

## **Licensing Sub-Committee**

**7 September 2018**

Present: Councillors G Madden, J O'Shea and A Waggott-Fairley

### **LSQ16/09/18 Application for the Review of a Premises Licence – Gills Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR (Riverside Ward)**

Following the adjournment of the previous meeting of the Sub-committee held on 23 August 2018 (Minute LSQ15/08/18 refers) the Sub-committee reconvened to consider an application for a review of a Premises Licence in relation to Gills Off Licence, West Percy Street, North Shields, NE29 0DR.

The application had been received from the Local Weights and Measures Authority 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 Chief Officer of Police, the 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: Mr A Burnett, representing the Weights and Measures Authority; Mr N Kirkpatrick, representing the Chief Officer of Police. Mr M Robinson representing Mrs M K Gill, the Licence Holder, was accompanied by Mrs M K Gill, Mr Gill and Miss Z Grewal.

Following introductions the Sub-committee considered Mr Robinson's argument that the proceedings should not go ahead on the grounds that the Sub-committee did not have the legal authority to consider the request for the review of the licence, as a previous sanction had been applied for two of the offences being referred to.

The Sub-committee's legal advisor reported that Counsel's advice had been obtained which indicated that the proceedings would be lawful and could go ahead as planned. The Police's legal advice agreed with Counsels advice. Having listened to all parties the Sub-committee retired to consider the information presented.

The meeting reconvened and the Chair announced that having considered the advice presented the Sub-committee would proceed with the hearing.

Councillor Madden explained to the parties present that he was a Personal Licence Holder and he would approach the application with an open mind and base any decision on the written and verbal evidence presented.

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

Mr Burnett, on behalf of the local Weights and Measures Authority explained that Trading Standards had concerns about the management of the Premises as a result of two separate sales of alcohol to underage persons within a three month period as well as a quantity of smuggled tobacco being found on the Premises.

Members of the Sub-committee and Mr Robinson on behalf of the licence holder asked questions of Mr Burnett which were responded to.

Mr Kirkpatrick, on behalf of the Chief Officer of Police, explained that the Police had concerns about the operation of the Premises in relation to sales of alcohol to children. He also explained that the premises had been suspected of selling counterfeit or non-duty paid tobacco and following an inspection concealed packets of tobacco had been found at the premises.

Members of the Sub-committee and Mr Robinson asked questions of Mr Kirkpatrick which were responded to.

Mr Robinson and Ms Grewal, on behalf of the licence holder, explained the circumstances of the underage sales and how the tobacco had been acquired. Mr Robinson also explained that the family had learned from the mistakes made and had made a number of changes to the operation of the business. Reference was made to a test purchase in August which had resulted in no sale being made and which showed that lessons had been learned.

Members of the Sub-committee and Mr Burnett asked questions of Mr Robinson and Ms Grewal which were responded to.

Mr Burnett, Mr Kirkpatrick, Mr Robinson, Mr Gill and Miss Grewal 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 the Premises Licence in respect of Gills Off Licence, 55-57 West Percy Street, North Shields be revoked.

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 has 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 have been undermined;
- b) Non-duty paid tobacco had been stored on the Premises which undermined the licensing objective in relation to the prevention of crime
- c) Trading Standards had offered advice to the management of the Premises on preventing underage sales on a number of occasions including the use of a Challenge 21 Policy;
- d) The revocation of the Premises Licence is an appropriate and proportionate response to the issues raised during the review hearing; and
- e) The revocation of the Premises Licence will prevent further underage sales being made from the Premises and will also send a message to the local community that the Authority takes its duties in relation to the licensing objective of the protection of children from harm seriously.