



**North Tyneside Council**

# Licensing Sub Committee

Date Not Specified

**Thursday, 5 November 2020** This meeting will be held remotely via Teams - Remote Meeting **commencing at 10.00 am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Appointment of Chair</b>	
The Sub-Committee to appoint a Chair for this meeting.	
<b>2. Declaration of interest and Dispensations</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.  You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>3. Procedure for Licensing Act Hearings</b>	<b>3 - 6</b>
To note the procedure for hearing and determining an application for the grant of a new Premises Licence.	
<b>4. Shell New York Road, New York Road, Shiremoor, Newcastle Upon Tyne, NE27 0TS (Collingwood Ward)</b>	<b>7 - 36</b>
To consider an application for a review of a Premises Licence.	

**Circulation overleaf ...**

Members of the public are entitled to attend this meeting and receive information about it. North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

### **Members of the Licensing Sub Committee**

Councillor Julie Cruddas

Councillor John O'Shea

Councillor Willie Samuel

## LICENSING ACT 2003

### NORTH TYNESIDE COUNCIL

#### **PROCEDURE FOR VIRTUAL 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 involved in the hearing to identify themselves in turn. 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 participate 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 Members of 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. The Applicant, or their representative, will be invited to address the Committee, in relation to their application. If the Applicant 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 Applicant, their representative or their witness(es).
8. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).
9. 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.

10. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
11. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).
12. The Chair will invite the Applicant or their representative to make a brief closing statement, ideally taking no longer than 10 minutes.
13. 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.
14. The Chair will ask all parties if they are satisfied that they have said all they wish to.
15. 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.
16. 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.
17. 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.**

18. 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 virtual hearing.

If a party fails to attend or be represented at a virtual 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 (if any) 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.

## REPORT

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

**Date:** 5 November 2020

**Report by:** Stephanie Graham  
Licensing Officer  
Licensing Section  
☎ 643 6903

**Contact  
Officer(s):** Stephanie Graham  
Licensing Officer  
Licensing Section  
☎ 643 6903

**Title of  
Report:** Licensing Act 2003 Application  
Shell New York Road  
New York Road  
Shiremoor  
Newcastle Upon Tyne  
NE27 0TS

**Ward(s):** Collingwood

### **1.0 Summary / Purpose of Report**

#### **1.1 Licensing Sub-Committee**

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

#### **1.2 The Sub-Committee is asked to consider and determine an application from The Chief Officer of Police for the review of a Premises Licence for Shell New York Road held by Shell UK Oil Products Limited.**

#### **1.3 The applicant has been invited to attend the meeting to put forward their case in support of the review application. The premises licence holder has also been invited to attend the meeting.**

## 1.4 Representations from Responsible Authorities and Other Parties

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.

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.

## 1.5 Authority to make decisions

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

- 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

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

## 2.0 Background

This report relates to an application by the Chief Officer of Police for the review of a premise licence for Shell New York Road Store held by Shell UK Oil Products Limited.

The application for review and supporting information are attached at **Appendix 1**, plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**. The current premise licence is attached at **Appendix 4**.

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

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

## 2.2 The current premise licence in respect of Shell New York Road allows the following:

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

- Every Day 00.00 to 23.59

2. To provide **Late Night Refreshment**

- Every Day 23.00 to 05.00

3. The opening hours of the premises are

- Every Day from 00.00 to 23.59

### **3.0 The Representations**

The Authority have not received any supporting representations from any other Responsible Authorities or Other Persons.

### **4.0 The Parties**

The Parties to the hearing will be:

1. The Applicant – The Chief Officer of Police
2. Premise Licence Holder

### **5.0 For consideration**

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

- Application for the review of a premise licence for Shell New York Road held by Shell UK Oil Products Limited.

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

The Sub-Committee's attention is drawn to the relevant part of the Policy, Sections 10.1 – 10.5 Crime and Disorder.

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

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

### **8.0 For Decision**

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

## **9.0 Associated Papers**

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

Appendix 2 – Plan

Appendix 3 – Map

Appendix 4 – Current Premise Licence

## **10.0 Background Information**

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

North Tyneside Council Statement of Licensing Policy

The Licensing Act 2003 and Regulations

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

Delegation Scheme – Licensing Committee 7 February 2005

## **APPENDIX 1**

## 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 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> Shell New York Road New York Road Shiremoor	
<b>Post town</b> Newcastle upon Tyne	<b>Post code (if known)</b> NE27 0TS
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Shell UK Oil products Limited	
<b>Number of premises licence or club premises certificate (if known)</b> 00CK/19/1698	

#### 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 Chief Inspector Amanda Dumighan 7987 Northern Area Command Wallsend police station Middle Engine Lane Wallsend NE28 9NT
Telephone number (if any) 101
E-mail address (optional) @northumbria.pnn.police.uk

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

Please tick one or more boxes

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

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

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

**Northumbria police request a review of the premises licence on the grounds of crime and disorder**

Northumbria police respectfully request under; The licensing Act 2003 (Hearings) Regulations 2005, specifically Regulation 14 (2) that the public are excluded from these proceedings. The police intend to show CCTV of an ongoing criminal case and therefore, it would not be in the public interest, for the public to be present.

On 11<sup>th</sup> June 2020 at 23:52 hours, a telephone call was received by a Northumbria Police 999 operator, about a possible drunk driver, bouncing off the curbs and driving the wrong way around a roundabout and knocking over a set of permanent traffic lights. The caller was giving a running commentary to the 999 operator whilst following the vehicle. The badly driven vehicle eventually came to a stop on the forecourt of the Shell garage on New York road, New York. The driver exited the vehicle, went to the night hatch, and was described by the caller as staggering he went. At the hatch, the caller saw that the driver had dropped his money on the floor, returned to his car, got something from the car and went back to the hatch, where he purchased something. The caller ended the conversation with the 999 operator, as Police officers had arrived. The dashcam footage showing the dangerous driving prior to arriving at the shell garage is provided.

Police officers arrived at the Shell garage at 23:56 hours. The only person in the vehicle was a male; he was arrested at the scene, on suspicion of being in

charge of motor vehicle and being above the legal alcohol level. A road side breath test was performed, he blew 81, being above the legal prescribed limit of 35 micrograms of alcohol in 100 milliliters of breath. The officers also noted the offending vehicles air bags had gone off, the front end of the vehicle was very badly damaged and the rear windscreen had been smashed. Later inspection of the road that the drunk driver had travelled revealed on, revealed a set of permanent traffic lights, which were presumed to have been taken out by the driver. Photographic stills are attached showing; the air bags, damage to the vehicle and the damaged traffic lights.

Officers also arrived seized 4 cans of fosters larger from the driver, understood to have been purchased from the shell garage. The officers asked the driver, if he had been in an accident, he replied no. The driver was also not aware the air bags in the vehicle and been deployed. Body worn video as a DVD is attached. Statements from PC 2929 and PC 2243 are also attached.

An email was sent by Mr N Kirkpatrick Licensing Officer for the police on 17<sup>th</sup> June 2020 at 10:25 hours; to the Shell garage, for the attention of the Designated Premises Supervisor: Email reads.

Good morning,

Further to my telephone call this morning, 17 June 2020 at 09:24 hours, with regards to the sale of alcohol, to a person who was arrested for drunk driving on your forecourt, at approximately 23:50 hours on 11 June 2020. We had a conversation about the state of the drivers vehicle and the fact he was sold 4 cans of fosters larger, which you have informed me, was sold to this person buy one of your staff. Please could make available the training records for this person, a copy of the refusal s record and a copy of the incident report from that night. I will also need to see the CCTV from the 11<sup>th</sup> June 2020 as well please. You have informed me, your CCTV system records for 28 days. Could you let me know if I require a USB stick or a DVD disc to down load the footage please. I do not know what course of action the police will take, until I have had a conversation with the Inspector, who I have CCd into this email. I also note you have made your area manager aware of the incident.

Thank you for your professional approach during our conversation this morning, it was appreciated.

Regards

Neil K

Emails from Locket & Co were subsequently received, with extensive training records were attached, as requested. Also a statement from the person who served the driver, along with the CCTV from the garage, was provided to Mr Kirkpatrick. The picture quality of the external camera is poor, and not up to evidential standard.

The external footage shows, the damaged vehicle stop within a few feet of the night hatch. The vehicle is parked there, long enough for another member of the public to be served. The male gets out of the vehicle, he takes 6 strides from the car to the night hatch, the male drops something and he returns to his vehicle, on his return to the night hatch leaves the driver's door open. The driver receives

items from the shop, at this point the Police are on scene.

Internally the CCTV images are of a good standard. When the offending vehicle arrives, a male member of staff walks away from the window, to be replaced by a female member of staff. The female member sees the vehicle and turns away from the vehicle, says something to the male member and then turns back, looking at the offending vehicle. The vehicle parks near to the night hatch, another vehicle turns up, a male is served cigarettes and drives away. All this time the offending vehicle is in sight of the female member of staff, who has time to take 2 inhales of her E cigarette. The male gets out of their vehicle, approaches the night hatch, request something. The female member of staff goes into the shop collects a four pack of fosters, the male gives over some money, which by the look of the actions from the member of staff, not the correct amount of money, because he returns to his vehicle. The male member of staff can be seen in the footage to look in the direction of the female member of staff and the male purchasing fosters larger for about 25 seconds at this point. The female member of staff then serves the male with the alcohol. The rear of the vehicle is in view as is the inside with the driver's door open. At this point the police arrive.

CCTV attached as a DVD.

Northumbria Police request a review of the premises licence for Shell garage, New York Road, New York, on the grounds of prevention of crime and disorder. An employee of the garage has sold a drunk driver alcohol. The employee has not sought to challenge the driver, either due to intoxicated state or due to the condition of the vehicle. Had it not been for the actions of another member of public ringing to report the driver prior to arriving at the garage and the attendance of the Police at the garage, it is possible that a serious incident could have occurred.

The garage presently has a 24 hour licence and this incident took place at 23:56 hours. At the time of the incident, due to the UK Lockdown as a result of the COVID19 pandemic, the garage was the only premise open in the vicinity. Northumbria Police are concerned that as a premise trading with a 24 hour licence there was no challenge to the male, who was clearly intoxicated, upon the sale of the alcohol.

In addition, Northumbria Police have concerns that the CCTV footage provided by the garage is not up to the standard it should be.

Northumbria Police would respectfully request the Licensing Committee to consider: reducing the hours for the supply of alcohol; that no alcohol should be sold via the night hatch and the CCTV system be upgraded to improve the quality and clarity of the recorded images.

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

Please see attached statements of officers, photographs, CCTV footage and dashcam footage

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

Day Month Year

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**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

4/9/2020

Capacity

CHIEF INSPECTOR NORTHERN AREA COMMAND

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

Mr N Kirkpatrick  
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)**

**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

Statement of: PC

URN 10

Age if under 18: OVER 18 ..... (if over 18 insert 'over 18') Occupation: POLICE OFFICER .....

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: ..... Date 8-Sep-20 .....

I am PC ..... of Northumbria Police currently based at Middle Engine Lane Police Station. On Thursday 11<sup>th</sup> June 2020, I was on duty in uniform on mobile patrol in a marked police car in company with PC '.....'

At 2352hrs on the same day, we were informed that a possible drink driver was travelling on NEW YORK ROAD, SHIREMOOR, towards the SHELL GARAGE on the same road, having crashed into a traffic light, driven over the top of a roundabout, hitting curbs and driving on the wrong side of the road. The description of the car passed by the caller was a black VAUXHALL VECTRA, VRM ..... We immediately started travelling with blue lights illuminated to the SHELL GARAGE where information was passed over the radio that the male had parked on the garage forecourt, left the vehicle and was staggering towards the shop. The caller also provided a description of the male's clothing so that we could immediately recognise him.

We pulled into the forecourt and I spotted the car with the car's engine still running and the lights illuminated. I immediately recognised the male by his clothing, and he was standing at the shop window having just purchased a 4-pack of lager. PC ..... pulled up in front of the VECTRA which I noted had front-end damage that looked to be consistent with the reports of him hitting a traffic light, and both front seat airbags had been deployed. I quickly exited the police car and approached the male, who was now standing at the driver's door of the VECTRA. I now know this male to be ..... I placed him in a rear stack handcuff position before cautioning and arresting him on suspicion of drink driving at 2355hrs that same day. He made no reply to the caution.

While talking to ....., he smelled strongly of intoxicating liquor, had a very vacant expression on his face, his eyes were glazed, he was very unsteady on his feet and he was slurring his words. After he was searched, I escorted him to the rear of a colleague's police van to conduct a Dräger roadside breath test. I explained to ..... that he was required to provide a sample of breath for analysis which he agreed to. He was given 3 chances to complete the breath test and was successful on the 3<sup>rd</sup> try, after pausing his breathing during the first two chances. The result showed 81, which I explained to ..... was a fail as the legal limit was 35.

..... was then transported to MIDDLE ENGINE LANE CUSTODY by PC ..... and PC ..... where his detention was authorised.

I took photographs of the damage to ..... vehicle before it was uplifted, which I exhibit on the Digital Media Repository as AD/01, AD/02, AD/03 and AD/04.

My body worn video was activated when ..... was placed under arrest and throughout the roadside breath test procedure. I exhibit this footage as AD/05.

**WITNESS STATEMENT**

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

URN **10**

Statement of: PC

Age if under 18: OVER 18 ..... (if over 18 insert 'over 18') Occupation: POLICE OFFICER .....

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: ..... Date 8-Sep-20 .....

I am PC ..... of Northumbria Police currently based at Middle Engine Lane Police Station. On Thursday 11<sup>th</sup> June 2020, I was on duty in uniform on mobile patrol in a marked police car in company with PC .....

At 2350hrs on the same day, we received a report of a possible drink driver. We were informed that the vehicle was travelling on NEW YORK ROAD, SHIREMOOR, towards the SHELL GARAGE. The caller passed information that the vehicle had crashed into a traffic light, driven over the top of a roundabout, hitting curbs and had driven on the wrong side of the road. The description of the car passed by the caller was a black VAUXHALL VECTRA, VRM ..... Whilst I was travelling we were informed that the male driver had parked on the forecourt of the SHELL GARAGE left the vehicle and was staggering towards the shop. The caller also provided a description of the male's clothing so that we could immediately recognise him.

I have pulled into the forecourt and immediately seen the vehicle stationary next to the overnight serving window, with the car's engine still running and the lights illuminated. I have witnessed a male matching the clothing description of a Full Grey Tracksuit, and he was standing at the shop window having just purchased a 4-pack of Foster's lager.

I have pulled up in front of the VECTRA where I have seen front-end damage and could see that both front seat airbags had been deployed. I alighted from the car and approached the male, who I now know to be ..... who was now standing at the driver's door of the VECTRA. PC ..... has taken hold of ..... left arm and I have taken hold of his right arm. PC ..... placed him in handcuffs before cautioning and arresting him on suspicion of drink driving.

..... was placed in the rear of a caged police vehicle. While talking to ....., he smelled strongly of intoxicating liquor, his eyes were glazed and he was slurring his words. I assisted PC ..... in conducting the Dräger roadside breath test. It was explained to ..... that he was required to provide a sample of breath for analysis which he agreed to. I asked him if he had drank anything in the last 20 minutes to which he said NO, I also asked him if he had consumed any food or sweets in the last 20 minutes, to which he replied "YES SWEETS", I asked him how many, he replied "LOADS". I also asked him what the sweets were and he replied "I DON'T KNOW".

On the first attempt ..... failed to provide a test, and appeared to make no effort. I have taken the Dräger from PC 2243, I informed him he needed one long continuous breath for the test to work, he nodded and on the 2<sup>nd</sup> attempt he failed again. ..... had a vacant look when I informed him that it was an offence to fail to provide a breath test. I explained again that we need one long breath and attempted the test again, the 3<sup>rd</sup> test was successful. The result showed 81 MICROGRAMMES OF ALCOHOL IN 100 MILLILITRES OF BREATH. PC 2243 DENT informed ..... that he failed the road side breath test, and that the legal limit was 35. .... looked at me and said "YOUR HAPPY WITH THAT AREN'T YOU BLONDIE".

..... was then transported to MIDDLE ENGINE LANE CUSTODY by PC ..... and PC ..... where his detention was authorised.

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## **APPENDIX 2**



LOCKETT & CO

Specialist in Licensing and Planning Applications  
100-102, The Quadrant, Newcastle Upon Tyne, NE1 2JG

Shell New York Road

New York Road

Shiremoor

Newcastle Upon Tyne

NE27 0TS

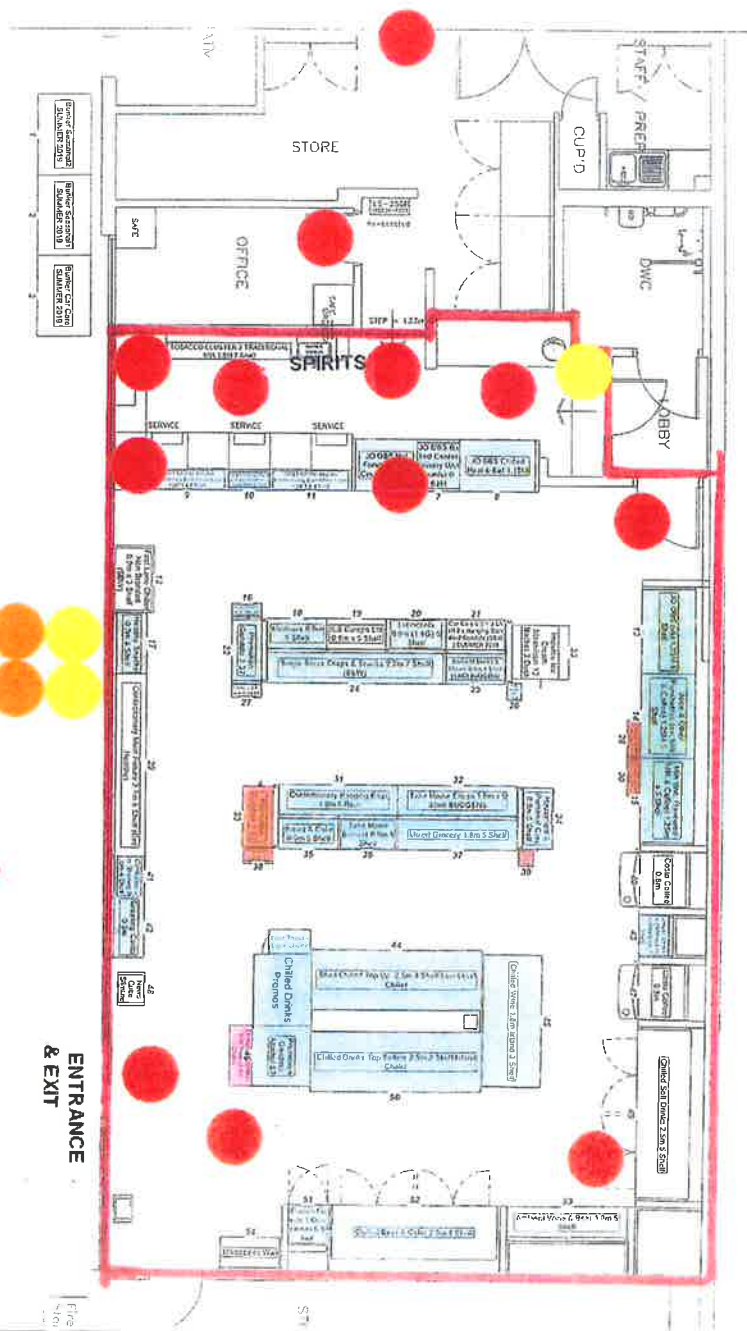
Key:

Area licensed for sale of alcohol for consumption off the premise and Late Night Refreshment (LNR).

Fire extinguisher

CCTV

Fire Bucket



"NORTH TYNESIDE COUNCIL"  
LICENSING SECTION

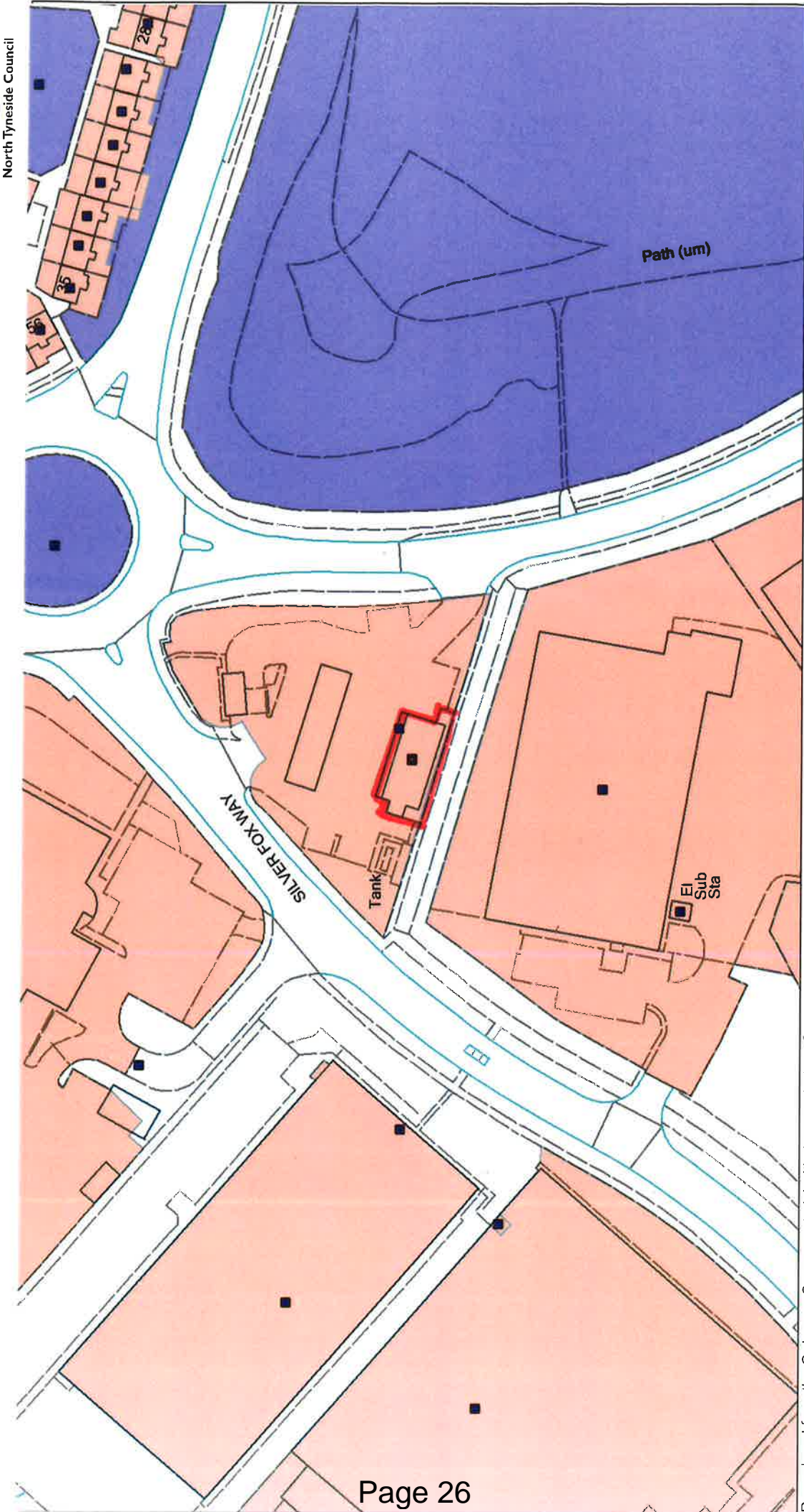
22 JUL 2018

APPROVED

Date: July 2019

Scale 1:100

## **APPENDIX 3**



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Organisation	North Tyneside Council	Date	22 October 2020
Department	North Tyneside Council	SLA Number	100016801
Comments	Not Set	Scale :	1:1282

## **APPENDIX 4**



North Tyneside Council

## **PREMISES LICENCE**

Schedule 12 – Part A

**Premises Licence number:**

**00CK/19/1698**

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

**Postal address of premises:**

**Shell New York Road**  
New York Road  
Shiremoor  
NEWCASTLE UPON TYNE  
NE27 0TS

**Where the licence is time limited the dates:**

**Licensable activities authorised by the licence:**

Supply of Alcohol  
Late Night Refreshment

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

**Supply of Alcohol** Every Day **From:**00:00 **Until:**23:59  
**Late Night Refreshment** Every Day **From:**23:00 **Until:**05:00

**The opening hours of the premises:**

Every Day **From:**00:00 **Until:**23:59

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

Off premises

**Part 2**

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

Shell UK Oil products Limited  
Shell centre, London, SE1 7NA

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

3625633

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

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

**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. Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.**
- 2. Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.**
- 3. A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.**
- 4. An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.**
- 5. A Challenge 25 policy will be operated at the premise. Acceptable forms of identification are a passport, photo-card driving licence and PASS accredited identification card.**

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

## **Annex 4 - Plans**

See attached



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