



North Tyneside Council

Licensing Sub Committee

Monday, 8 April 2024

Monday, 15 April 2024 Room 4.01 – Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY commencing at 9.30 am.

Agenda Item	Page
1. Appointment of Chair	
The Sub-committee is invited to appoint a Chair for the meeting.	
2. Declarations of Interest	
Members of the Sub-committee are invited to declare any registerable and/or non-registerable interests in any matters appearing on the agenda, and the nature of that interest.	
3. Procedure for Licensing Act Hearings	5 – 10
To note the procedure for hearing an application for the grant of a Premises Licence	
4. Booze Bargain Food Store, 41-43 High Street East, Wallsend	11 – 52
To give consideration to an application for the grant of a Premises Licence in respect of Booze Bargain Food Store, 41-43 High Street East, Wallsend, NE28 8PF	

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Circulation overleaf ...

Members of the Licensing Sub Committee

Councillor Matthew Thirlaway (Chair)

Councillor John O'Shea

Councillor Willie Samuel

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LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

PROCEDURE FOR HEARING OF AN APPLICATION 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 under Section 182 of the Licensing Act 2003.

The Procedure of the Committee is as follows:

1. The Chair of the Committee will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair 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. The Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant or their representative will then be invited to address the Committee to clarify any information arising from the officer’s report, if necessary.
6. Each of the Responsible Authorities which have made representations will be invited to address the Committee about the application, to indicate why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If a Responsible Authority has obtained prior permission to call a particular witness, then they may call that witness.

7. The Committee may ask any relevant questions they have of the Responsible Authorities.
8. Other Persons may ask any relevant questions they have of the Responsible Authorities.
9. The Applicant or their representative may ask any relevant questions they have of the Responsible Authorities.
10. 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 they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If any Other Person has 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.

11. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
12. The Responsible Authorities may ask any relevant questions they have of the Other Persons or their witness(es).
13. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).
14. The Applicant or their representative will be invited to address the Committee, as to why they consider the issues raised by the Responsible Authorities and Other Persons to be irrelevant to the licensing objectives and why they consider the Committee should grant their application or notice (as applicable).

If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.

15. The Committee may ask any relevant questions they have of the Applicant, their representative or their witness(es).
16. The Responsible Authorities may ask any relevant questions they have of the Applicant, their representatives or their witness(es).
17. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).

18. The Chair of the Committee will invite each of the Responsible Authorities to make a brief closing statement. Each Responsible Authority should ideally take no longer than 10 minutes to make their closing statements
19. The Chair will invite each of the Other Persons to make a brief closing statement. Each of the Other Persons will be entitled to a maximum of 10 minutes in which to make their closing statements.
20. The Chair will invite the Applicant or their representative to make a brief closing statement. Each Applicant should ideally take no longer than 10 minutes to make their closing statements.
21. The Chair will ask all parties if they are satisfied that they have said all they wish to.
22. 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.
23. 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.
24. 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.**

25. The Committee will return to announce its decision. A written notice of the decision will be provided to all parties in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence (if granted) 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

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.

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; and
- (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) cross examination 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.

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REPORT

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

Date: 15 April 2024

Report by: Gary Callum
Licensing Officer
Licensing Section
☎ 643 2175

**Contact
Officer(s):** Gary Callum
Licensing Officer
Licensing Section
☎ 643 2175

**Title of
Report:** Licensing Act 2003

Booze Bargain Foodstore
41-43 High Street East
Wallsend
NE28 8PF

Ward(s): Wallsend

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Persons in respect of an application for a licence, a hearing must be held to consider them unless the parties and the Authority agree that a hearing can be dispensed with. Licensing 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 the application from Satish Boyapati for a New Premise Licence in respect of Booze Bargain Foodstore, 41-43 High Street East, Wallsend NE28 8PF.

1.3 The applicant has been invited to attend the meeting to put forward their case in support of the application. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority, Home Office Immigration Enforcement and the North Tyneside Safeguarding Children Partnership (formerly the Local Safeguarding Children Board), with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application.

The application has been advertised at the premises, in a local newspaper and also, on the Council Website as prescribed.

Representations have been received from Responsible Authorities and these are attached at **Appendix 5**.

1.5 Authority to make decisions

In relation to an application for the grant of a Premises Licence the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions;
- exclude from the scope of the Licence any of the licensable activities to which the Application relates;
- refuse to specify a person in the licence as premises supervisor;
- or reject the Application.

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

2.0 Background

2.1 This report relates to an application for a New Premises Licence in respect of Booze Bargain Foodstore, 41-43 High Street East, Wallsend, NE28 8PF.

The Application for a New Premise Licence is attached at **Appendix 1**, a plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**.

3.0 The Application for the Grant of a Premises Licence under Section 17 of The Licensing Act 2003

3.1 The Application for the Grant of the Premises Licence is made pursuant to Section 17 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 18 of the Act.

The application for a premise licence is as follows:

1. To permit the premises to **supply Alcohol** (for consumption off the premises) as follows:
 - Every day from 09.00 – 23.00
2. **General opening times** as follows:
 - Every day from 07.00 – 23.00

If the licence is granted this will be subject to mandatory conditions attached at **Appendix 4**.

4.0 Promotion of Licensing Objectives

4.1 The applicant has set out steps that they propose to take to promote the licensing objectives as outlines within the operating schedule, details of which can be found within **Appendix 1**.

5.0 The Parties

The Parties to the hearing will be:

1. The Applicant - Satish Boyapati
2. Beverley Smith- Aspire Licensing
3. Responsible Authorities making representations

6.0 For consideration

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

- The application for a New Premises Licence in respect of Booze Bargain Foodstore, 41-43 High Street East, Wallsend, NE28 8PF

7.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy – Section 11.1 – 11.5 Crime and Disorder and 11.15 to 11.21 The Prevention of Public Nuisance.

8.0 The Revised Guidance issued under Section 182 Licensing Act 2003

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

9.0 For Decision

The Sub-Committee is asked to determine this application in whichever way it sees fit.

10.0 Associated Papers

Appendix 1 – The application for the grant of a New Premises Licence

Appendix 2 – Plan of the premises

Appendix 3 – Map of the area

Appendix 4 – Mandatory Conditions

Appendix 5 - Representations

11.0 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



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

- Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	WALLSEND TOWN HALL
Street	HIGH STREET EAST
District	
City or town	WALLSEND
County or administrative area	TYNE & WEAR
Postcode	NE28 7AT
Country	United Kingdom

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	BOOZE BARGAIN FOOD STORE
Street	41-43 HIGH STREET EAST
District	
City or town	WALLSEND
County or administrative area	
Postcode	NE28 8PF
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	15,250

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

[Add another applicant](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

GENERAL DEALERS / NEWSAGENT / CONVENIENCE STORE AND OFF LICENCE

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

- * No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- * Every supply of alcohol under the premises licence must be authorised by a person who holds a personal licence.
- * A written record must be available for inspection, upon request by any responsible authority, detailing the names of those members of staff who are authorised by the Designated Premises Supervisor to sell alcohol. This will include details of the person deemed to be in charge at the premises at any specific time.

b) The prevention of crime and disorder

- * Alcohol shall only be stored, displayed, sold or supplied in the areas and locations as detailed in the plan attached to this licence.
- * A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of the licensing authority and in consultation with the police. Such system shall be operated by properly trained staff, be in operation at all times that the premises are being used for licensable activities, ensure coverage of the entrances and exits to the licensed premises, as well as cameras installed to record transactions at the point of sale and provide continuous recording facilities to a minimum of 4 frames per second for each camera to be good standard of clarity for 28 days. Such recording shall be supplied to the licensing authority or police on reasonable request.
- * The recording equipment and discs/ memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual. The premises will cooperate fully with request from Northumbria Police or North Tyneside Council to review any CCTV images. The CCTV system will also be fitted with security functions to prevent recordings being tampered with e.g password protection.
- * The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick to the police/ local authority on demand.
- * CCTV shall be checked to ensure that it is in working order on a weekly basis and those checks shall be documented. If the CCTV is found to be malfunctioning in any way it shall be reported to the Licensing Authority and Northumbria Police immediately and fixed as soon as possible. The Licensing Authority and Northumbria Police shall then be informed that the CCTV is fixed. If it takes longer than 2 weeks to fix the CCTV system, then the premises will stop selling alcohol until it is fixed and the Licensing Authority and Northumbria Police are notified.
- * The premises licence holder and designated premises supervisor shall cooperate with any crime prevention initiatives which are promoted by the licensing authority or Northumbria police.
- * The premises will ensure that all alcohol purchased for the store is from a UK wholesaler and that the alcohol has been approved by the HMRC under the alcohol wholesaler scheme. We are aware that if alcohol is not from an approved wholesaler they we may be liable for a penalty. All evidence of these purchases can be produced to the responsible authorities on request.
- * No sale of wine in bottles greater in size than 1 litre.
- * All alcohol spirits shall be stored behind the counter.
- * The premises licence holder shall act upon any request from Northumbria Police to withdraw any brand or size of bottle of alcoholic drink for a period agreed by the Police and the licence holder. Such request must be made by the Police acting reasonably and based on proper evidence that the sale of such products is detrimental to the licensing objectives. The request may only be made by an officer having the rank of Inspector or higher.

Continued from previous page...

c) Public safety

* Training records to be kept for every member of staff and endorsed after every training session. The record will be made available to officers and responsible authorities when requested to do so.

* The incident and refusal log shall be maintained on the premises (in writing or digitally) to record incidents and refusals and shall be made available to officers of the licensing authority or Northumbria police upon request. Details of the following shall be recorded.

- A. Drugs or other illegal items recovered
- B. All crime reported to the premises or by the premises to the police
- C. All ejection of customers
- D. An incident of disorder
- E. Any fault in the CCTV system

* No super strength beer, lagers, cider or spirit mixers of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in a glass bottle.

d) The prevention of public nuisance

* The premises will report any instances of youths congregating around the premises to the police as soon as possible.

* At the close of business each day there will be a clear up of any litter waste in the outside vicinity of the premises.

e) The protection of children from harm

* All members of staff responsible for the sale of alcohol and other age restricted products from the premises will receive training in relation to their duties and responsibilities under the relevant legislation concerned with the sale of all restricted products from the premises and refresher training to be carried out every six months.

* All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and is seeking to purchase alcohol from the premises. Such credible evidence which shall include a photograph of the customer, will either be a passport, photographic driving licence, proof of age card carrying the pass logo or military ID. The premises will fully adopt this challenge 25 policy and visible signage will be displayed at the premises reminding customers of this.

* The premises will operate a till prompt system (EPOS) which will be run in accordance with challenge 25. The system shall be in operation at all times the premises is open to the public.

* All staff tasked with selling alcohol and other age restricted products will be trained to record refusal of sales of alcohol and other age restricted products in a refusal register. The register will contain:

- A Details of the time and date the refusal was made.
- B The identity of the staff member refusing the sale.
- C Details of the alcohol/other product the person attempted to purchase.

This register will be available for inspection by a police officer or other authorised officer on request.

Continued from previous page...

* Any customer will be banned from the premises if they are identified as attempting to purchase alcohol on behalf of persons under 18 and persons who are already prohibited from entering the store.

* There shall be displayed suitably worded signage of sufficient size and clarity at the point of entry to the premises and in suitable locations at any points of sale advising customers that underage sales of alcohol are illegal and that they may be asked to produce evidence of age.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my * licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15) The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/north-tyneside/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

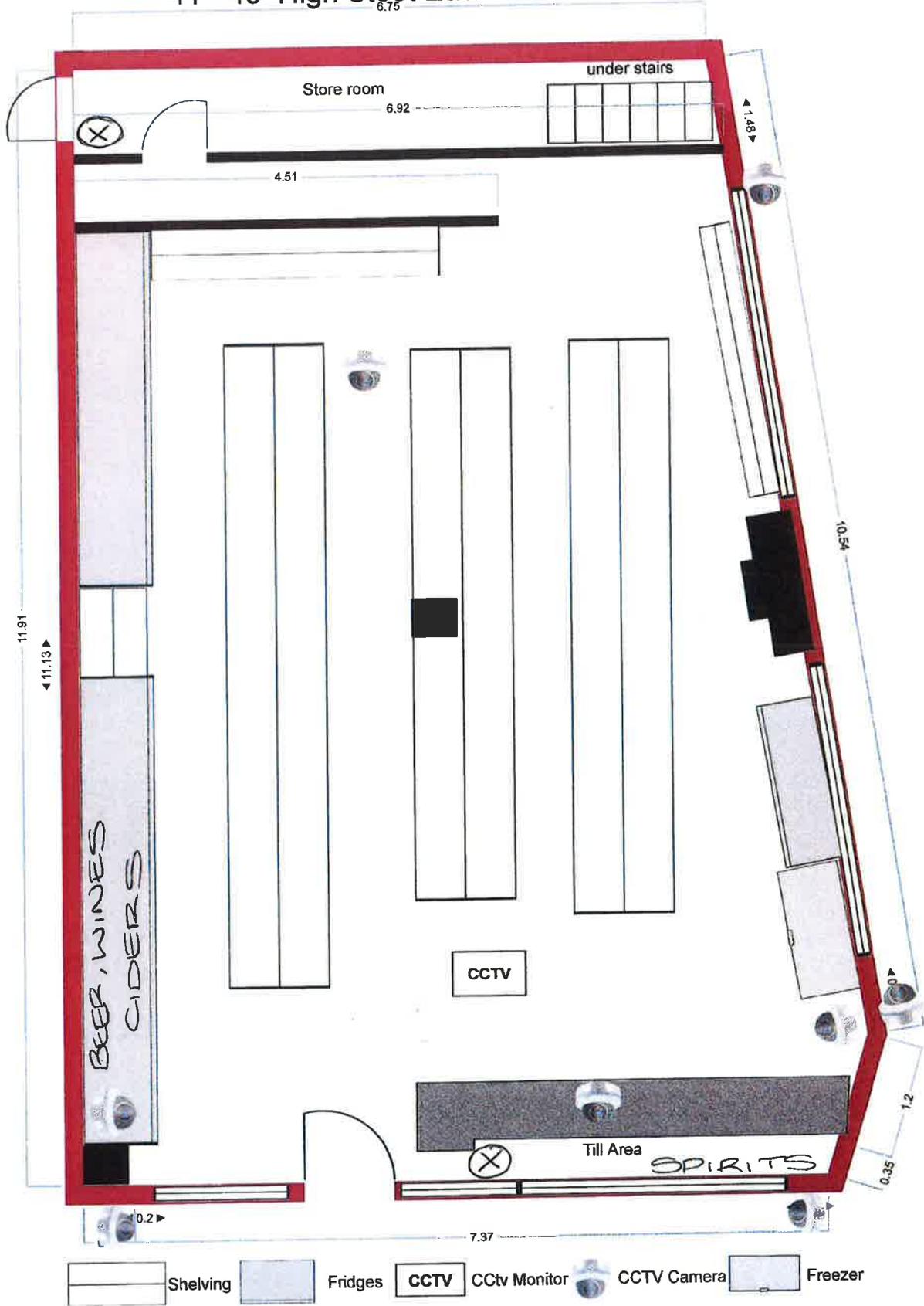
Applicant reference number	ASPIRE
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
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Is Digitally signed	<input type="checkbox"/>

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APPENDIX 2

41 - 43 High Steet East NE28 8PF



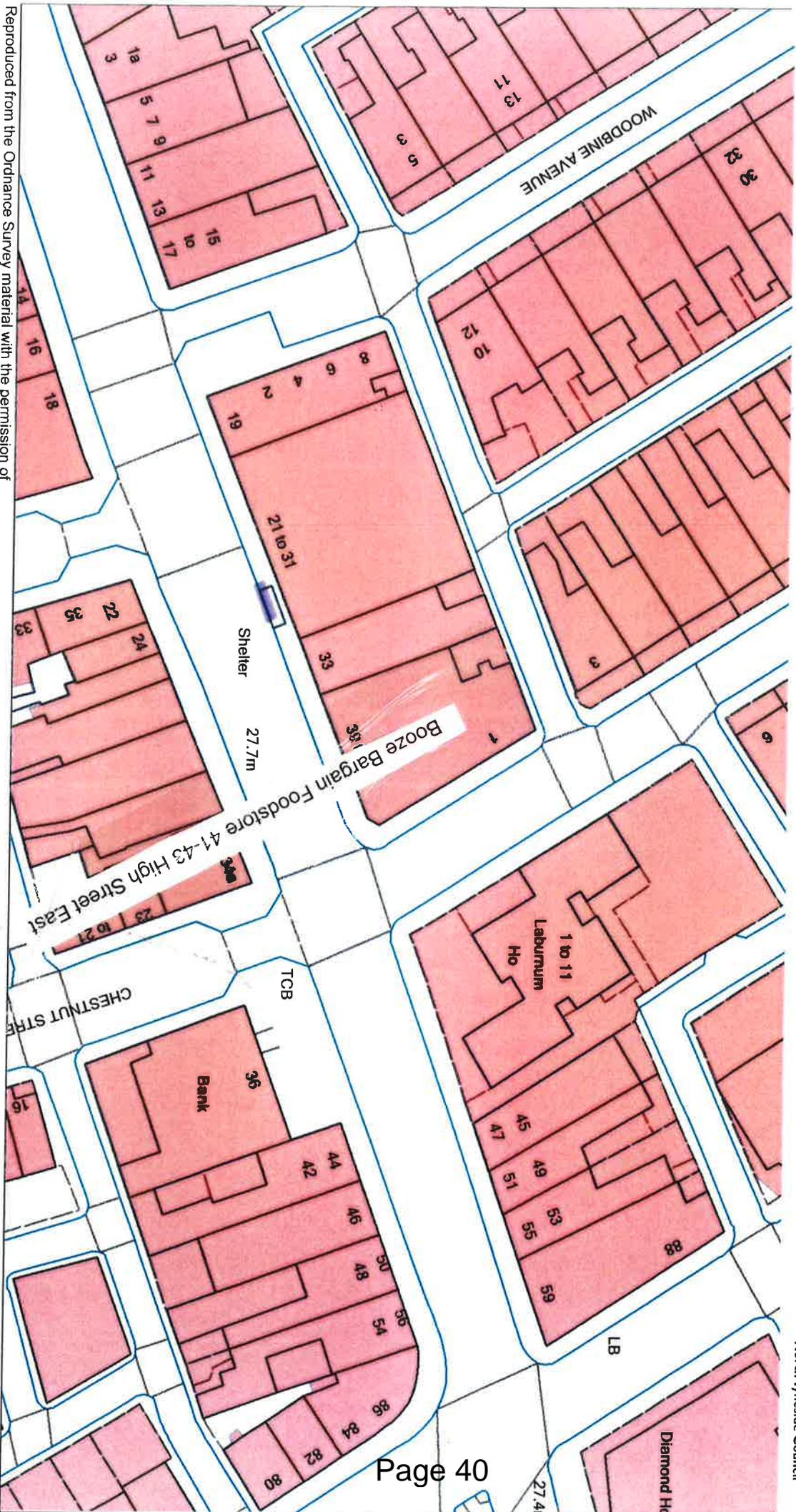
APPENDIX 3

Booze Bargain Foodstore

41-43 High Street East



North Tyneside Council



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Organisation	North Tyneside Council	Date	02 April 2024
Department	North Tyneside Council	SLA Number	100016801
Comments		Scale :	1:601



Google

Windows taskbar area containing icons for search, task view, file explorer, Microsoft Word, Outlook, PowerPoint, Edge, Chrome, and other applications. The system tray shows the date and time as 11:58 AM on 11/11/2023.

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APPENDIX 4

Appendix 4

Mandatory Conditions

Section 19 Licensing Act 2023

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.

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APPENDIX 5



**NORTHUMBRIA
POLICE**

North Tyneside Area Command
Area Command Headquarters
Middle Engine Lane
Wallsend
Tyne & Wear
NE28 9NT

18 March 2024.

Licensing Officer,
Licensing Department,
Killingworth Site,
Harvey Combe,
Killingworth,
Newcastle-Upon-Tyne,
NE12 6UB.

Dear Mrs S Graham,

Re: Premises licence application for Booze Bargain Food store 41-43 High Street East, Wallsend, NE28 8PF.

In respect of the grant of the above application, I have the following comments to make and wish to lodge the following supporting representation: -

Northumbria Police wish to make a representation to the new premises licence application for Booze Bargain Food store 41-43 High Street East, Wallsend, NE28 8PF on the grounds of Crime and Disorder.

The wording on the premises licence application for the offered conditions are not necessary or proportionate. At least two of the offered conditions are too onerous for the owner/operator to comply with, which could potentially lead to this premises being managed poorly.

An example of one of the offered conditions is "No super strength beers, lagers, cider or sprit mixers of 5.5% ABV (Alcohol by Volume), or above shall be sold at the premises, except for premium beers and ciders sold in a glass bottle".

As background to this representation, we as a Police force have seen these types of conditions on other premises licences, where the owner/operator did not comply with these types of conditions which resulted in a review of that premises licence, because that owner/operator did not understand the condition/s.

This shop has had historical issues associated with it, none of those issues were sales of alcohol to children.

Northumbria Police request, that this application for a premises licence, the conditions are modified.

Yours sincerely,

C/Insp David Morrison 7571



North Tyneside Council

Public Protection
Trading Standards
Quadrant East -1st Floor
Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Licensing Team
North Tyneside Council
Block A
The Killingworth Site
Harvey Combe
Killingworth
NE12 6QQ

Our Ref: MD/LA/SB
Your Ref:

Date: 25th March 2024

This matter is being dealt with by:
Mark Duffy
Direct Line: (0191) 643 6625
Email: _____

Dear Sir/Madam

**Premises Licence Application for 41-43 High Street East Wallsend NE28 8PF
Mr Satish Boyapati - Licensing Act 2003**

I make the following representation on behalf of the Local Weights and Measures Authority (North Tyneside Council "NTC") as a Responsible Authority under the Licensing Act 2003, the main purpose of which is to provide the Licensing Committee with background information on the premises.

Role of Trading Standards

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. To achieve this, 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 taking a stepped approach and by offering 'best practice' oral and written guidance to support businesses.

In addition, Trading Standards is responsible for enforcing a wide range of other legislation including that relating to the supply of illicit cigarettes and hand rolling tobacco. In the statutory Home Office guidance under section 182 of the Licensing Act 2003 it states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. One of these is the use of the licensed premises for the sale or storage of smuggled tobacco and alcohol.

Background

In June 2021, NTC's Trading Standards Team started to receive intelligence reports that a convenience-type shop called *Booze Master Food Centre* at 43 High Street East, Wallsend was selling illegal cigarettes. One of these reports also mentioned the shop was selling cigarettes and alcohol to minors. A formal investigation into the premises began in December 2021.

On 9 February 2022 Officers from NTC's Trading Standards Team visited *Booze Master Food Centre* and seized a large quantity of illicit tobacco products. Following this, a licence review was brought against the premises licence holder, *Booze Master Food Centre Limited*. On 24 June 2022, NTC's Licensing Sub-Committee revoked the premises licence to sell alcohol.

In July 2022 the premises changed its trading name to *European Food Market*.

There were repeated seizures of illicit tobacco products on 4 subsequent occasions between 9 February 2022 and the 6 February 2023, and a further 2 test purchases of packets of illicit cigarettes made on the 14 April 2022 and 8 March 2023. Non-complaint e-cigarettes and unauthorized prescription-only drugs were also found on the premises.

Tactics such as the concealment and storing of tobacco in a vehicle, and the premises having several different legal identities, several different tenants and multiple and changing staff members, were used to disguise offending and avoid enforcement. There was also some intelligence that the supply of illicit tobacco in the Wallsend area was due to the recent influence of an expanding national serious organized crime gang.

Application was then made by NTC to North Tyneside Magistrates Court who, on 22 March 2023, issued a 3-month Closure Order under the Anti-Social Behavior, Crime and Policy Act 2014 against both *European Food Market* at 41-43 High Street East, Wallsend, and against the

The effect of the Order was to close the premises to all persons until midnight on 21 June 2023.

On the 19 June 2023 an application to extend the Closure Order was unsuccessful. However, on the 5 December 2023 Trading Standards officers visited *European Food Market* again and seized a further large quantity of illicit tobacco products. On the 21 December 2023, Magistrates at North Tyneside Magistrates court issued another 3-month Closure Order against *European Food Market* at 41-43 High Street East, Wallsend.

The effect of this Order was to close the premises to all persons until midnight on 20 March 2024.

Mr. [redacted] the current leaseholder and now Premises License applicant, contacted our service prior to the court hearing, which he also attended. He stated he had been in contact with the landlord of the premises who had agreed a new lease in his name but with Christmas this might take a few weeks. He also did not know about the premises history being used for the supply of illicit tobacco products.

Following the granting of the Closure Order, Mr. [redacted] provided our service with a copy of a lease dated 19 December 2023 for 43 High Street East, Wallsend of which he was the tenant. He and his legal representatives again contacted our service following which we provided him with advice on the steps he could take to help prevent further sales of illicit tobacco products from the premises, and on possible alcohol licensing conditions that might support him. He was receptive to the advice provided.

Mr. [redacted] is also known to be the tenant for the licensed premises known as [redacted]. On 1 March 2023, following a complaint that the shop had sold e-cigarettes to minors, Trading Standards Officers visited

the shop and provided verbal advice on the law relating to age restricted products to the owner of the business on the telephone. In addition, an Age Aware pack was left at the shop. The pack provides the following information:

- 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 underage sales occurring.
- Advice on how to refuse a sale.
- Acceptable proof of age.
- Refusal register advice.
- Staff training advice.

On the 1 June 2023 the shop was visited as part of an e-cigarette underage test purchase operation. No sale was made to our underage volunteer who was asked for ID. No further complaints have been received about this business.

Summary

Trading Standards is aware that the recent history at the Applicant location has shown persistent serious criminal behaviours that would undermine the Licensing Objectives of Crime and Disorder, and of the Protection of Children from Harm. However, the Applicant has not been involved in this recent past behaviour, and was receptive to Trading Standards' support and modified his behaviour following intervention at his other business concern at

In order to promote the Licensing Objectives of protecting children from harm and preventing crime and disorder, Trading Standards would respectfully invite the Sub-Committee to consider adding appropriate licensing conditions requiring the premises to install and maintain an appropriately robust CCTV system (which includes coverage to record transactions at the point of sale), operation of a challenge 25 policy for all age restricted goods (including clear signage displayed about this policy), staff training on age-restricted goods which should be documented, and use of a refusals register.

Trading Standards have considered the application carefully and do not object to the granting of a Premises Licence at 41-43 High Street East Wallsend but wish to work with Mr [redacted] to ensure that this new business venture is supported and complies with the law.

Yours sincerely



Mark Duffy

Principal Trading Standards Officer