

# LICENSING SUB-COMMITTEE

## AGENDA



**Monday 23<sup>rd</sup> June 2025**

**at 11.00 am**

**in Committee Room C,  
Civic Centre, Hartlepool**

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Bailey-Fleet, Dunbar and Young

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 To confirm the minutes of the meetings held on 14 February 2025, 5 March 2025, 11 March 2025 and 13 March 2025
- 4. ITEMS FOR DECISION**
  - 4.1 Application for the review of a premises licence – Headland Local Shop, 31 Northgate, Hartlepool – *Assistant Director, Regulatory Services*
- 5. ANY OTHER ITEMS THE CHAIR CONSIDERS ARE URGENT**

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

14 February 2025

The meeting commenced at 10.00am in the Civic Centre, Hartlepool.

#### **Present:**

Councillor: Carole Thompson (In the Chair)

Councillors: Quewone Bailey-Fleet and Mike Young

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Rachael Readman, Trading Standards and Licensing Manager  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **Also Present:**

Stuart Espin (Applicant)  
Linda Baker (Topsy Doorman)  
Scott Clements (Assistant Manager, Topsy Doorman)  
PC Clare Lawton (Licensing Support)  
Kate Scaife (Police Solicitor)

### **32. Apologies for Absence**

None

### **33. Declarations of interest by Members**

Councillor Mike Young highlighted that he had received 1 telephone call relating to this application. He retained an open mind.

### **34. Application for a new premises licence – Topsy Doorman, 56 Church Street** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for a new premises licence in respect of the Topsy Doorman on Church Street. This venue had previously benefitted from a premises licence held by a limited liability company. This company had been dissolved meaning that the licence lapsed unless an application to transfer the licence was made within 28

days. This had not happened meaning that a new licence application was needed to operate the premises legally. Three representations had been received objecting to the granting of the licence as requested by the applicant from Cleveland Police, the licensing Authority and Public Protection, Environmental Health (Environmental Protection). While none objected to the granting of the licence per se all felt that the requested closing time of 4am was too late and that a 2am closing time would be preferable. This was in line with the Council's Statement of Licensing Policy.

Mr Espin gave a detailed statement in support of the new premises application. It included the following:

- The lapsing of the licence had come about due to a misunderstanding on his part coupled with a lack of information/assistance on the part of the local authority. Since this had come to light the Topsy Doorman had been operating through the use of temporary event notices, a number of which had been amended by the licensing team after submission. There had been no issues raised during this time.
- This application was based on the premises licence previously held with additional conditions added. This included the retention of the original opening hours.
- Mr Espin had been unaware of the incidents linked to the Topsy Doorman which had been included within the papers as part of the police submission. While 26 were listed a number of these had not taken place after 2am or were not definitively linked to the Topsy Doorman at all. Additionally none of the reports referenced issues inside the premises only outside. It was unfair to attribute incidents taking place in the vicinity of the premises to the Topsy Doorman.
- Reference was made to an underage female attending the premises. She had used fake ID and was known for frequenting other premises. She had since apologised for her behaviour at the Topsy Doorman.
- Reference was made to the premises previously closing at 2am. However at that time it had been a takeaway not a drinking establishment.
- Reference was made to tables and chairs outside the building being a potential problem and it was noted that other premises with similar used fencing. However this fencing was not secure and could be used as a weapon. In any case Mr Espin was happy to remove the tables and chairs from the front of the building should this be required.

- Mr Espin would be happy to agree to a condition requiring 2 SIA trained staff on the premises from 2am to 4.30am to provide assistance in the safe and quiet dispersal of customers.
- A number of conditions regards protection from noise nuisance had been agreed including the display of clear and prominent notices, doors and windows to be kept closed and regular checks of the outside area to prevent loitering.
- The Council's Statement of Licensing Policy is not a legal document and can be deviated from should the sub-committee so decide.
- This meeting was being treated as a review of the premises rather than a new premises licence. It is in fact a re-application of what is already in place.
- The door supervisors for the Topsy Doorman regularly provided assistance should there be accidents and emergencies in the general area. They have first aid qualifications, access to a trauma first aid pack and often wear body CCTV. They also have hand held metal detectors onsite. Closing the premises at 2am would take this provision away from the area as a whole and remove a safe haven from people wanting to get away from external conflict. Door supervisors would wait outside when the premises closed to ensure patrons found a safe way home.
- The Topsy Doorman has a zero drugs policy, often to the detriment of Mr Espin and his team.
- There is a no glass policy meaning only plastic containers are used in the premises and glass containers cannot be brought in from outside. Litter outside the premises is kept to a minimum.
- A Challenge 25 scheme is in effect on the premises and all staff are made aware that nobody under age should be on the premises at any time. Staff
- There is an accident and incident book on site at all times.

Mr Espin concluded by highlighting the financial impact that his business had endured, both in terms of the covid pandemic and recent events. If closing hours were reduced it could be the end of the business resulting in job losses for 8 members of staff. He urged members to go against the policy on this occasion and allow them to remain open until 4am.

Responding to queries from members Mr Espin advised that he had been running the Topsy Doorman for less than a year. He confirmed that they did not tend to get busy on a Friday night until 11.30pm. The opening hour of 10am was to enable people to use the premises for private functions such as christenings. He confirmed that there was a period when the licence had

not been active meaning the business had been operating illegally. However this was a misunderstanding as he had believed the licence was active in his name during that time. When he had been informed this was not the case on 16<sup>th</sup> December they had stopped trading and only restarted on Boxing Day meaning they lost a busy week of trading.

Members queried what impact closing at 2am would have on the business. Mr Espin commented that there would clearly be a financial impact as the premises do the bulk of their business between midnight and 4am. Additionally their door supervisors had previously worked with the emergency services during incidents in the vicinity. Closing early would remove an asset and have an adverse effect as people would have nowhere to run for safety.

The Assistant Director (Regulatory Services) gave details of which premises in Church Street could trade past 2am as follows:

- Idols – 3am
- Hillcarter – 4am (currently closed)
- Club H – 4am

Mr Espin commented that half of their weekly trade occurs between 2am and 4am.

In addition to all the information provided by Cleveland Police the Police Solicitor elaborated on the reasons they had objected to the new licence. She did not dispute that the previous licence had allowed them to open until 4am but this premises was located in a hot spot which had been previously targeted by the police using public spaces disorder action and dispersal powers. A list of incidents linked to the Topsy Doorman had been provided which showed a peak time between midnight and 4am. These included fights and assaults inside and outside the premises, attacks against door staff and incidents of people collapsing due to excess alcohol intake, some underage. they were not claiming the Topsy Doorman was solely responsible it did demonstrate a high demand for police resources in that area. The premises had been running using Temporary Event Notices until 4am but the current policy must be applied to a new permanent licence. Club H was the only place in the vicinity that could open past 2am and the focus should be on preventing crime and disorder.

PC Lawton acknowledged the efforts Mr Espin had made to make the premises safe including the provision of metal detectors and trauma pack but the evidence supported the implementation of the policy. She appreciated Mr Espin was trying to make a living but the police focus was the safety of the public.

Mr Espin said the majority of his clientele were looking to enjoy themselves but a minority would spoil this. A member queried whether closing early would simply move problematic people elsewhere. They also wondered what impact this would have on the night time economy as a whole. PC

Lawton was unable to answer these questions. Efforts had been made to make Church Street safer including Pubwatch but so far they had been unsuccessful. If premises closed earlier would people start their night earlier? Mr Espin said when the police were present these issues tended not to happen. In terms of police initiatives they had not always been able to attend meetings but had contributed in other ways such as using additional security on busy nights.

A member queried whether staff were trained to identify when patrons were intoxicated and when they were stopped from drinking.

The Environmental Health Manager (Environmental Protection) expressed sympathy for Mr Espin's position but closing at 2am would be in line with Council policy. There had been complaints about noise in the past and there was a potential for this to continue if the premises continued to stay open past 2am. There needed to be a balance between the business and the community. A member commented that closing the premises at 2am might impact economically on the area as a whole. The majority of people were out for a good time and would not cause an issue. A balance needed to be struck. The Environmental Health Manager (Environmental Protection) acknowledged this but said economical concerns did not deter from the Council's obligations to the community.

The Trading Standards and Licensing Manager indicated that this hearing was about the 4 licensing objectives. The policy regards 2am had been in place since 2011 so a number of premises had later closing times because those licences had never lapsed or been reviewed since then. In terms of the misunderstanding around the lapsing of the licence she advised that an error had been made on the form submitted in 2022. The licensing team had requested clarity on this and been informed that the licence was under a limited liability company. It had been a genuine mistake on the part of the applicant and licensing had behaved correctly.

The Assistant Director (Regulatory Services) gave details of which premises in the wider vicinity could trade past 2am as follows:

- Bar 1 – 4am
- Loons – 4am
- Sky Bar – 4am
- Showroom – 3am

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That the application be granted as requested until 4am for 6 months. At which time the applicant must re-apply.

The Applicant (Stuart John Mark Espin of The Topsy Doorman) previously benefitted from a Premise Licence which was held by a Limited Liability Company, which lapsed when the Limited Liability Company was dissolved. No application to transfer the Premise Licence to a new entity was made within the 28 date period as set out in the Licensing Act 2003 and accordingly a fresh application for a new Premise Licence was required. An application to transfer the Premise Licence was not made due to administrative oversight on the part of the Applicant, who mistakenly believed that the Premise Licence was not in the name of the Limited Liability Company for the Topsy Doorman, but rather in name of the Applicant and would therefore survive the dissolution of the Limited Liability Company.

The Premise Licence as previously held by the Limited Liability Company for the Topsy Doorman allowed for the sale of alcohol, supply of late night refreshments and regulated entertainment between the hours of 10am to 4am.

The Applicant, in making a fresh Premise Licence application, sought to replicate the timings for Licensable Hours of 10am-4am for Licensable Activities, as had been permitted under the previous Premise Licence. The application included a revised Operating Schedule.

The Application was advertised in the prescribed manner and three representations were received from Cleveland Police, Public Protection, Environmental Health (Environmental Protection) and the Licencing Authority. Further conditions to attach to the Operating Schedule had been proposed by the Relevant Authorities and agreed by the Applicant in advance of the Committee Meeting. The representations received made reference to concerns surrounding all 4 of the licencing objectives.

The representations received did not object to the granting of the Premise Licence in principle, but instead sought the Licensable Hours of 10am-4am for Licensable Activities be limited to 10am-2am in line with the Licencing Policy and in order to further the Licencing Objective.

The Premise Licence is granted to the Applicant with the following modifications to the Operating Schedule, as is proportionate and necessary to the promotion the Licencing Objectives as set out in the Hartlepool Borough Council Licensing Policy 2021.

Having considered the strong submissions of Cleveland Police it is acknowledged that these premises have been blighted by a number of incidents of crime and disorder, both in and outside of the premises. Such are the issues in this location that Cleveland Police have put in place a Public Space Protection Order to enable them to deal with incidents that have been occurring. We have considered the evidence put forward by the Applicant but remain gravely concerned that incidents will continue to arise in and around these premises. It is imperative that the Applicant works closely with both the authority and Cleveland Police to address these

concerns. Whilst this is a finely balanced decision, we have balanced the significant concerns that have been expressed alongside the legitimate business concerns and assurances of the Applicant. In order to further the licensing objectives it is necessary that there be an enhanced period of monitoring to encourage compliance and reassure the public. The Operating Schedule is to be modified to grant the licence on the condition that it is for a fixed period of 6 months by virtue of sections 17(4)(d), 18(3)(b), 18(4)(a)(i) and 18(5) and s26 of the Licensing Act 2003. The same would enable the effects of the Premise Licence to be monitored in advance of a fresh Premise Licence Application, with any further representations to be made with regards to the period in which the Premise is in effect, whereby Licence Reviews can be sought in the ordinary manner should the same become necessary. This is considered to be a proportionate response to the application rather than an outright rejection.

The Operating Schedule will include the proposed conditions as set out in Appendices 8 and 9 and exhibit CL/1 and those included in the amended Operating Schedule as provided by the Applicant.

The Licensable Hours for Licensable Activities are 10am-4am in line with the previously lapsed Premise Licence formerly held by the Limited Company on behalf of the Topsy Doorman.

Whilst the decision to grant the licence with Licensable Activities until 4am is contrary to the Licensing Policy 2021, it is consistent with the previous Premise Licence. Modification of the Operating Schedule to grant the Premise Licence for a fixed duration will enable the effects of the Premise Licence to be monitored and any appropriate matters raised in evidence at the time of a fresh application for a new Premise Licence being made in the ordinary course of the application process.

The meeting concluded at 12:40pm.

CHAIR



## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

**5 March 2025**

The meeting commenced at 10.00am in the Civic Centre, Hartlepool.

**Present:**

Councillor: Gary Allen (In the Chair)

Councillors: Tom Feeney and Sue Little

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Jane Kett, Environmental Health Manager (Commercial)  
Claire Robinson, Public Health Principal (Wider Determine)  
Josh Maitland, Graduate Trading Standards Officer  
Abigail Reay, Advanced Public Health Practitioner  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

**Also Present:**

Sergeant Glyn Bavin (Cleveland Police)  
Amandip Kapoor (Premises Licence Holder)

### **35. Apologies for Absence**

None

### **36. Declarations of interest by Members**

None

### **37. Confirmation of the minutes of the meeting held on 21<sup>st</sup> January 2025**

Minutes confirmed

**37. Application for the review of a premises licence – Belle Vue Convenience Store, Unit 1-2 Belle Vue Way, Hartlepool** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for a review of the premises licence for Belle Vue Convenience Store by Trading Standards. This was due to the alleged sale of counterfeit and dangerous bottles of vodka and illegal vapes. In September 2024 Trading Standards Officers had found 5 bottles of counterfeit vodka on open sale. It had later been found that the vodka contained isopropyl, an industrial solvent, consumption of which can lead to alcohol poisoning and in severe cases death. 194 illegal vapes were also found in various places on the premises. The premises licence holder Mr Kapoor stated that the vodka was purchased legitimately and that he had been unaware that the vapes were illegal. The review was supported by Cleveland Police and HBC's Public Health Department and Environmental Health.

The Graduate Trading Standards Officer informed members that a Food Standards Agency email alert had been received on 4<sup>th</sup> September 2024 advising of the possible sale of counterfeit vodka containing isopropyl alcohol and asking that checks be carried out to ensure the product was not on general sale. On 5<sup>th</sup> September as part of these checks Trading Standards Officers attended Belle Vue Convenience Store and saw bottles of suspect vodka behind the counter. These were examined and 5 bottles removed under suspicion that they might be counterfeit based on information in the FSA email. As part of further searches it became apparent that there were a number of disposable vapes which appeared to breach the Tobacco and Related Products Regulations 2016. 194 were seized.

It had subsequently been confirmed that the vodka was counterfeit and contained iso-propanol. In November 2024 Mr Kapoor stated he bought the vodka from legitimate sources and gave the names of 2 wholesalers, Booker and United Wholesale Grocers, as potential purchase points. Checks of these had shown that United Wholesale Grocers purchase their vodka direct from the brand holder while the bottle in question did not register on the Booker systems. This meant that counterfeit goods could not have been purchased from either retailer.

In terms of the vapes Mr Kapoor advised that he had bought some of these from someone attending his shop several months ago and others from a legitimate supplier. Mr Kapoor had not paid for those which he had purchased from the back of a van. An expected invoice had not arrived.

The Graduate Trading Standards Officer reminded members that the sale of dangerous counterfeit vodka places the public at serious risk of injury and is a criminal offence. Mr Kapoor claimed he had purchased the product from a legitimate supplier but there was no evidence of this and the origin could not be determined for certain. The sale of illegal vapes is also a criminal

offence and both bring Mr Kapoor's suitability to hold a premises licence into question. The sale of the vodka in particular was not acceptable by any standards.

In response to member questions the Graduate Trading Standards Officer confirmed that FSA alerts of this type were not common. This was the first time a product of this type had been discovered in Hartlepool although similar had been identified in Scotland and a number of people had died overseas previously following consumption of isopropyl. It would be impossible for a member of the public to identify this as a counterfeit product without the information given in the alert. He advised the public to only buy products of this type from genuine traders and to always question if a product was a lot cheaper than it should be. The Trading Standards and Licensing Manager confirmed that while licence holders would not be expected to identify counterfeit goods they were expected to buy from reputable sources.

The Environmental Health Manager spoke in support of the review of the licence. She felt the sale of the counterfeit vodka and illegal vapes breached all 4 licensing objectives and brought Mr Kapoor's suitability to hold a licence into doubt. She confirmed that 1 bottle of counterfeit vodka had been sold and she was not aware that there had been any hospital admissions related to this sale.

The Public Health Principal confirmed that the Director of Public Health was supportive of the review of the licence.

Sergeant Glyn Bavin spoke on behalf of Cleveland Police in support of the review. Any premises with a licence was subject to certain obligations laid down in the licence conditions, some of which are mandatory. It is the responsibility of the premises licence holder to be aware of what is happening on their premises. The trade in illicit tobacco has links to organised crime and anyone who engages in such cannot be viewed as sufficiently responsible. The licence holder is responsible for ensuring the safety of the public and sale of the counterfeit vodka could have led to illness or death. Sale of this product had clearly put the public at risk and the licence holder was therefore not a suitable person to hold that position. Had anyone died as a result of ingesting this product it could have led to his being arrested for murder or manslaughter.

Mr Kapoor addressed the Sub-Committee. He advised members that he was simply trying to provide for his family and would not have intentionally put that at risk by selling illegal or counterfeit products. He had purchased the vodka from a legitimate cash and carry and had not been aware that it was counterfeit, challenging anyone to be able to tell without the information supplied by the FSA. He had purchased the vapes from a supplier who had come to the shop. This was something he often did as reputable suppliers would often attend his premises and at the time he had been unable to go to the cash and carry to buy more stock due to his wife's pregnancy. He had been told that the supplier would email him an invoice but this had not

happened. Had he known they were illegal he would have hidden them properly. Similarly if he had wanted to sell cheap counterfeit vodka he would have purchased more than the 6 bottles he had. He disputed that the vapes had been hidden from sale, stating that they were in the usual place with the legal stock. He agreed that it was his responsibility to ensure the items sold in his shop were safe. While he had not been aware of the process of traceability at the time of purchase he was now and kept separate invoices. As per the conditions of his licence staff were trained every 6 months, there was a refusals register and age restriction procedures in place.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That Mr Kapoor's premises licence be revoked.

The Applicant, Trading Standards, sought a review of the Premise Licence of Belle Vue Convenience Store on the basis that the Licence Holder was selling dangerous and counterfeit bottles of vodka and illegal vapes.

The committee accepts that the sale of such items presents a danger to the public and is criminal. The Licence Holder failed in his due diligence of suppliers and allowed the sale of illegal and/or dangerous items. It is not accepted that the items could have been purchased from a legitimate and reputable supplier, notwithstanding the fact that the item's provenance could not be established by authorities.

Unanimous decision to revoke the Premise Licence of Belle Vue Convenience Store. The Licence Holder has sold counterfeit and dangerous vodka and illegal vapes and has failed to carry out proper due diligence with regards to the illegal items sold and their provenance. A short suspension of the Premise Licence would be insufficient to ensure that the Licensing Objectives were not undermined. To allow the Licence Holder to retain the Premise Licence would undermine all 4 licensing objectives, namely

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

The meeting concluded at 12:40pm.

**CHAIR**

## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

11 March 2025

The meeting commenced at 10.00am in the Civic Centre, Hartlepool.

**Present:**

Councillor: Gary Allen (In the Chair)

Councillors: Tom Feeney and Sue Little

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Zoe Craig, Environmental Health Manager (Environmental Protection)  
Tony Dixon, Enforcement Officer  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

**Also Present:**

Richard Arnot and Emily Stokor (Legal representatives for the Raby Arms)  
Ben Jack and Leanne Murray (Raby Arms Representatives)  
Mark Cannon, Peter Davies and David Stocks (Objectors)

### **38. Apologies for Absence**

None

### **39. Declarations of interest by Members**

None

### **40. Application for a new premises licence – The Barn, The Raby Arms, Front Street, Hartlepool** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for a new premises licence in respect of The Barn, a converted function room with its own bar located in the grounds of the Raby Arms. The licence was for live and recorded music (on premises only) from 10am to 11pm 7 days a week and the supply of alcohol (on and off premises) 9am to 11pm 7 days a week. Conditions had been agreed with Cleveland Police, Environmental Health (Commercial

Services) and Environmental Health (Environmental Protection). Representations had been received from 4 members of the public, 3 of whom were in attendance. These referred to the 4 licensing objectives. Members were also advised that The Barn does not benefit from Building Regulations for the proposed use and planning permission requirements are being investigated.

Mr Arnot presented on behalf of the applicant, Ms Murray. She had purchased the Raby Arms in 2017 with her husband and had refurbished it at great expense. A Village pub it is a food led premises and hub for the community, employing 39 staff members full and part time. There is a large external area which has extensive seating, a children's play area and The Barn Structure. The Barn had been built 5 years ago as a storage area but following a number of requests that it be used for events the decision had been made to convert it for this use. It had been built with acoustic insulation and since October 2024 a number of events had been held there based on the licence conditions applied to the main building. However it was now felt preferable that The Barn benefit from a separate licence with its own conditions. A number of conditions had been agreed with the Police and Environmental Health including that the original hours of application be amended to 11am-11pm and that all children would vacate the premises by 9pm unless accompanied by an adult for a pre-booked function. A noise limiter would be installed in The Barn which would shut down any recorded or live music should noise levels go above specified limit. This limit would be set by the Environmental Health Manager. All external doors and windows would be kept closed other than to allow patrons to enter and leave The Barn. There would be signage in place reminding patrons to leave quietly and external noise levels would be monitored and logged.

In terms of the objections Mr Arnot reminded members that the onus was on the objector to prove that the licensee would fail to promote the licensing objectives. He was confident that by adhering to the agreed conditions the licensing objectives would be adhered to. This was not a large venue suited to large bands and he was confident that no noise would escape. References had also been made to anti-social behaviour at the Raby Arms. This appeared to be specific to the parking area during closing hours which was difficult to prevent. The type of events which would take place at The Barn would not attract people who would cause problems of this sort. He also noted references to issues with rats but this was not the fault of the premises and could be the result of the general area being surrounded by fields and building developments.

A member queried the definition of background music as detailed in the conditions. Mr Arnot said there was no legal definition but it was generally identified as music at a level where you could have a conversation. This does not require a permit. A member queried what type of events The Barn would accommodate. Mrs Murray confirmed this would cover baby showers, christenings, birthdays and similar family type events. The Barn would only be open for pre-booked events.

The objectors referred to their concerns should a licence be granted in this case. They referred to an event the previous month when the music was excessively loud. Mrs Murray confirmed that the people who had booked the event had brought a disco and had been asked to turn it down on numerous occasions. The noise limiter would prevent this in future.

The objector living closest to the premises indicated he would be happy for his home to be used as the basis for the setting of the noise limiter levels. He had previously submitted complaints regards excessive noise when screens had been erected in the garden area to show films and world cup matches. Mrs Murray confirmed that these screens had since been removed while the Environmental Health Manager advised that there had been no recent noise complaints relating to this premises.

An objector referred to concerns around drug use in the parking area after the premises has closed. Mr Arnot confirmed that any drug users would be removed from the premises. It was also noted that Cleveland Police had not objected to this application. While current CCTV did not extend to the car park Mr Jack indicated this would happen in future.

The objector raised concerns around the heat in the Barn during the summer months leading to windows being opened. Mrs Murray confirmed that 2 air conditioning units had been installed.

The objectors clarified that they were not opposed to the Raby Arms itself and had attended the premises previously but did not want this application to result in an increase in noise and disturbance in their homes.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That the application be approved in its entirety. The Chair urged all parties to engage in future discussion to ensure that there be no future concerns and complaints around noise levels.

The Applicant, The Barn, The Raby Arms, Front Street, Hartlepool, sought a new and separate Premises Licence for a converted shed/barn located in the garden of The Raby Arms in order to use the converted premises as a function room.

At the time of the application the Applicant was working with Planning and Building Control to address the absence of Building Regulations being in place for the structure.

In advance of the hearing, conditions for the Premise Licence were agreed with Cleveland Police, Environmental Health (Commercial Services) and Environmental Health (Environmental Protection).

Representations were received from 4 local residents citing all 4 Licensing Objectives as reasons for objections to the granting of the Premise Licence.

Unanimous decision to grant the Premise Licence with conditions as agreed with the relevant authorities and the Applicant. The agreed Licence conditions are sufficient to ensure that the Licensing Objectives are not undermined.

The committee accepts that the Planning /Building Regulations are a separate albeit linked matter and that the Licensing Decision does not bind any future decisions regarding the same.

The meeting concluded at 11:20am

CHAIR



## LICENSING SUB COMMITTEE

### MINUTES AND DECISION RECORD

**13 March 2025**

The meeting commenced at 10.00am in the Civic Centre, Hartlepool.

**Present:**

Councillor: Ben Clayton (In the Chair)

Councillors: Matthew Dodds and John Nelson

Officers: Rachael Readman, Trading Standards and Licensing Manager  
Ashley Musgrave, Advanced Public Health Practitioner  
Abigail Reay, Advanced Public Health Practitioner  
Daniel Briggs, Senior Trading Standards Officer  
Gemma Redfern, Solicitor  
Jo Stubbs, Democratic Services Officer

**Also Present:**

Hadi Azagh (Designated Premises Supervisor, Belle Vue Booze)  
Glyn Bavin (Cleveland Police)

#### **41. Apologies for Absence**

None

#### **42. Declarations of interest by Members**

None

#### **43. Application for the review of a premises licence – Belle Vue Booze, 10 Sydenham Road, Hartlepool** *(Assistant Director (Regulatory Services))*

Members were asked to consider an application for the review of the premises licence for Belle Vue Booze on Sydenham Road. Trading Standards had requested the review as they stated the licence holder was supplying illicit tobacco for sale and failing to comply with conditions attached to the licence.

In August 2023 following receipt of intelligence Trading Standards Officer had attended the premises and purchased tobacco in non-standardized

packaging. On the same day a number of counterfeit tobacco goods were found in the premises along with high strength lager and cider for sale, in breach of the terms of the licence. These were removed from sale and a formal warning issued.

In September 2024 following receipt of intelligence a further test purchase of illicit tobacco was made. In October 2024 a further inspection showed high strength lager and cider was again being sold in breach of the terms of the licence. These were removed from sale by a member of staff who later that month made a further sale of illicit tobacco as part of a test purchase. The DPS Mr Azagh was interviewed and stated that the sale of high strength lager was due to an error in his understanding. He had not been in the country when the test purchases were made and was unsure who had completed the sales.

The Advanced Public Health Practitioner confirmed that the Director of Public Health was fully supportive of this review based on the licencing objectives relating to the prevention of crime and disorder and public safety. This was due to the harm that the sale of these items could cause to communities.

Cleveland Police Licensing Supervisor Glyn Bavin was fully supportive of this review. The DPS is legally obligated to abide by the conditions in his licence and should be fully aware of what is happening there. Home Office guidance refers to concerns that the trade in illicit tobacco and alcohol may have links to international organised crime groups and anyone who engages in this cannot be viewed as sufficiently responsible to uphold the 4 licensing objectives. These objectives had been undermined on at least 2 occasions and profit was being put above public safety.

The DPS, Mr Azagh, explained the background to the 2 test purchases. The initial sale of illicit tobacco had been a result of him being offered cheap tobacco to sell which he had not been aware was illegal at the time. At the time of the second incident he had been out of the country getting his son medical treatment. He was unsure who had made the sale as he did not recognise the description but acknowledged some friends of his employees had been helping out in his absence. He had been unable to provide CCTV for that time as he did not know how to download it and had subsequently had to pay someone to download it for him. Members noted that the ability to transfer downloads of CCTV was in the licence conditions and the onus was on Mr Azagh to comply. Officer Bavin commented that ignorance of the system was not an excuse.

In terms of the sale of high strength lager and cider Mr Azagh had not been aware of this rule and had understood that the initial removal of goods in August 2023 was for a 6-month period and he could sell high strength products after this. Officer Bavin noted that the ban on the sale of anything over 6.5% was in the conditions which the licence holder had agreed. The Senior Trading Standards Officer advised that the 6-month time limit had never been in the conditions or referred to by the licensing contact.

Members queried what proportion of sale in the shop related to alcohol and tobacco. Mr Azagh estimated that of £800 per day, £200 would be on alcohol, £100 on tobacco and the rest on grocery type goods. He confirmed that he controls the purchase and replenishment of stock. Members queried the background to the sale of illicit tobacco. Mr Azagh advised that 2 men had come to his shop when he had first opened and offered him cheap tobacco for sale. When he was informed that he should not be doing this he had stopped immediately.

Mr Azagh said he was a single father of a son with health needs and had been struggling at the time. He asked members to give him another chance as the shop was his only income and way to support himself and his son.

Regards the CCTV the Senior Trading Standards Officer noted that at the time there had been no camera covering the till area, something that had been discussed with Mr Azagh. Mr Azagh confirmed that he would make this change as soon as possible. He had moved the camera to the door due to the high number of incidents of shoplifting that had occurred.

The Chair thanked everyone for their attendance at the meeting and their response to elected members questions. The Chair stated that the sub-committee would now go into closed session to consider their decision.

### **Decision**

That the licence held by Belle Vue Booze Ltd in respect of these premises be revoked.

The Applicant, Trading Standards, sought a review of the Premise Licence of Belle View Booze on the basis that the Licence Holder was selling illicit tobacco products and has failed to comply with the conditions as attached to the Premise Licence.

The committee accepts that the sale of such items presents a danger to the public and is criminal. The Licence Holder failed in his due diligence of suppliers and allowed the sale of illicit items on more than one occasion. Further the Licence Holder also had for sale high strength lager and cider on more than one occasion contrary to the Premise Licence conditions and despite warnings over breaches of the Premise Licence. Further breaches of the Premise Licence conditions have been observed pertaining to the operation of CCTV systems within the premises.

Unanimous decision to revoke the Premise Licence of Belle View Booze. The Licence Holder has sold illicit cigarettes on more than one occasion and has operated contrary to the Premise Licence conditions. A short suspension of the Premise Licence would be insufficient to ensure that the Licensing Objectives were not undermined. Previous warnings have not prevented the behaviour as has been observed which undermines the Licensing Objectives and has not prevented breaches of the Premise

Licence conditions. To allow the Licence Holder to retain the Premise Licence would undermine Licensing Objectives, namely.

- the prevention of crime and disorder; and
- public safety.

The meeting concluded at 11:10am

CHAIR

# LICENSING ACT 2003

## Procedure for Review Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. The Assistant Director (Regulatory Services) outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Regulatory Services).
4. Applicant for Review presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
10. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
11. If required, the Licence /Club Certificate holder to be given opportunity to sum up.
12. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
13. Members to go into closed session to deliberate.
14. Chair informs parties of their decision, with reasons.

# LICENSING SUB-COMMITTEE

23<sup>rd</sup> June 2025



**Report of:** Assistant Director, Regulatory Services

**Subject:** APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – HEADLAND LOCAL SHOP, 31 NORTHGATE, HARTLEPOOL

## 1. COUNCIL PLAN PRIORITY

### Hartlepool will be a place:

- where those who are vulnerable will be safe and protected from harm.

## 2 PURPOSE OF REPORT

2.1 To consider an application for the review of a premises licence in respect of Headland Local Shop, 31 Northgate, Hartlepool. A Summary of the application is outlined below:

2.2 Party requesting review: Trading Standards

2.3 The current premises licence holder is: Sangarapillai Nagenthiran  
Headland Local Shop  
31 Northgate  
Hartlepool  
TS24 0JX

2.4 The premise licence and the role of Designated Premises Supervisor is held by Mr Sangarapillai Nagenthiran.

2.5 A copy of the licence is attached as **Appendix 1**.

2.6 A copy of the review application is attached as **Appendix 2**.

2.7 Google streetview images of the property are attached as **Appendix 3**.

2.8 The application for review refers to the following licensing objectives:

- Prevention of Crime & Disorder
- Protection of Children from Harm

### **3. BACKGROUND**

3.1 Trading Standards have requested a review of the Premises Licence of the Headland Local Shop, Hartlepool as they state the premises licence holder is supplying illicit vapes, allowing underage sales and furthermore failed to comply with the CCTV condition attached the premises licence.

3.2 The Headland Local Shop current premises licence authorises the off sale of alcohol between 08:00 – 23:00 Monday to Sunday.

3.3 The application for the review has been advertised in the prescribed manner.

3.4 On 6th December 2024, the Trading Standards team carried out an underage sales operation aimed at identifying premises in the town that were selling age-restricted products to children. The operation involved two fourteen-year-old volunteers who covertly entered licenced premises under the supervision of officers and attempted to buy the products.

3.5 At 7:34 pm the volunteers attended the Headland Local Shop and were sold a packet of twenty L and B Blue cigarettes and a packet of green Rizzla cigarette papers. The staff member first asked the volunteer who had requested the items for identification but then served him anyway after the volunteer advised they didn't have any and that they were not buying anything else.

3.6 On the 9th December 2024, officers attended the premises to obtain a copy of the CCTV showing the sale to the volunteers. However, on arrival, the licence holder, Mr Sangarapillai Nagenthiran, was not present. The officers identified 270 illegal vapes on open display behind the counter. The vapes were duly seized by the officers. The staff member who was present during this visit was advised by officers that the CCTV showing the underage sale would need to be provided.

3.7 Annex 3 of Part A of the Premises Licence requires CCTV to cover areas of the premises where the sale of alcohol occurs. It requires a member of staff to be on duty at all times who is trained on how to use the equipment and, upon the request of a responsible authority, reproduce footage within a reasonable

time. It also requires the CCTV footage to be kept for 31 days. The CCTV footage was not provided by Mr Nagenthiran despite numerous requests within the 31 day period after the sale. It is also clear that the staff had not been trained on how to operate the CCTV.

- 3.8 Trading Standards have provided written statements and evidence to support the review application, attached as **Appendix 4**.
- 3.9 Cleveland Police have provided a Statement supporting the review and this is attached as **Appendix 5**.
- 3.10 Hartlepool Borough Council Public Health Department have provided a supporting letter and it is attached as **Appendix 6**.

#### 4. PROPOSALS

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003.
- 4.2 *The application* must relate to at least one of the Act's 'licensing objectives' which are: -
  - i) The prevention of crime and disorder;
  - ii) Public safety;
  - iii) The prevention of public nuisance; and
  - iv) The protection of children from harm
- 4.3 The application for review relates to allegations that the premises Licence holder is allowing the sale of illicit vapes from the premises, the premises sold cigarettes to a fourteen year old child and are in breach of Licensing Conditions by not providing the requested CCTV footage.
- 4.4 Statutory guidance that accompanies the Licensing Act 2003 states: -
 

*Para 11.28 'Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'*
- 4.5 Having considered the evidence detailed in this report and any further information provided, or representations made, at the licensing hearing, the steps available to the Licensing Sub-committee are: -
  - To take no action;
  - To modify the conditions on the licence;
  - To remove or amend licensable activities currently authorised by the licence and/or the times that they may take place;



- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

## 5. OTHER CONSIDERATIONS/ IMPLICATIONS

<b>Risk Implications</b>	None
<b>Financial Considerations</b>	Appeal by the Licence holder
<b>Legal Considerations</b>	Appeal by the Licence holder
<b>Equality and Diversity Considerations</b>	None
<b>Staff Considerations</b>	None
<b>Asset Management Considerations</b>	None
<b>Environmental, Sustainability and Climate Change Considerations</b>	None

## 6. RECOMMENDATIONS

- 6.1 That Members consider the representations made and determine what action, if any, should be taken.

## 7. REASONS FOR RECOMMENDATIONS

None

## 8. BACKGROUND PAPERS

- 8.1 Revised Guidance issued under Section 182 of the Licensing Act 2003  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- 8.2 Hartlepool Borough Council Statement of Licensing Policy  
[https://www.hartlepool.gov.uk/info/20023/licences\\_and\\_permits/228/alcohol\\_entertainment\\_and\\_late\\_night\\_refreshment/2](https://www.hartlepool.gov.uk/info/20023/licences_and_permits/228/alcohol_entertainment_and_late_night_refreshment/2)

## 9. CONTACT OFFICERS

Rachael Readman  
 Trading Standards and Licensing Manager  
[Rachael.readman@hartlepool.gov.uk](mailto:Rachael.readman@hartlepool.gov.uk)

Sylvia Pinkney  
 Assistant Director (Regulatory Services)  
[Sylvia.pinkney@hartlepool.gov.uk](mailto:Sylvia.pinkney@hartlepool.gov.uk)



**THE LICENSING ACT 2003**  
**PREMISES LICENCE (PART A)**

**Premises licence number**

HART/PS/481

**Part 1 - Premises details**

**Postal address of premises or, if none, ordnance survey map reference, or description**

Headland Local Shop  
 31 Northgate

**Post Town** Hartlepool

**Post Code** TS24 0JX

**Telephone number** 01429 598032

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence. Any entertainment authorised by this licence is limited to indoors only, unless stated otherwise.**

Supply of Alcohol

**This licence does not authorise the provision of adult entertainment.**

**The time the licence authorises the carrying out of licensable activities.**

Monday to Sunday

08:00 – 23:00

**The opening hours of the premises**

Monday to Sunday

06:00 – 23:00

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

Off Sales Only

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

Sangarapillai Nagenthiran

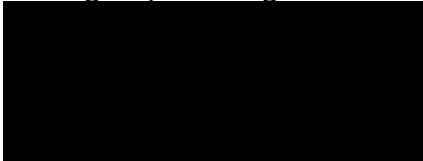


**Registered number of holder, for example company number, charity number (where applicable)**

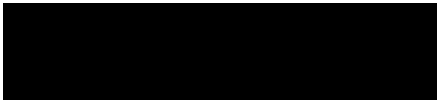
N/A

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

Sangarapillai Nagenthiran



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



**Date licence granted: 17<sup>th</sup> June 2019**

## ANNEX 1 – Mandatory Conditions

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 licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

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

2. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

3. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - (b) “permitted price” is the price found by applying the formula—

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

where—

- (I) P is the permitted price,
  - (II) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (III) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a

licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **ANNEX 2 – Conditions consistent with the Operating Schedule**

1. A “Challenge 25” policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at all points of sale and at all entrances and exits to inform customers and remind staff that the premises is operating a “Challenge 25” policy.
2. Only valid passports, UK “photo card style” driving licences, PASS approved proof-of-age cards or Ministry of Defence “Form 90” identification cards shall be accepted as proof of age.
3. All staff will be fully trained on a 6 monthly basis and must include the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18’s (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated “Challenge 25” policy. Staff will receive refresher training at least every 6 months.
4. Training records, signed by both the staff member and the Designated Premises Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing Authority and/or responsible Authorities on request.
5. The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premises Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.
6. There will be a minimum of two notices displayed on the premises indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.

### **ANNEX 3 – Conditions attached after a hearing by the Licensing Authority**

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions. Cameras will encompass the pavement area immediately outside the licensed premises and all entrances and exits to the premises including fire exits, and areas where the sale of alcohol occurs. Equipment must be maintained in good working order, be correctly time and date stamped. All recordings must be kept in date order for a period of 31 days. There must be at all times a member of staff on duty who is trained in the use of the equipment who can on request of a responsible authority such as (but not exclusively) Cleveland Police reproduce the footage within a reasonable time.

## **ANNEX 4 - Plans**

YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

IT IS AN OFFENCE NOT TO PRODUCE YOUR PREMISES LICENCE (INCLUDING THE PLAN) UPON REQUEST BY A POLICE OFFICER, LOCAL AUTHORITY OFFICER OR AUTHORISED PERSON.





## 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 Josh Maitland on behalf of Hartlepool Trading Standards**

*(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**

Headland Local Shop  
31 Northgate

**Post town** Hartlepool

**Post code (if known)** TS24 0JX

**Name of premises licence holder or club holding club premises certificate (if known)**

Sangarapillai Nagenthiran

**Number of premises licence or club premises certificate (if known)**

HART/PS/481

#### 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

Mr Josh Maitland  
Senior Trading Standards Officer  
Public Protection  
Civic Centre  
Hartlepool  
TS24 8AY

Telephone number (if any)



E-mail address (optional)



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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

I am requesting this review on behalf of Hartlepool Borough Council's Trading Standards department, a Responsible Authority under the Licensing Act 2003. I believe the current trading practices at *Headland Local Store* are contradicting two of the licencing objectives, namely, the protection of children from harm and the prevention of crime and disorder.

On 6<sup>th</sup> December 2024, the Trading Standards team carried out an underage sales operation aimed at identifying premises in the town that were selling age-restricted products to children. The operation involved two fourteen-year-old volunteers who covertly entered licenced premises under the supervision of officers and attempted to buy the products.

At 7:34 pm the volunteers attended the Headland Local Shop and were sold a packet of twenty L and B Blue cigarettes and a packet of green Rizzla cigarette papers. The staff member first asked the volunteer who had requested the items for identification but then served him anyway after the volunteer advised they didn't have any and that they were not buying anything else.

Following the operation, on the 9<sup>th</sup> December 2024, officers attended the premises to obtain a copy of the CCTV showing the sale to the volunteers. However, on arrival, the licence holder, Mr Sangarapillai Nagenthiran, was not present and the officers identified 270 illegal vapes on open display behind the counter. The vapes were duly seized by the officers. The staff member who was present during this visit was advised by officers that the CCTV showing the underage sale will need to be provided.

On 17<sup>th</sup> December 2024, officers attended the store again to obtain a copy of the CCTV footage for the sale. The same staff member who was present during the previous visit was able to give the officers access to the CCTV system after phoning the manager for instructions. However, he did not know how to download the footage so it could be retrieved by the officers. A letter requesting the CCTV was left at the premises for Mr Nagenthiran during this visit.

As the CCTV footage was not forthcoming from Mr Nagenthiran, on the 24<sup>th</sup> December 2024, officers attended the premises again to try to obtain a copy of the CCTV. Mr Nagenthiran was not present again so very specific instructions were left with the staff member as to what times and cameras were required to be provided. The staff member did not know how to operate the system but assured officers that the licence holder would get the information.

On 3<sup>rd</sup> January 2025, following the arrangement of an interview under caution regarding the underage sale, the licence holder was sent an email confirming the interview time and date. The email also requested that the CCTV be provided for the underage sale.

Annex 3 of Part A of the Premises Licence requires CCTV to cover areas of the premises where the sale of alcohol occurs. It requires a member of staff to be on duty at all times who is trained on how to use the equipment and, upon the request of a responsible authority, reproduce footage within a reasonable time. It also requires the CCTV footage to be kept for 31 days. The CCTV footage was not provided by Mr Nagenthiran despite numerous requests within the 31 day period after the sale. It is also clear that the staff had not been trained on how to operate the CCTV.

On 15<sup>th</sup> January 2025, Mr Nagenthiran attended the Civic Centre for an interview. Upon making introductions it was clear to the officers that he could not speak the English language adequately to be interviewed under caution in relation to suspected criminal offences. A Tamil interpreter was arranged at the authority's expense, but he cancelled on the day stating he was not very well. Due to the high cost of hiring the interpreter again and the potential for him to cancel again without consequence, a decision was made to interview him by post.

In his interview by post, after being asked why the CCTV was not provided, Mr Nagenthiran provided the following answer "CCTV access given to officer and it was after 28 days we were try to record. It was out of time".

The licence requires the CCTV to be kept for 31 days and written and verbal requests were made for the CCTV footage well within the 31 day period. If the CCTV is only kept for 28 days then this is a breach of the licence condition.

In relation to the vapes, Mr Nagenthiran stated that they were delivered by a supplier whose details were to be given on following visit. He also stated that he purchases them from cash and carry's only. No name or address was provided for the cash and carry.

It is Trading Standards contention that the sale of tobacco products to minors brings into doubt Mr Nagenthiran's suitability to be licenced to sell alcohol as he is failing to protect children from harm. By possessing and supplying illegal vapes he is also failing to prevent crime and disorder at the premises.

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

To support my application supporting evidence will be provided by myself and Daniel Briggs, Senior Trading Standards Officer.

1

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

**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



Date **01/05/2024**

Capacity **Senior 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.

**The Licensing Team  
Hartlepool Borough Council  
Civic Centre**

REV01



Hartlepool  
TS24 8AY

Appendix 3





## STATEMENT OF WITNESS

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

Statement of **Josh Maitland**  
(Full name)

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Senior Trading Standards Officer**

This statement (consisting of 4 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 in it anything which I know to be false or do not believe to be true.

Dated the 9<sup>th</sup> day of June 2025

.....  
(Signed)

I am the above named person and am currently employed as a Senior Trading Standards Officer for Hartlepool Borough Council's Public Protection Department located at the Civic Centre, Victoria Road, Hartlepool TS24 8AY. I have been employed in this team since March 2015 and part of my role requires me to enforce age-restricted product related legislation including the provisions relating to the sale of tobacco products.

To identify individuals who may be selling age-restricted products to minors, the team carries out covert test purchasing operations where underage volunteers attempt to buy age-restricted products under the supervision of Trading Standards Officers. On the 6th December 2024, I carried out an operation with Daniel Briggs, Senior Trading Standards Officer, and two fourteen-year-old boys. One of the volunteers was Daniel Briggs's son.

Before commencing the operation, a photograph of the volunteers was taken. I now produce this photograph as evidence as Exhibit JM/HLS/3. The volunteers were of the same appearance throughout the operation. I will refer to the

Signed

volunteers as 'Child A' and 'Child B'. 'Child A' is the volunteer on the left of the photograph wearing the black jacket. 'Child B' is the other child in the photograph.

At approximately 7:34pm I entered the Headland Local Store, 31 Northgate, Hartlepool TS24 0JX moments after the volunteers. Upon entering the store, I walked about the shop before positioning myself in the aisle to the right of the serving counter. The volunteers were stood at the counter.

I witnessed 'Child A' speak to the man behind the counter, the man who was serving asked 'Child A' if he had any ID. When 'Child A' replied no, the man then asked if he was buying anything else. When 'Child A' said no to the man, he then sold 'Child A' the cigarettes and cigarette papers. I now produce these items as evidence as Exhibits JM/HLS/1 and JM/HLS/2 respectively.

After paying for the items both boys left the shop. I now know the man who was serving as Yogeswaran Karthigesu.

On 9th December 2024, I went back to the Headland Local Store with Mr Briggs to obtain a copy of the CCTV showing the sale from the licence holder, namely, Mr Sangarapillai Nagenthiran. Mr Nagenthiran was not present and the person working in the shop was advised that the CCTV footage would need to be provided.

Mr Briggs then alerted me to a shelf behind the counter which appeared to be offering for sale non-compliant electronic cigarettes (illegal vapes). We then identified numerous suspected illegal vapes on the shelf. The vapes were then seized by Daniel Briggs with my assistance. After the vapes were seized we then left the premises.

Signed



On the 17<sup>th</sup> December 2024, I attended the Headland Local Store again with Daniel Briggs to try and obtain a copy of the CCTV showing the sale of the cigarettes. The staff member was able to access the footage after phoning the manager for instructions, but he did not know how to download it. Mr Briggs and I identified that the clock was wrong on the CCTV system and footage showed the sale at approximately 9pm rather than approximately 7:34pm. A letter was left for Mr Nagenthiran requesting the CCTV.

By the 24<sup>th</sup> December 2024, the CCTV had not yet been provided, so Mr Briggs and I attended the Headland Local Store again to attempt to obtain a copy of the CCTV. The member of staff who was present could not operate the CCTV. Mr Briggs provided the staff member with the timeframe which was requested. The timeframe requested took into consideration the time error on the system. The staff member advised that the Licence Holder would get the information.

On 3rd January 2025, following the arrangement of an interview under caution regarding the underage sale, I sent an email to Mr Nagenthiran confirming the interview time and date. The email also requested that the CCTV be provided for the underage sale.

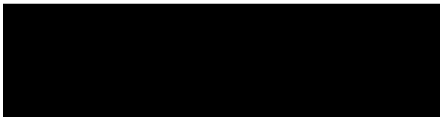
On the 14th January 2025, I counted and catalogued the vapes that had been seized on the 9th December 2024. I now produce an exhibit handling record showing the amounts and types of vapes seized as evidence as Exhibit JM/HLS/4. In total there were 270 illegal vapes seized. They are illegal to be sold as they have a nicotine containing liquid capacity of over 2ml.

Signed

A solid black rectangular box used to redact the signature of the person making the statement.

On 15th January 2025, Mr Nagenthiran attended the Civic Centre for an interview under caution. Upon making introductions it was clear to Myself and Mr Briggs that he could not speak the English language adequately to be interviewed in relation to suspected criminal offences. An interview with a Tamil interpreter was arranged for Mr Nagenthiran on 17th February 2025. The interpreter was arranged at the authority's expense but on the day, Mr Nagenthiran cancelled stating he was not very well. Due to the high cost of hiring the interpreter again and the potential for him to cancel again, a decision was made to interview him by post.

I sent an interview by post to Mr Nagenthiran. The Authority received the completed document back on 1st April 2025. I now produce this document as evidence as JM/HLS/5.



Signed



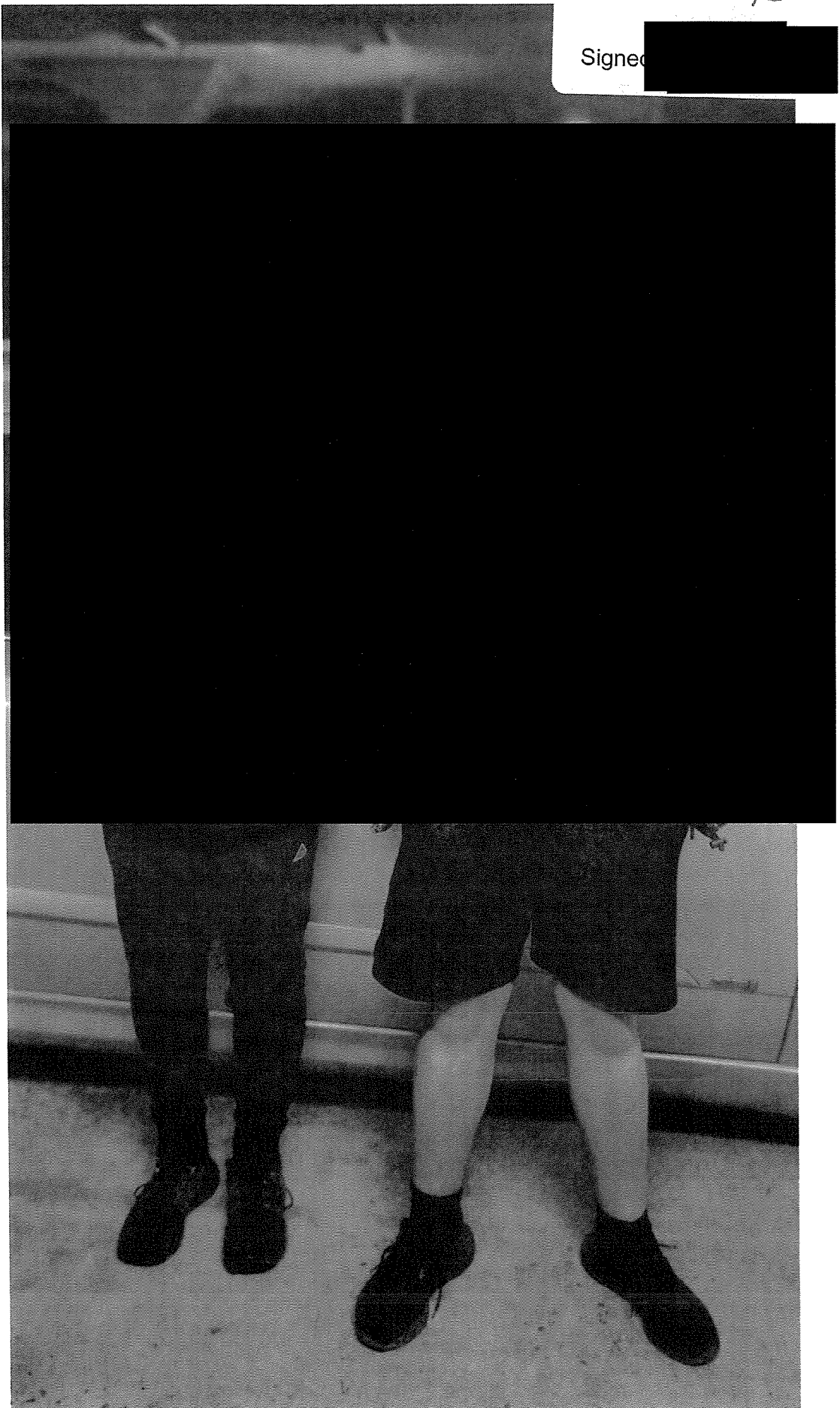


Item referred to in my  
statement as exhibit  
" JM/ HLS/3 "

Signed

[Redacted Signature]

...





Referred to in my statement as exhibit: JM/HLS/4

Signed:

Item	Original Tag Number & date opened	Description	Bulk reseal tag number & date resealed	Sample reseal tag number	Name and address to whom sample sent	Date Sent	Date Back	Tag No when Back	TM Holder exhibit references
1	1165590	145 x Crytal Jewels 4500 in various flavours 19 x Tanzanite 10 x Garnet 13 x Alexandrite 10 Emerald 15 x Amethyst 10 x Opel 10 x Kunzite 8 x Topaz 19 x Aquamaine 8 x Diamond 9 x Jade 5 Yellow Sapphire 7 x emerald 2 x Ruby	1165913	2 x Garnet taken as sample					
2	116573	61 x Glux Vape GL5000 5 x Double Apple 4 x Red Apple Ice 10 x Strawberry Ice 3 Cherry Peach Lemonade 8 x Energy 4 x Tripple Mango Green 19 x Green Apple	1165930	2 x Strawberry Ice Take as sample					

## Page 2 of 2

[illegible]

Contact Officer: Josh Maitland  
(01429) 523364

21<sup>st</sup> February 2025

Mr Sangarapillai Nagenthiran  
Headland Local Shop  
[REDACTED]

Item referred to in my  
statement as exhibit

" JM/HLS/5 "

Signed: [REDACTED]



Dear Mr Nagenthiran

**Children and Young Persons Act 1933  
Tobacco and Related Products Regulations 2016**

In relation to suspected offences under the above legislation, I would like to offer you the opportunity to complete an interview under caution by post.

The purpose of the interview by post is to obtain your perspective on an incident that happened at the Headland Local Shop, Hartlepool on Friday 6<sup>th</sup> December 2024 where fourteen years old volunteers were served with cigarettes. The answers you give to the questions will be used to help assist my decision on how to proceed with the investigation. I have enclosed a pre-paid envelope for you to return the questionnaire. Alternatively, you can email the responses to me at [josh.maitland@hartlepool.gov.uk](mailto:josh.maitland@hartlepool.gov.uk).

Please be aware that you are suspected of committing offences under the above legislation. Before completing the interview questions, or making further comment on this matter, I strongly recommend that you seek independent legal advice. **Can you please respond as soon as possible but no later than 7<sup>th</sup> March 2025.**

Please be aware that if you do not respond to this letter, the case will be progressed without your comments.

**I must inform you that: You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.**

Yours sincerely

[REDACTED]

Josh Maitland  
Senior Trading Standards Officer



**I strongly advise you seek independent advice before completing this questionnaire.**

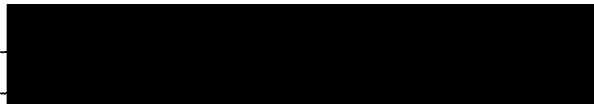
Please provide your full name.

SANGIARAPILLAI NAGENTHIRAN.

Please provide your date of birth.



Please provide your full address.



If you have appointed a legal representative and would like me to contact them with future correspondence, please provide their full name and legal practice name and address.

---

---

---

**I must inform you that: You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.**

### **Background**

This interview is relation to an incident that happened at approximately 7:34pm on 6th December 2024 when one of your staff members served 20 L+B cigarettes and packet of green Rizla papers to a 14-year-old boy. As the apparent business operator, you are suspected of committing an offence under the Children and Young Persons Act 1933 for selling a tobacco product and cigarettes papers to a person under the age of 18 years old.

In addition, on the 9<sup>th</sup> December 2024, Trading Standards Officers found and seized 270 illegal vapes which were on sale at the Headland Local Shop. The vapes are illegal as they have a nicotine containing liquid capacity greater than 2ml. You are suspected of committing an offence under the Tobacco and Related Products Regulations 2016 for having these devices in your possession for the purposes of supply.

**Note: If you need more space for your answers, please use the spare pages provided at the end of the questionnaire.**

**Q1. Please explain your job role at the Headland Local Shop?**

MANAGER.

---

---

---

---

Q2. Please outline any training you provided to Mr Yogeswaren Karthigeso regarding age restricted products and what that training involved?

List of Age restricted products.

Explain Challenge 25 policy.

Show how to record in refusal book

No proof No sale policy. What to expect

using Till System. No proof No sale policy. using Till.

Q3. How long has Yogeswaren Karthigeso worked at the Headland Local Shop and how many hours a week does he work?

3 months. 7 hours. Occasional Shift.

Q4. Do you have any procedures in place to prevent underage sales from happening?

Challenge 25 posters. Displayed.

Till prompt in place.

Regular training to staff.

Staff trained. Before start work.

Q5. Why do you think the cigarettes were sold to the 14-year-old volunteer? I.e. What went wrong?

He sold by error, thinking that person - nearly 23, relying on judgement. Not use challenge 25

Q6. Have you introduced any measures since this to prevent further sales of age restricted products to underage people?

New training Book. Introduced.

Specific training in challenge 25.

6 month written training.

more poster around the shop.

In accordance with your Premises Licence (HART/PS/481), requests were made for you to provide CCTV footage for the areas of your premises covering the sale of alcohol for between 7pm and 8pm on 6th November 2024.

Q7. Why have you not provided this footage?

CCTV Access given to officer and it was after  
28 days we were try to record. It was out of time.

Q8. Were you involved in the supply of the vapes which were seized from Headland Local Shop? If yes, please explain your involvement.

I was involved. buying. from a. Supplier.

Q9. If you have answered "no" to Question 8, please advise who was responsible for buying and selling the illegal vapes which were seized from the premises?

Q10. If you have answered "yes" to Question 8, please advise where you purchased the vapes from and how much you were selling them for? Please provide name and address for the seller.

I was delivered by Supplier detail were to given.  
on the following visit.  
no we purchase from cashcurry only.

1





## STATEMENT OF WITNESS

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

Statement of **Daniel Briggs**  
(Full name)

Age of witness (if over 18 enter "over 18") **Over 18**

Occupation of witness **Senior Trading Standards Officer**

This statement (consisting of **4** 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 in it anything which I know to be false or do not believe to be true.

Dated the ...1<sup>st</sup>... day of .....April..... 2025

(Signed)

I am a Senior Trading Standards Officer employed by Hartlepool Borough Council Trading Standards, Public Protection, Development Neighborhoods and Regulatory Services Department, Civic Centre, Hartlepool, TS24 8AY.

One of my roles involves the enforcement of legislation governing age restricted products such as cigarettes and alcohol. To facilitate this test purchase operations are carried out in a variety of premises around the town using under age volunteers. On 6<sup>th</sup> December 2024, I assisted my colleague Josh Maitland with an operation with two 14 year old boys.

When conducting such operations, the volunteers are directed to have no identification of any kind on them and no money of their own. They are permitted to lie and say they are 18 if asked, but if they are refused a sale to just buy any other goods they have picked up and leave the premises.

Signed

Prior to commencing the operation, a photograph is taken of the 14 year old volunteers to be presented to the suspect on the occasion a sale is made. This has been produced by Mr Maitland as exhibit JM/HLS/3. Child A is on the left with the black jacket and child B is on the right.

Child A is my son and was born in June 2010. A redacted copy of his passport has been produced as exhibit DB/HLS/1 and is currently retained in the sensitive unused folder but can be produced if necessary.

At approximately 1934hours, the volunteers were sent in to the Headland Local Store, 31 Northgate, Hartlepool, TS24 0JX with the instruction to attempt to purchase cigarettes and cigarette papers. Mr Maitland followed them in shortly after to observe the attempt.

At 1936 hours, the volunteers returned to my vehicle. Child A showed me that he had bought a packet of 20 Lambert & Butler Blue Original and a packet of green Rizzla cigarette papers.

Mr Maitland returned to the vehicle shortly after and we left the area for a short time.

At 2035 hours, I went back to the shop to speak with the sales assistant who identified himself as Yogeswaren Karthigesu and provided his date of birth as 6<sup>th</sup> January 1963. Mr Karthigesu stated he was an employee and provided me with the licence for the premises that showed the owner was called Sangarapillai Nagenthiran.

Signed



Mr Karthigesu was advised that he had earlier sold cigarettes and cigarette papers to an underage volunteer so we would need to interview him about this formally. He was asked to confirm his address so that he could be written to and provided that he lives in the flat above the shop.

At 1550 hours on Monday 9<sup>th</sup> December 2024, Mr Maitland and I went back to the Headland Local Shop to try and speak with the manager about the underage sales test purchase failure and to request a copy of the CCTV but he was not at the premises at the time of the visit.

I then noticed that there appeared to be non-compliant electronic cigarettes (vapes) being offered for sale on the shelf behind the counter. I asked the member of staff to pass me one of the Crystal Jewel vapes and saw that it had a capacity greater than 2ml due to the fact they provided up to 4500 puffs.

As a result of this, the storage behind the till area was inspected that led to the seizure of various disposable vapes for suspected breaches of the Tobacco and Related Products Regulations 2016.

At 1600 hours on 17<sup>th</sup> December 2024, Mr Maitland and I went back to the premises to try and obtain a copy of the CCTV footage of the sale. The member of staff working at the time was able to give us access to the system but stated he did not know how to download the footage. Mr Maitland and I thought that the footage of the sale had been deleted but then found that the clock was not synchronised meaning that the recording of the sale was found at 2100 hours on the video.

Signed .....



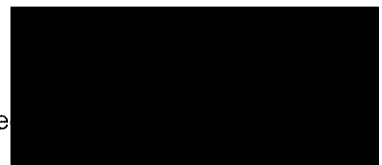
I tried to save the recording on to the hard drive to allow it to be downloaded but this would not work. The member of staff was advised that we would have to go back another time once the owner had downloaded the footage from the times given.

At 1435 hours on 24<sup>th</sup> December 2024, Mr Maitland and I went back to the premises and spoke with a female member of staff who stated the owner wasn't there.

I then gave the member of staff the timeframe of the video we wanted as being between 2055 and 2105 on 6<sup>th</sup> December 2024 for all cameras that showed the till area and the entrance to the premises through the front door and reiterated that it was important that he got the footage to us due to the fact this is a requirement of his licence. The member of staff assured me he would get the information before we left the premises.

I had no further involvement in this investigation. -----

Signe



# CLEVELAND POLICE

## WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN	17			
-----	----	--	--	--

Statement Clare LAWTON

Age if under 18: **Over 18** (if over 18 insert "Over18") Occupation: Pc 1620

This statement (consisting of **3** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: C.Lawton Pc1620

Date: PC 1620

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 1620 LAWTON for Cleveland Police currently stationed with the Licensing Support Unit at Middlesbrough Police Station

My role within the Licensing Support Unit is to work with and manage all alcohol licensed premises within the HARTLEPOOL area. The Licensing Support Unit aims to work in partnership with licensing authorities, other responsible authorities and stakeholders to ensure the proactive promotion of the licensing objectives within the Force's area.

It has been brought to my attention that HARTLEPOOL Borough Council have applied for a review of the premise licence at the HEADLAND LOCAL SHOP 31 NORTHGATE HARTLEPOOL TS240JX.

The premise licence states that the store is for the off-sale supply of alcohol only Monday – Sunday between 0800hrs and 2300hrs. The name and address of the registered premise licence holder is Sangarapillai NAGENTHIRAN HEADLAND LOCAL SHOP 31 NORTHGATE HARTLEPOOL TS240JX.

Signature **C.Lawton Pc 1620**

Signature Witnessed by \_\_\_\_\_

## CLEVELAND POLICE

Page No 2

Continuation of Statement of Clare LAWTON

Any premise with a licence has certain obligations with regards to both the four licensing objectives and the conditions stipulated in both Annex 1, 2 and 3 in their premise licence. All 3 sets of conditions are legally binding and should be adhered to.

Along with the premise licence holder and the Dedicated Premises Supervisor all staff are expected to be aware of their responsibilities in running such a premise and should do everything in their power to assure that illegal activity is not happening from the premise Along with upholding the licensing objectives.

Guidance from the Home Office under Section 182 of The Licensing Act 2003 paragraph 11.27states:

*"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously".*

One of those activities identified is *'using the premises for the sale or storage of smuggled tobacco and alcohol'*.

The trade in illicit tobacco and alcohol is linked to international organised crime groups who have the ability to manufacture both the product and packaging.

Although items seized are vapes and not technically considered tobacco Cleveland police still apply this guidance as the principles and links still apply amongst the criminal fraternity.

The Police view the supply of illicit vapes so serious that anyone who engages in this sort of criminal activity cannot be viewed as sufficiently responsible to uphold the 4 Licensing Objectives. It is for this reason that the Police support the application by Hartlepool trading standards and strongly believe that the crime and disorder objective is being undermined.

---

Signature **C.Lawton Pc 1620**

Signature Witnessed by

## CLEVELAND POLICE

Page No 3

Continuation of Statement of Clare LAWTON

The information received from trading standards states that a test purchase was carried out where age restricted products were bought by 14 year olds, Illegal vapes were located during a second visit and several issues were identified while trying to obtain CCTV footage. This included staff unable to provide a copy to officers or have an understanding of how to use the CCTV system. Along with the system only recording for 28 days rather than 31 as stipulated in the conditions and due to the issues faced footage lost due to retention time scales.

All of these are a clear breach of the premises licensing conditions and clearly undermines the licensing objectives. These are all issues the local authorities have addressed and discovered. It would be fair to assume that these have not been isolated incidents and that these issues have been ongoing at the premise but have just not been identified by officials.

The premises license holder has demonstrated that he is clearly putting profit over the safety of the public along with failing to protect children from harm. It demonstrates that he operates his business irresponsibly and he along with his staff fail to ensure due diligence.

Cleveland Police cannot condone illegal activity being allowed to take place from a licensed premises and cannot condone irresponsible licensee's working outside the remit of their premises licence and not abiding by the conditions of that licence when other premises are working hard to do just that. C.Lawton Pc 1620

---

Signature **C.Lawton Pc 1620**

Signature Witnessed by \_\_\_\_\_

Public Health  
On behalf of  
Craig Blundred (Director of Public Health)  
Civic Centre,  
Victoria Road  
Hartlepool  
TS24 8AY



## **PREMISES OR CLUB PREMISES DETAILS**

**Headland Local Shop**  
**31 Northgate**  
**Hartlepool**  
**TS24 0JX**

This representation relates to the following licensing objective(s)

- |    |                                      |   |
|----|--------------------------------------|---|
| 1. | The prevention of crime and disorder | X |
| 2. | The protection of children from harm | X |

## **GROUND'S FOR REPRESENTATIONS**

Public Health have received the application made under the Licensing Act 2003 for licenses to be reviewed at Headland Local Shop, Hartlepool. The requests to review have come from Trading Standards due to the sale of age restricted products to children (cigarettes and cigarette papers) and illegal vapes open and on display within the premises.

The Director of Public Health, Hartlepool Borough Council, supports the licencing review recommended by Trading Standards Dept, Hartlepool Borough Council, due to the suggested contradiction of licensing objectives, namely the protection of children from harm by selling a packet of twenty L&B cigarettes and Rizzla cigarette papers to children and the prevention of crime and disorder by having 270 illegal vapes open and on display behind the counter. Additionally, the emergence of non-compliant disposable electronic cigarettes on the market and their popularity amongst children is a legitimate concern.

Public Health submit representations to this application for the following reasons;

Smoking is the leading cause of death and illness in the UK and a key contributor to avoidable health inequalities in Hartlepool. In 2019, the government published its green paper on preventative health; Advancing our health: prevention in the 2020s. Here, it announced an ambition for England to become 'smokefree' by 2030 – achieved when



adult smoking prevalence falls to 5% or less. There are still over 6 million adult smokers in England and every year around 74,000 people die in England from smoking, with many more living with debilitating smoking-related illnesses. Smoking increases your risk of developing more than 50 serious health conditions.

Hartlepool's prevalence of smoking for those aged 18 and above continues to fall, however, Hartlepool has remained much worse at 13.5%, than the England average of 11.6%. Smoking prevalence of those aged 15+ in 2022/23 was 18.4%, which is again worse than the England average of 14.7%. In 2020/21 Hartlepool had the 8th highest smoking rate for those aged 15 and above in England, and the highest in the North East.

In England, the legal obligation on retailers is not to sell tobacco to those who are underage. It is also an offence to buy tobacco on behalf of someone underage, also known as 'proxy purchase'. While only 3% of 14 year olds currently smoke, smoking rates increase with age. Data from the Smoking Toolkit Study shows that 13.8% of 16-17 year olds and 19.5% of 18-21 year olds currently smoke.

The only way to make smoking history is to stop people starting in the first place and underage tobacco sales do not support this. If an individual does not look over the age of 18, proof of age must be asked for and if unable to provide then the sale should be refused, which was not the case in this instance.

In addition, we know that smoking attributable hospital admission rates for Hartlepool, are higher than that of England and the North East and we are therefore working to reduce this figure (See figure 1).

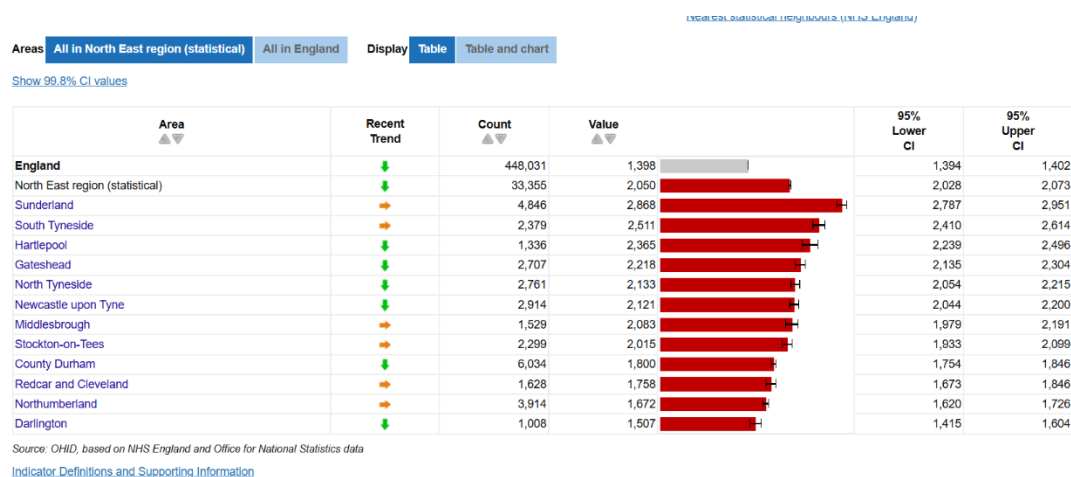


Figure 1: Smoking attributable hospital admission rate 2019/20

Our Tobacco Control strategy sets out our collective approach to reduce the prevalence of smoking and its effects on our communities in Hartlepool. The vision and priorities were developed with partners and informed by a needs assessment and include:

- Supporting smokers to stop and stay stopped and to reduce harm – which recognises vapes can support smokers to stop and vaping is less harmful than smoking but not risk free.
- Reduce access to illicit tobacco/vapes and work with Licensing/Trading Standards to ensure ongoing compliance monitoring around all tobacco regulations as well as age of sale, proxy purchasing and point of sale displays.

A critical recommendation to the government from Dr Javed Khan OBE's independent review on making smoking obsolete, is to promote vaping as an effective tool to help people to quit smoking tobacco, outlining the role that vaping can play in an effective tobacco control strategy. The evidence is clear that, for smokers, vaping is a far less risky option and, in the short and medium term, vaping poses a small fraction of the risks of smoking. It is recognised that vaping is not risk-free and therefore vaping must be presented as an alternative to or replacement for smoking, not an activity which is appealing to the wider non-smoking population.

However, vaping is not for children and whilst it can help people quit smoking, those who don't smoke should not vape. It is recognised that there is a need to reduce the number of young people accessing tobacco and vape products and the amount of non-compliant products available for sale, and we continue to work closely with our Trading Standards colleagues to support compliance with regulations and to take enforcement action when necessary.

It is important to note vaping devices and e-liquids are highly regulated to ensure public safety, by controlling the amount of nicotine present and must be approved by the Medicines and Healthcare Regulatory Agency (MHRA). The requirements from the MHRA:

- restrict e-cigarette tanks to a capacity of no more than 2ml
- restrict the maximum volume of nicotine-containing e-liquid for sale in one refill container to 10ml
- restrict e-liquids to a nicotine strength of no more than 20mg/ml

Recent reports also show that illicit vapes can contain dangerous chemicals like lead, tin and nickel or contain harmful cannabis THC chemicals. High levels of inhaled lead damage central nervous system and brain development, especially if inhaled by a child or a young person.

It is expected that all retailers ensure that all disposable e-cigarettes, e-liquids and vaping devices they sell meet UK legal requirements. Additionally, anyone selling vapes to someone under 18 is also committing an offence.

Taking the above into consideration, we support the application by trading standards for the review of the licence, due to the Public Health Concerns around the availability of tobacco and illegal vapes and the potential risk to young people.

Craig Blundred Director of Public Health  
Hartlepool Borough Council

## References

HM Revenue & Customs (2024) *Stubbing out the problem*. Available at: [Stubbing out the problem: A new strategy to tackle illicit tobacco - GOV.UK](#) (Accessed 27<sup>th</sup> January 2025).

Khan, J. (2022) *Making smoking obsolete*. Available at: [Making smoking obsolete](#) (Accessed 27<sup>th</sup> January 2025).

NHS England (2023) *Smoking, Drinking and Drug Use among Young People in England, 2023*. Available at: [Part 1: Smoking prevalence and cigarette consumption - NHS England Digital](#) (Accessed 13<sup>th</sup> May 2025).

Office for Health Improvement and Disparities (2020) *Smoking attributable hospital admissions (new method)* Available at: [Fingertips | Department of Health and Social Care](#) (Accessed 27<sup>th</sup> January 2025).

Office for Health Improvement and Disparities (2023) *Smoking prevalence in adults (18 and over) – current smokers (APS) (1 year range)*. Available at: [Fingertips | Department of Health and Social Care](#) (Accessed 27<sup>th</sup> January 2025).

Smoking Toolkit Study (2025) *Discover Major Findings Relating to Smoking in England*. Available at: [Top Line Findings - Graphs - Smoking in England](#) (Accessed 13<sup>th</sup> May 2025).

WHO Framework Convention on Tobacco Control DGO (2013) *Protocol to Eliminate Illicit Trade in Tobacco Products*. Available at: [Protocol to Eliminate Illicit Trade in Tobacco Products](#) (Accessed 27<sup>th</sup> January 2025).