

TITLE OF REPORT: **Application for the review of a Premises Licence:**
Ravensworth Food Market, 3 Ravensworth Road, Birtley,
DH3 1EE

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

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 Ravensworth Food Market, 3 Ravensworth Road, Birtley, DH3 1EE.

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

2. BACKGROUND

On 3 September 2005, Susan McAlear became the premises licence holder and designated premises supervisor for Ravensworth Food Market, 3 Ravensworth Road in Birtley. This was following an application she 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 Mohammed Khaliq and it noted him as the owner of the licensed premises.

On 16 June 2006, the Licensing Authority received an application from the Local Weights and Measures Authority/Trading Standards to review the premises licence. The grounds for the review where ' Mohammed Shafiq, who has identified himself as a partner in the business with sole responsibility for the Ravensworth Food Store was found guilty of selling and storing counterfeit cigarettes'. This was contrary to the licensing objective of the prevention of crime and disorder.

The Licensing Sub Committee met on the 3 August 2006 and heard the review application. They made the following decision:

'That in the circumstances, on this occasion, it would not be proportionate to revoke or suspend the Premises Licence on this occasion, or to remove the Designated Premises Supervisor. That Mr Shafiq had undertaken the criminal activity for his own benefit. However, Mrs McAlear had only very recently taken steps to remove Mr Shafiq from the day to day running of the business and there was evidence that she had failed to exercise the degree of control over the premises required from a designated Premises Supervisor. That conditions of the licence could be modified to ensure that the management of the premises was improved by requiring the Designated Premises Supervisor

to take over day to day control and to exclude Mr Shafiq from the management.

The Applicant and Premises Licence Holder (through her legal representative) drafted and agreed the following conditions.

The new conditions:

1. That the Designated Premises Supervisor shall immediately assume full day to day responsibility for the running of the premises and, in particular shall ensure that all staff are trained in the sale of age related products and that proper records of this are kept and made available for inspection.
2. That Mr. Mohammed Shafiq will immediately cease to have any involvement in the management of the business.

The Sub Committee believes that these conditions to be necessary for the promotion of the Licensing Objectives.

On 20 July 2015, Ward Hadaway Solicitors acting on behalf of the premises licence holder Susan McAlear submitted an application to vary the designated premises supervisor to Yassar Khaliq. Prior to this Susan McAlear had been the designated premises supervisor. Northumbria Police made no representations in relation to this application and as such it was granted on the 4 August 2015.

On 6 October 2015 the Licensing Authority received an application from the Local Weights and Measures Authority/Trading Standards to review the premises licence. The grounds for the review where that 'Mohammed Shafiq, a partner in the business, sold 4 cans of Carlsberg lager to a 15 year child volunteer' and related to the licensing objectives of prevention of crime and disorder and the protection of children from harm. A mediation meeting occurred on the day of the hearing (23 November 2015) and it was agreed that a minor variation application would be submitted to add conditions onto the premises licence. Those conditions were:

1. A CCTV system shall be designed, installed and maintained in a proper working order, to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such a system shall:-
 - a. Ensure coverage of all entrances and exits to the licensed premises internally and externally, including the till area.
 - b. Ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police.
 - c. Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of 28 days and shall be supplied to Officers of the Licensing Authority or Northumbria Police upon request.
 - d. Be in operation at all times the premises are in use, with a member of staff capable of downloading the recording for officers of the Licensing Authority or Northumbria Police upon request.

2. An age verification scheme to a minimum of 'Challenge 25' policy shall be adopted, implemented and maintained ensuring that all members of staff are trained to refuse sales to anyone who appears to be under the age of 25 and who is seeking to purchase any age restricted product unless that person provides credible photographic proof of age evidence. Such credible evidence, which shall include a photograph of the customer, will either be a Proof of Age card carrying a 'PASS' logo, passport or photographic driving licence. No other evidence of age and identity may be accepted.
3. There shall be displayed suitably worded signage of sufficient size and clarity at the point of entry to the premises and in a suitable location at any points of display and sale advising customers that underage sales of alcohol are illegal and that they may be asked to produce evidence of age.
4. A refusals ledger (or electronic equivalent) shall be maintained on the premises to record refusals of all age restricted products and shall be made available to Officers of the Licensing Authority or Northumbria Police upon request.
5. Staff shall refuse to sell age restricted products to any adult who they suspect to be passing age restricted products to those underage (i.e. proxy sales). Details of these refusals should also be kept in the ledger.
6. All staff shall be trained to prevent underage sales of all age restricted products. Training records are to be kept for all staff involved in sales of age restricted products and shall be made available to Officers of the Licensing Authority or Northumbria Police upon request.
7. Prior to being allowed to sell alcohol, staff training must be carried out and properly documented in relation to the prevention of crime and disorder and the protection of children from harm, including;
 - a. Sales of alcohol and other age restricted products to those underage, and
 - b. Sales of alcohol and other age restricted products to persons over 18 purchasing for those underage (proxy sales).
 - c. Sales of alcohol to drunks etc.
8. The premises licence holder and designated premises supervisor shall co-operate with any reasonable crime prevention initiatives which are promoted by the Licensing Authority or Northumbria Police.
9. The premises licence holder and designated premises supervisor shall comply with any reasonable measures required by the Licensing Authority or Northumbria Police from time to time relating to preventing the sale of alcohol to children.

A minor variation application was submitted on 26 November 2015 to add the agreed conditions. No objections were received.

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 24 October 2017 Mrs Linda Holt sold four cans of Fosters lager to a 15 year old volunteer

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

On 17 November 2017 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. 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:

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

On 6 December 2017 Northumbria Police provided additional documents. These documents are attached at Appendix 2.4.

6. PARTIES

The Parties to the hearing will be:

- a) Local Weights and Measures Authority;
- b) Licensing Authority;
- c) Gateshead Local Safeguarding Children Board (LSCB);
- d) Public Health
- e) Northumbria Police;
- f) The Premises Licence Holder,

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.

An area plan is attached as 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 Licensing Authority
	2.1	Representation from Gateshead Local Safeguarding Children Board
	2.2	Representation from Public Health
	2.3	Representation from Northumbria Police
	2.4	Additional information provided by Northumbria Police
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