days after this closure notice was served):

From	Time: 00:00 (midnight) Date: Tuesday 8 th May 2018	To	Time: 00:00 (midnight) Date: Friday 11 th May 2018
------	--	----	--

10. Effect of accepting of the proposed prohibition (closure)

If you decide to accept the proposed closure (on how to do this, see part 12 below), all sales by retail of alcohol at the premises during the period specified in part 9 of this notice will be unauthorised. An unauthorised sale is a criminal offence (see section 136 of the Licensing Act 2003). A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

11. Right to elect to go to trial

You do not have to accept the proposed closure. As an alternative, you may elect to be tried in a court of law for the offence described in part 8 above. That right may be exercised by informing the officer named in part 14 in writing or by e-mail.

12. How to accept the proposed prohibition

In order to accept the proposed closure, all premises licence holder(s) should notify the officer named in part 14 of their decision in writing or by e-mail within 14 days of this notice being served. Failure to notify the officer named in part 14 of acceptance of the prohibition within 14 days will be taken as a decision to elect for trial for the alleged offence described in part 8.

13. Effect of a failure by one or more of the premises licence holders to accept the proposed prohibition.

The right to be tried for the alleged offence described in part 8 of this closure notice will be taken to have been exercised unless every person who was a holder of the premises licence at the time this notice was given accepts the proposed prohibition.

14. Name of the police officer or trading standards officer to whom notice exercising the option to accept the prohibition should be given, or election to go to trial must be sent, within 14 days.

The address of the officer in part 14.

North Tyneside Council, Quadrant, The Silverlink North, Cobalt Business Park,
North Tyneside, NE27 0BY

E-mail address of the officer in part 14.

Appendix AB7

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: _____

URN: / /

Age if under 18: **Over 18**Occupation: **Officer of HM Revenue & Customs**

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

Signature: _____

Date: **13/06/2018**

Indicate if witness evidence is visually recorded No (If YES, see guidance)

I am employed as an Officer by Her Majesty's Revenue and Customs (HMRC) based at offices situated in Newcastle Upon Tyne.

My role is a criminal investigator with the Fraud Investigation Service (FIS).

I am authorised to make a disclosure under Section 19 of the Anti-Terrorism, Crime and Security Act 2001 in relation to the following Subject:

Gateway Exchange Team Authority Reference Number: RQST3046793

Name: _____ r Gill

Date of Birth: _____

Current Address: _____

As part of my duties as a criminal investigator, I need to know the rates of excise duty on tobacco products sold in the United Kingdom. I also need to understand the fiscal marking requirements for tobacco products sold in the UK.

On Tuesday 12 June 2018, I examined the following tobacco products seized by North Tyneside Trading Standards on 3 May 2018 from Gills Off Licence, 55 West Percy Street, North Shields, NE29 0DR, a business premises operated by Mr _____ r Gill:

Date: 13/06/2018

Signature: _____
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**Page 1 of 4**



Statement of:

URN: / Code / CAN / YY

Hand Rolling Tobacco Quantity	Brand	Tamper Evident Bag (TEB) Ref
0.4kg	The Turner	P00083781
0.4kg	Virginia Gold	P00083697

The 'Turner' brand hand rolling tobacco (HRT) examined appeared genuine but had Benelux Duty labels on indicating it was not intended for sale in the UK.

The 'Virginia Gold' brand HRT is not a brand known to be genuinely available in the UK market.

Fiscal Marks

Under Regulation 22 of the Tobacco Products Regulations 2001 (the Regulations), specified tobacco products that are manufactured in, or imported into, the UK must bear a fiscal mark. Regulation 21(2) of the Regulations defines specified tobacco products as cigarettes and hand-rolling tobacco, other than hand-rolling tobacco intended for retail sale in loose form and supplied by the manufacturer or importer in packets containing not less than 500 grams of tobacco. Under Regulation 22 of the Regulations, the fiscal mark must be applied to imported tobacco products before importation. Failure to comply with this requirement renders the goods liable to forfeiture under Section 7(2) of the Tobacco Products Duty Act 1979 (the Act).

Under Section 8G of the Act, anyone who is in possession of, transports, displays, sells, offers for sale, specified tobacco products which are required to bear a fiscal mark but do not, commits an offence and the goods are liable to forfeiture. If the person holding the goods can demonstrate that they were not required to bear a fiscal mark, then no offence is committed. The exceptions to the requirement to carry a fiscal mark are:

- Goods which are not intended for home use and are not delivered for home use;

Date: 13/06/2018

Signature: _____
(Signature of witness)Signature: Enter Name
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY****Page 2 of 4**



Statement of:

URN: / Code / CAN / YY

- Goods on which excise duty has been relieved which are intended for personal consumption;
- Goods for personal consumption on which excise duty has been paid at importation;
- Goods supplied to entitled passengers in an export shop;
- Goods bearing a legitimate Isle of Man fiscal mark on which duty has been paid in the Isle of Man;
- Goods intended for testing purposes.

In all other cases, goods held in the UK must bear a fiscal mark. The hand-rolling tobacco in this case are The Turner and Virginia Gold brands in 50 gram pouches which are required to bear a fiscal mark in order to be sold in the UK.

I have examined the goods and am able to confirm that no fiscal mark was present on the packaging.

Excise duty

Excise duty (Tobacco Products Duty) is charged on tobacco products that are imported into or manufactured in the United Kingdom. The tobacco products liable to excise duty are: cigarettes; cigars; hand-rolling tobacco; other smoking tobacco (commonly known as 'pipe tobacco'); and chewing tobacco, which are manufactured wholly or partly from tobacco or any substance used as a substitute for tobacco.

The relevant legislation is:

The Tobacco Products Duty Act 1979

The Tobacco Products Regulations 2001 (SI 2001 No.1712)

The Tobacco Products (Amendment) Regulations 2003 (SI 2003 No. 1523)

The Tobacco Products (Descriptions of Products) Order 2003 (SI 2003 No.1471)

Date: 13/06/2018

Signature
(Signature of witness,

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY
Page 3 of 4



Statement of:

URN: /Code/CAN/YY

The Excise Goods (Holding, Movement and Duty Point) Regulations 2010 (SI 2010 No.593)

The rate of Tobacco Products Duty applicable on the date of seizure on hand-rolling tobacco (which was in force from 6pm on 22 November 2017) was: £221.18 per kilogram.

I attach a schedule, marked 'Exhibit A', showing the duty liability of certain quantities totaling 0.8 kilograms of hand-rolling tobacco of the brand named in the schedule and on the date given in the schedule.

The total tobacco products duty on the 0.8 kgs of hand-rolling tobacco listed in the schedule

Exhibit A' is £176.94

These documents were created or received by Officers of Her Majesty's Revenue and Customs in the course of their official duties from information supplied by a person or persons who may be reasonably be supposed to have had a personal knowledge of matters dealt with. Where the information was supplied through others, each of them received it in the course of a trade, business, occupation or office. The person or persons who originally supplied the information cannot reasonably be expected to have recollection of the matters dealt with in the documents.

Date: 13/06/2018

Signature:
(Signature of witness)

Signature: Enter Name
(Signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 4 of 4

Exhibit Musgrove A

Schedule of Duty Evaded

Date of Seizure	Brand	Quantity	RSP(Retail Selling Price)	Duty Calculation	Total Tobacco Products Duty
3 May 2018	Turner / Virginia Gold	0.8kg	Duty on 22/11/17 £221.18 per kilogram	Duty on 03/05/18 = £221.18 per kilogram $£221.18 \times 0.8 = £176.94$ (Rounded down from £176.944)	£176.94

Overall Total Tobacco Products Duty

£ 176.94

Application for review of Premises Licence – Gill's Off Licence, 55-57 West Percy Street, North Shields, Tyne & Wear, NE29 0DR

Additional information

Please find photographs of the concealed tobacco products discovered on the 3rd May 2018, including the location where they were discovered (produced as Appendix **AB8**)

On the 6th August Trading Standards received a complaint that Gills Off Licence had sold alcohol to three girls who looked 15 years old on Saturday 4th August.

On the 7th August officers from trading standards and Northumbria Police visited Gills Off Licence and spoke to Mr & Mrs Gill about the above allegation. They asked to view CCTV footage from the 4th August which Mr Gill was able to do. At about 5:14pm footage showed three females enter the shop and one placed what appeared to be several bottles of wine on the counter. It was clear from the CCTV that Mrs Gill challenged the purchaser of the alcohol as to her age and the female produced ID

The refusals register was also examined which Mrs Gill was able to locate straight away from behind the counter. The last entry was for the 18th July 2018

Appendix AB8

**VIRGINIA
GOLD**



5 000143 957020

SMOKING KILLS

50g



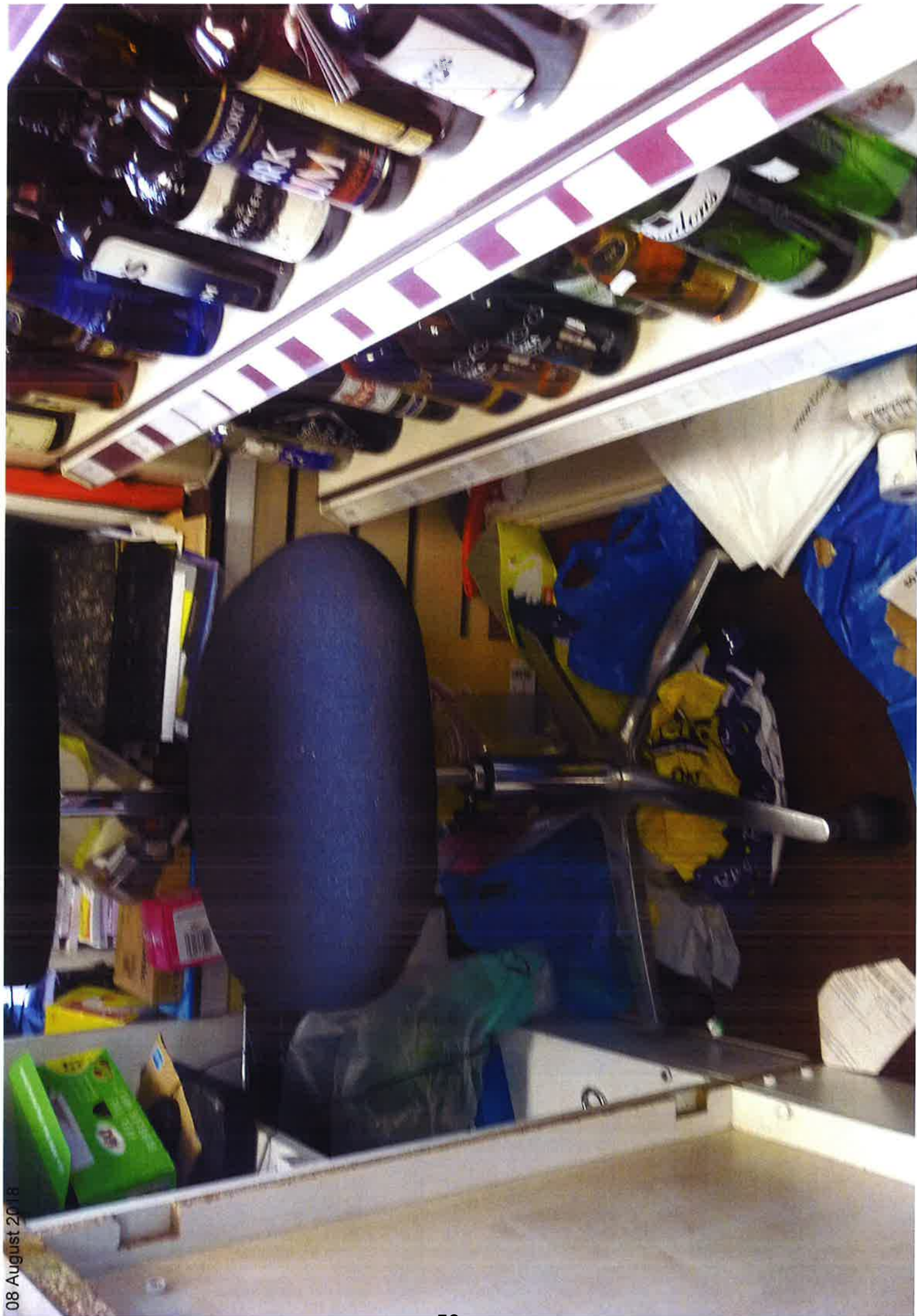
Fumer provoque 9 cancers du
poumon sur 10

Rauchen verursacht 9 von 10
Lungenkarzinomen

Tobacco Stop Line:
8099 6767 www.tabac-stop.le

NEW
TURNER
BLENDED

08 August 2018



APPENDIX 2

APPENDIX 3

Licensing

Harry's Wines and Spirits, 55 West Percy Street



North Tyneside Council



Scale : 1:1250

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North Tyneside Council 100017901 2005.



Organisation	North Tyneside Council
Department	Licensing Section
Comments	Premises Licence
Date	01 December 2005
SLA Number	100017901

APPENDIX 4



North Tyneside Council

PREMISES LICENCE

Schedule 12 – Part A

Premises Licence number:**00CK/10/3842****Part 1 - Premises details****Postal address of premises:**

Gill's Off Licence
55 - 57 West Percy Street
North Shields
Tyne And Wear
NE29 0DR

Where the licence is time limited the dates:**Licensable activities authorised by the licence:**

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:**Supply of Alcohol:** Monday to Saturday **From:**08.00 **Until:**23.00 and Sunday **From:**10.00 **Until:**22.30**The opening hours of the premises:**Monday to Saturday **From:**08.00 **Until:**23.00 and Sunday **From:**10.00 **Until:**22.30**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**

Off Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Shields, Tyne & Wear, NE29 0DP

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mrs Manjit Kaur Gill
10 Sidney Street, North Shields, Tyne & Wear, NE29 0DP

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

NCC00CJ1857 – Newcastle City Council

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under this 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. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

- 1.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 with effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c)

"relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i)**
the holder of the premises licence,
- (ii)**
the designated premises supervisor (if any) in respect of such a licence, or
- (iii)**
the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)
"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)
"valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

- 1. A sign to be displayed stating that the management has the right not to serve any customers who are drunk or acting in an anti-social manner.**
- 2. CCTV and 2 cameras to operate at the premises. A sign to be displayed stating that the premises are protected by 24 hour video surveillance for the customer's own safety.**
- 3. A sign to be displayed stating that customers and visitors are not allowed behind the counter at anytime.**
- 4. A sign to be displayed stating that customers are respectfully requested to dispose of litter in an appropriate manner and to respect the neighbours by leaving the premises in an orderly manner.**

Annex 3 - Conditions attached after a hearing by the licensing authority

1. 1. The applicant will display a sign stating that proof of age will be requested prior to the sale of alcohol to anyone who appears to be under the age of 21 years. The applicant will ensure that the proof of age procedure is followed in practice.

2. CCTV camera material will be stored for 28 days.

Annex 4 - Plans

See attached

APPENDIX 5

APPENDIX 5

GILL'S OFF LICENCE, 55-57 WEST PERCY STREET, NORTH SHIELDS

CHRONOLOGY

January 2006 – Application for Premise Licence – Licence Holder S Chahal – Premises known as Harry's Wines and Spirits

October 2010 – Transfer and Vary DPS – New licence holder and DPS Mrs M Gill

Inspection of premises 2012 – no signage

Inspection of premises 2014 – no signage

Inspection of premises 2018 – no issues found

APPENDIX 6

Received
22/6/18

①

RESPONSIBLE AUTHORITY REPRESENTATION



North Tyneside Council

Section 1 – Application Details

I wish to make a representation in support of the following Review Application:

Applicant's name (if known): Local Weights and Measures Authority, North Tyneside Trading Standards.

Premises name and address: Gills 55-57 West Percy Street, North Shields, NE29 0DR

Application for a: -

Review of a Premises Licence.....	<input checked="" type="checkbox"/>
Review of a Club Premises Certificate	<input type="checkbox"/>

Section 2 – Details of the Responsible Authority making a representation

Name of Responsible Authority: Northumbria Police

Tel No: 101 Ext 45332

Address where you would like us to correspond with you:

Northumbria police
Northern Area Command
Wallsend Police Station
Middle Engine lane
Wallsend
NE28 9NT

Please note that a full copy of your representation will be sent to the applicant and will be a public document at any hearing of this matter.

Please state under which of the licensing objective(s) your representation is being made (eg. Prevention of Crime & Disorder, Prevention of Public Nuisance, Public Safety, the Protection of Children from Harm).

PREVENTION OF CRIME AND DISORDER.
PROTECTION OF CHILDREN FROM HARM.

Section 3 – Objection Details

My representation is based on the following:

(You need to complete this box as fully as possible. If you do not then the Licensing Committee may not understand why you have made a representation).

Northumbria Police wish to support the application from North Tyneside council's weights and Measures Authority (Trading Standards) for review of the above named premises on the grounds of crime and disorder and the protection of children from harm.

This premise is situated in a busy area of North Shields with other shops, off licensees and other licensed premises close by.

On 31st October 2014 a call was received by Northumbria Police to say a male dressed as Spiderman was buying alcohol for kids at Gill's off licence on West Percy Street, North Shields. When officers attended they found 4 x males, one dressed as Spiderman.

All 4 males admitted buying alcohol from the shop and giving it to youths in the area. All 4 males were asked and dates of birth confirmed. All 4 males were 16 years old at the time and had not been asked for ID in the shop. They were all taken home.

Staff at the premises were updated and confirmed that the male had been into the shop buying alcohol, however they continued to serve him knowing he was giving it to youths, staff also confirmed no ID had been requested.

May I request the committee to have a regard to Section 151(2) and (3) knowingly allows anybody else to deliver to an individual under 18 alcohol sold on relevant premises. (3) A person who works on the premises whether paid or unpaid, which authorises them to prevent the delivery of alcohol.

The staff at the premises, when officers visited were clearly aware the alcohol was to be delivered to a child.

On 14th September 2015 intelligence from the community was received by Northumbria Police that that alcohol was being sold to children at Gills on West Percy Street in North Shields.

On 18th August 2017 Northumbria Police received intelligence from the community that the off licence known as Gills on West Percy Street in North Shields was selling counterfeit cigarettes and serving alcohol to children. It was also stated on the intelligence the owner would come outside of the shop to make sure no one was standing outside before he serves children. This information was passed to Trading Standards from North Tyneside council.

On Friday 9th February 2018 acting on intelligence from the community Trading Standards assisted by Northumbria police conducted a test purchase operation; several other premises were visited, as part of the operation. Gills Off licence was visited and a child was sold alcohol By Mrs Manjit Gill who is the Designated premises Supervisor (DPS) and premises licence holder. A fixed penalty notice was issued and has been paid.

On Friday 16th March 2018 a second intelligence lead operation was conducted, visiting several other premises, as part of the operation. Gills off licence was visited, a child was sold alcohol again. This is totally unacceptable from a premise as part of the community in North shields. [redacted] was the sales assistant who sold the alcohol; she was issued a fixed penalty notice which has been paid.

May I request the committee to have a regard to Section 147A of the licensing Act 2003 persistently selling alcohol to children. Two sales of alcohol in within 3 months.

On 5th June 2018 North Tyneside trading Standards supported by HMRC and Northumbria Police conducted an operation visiting several premises in North Tyneside. A detection dog specifically trained to detect hidden or concealed tobacco products was deployed. A quantity of tobacco products were discovered hidden from view inside Gills shop, West Percy Street, North Shields.

May I request the committee to have a regard to Home Office revised guidance issued under section 182 of the Licensing Act 2003 (April 2018) section 11.28 it is envisaged that Licensing authorities , the Police, Home Office (Immigration Enforcement) and other enforcement agencies, which are responsible authorities will use the review procedure effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence-even in the first instance-should be seriously considered.

May I request the committee to have a regard to North Tyneside statement of Licensing policy section 5.16 The council will fulfil its obligation under section 17 of the crime and Disorder Act 1998 when carrying out licensing functions under the Licensing Act 2003 and will do they reasonably can to prevent crime and disorder in the borough of North Tyneside.

Northumbria Police have very serious concerns about the management of this premise there is a disregard for the Licensing Act and the position of standing this premises has within the community of North Shields. The premises were given advice and education By Trading Standards of their obligation not to sell alcohol to children. Mrs Gill does not see a problem in selling alcohol to children or asking her daughter to sell alcohol without proper training, in this modern age young people expect to be asked to prove their age, they are getting taller but still look young.

It is the request of Northumbria Police that revocation of this premises licence is seriously considered to prevent crime and disorder and the protection of children from harm.

C/Insp

Signed _____ Dated 21-8-18



North Tyneside Council

Quadrant East,
The Silverlink North,
Cobalt Business Park,
North Tyneside, NE27 0BY

North Tyneside Licensing Committee
North Tyneside Council
Quadrant East
Cobalt Business Park
Silverlink North
North Tyneside
NE25 9DT

11 July 2018

Dear Sir/Madam

Review of Premises Licence for Gills, 55-57 West Percy Street, North Shields

We respectfully request that the licensing committee revoke the licence for the above premises in order to safeguard children.

We are extremely concerned about the wealth of evidence supplied by Trading Standards and the Police which demonstrate persistent sales of alcohol to children. We do not believe that the premises licence holder takes seriously the responsibility to protect children from harm and does not appear able to fulfil the responsibilities of being a premises licence holder.

Alcohol use is known to contribute to a range of poor outcomes for young people. It may adversely affect their development, with effects directly and indirectly on individual mental and physical health, educational attainment, family breakdown and offending behaviour. Whilst adolescence can be a period of risk taking and experimentation, young people do not have a mature understanding of the consequential effects of alcohol use, which can lead to behaviours that may endanger themselves or others. They can place themselves in situations of vulnerability leading to exploitation, including sexual exploitation. Young people drinking alcohol also carries immediate risks to their health and underage drinkers are significant users of A&E and ambulance services. North Tyneside has alcohol specific admission rates that are significantly higher than the rates for England and also the North East.

We are also very concerned that the premises was willing to risk the sale of illicit tobacco following two failed test purchases for alcohol and receiving a closure order as a result.

While fewer people than ever are now smoking, illegal cigarettes are often responsible for getting children initiated in to smoking as they can buy it at pocket money prices from people who don't care who they sell to. The figures, from the 2017 North East Illegal Tobacco Survey identified that 55% of children aged 14 and 15 in the North East who smoke, reported buying illegal tobacco from sources from small independent shops and "tab houses". The sale of illegal tobacco is a criminal activity that supports a trade that encourages children to become hooked on cigarettes at younger ages and promotes dangerous products. Counterfeit tobacco has also been found to contain arsenic, rat droppings and far more tar and carbon monoxide than legal products.

It is clear that in order to protect children from harm and prevent further criminal activity that this premises licence should be revoked.

Thank you for the opportunity to raise our concerns and should you require any further detail please do not hesitate to contact us.

Yours faithfully,

**Director of Public Health
and Responsible Authority**

**Local safeguarding Children's Board Manager
and Responsible Authority on behalf of LSCB**

11-7-18
LSCB
Sue Bozovs



3

Quadrant East,
The Silverlink North,
Cobalt Business Park,
North Tyneside, NE27 0BY

North Tyneside Council

North Tyneside Licensing Committee
North Tyneside Council
Quadrant East
Cobalt Business Park
Silverlink North
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Yours faithfully,

**Director of Public Health
and Responsible Authority**

**Local safeguarding Children's Board Manager
and Responsible Authority on behalf of LSCB**

Dawn Frankland

From: G
Sent: 10 July 2018 14:26
To: Liquor Licensing
Subject: Regarding review of licence [Scanned]

Follow Up Flag: Follow up
Flag Status: Flagged

*** PLEASE NOTE THAT THIS EMAIL HAS ORIGINATED FROM AN EXTERNAL SENDER ***

Dear sir/madam

We are writing to inform about gills off-licence in west Percy street, North Shields about sale of alcohol and cigarettes to minors

Off-licence been doing these sales for more than two years now, Informed police plenty of times about this matter, by the time they arrive the scene kids are gone but caught them couple of times. when kids ask people passing through shop to get alcohol and cigarettes from the shop they been served, even if the same person went to the shop two or three times in less than five minutes, that's how bad it is. Went in the shop and also warned them the act of serving to kids they still served them

Thanks & regards

5

Alex Usborne

From:
Sent: 13 July 2018 16:15
To: Liquor Licensing
Subject: Objection to gills off license [Scanned]

*** PLEASE NOTE THAT THIS EMAIL HAS ORIGINATED FROM AN EXTERNAL SENDER ***

I am a resident from [redacted] street, I am writing to make objection to Gills off license being granted with an alcohol license. Previously I have reported to the police and trading standards about gills off licence selling alcohol to under age kids. We already have supermarket and other off licences near. Due to under age drinking this area does get noisy at night with kids.

Kind regards