

SPEAKERS PANEL (LIQUOR LICENSING)

Day: Monday
Date: 11 January 2021
Time: 10.00 am
Place: Zoom meeting

Item No.	AGENDA	Page No
1	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2	DECLARATIONS OF INTEREST To receive any declarations of interest.	
3	MINUTES To approve as a correct record the Minutes of the proceedings of the Speakers' Panel (Liquor Licensing) held on: 12 August 2020, 13 August 2020 and 20 August 2020 (attached).	1 - 14
4	APPLICATION FOR A REVIEW OF A PREMISES LICENCE – JITS SUPER SHOP, 21 MARKET STREET, STALYBRIDGE, SK15 2AL To consider the attached report of the Assistant Director, Operations and Neighbourhoods.	15 - 80

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SPEAKERS PANEL (LIQUOR LICENSING)

12 August 2020

Commenced:10.00am

Terminated: 12.40pm

Present: Councillors Sweeton (Chair), Cartey and Quinn

In Attendance:

Mike Robinson	Regulatory Services Manager
Gemma Lee	Regulatory Compliance Officer
David Joy	Legal Representative TMBC
PC Thorley	Greater Manchester Police
Mr Knibbs	Area Manager, Hawthorne Leisure Ltd
Mr Gurney	Operations Director, Hawthorn Leisure Ltd
Mr Piers Warne	Legal Representative (Hawthorn Leisure Ltd)

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – THE OWD JOSS (LAST ORDERS), MARKET STREET, HYDE

Consideration was given to an application for a review of a premises licence for The Owd Joss (Last Orders), 81 Market Street, Hyde. SK14 2QT.

The Regulatory Services Manager explained that Section 53A of the Licensing Act 2003 required the licensing authority, on receipt of an application for an expedited review, within 48 hours of the time of its receipt, to consider under section 53B whether it was necessary to take interim steps pending the determination of a review of the premises licence.

On 16 July 2020 the Speakers Panel (Liquor Licensing) held a hearing to consider taking such interim steps, the decision of the panel was to suspend the licence. A copy of the decision notice was appended to the report.

Following the Interim Steps and the suspension of the licence, a meeting took place on 28 July 2020 with Greater Manchester Police, Hawthorn Leisure, TLT Solicitors and the Licensing Authority to discuss the future of the Owd Joss. A number of conditions agreeable by Greater Manchester Police and the Licensing Authority were appended to the report.

Following the meeting on the 28 July 2020, TLT Solicitors suggested amendments to a number of the conditions proposed by Greater Manchester Police and the Licensing Authority, which were also appended to the report.

A condition had been agreed in principle regarding personal licence holders but the parties had not been able to agree the scope and wording of the condition.

Pc Thorley then addressed the Panel and referenced the serious crime committed at the premises as detailed in the decision notice.

The Panel considered a request made by PC Thorley to exclude the public/press whilst he presented the CCTV evidence of the incident on 13 July 2020. The Panel agreed to exclude the public/press during this part of the hearing as the public interest in allowing the public access was outweighed by the public interest in excluding the public on the basis that a criminal investigation was ongoing in relation to the incident on 13 July 2020 (Para 7, Schedule 12A Local Government Act 1972 and Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005).

The CCTV was then presented and questions were asked and answered relating to the CCTV footage.

PC Thorley stated that the condition relating to personal licence holders was required due to the poor management and control in the premises at the time of the serious incident on 13 July 2020. Properly trained staff holding a personal licence may have helped prevent the incident. Mr Robinson confirmed that other town centre premises had a similar condition following a review. The wording proposed by Greater Manchester Police was as follows:

A Personal Licence Holder must be present at the premises at all times licensable activities, live music (amplified or unamplified), recorded music or any other types of entertainment (amplified or unamplified) are taking place.

Greater Manchester Police were of the view that it was necessary for a personal licence holder to be on the premises at all times when licensable activities were taking place on the premises. This would ensure that the premises were effectively managed.

Ms Lee, Regulatory Compliance Officer, then addressed the Panel and referenced her submission made on behalf of the Licensing Authority, as circulated with the agenda papers prior to the hearing. The representation addressed concerns regarding the seriousness of the incident on 13 July 2020 and identified that a prohibition notice had been served on the premises in April 2020 due to a breach of the Covid 19 Regulations.

Mr Warne, on behalf of the Licence Holder, addressed the Panel and confirmed agreement with the following conditions:

CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route, the bar and within any other vulnerable areas as identified other public areas as agreed between the premises licence holder and by Greater Manchester Police.

Recorded footage must be provided to Greater Manchester Police or a representative of any responsible authority on request and at a time agreed between the DPS and Greater Manchester Police. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times. The DPS/ manager will comply with any immediate request to view CCTV made by Greater Manchester Police or Licensing Authority relating to the investigation of an identified criminal offence.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority Greater Manchester Police or the Licensing Authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions at all entrances to within the premises, including information required to be shown to comply with data protection legislation on the Data Protection Act and the Human Rights act.

Door Staff Log

A Door Supervisor Log shall be correctly maintained at the premises. This will include the following details:

- (i) The door staff names, dates of birth and home addresses;*
- (ii) Full details, name, address and contact number of employment agency used*
And for each individual period of trading:
- (iii) The name of the individual member of door staff*
- (iv) His/Her Security Industry Authority licence number*
- (v) The time and date He/She starts and finishes duty*
- (vi) The time of any breaks taken whilst on duty*
- (vii) Each entry shall be signed by the door supervisor, DPS or nominated person*

Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises as notified to, or witnessed by, the staff or management*
- (ii) Any incident involving controlled drugs (supply/possession/influence) on the premises as notified to, or witnessed by, staff or management*
- (iii) Any other crime or criminal activity on the premises as notified to or witnessed by, staff or management*
- (iv) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)*
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18*
- (vi) Any call for police assistance to the premises made by staff or management*
- (vii) Any ejection from the premises*
- (viii) Any first aid/other care given to a customer with the exception of minor injuries or care for minor illness*

Challenge 25

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

Staff Training

Any staff employed at the premises will receive training commensurate with their duties by the Designated Premises Supervisor on first appointment. Refresher training will be provided and at least every three months thereafter. Training will include the law in relation to input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

Pubwatch

Where a Pubwatch scheme is in operation, the designated premises supervisor must be an active member of the scheme.

Active member is defined as someone who:

(i) Attends a minimum of 50% of Pubwatch meetings between 1 January and 31 December annually. Attendance at Pubwatch meetings will be measured by the use of written records kept by the Chair and/or Secretary of the relevant Pubwatch group. When calculating whether 50% of meetings have been attended by the designated premises supervisor any meetings cancelled by the Chair/Secretary, or meetings cancelled for any reason out of the control of the designated premises supervisor will not be counted.

(ii) Actively enforces all collective banning orders imposed by the Pubwatch group. The designated premises supervisor must ensure that any individual subject to a collective banning order by the Pubwatch group is not allowed permitted to enter (where possible) or remain on the premises. If a banned individual enters or attempts to enter the premises and attempts to remove them are unsuccessful, the designated premises supervisor must ensure that the police are contacted and asked to assist in removing the individual.

(iii) Shares information with other members of the Pubwatch group. Whenever a banned individual is refused entry or removed from the premise, the designated premises supervisor must ensure that the other members of the pubwatch group are informed as soon as practicable.

(iv) The designated premises supervisor must ensure that all members of staff are made aware of all individuals who are currently banned by the Pubwatch scheme. Staff must be regularly updated by the designated premises supervisor whenever individuals are added or removed from the list of banned persons.

Door Age Policy

No persons under the age of 18 to be allowed entry to the premises at any time when it is open and operating.

Doors & Windows

To prevent noise nuisance, all windows and doors at the premise must be kept closed at any time when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) is being performed at the premise, except to allow people to enter or exit.

Entertainment to be Inaudible

Noise generated by regulated entertainment, live music (amplified or unamplified), recorded music or any other type of entertainment (amplified or unamplified) must be unlikely to cause a public nuisance within any noise sensitive premises in the immediate vicinity. inaudible at the nearest noise sensitive location.

Perimeter Inspections

The Designated Premises Supervisor must ensure that perimeter inspections are undertaken every hour when regulated entertainment, live music (amplified or unamplified), recorded music or any other type of regulated entertainment (amplified or unamplified) is taking place. These inspections must be recorded in a book which must be made available for inspection to Local Authority Officers and Greater Manchester Police on request.

Notices to Customers

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

Door Staff Policy

A Minimum 2 SIA Door Staff will be on duty on Friday and Saturday nights from 9pm until 20 minutes after close, unless otherwise agreed in writing and in advance by Greater Manchester Police. At all other times door staff will be provided in the numbers and at the times identified in line with any risk assessment associated with specific events or for specific special occasions (either nationally or locally).

The management shall produce and implement a Door Supervisor Policy ('the policy') which includes details of disciplinary procedures, and the management's expectations as to the behaviour and professionalism of the door staff. The policy will be submitted to a member of GMP's licensing team and the Licensing Manager on first implementation and following any subsequent changes to the policy.

Mr Warne informed the Panel that the parties had not been able to agree the scope and wording of a condition relating to personal licence holders. However, the addition of a condition was agreed in principle. The Premises licence holder's proposal was as follows:

A Personal Licence Holder must be on duty whenever live music (amplified or unamplified), recorded music or any other types of regulated entertainment (amplified or unamplified) are taking place. Should this not prove possible because of short notice illness, a written record, such as email, text or social media message from the personal licence holder will be kept as a record of the reason and will identify the person nominally in charge in their absence.

Mr Warne explained that the condition had been worded so that, in the ordinary course of events, a personal licence holder would need to be on duty when activities likely to mean the premises was busier (regulated entertainment) was occurring. The changing of the wording from 'on site' to 'on duty' would allow that person to carry out the perimeter checks required by the conditions without breach (they would technically be off site when doing the checks, but would, of course, still be on duty). Where an emergency might prevent a personal licence holder being on duty at these times, a paper trail record would need to be kept for the police and licensing authorities should there be any problems at the premises.

Mr Warne informed the Panel that the process for appointment of a new DPS was ongoing. Mr Knibbs confirmed this. He stated that care was being taken to appoint the best person (or ideally, couple) to take on the management of the premises going forward.

Mr Warne submitted that, having regard to all the circumstances, the imposition of conditions was sufficient to promote the licensing objectives. Mr Warne submitted that the interim step currently in place, namely, suspension of the licence should now be lifted.

Members of the Panel then retired to carefully consider the written report, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

In determining this matter, the Panel took into account all oral and written evidence, and also considered the Council's Statement of Licensing Policy, the relevant sections of the Licensing Act 2003 and Regulations made thereunder, the Guidance issued by the Secretary of State under section 182 of that Act (including the specific Guidance issued in relation to s53A), and the licensing objectives.

The Panel welcomed the discussions that had taken place between the Licence Holder, Greater Manchester Police and the Licensing Authority and noted that a number of agreed conditions had resulted from these discussions. The Panel also noted that the parties had agreed a condition in principle regarding personal licence holders but had not been able to agree the scope and wording of the condition. The Panel noted the parties respective positions.

The Panel noted that, having regard to the statutory guidance, any conditions must be appropriate and proportionate.

The Panel considered all available options and was satisfied that additional conditions would be sufficient to promote the licensing objectives in this matter. The conditions to be attached to the premises licence shall be the agreed conditions plus the following condition which reflected the wording proposed by the licence holder:

A Personal Licence Holder must be on duty whenever live music (amplified or unamplified), recorded music or any other types of regulated entertainment (amplified or unamplified) are taking place. Should this not prove possible because of short notice illness, a written record, such as email, text or social media message from the personal licence holder will be kept as a record of the reason and will identify the person nominally in charge in their absence.

The Panel was of the view that, having regard to the training requirements and the size and characteristics of the premises, the removal of the DPS and steps taken by the licence holder the above was a proportionate response to the incident on 13 July 2020.

The conditions would replace those currently listed at Annex 2 of the premises licence at paragraphs (a) to (e).

Whilst not a specific condition, closer monitoring of the premises was a common thread through the conditions imposed – the Panel expected that there will be much closer monitoring and liaison between the licence holder and authorities in the appointment of the DPS and management of the premises going forward.

Interim steps

Following the review under s53C, the licensing authority has, pursuant to s53D, reviewed the interim step in place (i.e suspension of the licence) and has considered whether it is appropriate for the promotion of the licensing objectives for the step to remain in place, or if it should be modified or withdrawn. Having regard to the promotion of the licensing objectives the Panel considered that the interim step should be modified. The interim step shall be replaced by the conditions identified above which shall remain in force until the period for appeal has elapsed or the outcome of any appeal, whichever is the later.

RESOVLED

- (i) That the agreed conditions (as detailed above) replace those currently listed at Annex 2 of the premises licence at paragraphs (a) to (e), plus the following condition**
A Personal Licence Holder must be on duty whenever live music (amplified or unamplified), recorded music or any other types of regulated entertainment (amplified or unamplified) are taking place. Should this not prove possible because of short notice illness, a written record, such as email, text or social media message from the personal licence holder will be kept as a record of the reason and will identify the person nominally in charge in their absence.
- (ii) That the interim step in place (i.e. suspension of the licence), be replaced by the conditions identified, which shall remain in force until the period for appeal has elapsed or the outcome of any appeal, whichever is the later.**
- (iii) That there be close monitoring and liaison between the licence holder and authorities in the appointment of the DPS and management of the premises going forward.**

SPEAKERS PANEL (LIQUOR LICENSING)

13 August 2020

Commenced:2.00pm

Terminated: 5.10pm

Present: Councillors Sweeton (Chair), Bowden and Quinn

In Attendance:	Mike Robinson	Regulatory Services Manager
	Brad Byrne	Regulatory Compliance Officer
	David Joy	Legal Representative TMBC
	PC Thorley	Greater Manchester Police
	PC Richards	Greater Manchester Police
	Mr Ali	Premises Licence Holder
	Mr Alyas	Counsel for Licence Holder

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE – MULTISAVER, 105 CHAPEL STREET, DUKINFIELD, SK16 4QJ

Consideration was given to an application for a review of a premises licence for Multisaver, 105 Chapel Street, Dukinfield, SK16 4QJ.

The Regulatory Services Manager explained that Multisaver, 105 Chapel Street, Dukinfield was first granted a Premise Licence under the Licensing Act 2003 on 5 August 2005. The Premises Licence was transferred to Mr Hamza Ali on 1 June 2016.

Greater Manchester Police had applied, pursuant to s51 of the Licensing Act 2003, for a review of the premises licence following an incident on 19 April 2020.

An application was made by P C Thorley on behalf of Greater Manchester Police to exclude the public and press from the hearing. The grounds of the application were that the criminal investigation was still pending including forensic analysis. Mr Alyas, on behalf of the Licence Holder, did not object to the application. The Panel retired to consider the application.

After due deliberation the Panel returned and informed the hearing of the Panel's decision to proceed with the hearing in private noting the grounds of the application and having applied the public interest test (Sch 12A LGA 1972/Reg 14 of the Licensing Hearing Regs). To proceed in public would be prejudicial to both the Police investigation and the interests of the Licence Holder. The hearing continued in private (the Chair noting that the hearing would return to being in public at the announcement of decision stage).

Mr Robinson then presented the report to the Panel and identified the steps available to the Panel in determining the review (s52 (4) Licensing Act 2003). Mr Robinson informed the Panel of the brief background to the review as set out in the report and summarised the representations received. Mr Robinson confirmed that there was no record of previous complaints or enforcement action against the premises.

Regulatory Compliance Officer, Brad Byrne, also submitted a representation on behalf of the Licensing Authority.

PC Thorley then presented the case for Greater Manchester Police. Statements detailing the incident were presented by PC Martin Thorley and PC Stephen Richards along with photographic exhibits. CCTV footage of the incident was also presented. As previously stated, the criminal investigation was ongoing with no charges yet laid

Mr Alyas, Counsel, then made representations on behalf of the Licence Holder, Mr Ali. Mr Ali also explained the incident and his involvement.

The Panel was also made aware of numerous letters provided in support of the Licence Holder (as circulated with the agenda, prior the hearing). These detailed the community value of the shop and the service provided by the licence holder to his customers.

All parties were afforded the opportunity to ask questions in relation to the representations made.

All parties were invited to provide a brief statement in summary.

Members of the Panel then retired to carefully consider the written report, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

In determining the matter, the Panel had due regard to:

- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy,
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel noted that in determining the review it must, having regard to the application and any relevant representations, take such steps as identified in s52(4) of the Licensing Act 2003 as it considers appropriate for the promotion of the licensing objectives. It was not the Panel's responsibility to determine any person's innocence or guilt in relation any charges that may be progressed by the Crown Prosecution Service but to consider the impact of the incident on the promotion of the licensing objectives.

The Panel noted the numerous emails in support of the shop, its community value and the level of service provided. The Panel also noted that the incident at the house in retaliation to the earlier incident at the premises on 19 April 2020 appeared to be an isolated incident in so far as the licence holder's conduct was concerned.

The Panel noted/concluded that:

- the Panel's decision was not related to whether the shop itself could continue trading or not. The premises licence only related to the sale of alcohol for consumption off the premises. It did not directly impact on the shop continuing to trade for all other purposes.
- the incident on 19 April 2020 was very serious in nature. The licence holder was directly involved in the incident.
- in relation to the incident at the house the licence holder and his member of staff took the law into their own hands whereas they should have reported the 12.05 incident to the Police and allowed the Police to investigate and take appropriate steps. The 12.05 incident at the shop was only reported later at 2.30pm ie after the incident at the house.
- the Police had no record of any other incidents at the shop
- whilst the incident was at the customer's house it was directly related to the management of the licensed premises. The prevention of crime and disorder objective was aimed at protecting the public and local residents from crime and anti-social behaviour.

- there was an element of pre-meditation and intent in the incident at the house.

The Panel considered all available options.

Having regard to the factors identified above, the Panel considered that the imposition of conditions would not be sufficient to promote the licensing objectives, in particular the prevention of crime and disorder. The Panel had no confidence in the licence holder's ability to promote the prevention of crime and disorder licensing objective.

Accordingly, the Panel concluded that the step that it considered appropriate to promote the licensing objectives was the revocation of the premises licence.

RESOLVED

That the licence be revoked.

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SPEAKERS PANEL (LIQUOR LICENSING)

20 August 2020

Commenced:10.00am

Terminated: 1.45pm

Present: Councillors Sweeton (Chair), Bowden and Cartey

In Attendance:

Mike Robinson	Regulatory Services Manager
Rebecca Birch	Regulatory Compliance Officer (observer)
Margaret Warner	Legal Representative TMBC
Philip Kolvin, QC	Cornerstone Barristers
Richard Bradley	Poppleston Allen Solicitors
Amanda Kiernan	Cashino Gaming Ltd
Andy Tipple	Cashino Gaming Ltd
Gill Clulow	Cashino Gaming Ltd
Darrell Butterworth	Independent Licensing and Security Authority Compliance Consultant
Simon Watts	Registrar in Public Health
Councillor Laura Boyle	Droylsden East Ward Councillor – submitted representations
Reverend Sue Ball	Submitted representations
Pat Catterall	Submitted representations

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. APPLICATION FOR A NEW GAMBLING PREMISES LICENCE – CASHINO GAMING LIMITED TRADING AS MERKUR SLOTS, UNIT 8 & 9, 17 QUEENS WALK, DROYLSDEN, M43 7AD

Consideration was given to an application for a new gambling premises licence – Cashino Gaming Limited trading as Merkur Slots, unit 8 & 9, 17 Queens Walk, Droylsden, M43 7AD.

The Regulatory Services Manager read out his report, as submitted and confirmed the statutory framework for consideration of the application. An amendment to the report was noted, in respect of the address of the applicant.

Philip Kolvin QC, then summarised his skeleton argument to the Panel and set out at length the relevant law, licensing objectives, codes of practice, TMBC policy and the additional scrutiny of the gambling commission that the applicant had already undertaken in respect of the operative's licence and Parliament's view.

He explained the relevant test, being: "In exercising its functions under the Gambling Act 2005 the licensing authority shall aim to permit the use of premises for gambling in so far as the authority thinks it is:

(a) in accordance with any relevant code of practice [issued by the Gambling Commission]

- (b) in accordance with any relevant guidance issued by the Commission
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b))
- (d) in accordance with the [authority's statement of licensing policy] (subject to (a) to (c)).

In addition, he addressed the relevant representations made by interested parties and the relevant evidence provided by the applicant to rebut the representations. The Panel was given a summary of the multi operation of the applicant, its policies and experience of key staff present to take questions from the panel, to assist with their deliberations in line with all the licensing objectives. A key factor was the considerations that the panel were able to take into lawful consideration, as per the gambling commission's guidance as follows.

(c) An authority's decision cannot be based on a dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (para 5.34). In their view, the representations from Public Health, Cllrs, Rev Ball and the member of the public appeared to a large extent to be based on morality, which was an irrelevant consideration. Any decision to reject the application based on this premise, would be wrong and unlawful. In addition, it was irrelevant for consideration, the demand for the product in Droylsden.

There were mandatory conditions from the gambling commission in relation to the operation and compliance of the applicant in respect of whether they operated in a lawful, fair and transparent way, which was the licensing objective 2. The gambling commission guidance stated that the licensing authority should note that this was duly considered whilst considering the award of the Operators licence in this regard. They had received favourable and positive feedback from the Police (main agency in respect of C & D) as they would have the benefit of the CCTV in the area and reporting any issues. There had been no representations or disapproval in relation to any of the Statutory Licensing Agencies.

A major concern regarding children under 18 in their experience was unfounded, as their clientele was of a certain demographic, the premises attracted people in single figures mainly as most games were via a tablet. Under 18 were not allowed on the premises at all and the advertising on the exterior of the premises, did not attract children and the inside of the premises could not be seen from outside at all. The customers were checked on entry re age via Think 25.

The applicant held licences for 2 types of classifications, 1, adult gaming centre and 2, bingo and gaming machines in their establishments. The operating hours (missing from the application) were confirmed as Sun-Thurs 9-12, Fri and Sat 9-2am. The applicant was one of the largest multi-operators in Europe, with 170 premises in the UK and this application was for a bingo premises. The Panel was advised that a customer could, via tablet, have access to bingo games on the tablet throughout the UK until midnight. They did not hold other events for viewing such as football matches or dog racing on their premises. They did not serve alcohol and it was not permitted on their premises 'full stop'.

The Panel was advised that residents of Droylsden could already access gambling premises in the area and online. In addition that they could access fatty foods, cigarettes and alcohol, some of which had age controls or contained information regarding health etc. There was no statistical evidence before the Panel that the addition of one more gambling premises would lead to an increase of Crime and Disorder. In respect of Public Health statistics, the figures were based on a national study and it was estimated in respect of Droylsden. The only evidence was in relation to 6 referrals for assistance. However the applicant was inviting public health to work with them in respect of staff training. In effect, the actual licence was the business and the applicant exercised corporate responsibility to a high standard and sat on trade bodies such as GamCare. They had never had a review of the licence in any of the premises and no representations had been received from any of the statutory licensing authorities.

The Regulatory Services Manager queried the level of door supervision at the premises, as it seemed that only a few members of staff would be on a rota on a daily basis, so concerns were raised in relation to the operation of Think 25, without adequate door supervision. The applicant

advised that based on their experience, local risk assessment, and evidence before the panel, that this was unlikely to be an issue. If an issue arose, it would be highlighted before the involvement of statutory licensing agencies, through their own incident logs and CCTV and action taken. They would also work with the police and licensing authority in respect of any issues. If necessary, they could employ door supervisors but legally the test is one of necessity for a condition to be imposed via the licence, if granted.

The Panel sought clarification regarding a practical walk through of the operation from a customer attending at the premises. The Panel were advised that the customer would be greeted at the door via Think 25 and details taken (photograph). Particularly since Covid 19, they had been stringent given track and trace requirements. On entry, the customer would be given a tablet to play bingo. Staff were not behind a screen but were proactively trained to walk around the premises and chat to customers to check for any issues in respect of problem gambling etc. They also operated a self-exclusion policy, which meant that if someone was excluded then they could not access any other operator's premises in the country. The applicant was also willing to work with Public Health and local schemes (start one up if there isn't one) in respect of GamCare.

There were further questions in relation to the number of people in the premises and the effectiveness of preventing vulnerable groups accessing the premises, which may lead to mixed messages to residents. The applicant relied on the extensive local risk assessment that had been produced to the Panel and the details of the social responsibility policies of the company.

There was a the concern from Public Health, Cllrs, member of the public and the Reverend, who had provided representations of the impact of this premises given the poverty and deprivation rates already in the area. The applicant stated that they had identified Droylsden on a list of possible sites for bingo premises, against their criteria. They had a number of establishments that met the same demographics of Droylsden and no issues had resulted. The local risk assessment had also assisted with formulating the operating hours it was seeking and it would also increase employment opportunities. The Panel were reminded that demand for the premises was not a legal consideration for the application in itself. The applicant repeated its assurance that it was also willing to work with Public Health and local schemes (start one up if there isn't one) in respect of GamCare.

Members of the Panel then retired to carefully consider the written report, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

It was explained that, in exercising its functions under the Gambling Act 2005 the licensing authority should aim to permit the use of premises for gambling in so far as the authority thinks it is:

- (a) in accordance with any relevant code of practice [issued by the Gambling Commission]
- (b) in accordance with any relevant guidance issued by the Commission
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b))
- (d) in accordance with the [authority's statement of licensing policy] (subject to (a) to (c)).

The Panel carefully considered the oral and written representations and submissions and was satisfied that, in this case;

- (a) the application was fully compliant with the relevant codes of practice;
- (b) it was fully compliant with the Commission's guidance;
- (c) it was reasonably consistent with the licensing objectives (which are in any event subject to (a) and (b));
- (d) it was in accordance with Tameside's policy (which is in any event subject to (a) to (c)).

The Act stated that the licensing authority should aim to permit the application. The Commission describes this as the authority's "primary obligation" (Guidance para 7.56).

As the Commission also advised, the Panel gave consideration to relevant considerations and in doing so had regarding for the Gambling Commission's guidance that:

- (a) Licences should not be refused where relevant objections can be dealt with through the use of conditions (para 9.28);
- (b) Moral and ethical objections to gambling are not a valid reason to reject an application (para 5.34);
- (c) An authority's decision cannot be based on a dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (para 5.34);
- (d) Any refusal should be for reasons which demonstrate that the licensing objectives will not or are unlikely to be met (para 5.34).

The Panel accepted that In this case, all the requirements of the Gambling Commission's Codes and Guidance were met, as were the requirements of the licensing authority's own policy, which itself did not presume against applications in any given area.

The Panel therefore as per Section 163(1) and Section 169 (a) of the Gambling Act 2005 would grant the application subject to the following conditions:



Licence Conditions

- 1. The licensee's open and closing hours of operation will be 9am – midnight, 7 days a week.
- 2. No alcohol is permitted on the premises.
- 3. No further application for an alcohol licence is applied for from this licensee at this location.
- 4. The Licensee will proactively engage with Public Health, the licensing authority and the Police and any other public protection agencies, in respect of staff training.
- 5. The Licensee will be a pro-active member of PubWatch, BetScheme and Town Team.
- 6. The premises shall install and maintain a comprehensive CCTV system with all recordings stored for a minimum period of 31 days. Recordings shall be made available upon the request of Police or authorised officers of the Licensing Authority, subject to data protection legislative requirements.
- 7. Notices shall be prominently displayed within the premises stating that CCTV is in operation.
- 8. An incident log shall be kept at the premises and made available on request to an authorised officer of the Licensing Authority or the Police. Details to include:
 - i. All crimes reported to the venue
 - ii. All ejections of patrons
 - iii. Any complaints received concerning crime and disorder
 - iv. Any incidents of disorder
 - v. All seizures of drugs or offensive weapons
 - vi. Any visit by a relevant authority or emergency service
 - vii. Any attempts by children and young persons to gain access to the premises to gamble
 - viii. Any Challenge 25 Refusals.
- 9. A think 25 proof of age scheme shall be operated at the premises.
- 10. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises.
- 11. There shall be no pre-planned single staffing at the premises from 17.30 until closing.
- 12. Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises.
- 13. The licensee shall take reasonable steps to prevent nuisance directly outside the premises.

RESOLVED

That the Licence be granted, subject to the conditions, as detailed above.

Agenda Item 4

Report to:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	11 January 2021
Reporting Officer:	Emma Varnam – Assistant Director, Operations & Neighbourhoods
Subject:	APPLICATION FOR A REVIEW OF A PREMISES LICENCE – JITS SUPER SHOP, 21 MARKET STREET, STALYBRIDGE, SK15 2AL
Report Summary:	Members are requested to determine the application
Recommendations:	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none">a) Modify the conditions of the licenceb) Exclude a licensable activity from the scope of the licencec) Remove the designated premises supervisord) Suspend the licence for a period not exceeding 3 monthse) Revoke the licence
Corporate Plan:	Living Well – Improve satisfaction with local community
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
Legal Implications: (Authorised by the Borough Solicitor)	Any decision to revoke/suspend a licence or impose amendments or conditions to a licence can be challenged by way of appeal (in the first instance) to the local Magistrates Court.
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
Access to Information:	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing)
Background Information:	The background papers relating to this report can be inspected by contacting Mike Robinson
	 Telephone: 0161 342 4122
	 e-mail: mike.robinson@tameside.gov.uk

1. INTRODUCTION

- 1.1 Section 51(1) of the Licensing Act 2003 outlines the procedure whereby a responsible authority may apply to the Licensing Authority for a review of a premises licence.
- 1.2 Section 52(3) of the Licensing Act 2003 states that the Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are:
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding 3 months;
 - (e) to revoke the licence.

2. INTRODUCTION

- 2.1 Jits Super Shop, 21 Market Street, Stalybridge, SK15 2AL was first granted a Premises Licence under the Licensing Act 2003 on 8 September 2006. A copy of this Premises Licence is attached at **Appendix 1**.
- 2.2 Mr. Jeitan Panchani has been the Premises Licence Holder and Designated Premises Supervisor of the Jits Super Shop, 21 Market Street, Stalybridge, SK15 2AL since September 2013.
- 2.3 On 23 November 2020, the Licensing Department received an application from TMBC Trading Standards acting in their capacity as a Responsible Authority under the Licensing Act 2003, to review the premises licence for Jits Super Shop, 21 Market Street, Stalybridge, SK15 2AL. A copy of the Premises Licence Review Application is attached at **Appendix 2**.
- 2.4 Since 2018 the Council have received complaints relating to underage sales of cigarettes and alcohol to school children from this premises.
- 2.5 On 3 June 2020, PC Antony Lawton of Greater Manchester Police observed 4 youths vacate the vicinity of Jits Super Shop while on patrol of Market Street, Stalybridge. After stopping the youths, it appeared they had a plastic bag containing alcohol. After a further discussion with the youths, they admitted purchasing alcohol from Jits Super Shop. PC Antony Lawton then entered the premises to discuss this with the shop assistant, return the alcohol and for the children to be refunded. Following this, PC Lawton informed TMBC Trading Standards.
- 2.6 On 19 October 2020, a Tameside Council CCTV operative observed an underage youth enter the premises and leave the premises with single cigarettes. The Council CCTV operative made TMBC Trading Standards aware of the incident and provided a copy of the CCTV footage.

3. REPRESENTATIONS & EVIDENCE SUBMITTED

- 3.1 Representations have been received by TMBC Trading Standards, TMBC Licensing Authority, TMBC Population Health, Greater Manchester Police and members of the public.

TMBC Trading Standards

- 3.2 A supporting statement relating to the application provided by Nicola Briers of TMBC Trading Standards. A copy of this is attached at **Appendix 3**.

Greater Manchester Police

- 3.3 A statement has been provided by PC Martin Thorley in relation to his involvement with the premises. A copy of this is attached at **Appendix 4**.
- 3.4 A statement has been provided by PC Antony Lawton in relation to his involvement with the premises. A copy of this is attached at **Appendix 5**.

TMBC Licensing Authority

- 3.5 Regulatory Compliance Officer James Horton has submitted representation on behalf of the Licensing Authority and this is attached at **Appendix 6**.

TMBC Population Health

- 3.6 A representation received from James Mallion on behalf of TMBC Population Health. A copy of this is attached at **Appendix 7**.

Members of the public

- 3.7 The Assistant Vice-Principal of Behaviour and Welfare at Copley Academy has submitted a representation. A copy of this is attached at **Appendix 8**.
- 3.8 The Assistant Headteacher at West Hill School has submitted a representation. A copy of this is attached at **Appendix 9**.
- 3.9 A representation has been received from a member of the public. A copy of this is attached at **Appendix 10**.

4. CCTV

- 4.1 Tameside MBC operated CCTV still images relating to an incident on 3 June 2020. A copy of this is attached at **Exhibit JH1**.
- 4.2 Tameside MBC operated CCTV relating to an incident on 19 October 2020.
- 4.3 CCTV obtained from the premises relating to an incident on 19 October 2020.

5. HOME OFFICE GUIDANCE

- 5.1 The current guidance issued by the Home Office under section 182 of the Licensing Act 2003 deals with the Powers of a Licensing Authority on the determination of a review, with particular attention being drawn to section 11.19, where a Licensing Authority considers action under its statutory powers:

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*

- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

6. CONCLUSION AND OPTIONS FOR THE PANEL

- 6.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the licensing objectives. The options available to the Panel are set out at the front of the report.

Premises Licence

Licensing Act 2003

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES **Jits Super Shop** **TELEPHONE: 0161 338 2516**

ADDRESS 21 Market Street, Stalybridge, Tameside, SK15 2AL

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

SOA - **Sale by Retail of Alcohol for consumption ON and OFF the premises;**

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
Sale by Retail of Alcohol ON & OFF	Monday-Saturday	06:00 - 21:30
Sale by Retail of Alcohol ON & OFF	Sunday	06:30 - 19:30

THE OPENING HOURS OF THE PREMISES:

Description	Times
Monday-Saturday	06:00 21:30
Sunday	06:30 19:30

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

Premises Licence

Licensing Act 2003

PL0674

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

Mr Jelten Panchani
20 Howgill Crescent, Oldham, Lancashire, OL8 3WA,

Tel: 0161 338 2516
Email:

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

Business Reg No:

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

Mr Jelten Panchani
20 Howgill Crescent, Oldham, Lancashire, OL8 3WA,

Tel: 0161 338 2516

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

Licence Number: 537776

Licensing Authority Issued by: Oldham

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY



Sharon Smith

Head of Public Protection - Operations & Neighbourhoods

ANNEXES

Annex 1 – Mandatory conditions

Mandatory Conditions under the Licensing Act 2003:

(1) No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the premises, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

The Prevention of Public Nuisance

CCTV on the premises, both in and out of the shop.

Seek guidance from local community safety officer.

Public Safety

Staggered trading hours if the premises is a pub or a club, have fire extinguishers. CCTV inside the premises.

The Prevention of Public Nuisance

Don't let people congregate in the front of the premises. Keep the area clean. Litter pick, shut shop before the trouble starts. If you think it is about to start.

The Protection of children from harm

Under Age: - Consumption (Check age). Make sure nobody is buying for children.

Conditions attached following Minor Variation requested by Licensing and Trading Standards-14/02/2019

CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made

available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights act.

Challenge 25

The premises must operate a Challenge 25 scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

Refusals Book

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:(i) Time, day & date of refusal

(ii) Item refused

(iii) Name & address of customer (if given)

(iv) Description of customer

(v) Details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request.

Proxy Notices

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

Staff Training

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

List of Authorised Persons

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

Purchasing policy

A purchasing of alcohol and tobacco policy must be implemented at the premises by the designated premises supervisor.

Purchasing records to be kept.

All purchases of alcohol and tobacco products must be made from reputable wholesalers and all purchases must be recorded. These records must be made available on request to the police or authorised officer

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

Non applicable

ANNEX 4 – AUTHORISED PLANS

As attached

Premises Licence Summary

Licensing Act 2003

PL0674

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES **Jlts Super Shop** **TELEPHONE: 0161 338 2516**

ADDRESS 21 Market Street, Stalybridge, Tameside, SK15 2AL

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

SOA - **Sale by Retail of Alcohol for consumption ON and OFF the premises;**

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
Sale by Retail of Alcohol ON & OFF	Monday-Saturday	06:00 - 21:30
Sale by Retail of Alcohol ON & OFF	Sunday	06:30 - 19:30

THE OPENING HOURS OF THE PREMISES:

Description	Times
Monday-Saturday	06:00 21:30
Sunday	06:30 19:30

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

Premises Licence Summary

Licensing Act 2003

PL0674

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

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

Mr Jeiten Panchani
20 Howgill Crescent, Oldham, Lancashire, OL8 3WA,

Tel: 0161 338 2516
Email:

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

Business Reg No:

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Jeiten Panchani

Tel: 0161 338 2516

State whether access to the premises by children is restricted or prohibited:

Access to the premises by children is prohibited

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY

A handwritten signature in black ink, appearing to read "S. Smith".

Sharon Smith

Head of Public Protection - Operations & Neighbourhoods

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[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Nicola Briers

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 Jits Super Shop 21 Market Street Stalybridge Tameside	
Post town Stalybridge	Post code (if known) SK15 2AL
Name of premises licence holder or club holding club premises certificate (if known) Mr Jeiten Panchani	
Number of premises licence or club premises certificate (if known) PL0674	

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nicola Briers Trading Standards Officer Tame Street Depot Tame Street Stalybridge SK15 1ST
Telephone number (if any) 07970 817735
E-mail address (optional) nicola.briers@tameside.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder
Public Safety
The Protection of Children From Harm

Please provide as much information as possible to support the application (please read guidance note 3)

Tameside MBC Trading Standards Department in its capacity as a responsible authority wish to apply for the review of a premises licence under S51 of the Licensing Act 2003 for Jits Super Shop.

In late 2018 the department received several intelligence reports that the premises was selling both cigarettes and alcohol to underage children. I visited the premises on 19th September 2018, the licence holder Mr Panchani was not present at the time however I advised him of the intelligence received by telephone. He stated that the problem was due to adults coming into the premises and buying alcohol and cigarettes for underage children. I advised Mr Panchani to purchase proxy notices to warn adults about this practice and display them in the premises. At the time of the visit the person working at the premises was unable to produce the refusals book for inspection.

A meeting arranged with Mr Panchani on 13th Feb 2019 at the council officers with myself and Mike Robinson Regulatory Services Manager (Licensing) as we had the following concerns:

- Purchasing policy of alcohol for sale in the shop.
- sale of alcohol and tobacco to underage children
- At our last visit to the premises on 15th January 2019 the person working in the shop (Katie Ellis) whilst pleasant with Tameside Officers became verbally abusive towards the police officer who was assisting us with our visits.

At this meeting it was suggested that an amendment to the premises licence conditions were required. These reasonable and proportionate conditions were agreed with Mr Panchani as an alternative approach rather than carrying out a licence review. During this meeting the change in conditions were explained in full to and agreed by Mr Panchani. He was also provided with a copy of the amended conditions to take away with him.

On 6th June 2020, I received an email from Mike Robinson stating that PC Tony Lawton had witnessed a number of children outside the premises. On stopping the group of children, it was found that they had purchased alcohol from the premises. The children were taken back into the shop to return the alcohol and obtain a refund. PC Tony Lawton observed that the children clearly looked underage.

As a result of this I visited the premises with Brad Bryne Regulatory Compliance Officer on the 10th June 2020. We requested to see the CCTV for the incident but Mr Panchani was not at the premises and the person working there was unable to operate the CCTV system. This is in breach of their licence condition requiring a member of staff who is able to operate the CCTV be on the premises at all times. A proxy notice was now displayed on the premises and the refusals book was available for inspection but it had not been completed for a year.

A further visit was made on 16th June 2020 with Mr Panchani present it was found that the CCTV system recorded approx. 4 /5 days of footage and therefore we were unable to obtain CCTV footage of the underage sale incident. Again, this is in breach of the premises licence conditions requiring the CCTV to be stored for a minimum of 28 days. The refusals book was examined and recent entries were completed in the book. Guidance regarding the laws that restrict the sale of age restricted products and the steps that should be taken was printed off and given to Mr Panchani at the time of the visit. It is an offence under the Licensing Act 2003 to sell alcohol to anyone under the age of 18.

On 19th October 2020 I received information that the TMBC CCTV unit had witnessed a school boy going into the premises and purchased what appeared to be a single cigarette. I collected the CCTV footage on 20th October 2020 and viewed it at the council offices with PC Martin Thorley, District Licensing Officer and Mike Robinson. In this footage, we could see that a boy removed his school blazer and tie and went into the premises and came out with what appeared to be a single cigarette. PC Martin Thorley obtained the CCTV footage from within the premises which

showed that the boy purchased two single cigarettes. PC Martin Thorley made enquiries with Copley High School who have identified the boy as a pupil of the school and under the legal age limit to purchase cigarettes. The sale of tobacco to person under the age of 18 is an offence under the Children and Young Persons Act 1933. The sale of a single cigarette is also an offence under the Standardised Packaging of Tobacco Product Regulations 2015.

On the 5th November 2020 the department was notified of a report from West Hill High School that a pupil had been found to have fire crackers in his possession which were purchased from the premises. PC Martin Thorley visited the school and found that the items purchased are labelled as being an age-restricted product and should not be sold to anyone under the age of 18. These are in fact Class F1 fireworks – indoor fireworks. The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F1 fireworks to any person under 16.

On Saturday 21st November 2020 at approx. 14.42. Tracy Jones-Lacy a Trading Standards Officer for Tameside MBC witnessed a boy she believed to be underage smoking outside the premises. The officer recognised the boy as being the same boy captured on CCTV who purchased the single cigarettes from the premises on the 19th October 2020. In response, she entered the premises and requested a copy of the CCTV for the last hour approx. 14.00 – 1500 hours. The person working at the shop informed the officer that he was unable to get the CCTV for her and the officer had to request the CCTV from Mr Panchani via the telephone. Mr Panchani has since emailed the officer stating that to obtain the CCTV an officer must visit with a USB stick for the CCTV to be transferred directly from the hard drive.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *N. Buis*
.....

Date **23/11/2020**
.....

Capacity **Trading Standards Officer**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

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TAMESIDE METROPOLITAN BOROUGH COUNCIL

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

STATEMENT OF: Nicola Briers

Age of Witness (If over 18 enter over 18): Over 18

Occupation of Witness: Trading Standards Officer

I am the above person. I am employed by Tameside Metropolitan Borough Council as a Trading Standards Officer within the Public Protection Division, based at the Tame Street Depot, Tame Street, Stalybridge, Tameside, SK15 1ST.

I have been employed by Tameside MBC as a Trading Standards Officer since December 2002. One of my duties within this role is to enforce the law relating to consumer protection legislation. I am an Authorised Officer for the purposes of the Tobacco and Related Products Regulations 2016, The Children and Young Persons Act 1933 and the Standardised Packaging of Tobacco Products Regulations 2015.

Tameside MBC Trading Standards Department in its capacity as a responsible authority wish to apply for the review of a premises licence under S51 of the Licensing Act 2003 for Jits Super Shop.

From November 2017 until November 2018 the department received three complaints that the premises was selling both cigarettes and alcohol to underage children. One of these complaints was from Greater Manchester Police that they had received a report from the

This statement, consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th December 2020

Signed N Briers

EV1ST2

Continuation of witness statement of:

Page 2 of 7

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

head master of Westhill School that the shop was selling both cigarettes and alcohol to students. I exhibit the complaints as JITS/NB1, JITSNB/2 and JITS/NB/3.

I visited the premises on 19th September 2018, the licence holder Mr Panchani was not present at the time however, I advised him of the intelligence received by telephone. He stated that the problem was due to adults coming into the premises and buying alcohol and cigarettes for underage children. I advised Mr Panchani to purchase proxy notices to warn adults about this practice and display them in the premises. At the time of the visit, the person working at the premises was unable to produce the refusals book for inspection. During this visit I also found 13 cases of Litalaino wine and 3 cases of Corle Reale in cellar which I believed to be non-duty paid wine and requested the purchasing invoices for this wine from Mr Panchani.

A meeting was arranged with Mr Panchani on 13th February 2019 at the council officers with myself and Mike Robinson Regulatory Services Manager (Licensing) as we had the following concerns about the premises:

- Purchasing policy of alcohol for sale in the shop
- sale of alcohol and tobacco to underage children
- At our last visit to the premises on 15th January 2019 the person working in the shop (Katie Ellis) whilst pleasant with Tameside Officers became verbally abusive towards the police officer who was assisting us with our visits.

This statement, consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th December 2020

Signed N. Bruns

Continuation of witness statement of:

Page 3 of 7

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

At this meeting it was suggested that an amendment to the premises licence conditions were required. These reasonable and proportionate conditions were agreed with Mr Panchani as an alternative approach rather than carrying out a licence review. During this meeting the change in conditions were explained in full to and agreed by Mr Panchani. He was also provided with a copy of the amended conditions to take away with him.

An intelligence report was received on the 5th June 2019 via the intelligence database ref I194085 stating that the premises is selling cigarettes to the lads at Westhill school and other kids around the area.

On the 18th October 2019 I was sent an email from Tony Lawton, School Partnership Officer with Greater Manchester Police via Martin Thorley stating that both Westhill School and Copley High School had expressed their concerns regarding the premises selling single cigarettes to school children. I exhibit the email as JITS/NB/4

A further intelligence report was received on 21st November 2019 ref I143212 stating that the premises was selling alcohol and tobacco to underage children.

On 6th June 2020, I received an email from Mike Robinson stating that PC Tony Lawton had witnessed a number of children outside the premises. On stopping the group of children, it was found that they had purchased alcohol from the premises. The children were taken back into the shop to return the alcohol and obtain a refund. PC Tony Lawton observed that the children clearly looked underage.

This statement, consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th December 2020

Signed N. Buis

Continuation of witness statement of:

Page 4 of 7

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

As a result of this I visited the premises with Brad Bryne Regulatory Compliance Officer on the 10th June 2020. We requested to see the CCTV for the incident but Mr Panchani was not at the premises and the person working there was unable to operate the CCTV system. This is in breach of their licence condition requiring a member of staff who is able to operate the CCTV be on the premises at all times. A proxy notice was now displayed on the premises and the refusals book was available for inspection but it had not been completed for a year.

A further visit was made on 16th June 2020 with Mr Panchani present where it was found that the CCTV system recorded for approx. 4 /5 days of footage and therefore we were unable to obtain CCTV footage of the underage sale incident. Again, this is in breach of the premises licence conditions requiring the CCTV to be stored for a minimum of 28 days. The refusals book was examined and recent entries were completed in the book. Guidance regarding the laws that restrict the sale of age restricted products and the steps that should be taken was given to Mr Panchani at the time of the visit. It is an offence under the Licensing Act 2003 to sell alcohol to anyone under the age of 18.

On 14th September 2020 I received a complaint that three girls aged 13 and 14 years old purchased Smirnoff vodka from the premises. I exhibit the complaint record as JITS/NB/5. I was unable to pursue this further as I did not have the date and time the alcohol was purchased to gather further evidence.

This statement, consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th December 2020

Signed N. Bryne

Continuation of witness statement of:

Page 5 of 7

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

On 19th October 2020, I received information that the TMBC CCTV unit had witnessed a schoolboy going into the premises and purchased what appeared to be a single cigarette. I collected the CCTV footage from the CCTV unit on 20th October 2020 and viewed it at the council offices with PC Martin Thorley, District Licensing Officer and Mike Robinson. I exhibit this CD containing the footage as JITS/NB/6. In this footage, I could see that a boy removed his school blazer and tie and went into the premises and came out with what appeared to be a single cigarette. PC Martin Thorley obtained the CCTV footage from within the premises, which I viewed, and it showed that the boy purchased two single cigarettes. PC Martin Thorley made enquiries with Copley High School who have identified the boy as a pupil of the school and under the legal age limit to purchase cigarettes. The sale of tobacco to person under the age of 18 is an offence under the Children and Young Persons Act 1933. The sale of a single cigarette is also an offence under the Standardised Packaging of Tobacco Product Regulations 2015.

On the 5th November 2020, the department was notified of a report from Westhill School that a pupil had been found to have firecrackers in his possession that were purchased from the premises. PC Martin Thorley visited the school and found that the items purchased were labelled as being an age-restricted product and should not be sold to anyone under the age of 18. These are in fact Class F1 fireworks – indoor fireworks. The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F1 fireworks to any person under 16.

This statement, consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th December 2020

Signed N. Brus

Continuation of witness statement of:

Page 6 of 7

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

On Saturday 21st November 2020 at approx. 14.42. Tracy Jones-Lacy a Trading Standards Officer for Tameside MBC witnessed a boy she believed to be underage smoking outside the premises. In response, she entered the premises and requested a copy of the CCTV for the last hour approx. 14.00 – 1500 hours. The person working at the shop informed the officer that he was unable to get the CCTV for her and the officer had to request the CCTV from Mr Panchani via the telephone. Mr Panchani has since emailed the officer on 21st November 2020 stating that to obtain the CCTV an officer must visit with a USB stick for the CCTV to be transferred directly from the hard drive.

In response to Mr Panchani's email, I emailed him on 24th November 2020 and advised that this was in breach of his licence conditions. His premises licence conditions state 'Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.' I also requested the CCTV footage from Wednesday 4th November 2020 between 8am – 08.45am. This is the approximate time that Martin Thorley was told that the boy purchased the firecrackers.

Mr Panchani placed the requested CCTV footage for the 4th November 2020 on a USB stick that I collected from the premises on the 25th November 2020. Mr Panchani sent the footage from the 21st November 2020 to me via several emails on the 24th November 2020.

This statement, consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th December 2020

Signed N. Brub

Continuation of witness statement of:

Page 7 of 7

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B)

I have since viewed the CCTV footage from 21st November 2020 and no underage sales are witnessed. I have been not been able to view all the CCTV footage on the USB stick provided by Mr Panchani due to software issues to ascertain if the sale of the fireworks took place.

Upon looking at the history for the premises on our database, it can be seen that on 12/06/2009, a test purchase exercise was carried out at the premises and the sale of alcohol and tobacco to the underage test purchaser took place. A further test purchasing exercise was carried out at the premises on the 10th June 2010 and no sale took place.

The department has also received intelligence regarding the premises selling illicit / counterfeit tobacco. The first complaint received was on 12th March 2015 which I exhibit as JITS/NB/6. We have also received two intelligence reports. The first report was received on 30th September 2019 ref I194708 stating that the premises were selling counterfeit Lambert and Butler Original Silver cigarettes. The second report was received on 21st October 2019 ref I270258 stating that the premises sold illicit tobacco. A visit was carried out to the premises in February 2019 and no illicit tobacco was found at the time of the visit.

This statement, consisting of 7 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th December 2020

Signed N. Smy

Complaint Ref: 17/00934/UAGSAL
 Date Complaint Received: 07.11.2017
 Complaint Type: UAGSAL

Date Jobsheet Printed:
 Allocated to: TLL
 Officer in Charge: Khush Ahmed
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
Name: Supershop Address: 21 Market Street Stalybridge Tameside SK15 2AL	Underage Cigarettes Sale.

<u>Complainant</u>	<u>Complainant Details</u>
Name: Address:	DAY

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	<p>C would like to Report T. C believes he is selling single cigarettes to underage people. C seen her grandson coming out of the shop with a cigarette who is only 15. C would like to report to TSS.</p> <p>ADVICE: Thanked C for info. Report to TSS.</p> <p>ACTION: Referral to T TSS- Underage Sales- No Commitment. C+T based in same Area. - PARTNER INFORMED = tameside</p>			

Complaint Ref: 18/00638/CMPP
 Date Complaint Received: 13.09.2018
 Complaint Type: CMPP

Date Jobsheet Printed:
 Allocated to: NB
 Officer in Charge: Khush Ahmed
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
Name: Supershop Address: 21 Market Street Stalybridge Tameside SK15 2AL	Underage Sales

<u>Complainant</u>	<u>Complainant Details</u>
Name: [REDACTED] Address: [REDACTED] SK15 2AL	DAY

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	OUTCOME: - ADVICE: SUMMARY: C is Police Officer has had report from headmaster of local School to say T is selling alcohol and Cigarettes to underage, C stating shop has been tested by TSS before for underaged Sales, C would like TSS to contact so he can provide update to the local school. ADVICE: Will report to TSS			

COMPLAINT DETAILS WORKSHEET

Complaint Ref: 18/00748/UAGSAL
 Date Complaint Received: 29.10.2018
 Complaint Type: UAGSAL

Date Jobsheet Printed:
 Allocated to: NB
 Officer in Charge: Khush Ahmed
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
<p>Name: Jits Address: 21 Market Street Stalybridge Tameside SK15 2AL</p>	<p>Underage Sales</p>

<u>Complainant</u>	<u>Complainant Details</u>
<p>Name: unknown Anoncae Address:</p>	

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	<p>OUTCOME: - ADVICE: SUMMARY: C wants to report T for selling single cigarettes and alcohol to underage customers. T also buys in spirits and wines that are not for UK sale at a cheap price - no barcode or health info. ADVICE: ACTION: Refer - anon tipoff - PARTNER INFORMED = tameside</p>			

EV1MASTER/EV1ST5 Investigation Record – Criminal Procedure and Investigations Act 1996

Complaint Recommended for Closure	Y/N ?	Closing Officer:
Complaint Founded	Y/N ?	Date Closed:

Nicola Briers

From: Martin.Thorley@gmp.pnn.police.uk
Sent: 18 October 2019 09:29
To: Carl Jones GCSX; Nicola Briers
Subject: FW: INFO re shop

Categories: Green Category

FYI

From: Antony Lawton
Sent: 17 October 2019 13:14
To: Martin Thorley; 'John Gregory'
Subject: INFO re shop

Hello ,

James Whiting from West Hill school , and also Mr Dan O Brien from Copley has also passed us the same info as below – seems to be daily apparently.

INFO

a lad disclosed to us today that 'Jits' newsagents is still selling single cigarettes to children in school uniform. It's been going on for as long as I remember. Is there anything that can be done about it?

Regards

James

THANKS
TONY

COMPLAINT DETAILS WORKSHEET

Complaint Ref: 20/00801/CMPP
 Date Complaint Received: 14.09.2020
 Complaint Type: CMPP

Date Jobsheet Printed:
 Allocated to: NB
 Officer in Charge: Khush Ahmed
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
Name: Jit's Super Shop Address: 21 Market Street Stalybridge Tameside SK15 2AL	Three teenage girls (13 & 14) were sold Smimoff vodka at this shop. After the girls were picked up at 6.30 in Stalybridge slurring and incoherent I investigated further to find more bottles of vodka empty. When confronted the three girls all said the alcohol was bought from Jits, its well known fact amongst kids in Bridge thats where you can get served and that this wasnt their first time.

<u>Complainant</u>	<u>Complainant Details</u>
Name: Address:	PHONE

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time

EV1MASTER/EV1ST5 Investigation Record – Criminal Procedure and Investigations Act 1996

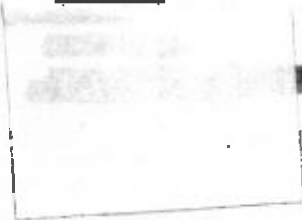
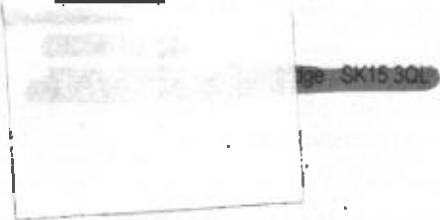

Complaint Recommended for Closure	Y/N ?	Closing Officer:
Complaint Founded	Y/N ?	Date Closed:

COMPLAINT DETAILS WORKSHEET

Complaint Ref: 15/00265/CMPP
 Date Complaint Received: 12.03.2015
 Complaint Type: CMPP

Date Jobsheet Printed:
 Allocated to: TLL
 Officer in Charge: Khush Ahmed
 Disclosure Officer: Sharon Smith

<u>Subject of Complaint</u>	<u>Details of Complaint</u>
<p>Name: Supershop Address: 21 Market Street Stalybridge Tameside SK15 2AL</p>	<p>Info Only / Refer / SGA</p>

<u>Complainant</u>	<u>Complainant Details</u>
<p>Name:  Address:  SK15 3QL</p>	<p>DAY </p>

Date	Action Taken Details	Associated Documents/ evidence	Officer Initials	Time
	<p>C went to a shop to buy some cigarettes. C said they are foreign. C said they taste weird. C does not feel as though they are the correct ones. Make - Lambutt and butler</p>			

EV1MASTER/EV1ST5 Investigation Record – Criminal Procedure and Investigations Act 1996

Complaint Recommended for Closure	Y/N ?	Closing Officer:
Complaint Founded	Y/N ?	Date Closed:

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RESTRICTED (when complete)

MG11

Page 1 of 4

WITNESS STATEMENT**Criminal Procedure Rules r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: **Martin Richard THORLEY**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable**

This statement (consisting of five pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: **16th December 2020**Check box if witness evidence is visually recorded (supply witness details on last page)

I am Police Constable 14627 Martin Thorley of the Greater Manchester Police stationed at Ashton-under-Lyne Police Station. My current role is that of Licensing Officer, Strategic Demand Reduction Team for the Tameside District.

I have delegation of authority on behalf of the Chief Officer of Police for all applications made in respect of the Licensing Act 2003.

I am aware that this statement will be used as part of an application for a review of the licensed premises **JITs Super Shop, 21 Market Street, Stalybridge SK15 2AL**.

At 1407hrs on Wednesday 3rd June 2020 PC Lawton sent me an email in relation to the under aged sale of alcohol which had been observed by Police Officers earlier that day.

I have exhibited a copy of this statement which is listed as Exh Ref MRT/1.

Council CCTV from a street overt camera which was panning at the time of the under aged sale and the Police Officers attendance has been viewed and verifies the accounts given by the attending Police Officers. This footage has been provided in relation to this review hearing.

At 0811hrs on 19th October 2020 Kevin Cock, Tameside MBC CCTV Operational Support Co-ordinator emailed me with details stating that one of his operators has filmed a school aged child going into **JIT's Super Shop on Market Street Stalybridge** at 8am earlier that morning and coming out with single cigarettes.

As a result of this information I arranged to visit **JITs Super Shop, 21 Market Street, Stalybridge SK15 2AL** on the morning of 20th October 2020 along with Mike Robinson from TMBC Licensing.

On the visit a lone female worker was spoken with and she made contact with the DPS via a telephone. The DPS who I now know to be Mr Jeiten Panchani attended shortly afterwards.

We spoke with Mr Jeiten Panchani who initially denied that any member of staff would sell single cigarettes to children. He confirmed that the CCTV inside the store was fully operational and he was asked to show us the CCTV from the shop floor and the counter covering the times identified by TMBC Operational Support Officer, Kevin Cocks.

Mr Jeiten Panchani was showing me the footage on his mobile telephone and the screen was small and the footage unclear. The time and date was recorded on the footage and was small in size due to the size of the

Signature:.....

Signature witnessed by:

screen. I quickly established that Mr Jeiten Panchani was showing me the footage from around 0800hrs on the previous day to the alleged incident. I pointed this out to Mr Jeiten Panchani and asked him to please assist with our enquiries and show the correct footage.

This was then done and the footage was viewed on the mobile devise of Mr Jeiten Panchani by me and Mike Robinson in the presence of Mr Jeiten Panchani.

The footage clearly shows on both camera 2 and camera 4 a bearded shop assistant wearing a light blue beanie hat, black Adidas jacket with white stripes down each sleeve taking cash in the way of coins from a school aged child who was wearing black Nike hoody. The shop assistant is seen to hand over two single cigarettes before counting the coins and the school child leaves the shop in the direction of Chapel Street.

Later the same day this footage was forwarded to myself by Mr Jeiten Panchani via whatsapp and is evidenced as Exh Ref MRT/2

On the afternoon of Tuesday 20th October I attended at Copley High School with Mike Robinson and we spoke with one of the Senior Leadership Team at the School, Mr Scott who was shown the footage detailed in Exh Ref MRT/2. Mr Scott was able to identify the young man involved as a pupil under the age of 16 who attends Copley High School.

Following the visit to Jits Super Shop, having received the CCTV footage and confirmed an under aged and unlawful sale had taken place, I text Mr Jeiten Panchani at 1114hrs on 27th October ***"many thanks for the footage. Please could you provide me with the full details of Mitch. I need to know all details including his address and date of birth. All the details you know would be appreciated"***

The reply came back at 2009hrs the same day ***"I don't have any other details about Mitch as he failed his training. I did not employ him after what he did"***.

On Wednesday 4th November at 1356hrs I was copied into an email from the Assistant Head teacher from West Hill School which detailed ***"Just an FYI – found a lad here with fire crackers on him today, where did he buy them – Jits. It's a concern, because they might be selling things more serious to mlnors"***.

On Thursday 5th November I attended at West Hill School Stalybridge where I spoke with the Support and Inclusion Manager who informed me of the details of a school child under the age of 16 who had been involved in possessing "Snap Bangers" whilst at school. The box of "Snap Bangers" was photographed and is exhibited as Exh Ref MRT/3.

I have caused the production of the following exhibits which are to be presented for the Review Panel Hearing:-

MRT/1 Statement of PC Tony Lawton

MRT/2 CCTV Footage from Jits relating to 19/10/20

MRT/3 Photographs of SNAP BANGERS Box 5/11/20

MRT/4 Redacted list of incidents from JITS

MRT/5 Delegated Authority from Chief Constable.

It is my opinion that having reviewed the CCTV footage and having been informed of other incidents which have been occurring at JITS Super Shop premises that Mr Jeiten Panchani as DPS and his staff have failed

Signature:.....

Signature witnessed by:

in Promoting of the Licensing Objectives as the manner in which the premises have been managed, clearly allows age restricted goods to be sold to children. The illegal sales of cigarettes, alcohol and snap bangers evidences behaviour and actions of the management and staff at **JITS Super Shop** to be totally irresponsible.

To the best of my knowledge and belief there is no reasonable ground for believing that the information produced above, from various Police computer systems, and included in this statement is inaccurate because of improper use of the computers and to the best of my knowledge and belief at all material times the computers were operating properly, or if not, any respect in which they were not operating properly or were out of operation was not such as to effect the production of information or its accuracy.

PC 14627 Martin Thorley

Signature:.....

Signature witnessed by:.....

Witness contact details		URN
Home address:	C/O Hyde Police station	Postcode: SK14 2LJ
Home telephone no.:		Work telephone no:
Mobile no: [REDACTED]		E-mail address:
Preferred means of contact:	<i>(Specify details for vulnerable/intimidated victims and witnesses only):</i>	
Gender: Male		Date and place of birth:
Former name:		Ethnicity code 16+1
DATES OF WITNESS NON-AVAILABILITY:		

Witness care

a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6. Yes No

b) What can be done to ensure attendance? Yes No

c) Does the witness require Special Measures Assessment as a vulnerable or intimidated witness? *Youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.* Yes No

d) Does the witness have any particular needs? Yes No
 If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness consent (for witness completion)

a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No

b) I have been given the Victim Personal Statement leaflet: Yes No

c) I have been given the leaflet 'Giving a witness statement to the police' Yes No

d) I consent to police having access to my medical record(s) in relation to this matter: *(obtained in accordance with local practice)* Yes No N/A

e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A

f) I consent to the statement being disclosed for the purposes of civil or other proceedings if applicable: e.g. child care proceedings, CICA. Yes No N/A

g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A

I would like CPS to apply for reporting restrictions on my behalf Yes No N/A

I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court;

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number if different from above:

Statement taken by (print name): Self Station: Hyde

Time and place statement taken: 1400 hrs H/A



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MG 11

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Antony Lawton

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Neighbourhood Schools Officer

This statement (consisting of 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Date: 10/06/20

Check box if witness evidence is visually recorded (supply witness details on last page)

I am Police Constable 12408 Antony Lawton of The Greater Manchester Police, currently based at Ashton Police Station , Manchester Road , Ashton Under Lyne, Tameside. I am work in company with Pc 15373 Greg Howard , and together we are the G1 – Ashton , Stalybridge, Dukinfield and Mossley Schools Officers which cover the High Schools in these areas .

On Wednesday 3rd June 2020 myself and my colleague were on uniformed mobile patrol in a livered police carrier driving down Market Street Stalybridge passing through the area on patrol, when we observed a number of youths outside a shop known as JITS, – Market Street, Stalybridge, this shop I'm aware due to my role has been of interest to licensing and Police Neighbourhood Officers due to possible sales of alcohol or cigarettes to under age youths . One of these youths we observed looked into his plastic bag whilst showing items to his three friends all of whom looked to be under the age of 18years and looked slightly nervous due to their body language . Myself and my colleague thought these items looked to be alcohol. So parked up further along the street, but due to another vehicle exiting a side street were unable to intercept the lads.

My colleague , Pc Howard who was driving then proceeded to drive around the block to head down the street the lads were walking down which was Chapel Street , Stalybridge . As we drove back up Chapel street towards Market Street , the 4 lads were walking towards us . And as they passed two white parked vans the tallest of the group a male I now know to be [REDACTED] who wore a man bag , and had dark curly hair , short back and sides , put down a bag at the side of the vans . When they came towards us we spoke to the group .

PC L – WHERE IS THAT BAG YOU JUST HAD
 PC H – HAVE YOU JUST COME FROM THAT SHOP JITS
 MD- YEAH , ITS ON THE FLOOR
 PC L –OKAY IS THERE ALCOHOL IN THE BAG?
 MD- YEAH
 PC H – DID YOU JUST GET THE BEER FROM THAT SHOP JITS
 MD – YEAH
 PC H – OKAY THANKS FOR BEING HONEST – GO AND COLLECT THE BAG AND JUMP IN OUR VAN PLEASE,
 HOW OLD ARE YOU ALL ?
 MD– 16/17 WE HAVE JUST LEFT WEST HILL SCHOOL .

All four males then got in our vehicle with the bag of alcohol that [REDACTED] had bought from JITS, and we drove the short distance to the shop where Pc Howard and [REDACTED] entered the shop and I witnessed the shop worker take the bag back and say she did serve this male and PC Howard advised Max to give the bag back and the worker to refund his money. Once the above had taken place we asked the males to leave the area which they did so.

Pc Howard then asked the name of the worker, who stated her name was Shanon , and she was 23years old and it was her first day . She stated she knew Jit as she had worked there a few years earlier , and did not id the male and apologised. We informed the worker that the matter would possibly be followed up by the council for serving under age , and also not complying with the ID .

Signature: Signature witnessed by:

2004/05(1) MG11

RESTRICTED (when complete)

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Statement of: Antony Lawton

The shop is opposite a number of TMBC council cctv cameras , and after the event I also made contact with them and asked that they save the footage of the males outside the shop for any proceedings , this has been passed to Mike Robinson at Tameside Licensing .

I wish to add to the above , that I have prior to being a schools officer , been a Neighbourhood Police officer and my area was Stalybridge South , which covers , Copley , Brushes , Millbrook and Mottram Rise. On this area is a High School Copley High School , and I had , and still have due to my new role good contact with the teachers there usually Mr Dan Obrien who is a safeguarding lead at this school . As my time as a Neighbourhood Police Officer , and also recently as a schools officer , both Copley and nearby West Hill High Schools have made us aware of pupils being found with single cigarettes or congregating around the above shop , and have stated that items purchased were from Jits , Market Street , Stalybridge , and this has come from pupils who have been stopped within school and had items removed from them as it is against school policy.

Signature:

Signature witnessed by:



RESTRICTED – FOR POLICE AND PROSECUTION ONLY (when complete)

Witness contact details

Home address: Ashton Under Lyne Police Station - Manchester Road , Ashton , Tameside

Postcode: Home telephone no.:
 Work telephone no: Mobile/Pager no:
 E-mail address: n/a Preferred means of contact:
 Male Female (tick as applicable) Date and place of birth:
 Former name: Height: Ethnicity code: w1
 State dates of witness non-availability:

Witness care

a) Is the witness willing and likely to attend court? Yes No
 If 'No', include reason(s) on form MG6. What can be done to ensure attendance?

b) Does the witness require 'special measures' as a vulnerable or intimidated witness Yes No
 If 'Yes' submit MG2 with file.

c) Does the witness have any specific care needs? Yes No
 If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me: Yes No

b) I have been given the leaflet 'Giving a witness statement to the police – what happens next?': Yes No

c) I consent to police having access to my medical record(s) in relation to this matter: Yes No N/A

d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A

e) I consent to the statement being disclosed for the purposes of civil proceedings: Yes No N/A

f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name): pc 12408 lawton Station: Ashton

Time and place statement taken: 1030hrs 10/06/20



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LICENSING ACT 2003**Representation Re Application for Review of a Premises Licence**

From:	The Licensing Section, Tameside Metropolitan Borough Council
To:	The Licensing Section, Tameside Metropolitan Borough Council
Date:	21 st December 2020
	Jit's Super Shop, 21 Market Street, Stalybridge, SK15 2AL
Date of Application:	23 rd November 2020

The Licensing Authority, in its capacity as a 'Responsible Authority' under the provisions of the Licensing Act 2003, hereby give notice of our representation supporting the Application for Review of a Premises Licence by Trading Standards in respect of the above premises.

The reason(s) for the objection are as follows:

This premise has a history of non-compliance relating to the respective licence granted on the premises. The operation of the premises in recent years has consistently undermined the licensing objectives namely, the protection of children from harm, the prevention of crime and disorder and public safety.

The Local Authority has received intelligence from Greater Manchester Police dating as far back to late 2018 in relation to underage sales of alcohol and tobacco taking place at the premises. Following a subsequent visit by TMBC Trading Standard's Officer Nicola Briers, a meeting was arranged with the respective licence holder Mr Panchani, Nicola Briers and Michael Robinson Regulatory Services Manager (Licensing). This meeting was arranged to discuss the concerns of the Local Authority.

During the meeting, it was suggested that reasonable and proportionate conditions were added to the licence to ensure effective promotion of the licensing objectives. These agreed conditions following a subsequent minor variation application received on 6 March 2019 are detailed below;

- CCTV
- Challenge 25
- Refusals Book
- Proxy Notices
- Staff Training
- List of Authorised Persons
- Purchasing Policy
- Purchasing Records to be kept

The agreement concerning the above conditions was as an alternate enforcement approach rather than submitting a premises licence review at that time.

During the period of June 2020, the Local Authority received further intelligence from Greater Manchester Police, namely PC Tony Lawton who witnessed and observed minors vacating the Jit's Super Shop. Upon them leaving the premises PC Tony Lawton apprehended the minors and found upon their persons was alcohol purchased from the premises. PC Tony Lawton took the children back into the premises to return the alcohol and obtain a refund. Furthermore, PC Tony Lawton did confirm these children clearly looked underage.

Following this information forwarded by PC Tony Lawton, a subsequent visit was arranged with Nicola Briers and Brad Byrne Regulatory Compliance Officer on 10 June 2020. The findings of this visit detailed further non-compliance in accordance with the premises licence and its relevant conditions namely, the CCTV was unable to be operated by a staff member and the refusals book had not been used for 12 months.

Nicola Briers with Mr Panchani present conducted a further visit on 16 June 2020. However, during this visit the authorised officer was unable to review footage relating to the underage sale incident passed on by PC Tony Lawton. This was once again a breach of a premises licence condition, as it states CCTV must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days. Furthermore, recorded footage must be provided to a representative of any responsible authority on request.

On 19 October 2020, Nicola Briers received information from Tameside MBC's CCTV Unit, who had witnessed a school pupil entering the premises and vacating with what appeared to be a single cigarette. Furthermore, this was confirmed when being reviewed by PC Martin Thorley of Greater Manchester Police, Nicola Briers and Mike Robinson on 20 October 2020 at the council offices. PC Martin Thorley subsequently made enquires to local schools and was able to identify the boy as a 14 year old, Year 10 pupil of Copley Academy.

During the visit on 20 October, by PC Martin Thorley and Mr Robinson the premises was again found to be non-compliant with conditions of the premises licence. No staff training was available and the member of staff working at the premises was unable to operate the CCTV.

On 5 November 2020, further information provided to the Local Authority by West Hill School. This information related to a pupil who was found to have firecrackers in his possession. Furthermore, the pupil stated he purchased them from Jit's Super Shop. PC Martin Thorley visited the school and found the items to be age-restricted products, and are in fact classed as an F1 Firework (Indoor Firework). The sale of these items are prohibited to anyone under the age of 16 years old.

On Saturday 21st November 2020 at approx. Tracy Jones-Lacy a Trading Standards Officer for Tameside MBC witnessed a boy she believed to be underage smoking outside the premises. Following this, she entered the premises and requested a copy of the CCTV for the previous hour approx. 14.00 – 1500 hours. The shop assistant at the time informed the officer that he was unable to get the CCTV for her and the officer had to request the CCTV from the Premises Licence Holder Mr Panchani via telephone. Mr Panchani has since emailed the officer on 21st November 2020 stating that to obtain the CCTV an officer must visit the premises with a USB stick to transfer the footage from the hard drive.

On Monday 23rd November 2020, James Horton Regulatory Compliance Officer for Tameside MBC visited the premises to serve a copy of the premises licence review applied for by Trading Standards, ensure the public notices were correctly displayed and carry out a premises inspection. During the visit the premises was found to be in breach of at least two premises licence conditions. The CCTV was in operation and recorded for 26 days. The condition attached to the premises licence requires the CCTV to run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days. Upon checking the refusals book, the last entry was made on 4th November 2020. A staff training record was not made available upon request and the shop assistant Shannon Martin was unsure where this was stored. However, the refusals book had an entry stating training had taken place for another shop assistant named "Jodie" on 26th October 2020. The licence condition relating to staff training clearly states that a written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority. This was not available during the inspection.

Due to the pattern of non-compliance with premises licence conditions, evidence of two underage sales of alcohol and cigarettes from the premises within five months, the Licensing Authority has

lost faith in the ability of the management of the premises to promote the licensing objectives and therefore I recommend that the premises licence be revoked.

Signed:  Name: JAMES MICHAEL HORTON



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Jeanette De Gruchy
Director of Population Health
Population Health

Tameside One, Market Place
Ashton-under-Lyne, Tameside. OL6 6BH

www.tameside.gov.uk
e-mail : James.mallon@tameside.gov.uk

Call Centre 0161 342 8355

Doc Ref
Ask for James Mallon
Direct Line 0161 342 2328
Date 17th December 2020

Re: Representation from the Population Health Department at Tameside Council regarding the review of Premise application from: Trading Standards, Tameside Council regarding the Alcohol License at (off licence) JIts Super Shop, 21 Market Street, Stalybridge, Tameside SK15 2AL

Introduction

As a Responsible Body under the 2003 Licensing Act, the Population Health Team at Tameside Council would like to raise a representation as part of the review of JIts Super Shop, 21 Market Street, Stalybridge, SK15 2AL

The representation primarily relates to:

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

Our Approach

The Population Health Team at Tameside Council has begun screening every new licence application or application for a licence review/variation against a series of measures to enable the identification of applications that could have a significant adverse impact on the local community.

This screening is undertaken through a locally developed triage toolkit and ranks the 141 Lower Super Output Areas (LSOA's) in Tameside against a number of Alcohol Harm indicators and then provides an overall ranking.

The rankings are underpinned by robust official data sets as follows:



- Density of Licensed Premises – Tameside Council information as of March 2020
- Alcohol Related Hospital Admissions –3 year period 1st April 2017 to 31st March 2020
- Weekend A&E Attendances between 0000hrs and 0500hrs – Tameside ICFT, Statistics for the 1 year period 1st April 2019 to 31st March 2020.
- Alcohol related Crime – Greater Manchester Police data from 1st April 2019 until 31st March 2020.
- Alcohol related Domestic Violence - Greater Manchester Police data from 1st April 2019 until 31st March 2020.
- Alcohol related Anti-Social Behaviour Incidents - Greater Manchester Police data from 1st April 2019 until 31st March 2020.
- A decision has been made to make a representation in relation to this specific review because of concerns relating to alcohol harm, the prevention of crime and disorder, public safety and the prevention of public nuisance.

The information below highlights the alcohol harm for the LSOA that Jits Super Shop operates in using postcode SK15 2AL

ENTER POSTCODE
SK15 2AL
or
ENTER LSOA CODE
E01006060

INDICATORS	WEIGHTING
Alcohol Specific Hospital Admissions	33.3%
Weekend A&E attendances (12-05 AM)	33.3%
Alcohol Related Crimes	11.1%
Alcohol and Domestic Violence Associated Crimes	11.1%
Alcohol Related Anti-Social Behaviour incidents	11.1%

RESULTS FOR SELECTED LSOA

E01006060

INDICATOR	VALUE	Z-SCORE	TAMESIDE RANK
Density of Licensed Premises (per 1000 population)	11.8	2.63	4
Alcohol Specific Hospital Admissions (DSR per 100,000 Population)	1532.0	1.24	17
Weekend A&E attendances (12-05 AM)	5489.1	2.49	2
Alcohol Related Crimes	18.8	1.51	7
Alcohol and Domestic Violence Associated Crimes	2.8	1.25	3
Alcohol Related Anti-Social Behaviour incidents	26.3	1.08	2

Alcohol Harm in relation to SK15 2AL (LSOA E01006060)

Tameside has some of the highest levels of Alcohol-related Harm in England.

The levels of existing Alcohol-related harm in this LSOA within which sits SK15 2AL are within the top 10% quintile with overall high levels of alcohol harm compared to other LSOAs within Tameside.

In this LSOA there are 17 on licensed premises. This means that it has a high density of licensed premises with 11.8 licensed premises per 1000 residents and has the 4th highest level of licensed premises in Tameside.

The rate of weekend A&E attendances in this LSOA is the 2nd highest out of 141 Tameside LSOAs and in 2019 the *rate of alcohol related A&E attendances was more than twice as high as the Tameside average.*

The rate of alcohol specific hospital admissions in this area was the 17th highest out of 141 LSOAs in Tameside in 2019 the *rate of alcohol specific hospital admissions was significantly worse and nearly 2 times higher than the Tameside average.*

Alcohol related crime in this LSOA is 7th highest in the borough with alcohol related domestic assaults being the 3rd highest in the borough out of 141 LSOA areas. *The rate of alcohol related crime is significantly higher than the Tameside average*

Risks of Tobacco and Alcohol to Children and Young People

There is a wide range of evidence demonstrating the harms of tobacco and alcohol on the health of children and young people, which are one of the primary rationales behind age-restrictions for the purchase of tobacco and alcohol in England.

Guidance from the National Institute for Health and Care Excellence (NICE) outlines that children become addicted to nicotine very quickly and are likely to continue smoking into adulthood. Because the risk of disease is related to the length of time a person has smoked, people who take up smoking before the age of 18 face a greater risk of developing lung cancer and heart disease. Tobacco can also have adverse developmental impacts on children and young people such as impairing lung growth and causing asthma-related symptoms. While smoking rates generally have reduced in recent years, there are still thought to be as many as 1 million young adults in England who smoke. Also, in children and young people, those who purchase tobacco from a shop are likely to pass these on to other young people with over 50% of young people who smoked reporting that they purchased cigarettes from friends. In a wider sense, it should also be noted that Tameside experiences long-term adverse health impacts from smoking across the population with latest data showing that we have the 6th highest smoking related death rate in the country (Public Health Outcomes Framework).

Similar guidance from NICE also outlines alcohol harms for children and young people. Consumption of alcohol in childhood directly damages health. It can affect the normal development of vital organs and functions including the brain, liver, bones and hormones. Early-age alcohol consumption is also associated with wider factors such as violence, drug-use and mental health issues. While the proportion of school-aged children who have never drunk alcohol has risen in recent years, research also suggests that those who are drinking are drinking more alcohol and therefore experiencing a higher degree of harm – the North West is one of the worst affected areas. In a wider sense, it should also be noted that Tameside experiences long-term adverse health impacts from alcohol across the population with latest data showing that we have the 8th highest alcohol-related death rate in the country (Public Health Outcomes Framework).

Conclusion

Overall, we have outlined that the sale of tobacco and alcohol to children is a serious issue due to the health impacts of tobacco and alcohol use in children and young people. We have also assessed this LSOA within which SK15 2AL sits, as having very high levels of alcohol-related harm for both health and crime. The review of this premises needs to consider this harm to individual health and that of the local population and consider the impact on local health services, in particular the local A&E department as well as that of the local police and community safety resource.

The evidence would suggest that **reviewing the licence of these premises is appropriate for the following representations**

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

Yours Sincerely,

James Mallion
Public Health Consultant

References

- Bryden, A., Roberts, B., McKee, M. and Petticrew, M. (2012) '*A systematic review of the influence on alcohol use of community level availability and marketing of alcohol*', *Health and Place*, Vol. 18, pp.349-357.
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- Theall, K.P., Scribner, R., Cohen, D. Blunthenthal, R.N., Schonlau, M. and Lynch, S. (2009) '*The neighbourhood alcohol environment and alcohol-related morbidity*', *Alcohol and Alcoholism*, Vol. 44, pp. 491-499.
- NICE (2014) Smoking: Preventing Uptake in Children and Young People. Public Health Guidance PH14. [2 Public health need and practice | Smoking: preventing uptake in children and young people | Guidance | NICE](#)

Dear Mike,

I, James Mallion on behalf of Public Health in their capacity as a Responsible Authority under the Licensing Act 2003 make representation in relation to the premises licence review at (Off License) Jits Super Shop, 21 Market Street, Stalybridge, SK15 2AL submitted to the Licensing Authority on 23 November 2020.

In relation to the above application, I have enclosed some information and comments below.

The representation relates primarily to: the prevention of crime and disorder; public safety; and the protection of children from harm.

The attached document in Appendix 1 is a letter outlining our findings including the evidence and data behind this in relation to the known harms of enabling children and young people to access tobacco and alcohol, as well as the existing level of alcohol-related harm in the area.

There is a wide range of evidence demonstrating the harms of tobacco and alcohol on the health of children and young people, which are one of the primary rationales behind age-restrictions for the purchase of tobacco and alcohol in England.

Guidance from the National Institute for Health and Care Excellence (NICE) outlines that children become addicted to nicotine very quickly and are likely to continue smoking into adulthood. Because the risk of disease is related to the length of time a person has smoked, people who take up smoking before the age of 18 face a greater risk of developing lung cancer and heart disease. Tobacco can also have adverse developmental impacts on children and young people such as impairing lung growth and causing asthma-related symptoms. While smoking rates generally have reduced in recent years, there are still thought to be as many as 1 million young adults in England who smoke. Also, in children and young people, those who purchase tobacco from a shop are likely to pass these on to other young people with over 50% of young people who smoked reporting that they purchased cigarettes from friends. In a wider sense, it should also be noted that Tameside experiences long-term adverse health impacts from smoking across the population with latest data showing that we have the 6th highest smoking related death rate in the country (Public Health Outcomes Framework).

Similar guidance from NICE also outlines alcohol harms for children and young people. Consumption of alcohol in childhood directly damages health. It can affect the normal development of vital organs and functions including the brain, liver, bones and hormones. Early-age alcohol consumption is also associated with wider factors such as violence, drug-use and mental health issues. While the proportion of school-aged children who have never drunk alcohol has risen in recent years, research also suggests that those who are drinking are drinking more alcohol and therefore experiencing a higher degree of harm – the North West is one of the worst affected areas. In a wider sense, it should also be noted that Tameside experiences long-term adverse health impacts from alcohol across the population with latest data showing that we have the 8th highest alcohol-related death rate in the country (Public Health Outcomes Framework).

See below a screenshot of the data for this area (SK15 2AL) which indicates the level of existing alcohol-related harm. The 6 individual indicators give an overall picture of alcohol-related harm in the Lower Super Output Area (LSOA). This tells us that this area has some of the highest levels of existing alcohol-related harm in the borough. Of particular note in the individual indicators: the density of licensed premises is 4th highest in the borough (out of 141 LSOAs); the rank for weekend alcohol-related A&E attendances (from midnight to 5am) in this

area is 2nd highest in the borough (out of 141 LSOAs), and more than double the Tameside average; the degree of alcohol related crime in this area is high with the 7th highest level of overall alcohol related crime in the borough and the 2nd highest rate of alcohol related antisocial behaviour incidents and the 3rd highest rate of alcohol related domestic abuse crimes (out of 141 LSOAs). This means that, compared to the rest of the borough, there is a high availability of alcohol in this area along with very high levels of impact on A&E and a very high rate of alcohol-related crimes.

ENTER POSTCODE
 SK15 2AL
 or
 ENTER LSOA CODE
 E01006060

INDICATORS	WEIGHTING
Alcohol Specific Hospital Admissions	33.3%
Weekend A&E attendances (12-05 AM)	33.3%
Alcohol Related Crimes	11.1%
Alcohol and Domestic Violence Associated Crimes	11.1%
Alcohol Related Anti-Social Behaviour Incidents	11.1%

RESULTS FOR SELECTED LSOA

E01006060

INDICATOR	VALUE	Z-SCORE	TAMESIDE RANK
Density of Licensed Premises (per 1000 population)	11.2	2.62	1
Alcohol Specific Hospital Admissions (DSR per 100,000 Population)	1532.0	1.24	17
Weekend A&E attendances (12-05 AM)	5485.1	2.44	2
Alcohol Related Crimes	18.8	1.51	7
Alcohol and Domestic Violence Associated Crimes	7.8	2.25	3
Alcohol Related Anti-Social Behaviour Incidents	20.9	1.28	2

Based on this information I would recommend reviewing the license for these premises as the evidence of under-age sales of alcohol and tobacco represents a direct risk of harm to children, which should be prevented. We have also presented evidence that indicates that there is a high degree of existing alcohol-related harm in this area, particularly in relation to crime and disorder, due to the high levels of alcohol-related crime; and public safety, due to the high levels of weekend night-time A&E attendances.

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APPENDIX 8

Mrs. Ruth Craven
Principal



Copley Academy
Huddersfield Road
Stalybridge
Cheshire
SK15 3RR
Tel: 0161 338 6684

Email: mail@copleyacademy.org.uk

Web: www.copleyacademy.co.uk

My name is Dan O'Brien and I currently hold the position of Assistant Vice-Principal, Behaviour and Welfare at Copley Academy in Stalybridge. As part of my position, I wish to submit a representation in relation to a current Review Application for Jit's Super Shop, located at 21 Market Street, Stalybridge.

The academy has been made aware of students who have been using the shop to purchase single cigarettes whilst underage. This has raised a concern for the health and wellbeing of students as these purchased cigarettes have then been resold within the wider school community and amongst the student body. This poses a serious risk to the health of those young people and the academy wished to protect them from future harm.

Further to this, concerns have been raised about the possibility of alcohol being sold to underage children from the aforementioned store. This has is an obvious further concern because of the impact on health and the possibility of increasing crime and disorder within the local community. Students have been witnessed to congregate within the vicinity of the store and a student has been caught buying cigarettes from the store by Police.

Ultimately, the academy wishes to submit the representation in the hope that a review will help prevent the risk of crime and public disorder within the local community.

Dan O'Brien

Assistant Principal
Copley Academy
Stalybridge

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Relating to Jits Superstore

West Hill School

We have had significant historical issues with the sale of contraband to pupils attending West Hill School for at least 9 years.

Prevention of crime and disorder

Alcohol has been sold to West Hill pupils requiring police involvement.

Public safety

Fireworks have been sold which explicitly stated they were not for sale to those under 18. Pupils as young as Year 8 had these fireworks.

Protection of children from harm

Single cigarettes, fireworks and alcohol have all been sold to WHS pupils.



**West Hill School
Thompson Cross
Stamford Street
Stalybridge
Cheshire
SK15 1LX**

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From: [REDACTED] <[REDACTED]>
Sent: 17 December 2020 14:39
To: Licensing <licensing@tameside.gov.uk>
Subject: Fwd: Underage Sales at Jits Stalybridge

Dear Sir or Madam,

Re: Jits Supershop, 21 Market Street, Stalybridge, SK15 2AL

I write to inform you that the above premises is selling cigarettes to children. Unfortunately, I have recently been made aware that my son aged 13yrs and a pupil of West Hill High School has on a number of occasions but most recently on 21st November 2020 been able to purchase single cigarettes for 50pence from this shop. I also know of other children, my sons friends – 2 girls also aged 13 years old that have been able to do the same.

I am very upset by my sons actions and we have spoken at length about the consequences. However, I want to be assured that action will be taken against the shop as they are adults and in control of a business premises and have taken advantage of my son and his friends.

I wish to be kept informed of any action that is taken against this premises.

Thank you

With Kind Regards,

[REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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