



**North Tyneside Council**

# Licensing Sub Committee

Wednesday 27 March 2024

**Monday, 8 April 2024** 0.01 Chamber – Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY commencing at 10.00 am.

Meeting reconvened from the 27 March 2024

| <b>Agenda Item</b>  | <b>Page</b>     |
|---|-----------------|
| 1. <b>Appointment of Chair</b>  |                 |
| The Sub-Committee to appoint a Chair for the meeting  |                 |
| 2. <b>Declarations of Interest</b>  |                 |
| Members of the Sub-Committee are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. |                 |
| 3. <b>Procedure for Licensing Act Hearings</b>  | <b>5 – 10</b>   |
| To note the procedure for an application to review a Premises Licence   |                 |
| 4. <b>Licensing Act 2003 – Review of Premises Licence – Coastview Shop, 9A East Parade Whitley Bay, NE26 1AP</b>  | <b>11 – 126</b> |
| To give consideration to an application to review a Premises  |                 |

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Licence in respect of Coastview Shop, 9A East Parade, Whitley Bay, NE26 1AP.

**Circulation overleaf ...**

**Members of the Licensing Sub Committee**

Councillor Matthew Thirlaway (Chair)  
Councillor Judith Wallace

Councillor Willie Samuel

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## 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.

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## REPORT

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

**Date:** 27<sup>th</sup> March 2024

**Report by:** Gary Callum  
Licensing Officer  
Licensing Section  
☎ 643 3175

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

**Title of  
Report:** Licensing Act 2003 - Review  
CoastviewShop, 9A East Parade  
Whitley Bay  
NE26 1AP.

**Ward(s):** Whitley Bay

### 1.0 Summary / Purpose of Report

#### 1.1 Licensing Sub-Committee

1.2 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.

1.3 The Sub-Committee is asked to consider and determine an application from Northumbria Police for the review of a Premises Licence for Coastview Shop, 9A East Parade, Whitley Bay. The premises licence holder is Harvestmall Enterprise Ltd, 107 Leicester Way, Jarrow, NE32 4XT.

1.4 The applicant, Northumbria Police, has been invited to attend the meeting to put forward their case in support of their review application. The premises licence holder has also been invited to attend the meeting.

- 1.5 Representations from Responsible Authorities and Other Parties
- 1.6 The applicant for a review is required to forward copies of the application to Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, The Local Weights and Measures Authority, Director of Public Health, Fire Authority, the Local Safeguarding Children Board and Home Office Immigration Department with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.
- 1.7 In addition, the application has been advertised by the Licensing Authority at the premises, the main offices of the Council and on the Council website as prescribed.

Representations have been received from Responsible Authorities and are appended to this report at **Appendix 5**.

## 2.0 Authority to make decisions

2.1 In relation to an application for the review of a Premise Licence, the Licensing Sub-Committee can, under the Licensing Act 2003;

- Modify the conditions on the licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period of not more than three months
- Revoke the licence

2.2 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.

## 3.0 Background

3.1 This report relates to an application by Northumbria Police for the review of a premise licence for Coastview Shop, 9A East Parade, Whitley Bay.

3.2 The application for review and supporting information are 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**. The current premise licence is attached at **Appendix 4** and representations from Responsible Authorities are attached at **Appendix 5**.

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

4.1 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.

**4.2** The current premise licence in respect of Coastview Shop permits the following:

1. Supply of Alcohol (for consumption off the premises)

- Everyday 09:00 to 22:00

2. General opening hours:

- Every Day 08:00 to 22:00

## **5.0 Representations**

**5.1** Representations in support of the Review brought by Northumbria Police have been received from:

The Local Weights and Measures Authority

The Licensing Authority

The Director of Public Health. A letter of support has also been received from a local ward Councillor into the review brought by Northumbria Police.

## **6.0 The Parties**

**6.1** The Parties to the hearing will be:

1. The Applicant – The Chief Officer of Police
2. Premise Licence Holder
3. The Local Weights and Measures Authority
4. The Licensing Authority,
5. The Director of Public Health.

## **7.0 For consideration**

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

- Application for the review of a premise licence for Coastview Shop held by Harvestmall Enterprise Limited.

## **8.0 The North Tyneside Council Statement of Licensing Policy**

**8.1** The Sub-Committee's attention is drawn to the relevant part of the Policy, Sections 11.1 – 11.5 Crime and Disorder and 11.22 to 11.35, Protecting Children from Harm.

## **9.0 The Revised Guidance issued under Section 182 Licensing Act 2003**

**9.1** The Sub-Committee's attention is drawn to the relevant parts of the Revised Guidance issued under S182 Licensing Act 2003 - Licensing Objectives Chapter 2, Sections 2.1 to 2.6 and Sections 2.28 – 2.38 and Reviews, Chapter 11.

**10.0 For Decision**

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

**11.0 Associated Papers**

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

Appendix 2 – Premises Plan

Appendix 3 – Location Map

Appendix 4 – Current Premise Licence

Appendix 5 – Relevant Representations

**12.0 Background Information**

**12.1** 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**

North Tyneside Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I Chief officer of Northumbria Police

*(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

|   |   |
|---|---|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>Coast View Shop<br>9A East Parade<br>Whitley Bay |   |
| <b>Post town</b><br>Newcastle upon Tyne   | <b>Post code (if known)</b><br>NE26 1AP |
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>HARVESTMALL ENTERPRISE LTD, 1                    |   |
| <b>Number of premises licence or club premises certificate (if known)</b><br>   |   |

Part 2 - Applicant details

I am

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

|  |
|--|
| Name and address<br>Chief Inspector Colin Lowther 7183<br>.<br>...<br>.<br>... |
| Telephone number (if any)  |
| E-mail address (optional)  |

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

Please tick one or more boxes

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

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

**Northumbria Police request a review of the premises licence of Coast view shop, 9A East parade, Whitley Bay, NE26 1AP on the grounds of Crime and Disorder and the Protection of Children from Harm.**

Northumbria police respectfully request; under the Licensing Act 2003 (Hearings) Regulations 2005 specifically Regulation 14 (2) that the public are excluded from the proceedings (or part of the proceedings). The Police intend to show CCTV footage from inside the premises, which shows multiple sales of alcohol to children. The Police believe it would not be in the public interest, for the public to be present, at least while the footage is being shown.

On the 3<sup>rd</sup> January 2024 a lady called the Police 101 service to report a shop in Whitley Bay had sold alcohol to her 14 year old daughter and her daughters friends who are also only 14 years old. Her daughter had only turned 14 in September 2023. A quote from the ladies email " *The cllr said that there is a female who works in the shop, "no questions asked" and she will sell alcohol to the youths. It is a popular hot spot for youths in the area to attend as they know they can be served.*"

An email was sent to \_\_\_\_\_ < Licensing officer for the Police from the Neighbourhood Policing team in Whitley Bay, informing him of the complaint. Email attached.

On the 3<sup>rd</sup> January 2024 I called the lady making the complaint to find out any more details of the sale of alcohol to her daughter. I was informed the daughter was 5ft 1 inch tall, wearing grey leggings with a black coat with a fur lined hood, and the time of the transaction, as her daughter had paid by debit card.

The time was 4:33pm on the 31<sup>st</sup> December 2023 she had spent £3.29 on a can of Dragon soop. Dragon soop is an alcopop, a caffeine alcohol drink 7.5%. Images of Dragon soup attached.

On the 5<sup>th</sup> January 2024 at 12:30, I visited Coast View shop to view the CCTV, the staff member present did not know how to work the CCTV system. He left his business card for the owner to call him.

On the 8<sup>th</sup> January 2024 at 13:00 hours. I arranged to Meet the owner at his shop. The CCTV footage was viewed, on the day, which showed 7 young ladies in/outside the shop with all 7 of them purchasing alcohol in the form of Dragon soop and small bottles of vodka.

I requested the CCTV footage from the 31<sup>st</sup> January 2023 from 16:15 to 16:45 hours. Due to technical difficulties the footage was not received until Monday 22<sup>nd</sup> January 2024.

On the 17<sup>th</sup> January 2024 at 14:30 hours an inspection of the premises was conducted by the Licensing Department of North Tyneside council. Please see attached inspection record and warning letter.

On 19<sup>th</sup> January 2024 at 12:00 hours I re-visited the shop to download the CCTV footage ((which did not work). I also requested the details of the lady who had sold the alcohol. I sent a text message at 18:55 hours that day informing him of the name and date of birth of the lady was . By text message I was asked if this date of birth was correct, he confirmed the date of birth was indeed correct. This date of birth would make this lady 17 years old and had been selling alcohol unsupervised for at least 2 months. This is an offence under section 153 (1) (a) of the Licensing Act 2003, The Prohibition of unsupervised sales of alcohol to children. This is also an offence under Section 146 (1) of the Licensing Act 2003, The sale of alcohol to Children.

May I request the Committee to have regard to Section 11.27 of the revised Guidance under section 182 of the Licensing Act 2003 (December 2023). 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.

On 19<sup>th</sup> January 2024 I from Whitely Bay Neighbourhood team visited the shop and requested the details of the lady who had sold the alcohol on the 31<sup>st</sup> December 2023, the date of birth for the lady was given as 7<sup>th</sup> February 2006. Along with her home address.

On 27<sup>th</sup> January 2024, [redacted] visited the home address of this young lady and made admissions in front of her mother that she did sell the alcohol to the children on the 31<sup>st</sup> December 2023 and her date of birth is actually 7<sup>th</sup> February 2007 making her 16 years old.  
Statement from officer attached.

On 23<sup>rd</sup> January 2024 the CCTV footage was viewed by [redacted] k, which showed 6 young ladies enter the shop at 16:25 hours, all leave, then 2 returns to purchase 2 cans of Dragon soop each both paying cash. 2 more enter and purchase a can of Dragon soop each and a bottle of 35cl Vodka each both paying cash. 3 more enter and purchase a can of Dragon soop each, 2 pay with cash, 1 pays with a debit card. At no time was any ID shown by any of the 7 young people. CCTV footage attached 9 minutes long.

On 23<sup>rd</sup> January 2024 at 10:16 hours an email with a photo of a young lady was sent to the original lady who made the complaint to verify it was their daughter or not, a text message was received by [redacted] at 10:18 hours saying yes that's my daughter.

On the 24<sup>th</sup> January 2024 at 14:00 hours. [redacted] re-visited Coast View news to meet [redacted] to request all 7 till receipts from between 16:26 and 16:33 hours for the 31<sup>st</sup> December 2023. During this visit [redacted] asked [redacted] why he had allowed a 17-year-old to work on their own in his shop, [redacted] replied 17-year-olds can sell alcohol. .... [redacted] k pointed out to [redacted] that yes 17-year-olds can sell alcohol along as they are supervised all the time when selling alcohol, or any age restricted products. [redacted] was also informed that this young lady must be always supervised if she is to continue working in his shop. Please see attached receipts.

Northumbria Police request the premises licence for Coast view News 9A East Parade, Whitley Bay, NE26 1Ap is revoked.

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

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|

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

Please tick yes

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

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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature

Date

2/2/24

Capacity

CHIEF INSPECTOR

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

Northern Area Command  
Wallsend Police Station  
Middle Engine Lane  
Wallsend

**Post town**

Newcastle upon Tyne

**Post Code**

NE28 9NT

**Telephone number (if any) 101**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) neil.kirkpatrick@northumbria.police.uk**

**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.



**Witness Statement** CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Statement of: **PC 1894 BURN**

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

This statement (consisting of 1 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: 



 PRINT NAME: **NICOLE BURN**  
Date **27 / 01 / 2024**

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

I am the above named POLICE CONSTABLE based at WHITLEY BAY POLICE STATION.  
On the evening of FRIDAY 19TH JANUARY 2024, I was on plain clothed foot patrol in the area of WHITLEY BAY when I have attended the COAST VIEW SHOP, EAST PARADE, WHITLEY BAY with cause to speak with staff and obtain details of the employee that worked at the premises on SUNDAY 31ST DECEMBER 2023. The reason for obtaining these details was in relation to on going enquiries into a report of this premises selling alcohol to underage children and trying to establish who is responsible. The female staff worker I spoke to on this evening would not provide her personal details but she did give details of another female who relevantly worked on SUNDAY 31ST DECEMBER 2023. This female is named [REDACTED] Her address was given as [REDACTED] NORTH SHIELDS.  
On SATURDAY 27TH JANUARY 2024, I have attended the address of [REDACTED] NORTH SHIELDS and a young female answered the door. I immediately recognised the female as [REDACTED] from CCTV footage provided by COAST VIEW SHOP to NEIL KIRKPATRICK 5588, LICENSING COORDINATOR who shared this with me on TUESDAY 23RD JANUARY 2024 for identification purposes. [REDACTED] confirmed her employment at COAST VIEW SHOP and made an admission in front of her mother that she did in fact sell alcohol, namely DRAGON SOOP, to underage children on the evening in question. [REDACTED] is just 16 years of age herself and the relevant concerns have been documented around her employment and access to alcohol at this premises.

PC 1894

Add continuation page



Witness contact details

Home address: [ ] Postcode: [ ]

Home telephone No: [ ] Work telephone No: [ ]

Mobile/Pager No: [ ] E-mail address: [ ]

Preferred means of contact (specify details): [ ]

Best time of contact (specify details): [ ]

Former name: [ ] Date and place of birth: [ ]

Gender [ ] Ethnicity Code (16 + 1) [ ] Religion / Belief (Specify [ ] )

DATES OF WITNESS NON-AVAILABILITY: [ ]

(Consider: Booked holidays, usual holiday dates, set medical or other appointments, religious requirements, academic exam dates and any other known commitments.)

Witness care

a) Is the witness willing to give evidence in court proceedings?

Yes, via the open court room: [ ] Yes, with Special Measures support: [ ]

Yes, with practical support: [ ]

No, include reasons on MG6 [ ]

If Special Measures is sought, complete a Special Measures Assessment (Form MG2) and submit with the File.

If practical support is sought, indicate the nature of this below:

Childcare [ ] Transport [ ] Language [ ] Impairment [ ] Mobility [ ] Other [ ]

Additional Detail [ ]

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes [ ] No [ ]
- b) I have provided a Victim Personal Statement Yes [ ] No [ ]
- c) I require my VPS to be read at court on my behalf / [ ] I wish to read VPS personally [ ] Tick as appropriate
- d) I have been given the Victim Personal Statement leaflet Yes [ ] No [ ]
- e) I have been given the leaflet "Giving a witness statement to the police - what happens next?" Yes [ ] No [ ]
- f) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes [ ] No [ ] N/A [ ]
- g) I consent to my medical record in relation to this matter being disclosed to the defence: Yes [ ] No [ ] N/A [ ]
- h) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA: Yes [ ] No [ ]
- i) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services: [ ]
- j) Your contact details may be disclosed to Victims First Northumbria if it is felt that you may benefit from their support, unless you prefer not to. Tick this box to decline their services: [ ]

Signature of witness: [ ] PRINT NAME: [ ]

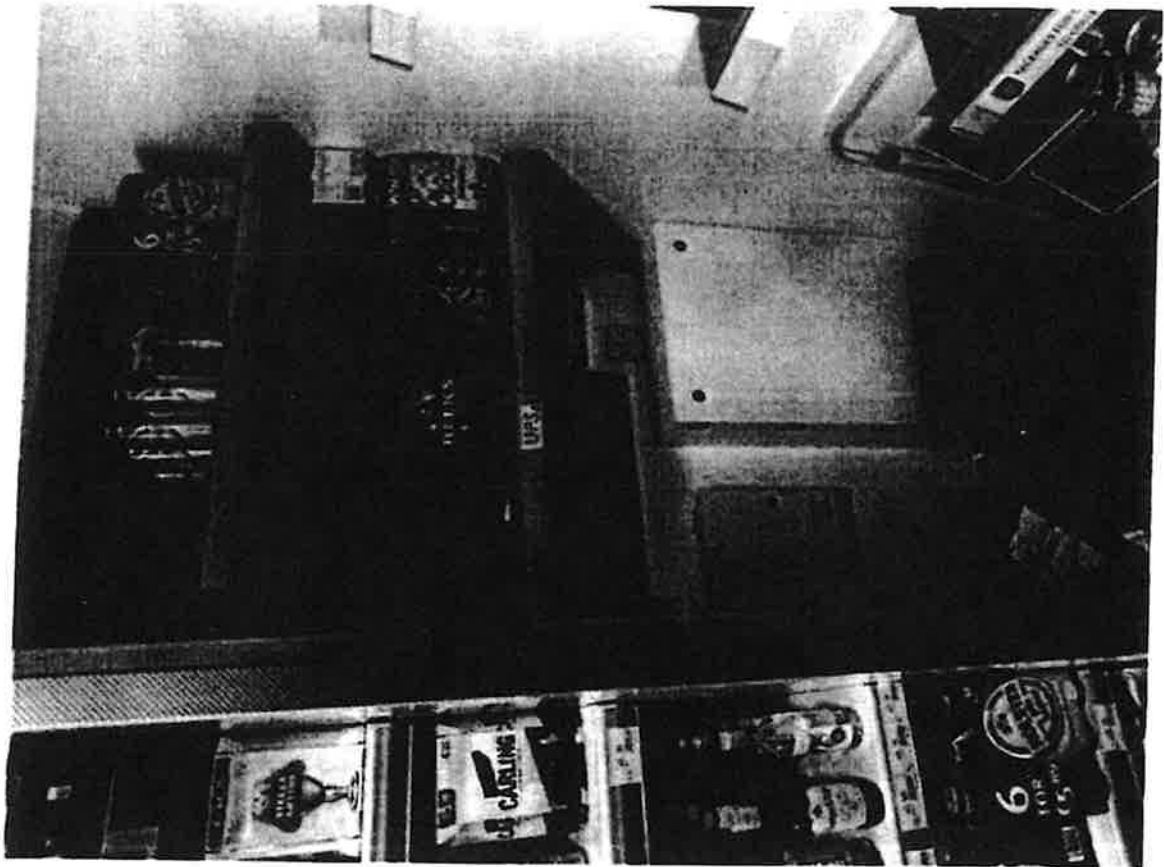
Signature of parent/guardian (appropriate adult): [ ] PRINT NAME: [ ]

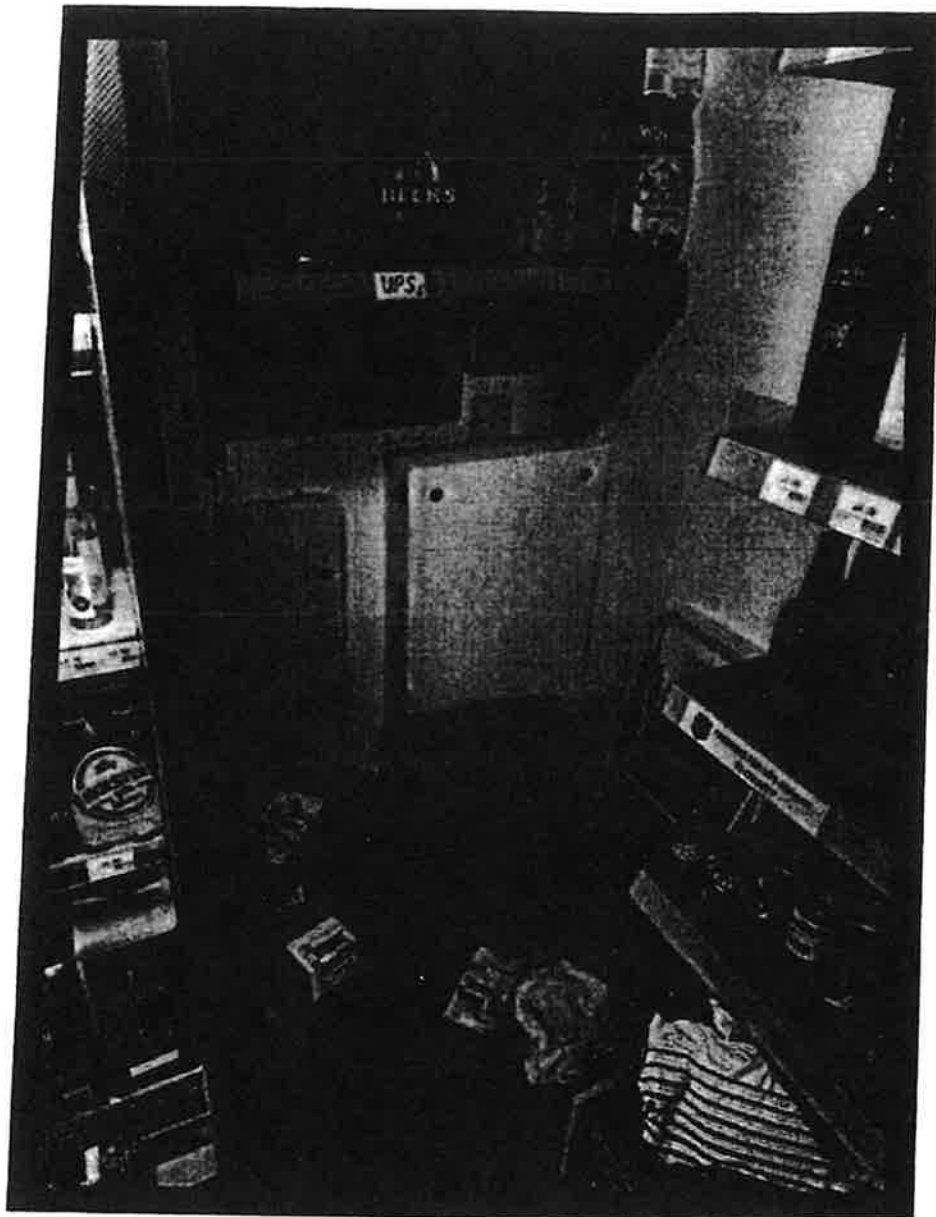
Address and telephone number if different from above: [ ]

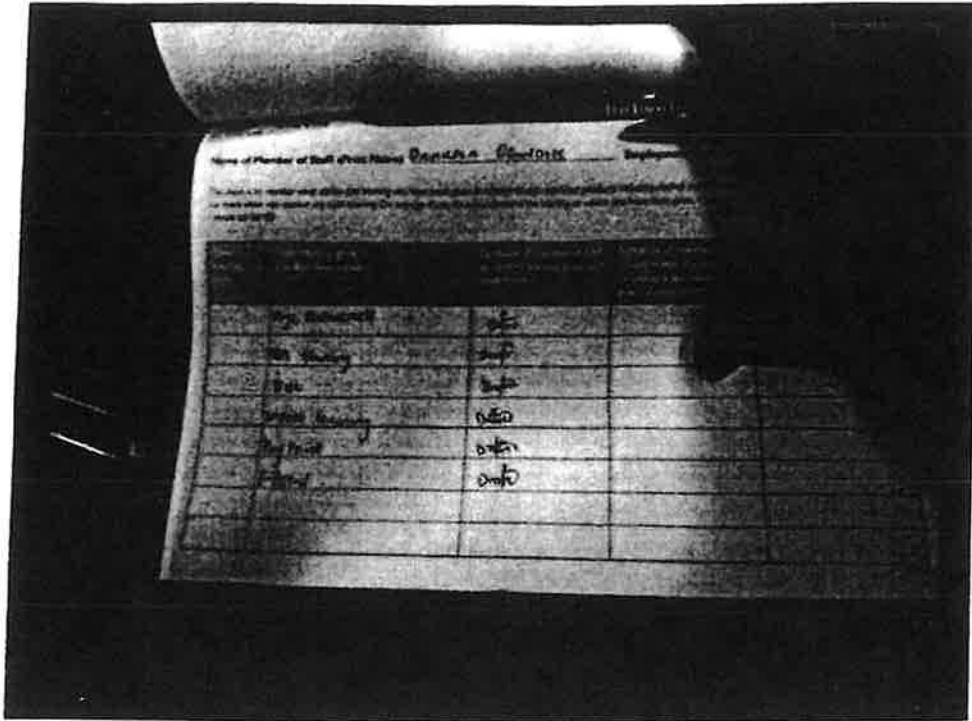
Statement taken by (print name): NICOLE BURN

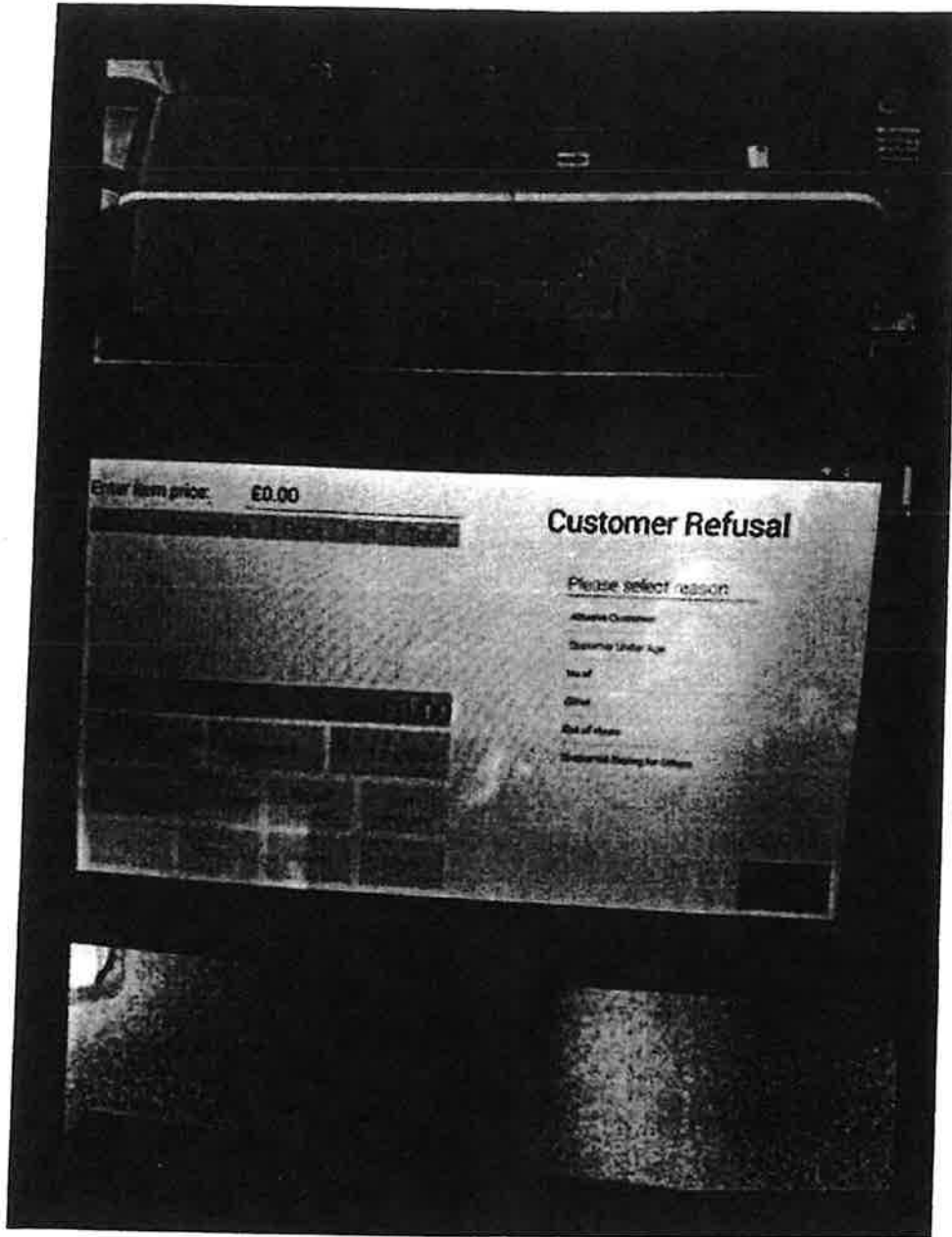
Station: WHITLEY BAY

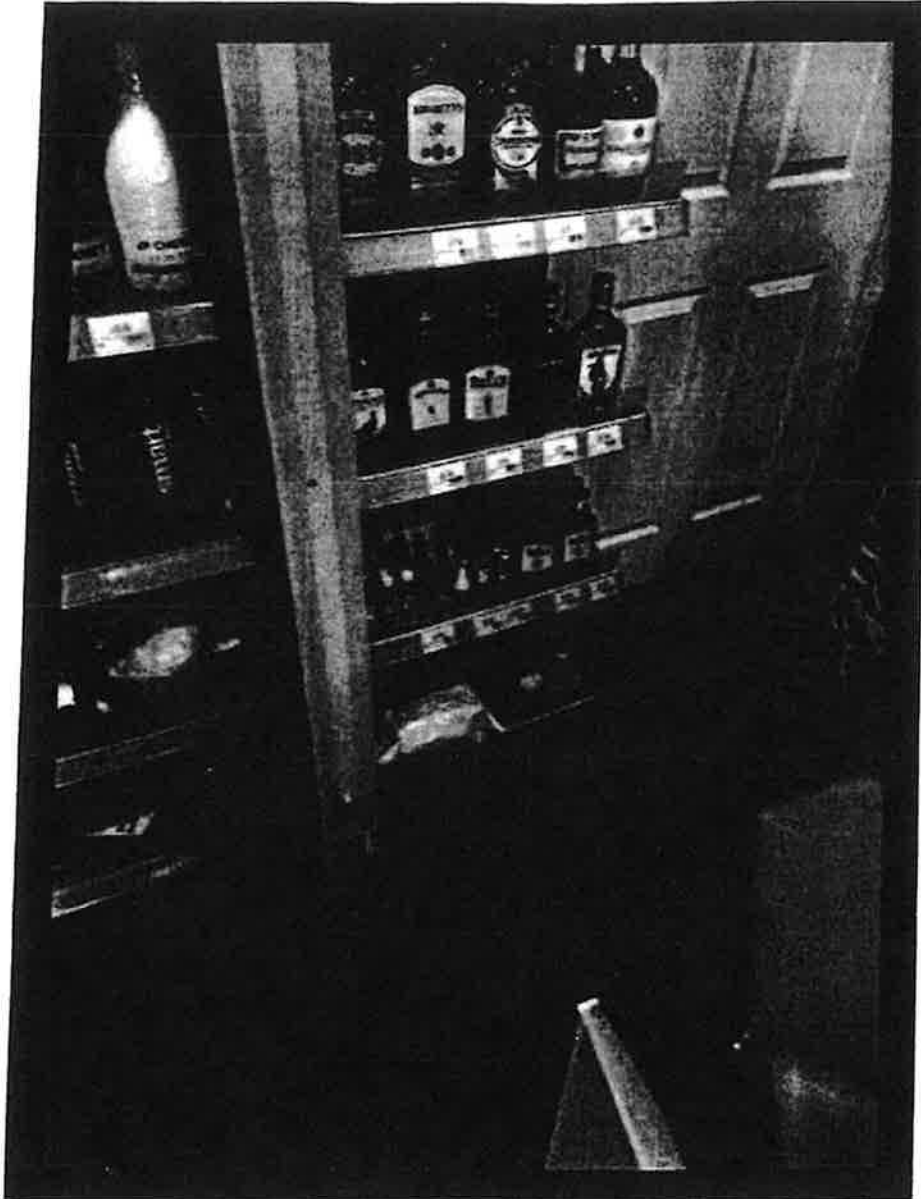
Time and place statement taken: 21:15 HOURS, WHITLEY BAY POLICE STATION

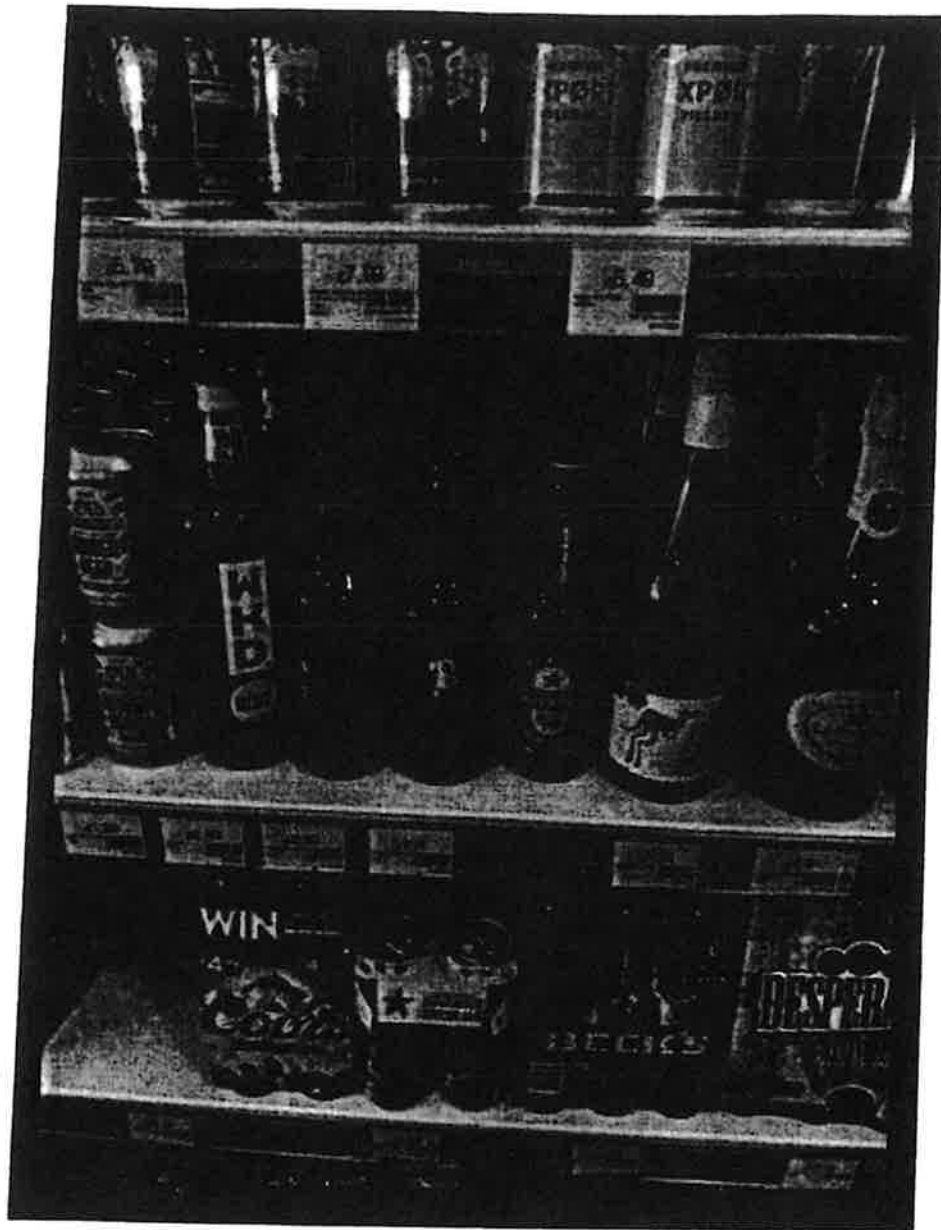












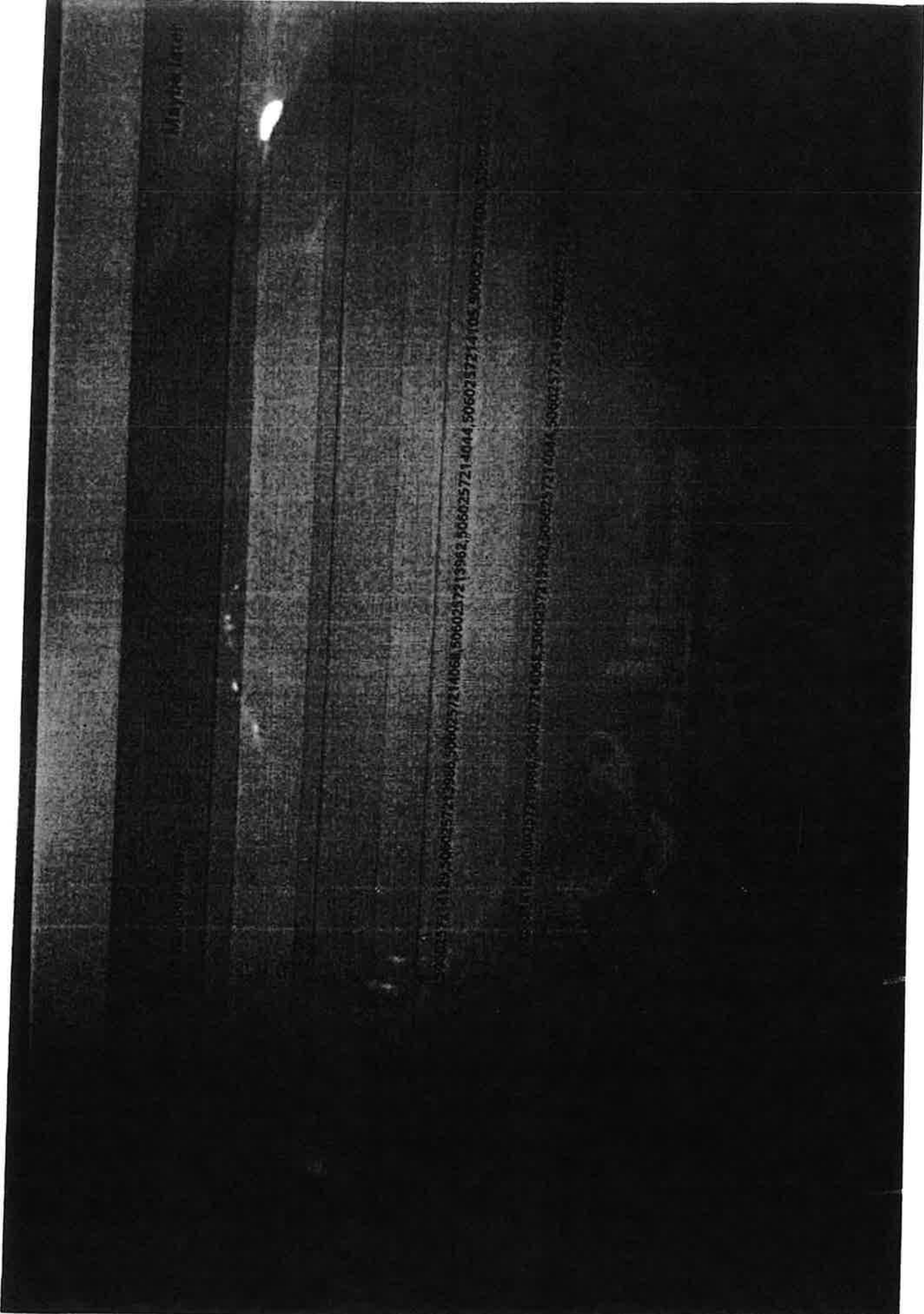


View report

Maybe later

506035721105 506035721105 506035721105 506035721105 506035721105





Maybell

Signature

5060257213962, 5060257214068, 5060257214044, 5060257214105, 5060257214006, 5060257213962

5060257213962, 5060257214044, 5060257214105, 5060257214006

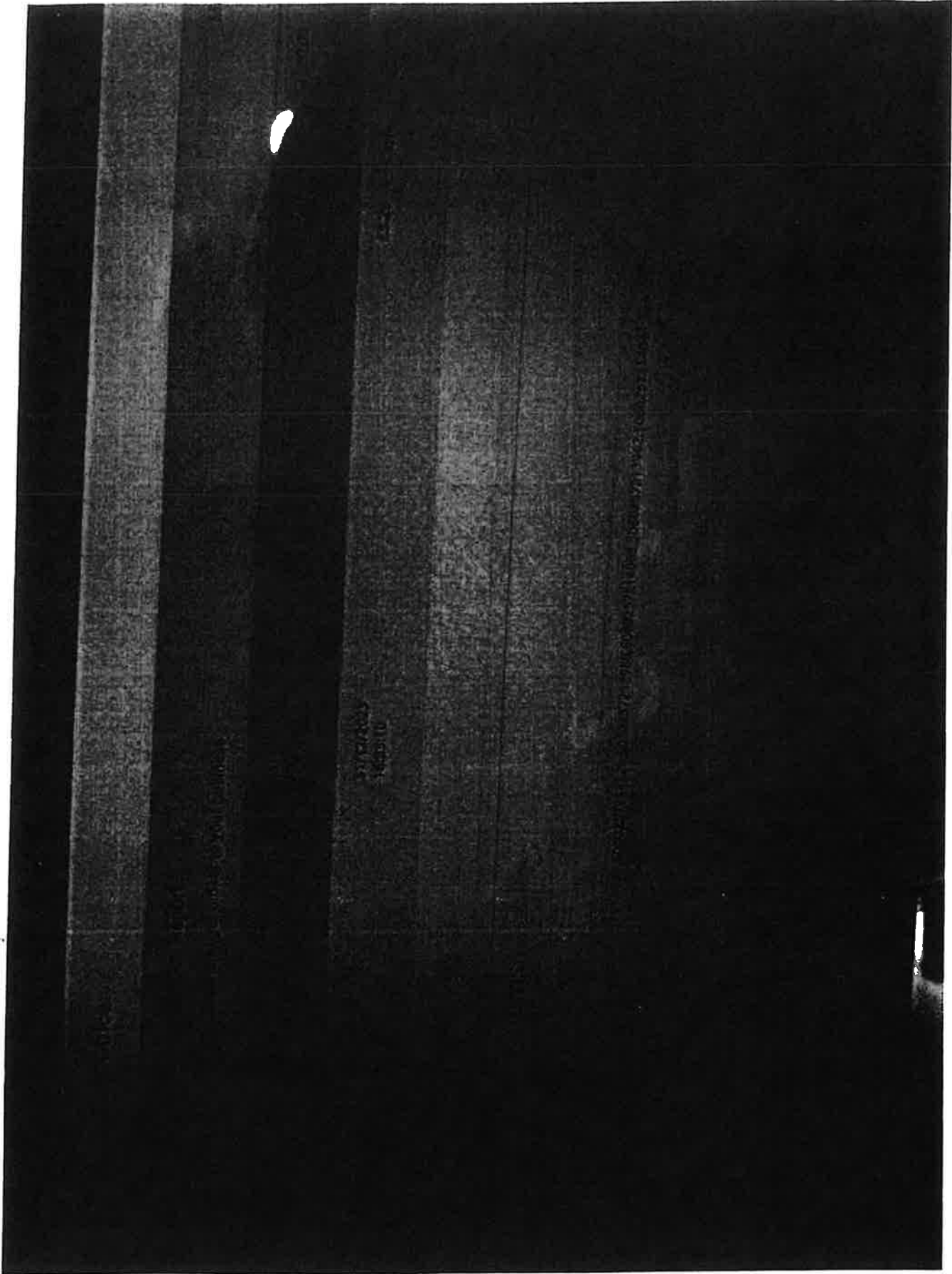
A (C)

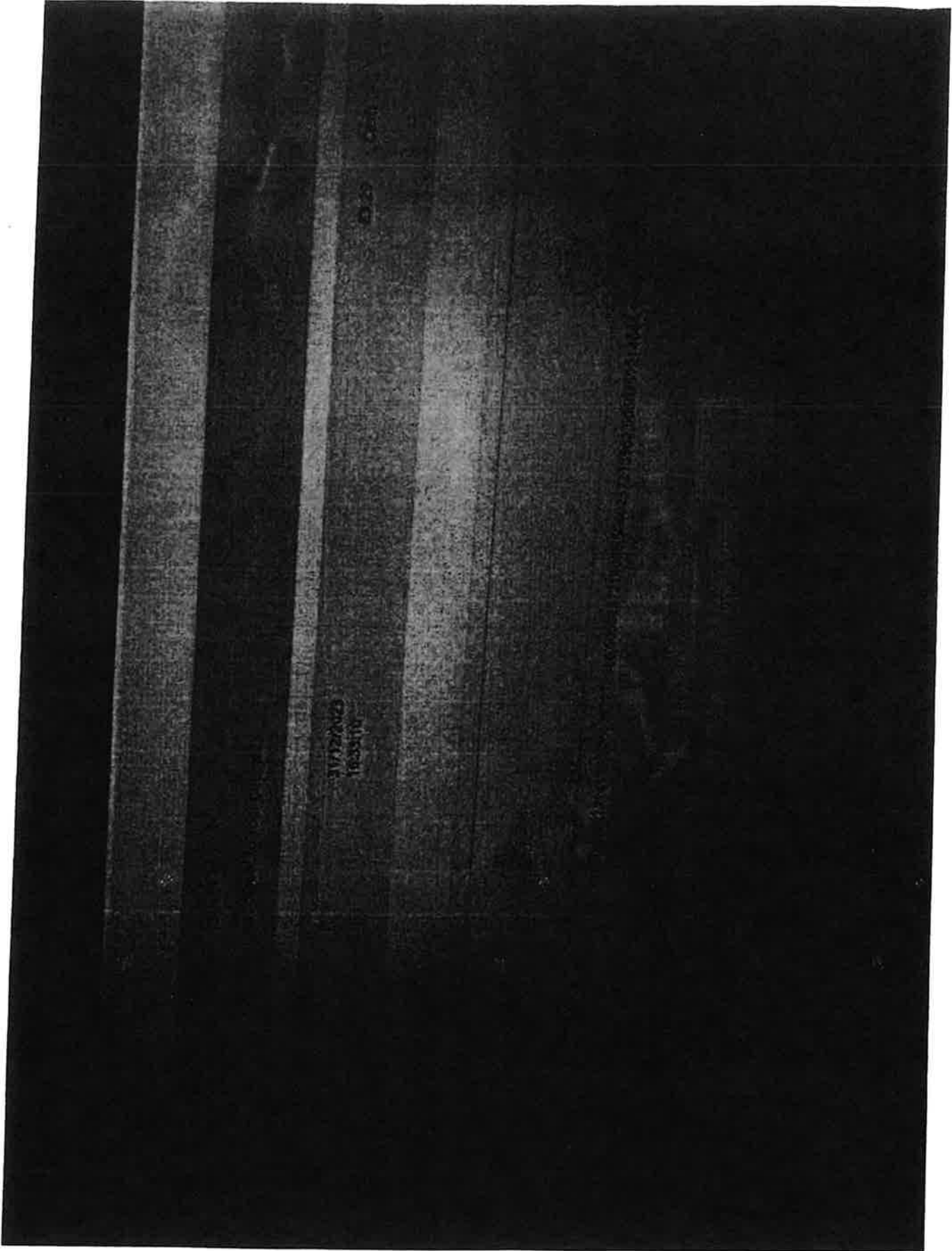
May 2011

£1.25 Cash £0.00

© 2011

© 2011





A wide range of flavours - Apple & Blackcurrant, Dark Fruit Punch, Blueberry & Guava, Blue Pineapple & Kiwi, Blue Raspbe  
Raspberry, Raspberry, Red Kola, Sour Apple, Strawberry & Lime, Venom and NEW Oranges & Lemons!  
and contains 35mg per 100ml, blended with taurine, guarant and delicious flavours. In a chilled can





**Neil Kirkpatrick 5588**

---

**From:** [REDACTED]  
**Sent:** 03 January 2024 14:09  
**To:** Neil Kirkpatrick 5588  
**Subject:** FW: Shop selling Alcohol to youths

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Just for info mate,

Cheers,

[REDACTED]  
Constable Neighbourhood Policing  
Northern

| W: [www.northumbria.police.uk](http://www.northumbria.police.uk)

*We are a flexible working organisation. Please only respond to this email in your own working hours.*

*'Our vision is to deliver an outstanding police service; working with communities to prevent crime and disorder and protect the most vulnerable people from harm.'*

**From:** [REDACTED]@northumbria.police.uk>  
**Sent:** 03 January 2024 11:32  
**To:** [REDACTED]@northumbria.police.uk>  
**Subject:** Shop selling Alcohol to youths

Hi John as per our conversation for the NPT in the area.

***"Shop selling alcohol to underage kids.***

***Coast View Shop- 9A The Parade, Whitley Bay, NE26 1AP***

***Daughter was having a sleep over at her friend's house at the weekend, using the Life 360 app and noticed her daughter was out at a location, rang her and she was slurring her words, mum picked her up and she was heavily intoxicated.***

***The next day the daughter admitted that she had gone in and brought Dragon Soup & Strongbow. Her friend has also brought a bottle of vodka.***

***16:00 - 17:00 - in the afternoon it was purchased.***

***The cllr said that there is a female who works in the shop, "no questions asked" and she will sell alcohol to the youths. It is a popular hot spot for youths in the area to attend as they know they can be served."***

Caller is happy to speak with officers if they require any further details.  
She is called [REDACTED]

[REDACTED]  
Direct Contact Handler

**Communications**

**[REDACTED]** | W: [www.northumbria.police.uk](http://www.northumbria.police.uk)

*We are a flexible working organisation. Please only respond to this email in your own working hours.*

*'Our vision is to deliver an outstanding police service; working with communities to prevent crime and disorder and protect the most vulnerable people from harm.'*



Coastview Shop 9A East Parade, Whitley Bay

| <b>Appendix 2 Condition</b>   | <b>Comments</b>  |
|---|--|
| 1. The operator shall ensure that at all times when the premises are open for any licensable activity there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.   | <i>Noncompliant.</i><br><br><i>The staff member on duty (██████████ Nwokenna) when asked about the condition on the licence stated she did not know about the conditions. This demonstrates no training has been given</i>           |
| 2. Alcohol shall only be stored, displayed, sold or supplied in the areas and locations as detailed in the plan attached to this licence  | <i>Noncompliant.</i><br><br><i>Some alcohol was displayed other than in accordance with the plan. Alcohol was not stored to the right of the counter as per the requirements and as stated on the plan.</i>                          |
| 3. 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 a 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 all entrances and exits to the licensed premises and provide continuous recording facilities for each camera to a good standard of clarity with a minimum of 4 frames per second for 28 days. Such recordings shall be supplied to the licensing authority or police on reasonable request. | <i>Noncompliant.</i><br><br><i>There were no trained staff available - Unable to check the CCTV. The member of staff was unable to operate the CCTV and advised that Chris (DPS) was the only person who could operate the CCTV.</i> |
| 4. 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 requests from Northumbria police/Local Authority to review any CCTV images.   | <i>Noncompliant.</i><br><br><i>No trained staff available - Unable to check. The member of staff on duty did not know.</i>   |
| 5. 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.  | <i>Noncompliant.</i><br><br><i>No trained staff available Only the DPS was capable of accessing the CCTV and he is not on the premises.</i>  |
| 6. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers or be consumed in the licensed premises.   | <i>Unable to check.</i>  |
| 7. The premises will report any instances of youths congregating around the premises to the police as soon as possible.   | <i>Unable to check.</i>  |

Coastview Shop 9A East Parade, Whitley Bay

|     |  |   |
|-----|--|---|
| 8.  | Spirits sold at the premises will be kept behind the counter.  |   |
| 9.  | No super-strength beer, lagers, ciders or spirit mixtures of 5.5% abv (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.   | <i>None observed on display at this time</i>  |
| 10. | No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.   | <i>Noncompliant.<br/>Single bottles and cans of beer and cider were on display for sale.</i>  |
| 11. | No miniature bottles of spirits of 20cl or less shall be sold from the premises.   | <i>Noncompliant.<br/>Miniature bottles of spirits were on display behind the counter.</i>   |
| 12. | No refuse shall be deposited in any skip, bin or other container of the like nature, located outside of the premises, between the hours of 22.30 and 09.00 Monday to Sunday, and any such skip, bin or container shall not be removed for refuse collection or recycling from the premises between these hours.  | <i>Unable to check.</i>   |
| 13. | At the close of business each day there will be a clear up of any litter waste in the outside vicinity of the premises.  | <i>Unable to check.</i>   |
| 14. | 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 or proof of age card carrying the pass logo. The premises will fully adopt this challenge 25 policy and visible signage will be displayed at the premises reminding customers of this. | <i>Member of staff stated that they are required to check ID. There was no evidence of this available.</i>  |
| 15. | All tills shall automatically prompt staff to ask for age verification when presented with an alcohol sale.  | <i>Member of staff stated that the till does prompt for underage sales.</i>   |
| 16. | The premises licence holder shall ensure that all training and the related checks carried out around the age restrictions applicable to the retail supply of alcohol shall be documented. New staff will be given age restricted training. A written record must be kept of this training.   | <i>Noncompliant.<br/>Details of checks associated with refused sales kept on PayPoint electronically. (Photo 3)</i>                                       |
| 17. | Initial staff training to be carried out by the Designated Premises Supervisor to ensure no alcohol is sold to anyone underage and refresher training to be carried out every six months.  | <i>There are no registers recording details nor are the details recorded in accordance with the licence condition There are no training records kept.</i> |

Coastview Shop 9A East Parade, Whitley Bay

|  |   |
|--|---|
| <p>18. Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.</p>  | <p><i>Noncompliant.<br/>Training records are not kept. There was one record that looked like it had been quickly added but with no details or dates of training.</i></p>  |
| <p>19. A refusal register will be kept and endorsed after every refused sale. This to include over 18s purchasing alcohol and passing it to under 18s (proxy sales). All staff tasked with selling alcohol will be trained to record refusals of sales of alcohol in a refusals register. The register will contain: -</p> <ul style="list-style-type: none"> <li>• Details of the time and date the refusal was made.</li> <li>• the identity of the staff member refusing the sale.</li> <li>• details of the alcohol the person attempted to purchase.</li> </ul> <p>This register will be available for inspection by a police officer or other authorised officer on request.</p> | <p><i>Noncompliant.<br/>Refusals are recorded via PayPoint as above. I was unable to view these records. Spoke to the DPS by phone who stated he could show me them at a later date. They however are not being kept as per the condition.</i></p> <p><i>There is a training register but either there is no training taking place or, the record is not being completed or both.</i></p> |
| <p>20. 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.</p>  | <p><i>Unable to check</i></p>   |

Coastview Shop 9A East Parade, Whitley Bay



**North Tyneside  
Council**

The Killingworth Site  
Block A Harvey Combe  
Killingworth  
Newcastle upon Tyne  
NE12 6QQ

Harvestmall Enterprise Ltd  
107 Leister Way  
Fellgate  
Jarrow  
Tyne and Wear  
NE32 4XT

Date: 19 January 2024  
This matter is being dealt with  
by: **The Licensing Team**  
☎ Telephone: 0191-643  
■■■■

Dear Sir,

**Re: Licensing Act 2003 - Breach of Conditions**  
**Coast View Shop, 9A East Parade, Whitley Bay**

I write further to my visit to the premises on 17 January 2024 and the telephone conversation with the Designated Premises Supervisor (Christopher ■■■■ Osubor) during my visit to the premises.

I have attached my record of the breaches of the conditions of the premises licence which are set out in Annex 2 of the licence. In relation to the mandatory conditions set out in Annex 1 of the licence, although the Premises Licence Summary was displayed behind the counter. It must be accessible to anyone entering the store. I therefore request that you place it in a more accessible position within the store.

The member of staff at the premises (■■■■ Nwokenna) did not know where the Premises Licence was or whether it was on the premises. When asked about the conditions attached to the licence, she stated that she did not know what the conditions on the licence required. This demonstrates that she has had no Licensing Act 2003 training.

During my telephone conversation with Christopher ■■■■ Osubor, he also stated that he did not know what the conditions on the licence required.

Please be aware that you must resolve the issues identified on the attached sheet immediately. However, a warning is being issued to you in relation to the operation of your licence. This means, if it is identified that you or anyone else involved with the operation of the business (Coast View Shop) fails to comply with the requirements of the premises licence in the future, further action is likely to be taken.

I enclose two copies of this letter and request that a Director of the Company sign one copy and return it to me in the envelope provided to confirm that you have read and understood this letter and that you agree to fully comply with the licence in the future.

PTO

Should you wish to discuss this matter further please do not hesitate to contact the Licensing Team on the telephone number at the top of this page.

Yours sincerely



Jeff Young  
Licensing Section

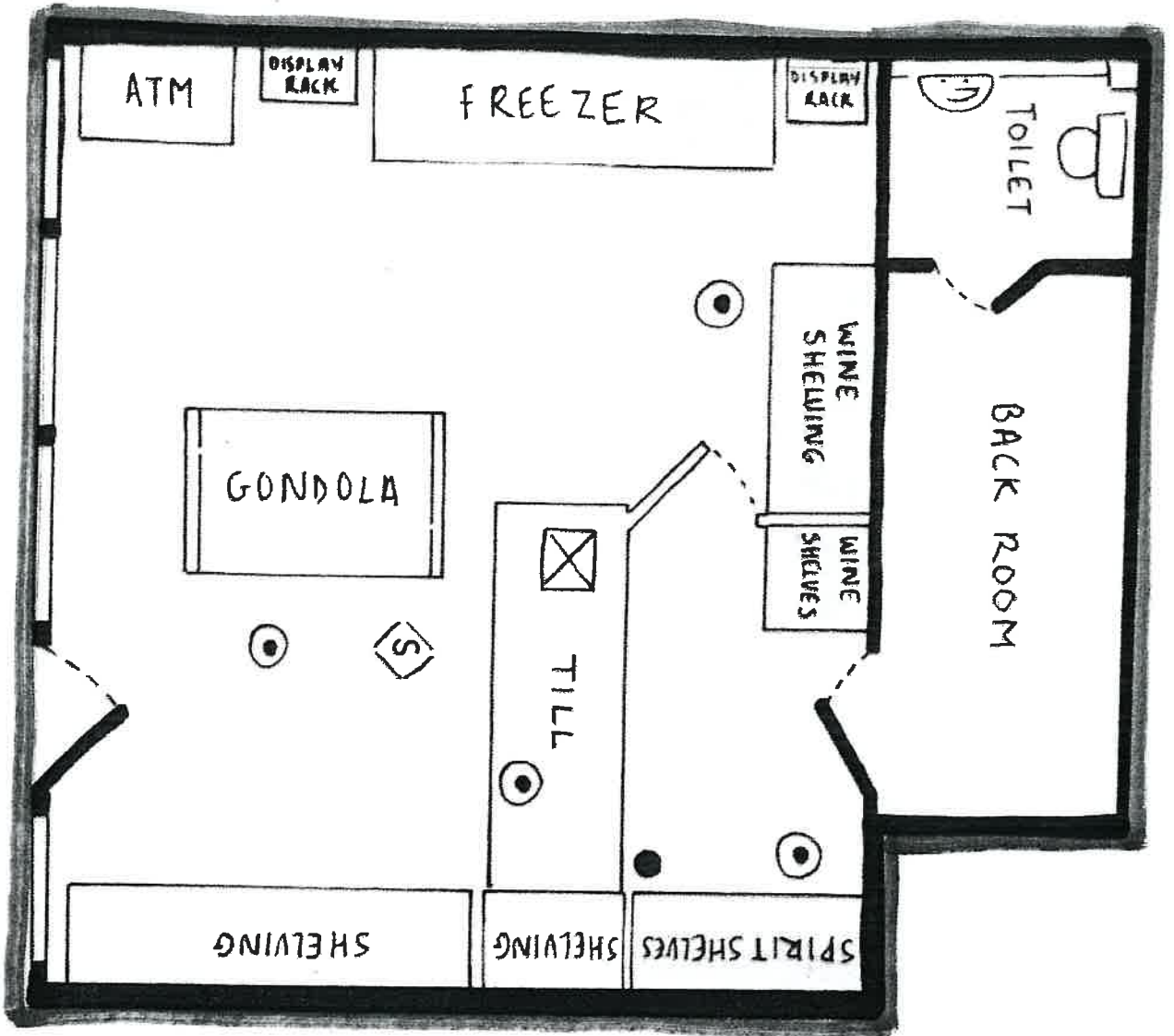
I ..... of Harvestmall Enterprise Ltd, Premises Licence Holder of The Coast View Shop, 9A East Parade, Whitley Bay NE26 1AP confirm that I will ensure compliance with the Premises Licence and all of its conditions in the future.

Signed ..... Date .....

Print name .....

PTO

## **APPENDIX 2**



" COAST VIEW SHOP "

9 EAST PARADE, WHITLEY BAY, NZ 16 1AF

KEY:

= SINGLE DOOR

= WINDOW

= CCTV

= MONITOR

= SMOKE ALARM

= FIRE EXTINGUISHER

ALCOHOL DISPLAYED  
HERE =

\* A QUARTER OF FREEZER USED FOR ALCOHOL DISPLAYED IN THIS SECTION

12 NOV 2017

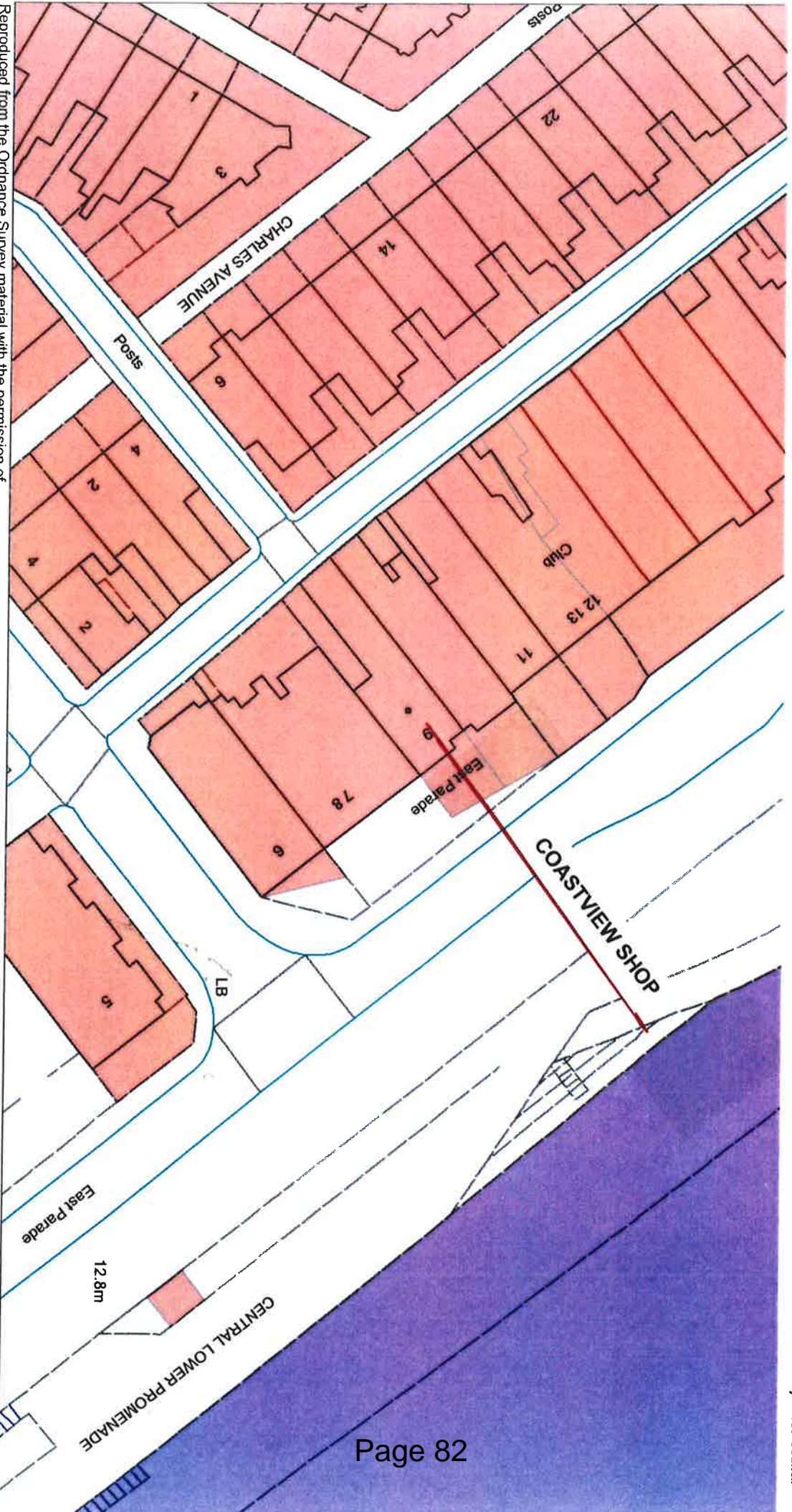
APPROVED



**APPENDIX 3**

# COASTVIEW SHOP

9A EAST PARADE WHITLEY BAY



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|                     |                        |                   |               |
|---------------------|------------------------|-------------------|---------------|
| <b>Organisation</b> | North Tyneside Council | <b>Date</b>       | 13 March 2024 |
| <b>Department</b>   | North Tyneside Council | <b>SLA Number</b> | 100016801     |
| <b>Comments</b>     | Not Set                | <b>Scale :</b>    | 1:601         |

## **APPENDIX 4**



North Tyneside Council

## **PREMISES LICENCE**

Schedule 12 – Part A

**Premises Licence number:**

**00CK/22/2204**

### **Part 1 - Premises details**

**Postal address of premises:**

**COASTVIEW SHOP**  
9A East Parade  
Whitley Bay  
Tyne And Wear  
NE26 1AP

**Licensable activities authorised by the licence:**

Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Supply of Alcohol Every Day From: 09:00 Until:22:00**

**The opening hours of the premises:**

**Every Day From: 08:00 Until:22:00**

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**

Off the premises

**Part 2**

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

Harvestmall Enterprise Ltd  
107 Leicester Way, Jarrow, Tyne & Wear, NE32 4XT

**Registered number of holder:**

11882091

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

Mr Christopher Uche Osubor

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

LN/000008367 Borough of South Tyneside

### **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. The operator shall ensure that at all times when the premises are open for any licensable activity there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
2. Alcohol shall only be stored, displayed, sold or supplied in the areas and locations as detailed in the plan attached to this licence
3. 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 a 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 all entrances and exits to the licensed premises and provide continuous recording facilities for each camera to a good standard of clarity with a minimum of 4 frames per second for 28 days. Such recordings shall be supplied to the licensing authority or police on reasonable request.
4. 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 requests from Northumbria police/Local Authority to review any CCTV images.
5. 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.
6. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers or be consumed in the licensed premises.
7. The premises will report any instances of youths congregating around the premises to the police as soon as possible.
8. Spirits sold at the premises will be kept behind the counter.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% abv (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
10. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
11. No miniature bottles of spirits of 20cl or less shall be sold from the premises.
12. No refuse shall be deposited in any skip, bin or other container of the like nature, located outside of the premises, between the hours of 22.30 and 09.00 Monday to Sunday, and any such skip, bin or container shall not be removed for refuse collection or recycling from the premises between these hours.



13. At the close of business each day there will be a clear up of any litter waste in the outside vicinity of the premises.
14. 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 or proof of age card carrying the pass logo. The premises will fully adopt this challenge 25 policy and visible signage will be displayed at the premises reminding customers of this.
15. All tills shall automatically prompt staff to ask for age verification when presented with an alcohol sale.
16. The premises licence holder shall ensure that all training and the related checks carried out around the age restrictions applicable to the retail supply of alcohol shall be documented. New staff will be given age restricted training. A written record must be kept of this training.
17. Initial staff training to be carried out by the Designated Premises Supervisor to ensure no alcohol is sold to anyone underage and refresher training to be carried out every six months.
18. Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
19. A refusal register will be kept and endorsed after every refused sale. This to include over 18s purchasing alcohol and passing it to under 18s (proxy sales). All staff tasked with selling alcohol will be trained to record refusals of sales of alcohol in a refusals register. The register will contain: -
  - Details of the time and date the refusal was made.
  - the identity of the staff member refusing the sale.
  - details of the alcohol the person attempted to purchase.

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

20. 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.

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

**Annex 4 - Plans**

See attached

This page is intentionally left blank

## **APPENDIX 5**

# RESPONSIBLE AUTHORITY REPRESENTATION



North Tyneside Council

## Section 1 – Application Details

I wish to make a supporting representation in regards of the following Application:

**Applicant's name (if known) :** Chief Officer of Northumbria Police  
**Premises name and address:** Coast View Shop  
9a East Parade, Whitley Bay, NE26 1AP

**Application for a:-** Review of Premise Licence

## Section 2 – Details of the Responsible Authority making representation

**Name of Responsible Authority:** Licensing Authority

**Tel No:** 0191 643 6100

**Correspondence Address:** Quadrant East, The Silverlink North,  
Cobalt Business Park, North Tyneside  
NE27 0BY

**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).

**Protection of Children from Harm  
Prevention of Crime and Disorder**

## 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). You may attach supporting documents/further pages as necessary – Please number all extra pages and put your name on the top of each page. Try to be as specific as possible and give examples (ensuring the representation relates to the licensing objective(s)).*

I am the Head of Public Protection, Community Safety and Emergency Planning at North Tyneside Council. In this capacity I wish to raise this representation on behalf of the Licensing Authority in support of the application for a review of the premises licence submitted by the Chief Officer of Northumbria Police, due to the concerns expressed below.

The premises licence was first granted on 12 November 2022. The premises licence holder is Harvestmall Enterprise Limited and the Designated Premises Supervisor is Mr

The review application states that multiple sales of alcohol to children took place on 31<sup>st</sup> December 2023. The sales were made by a member of staff the premises licence holder believed to be 17 years old but was in fact 16 years old. The 16 year old was left unsupervised at the licensed premises and no ID checks were carried out prior to alcohol sales being made. The sale of alcohol to children and the unsupervised sale of alcohol by a child are both offences under the Licensing Act 2003 and undermine the protection of children from harm and the prevention of crime and disorder licensing objectives.

The fact the Premises Licence Holder did not know the true age of his member of staff brings into question what checks that are carried out when employing members of staff. The Licensing Authority believes that it is irresponsible to leave a 16/17 year old in charge of a licensed premises at any time and even more so on New Year Eve when trade could have been much busier than usual.

The police investigated the complaint alleging under age sales of alcohol had taken place.

A Licensing inspection by the Licensing Authority was carried out on 17 January 2024.

The investigation and inspection have resulted in the discovery of alleged breaches of the following licence conditions.

1. The operator shall ensure that at all times when the premises are open for any licensable activity there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
2. Alcohol shall only be stored, displayed, sold or supplied in the areas and locations as detailed in the plan attached to this licence
3. 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 a 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 all entrances and exits to the licensed premises and provide continuous recording facilities for each camera to a good standard of clarity with a minimum of 4 frames per second for 28 days. Such recordings shall be supplied to the licensing authority or police on reasonable request.
5. 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.

7. The premises will report any instances of youths congregating around the premises to the police as soon as possible.
8. Spirits sold at the premises will be kept behind the counter.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% abv (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
10. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
11. No miniature bottles of spirits of 20cl or less shall be sold from the premises.
14. 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 or proof of age card carrying the pass logo. The premises will fully adopt this challenge 25 policy and visible signage will be displayed at the premises reminding customers of this.
16. The premises licence holder shall ensure that all training and the related checks carried out around the age restrictions applicable to the retail supply of alcohol shall be documented. New staff will be given age restricted training. A written record must be kept of this training.
17. Initial staff training to be carried out by the Designated Premises Supervisor to ensure no alcohol is sold to anyone underage and refresher training to be carried out every six months.
18. Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
19. A refusal register will be kept and endorsed after every refused sale. This to include over 18s purchasing alcohol and passing it to under 18s (proxy sales). All staff tasked with selling alcohol will be trained to record refusals of sales of alcohol in a refusals register. The register will contain: -
  - Details of the time and date the refusal was made.
  - the identity of the staff member refusing the sale.
  - details of the alcohol the person attempted to purchase.

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

A breach of a licensing condition is an offence under Section 136 of the Licensing Act 2003.



The member of staff at the premises when the inspection took place stated that they did not know what the conditions on the licence required.

During a telephone conversation with the DPS he also stated that he did not know what the conditions on the licence required. The conditions on the premises licence were volunteered by the licence holder when the premises licence application was submitted. The DPS, Mr Osubor, is the Director of the company which holds the licence.

A warning letter was sent to the premises licence holder following the inspection. The letter included a request that the premises licence holder sign and return a form to acknowledge receipt of the letter, confirm that they had read and understood it and agreed to fully comply with the licence in future. To date this signed document has not been received by the Licensing Authority. A copy of the warning letter is attached as **Appendix 1**. This lack of engagement with the Licensing Authority is concerning.

As stated in the Licensing Act 2003 guidance and the review application the sale of alcohol to minors is a particularly serious matter.

**Signed**

**Joanne Lee, Head of Public Protection, Community Safety and Emergency Planning**



North Tyneside  
Council

The Killingworth Site  
Block A Harvey Combe  
Killingworth  
Newcastle upon Tyne  
NE12 6QQ

Harvestmall Enterprise Ltd  
107 Leister Way  
Fellgate  
Jarrow  
Tyne and Wear  
NE32 4XT

Date: 19 January 2024  
This matter is being dealt with  
by: **The Licensing Team**  
☎ **Telephone: 0191-643  
2175**

Dear Sir,

**Re: Licensing Act 2003 - Breach of Conditions**  
**Coast View Shop, 9A East Parade, Whitley Bay**

I write further to my visit to the premises on 17 January 2024 and the telephone conversation with the Designated Premises Supervisor ( ) during my visit to the premises.

I have attached my record of the breaches of the conditions of the premises licence which are set out in Annex 2 of the licence. In relation to the mandatory conditions set out in Annex 1 of the licence, although the Premises Licence Summary was displayed behind the counter. It must be accessible to anyone entering the store. I therefore request that you place it in a more accessible position within the store.

The member of staff at the premises ( ) did not know where the Premises Licence was or whether it was on the premises. When asked about the conditions attached to the licence, she stated that she did not know what the conditions on the licence required. This demonstrates that she has had no Licensing Act 2003 training.

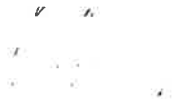
During my telephone conversation with ( ), he also stated that he did not know what the conditions on the licence required.

Please be aware that you must resolve the issues identified on the attached sheet immediately. However, a warning is being issued to you in relation to the operation of your licence. This means, if it is identified that you or anyone else involved with the operation of the business (Coast View Shop) fails to comply with the requirements of the premises licence in the future, further action is likely to be taken.

I enclose two copies of this letter and request that a Director of the Company sign one copy and return it to me in the envelope provided to confirm that you have read and understood this letter and that you agree to fully comply with the licence in the future.

Should you wish to discuss this matter further please do not hesitate to contact the Licensing Team on the telephone number at the top of this page.

Yours sincerely



Licensing Section

I ..... of Harvestmall Enterprise Ltd, Premises Licence Holder of The Coast View Shop, 9A East Parade, Whitley Bay NE26 1AP confirm that I will ensure compliance with the Premises Licence and all of its conditions in the future.

Signed..... Date.....

Print name.....

## 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) : \_\_\_\_\_ 7183  
\_\_\_\_\_ and

NE28 9NT

**Premises name and address:** Coast View Shop  
9A East Parade  
Whitley Bay  
NE26 1AP

Application for a:-  
**Review of a Premises Licence**.....   
**Review of a Club Premises Certificate** .....

### Section 2 – Details of the Responsible Authority making a representation

**Name of Responsible Authority:** The Local Weights and Measures Authority (North Tyneside Council)

**Tel No:** 0191 6436621

**Address where you would like us to correspond with you:**

Trading Standards  
North Tyneside Council  
Quadrant East  
Cobalt Business Park  
NE27 0BY

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.

## Section 3 – Objection Details

My representation is based on the following:

### Background

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. In order 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 the business. On 21 June 2023 Officers from trading standards visited Coast View Shop to provide such guidance. 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 under age sales occurring
- Advice on how to refuse a sale
- Acceptable proof of age
- Refusal register advice
- Staff training advice

It also provides a refusals register and staff training register, both of which are seen as essential tools to assist premises in the prevention of underage sales.

It is therefore very disappointing to learn from Northumbria Police that the premises has sold alcohol to 14-year-old children and the seller was only 16 years of age and unsupervised. It is also apparent that the member of staff has not received any training.

I would like to draw the Committees attention to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2023) specifically paragraphs:-

10.46 Age Verification - The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.

10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies to the premises.

**10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.**

It is also of concern to learn that many of the conditions attached to the premises licence are not being adhered to. The written advice provided by trading standards describes how to comply with conditions attached to premises licences. It is of further concern that the designated premises supervisor is not aware of what the conditions attached to the premises licence require.

Failure to comply with the licensing conditions indicates a disregard for the importance of upholding the licensing objectives as well as poor management practice. This leads to a lack of confidence in management and control of the premises and suitability to hold a licence to supply alcohol.

#### Summary

Due to the concerns about the ability of the premises licence holder to prevent crime and protect children from harm, as a responsible authority under the Licensing Act 2003, North Tyneside Council trading standards wish to support Northumbria Police for the review of the premises licence of Coast View Shop, 9A East Parade, Whitley Bay

**Signed:**

**Position:** Senior Trading Standards Officer

**Date:** 22/2/24



**North Tyneside Council**

Quadrant, The Silverlink North,  
Cobalt Business Park,  
North Tyneside, NE27 0BY  
**Tel: 0191 643 2104**

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

13 February 2024

Dear Sir/Madam,

**Review of Premises Licence: Coast View News, 9A East Parade, Whitley Bay, Newcastle upon Tyne, NE26 1AP**

As the Director of Public Health for the borough I have responsibility for improving population health and providing leadership for health improvement and protection. I am therefore concerned about the evidence supplied by Northumbria Police which identifies that alcohol has been sold to underage children at the premises of Coast View News, 9A East Parade, Whitley Bay, Newcastle upon Tyne, NE26 1AP.

There is evidence of a number of activities at this premise that undermine the licensing objectives to protect children from harm. The licensee and also those working in the premises have demonstrated very clearly that they are unable to uphold this licensing objective by trading in this illegal manner.

The sale of alcohol is rightly subject to robust regulation as it can cause harm to health when consumed at high risk levels and can also impact negatively on society through crime and disorder. Alcohol is linked to over 60 medical conditions. Alcohol misuse is estimated to cost the NHS about £3.5 billion a year but the wider annual cost to society is estimated to be around £21 billion. Locally there is a cost of over £74 million in North Tyneside, with over £11 million a year on hospital admissions alone.

The rate of alcohol admissions for under 18's for alcohol-specific conditions in North Tyneside is almost three times the national average and the highest in England. Selling alcohol to children is illegal, harmful and can result in life threatening circumstances. The licensing objectives exist to minimise the risks to the public, and it is clear that the license holder does not take his responsibilities seriously.

In order to prevent further criminal activity and protect children from harm I would urge the Licensing Committee to revoke this licence.

Thank you for the opportunity to raise my concerns, and should you require any further information please do not hesitate to contact me.

Yours faithfully,

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Director of Public Health and Responsible Authority