

REPRESENTATIONS

APPLICATION FOR A REVIEW OF A PREMISES LICENCE:

BENSHAM NEWS, 247 BENSHAM ROAD, GATESHEAD, NE8 1UT

**Representations On A Current Application of a Review of a Premises Licence
Under The Licensing Act 2003**

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 (Insert name)

Northumbria Police

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
Bensham News 247 Bensham Road	
Post Town Gateshead	Post Code NE8 1UT
Name of premises licence holder or club holding club premises certificate Shiv Kant (Jairath)	
Number of premises licence or club premise certificate 00CH01103	

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

Please
Tick ✓

- | | | |
|----|---|-------------------------------------|
| 1) | an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| | a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| | b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| | c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| | d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) | a member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

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

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	
E-Mail address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address Central Area Command (Gateshead) Eldon Square, Floor 1 Central Management Office Eldon Court, Percy Street Newcastle upon Tyne NE1 7JB
--

Telephone Number (If any)	101
E-Mail address (optional)	

This representation relates to the following licensing objective(s)

Please
Tick ✓

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

NORTHUMBRIA POLICE are in support of the premises licence review instigated by Gateshead Council – Local Weights and Measures Authority.

The licensing objectives of prevention of crime and disorder and protection of children from harm are not being upheld.

The Application

Application for a review of the premises licence under the Licensing Act 2003 by Gateshead Council - Local Weights and Measures Authority on 4th June 2018

Grounds

On 13th February 2018 a member of staff sold four cans of lager to a 15 year old volunteer, contrary to section 146(1) of the Licensing Act 2003.

Northumbria Police found measures to promote the licensing objectives applied by the premises licence holder Shiv Kant (Jairath) to be inadequate. We have no confidence in the premises licence holder and his ability to achieve compliance with the Law and in particular the Licensing Act 2003.

Police support of the review

Northumbria Police wish to support the review process as the licensing objectives of prevention of crime and disorder and protection of children from harm are being undermined.

Please
Tick

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

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

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

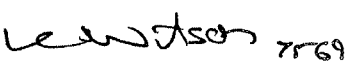
We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representative's solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	29 th June 2018
Capacity	Karl Wilson Chief Inspector 7569		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Ivana Draper Licensing Co-ordinator 6544	
Post Town	Post Code

Telephone Number (if any)	0191/221 9234
E-mail Address (optional)	licensing@northumbria.pnn.police.uk

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Regulatory Services, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 4333957 or 433 2297

WITNESS STATEMENT

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

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Statement of **Ivana Zatloukalova-Draper**

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: **Licensing Co-ordinator 6544**

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 **15th February 2018**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and am employed by Northumbria Police in a role of a Licensing Co-ordinator. I have been performing this role for 10 years. As a part of this role it is my responsibility to check licensed premise's compliance with the law and in particular Licensing Act 2003.

At around 11:05hrs today 15th February 2018 Gateshead Council Licensing Officer Rebecca Sparrow and I visited Bensham News 247 Bensham Road, Gateshead, NE8 1UT to check compliance under the Licensing Act. The premises benefit from authorisation to sell alcohol off the premises. Premises licence no: 00CH01103.

At the time of our visit the premises were open to the public and alcohol was on display. Present was a male who gave his name as Sudesh KUMAR dob.01/04/1941. He was the only person present and introduced himself as the uncle of the owner who he said was at the time at a cash and carry. He confirmed to LO Rebecca Sparrow his nephew was that listed on the premises licence as the premises licence holder Shiv Kant JERATH. Mr KUMAR also confirmed Mr JERATH's address was the same as that listed in the premises licence.

I asked Mr KUMAR if he would now sell all groceries to which he replied "yes everything". I clarified this point by asking whether he would also sell alcohol if someone came in now and asked for it. His reply was "yes everything alcohol also".

I noticed multiple notices above the counter referring to different policies on restricted sales. There were both Challenge 25 and Challenge 21 posters displayed. Mr KUMAR confirmed he knows not to sell to anyone who is not 18 but clearly did not understand Ch21 / 25 schemes. I asked him what he would do if someone intoxicated came in and asked for alcohol. He replied "No No I would not give it!". I then asked what he would do after. He did not seem to understand this question so I asked if he would record/write it somewhere that he refused the sale. He replied he would not and he would tell his nephew later. I asked whether he knew who the designated premises supervisor / the other manager was and he said he did not and that he only knew his nephew was there. Mr KUMAR was saying throughout our time at the premise that he would not know anything or where any paperwork would be as he only covers sometimes. He asked that we speak with his nephew and ask of him what we need.

Mr KUMAR could not locate the full premises licence nor could he produce any due diligence documents.

Signature:..... Signature witnessed by:.....



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

Before completing this form please read the Guidance Notes at the end of the form

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I/We (Insert name)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description Bensham News, 247 Bensham, Gateshead	
Post Town Gateshead	Post Code NE8 1UT

Name of premises licence holder or club holding club premises certificate (if known) Mr Shiv Kant Jerath
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Number of premises licence or club premise certificate (if known) 00CH01103

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please Tick ✓ |
| 1) A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

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

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	
E-Mail address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address Licensing Authority Gateshead Council Civic Centre Regent Street Gateshead, NE8 1HH

Telephone Number (If any)	0191 433 4741
E-Mail address (optional)	Licensing@gateshead.gov.uk

This representation relates to the following licensing objective(s)

Please
Tick ✓

- | | | |
|----|---|-------------------------------------|
| 1. | The Prevention of Crime and Disorder | <input checked="" type="checkbox"/> |
| 2. | Public Safety | <input type="checkbox"/> |
| 3. | The Prevention of Public Nuisance | <input checked="" type="checkbox"/> |
| 4. | The Protection of Children From Harm | <input checked="" type="checkbox"/> |

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

The Licensing Authority (in its capacity as a Responsible Authority) have a number of concerns regarding this premises.

The designated premises supervisor is Anil Sandu. During a discussion with Mr Sandu he confirmed that he does not work at the premises and visits it once a week or once a fortnight. He said that he owns a business and has another premises.

The Council's Licensing policy states that the Council expect our DPS' to be at the premises at least 50% of their time. Mr Sandu stated that was aware that Mr Jerath who manages the store had tried to do the personal licence qualification but had struggled due to language difficulties.

The Licensing Authority visited the store on 15 February 2018 which was after the underage sale was made. At the time of the visit the individual behind the counter said he was only covering the shop whilst the 'owner' went to the cash and carry.

A specific example of the confused arrangements is shown in the attached photograph which shows a challenge 25 AND a challenge 21 policy being in place, which raises several issues but these concerns are heightened because the shop assistant at the time of the visit was unable to explain what a 'challenge' policy was at all.

He was also unable to operate the CCTV.

There is a concern that the already high levels of crime and anti-social behaviour may be worsened by the premises operating with ineffective management arrangement leading to the availability of alcohol to those who should not be sold it.

In light of these concerns enquiries have been made with the Local Community Safety Partnership. They have provided data to confirm that the area already suffers from very high levels of crime. It also highlights that violent crime is a particular issue and this is linked to alcohol in a number of

cases.

In light of the above the Licensing Authority considers that the Licensing objectives of Prevention of Public Nuisance, the Protection of Children from Harm and Prevention of Crime and disorder will be undermined.

The Authority reserves the right to make further submissions in accordance with the relevant legislation and regulations.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

[Empty rectangular box for representation details]

Please
Tick ✓

Have you made any representation relating to these premises before?

Day	Month	Year
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If Yes, please state the date of that representation

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If you have made representation before relating to this premises please state what they were and when you made them.

i How We Collect And Use Information

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

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Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	Licensing Authority	Date	2/7/18
Capacity	Licensing Authority in its capacity as a Responsible Authority		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
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Tel: 0191 433 3918 or 0191 433 3178



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

Before completing this form please read the Guidance Notes at the end of the form

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I/We (Insert name)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description

Bensham News
247 Bensham Road

Post Town Gateshead

Post Code NE8 1UT

Name of premises licence holder or club holding club premises certificate (if known)

Shiv Khant JERATH

Number of premises licence or club premise certificate (if known)

00CH 01103

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | Please
Tick ✓ |
|--|-------------------------------------|
| 1) A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

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

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Body responsible for the protection of children from harm Saira Park, Local Safeguarding Children Board Business Manager LSCB Business Unit 1 st Floor, Civic Centre Regent Street, Gateshead NE8 1HH

Telephone Number (If any)	(0191) 433 8010
E-Mail address (optional)	sairapark@gateshead.gov.uk

This representation relates to the following licensing objective(s)

	Please Tick ✓
1. The Prevention of Crime and Disorder	<input 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 checked="" type="checkbox"/>

Please state the ground(s) for representation

Gateshead Local Safeguarding Children Board (LSCB) is the body responsible for the protection of children from harm.

The LSCB is concerned that the licensable activities taking place at Bensham News are not in accordance with the promotion of another licensing objective, which is the protection of children from harm.

It has come to the attention of the LSCB that on 15th February 2018 a 15 year old child volunteer purchased 4 cans of lager from the premises during a trading standards test purchasing exercise.

Please provide as much information as possible to support the representation

LSCBs are the key statutory mechanism for protecting children from harm and agreeing how the relevant organisations in each local area will cooperate to safeguard and promote the welfare of children, and for ensuring the effectiveness of what they do.

Gateshead LSCB is made up of a number of statutory partners including Gateshead Council, Gateshead Health NHS Foundation Trust, Newcastle Gateshead CCG, North East Ambulance Service, Northumberland, Tyne and Wear NHS Foundation Trust, Northumbria CRC, Northumbria Police, Tyne & Wear Fire and Rescue Service and CAF/CASS.

The protection of children and young people has always been a core commitment of all partners who work together in Gateshead to keep them safe.

Access to alcohol by young people and the resulting crime and disorder is a significant community problem that impacts on crime, and the fear of crime, within many areas of the Borough as well as being an issue that puts children and young people at risk themselves.

The vision of Gateshead LSCB is that every child should grow up in a loving and secure environment, which is free from abuse, neglect and crime, enabling them to enjoy good health and fulfil their social and educational potential. Evidence suggests that binge drinking in adolescence could limit opportunities for this to occur and therefore the LSCB is keen to ensure that licensees restrict access to alcohol by underage drinkers and have processes in place to ensure the protection of children from harm.

Research suggests that the adolescent brain may be uniquely sensitive to alcohol's effects due to the major changes in brain structure and function that occur during this developmental period. Studies have found that binge drinking by youths is also associated with alcohol-related violence and other anti-social behaviours.

A UK study found that binge drinking in adolescence was associated with an increased risk of health, social, educational and economic adversity continuing into later adult life. Alcohol intoxication can occur during binge drinking and the acute toxic effects are generally related to blood alcohol concentrations. There is evidence to suggest that the severe hypoglycaemia (low blood sugar) that can accompany alcohol intoxication and may result in coma occurs more commonly in adolescents than adults.

Deaths from alcohol poisoning appear to occur most often when relatively inexperienced drinkers consume very large amounts of alcohol in a short time.

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

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Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	02.07.18
Capacity	Saira Park, LSCB Business Manager		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

Post Town	Post Code
-----------	-----------

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.

2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
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I/We *(Insert name)*

Alice Wiseman

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, Ordnance Survey map reference or description

Bensham News
247 Bensham Road

Post Town: GATESHEAD

Post Code NE8 1UT

Name of premises licence holder or club holding club premises certificate (if known)

Shiv Khant Jerath

Number of premises licence or club premises certificate (if known)

OOCH01103

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

Please
Tick ✓

- 1) A responsible authority (please complete (C) below) ✓
- 2) A member of the club to which this representation relates (please complete (A) below)
- 3) Other persons (Please complete (A) or (B) below)

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

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

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	
E-Mail address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address Alice Wiseman Director of Public Health Gateshead Council Regent Street Gateshead NE8 1HH
--

Telephone Number (If any)	0191 433 2777
E-Mail address (optional)	

This representation relates to the following licensing objective(s)

	Please Tick ✓
1. The Prevention of Crime and Disorder	✓
2. Public Safety	<input type="checkbox"/>
3. The Prevention of Public Nuisance	<input type="checkbox"/>
4. The Protection of Children From Harm	✓

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

This representation is made in my capacity as Director of Public Health for the Borough of Gateshead.

Since 2013 Directors of Public Health have been 'responsible authorities' under the Licensing Act 2003. The role of the Director of Public Health is to help promote the health and wellbeing of the local populations they serve. The Public Health approach to alcohol is to encourage and promote responsible drinking and protect young people from related harm. This is an expansive remit that influences a wide range of circumstances, including local licensing arrangements. Similarly, the licensing regime is concerned with the promotion of the licensing objectives, which collectively seek to protect the quality of life for those who live, and work in the vicinity of licensed premises, and those who socialise in licensed premises.

On 15th March 2018, a 15 year-old volunteer made was able to buy 4 cans of lager during a Trading Standards test purchase exercise. The sale was made by the uncle of the licence holder, who did not speak to the volunteer, except to ask for the money. There was no evidence the uncle, who works regularly in the shop, had received any training in under-age sales, and although a refusals register was maintained there was no evidence of the uncle refusing any sales.

I am particularly concerned that the arrangements to prevent underage sales are not sufficiently robust and therefore fail to protect children from harm. The sale to a minor demonstrates that the checks and balances in place are not rigorous enough and could also lead to a significantly heightened risk of proxy sales, due to the lack of care being taken to check the authenticity and age of the person buying the alcohol.

The sale of alcohol to children leads to a negative impact on the children that consume the alcohol and on those who live and work in the vicinity of the premises. Alcohol can have a significant impact on the health of young people and alcohol related harm remains one of the biggest health problems. Research suggests that alcohol can affect the developing brain in early adolescence, and this is also the age when some young people are particularly vulnerable to risk taking. The Healthy Child Programme (2010) states that 50% of adolescent binge drinkers are more likely to be dependent on alcohol or misusing substances when they reach the age of 30. Alcohol misuse in adolescence has been linked to poorer memory, increased risk of addiction in later life, impaired ability to understand the physical world. The Chief Medical Officer issues Guidance on the Consumption of Alcohol by Children and Young People- advising that an alcohol free childhood is the healthiest and best option. Public Health evidence suggests adolescents are less likely to try and avoid harm than any other age groups and therefore more likely to go on to binge drink and experience alcohol use disorders and therefore the Director of Public Health is keen to ensure that licenses restrict access to alcohol by underage drinkers and have processes in place to ensure the protection of children from harm.

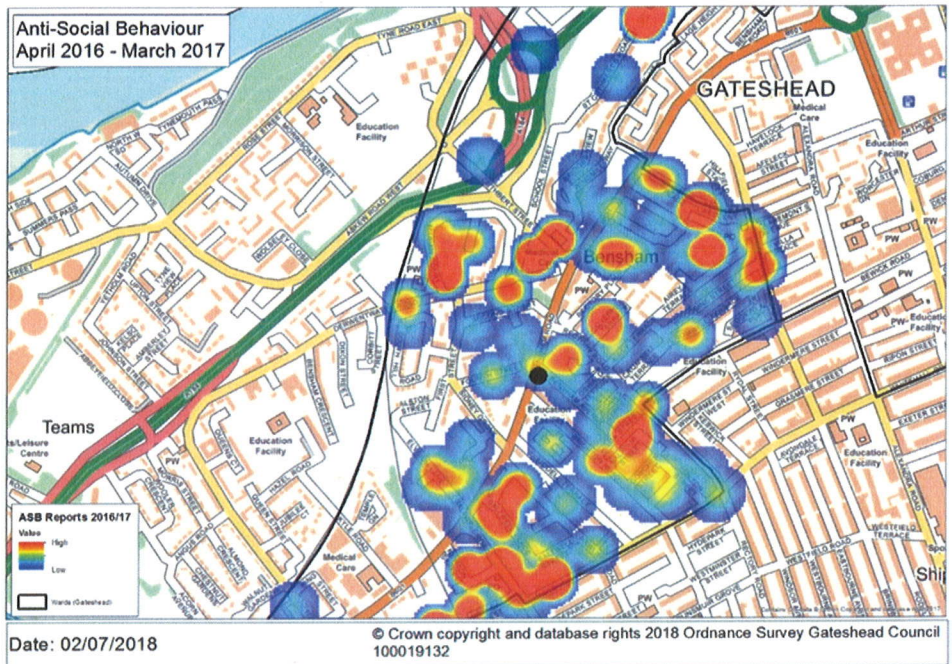
The latest available data for alcohol related hospital admissions for young people under 18, shows that the rate is increasing for Gateshead (70.8 per 100,000) and are significantly higher than the England average (34.2 per 100,00, Public Health England 2014/15-2016/17).

Please provide as much information as possible to support the representation

(Please read guidance note 2)

The Director of Public Health as a responsible authority is concerned that the licensable activities are not in accordance with the promotion of the licensing objectives, specifically the prevention of crime and disorder and the protection of children from harm.

The maps below show the levels of anti-social behaviour (ASB) and crime experienced in the local community surrounding Bensham News, whose location is shown by the black dot.



Data from the Community Safety team suggest almost 10% of ASB is alcohol-related.