



**North Tyneside Council**

# Licensing Sub Committee

31 August 2022

**Wednesday, 7 September 2022** 0.01 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **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 the meeting.	
<b>2. 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.	
<b>3. Procedure for Licensing Act Hearings</b>  To note the procedure for hearing and determining an application for a review of a Premises Licence.	<b>3 - 8</b>
<b>4. Supersave Food and Wine (Whitley Bay) Limited, 50 Eastbourne Gardens, Whitley Bay, NE26 1PY</b>  To give consideration to an application for a review of the Premises Licence in respect of Supersave Food and Wine (Whitley Bay) Limited, 50 Eastbourne Gardens, Whitley Bay, NE26 1PY.	<b>9 - 52</b>

**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 Matthew Thirlaway (Chair)  
Councillor Janet Hunter

Councillor Davey Drummond

## 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:** 7<sup>th</sup> September 2022

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

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

**Title of  
Report:** Licensing Act 2003 - Review  
Supersave, 50 Eastbourne  
Gardens, Whitley Bay, NE26 1PY.

**Ward(s):** Monkseaton North

## 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 The Local Weights and Measures Authority for the review of a Premises Licence for Supersave, 50 Eastbourne Gardens, Whitley Bay, NE26 1PY held by held by Mr Ehtisham Khan Arif, 199a Alexandra Road, Ashington, NE63 9LA.

1.4 The applicant 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 The Local Weights and Measures Authority – North Tyneside Council Trading Standards for the review of a premise licence for Supersave, 50 Eastbourne Gardens, Whitley Bay.

3.2 The application for review and supporting information is attached at **Appendix 1**, A plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**. The current premise licence is attached at **Appendix 4** and the representation from a Responsible Authority is 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 Supersave permits the following:

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

- Monday to Saturday 08:00 to 23:00
- Sunday 10:00 to 22:30

2. General opening hours:

- Unlimited

## **5.0 Representations**

**5.1** Representations in support of the Review brought by the Local Weights and Measures Authority have been received from:

The Chief Officer of Police  
The Director of Public Health

## **6.0 The Parties**

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

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

## **7.0 For consideration**

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

- An application for the review of a premise licence for Supersave, 50 Eastbourne Gardens, Whitley Bay, Tyne and Wear, NE26 1PY.

## **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 10.1 – 10.5 Crime and Disorder.

## **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, Section 2.1 to 2.6 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**



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

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Supersave Food & Wine (Whitley Bay) Limited 50 Eastbourne Gardens Whitley Bay Tyne And Wear NE26 1PY	
<b>Post town</b> Whitley Bay	<b>Post code (if known)</b> NE261PY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Ehtisham Khan Arif
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<b>Number of premises licence or club premises certificate (if known)</b> 00CK/19/1593/LAPRE
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

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

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick  yes

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

**Surname**

**First names**

**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
The Local Weights and Measures Authority- North Tyneside Council Trading Standards Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY
Telephone number (if any)
0191 6436623
E-mail address (optional)
dave.hedley@northtyneside.gov.uk

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

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

Please tick one or more boxes ✓

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



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

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

#### Background

Trading standards have always adopted a proactive approach to reduce alcohol sales to children. Trading Standards work with retailers to ensure they are aware of their responsibilities under the Licensing Act 2003. We do this by offering 'best practice' oral and written guidance to support the business.

The primary role for Trading Standards Officers under the Licensing Act 2003 is to work in partnership with the Police to prevent the illegal sales of alcohol to children. The most effective method employed by Trading Standards to police such sales is mystery shopping using under-age volunteers. This is commonly known as 'test purchasing'. The test purchasing of alcohol and other age-restricted goods by Trading Standards is seen as a key tool to help prevent anti-social behaviour and/or the long term damage to health caused by substance misuse.

Test purchasing that is undertaken by the Authority is intelligence led i.e. when information is received about a particular premises concerning the supply of alcohol to children. Officers will normally visit the identified premises and advise the licensee of the intelligence received and their responsibilities under the Licensing Act 2003. Officers will also advise of any improvements that can be made to ensure that alcohol is not sold to children e.g. reminding staff of the age verification policy.

#### Information

After receiving complaints that Supersave Food & Wine were selling age restricted products to underage children Trading Standards made a test purchase of an e-cigarette on 24<sup>th</sup> February 2022 Trading Standards which carried out by a 16 year old. A Mr Ehtisham Arif, the owner and licensee, made the sale to the 16 year old. Mr Ehtisham was given a warning/ advice letter, (attached as appendix 1), on the 22<sup>nd</sup> March explaining what precautions he should be taking to avoid making underage sales which included the use of a refusal register which should always be completed when a refusal had been made.

On the 13<sup>th</sup> May 2022 a test purchase operation in partnership with the police was carried out in Whitley Bay. Supersave Food & Wine was identified as a premises that the police had received information regarding underage sales and anti social behaviour.

On this date a 16 year old volunteer was sold alcohol in the form of a four pack of Budweiser by the sales assistant [redacted] also director of the business, who was on her mobile phone at the time of the sale. No challenge was made to the volunteer as to his age, nor was any identification requested. The sales assistant was issued with a £90 Fixed Penalty Notice by Northumbria Police for the offence.

[redacted] was unaware of any refusals register that was meant to be used, however two refusals registers were found behind the counter neither of which had any entries, see attached photographs.

A letter dated 27<sup>th</sup> May was delivered to the trader (attached as Appendix 2) and at this time [redacted] showed the officer the refusals register that they had started to use and had several entries in.

Trading Standards have received a number of complaints about the premises, see appendix 3, regarding sales of alcohol to minors.

### Summary

As a responsible authority under the Licensing Act 2003, North Tyneside Council Trading Standards have concerns about the ability of the premises licence holder to uphold the licensing objectives i.e. prevention of crime and the protection of children from harm.

There are real concerns about the management of this premises. This is evidenced by two underage sales within the space of a few weeks, one relating to e-cigarettes and one to alcohol. Clear advice and guidance was given to Mr Ehtisham Arif on how to prevent underage sales following the sale of e-cigarettes to a 16 year old.

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

11.27 'There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

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

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

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

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

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

Please tick ✓ yes

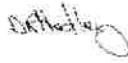
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures** (please read guidance note 4)

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

Signature



Date **04/07/2022**

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

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

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

<b>Post town</b> Newcastle Upon Tyne	<b>Post Code</b> NE27 0BY
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**Telephone number (if any)** 0191 6436623

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** dave.hedley@northtyneside.gov.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.

## Appendices

### Appendix 1



Working in partnership with  
**CAPITA**

Public Protection Services  
Trading Standards  
Quadrant East  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY  
[www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

Mr Ehtisham Arif  
SuperSave  
50 Eastbourne Gardens  
Whitley Bay  
Tyne And Wear  
NE26 1PY

Our Ref: TR/TP/SS  
Date: 22<sup>nd</sup> March 2022  
This matter is being dealt with by:  
Thomas Richardson  
[thomas.richardson@northtyneside.gov.uk](mailto:thomas.richardson@northtyneside.gov.uk)  
Direct Line: (0191) 643 6929

Dear Mr Arif,

**Advisory Letter - Sale of Age Restricted Vaping Products  
The Children and Families Act 2014  
The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing)  
Regulations 2015**

On Thursday 24<sup>th</sup> February 2022 as part of a test purchasing exercise by officers from this Authority a 17-year-old male volunteer visited your store and attempted to buy a vape. The volunteer approached the till and proceeded to purchase a Elf Bar Cola 600 Puff 20mg 2ml Disposable Vape. He was not asked for age or ID. Officers spoke to the seller

As you are aware it a criminal offence under the above legislation to sell nicotine inhaling products to a person under 18 years of age.

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'e-cigarettes' and the law covers both disposable and rechargeable types.

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

- Implement a policy on the sale of age restricted products. This could include the circumstances in which a customer will or will not be served. If a person looks underage. For example, only on production of acceptable photo ID that is a Passport, photo driver's license or a PASS accredited proof of age card. Challenge 21 or 25 is an example of an age verification policy that requires customers to be challenged if they appear to be under 21 or 25 years and asked to produce suitable ID for checking before a sale can be considered.
- Provide staff training. Ensure that ALL relevant employees are aware of the legal requirements relating to the sale of age restricted products. Train your staff on a regular basis and keep a record of the training received and the date. Ensure your employees sign a declaration to say that they have received training and understand the legal requirements imposed upon them and your business.

1

- Display Notices prominently on your premises to deter potential underage purchasers and to act as a reminder to employees. This could include Challenge 21 or 25 posters.
- Refusals log. Maintain a refusals book/log This will demonstrate to any enforcement body that refusals do occur. It also enables you to monitor refusals made by individual employees; if an employee rarely refuses a sale this MAY indicate that they require additional training. A history of refusals acts as evidence that your business is attempting to comply with the law. Keep a record of refusals.

After due consideration of the full circumstances, it has been decided on this occasion that no further enforcement action will be taken by this Authority in relation to this incident. However, you are warned that should a similar incident occur in the future we may reach a different conclusion and commence criminal proceedings against the seller and/or any persons who may be vicariously liable.

I provided a guidance pack on tobacco and nicotine inhaling products which contains further advice.

Should you have any queries regarding this matter or require further advice in respect of the issues raised, please do not hesitate to contact me on 0191 643 6929.

Yours sincerely





**Thomas Richardson**  
**Trading Standards Enforcement Officer**



Working in partnership with

**Capita**

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

Mr Ehtisham Khan Arif  
Supersave Food & Wine (Whitley Bay) Limited  
50 Eastbourne Gardens  
Whitley Bay  
Tyne And Wear  
NE26 1PY

Our Ref:  
Your Ref:

Date: 27<sup>th</sup> May 2022

This matter is being dealt with by:  
David Hedley  
Direct Line: (0191) 643 6623  
Email: dave.hedley@northtyneside.gov.uk

**The Licensing Act 2003  
Sale of Alcohol to a Minor on 13<sup>th</sup> May 2022**

Dear Mr Arif

On Friday 13<sup>th</sup> May 2022 as part of a joint test purchasing exercise by officers from this Authority and Northumbria Police a 16-year-old volunteer visited your store and attempted to buy alcohol. The volunteer approached the till and proceeded to purchase a four pack of Budweiser beer. He was not asked his age or to show any identification to prove his age.

As you are aware it is a criminal offence under the Licensing Act 2003 to sell alcohol to a person under 18 years of age. At the time of the sale [redacted] who sold the alcohol was informed that they would be issued with a £90 penalty notice, by Northumbria Police Officer for contravention of section 146 of the 2003 Act.

I discussed with [redacted] what procedures you have in place to help prevent sales of age restricted products to minors she did not know about any refusal register. I located two refusal registers by the till neither had any entries.

After due consideration in our capacity as a Responsible Authority, we or Northumbria Police may seek a review of the premises licence under the Licensing Act 2003 and you will be contacted in due course.

Should you have any queries regarding this matter or require further advice in respect of the issues raised, please do not hesitate to contact me on 0191 6436623

Yours sincerely,

*D.S. Hedley*

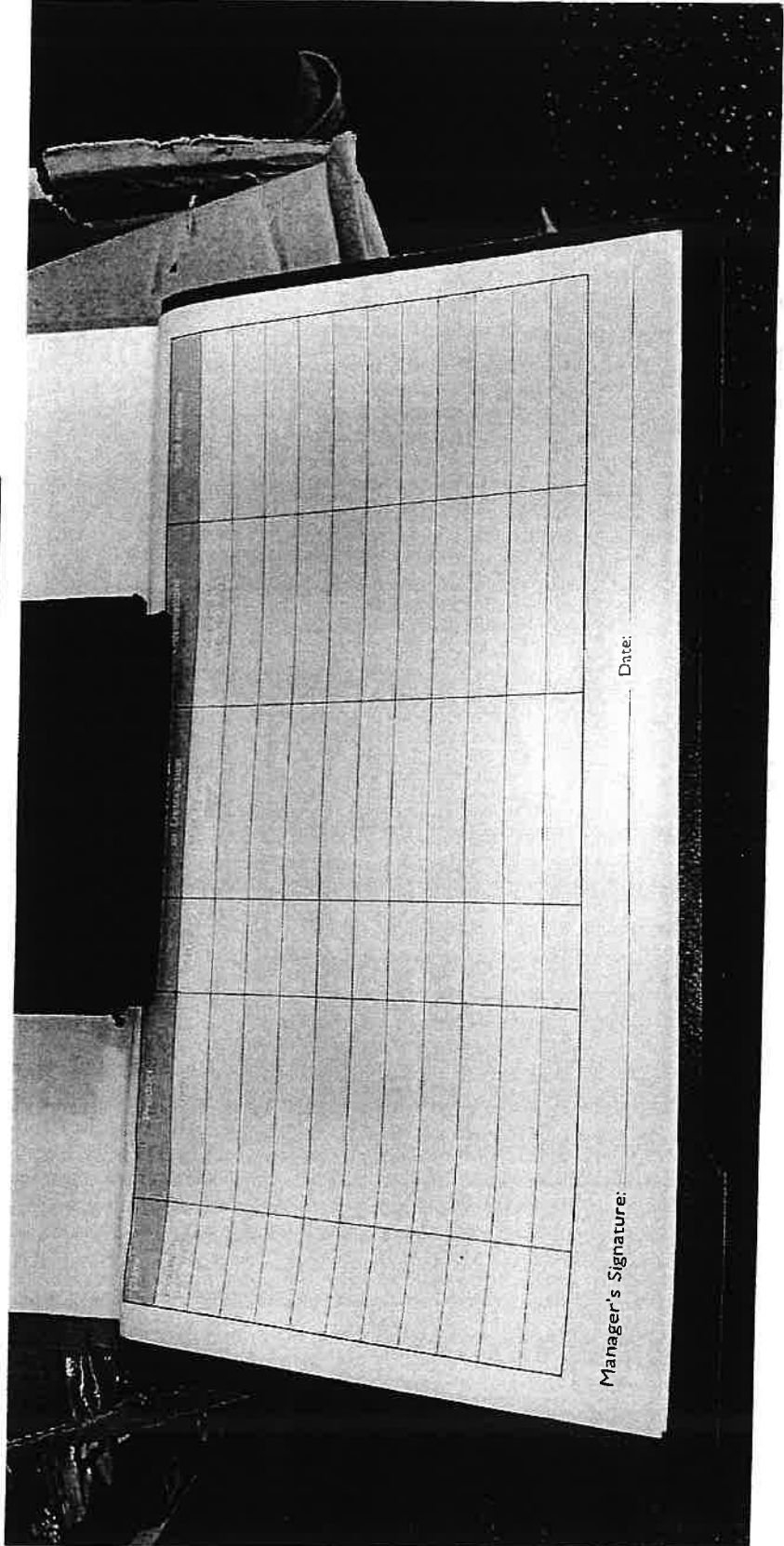
Senior Trading Standards Officer

## Appendix 3

Supersave Food and Wine 50 Eastbourne Gardens Whitley Bay

Date	Intel	Source	Action	Licensee at the time
*19/04/2019 pre present owner	Sale of alcohol to a minor	Consumer	TS visited to advise	Mr Muhammad Numan
10/09/2019	Sale of alcohol to a minor	Consumer	TS visited trader spoke to daughter of owner Nadia Bibi. Her brother Ehtisham Khan Arif is DPS, licence was on display. knew nothing about refusals register. I found register that had no entries and another one that had one for 6th May but not sure which year this related to, said that was before they bought the business.	Ehtisham Khan Arif
11/03/2020	Sale of alcohol and vape to a minor	Consumer	Consumer advised that trader will receive an underage test purchase visit during next operation	Ehtisham Khan Arif
04/05/2021	Sale of alcohol to a minor	Consumer	Consumer advised that trader will receive an underage test purchase visit during next operation	Ehtisham Khan Arif
18/09/2021	Sale of alcohol, vapes and energy drinks to a minor	Consumer	Consumer advised that trader will receive an underage test purchase visit during next operation	Ehtisham Khan Arif
13/05/2022	<b>Sale made by Zarmina Khan to the underage volunteer</b>	<b>Trading Standards</b>	<b>Sale made by to the underage volunteer and given £90 fixed penalty notice</b>	<b>Ehtisham Khan Arif</b>
18/05/2022	Intel from police that shop selling to underage	Police		

Photographs of refusals registers taken 13<sup>th</sup> May 2022





Photographs of refusals registers taken 27<sup>th</sup> May 2022

Date	Product	Time	Name of Person or Description	Observations	DOB/Memo
Example: 04/05/13	Cigarettes	7:10pm	Male, 18 years old		
14/05/22	Alcohol + Vape	9:31am	Young Male, Looked underage + No ID Male, school going tall.	NO ID to show Showed baby pic passport on phone	
25/05/22	Vape	12:36pm			

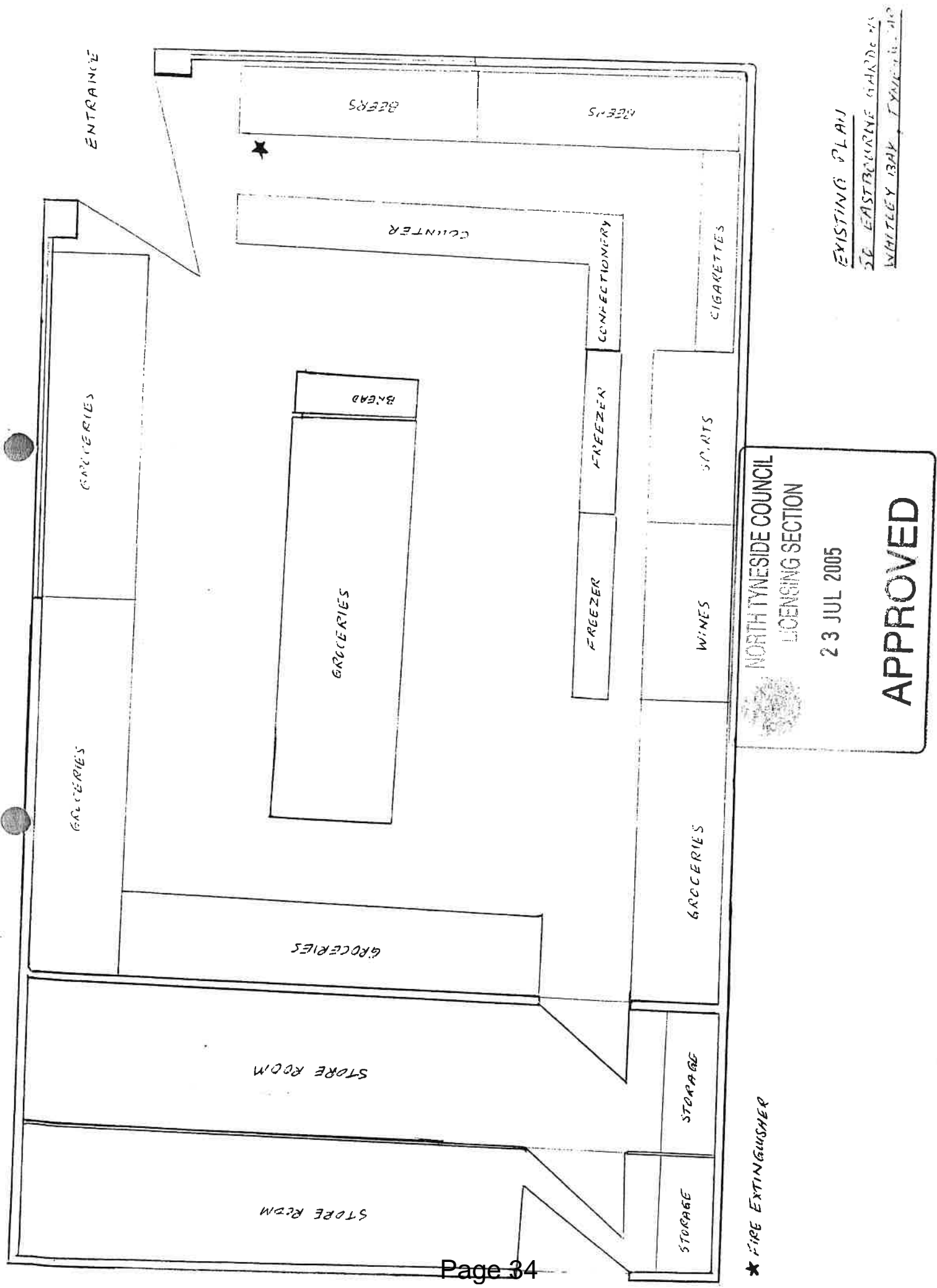
13/05/22	VAPE		7:45pm	FEMALE BRUNETTE	Showered in toilet, I was worried about sure if person f
14/05/22	CIGARETTES		9:10am	MALE Blonde 5'6 NO ID	
14/05/22	VAPE		1:23pm	FEMALE 6 Group	looked unimpaired
20/05/22	Drink (Vodka)		8:30pm	Female Mixed (be)	No ID
21/05/22	Alcohol		16:00	Female, Blonde 5'5	Showed ID but not I wasn't sure if the
21/05/22	Cigarettes		16:10	Male, looked like 15	NO ID
23/05/22	VAPE		8:41am	Male looked like 16	Had ID but clean on phone and ID was not

Date: \_\_\_\_\_

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## **APPENDIX 2**



EXISTING PLAN  
 50 EASTBOURNE GARDENS  
 WHITLEY BAY, TYNE & DARLINGTON

NORTH TYNESIDE COUNCIL  
 LICENSING SECTION  
 23 JUL 2005  
**APPROVED**

## **APPENDIX 3**

# Supersave



North Tyneside Council



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<b>Organisation</b>	North Tyneside Council	<b>Date</b>	19 August 2022
<b>Department</b>	North Tyneside Council	<b>SLA Number</b>	00016801
<b>Comments</b>			
	<b>Scale :</b>	1 : 1200	

## **APPENDIX 4**





North Tyneside Council

# **PREMISES LICENCE**

Schedule 12 – Part A

**Premises Licence number:**

**00CK/19/1593**

## **Part 1 - Premises details**

**Postal address of premises:**

**Supersave**  
50 Eastbourne Gardens  
Whitley Bay  
Tyne And Wear  
NE26 1PY

**Licensable activities authorised by the licence:**

Supply of Alcohol

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

**Supply of Alcohol Monday to Saturday From:08:00 Until:23:00 and Sunday From:10:00 Until:22:30**

**The opening hours of the premises:**

Not Limited

**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:**

Mr Ehtisham Khan Arif  
199a Alexandra Road, Ashington, NE63 9LA.

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

Not applicable

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

Mr Ehtisham Khan Arif  
199a Alexandra Road, Ashington, NE63 9LA.

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

NPL/2921      Northumberland County Council



**Annex 1 - Mandatory conditions**

1. **No supply of alcohol may be made under this premises licence:-**
  - (a) **at a time when there is no designated premises supervisor in respect of the premises licence or**
  - (b) **at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
2. **Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.**

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

1.(1) **The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.**

(2) **The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**

(3) **The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -**

- (a) **a holographic mark, or**
- (b) **an ultraviolet feature.**

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

1. **A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.**

2. **For the purposes of the condition set out in paragraph 1—**

(a) **"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;**

(b) **"permitted price" is the price found by applying the formula—**

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

where—

(i)

**P is the permitted price,**

(ii)

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

(iii)

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

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

**(i)**  
**the holder of the premises licence,**

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

**(iii)**  
**the personal licence holder who makes or authorises a supply of alcohol under such a licence;**

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

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

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

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

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

## **Annex 2 - Conditions consistent with the operating schedule**

- 1. This licence is granted subject to conditions which reproduce the effect of any restrictions imposed on the use of the premises for the existing licensable activity by virtue of schedule 8, Paragraph 6(8) and 18(5) of the Licensing Act 2003. The restrictions are contained in the following Acts: the Licensing Act 1964, the Children and Young Persons Act 1963, the Cinematograph (Safety) Regulations 1955 and the Sporting Events (Control of Alcohol Etc) Act 1985.**

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

**Annex 4 - Plans**

See attached



## **APPENDIX 5**







# NORTHUMBRIA POLICE

**Northern Area Command**  
Area Command Headquarters  
Middle Engine Lane  
Wallsend  
Tyne & Wear  
NE28 9NT

18 July 2022.

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

Dear Mrs S Graham,

**Re: Supporting representation for the request by North Tyneside Trading Standards Department, to review the premises licence for Supersave Food & Wine (Whitley Bay) Limited, 50 Eastbourne Gardens, Whitley Bay, NE26 1PY**

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

Since the 20<sup>th</sup> August 2020, to 17/05/2022, Northumbria police have received intelligence from the community that this premises were selling alcohol and cigarettes to children.

On the 13<sup>th</sup> May 2022, in a joint visit, North Tyneside Council Trading Standards with Northumbria Police, attended the above premises, on an intelligence lead operation. Northumbria Police and North Tyneside Trading Standards had received intelligence from the local community that, alcohol was being sold from the premises to children. A 16-year-old child was sold alcohol. One of the police officers in attendance commented that the refusals register had not been filled out in the last 2 years. Also, the shops policy on underage sales/challenges was very poor and that the staff had received little in the way of training.

Northumbria Police wish to support the request from North Tyneside council's Trading Standards department for the review of the premises licence for Supersave Food & Wine (Whitley Bay) Limited, 50 Eastbourne Gardens, Whitley Bay, NE26 1PY on the grounds of Crime and Disorder.

Yours sincerely,

C/Insp Paul Young 7688  
Harm reduction.





**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

2 August 2022

**Review of Licence: 50 Eastbourne Gardens Whitley Bay NE26 1PY**

Dear Sir/Madam,

I am extremely concerned that the above licensed premises have sold age restricted products - both alcohol and e-cigarettes to young people underage.

On 24<sup>th</sup> February, following complaints that Supersave Food and Wine were selling age restricted products to underage children Trading Standards made a test purchase of an e-cigarette which was carried out by a 16-year-old. Mr Ehtisham Arif, the owner and licensee, made the sale. On the 22<sup>nd</sup> March Mr Ehtisham was given a warning/advice letter explaining what precautions he should be taking to avoid making underage sales which included the use of a refusal register which should always be completed when a refusal had been made. Despite advice from Trading Standards a further incident was identified on the 13<sup>th</sup> May, when a 16 year old volunteer was sold alcohol in the form of a four pack of Budweiser by sales assistant Zarmina Khan, also director of the business.

This demonstrates a blatant disregard of the responsibility as a license holder to uphold the licensing objectives in relation to protecting children from harm and preventing crime and disorder.

The illegal sale of alcohol to young people underage is a crime and has multiple adverse effects. The use of alcohol in young people under 18 years is known to contribute to a range of poor outcomes and may adversely affect their development, with effects directly and indirectly on individual mental and physical health, educational attainment, family breakdown and offending behaviour. Whilst adolescence can be a period of risk taking and experimentation, young people do not have a mature understanding of the consequential effects of alcohol use which can lead to behaviours which endanger themselves or others. They can place themselves in situations of vulnerability leading to exploitation, including sexual exploitation and anti-social behaviour.

It is also illegal to sell vaping devices to young people under the age of 18. Promoting vaping in young people increases their risk for tobacco and other substance use, mental health problems, pulmonary and cardiovascular disease, and unintentional injuries. E-cigarettes contain nicotine a drug that is highly addictive. Young people who vape are more likely to start smoking regular (tobacco) cigarettes and may be more likely to develop other addictions in the future.

I support the request for a review of the premises licence on the grounds of the protection of children from harm and preventing crime and disorder and ask that the licence for this premises be revoked.

Thank you for the opportunity to raise these concerns. Should you require any further detail please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in cursive script that reads "Wendy Burke".

Wendy Burke  
**Director of Public Health and Responsible Authority**