

APPENDIX 1



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Name of premises licence holder or club holding club premises certificate (if known) Mr Ehtisham Khan Arif
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Number of premises licence or club premises certificate (if known) 00CK/19/1593/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick yes

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

Surname

First names

I am 18 years old or over

Please tick yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

Please tick one or more boxes ✓

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

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

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

Background

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

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

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

Information

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

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

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

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

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

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

Summary

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

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

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

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

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

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

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

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

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

Please tick ✓ yes

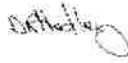
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

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

Signature



Date **04/07/2022**

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

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

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

Post town Newcastle Upon Tyne	Post Code NE27 0BY
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Telephone number (if any) 0191 6436623

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

Notes for Guidance

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

Appendices

Appendix 1



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CAPITA

Public Protection Services
Trading Standards
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
www.northtyneside.gov.uk

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

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

Dear Mr Arif,

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

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

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

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

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

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

1

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

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

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

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

Yours sincerely



Thomas Richardson
Trading Standards Enforcement Officer



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Capita

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

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

Our Ref:
Your Ref:

Date: 27th May 2022

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

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

Dear Mr Arif

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

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

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

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

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

Yours sincerely,

D.S. Hedley

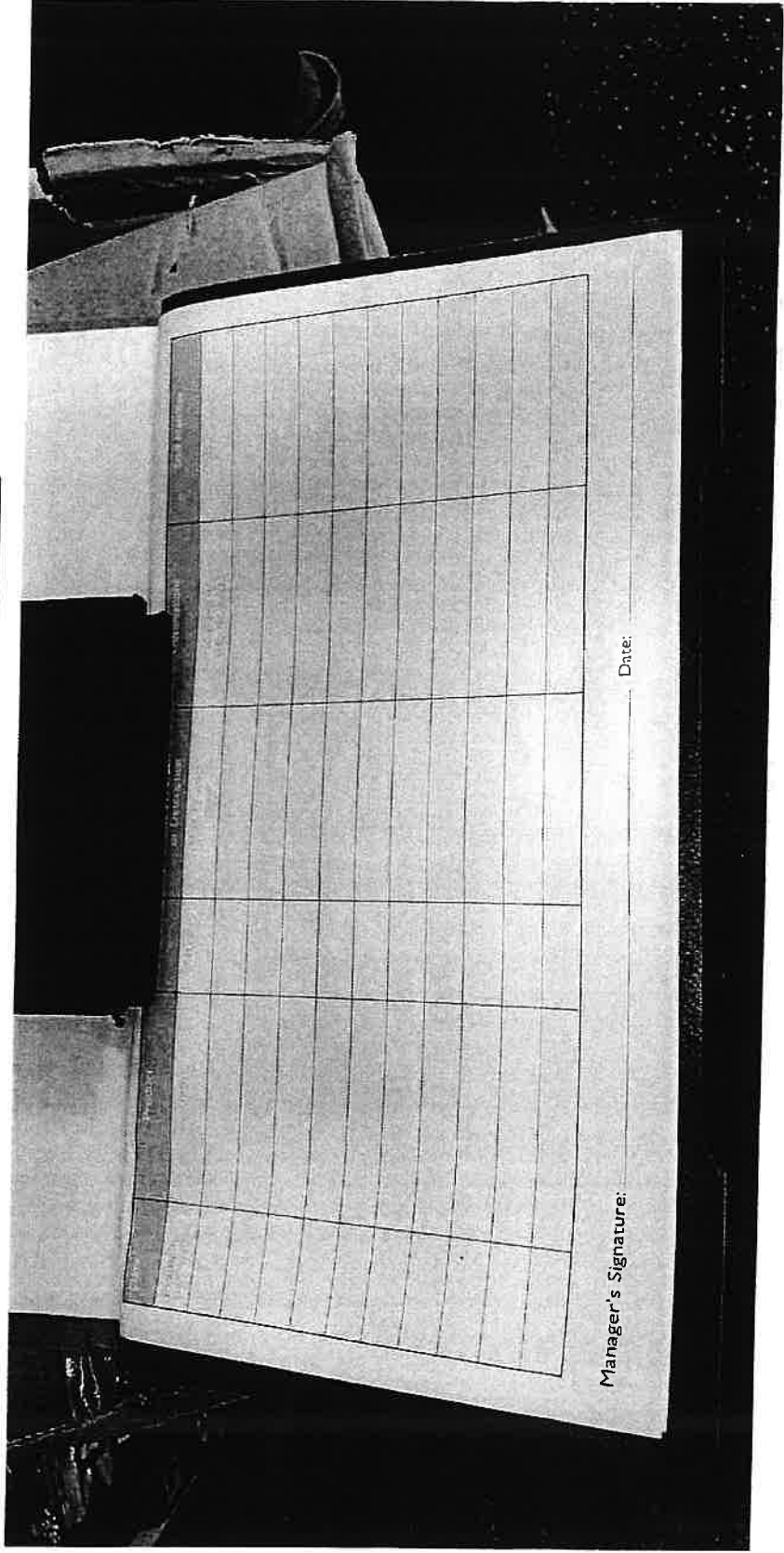
Senior Trading Standards Officer

Appendix 3

Supersave Food and Wine 50 Eastbourne Gardens Whitley Bay

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

Photographs of refusals registers taken 13th May 2022



Manager's Signature:

Date:

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

Date: _____