

OBJECTIONS

APPLICATION FOR A NEW PREMISES LICENCE:

Dixons Newsagents, 22 Derwent Street, Chopwell, NE17 7HX



VERA BAIRD QC
POLICE & CRIME COMMISSIONER



**NORTHUMBRIA
POLICE**

Northumbria Police Licensing
Central Area Command (Gateshead)
Eldon Square, Floor 1
Central Management Office
Eldon Court, Percy Street
Newcastle upon Tyne NE1 7JB
Tel: 0191/2219234

Date: 19th December 2017

Suria SELLATHURAI
22 Derwent Street,
Chopwell,
Newcastle upon Tyne, NE17 7HX

Forwarded to :

The Licencing Authority: licensing@gateshead.gov.uk

Jane Gilliead – E Mag Services: emagservices11@gmail.com

OBJECTION NOTICE UNDER THE LICENSING ACT 2003 for the grant of a new premises licence & DPS to Suria SELLATHURAI

Details of applications:

On 23rd November 2017 Northumbria Police received an application for the grant of a new premises licence at for Dixons Newsagents, 22 Derwent Street, Chopwell, Newcastle upon Tyne, NE17 7HX
The proposed DPS is to be the owner of the premises Mr Suria SELLATHURAI who appointed himself into this post.

Northumbria Police conducted enquiries regarding the suitability of the applicant Mr Suria SELLATHURAI becoming a premises licence holder and a designated premises supervisor.

1. Police checks revealed, tha the applicant has been convicted of a sexual assault on 13/10/2008. Teeside Crown Court ordered an 18 Months imprisonment and issued a 10 year sex offenders notice. Although this conviction can be viewed as pent, Mr Suria SELLATHURAI remains on a sex offender's register until 12/10/2018.

Circumstances of conviction:

The complainant (Female) was on a bus travelling from Newcastle to London. She fell asleep on the bus and she awoke to find the DP with his hand in her trousers and inside her knickers. Comp has screamed and pushed the man away. DP walked away. A witness to the incident pointed out that DP as being responsible for the assault. Comp – 27 YR old Female

2. On 23rd January 2015 the applicant was arrested for failing to comply with the sex offender register and charged with the offence the same day. Mr Suria SELLATHURAI has been convicted at Newcastle & Tyne Magistrates Court for failing to comply with notification requirements on 02/03/15. He received a fine £150, victim surcharge £20 and costs £85.

Circumstances of conviction:

The applicant was arrested from Newcastle airport coming off a flight from Sri Lanka on 23rd January 2015. Mr Suria SELLATHURAI failed to notify police of his intention to travel abroad, which he is required to do as part of his sex offender status. He was interviewed and had admitted the offence stating he rushed to Sri Lanka to see his father who had had a heart attack, however he also stated he booked his travel at least 7 days before his departure giving him ample time to inform police. Following the arrest he remained on bail with conditions: 1. Not to communicate with or interfere with witnesses; 2. To attend Gateshead Police Station and present self to staff every Wednesday between 10.00am and 2.30pm

Schedule 4 Personal licence relevant offences under the Licensing Act 2003

Can attention be drawn to this schedule where offences under section 4 - A sexual offence, being an offence

- (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003

DPS / premises licence holder

Northumbria Police take licensing issues very seriously and considers every application for the sale of alcohol very carefully. Northumbria Police took in consideration the applicant's course of conduct and can conclude that his conduct amounts to exceptional circumstances. Northumbria Police can have no confidence in the applicant to carry out a responsible business operation without an impact on the licensing objectives.

The Licensing Act 2003 sees the Designated Premises Supervisor as the key person who is responsible for the day to day management of the premises and for ensuring all the licensing objectives are upheld.

Mr Suria SELLATHURAI is a convicted sex offender, currently on the register who has shown a blatant lack of regard for the court and his previous order and consequently his appointment undermines the crime and disorder objectives.

Objection

Northumbria Police wish to object to the premises licence application by Mr Suria SELLATHURAI which gives rise to exceptional concerns. We believe that should the applicant become the designated premises supervisor the licensing objective of prevention of crime and disorder will be undermined.

Karl Wilson 7569

Chief Inspector 7569 Karl Wilson
Central Area Command

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

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/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	
Dixons Newagents 22 Derwent Street Chopwell	
Post Town Gateshead	Post Code NE17 7HX

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

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

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	<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
<input type="text"/>

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

(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 type="checkbox"/> |

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

The premises is seeking to open at 6am.

The Council's Statement of Licensing Policy states that:

It is expected that premises whose primary activity is off licence sales will not normally be open between 23:00 and 07:00 hours. Applicants wishing to operate beyond 23:00 hours will need to demonstrate to the satisfaction of the Licensing Authority, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned. Opening hours beyond 23:00 hours will generally be considered to be more acceptable for premises in commercial or tourist areas with high levels of public transport availability, rather than premises in predominately residential areas.

As this is a residential area it is not considered that 6am for the sale of alcohol is appropriate and allowing sales of alcohol from 6am will undermine the objectives of the prevention of public nuisance.

Data has been provided from the Safer Gateshead Partnership regarding the crime in this area.

- Between October 2016 and September 2017, recorded crime on this street increased by 94% when compared to October 2015-September 2016
- Shoplifting offences increased by 167% during the same period.
- Shoplifting offences account for 52% of the offences reported on Derwent Street between October 2016 and September 2017. By comparison, 27% of offences reported in this locality between October 2014 and September 2015 were shoplifting offences.

Given the issues with Crime and particularly shoplifting it is not considered that the measures outlined in the operating schedule are sufficient to address this. For example consideration should be given to spirits and expensive alcohol products being kept behind the counter.

Failure to address these issues will lead to the objective of the prevention of crime and disorder being undermined.

Finally, the Licensing Authority I have been provided with a copy of the representation from Northumbria

Police. The Licensing Authority are in agreement with that representation.

This gives rise to significant concern, heightened by the failure to comply with the requirements of the Sexual Offender Registration Order. The Authority have no confidence that as Licence Holder and Designated Premises Supervisor that the Licensing Objective of the Prevention of Crime and Disorder will be adequately promoted.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

I have had sight of the representation from Northumbria Police submitted on 21 December 2017.

Additionally in line with paragraph 2.1 of the Statutory Guidance ('the 182 guidance') I have requested on behalf of the Licensing Authority, in its capacity as a Responsible Authority, the data around the premises relating to Crime.

The Licensing Authority reserve the right to submit any further additional information considered relevant in accordance with the Regulations.

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.

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.

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 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	21/12/17
Capacity	For and on behalf of Gateshead Council 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
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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.
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, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178