



**North Tyneside Council**

# Licensing Sub Committee

Wednesday 2 November 2022

**Wednesday, 9 November 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>	<b>3 - 8</b>
To note the procedure for hearing and determining an application for a review of a Premises Licence.	
<b>4. Gills Off Licence (Trading as Lifestyle Express), 13 Station Road, Whitley Bay, NE26 2QY</b>	<b>9 - 74</b>
To give consideration to an application for a review of the Premises Licence in respect of Gills Off Licence (Trading as Lifestyle Express), 13 Station Road, Whitley Bay, NE26 2QY.	

**Circulation overleaf ...**

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**Members of the Licensing Sub Committee**

Councillor Matthew Thirlaway  
Councillor Frank Lott

Councillor Lewis Bartoli

## 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:** 9<sup>th</sup> November 2022

**Report by:** Jeff Young  
Licensing Officer  
Licensing Section  
☎ 643 6903

**Contact  
Officer(s):** Jeff Young  
Licensing Officer  
Licensing Section  
☎ 643 6903

**Title of  
Report:** Licensing Act 2003 - Review  
Gills (Trading as Lifestyle Express)  
13 Station Road, Whitley Bay,  
NE26 2QY.

**Ward(s):** Whitley Bay

## 1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

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

1.3 The Sub-Committee is asked to consider and determine an application from Northumbria Police for the review of a Premises Licence for Gills Off Licence which is trading under the name of Lifestyle Express, 13 Station Road, Whitley Bay. The premises licence holder is in the name of Ms Rishanthini Subramaniam.

1.4 The applicant Northumbria Police, have 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**.
- 1.8** Representations have also been received from Other Persons. These representations are in support of the Premises and are also appended to the report at **Appendix 5**.
- 2.0** **Authority to make decisions**
- 2.1** In relation to an application for the review of a Premise Licence, the Licensing Sub-Committee can, under the Licensing Act 2003:
- Modify the conditions on the licence
  - Exclude a licensable activity from the scope of the licence
  - Remove the Designated Premises Supervisor
  - Suspend the licence for a period of not more than three months
  - Revoke the licence
- 2.2** Once the Sub-Committee has reached a decision, the decision and reasons for the decisions must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.0** **Background**
- 3.1** This report relates to an application by Northumbria Police for the review of a premise licence for Gills Off Licence (Trading as Lifestyle Express).
- 3.2** The application for review and supporting information are attached at **Appendix 1**, A plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**. The current premise licence is attached at **Appendix 4** and representations from Responsible Authorities are attached at **Appendix 5**.

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

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

**4.2** The current premise licence in respect of Gills Off Licence permits the following:

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

- Monday to Sunday 08:00 to 23:00

2. General opening hours:

- Monday to Sunday 08:00 to 23:00

#### **5.0 Representations**

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

The Local Weights and Measures Authority,  
The Director of Public Health.

#### **6.0 The Parties**

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

1. The Applicant – Northumbria Police
2. Premise Licence Holder,
3. The Local Weights and Measures Authority,
4. The Director of Public Health.
5. Other Persons (in support of the premises)

#### **7.0 For consideration**

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

- Application for the review of a premise licence for Gills Off Licence (T/A Lifestyle Express – 13 Station Road, Whitley Bay. The premises Licence holder being in the name of a Ms Rishanthini Subramaniam.

#### **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 to 10.5, Crime and Disorder and 10.19 to 10.29, Protecting Children from Harm.

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

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



16/9/2022

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> <b>Gills off licence Trading as Lifestyle express</b> <b>13 Station road</b>	
<b>Post town</b> <b>Whitley Bay</b>	<b>Post code (if known)</b> <b>NE26 2QY</b>
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> <b>Ms RISHANTHINI SUBRAMANIAM</b>	
<b>Number of premises licence or club premises certificate (if known)</b> <b>00CK/20/1023</b>	

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 Paul Young 7688 Northern Area Command Wallsend police station Middle Engine Lane Wallsend NE28 9NT
Telephone number (if any) 101
E-mail address (optional) @northumbria.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 | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

**Northumbria Police request a review of the premises licence on the grounds of crime and disorder and the Protection of children from harm**

Gills off licence/Lifestyle express, is situated on a busy street in Whitley Bay. There are other restaurants, shops, and retail outlets.

In August 2021, the Officers in Whitley Bay had started to receive complaints about youth anti-social behaviour around the area of Whitley Bay metro station and Station Road, an action plan was put in place, to target these areas. Towards the end of 2021, reports had been received by the Police that the youths were getting their alcohol from Lifestyle Express on Station Road. Please see attached statement from Sgt Preston 837.

On the 16<sup>th</sup> March 2022 an email was received by Northumbria Police from a concerned member of the community that under-age sales were taking place at the above shop, they report that "There seems to be a developing problem around Lifestyle Express on Station Road, Whitley Bay with numerous underage groups coming off the metro to get drink causing some issues particularly on a weekend". A further email was received on the 19<sup>th</sup> March 2022, reporting that illegal sales of alcohol were still occurring to youths.

May I request the Licensing committee to have regard to North Tyneside statement of Licensing policy 5.14

The Authority will fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 when carrying out licensing functions under the Licensing Act 2003 and will do all it can to reasonably prevent crime and disorder and the misuse of alcohol in the Borough of North Tyneside.

May I request the licensing committee to have regard to North Tyneside statement of Licensing policy 5.16

The Authority in exercising its licensing functions recognises the need to protect children and other vulnerable persons from being harmed by licensing activities.

On 25<sup>th</sup> March 2022 at 17:55 hours, a call was received by the police that underage sales were taking place now. "They are walking out with crates of alcohol, it's getting worse". Police attended the shop and found; POLICE ATTENDED AND UPON ENTERING THE MALE EMPLOYEE ( ) APPEARED TO BE SELLING ALCOHOL TO AN UNDERAGE GIRL IN THE SHOP. HE QUICKLY HID THE ALCOHOL BEHIND THE COUNTER. STATED CCTV WAS NOT WORKING.  
Please see attached statement from Sgt Preston 837.

On the 13<sup>th</sup> May 2022, a joint test purchase operation was conducted by Northumbria police and North Tyneside Trading Standards, where several shops were visited. One of the shops visited was Gills off licence/Lifestyle express, on Station Road, Whitley Bay. A 15-year-old person was sent into the shop to purchase alcohol. ( ) sold alcohol to the young person and was given a fixed penalty notice (FPN). It is completely unacceptable to sell alcohol to children.

Please statement attached by PC Summers 3801.

May I request the Licensing committee to have regard to North Tyneside statement of Licensing policy 5.25

Once premises are licensed it is essential that they are maintained and operated so as to ensure the continued promotion of the licensing objectives.

May I request the Licensing Committee to have regard to Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) 11.23.

where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

May I request the Licensing Committee to have regard to Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) 11.27 and 11.28.

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.

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.

Northumbria Police are very concerned at the lack of and poor management at this premise. It is totally unacceptable to sell alcohol to children.

Northumbria Police request a review of the premises with the recommendation that revocation is seriously considered.

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

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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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

7688

Date

15/9/22

Capacity

DCI 7688

**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)** neil.kirkpatrick@northumbria.police.uk

**Notes for Guidance**

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



Continuation Sheet of: SGT 837 Steven PRESTON

**WITNESS STATEMENT**

(CJ Act 1967, s.9;MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Steven PRESTON

Age if under 18: over 18 (if over 18 insert 'over18') Occupation: Sgt 837

This statement (consisting of 2 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 anything which I know to be false, or do not believe to be true.

Signature:

Date: 19/08/22

I am the Neighbourhood Police Sergeant for the Whitley Bay Area and have been a Police Officer for 16 years. I currently supervise a mixed team of Police Officers and Police Community Support Officers. We cover a large area to the East of North Tyneside Council's area including Whitley Bay and Shiremoor.

Part of my team's role is to build links in the Community to establish the issues that are causing concern. There are a number of ways we do this. Some examples would include uniformed patrols, Community drop in sessions, attending Local Councilor's surgeries, the use of social media and reviewing incidents that occur. Once I know what the issues are I can look at ways to tackle the identified issues. I work closely with North Tyneside Council's Community Protection Team to tackle issues that occur within the community.

In August 2021 the Neighbourhood Policing Team started to receive reports from a number of different sources that members of the public within the Whitley Bay Town Centre area were concerned about an increase in youth anti-social behavior linked to the Nexus Metro system. There was an increase in anti-social behaviour related calls to Police resulting in an increase in incidents being created for officers to attend. There was also an increase in emails from members of the public and local Councilor's to both the Neighborhood Police Mailbox and direct to myself reporting youth anti-social behavior. There was also a notable increase in incidents reported direct to the police control room regarding youth anti-social behavior notably around Whitley Bay Metro Station and Station Road.

Due to the number of reported incidents and complaints and the concerns regarding the supply of alcohol to young persons, the following actions were taken:

I held regular meetings with staff from North Tyneside Community Protection Team to discuss ways to address the youth ASB.

I allocated members of my team to undertake joint patrols in the Whitley Bay area on evenings when these offences were believed to be occurring.

The number of uniformed and plain clothes patrols were increased in the area at the appropriate times to tackle the issue. It was clear from these patrols that what was being reported by the public was actually happening. Large groups of youths were gathering in the area and seen to be going between Lifestyle Express and the Metro Station. The groups often had bottles with them and

Signature:.....

Signature witnessed by:.....

Continuation Sheet of: SGT 837 Steven PRESTON

some or all of the groups would make off on seeing a uniformed presence. Some youths were stopped with alcohol and taken home to their parents. A number of youths also received letters home outlining their behavior and what action would be taken against them if they were to be stopped in similar circumstances or found in possession of alcohol again. None of the people stopped would disclose where they got their alcohol from.

Towards the end of 2021 reports began to come to police attention concerning Lifestyle Express located on Station Road Whitley Bay, stating the premises was serving alcohol to youths.

On Friday 25<sup>th</sup> March 2022 I attended the Lifestyle express at around 18:15hrs following a report to police that the shop was selling alcohol to underage youths. As I entered the store The member of staff [redacted] was present behind the till. There was a female youth at the counter who in my opinion looked no older than 15 years old. As I entered the store [redacted] appeared to hide a bottle of alcohol underneath the counter out of my view. The youth looked surprised that I entered. When asked about the sale of alcohol to underage youths [redacted] denied this. I asked the youth what she was purchasing and she said nothing and left the shop without purchasing anything. This was strange as she was at the till area when I entered. I asked [redacted] if I could view the stores CCTV system to enquiry about the allegation of sales to underage youths however he replied the CCTV system was not working.

By the end of April 2022 police were receiving reports almost daily via Crimestoppers, intelligence submissions and calls to the police control room that the premises was selling alcohol to youths.

As a result of this information a test Purchase Operation was set up.

On Friday 13<sup>th</sup> May 2022, a Test Purchase operation named Op Hayness was conducted by Northumbria Police across the North Tyneside area in partnership with North Tyneside Council Trading Standards. 2 male Police Cadets were used for the operation. The cadets were 15 years of age at the time

At around 1910hrs on Friday 13<sup>th</sup> May 2022 one Cadet entered Lifestyle Express store and purchased four cans of Budweiser from the store. The member of staff present who served the Police Cadet was [redacted] PC 3801 SUMMERS then entered the store and spoke with [redacted] PC SUMMERS explained that a juvenile had just been in the store and bought alcohol from him. [redacted] was then issued with a Fixed Penalty Notice to the value of £90

During the Test Purchase operation there were sales made by other premises within North Tyneside. The persons who made the sales were also issued Fixed Penalty Notices.

The sale of alcohol to children under 18 years is a criminal offence and a very serious matter. Alcohol consumption by minors can cause serious harm and can make a young person vulnerable to being the victim of a crime or exploitation, or the perpetrator of a crime or Anti-social Behaviour. It is vital that licencee's in the area are responsible and prevent alcohol getting into the hands of youths

Signature:.....

Signature witnessed by:.....



**WITNESS STATEMENT**

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

URN 

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Statement of: Sara SUMMERS

Age if under 18:      Over 18      *(if over 18 insert 'over 18')*      Occupation: Police Constable 3801

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: *Sara Summers 3801* ..... Date 22/08/2021

Tick if witness evidence is visually recorded  *(supply witness "tails on rear")*

I am Police Constable 3801 Summers of Northumbria Police and currently based at MIDDLE ENGINE LANE POLICE STATION within Northern Area Command. On FRIDAY 13<sup>th</sup> MAY 2022 while I was on a placement with Whitley Bay Neighbourhood Policing Team, I was one of the officers involved in a test purchase operation named OP Hayness. This was conducted in partnership with North Tyneside Council Trading Standards, who provided two representatives for the operation. There were also two 15-year-old police cadets involved in the operation, which focussed across the NORTH TYNESIDE area.

At about 1910hrs one of the Cadets entered LIFESTYLE EXPRESS STORE while I remained outside in plain clothes. The Cadet purchased four cans of Budweiser from the staff member ' ', who was present and serving inside the store. After the Cadet had exited the premises and confirmed the sale, I entered the store with PC 357 Garry WATSON and one of the representatives from Trading standards.

I cautioned and explained to ' ' that a juvenile had just entered LIFESTYLE EXPRESS and purchased alcohol from him. ' ' stated that he understood the caution and claimed that he thought the 15-year-old male was at least 25 years old. He confirmed this statement again after being shown a photo of the male taken after the incident. He stated that this was the reason why he had not challenged the male's age. I then issued ' ' with a Fixed Penalty Notice to the value of £90.

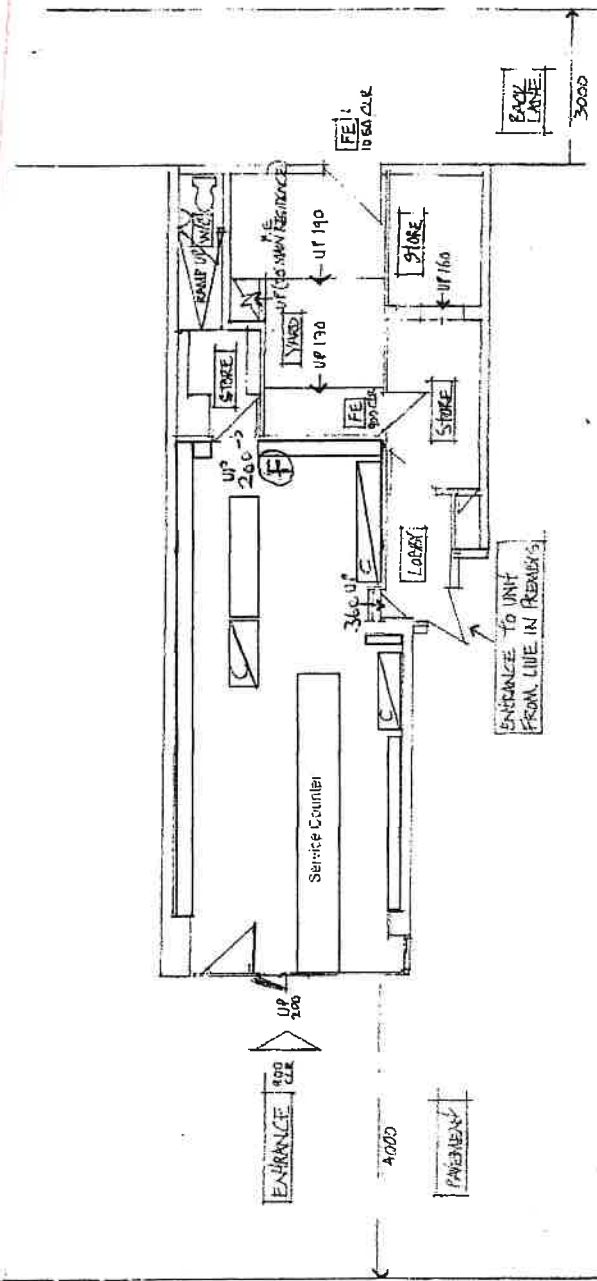
Signature:....*Sara Summers 3801*.....Signature witnessed by: N/A

Continuation of Statement of: Sara SUMMERS

Signature:..... Signature witnessed by:.....

## **APPENDIX 2**

NORTH TYNESIDE COUNCIL  
 LICENSING SECTION  
 7 Feb 2012  
 APPROVED



**KEY TO SYMBOLS**

(F)	FIRE EXTINGUISHER
(H)	HEAT DETECTOR
(S)	SMOKE DETECTOR
(E)	EMERGENCY LIGHT
(B)	FIRE BLANKET
(C)	COLD FIXED EQUIPMENT
(A)	AREA OF ALCOHOL SALE

NO	DATE	DESCRIPTION
1		Gills Off Licence 13 Station Road Whitley Bay NE26 2QY

TITLE	
<b>GROUND FLOOR PLAN</b>	
SCALE	January 2012
1:100	

## **APPENDIX 3**



## **APPENDIX 4**







North Tyneside Council

# PREMISES LICENCE

Schedule 12 – Part A

**Premises Licence number:** 00CK/20/1023

**Part 1 - Premises details**

**Postal address of premises:**

**Gills Off Licence**  
13 Station Road  
Whitley Bay  
Tyne And Wear  
NE26 2QY

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

**Licensable activities authorised by the licence:**

Supply of Alcohol from 08:00 until 23:00

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

Supply of Alcohol Every Day From:08:00 Until:23:00

**The opening hours of the premises:**

Every Day From 08:00 Until 23:00

**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:**

**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:**

**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**

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

**Annex 4 - Plans**

See attached





## **APPENDIX 5**



# RESPONSIBLE AUTHORITY REPRESENTATION



North Tyneside Council

## Section 1 - Application Details

I wish to make a representation against the following Review Application:

**Applicant's name (if known) :** Chief Inspector Paul young 7688  
Northern Area Command  
Wallsend  
NE28 9NT

**Premises name and address:** Gills Off Licence T/A Lifestyle Express  
13 Station road Tynemouth Road  
Whitley Bay  
NE26 2QY

**Application for a:-**

Review of a Premises Licence.....

Review of a Club Premises Certificate .....

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

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

**Tel No:** 0191 6436621

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

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

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

Please state under which of the licensing objective(s) your representation is being made:-

- Prevention of Crime & Disorder.
- Protection of Children from Harm

**Section 3 - Objection Details**

My representation is based on the following:

**Please refer to the attached documents consisting of 4 pages**

**Signed**

**Dated**

*14/10/2022*



**North Tyneside Council**

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)

## **RESPONSIBLE AUTHORITY REPRESENTATION RE:-**

**Gills Off Licence T/A Lifestyle Express 13 Station Road, Whitley Bay, NE26 2QY**

### **Trading Standards Information**

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.

As can be seen from the table below trading standards had received a large amount of intelligence regarding the sale of alcohol to minors from the premises trading as Lifestyle Express, 13 Station Road, Whitley Bay, NE26 2QY

Date	Intelligence Received	From
4/05/2021	Report of sale of alcohol to 16-year-old stepson	Public
29/06/2021	Underage sales of alcohol to 12-year-old	Public
11/03/2022	Underage youths and older individuals buying alcohol	Community Protection Officer
24/03/2022	Underage sales of alcohol	Public
13/04/2022	Underage sales of alcohol	Northumbria Police
4/05/2022	Sales of vapes and alcohol to minors	Public
3/05/2022	Sale of alcohol to minors	Community Protection Officer
13/05/2022	<b>Test Purchase underage sale of alcohol</b>	<b>Trading Standards/Northumbria Police</b>
15/05/2022	Sale of alcohol to minors	Public

The intelligence reports received in May and June 2021 would normally have resulted in a test purchase being carried out at the premises by trading standards. However, due to the restrictions of Covid this was not possible. On the 1 July 2021 a trading standards officer visited the premises and spoke with the licensee Rishanthini Subramaniyam. The officer advised of the information trading standards had received and offered best practice advice regarding preventing the sale of alcohol to minors and promoting the licensing objectives. confirmed that she had received a North Tyneside Age Aware pack (produced at Appendix 1) previously and was using an underage refusals pack.

Further intelligence in 2022 regarding sales of alcohol was received by trading standards from different sources. The premises was also identified as a premises that the police had received information regarding underage sales and anti-social behaviour.

On the 13th May 2022 a test purchase operation in partnership with Northumbria Police was carried out in Whitley Bay.

On this date a 15-year-old volunteer was sold alcohol in the form of a four pack of Budweiser by the sales assistant . 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.

stated they didn't use a refusals register and also stated that the owner had told him they didn't need to display their licence details. Posters displayed at the premises stated that a 'Challenge 25' system was being operated at the premises (photograph attached at Appendix 2)

The test purchase carried out on the 13 October 2022 does, however, give some reassurance that the premises is responding positively to the recent improvements.

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

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

A letter dated 27<sup>th</sup> May was hand delivered to the only person present in the store, (attached as Appendix 3). The officer was shown the refusals register that they had started to use and had several entries in.

A email reply from [redacted], owner of Lifestyle Express was received on 28<sup>th</sup> May:-

*Hi*

*I'm [redacted], owner of Lifestyle Express station road Whitley bay.*

*This email is regards to sell of alcohol to minor by my employee [redacted] on 13th May 2022.*

*It has come to a serious awareness that [redacted] has not been serious in his work when I wasn't in the premises. I do apologise for what has happened but just a apologise wouldn't fix what happened. I have been serious from day one I took this business. I have sat down [redacted] and he is in his final warning. I would never want a employee to ruin my personal license or my business!*

On the 5 October 2022 officers from trading standards visited the premises. The purpose of the visit was to establish how the business was now operating. Officers spoke with the owner [redacted]. The officers were informed and shown that formal staff training had been carried out by TJR Licensing. Rishanthini advised that the employee [redacted] had been sacked on the 13 July 2022. She also advised that [redacted] had disposed of previous refusals register and had been stealing money from the business. [redacted] had also been switching off the CCTV.

Officers were shown new refusals register which commenced on 1 October and recorded 9 entries. They were also shown previous refusals register which recorded 12 entries for the period 13 July 2022–30 September 2022.

Posters were displayed on the premises stating that anyone looking under the age of 25 would be asked to prove they are 18.

On the 13 October 2022 a test purchase by a 21-year-old officer was carried out. The officer attempted to buy alcohol. He was asked for identification to prove he was 18. The officer provided his driving licence which was checked by the seller. He was then sold the alcohol.

### 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 the large amount of intelligence from the public, Northumbria Police and Community Protection officers regarding the sale of alcohol to minors. Clear advice and guidance was given to [redacted] in July 2021 on how to prevent underage sales to minors and how to promote the licensing objectives.

It is unfortunate that the improvements to the Premises have only come about because of the review application. They were not something that would have happened without the application having been made by the Police.



# Appendix 1

# Age Aware

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

## *Included in this pack*

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



North Tyneside Council

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# Age Aware

## Introduction

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

North Tyneside Trading Standards understand it can be very difficult for you to judge the age of a young person, but if you sell age restricted products to someone under the legal age you may commit a criminal offence.

The Licensing Act 2003 requires anyone selling alcohol to take steps to check a customer's age. If you hold a premise licence which allows you to sell alcohol then you must comply with any mandatory conditions on the licence which include having an age verification policy in place. You may also have additional conditions on your licence in relation to a specific age policy for the challenging of customers and the keeping of a refusal register to record any attempts to purchase alcohol. If conditions are not being complied with you could be liable to a fine and/or imprisonment under the Licensing Act 2003.

This guidance pack gives advice on what steps you should take to help prevent the sale of age restricted goods occurring.

It is particularly important to make sure you and anyone serving in your store always check for valid ID (as opposed to merely asking a customer for their date of birth) to check their age when supplying or selling age restricted goods to young people who may not be old enough to legally buy the goods for which they are asking. Remember if you make a sale you will be responsible.

### **THINK - NO ID NO SALE - IF IN DOUBT - REFUSE THE SALE!**

One of the methods used by Trading Standards to check whether or not sellers of age restricted products such as alcohol and cigarettes are complying with the law is to use child volunteers to visit shops to attempt to purchase such products. Your store could therefore be visited in the future as part of such a test purchase operation. A failed test purchase could potentially lead to the seller and/or owner of the store being prosecuted, fined and in the case of alcohol, the premise losing their licence to sell alcohol or conditions attached to the licence following a licence review.

For further information on Age Restricted Products and Trading Standard legislation visit our website [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk) under trading standard. Details of what we are doing to tackle under age sale and our enforcement policy is also available to view.

If you require any advice please call North Tyneside Councils Trading Standard Team on (0191) 643 6628 or e-mail us at [tradingstandards@northtyneside.gov.uk](mailto:tradingstandards@northtyneside.gov.uk)

North Tyneside Councils Alcohol Licensing Team can be contacted on (0191) 643 2175.

This fact sheet is intended for retailers who sell:

## Alcohol

Underage drinking has become a major problem in our communities. It often results in alcohol fuelled youth disorder and anti-social behaviour. There is also concern about the adverse health effects on children who drink alcohol.

It is illegal to sell alcohol to anyone under 18. It is also illegal for adults to purchase alcohol on behalf of under 18s, often referred to as proxy purchasing.

Anyone under 18 years old should not be allowed to sell alcohol.

## Cigarettes

It is illegal to sell tobacco products to any person under the age of 18, even if they are for someone else, including their parents. Tobacco products include cigarettes, cigarette papers and cigars.

You must display an A3 sized statutory tobacco notice next to tobacco products.

## Fireworks

Fireworks (including sparklers) must not be supplied to anyone under 18. However caps, party poppers, throwdowns and serpents can be sold to persons aged 16 and over. Remember, you also need to register with the Fire Brigade to stock fireworks.

## Solvents & Butane Gas Lighter Refills

You must not supply to persons under the age of 18 substances which you believe may be inhaled for the purposes of intoxication. Products include glue, aerosols or any gas lighter refill canister containing butane.

## Spray Paints

It is illegal to sell aerosol spray paints to anyone under the age of 16.

## Knives

It is illegal to sell knives, knife blades or razor blades to anyone under the age of 18.

## DVD, Video Cassettes and Computer Games

It is an offence to supply a DVD, video cassette or computer game to a person under the age specified on the British Board of Film Classification (BBFC) classification sticker or PEGI sticker. The age classification is required on both the product and its packaging. It is an offence to supply or offer to supply such a product if it does not bear the appropriate age classification. It is also an offence to supply or offer to supply such a product if it has not been granted an age classification.

## Solvents & Butane Gas Lighter Refills

You must not supply to persons under the age of 18 substances which you believe may be inhaled for the purposes of intoxication. Products include glue, aerosols or any gas lighter refill canister containing butane.

## Legal Liability

As the owner of the business you are likely to commit a criminal offence where an illegal sale takes place, even if you did not conduct the transaction yourself. A similar offence occurs when statutory notices fail to be displayed.

Individual employees, including part-time staff, can be prosecuted for under age sales. Penalties include fines, conditions attached or loss of licence and even imprisonment.

## What You Can Do

Research conducted in North Tyneside with 10-17 year olds revealed that over 28% of this age group found it easy to buy alcohol and that alcohol was mainly obtained from local shops or from their parents.

As a retailer you have a responsibility to play your part by preventing young people from obtaining alcohol and other age restricted products from your store. It is a challenge to tell how old someone is, but add a busy store, large groups of people and threatening behaviour and the job becomes more difficult.

These are all factors that you and your staff will be subjected to as a retailer of age restricted products. However, you can protect your staff and yourself and uphold the law by following simple and steadfast policies on this issue.

## Steps to Take to Prevent Sales

**Be Cautious** – It is very hard to tell a young person's age, so ensure that staff are checking even those that look older than 18. Challenge the existing perceptions of you and your staff about how old people look and check people that look older just in case. Some retailers call this Challenge 21. If the customer looks 21 or under, advise staff to check for proof of age. Your store may choose to go further and introduce a "Challenge 25" policy.

**Be Consistent** – Always check, even if you think you've served the customer before or you are pretty certain they are of legal age.

**Be Clear** – Display signage prominently in the store to inform customers that they will be asked for valid ID.

**Be Courteous** – If you have to refuse a sale try to have application forms on hand to offer the customer so they can obtain a proof of age card.

**Be Conscientious** – It is important that you and your staff maintain a refusals register. You should record date, time, appearance of the customer, items refused and staff name for every refusal. This will help to prove to Trading Standards that you and your staff are actively checking for correct forms of identification.

**Be Careful** – There is evidence that retail staff can often fail to challenge underage purchasers if they feel afraid of the consequences such as abuse and violence. Make sure you and your staff feel safe when serving and confident to challenge customers. We have included information on how to refuse a sale in this pack.

- Do not assume the age of a young person.
- Consider a 'Challenge 21 or Challenge 25' approach to age-restricted products.
- Always request sight of a reliable means of photo identification, such as a PASS accredited card e.g. Citizencard or a Passport or Driving Licence.
- Ensure both full and part time staff are aware of the age restrictions applicable to the goods you sell.
- Issue clear written instructions to your staff and keep records of training and instructions issued. A sheet is provided in this pack to record this.
- Display posters and till stickers to remind staff of legal requirements.
- Maintain a refusal register and record refused sales to both children and adults. There is a register provided in this pack.
- If possible, set up your till system to prompt sales staff when an age restricted product is sold.
- If you have CCTV, retain any images of attempted illegal age restricted purchases.

**NO ID NO SALE - IF IN DOUBT - REFUSE THE SALE!**

There can be serious consequences for businesses, licensees AND individual members of staff who break the law. Penalties include substantial fines and even imprisonment. Individual members of staff, both full and part time can be taken to court and prosecuted. Remember, it is better to be safe than sorry – if you sell an age restricted product, **YOU ARE RESPONSIBLE** as well as your employer and could risk prosecution. If you sell alcohol you could also face an on-the spot fine of £80.

## How to Refuse a Sale

Refusing illegal sales of age restricted products is sometimes easier said than done, particularly when you are faced with persistent or intimidating customers

**Be Alert** – When people walk into your premises always acknowledge them. Legitimate customers feel instantly welcome and would-be troublemakers know that you've registered their presence.

Displaying Proof of Age material and proxy purchasing warnings in prominent places e.g. on the door and by the till can help make people think twice about trying to purchase products illegally.

**Transfer Blame** - If confronted with a potentially illegal sale, politely stress your legal obligations when refusing to serve someone. If faced with someone who looks under 21, ask them for proof of age – explain that it's nothing personal but that the law requires it. Tell the customer that it's the store policy to ask for proof of age from any one who looks underage.

You can use the same principle of de-personalising the situation when dealing with drunks and adults that you suspect are buying alcohol on behalf of a minor. Explain that the law prevents you from selling alcohol to them. If necessary, repeat that it's nothing personal and explain that you could lose your licence by serving them.

**Stand Your Ground** - Troublemakers can be persistent but by law you have to refuse to serve drunks, persons under the age of 18 and adults buying for minors. Always be polite and try to stay calm. Don't antagonise them by getting annoyed or aggressive. Don't shout because they'll probably shout back. Try to stay professional, apologise, tell them it's the law and that you'd be risking your licence if you sell them alcohol.

**Keep Your Distance** - People can sometimes get aggressive without warning. Learn to recognise potential aggression so that you can see it coming and act accordingly. Don't respond to aggression with aggression but try to stay calm. Apologise, try to keep your body relaxed and avoid prolonged eye contact. This signals that you don't want a fight and reduces the chance of the situation escalating.

**If you suspect someone of being under-age:**

- Politely apologise and explain your legal obligation.
- Ask for proof of age.
- Only accept valid proof of age i.e. PASS-accredited cards, passports or photo driving licence.
- If they don't have valid proof on them, suggest that they bring some from home and return with it.
- If they continue to pester you, apologise again and re-state your legal obligation.
- Blame the shop policy.

**If you are faced with aggression:**

- Keep your distance.
- Keep a barrier between you, move slowly and keep your hands down.
- Apologies and state your legal obligation.
- Try to keep calm and not retaliate.
- Ring the police.

## Proxy Purchasing

You must also be aware of adults purchasing alcohol on behalf of a person aged under 18 years old. This offence is known as Proxy Purchasing. An example of this could be an adult attempting to buy several bottles of cheaper alcohol (e.g. Lambrini or Cider) soon after an attempted underage purchase.

Purchasing alcohol for anyone under the age of 18 could result in an £80 on-the-spot fine, or a court appearance to face a fine of up to £5000. It is vitally important that all alcohol retailers remain vigilant of this offence and never sell alcohol to someone they think might be passing it on to under 18s. It is important to record any attempted proxy purchases in your refusals book.



## Acceptable Proof of Age

You should only ever accept ID cards with the PASS (Proof of Age Standards Scheme) logo. PASS is the UK's national guarantee scheme for proof-of-age cards. The PASS hologram is the hallmark indicating that the issuer has passed a stringent audit carried out by Trading Standards Officers and the card may be relied upon.

The hologram is forge proof and recognisable - and the scheme is supported by the Home Office, the Association of Chief Police Officers and the Trading Standards Institute. Over one million young people hold proof-of-age cards bearing the PASS hologram and numbers are increasing all the time. It is important to recognise that cards bearing the PASS offer the only reliable proof of age, other than passports and driving licences.

## Check the PASS Hologram

- Look for the 3-D effect in the background of the hologram.
- Look for the small PASS text in the background.
- The PASS hologram must be flush with the plastic of the card - NOT stuck on top of the plastic.

## Check the Photograph

- Ensure that the photograph is of the person presenting the card.
- The photograph must be printed directly on to the plastic of the card - NOT stuck on top of the plastic.

## Check the Date of Birth

- Calculate the age of the person from the date of birth.
- Make sure they are old enough to buy the goods requested.
- The date of birth must be printed on to the plastic - NOT stuck on top of the plastic.

## Check the Card

- Ensure that the card has not been tampered with or altered.
- Feel the card - it should be completely smooth.

## Check the Person

- If you are still unsure of the person's age, your legal responsibility is to refuse to sell.
- If you refuse to sell items because you believe that the person is too young, once the person has left, report the incident to your supervisor or manager, and record the details in your refusals register.

## Examples of Acceptable Proof of Age

The PASS hologram on a card is the hallmark indicating that the card issuer has passed a stringent audit carried out by Trading Standards Officers and the card may be relied upon. Around 1.5 million young people hold proof of age cards bearing the PASS logo.

Although a proof of age card is the preferred document, where one is unavailable, a driving licence or passport may also be used to help establish proof of age.



## Staff Training

In order to help prevent any under age sales of restricted goods you should provide your staff and anyone else who works in your store with training on how to deal with age restrictive goods.

You can use these guidance notes to help provide training.

Training should include:

- No/ID No Sale – Advising staff to ask for identification if in any doubt about a customer's age.
- Challenge 21 or Challenge 25– the need to build in a margin of error when assessing age.

A record of the training your staff has received should also be recorded on their own individual training record sheet such as the one in this pack. Training records should be kept in a safe place as enforcement organisations such as Trading Standard or the Police may wish to look at them.

Each member of staff should sign their own record:-

- To show when he/she has received training;
- What type of training they have had; and
- To show that they understand how to avoid making sales to young people

You should also provide your staff with regular refresher training which should also be recorded on a training record sheet.

If you carry out such training together with the other recommendations given under the heading "steps to take to prevent sales" in these guidance notes this will also help you to have a defence should a sale of an age restricted product occur.

# North Tyneside Council Age Aware E-Cigarettes Guidance

## **Electronic cigarette products**

An electronic cigarette is an electronic device that contains an eLiquid. Some eCigarettes can only be used once and are fully disposable, others have a non reusable eLiquid cartridge or a refillable eLiquid cartridge or tank.

eLiquids are sold in cartridges or bottles and are a mixture of substances that may or may not contain nicotine in differing concentrations and flavourings.

As the electronic device heats up the eLiquid it creates a fine vapour or mist that the user inhales.

## **Sales of electronic cigarettes**

On 1 October 2015 it became illegal:

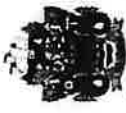
- for retailers to sell electronic cigarettes (e-cigarettes) or e-liquids to someone under 18
- for adults to buy (or try to buy) tobacco products or e-cigarettes for someone under 18

Staff should therefore be advised to treat the sale of e-cigarettes the same as other age restricted products.

## **Information & labelling**

No-one may produce or supply an e-cigarette or refill container unless they meet the requirements set out below:

- each unit packet of the e-cigarette or refill container must include a leaflet with the following information:
  - instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers
  - contra-indications
  - warnings for specific risk groups of people
  - possible adverse effects
  - addictiveness and toxicity
  - the producer's contact details (if the producer is not based in the EU then a contact person within the EU)
- each unit packet of the e-cigarette or refill container must include:
  - a list of all ingredients in descending order by weight
  - nicotine content and delivery per dose
  - batch number
  - recommendations to keep the product out of reach of children
- each unit packet and any container pack must carry the health warning 'This product contains nicotine which is a highly addictive substance'. It must appear on the front and back surfaces and cover 30% of that area



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**CAPITA**

City of Tyne and Wear Council

# Refusals Register

If a customer fails to produce valid photo-ID which confirms his or her age, the sale should be REFUSED and recorded in a refusals register such as the one included in this pack, after the customer has left the premises.

## Keep the register close to the counter but out of sight.

The sale should be REFUSED if the customer is unable to prove he or she is:

**16 or older if the product is LOTTERY**

**18 or older if the product is TOBACCO, ALCOHOL, FIREWORK, SOLVENT or KNIVES.**

All staff should know where this refusals register is kept. Staff should write an entry whenever an age-related sale is REFUSED.

If staff sell an age-restricted product to under 16s (lottery) or to under 18s (tobacco/alcohol/fireworks/solvents/knives) both management and staff are liable to conviction and a fine and/or prison (see guidance, right).

The manager should check and sign off each page of the register on a weekly basis, which should be kept in a safe place away from customers. The register may need to be produced in the event that the Police or Local Authority enforcement officers such as Trading Standards undertake test purchases or other enforcement activities, or in the event of legal action being taken against the owner of the premises and/or seller.

## Maximum Penalties

**18+**

### TOBACCO

£2,500 fine for selling tobacco to a person below the age of 18  
£1,000 fine for failing to display the statutory notice

3 underage sales in a 2 year period may lead to a sanction resulting in the loss of either personal or business right to sell tobacco for 12 months, £20,000 for breaking a sanction (applies only in England and Wales).

### CIGARETTE LIGHTER FUEL AND SOLVENTS

£5,000 and/or 6 months prison

### ALCOHOL

£5,000 fine for selling alcohol to a person below the age of 18  
£1,000 fine for allowing staff below the age of 18 to sell alcohol

### FIREWORKS AND SPARKLERS

£5,000 and/or 6 months prison

### 18 AND R18 MOVIES AND GAMES

£5,000 and/or 6 months prison

### KNIVES

£5,000 and/or 6 months prison

**16+**

### NATIONAL LOTTERY AND SCRATCHCARDS

£5,000 and/or 6 months prison; Following a sale involving Trading Standards testing you may lose your terminal and on a third offence of Camelot's test purchasing they will remove your terminal.

### PARTY POPPERS, CAPS, CRACKER SNAPS

£5,000 and/or 6 months prison

**15+**

### 15 MOVIES AND GAMES

£5,000 and/or 6 months prison

**12+**

### 12 MOVIES AND GAMES

£5,000 and/or 6 months prison











**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

14 October 2022

**Review of Licence: Gills off license trading as Lifestyle Express,  
13 Station Road, Whitley Bay.**

Dear Sir/Madam,

I am extremely concerned that the above licensed premises have sold alcohol to young people underage.

In August 2021, police officers in Whitley Bay started to receive complaints regarding youth anti-social behaviour around the area of Whitley Bay metro station and Station Road, by the end of 2021 reports had been received that the youths were purchasing their alcohol from Lifestyle Express on Station Road. Further emails were received from members of the community in March 2022 advising that underage alcohol sales were taking place at the above shop.

On the 25<sup>th</sup> March the police received a phone call from a member of the public informing them that underage sales at Lifestyle Express were happening presently. Police arrived at the premises to witness what appeared to be a male employee, ( ), selling alcohol to an underage girl. He quickly hid the alcohol behind the counter and said that the CCTV was not working.

On the 13<sup>th</sup> May a joint test purchase operation was carried out by Northumbria Police and North Tyneside Trading Standards; the test was carried out by a 15-year-old who was sent into the shop to purchase alcohol. ( ); made the sale and was given a fixed penalty notice.

These actions demonstrate 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.

I support the request for a review of the premises licence by my Police colleagues on the grounds of the protection of children from harm and preventing crime and disorder. I ask that the Committee give serious consideration to revocation of this licence on the basis that this premises which is part of a national chain has behaved illegally and placed young people at harm.

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

Yours sincerely,

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

**Representation in support of the Premises**



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**Susan Vert**

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**From:**  
**Sent:** 03 October 2022 12:22  
**To:** Liquor Licensing  
**Subject:** Possible restriction of alcohol sales licence

\*EXTRNL\*

Dear Sir,

I am writing with reference to a possible licence to sell alcohol withdrawal for the Lifestyle General Store shop at 13 Station Road, Whitley Bay, Tyne & Wear, NE26 2QY.

As a long time user of the shop, and as a neighbour living at 3a Station Road I am writing to you to ask that you do not withdraw the shop owner's licence to sell alcohol as a result of recent investigations by yourselves and the Police.

As I understand it the current licence holder was not present on 2 occasions when her previous employee sold alcohol to underage customers. The employee, I believe, was rightly fined for the first offense and is awaiting punishment for a second.

I wish to make it clear that, after discussing these happenings with the owner, I am convinced that these events were not of her making, understanding or agreement. She was duped by a dishonest person whom she had hitherto trusted. I also believe her that she was not aware he had been caught and fined on the first occasion; something which perhaps shows a lack in a justice system, perhaps down to data protection, which prevents all interested parties to such happenings being able to take responsible post-event actions deemed necessary. I can confirm he has not been working at the shop for months now as she sacked him as soon as she found out.

So, she is left to pick up the pieces left broken by a crook who, she now believes had also been stealing from her. Now that trading has become "normal" with support from her close family she has been able to compare trading data of before and after the events.

Notwithstanding that I want the shop to continue trading fully, with her current full range of goods because if the shop remains viable I can count on it remaining open for my daily paper and milk etc, I also see in her a young, vibrant business owner eager to grow into more shops.

In short, please give her a chance to carry on because we, the customers, and we the UK PLC need people like her. We do not need the idiot crook who dropped her in it, and hopefully she will get some recompense from him, and hopefully the court can prosecute him successfully.

He did it and she was unaware. She is very nervous about the outcome of your decision so please do let her keep her licence to sell everything she does now.

Yours Sincerely

Sent from Sky Yahoo Mail on Android

**Susan Vert**

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**From:**  
**Sent:** 03 October 2022 15:56  
**To:** Liquor Licensing  
**Subject:** Lifestyle station road whitley bay

\*EXTRNL\*

As a resident of station road and over 50 years of living in whitley bay the above shop has been there as long as I can remember , myself and I'm sure other residents rely on this shop daily , is a lovely girl and for her to have her license withdrawn would be such a shame because of someone else's mistakes , she is a valued member of our community and has made massive changes since the person in question left the shop , I hope you understand how valued this shop and are to our area , she has worked so hard to build this shop back up to standards thank you for your Time.  
Sent from my iPhone

13th October 2022

Dear Sir/Madam,

I write in connection with the review of the premises alcohol license for Gills off Licence Trading as Lifestyle Express, 13 Station Road, Whitley Bay NE26 2QY. This issue was brought to my attention with owning the Freehold to 16 (Pranzo Trattoria & Deli), 16a, 14 (Sushi Me Rollin') and 14a Station Road. I also work in the office at 16a Station Road from Monday - Sunday from 8am to 9pm running our businesses Linux Internet, Elite Gymnastics and Gymnastics Express.

I wish to offer my full support to [redacted] not having her license revoked, for the reasons outlined below;

1. I have had several discussions with [redacted] and whole heartedly feel she is an innocent victim in this scenario. Since she was made aware about her employee, she took every course of action with immediate effect to remove [redacted] from any association and employment with her business.
2. We have also noticed along with my staff that there are no longer any youths waiting outside the newsagents and we've not seen [redacted] visit the street since his dismissal from Lifestyle Express.
3. Station Road was a very much-neglected street but now with my investment and other business owners we are attracting people back to Station Road. We are starting to give a good reason for people to come to this side of Whitley Bay. I do feel that the street needs a newsagent and without a premises alcohol license her business would not be able to exist and therefore will be a service that will be greatly missed and another empty property.
4. [redacted] would clearly struggle to survive without a license and she has learnt a big lesson in business and the responsibilities of holding an alcohol license that extends beyond her actions and in this case the actions of others. I do believe that having read the attached report that was published on the internet, that as the owner if she was made aware towards the end of 2021 or even March 2022 about her employee then any further issues could have been prevented.
5. [redacted] was not always on duty as they quite often swapped shifts with it being long hours and in hindsight (which we don't have at the time of the events). I now realise that there were some youths outside the shop when [redacted] was not on duty and I also spoke to [redacted] when in the shop and was also blindsided to what had been going on after reading the police report.
6. Myself and staff use the newsagents on a daily basis and we look directly at the newsagents and we never suspected anything so I'm confident that [redacted] has learnt her lesson in the respect of trust and has also put in the following system in point 7, that would protect children from harm.
7. I can inform you that she has recently had the CCTV system upgraded, and that it records for 28 days and provides a great clarity of footage inside and out. I would also like to mention they have gone under recent licensing training delivered at the premises for all staff in preventing underage sales and upholding the licensing objectives. Further, I would like to mention that the premises has offered a number of conditions to reinforce the licensing objectives, and those condition could be added to the premises licence if the licensing committee so determined.
8. We need to attract customers from the Coast to Newcastle. The newsagents on the street has become since [redacted] took over the core of the Station Road community and now we are all aware of this issue we will all play a part in being more observant to any potential issues to protect our businesses and her business.

I will certainly not be giving my support to a business that would generate problems for the street or local businesses and residents. I fully support [redacted] to continue to keep her licence and working hard to build her business. She has my full support, especially as she has taken the necessary action when made aware of the issue and now realises that she had been too trusting and will not make the same mistake twice.

Please feel free to contact me or ask if you need any further information.

Yours faithfully,



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### Letter of support

Thu 13/10/2022 19:28

To: Liquor Licensing <liquor.licensing@northtyneside.gov.uk>

\*EXTRNL\*

I'm writing this letter of support as a fellow business owner.

I believe the owner of lifestyle express in Whitley bay shouldn't lose her alcohol licence. From what I understand a member of staff was caught selling alcohol. Once she was made aware they were dismissed.

She's done everything within her powers to resolve the issue and make things right. Once this member of staff was dismissed other discrepancies within her business have come to light and she now realises how bad this member of staff was that she trusted.

Selling alcohol within the shop makes up a massive part of her business.

I feel by taking away her license this will have a massive negative impact on her business. In turn causing her to close.

I believe she deserves another chance as the actions of her staff were out of control and she's done everything within her power to correct the situation.

I've only known the owner for a short period of time and she's a lovely person. Who works hard and wants the best for the community. She's devastated this has happened. All she wants to do is earn a living.

I believe under the circumstances she deserves to keep the licence. Now she and her parents are the only workers. Alcohol was never sold to any young person on there watch. I believe it never will. She takes pride in her shop. This is how she pays her bills and feeds her family. Don't take this away from her. She is a valued member of the community.

So I've written this to show my support for her and her family.

I hope you take on board the evidence and make the right decision.

Thank you.



Sent from my iPhone

