

**TITLE OF REPORT:** **Application for the review of a Premises Licence:**  
Whitehall Corner Shop (previously known as Devi General Dealer), 143 Rawling Road, Gateshead, NE8 4QT

**REPORT OF:** **Strategic Director, Communities & Environment:**  
Licensing Officer

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## 1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider the application from the Chief Inspector of Weights & Measures, who is duly authorised on behalf of Trading Standards (Local Weights and Measures Authority) at Gateshead Council for the review of a Premises Licence for Whitehall Corner Shop (previously known as Devi General Dealer), 143 Rawling Road, Gateshead, NE8 4QT.

Representations from Gateshead's Local Safeguarding Children Board (LSCB), Public Health, the Licensing Authority and Northumbria Police have also been received and are to be considered with the review application.

## 2. BACKGROUND

On 3 August 2005, Harish Kumar Aggarwal became the premises licence holder and designated premises supervisor for Devi General Dealer, 143 Rawling Road, Gateshead, NE8 4QT. This was following an application he had submitted to convert the existing Justices' Licence to a premises licence under the Licensing Act 2003.

The Justices' Licence (under the Licensing Act 1964) was held in the name of Harish Kumar Aggarwal and it noted him as the owner of the licensed premises.

On 26 September 2013 Hany Adil submitted an application to transfer the premises licence into his name and nominated himself as the designated premises supervisor. Northumbria Police had no objections to these applications.

Hany Adil subsequently nominated Manjit Kaur as the designated premises supervisor in an application on 1 December 2014. Northumbria Police had no objection to this application which was duly granted.

## 3. THE CURRENT REVIEW APPLICATION

The review application submitted by the Local Weights and Measures Authority ('Applicant') is attached at Appendix 1. A copy of the Premises Licence is attached at Appendix 1.1.

The Applicant applied for a review of the existing licence (Appendix 1.1) under s51 of the Licensing Act 2003 on the following grounds:

**On 1 June 2017 4 cans of Stella Artois lager were sold to a 15 year old child volunteer, contrary to section 146(1) of the Licensing Act 2003.**

The application for review relates to the following licensing objectives:

- The prevention of crime and disorder
- The protection of children from harm

The application for review was advertised in accordance with the provisions of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

The Licensing Authority may attach conditions to any licence which are appropriate for the promotion of the Licensing Objectives. A copy of the Model Pool of Conditions from Gateshead Council's Statement of Licensing Policy is attached at Appendix 1.2.

#### **4. APPLICATION TO TRANSFER THE PREMISES LICENCE AND APPLICATION TO VARY A DESIGNATED PREMISES SUPERVISOR**

The day after the review application was submitted the Licensing Authority received an application to transfer the premises licence and an application to vary the premises licence by nominating a new designated premises supervisor. Both applications asked to take immediate effect. The applications were made by Geordie General Stores Limited. Northumbria Police have objected to both applications. Hearings for each of these applications have been listed in accordance with the Regulations.

#### **5. REPRESENTATIONS**

The following representations have been received:

- Gateshead Local Safeguarding Children Board (LSCB) (Appendix 2)
- Public Health (Appendix 2.1)
- Northumbria Police (Appendix 2.2)
- Licensing Authority (Appendix 2.3)

#### **6. PARTIES**

The Parties to the hearing will be:

- a) Local Weights and Measures Authority;
- b) Gateshead Local Safeguarding Children Board (LSCB);
- c) Public Health
- d) Northumbria Police;
- e) Licensing Authority and
- f) The Previous Premises Licence Holder, Hany Adil
- g) The Current Premises Licence Holder, Geordie General Stores Ltd

#### **7. THE POLICY & GUIDANCE**

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Gateshead Council's Licensing Policy, and
- (b) the Licensing Act 2003
- (c) the Amended Guidance (April 2017) issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Some relevant parts of the Policy and Amended Guidance are reproduced in Appendices 3 and 4. The parties may refer to any part of the Policy and Guidance during the hearing.

## **8. FOR DECISION**

The Licensing Authority may, having regard to the application, take any of the following steps as it considers appropriate for the promotion of the licensing objectives:

- Take no action;
- Modify the conditions of the licence (alter, add or remove conditions);
- Remove the designated premises supervisor;
- Suspend the licence for a period not exceeding three months; or
- Revoke the licence.

## APPENDICES

Appendix	1	Review Application
	1.1	Premises Licence
	1.2	Pool of Model Conditions from Gateshead Council's Licensing Policy
Appendix	2	Representation from Gateshead Local Safeguarding Children Board
	2.1	Representation from Public Health
	2.2	Representation from Northumbria Police
	2.3	Representation from Licensing Authority
Appendix	3	Relevant Extracts from Gateshead Council's Licensing Policy
Appendix	4	Relevant Extracts from the Guidance issued under Section 182 of the Licensing Act 2003.
Appendix	5	Area Plan