

TITLE OF REPORT: **Application for the review of a Premises Licence:**
Bensham News, 247 Bensham Road, Gateshead, NE8 1UT

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

1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider the application from Gateshead Council's Local Weights and Measure Authority for the review of a Premises Licence for Bensham News, 247 Bensham Road, Gateshead, NE8 1UT.

Representations were received from Northumbria Police, Licensing Authority, Local Safeguarding Childrens Board and Public Health.

2. BACKGROUND

On 3 September 2005, Davinder Vij became the premises licence holder and designated premises supervisor for Bensham News, 247 Bensham Road, Gateshead, NE8 1UT. This was following an application he had submitted to covert 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 Davinder Vij and it noted him as the owner of the licensed premises.

During a routine licensing inspection in 2015 it was discovered that he had sold the business a number of years prior. Following this the Licensing Authority received applications on 21 September 2015 from Shiv Kant Jairath to transfer the premises licence into his name and to nominate Anil Sandhu as the designated premises supervisor. Northumbria Police did not object to either of these applications.

3. THE CURRENT REVIEW APPLICATION

The review application submitted by Gateshead Council's Local Weights and Measure 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 13 February 2018 a 15 year old child volunteer purchased 4 cans of lager from the premises known as Bensham News during a Trading Standards test purchasing exercise.

The application for review relates to the following licensing objective:

- 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 VARY A DESIGNATED PREMISES SUPERVISOR

On 26 June 2018 the Licensing Authority received an application to vary the premises licence by nominating a new designated premises supervisor. The application asked to take immediate effect. Northumbria Police have objected to the application. A hearing for this application has been listed in accordance with the Regulations.

5. REPRESENTATIONS

The following representations have been received:

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

6. PARTIES

The Parties to the hearing will be:

1. Local Weights and Measures Authority;
2. Mr Shiv Khant Jairath, the Premises Licence Holder;
3. Northumbria Police
4. Licensing Authority
5. Local Safeguarding Childrens Board
6. Public Health

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 2018) 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.

An area plan is attached at Appendix 5.

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 Northumbria Police
	2.1	Representation from Licensing Authority
	2.2	Representation from Local Safeguarding Childrens Board
	2.3	Representation from Public Health
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