



LICENSING MATTERS

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## New Premises Licence Hearing

28<sup>th</sup> September 2020

Your Local Stores  
311-313, High Street  
Gateshead  
NE8 1EQ

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# THE STORE



Order Online! **Shake & Cake** 311 - 313 High Street  
 shakeandcake.co.uk **Gatehead**  
 NE8 1EQ

We're passionate about providing delicious and high-quality food - our priority is to satisfy all of our customer's needs - we offer a variety of excellent food, prepared with the freshest and finest ingredients, to the highest standard.

Our Takeaway offers delicious food at competitive prices - We now have a website, where you can order online - choose from our entire menu, order your favourite dishes and have them delivered straight to your door!

PIZZAS	BURGERS	SUNDRIES
<b>All pizzas are a meal deal for £3.50 with chips and a drink</b>	Beef Burger £1.80	Chips £1.00
Garlic Bread	Cheese Burger £2.50	Chip Butty with Curry/Gravy £2.50
Add 50p for cheese	Double Cheese Burger £3.50	4pcs Southern Fried Chicken £3.50
Margherita	Chicken Steak Burger £2.00	Wings £3.50
Cheese & Tomato	Chicken Fillet Burger £3.00	6pcs Chicken Nuggets £3.50
Al Fungi	Vegi Burger £1.50	6pcs Chicken Nuggets Meal £3.00
Vegetables, Cheese, Tomato & Mushrooms		Popcorn Chicken £4.50
Chicken & Sweetcorn		Potato Wedges £1.50
Cheese, Tomato, Chicken & Sweetcorn		6pcs Onion Rings £2.50
Meatball Pizza		5pcs Mozzarella Dippers £3.00
Meatballs, Cheese & Tomato		Hot Dog with Onion & Sauce £2.30
London Pizza		Hot Beef Dips £3.80
Cheese, Tomato & Fries		
Vegetable Supreme		
Vegetables, Cheese, Tomato, Mushrooms		
Pepper, Sweetcorn & Onions		
Pepperoni		
Pepperoni, Cheese & Tomato		
Hawaiian		
Turkey ham, Pineapple & Cheese		
Chicken Kiev		
Chicken, Garlic & Cheese		
Donner Kebab		
Donner Meat, Cheese & Tomato		
Tuna & Sweetcorn		
Cheese, Tomato, Tuna & Sweetcorn		
Meat Feast		
Pepperoni, Chicken, Turkey, Ham		
Kebab Meat & Cheese		
Hot & Spicy		
HOT! Chicken Tikka, Onions, Peppers		
Cheese & Fresh Chili		
<b>WRAPS</b>		
Chicken Tikka £3.00		
Lamb Shish £3.00		

**JACKET POTATOES**

Tuna Mayo £2.50

Egg Mayo £2.50

Cheese Savoury £2.50

Chicken Tikka £2.50

Chicken Mayo £2.50

Turkey & Stuffing £2.50

Beef £2.50

All with salad - cheese & beans 30p extra

Extra fillings 50p

**PANINI**

Tuna Mayo £2.50

Egg Mayo £2.50

Cheese Savoury £2.50

Chicken Tikka £2.50

Chicken Mayo £2.50

Turkey & Stuffing £2.50

Beef £2.50

Hot & Spicy

HOT! Chicken Tikka, Onions, Peppers

Cheese & Fresh Chili

**WRAPS**

Chicken Tikka £3.00

Lamb Shish £3.00

## **THE APPLICATION**

The premises are a convenience store located on Gateshead High Street. While a store has been at the location for many years, until August 2019 it was leased and run by a different operator but it has recently been handed back over to the owner, the previous operator now has no involvement in the business in any capacity. Having found the shop to be extremely run down, the owner has invested approximately £25,000-£30,000 and internally it has new flooring, ceiling, all new fixture and fittings and the business is now a revitalised convenience store with deli.

The store where alcohol is to be sold sells general groceries, household goods, tobacco, confectionary and provides a number of services including Payzone for local people to pay bills and Western Union for money transfers. It also stocks Ben & Jerry's ice cream which is delivered from the premises. The deli is known as Shake & Cake and has a very extensive menu of sandwiches, pies, pastries and sweet treats.

The premises licence is for alcohol to be sold as part of the convenience offering to customers, it is not the focus of the business but cannot be viable without it as customers expect to be able to buy all their goods in one go.

The store hours are 0900 to 2300 Monday to Sunday. Deliveries from 23:00 to 03:00 have been included as part of the application but given the resistance to this the applicant **has withdrawn this element of the application.**

With regard to deliveries to be undertaken up to 23:00, while not the focus of this business, the owner does deliver to people in need and would find the ability to include alcohol in that service important in order to be able to compete effectively, as all other off licences have the ability to do so.

## **CONDITIONS VOLUNTEERED IN THE APPLICATION**

1. The store will be closed from 23:00 hours and only deliveries of alcohol will take place from that time. **To be removed due to amendment of application.**
2. The Premises Licence Holder will ensure that deliveries will not be made to public places such as parks, roadsides or landmarks. Delivery can only be made to a home or business address given at the time of the order.
3. Any person responsible for delivering alcohol will be fully trained in all elements of Challenge 25 and acceptable identification. They will also be trained in the process for refusing a delivery in the event of a person who cannot prove their age or who appears intoxicated.
4. The Premises Licence Holder will ensure that the person making the delivery makes the appropriate ID checks at the door and requests an acceptable form of photographic ID proving that that person taking the delivery is 18 years of age or over in line with the Challenge 25 requirements. Should there be any doubt the delivery of the alcohol will be refused.
5. Any refusal to deliver alcohol to a customer will be documented and details retained for a minimum of one year.

6. Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Refresher training will take place at 6 monthly intervals. All training will be documented and made available to the authorities on reasonable request.

7. A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

8. A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other responsible authority

9. An incident register will be maintained at the premises and made available to the authorities on request.

10. A notice will be on display asking that the customers leave the area quietly and respect the local residents.

11. The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

12. The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.

## **BACKGROUND TO APPLICATION**

Mr Ali's background includes managing and owning convenience stores. His father owned shops and petrol stations that sold alcohol and he has been working in these types of premises since the age of 16.

Mr Ali bought his first premises at the age of 25 and since then has been involved in a variety of premises in the Newcastle and Gateshead area.

1. Approximately 2007 to 2008 - Drinks Express - 500 Elswick Rd, Benwell, Newcastle upon Tyne NE4 8ED. This was a licence where the police had taken it to review asking for revocation and Mr Ali became involved in that process in his capacity as the new licensee taking over from the licensee under review. The committee did not revoke the licence and the licence was instead transferred to Mr Ali who took it over. He ran this business for over a year and then sold it and has had nothing to do with the premises since.
2. Approximately 2008 to 2011 - Benwell Bargains Cash & Carry - 107 Adelaide Terrace, Newcastle upon Tyne, NE4 8BB. Mr Ali went into partnership with a friend and together they renovated an old amusements arcade and created a large supermarket from scratch. A new premises licence was granted to him and he ran the store for almost 3 years without any problems until it was sold. On selling it he relinquished the licence.

3. Approximately 2011 - Burnside Convenience (Best-One), 18 The Burnside, West Denton, Newcastle upon Tyne NE5 5BS. Mr Ali was involved with these premises for less than a year & took on the licence as the Premises Licence Holder and DPS, but the intended sale then fell through.
4. 2012 - 197 High Street, Gateshead – Mr Ali applied for and was granted a late-night licence for a club for alcohol sales and entertainment licence. The licence is still live, but the premises have never opened.
5. Nov 2018 to Aug 2019 – Best One, 201A, Coatsworth Road, Gateshead, NE8 1SR (location of the assault referred to below). The licence remained in the name of the previous holder, but it was run by Mr Ali for almost a year with a view to buying it but that never happened because the owner went insolvent.

### **311-313 High Street, Gateshead – Application premises**

6. 2011 to 2013 – Mr Ali became the leaseholder and owner and ran the shop himself during this time without any problems. He then leased it to Mr Kathiravel Ushanathan and had nothing to do with it from that point onwards. Due to an oversight the premises licence was never taken out of Mr Ali's name and he was the licence holder in 2015 when the owner of the business was the subject of a review and the licence was revoked. Mr Ali knew nothing of the circumstances and did not attend the hearing.
7. 2013 - 2019 – The operator continued to run the store without alcohol sales. In 2019 he got in touch with Mr Ali to tell him he wanted to leave and that is when Mr Ali decided to take it on for himself. Only then did he find out that no alcohol sales were being made from the premises. He took it over formally in August 2019.

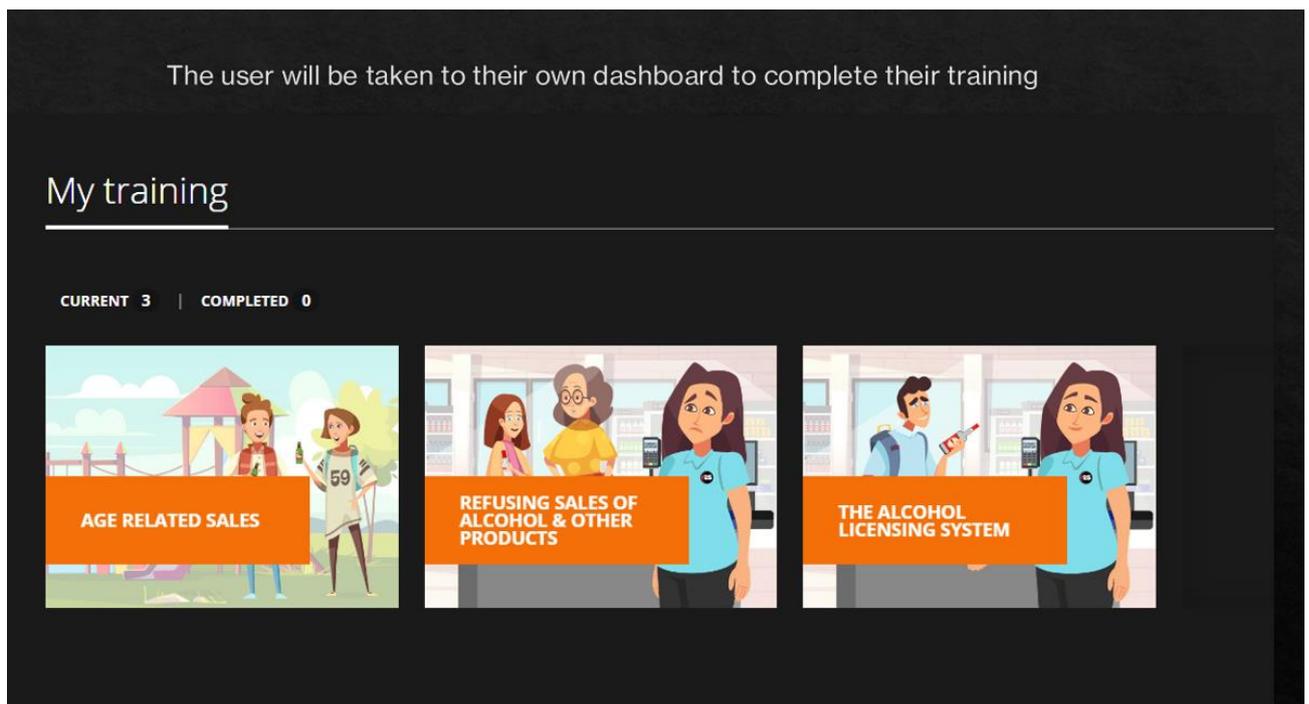
## **E-LEARNING LICENSING TRAINING**

The LM E-Learning Portal is an automated cloud-based compliance management system that takes away all the time and effort it currently takes to train staff & ensure due diligence. Automatic reminders, permanent and secure records of training mean that consistency and peace of mind for the business are guaranteed.

### **Training Modules**

A brief overview of the course benefits are as follows:

- The course consists of 3 unique and fully interactive modules covering the sale of all age restricted products with in-built tasks, quiz's and videos included.
- The course is accessible on any device, 24/7, with no time limits, with the staff member contacted directly and having their own personalised page.
- Each module is followed by a test of random questions with a pass mark of 80% required.
- Once the initial training course is complete, the system issues automated reminders to the store manager and individual staff member that refresher training is due on a three-monthly basis, meaning that staff training is consistently issued for every user and is permanent.
- If a staff member fails in their role or seems to lack knowledge, they can sit the course or refresher tests as many times as required.
- As each member of staff is dealt with on an individual basis and contacted directly about the training, it takes pressure off the manager & consistency of training is assured.

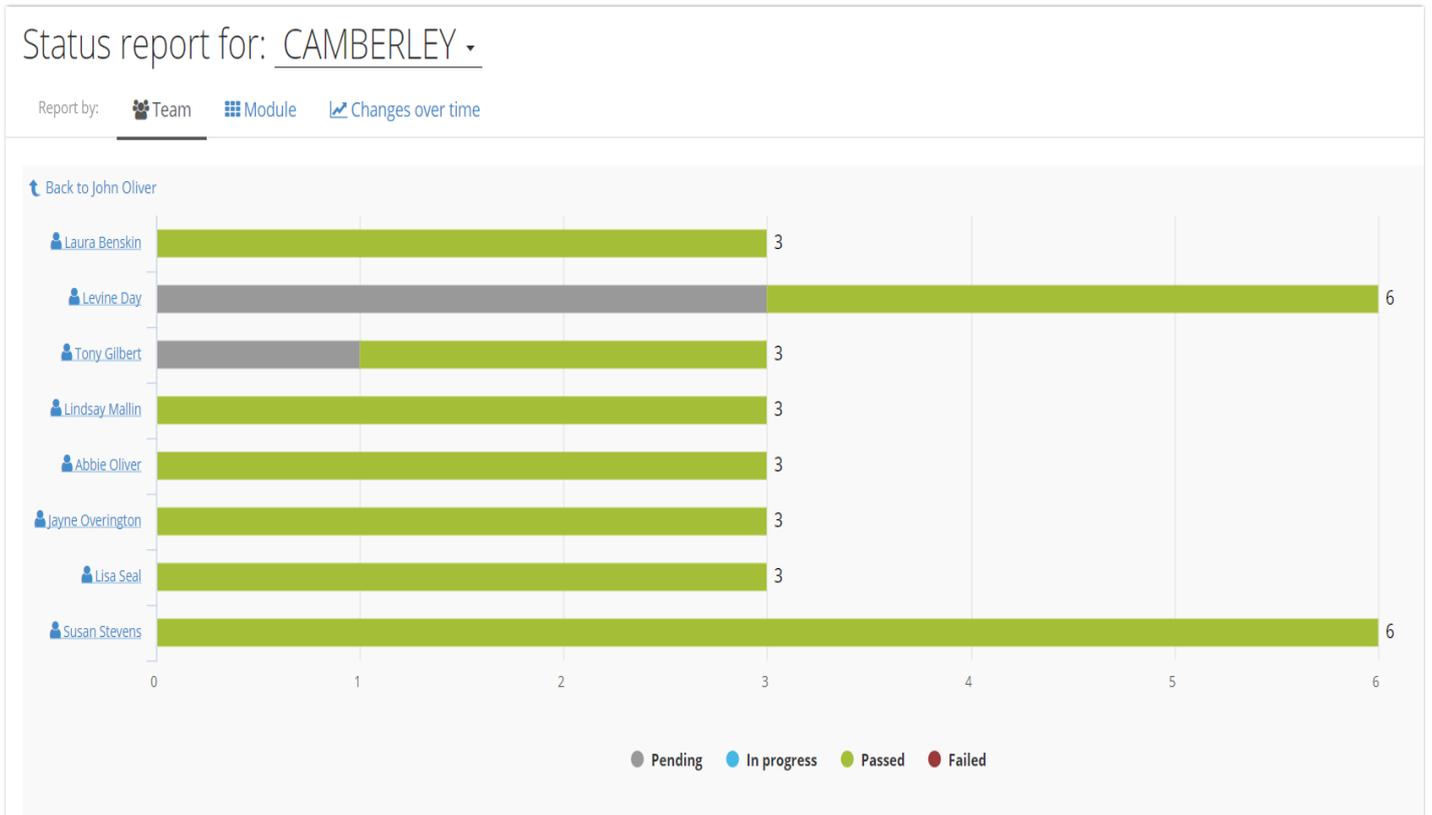


## Learning Management System (LMS)

- The training modules are backed up with an LMS which proactively monitors the training and issues automated reminders to the store manager and individual staff members when refresher training or other relevant communications are due.
- The LMS enables management to instantly see exactly where each individual stands with regards to licensing training. All training records are held securely and cannot be accessed which, providing training is maintained, guarantees due diligence in the event of a problem such as a sale to a person who is underage.

Training items						
<a href="#">Distribute training to Ben FLETCHER</a> <a href="#">Sequencing Rules</a>		<input type="text" value="Search..."/>		<input type="button" value="Filter"/> <input type="button" value="Bulk actions"/>		
TRAINING	TYPE	STATUS	GIVEN ON	DUE ON	EXPIRES ON	LAST UPDATED
<a href="#">Refusing Sales of Alcohol &amp; Other Age restricted Products - Refusing Sales of Alcohol &amp; Other Products</a>	Available • Module	Passed 100% on 13 Nov 2019, 18:13	11 Nov 2019, 15:24	18 Nov 2019, 15:24	18 Nov 2019, 15:24	13 Nov 2019, 18:13
<a href="#">Age Restricted Sales</a>	Available • Module	Passed 100% on 13 Nov 2019, 18:02	11 Nov 2019, 15:24	18 Nov 2019, 15:24	18 Nov 2019, 15:24	13 Nov 2019, 18:02
<a href="#">The Alcohol Licensing System</a>	Available • Module	Passed 80% on 13 Nov 2019, 17:36	11 Nov 2019, 15:24	18 Nov 2019, 15:24	18 Nov 2019, 15:24	13 Nov 2019, 17:36

Allocations 1-3 of 3



## **AUTHORITY OBJECTIONS**

1. **Revocation of the licence at 311-313 High Street, Gateshead 2015** - the police state in their paperwork that “Mr Sajaad ALI was involved in the running of the premises at that time”. That is not correct, and the police know that he was not present at the hearing and has always asserted that he was not involved.
2. **Refusal to transfer licence to Mr Ali and name him as DPS at 195 High Street, Gateshead** - “Mr ALI’s application to become the licence holder and DPS at nearby premises 195 High Street, Gateshead was previously refused”. In August 2015 this store was being sold as a going concern and the police objected to Mr Ali becoming the DPS based on the revocation of the licence at 311-313 High Street.
3. **Assault** –The police state “On 1<sup>st</sup> August 2019 whilst being the manager and working at Best One 201A Coatsworth Rd, Gateshead; Mr Sajaad ALI was involved in a violent incident at these premises. The outcome of this incident is still ongoing as the trial is delayed due to Covid”.

The circumstances of this incident were that at the time Mr Ali’s and his girlfriend were both behind the counter of the shop and she started an argument with him as she thought he’d posted something on Facebook which he hadn’t done. She then attacked him without any provocation. The CCTV shows clearly what happened behind the till after which Mr Ali tried to get her out of the shop, but she carried on attacking him. He admits to throwing the phone and damaging it in the middle of the attack. He managed to get her out and she then went around the corner to a friend’s house and called 999 from that address.

The police attended and Mr Ali was arrested. The charges of assault were dropped against Mr Ali and his ex- girlfriend was cautioned for the assault. However, the police are pursuing the criminal damage charge for damage to the phone and he is pleading not guilty on the basis that while he had given his girlfriend the phone it was his property and he had paid for it.

4. **ASB in the area of the premises** – The police have declined to provide any statistics relating to these assertions despite many requests.

## **REQUESTS FOR FULL DISCLOSURE OF INCIDENTS**

### **EMAILS TO POLICE PRIOR TO SUBMISSION OF THE APPLICATION**

**From:** Gill Sherratt [<mailto:gill@licensingmatters.net>]

**Sent:** 24 June 2020 11:53

**To:** Licensing Mailbox

**Subject:** Pre-consultation on new application

Hi,

We are instructed to apply for a new licence at the following address:

Your Local Stores

311-313 High Street

Gateshead

NR8 1EQ

The store has recently been subject to a refurbishment and the owner now wants to apply for an alcohol licence in order to provide alcohol as part of the convenience products that he already offers. We will be applying for the hours of 0900 to 2300 to match the store opening times and all the expected robust conditions will be included as part of the application to ensure that the licensing objectives are upheld (CCTV, Challenge 25, types of ID, staff training, refusals etc).

Could you indicate if you would have any issues with an application at this location and if so what they would be so that I can consider any relevant conditions and address those issues prior to submitting?

Thanks,

Gill

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**From:** Licensing Mailbox <[licensing@northumbria.pnn.police.uk](mailto:licensing@northumbria.pnn.police.uk)>  
**Sent:** 01 July 2020 11:10  
**To:** Gill Sherratt <[gill@licensingmatters.net](mailto:gill@licensingmatters.net)>  
**Subject:** RE: Pre-consultation on new application

Hello Gill,

I hope you are well.

The premises you are enquiring about have previously had their licence revoked.

We are already experiencing a larger volume of alcohol related issues in the area the premises are located.

The likelihood is that the application will draw objections from stakeholders due to its location, history and association.

Can you please provide me with the details of all persons connected with this application?

Thank you

Ivana Draper 6544

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**From:** Gill Sherratt  
**Sent:** 01 July 2020 13:04  
**To:** 'Licensing Mailbox' <[licensing@northumbria.pnn.police.uk](mailto:licensing@northumbria.pnn.police.uk)>  
**Subject:** RE: Pre-consultation on new application

Hi Ivana,

Thanks for your email.

I am instructed to apply for this licence and we will proceed but obviously I would rather work with you in a positive way than not, so would like to continue talking. In doing so I would like to respond to a few of your points. The owner of this store is Sajaad Ali (18.09.82 @ Newcastle) and I think you know him. He has owned this shop for many years but has leased it out to other parties over the years which meant that he acted as the landlord only and was not involved in the day to day running of the business in any sense. He has now taken back full ownership and is running it personally, having sold his other stores in Newcastle so that he can focus on this one alone. He has spend a considerable amount refurbishing it and this store will only be run and managed by him and is his investment for the future.

I am aware of the revocation of this licence and would make two points in relation to that. Firstly, while Sajaad was named as the PLH & DPS he was not involved in this store in any way at the time and as you will know was not present at the review. I completely understand that while he was named as the PLH and DPS he remained responsible for the premises on paper (and the revocation therefore happened under his name) in reality he had no part to play in the incidents leading up to it and had no knowledge of them.

Unless you confirm the case to the contrary, with the exception of this one incident, Sajaad has a flawless record of training and selling alcohol for many years at his other stores.

Not only that, this revocation was 5 years ago, a significant length of time and one that any person (on any legal view) is entitled to draw a line under and start afresh – particularly given the fact he had no involvement in the first place. To still refer to this is in my view not justified & I would ask that this new application is considered with that in mind.

In relation the figure of incidents in the area, of course there are many areas with issues and I accept that might be the case here. However, that does not mean a good operator cannot sell alcohol without adding to those issues. The policies and procedures in place (and conditions offered on an application) will ensure that the people who shouldn't be served won't be. In addition to a robust licence attached to the business, Sajaad's experience will also stand him in good stead.

We are more than happy to discuss the hours and conditions with you if there is a prospect of coming to an amicable agreement.

I will say (and am sure you are aware) that the Covid pandemic has significantly changed the way that enforcement and approach to applications and conditions should be handled by authorities. The guidance is that more flexibility should be at the forefront of any considerations to enforce, limit or refuse as businesses & employers should be supported through this difficult period. The guidance in that regard is coming from the government and I would hope that it will also be taken into account when considering this application.

If you could get back to me, having considered the points I have made, and confirm if there is any scope for a discussion or negotiation on this application? Mr Ali is very willing to come in and discuss things with you in person if you think it would assist.

Thanks,

Gill

## **EMAILS FOLLOWING POLICE REPRESENTATION**

**From:** Gill Sherratt

**Sent:** 13 August 2020 17:18

**To:** [licensing@northumbria.pnn.police.uk](mailto:licensing@northumbria.pnn.police.uk)

**Cc:** [ivana.zatloukalova-draper.6544@northumbria.pnn.police.uk](mailto:ivana.zatloukalova-draper.6544@northumbria.pnn.police.uk)

**Subject:** 311-313 High Street, Gateshead

Hi,

I am writing to you in response to your representation against the above application which as you will know is due before the licensing committee in September. I am writing to ask if there is any scope for a resolution of your representation in the first instance, we are more than happy to enter into constructive discussions about a possible compromise?

Within the police representation it states that there is little detail within the application, an observation that is a little confusing. This is a simple application for a convenience store to be given the ability to supply alcohol along with all of the other convenience goods to their customers. The conditions offered are comprehensive, in particular in relation to the deliveries side of the business. There is no CIZ in place at this location and no other, what may be viewed as, complicating factors. That's being the case I would appreciate it if you could indicate what information specifically you think is missing and I would be more than happy to supply it along with consideration of any further conditions you may suggest.

If you remain of the view that there is no scope for agreement, in addition to the above request for what is meant by the additional detail you would like to see, I will need the additional evidence as outlined below from you:

1. Mr ALI's application to become the licence holder and DPS at nearby premises 195 High Street, Gateshead was previously refused – **please can you outline the date this happened and the reasons why the police objected. Did it proceed to hearing?**
2. On 1<sup>st</sup> August 2019 whilst being the manager and working at Best One 201A Coatsworth Rd, Gateshead; Mr Sajaad ALI was involved in a violent incident at these premises – **can you please supply all evidence relating to this incident. I require the full incident log detailing the incident and disposal etc.**
3. You refer to Mr Ali's "management style" - **please could you provide more information on what this means?**
4. The area where the premises are located already suffers alcohol related ASB and street drinking – **please can you supply full incident logs to evidence this assertion.**

I look forward to your response.

Thanks,

Gill

**From:** Ivana Draper 6544 <[Ivana.Draper.6544@northumbria.pnn.police.uk](mailto:Ivana.Draper.6544@northumbria.pnn.police.uk)>  
**Sent:** 04 September 2020 21:34  
**To:** Gill Sherratt <[gill@licensingmatters.net](mailto:gill@licensingmatters.net)>  
**Subject:** RE: 311-313 High Street, Gateshead

Good evening Gill,

Please see attached as requested.

For information on policing issues I would like to direct you to the Crime Map located at Northumbria Police's website. You may also view articles regarding the location. The council website is also a useful tool to view PSPO consultation pointing out alcohol related issues in the area of Gateshead Town Centre.

The Inspector is willing to meet with you to 'under line' our objection with regards to the suitability of Mr Sajaad ALI.

Kind regards

Ivana Draper 6544  
Licensing Coordinator  
Central  
Ext: 74158 | T: 01914374158 | M: 07736193757  
[www.northumbria.police.uk](http://www.northumbria.police.uk)

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**From:** Gill Sherratt  
**Sent:** 08 September 2020 09:37  
**To:** Ivana Draper 6544 <[Ivana.Draper.6544@northumbria.pnn.police.uk](mailto:Ivana.Draper.6544@northumbria.pnn.police.uk)>  
**Subject:** RE: 311-313 High Street, Gateshead  
**Importance:** High

Hi Ivana,

Thanks for your email. I will look into the documents you have provided.

In relation to you directing me to websites to find your statistics quite frankly I find your suggestion that I should do that astounding. It is not for us to trawl websites for your evidence, it is your responsibility to evidence any assertions that you are making. I will refer you to the Guidance which states that police evidence must "stand up to scrutiny". As things stand we have the comment from

you "The area where the premises are located already suffers alcohol related ASB and street drinking" and I need your evidence to back up that contention.

I note that you have provided a full incident log to support your case in relation to the alleged assault and it is these that I need in relation to the assertion you have made above.

If we don't receive these your comment about ASB in the area can be deemed inadmissible as it is not disclosed in sufficient detail & the committee will not be able to get a true picture of what is taking place in the area.

Please could you provide full FWIN incident logs to support your contention as requested previously.

I look forward to hearing from you on this.

Thanks,

Gill

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**From:** Ivana Draper 6544 <[Ivana.Draper.6544@northumbria.pnn.police.uk](mailto:Ivana.Draper.6544@northumbria.pnn.police.uk)>  
**Sent:** 08 September 2020 12:33  
**To:** Licensing Mailbox <[licensing@northumbria.pnn.police.uk](mailto:licensing@northumbria.pnn.police.uk)>; Gill Sherratt <[gill@licensingmatters.net](mailto:gill@licensingmatters.net)>  
**Subject:** Insp statement - New premises licence application - 311-313 Hig Street, Gateshead

Please find attached document Northumbria Police may wish to rely upon during a licensing sub-committee hearing in respect of a new premises licence application - 311-313 Hig Street, Gateshead.

Ivana Draper 6544  
Licensing Coordinator  
Central  
Ext: 74158 | T: 01914374158 | M: 07736193757  
[www.northumbria.police.uk](http://www.northumbria.police.uk)

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**From:** Gill Sherratt  
**Sent:** 08 September 2020 12:48  
**To:** Ivana Draper 6544 <[Ivana.Draper.6544@northumbria.pnn.police.uk](mailto:Ivana.Draper.6544@northumbria.pnn.police.uk)>  
**Subject:** RE: Insp statement - New premises licence application - 311-313 Hig Street, Gateshead

Hi Ivana,

Thanks for the statement. Again, I need the specific incident logs to back up these assertions.

Thanks,

Gill

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**From:** Gill Sherratt <[gill@licensingmatters.net](mailto:gill@licensingmatters.net)>  
**Sent:** 21 September 2020 12:08  
**To:** Ivana Draper 6544 <[Ivana.Draper.6544@northumbria.pnn.police.uk](mailto:Ivana.Draper.6544@northumbria.pnn.police.uk)>  
**Subject:** FW: 311-313 High Street, Gateshead  
**Importance:** High

Hi Ivana, I hope you are well. Can I ask if we are to receive any further evidence from you as requested below? Thanks, Gill