

**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: Kevin Ashurst .....

Age if under 18:Over 18 (if over 18 insert 'over 18')

Occupation: Neighbourhood Inspector 7962

This statement (consisting of 8 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: K.Ashurst

Date 13<sup>th</sup> October 2022

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

I am Neighbourhood Inspector 7962 Kevin Ashurst of Northumbria Police, Central Area Command and I make this statement in relation to the application by for a premises licence in respect 170 Sheriffs Highway, Sheriffs Hill, Gateshead, NE9 5SD.

The application for a premises licence is made by Mr Jaafar Mousa Mohammad Jaafar, Director of Venus Express Ltd (company number: 14136843 and registered office: 170 Sheriffs Highway, Sheriffs Hill, Gateshead, NE9 5SD).

The Applicant, Mr Jaafar also makes application to be specified as the Designated Premises Supervisor (DPS) of the premises.

I have responsibility for policing within Gateshead Central and I am involved with licensing applications and variations within the Town. I am responsible for delivering the Northumbria Police and Crime Commissioner’s Plan which includes, amongst other things, the reduction of crime and disorder in the city. As part of my responsibility, I assess the impact of premises licence applications made under the Licensing Act 2003 and engage with individuals or businesses that already hold a licence or permission. I also engage with statutory and voluntary partners and have regard to the Statement of Licensing Policy issued by Gateshead Council (the current version of the policy is 2021 – 2026).

This allows my colleagues and I to consider the impact or the likely impact a new or an existing licence will have in the Gateshead area, its residents, businesses and people using the variety of offers within the locality.

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2006/07(1)

Alcohol related crime and disorder and dealing with vulnerability caused by alcohol are also existing neighbourhood priorities for the police in Gateshead and are therefore part of the police's commitment to meeting the expectations of the community. Continually reducing crime and disorder and meeting public expectations in this regard can be a challenging and difficult task.

**The Application:**

In short, Application is made by the Applicant Mr Jaafar for a premises licence authorising the supply of alcohol for consumption off the premises (off-sale):

Monday to Saturday: 09:00 – 23:00 hours

Sunday: 10:00 – 22:30 hours

Mr Jaafar applies to be specified as the DPS indicating that a personal licence has been issued by Gateshead Council and that the personal licence number is to 'TBA'.

\* Northumbria Police received a notification on 01/09/22 that Mr Jaafar Mousa Mohammad Jaafar was issued with a personal licence number 00CH10742

**Background:**

The premises at 170 Sheriffs Highway have previously benefited from a premises licence authorising the sale of alcohol for consumption off the premises.

The previous premises licence held in respect of the Application premises was issued in the name of Mr Jaafar's business partner and the Director of Sheriffs Highway Stores Ltd (Company Number: 11556732 and registered office 170 Sheriffs Highway, Gateshead, United Kingdom, NE9 5SD namely Mr Farhad Jamnejad.

The Applicant Mr Jaafar is recorded on publicly available information on the Companies House website as having a share interest and being a person of significant control in respect of the company Sheriffs Highway Stores Ltd. Sheriffs Highway Stores Ltd is showing as active on the Companies House website but with a *proposal to strike off*. I exhibit a copy of the company information for Sheriffs Highway Stores Ltd as **Exhibit KA/1**.

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In addition to having an interest in the company Sheriffs Highways Stores Ltd, the Applicant Mr Jaafar is also a Director of the Applicant company Venus Express Ltd. Publicly available information on the Companies House website shows that this company was incorporated on the 27<sup>th</sup> May 2022. I exhibit a copy of the Certificate of Incorporation in relation to Venus Express Ltd as **Exhibit KA/2**.

**Application to Review the Premises Licence and to Vary the DPS:**

In June 2022 Gateshead Council Weights and Measures Authority submitted an application to review the premises licence held by Mr Farhad Jamnejad and in relation to Application premises 170 Sheriffs Highway.

The licence review was brought by the Council in respect of the below licensing breaches identified on and in respect of the premises:

- Sale of alcohol to a minor on the 24.02.2022
- The supply of alcohol from the premises without a DPS being in place
- Conditions on the premises licence not being complied with
- Staff being employed to sell alcohol with no training or understanding of the conditions contained in the licence.

On the 13<sup>th</sup> June 2022 Mr Farhad Jamnejad also made application to vary the premises licence and seeking to be specified as the DPS of 170 Sheriffs Highway.

The police objected to Mr Jamnejad's appointment as DPS, considering that to grant the application would undermine the crime prevention objective.

The police also submitted a representation in support of the Council's application for review of the premises licence and relevant to the crime prevention and protecting children from harm licensing objectives.

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In short, the police representation submitted in the review proceedings expressed concern at the poor operation and management of the licensed premises, the sale of alcohol to a minor and that the premises had been trading for months without a DPS, and the issues identified in relation to the recording and retention of CCTV on the licensed premises. The police representation also referred to the complaints police

had received in 2021 regarding youth related ASB in the vicinity of the shop premises, and that the policing team that covered the sector beat had noted issues of youth alcohol related ASB in the area between Winter 2021 and Spring 2022.

I exhibit a copy of the witness statements I submitted in relation to the review as **Exhibit KA/3** and vary DPS application proceedings as **Exhibit KA/4**.

### **The Licence Review & Vary DPS Application Hearings:**

On the 10<sup>th</sup> August 2022 the Licensing Sub-Committee heard both the review application brought by the Council's Weights and Measures Authority and the application by Mr Jamnejad to vary the DPS.

I attended both application hearings and addressed the Committee hearing.

The Applicant Mr Jaafar and his business partner (and the previous licence holder) Mr Farhad Jamnejad attended the application hearings and addressed the Licensing Sub-Committee.

After hearing from the Responsible Authorities, the Applicant Mr Jaafar and Mr Jamnejad, the Licensing Sub-Committee determined:

1. To refuse the variation of the premises licence to name Mr Jamnejad as the Designated Premises Supervisor
2. To remove Mr Amer Idris Paul from the premises licence as DPS; and
3. To revoke the licence.

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Mr Jaafar indicated to the Licensing Sub-Committee during the application hearings that he was the principle worker in the store. He also accepted that there had been failings in the operation and management of the premises.

I exhibit a copy of the summary of the Licensing Sub-Committee's decision dated 16<sup>th</sup> August 2022 as **Exhibit KA/5**. The Licensing Sub-Committee's determination in respect of the application for review and the vary DPS application is also repeated below for ease of reference:

*"The Sub Committee was gravely concerned by the apparent lack of competency or capability to adhere to the conditions of the premises licence and statutory obligations.*

*The Sub Committee found the lack of a DPS at the premises for eight months to be seriously concerning; as well as the fact that the main person working in the shop has health issues that require him to leave the premises urgently, leaving them to be run by an unsupervised person undertaking work experience.*

*The Sub Committee was also concerned as to the illicit tobacco that was identified by officers. The Sub Committee found that the operation of the licence was having a detrimental impact on the local community.*

*The Sub Committee refused Mr Jamnejad's application to be named as the DPS on the licence, and consequently the DPS reverted to Mr Paul.*

*The Sub Committee determined to remove Mr Paul from his position as DPS in view of his absence from the role for eight months and that he has no ongoing connection to the licensable activities at the premises.*

*The Sub Committee was not satisfied that any measures it could seek to impose by way of condition on the licence would be adhered to and be effective in promoting the licensing objectives.*

*In those circumstances, the Sub Committee determined that it was proportionate and appropriate to revoke the licence".*

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The period for appealing the decision of the Licensing Sub-Committee to revoke the premises licence has expired. I have not been made aware that an appeal has been submitted against the decision to revoke the licence.

**The Application by Mr Jaafar for a Temporary Event Notice:**

On the 17<sup>th</sup> August 2022 the Applicant Mr Jaafar applied for a Temporary Event Notice (TEN) authorising the supply of alcohol for consumption off the premises 170 Sheriffs Highway on the 3<sup>rd</sup> (10:00 and 23:00) and 4<sup>th</sup> September 2022 (10:00 22:30).

The police submitted an objection to the TEN relevant to the crime prevention and the protection of children from harm licensing objectives.

In short, the police representation referred to the lack of confidence the police have in the ability of the Applicant, Mr Jaafar to operate the TEN and the premises in accordance with the licensing objectives. The police also referred to the previous poor operation and management of the licensed premises by the Applicant, Mr Jaafar and his business partner Mr Farhad Jamnejad. The police also considered that the TEN application was an attempt to circumvent the Licensing Sub-Committee's decision to revoke the premises licence. I exhibit a copy of the witness statement I submitted in the TEN application proceedings as **Exhibit KA/6**.

**TEN Application Hearing:**

A hearing was held on the 31<sup>st</sup> August 2022 to determine the TEN application.

The Applicant, Mr Jaafar attended the hearing and addressed the Licensing Sub-Committee.

I attended the hearing and addressed the Licensing Sub-Committee.

The Licensing Sub-Committee determined to refuse to grant the TEN. I exhibit a copy of the decision notice dated 12<sup>th</sup> October 2022 as **Exhibit KA/7**. The Licensing Sub-Committee's determination in respect of the TEN application is also repeated below for ease of reference:

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*“The Sub-Committee were concerned in respect of the lack of evidence of the applicant ability to ensure that the matters which were pleaded in respect of the revocation of the licence at the premises.*

*The applicant’s concerns in respect of loss of revenue arising from the revocation of the licence and the need for the applicant to be able to sell as much of the remaining alcohol was not part of the consideration in respect of the application.*

*The Sub-Committee did not consider that there were any measures which could be imposed to effectively promote the licensing objectives.*

*The Sub-Committee determined that the application would be refused”.*

**Concluding Observations:**

The premises at 170 Sheriffs Highway have a significant licensing history.

The premises licence held by the Mr Farhad Jamnejad, business partner of the current Applicant, Mr Jaafar was reviewed by the Council and the licence revoked.

The review was brought because of various licensing breaches and issues involving, amongst other things, the sale of alcohol to a minor, trading for months without a DPS and issues relating to the recording and retention of CCTV on the premises.

The Applicant, Mr Jaafar then attempted to circumvent the revocation of the premises licence and the refusal to specify his business partner, Mr Farhad Jamnejad as DPS of the premises by seeking the grant of a TEN authorising the supply of alcohol. The Licensing Sub-Committee also determined to refuse to grant Mr Jaafar’s application for a TEN citing a lack of evidence to demonstrate the ability of Mr Jaafar to operate the premises in accordance with the licensing objectives and addressing the issues.

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The licensing breaches and issues identified on the premises occurred at a time when Mr Jaafar was, on his own evidence before the Licensing Sub-Committee on the 10<sup>th</sup> August 2022, *the principle worker in the store*. Further, they occurred at a time when Mr Jaafar had (and continues to have) a commercial interest in the two companies associated with and registered to the Application premises, namely Sheriff Highways Stores Ltd and Venus Express Ltd.

The licensing breaches and issues identified therefore occurred on the watch of the Applicant, Mr Jaafar and when he had (and continues to appear to have) daily responsibility for the running of the shop premises.

Against that context and given the significant history of the premises, the police would expect to see in the premises licence application an acknowledgment of the issues and detailed steps that will be taken to attempt to address the same. The application submitted by Mr Jaafar fails to do this.

The section of the premises licence application that details the steps that the Applicant will take to promote the licensing objectives appears confused at times, referring for example to the fact that there will be no adult entertainment.

It is also stated that the premises have CCTV, operate a Challenge 25 policy and refusals are recorded in the refusals register. These are all areas where breaches and issues have been identified previously and notwithstanding guidance given by the Licensing Authority.

Even if the Applicant was to supply a detailed schedule of licence conditions, I have little confidence, given the history of the premises and Mr Jaafar's involvement in the same, that the conditions will be adhered to and that the premises will be operated in accordance with the licensing objectives.

All things considered, I consider that to grant a premises licence and to appoint Mr Jaafar as DPS will undermine the crime prevention and the protection of children from harm licensing objectives.

Signature: 7962 K. ASHURST



# SHERIFFS HIGHWAY STORES LTD

Company number 11556732

Registered office address

170 Sheriffs Highway, Gateshead, United Kingdom, NE9 5SD

Company status

Active — Active proposal to strike off

Company type

Private limited Company

Incorporated on

6 September 2018

## Accounts overdue

Next accounts made up to 30 September 2021  
2022

due by 30 June

Last accounts made up to 30 September 2020

Confirmation statement

Next statement date 24 April 2023

due by 8 May 2023

Last statement dated 24 April 2022

Nature of business (SIC) 47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating

Officers:1 officer / 0 resignations

[JAMNEJAD, Farhad](#)

Correspondence address

170 Sheriffs Highway, Gateshead, United Kingdom, NE9 5SD

Role **ACTIVE**

Director

Date of birth

February 1973

Appointed on

6 September 2018

Nationality

British

Country of residence

England

Occupation

Director

2 active persons with significant control / 0 active statements

Mr Jaafar Mousa Jaafar **ACTIVE**

Correspondence address

170 Sheriffs Highway, Gateshead, United Kingdom, NE9 5SD

Notified on 23 October 2018

Date of birth July 1951

Nationality Iraqi

Country of residence England

Nature of control

Ownership of shares – More than 25% but not more than 50%

Ownership of voting rights - More than 25% but not more than 50%

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Mr Farhad Jamnejad **ACTIVE**

Correspondence address

170 Sheriffs Highway, Gateshead, United Kingdom, NE9 5SD

Notified on 6 September 2018

Date of birth February 1973

Nationality British

Country of residence England

Nature of control

Ownership of shares – More than 25% but not more than 50%

Ownership of voting rights - More than 25% but not more than 50%

Right to appoint and remove directors

**FILE COPY**



**CERTIFICATE OF INCORPORATION  
OF A  
PRIVATE LIMITED COMPANY**

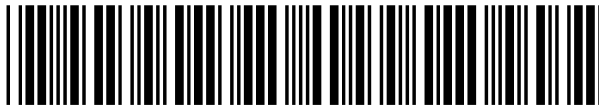
Company Number **14136843**

The Registrar of Companies for England and Wales, hereby certifies that

**VENUS EXPRESS LTD**

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House, Cardiff, on **27th May 2022**



\*N14136843H\*



**Companies House**



**THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES**



**Application to register a company**



Received for filing in Electronic Format on the: **26/05/2022**

*XB4V70KR*

*Company Name in full:* **VENUS EXPRESS LTD**

*Company Type:* **Private company limited by shares**

*Situation of Registered Office:* **England and Wales**

*Proposed Registered Office Address:* **170 SHERIFFS HIGHWAY  
GATESHEAD  
UNITED KINGDOM NE9 5SD**

*Sic Codes:* **47110**

*I wish to entirely adopt the following model articles:* **Private (Ltd by Shares)**

## *Proposed Officers*

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*Company Director*      *1*

*Type:*                                 **Person**

*Full Forename(s):*               **MR JAAFAR MOUSA**

*Surname:*                           **JAAFAR**

*Former Names:*

*Service Address:*                 **recorded as Company's registered office**

*Country/State Usually*           **UNITED KINGDOM**  
*Resident:*

*Date of Birth:*    \*\*/07/1951                                 *Nationality:*       **IRAQI**

*Occupation:*     **DIRECTOR**

*The subscribers confirm that the person named has consented to act as a director.*

## *Statement of Capital (Share Capital)*

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<i>Class of Shares:</i>	<b>ORDINARY</b>	<i>Number allotted</i>	<b>1</b>
<i>Currency:</i>	<b>GBP</b>	<i>Aggregate nominal value:</i>	<b>1</b>
<i>Prescribed particulars</i>			

### **FULL RIGHTS REGARDING VOTING, PAYMENT OF DIVIDENDS AND DISTRIBUTIONS**

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#### **Statement of Capital (Totals)**

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<i>Currency:</i>	<b>GBP</b>	<i>Total number of shares:</i>	<b>1</b>
		<i>Total aggregate nominal value:</i>	<b>1</b>
		<i>Total aggregate unpaid:</i>	<b>0</b>

# *Initial Shareholdings*

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*Name:*           **JAAFAR JAAFAR**

*Address*       **170 SHERIFFS HIGHWAY  
GATESHEAD  
UNITED KINGDOM  
NE9 5SD**

*Class of Shares:*       **ORDINARY**

*Number of shares:*       **1**

*Currency:*               **GBP**

*Nominal value of each  
share:*                   **1**

*Amount unpaid:*         **0**

*Amount paid:*           **1**

## *Persons with Significant Control (PSC)*

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**Statement of initial significant control**

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**On incorporation, there will be someone who will count as a Person with Significant Control (either a registerable person or relevant legal entity (RLE)) in relation to the company**

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## *Individual Person with Significant Control details*

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*Names:* **MR JAAFAR MOUSA JAAFAR**

*Country/State Usually Resident:* **UNITED KINGDOM**

*Date of Birth:* **\*\*/07/1951** *Nationality:* **IRAQI**

*Service address recorded as Company's registered office*

*The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.*

<i>Nature of control</i>	<b>The person holds, directly or indirectly, 75% or more of the voting rights in the company.</b>
<i>Nature of control</i>	<b>The person holds, directly or indirectly, 75% or more of the shares in the company.</b>
<i>Nature of control</i>	<b>The person has the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company.</b>

## *Statement of Compliance*

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*I confirm the requirements of the Companies Act 2006 as to registration have been complied with.*

*Name:* **JAAFAR JAAFAR**  
*Authenticated* **YES**

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## **Authorisation**

*Authoriser Designation:* **subscriber** *Authenticated* **YES**

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# COMPANY HAVING A SHARE CAPITAL

## Memorandum of Association of

### VENUS EXPRESS LTD

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the company and to take at least one share.

<b>Name of each subscriber</b>	<b>Authentication</b>
JAAFAR JAAFAR	Authenticated Electronically

Dated: 26/05/2022

**WITNESS STATEMENT**

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

URN 

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Statement of: Kevin Ashurst .....

Age if under 18:Over 18 (if over 18 insert 'over 18')

Occupation: Neighbourhood Inspector 7962

This statement (consisting of 4 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: K.Ashurst

Date 9<sup>th</sup> August 2022

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

I am Neighbourhood Inspector Kevin Ashurst of Northumbria Police, Central Area Command and I make this statement in support of the Council’s Weights and Measures Department for review of the premises licence held in respect of the premises Sheriffs Highway Stores, 168-170 Sheriffs Highway, Sheriffs Hill, Gateshead, NE9 5SD.

I have responsibility for policing within Gateshead Central and I am involved with licensing applications and variations within the Town. I am responsible for delivering the Northumbria Police and Crime Commissioner’s Plan which includes, amongst other things, the reduction of crime and disorder in the city. As part of my responsibility, I assess the impact of premises licence applications made under the Licensing Act 2003 and engage with individuals or businesses that already hold a licence or permission. I also engage with statutory and voluntary partners and have regard to the Statement of Licensing Policy issued by Gateshead Council (the current version of the policy is 2021 – 2026).

This allows my colleagues and I to consider the impact or the likely impact a new or an existing licence will have in the Gateshead area, its residents, businesses and people using the variety of offers within the locality.

Alcohol related crime and disorder and dealing with vulnerability caused by alcohol are also existing neighbourhood priorities for the police in Gateshead and are therefore part of the police’s commitment to meeting the expectations of the community. Continually reducing crime and disorder and meeting public expectations in this regard can be a challenging and difficult task.

Signature: K.Ashurst

**The Application for Review by the Council:**

The Application for Review by the Council refers to a failed test purchase at the premises on the 24.02.2022 when a child volunteer aged 15 was sold alcohol on the premises. Further material has been supplied by the Council in support of the review application.

The application for review outlines the following matters of concern:

- The sale of alcohol was carried out by an employee who had not received any training and was unable to produce a completed and up to date refusals register.
- The Challenge 25 policy had not been followed at the time of the sale.
- The premises had been trading without a Designated Premises Supervisor (DPS) who had left the employ of the premises licence holder a couple of months prior.
- Intelligence that the premises may be involved in possible sales of illegal tobacco. A search of a vehicle parked outside the licensed premises and belonging to Mr Jaffar revealed packets of illegal cigarettes.
- The licensed premises were visited previously in May and December 2021 and advice given in relation to underage sales. An advice information pack was left with Mr Jaffar on the 27<sup>th</sup> May 2021. A test purchase was also done in May 2021 and the volunteer was asked for ID and the sale refused on that occasion.
- Recent visits conducted to the licensed premises by the Licensing Authority in June this year revealed issues with the operation of the CCTV on the licensed premises and the recording and retention of CCTV footage.

**The Police Representation:**

On the 1<sup>st</sup> July 2022 a representation in support of the Council's application for the review of the premises licence was submitted to the Licensing Authority and is relevant to the licensing objectives: the prevention of crime and disorder and the protection of children from harm.

Signature: K.Ashurst

**Police Concerns about the Premises:**

Police received complaints in 2021 of youth related ASB in the vicinity of the shop premises. Some of these complaints were that the premises at 168 Sherriffs Highway and another shop in the locality were selling age restricted products to children, namely alcohol and tobacco.

I am also aware, having spoken with my team that cover the area [the sector beat is C3D2 which refers to the location - I have four officers on each of my two teams which cover this area], that there have been issues of youth alcohol related ASB in the area between Winter 2021 and Spring 2022. Two of my Community Support Officers (CSO) have told me that over the Winter of 2021 through to the Spring of 2022 they dealt with a number of youth anti-social behaviour incidents which came about through alcohol misuse and that these incidents occurred in close proximity to the store. CSO 5617 Carter has given a statement detailing the issue of young people in the area drinking alcohol and the associated ASB and nuisance caused by the same. I exhibit CSO Carter's witness statement as **Exhibit KA1** and invite the Licensing Sub-Committee to have regard to the same.

I am concerned to hear that notwithstanding previous visits to the premises in May and December 2021 and the guidance given to the premises licence holder and his business partner, a sale of alcohol was made to a minor on the 24.02.2022 this year.

I am also very concerned to hear that in addition to a sale of alcohol to a minor, there has also been possible unauthorised licensable activity on the premises and in view of the fact that the premises had been trading without a DPS.

The review application also outlines an apparent lack of understanding and a failure to observe the conditions on the licence in relation to Challenge 25, ensuring staff are trained and training records are retained and updated, and in relation to the operation and retention of the CCTV on the licensed premises.

The matters documented in the review application and associated papers demonstrate the commission of possible criminal offences on the licensed premises and the poor operation and management of the same.

The sale of alcohol to children not only has a detrimental impact on children both mentally and physically but it can also have a detrimental impact on the wider local community. Sales of alcohol to children can lead to incidents of ASB and crime and disorder in the local community and increase vulnerability issues.

Signature: K.Ashurst

The premises have been poorly operated and managed. They have been operating in disregard of the Licensing Act 2003 and the conditions contained in the premises licence. I therefore fully support the Council's application for review.

It is a matter for the Licensing Sub-Committee to decide what steps it should take to promote the licensing objectives. I do not consider that the imposition of additional conditions on the licence will be sufficient to address the issues of the poor management and operation of the premises. I would suggest that the Licensing Sub-Committee consider the other measures available to it and that will ensure the crime prevention objective and the licensing objective to protect children from harm are promoted in this case. Other and more robust measures would of course include removal of DPS, suspension of the licence and revocation of the licence.

Signature: K.Ashurst





**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: Kevin Ashurst .....

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Occupation: Neighbourhood Inspector 7962

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Signature: K.Ashurst

Date 9<sup>th</sup> August 2022

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

I am Neighbourhood Inspector Kevin Ashurst of Northumbria Police, Central Area Command and I make this statement in relation to the application made by Farhad Jamnejad (the Applicant), Sheriffs Highway Stores, 168-170 Sheriffs Highway, Sheriffs Hill, Gateshead, NE9 5SD to be specified as DPS of the licensed premises.

I have responsibility for policing within Gateshead Central and I am involved with licensing applications and variations within the Town. I am responsible for delivering the Northumbria Police and Crime Commissioner's Plan which includes, amongst other things, the reduction of crime and disorder in the city. As part of my responsibility, I assess the impact of premises licence applications made under the Licensing Act 2003 and engage with individuals or businesses that already hold a licence or permission. I also engage with statutory and voluntary partners and have regard to the Statement of Licensing Policy issued by Gateshead Council (the current version of the policy is 2021 – 2026).

This allows my colleagues and I to consider the impact or the likely impact a new or an existing licence will have in the Gateshead area, its residents, businesses and people using the variety of offers within the locality.

Alcohol related crime and disorder and dealing with vulnerability caused by alcohol are also existing neighbourhood priorities for the police in Gateshead and are therefore part of the police's commitment to meeting the expectations of the community. Continually reducing crime and disorder and meeting public expectations in this regard can be a challenging and difficult task.

Signature: K.Ashurst

**The Application:**

On the 13<sup>th</sup> June 2022 the Applicant made application to vary the premises licence held in respect of 168-170 Sherrifs Highway to specify himself as the DPS.

The application was submitted by the Applicant after it came to light, during a licensing visit conducted at the premises, that the premises had been operating without a DPS (the previous DPS said to have left the employ of the premises licence holder a couple of months prior). Further, this also came to light following and against a context of the premises having failed a test purchase operation where alcohol was sold to a minor on the 24.02.2022.

**The Police Objection:**

Section 37(5) of the Licensing Act 2003 provides that where the chief officer of police notified of an application under subsection (4) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons he is so satisfied.

On the 24.06.2022 a notice of objection to the application was submitted by the Chief Constable of Northumbria Police, via his delegated Area Command licensing officer, Chief Inspector 7423 Dave Wheeler.

The objection notice refers to the failed test purchase on the 24.02.2022, the review application brought by the Council Weights and Measures Authority and the poor management and operation of the licensed premises.

**Police Concern:**

The role of the DPS is a key and important role.

The DPS will be the main point of contact for the Responsible Authorities.

It is vital therefore that the DPS is effective and capable of fulfilling this key role. It is crucial that the police and other Responsible Authorities can have confidence and trust the DPS to operate the premises in accordance with the licensing objectives and uphold their responsibilities as DPS.

Signature: K.Ashurst

Turning to the Applicant, he was and is the premises licence holder of premises that are subject to an application for review. The circumstances that led to/are documented in the review application are very serious matters:

- Sale of alcohol to a minor on the 24.02.2022
- The supply of alcohol from the premises without a DPS being in place
- Conditions on the premises licence not being complied with
- Staff being employed to sell alcohol with no training or understanding of the conditions contained in the licence.

These events occurred on the premises when the Applicant was (and still is) the licence holder and operating the premises with his business partner Mr Jaffar. Further and concerning, the underage sale of alcohol took place notwithstanding previous visits to the shop in May and December 2021 when advice was given to try to prevent sales of alcohol to children.

Given the serious licensing breaches and the poor operation and management of the licensed premises, I have no confidence that the Applicant can and will be an effective DPS that upholds the licensing objectives, in particular the crime prevention objective.

In support of the police objection to the appointment of the Applicant as DPS, I also seek to rely upon my statement dated 9<sup>th</sup> August 2022 and submitted in support of the Council's application for review, which I exhibit as **Exhibit KA2**. I also rely upon the other representations submitted in respect of the Council's review application and request the Licensing Sub-Committee to have regard to the same when considering the vary DPS application.

All things considered, I respectfully submit that to appoint or to allow the Applicant to remain as the DPS of the licensed premises will undermine the crime prevention objective. I therefore invite the Licensing Sub-Committee to refuse to grant the Applicant's application to be specified as the DPS.

Signature: K.Ashurst

**GATESHEAD COUNCIL  
LICENSING AUTHORITY**

**SUMMARY OF DECISION OF LICENSING SUB-COMMITTEE**

<b>Name of Premises :</b>	Sheriff's Highway Store
<b>Address :</b>	170 Sheriff's Highway Gateshead NE9 5SD
<b>Licensee :</b>	Mr Farhad Jamenjad
<b>Date of Hearing :</b>	10 August 2022
<b>Type of Hearing :</b>	(1) Review of premises licence (2) Application to vary DPS

**The Sub Committee has decided as follows:**

1. To refuse the variation of the premises licence to name Mr Jamenjad as the Designated Premises Supervisor
2. To remove Mr Amer Idris Paul from the premises licence as DPS ; and
3. To revoke the licence.

**Reasons**

Mr Jamnejad attended the hearing before the Sub Committee and was accompanied by Mr Jaafar Jaafar.

At the outset of the hearing it was agreed by all parties that the correct address of the licensed premises is 170 Sheriff's Highway, not 168-170 Sheriff's Highway as had been stated in the licence application.

The review application was brought by Trading Standards. Representations were also made by Northumbria Police, the Director of Public Health, the Gateshead Safeguarding Children Partnership, the Licensing Authority in its capacity as Responsible Authority and by two interested parties.

The application to vary the Designated Premises Supervisor was brought by Mr Jamenjad and opposed by Northumbria Police.

The Sub Committee determined at the outset to hear both applications in tandem given

the apparent duplication of submissions by the Police and Mr Jamnejad in respect of both applications; and that Mr Jamnejad was not legally represented.

The Sub Committee heard from Ms Johnson on behalf of the Weights & Measures Inspectorate that –

- The review was brought after an intelligence-led test purchase exercise where a child was sold alcohol from the premises
- That the person who made the same of alcohol had not been traced as the investigating officer was provided with false information; and that Mr Jamnejad had no record of having employed the person
- That on the day of the unlawful sale of alcohol to a child, the seller was unable to locate the refusals register which is a condition of the premises licence
- That the investigating officer was also informed that the Designated Premises Supervisor named on the premises licence, Mr Amer Idris Paul, was no longer working at the premises
- That the licensee had failed to notify the Licensing Authority that there was no DPS in place
- That officers were also aware of suspicious activity in relation to a van parked outside the premises where it appeared that transactions were being carried out; and upon inspection illicit cigarettes were identified in the vehicle. The Sub Committee also heard that on seeking to inspect the CCTV footage covering the transaction, it was found not to be working at the time; and
- That whilst the premises licence is in the name of Mr Jamnejad, Mr Jaafar has previously identified himself as the business owner.

The Sub Committee heard from Inspector Ashurst of Northumbria Police –

- He has oversight of the Police's Operation Vienna in relation to illicit tobacco in the area, and supports the review application
- He has concerns regarding the failed test purchase, the failure to implement an effective challenge policy, the failure to keep an up to date refusals register, and the illicit tobacco found in the vehicle outside the premises
- He believes that the failure to maintain a working CCTV system from which footage

could be accessed and downloaded is a massive concern. Inspector Ashurst said that it appears Mr Jamnejad knows how to operate the system but that the Inspector has no confidence that footage would be provided if it was requested in relation to the investigation of crime

- That there was serious concern about the premises trading without a DPS for a number of months. Inspector Ashurst emphasised the importance of the role of the DPS as a central point of contact, and that the absence of a DPS hinders the Police's ability to prevent and detect crime; and
- That there is intelligence of young people in the vicinity of the premises having access to alcohol. Inspector Ashurst referred to the witness statement of PSCO Carter in this respect. Inspector Ashurst said that there is a significant issue with anti-social behaviour in the area

The Sub Committee heard from Ms Jennings on behalf of the Licensing Authority –

- The premises were inspected on 13 June 2022, and that there was no premises licence summary on display and the licence itself could not be located
- That on that occasion Ms Jennings was informed that the DPS had left his role some time ago to become a driving instructor
- That no training records were available
- That Mr Jaafar could not recall the last time he was given any training in the sale of alcohol / compliance with the licence and with statutory obligations
- That Mr Jaafar was unable to operate the CCTV system
- That following discussion with Mr Jamnejad, he then submitted an application to be named as the DPS for the premises
- That records were then produced purporting to show that training had apparently been provided in May, albeit Mr Jaafar had said that he could not recall the last time he had been given any training
- That the CCTV system only had three hours of footage retention at that time as opposed to the 28 days required under the licence; and
- That Mr Jamnejad said that CCTV system is owned by the landlord of the premises rather than himself.

The Sub Committee heard from Ms Sharp for the Director of Public Health –

- That alcohol before adulthood affected educational attainment and increases the likelihood of mental health issues later in life; and
- That tobacco sold illicitly is unlikely to carry the same health warnings as that sold through lawful methods, which impacts on people’s understanding of the harm it causes them.

The Sub Committee heard from Councillor Welsh that –

- She is both a Councillor and a nearby resident
- She does not believe the failed test purchase to be an isolated incident of underage sale of alcohol
- She often sees children in the vicinity of St John’s Churchyard and believes that they travel there because it is in the vicinity of premises where they know they will be able to access alcohol
- That a number of parents have raised this concern with her
- That the failure to be able to operate the CCTV system is a serious issue; and in particular that on 27 March 2022 a neighbour had his mountain bike stolen from the back of his car and it was seen being taken past the premises. When Cllr Welsh asked Mr Jamnejad if he had footage from the relevant time he said that the CCTV system did not exist; and
- That the premises are a magnet for anti-social behaviour.

In response, Mr Jamnejad stated that he would never give CCTV footage to a member of the public, and that if they wanted to see it they should come to the premises with the police. The Chair confirmed that only certain police and Council officers are authorised to inspect the CCTV footage under the licence conditions.

With regard to the application to vary the DPS named on the licence, Inspector Ashurst said that the DPS should be the central point of contact at the premises; and that he has no confidence that Mr Jaafar and Mr Jamnejad are running the premises properly or that they are competent to comply with the licence conditions; so would have no confidence



that Mr Jamnejad would be able to fulfil the role of DPS.

Mr Jaafar stated as follows –

- That he had not been able to hear much of what had been said by the Responsible Authorities and by Cllr Welsh (although he did not raise this at the time that those parties were speaking)
- That 'there have been failures on both sides'
- That he received the Committee papers about 36 hours before the hearing which was insufficient time to digest the information properly; however no adjournment was requested
- That he is the principal worker in the store
- That in respect of the statement of Mr Steadman, no illicit goods were found in the licensed premises; and that when illicit tobacco was found in the van outside the premises Mr Jaafar informed Mr Steadman who they belonged to and where she lived
- That he accepted that there should be a new CCTV system installed and that he would see to this, but that the cost would be around £3,000 and that the system would be replaced when he had the money
- That all convenience stores are struggling financially
- That there is a 'price war', with lots of goods on the black market to avoid VAT which has not been addressed by enforcement bodies so businesses suffer
- That he is aware that a test purchase took place previously and no sale was made. Mr Jaafar said that the child who was sent in to make the purchase was well dressed and looked older than she was. Mr Jaafar said that he refused the sale, and that ten minutes later Mr Steadman came into the shop and asked to inspect the refusals register
- That he sometimes gets 6-7 year olds coming into the premises to try to buy alcohol; and he sends them away
- That on the day he and Mr Jamnejad took over the premises, Mr Jamnejad was assaulted and nearly lost his eye; and that the police used CCTV footage to identify

the perpetrator who was prosecuted and sentenced

- That on the evening before the hearing young people were kicking the shutters on the store and using vile language, but that the police did not attend
- That the premises suffer problems with shoplifting, and that people steal pies and pop on a daily basis; and that he sometimes finds bags of cocaine that have fallen out of people's pockets
- That he sponsors a local football team
- That the person who made the unlawful sale of alcohol during the test purchase exercise was not an employee; that she was being trained so she cleaned the premises, stacked the shelves and then worked on the till but that she was not doing so as an employee of the business
- That he has passed his personal licence holder course; and
- That he works in the shop and will ensure that there are no further breaches.

Mr Jamnejad stated –

- He has been able to provide CCTV footage to the police previously
- That 'even the police don't know how to work the CCTV'
- That he has asked if the Council will pay for a new CCTV system which he believes Newcastle City Council do, but has been told that Gateshead Council does not do this
- That he cannot always be at the premises because he has to go to the cash and carry and often works in the back office
- That he struggles to serve customers because of language difficulties
- That Mr Jaafar said he needed help in the store so they took on a trainee to see if she could do the job; but that she was not an employee and had not been trained in the sale of alcohol
- That Mr Jaafar is diabetic, and at the time of the failed test purchase Mr Jaafar was not in the premises because he had to urgently go home to get changed so had left

the trainee unsupervised in the premises; and

- That where Mr Harman's statement makes reference to Mr Jaafar having an 'ex-partner', this is not the case and is slanderous.

Mr Harman clarified that Mr Jaafar had said this under caution during a recorded PACE interview and that a transcript of the interview was available.

Mr Jaafar said that he accepted that there had been an infringement but asked for leniency and proportionality. He said that the mistake was not deliberate or arrogant, and would not happen again.

Mr Jamnejad said that he had been an officer in the army.

The Sub Committee asked if Mr Jaafar was the principal worker in the store. Mr Jaafar said that he was, and that he was having to reduce the hours he worked from 14 hours per day to 11-12 hours per day due to his struggles with health. Mr Jaafar said that he had someone else helping him but not anymore. Mr Jamnejad said that he would not serve customers if Mr Jaafar was at the premises.

Mr Jamnejad said that when he and Mr Jaafar took over the premise sin 2018 he was the licence holder and DPS, but that he wanted there to be two DPSs on the licence so that he could visit his family. Mr Lines reviewed the licence history and confirmed that Mr Jamnejad had not been named as a DPS on the licence until his application to vary the licence which is the subject of the hearing. Mr Jamnejad said that he believed he was DPS.

The Sub Committee asked Mr Jamnejad what refresher training he had provided in relation to the sale of alcohol. Mr Jamnejad said that it is not easy to run your own business, and that he wished he was working for someone. Mr Jamnejad said that he had training records but he kept them away from the premises.

Ms Johnson asked how the person who was cleaning the premises, stacking the shelves and making sales was not an employee. Mr Jaafar said that she was being trained. Mr Jamnejad said that they had had a similar arrangement with someone called 'Chris' who left after he had been trained.

Ms Johnson asked Mr Jaafar to explain his involvement with the business. Mr Jaafar said that he is a director but covers a lot of roles. Mr Jaafar said that he cannot do everything and needs help when he has to be away from the premises to go to the doctors, etc. Mr Jaafar said that he was asking the police to attend the area on weekends.

Mr Jamnejad asked if Mr Harman had been taking any medication on the day of the failed

test purchase. Mr Harman confirmed that he had not.

Ms Hebb asked when the previous DPS left the role; and Mr Jamnejad said that his last contact with Mr Amer Idris Paul was December 2021. Mr Jamnejad said Mr Amer was coming and going over a period so it was not clear whether he would be coming back.

Ms Hebb asked if it was Mr Jamnejad's position that on the occasion of the test purchase the person who made the sale was on work experience and was unsupervised in the premises. Mr Jamnejad said that Mr Jaafar had had to leave the premise suddenly, and that he had told the seller from her first day that she was not allowed to sell alcohol or cigarettes.

Ms Jennings asked Mr Jamnejad if he understood his obligation to have someone at the premises who can operate the CCTV system. Mr Jamnejad said that he can teach someone but then they forget. Mr Jamnejad said that if he is not at the premises he would attend if he was called.

The Sub Committee received legal advice which was given in open session.

The Sub-Committee were advised that in choosing which course of action to take, they should have regard to the Act, the Home Office Guidance, the Licensing Authority's own Statement of Licensing Policy and the individual facts.

The Sub-Committee were reminded of their duty under the Act is to carry out the Licensing Authority's functions with a view to promoting the Licensing Objectives; and that the Home Office Guidance states that they should do so with regard to the overall interests of the local community.

The Sub-Committee noted that paragraph 6.2 of Gateshead Council's Statement of Licensing Policy states that –

“The Licensing Authority considers:

- the effective and responsible management of premises
- instruction, training and supervision of staff; and
- the adoption of best practice

to be amongst the most important control measures for the achievement of all the licensing objectives”.

The Sub-Committee were reminded of the Judgment in the case of R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors [2011] EWCA Civ 31 in which Lord Toulson stated, "Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on... They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location."

The Sub-Committee were reminded of the Judgment in the case of R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin), in which the Honourable Mrs Justice Black said:

"[D]rawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police."

The Sub-Committee were reminded of the Judgment of Mr Justice Jay in the case of East Lindsey District Council v Hanif (t/a Zara's) (2016) EWHC 1265 (Admin) with regard to the approach to be taken to determining the appropriate and proportionate action in light of the salient Licensing Objectives; and in particular their approach should involve –

- consideration of the antecedent facts; and
- a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

The Sub-Committee were reminded that any conditions or restrictions they sought to place on the licence must be appropriate for the promotion of the Licensing Objectives; and that they should consider –

- the harm they were seeking to prevent
- what weight to attach to the concerns they had, and
- what would be a proportionate measure to prevent that harm.

The Sub Committee were advised that if they considered that the variation could be granted if certain conditions were imposed, they should ensure that such conditions are sufficiently clear that they can be understood and enforced.

The Sub Committee was gravely concerned by the apparent lack of competency or capability to adhere to the conditions of the premises licence and statutory obligations.

The Sub Committee found the lack of a DPS at the premises for eight months to be seriously concerning; as well as the fact that the main person working in the shop has health issues that require him to leave the premises urgently, leaving them to be run by an unsupervised person undertaking work experience.

The Sub Committee was also concerned as to the illicit tobacco that was identified by officers.

The Sub Committee found that the operation of the licence was having a detrimental impact on the local community.

The Sub Committee refused Mr Jamnejad's application to be named as the DPS on the licence, and consequently the DPS reverted to Mr Paul.

The Sub Committee determined to remove Mr Paul from his position as DPS in view of his absence from the role for eight months and that he has no ongoing connection to the licensable activities at the premises.

The Sub Committee was not satisfied that any measures it could seek to impose by way of condition on the licence would be adhered to and be effective in promoting the licensing objectives.

In those circumstances, the Sub Committee determined that it was proportionate and appropriate to revoke the licence.

### **Rights of appeal**

Mr Jamnejad has the right to appeal both the refusal to vary the licence to nominate him as DPS and the revocation of the licence.

Pursuant to section 181 and Schedule 5 of the Licensing Act 2003, any such appeal is to be made to the Gateshead Magistrates' Court and within 21 days of the date of service of this notice of decision.

*In reaching these decisions the Sub Committee has been persuaded by the individual circumstances of this Application and does not intend to create a general exception to its Policy or to create a precedent.*

**Dated : 16 August 2022**

**WITNESS STATEMENT**

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

URN

Statement of: Kevin Ashurst .....

Age if under 18: Over 18 (*if over 18 insert 'over 18'*)

Occupation: Neighbourhood Inspector 7962

This statement (consisting of 3 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: K.Ashurst

Date 25<sup>th</sup> August 2022

I am Neighbourhood Inspector Kevin Ashurst of Northumbria Police, Central Area Command and I make this statement in relation to the application by Mr Jaffar Mousa Mohammad (“the Applicant”) for a Temporary Event Notice (TEN) in respect of the premises Sheriffs Highway Stores, 170 Sheriffs Highway, Sheriffs Hill, Gateshead, NE9 5SD.

The Applicant applies for a TEN authorising the supply of alcohol for consumption off the premises on the 3<sup>rd</sup> (10:00 and 23:00) and 4<sup>th</sup> September 2022 (10:00 22:30).

I have responsibility for policing within Gateshead Central and I am involved with licensing applications and variations within the Town. I am responsible for delivering the Northumbria Police and Crime Commissioner’s Plan which includes, amongst other things, the reduction of crime and disorder in the city. As part of my responsibility, I assess the impact of premises licence applications made under the Licensing Act 2003 and engage with individuals or businesses that already hold a licence or permission. I also engage with statutory and voluntary partners and have regard to the Statement of Licensing Policy issued by Gateshead Council (the current version of the policy is 2021 – 2026).

This allows my colleagues and I to consider the impact or the likely impact a new or an existing licence will have in the Gateshead area, its residents, businesses and people using the variety of offers within the locality.

Alcohol related crime and disorder and dealing with vulnerability caused by alcohol are also existing neighbourhood priorities for the police in Gateshead and are therefore part of the police’s commitment to meeting the expectations of the community. Continually reducing crime and disorder and meeting public expectations in this regard can be a challenging and difficult task.

Signature: K.Ashurst

**Police Objection:**

The police submitted an objection to the TEN on the 19<sup>th</sup> August 2022 and relevant to the licensing objectives the prevention of crime and disorder and the protection of children from harm.

The premises licence held in respect of the premises to which the TEN application relates was revoked by the Licensing Sub-Committee of Gateshead Council on the 10<sup>th</sup> August 2022 and following a review hearing.

The Licensing Sub-Committee also considered on the same date an application to appoint the business partner of Mr Jaffar, Mr Farhad Jamenjad, as the Designated Premises Supervisor (DPS) of the premises. The Licensing Sub-Committee refused to vary the licence to specify Mr Jamenjad as the DPS and also determined to remove the current DPS.

The licence review was brought by Gateshead Council Weights and Measures Department in respect of the below licensing breaches identified on and in respect of the premises, and was supported by the police and other Responsible Authorities:

- Sale of alcohol to a minor on the 24.02.2022
- The supply of alcohol from the premises without a DPS being in place
- Conditions on the premises licence not being complied with
- Staff being employed to sell alcohol with no training or understanding of the conditions contained in the licence.

The police also referred the Licensing Sub-Committee to the reports and issues of ASB that had been caused by young people drinking alcohol in the local area.

Mr Jaffar and Mr Jamenjad attended the review hearing. Mr Jaffar indicated to the Licensing Sub-Committee that he was the principle worker in the store. He also accepted that there had been failings in the operation and management of the premises.

I exhibit a copy of the summary of the Licensing Sub-Committee's decision dated 16<sup>th</sup> August 2022 as **Exhibit KA/1**.

The Licensing Sub-Committee's determination in respect of the application for review and the vary DPS application is repeated below for ease of reference:

Signature: K.Ashurst



*“The Sub Committee was gravely concerned by the apparent lack of competency or capability to adhere to the conditions of the premises licence and statutory obligations.*

*The Sub Committee found the lack of a DPS at the premises for eight months to be seriously concerning; as well as the fact that the main person working in the shop has health issues that require him to leave the premises urgently, leaving them to be run by an unsupervised person undertaking work experience.*

*The Sub Committee was also concerned as to the illicit tobacco that was identified by officers. The Sub Committee found that the operation of the licence was having a detrimental impact on the local community.*

*The Sub Committee refused Mr Jamnejad’s application to be named as the DPS on the licence, and consequently the DPS reverted to Mr Paul.*

*The Sub Committee determined to remove Mr Paul from his position as DPS in view of his absence from the role for eight months and that he has no ongoing connection to the licensable activities at the premises.*

*The Sub Committee was not satisfied that any measures it could seek to impose by way of condition on the licence would be adhered to and be effective in promoting the licensing objectives.*

*In those circumstances, the Sub Committee determined that it was proportionate and appropriate to revoke the licence”.*

There issues and licensing breaches identified on the premises occurred at a time when Mr Jaffar said he was the principle worker.

Given the poor operation and management of the premises by Mr Jaffar and his business partner, Mr Jamnejad, I consider that to grant a TEN to Mr Jaffar for the supply of alcohol on the dates requested will undermine the crime prevention and protecting children from harm licensing objectives.

I have no confidence that Mr Jaffar can operate the TEN and the premises to which the event is intended to be held in accordance with the licensing objectives.

I also consider that this application is an attempt by Mr Jaffar and his business partner, Mr Jamnejad, to circumvent the decision of the Licensing Sub-Committee and the prohibition on the sale of alcohol due there being no DPS in place.

I invite the Licensing Sub-Committee to refuse this application and to issue a Counter Notice.

Signature: K.Ashurst



**GATESHEAD COUNCIL  
LICENSING AUTHORITY**

**SUMMARY OF DECISION OF LICENSING SUB-COMMITTEE**

<b>Name of Premises :</b>	Sheriff's Highway Store
<b>Address :</b>	170 Sheriff's Highway Gateshead NE9 5SD
<b>Notice Giver :</b>	Mr Jaafar Moussa Mohammad Jaafar
<b>Date of Hearing :</b>	31 August 2022
<b>Type of Hearing :</b>	Temporary Event Notice following an objection from Northumbria Police

**The Sub Committee has decided as follows:**

The Sub-Committee determined that the application would be refused.

**Reasons**

The sub-committee heard from Inspector Kevin Ashurst of Northumbria Police. Inspector Ashurst objected to the application and pleaded the following licensing objectives were not met:

- Prevention of crime
- Protecting children from harm

Inspector Ashurst referred to the concerns raised by Northumbria Police in the review of the premises before the Licensing Sub-Committee on 10<sup>th</sup> August 2022.

The review identified the following breaches at the premises:

- Sale of alcohol to a minor on 22<sup>nd</sup> February 2022
- Supply of alcohol from the premises without a DPS being in force
- Conditions of the premises licence not being complied with
- Staff being employed to sell alcohol with no training or understanding of the conditions in the licence

The decision of the Licensing Sub-Committee from 10<sup>th</sup> August 2022 was exhibited by Inspector Ashurst.

Inspector Ashurst and the Northumbria Police solicitor Haley Hebb referred to the issues raised in the Licensing Sub-Committee from 10<sup>th</sup> August 2022 and that there was no evidence of the issues having been resolved.

Jaafar Mousa Mohammad had accepted in the review hearing on 10<sup>th</sup> August 2022 that there had been failings in the operation and management of the business.

Jaafar Mousa Mohammad advised the Sub-Committee that the premises were now a different business and were incorporated with Companies House and that he was in the process of applying to be a Personal Licence Holder.

Licensing Officer Daniel Lines advised the Sub-Committee that Jaafar Mousa Mohammad's Personal Licence was likely to be granted.

The Sub-Committee received legal advice in open session.

The Sub-Committee was advised that they should have regard to the Licensing Act 2003, the Licensing Authorities Policy, and the facts. The application for a temporary event notice is determined in accordance with Section 105 Licensing Act 2003.

The Sub-Committee were reminded of the licensing objectives.

The Sub-Committee were concerned in respect of the lack of evidence of the applicant ability to ensure that the matters which were pleaded in respect of the revocation of the licence at the premises.

The applicant's concerns in respect of loss of revenue arising from the revocation of the licence and the need for the applicant to be able to sell as much of the remaining alcohol was not part of the consideration in respect of the application.

The Sub-Committee did not consider that there were any measures which could be imposed to effectively promote the licensing objectives.

The Sub-Committee determined that the application would be refused.

*In reaching these decisions the Sub Committee has been persuaded by the individual circumstances of this Application and does not intend to create a general exception to its Policy or to create a precedent.*

**Dated : 12 October 2022**