

APPENDIX 1

North Tyneside Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Northumbria Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Shell New York Road New York Road Shiremoor	
Post town Newcastle upon Tyne	Post code (if known) NE27 0TS
Name of premises licence holder or club holding club premises certificate (if known) Shell UK Oil products Limited	
Number of premises licence or club premises certificate (if known) 00CK/19/1698	

Part 2 - Applicant details

I am

Please tick yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

- | | |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <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 type="checkbox"/> |

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

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

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

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

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

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

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

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

Good morning,

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

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

Regards

Neil K

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

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

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

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

CCTV attached as a DVD.

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

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

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

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

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

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

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



Date

4/9/2020

Capacity

CHIEF INSPECTOR NORTHERN AREA COMMAND

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

Mr N Kirkpatrick
Northern Area Command
Wallsend Police Station
Middle Engine lane
Wallsend

Post town

Newcastle upon Tyne

Post Code

NE28 9NT

Telephone number (if any) 101

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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

WITNESS STATEMENT

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

URN 10

Statement of: PC

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

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

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

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

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

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

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

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

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

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

WITNESS STATEMENT

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

URN

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Statement of: PC

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

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

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

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

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

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

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

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

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

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