

Notice of Hearing

Licensing Sub-Committee

Date: Tuesday, 14 April 2015

Time: 9.30 am

Venue: Committee Room 1 - Civic Centre

To: Councillors A Morris (Chair), M Cornelious & C Ferris

Item		Wards Affected
1	<u>Apologies for Absence</u>	
2	<u>Declarations of Interest</u>	
3	<u>Licensing Sub-Committee Code of Practice</u> (Pages 3 - 16)	
4	<u>Licensing Review Application</u> (Pages 17 - 54) B&J Newsagent, 424 Chepstow Road, NP19 8JH	Alway

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Conduct and Procedure of Licensing Sub-committee

1 Membership and appointment of Chair

- 1.1 The Licensing Sub-committee comprises all members of the committee, other than those who have an interest or who is the ward member for the ward in which premises under consideration is located. The quorum is three. The Chair will be elected on the day by a simple majority vote.
- 1.2 For example, if they live in the vicinity of the licensed premises, or have a friendship or a close personal association with either the applicant or any objector this would disqualify the Member from considering the matter.
- 1.3 Members of the Licensing Sub-Committees should inform the Senior Democratic Services Officer immediately if they consider that they are disqualified from considering any application, if members of the Licensing Sub-Committee become aware of any personal interest in any application before them they should declare the interest at the beginning of the meeting and withdraw immediately.

2 Ward Councillors

- 2.1 Ward Councillors are no longer expressly permitted to make representation in their capacity as Ward Councillors although they are entitled to make representations as individuals falling within the category of “any other person”, if they are likely to be affected by an application (for example if they live in close proximity to the licensed premises). Councillors however must comply at all times with the Members Code of Conduct (“the Code”). Ward Councillors should avoid discussing the application with any of the Licensing Sub-Committee beforehand to avoid any suspicion of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.
- 2.2 If a Ward Councillor has a personal interest in an application (for example, because he/she lives in close proximity to the premises), then this is also likely to be a “prejudicial” interest under the Code. Provided that the Member declares the interest and withdraws from the hearing after making representations, then he/she is entitled under paragraph 14(2) of the Code to appear at the hearing in the same way as any other member of the public having made a relevant representation within the meaning of the Act (“any other person”). This also applies whether or not the Councillor is a Member of the Licensing Committee. Because of this “personal and prejudicial” interest the Ward Councillor cannot have any other involvement with officers or members regarding the application.
- 2.3 Ward Councillors who are not members of Licensing Committee may also act as the appointed representatives for any other person at the hearing, if requested to do so, but they should avoid discussing the application with any of the Licensing Sub-Committee beforehand. If a Ward Member is representing any other person, that other person must have objected by their own accord before a Ward Member can be requested to act as their representative at the hearing.
- 2.4 Ward Councillors who are members of Licensing Committee should not appear as the appointed representatives for any other person at the hearing because of the requirements of natural justice and the need to avoid giving any impression of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.

3 Lobbying

- 3.1 Other Members must not lobby any Member of the Licensing Sub-committee, directly or indirectly, about any application before them.
- 3.2 Members of the public or any of the parties must not lobby any members of the Licensing Sub-Committee about any application before them. If any of the members of the Licensing Sub-Committee are approached by any person about a licensing matter, they should explain that they cannot discuss the matter and refer the person to the Licensing Officer. Any written representations received by individual members of the Licensing Sub-Committee must be passed to the Licensing Officer and reported at the hearing.

4 Chair of the Licensing Sub-Committee

The Chair of the Licensing Sub-Committee is to be elected by Members on the day by simple majority vote.

5 Quorum

- 5.1 Although the Act allows for the hearing to continue with two members present, the Council's Constitution and the Statement of Licensing Policy provides that three Councillors shall constitute a quorum for any meeting and it is good administrative practice for three members to be present.

If the meeting becomes inquorate at any time, the matter will need to be adjourned or referred to full Licensing Committee.

- 5.3 Membership may change during the course of a Sub-Committee meeting only if an individual member is disqualified from considering some but not all of the applications on the agenda. All members considering an application however must be present throughout the individual hearing. If, for any reason, a member needs to withdraw during the hearing, the proceedings should be temporarily adjourned until the member returns. The meeting will only commence if quorate. If a member arrives late and after the hearing commences, he or she will be disqualified from hearing the specific case under consideration but can hear other cases set out in the agenda.

6 Statutory Guidance

- 6.1 The Licensing Act 2003 (Hearings) Regulations 2005 SI 44/2005 and the The Licensing Act 2003 (Hearings) (Amendment) Regulations 2004 SI 78/2005 ("the Regulations") made under Section 183 of the Act set out the statutory framework for the Licensing Sub-Committee hearings.
- 6.2 These Regulations make provision for hearings required to be held by the Council as Licensing Authority, under the Licensing Act 2003. In particular, the Regulations provide for the timing of the hearings and the notification requirements regarding the time and date of the hearings and information to be given to the parties. In addition, provision is made for a party to provide information to the Licensing Committee about attendance at a hearing, representations, the seeking of permission for another person to attend to assist and whether a party believes that a hearing is necessary.
- 6.3 The Regulations provide for a range of procedural issues to govern the way in which preparations are made for a hearing, the procedures to be followed, the rights of parties at the hearing, the keeping of records and the manner of giving notices. The Regulations also make provision for the timing of the Licensing Committee's determination following a hearing.

6.4 Insofar as the Regulations do not make specific provision for procedures for and at hearings, the Licensing Authority can determine its own procedures.

7 Notice of Hearings

7.1 The provisions of the Local Government Act 1972 requiring at least three clear working days' notice of Council and Committee meetings do not apply to hearings conducted under the Licensing Act 2003.

7.2 Instead Regulation 6 of the Regulations prescribes the period of notice to be given for a Licensing Committee hearing, depending upon the type of application being considered.

7.2.1 At least two clear working days' notice must be given if the hearing is to consider

- the cancellation of an interim authority notice following a police objection
- counter notice following a police objection to a temporary event notice

7.2.2 at least five clear working days' notice must be given if the hearing is to consider

- review of premises licence following a closure order
- determination of application for conversion of existing licence
- determination of application for conversion of existing club certificate
- determination of application by holder of justices' licence for the grant of a personal licence

7.2.3 In all other cases, at least 10 clear working day's notice of the hearing must be given.

8 Timescale for arranging hearings

8.1 Regulations 4 and 5 and Schedule 1 set out the time periods within which the Council is required to arrange hearings. Where a hearing cannot be concluded in one day and has to be held on more than one day, the Regulations require that the hearing must be arranged to take place on consecutive working days.

8.2 The time frame for arranging hearings again depends on the nature of the application and varies from 20 working days from the last date when representation may be made or notice may be received from the Police to five working days in the case of cancellation of an interim authority notice following a police objection.

9 Form of Notice

9.1 Regulation 34 requires that notice of the hearing shall be in writing although it is a matter for the Council to determine how the notice should be given. The Regulations specifically provide that notice can be given electronically (eg by email or fax transmission) provided that the recipient agrees to this method of notice beforehand and a hard copy of the notice is also despatched at the same time. The notice is then deemed to have been properly served at the time of the electronic transmission. Any notice served by second class post would generally be deemed to have been served within two working days.

9.2 It is recommended that all notices and information should be sent to the parties by second class post. In the case of emergency applications that have to be dealt with at short notice or where the parties specifically request, copies will also be sent by email or fax, where these details are known.

10 Information to be provided

10.1 Regulation 7 provides that the following information must be sent out with the notice of hearing

- The rights of attendance, assistance and representation
- The consequences if a party does not attend or is not represented at the hearing (which will usually be that the hearing will proceed in the party's absence)
- The procedure to be followed at the hearing
- Any particular points on which the Licensing Committee considers that it wants clarification from any party at the hearing

10.2 Regulation 7(2) also provides that, in relation to the hearings listed in column 1 of Schedule 3 of the Regulations, certain specified documents must be sent with the notice of hearing to the persons identified. For most types of application, this means that copies of the relevant representations or notices given must be sent to the applicants or licence holders.

10.3 The Regulations require that the notice of the hearing and supporting information must be sent to the appropriate parties ie the applicant and any persons making relevant representations. There is no requirement for public notice to be given of the hearing or for the supporting information to be made available to the press and public or any other members of the Council. The Council however has a discretion as to whether or not to publicise the hearing more widely.

10.4 Having regard to the principles of open government, the Constitutional requirements that decisions are taken in a transparent and accountable manner and the requirements of Regulation 14(1) that hearings are generally conducted in public, it is recommended that the Licensing Sub-committees follow the same publicity arrangements as with other Committee meetings.

11 Requirements for Applicants and any other persons

11.1 Upon receipt of the notice of the meeting, the Applicant and any other person must inform the Council in writing

- Whether they intend to attend or be represented at the hearing
- Whether they consider a hearing to be unnecessary
- Requests for any other people to attend the hearing eg witnesses (including their names and a brief description of the evidence that they can give and its relevance to the application)

11.2 In the case of emergency applications, such as the cancellation of an interim authority notice following representations by the police or a counter notice following a police objection to a temporary events notice, this information must be provided not later than one working day before the hearing. In the case of the review of premises licences following closure orders, an application for conversion of existing licences or club certificates and the grant of personal licences, the information must be provided at least two working days before the hearing. In all other cases the information must be provided at least five working days before the hearing.

11.3 It is recommended that a separate letter be sent to the Applicant and any other person at the same time as the agenda for the meeting, reminding them of the need for this information and asking them for a response as soon as possible before the meeting. If the Licensing Sub-committee is informed in good time before the meeting that the parties do not wish to attend, then it may be possible to reschedule other business or applications for that meeting.

- 11.4 Regulation 9 allows the Council to dispense with the need for a hearing if the Applicant and all any other persons agree. If all the parties respond to the request for information stating that they consider a hearing to be unnecessary, the hearing can be vacated and notice given to the parties accordingly. A determination must then be made within 10 working days of the notice.
- 11.5 Regulation 10 provides that any party may withdraw their representations by giving written notice at least 24 hours before the hearing or orally at the hearing itself. There are no powers to avoid wasted costs in favour of either party in the event of an abortive hearing due to late withdrawal of representations. The parties should be encouraged to give as much notice as possible if they intend to withdraw their representations to avoid the unnecessary time and expense of arranging a hearing.
- 11.6 Where all objections are withdrawn and/or all the parties agree that a hearing may be dispensed with, the applications may be determined by officers under delegated powers.

12 Extensions of Time and adjournments (Regulations 11-13)

The Licensing Sub-Committee have a general discretion to extend the time limits contained in the Regulations or adjourn hearings if this is considered to be necessary in the public interest. Proper notice would have to be given of any extension of time or adjournment. Time cannot be extended or hearings adjourned if this would result in a failure to comply with the timescales set out in the Act.

13 The Hearing

13.1 Exclusions

Regulation 14 provides that all hearings must be held in public. The Licensing Sub-Committee may however exclude the press and public (including the parties and their representatives) from all or part of the hearing if they consider that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

13.2 The Access to Information provisions of Schedule 12A of the Local Government Act 1972 do not apply to hearings before the Licensing Sub-Committee. The test for exclusion of the press and public is not whether there is "exempt information" (as defined in Schedule 12A) which is likely to be disclosed, but whether it is in the "public interest" that the hearing (or part of the hearing) should be in private.

13.3 It is recommended that, as a general rule, all representations from the parties should be heard in public unless there are exceptional circumstances. The overriding public interest dictates that hearings should be conducted in a fair, open and transparent manner and justice should be seen to be done. The Council's constitution is also based on democratic open government, accountability and public access to meetings. The parties should be given the opportunity at the beginning of the hearing to make an application for a private hearing, but they would have to establish a clear reason why this should override the public interest in an open hearing. The fact that personal information or information relating to financial, business or commercial interests would be disclosed would not, in itself, justify exclusion. An application for exclusion of the press and public could be made, for example, where sensitive information relating to individual children could be disclosed in relation to a policy issue involving the protection of children from harm, or where there are criminal justice implications involving representations made by the police. The final decision as to whether the press and public should be excluded for all or part of the hearing on public policy grounds is a matter for the Licensing Sub-Committee.

13.4 It is however recommended that, as a general rule, the press, public and the relevant parties are all excluded from the meeting while the Licensing-Sub-committee deliberate and come to

their decision on the grounds that this private debate is considered to be in the “public interest”. Everyone should then be asked to withdraw from the room, except for the Licensing Officer, the Democratic Services Officer and the Head of Law and Standards or his nominated representative. These three officers shall be entitled to remain, but only for the purpose of offering advice as to procedure or any particular point of law and to record decisions. They must not participate in the decision-making by the Licensing Sub-Committee. Where it is more convenient, the Licensing Sub-Committee may withdraw to a private room rather than require everyone else to withdraw from the meeting room.

- 13.5 If there are any further points of clarification required, then all of the parties and the public should be allowed back into the meeting while these points of clarification are addressed.
- 13.6 Regulation 25 permits the Licensing Sub-Committee to exclude any person from the hearing if they are behaving in a disruptive manner, either permanently or temporarily (permitting them to return only if they comply with such conditions as may be specified). If one of the parties is excluded on these grounds and not permitted to return, they are entitled to submit to the Licensing Sub-Committee in writing any information which they would have been entitled to give orally had they not been excluded from the meeting.
- 13.7 Representations
Any person or responsible authority may make written representations about an application for a premises licence or certificate within a specified period, which is generally 28 working days of the receipt of the application. Representations or requests for review will only be relevant if they relate to the four licensing objectives. The applicant will be provided with copies of all relevant representations received at the same time as the notice of hearing. The written representations will also be referred to as background papers to the Report of the Licensing Officer, which will be circulated to Members of the Licensing Sub-Committee and made available to the press and public as soon as possible and, in any event, at least two clear working days before the hearing.
- 13.8 Advice should therefore be given that, if any person responds to any notice or advertisement, their letter of objection or support will be made available to the public, including personal data (such as names and addresses) in accordance with the Data Protection Act 1988. If any person objects to their name and address, or any other personal information, being made public, then their representations will need to be redacted or anonymised before being circulated (but this may affect the weight that the Licensing Sub-Committee attaches to their representations).
- 13.9 Where relevant representations have been made and an application is to be determined at a hearing, the applicant and those parties who have made representations have a right to attend the hearing (subject to rights of exclusion) and may be assisted or represented at the hearing by any person (whether or not that person is legally qualified) (Regulation 15).
- 13.10 Regulation 16 provides that a party shall be entitled at the hearing to
- Give further information in response to a point upon which the Licensing authority has given notice that it wants clarification
 - Question any other party, if permission is given by the Licensing Sub-Committee
 - Address the Licensing Sub-Committee
- 13.11 Regulation 17 provides that Members of the Licensing Sub-Committee may question any party or other person appearing at the hearing.
- 13.12 In considering any application, representations or notice made by a party, the Licensing Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice, either before the hearing or, with the consent of the parties, at the hearing. The Licensing Sub-Committee has discretion as to whether to admit this documentary evidence but should, generally allow this to be presented

if it is relevant and material to the application, the representations or notice submitted and the licensing objectives. This however should not be seen as an opportunity to introduce new representations outside the statutory timescale. The parties should be advised to provide any additional documentary evidence as soon as possible before the hearing and, wherever possible, this should be circulated in advance to the Members of the Licensing Sub-Committee and the other parties. The Sub-Committee will then decide at the hearing whether or not this additional documentary evidence should be admitted and considered. If admitted, the additional information will then be made available to the press and public at the meeting. If the additional documentary evidence has not been produced before the hearing, it can only be admitted with the consent of all the parties. If any other party objects to the evidence being produced at the hearing, the Licensing Sub-Committee has no discretion to admit it or take it into account.

14 Failure of parties to attend the hearing

If a party has informed the Council that he/she does not intend to attend or be represented at the hearing, then the hearing may proceed in their absence. If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Licensing Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing proceeds in the absence of a party, the Licensing Sub-Committee must still consider the written representations or notice submitted by that party and follow the same principles of decision-making.

15 Procedure at the hearing

- 15.1 Subject to the provisions of the Regulations, the Licensing Sub-Committee has the discretion to regulate their own proceedings and procedure to be followed at the hearing. The proceedings should be kept as informal as possible although a logical and ordered approach should be maintained in order to ensure a fair and impartial hearing. A suggested form of procedure is attached however the Chair should make it clear that the Licensing Sub-Committee are not totally inflexible and would be prepared to vary the order of proceedings if this would facilitate the proper consideration of an application or notice.
- 15.2 Regulation 7(c) provides that parties should be informed of the procedure to be adopted at the hearing when they are sent notice of the arrangements for the meeting. It is therefore suggested that a copy of the written procedure is sent to the parties with the notice of the hearing.
- 15.3 Regulation 22 requires the Licensing Sub-Committee to explain the procedure to the parties at the beginning of the hearing and consider any request under Regulation 8(2) for permission for another person to appear at the hearing (such permission not to be unreasonably withheld). Prior notice should have been given if parties wish to call witnesses or other persons to address the hearing. Provided that their evidence or representations are relevant and material, permission should generally be allowed.
- 15.4 Regulation 23 provides that the hearing should take the form of a "discussion led by the authority" and cross-examination should not be permitted unless the licensing committee considers that this is required to enable them to consider the matter properly. Whilst parties and their representatives should not be allowed to make the hearing too adversarial, it is suggested that both parties should be allowed an equal opportunity to put questions to the other party and their representatives/witnesses (under Regulation 16). A period of five minutes each should be allowed for questions, with the Chair having discretion to disallow any questions which are considered by the Licensing Sub-Committee to be irrelevant, hostile or repetitive. Wherever possible, large groups of objectors should be encouraged to appoint a single spokesperson to present their case, to save time and avoid unnecessary duplication.

15.5 Regulation 24 provides that the Licensing Sub-Committee must allow the parties an equal maximum period of time in which to exercise their rights to put questions and address the hearing. It is suggested that, as a general rule, a maximum time of 20 minutes should be allowed for both parties, with 10 minutes for addressing the Sub-Committee, five minutes for questioning and five minutes for summing up at the end. The Licensing Sub-Committee can however extend time for both parties if this is necessary for the proper consideration of the matter.

16 Site Visits

The Sub-Committee may, at its discretion, undertake a site visit of any premises that are the subject of any application. The visit may take place either before the hearing, by arrangement with the parties, or the Sub-Committee may adjourn the hearing at any time to visit the premises. If a site visit is undertaken, it should be a fact-finding exercise only and no representations should be heard from any party. Any questions should be addressed to licensing officer(s), wherever possible, but if it is necessary to ask a question of any party, this should be done in the presence of all the other parties.

17 Determination of applications

17.1 Normally, the licensing Sub-Committee must make its determination at the conclusion of the hearing. In other cases the Sub-committee shall make its determination within five working days. Where a hearing has been dispensed with, the decision must be made within 10 working days of the notice to dispense with the hearing.

17.2 The Council's Statement of Licensing policy provides that every decision of the Licensing Sub-Committee shall be accompanied with reasons for that decision. A summary of the decision shall be posted on the Council's website as soon as possible after the decision has been made, where it will form part of the statutory licensing register.

17.3 Paragraph 24 provides that comprehensive reasons should be given and, on making findings of fact in its reasons, the Licensing Sub-Committee should ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Sub-Committee should also address the extent to which the decision has been made with regard to its Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.

17.4 Regulation 28 requires the Council to notify the parties in writing of the determination of the Licensing Sub-Committee and their rights of appeal. The Council is also required to send notification of the determination to the Chief Officer of Police, where the police have not been a party to the hearing. This notification must be sent within the period specified in the Act or, if no period is prescribed, forthwith on making the determination.

18 Right of appeal

Any aggrieved party will have the right of appeal to the Magistrates' Court within 21 days of being notified of the decision.

19 Record of proceedings

Regulation 30 provides that the Council must keep a record of the hearing in a permanent and intelligible form for a period of six years from the date of the determination or, where any appeal is brought against the determination of the Licensing Sub-Committee, from the disposal of any appeal. A verbatim note or transcript of the proceedings is not required, but the Minute recording the decision must be sufficiently detailed so as to provide an accurate record of both the proceedings and the decision taken, together with the reasons given and any conditions imposed.

20 Irregularities

Regulations 31-33 provide that any irregularities or clerical errors shall not invalidate any decision or render a determination void and enables the Council to correct any error or cure any irregularity as soon as possible.

Organisation of Cases for the Hearing

- 1 The hearings will normally take place at the Civic Centre, Newport at times to be agreed with the Sub-Committee.
- 2 The agenda for the meetings of the Licensing-Sub-committee shall be agreed by the Licensing Officer and the Senior Democratic Services officer after any necessary consultation with the relevant Chair of the Licensing Sub-Committee. The officers shall determine how many applications can be heard at each meeting and the order in which the applications should be considered, taking into account the number of parties who will be attending.
- 3 Hearings should be scheduled in accordance with the timescales prescribed by the Regulations. In general a hearing must be held within 20 working days after the time has expired for making representations.
- 4 Once the draft agenda has been agreed, the Senior Democratic Services Officer should send out notice of the agenda to the Members, press and public in the usual way. Members should immediately inform the Senior Democratic Services Officer if they consider they are disqualified from hearing or they have an interest in any specific case.
- 5 At the same time, the Licensing Officer shall send notice of the hearing to the parties, together with
 - A copy of the procedure to be followed at the hearing
 - Confirmation of the parties' rights to be assisted or represented at the hearing (whether or not that person is legally qualified)
 - Confirmation that the parties will be allowed to address the Licensing Sub-Committee and put questions to the other parties for a maximum of 20 minutes
 - Confirmation that, if a party does not attend the hearing, the hearing would generally proceed in his/her absence
 - A note of any particular point on which the Licensing Sub-committee requires further clarification.
 - Copies of all relevant representations received
- 6 The parties should also be requested to notify the Council as soon as possible (and in any event within the timescale prescribed by the Regulations) whether they intend to appear and/or be represented at the hearing or whether they consider a hearing to be unnecessary.
- 7 If they intend to proceed with a hearing, they should be requested to give advance notice of any application to adduce any further documentary evidence (which should preferably be provided as soon as possible before the hearing) or request for any other person to appear at the hearing. The request must contain details of the name of the witness and a brief description of that person's evidence.
- 8 The notice of hearing and supporting documents should be sent by second class post and, except in the case of emergency applications or where the Regulations specify a shorter period, at least 10 clear working day's notice should be given. The Licensing Officer may also send electronic copies by email or fax by agreement with the applicants or other party.

- 9 The Chair of the Licensing Sub-committee may meet with the Democratic Services Officer, the Solicitor to the Licensing Sub-Committee and the Licensing Officer(s) presenting the report in advance of the hearing to identify any issues where further clarification should be requested from the parties. These issues will be notified to the parties by the Licensing Officer to enable them to address these issues in their submissions at the hearing. During this preliminary meeting and any pre-agenda meeting, no decisions shall be made and no discussions shall be held regarding the substantive merits of the application or representations.
- 10 The hearings shall be attended by a Solicitor, a Democratic Services Officer and the Licensing Officer. The officers shall attend for the sole purpose of giving advice on law and procedure and are not parties to the decision.
- 11 The role of the Solicitor is to provide legal advice in relation to the applications and submissions.
- 12 The role of the Democratic Services Officer is to record the proceedings and the decisions of the Sub-Committee and ensure efficient administration.
- 13 The Licensing Officer shall prepare a written Report for consideration by the Licensing Sub-Committee, which should include
 - A brief summary of the application
 - A brief summary of the representations
 - The relevant licensing objectives
 - Relevant aspects of the Council's Statement of Licensing Policy and statutory Guidance
 - Other background information (such as copies of letters)
- 14 The Licensing Officer's Report should be sent out as soon as possible and, in any event, no later than 10 clear working days before the hearing, together with copies of relevant documentary evidence submitted by the parties. Wherever possible, the Licensing Officer's Report should be sent out at the same time as the notice of hearing and supporting documents, but this will not be reasonably practicable where there are a significant number of applications to be determined. If additional documentary evidence is provided later by the parties, it should be copied and sent to the other parties before the hearing, if reasonably practicable.
- 15 After hearing all the representations and prior to retiring to make its decision, the Licensing Sub-Committee may, if it wishes, seek the guidance of the Licensing Officer and/or Solicitor on possible conditions that could be attached to any licence.
- 16 The Democratic Services Officer shall keep a record of the decisions taken and the Licensing Officer shall send written confirmation of the decision to the relevant parties, together with the reasons, any conditions and their rights of appeal.

Principles of Decision-Making

- 1 This note is intended to provide members of the Licensing Sub-committee with a guide to the principles of decision-making. The licensing hearings are of a quasi-judicial nature and the procedures are, therefore, markedly different to the usual arrangements for Committee meetings.
- 2 It should be noted that the proceedings are governed by adjudication procedures and the rules of natural justice will, therefore, apply. All the parties should be given a full and fair hearing, which should be conducted in an open, transparent and accountable manner.
- 3 Members must, at all times, comply with the Council's Member Code of Conduct.

- 4 All licensing applications must be considered on the basis of whether they promote the four licensing objectives set out in the Act and incorporated in the Statement of Licensing Policy, namely
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

- 5 In reaching their decisions under the Act, the Licensing Sub-Committee must have regard to all relevant considerations including (but not limited to)
 - The relevant statutory provisions
 - Relevant Statutory Guidance issued under Section 182 of the Act
 - The Council's Statement of Licensing Policy
 - The licensing objectives
 - The material facts based on the relevant evidence presented and representations received
 - The individual merits of each case
 - The public interest

- 6 The Licensing Sub-Committee must disregard any irrelevant considerations, including (but not limited to) information or evidence which is not relevant to the application or to the promotion of the licensing objectives. Members must also disregard any party political considerations or decisions taken in political group meetings.

- 7 Members of the Licensing Sub-Committee must act fairly, objectively and impartially throughout. They must not show any bias or predetermination and must keep an open mind on all applications until they have heard all the relevant representations and evidence. Members must not prejudge any application, express any view on the merits of any application, organise any support or opposition to any application, in advance of the hearing. Any Member with a "closed mind" on any application would be disqualified from sitting on the Licensing Sub-Committee which considers that application.

In the event of any licensing applications submitted by or on behalf of the Council or an officer of the Council, the same rules and procedures shall apply. No account shall be taken of the fact that the application is submitted by the Council or an officer and no favour or consideration shall be shown in relation to the application. Any member involved in the decision to apply for the licence shall be disqualified from sitting on the Licensing Sub-Committee which considers the application.

Procedure to be Followed at The Hearing

1 Preliminaries and Opening remarks

At the commencement of the meeting, the Chair for the meeting shall be elected by simple majority of members present.

The Chair of the Sub-Committee opens the meeting and welcomes those attending.

The Chair introduces the members and the officers present.

2 Apologies/declarations of interest

The Chair deals with any apologies for absence and declarations of interest. Any substitution of members will be dealt with at this stage.

3 Introductions

The Chair invites the applicant, any other person and their representatives to introduce themselves and indicate who will be speaking.

The Chair explains the procedures to be followed and the time allocated to each party and asks if there are any questions. (The order of proceedings may be varied at the discretion of the Sub-Committee where the parties have any particular preference or where this is necessary for proper consideration). The proceedings will generally be conducted in public unless it is in the public interest to hear cases in private. Any applications to exclude the press and public should be dealt with at this stage.

4 Applications

The Chair will inform the parties whether their applications to have certain people attend the hearing under Regulation 8(2) (eg witnesses) have been granted or refused.

The Chair will summarise the papers before the Licensing Sub-Committee and will confirm that everyone has copies. Chair will ascertain whether any representations have been or are now to be withdrawn. Licensing Sub-Committee will consider any requests for additional documentary evidence or other information to be introduced by either party. (Note that advance notification must be given, otherwise the additional information or evidence can only be adduced at the hearing with the consent of all the parties and the agreement of the Sub-Committee).

Chair is to identify any specific points about which the Licensing Sub-Committee have requested clarification.

5 Report from Licensing Officer

The Licensing Officer presents the Report outlining

- The nature of the application
- Any relevant background information
- Relevant issues in relation to the promotion of the four licensing objectives
- Relevant representations received
- Any relevant policy issues, including the Statement of Licensing Policy and any statutory Guidance

The Licensing Officer presenting the report will not make any recommendation regarding the determination of the application, but will simply outline the relevant considerations which the Licensing Sub-Committee will need to take into account when arriving at their decision. (It should be noted if the Licensing Authority wishes to make representation regarding application as a relevant authority under the Licensing Act 2003 a further Licensing Officer will be required to attend the committee and Act as a relevant authority).

The Members will be able to ask questions of the Licensing Officer(s) presenting the report to clarify any issues arising out of the Report.

7 The Applicant's case

- (a) The Applicant/representative to address the Sub-Committee and to call any witnesses where permission has been granted (maximum period of 10 minutes). Parties may give their evidence by making a statement or by being questioned by their representative.
- (b) The objectors/representatives shall be allowed to put questions to the applicant/representative and any witnesses (maximum five minutes).
- (c) The members of the Licensing Sub-committee to put questions to the applicant/representative and any witnesses

8 The Objector(s) case

- (a) The Objectors/representatives to address the Sub-Committee and to call any witnesses, where permission has been granted (maximum period of 10 minutes). (The responsible authorities eg Police, Fire Authority, followed by any other person in the order in which they submitted their written representations. Where a large group have objected, they should be encouraged to appoint a single spokesperson in order to save time and avoid repetition).
- (b) The applicant/representative shall be allowed to put questions to the objectors/representatives and any witnesses, (maximum five minutes).
- (c) The members of the Licensing Sub-committee to put questions to the objectors/representatives and any witnesses.

9 Closing Statements

- (a) Objectors or their representative(s) to sum up (maximum of five minutes). (In the order in which they addressed the Sub-Committee, if more than one).
- (b) Applicant or representative to sum up (maximum of five minutes). (At this stage the applicant/representative should indicate whether, in the light of the representations made, they wish to amend their application or offer any conditions to overcome the objections and/or promote the licensing objectives).

10 Decision

If there are no further matters to be resolved, the Chair will ask all the parties if they are satisfied that they have had a fair hearing and will then close the proceedings.

The Sub-committee to consider whether it is in the public interest that they deliberate in private or whether this part of the hearing should continue to take place in public.

Pass resolution to exclude the press and public (including the parties and their representatives) pursuant to Regulation 14(2) during this part of the hearing, while the Sub-Committee discusses its decision. Everyone should then be asked withdraw from the room, except the Licensing Officer(s) presenting the report, the Democratic Services Officer and the Head of Law and Standards or his nominated representative(s). These officers shall be entitled to remain but only for the purpose of offering advice as to procedure or any particular point of law. The Sub-Committee may withdraw into a private room to do this

The Members of the Sub-Committee will deliberate and come to their decision. The reasons for the decision, the material findings of fact and any conditions will be agreed and recorded in writing by the Chair. In the event of any disagreement, any matter under consideration shall be determined by a simple majority of votes cast.

The hearing will then resume in public. The Chair will announce the decision and give the reasons for that decision, any material findings of fact, any licence conditions that are to be imposed and the licensing objectives that they relate to (unless, where permitted by the regulations, the decision is to be communicated at a later time).

11 Repeat process for each hearing

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Report

Licensing Sub-Committee

Part 1

Date: 14 April 2015

Item No: 1

Subject **Licensing Review Application
B&J Newsagent, 424 Chepstow Road, Newport, NP19 8JH**

Purpose The consideration and decision in respect of a Review application under Licensing Act 2003

Author Principal Licensing Officer

Ward As indicated in the report

Summary The Licensing Committee have statutory and delegated powers to take decisions in relation to licensing applications. The Licensing Committee will make the decision on the application made pursuant to the relevant legislation under which the application has been made.

Proposal **To make a decision on the application as detailed within this report.**

Contact Principal Licensing Officer

Action by Head of Law and Regulation

Timetable Immediate

Signed

1. Application

- a) An application to review a Premises Licence under Section 51 of the Licensing Act 2003 was served on the Licensing Authority by Newport City Councils Trading Standards Department on 25th February 2015 in respect of an alcohol licensed premises for 'off sales' located at B&J Newsagent, 424 Chepstow Road, Newport.
- b) The application for review and supporting evidence can be found in Appendix 1 of this report.
- c) The review application served by Newport City Council Trading Standards Department relates to an undermining of the Licensing Objectives of the Prevention of Crime and Disorder and Protection of Children from Harm.
- d) The current holder of the Premises Licence is a Mr Jayesh Patel of 424 Chepstow Road, Newport.
- e) The current Designated Premises Supervisor of the Premises is also Mr Jayesh Patel.
- f) Following receipt of the review application, Officers of the Licensing Authority attended the premises at approximately 17:00hrs on 25th February 2015 and in accordance with Section 51 (3)(a) of the Licensing Act 2003 served a copy of the application upon Mr Jayesh Patel and placed two notices on lamp / sign post outside the premises in accordance with the regulations of the Act, thereby providing information to any person wishing to make representations in respect of the application no later than 25th February 2015.

2. Premises Licence and Licensable Activities

- a) B&J Newsagent at 424 Chepstow Road, Newport, NP19 8JH, has held a Premises Licence under the Licensing Act 2003 since 24th November 2005. Mr Jayesh Patel has held the licence since 2005 and has remained as the DPS. A Map and pictures of the premises can be found in Appendix(1a).

A Copy of the Premises Licence can be found in Appendix 2 of this report: The current licence authorises the licensable activity of the sale of alcohol for consumption off the premises between:

Monday to Saturday inclusive 08:00 - 23:00

Sunday 10:00 - 22:30

Good Friday 08:00 - 22:30

For the sale by retail of Alcohol

- i) Christmas Day between the hours of 12:00 to 15:00 and 19:00 to 22:30

3. Promotion of the Licensing Objectives

- a) The Licensing Objectives are achieved by the compliance with the 'mandatory conditions' and the conditions attached to the operating schedule shown in Part A of the Premises Licence (see Appendix 2)

4. Representations and Additional Information

- a) Representation's supporting the review submitted by Trading Standards was received from both Gwent Police and Local Health Board (Aneurin Bevan University Health Board). A Copy of Police representation can found in Appendix 3 of this report and a copy of Health Board representation can be found in Appendix 3a.
- a) It should be noted that some of the supporting documentation in the form of statements have been withheld by Gwent Police and Trading Standards, they have stipulated that the statements will be available to the Licensing Committee on the day of the Hearing. The Police and Trading Standards respectfully request that the Committee only view the statements in Private under Regulation 14(2) of the Licensing Act 2003 Hearing Regulations. It is felt by both parties that the statements are of a very sensitive nature especially considering the ages of those children who made the statements.
- b) Regulation 14(2) of the Licensing Act 2003 Hearing regulation allows the Committee to exclude the press and public (including the parties and their representatives) from all or part of the hearing if they consider that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

5. Policy Considerations regarding a review of a Premises Licence & Home Office Guidance.

Relevant extracts of the Statement of Licensing Policy as regards this application include:

9. 1 The Council can consider a review of a premises licence where it is alleged by a Responsible Authority, such as the Police, Fire Authority or other persons, that any of the licensing objectives are being under mined. It views particularly seriously applications for the review of any premises licence which involves the:

- 1) use of licensed premises for the sale and distribution of classified drugs and the laundering of the proceeds of drugs crimes;
- 2) use of licensed premises for the sale and distribution of illegal firearms;
- 3) evasion of copyright in respect of pirated films and music;
- 4) **underage purchase and consumption of alcohol;**
- 5) use of licensed premises for prostitution or the sale of unlawful pornography;
- 6) use of licensed premises for unlawful gaming;
- 7) use of licensed premises as a base for organised criminal activity;
- 8) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- 9) use of licensed premises for the sale of smuggled tobacco or goods;
- 10) use of licensed premises for the sale of stolen goods;
- 11) Police being frequently called to attend to incidents of disorder;
- 12) prolonged and/or repeated instances of public nuisance;
- 13) serious risk to public safety;
- 14) **serious risk to children.**

And

Where a review hearing is held, the Council has a variety of courses of action ranging from taking no action at all, varying conditions, suspending or revoking the licence.

Relevant extracts of the Home Offices Revised Guidance issued under section 182 of the Licensing Act 2003. Reviews arising in connection with crime.

Paragraph 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

Paragraph 11.28 of the guidance stipulates

It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

6. Legal Considerations

The decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In each case the Sub-Committee may make the following determination

- a. To refuse the review application
- b. To modify the conditions of the licence, by altering, omitting or adding to them, where relevant;
- c. To remove the designated premises supervisor
- d. To suspend the Licence for a period not exceeding three months; or
- e. To revoke the Licence.

All decisions taken by the Sub-Committee must

- (a) be within the legal powers of the Council and its Committees;
- (b) comply with any procedural requirement imposed by law;
- (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations;
- (d) be fully and properly informed;
- (e) be properly motivated;
- (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and
- (g) be reasonable and proper in all the circumstances.

7. Issues for discussion

- a. The review application and supporting evidence provided by Newport City Council Trading Standards Department.
- b. The representations supporting the review from Gwent Police and ??? in their capacity of a Responsible Authority.
- c. The response by the holder of the Premises Licence to the application by Trading Standards.
- d. Any other evidence or matters presented by all parties and any mitigating circumstances.
- e. Any action that the committee consider necessary to ensure the promotion of the four licensing objectives.

Appendix 1

Copy of Newport City Council Trading Standards Review and Supporting Evidence.

Application for the review of a premises licence or club premises certificate 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 Ruth Harris

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 424 Chepstow Road	
Post town Newport	Post code (if known) NP19 8JH
Name of premises licence holder or club holding club premises certificate (if known) Mr Jayesh Patel	
Number of premises licence or club premises certificate (if known) 05/01235/LAPRE	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

--	--

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

--

Post town

--

Post Code

--

Daytime contact telephone number

--

E-mail address (optional)

--

(B) DETAILS OF OTHER APPLICANT

Name and address

--

Telephone number (if any)

--

E-mail address (optional)

--

Paragraph 11.28 directs licensing authorities and law enforcement agencies acting as responsible authorities to use review procedures effectively to deter such crime and where "reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crime, it is expected that revocation of the licence – even if the first instance – should be seriously considered".

The Trading Standards Section feels that revocation of the licence is the only option.

Please provide as much information as possible to support the application
(please read guidance note 2)

[1] Details of Intelligence Received Relating to Illegal Sales of Alcohol etc. to Children

Between 21 January 2015 and 23 February 2015 Trading Standards received 13 complaints from members of the public that B and J Newsagents was selling alcohol to children and these reports revealed that 55 children (mostly aged 12 to 15 years) regularly purchase alcohol and cigarettes from Jayesh Patel from B and J Newsagents. The main product purchased is vodka.

Trading Standards have evidence that sales are being made by Jayesh Patel himself.

On 12 February 2015 a Fair Trading Officer spoke to a member of staff at a local High School who had heard children discussing the purchase of alcohol and cigarettes from B and J Newsagents. In the school there had been a sharp increase in the seizures of cigarettes from children aged 11 – 14 years. This member of staff had also noticed, when driving past B and J Newsagents recently, there were between 50 and 60 school children gathered outside. He stated that the children appeared to be intoxicated and there was evidence of anti-social behaviour.

Since 2013 there have been 18 complaints about the premises selling alcohol to children, 9 complaints in relation to selling tobacco and 1 complaint about fireworks. There have also been 7 complaints about other products being sold to minors.

Since January 2015 Trading Standards have consulted with a number of other enforcement agencies such as Gwent Police and Newport City Council's Community Safety Service. During these consultations it was noted that on many occasions children have been seen "on the door" outside the shop and, on at least one occasion, children were found to be present in the back room of the shop.

[2] History of Relevant Visits by Trading Standards to B and J Newsagents

In December 2014 a Senior Trading Standards Officer visited B and J Newsagents. Advice was given in relation to a statutory notice, namely to reposition bottles of vodka which were obstructing the notice from view; Jayesh Patel refused to move the notice or the vodka. Jayesh Patel stated that he refused to keep a Refusal Register; he wished instead to just use CCTV. It was explained that a Refusal Register would be preferable; Jayesh Patel refused to accept the advice.

In November 2014 a Fair Trading Officer visited B and J Newsagents with test purchase volunteers. A sale of alcohol was not made; however before the children were refused Jayesh Patel questioned them about where they lived and what they were doing in the area. It was noted that a group of boys aged 7 years to early teenage were loitering outside the shop. Earlier in the operation one of the boys was seen talking to Jayesh Patel about cars.

In November 2013 a Trading Standards Officer visited B and J Newsagents with a test purchase volunteer. A sale was attempted of fireworks; but only the most expensive boxes were for sale (£47); the test purchase volunteer returned to the shop with sufficient money and was then asked for proof of age and the sale was refused.

In October 2011 a Fair Trading Officer visited B and J Newsagents to carry out a 'fireworks safety' inspection. Jayesh Patel was given advice on keeping a Refusal

Register instead of relying on CCTV.

In October 2011 a Trading Standards Officer visited B and J Newsagents with a test purchase volunteer. A sale was attempted of cigarettes. Proof of age was requested and the sale was refused.

In October 2010 a Trading Standards Officer visited B and J Newsagents to carry out a 'fireworks safety' inspection. Jayesh Patel was given advice on age restricted sales.

In 2009 B and J Newsagents was one of a small number of licensed premises selected to be part of Operation Bolivia. It was planned that the premises would be visited on a number of occasions to assess whether the allegations of persistent selling of alcohol to children were accurate. Through May to August 2009 there were 8 attempts by test purchase volunteers to buy alcohol and there was one illegal sale (WKD Blue 700ml). Newport City Council prosecuted Jayesh Patel and he was given a fine of £1,000. During this investigation Jayesh Patel spoke with a Principal Trading Standards Officer about the illegal; the conversation revealed that Patel had a detailed knowledge of Trading Standards practices and procedures in relation to underage sales test purchase operations.

In February 2008 Jayesh Patel sold alcohol to a test purchase volunteer. At court he pleaded not guilty and was acquitted.

In January 2008 Jayesh Patel sold fireworks outside the permitted dates. At court he pleaded guilty and was fined £150 (alongside his partner in the business).

In October 2006 Jayesh Patel sold fireworks outside the permitted dates. A Simple Caution was signed.

In June 2004 alcohol was sold from B and J Newsagents to a test purchase volunteer. At court Jayesh Patel pleaded not guilty and was acquitted.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

□	□	□	□	□	□	□	□	□	□
---	---	---	---	---	---	---	---	---	---

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

- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

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

Signature R Harris

Date 25 February 2015

Capacity Principal Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

STATEMENT OF EMMA ELIZABETH ABBOTT

FAIR TRADING OFFICER

NEWPORT CITY COUNCIL TRADING STANDARDS SECTION

1. My name is Emma Abbott and I am a Fair Trading Officer employed by Newport City Council Trading Standards Section.
2. I make this statement in relation to allegations of the supply of alcohol and tobacco to children by B & J Newsagents, 424 Chepstow Road, Newport, NP19 8JH.
3. My duties as a Fair Trading Officer include dealing with front line telephone calls and emails with complaints about local businesses. Since 21 January 2015 I can confirm that Newport Trading Standards has received 13 complaints from members of the public regarding the sale of alcohol to children at B & J Newsagents. I have personally spoken to 10 of these complainants and 7 of their children who have been affected by the activities of the shop and obtained witness statements from them. Two anonymous complainants were dealt with by the Citizen's Advice Consumer Helpline who referred the details of the complaints to Newport Trading Standards, and one other was dealt with by my line manager, Ruth Harris.
4. During the course of my dealings with these complaints several sources have expressed similar concerns. In particular these are: the supply of alcohol and tobacco to children as young as 11 and 12; children becoming so drunk that many of them have soiled themselves and vomited uncontrollably for extended periods of time and even become unconscious; the anti-social behaviour that is occurring in Beechwood Park and its surrounds which is believed by many to be fuelled by this supply; the "common knowledge" in Newport that the shop will sell age restricted items to young children, which is leading children to travel from other areas of Newport to the shop to buy alcohol; and the "code" in use in the shop to ensure that only children the owner knows are "safe" are able to purchase age restricted items.
5. I have been informed by all the parents and children I have spoken to that they are concerned about repercussions for them if it were to become known that they have spoken to Trading Standards. For this reason the names of the children and their parents have been

omitted to protect their identities. Where a statement of witness has been obtained I have noted this in my statement. These statements of witnesses will be made available to the Licensing Committee at the review hearing should more detail of a particular case be required.

6. The first complaint on 21 January 2015 was from a family member of a 13 year old girl. On speaking to the complainant I was informed that the 13 year old has been coming home drunk. The complainant stated that she believed the girl was obtaining the vodka and cigarettes from B&J Newsagents on Chepstow Road as she sees the girl outside the shop on an almost daily basis. She has also been informed by friends and other family that they have seen her coming out of the shop and seen her in the area of Beechwood Park seemingly drunk. This complainant provided a formal witness statement labelled as EA/01.
7. On 5 February 2015 I spoke to the mother of a 15 year old girl who had been supplied with vodka at B & J Newsagents on 31 January 2015. The complainant informed me that her daughter had gone out for the evening with friends, and when she texted to ask her to come home for tea, she received a phone call from her daughter's friend to say that she would have to go and get her as she was drunk. The complainant stated that her daughter was very drunk and unable to walk without support. Their daughter admitted purchasing vodka from B & J Newsagents. This complainant provided a formal witness statement labelled as EA/02.
8. On 6 February 2015 I spoke to the grandfather of a 13 year old girl. He told me that his granddaughter had not returned home on time that night and he and the girl's mother were trying to find her when the girl was brought home by 3 police officers having been found drunk in the street. On being questioned by her grandfather the girl confirmed that she had purchased a bottle of vodka from B & J Newsagents. This complainant provided a formal witness statement labelled as EA/03.
9. I subsequently spoke to the girl's mother who told me that her daughter was so drunk she was barely able to speak or stand and had lost control of her bodily functions. The girl's mother provided a formal witness statement labelled as EA/04.
10. On 12 February 2015 I spoke to a member of staff at St Julian's High School who told me that over the last 4-6 weeks the staff at St Julian's had noticed an increase in the number of children discussing purchasing alcohol and cigarettes, mentioning B & J Newsagents as the

source. I was also told that the amount of cigarettes being confiscated from Key Stage 3 children had increased, and this was unusual as these are children aged 11-14 and the staff generally expect to find cigarettes on the older children. The member of staff also told me that he lives near the shop and on occasions has driven past and felt it was like a school assembly outside the shop with 50-60 St Julian's children gathered outside. This complainant provided a formal witness statement labelled as EA/05.

11. On 12 February 2015 I spoke to the mother of a 13 year old girl who had been reported missing to the police on 6 February 2015 when she did not come home at her agreed curfew. While out looking for her daughter the complainant drove past B & J Newsagents and saw a group of about 15 children, one of whom appeared to have a bottle of vodka in her hand. Her daughter had then been brought home by her uncle at midnight; she had gone to his house because she was drunk and did not want her mother to know. The girl confirmed that she had been drinking cider purchased from B & J Newsagents with her 15 year old friend. Officers from Gwent Police later attended the house, spoke to the daughter and confirmed that, in their opinion, she was drunk. This complainant provided a formal witness statement labelled as EA/06.
12. On 12 February 2015 I received a complaint from a member of the public who lives in Cwmbran. He told me that, on 6 February 2015, he had visited B & J Newsagents to purchase cigarettes and was shocked to see children who appeared to be about 11-12 years old coming out of the shop, opening bottles of vodka and drinking directly from the bottle. He told me he had also seen the man in the shop double bagging bottles of alcohol so they could not be seen and turning his back to the CCTV cameras when serving children who appeared underage. This complainant did not provide a formal witness statement.
13. On 12 February 2015 I spoke to the mother of a 12 year old girl who wished to complain that her daughter and her niece (who was also aged 12), were served with alcohol by B & J Newsagents. They were served vodka and other alcoholic drinks which they took to Beechwood Park to drink. One of the girls became very ill and had to be taken to hospital. The following day the complainant questioned her daughter about where she purchased the alcohol from and she was told it was at B & J Newsagents. This complainant did not provide a formal witness statement.

14. On 13 February 2015 I spoke to the mother of a 12 year old girl who had been taken to hospital after losing consciousness in Beechwood Park as a result of excess consumption of alcohol. The girl was so drunk she did not recognise her mother and had lost control of her bodily functions. Tests at hospital confirmed that the girl was nine times over the drink drive limit. The alcohol had been purchased from B & J Newsagents. I obtained a formal witness statement from this complainant labelled as EA/07.
15. On the 23 February 2015 Newport Trading Standards received a complaint from the mother of a 13 year old boy who had been found drunk near the Corporation Road area of Newport. The mother was informed by officers of Gwent Police that her son was drunk and asking her to go and collect him and his friend. The boys admitted that they purchased a bottle of vodka from B & J Newsagents. The mother stated that while driving home it was apparent to her that both boys were intoxicated and her son kept saying he felt sick. On arrival at home her son passed out in the bathroom having been sick all over his bed. He continued to be sick throughout the night and also lost control of his bodily functions. His mother stated that with hindsight she wished she had taken him to hospital instead of trying to manage the situation herself. This complainant provided a formal witness statement labelled EA/08.
16. On 23 February 2015 I spoke to a man who was concerned about information that his 11 year old son had provided him about activities at B & J Newsagents. The complainant advised me that his son had been taken home by the police following an incident of anti-social behaviour near Beechwood Park. Following this he and his wife spoke to their son and he admitted that he had purchased alcohol and cigarettes from the shop. This complainant provided a witness statement labelled EA/09.
17. On 5 February 2015 I spoke to a 15 year old girl, who told me that she had been buying alcohol from B & J Newsagents since she was 14 and was always served by a man she believed to be the owner who she thought was called Jay. On the first occasion she was served in the shop, her friend had told her to put her bag on the counter and let the man in the shop put the bottle in the bag. The man in the shop had shouted at her for pointing at the bottle she wanted; she believed this was because she could be seen by the CCTV cameras. She told me that everyone in her year at school knew that this was the shop to go to for alcohol and cigarettes. The girl confirmed that she had purchased a bottle of Smirnoff vodka for £7.89 from B & J Newsagents. She also confirmed that she had witnessed the sale

of single cigarettes in the shop. I obtained a formal witness statement from this child, labelled as EA/10.

18. On 24 February 2015 I spoke to a 13 year old girl, who told me that she had purchased alcohol from a man called Jay in B & J Newsagents. She had been told to hide it under her coat by Jay so that she would not be seen on the CCTV cameras. She paid about £8 for the bottle of vodka using a £10 note. She then gave the £2 change to her friend who went back into the shop and purchased 4 single cigarettes for 50p each. She confirmed that she had purchased cigarettes from the shop since she was 12 years old. I obtained a formal witness statement from the girl labelled as EA/11.
19. On 13 February 2015 I spoke to a 13 year old girl, who confirmed that she had walked to the shop from Caerleon Road with a 15 year old friend. She witnessed her friend go into the shop and purchase alcohol. She and her friends had then consumed the alcohol between them. The girl admitted to drinking cider and said that her friends were drinking vodka. I obtained a formal witness statement from this child labelled as EA/12.
20. On 13 February 2015 I also spoke to a 12 year old girl, who told me that she has been buying vodka at B & J Newsagents since October 2014. She said she knew the man in the shop as Jay and she has always been served by him. She said she had recently requested vodka and passed her bag around the counter to Jay for him to put the bottle in the bag. She told me that Jay had a calculator by the side of the till and worked out what she could afford to buy with the money she had, and with her 30p change said she could buy plastic cups to drink out of. I obtained a witness statement from this child labelled EA/13.
21. On 2 March 2015 I spoke to a 13 year old boy, who confirmed that he and his friend had purchased a 70cl bottle of Smirnoff vodka for £14 from B & J Newsagents. The boy informed me that he and his friend had walked to the shop from Corporation Road because he knew he could buy alcohol there and that his friend buys tobacco in the shop every day. The boy told me that a man in the shop who he believes is called Jay served him the alcohol with no questions. The man told him that he would pass the bottle around the side of the till so that the camera wouldn't see it and told the boy to hide it under his jacket. The boy also confirmed that he had previously purchased a shisha pen and miniature vodka bottles from the shop. I obtained a witness statement from this child labelled EA/14.

22. On 3 March 2015 I spoke to an 11 year old boy. He told me that he had been going to the shop for about a year. He confirmed that he had purchased alcohol and cigarettes from the shop. The boy told me that he had also seen Jay sell alcohol and cigarettes to other children in the shop, though he would not sell if there were other adults in the shop. The boy stated that Jay would put the cigarettes under a calculator to pass them across and would also put alcohol in a bag away from the camera or if the child did not have a bag tell them to hide it under their coat. The boy also stated that several other boys from his school work in the shop and that he had also been served by at least one of them. The boy also said that some of the children spend time in the back room of the shop. I obtained a witness statement from this child labelled EA/15.

23. On 3 March 2015 I spoke to a 15 year boy who told me that he started going to B & J Newsagents when he was 13 and had purchased cigarettes and alcohol from the shop several times. He stated that when it was cold outside, Jay Patel would let the kids stay in the shop, including in the back room, and that he had also helped out in the shop, stacking shelves. I obtained a witness statement from this child labelled EA/16.

STATEMENT OF TRUTH:

I believe that the facts stated in this witness statement are true

Signed



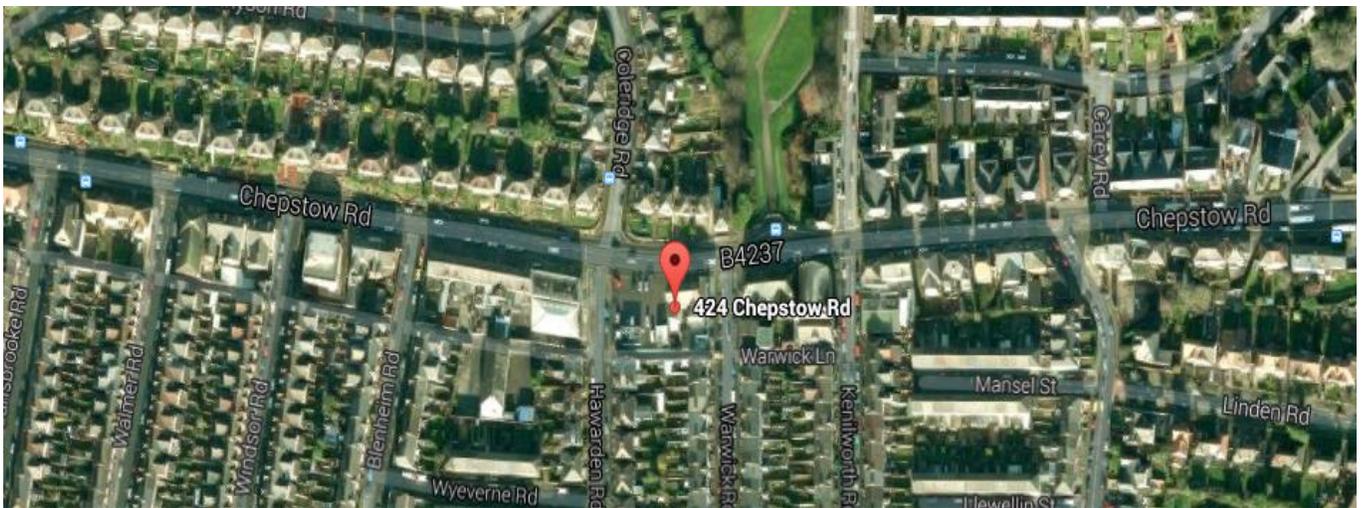
Dated

26.3.2015

Appendix 1a

Location Map of the Premises.





Appendix 2

Copy of Part A of Premises Licence.

**Schedule 12
Part A**

**Premises Licence
City of Newport**



Premises Licence Number	05/01235/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
B And J Newsagents 424 Chepstow Road Newport South Wales NP19 8JH	
Telephone number	01633 273222

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale by retail of Alcohol

Times the licence authorises the carrying out of licensable activities
Sale by retail of Alcohol Monday to Saturday inclusive 08:00 - 23:00 Sunday 10:00 - 22:30 Good Friday 08:00 - 22:30
For the sale by retail of Alcohol i) Christmas Day between the hours of 12:00 to 15:00 and 19:00 to 22:30

The opening hours of the premises
Not Applicable
Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

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

Alcohol is supplied for consumption off the Premises

Part 2

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

Mr Jayesh Patel
B And J Newsagents
424 Chepstow Road
Newport
South Wales
NP19 8JH

Business Phone Number 01633 273222

E Mail bandjnewsviews@aol.com

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 for the supply of alcohol

Mr Jayesh Patel
424 Chepstow Road
South Wales
NP19 8JH

Contact Telephone Number 01633 273222

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

Party Reference: NCC/05/1043

Licensing Authority: Newport City Council

This Premises Licence is issued by Newport City Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 27th September 2005



Head of Environmental Services & Public Protection

Annex 1 – Mandatory conditions

New Mandatory condition for on and off sales from 28 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) In this condition:
 - (a) "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;
 - (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (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) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
- 4) Where the permitted price 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, 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

1A01 This Licence shall be subject to the exceptions pursuant to Section 63 of the Licensing Act 1964.

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

NIL.

Appendix 3

Representation from Heddlu Gwent Police.

Protecting and Reassuring



Amddifiyn a Thawelu Meddwl

Principal Licensing Officer
Licensing Authority
Newport City Council
Floor 4, Information Station
Queensway
Newport
NP20 9LR

17th March 2015

Dear Sirs,

**SUPPORTING AN APPLICATION BY TRADING STANDARDS FOR A
REVIEW OF A PREMISE LICENCE IN RESPECT OF B&J NEWSAGENTS,
424 CHEPSTOW ROAD, NEWPORT, NP19 8JH**

Heddlu Gwent Police acting in their capacity as a 'Responsible Authority' by virtue of Licensing Act 2003 wish to make representations in respect of an application by Trading Standards as detailed above.

On 19th January 2015 whilst searching Gwent Police computer systems my attention was drawn to a call from A&E from Royal Gwent Hospital involving an intoxicated 12 year old female that had been brought into the department by ambulance.

Whilst reading the information that was disclosed I then made contact with the parent of the 12 year old and arranged for myself to take a statement regarding the whole incident.

On Thursday 22nd January 2015 I attended the home address and was met by the 12 year old female and her mother. I then proceeded to take statements from the 12 year old and her mother they are attached in this report as Appendix 1 (Police exhibit RHM1/ RHM2). The statements have been sanitised to protect both identities. A brief summary of the statement highlight the fact that the 12 year old had purchased Vodka, Lambrini and Peach Snapps on this occasion without being asked for ID or even challenged also that she had previously purchased alcohol from B & J Newsagents and Jayesh Patel. Whilst at the home address information was passed to me regarding another 12 year old female that had also purchase alcohol and was willing to provide myself with a statement.



Also attached in Appendix 2 is the discharge paper from the Royal Gwent Hospital showing the extremely high level of alcohol in the blood count of the 12 year old female (Police exhibit RHM3).

On Wednesday 28th January 2015 I attended the home address of the second 12 year old female and her mother. Statements from both parties were taken this is attached as Appendix 3 (Police Exhibit RHM4/RHM5) summary highlights alcohol being bought by the 12 year old without question for I.D or challenge on 17th January 2015 but also on a previous occasion. The alcohol in question is ½ litre bottle of Vodka, Peach Snapps.

PCSO Donne also has provided a statement as he was called to the store in relation to youths aged 12-15 years old hanging around and causing a nuisance. Attached in Appendix 4 (Police exhibit RHM6) and a 13year old female who was taking shelter in the rear of the store.

I then attended B&J Newsagents on 5th February 2015 and seized the hard drive from the rear of the premises and this was booked in property at Newport Central Police Station. On Monday 9th February 2015 at approximately 13.55hrs I then handed over the hard drive to Trading Standards to secure and preserve evidence.

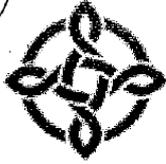
Attached in Appendix 5 (Police exhibit RHM7) is a list of all the calls to B&J Newsagents dated back to 2014 it clearly shows that until the premises was under investigation that Mr Jayesh Patel hardly contacted Heddlu Gwent Police.

Yours sincerely

A handwritten signature in black ink that reads 'Honey-Morris'.

PC1163 Honey-Morris
Licensing Officer
Newport LPU

(RHM3)



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd
Aneurin Bevan
Health Board

ROYAL GWENT HOSPITAL
Cardiff Road
Newport
NP20 2UB
Tel 01633 234234

Dr Ag Yule
St Julians Medical Centre
13A Stafford Road
Newport
Gwent
NP19 7DQ

Discharge Notification

Patient copy
Date printed: 18/01/2015

First Name: [REDACTED]	Last name: [REDACTED]
Address: [REDACTED]	
Date of Birth: [REDACTED]	Hospital No: 65 [REDACTED] NHS no: 6441 [REDACTED]
Discharging Consultant: Dr Davida Hawkes	Discharging Specialty: Assessment - Paediatrics
Childrens Assessment Unit	
Admitted: 18/01/2015	Discharged: 18/01/2015 Ward: Unit

Reason for admission:
A&E referral- intoxication

Diagnosis:
intoxication

Additional problems:

History:

referred by A&E with intoxication- brought in by ambulance following being phoned by auntie. [REDACTED] had bought alcohol at a local shop with her [REDACTED] social services and police have been informed and a child in need referral form has been sent by A&E department.

Examination:
normal examination

Investigations/procedures performed:
bloods: alcohol 1882mg/l

Investigations/procedures awaited:

Management (including complications during admission):

police officers visited [REDACTED] and mum in department, [REDACTED] had been given fluids by A&E, she was observed whilst under the care of CAU- and sent home in the care of mum.

Post Discharge Information:
24 hrs open access

Children's Assessment Unit

Follow Up Arrangements:
Follow up appointment not required.

24/48 Hours Open Access

Follow up appointment with another clinician not required.

01633 656020

Allergies, issues or risks fao GP/Doctor/Pharmacist:
nkda

The patient is on no medication

Fit Note Provided: No

Document Author: Dr Aimee Louise Gale - Clinician

Date: 18/01/2015

Name: [REDACTED] | Hosp No: 6553177 | Adm: 18/01/2015 | Page: 1 of 1

(RHM7)

ORIS No.	Date	Time	Incident Address	Opening Text
327	16/03/2015	17:42	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	KIDS ARE STILL THERE THEY ARE BLOCKING THE DOORWAY, MINIMUM OF 10, A FEW ARE ON BIKES -
364	15/03/2015	17:04	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	YOUTHS ARE BACK AGAIN BLOCKING THE ENTRANCE TOP MY SHOP,
382	13/03/2015	20:01	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	RECURRING PROBLEMS WITH YOUTHS BLOCKING THE ENTRANCE TO SHOP APPROX 10-15 OF THEM GENERALLY BEING A NUISANCE
322	13/03/2015	17:52	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	4 BIKES AND YOUTHS OUTSIDE MY SHOP APPROX 10 OF THEM THEY WONT MOVE AND ARE PREVENTING CUTOMERS COMING INTO MY STORE
325	11/03/2015	16:56	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	NUMBER OF BANNED CUSTOMERS OPUISIDE BELOW SHOUTING ABUSE AT ME
383	27/02/2015	17:47	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	RECURRING ISSUES - 10 YOUTHS HANGING OUT AROUND THE FRONT OF THE SHOP BEING A NUISANCE
336	27/02/2015	16:42	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	APPROX 6 KIDS OUTSIDE BELOW GETTING IN THE WAY OF CUSTOMERS COMING IN
379	25/02/2015	18:05	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	RECURRING ASB - 5-6 YOUTHS AGED 11-12 YRS OUTSIDE THE SHOP AGAIN, MOVED ON WHEN THE SAW THE CSO'S BUT THEYVE BACK. THEY ARE RIGHT OUTSIDE THE DOOR THEY ARE INTIMIDATING CUSTOMERS.
332	25/02/2015	17:03	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	GANG OF YOUTHS ARE BECOMING A NUISANCE AT THE FRONT OF MY SHOP. CAN OFFICERS MOVE THEM ON AS THEY ARE BECOMING ROWDY.
337	23/02/2015	17:15	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	6-8 YOUTHS CONGREGATING OUTSIDE. SOME ON BIKES. BLOCKING THE DOORWAY FOR CUSTOMERS. ONE FEMALE IS BANNED - BIG GIRL WITH AN AFRO - NAME NOT KNOWN

101	22/02/2015	09:12	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	MY SON WAS BROUGHT HOME DRUNK LAST NIGHT HE GOT THE ALCOHOL FROM B AND J SHOP ON CHEPSTOW ROAD, I HAVE REPORTED THIS SHOP BEFORE AND I WANT SOMETHING DONE ABOUT IT
329	18/02/2015	16:54	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	RECURRING ISSUES - THERE ARE 6-7 YOUTHS OUTSIDE MAKING A NUISANCE - COMING IN AND OUT OF THE SHOP
422	16/02/2015	18:39	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	I NEED A GROUP OF YOUTHS REMOVED FROM THE FRONT OF MY STORE - THEY ARE SMOKING CANNABIS - THEY ARE ALL GIRLS
308	13/02/2015	16:15	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	KIDS ARE STANDING RIGHT ACROSS THE ENTRANCE TO MY STORE APPROX 15/20 OF THEM THEY ARE PREVENTING CUSTOMERS ENTERING THE STORE
276	08/02/2015	14:26	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	GROUP OF KIDS OUTSIDE BELOW REFUSING TO MOVE HARRASSING CUSTOMERS FOR CIGARETTES UPSETTING OTHER CUSTOMERS
317	01/02/2015	15:13	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	MALE OUTSIDE THE SHOP HAS MADE THREATS TO KNOCK MY LIGHTS OUT
423	31/01/2015	19:44	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	MY DAUGHTER HAS COME HOME AND SHE IS DRUNK - SHE IS 15YRS OLD AND SAID SHE HAD GOT THE DRINK FROM B&J NEWSAGENTS
48	18/01/2015	03:02	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	[REDACTED] WAS BROUGHT INTO A & E INTOXICATED BY AMBULANCE SHE HAD BEEN SOLD ALCOHOL FROM B & J NEWSAGENTS AND MENTIONED THAT THE MALE WHO SELLS THE ALCOHOL ASKED HER FRIEND TO SIT ON THE COUNTER AND HE WOULD LICK HER OUT
244	12/11/2014	13:23	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	I'D LIKE TO REPORT MY LOCAL STORE KNOWN AS BJ'S SELLING ALCOHOL AND CIGARETTES TO CHILDREN IN UNIFORM
342	08/06/2014	16:17	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	2 YOUNG GIRLS ARE IN THE DOOR WAY SETTING OFF THE DOOR SENSOR CONTINUOUSLY - I HAVE ASKED THEM TO MOVE AND THEY HAVE JUST GIVEN ME A LOAD OF ABUSE - PLEASE COULD SOMEONE ATTEND
157	13/05/2014	12:32	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	ON FRIDAY EVENING THE SHOP SOLD ALCOHOL TO MY UNDERAGE DAUGHTER AND HER FRIENDS

344	18/03/2014	17:12	B & J NEWSAGENTS 424, CHEPSTOW ROAD, NP19 8JH.	CONCERNED AS MY DAUGHTER AGED 13YRS ATTENDED CORNER SHOP AND WAS SOLD A SHISH PEN ON GOING ON LINE IT STATES THESE PENS SHOULD NOT BE SOLD TO ANYONE UNDER THE AGE OF 18YRS.
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Appendix 3A

Representation from Local Health Board (Aneurin Bevan University Health Board)



23rd March 2014

Dear Licensing Authority,

Supporting an Application by Newport Trading Standards under Section 51 of the Licensing Act 2003 for a Review of a Premises Licence in respect of B and J Newsagents, 424 Chepstow Road, Newport

Aneurin Bevan University Health Board (ABUHB), acting in its capacity as a 'Responsible Authority' under the provisions of the Licensing Act 2003, wishes to make representations in respect of an application by Newport Trading Standards for a review of B and J Newsagents.

The review paperwork indicates that the premise has sold alcohol to a number of minors (under 18 years old). ABUHB has evidence that attendance of minors at their Emergency Departments have been directly linked to alcohol sold by these premises. This clearly undermines the Licensing Objectives of Protecting Children from Harm; as such we support the application for a review.

Section 11.27 of Home Office Guidance issued under Section 182 of the Licensing Act 2003 stipulates that the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people should be treated particularly seriously.

Harm to children and young people from alcohol

Comprehensive reviews have clearly highlighted that the consumption of alcohol by children and young people is linked with significant harm¹. The wide range of these potential harms is outlined by the Chief Medical Officer for Wales² and includes (see Appendix A):

- **A range of developmental problems**
- **Increased risk taking behaviour**
- **Inappropriate sexual activity**
- **Violence**

Evidence demonstrates that young people are more vulnerable than adults to the adverse effects of alcohol due to a range of physical and psycho-social factors³. In addition, the

¹ Donaldson, L. Department of Health (2009) *Guidance on the consumption of alcohol by children and young people*. [Online] London: DH Available at <http://www.cph.org.uk/wp-content/uploads/2013/09/Guidance-on-the-consumption-of-alcohol-by-children-and-young-people.pdf> [Accessed 20 January 2015]

² Jewell, T. Welsh Assembly Government (2010) *You, your child and alcohol: Guidance on the consumption of alcohol by children and young people*. [Online] Cardiff: WAG Available at: http://www.healthchallengecardiff.co.uk/attributes/100602_YourChildAndAlcohol_en.pdf

number of our children and young people who drink alcohol at a particularly young age and through binge drinking in an unsupervised manner is especially concerning, as it puts them at particular risk of harm. The Chief Medical Officer for Wales has outlined these harms²:

1. There is evidence that young people may suffer high levels of harm **if they begin drinking in parks, streets, and other unsupervised settings**
2. **Young women who binge drink** are more likely to have experienced regretted sex as well as forced, or attempted forced, sex. Alcohol use before sexual activity can result in condoms being used incorrectly or not used at all.
3. In the longer-term **young people who binge drink** in adolescence:
 - are more likely to be binge drinkers as adults
 - have an increased risk of developing alcohol dependence in young adulthood
 - are more likely to engage in drug use and experience dependence, be involved in crime, and achieve lower educational attainment as adults
4. There is evidence that significant changes in brain structure accompany heavy drinking in adolescence, which may affect brain function during adulthood.
5. There is evidence to indicate that **children who begin drinking at a young age** will drink more frequently and in greater quantities than those who delay drinking and therefore experience greater harm, including:
 - vulnerability to alcohol misuse in later adolescence (which appears to be greatest among those who begin drinking *before the age of 13*)
 - increased health risks, including alcohol-related injuries, involvement in violence and suicidal thoughts and attempts (particularly those who begin to drink *before the age of 14*)

This overwhelming evidence has led to the recommendation by the UK Chief Medical Officer that an alcohol-free childhood is the healthiest and best option for all⁴.

Evidence of harm to children and young people in Gwent

There is evidence from local hospital data that Gwent Emergency Departments regularly see children and young people affected by alcohol. An audit conducted in September 2014 highlighted that the majority of young people attending Gwent Emergency Departments are from Newport: over a three month period, 13 (over a third) of the 35 young people aged 0-17 years who arrived intoxicated were from Newport (Appendix B).

ABUHB has evidence that attendances at local Emergency Departments by minors has been directly linked to alcohol sold by these premises. The levels of blood alcohol concentration that warrant a child attending an Emergency Department are also likely to result in significant impairment, with consequences including: unsteadiness, a reduced level of consciousness, confusion and disorientation, vomiting, dizziness and double vision (see Appendix C). Besides the health risks, this level of impairment would leave such a child at risk of injury from accident, violence and possible sexual assault (see Appendix C: attached letter of support from Doctor Sally Jones, Clinical Director of Emergency Medicine, ABUHB).

This is in keeping with evidence from Newport Trading Standards that clearly indicates that the **above premise is providing alcohol illegally to a number of young people**. The selling of alcohol to children and young people by this premise places the children of Newport at risk of a wide range of potential short and long-term harms and clearly undermines the Licensing Objective of Protecting Children from Harm.

³ Newbury-Birch D, Gilvarry E, McArdle P, Stewart S, et al (2009). *The impact of alcohol consumption on young people: Systematic Review of Published Reviews*. [Online] Available at: <http://dera.ioe.ac.uk/11355/1/DCSF-RR067.pdf>. [Accessed 3 March 2015]

⁴ Donaldson, L. Department of Health (2009) *Guidance on the consumption of alcohol by children and young people*. [Online] London: DH Available at <http://www.cph.org.uk/wp-content/uploads/2013/09/Guidance-on-the-consumption-of-alcohol-by-children-and-young-people.pdf> [Accessed 20 January 2015]

The evidence is overwhelming as to why we should be protecting children and young people from drinking alcohol in excess quantities and at a young age. It is therefore imperative that every effort is made to prevent the sale of alcohol to children and young people and protect them from harm.

Yours faithfully



Dr Gillian Richardson, MBChB, MRCGP, MPH, FFPH, MRCPHMI, MInstLM
Executive Director of Public Health (Consultant)

Cyfarwyddwr Gweithredol Iechyd Cyhoeddus (Ymgynghorydd)
Bwrdd Iechyd Prifysgol Aneurin Bevan
Aneurin Bevan University Health Board

Bwrdd Iechyd Prifysgol Aneurin Bevan
Pencadlys
Ysbyty Sant Cadog
Ffordd Y Llodj
Caerllion
Casnewydd
De Cymru NP18 3XQ
Ffôn: 01633 234234

Aneurin Bevan University Health Board
Headquarters
St Cadoc's Hospital
Lodge Road
Caerleon
Newport
South Wales NP18 3XQ
Tel No: 01633 234234



www.aneurinbevanhb.wales.nhs.uk

Appendix A

Summary of the Guidance on the Consumption of Alcohol by Children and Young People: You, Your Child and Alcohol (Chief Medical Officer for Wales, 2010)

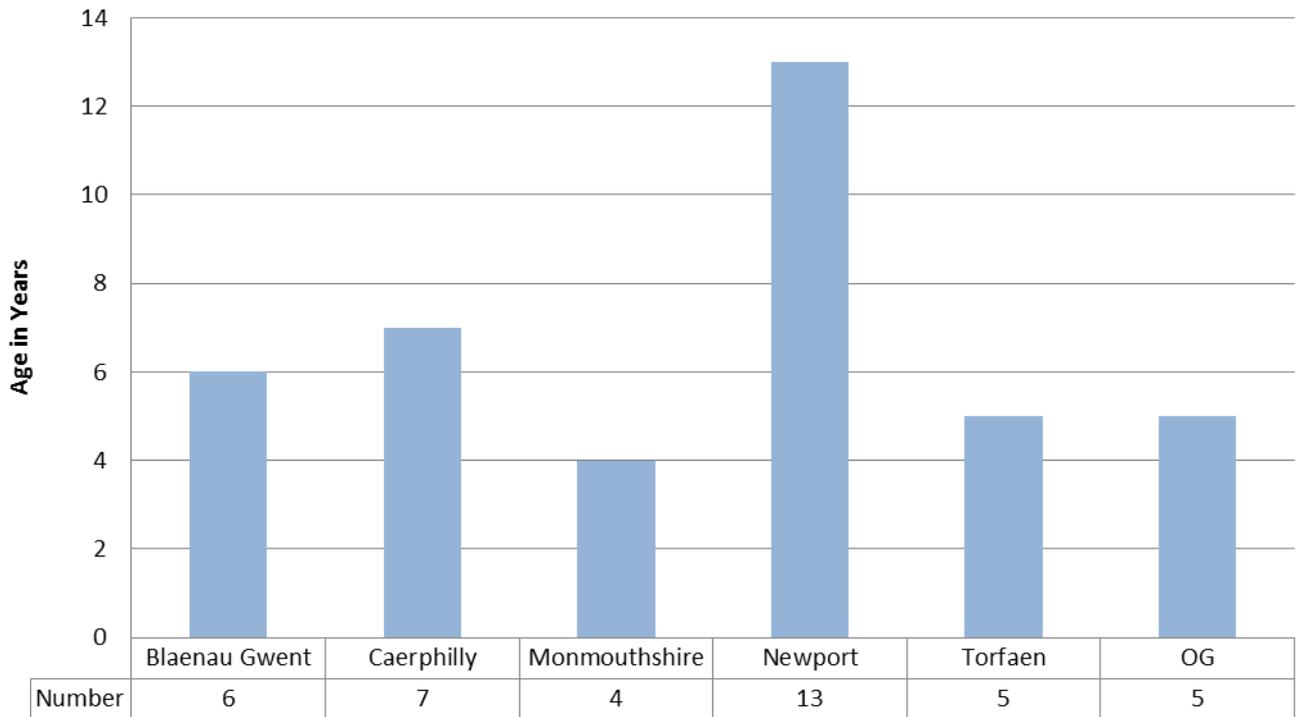
The above Guidance outlines the potential harms for children and young people drinking alcohol which include:

- **Developmental problems** Heavy drinking in young people can affect brain functions related to motivation, reasoning and other processes. Heavy drinking during adolescence may also affect normal brain functioning during adulthood. Young people who drink heavily may experience adverse effects on liver, bone, growth and hormones.
- **Increased risk taking behaviour** Beginning to drink in the early teens is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thoughts and attempts. Drinking at an early age is also associated with having more sexual partners, pregnancy, using drugs, employment problems, and risky driving behaviours.
- **Inappropriate sexual activity** Teenagers who use alcohol are more likely to have had unplanned sexual intercourse and contracted sexually transmitted diseases. There is evidence that young women who binge drink are more likely to have experienced sex that they subsequently regretted, forced sex, or attempted forced sex, and that the risk of emotional and physical harm and unwanted pregnancies increases.
- **Violence** Young people who drink frequently or binge drink are more likely to be involved in fights, to be injured fighting, to commit violent offences including sexual offences and to carry weapons.

Appendix B

Number of children who were intoxicated and under 18 year of age presenting at A&E within the Aneurin Bevan University Health Board Area

1st July 2014 to 30th September 2014



* Total Number Intoxicated = 40

* Discounting OG 13 out of 35 are recorded for Newport

Appendix C



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Aneurin Bevan
University Health Board

Aneurin Bevan Health Board

Royal Gwent Hospital
Cardiff Road
Newport
NP20 2UB

Our Ref:
Typed:
Telephone:

SJ/DE/Admin
20 March 2015
01633 234066

Department of Accident & Emergency

Dr Sally Jones MRCP FCEM Consultant in Emergency Medicine

To whom it may concern:

Re: Alcohol Intoxication in Young People

As a Consultant in Emergency Medicine all too often I have to deal with the adverse effects of alcohol, both in patients with acute intoxication and the health problems arising from the chronic misuse of alcohol.

Of particular concern are the increasing numbers of very young people presenting to our services.

Having read the attached application by Newport Trading Standards, I lend my support to serious consideration of preventing premises which have been proven to sell alcohol to underage people.

Children as young as 12 years have presented following a binge drinking episodes. Blood alcohol levels as high as 1882 mg/l have been found. This level represents more than double the drink driving limited of 800 mg/l.

At such levels an alcohol naive individual would be significantly impaired. You would expect them to be confused, drowsy, disorientated and unsteady on their feet. There may be associated vomiting, dizziness and they may experience double vision. This would place the individual at risk of injury from accident and assault including possible sexual assault.

Whilst higher levels of intoxication would rapidly lead to a greater loss of consciousness, loss of protective airway reflexes and respiratory depression putting the individual at risk of coma, cardiovascular collapse and death.

Many of these young people appear to obtaining their alcohol from licensed premises.

Surely this is one area where we can act to prevent harm.

Yours sincerely

Dr Sally Jones MRCP FCEM
Consultant in Emergency Medicine
Appendix D



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd
Aneurin Bevan
Health Board

Our Ref: GSSMS/JL

Direct Line: 01633 216777

30 March 2015

**GWASANAETH ARBENIGOL CAMDDEFNYDDIO SYLWEDDAU GWENT
GWENT SPECIALIST SUBSTANCE MISUSE SERVICE**

To Whom It May Concern,

Re: Application by Newport Trading Standards under Section 51 of the Licensing Act 2003 for a Review of a Premises Licence in respect of B and J Newsagents, 424 Chepstow Road, Newport

I have been asked to comment regarding the concerning levels of alcohol intoxication experienced by several adolescents after purchasing alcohol at the B and J Newsagents, 424 Chepstow Road, Newport. I have been a consultant in addiction psychiatry for over 10 years and during that time I have been the clinical lead in Gwent for both the adult and adolescent NHS substance misuse services. I have a special interest in alcohol misuse disorders and in particular the effects of alcohol on the brain.

Excessive consumption of alcohol in adults has both acute health effects and, if use chronic, longer term complications. The complicating factor in adolescents is the ongoing development of both the liver and brain. The former affects the body's ability to 'metabolise' the alcohol (i.e. change it from a toxic chemical to a less toxic one that is more easily excreted) and the latter affects the way in which control over consumption is managed.

Alcohol is not metabolised in adolescents in the same way as in adults. The liver is not as effective in converting alcohol into its less harmful cousin and so the toxic form hangs around longer than in an adult. In addition adolescents generally have lower body mass than adults which in turn leads to higher blood alcohol concentrations because of a lower circulatory volume.

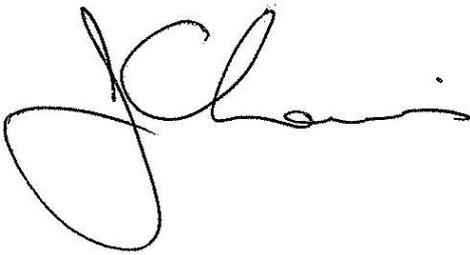
Two parts of the brain are involved in our control of risk taking behaviour. The first is the striatum which is the 'pleasure centre' and demands immediate satisfaction of cravings. The other is the prefrontal cortex and this operates as the sensible controlling part of the brain that keeps the striatum in check. In adolescents the connections from the striatum to the prefrontal cortex are well developed so that the pleasure centre can make demands to be gratified. However, the connections back from the prefrontal cortex to the striatum are not fully developed until the early 20s and so there is less ability to control the pleasure centre. This breakdown in communication between the two areas of the brain is more likely when adolescents are engaged in risk taking activity (such as drinking) in a peer group. As a result, adolescents, regardless of how much knowledge they may have about the harms of drinking, cannot make sensible decisions about drinking when with a group of friends engaged in that activity. Control is therefore by restriction of supply, hence the licensing rules we have in the UK.

The acute harms of intoxication occur after a binge of drinking. Alcohol is a suppressant. It acts by enhancing the effects of a chemical messenger in the brain called gamma-amino butyric acid (GABA). GABA is a major inhibitory chemical. Stimulate the system a bit and you feel sleepy and reaction times are slowed. Stimulate it a lot and you lose consciousness and stop breathing. These risks are greater after a binge which is defined in adults as more than 8 units for men and more than 6 units for women.

However, due to the lowered metabolic rates of alcohol in adolescents, adult binge levels produce much higher blood alcohol concentrations and are therefore much more likely to lead to serious complications. In one study (Donovan, 2009) a standard adult binge produced blood alcohol concentrations ranging from 137 to 310 mg/dL in boys and from 191 to 310 mg/dL in girls, levels that can result in coma and respiratory problems in children and early adolescents.

The supply of alcohol to adolescents therefore clearly puts them at acute physical risk not just to their health as outlined above but also, due to the disinhibiting effect of alcohol, at risk of violence, unprotected sex and accidents. As mentioned above adolescents are developmentally unable to make sensible decisions about drinking particularly when with a peer group and as a result control of supply is vital in ensuring their safety.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Lewis', with a large loop at the start and a horizontal line extending to the right.

DR JULIA LEWIS
Consultant Addiction Psychiatrist
Clinical Director Adult and Specialist Mental Health Services

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