



North Tyneside Council

Licensing Sub-Committee

19 October 2018

Friday 26 October 2018 in the Primary Centre, Langdale Centre, Langdale Gardens, Howdon, Wallsend, NE28 0HG **commencing at 10.00am.**

Agenda Item	Page
1. Appointment of Chair	
The Sub-Committee to appoint a Chair for this meeting	
2. Declarations of Interest and Dispensations	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
3. Procedure for Licensing Act Hearings	2
Procedure for hearing an application for the transfer of a Premises Licence.	
4. Gills Off Licence, West Percy Street, North Shields. (Riverside Ward)	7
To consider an application for the transfer of a Premises Licence.	

Circulated to all Members of the Licensing Sub-Committee:-

Councillor D Drummond
Councillor Janet Hunter
Councillor John Hunter

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

PROCEDURE FOR HEARING OF AN APPLICATION BEFORE THE LICENSING SUB-COMMITTEE (“the Committee”)

Each application that comes before this Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- The merits of the application
- The promotion of the crime prevention licensing objective
- The Statement of Licensing Policy of North Tyneside Council
- The guidance issued under Section 182 of the Licensing Act 2003.

The Procedure of the Committee is as follows:

1. The Chair of the Committee will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair will then explain the procedure to be followed at the hearing.
2. The Committee will then consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for a person to attend as a witness on his/her behalf.
3. The Licensing Officer will present a report to the Committee outlining the application, and the Notice from the Chief Officer of Police and the relevant sections of the Council’s Statement of Licensing Policy and the statutory guidance.
4. The Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant or their representative will then be invited to address the Committee to clarify any information arising from the officer’s report, if necessary.

Applicant

6. The Applicant, or their representative, will be invited to address the Committee, as to why they consider granting the application would not undermine the licensing objective concerned with the prevention of crime.

If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.

7. The Committee may ask any relevant questions they have of the representative of the Applicant, the Applicant or their witness(es).

8. The current Premises Licence Holder may ask relevant questions they have of the applicant, their representative or witness(es).
9. The representative of the Chief Officer of Police or their representative, may ask any relevant questions they have of the representative of the Applicant, their representative or their witness(es).

Current Premises Licence Holder

10. The current Premises Licence Holder, or their representative, will be invited to address the Committee.
11. The Committee may ask relevant questions they have of the current Premises Licence Holder, or their representative.
12. The Applicant or their representative may ask relevant questions they have of the current Premises Licence Holder.
13. The representative of the Chief Officer of Police may ask relevant questions of the current Premises Licence Holder.

Police

14. The representative of the Chief Officer of Police will be invited to address the Committee as to why the Police are satisfied that there are exceptional circumstances which mean that granting the application would undermine the licensing objective concerned with the prevention of crime.

If the representative of the Chief Officer of Police has obtained prior permission to call a particular witness, then they may call that witness.

15. The Committee may ask any relevant questions they have of the representative of the Chief Officer of Police, their representative or their witness(es).
16. The representative of the Applicant or Applicant may ask any relevant questions they have of the representative of the Chief Officer of Police, their representative or their witness(es).
17. The current Premises Licence Holder may ask relevant questions they have of the representative of the Chief Officer of Police, their representative or their witness(es).

Summing Up

18. The Chair of the Committee will invite the representative of the Applicant or Applicant to make a brief closing statement.
19. The Chair will invite the Current Premises Licence Holder, or their representative, to make a brief closing statement.

20. The Chair will invite the representative of the Chief Officer of Police to make a brief closing statement.
21. The Chair will ask all parties if they are satisfied that they have said all they wish to.
22. The Committee will retire in private to consider the application and make its determination. The Legal Adviser will be present to ensure that all matters of law, evidence and procedure are adhered to appropriately but will not take part in the decision.
23. In considering any representations or a notice made by any party, the Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as the case may be) either before the hearing or, with the consent of all the other parties, at the hearing.
24. The Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing is given by the Committee, which is not relevant to:
 - (i) their application or notice; and
 - (ii) the promotion of the crime prevention objective.

NB Parties are reminded that any documentary or other information or evidence they wish to produce in support of their application or representation must have been disclosed to all parties prior to the hearing taking place. **Late representations, documents or evidence will only be considered with the agreement of all parties present.**

25. The Committee will return to announce its decision. A written notice of the decision will be provided to all parties in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence (if granted) and the licensing objective(s) they relate to. The notification of decision will include information on a party's right to appeal against the Committee's decision.

General Matters

1. Expectations on parties

The Licensing Authority expects all parties to a hearing to endeavour to address any issues openly and to work towards an amicable resolution, if at all possible, prior to the hearing taking place.

All parties will be expected to draw to the Committee's attention any relevant aspects of the National Guidance or local Statement of Licensing Policy which they consider are particularly relevant to the Committee's consideration of the issues the party(ies) has/have raised.

2. **Agreement that a hearing is unnecessary**

A Licensing Authority can dispense with holding a hearing if the Applicant and Chief Officer of Police give notice to the Licensing Authority prior to the hearing date that they consider a hearing is unnecessary.

Where all such persons have given such notice, and the Licensing Authority agrees that a hearing is unnecessary, the Licensing Authority will give notice to the parties that the hearing has been dispensed with.

3. **Failure of parties to attend**

The hearing may proceed in the absence of any party who has informed the Licensing Authority that they do not intend to attend or be represented at the hearing.

If a party fails to attend or be represented at a hearing without notifying the Licensing Authority, the Committee may adjourn the hearing to a specific date if it considers it to be in the public interest to do so, or alternatively may proceed with the hearing in the party's absence. In the interests of the other parties, costs and efficiency, hearings will generally proceed notwithstanding the absence of any party (including the Applicant).

Where it is decided to proceed in a party's absence, all notices and representations received from the absent party will be considered by the Committee.

If, in exceptional circumstances, a decision is made to adjourn a hearing all parties will be advised of the date, time and venue to which the hearing has been adjourned.

4. **Questioning of parties**

The Licensing Authority will generally allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.

5. **Further clarification**

When addressing the Committee each party shall respond specifically to any points of which it received notice (with the Notice of Hearing) upon which the Committee was seeking clarification.

6. **Questioning by Legal Adviser**

The legal adviser to the Committee may ask questions on behalf of, or in addition to, the Committee members themselves.

7. **Hearsay evidence**

Hearsay evidence will be admissible provided that it is relevant. The weight to be attributed to hearsay evidence will be a matter for the Committee.

8. **Persons behaving in a disruptive manner**

The Committee has the right to exclude any person disrupting the hearing, at their discretion. The Committee can refuse to allow that person to return or, alternatively, may permit him/her to return on such conditions as the Committee may decide. Any person required to leave the hearing may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

9. **No decision-making by Ward Members**

A member of the Licensing Committee shall not be entitled to participate in any decision-making in relation to any licensing application concerning premises in the Ward for which he/she serves as Councillor.

REPORT

**Meeting/
Decision
Maker(s)** Licensing Sub-Committee

Date: 26 October 2018

Report by: Alan Burnett
Trading Standards and
Licensing Group Leader
☎ 643 6621

**Contact
Officer(s):** Alan Burnett
Trading Standards and
Licensing Group Leader
☎ 643 66621

**Title of
Report:** Licensing Act 2003 Application to
Transfer Premises Licence—
Gill's Off Licence
55-57 West Percy Street
North Shields
Tyne and Wear
NE29 0DR

Ward(s): Riverside

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

The Licensing Act 2003 provides that, where an application has been received to transfer a premise licence and a representation has been received from the Chief Officer of Police in respect of that application, a hearing must be held to consider it. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

- 1.2 The Sub-Committee is asked to consider and determine the representation received from the Chief Officer of Police objecting to an application to transfer the Premise Licence for Gill's Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR. The application to transfer the premises licence is attached as **Appendix 1**. The representation received by Northumbria Police is attached as **Appendix 2**.

1.3 Chief Officer of Police has been invited to attend the meeting to put forward their case in support of their representation objecting to the transfer application. The applicant has been invited to attend as well as the premise licence holder, Mrs Gill

1.4 The applicant submitting a representation against the transfer of a premises licence is required to forward a copy of the representation to the Licensing Authority and to the applicant.

1.5 Authority to make decisions

In relation to a representation against an application to transfer a premise licence the Licensing Sub-Committee can, under the Licensing Act 2003:

1. Grant the application to transfer the premises licence.
2. Reject the application to transfer the premises licence.

Once the Sub-Committee has reached a decision, the decision and reasons for the decisions must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005

2.0 Background

2.1 On 24th September 2018 Mr Jaswinder Singh Gill submitted an application to transfer the premises licence of Gill's Off Licence, 55-57 West Percy Street, North Shields from his wife Mrs Manjit Kaur Gill and requested in Par 3 of the application form that the transfer takes immediate effect.

2.2 The application to transfer the licence was made following a licensing hearing held on the 7th September 2018 when the Licensing Sub Committee considered an application by the local Weights and Measures Authority for a review of the premises licence held by his wife in respect of Gills Off Licence. At the conclusion of the licensing hearing the Sub Committee decided to revoke the premises licence.

2.3 The transfer application was made during the 21 day period given to Mrs Gill under the Licensing Act 2003 to appeal against the licensing decision to revoke the premises licence. As the decision to revoke the licence had not taken effect at that time it was capable of being transferred to another party and therefore Mr Gill's application for the transfer of the licence is a valid application although it was explained to him that the licence may be revoked

2.4 Mrs Gill has lodged an appeal against the decision to revoke the licence and therefore the Sub Committee's decision does not take effect until the decision at the Magistrates Court

2.5 The Sub Committee is required to determine this transfer application in accordance with S.44 of the Licensing Act 2003. As a result of a notice having been given by the Chief Officer of Police that he is satisfied that exceptional circumstances such that granting the application would undermine the crime prevention objective for the reasons set out in the notice at Appendix 2 Having regard to the notice:- 1) reject the application if the Sub Committee considers it appropriate for the crime prevention objective or 2) grant the application specifying the time when the transfer should take effect

2.6 A notification of the Sub Committee's determination must be given to the applicant Mr Gill, the Chief of Police and the holder of the premises licence Mrs Gill

2.7 The current premise licence is attached at **Appendix 3**.

3.0 The Parties

3.1 The Parties to the hearing will be:

1. The Applicant – Mr Jaswinder Singh Gill
2. Previous Premise Licence Holder – Mrs Manjit Kaur Gill
3. Responsible Authority – Chief Officer of Police

4.0 For consideration

4.1 The areas for consideration by the Licensing Sub-Committee are:

- Application to transfer a premise licence for Gill's Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR held by Mr Jaswinder Singh Gill. Previously held by Mrs Manjit Kaur Gill

5.0 For Decision

5.1 The Sub-Committee is asked to determine the applications in whatever way it sees fit.

6.0 Associated Papers

Appendix 1 – The application for the transfer of a Premise Licence together with supporting information.

Appendix 2 – Northumbria Police representation

Appendix 3 – Current Premise Licence

Appendix 4 - Additional information from Northumbria Police

7.0 Background Information

7.1 The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

North Tyneside Council Statement of Licensing Policy

The Licensing Act 2003 and Regulations

Revised Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office

Delegation Scheme – Licensing Committee 7 February 2005

APPENDIX 1



Licensing Act 2003

Application to transfer a premises licence Information on how to apply

This guidance note is aimed at individuals or businesses who may need to apply to transfer an existing premises licence. For example if a business which has a premises licence is sold, the new owners can apply to have the licence transferred into their name(s), if they have the consent of the existing licence holder(s).

Transfer of premise licence holder - Points to consider

Please consider the following points below before completing your application.

- If the premises is licensed to sell or supply alcohol the licence will currently name a designated premises supervisor. Is this person still going to be working at the premises after the transfer and carrying out this role? If they no longer intend to be connected to the premises an application to vary the designated premises supervisor must be submitted to North Tyneside Council immediately. Please contact Licensing for assistance.
- The application form asks if you want the transfer to have immediate effect. If you tick this box the responsibility to ensure that the premises is ran in accordance with any conditions that may be on the licence will pass to you. Therefore you must familiarise yourself with the licence. If you need any assistance please contact Licensing.
- The fee is £23 made payable to North Tyneside Council.

How to apply

1. Complete the application form
2. Ask the current licence holder to complete and sign the consent form
3. Send the forms, the original premises licence plus the fee (£23) to Liquor Licensing (cheques made payable to North Tyneside Council)
4. Send a copy of your application to Northumbria Police and Home Office Immigration Enforcement
5. If the licence is to sell or supply alcohol, give notice of your application to the designated premises supervisor. The designated premises supervisor must also be notified when the application is granted.

Address Details

Licensing Section
The Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

Neil Kirkpatrick
Licensing Co-ordinator
Northumbria Police
North Tyneside Area Command
Middle Engine Lane
Wallsend
NE28 9NT

Home Office Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Please note this leaflet is for information purposes only and independent legal advice should be sought if necessary.

Current residential address if different from premises address

[Redacted address]

Post town

[Redacted post town]

Post code

[Redacted post code]

Daytime contact telephone number

[Redacted telephone number]

E-mail address (optional)

[Redacted email address]

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

**Date of birth
Nationality**

I am 18 years old or over

Please tick yes

Current residential address if different from premises address

N/A

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

<p>If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?</p>
--

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick yes

I have enclosed the premises licence



If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today



IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

20/9/18

Capacity

.....

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of

- sufficient funds; or
(iv) self-sufficient e.g. bank statements.

Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

- 3. The application form must be signed.
- 4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 6. This is the address which we shall use to correspond with you about this application.



North Tyneside Council

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 JASWINDER SINGH GILL (Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number OOCK/10/3842

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description
55 WEST PERCY STREET
NORTH SHIELDS
TYNE & WEAR
Post town NE29 Post code NE29 0DR
Telephone number at premises (if any) 0191 2595784

Please give a brief description of the premises (see note 1)
OFF LICENSE

Name of current premises licence holder
MANJIT KAUR GILL

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- a) an individual or individuals* Please tick [x] yes [x] please complete section (A)
b) a person other than an individual * [] please complete section (B)
i. as a limited company

- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

GILL

First names

JASWINDER SINGH

Date of birth
Nationality

I am 18 years old or over

Please tick yes



North Tyneside Council

Consent of premises licence holder to transfer

I/we MANJIT KAUR GILL
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 00CK/10/3842
[insert premises licence number]

relating to

55 WEST PERCY STREET NORTH SHIELDS NE29 0DR
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

Manjit kaur gill
[insert premises licence number]

to

JASWINDER SINGH GILL
[full name of transferee].

signed _____

name (please print) Manjit kaur gill

dated 20/9/18

APPENDIX 2

LICENSING ACT 2003

OBJECTION LODGED BY NORTHUMBRIA POLICE

To: The Licensing Officer, North Tyneside Council.

cc:

Your Ref:

Name of Premises: Gills Off Licence 55-57 West Percy Street, North Shields.

Type of application: Application to transfer a premises Licence.

**Name of person/body submitting application:
Mr Jaswinder Singh Gill.**

Date of receipt of application: 24 September 2018

**NORTH TYNESIDE COUNCIL
LICENSING SECTION**

- 1 OCT 2018



Northern Area Command
Bedlington Police Station
Schalksmuhle Road
Bedlington
Northumberland
NE22 7LA

Our Ref: SC

Date: 28 September 2018

Tel 101 Ext:

Mr Jeff Young
Licensing Officer
Licensing Department
North Tyneside Council
The Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

Dear Sirs

**Application to transfer premises licence 55, West Percy Street, North Shields
NE29ODR (Jaswinder Singh Gill)**

The Chief Officer of Police wishes to object to this transfer.
Please find attached an objection and associated documentation.

Yours faithfully

C Stevens
Chief Inspector
Northern Area Command
Schalksmuhle Road
Bedlington
Northumberland
NE22 7LA

Summary of Objection

The Licensing Act 2003 gives the Chief Officer of Police provision to object to an application to transfer a premises licence if they are satisfied that the exceptional circumstances of the case are such that the granting of the application would undermine the crime prevention objective.

Gills Off licence is situated at 55-57, West Percy Street, North Shields. The current premises licence holder and designated premises supervisor is Manjit Kaur Gill. This is an application from Mr Jaswinder Singh Gill to transfer the premises licence from Manjit Kaur Gill to himself. It is my understanding that Mr Jaswinder Singh Gill is the husband of Manjit Kaur Gill.

Northumbria Police object to the application by Jaswinder Singh Gill on the grounds that the granting of this application would undermine the crime prevention objective.

The circumstances are briefly as follows.

Since October 2014 the local community had been expressing concerns to the Police about the sale of alcohol to children from the premises, in addition the Police also became aware that counterfeit or illicit tobacco was being sold from the premises. Working in partnership with Weights and Measures the following took place. On the 9 February 2018 a 16 year old female test purchase volunteer was able to purchase a bottle of Wine from the Premises. No identification as to the age of the volunteer was sought by Mrs Gill who was responsible for the sale. Mrs Gill told the volunteer to bring her identification into the shop on the next occasion. Mrs Gill was issued with a £90 fixed penalty notice.

On 16 February 2018 officers visited the Premises to discuss the underage sale on 9 February and gave advice on how to prevent such further sales. This visit was followed up with a letter to Mrs Gill dated 19 February 2018. The letter set out steps to avoid underage sales of restricted products and also pointed out that the Licence conditions required the use of a "Challenge 21 Policy" at the Premises. Challenge 21 posters were supplied to the Premises. On that occasion, it was decided to deal with the matter by way of a warning letter.

A further test purchase was undertaken at the Premises on 16 March 2018 when a 16 year old female volunteer was able to purchase a bottle of wine from Zashandeep Grewal, Mrs Gill's daughter. No challenge was made as to the volunteer's age or identification requested. A £90 fixed penalty notice was issued by the Police to Ms Grewal.

Officers visited the Premises on 20 March 2018 and spoke to Mr and Mrs Gill about the second underage sale. A photograph of the volunteer was shown to Mr and Mrs Gill who said that the volunteer looked about 18 or 19 years of age. The CCTV footage covering the sale on 16 March could not be downloaded as neither Mr Gill nor Mrs Gill knew how to do that. The "Challenge 21" posters supplied by officers after the first visit were not being displayed. The posters that were being displayed were not displayed in a prominent location. Following the second underage sale, consideration was given to section 147A of the Licensing Act 2003 and the offence of persistently selling alcohol to children. That offence is committed if on two or more occasions, alcohol is sold within a period of three consecutive months to a person less than 18 years of age. Mrs Gill attended for a formal interview under caution. She told officers during the interview that she had been a Licence Holder for 8 years and that the Premises mainly sold alcohol and tobacco and operated a "Challenge 21" Policy.

Staff training was provided on an informal basis. Mrs Gill explained that she had been arguing with individuals in the shop before she made the sale on 9 February. She was confused and made a mistake. She could not explain why her daughter made the sale on 16 March.

Following the interview, a decision was taken by the Weights and Measures Authority to issue a Closure Notice using the powers contained in section 169A of the Licensing Act 2003 as an alternative to prosecuting Mrs Gill for the persistent sales of alcohol. Mrs Gill was offered and accepted a Closure Notice from midnight on 8 May 2018 until midnight on 11 May 2018.

The Premises were identified with other premises as possibly selling smuggled or counterfeit tobacco.

On 3 May 2018 a detection dog attended at the premises and found tobacco hidden under a

shelf at the premises. The tobacco consisted of 8 packets of 50g rolling tobacco and 8x 50g tins of Virginia Gold rolling tobacco which officers believed to be smuggled tobacco and was seized.

On 5 June 2018 Mr Gill was interviewed under caution in relation to the tobacco. He explained that a gentleman came to the Premises and sold him the tobacco. Mr Gill told officers that he intended to sell the tobacco. Mr Gill did not believe the tobacco to be illegal in any way and explained that the tobacco was stored under the counter to keep the tobacco away from the other tobacco on the Premises because of its strong smell. He paid £65 for the tobacco. As the tobacco did not have duty paid on it, it is classed as "smuggled" tobacco and cannot be kept at the Premises let alone sold. The fact that the tobacco is non-duty paid tobacco has been confirmed by H M Revenue and Customs.

The Premises were subject to a licensing review brought by Weights and Measures and supported by the Chief Officer of Police, Director of Public Health and the local Safe Guarding Children's Board.

This review was heard on the 7th September 2018 by the Licensing Sub –Committee sitting at the Quadrant East North Tyneside,

Mr Burnett from Weights and Measures made reference to the Guidance issued under section 182 of the Licensing Act 2003 and in particular paragraph 11.27 which sets out that certain criminal activity should be treated as being particularly serious. Included in the paragraph is the illegal purchase of alcohol by minors and the sale or storage of smuggled tobacco. He also referred to paragraph 11.29 of the Guidance that states that where there have been persistent sales of alcohol the review of the Licence should be the norm.

This is a family business, operated by Mr and Mrs Gill and Ms Grewal all of whom have engaged in criminal activity at the Premises and undermined the licensing objective concerned with the prevention of crime and disorder. Mrs Gill and Ms Grewal have also failed to promote the licensing objective concerned with the protection of children from harm.

The Sub -Committee determined that they were not satisfied that a suspension of the licence with the imposition of Licence conditions would bring about the fundamental changes in attitude and management style that was needed at the premises.

The licence conditions that were attached to the licence were clearly not adhered to and the sub-committee stated that they had no confidence that Mr and Mrs Gill or Ms Grewal would adhere to any Licence conditions in the future. They had the opportunity but failed to take it.

In the view of the sub -committee the revocation of the licence in the first instance is appropriate and proportionate.

The Chief Officer of Police therefore has no confidence in this application by Jaswinder Singh Gill.

The history of the premises, the family nexus and his involvement in what is a family business led to a licensing review and the subsequent determination by the licensing sub-committee to revoke the premises licence.

Although Mr Jaswinder Singh Gill has made application to transfer the premises licence, the dynamics of the business remain as currently, with the same family members including Mr Gill operating the premises and Mrs Manjit Kaur Gill remaining as the designated premises supervisor. This is an unacceptable situation.

The Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that the granting of this application would undermine the crime prevention objective and this application is objected to.

Officer's Name: C. STEVENSON	Telephone Number: 01661 863749
Chief Inspector	

Date of sending objection: 28th September 2018.

APPENDIX 3



North Tyneside Council

PREMISES LICENCE

Schedule 12 – Part A

Premises Licence number: 00CK/10/3842

Part 1 - Premises details

Postal address of premises:

Gill's Off Licence
55 - 57 West Percy Street
North Shields
Tyne And Wear
NE29 0DR

Where the licence is time limited the dates:

Licensable activities authorised by the licence:

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Supply of Alcohol: Monday to Saturday **From:**08:00 **Until:**23:00 and Sunday **From:**10:00 **Until:**22:30

The opening hours of the premises:

Monday to Saturday **From:**08.00 **Until:**23.00 and Sunday **From** 10.00 **Until:**22.30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Off Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mrs Manjit Kaur Gill

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mrs Manjit Kaur Gill

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

NCC00CJ1857 – Newcastle City Council

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under this premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

1.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 with effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c)

"relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i)**
the holder of the premises licence,
- (ii)**
the designated premises supervisor (if any) in respect of such a licence, or
- (iii)**
the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)
"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)
"valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

- 1. A sign to be displayed stating that the management has the right not to serve any customers who are drunk or acting in an anti-social manner.**
- 2. CCTV and 2 cameras to operate at the premises. A sign to be displayed stating that the premises are protected by 24 hour video surveillance for the customer's own safety.**
- 3. A sign to be displayed stating that customers and visitors are not allowed behind the counter at anytime.**
- 4. A sign to be displayed stating that customers are respectfully requested to dispose of litter in an appropriate manner and to respect the neighbours by leaving the premises in an orderly manner.**

Annex 3 - Conditions attached after a hearing by the licensing authority

- 1. 1. The applicant will display a sign stating that proof of age will be requested prior to the sale of alcohol to anyone who appears to be under the age of 21 years. The applicant will ensure that the proof of age procedure is followed in practice.**
- 2. CCTV camera material will be stored for 28 days.**

Annex 4 - Plans

See attached

APPENDIX 4



*Supporting evidence to
police objection to withdrawal of
licence North Shields.*

Northern Area Commar
Middle Engine Lar
Wallser
NE28 9N

Tel: 10
Fax: 0191 295736

with compliments

RESTRICTED (when complete)



**WITNESS STATEMENT
NORTH TYNESIDE COUNCIL
Environment, Housing and Leisure
Trading Standards**

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

Statement of: David Richard Hedley

Age of Witness: Over 18

Occupation of Witness: Trading Standards Officer

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 anything which I know to be false, or do not believe to be true.

Date the 11th day of October 2018 Signed

I am a Senior Trading Standards Officer employed by North Tyneside Council being based at The Silverlink North, Cobalt Business Park, North Tyneside, NE270BY. My duties include the enforcement of the Consumer Protection Act 1987, Tobacco and Related Products Regulations 2016 and The Standardised Packaging of Tobacco Products Regulations 2015.

On the 3rd May 2018, as part of a local operation against the sale of illicit/counterfeit tobacco products, a number of premises were visited by Trading Standards, Northumbria Police, HMRC and a dog handler from BWY Canine, one such premises was Gills Off Licence 55 West Percy Street North Shields.

At approximately 11:25am I entered the premises with police officer Adam Dawson and HMRC officer Ian Ferguson and introduced us to the man behind the counter, who I now know to be Jaswinder Gill, I asked if I could to speak to the owner of the store, he said it was him and his wife who was also present she gave her name as Manjit Gill. I showed both of them my warrant of authority and explained to them that myself as well as other officers from HMRC and a tobacco detection dog intended to carry out a search of the

Signed

Dated 11/10/18

RESTRICTED (when complete)

premises for illicit/counterfeit tobacco products using powers contained in the Consumer Rights Act 2015. I then explained the Notice of Powers and Rights document and that he would be given a copy once we had completed our inspection. The store was closed off to customers and the dog handler proceeded to carry out a search of the shop and adjoining store rooms, looking for tobacco products.

I asked Mr Gill if they had any illegal cigarettes, he said no. The dog handler then found a packet of Turner tobacco and a tin of Virginia Gold tobacco behind the counter, he then found a bag containing 7 packets of Turner Tobacco and 7 tins of Virginia Gold under the bottom a shelf on the rear wall all of which he handed to me, I asked Mr Gill where he got them from he said a man gave them to him, I asked who and he said I don't know his name. I then gave all the seized items to my colleague Mark Duffy, a Trading Standards officer to put into evidence bags.

When we were finished I gave Mr Gill a copy of the Notice of Powers and Rights and Summary of Powers and Rights copy produced as exhibit DRH1 and a Notice of Seizure copy produced as exhibit DRH2, that detailed the tobacco seized. We then left the premises at approximately 11:55.

Back in the office Mark Duffy handed me two evidence bags with the seized items numbered P00083780 containing the Virginia Gold tobacco, P00083781 containing the Turner tobacco.

On 15th May I opened evidence bag P00083780 and showed the Virginia Gold tobacco to Neil Ferguson of Imperial Tobacco, he that confirmed it was not manufactured by Imperial Tobacco. I then placed the tobacco and the empty evidence bag P00083780 into evidence bag P00083697 and resealed. He took one tin away and on the 21st May he confirmed by phone that it was an illicit Cheap White, basically a copy of their Golden Virginia brand.

I sent letters dated 24th May 2018 to Mr & Mrs Gill, copies produced as exhibit DRH3 and DRH4 respectively, inviting them for interview. On the 5th June 2018 with Mark Duffy I interviewed them both separately with their daughter present at both interviews. I produce photographs of the location where the seized items were found and of the items as exhibits

Signed

Dated 11/6/18

Section 9 Witness Statement May 2011

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DRH1p, DRH2p and DRH3p.

The summary of the interviews are as follows:

Mr Gill

Date 5th June 2018

Time 11:30 11:51

Mr & Mrs Gill have owned Gills Off Licence since 2010

They are a partnership and Mrs Gill is the licensee and designated premises supervisor

Their daughter Zashandeep Grewal also works in the shop

Approximately a month before my visit a man called Paul had visited and sold him the Turner tobacco for £65 and gave him the Virginia Gold, which he told him he could sell for £5- £6 per packet

He claims he didn't sell any (but the box of Turner states 10x 50g when there were only 8 samples).

Mrs Gill

Date 5th June 2018

Time 12:08-12:30

Mrs Gill confirmed:

She was partner in the business trading as Gills Off Licence with her husband Jaswinder and has been trading there since 2010.

She knew nothing about the illegal tobacco that was found in the shop on the 3rd May

She had not sold any illegal tobacco or even seen it

She had not been in the shop recently as there has been a family death

She was aware that all tobacco had to be in standardised packaging with English health warnings on

Her husband did the buying usually from the cash and carry but sometimes from reps that called into the shop.

She reconfirmed she was unaware that the illegal tobacco was in the shop

I produce the CDs of the interviews as DRH5 and DRH6 respectively. I produce as

evidence the seized Turner tobacco as exhibit DRH7 in evidence bag P00083781.

photograph DRH6p, and the seized Virginia Gold as exhibit DRH8, photograph DRH7p in

sealed bag P00083697.

On the 12th June two officers from HMRC examined the seized goods and confirmed they were non duty paid.

Signed

Dated

11/6/18



BLENDÉD
TURNER
NEW

Tobacco Stop Line: www.tabac-stop.le
8099 6767

Turner provoque 9 cancers du
poumon sur 10
Rauchen verursacht 9 von 10
Lungenkarzinomen



9
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RONSEAL

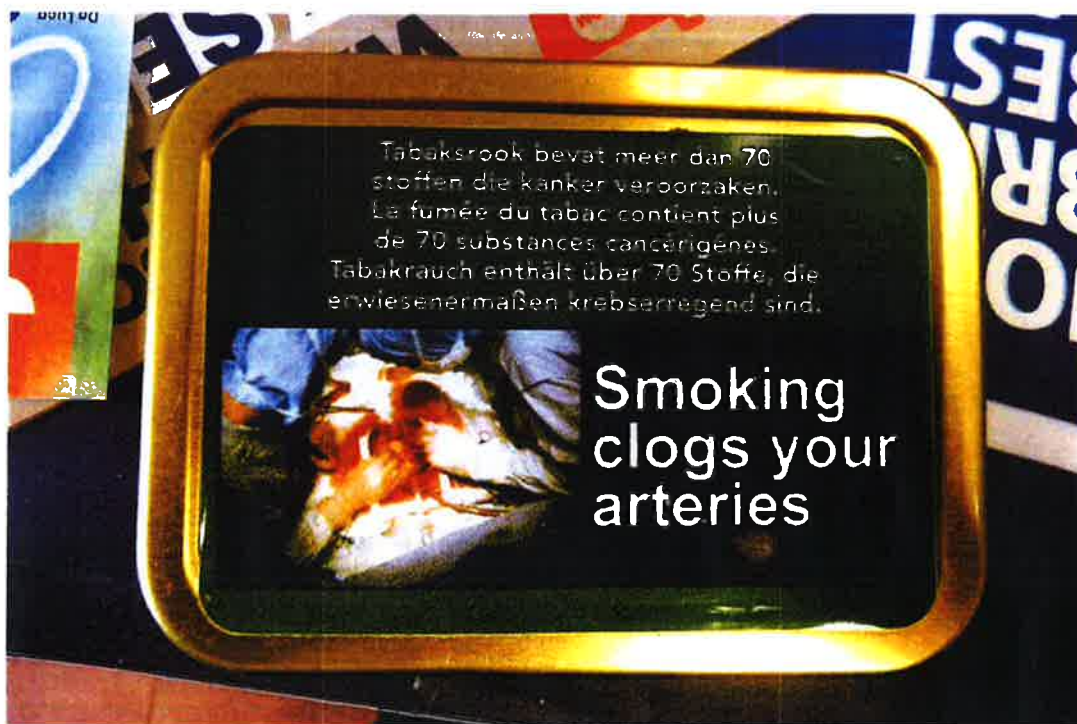
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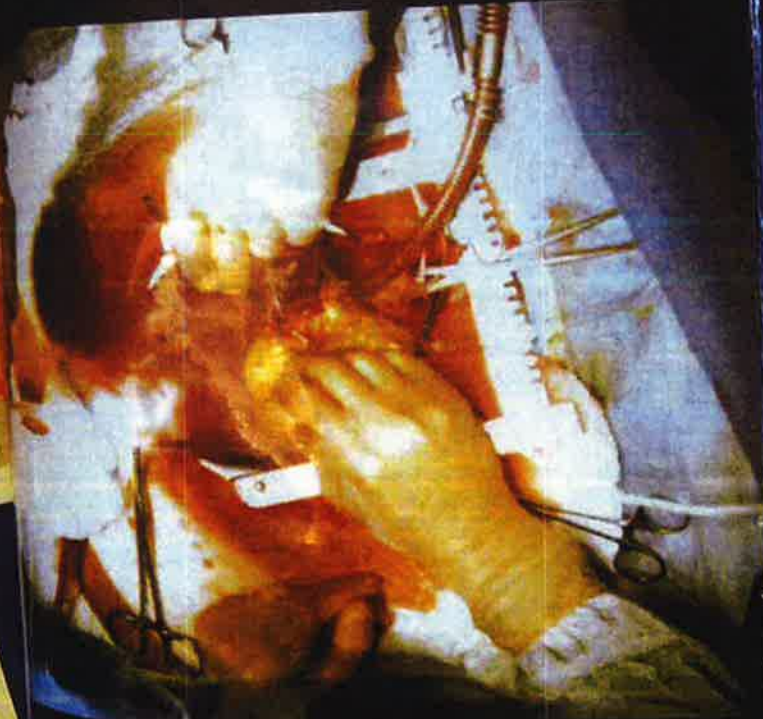
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Tobacco Stop Line: 2099 576
www.tabac-stop.lu



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