

APPENDIX 5



**NORTHUMBRIA
POLICE**

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

18 March 2024.

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

Dear Mrs S Graham,

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

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

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

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

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

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

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

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

Yours sincerely,

C/Insp David Morrison 7571



North Tyneside Council

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

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

Our Ref: MD/LA/SB
Your Ref:

Date: 25th March 2024

This matter is being dealt with by:
Mark Duffy

Direct Line: (0191) 643 6625

Email: _____

Dear Sir/Madam

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

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

Role of Trading Standards

The primary role for Trading Standards officers under the Licensing Act 2003 is to work in partnership with the Police to prevent the illegal sales of alcohol to children. To achieve this, Trading Standards have adopted a proactive approach to reduce alcohol sales to children. Trading Standards also work with retailers to ensure they are aware of their responsibilities under the Licensing Act 2003. We do this by taking a stepped approach and by offering 'best practice' oral and written guidance to support businesses.

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

Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary

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

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

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

Yours sincerely



Mark Duffy

Principal Trading Standards Officer