# **Public Document Pack**



# LICENSING SUB COMMITTEE AGENDA

Wednesday, 10 August 2022 at 10.00 am in the Whickham Room - Civic Centre

rom t	ne Chief Executive, Sheena Ramsey
Item	Business
1a	Additional Information Re Review Request (Pages 3 - 36)

Contact: Sonia Stewart: email: soniastewart@gateshead.gov.uk, Tel: 0191 433 3045, Date: Tuesday, 2 August 2022



# Agenda Item 1a



**LICENSING SUB-COMMITTEE** 10 August 2022

TITLE OF REPORT: Additional report:

168-170 Sheriffs Highway, Gateshead, NE9 5SD

REPORT OF: Strategic Director; Economy Innovation and Growth:

Licensing Officer

## 1. PURPOSE OF THE REPORT

The purpose of the report is to provide additional documents that have been served on the Licensing Authority in relation to the applications before Sub-Committee regarding 168-170 Sheriffs Highway. Please note that the licence holder has advised that the premises address is 170 Sheriffs Highway.

#### 2. ADDITIONAL DOCUMENTS

The Local Weights and Measures Authority have served the following documents:

- A statement from Matthew Harman (attached as appendix 1)
- A statement from Michael Stedman (attached as appendix 1.1)

Mr Harman and Mr Stedman will attend the Sub-Committee hearing in case the Sub-Committee or any party have any question in relation to their statements.

You will note that Exhibit MS2 is not included in this report because it's a sensitive information and therefore not a public document.

The Licensing Authority have served the following document:

• A statement from Kirsty Jennings (attached as appendix 2).

# **APPENDICES**

Appendix 1 Statement of Matthew Harman

- 1.1 Statement of Michael Stedman
- 2 Statement of Kirsty Jennings

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#### STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**STATEMENT OF: Matthew Harman** 

1

Age of witness (if over 18, enter "over 18"): Over 18

**Occupation: Trading Standards Officer** 

This statement (consisting of 2 pages) 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.

1/			
Signed:		Date:	08/07/2022

I am Matthew Harman. I am employed by Gateshead Metropolitan Borough Council as a Trading Standards Officer. I am authorised for the purposes of enforcing the Licensing Act 2003 and the Tobacco and Related Products Regulations 2016.

On the 24<sup>th</sup> February 2022, at approximately 14:05, I visited a retail premises at 168 Sheriffs Highway, Gateshead, NE9 5SD trading as Sheriff Highway Stores. I was accompanied by Michael Stedman, Enforcement Officer, as well as a 15-year-old child volunteer who had been provided with money and instructions to carry out a test purchase for alcohol at the shop.

I entered the shop first and began browsing the shelves of the store without introducing myself to the sales assistant behind the till. The sales assistant behind the till was a female who I would describe as aged between her late 30s to early 40s with brown hair. At the time of our visit, she was accompanied by a young child who was also sat behind the counter of the shop.

A few seconds later, the child volunteer entered the store and approached a fridge where alcoholic products were on display. I witnessed the child volunteer pick up a bottle of Desperados lager from the fridge and take it to the till. The sales assistant sold the child volunteer the lager without speaking to him beyond asking him for the money, charging him £2.70. The child volunteer then left the store with the alcohol.

I produce **Exhibit MAH/1** the bottle of Desperados lager purchased by the 15-year-old child volunteer.

A few minutes after the sale I returned to Sheriff Highway Stores and explained to the sales assistant what had happened. The sales assistant gave me her name as "Shelly Lee". I asked her if I could see the shop's refusals register. The only refusals register that the sales assistant could find did not appear to be in use and the last entry in it had been from the 25<sup>th</sup> May 2019.

On the 23<sup>rd</sup> March 2022, a colleague in Gateshead Council's Public Health department received an email from a local NHS worker who works close to Sheriff Highway Stores alleging that she had witnessed the supply of tobacco products from the back of a van parked outside the shop. This email was forwarded to me and I produce a redacted copy of it in evidence as **Exhibit MAH/2**. The email also had a photograph of the van involved attached, which I produce in evidence as **Exhibit MAH/3**.

Page 6

Page 1 of 2

Signed:.....

On the 13<sup>th</sup> April 2022, after receiving intelligence that illegal tobacco products were being sold from a van linked to the business, I attended Sheriff Highway Stores, again accompanied by Michael Stedman. Behind the counter of the shop at the time of the visit was Mr Jaafar Mousa Jaafar. Parked immediately outside of the premises, at the very top of Church Road, there was a white van which was registered to Jaafar Mousa Jaafar.

We carried out a search of the retail premises followed by a search of Mr Jaafar's van. While Michael Stedman was undertaking a search of the van, Mr Jaafar stood in the back of the van and appeared to be trying to stand in the way of, or conceal, a carrier bag which was on the floor. Inside of the bag was 4 packets of Richmond cigarettes which appeared to be counterfeit and did not carry the health warnings as required by the Tobacco and Related Products Regulations 2016.

I seized these cigarettes and produce them in evidence as **Exhibit MAH/4**.

On the 5<sup>th</sup> May 2022, I interviewed Mr Farhad Jamnejad, the Director of Sheriff Highway Stores Ltd in relation to the failed alcohol test purchase described above. Mr Jamnejad initially stated during the interview that he was the Designated Premises Supervisor (DPS) for the purposes of the premise alcohol licence but when challenged about this admitted that the DPS stated on the licence was an employee who had left "a few months" ago. Mr Jamnejad admitted that he had not made a written request to Gateshead Council to have the licence varied for the change of DPS.

Mr Jamnejad stated that day to day responsibility for running the business was shared between himself and Jafaar Mouusa Jaafar.

When questioned about what training the sales assistant who made the sale had received, Mr Jamnejad advised that she had only been working at the business for around 2 weeks and had been told that she was not allowed to sell any alcohol or cigarettes while either Mr Jamnejad or Mr Jafaar were in the shop to authorise it. He admitted that there was no written record or other evidence of her being given this instruction.

I also interviewed Jaafar Mousa Jaafar under caution on the same day, in relation to the above underage sales, as well as the illegal tobacco products which had been found in the back of his van.

Mr Jafaar reiterated much of what Mr Jamnejad had said during his interview regarding the steps they had taken to avoid the sale of alcohol to under 18s from the business and the instructions given to the sales assistant who had made the sale to our child volunteer. However, he confirmed that the sales assistant's name was in fact Shireen Farrier and that "Shelly Lee" was a false name she had given me on the day in a panic at what had happened.

When asked where he was at the time of the failed test purchase Mr Jafaar confirmed that he was at his house.

Mr Jafaar advised that he had reviewed CCTV footage of the incident and had asked Shireen Farrier why she had made the underage sale but she had not been able to explain why it happened. He also confirmed that Shireen Farrier was no longer working at the business.

When questioned about the illegal tobacco found in the back of his van on the 13<sup>th</sup> April 2022, Mr Jafaar denied that they were his and claimed that they must have belonged to his ex partner.

I am currently awaiting a full transcript of these interviews, but they can be made available if necessary. To date, I have been unable to contact Shireen Farrier using the details she provided or those given to me by Jafaar Mousa Jafaar.

Page 7

Page 2 of 2

Signed:..... 08/07/2022



## **Matthew Harman**

**Subject:** Sheriff Highway stores

**Attachments:** IMG\_4071.jpg

From:

Sent: 23 March 2022 11:17

To: Gemma King < GemmaKing@Gateshead.Gov.UK >

Subject:

Hi Gemma,

When I was walking home on Fri night, the owner of this shop/van on sheriff hill had come out of the shop with a customer and got something out of the back of this van in a blue carrier bag for them. ? Illegal cigarettes or other. They were deliberately keeping van doors pulled to.

Please would you pass on to illegal tobacco team?

Thank you



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Page 11



#### STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**STATEMENT OF:** Michael Stedman

Age of witness (if over 18, enter "over 18"): Over 18

Occupation: Enforcement Officer

This statement (consisting of 2 pages) 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.

I am employed by Gateshead Council as an Enforcement Officer with Trading Standards. I am an authorised officer for the purposes of enforcing the provisions of the Tobacco and Related Products Regulations 2016 and the Trade Marks Act 1994.

On Thursday 2<sup>nd</sup> December 2021 I went to Sheriffs Highway Stores at 168/170, Sheriffs Highway, Gateshead, NE9 5SD and spoke to the only staff member present, a man who I now know to be the defendant Mr Jaafar Mousa Jaafar, who informed me he is a director of the company which owns the shop. I spoke to him and gave advice regarding sales of age-restricted products including alcoholic beverages, tobacco products and electronic cigarettes. I asked him if there were any staff training records and he replied that there were not. I issued him an "Age Restricted Sales Retailer Information Pack" as supplied by Trading Standards, which contains a large amount of advice for retailers on all matters related to under-age sales, and he signed a form to confirm he had received it (produced MS1).

On the morning of Thursday 24th February 2022 I spoke to a 15-year-old child volunteer who had been provided with money and instructions to carry out a test purchase for alcohol at a number of shops and took a photograph of him standing alongside my colleague, Trading Standards officer Matthew Harman (produced MS2). Approximately 2.05pm that day we visited Sheriffs Highway Stores. Matthew Harman entered the shop and shortly after, the volunteer entered, while I remained in the street outside.

Page 1 of 2

Signed:

A few minutes later the volunteer came out of the shop carrying a bottle of Desperados lager, an alcoholic beverage. Matthew Harman then came out of the shop. He took the bottle from the volunteer and re-entered the shop to tell staff what had happened.

On the Wednesday 13th April 2022, after receiving intelligence that illegal tobacco products were being sold from a van linked to the business, I attended Sheriffs Highway Stores, again accompanied by Matthew Harman. Behind the counter of the shop at the time of the visit was Mr Jaafar Mousa Jaafar. Parked outside of the premises there was a white Volkswagen Crafter van reg no NC56YNM which was registered to Jaafar Mousa Jaafar.

We carried out a search of the shop followed by a search of the van. While I was searching the inside of the rear of the van, Jaafar stood in the back of the van and stood immediately in front of a carrier bag which was on the floor next to the wheel arch on the offside of the vehicle. Other than two bin liners containing clothes which were on the nearside of the vehicle this was the only item in the van. I picked up the carrier bag and saw it contained four packets of Richmond cigarettes which appeared to be counterfeit and did not carry the health warnings as required by the Tobacco and Related Products Regulations 2016. Matthew Harman seized these cigarettes.

# **ACKNOWLEDGEMENT RECEIPT**

I acknowledge receipt of an Age Restricted Sales Retailer Information Pack.

Trading Name	SHERVET'S LICHWAY STORES LTD
Address	170, OLD DURHAM ROAD,
	CATESHEAD
	NE9 5 OD.
Tel. 0191 44 77	1630 enail -
Name (PRINT IN BLOO	CK CAPITALS)
	JAAFAR JAAFAR
Position	DIRECTOR (INCORRECT)
Signed	J. Janosta
Date	2/12/21

EXHIBIT Nº MS1.

THIS IS THE DOCUMENT REFERRED TO

IN MY STATEMENT DATED 5/1 Page 15

# **Age Restricted Sales Compliance Visit Check Sheet**

Date 2 /12 /2 1
Owner JANFAR JAAFAR
Premises Licence Holder FARNAD JAMNEJAD
DPS FARNAD JAMBARD "
Number of staff
Person present
ARS Pack
Pack issued Yes /No
C25 Posters issued Yes /No
Proxy Sales Poster issued Yes No
Refusals Register Issued Yes No
Licence:
Part B on display: (Yes) No ONLY FRONT PACE.
CCTV: Yes No
Till prompt: Yes No
C21/25 posters Yes/No Location BENIND COUNTER
Refusals Register (Yes/ No Date of last entry
Training Records Yes No Inspected: Yes / No
Tobacco:
UAS Poster Yes No
Display covered Yes// No
Check packs with tobacco reader Yes No Number checked:
Ecigarettes / refills for sale Yes)/ No
Lottery: Lottery terminal Yes (No
Post Office: Yes (No)

## STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

**STATEMENT OF: Kirsty Louise Jennings** 

Age of witness (if over 18, enter "over 18"): Over 18

Occupation: Licensing Officer

This statement (consisting of 3 pages) 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.

Signed: 1

Date: 22<sup>nd</sup> July 2022

I am employed by Gateshead Council in the post of Licensing Officer in the Licensing Section of Economy, Innovation and Growth.

On Monday 13<sup>th</sup> June 2022 at 11:30hrs I visited Sheriffs Highway Stores, 168 Sheriffs Highway, Sheriff Hill, Gateshead, NE9 5SD to conduct a Licensing inspection.

I entered the shop and there was one member of staff present. I identified myself and he provided his name as Jaafar JAAFAR. Mr Jaafar stated Farhad Jamnejad was the owner of the shop. I asked him who the current Designated Premises Supervisor (DPS) was, and he stated it was Amer Idris Paul. When I asked where Mr Paul was, Mr Jaafar stated he had left his role at the shop to become a driving instructor. Mr Jaafar stated he did not have a personal licence however he is working towards obtaining one.

Mr Jaafar was able to show me a refusals register which had recent entries in from 11<sup>th</sup> June 2022 for a refusal of a sale of alcohol. He stated that all staff should be completing it for any refusals.

The premises licence and summary were not available or on display. Mr Jaafar stated that Mr Jamnejad had taken the summary down and the premises licence with him when they attended the civic centre to see Matthew Harman from Trading Standards.

Mr Jaafar stated there are currently 3 members of staff at the premises, Mr Jamnejad, Mr Jaafar and a person called Chris. Mr Jaafar could not produce any training records for any

Signed:

staff members, and he could only say 'Chris used to work in a pub, so he knows all about Challenge 25'. They do have a challenge 25 policy in place, and they have posters displayed in the shop and in the fridges reflecting this.

The CCTV is displayed on a large screen opposite the till so staff members will be able to view it at all times. The screen showed the CCTV with the correct time and date, and had extensive coverage of the inside and also cameras outside. Mr Jaafar was unable to rewind the CCTV to show that there is 28 days available, however Mr Jamnejad was spoken to by phone and he stated it did go back 28 days.

After I spoke to Mr Jamnejad, he then submitted a vary DPS application the same day to specify himself as the Designated Premises Supervisor.

Mr Jamnejad then emailed me on 21<sup>st</sup> June 2022 with photographs showing the premises licence on display, staff training document signed by Mr Jaafar and Chris Jeffery. And also a photograph of the front of the training material used. I exhibit this as **KLJ/1**.

As per a prearranged appointment, I visited the premises on 14<sup>th</sup> July 2022 to carry out a follow up Licensing inspection to see if the issues identified on 13<sup>th</sup> June 2022 had been rectified.

On display as the first page of the Premises Licence only and not the Premises Licence Summary as required. I spoke to Mr Jamnejad who stated he did not know where the copy of the Summary was. Mr Jaafar stated he may have it at home and would check. This remains a breach of their Premises Licence.

Mr Jamnejad was able to provide the staff training log which he had previously sent me a photograph of. This was contained in the back of a book with training materials relating to the Licensing Act 2003. The training log consisted of one page.

The CCTV showed the correct time and date, however Mr Jamnejad was unable to show me 28 days retention of footage. He stated that an engineer had visited recently (he was unable to provide a date) and he believed they had reset the system. Upon further checks, I

Signed:

Page 2 of 3

established that the CCTV had started recording at 08:00 on 14<sup>th</sup> July 2022, therefore only had 3 hours of retention. This remains a breach of their premises licence.

Mr Jamnejad stated the CCTV system belonged to the landlord of the premises and he relies on her to fix it. I explained as the Licence Holder the CCTV is his responsibility due to the conditions on his licence.

I emailed Mr Jamnejad to ask for an update on the issues identified, he replied stating the hard drive had been replaced. Mr Jamnejad also provided photographs which show footage retained on the hard drive. This is exhibited as **KLJ/2**.

I asked Mr Jamnejad to check the CCTV daily to ensure the system is still working correctly, and I have stated I will revisit once the hard drive has 28 days retention to be able to show compliance with the CCTV condition on the licence. He has confirmed he will check daily. I exhibit this as KLJ/3.

A follow up visit by Licensing is required.

igned:



# **Kirsty Jennings**

From:

farhad jam

Sent:

21 June 2022 12:17

To:

Kirsty Jennings

Subject:

Re: Sheriffs Highway Stores, 168 Sheriffs Highway, Sheriff Hill, Gateshead, NE9 5SD

Attachments:

IMG\_20220617\_180340285.jpg; IMG\_20220617\_180156498.jpg; IMG\_20220617\_

180209620.jpg

## Hi Kirsty

Just I see your email on my junk mail I think there is security issue with your mail. I put the license and also book that was signed by staff to the shop and I have a photo from Thanks

On Tuesday, 14 June 2022 at 10:12:26 BST, Kirsty Jennings <a href="mailto:kirstyjennings@gateshead.gov.uk">kirstyjennings@gateshead.gov.uk</a> wrote:

Dear Mr Jamnejad,

As discussed yesterday please see below steps you must take to ensure compliance with your Premises Licence conditions.

- Your Premises Licence Summary was not on display, nor was Mr Jaafar able to produce a copy of the full Premises Licence. Following your application to vary the DPS at the premises, you will receive new copies of your premises licence. You must display the Summary within the Premises. You also must keep a copy of the full Premises Licence at the premises.
- Staff Training records, your Premises Licence has two conditions which state:
  - Staff are to be given sufficient training agreed with the Licensing Authority in the control of agerestricted products, refresher training for existing staff and training for all new staff.
  - Accurate training records are to be kept for all staff involved in sales of age restricted products.

Mr Jafaar stated that staff training records are not held and could not be evidenced. He stated there a 3 members of staff including him and yourself. All staff members must be trained in relation to age restricted products, and refresher training must be given every 6-12 months. This must be documented. The documentation of the training can be as simple as a document which the member of staff can complete, sign and date to say when they received the training. This will then be stored in the premises to allow inspection by the Licensing Authority when required. As the condition states the training must be agreed with the Licensing Authority, can you please send me a copy of all training materials used.

Once you have completed your staff training, can you please send me a copy of the completed training records for all staff member along with a copy of all training materials used.

Please let me know if you have any questions,

Kind regards
Kirsty Jennings
Licensing Officer
Economy, Innovation and Growth, Gateshead Council
Civic Centre, Regent Street, Gateshead, NE8 1HH
*****************
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# **Training Record**

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# Trading Standards Licensing Training Booklet

(LT Booklet)

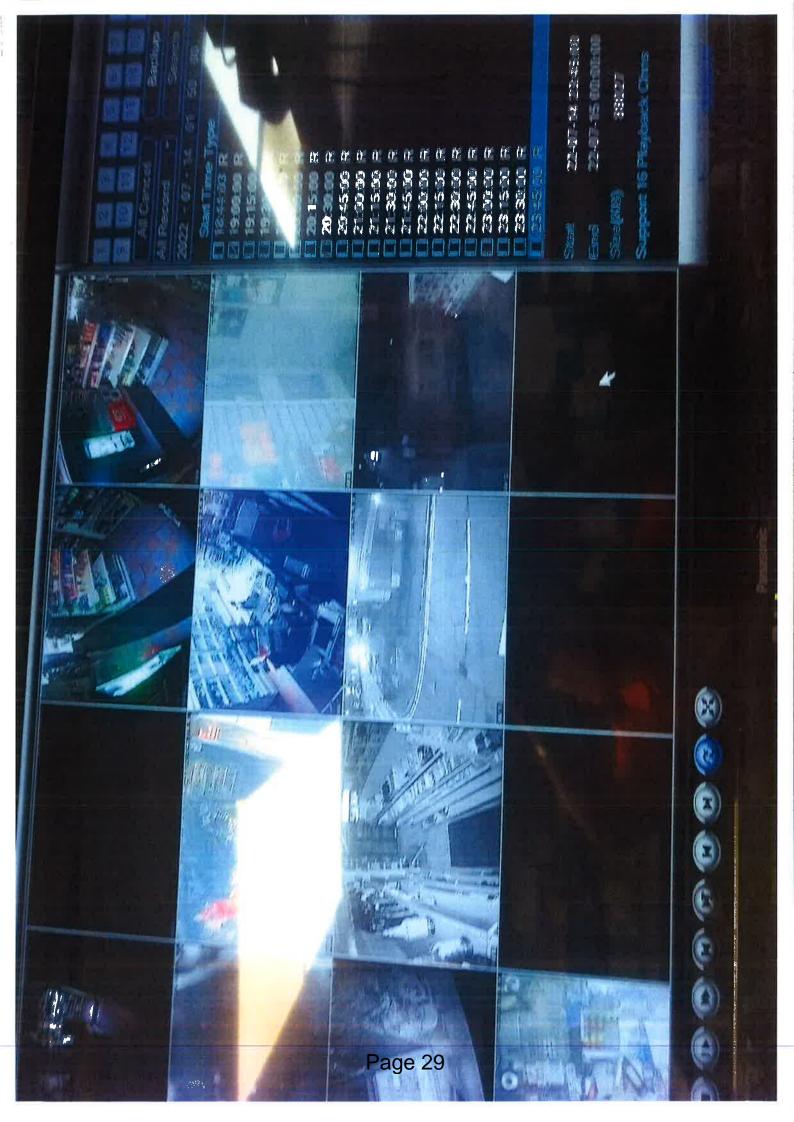


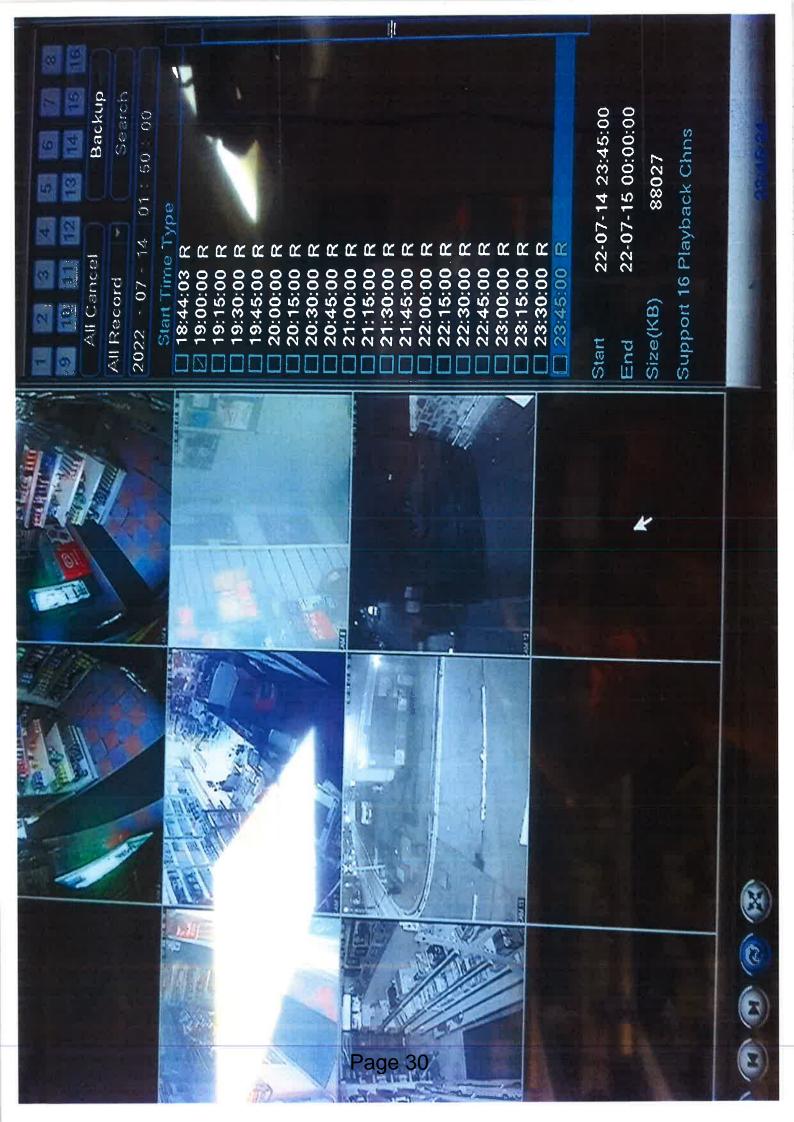
# Kirsty Jennings From: farhad jam < Sent: 15 July 2022 12:56 To: Kirsty Jennings Subject: Re: Licensing Insepction - 14th July 2022 Attachments: IMG\_20220715\_112156149.jpg; IMG\_20220715\_112159638.jpg; IMG\_20220715\_ 112425209.jpg Hi Kirsty yesterday they change hard of cctv it looks it work oky now because I have a footage from yesterday and today also but I am gone check every day. Hope not cause problem again .you can see on photo about the that licence I do not know were he put (unfortunately his memory getting worth) I try to search all over hope he not bin it. Kind Regards Farhad On Thursday, 14 July 2022 at 14:42:06 BST, Kirsty Jennings <a href="mailto:kirstyjennings@gateshead.gov.uk">kirstyjennings@gateshead.gov.uk</a> wrote: Dear Mr Jamnejad, Thank you for your time today. As discussed can you please send me an update on the below: Premises Licence and Premises Licence Summary - Can you confirm Mr Jafaar has found the copies and the Summary is now on display? (both pages) CCTV - The CCTV should be retained for 28 days, when I visited today at 11am you were only able to demonstrate retention for 3 hours. Can you please provide an update as to what steps you will be taking to rectify this? I look forward to hearing from you, Kind regards

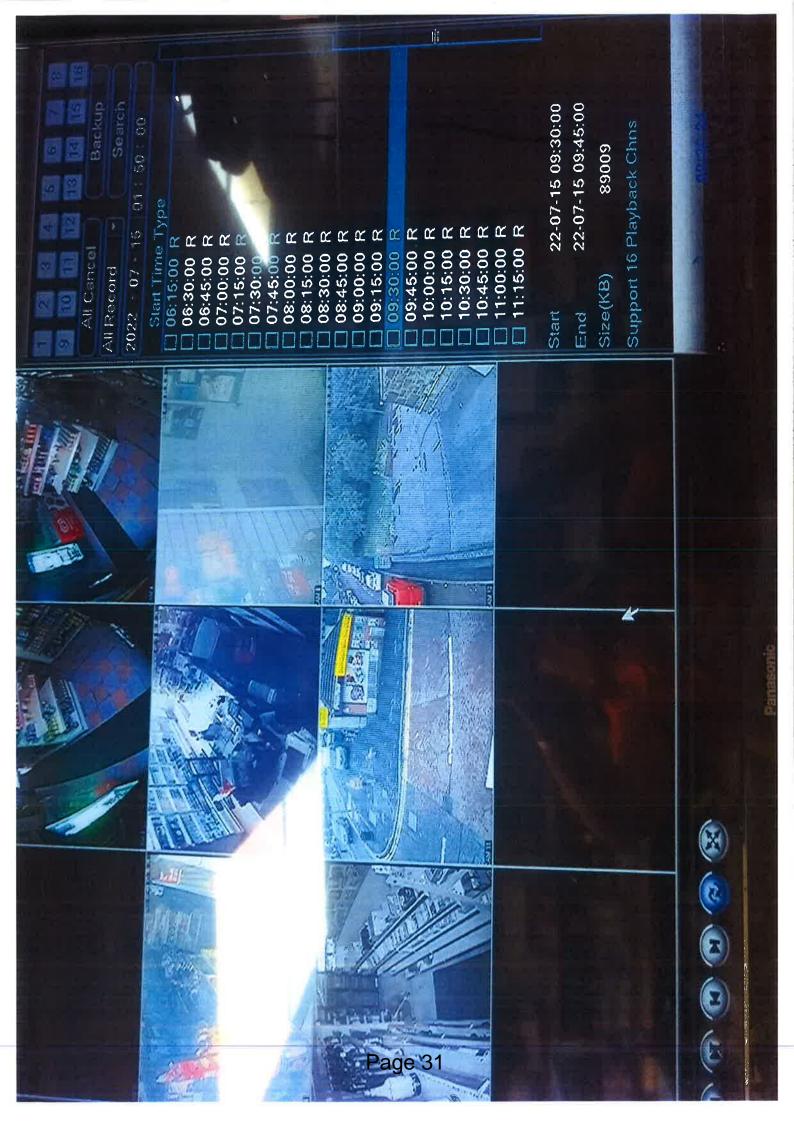
Kirsty Jennings

Licensing Officer

Economy, Innovation and Growth, Gateshead Council	
Civic Centre, Regent Street, Gateshead, NE8 1HH	
*********************	
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# **Kirsty Jennings**

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farhad jam 🗸 😘 😘 😘 😘 😘 😘 😘

Sent:

15 July 2022 14:45

To:

Kirsty Jennings

Subject:

Re: Licensing Insepction - 14th July 2022

### Hi Kirsty

I will do for check cctv every day . and the day we came to council he had it on file but I do not know where he put them I will go with him to his house hop I can find it .

Thanks

On Friday, 15 July 2022 at 13:56:02 BST, Kirsty Jennings <a href="mailto:kirstyjennings@gateshead.gov.uk">kirstyjennings@gateshead.gov.uk</a> wrote:

Dear Mr Jamnejad,

Thank you for sending through confirmation that you believe the CCTV is recording correctly. Can I ask you to please keep checking it and if stops recording to let me know? I will revisit the premises once you have 28 days' worth of retention.

In relation to the Premises Licence and Premises Licence Summary, Mr Jafaar stated he believed the paperwork was at his home. Can you confirm if he has checked this as he checked inside the premises whilst I was there.

Kind regards

Kirsty Jennings

Licensing Officer

## Economy, Innovation and Growth, Gateshead Council

Civic Centre, Regent Street, Gateshead, NE8 1HH

0191 433 3933 07523 944 592 kirstyjennings@gateshead.gov.uk

From: farhad jam Sent: 15 July 2022 12:56

To: Kirsty Jennings < Kirsty Jennings @Gateshead. Gov. UK >

Subject: Re: Licensing Insepction - 14th July 2022

Hi Kirsty yesterday they change hard of cctv it looks it work oky now because I have a footage from yesterday and today also but I am gone check every day. Hope not cause problem again you can see on photo about the that licence I do not know were he put (unfortunately his memory getting worth) I try to search all over hope he not bin it. Kind Regards Farhad On Thursday, 14 July 2022 at 14:42:06 BST, Kirsty Jennings < kirstyjennings@gateshead.gov.uk > wrote: Dear Mr Jamnejad, Thank you for your time today. As discussed can you please send me an update on the below: Premises Licence and Premises Licence Summary - Can you confirm Mr Jafaar has found the copies and the Summary is now on display? (both pages) CCTV - The CCTV should be retained for 28 days, when I visited today at 11am you were only able to demonstrate retention for 3 hours. Can you please provide an update as to what steps you will be taking to rectify this? I look forward to hearing from you,

Kirsty Jennings

Kind regards

Economy, Innovation and Growth, Gateshead Council
Civic Centre, Regent Street, Gateshead, NE8 1HH
*****************************
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