

Central Area Command (Gateshead)
Eldon Square, Floor 1
Central Management Office
Eldon Court, Percy Street
Newcastle upon Tyne NE1 7JB
Tel: 101

DATE: 30th January 2018

Applicant:

Michelle McCrory

59 Mitchell Street

Birtley

DH3 1EQ

OBJECTION NOTICE

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

PREMISES:

RAVENSWORTH FOOD MARKET

Ravenworth Road

Birtley, Chester-Le-Street

DH3 1EE

Northumbria Police wish to object to the new premises licence application for RAVENSWORTH FOODSTORE, Ravenworth Road, Birtley, Chester-Le-Street, DH3 1EE

It is our belief that the applications have been made in an attempt to circumnavigate the Licensing Act 2003 process and frustrate the ongoing premises licence review.

On 19th December 2018 Gateshead Council Licensing Sub-Committee heard evidence from number of responsible authorities in support of a review of the premises licence applied for by Trading Standards. Northumbria Police were party to the review. Gateshead Council Licensing Sub-Committee decided to revoke the premises licence. At the same time the Sub-Committee considered the application to transfer the premises licence and vary DPS to Mr & Mrs Hussain and both applications were refused.

Even though the new application for the premises licence is made in Mrs McCrory's name, there are no real changes in terms of management and operation of the premises. This area is particularly challenging for Northumbria Police. We feel that the prevention of crime and disorder licensing objective will continue to be undermined should this application be granted.

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	
Ravensworth Foodstore 3 Ravensworth Road Birtley	
Post Town Gateshead	Post Code DH3 1EE

Name of premises licence holder or club holding club premises certificate (if known) Applicant is Michelle McCrory
--

Number of premises licence or club premise certificate (if known)
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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	<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	<input type="text"/>
Licensing Authority	<input type="text"/>
Civic Centre	<input type="text"/>
Regent Street	<input type="text"/>
Gateshead	<input type="text"/>
NE8 1HH	<input type="text"/>

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 above premises were subject to a review application in 2015 following the sale of alcohol to a child under the age of 18.

At that time there was some confusion regarding the ownership and management of the premises and it was felt that this, evidenced by the illegal sale of alcohol, raised significant concerns that the confused and ineffective management arrangements were undermining the licensing objectives.

The review hearing heard evidence that the DPS would take personal responsibility for the effective management of the premises going forward and to secure compliance with the requirements of the Licence.

At the time a variation to the Licence was made and granted to add a suite of conditions to the Licence (a full list is attached as Annex 1), a number of conditions are relevant to this review application, the condition most relevant is:

2. An age verification scheme such as A 'Challenge 25' policy as a minimum 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.

Despite those assurances and the additional conditions (including the above), a further illegal sale took place in 2017, no ID was requested and upon investigation once more confused and ineffective management arrangements were uncovered. As a result the Licence was revoked following a Review hearing in December 2017.

At and as part of the hearing process, to complicate matters a third party, stated that they were in charge of the premises at the time of the sale, that they were the Licence holder and the DPS, but that due to an administrative oversight they had failed to notify the Licensing Authority of this. This raised further concerns regarding the management arrangements at the premises.

This new application has been made putting forward a new Licence Holder and DPS but it appears that the management arrangements, which have been a cause for concern and ultimately resulted in the Licence being revoked, will remain the same with the Licence Holder and DPS actually being an employee rather than having any control.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

The Licensing Authority reserves the right to produce and submit whatever further information that is considered relevant to this application 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			
3	0	1	1	2	0	1	7

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

Representations in relation to an underage sale and a concern over the management arrangements of the premises and the confusion surrounding, management, ownership and control.

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	31/1/18
Capacity	For and on behalf of the Licensing 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.
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



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)* Gateshead Council – Local Weights and Measures Authority

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 Ravensworth Foodstore 3 Ravensworth Road	
Post Town Birtley	Post Code DH3 1EE

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

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

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	<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	<input type="text"/>
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Tracey Johnson
Chief Inspector of Weights and Measures
Development, Transport and Public Protection
Communities and Environment
Civic Centre
Gateshead
NE8 1HH

Telephone Number (If any)	0191 4333934
E-Mail address (optional)	traceyjohnson@gateshead.gov.uk

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)

On the grounds that there is not sufficient in this application to satisfy me that the applicant has considered all aspects of protection of children from harm, I must make representations against the application.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

This premises is subject to ongoing issues with regards to underage sales of alcohol to children.

The premises licence has recently been subject to review, instigated by the weights and measures authority for problems with underage sales to minors and has been revoked following a committee decision.

This new applicant has not demonstrated to this authority how they will be able to effectively manage the business, differently to the previous owners, and how they will ensure that they can actively promote the licensing objectives especially in relation to the protection of children from harm.

The applicant has offered a challenge 25 and age verification policy but nothing more has been offered to explain how this will be managed differently to the previous DPS.

The applicant also failed to attend a meeting on 31 January with the responsible authorities to explain their involvement in this business as I believe they are not the legal owners of the business, merely an employee. This would also have given them the opportunity to explain further their commitment to the licensing objectives and answered some of my questions I have in relation to how they plan to promote these objectives.

Please
Tick ✓

Have you made any representation relating to these premises before? ✓

If Yes, please state the date of that representation

Day		Month		Year			
0	2	1	1	2	0	1	7

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

On 16 June 2006, Local Weights and Measures Authority/Trading Standards submitted an application to the Licensing Authority to review the premises licence for Ravensworth Food Market. The grounds for the review were '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.

On 6 October 2015, Local Weights and Measures Authority/Trading Standards submitted an application to the Licensing Authority to review the premises licence for Ravensworth Food Market. The grounds for the review were 'On 11 December 2014 Mohammed Shafiq, a partner in the business, sold 4 cans of Carlsberg lager to a 15 year old child volunteer, contrary to the Licensing Act 2003.'

On 2 November 2017, Local Weights and Measures Authority/Trading Standards submitted an application to the Licensing Authority to review the premises licence for Ravensworth Food Market. The grounds for the review were 'On 24 October 2017 Mrs Linda Holt, an employee at Ravensworth Food Market, sold four cans of Fosters lager to a 15 year old volunteer, contrary to section 146(1) of the Licensing Act 2003.'

How We Collect And Use Information

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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	2/2/18
Capacity	CHIEF INSPECTOR OF WEIGHTS AND MEASURES		

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.
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





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

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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 Ravensworth Food Market 3 Ravensworth Road Birtley	
Post Town Chester-le-Street	Post Code DH3 1EE

Name of premises licence holder or club holding club premises certificate (if known)
Applicant is Michelle McCrory

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

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

(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)	<input type="text"/>

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 (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.

There has been a significant history of confusion regarding the ownership and management of this premise. There is evidence that this premise has not complied with licensing regulations nor promoted the licensing objectives.

It is also my concern that the measures put in place following previous convictions on 4th April 2006, 11th December 2014 and 6th October 2015 were ineffective, a further illegal sale took place on 2nd November 2017. As a result the licence was revoked following a licence review hearing on 19th December 2017.

I am not satisfied that this application provides sufficient information to show that the above concerns (presented at previous hearings) have been addressed.

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, one of which is the protection of children from harm.

This applicant failed to attend a meeting on 31st January to discuss this application with the responsible authorities, where the issues outlined above would have been discussed.

Further evidence may be produced to support this representation.

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			
3	0	1	1	2	0	1	7

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

On 24th October 2017 Mrs Linda Holt, an employee at Ravensworth Food Market, sold 4 cans of Fosters lager to a 15 year old volunteer.

On 3rd October 2015 the Director of Public Health submitted a representation following a failed test purchase. This test purchase operation was carried out by Trading Standards, in conjunction with Northumbria Police.

On 11 December 2014 using a 15 year old child volunteer who was able to purchase alcohol from Ravensworth Food Market and was not challenged to produce ID to prove his age.

How We Collect And Use Information

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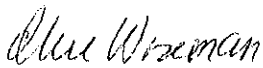
We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds 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		Date	02/02/2018
Capacity	Director of Public Health		

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

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Tel: 0191 433 3918 or 0191 433 3178
-

Rebecca L Sparrow

From: Saira Park
Sent: 02 February 2018 13:14
To: Rebecca L Sparrow
Subject: Fwd: Licensing Act 2003 - Application for the Grant of a Premises Licence - Ravensworth Foodstore, 3 Ravensworth Road, Birtley, Chester-le-Street, DH3 1EE

Follow Up Flag: Follow up
Flag Status: Completed

Hi Rebecca

I do have concerns about this application, especially as the applicant didn't attend the meeting arranged for Wednesday, and would like to put a representation in. I'm off sick today unfortunately but I will provide further information next week when i'm back in the office, I hope that's ok. Thanks.

Saira Park | LSCB Business Manager | Health and Social Care Commissioning and Quality Assurance | Care, Wellbeing and Learning | Gateshead Council

Civic Centre, Regent Street, Gateshead, NE8 1HH | t: (0191) 433 8010 |

Begin forwarded message:

From: Sarah Hanson <SarahHanson@Gateshead.gov.uk>
Date: 12 January 2018 at 09:05:41 GMT
To: Saira Park <SairaPark@Gateshead.Gov.UK>
Subject: RE: Licensing Act 2003 - Application for the Grant of a Premises Licence - Ravensworth Foodstore, 3 Ravensworth Road, Birtley, Chester-le-Street, DH3 1EE

Hi Saira

Have we only got the one to review for Ravensworth Foodstore? Just the others for [REDACTED] you sent over you had already reviewed in between meetings.

Thanks
Sarah

From: Saira Park
Sent: 09 January 2018 09:01
To: Sarah Hanson
Subject: FW: Licensing Act 2003 - Application for the Grant of a Premises Licence - Ravensworth Foodstore, 3 Ravensworth Road, Birtley, Chester-le-Street, DH3 1EE

Saira Park | LSCB Business Manager | Health and Social Care Commissioning and Quality Assurance | Care, Wellbeing and Learning | Gateshead Council

Civic Centre, Regent Street, Gateshead, NE8 1HH | t: (0191) 433 8010 | e: SairaPark@gateshead.gov.uk