North Tyneside Council

Licensing Sub-Committee

5 June 2019

Wednesday 12 June 2019 in Room 0.01, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **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** Procedure for hearing an application for the variation of a Premises Licence.	**2**
4.	**Rai Wine Stores, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL. (Benton Ward)** To consider an application for the variation of a Premises Licence.	**7**

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

Councillor T Mulvenna
Councillor J O'Shea
Councillor W Samuel

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

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

The four licensing objectives, as set out in the Licensing Act 2003, are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

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 four licensing objectives
- 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, any relevant representations 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.

6. Each of the Responsible Authorities which have made representations will be invited to address the Committee about the application, to indicate why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If a Responsible Authority 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 Responsible Authorities.

8. Other Persons may ask any relevant questions they have of the Responsible Authorities.

9. The Applicant or their representative may ask any relevant questions they have of the Responsible Authorities.

10. Each of the Other Persons who have made representations will be invited to address the Committee about the application, indicating why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

    If any Other Person has obtained prior permission to call a particular witness, then they may call that witness.

    Note: In order to avoid repetition and to expedite proceedings at the hearing, objectors within the same group of Other Persons are encouraged to appoint an agreed spokesperson to address the Committee.

11. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).

12. The Responsible Authorities may ask any relevant questions they have of the Other Persons or their witness(es).

13. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).

14. The Applicant or their representative will be invited to address the Committee, as to why they consider the issues raised by the Responsible Authorities and Other Persons to be irrelevant to the licensing objectives and why they consider the Committee should grant their application or notice (as applicable).

    If the Applicant 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 Applicant, their representative or their witness(es).

16. The Responsible Authorities may ask any relevant questions they have of the Applicant, their representatives or their witness(es).

17. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).

18. The Chair of the Committee will invite each of the Responsible Authorities to make a brief closing statement. Each Responsible Authority should ideally take no longer than 10 minutes to make their closing statements

19. The Chair will invite each of the Other Persons to make a brief closing statement. Each of the Other Persons will be entitled to a maximum of 10 minutes in which to make their closing statements.

20 The Chair will invite the Applicant or their representative to make a brief closing statement. Each Applicant should ideally take no longer than 10 minutes to make their closing statements.

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, representations or a notice (as the case may be) or, in the case of another person, the application, representations or notice of the party requesting their attendance; and

(ii) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the prevention of crime and disorder licensing 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 app 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:

(i) demonstrate which of the four licensing objectives are addressed in relation to each of the issues they wish to raise at the hearing; and

(ii) draw to the Committee's attention any relevant aspects of the National Guidance or local Statement of Licensing Policy which they also 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 all persons concerned (applicants and parties raising a representation) give notice to the Licensing Authority prior to the hearing date that they consider it 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:	30 May 2019	**Report by:**	Gary Callum Licensing Officer ☎ 643 6902
		Contact Officer(s):	Gary Callum Licensing Officer ☎ 643 6902
Title of Report:	Licensing Act 2003 - Rai Wine Store 20 Forest Hall Road Forest Hall Tyne & Wear NE12 9AL	**Ward(s):**	Benton

1.0 Summary / Purpose of Report

1.1 The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Person in respect of an application, variation or review of a licence, a hearing must be held to consider those representations. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

1.2 Members are asked to consider and determine an application from Gurdeep Singh Rai to vary his existing premises licence for Rai Wine Store, Forest Hall.

1.3 The applicant has been invited to attend the meeting to put forward their case in support of the application. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority, Home Office Immigration Enforcement and the Local Safeguarding Children Board with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application. The application has been advertised at the premises, in a local newspaper and also on the Council Website as prescribed. Representations have been received from Director of Public Health, the Local Safeguarding Children Board, and the Chief Officer of Police, which are attached at **Appendix 5.**

1.5 Authority to make decisions

In relation to an Application for the variation of a Premises Licence or Club Premise Certificate the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a variation to a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions,
- exclude from the scope of the Licence any of the licensable activities to which the Application relates,
- or reject the Application

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

1.7 **Background**

1.8 This report relates to an application for the variation of a Premises Licence in respect of Rai Wine Store, 20 Forest Hall Road, Forest Hall.

1.9 The licence currently permits the following licensing activities and times:

Supply of Alcohol on the premises

- Monday – Sunday 07.00 – 23.00

General Opening Times, as follows:

- Not limited.

2.0 The Application for the Variation of a Premises Licence under Section 34 of The Licensing Act 2003

2.1 The Application for the variation of the Premises Licence is made pursuant to Section 34 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 35 of the Act.

2.2 The variation application is to remove condition 7 of Annex 3 of the existing premises licence which states:

7. Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the premises at any time when the premises are open to the public.

This condition was attached to the licence following a review of the premises licence on 25 April 2018.

A review was brought by the police following sales of alcohol to persons under 18 years of age from the Premises on more than one occasion. As a result of the hearing the licence was suspended for a period of 3 months and conditions were added to the licence, including the condition prohibiting Mr Rai from being present in the licensed area when the premises is open to the public. At this hearing Mr Rai was removed as the DPS for the premises.

The variation application is attached at **Appendix 1,** a plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**.

2.3 If the variation is granted it will be subject to Mandatory Conditions which are attached at **Appendix 4** of the report.

2.4 Promotion of Licensing Objectives

2.5 The applicant has included the following additional steps in the operating schedule which they intend to take in order to promote the licensing objectives. (Please see **Appendix 1)**.

2.6 **The Representations**

2.7 Relevant representations have been made as follows and are attached at **Appendix 5:**

- The Chief Officer of Police has made a representation
- The Local Safeguarding Children's Board for North Tyneside have made a representation.
- The Director of Public Health has made a representation
- Tyne and Wear Fire and Rescue Service have made no representations.
- The Health and Safety Officer of North Tyneside Council has made no representations.
- The Local Planning Authority has made no representations.
- The Environmental Health Officer of North Tyneside Council has made no representations.
- The Weights and Measures Authority for North Tyneside have made no representations.
- The Licensing Authority has made no representations.
- Home Office Immigration Enforcement has made no representations.

2.8 **The Parties**

2.9 The Parties to the hearing will be:

1. The Applicant
2. Persons who have made representations

3.0 **For consideration**

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

Application for the variation of a Premises Licence in relation to Rai Wine Store, 20 Forest Hall Road, Forest Hall

3.2 **The North Tyneside Council Statement of Licensing Policy**

3.3 The Sub-Committee's attention is drawn to the relevant part of the Policy - Section 10 Licensing Objectives.

3.4 **The Revised Guidance issued under Section 182 Licensing Act 2003**

3.5 The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 - Chapter 2 Licensing Objectives.

3.6 **For Decision**

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

3.8 Associated Papers

Appendix 1 – The application for the variation of a Premises Licence
Appendix 2 – Plan of the Premises
Appendix 3 – Map
Appendix 4 – Mandatory Conditions
Appendix 5 – Relevant representations
Appendix 6 - Minutes of Licensing Sub-Committee 25 April 2018

3.9 Background Information

4.0 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
Amended Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office
Delegation Scheme – Licensing Committee 7 February 2005.

APPENDIX 1

Sent to Responsible ... Recd 26/4/14
No Fee Require

North Tyneside Council

Application to vary a premises licence 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 MR. GURDEEP SINGH RAI
(Insert name(s) of applicant)
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	00CK/18/0443

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	RAI WINE STORE 20 FOREST HALL ROAD FOREST HALL		
Post town	NEWCASTLE UPON TYNE	Postcode	NE12 9AL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 6500

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	raiwinestore@yahoo.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☑ Yes ☐ No

If not, from what date do you want the variation to take effect? DD MM YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

2) I Gurdeep Singh Rai has made this application with Kiranjeet Kaur (DPS) who will explain relevant points for this application as she is the only person who runs the business..
I Kiranjeet Kaur (DPS) please request to remove above points Annex 3 point 7. Its been 6-7 months now since this condition was applied and I find it too hard and stressing to work for such long hours. I don't get time at all for my family, my child who is 5yrs old only and even for myself. We are only a young couple and want to plan family ahead. I really want my husband (Harnek Singh Rai) back in shop please so I can rely on him in my illness and sickness and its unaffordable to rely on staff in small business. I have attached extra sheet on improvements

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) **Please tick all that apply**

a) plays (if ticking yes, fill in box A) ☐

b) films (if ticking yes, fill in box B) ☐

c) indoor sporting events (if ticking yes, fill in box C) ☐

d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐

e) live music (if ticking yes, fill in box E) ☐

f) recorded music (if ticking yes, fill in box F) ☐

g) performances of dance (if ticking yes, fill in box G) ☐

h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☑

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			**Will the performance of dance take place indoors or outdoors or both – please tick** (please read guidance note 4)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 5)		
Tue					
Wed			**State any seasonal variations for the performance of dance** (please read guidance note 6)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list** (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	**Will this entertainment take place indoors or outdoors or both – please tick** (please read guidance note 4)	Indoors	☐
Mon				Outdoors	☐
				Both	☐
Tue			**Please give further details here** (please read guidance note 5)		
Wed					
Thur			**State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)** (please read guidance note 6)		
Fri					
Sat			**Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list** (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			**Will the provision of late night refreshment take place indoors or outdoors or both – please tick** (please read guidance note 4)	Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 5)		
Tue					
Wed			**State any seasonal variations for the provision of late night refreshment** (please read guidance note 6)		
Thur					
Fri			**Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list** (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			**Will the supply of alcohol be for consumption – please tick** (please read guidance note 9) Exactly same as current license.	On the premises	☐
				Off the premises	☑
Day	Start	Finish		Both	☐
Mon			**State any seasonal variations for the supply of alcohol** (please read guidance note 6)		
Tue					
Wed					
Thur			**Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list** (please read guidance note 7)		
Fri					
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			**State any seasonal variations** (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 7)
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The Prevention of Crime and disorder.
Public Safety
The Public Nuissance prevention
The Protection of children from harm

b) The prevention of crime and disorder

* CCTV system installed to monitor entrance exits and other parts of premises.
- Not selling of alcohol to drunk Customers
- No underage supply of alcohol.
- Show Customers store holds Under 25 challenge policy

c) Public safety

- Wet floor sign displayed to alert Customers.
- All fixed fitting are not hazards for anyone
- Short dates mentioned on products.
- Welldone trained staff. Training of underage Id check.
- cctv to help the police on any public person.

d) The prevention of public nuisance

Noise reductions measures to address the ~~police~~ public nuissance objectives. Call police if matters in or outside shops goes out of hand.
Deliveries of goods necessary for operation of business carried out at such time or manner to prevent any disturbance to residents.

e) The protection of children from harm

"Challenge 25" sign which is strategy that encourage over 18 but looks under 25 to carry acceptable id - a card bearing the pass hologram, driving licence, passport for age restriction product. Refusal book present and trained staff.

Please tick as appropriate

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☑
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☑
- I understand that I must now advertise my application. ☑
- I have enclosed the premises licence or relevant part of it or explanation. ☑
- I understand that if I do not comply with the above requirements my application will be rejected. ☑

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	26.04.19
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

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

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
    - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
    - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
    - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
    - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
    - Live music: no licence permission is required for:
        - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
        - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
        - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
        - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
        - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
    - Recorded Music: no licence permission is required for:
        - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

North Tyneside Council

PREMISES LICENCE

Schedule 12 – Part A

Premises Licence number: **00CK/18/0443**

Part 1 - Premises details

Postal address of premises:

Rai Wine Store
20 Forest Hall Road
Forest Hall
NEWCASTLE UPON TYNE
NE12 9AL

Licensable activities authorised by the licence:

Supply of Alcohol

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

Supply of Alcohol: Every Day **From:**07:00 **Until:**23:00

The opening hours of the premises:

Every Day **From:** 07:00 **Until:** 23:00

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:

Mr Gurdeep Singh Rai, c/o 20-22 Forest Hall Road, Newcastle upon Tyne, NE12 9AL

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

Not applicable

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

Mrs Kiranjeet Kaur, 20-22 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL

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

00CK/18/1124 North Tyneside 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

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

1. All persons responsible for the sale or supply of alcohol at the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence employment at the Premises and refresher training will be provided at least every 6 months. This training will be provided by an external BII accredited trainer, or a trainer with accreditation from a similar awarding body to the BII, or the training provided by a legally qualified licensing practitioner.

2. Training records for each person responsible for the sale or supply of alcohol at the premises will be maintained and kept at the Premises at all times and be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards officers) or representatives of Northumbria Police immediately on request.

3. All persons responsible for the sale or supply of alcohol at or from the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase alcohol at the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, proof of age card carrying a PASS logo and hologram or Her Majesty's Services Identity Card.

4. A register (or registers) (electronic or otherwise) of all refusals to sell alcohol must be kept at the Premises at all times. The register (or registers) must include the date and time of the challenge, a description of the customer, the name of the person who refused the sale and the reason for refusal. The register (or registers) must be maintained and kept up to date. The register (or registers) will be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards officers) or representatives of Northumbria Police immediately on request to see a register in accordance with the Data Protection Act 1998 (or replacement legislation).

5. A CCTV system will be installed and maintained in proper working order by a suitably qualified person, and the Licence Holder must ensure that:-

a) CCTV cameras are located at the Premises to cover all public areas including all entrances and exits, both internally and externally, and all points of sale where alcohol is sold or supplied.

b) The CCTV system records clear images permitting the identification of individuals.

c) The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

d) The CCTV system operates at all times that the Premises are being used for licensable activities.

e) The CCTV system is able to generate a constant and accurate time and date.

f) The CCTV system is fitted with security functions to prevent recordings being tampered with, such as password protection.

g) There are persons at the Premises during operating hours able to provide viewable copies on request to authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police forthwith in accordance with the Data Protection Act 1998 (or any replacement legislation).

6. Notices will be displayed at the Premises informing customers and staff that a CCTV system is in operation at the Premises. Such Notices will be displayed so as to be readily seen and read and must be a minimum of A5 in size.

7. Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the Premises at any time when the Premises are open to the public.

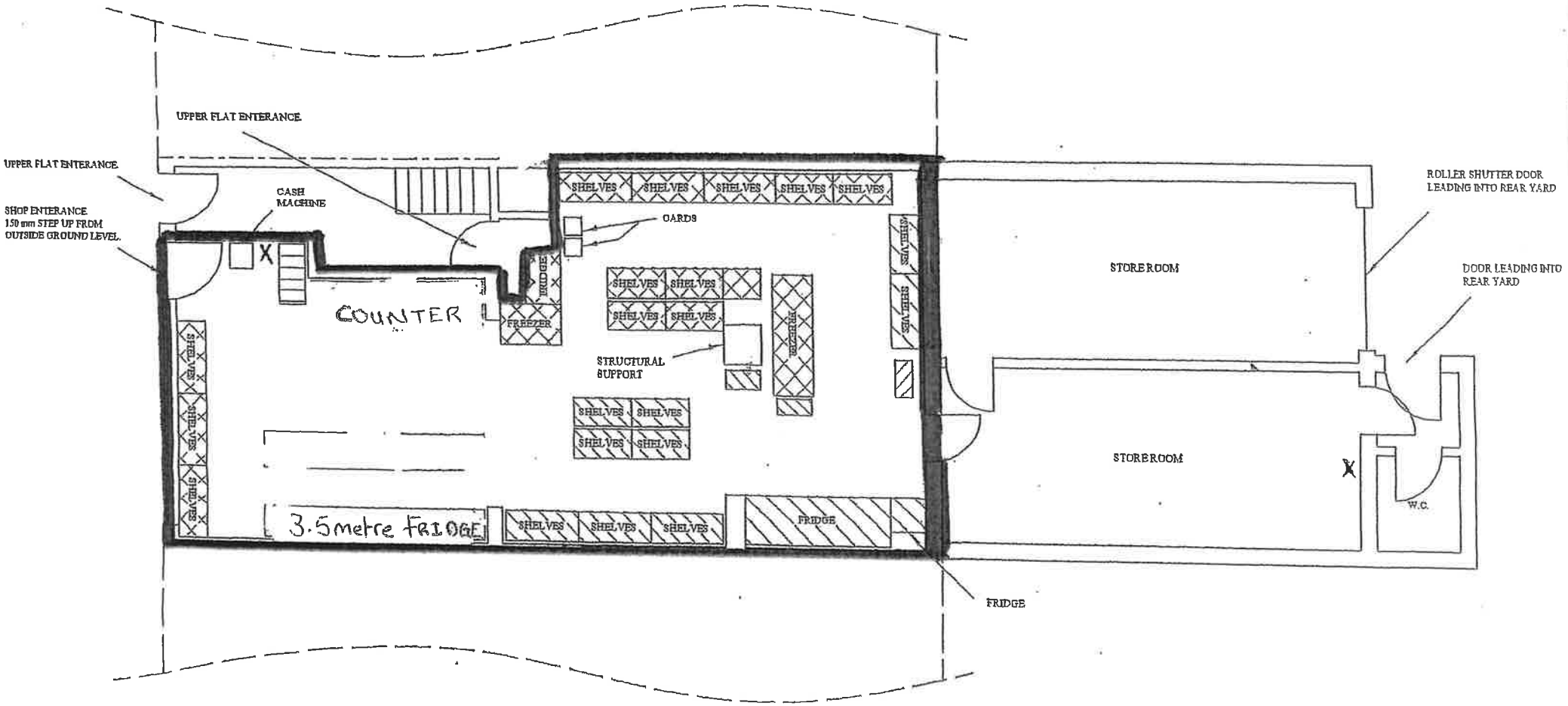
8. When any test purchase undertaken at the Premises (other than those undertaken by Northumbria Police or Trading Standards) results in the sale of alcohol without the use of the "Challenge 25" Policy set out in condition 3 above, Northumbria Police and Trading Standards must be notified in writing of that result by the Designated Premises Supervisor within 24 hours of the receipt of the test purchase result being made known to the Designated Premises Supervisor.

9. The Premises will use an Electronic Point of Sale (EPOS) age prompt till system at all points of sale where alcohol is sold or supplied.

Annex 4 - Plans

See attached

After



LEGEND

= TABACCO

= ALCOHOL

= GENERAL GROCERIES

= NEWSPAPERS / MAGAZINES

CLIENT: MRS RAJ KAUR GILL

ADDRESS: 20 - 22 FOREST HALL ROAD, FOREST HALL, NEWCASTLE UPON TYNE, NE12 9AL

TITLE:

SHOP LAYOUT

FOR DRAWINGS TEL:- 0191 4204980 or 07970670053

To

License Committee

I have attached the improvements been held from last 6-7 months which Refusal book, training records.

Harnek Singh Rai has learned his lesson. He has done all possible trainings with Tim Robson. He has been working with his sister to improve himself. I have full confidence that while I remain dps, Mr Harnek Singh Rai will not do any mistakes when how he knows that any mistake can put my and his livelihood in jeopardy and he has already seen my stressing and struggling in last 7 months. I have attached all documents.

I as dps can fully assure me, him and staff does and will work responsibly and no mistakes will be repeated.

I will be very thankful to all. Please consider all the point or else its just going to leave me stressed and depressed.

Thanking you

Kiranjeet Kaur (dps)

North Tyneside Council

I have recieved training on how to prevent under-age-sales and will ask to see proof of identification when I suspect a customer is under age.

Record of Training

Full Name	Position held	Type of training	Date of training	Signature
Example: John Smith	Assistance	Age Restricted Sales	01/08/07	J Smith
Gail leave the Feb 2017	Buisness Due to Gail stepped	Illness, and unable to work down in her	role as a staff member	
Harnek S. RAI Kiranjeet Kaur	owner DP wife Assistance	reminted us to check ID and Other 18-21	12-09-2017	
HARNEK SINGH RAI Owner and DPS				
Kiranjeet kaur wife and next to Become DPS	owner DPS Wife next DPS	Training was held at the Store and it was an 3hour Course done with Tim Robertson Durham police	11/3/2018	

North Tyneside Council

I have recieved training on how to prevent under-age-sales and will ask to see proof of identification when I suspect a customer is under age.

Record of Training

Full Name	Position held	Type of training	Date of training	Signature
Example: John Smith	Assistance	Age Restricted Sales	01/08/07	J Smith
Patrizia Bellas	Shop Assistant	Employees Acceptance	20·Nov·18.	et DPS
Daniel Helden	Assistant	of responsibilities		
Harnek S. Rai	Owner	Regarding the Sale of		
Kiranjeet Kaur	DPS	Alcohol & other age	20·Nov·18.	
Training given in house by Tim Robson		Restricted Products		J

Working in partnership with
CAPITA
North Tyneside Council

Individual Training Record

Name of Member of Staff: (Print Name) HARNEK SINGH RAI, KIRANJEET KAUR Employment Start Date: 2006/ 2012
2012 HSR KK

This sheet is to monitor what advice and training you have been given in relation to age restricted products including alcohol and cigarettes. You and your manager should sign the sheet when you receive any such training. Do not sign if you do not understand the training or advice you have been given. If in doubt of a purchaser's age I understand that I should ask for ID.

Date	Type training given e.g. Age Aware pack	Signature of member of staff to confirm training given and understood	Signature of member of staff. I confirm that if in doubt of a purchaser's age I understand that I should ask for ID	Managers, owner or trainers signature
2006	Personal Licence Holder			
2011	Personal Licence course @ Brenikov Training			
2018	Tim Robson in house Training 11/3/2018	Kiranjeet KAUR DPS → HARNEK SINGH RAI		K
2018	Tim Robson course (APLH) Done @ mincoff Solicitors	Kiranjeet KAUR		
2018	Tim Robson course (APLH) Done @ mincoff Solicitors	DPS → HARNEK SINGH RAI		
20 July 18	Everything about Shop. Refusals and 3d writing in Refusal book. Date checks and about 4 licence Objectives			
29th Aug 18	Training given by me (Kiranjeet) new DPS to staff. Everything about Shop, licensing a. writes			

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	Example: 23/05/07	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Alan Smith
1	5/4/19	Strongbow Df	9.16pm	Refused No 9d	Under 25 Challenge	Kiran
2	7.4.19	Cigs	3.10pm	[illegible]	Show ID	TRisha
3	8/4/19	Paper	12.46pm	Refused Wrong 9d	Under 25 Challenge	Kiran
4	9.4.19	Cigs	16.21	[illegible]	Show ID	TRisha
5	10/4/19	filter	8.31pm	[illegible]	Under 25 Challeny She is over 18 Served. Had her 9d	kiran
6	11/4/19	Cigs JPs	11.53am	Black hair long Black clothes	Refused No 9d Under 25 challenge	kiran
7	11/4/19	Strongbow df	2.11pm	Under 25 challenge	Refused as he didnt have 9d	kiran
8	11.4.19	Cigs	15.51	Blonde short hair blue jacket	Refused as no ID	TRish
	11/4/19	Cigs	3.35pm	[illegible]	over 18 Under 25 challenge	Kiran

MANAGER'S SIGNATURE

DATE:

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	Example: 23/05/07	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Alan Smith
1	27/3/19	Tabpapers	1.35pm	Refused for tab paper	Under 25 challenge	Kiran.
2	27/3/19	Cigs	8.09pm	Refused No 9d Tall girl	Under 25 challenge	Kiran.
3	28/3/19	Cigs Player CBks		[illegible]	Under 25 challenge	Kiran.
4	28/3/19	Cigs.	8.23pm	No Id No Sale	Looked under 18 Curly hair Black clothes	Kiran.
5	31/3/19	E-liquid.	6.26pm	Tall guy with Brown clothes	Short Underage.	Kiran.
6	1/4/19	Lambs Blue SK	2.55pm	Refused No 9d	Under 25 challge Guy with Blue clothes curly hair	Kiran
7	4/4/19	Cigs	7.20pm	Refused No 9d Under 25 challeye	Tall guy Brown hair Black clothes	Kiran.
8	5/4/19	Skins Papers	8.16pm	Under 25 challenge	No 9d No Sale	Kiran.
	5/4/19	Strongbow df.	7.15pm	Refused as it was not his	Under 25 challenge	Kiran

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	Example: 23/05/07	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Alan Smith
1	18.3.19	Cigs	3.50	Tall brown short hair	Show ID	TRisha
2	18.3.19	Cigs	16.37		Show ID	TRisha
3	19.3.19	Cigs	9.00pm	Under 25 challenge	~~Show~~ 9d. Had it	Kiran.
4	22.3.19	~~Voka~~ Vodka	21.25		Show ID	TRisha
5		Saturday or Sunday	6.05pm	Refused No 9d	Under 25 Challenge	Kiran.
6		Same	6.06pm	Refused	Not sure about 9d Under 25 challey	Kiran
7	24.3.19	Cigs	19 33		Show ID	TRisha
8	26/3/19	Cigs	9.23 pm	Refused No 9d	Under 25 Challenge	Kiran
	26/3/19	Cigs	25pm	Refused	Buying for Someone else	Kiran

MANAGERS SIGNATURE DATE

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	Example: 23/05/07	Cigarettes	7.10pm	Male 14 years? Blonde 5ft 11"	Nervous and refusing to show ID	Alan Smith
1	8.2.19	Cigs	4.00	[illegible]	Black Hair Short	TRISH
2	8.2.19	Cigs	6.00	[illegible]	Blounde Hair Short	TRISH
3	8.2.19	Cigs 40 JPS	9.09pm	Lee [illegible]	Lightbrown hair black hoodie white top	kiran.
4	8.2.19	Cigs	7.40pm	Sar [illegible]	Under 25 Challenge	kiran
5	11/3/19	E-liquids	8.51pm	[illegible]	Under 25 Challenge	Kiran
6	13/3/19	Sterling FB	8.59pm	Light brown curly hair white Top Grey Jacked	Refused No ID Under 25 challenge	Kiran
7	15/3/19	Player ks	9.23 pm	Tall Black Jacket guy came on bike	Refused No ID Under 25 challenge	Kiran.
8	16/3/19	Spirit	3.47pm	Checked his bag gts for himself.	Already seen ID	Kiran

MANAGER'S SIGNATURE

DATE:

NO ID NO SALE!

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
45	SATURDAY 9TH FEBRUARY	LAMBRINO	18.05 PM	LOT OF SPOTS ON FACE WAS NOT RIGHT AGE	HE SAID HE WAS BORN IN 1997 & I SAID NO ID NO SALE	
46	12/02/19	Malcolm. G. Harnek. S. Ravinder. R.	11.30 am 5 pm	Training in Shop. given to member of staff	Update to all Products by Ravinder R	
47	12/02/19	Lighter	6.10 pm	Leanne - Lady was under 25 But NO ID Sale Refused	Lighter.	
48	12/02/19	Sambuca	18.24 PM	LAD → TOP Blue Tracher on	NO ID	
49	16/02/19	Glens 35cL	04.20 pm	LAD had NO ID Came Back Showed ID Drinking Age	18+	
50	16/02/19	Alcohol	05.25 pm	asking Alcohol 2 females looked underage	NO ID NO Sale	
51	24/FEB 2019	CIGARETTS	11.15 Am	—	THIN LAD GLASSES	
52	26/02/19	Alcohol	20.35 pm		NO ID.	
53	1/03/2019	ALCOHOL + CIGARETTES	19.45 pm	LAD + LASS	NO ID	

MANAGER'S SIGNATURE_____ DATE_____

(5)

NO ID NO SALE!

REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	Example: 23/05/07	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Alan Smith
1	12.4.19	Cigs	5.05	~~Bar~~ Brown Short hair 6.9 black Jacket	Refused No ID	TRisha
2	12/4/19	Stella pack	6.58pm	Boy with Blue Jacket Grey shorts Light Golden hair	Refused. 9d dldut match under 25 challenge	kiran
3	12/4/19.	Budweiser	8.20pm		Under 25 challenge Black Jacket	kiran
4	16/4/19	Cigs	10.07am	Tall guy with blue jacket	Under 25 challenge No 9d - Refused	kiran
5	18.4.19	Tobbaco	18 10		Show ID	TRISH
6	18.4.19	Strongbow	7.58pm		Under 25 challenge	kiran
7	19.4.19	Cigs.	# Can't Remembe	~~Cigs~~ Regular Customer	Refused No 9d.	kiran
8	23.4.19	Lambrini	8.27	Refused No 9d	Blue coat girl under 25 challenge	kiran

MANAGERS SIGNATURE

DATE

PREMISE LICENCE INSPECTION – OFF

Name, Address and Phone Number of Premises	RAH WINE STORES 20 FOREST HALL RD NE12 9AL
Current Licence Holder	GURDEEP SINGH RAI
Person spoke to & Position	KIRANJEET KAUR.

LICENSING ACT 2003		
Premises Licence or Certified Copy at the premises and inspected? (INCLUDING PLAN)	YES / NO	BEHIND SUMMARY
Summary of premises licence or a certified copy – displayed in a prominent position?	YES / NO	ON WALL BEHIND COUNTER
Designated Premises Supervisor on premises?	YES / NO	Name of DPS: MRS KIRANJEET KAUR.
DPS Personal Licence Card	YES / NO	Issuing Authority: Ref number: NORTH TYNESIDE
Is the DPS still at the same home address?	YES / NO	
Training records kept and inspected?	YES / NO	Date of last training: 20/11/18.
Refusals book kept and inspected?	YES / NO	Date of last entry: 31/3/19.
CCTV Present?	YES / NO	Effective covering with recordings held for a period of time?
2010 Mandatory Conditions – Age Verification Policy	YES/NO	Details: Challenge 25.
ANY ENFORCEMENT ISSUES	NONE.	
Inspected by	J. YOUNG.	
Date of Inspection	1/4/19.	
Risk Rating	LOW / MEDIUM / HIGH	
Date Next Inspection Due		

KNOWLEDGE TEST FOLLOWING TRAINING OF EMPLOYEES AT

①

RAI WINE

20 Forrest Hall Road

Newcastle Upon Tyne

NE129AL

Licensing Legislation and the Social Responsibilities relating to the Retail Sale of Alcohol

10th March 2018

NAME HARNEK SINGH RAI

ROLE WITHIN THE PREMISES Manager

RESULT PASS / FAIL

EXAMINER SIGNATURE .....

tjr LICENSING

(2)

TJR Licensing, Consultancy and Training.

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

RAI WINE

20 Forrest Hall Road

Newcastle Upon Tyne

NE129AL

E...ployee Name HARNEK SINGH RAI

I have read and understand the company policy on the sale of age restricted products and I fully understand the companies challenge 25 rule.

- I understand that if I sell an age restricted product to someone who was under the legal age for that product I will commit a criminal offence and I may be liable to a fine and/or imprisonment
- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
- I understand that if someone appears under 25 or I have any doubt about the age of the person trying to buy age restricted products I must ask for proof of their age.

The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.

- I understand that if the customer fails to produce acceptable identification or I believe a person is under age I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products.

Employee Signature Date 10th March 2018

hereby confirm that I have explained our age verification policy and provided training for them in relation o the sale of alcohol and other age restricted products and feel confident that they are fully understand our olicies and procedures to be complied with.

im Robson
JR Licensing

Date 10th March 2018

Rai's Wine Store

tjr LICENSING

Certificate of Completion

to

Harnek Singh Rai

in

Licensing Legislation and the Social Responsibilities in the Retail Sale of Alcohol

Tim Robson ABII, MIOL, Cert.Ed

11th March 2018

3

(4)

1 The purpose of a licensing policy is to show how:
A Environmental Health will monitor the area for noise disturbance
B Local hospitals will deal with drink related illnesses and injuries
C The designated premises supervisors will be chosen for the area
D The licensing authority intends to promote the licensing objectives ✓

2 Community Safety Partnerships have been set up to:
A Increase customer service standards by reducing disorder
B Reduce crime and disorder through the local authority and police ✓
C Remove crime by personal licence holders taking regular crime watch shifts
D Set standards for responsible drinks promotions in the local area

3 Which of these is a licensing objective?
A Prevention of alcohol addiction
B Prevention of crime and disorder ✓
C Prosecution of known drug dealers
D Prosecution of underage drinkers

4 An unauthorised licensable activity is:
A One not agreed by the designated premises supervisor
B One not covered by a premises licence, club premises certificate or temporary event notice ✓
C One provided for members of the public who are trouble makers
D One which neighbours have complained about

5 A drink is classed as alcohol if its abv is more than:
A 0.5% ✓
B 1.0%
C 1.5%
D 2.0%

6 What unit of measurement will indicate how much alcohol is contained in a drink?
A Average ethanol amount
B Typical retail ethanol volume
C Percentage alcohol by volume ✓
D Standard average alcohol quantity

7 To keep risks at a low level, the UK Chief Medical Officer recommends it is safest not to drink regularly more than:
A 14 units ✓
B 16 units
C 18 units
D 20 units

8 The time it takes for one unit of alcohol to be removed from the body is about:
A One hour ✓
B Two hours
C Three hours
D Four hours

9 A premises licence authorises the use of specific premises for:

5

A One or more licensable activities
B Showing live football and rugby
C Playing darts and pool
D Political meetings

10 Under the Licensing Act 2003, which of these is a licensable activity?
A Provision of fund raising raffles for charity
B Provision of live televised football
C Supply of alcohol on club premises
D Supply of tobacco products

11 What is the purpose of reviewing a premises licence?
A To approve the process for hiring staff
B To ensure that the licensing objectives are being promoted
C To improve customer service standards
D To maximise turnover and sales

12 Which of these is a mandatory condition attached to a premises licence which authorises the retail sale of alcohol?
A A designated premises supervisor must be appointed for the premises
B A personal licence holder must be present for every sale of alcohol
C Every member of bar staff must hold a licensing qualification
D The premises licence holder must hold a personal licence

13 The maximum penalty for selling alcohol outside the hours authorised by a premises licence is:
A £10,000 fine and/or 1 month imprisonment
B £15,000 fine and/or 3 months imprisonment
C An unlimited fine and/or 6 months imprisonment
D A discretionary fine and/or 9 months imprisonment

14 The role of the designated premises supervisor on licensed premises is to:
A Be in day-to-day control of the premises
B Be responsible for all stock of food and drink
C Design and plan the layout of the premises
D Personally open and close the premises everyday

15 Which of these would not be classed as an irresponsible drinks promotion?
A Offering a free pint of beer every time a football team scores a goal
B Rewarding customers with free alcohol if they drink quickly
C All you can drink for £10 offers
D Offering a bottle of wine as a raffle prize

16 If controlled drug activity is allowed on licensed premises, the premises licence could be:
A Amended by the police
B Endorsed by the Environmental Health Inspector
C Reviewed by the Planning Department
D Revoked by the licensing authority

17 If a police officer witnesses the sale of alcohol to a drunk, what value fixed penalty fine can they impose?
A £40

6

B £70
C £90
D £120

18 Who can authorise underage persons to carry out test purchasing on licensed premises?
A Food hygiene officers
B Local Magistrates
C School inspectors
D Weights and Measures inspectors

19 Which of these is the most reliable document for proof of age?
A A bank statement
B A credit card
C A valid photo driving licence
D A utility bill

20 On what grounds can the Magistrates Court issue a closure order?
A Noise from the premises is causing a serious public nuisance
B Rubbish is being produced on the premises
C There are too many people queuing to enter the premises
D There has been an increase in alcohol related injuries

21 The police can apply for a closure notice if:
A Too many people have an interest in the business
B There are too few customers frequenting the premises
C Disorder is either taking place, or is likely to take place at the premises
D The designated premises supervisor is not always on the premises

22 It is an offence to serve alcohol to a person who is:
A A local brewer
B A local Magistrate
C Driving
D Drunk

23 Which alcoholic drinks may a 16 year old, accompanied by an adult, consume at a table meal on licensed premises?
A Beer, cider and spirits
B Beer, wine and cider
C Cider, spirits and wine
D Spirits, beer and wine

24 What is the importance of the licensing objectives?
A They provide licence holders with the knowledge they need to run a licensed premises
B They provide the framework of licensing law
C They help the police to carry out their roles
D They help the licensing authorities to issue personal licences

25 What is the minimum age at which a person can legally be sold alcohol on licensed premises?

A 16 B 18 C 20 D 21

(7)

tjr LICENSING

TJR Licensing, Consultancy and Training.

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

Employee Name HARNEK S. RAI

I have read and understand the company policy on the sale of age restricted products and I fully understand the companies challenge 25 rule.

- I understand that if I sell an age restricted product to someone who was under the legal age for that product I will commit a criminal offence and I may be liable to a fine and/or imprisonment
- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
- I understand that if someone appears under 25 or I have any doubt about the age of the person trying to buy age restricted products I must ask for proof of their age.

The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.

- I understand that if the customer fails to produce acceptable identification or I believe a person is under age I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products.

Employee Signature **Date** 20 · NOV **2018**

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing

Date 20 NOV **2018**

(9)

TJR Licensing, Consultancy and Training.

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

Employee Name Kiranjeet Kaur (DPS)

I have read and understand the company policy on the sale of age restricted products and I fully understand the companies challenge 25 rule.

- I understand that if I sell an age restricted product to someone who was under the legal age for that product I will commit a criminal offence and I may be liable to a fine and/or imprisonment
- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
- I understand that if someone appears under 25 or I have any doubt about the age of the person trying to buy age restricted products I must ask for proof of their age.

The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.

- I understand that if the customer fails to produce acceptable identification or I believe a person is under age I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products.

Employee Signature **Date** 20.Nov **2018**

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing

Date 20/11/ **2018**

(9)

tjr LICENSING

TJR Licensing, Consultancy and Training.

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

Employee Name PATRICIA BELLAS

I have read and understand the company policy on the sale of age restricted products and I fully understand the companies challenge 25 rule.

- I understand that if I sell an age restricted product to someone who was under the legal age for that product I will commit a criminal offence and I may be liable to a fine and/or imprisonment
- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
- I understand that if someone appears under 25 or I have any doubt about the age of the person trying to buy age restricted products I must ask for proof of their age.

The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.

- I understand that if the customer fails to produce acceptable identification or I believe a person is under age I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products.

Employee Signature **Date** 20 Nov 2018

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing

Date 20 Nov **2018**

(12)

To the licensing committee

I Ravinder Rai owner of Langley Park Village store confirms that Mr.Harnek SINGH RAI I worked for me at the store from 9th of February 2019 until 2nd of March 2019.
Mr. H S RAI FROM FORESTHALL ROAD NE12 9AL covered my partner's hours as my partner Mr.Kulvinder Singh was not in the UK for 3 weeks.
Mr.H S RAI help with cash and carry which involved buying alcohol and tobacco products and also grocery between the 3 weeks.

12th feburay 2019 Mr. H S RAI and Malcom also myself Mrs. Ravinder Rai, did a in house tranning update for everyone at the premises. The training involved the use of the refusal folder I'll also what are the four licensing objectives and the policies which the shop runs on Challenge 25 these particular points were highlighted to Mr.HS Rai and Malcolm as part of their training the Store holds no ID no sale even if you look 25 you shall be asked produce your ID before Mr.H S RAI started to operate behind the till and sold any alcohol or age-related products that are or can be challenged.

Mr harnek Singh Rai also explained to myself Mrs Ravinder Rai the four licensing objectives which are

- public safety
- the prevention of crime and disorder
- the prevention of public nuisance
- the protection of children of harm

Even on the licensing objectives mr Rai expanded on how they work in my store and how the four objectives help us first one being prevention of crime disorder and the shop has 8 cameras that record for 28 days CCTV and also proxy sales which could stop a crime or a youngster being intoxicated. The role of public nuisance is avoiding cars outside the shop and groups of girls and boys hanging around that may cause nuisance noise, to be told politely to move on please or keep the noise down. The protection of children, we have challenge 25 no ID no sale we all accept passport or driving licence as we have a UV lamp to check the correct ID also only pass citizens cards can we accept it as part of challenge 25 and looking out for customers buying for underage that the store will banned or report them to the police these points were also made by Mr harnek Singh Rai just to update me as his knowledge is really good as a shopkeeper he has done 3 training courses which I am aware of with Mr Tim Robson the former Durham police constable and has achieved full marks.

Mr. Harnek singh rai RAI was also selling alcohol in the time he was helping me out for the 3 weeks of my customers found him very welcoming with the smile he was very polite ask for ID and refuse to sell alcohol to customers That looked under 25 and also didn't have ID were a few nicely talking about note of the matter are loaded into the refusal book.

While Mr.H S Rai was working he was also checking customer money but the customer was rude towards him in response Mr.Hrs said I am only doing my job so thanks because there was or has been in my area of Langley Park fake 20 Pound notes £10 notes £5 notes in circulation so to keep an eye on. The last bit of the training while harnek was present with me I showed him Durham constable Consett shop watch bulletin the information shown to me made Harnek aware of these customers.

(13)

As I have know harnek all my life a mistake was made by him at the time he told me I missed a test purchase and then in January he trusted a youngster took his word but that was a big mistake for him and he has learnt from that because he has suffered and also his family has suffered and they had to pay out for staff wages that they could have saved and put the money away for the family and the young daughter I would request to the council 2 please give HARNEK a chance to operate in a shop again to help his family as he has learnt a lot from this mistake.

Kind regards
Mrs. Ravinder Rai

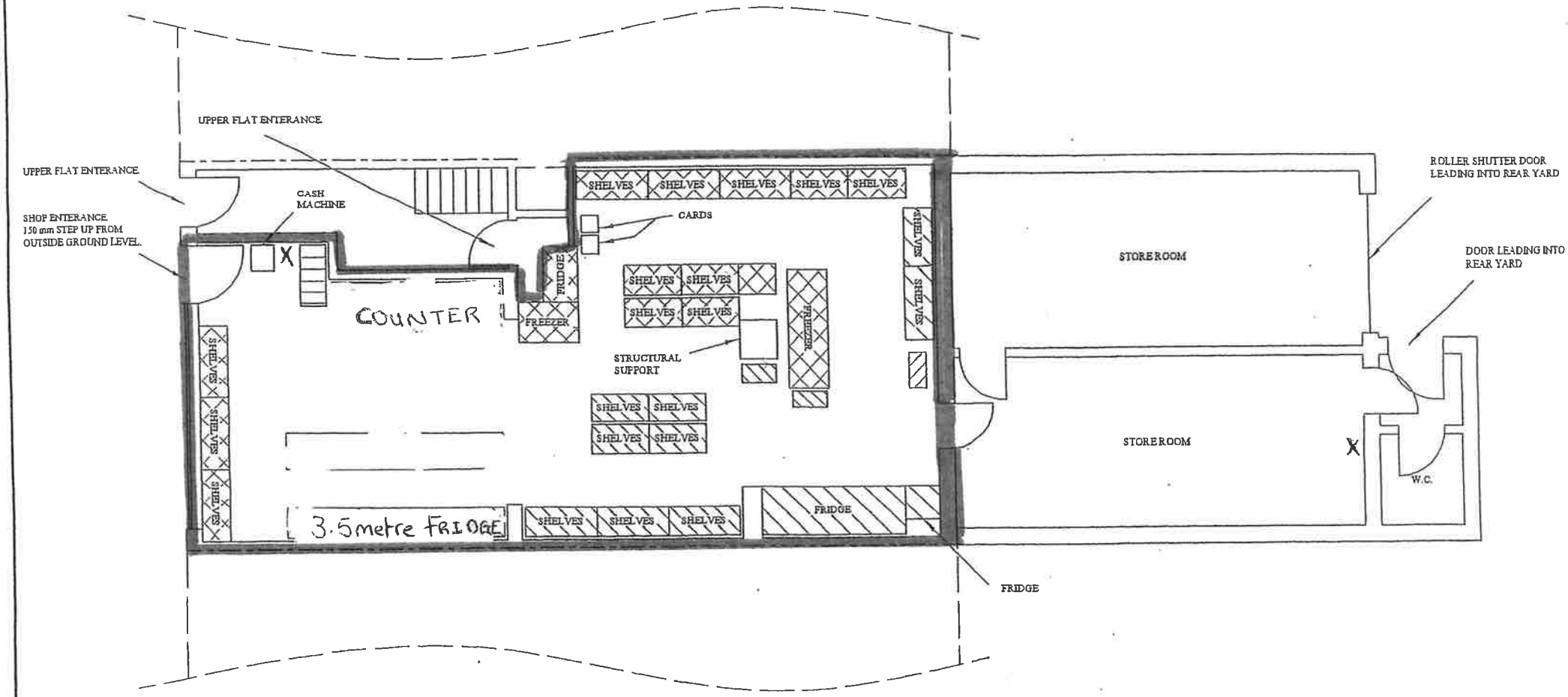
Sent from Yahoo Mail on Android

(14)

FAKE NOTE
STOPED BY HARNEK RAI AT THE SHOP
LANGLEY PARK. 12/2/2009
OWNER RAVINDER RAI

APPENDIX 2

After



LEGEND

= TABACCO

= ALCOHOL

= GENERAL GROCERIES

= NEWSPAPERS / MAGAZINES

X = FIRE EXTINGUISHERS

CLIENT: MRS RAJ KAUR GILL			
ADDRESS: 20 - 22 FOREST HALL ROAD, FOREST HALL, NEWCASTLE UPON TYNE, NE12 9AL			
TITLE: SHOP LAYOUT	FOR DRAWINGS TEL:- 0191 4204980 or 07970670053		
	REV	DATE	SCALE	SIZE
	0	APR - 2005	1:100	A4

APPENDIX 3

Rai Wine Stores

North Tyneside Council

Organisation	North Tyneside Council	**Date**	30 May 2019
Department	North Tyneside Council	**SLA Number**	100016801
Comments	20 Forest Hall Road	**Scale :**	1:1038

APPENDIX 4

Appendix 4

Mandatory Conditions

Section 19 Licensing Act 2003

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 licence.

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

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of disability).

2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

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

3. (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.

4. The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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.

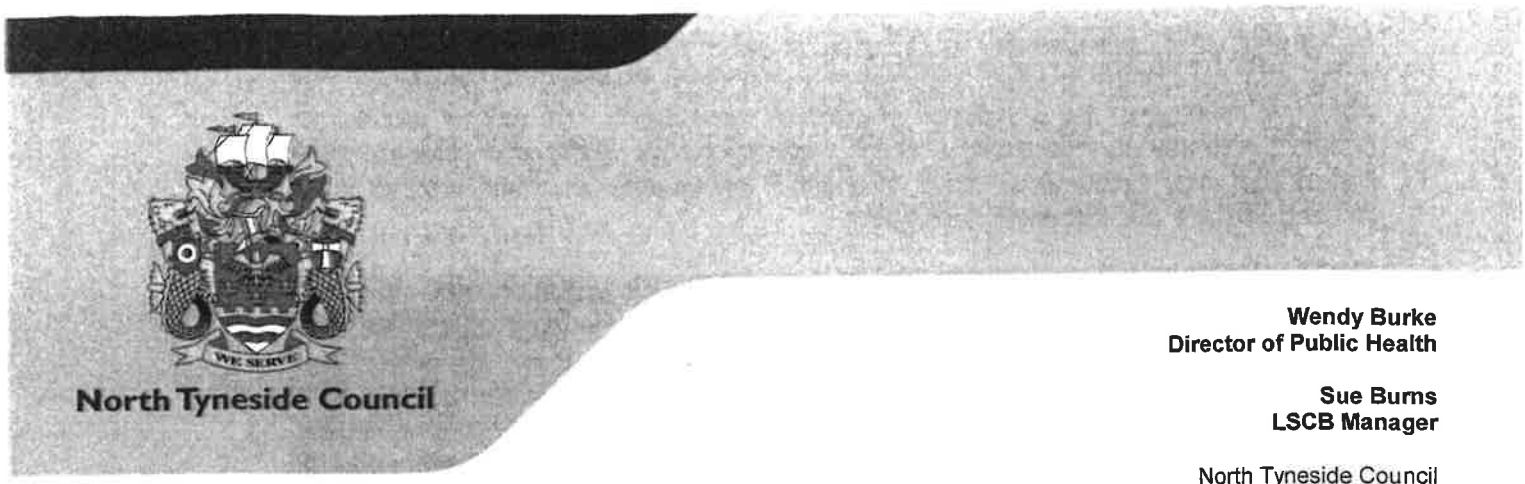
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies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

1. The admission of children to the exhibition of any film must be restricted in accordance with Section 20 Licensing Act 2003.

APPENDIX 5

(1)



Wendy Burke
Director of Public Health

Sue Burns
LSCB Manager

North Tyneside Council
Quadrant West, 3rd Floor
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 OBY

North Tyneside Licensing Committee
North Tyneside Council
Quadrant East
Cobalt Business Park
Silverlink North
North Tyneside
NE29 0BY

14th May, 2019

Dear Chair,

Re: Variation of premises license for Rai Wine Store, 20 Forest Hall Road, Forest Hall NE12 9AL

We would like to register our concerns in respect of the application to vary the premises license under the Licensing Act 2003, to remove condition 7 under Annex 3 which states that "Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the premises at any time when the premises is open to the public".

Responsible Authorities have to have trust and confidence in those running licensed premises. Given the history of sales of alcohol to persons under 18 years of age and poor record keeping when Mr Rai was the DPS we are concerned about the removal of this condition which will allow Mr Rai to work in the shop and to sell alcohol once more.

While we acknowledge the difficulties faced by Kirarjeet Kaur in operating the business without her husband's support this is not our key concern we are primarily concerned as Responsible Authorities about the likely impact of Mr Raj

being given the responsibility to sell alcohol given his past history of under age sales and his failure to take seriously the licensing objectives in particular the objective relating to the protection of children from harm. The sale of alcohol to children is totally unacceptable and the implications for health and safeguarding issues that may follow as a result of children being able to obtain alcohol from these premises are extremely serious.

We do not have any assurance that in considering this variation that either Mr Raj or his wife fully appreciate the seriousness of the licensing objectives, the responsibility of holding a license or the harm caused by under age sales and the likely harm to children in the future if he does so again. It would appear that the purpose of this variation is purely for convenience to address Kirarjeet Kaur's family difficulties. There is no assurance that Mr Raj will sell alcohol responsibly and it is on these grounds that we ask the Licensing Committee to refuse the variation.

Yours sincerely

Wendy Burke
Director of Public Health
and Responsible Authority

Sue Burns
Local Safeguarding Children's Board Manager
and Responsible Authority on behalf of LSCB

(2)

www.northumbria.police.uk
www.northumbria-pcc.gov.uk

VERA BAIRD QC
POLICE & CRIME COMMISSIONER

NORTHUMBRIA POLICE
Proud to Protect

Northern Area Command
Area Command Headquarters
Middle Engine Lane
Wallsend
NE28 9NT

Tel: 101
Fax: 0191 2957368

20 May 2019

Licensing Officer,
Licensing Department,
Killingworth Site,
Harvey Combe,
Killingworth,
Newcastle-Upon-Tyne,
NE12 6UB.

Dear Sir/Madam

Re: Application to a variation of the premises licence for Rai Wine store, 20 Forest Hall Road, Foresthall, NE12 9AL. Premises licence number, OOCK/18/0443.

Applicant: - Gurdeep Singh Rai.

In respect of the grant of the above application, I have the following comments to make and wish to lodge the following representation:-

Northumbria Police wish to make a representation to the variation of the premises licence at the above address. The request from Mr GS Rai is to remove a condition from the premises licence, the removal of this condition would allow Mr H Rai to work in the shop.

A review of this premises licence was requested by Northumbria Police on 27 February 2018 because of 2 sales of alcohol to children within 3 months. The 2 sales were made by the Designate premises Supervisor (DPS) Mr HS Rai. The Licensing sub-committee hearing was on 25 April 2018. The Licensing Committee's decision was to suspend the licence for 3 months and impose conditions. One of those conditions was to exclude Mr HS Rai from the shop.

May I request the committee to have a regard to the reasons and decision of the North Tyneside Licensing sub-committee hearing document 24 April 2018 page 21.

"Mr Foster on behalf of Mr Rai accepts that there have been serious problems in the way in which the Premises have been operated. He accepts that he cannot argue otherwise. Mr Foster places the blame for the serious shortcomings at the Premises on Mr Rai, the DPS of the Premises since 2012. He is the problem at the Premises."

May I request the committee to have a regard to the reasons and decision of the North Tyneside Licensing sub-committee hearing document 24 April 2018 page 31.

"It is unfortunate that the extensive improvements to the Premises have only come about because of the review application. They were not something that would have happened without the application having been made by the Police.

Whilst this demonstrates why the review process is an important feature of the Licensing Act and can be used to bring about improvements to badly managed licensed premises, it is a sad state of affairs that it takes a review application to bring about such improvements which should have been occurring in any event."

Northumbria police lost confidence with Mr HS Rai working in the shop, his consistent poor management of the premises was and still is a serious concern to the Police. Mrs Kaur during the hearing made assurances to the Licensing committee that she would operate the premises, find staff and have them properly trained. The Police still have no confidence in Mr HS Rai and in his ability to work in this shop. If the condition was removed, to allow Mr HS Rai to return to work in these licensed premises, it would be a backward step.

This application to vary the licence, to remove a condition which will allow Mr HS Rai to work in this shop, is trying to circumnavigate the licensing Sub-committees decision of the hearing on 24 April 2018. It is the request of Northumbria Police that this variation is its entirety is not granted.

Yours faithfully

C/Insp R Bosson 7081

APPENDIX 6

Licensing Sub-Committee

25 April 2018

Present: Councillors D Drummond, John Hunter and F Lott

LSQ16/04/18 Appointment of Chair

Resolved that Councillor D Drummond be appointed Chair for this meeting.

LSQ17/04/18 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ18/04/18 Application for a Review of the Premises Licence – Rai Wine Store, 20-22 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL (Benton Ward)

The Sub-committee met to consider an application for a review of the Premises Licence in relation to Rai Wine Store, 20-22 Forest Hall Road, Forest Hall, Newcastle upon Tyne.

The request from the Chief Officer of Northumbria Police for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Local Weights and Measures Authority, Director of Public Health and the Local Safeguarding Children's Board also supported the review of the premises licence.

The following parties were present at the hearing: Miss H Hebb, Mr N Kirkpatrick and Sergeant J Brady representing the Chief Officer of Police, Mr A Burnett and Mr M Duffy representing the Weights and Measures Authority, Mr M Foster represented the Licence Holder and the Designated Premises Supervisor and was accompanied by Mr H S Rai, Mrs K Kaur and Mr T Robson.

Following introductions the Sub-committee's legal advisor set out the procedure to be followed during the course of the hearing.

The Authority's Senior Licensing Officer presented details of the application, the representations made and the options available to the Sub-committee.

Miss Hebb on behalf of the Chief Officer of Police explained that the Police had significant concerns about the management of the premises as there had been several sales of alcohol to underage children by the Designated Premises Supervisor, who did not appear to be aware of the licence conditions and in particular the Challenge 25 age verification Policy. There were also concerns about the CCTV on the premises and the application of a number of the Premises Licence conditions.

Mr A Burnett, on behalf of the Local Weights and Measures Authority, explained that Trading Standards has serious concerns about the poor management of the premises and the licence holder's ability to promote the licensing objectives, in particular the objectives relating to the prevention of crime and the protection of children from harm.

Mr Foster explained that the Premises was a small convenience store and the sale of alcohol accounted for 70% of the income generated. Following a review of the Premises by Mr Robson, a licensing consultant, a number of changes had been made at the premises including improvements to the CCTV, the display of Challenge 25 materials and the relocation of the alcohol products away from those goods which were attractive to children. Mr Robson had also delivered additional training to the staff on the premises on the requirements of the Licensing Act 2003. Mr Foster advised the Sub-committee that it was intended to replace the current Designated Premises Supervisor.

Miss Hebb, Mr Burnett, Mr Forster and Mrs Kaur were invited to sum up their respective submissions.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

Resolved that (1) the Premises Licence be suspended for 3 months;
(2) Mr Harnek Singh Rai be removed as Designated Premises Supervisor of the Premises;
(3) the licensable hours be amended to each day from 0700 hours to 2300 hours and the Premises be open to the public each day between 0700 and 2300 hours; and
(4) the following conditions be attached to the Premises Licence:-

1. All persons responsible for the sale or supply of alcohol at the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence employment at the Premises and refresher training will be provided at least every 6 months. This training will be provided by an external BII accredited trainer, or a trainer with accreditation from a similar awarding body to the BII, or the training provided by a legally qualified licensing practitioner.

2. Training records for each person responsible for the sale or supply of alcohol at the premises will be maintained and kept at the Premises at all times and be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards officers) or representatives of Northumbria Police immediately on request.

3. All persons responsible for the sale or supply of alcohol at or from the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase alcohol at the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, proof of age card carrying a PASS logo and hologram or Her Majesty's Services Identity Card.

4. A register (or registers) (electronic or otherwise) of all refusals to sell alcohol must be kept at the Premises at all times. The register (or registers) must include the date and time of the challenge, a description of the customer, the name of the person who refused the sale and the reason for refusal. The register (or registers) must be maintained and kept up to date. The register

(or registers) will be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards officers) or representatives of Northumbria Police immediately on request to see a register in accordance with the Data Protection Act 1998 (or replacement legislation).

5. A CCTV system will be installed and maintained in proper working order by a suitably qualified person, and the Licence Holder must ensure that:-

a) CCTV cameras are located at the Premises to cover all public areas including all entrances and exits, both internally and externally, and all points of sale where alcohol is sold or supplied.

b) The CCTV system records clear images permitting the identification of individuals.

c) The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

d) The CCTV system operates at all times that the Premises are being used for licensable activities.

e) The CCTV system is able to generate a constant and accurate time and date.

f) The CCTV system is fitted with security functions to prevent recordings being tampered with, such as password protection.

g) There are persons at the Premises during operating hours able to provide viewable copies on request to authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police forthwith in accordance with the Data Protection Act 1998 (or any replacement legislation).

6. Notices will be displayed at the Premises informing customers and staff that a CCTV system is in operation at the Premises. Such Notices will be displayed so as to be readily seen and read and must be a minimum of A5 in size.

7. Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the Premises at any time when the Premises are open to the public.

8. When any test purchase undertaken at the Premises (other than those undertaken by Northumbria Police or Trading Standards) results in the sale of alcohol without the use of the "Challenge 25" Policy set out in condition 3 above, Northumbria Police and Trading Standards must be notified in writing of that result by the Designated Premises Supervisor within 24 hours of the receipt of the test purchase result being made known to the Designated Premises Supervisor.

9. The Premises will use an Electronic Point of Sale (EPOS) age prompt till system at all points of sale where alcohol is sold or supplied.

Licensing Sub-Committee

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

a) As there have been a number of sales of alcohol to children the licensing objectives in relation to the prevention of crime and the protection of children from harm had been undermined;
b) Both the Police and Trading Standards have offered advice and guidance to the Designated Premises Supervisor on a number of occasions in relation to CCTV, Challenge 25 and the need to maintain an up to date refusals register;
c) The Designated Premises Supervisor did not appear to be aware that the premises operated a challenge 25 policy as part of its licence conditions which called in to question his ability to properly manage the premises in respect of the 4 licensing objectives;
d) Mr Robson, a licensing consultant, has carried out a risk assessment of the premises, has delivered training to all involved on the requirements of the Licensing Act and has made a number of changes in relation to the operation of the premises so that they now comply with the terms of the licence;
e) A suspension of the licence for a period of three months would give the licence holder sufficient time to implement the recommendations agreed by the Sub-committee and would provide a clear message to the local community that the Authority has taken action to address their concerns regarding the sale of alcohol to minors;
f) The imposition of the above conditions will deter and prevent further underage sales from the Premises.

25 April 2018