

LICENSING SUB COMMITTEE A

Date: Thursday 15th February, 2024
Time: 10.00 am
Venue: Spencer Room

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Review of Premises Licence - AJ's, 39 Crescent Road, Middlesbrough, TS1 4QW 3 - 168
4. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Wednesday 7 February 2024

MEMBERSHIP

Councillors L Lewis (Chair), C Cooper and P Storey

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne Dixon / Scott Bonner, 01642 729713 / 01642 729708, joanne_dixon@middlesbrough.gov.uk / scott_bonner@middlesbrough.gov.uk

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AGENDA ITEM

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 15 FEBRUARY 2024**

APPLICATION FOR REVIEW OF PREMISES LICENCE

Ref No. PR0482

Applicant: Cleveland Police

Premises: AJ's, 39 Crescent Road, Middlesbrough, TS1 4QW

Application received: 27 December 2023

Premises Licence Holder – Mr Savior Selvarasa Tharmeswaran

Summary of Current Licensable Activities:

SALE OF ALCOHOL OFF PREMISES

Monday to Sunday 7am to 11pm

A copy of the current premises licence is attached at **Appendix 1**.

1. Summary of Application:

The purpose of this report is to enable Members to consider an application for a review of the premises licence for AJ's Convenience Store, 39 Crescent Road, Middlesbrough made by Cleveland Police on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Cleveland Police state that there are high levels of alcohol related crime and anti-social behaviour in the local area, and are concerned about anti social behaviour in and around the shop. In addition, Cleveland Police have concerns in relation to the management of the premises and point to non compliance with premises licence conditions and a lack of understanding of licensing legislation by staff working at the premises.

A copy of the application from Cleveland Police is attached at **Appendix 2**.

2. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

3. Consultation on review application

The premises licence holder, any responsible authority or any other person are permitted to make representations in respect of the review application following publication of a notice.

In response to the consultation, on 22 January 2024 a representation was received from the Licensing Authority, acting in it's role as a Responsible Authority. A copy of the representation, which is on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, is attached at **Appendix 3**.

On 23 January 2024, a representation was received from the Responsible Authority for Public Health supporting the application on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A copy of the representation is attached at **Appendix 4**.

4. Background

AJ's Convenience Store, is situated on a busy residential road, directly opposite Ayresome Primary School. The area has historically been part of the Council's Cumulative Impact Area which has lapsed, however, the Council are about to commence consultation on a new Licensing Policy with the intention of maintaining the Cumulative Impact Area for this ward.

The premises have had the benefit of a premises licence since 8 December 2009. The current premises licence holder, Mr Mr Savior Selvarasa Tharmeswaran, has held the licence since 9 October 2023 and is also the designated premises supervisor.

5. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30
Reviews	Pages 47 to 50

And any other sections of the Policy which Members consider to be relevant.

6. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at paragraph 2.7
Prevention of Public Nuisance	Starting at paragraph 2.15
Protection of Children from Harm	Starting at paragraph 2.22
Reviews	Starting at paragraph 11.1

And any other sections of the Guidance which Members consider to be relevant.

7. Members' Options

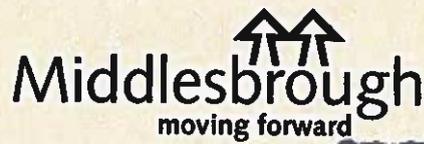
Members may consider the following options:

- a. To modify the conditions of the licence.
- b. To exclude a licensable activity from the scope of the licence.
- c. To remove the Designated Premises Supervisor
- d. To suspend the licence for a period of not exceeding 3 months.
- e. To revoke the licence.
- f. Alternatively, Members may consider that it is not necessary to take any of the above steps and may issue an informal warning and/or or recommend improvement within a certain time period.

Any party to the hearing who may be aggrieved by the decision taken by the Licensing Sub-Committee would have a right of appeal to the Magistrates' Court.

Contact Officer: Louise Romaine
 Licensing Officer

Middlesbrough
Council



PREMISES LICENCE

Part A

Premises licence number MBRO/PR0482/065728

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
AJ's 39 Crescent Road	
Post town	Post code
Middlesbrough	TS1 4QW
Telephone number	
01642 732004	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Sale of Alcohol

The times the licence authorises the carrying out of licensable activities
SALE OF ALCOHOL OFF PREMISES
Monday to Sunday: 7am - 11pm

The opening hours of the premises
Monday to Sunday: 7am - 11pm

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Alcohol sales permitted OFF the premises

Licence issued 2 November 2023 – Vary DPS

Part 2

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

Mr Savior Selvarasa Tharneswaran

[REDACTED]
Middlesbrough

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

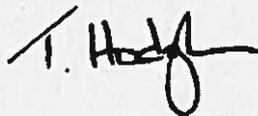
Mr Savior Selvarasa Tharneswaran

[REDACTED]
Middlesbrough

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

MBRO/PL1198/0836418 issued by Middlesbrough Council

Granted on 11 October 2023



Authorised Officer

Licence issued 2 November 2023 – Vary DPS

Annex 1 - Mandatory conditions

Supply of Alcohol

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.

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

Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

5. Where-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

6. In this section "Children" - means persons aged under 18; and "Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:

(a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

(b) Be entitled to carry out activity by virtue of section 4 of the Act.

8. But nothing in subsection (1) requires such a condition to be imposed:

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or

(b) In respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

9. For the purposes of this section:

(a) "Security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age Verification

10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

11. 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.

12. 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.

Permitted Price

13. 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.

14. For the purpose of this condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

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

Where:

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which

enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

15. 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.

16. (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.

Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)

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

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

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

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

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

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

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

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

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

19. The responsible person must ensure that free potable water is

provided on request to customers where it is reasonably available.

Alcoholic Drink Measures

20. The responsible person must ensure that:

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

Annex 2 - Conditions consistent with the operating Schedule

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

The shop and staff are well respected in the local community and we have an excellent rapport with our customer base. I acknowledge the importance of maintaining our excellent reputation and have set out my proposals of ensuring that we continue to provide a much needed community shop, without resulting in disruption or unrest in the neighbouring community.

THE PREVENTION OF CRIME AND DISORDER

1. Fully maintained incident book kept on the premises.
2. Colour digital CCTV system already in place with the capacity to store footage for 31 days. CCTV covers front, side and rear of the premises externally and records over a 24 hour period. Footage will be securely stored for future reference.
3. Staff training will be undertaken on a six monthly basis and full records will be maintained.
4. Staff training in vigilance and ability to diffuse possible situations.
5. Alcohol will not be placed near the shop exit.
6. Polite dissuasion of the consumption of alcohol outside the premises after sales.
7. Maximum opening time to be 11pm.
8. Strict 'no id, no sale' policy to be adopted.
9. 'Challenge 21' scheme to be promoted.
10. Refusals book to be kept on the premises and fully maintained.
11. Signage around the store and near alcohol displays reminding no sales to anyone under 18, or any adult appearing to purchase alcohol on behalf of anyone under 18.

PUBLIC SAFETY

1. Colour digital CCTV system already in place with the capacity to store footage for 31 days. CCTV covers front, side and rear of the premises externally and records over a 24 hour period. Footage will be securely stored for future reference.
2. Staff training in vigilance and ability to diffuse possible situations.

THE PREVENTION OF PUBLIC NUISANCE

1. Polite dissuasion of the consumption of alcohol outside the premises after sales.
2. Maximum opening time to be 11pm.
3. CCTV recording of the exterior of the premises.

THE PROTECTION OF CHILDREN FROM HARM

1. Strict 'no ID, no sale' policy to be adopted.
2. 'Challenge 21' scheme to be promoted.
3. Refusals book kept on premises and fully maintained.
4. Ongoing 6 monthly staff training, full records maintained.
5. Signage around store and near alcohol display reminding no sale to anyone under 18, or any adult appearing to purchase alcohol on behalf of anyone under 18.

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

1. Fully maintained incident book kept on the premises.
2. Colour digital CCTV system already in place with the capacity to store footage for 31 days. CCTV covers front, side and rear of the premises externally and records over a 24 hour period. Footage will be securely stored for future reference.
3. Staff training will be undertaken on a six monthly basis and full records will be maintained.
4. Staff training in vigilance and ability to diffuse possible situations.
5. Alcohol will not be placed near the shop exit.
6. Polite dissuasion of the consumption of alcohol outside the premises after sales.
7. Maximum opening time to be 11pm.
8. Strict 'no id, no sale' policy to be adopted.
9. 'Challenge 21' scheme to be promoted.
10. Refusals book to be kept on the premises and fully maintained.
11. Signage around the store and near alcohol displays reminding no sales to anyone under 18, or any adult appearing to purchase alcohol on behalf of anyone under 18.

Annex 4 - Plans

As per plan submitted on 16 September 2009 Drawing number 4280

Licence issued 2 November 2023 – Vary DPS

[Middlesbrough Council]

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 **PC 2495 Amy ROBERTS**

(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

AJ's
39 Crescent Road

Post town
Middlesbrough

Post code (if known)
TS1 4QW

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

Mr Savior Selvarasa Tharneswaran

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

MBRO/PR0482/065728

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 Amy ROBERTS Licensing Officer Cleveland Police Middlesbrough Police Station Bridge Street West Middlesbrough TS21AB
Telephone number (if any) 01642 303175
E-mail address (optional) Amy.roberts3@cleveland.police.uk

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

AJ's sits in an area of Central Middlesbrough which suffers from high levels of alcohol related crime and disorder and anti-social behaviour. It is within a large residential area and is situated opposite a primary school.

The area has historically been part of the councils Cumulative Impact Area (CIA) which has lapsed but the council are seeking to reinstate in the very near future and will again be part of this area for a very good reason.

On 8th September 2023 I attended the premise with representatives from Public Health after concerns were raised with Middlesbrough Council. Upon attending the premise we were met by a female, heavily intoxicated stumbling out of the premise with a single can in her hand. Both were a little agitated after being inside the premise and refused further alcohol.

Upon entering it was clear that the two male members of staff were unaware of what our role was and didn't seem to have an understanding around the Licensing Act.

Whilst in the premise it was obvious that there was no compliance with conditions on their licence. It was clear that both members of staff were unaware of the actual licence and conditions, they couldn't find the actual licence.

The visit showed that the following was not adhered to:

CCTV only retaining for 25 days not 31.
No refusals book,
No incident book,
No documented training.

I had concerns around the sale of small grip seal bags and small plastic type pipe objects, which to me is for one use only and that is linked to drug use.

Since the visit I have then attended a meeting with the licensee, his wife and a family friend, who I believe was there to act as a translator. It was clear during this meeting that they didn't want to work with us to change conditions and to help them with the issues that have been raised. The third male then became obstructive and raised his voice as to why they should change. He clearly didn't wish to listen and it became very hard to continue the meeting. The female was told that the conditions would be emailed out for her and her husband to look over and then get back to us as to what they are wanting to do.

No contact was made and this was followed up by Fiona Helyer.

The concerns that Police have, as a responsible authority is, it has become clear that the licence holder doesn't wish to stop selling single high strength cans as this is the main source of income but is the main source of crime and disorder. We also have to consider the four licensing objectives of which it has been demonstrated that they are not abiding by at least three of these, the prevention of Crime and disorder, public safety and the prevention of public nuisance.

They have claimed to have changed certain practices but sales of single cans to intoxicated persons is still taking place and this is a concern.

The process to review a premise licence is always the last resort for Cleveland Police and we will always seek other avenues prior to this. However, as it is clear that there is a

lack of control and not compliant on conditions. The contribution to crime and disorder is concerning especially when there is a school opposite, we have no choice other than to call for a review of the premise licence.

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

Additional evidence will be supplied in due course

tick ✓ yes

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

Please

If yes please state the date of that application

Day	Month	Year

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

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

Please

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 A ROBERTS

.....

Date

.....

Capacity **Licensing Officer**

.....
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

PC 2495 Amy ROBERTS
Licensing Officer
Middlesbrough Police Station
Bridge Street West
Middlesbrough
TS21AB

Post town Middlesbrough	Post Code TS2 1AB
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Telephone number (if any) 01642 303175

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) amy.roberts3@cleveland.police.uk

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.

**Middlesbrough Council
The Licensing Act 2003 - Responsible Authority (RA) Representation**

On behalf of Middlesbrough Council Licensing

Name of RA Representative: Tim Hodgkinson, Public Protection Manager (Licensing)

Address: Public Protection Service, Fountain Court, Middlesbrough

Email: tim.hodgkinson@middlesbrough.gov.uk, Tel 01642 728720

Licence holder details

Name and Address of Premises

AJ's, 39 Crescent Road, Middlesbrough, TS1 4QW

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

Mr Savior Selvarasa Tharmeswaran

Number of premises licence or club premise certificate (if known) - MBRO/PL1198/0836418

Representation

It is my opinion that the application fails to adequately satisfy the following licensing objectives:

- | | |
|-------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | Prevention of Crime and Disorder |
| <input checked="" type="checkbox"/> | Prevention of Public Nuisance |
| <input checked="" type="checkbox"/> | Public Safety |
| <input checked="" type="checkbox"/> | Protection of Children from Harm |

Grounds for representation (including details of any previous representations)

I make this representation as the Responsible Authority for Middlesbrough Council Licensing Service in support of the application for Review of the Premises Licence submitted by Cleveland Police on 27 December 2023 in respect of AJ's, 39 Crescent Road, Middlesbrough.

Middlesbrough Council Licensing have serious concerns in relation to the operation of these premises, particularly in relation to poor management of the premises, non-compliance with licence conditions and the sale of cheap, high strength alcohol to vulnerable adults which is believed to be contributing to high levels of street drinking, alcohol related crime and antisocial behaviour in and around the premises.

The premises is situated on Crescent Road, in Newport Ward, and is directly opposite Ayresome Primary School.

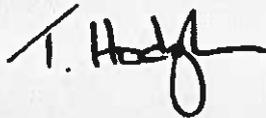
For a number of years Newport Ward has been included in an area covered by Cumulative Impact Policies for both On and Off Licence Premises. Whilst these policies have lapsed

there is a current review ongoing of the Council's Statement of Licensing Policy. Evidence has been provided to the Council which shows that there are still high levels of alcohol related crime and disorder and anti social behaviour within the Newport Ward and a draft Statement of Licensing Policy is currently being prepared for consultation which will recommend maintaining the Cumulative Impact Policy for the Newport Ward area for both On and Off Licence Premises.

Since September 2023, when concerns were first raised in relation to the running of these premises, there have been a number of visits to the premises by Police and Council Officers. These visits have identified non compliance with premises licence conditions, anti social behaviour within and in the immediate vicinity of the premises, irresponsible retailing and a lack of adequate management of the premises.

Both Cleveland Police and Council Officers have met with the Premises Licence holder on a number of occasions and have suggested a number of measures to attempt to resolve concerns, however, to date the Premises Licence holder is unwilling to accept proposals put forward.

Further information in support of this representation will be presented in due course.



Signed _____

Tim Hodgkinson

Public Protection Manager (Licensing)

Date: 22 January 2024

Mr Savior Selvarasa Tharmeswaran
AJ's
39 Crescent Road
Middlesbrough
TS1 4QW

Dated: 23 January 2024

Dear Sir,

LICENSING ACT 2003

Premises: 39 Crescent Road, Middlesbrough, TS1 4QW

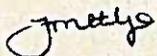
I am writing to advise you that as the Responsible Authority for Public Health a representation has been made to the Licensing Authority in support of the review application made by Cleveland Police in respect of the above premises.

This representation is made in relation to the crime and disorder, public safety, public nuisance and protection of children from harm licensing objectives. There are several areas of concern regarding these premises including the availability and sale of cheap, strong alcohol to those that are vulnerable and the high levels of alcohol related crime and ASB that is being reported in and around the area that these premises are situated.

There are also concerns around the failure to comply with the law in relation to Licensing Act 2003, namely the licensing conditions attached to the operating schedule within the premises licence which are in place to promote the licensing objectives.

If you would like to discuss this matter, please do not hesitate to contact me.

Yours faithfully,



Public Health Officer
Alcohol Control

Middlesbrough Council
The Licensing Act 2003 - Responsible Authority (RA) Representation

Name of RA Representative: Fiona Helyer

Address: Public Health and Public Protection Service, Civic Centre, Middlesbrough.

Email: EHTS@middlesbrough.gov.uk **Tel** 01642 728717

Licence holder details

Name and Address of Premises

Address: 39 Crescent Road, Middlesbrough TS1 4QW

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

Mr Savior Selvarasa Tharmeswaran

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

MBRO/PR0482/065728

Representation

It is my opinion that the application fails to adequately satisfy the following licensing objectives:

- | | |
|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | Prevention of Crime and Disorder |
| <input checked="" type="checkbox"/> | Prevention of Public Nuisance |
| <input checked="" type="checkbox"/> | Public Safety |
| <input checked="" type="checkbox"/> | Protection of Children from Harm. |

Grounds for representation (including details of any previous representations)

As the representative of the Responsible Authority for Public Health, I make this representation against this Premises Licence application on the grounds of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.

This representation is made to support the review application made by Cleveland Police that this licensed premises is being operated in such a manner which presents a risk to the safety of the public and does not support the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm licensing objectives.

This store is situated in Newport ward, one of the most deprived areas in Middlesbrough, with

high unemployment rates, poor education attainments and poor standards of living, all of which contribute to poor health and wellbeing within families and communities.

Alcohol related crime and poor health standards are visible in this area, with a high density of licensed premises, high levels of alcohol related crime and anti-social behaviour and some of the cheapest alcohol being made readily available for our most vulnerable members of society. The premises sits opposite a primary school.

Historically, Newport ward was named within Middlesbrough Council's cumulative impact policy for off licensed premises which lapsed in March 2022. This policy is currently being reviewed and evidence is being compiled for Newport ward to be included in any future cumulative impact policy that is agreed and implemented.

On 8 September 2023, I attended the premises in company with PC Roberts from Cleveland Police Licensing after receiving information from the Council's neighbour safety team regarding alcohol related anti-social behaviour occurring in and around the premises. As we arrived at the premises, and still sat in the unmarked Police vehicle outside, I observed two very drunken females leaving the premises. They appeared to be arguing, one of them was waving her arms around, shouting and swearing whilst the other walked away.

Upon entry to the premises, we identified ourselves to the two male shop assistants and asked what had gone on with the two females that had just left. The male behind the counter explained that they had wanted to buy more alcohol and that one of them had shown her backside to them when he refused.

During this visit we asked to see copies of the premises licence as we wanted to check that the premises were being operated within the current terms of the licence and that conditions attached to the operating schedule were being complied with. This was difficult to do as both males working at the premises did not have a good level of English and did not understand what was being asked.

It was later established that several conditions were not being complied with, including the retention of CCTV, there was no refusals book to log any refusals of alcohol, no incident book in place to record incidents of crime and disorder and there was no evidence of documented staff training records. There were also a few items being sold at the premises including small grip seal bags and glass pipes that caused concern as it is well known that such items can be used for and are linked to drug use.

We later spoke to a female who identified herself as the owner's wife. The concerns were outlined during the conversation and advice was given as to what action was needed.

Between September and December 2023, several visits were made to the premises and meetings were held with Mr Savior Selvarasa Tharmeswaran, his wife and other family/friends. Representatives of Cleveland Police and Middlesbrough Council's Public Health and Licensing Authority were also present. The dates of such events are as follows:

08.09.23 – Visit to the premises by PC Amy Roberts and Fiona Helyer from Public Health

20.09.23 – Visit to the premises by Neighbour Safety Officer, Claire Williams-King

29.09.23 – Visit to the premises by Trading Standards Officer Katrina Nelson-Berry

06.10.23 – Visit to the premises by Licensing Manager, Tim Hodgkinson

12.10.23 – Meeting held with representatives from the premises.

26.10.23 – Further meeting held with representatives from the premises who were handed a list of proposed conditions to consider.

10.11.23 - Email sent to zeyashmigaa@yahoo.com (wife of PLH).
10.11.23 – Telephone call/conversation with wife of PLH.
10.11.23 – Follow up email to wife's email address outlining content of conversation and what had been advised.
30.11.23 – Email sent to invite the PLH to a meeting scheduled for 5th December 23.
01.12.23 – Email received advising that unable to attend due to family illness.
04.12.23 – Email received from Alex Smith, Endeavour Law, legal representative of PLH.
05.12.23 – Email sent to Alex Smith outlining series of events.
14.12.23 – Email from Alex Smith advising that the PLH is not able to agree conditions proposed, attaching a new proposal.
22.12.23 – Visit to the premises by Licensing and Public Health Officers to follow up complaint received on 18.12.23.

The meetings involved lengthy discussions around the complaints received and behaviours observed at the premises including non-compliance of licensing conditions. Also discussed were the problems in the area and around the premises relating to alcohol related crime and disorder, anti-social behaviour including drug dealing, street drinking and harassment caused to those living in close proximity to the premises.

During a meeting held on 12 October 23 with Mr Tharmeswaran and previous premises licence holder Mr Sunthararajan, it transpired that the premises had been under new ownership and management since January 2022. Mr Sunthararajan, had failed to notify the Licensing Authority and apply to transfer the premises licence to Mr Tharmeswaran and to nominate him as the new Designated Premises Supervisor. Mr Tharmeswaran throughout this time had continued to trade and supply/sell alcohol from the premises without also notifying the Council.

On 26 October 2023 and during a further meeting, a set of proposed conditions were given to Mr Tharmeswaran for consideration and agreement. The proposed conditions were an attempt to resolve some of the issues reported and observed during visits to the premises by Police, Public Health and Licensing representatives. It was during this meeting that a male who identified himself as a family friend became argumentative and obstructive.

Correspondence later received on 10 November and 14 December from Mr Tharmeswaran's wife and legal representative advised that the PLH was not willing to agree to several of the conditions that had been proposed, namely conditions relating to the sale of single cans and beers/lagers/cider products with an ABV content about 6.5%.

Further intelligence was later received from a licensing officer who advised that on Sunday 17th December, whilst walking past the store, she had observed a male that was clearly drunk leave the store holding a single can of what she believed was Stella Artois lager. The male opened the can once outside, spilling it all over himself.

On 22 December 2024 I attended the premises along with Tim Hodgkinson from licensing to make some enquiries about this alleged incident. Whilst sat waiting outside of the premises for Officers to arrive I observed two males approach the store separately. They were both holding cans of Knights cider. Before entering the store, they placed their open cans on the bin situated directly outside the premises. On their exit they picked up the can from the top of the bin and continued to drink in the street.

Whilst at the premises we spoke to Mr Tharmeswaran who was serving behind the counter. A request was made to view CCTV footage relating to the alleged incident on 17th December. Whilst viewing CCTV from Mr Tharmeswaran's phone I noticed that the Knights cider had been placed behind the counter on the floor. When I asked why this particular brand had been placed

behind the counter, I was told it saves arguments with the customers who are wanting to buy it. Mr Thameswaran advised it was a very popular drink. When checking the CCTV in the storeroom I noticed a large number of 24 packs of Knights cider (approximately 50 crates) which were stacked from floor to ceiling.

Whilst inside the premises speaking to Mr Thameswaran several people entered the store and made their way to the counter to purchase single cans of Knights cider that were behind the checkout area. Whilst observing from the rear of the premises, I witnessed a male purchase three 2.5 litre bottles of white cider in one transaction and a disgruntled female leaving the store shouting and swearing.

There are concerns around whether Mr Thameswaran really understands the complexity of issues in the area where he is operating his business. This premise sells a high proportion of beers, lagers and ciders, in single 500ml cans that have an alcohol by volume (ABV) content above 6.5%. The Knights Cider sold in a 500ml single can with an ABV content of 8.4% sold from this premises is deemed highly attractive to those vulnerable drinkers, suffering with alcohol dependency due to it being strong and cheap.

There are also clear links between the availability of cheap alcohol, antisocial behaviour and crime and disorder. Whilst it is not illegal to sell high strength alcoholic products there is clearly a need for responsible sales of them, to ensure the licensing objectives are upheld. The high levels of single cans that continue to be sold from this premises including Knights cider, 500ml can, 8.4% ABV, that Mr Thameswaran has clearly indicated that he is not willing to agree to stop selling, is disturbing.

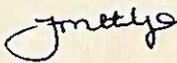
There is a clear lack of knowledge and understanding displayed from all staff working at the premises, including the premises licence holder/Designated Premises Supervisor. There have been several clear breaches of licensing conditions identified. Illegality in one area of the law may demonstrate a willingness to contravene other areas of legislation including the sale of alcohol to drunken/vulnerable people.

Responsibility in the operation of a licensed premises and the sale of alcohol from a licensed premises is paramount in this ward. It is the responsibility of the Premises Licence Holders/Designated Premises Supervisors and staff working at the premises to ensure that they uphold the licensing objectives. Conditions attached to the Premises Licence must be complied with at all times as this gives the assurance that the law is complied with, the licensing objectives are being promoted and any risks to members of the public are reduced.

This representation is made to support the review application made by the Police to ensure that that this licensed premise does not continue to operate in such a manner which presents a risk to the safety of the public and undermines the licensing objectives.

Further evidence will be submitted prior to any future licensing sub-committee hearing.

Signed:



Dated 23.01.24

Licensing Act 2003 – Review Hearing 15 February 2024
Premises – AJ's, 39 Crescent Road, Middlesbrough

Additional evidence of Timothy Hodgkinson, Licensing Manager acting on behalf the Licensing Authority

Further to my previous representation submitted on 22 January 2024 I would like to add the following:-

On 6 October 2023 I visited AJ's Convenience Store, 39 Crescent Road, Middlesbrough with Reece Littlewood, Licensing Enforcement Officer. The purpose of the visit was to check compliance with Premises Licence conditions as a result of an earlier visit by Fiona Helyer, Public Health Officer from Middlesbrough Council and PC Roberts from Cleveland Police Licensing Unit on 8 September 2023 during which a number of breaches of premises licence conditions were identified.

On entering the premises we were met by Mr Sunthararajan, the Premises Licence holder (PLH) and Designated Premises Supervisor (DPS), and Mr Tharmeswaran and his wife. We were advised by Mrs Tharmeswaran that she and her husband had taken over the running of the premises from her uncle Mr Sunthararajan in January 2023. I asked why they had not transferred the Premises Licence and was informed that they were in the process of doing so.

On speaking to all parties it appeared that they had limited knowledge of licence conditions in place at the premises and a number of conditions were not being complied with including –

- CCTV was not recording for 31 days (only 25 days)
- There was no incident book
- There were no documented staff training records

Mrs Tharmeswaran admitted that none of the staff working at the premises had undertaken any staff training. Upon speaking to the member of staff behind the counter it was evident that he spoke very little English and did not appear to understand any of the licensing requirements at the premises.

When I raised concerns in relation to the lack of adequate management at the premises I was informed that Mr Sunthararajan, the PLH and DPS still visited the premises once or twice a week to check that everything was in order. When I asked Mr Sunthararajan whether this was correct he was very vague but stated that he did call into the store each week. At this point I asked him to show me on his CCTV system the last occasion when he had visited the premises. He was unable to do.

Upon inspecting the premises I noticed that the store was selling small grip seal bags and glass pipes. I advised Mr and Mrs Tharmeswaran that I did not think it was responsible of them to sell such products and she advised that she was unsure what they were used for. I explained that such products were commonly used by drug users and drug dealers.

When I advised that there had been concerns raised in relation to the running of the premises and anti social behaviour taking place in and around the premises Mrs Tharmeswaran stated that she

thought the Council should be doing more to deal with the drug users who were causing issues in the area.

I advised Mr Sunthararajan and Mr and Mrs Tharmeswaran that I had serious concerns in relation to how the business was being ran and that unless these matters were resolved the Council may consider more formal action including a review of the Premises Licence.

On 11 October 2023 the Premises Licence was transferred to Mr Tharmeswaran who is also detailed as the DPS.

On 12 October 2023 I attended a meeting with Fiona Helyer, Mr and Mrs Thameswaran, Mr Sunthararajan, and the licence holder for Leinster News who I believe is a family friend. The purpose of the meeting was to discuss the concerns that we had in relation to poor management, breach of Premises Licence conditions and in particular the sale of cheap high strength alcohol which we believe was contributing to the issues in the surrounding area, and to try and find a solution. We advised Mr and Mr Thameswaran that we felt that there were enough concerns for us to instigate a review of the Premises Licence but that we were willing to work with them to review the premises licence conditions and to suggest some amendments. They were advised that we would send some draft proposals for them to consider.

On 26 October 2023 I attended a further meeting with Fiona Helyer, PC Roberts, Mr and Mrs Thameswaran, and another male family friend who I understand is the licence holder for an Off Licence in Northallerton. We outlined a number of conditions which we believed would alleviate some of our concerns, in particular a prohibition on the sale of cheap, high strength alcohol/single cans, which we know from local alcohol surveys is popular with street drinkers/dependant drinkers locally. The male family friend became argumentative to the point that we brought the meeting to an end.

On 22 December 2023 I visited AJ's Convenience Store with Fiona Helyer to review CCTV footage from 17 December 2023. I had received information from a Licensing Admin Officer, who lives locally, who had witnessed a male leaving the premises around lunchtime on 17 December 2023 with a can of stella artois lager. She stated that the male appeared to be drunk and had spilt lager over himself whilst attempting to open the can.

We spoke with Mr Thameswaran who was working behind the counter. We attempted to view the CCTV footage initially from Mr Thameswaran's mobile phone, and then from CCTV screens in the rear stockroom. Whilst reviewing the footage (9.17hrs) I observed a male customer enter the store, purchase a single can of Knights cider and leave, opening the can and drinking it whilst standing at the bin directly outside the entrance to the store. At 14.47hrs I observed another male on CCTV enter the store before buying what appears to be a single can of Stella Artois lager, leave the store before opening the can and drinking it whilst again standing at the bin directly outside the entrance. I asked Mr Thameswaran whether he felt there was problem with his customers buying single cans of alcohol and drinking them immediately after they left the premises and he said that he did not. However, he did agree that there was an issue with people drinking alcohol around the bin outside the shop.

Whilst speaking with Mr Thameswaran I noticed he had several packs of Knights cider on the floor next to him behind the counter from which he was serving customers. I observed a male customer entered the store and purchase 2 cans of Knights cider.

Whilst in the store room viewing CCTV footage I noticed large amounts of Knights cider (8.4% abv), far more than any other brand of alcohol in stock (approximately 50 x 24 can packs).

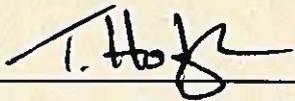
As we were having difficulty accessing the CCTV I requested that Mr Thameswaran download footage from the external CCTV covering the outside of the premises and from the internal camera covering the counter between the hours of 7am – 11pm on 17 December 2023.

On the afternoon of 28 December 2023 I visited AJ's Store to post the public notice advertising the application for the review of the premises. Whilst at the store I spoke with Mr Thameswaran who advised that he had been unable to download the CCTV footage as the file containing the footage was too big to send. I advised him to try and download the footage into 2 hour segments before leaving the premises. As I was leaving I observed 3 males, approximately 50 metres away from the premises walking towards the path which runs between Ayresome Primary School and Ayresome Gardens, all of the males were drinking cans of Knight cider. I am aware that Ayresome Gardens is a popular meeting place for street drinkers.

On 16 January 2024 I collected the CCTV footage from the store and passed it to Police to review.

It is clear from concerns raised to the Council by local residents and from other Council Officers that this area of Town already suffers from high levels of alcohol related crime and anti social behaviour and instances of street drinking.

It remains my opinion that the poor management of these premises, including ongoing breaches of licence conditions, and irresponsible alcohol sales on the part of the PLH and staff at the premises is significantly contributing to alcohol related crime and anti social behaviour in and around the premises and is undermining the licensing objectives.

Signed  _____

Tim Hodgkinson, Licensing Manager

Date 9.2.2024.

Mr Tharmeswaran
AJ's
39 Crescent Road
Middlesbrough
TS1 4QW

Fountain Court
119 Grange Road
Middlesbrough
TS1 2DT
Public Protection

Tel: 01642 728717

08 February 2024

Dear Sir

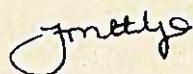
LICENSING ACT 2003

Premises: AJ's, 39 Crescent Road, Middlesbrough TS1 4QW

Please find attached the additional evidence that representatives from Public Health will rely on in support of their representation made for the ongoing licensing review matters regarding the above named licensed premises.

If you would like to discuss this matter please do not hesitate to contact me.

Yours faithfully,



Fiona Helyer
Public Health Officer
Alcohol Control

Additional Evidence presented by Middlesbrough Council, Responsible Authority for health, against the application for a premises licence in respect of premises situated at 39 Crescent Road, Middlesbrough the Licensing Act 2003

Further to the representation and evidence submitted on behalf of Middlesbrough Council's Public Health on 22 January 2024 in respect of AJ's off licensed premises, 39 Crescent Road, Middlesbrough I wish to add the following:

These premises are situated in Newport ward, one of the most deprived areas in Middlesbrough, with high unemployment rates, poor education attainments and poor standards of living, all of which contribute to poor health and wellbeing within families and communities. The premises are situated near residential properties and directly opposite a primary school.

Alcohol related crime and poor health standards are visible in this area, with a high density of licensed premises, high levels of alcohol related crime and anti-social behaviour and some of the cheapest alcohol being made readily available for our most vulnerable members of society.

The representation made was to support the review application by Cleveland Police that this licensed premises is being operated in such a manner that presents a risk to the safety of the public and does not support the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm licensing objectives.

On 8 September 2023, I attended the premises in company with PC Roberts from Cleveland Police Licensing after receiving information from the Council's neighbour safety team regarding alcohol related anti-social behaviour occurring in and around the premises. As we arrived at the premises, and still sat in the unmarked Police vehicle outside, I observed two very drunken females leaving the premises. They appeared to be arguing, one of them was waving her arms around, shouting and swearing whilst the other walked away.

Upon entry to the premises, we identified ourselves to the two male shop assistants and asked what had gone on with the two females that had just left. The male behind the counter explained that they had wanted to buy more alcohol and that one of them had shown her backside to them when he refused.

During the visit we asked to see copies of the premises licence as we wanted to check that the premises were being operated within the current terms of the licence and that conditions attached to the operating schedule were being complied with. This was difficult to do as both males working at the premises did not have a good level of English and did not understand what was being asked.

It was later established that several conditions were not being complied with, including the retention of CCTV, there was no refusals book to log any refusals of alcohol, no incident book in place to record incidents of crime and disorder and there was no evidence of documented staff training records. There were also a few items being sold at the premises including small grip seal bags and glass pipes that caused concern as it is well known that

such items are used for and are linked to drug use. Photographs were taken at the time of the visit (exhibit FMH/1).

We later spoke to a female who identified herself as the owner's wife. The concerns were outlined during the conversation and advice was given as to what action was needed. At the time we were told that the small grip seal bags were sold for placing items of jewellery in or sweets, however she advised that these items would be removed from sale immediately.

Between September and December 2023, several visits were made to the premises and meetings were held with Mr Savior Selvarasa Tharmeswaran, his wife and other family/friends. Representatives of Cleveland Police and Middlesbrough Council's Public Health and Licensing Authority were also present. The dates of such events are as follows:

20.09.23 – Visit to the premises by Neighbour Safety Officer, Claire Williams-King. A statement from the Officer has been obtained (exhibit FMH/2).

29.09.23 – Visit to the premises by Trading Standards Officer Katrina Nelson-Berry. A statement from the Officer has been obtained (exhibit FMH/3).

06.10.23 – Visit to the premises by Licensing Manager, Tim Hodgkinson

On 12 October 2023 a meeting was held with representatives from the premises including Mr Tharmeswaran, his wife, Mr Sunthararajan, the old PLH/DPS/Uncle and the PLH/DPS of Leinster News, who was introduced as a family friend and who helped with interpreting certain elements of discussions. Also present was representatives of the Council's Public Health and Licensing. During this meeting concerns were outlined including:

- Failures to advise the Council about the change in ownership and continuation to supply alcohol without a nominated DPS being in day to day control of the premises.
- Breaches of licensing conditions
- Alcohol related Crime and ASB in and around the premises including what had been observed on 8 September at the premises.
- Sales of high strength single cans of beers/lagers and ciders

There was also discussions around possible solutions to the problems experienced. The meeting ended with all parties present agreeing to review existing procedures and conditions attached to the premises licence and to meet again to discuss and agree actions that would help to eradicate some of the issues and to promote the licensing objectives.

A further meeting was held on 26 October 2023 with representatives from the premises including Mr Tharmeswaran and his wife and a male who identified himself as John, who was a family friend and a PLH of an off licensed premises in Northallerton. Representatives of Cleveland Police Licensing and the Council's Licensing and Public Health were also present.

During the meeting a set of proposed conditions were given to Mr Tharmeswaran for consideration. The proposed conditions were an attempt to resolve some of the issues

reported and observed during visits to the premises by Police, Public Health, and Licensing representatives. It was during this meeting that the male who identified himself as John, became argumentative and obstructive bringing the meeting to an abrupt ending. Mr Thameswaran was asked to take the list of conditions and consider the proposal put forward by the Responsible Authorities present (Exhibit ref FMH/4).

Correspondence was sent on the following dates to representatives of the premises and their legal representative, Mr Alex Smith from Endeavour Law. These include:

- **10.11.23** - Email sent to leyashmigaa@yahoo.com (wife of PLH), telephone call/conversation with wife of PLH and follow up email to wife's email address outlining content of conversation and what had been advised.
- **30.11.23** - Email sent to invite the PLH to a meeting scheduled for 5th December 23 and response from PLH advising that unable to attend due to family illness.
- **04.12.23 - 05.12.23** - Email received from Alex Smith, Endeavour Law, legal representative of PLH and response outlining the series of events.
- **14.12.23** - Email from Alex Smith, Endeavour Law advising that the PLH was not able to agree the set of conditions proposed. A new proposal was attached, and an email response was sent back to Alex Smith.

The correspondence received on 14 December from Mr Tharmeswaran's legal representative set out the conditions that Mr Tharmeswaran was not able to agree with which included conditions relating to the sale of single cans and beers/lagers/cider products with an ABV content about 6.5%. An attachment of the revised copy of conditions that the PLH holder was willing to agree was received Exhibit ref FMH/5.

Approximately 10:30am on 22 December 2023 and because of further intelligence received from a Licensing Administration Officer regarding an incident that had occurred near to the front door of the premises on 17th December 2023, I attended the store to make some enquiries.

The alleged incident involved a report of drunken male that the Licensing Officer had observed leaving the store opening a single can of what she believed was Stella Artois lager. Whilst attempting to do this she reported that the male was drunk and that he had spilt the drink over himself.

Whilst sat waiting outside of the premises waiting for Tim Hodgkinson to arrive, I observed two males approach the store separately. They were both holding cans of Knights cider and were drinking from the cans as they were walking. Before entering the store, they placed their open cans on the bin situated directly outside the premises. On their exit they picked up the can from the top of the bin and continued to drink it in the street.

Upon entry to the store, I was followed by a male who made his way to the counter area. I noticed Mr Tharmeswaran was standing and serving behind the checkout. Whilst the male waited to be served, he turned to me and said, "YOU CAN GET MORE BEER FROM BEHIND THE COUNTER YOU KNOW". This male purchased two cans of Knights cider before leaving the store.

Whilst at the premises we spoke to Mr Tharmeswaran and requested to view CCTV footage relating to the alleged incident on 17th December. Whilst viewing CCTV from Mr Tharmeswaran's phone I noticed the Knights cider behind the counter on the floor. When I asked why this brand had been placed behind the counter, I was told it saves arguments with the customers who are wanting to buy it. Mr Tharmeswaran advised it was a very popular drink.

When checking the CCTV in the storeroom I noticed a large number of 24 packs of Knights cider (approximately 50 crates) which were stacked from floor to ceiling. I asked Mr Tharmeswaran why there was so much stock of this brand. He advised that it was on offer at the cash and carry. Photographs were taken at the time of the alcohol stacked inside the storeroom and inside the shop floor of the premises including the till area Exhibit FMH/6.

Whilst inside the premises speaking to Mr Tharmeswaran several people entered the store and made their way to the counter to purchase single cans of Knights cider that were behind the checkout area. Whilst observing from the rear of the premises, I witnessed a male purchase three 2.5 litre bottles of white cider in one transaction and a disgruntled female leaving the store shouting and swearing calling the shop assistant 'A LYING LITTLE FUCKER' due to her being refused alcohol.

A request was made at the time for a copy of CCTV footage to be downloaded of the entire day of Sunday 17th December 2024. This was later collected by Tim Hodgkinson and passed to Police for reviewing.

There are clear links between the availability of cheap alcohol, antisocial behaviour and crime and disorder. Whilst it is not illegal to sell high strength alcoholic products there is clearly a need for responsible sales of them, to ensure the licensing objectives are upheld.

These premises sells a high proportion of beers, lagers, and ciders, in single 500ml cans that have an alcohol by volume (ABV) content above 6.5%. The Knights Cider sold in a 500ml single can with an ABV content of 8.4% is deemed highly attractive to those vulnerable drinkers, a high percentage of who will be suffering with alcohol dependency.

The cost of alcohol misuse was estimated to cost the economy in England up to £25 billion per year and for Middlesbrough a total of £56.5 million which included costs relating to health, social care, crime, and licensing.

The impact of alcohol misuse is broad, often hidden and adversely affects individuals, families, and communities in many ways, with the harm being disproportionately greater for vulnerable and disadvantaged communities.

Alcohol related crime and ASB has a significant impact upon several Council services as well as the NHS, Police, Criminal Justice System, Education, Voluntary and Community sector.

Alcohol related crime and ASB data has been collected between January - December 2023 and shows the following:



Across the period there have been a total of 171 occurrences reported to Cleveland police in relation to incidents occurring on Crescent Road, Newport, Middlesbrough. Out of 171 reports; 142 were crimes, and 29 were incidents of Antisocial Behaviour.

Key offences included ASB Nuisance (25), Violence without injury (23), Public order offences (23), Violence with injury (17), and Stalking & Harassment (15).

Overall, and throughout this period, (Jan-Dec), Newport ranked second for volume of crime, and third for Antisocial behaviour incidents out of 20 Middlesbrough wards, accounting for 10.2% and 8.6% respectively for all reports.

Ward	ASB	Crime	Total
Central	1083	5824	6907
Newport	491	2487	2978
Longlands and Beechwood	424	2476	2900
Berwick Hills and Pallister	597	2005	2602
Park End and Beckfield	423	1766	2189
Brambles and Thorntree	297	1547	1844
Hemlington	373	1262	1635
Park	359	1267	1626
North Ormesby	148	956	1104
Coulby Newham	235	856	1091
Ayresome	332	577	909
Ladgate	120	568	688
Kader	85	544	629
Linthorpe	111	495	606
Acklam	93	381	474
Trimdon	188	267	455
Stalnton and Thornton	145	266	411
Marton East	80	314	394
Marton West	49	203	252
Nunthorpe	44	131	175
Total	5677	24192	29869

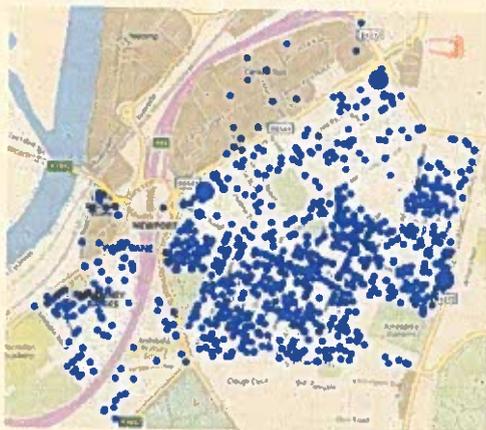
Both Newport and Central wards border each other and are similar in profile regarding the top 5 categories of crime that include violence against the person, theft and handling stolen goods, ASB, criminal damage and drugs offences.

Newport	2978	Central	6907
Violence Against The Person	1211	Violence Against The Person	2707
Theft and Handling Stolen Goods	484	Theft and Handling Stolen Goods	1664
Criminal Damage	261	Criminal Damage	1083
Drug Offences	166	Drug Offences	494
Burglary	146	Other Offences	271
Sexual Offences	74	Burglary	196
Robbery	70	Sexual Offences	192
Other Offences	65	Robbery	171
NFIB Fraud	9	NFIB Fraud	115
			13

Newport ward rankings include the following:

- Antisocial Behaviour – 3rd out of 20 wards
- Criminal Damage – 7th out of 20 wards
- Drug Offences – 2nd out of 20
- Theft and Handling Stolen Goods – 2nd out of 20.
- Violence Against the person – 3rd out of 20.

Several street warden requests received over the same period include reports of rowdy behaviour, public nuisance, alcohol/drug use and drug dealing. Reports suggest that problems in the area have got worse since AJ's off licence extended its hours to sell alcohol. The map below shows the activity of Middlesbrough Council CCTV operatives, the blue dots representing Incident Report Logs received over the same period.



Some of the reports relating to AJ's do not directly name or state that an incident occurred within the premises but in the immediate space around the premises and opposite where there is a local primary school. The issues reported relate to the sale of drugs, misuse of communal areas and violence, including a stabbing.

In 2021, Middlesbrough had an alcohol-related mortality rate per 100,000 of 51.6 per 100,000 which was higher than the Northeast rate of 50.4 per 100,000, significantly higher

than the England rate of 38.5 and the 13th highest nationally. The rate of hospital admissions for alcohol-related conditions in 2021/22 was also significantly higher in Middlesbrough compared to England with a rate of 2,138 per 100,000 compared to 1,734 nationally.

The rate of admission episodes for alcohol-specific conditions in under 18s for the period 2018/19 – 20/21 was 35.6 per 100,000, higher than the England rate of 29.3 per 100,000.

Newport ward is listed as 4th out of 20 wards in Middlesbrough for having higher rates of emergency admissions to hospital for alcohol attributable conditions. Central ward is the highest followed by North Ormesby and Brambles & Thorntree Wards.

Middlesbrough has the third highest rate in the Northeast in 2021/22 for the number of premises licensed to sell alcohol per square kilometre with a rate of 7.9, significantly higher than the England rate of 1.3.

Throughout 2020 and to date there has been an alarming rise in the numbers of people choosing to drink at home during the Covid-19 pandemic.

In 2023, Middlesbrough Council extended the amount of integrated alcohol treatment and substance misuse recovery services/centres from 1 – 4. These services currently have 1238 people in treatment. They provide specialist treatment and aftercare for those suffering with alcohol dependency whilst focusing on the hidden harms often associated with alcohol consumption including domestic abuse and homelessness.

Middlesbrough Council are also working with the South Tees Trust and CCG who have commissioned The Alcohol Care Team in James Cook University hospital due to the levels of harm caused by alcohol. Such harm often leads to a number of daily attendances to JCUH A&E departments and hospital admissions for those suffering the adverse effects of alcohol dependency or from secondary illness where alcohol is a known cause.

The Alcohol Care Team sits within Accident and Emergency unit James Cook Hospital to assess those patients accessing the hospital with drug and/or alcohol issues. They engage, support, and make referrals into community services where needed.

Between October 2023 and January 2024, the Alcohol Care team assessed over 300 patients in total from the Middlesbrough area and diagnosed the following:

- Alcohol intoxication (disorder)
- Alcohol dependence (disorder)
- Drug-induced seizure (finding)
- Alcohol withdrawal (disorder)
- Alcohol withdrawal – induced convulsion (disorder)
- Illicit drug use (finding)
- Hypnotic or anxiolytic dependence (disorder)
- Opioid dependence (disorder)

The Chief Medical complaints being identified as alcohol withdrawal, alcohol intoxication delirium and injury following alcohol use.

The following table shows the top five postcode areas across the South Tees (Middlesbrough & Redcar) for alcohol related attendances to JCUH where the patient has suffered injury. Four out of the top five postcode areas are Middlesbrough postcodes, TS1 includes Newport Ward.

Postcode	1	2	3	4	5	6	7	8	9	10	11	12	Grand Total
TS3	11	13	8	6	12	14	12	10	10	8	8	14	125
TS10	6	6	9	17	5	9	7	11	7	11	9	10	102
TS6	9	6	6	4	7	9	10	7	5	5	6	8	82
TS5	3	10	3	7	8	8	4	2	4	4	3	9	65
TS1	5	4	5	8	2	2	5	3	9	2	5	4	54
Grand Total	81	83	79	90	80	93	88	98	74	64	89	115	1036

In certain areas of Middlesbrough there is real deprivation, with high unemployment rates, poor education attainments and poor standards of living, all of which contribute to poor health and wellbeing within families and communities. Alcohol related crime and poor health standards are visible in some of the most deprived wards in Middlesbrough. Newport ward is one of the most deprived wards in Middlesbrough that already suffers the consequences of having a high density of licensed premises and some of the cheapest alcohol being made readily available for our most vulnerable members of society.

Alcohol can be purchased from several different alcohol premises including off licences, supermarkets and premises offering alcohol delivery services making it easy for those who are vulnerable and suffering with alcohol addiction to access.

Survey work carried out in Middlesbrough 2015/16 found that alcohol was being sold as cheaply as 13p/unit. A more recent survey completed in Oct/Nov 2022 showed a slight rise in both Central/Newport wards, increasing the unit cost to 21p per unit.

This increase falls in line with several factors including the introduction of the cumulative impact policy in 2016 for off licensed premises, reviewing licenses of problematic premises, working alongside retailers to promote responsible retailing, and imposing or agreeing

conditions that help to limit the sales of cheap, strong alcohol products especially in areas that suffer from high levels of alcohol related crime and disorder, anti-social behaviour, and health harms.

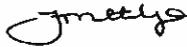
Several attempts have been made to work with the Premises Licence Holders and representatives of the business however there seems to be an unwillingness to make change in the areas that is most needed.

There are concerns around whether Mr Thameswaran and staff working at the premises really understands the complexity of issues in the area. There is a clear disregard for the law

as there has been several breaches of licensing conditions identified. There are concerns around the sale of alcohol to person(s) who are already intoxicated/vulnerable and the behaviour from customers and lack of control that has been witnessed inside the premises when alcohol is refused. There also appears to be a total disregard for the problems that are experienced in the community and for residents living close to these premises.

Responsibility in the operation of a licensed premises and the sale of alcohol from a licensed premises is paramount in this ward. It is the responsibility of the Premises Licence Holders/Designated Premises Supervisors and staff working at the premises to ensure that they uphold the licensing objectives which appears not to be happening in this case.

Signature:



Dated: 08.02.24



Witness: Claire Williams-King

Exhibits: CWK1

Date Statement made: 6th February 2024

CASE No: AJ's Crescent Road

STATEMENT OF CLAIRE WILLIAMS-KING

1. I am employed by Middlesbrough Council as a Neighbourhood Safety Officer within the Public Protection Service. I have been employed in this role since November 2021. I have been working for Middlesbrough Council since 2018. My role is to work with Council colleagues, the Police, other agencies, and the local community to address anti-social behaviour and crime related issues.
2. I work in the Newport area of Middlesbrough, which is part of a Selective Landlord Licensing area.
3. The Selective Licensing scheme aims to improve areas containing high levels of antisocial behaviour, crime, and deprivation by working with residents and landlords.
4. On 16.08.2023, I received a complaint from a resident regarding AJ's shop on Crescent Road, Newport.
5. The resident reported that since the 'yellow shop' (AJ's) has started opening later hours it has attracted a lot of attention from drug addicts. Drugs are being sold and used around the alley gates near to the shop. Every night these addicts are shouting, fighting sitting around the school wall.
6. Residents are having problems with ongoing drink and drugs crime in the area. Children playing in the area do not want to see this type of behaviour.

7. AJ's convenience store is located directly opposite Ayresome primary school.
8. On 06.09.2023, I spoke to the resident again who said that issues were still occurring outside of AJ's.
9. On 08.09.2023, I spoke to Fiona Helyer, Public Health Officer regarding the complaint as AJ's is a Licensed premises. Fiona wasn't aware of any complaints but said she would ask Licensing Officers to visit the shop.
10. On 19.09.2023, I visited AJ's shop with my manager, Louise Kelly at 12:50 p.m.
11. A male was behind the counter of the shop, and he spoke very little English. When I introduced myself and asked him who was in charge of the shop, he said he was the 'Boss'.
12. When I asked him if he had problems with people outside the shop causing antisocial behavior or drinking, he did not understand my question.
13. I asked him if he sold alcohol, which he said 'yes'. I then asked if he had an alcohol Licence and he replied 'no'. At this point he made a telephone call.
14. During our visit, I observed several high strength alcoholic products, mainly sold in single cans. In the till area, next to children's sweets were cans of 'Au', which is a vodka-based drink and vodka mixed 'shots' for sale.
15. During our visit, a female came into the shop to buy something but seemed to hover around, as myself and Louise Kelly were stood near the till area. This female left after buying some bread. I felt that if we were not present, this female would have bought alcohol.
16. A short time later, a male and female attended the shop and said they were the owners. The lady, Sutharshini Tharmeswaran said it was her uncle's shop, but now

her and her husband were running it. The Uncle's name is Sunthararajan Alakumani with an address in North Ormesby.

17. Ms Tharmeswaran said she had not updated their details onto the Licence yet.
18. I explained that complaints had been made about anti-social behaviour and street drinking outside of the shop. They said they were not aware of any issues outside of the shop.
19. I explained that the shop is selling high strength single cans of alcohol, which attracts the 'street drinkers' in Newport to the shop. I also explained that the shop is contributing to street drinking by selling the alcohol initially.
20. I took several photographs during my visit, and I exhibit these as CWK 2-8.
21. I asked to see the refusals book and was given a pest control book. I explained that having an alcohol licence meant having a robust refusal procedure, including filling in the refusals book, using CCTV, and refusing sales if necessary.
22. I also received complaints of anti-social behaviour in Crescent Road and Harford Street, at the same time. This is very close to the location of AJ's shop. I requested that my Street Warden colleagues give attention to the area.
23. The location of AJ's is also close to a large block of temporary accommodation. Due to AJ's sale of single cans, this attracts street drinkers to the area. From my own observations whilst being out in Newport, I have seen people hanging around AJ's shop after purchasing a can of alcohol. This also creates rubbish, as cans are left on the street. This makes the area look untidy and neglected.
24. I was contacted again by a resident on 06.12.2023, stating that problems are still ongoing outside the shop. Residents' concerns were that every other night there are

still people who hang around the shop near to residents' houses drinking alcohol, shouting abuse, and begging for cash.

25. The resident stated that things were not so bad during the daytime, but their children do not like to go alone after 6 p.m. to the shop because of this behaviour.

26. On 16.01.2024, I received a CCTV report dated 13.01.2024 at 22:34 p.m. about males dealing drugs outside AJ's shop. I requested a CCTV review and I exhibit the images as CWK 9 and CWK 10 respectively.

27. Police Officers in the CCTV control room had seen a possible drug deal outside of AJ's shop. In the photograph, the railing seen are from Ayresome primary school. The group of males are stood opposite AJ's shop.

28. As part of my role, I am in Newport Ward most days. I have recent intelligence that drugs are being dealt from behind AJ's shop at the alley gates. I also have recent intelligence about a 'drug house' on Worcester Street. This intelligence has been submitted to Cleveland Police.

29. During my visits to AJ's shop, there is a large amount of alcohol especially single cans for sale. I have been present in the shop when people have brought a single can and nothing else.

30. From talking to residents, they are fearful about going to the shop on an evening. Residents are aware that the shop attracts street drinkers and drug users to the area. The street drinkers make residents feel intimidated and create litter with their discarded cans.

31. Residents feel unsafe due to the issues with drug dealers and users to the area, Newport is a vibrant area with a high number of families. The shop is for the benefit of the whole community, but people feel intimidated using AJ's shop especially late at night.

Signed:



Date: 06.02.2024

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Full Name: Claire Williams-King

Exhibit CWK 2



Exhibit CWK 3



Exhibit CWK 4



Exhibit CWK 5





PREMISES LICENCE

Part A

Premises licence number

MBRO/PRO482/065728

Part 1 - Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description

AJ's
39 Crescent Road

Post code

Middlesbrough
TS1 4QW

Telephone number

01642 732004

Where the licence is time limited the dates

N/A

Licenable activities authorized by the licence

Sale of Alcohol

The times the licence authorises the carrying out of licensable activities

SALE OF ALCOHOL OFF PREMISES

Monday to Sunday 7am - 11pm

The opening hours of the premises

Monday to Sunday 7am - 11pm

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

Alcohol sales permitted OFF the premises

Exhibit CWK 8

B-100001143

Part 2

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

Mr Sunthararejan Alakumani
8 Dorothy Street
Middlesbrough
TS3 6JD

a.sunthar@hospa1.com

07805034034

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

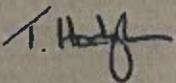
Mr Sunthararejan Alakumani
8 Dorothy Street
Middlesbrough
TS3 6JD

07805034034

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

PER1258 issued by Redcar & Cleveland Borough Council

Granted on 25 October 2021



Authorised Officer

Exhibit CWK 9

13-01-2024 Sat 22:16:48



Exhibit CWK 10



WITNESS STATEMENT

Criminal Procedure Rules, r 16.2, Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s5B

Statement of: Katrina Nelson-Berry

Age : Over 18

Occupation: TRADING STANDARDS OFFICER

This statement (consisting of 2 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: K Nelson-Berry Date 7th February 2024

1. I, Katrina Nelson-Berry am employed as a Trading Standards Officer for Middlesbrough Council. I have been employed by Middlesbrough Council since December 2020, I am authorised for the purposes of the Trade Marks Act 1994, The Tobacco and Related Products Regulations 2016, The Classification, Labelling and Packaging Regulations 2008, The General Product Safety Regulations 2005 and The Consumer Rights Act 2015.
2. On 27th September 2023, I received a call from the manager of the Licensing Team, Tim Hodgkinson to say that colleagues from licensing had previously visited the premises known as AJ's, 39 Crescent Road, Middlesbrough. TS1 4QW and concerns had been raised about the sale of vapes from this premises.
3. On 29th September 2023, myself and my colleague Kerrie Gibson, Regulatory Compliance Officer visited the shop at 11.00hrs. Present in the shop was a male sales assistant who gave his name as Mathi Aramugam. I asked who the owner was, and he told me it was Mr Jaya Kumar.
4. Both Kerrie Gibson and I inspected the vapes on sale that were positioned behind the counter. All the vapes on sale on the shop floor were found to be compliant with Tobacco and Related Products 2016 and The Classification, Labelling and Packaging Regulations 2008.
5. I asked Mr Aramugam to view the refusal log, staff training records and the incident book, Mr Aramugam said he did not understand, he picked up his mobile phone and called someone, he then handed the phone to me. I introduced myself to the male and asked who he was, he confirmed he was the owner Mr Kumar. I asked to see the refusal

Signature K Nelson-Berry

Page 1

log, staff training records, incident log, he said it was locked away in the back room and he only had the keys. I asked if he was able to come to the shop. He said he was unable to as was currently at the hospital with his baby.

6. I explained that the 3 sets of records needed to be kept behind the counter and accessible by the staff as they need to be completed throughout the day. I was not able to look at the records or access the back store room.
7. Whilst I was in the shop, I saw a lot of what appeared to be single cans of alcohol, particularly beer and cider. I checked the cans were not part of multi-packs and were able to be sold as singles, I can confirm that they were single cans.
8. Whilst myself and my colleague were in the shop, two males entered the shop.
9. One male picked up two cans of cider and went to pay, he asked if could pay with cash for one and emptied some change from his pocket, he then asked to pay for the 2nd can by debit card, which he did and then left. This male appeared to be unkept, and dirty.
10. The 2nd male purchased 3 single cans and a bottle of cider, he paid by cash and then put them into a rucksack and left the shop.
11. I noticed that at the side of the till for sale was what appeared to be small glass pipes, which I recognised as drug paraphernalia, no other drugs paraphernalia were seen in the shop.
12. My colleague, Kerrie Gibson also noticed that there was no smoking poster on display, and advised she would send one in the post as it was a legal requirement to display the poster.
13. After leaving the premises and returning to the office I sent an email to colleagues Tim Hodgkinson and Fiona Helyer to advise of my findings at the premises. I exhibit a copy of the email as KNB/AJ/01.

R. Nelson - BJ

Signature *R. Nelson - BJ*

Page 2

MIDDLESBROUGH COUNCIL
TRADING STANDARDS

This is the Exhibit dated 29/9/23
Referred to in my statement as

Exhibit No: KNB/AS/01

Signature: *K Nelson-Berry*

Date: 7th February 2024.

Katrina Nelson-Berry

From: Katrina Nelson-Berry
Sent: Friday, 29 September 2023 11:55
To: Tim Hodgkinson; Fiona Helyer
Subject: AJ's, Crescent Road.

Hi

Myself and Kerrie have visited AJ's 39 Crescent Road, this morning, we have checked the vapes and although a couple of products we hadn't seen before but all were compliant.

I did check the alcohol (cans) Fi, and those been sold individually can be done so, not part of a multi pack. All have individual prices on shelf edges.

I asked to check the refusal log, incident book and staff training. The gentleman present wrote his name for me, as speaks very little English. He is Mr Mathi Arumugam and he gave the bosses name as Jaya Kumar. Mr Arumugam rang the boss, who said he was at the hospital wife his baby.

~~I did speak to him, but he too spoke little English. I asked where the documents above where, he said locked in the room at the back, and he has the key. Not at the till point as expected.~~

There were some small glass pipes behind the till for sale, which I believe to be used as drug paraphernalia, but didn't see anything else.

Kerrie also noticed that there was no smoking notice up, so she will send one out in the post for them.

Thanks Kat

Katrina Nelson-Berry
Trading Standards Officer

Trading Standards Team, Public Protection Service
Middlesbrough Council, Fountain Court, 119 Grange Road, Middlesbrough, TS1 2DT.

Tel No (01642) 729194

Mobile No 07971 648309

www.middlesbrough.gov.uk

Find TS on Facebook - <https://www.facebook.com/#!/pages/Middlesbrough-Trading-Standards/545461258846279>

Privacy Policy: We use the information that we obtain from you to carry out our service. For details of how we use, process, share and keep the data that you provide to us, and your related rights, please see the privacy policy for Public Protection on www.middlesbrough.gov.uk/mayor-council-and-councillors/about-council/privacy-notice

TYPES / STRENGTH / DISPLAY OF ALCOHOL

1. No beer, lager or cider of 6.5 ABV (alcohol by volume) or above shall be displayed or sold at any time at the premises.
2. The Premises will not sell or supply any single cans of beer, lager, cider.
3. Alcohol must only be displayed in the areas identified for display of alcohol on the plan attached to the Premises Licence or such other area as agreed with the Licensing Authority subject to the display area not exceeding 10% of the display area for all goods.
4. The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.
5. The premises will not display/ supply or sell any items that can be deemed as drug paraphernalia e.g. small grip seal bags, glass smoke pip, grinders etc. If in doubt the premises licence holder/Designated premises supervisor will take advice from representatives of Cleveland Police licensing.
6. The Premises Licence Holder/Designated Premises Supervisor will participate in any Local Off Licence forums held by the Local Authority.

Conditions that premises already have and to be considered for changing to revised wording:

CHALLENGE 25 (they operate a challenge 21 at the moment)

1. Staff must require ID in the form of a current ten-year passport, photo card driving licence or PASS logo identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made
2. Notices must be placed in a prominent position advising customers the Premises operates a challenge 25 policy and all customers who appear under the age of 25 will be challenged for ID.

STAFF TRAINING

1. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003 including but not limited to the companies Age Verification Policy, Under Age Sales, Proxy Sales and Sales to Intoxicated Persons.
2. In addition, relevant staff shall also be trained on specific Premises Licence conditions attached to this Premises Licence.
3. Such training will be provided upon company induction and at regular intervals of no longer than six months.
4. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training.
5. Documented training records must be kept at the Premises and made available to the police, trading standards or licensing officers on request and / or during an inspection.

INCIDENT BOOK

1. An incident book must be kept at the Premises and maintained up to date at all times recording the time date and details of all incidents of crime and disorder or anti-social behaviour at the premises or directly outside of the premises. The incident book must be made available to the police, trading standards and / or licensing officers on request or during an inspection.

REFUSALS REGISTER

1. A refusals register must be kept at the Premise and maintained up to date at all times recording the date time and reasons for every refusal to sell alcohol to a customer. The refusals record must be made available to the police, trading standards and / or licensing officers on request or during an inspection

CCTV

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
- Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
- The system will record and retain CCTV footage for a minimum of 31 days
- The system will record for 24 hours a day.
- The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
- There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
- CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises

The premises will place and maintain CCTV signs on all exits from the premises both inside and out as a reminder to customers and staff that their behaviour is being monitored.

39 Crescent Road

TYPES / STRENGTH / DISPLAY OF ALCOHOL

1. ~~All~~ No beer, lager or cider of over 6.5 ABV (alcohol by volume) shall be displayed only behind the shop counter. No beer, lager or cider of over 6.5 ABV or any alcohol over this ABV shall be sold to anyone who appears to be intoxicated or under the influence of drugs. or above shall be displayed or sold at any time at the premises.
- ~~2. The Premises will not sell or supply any single cans of beer, lager, cider.~~
- ~~3.2.~~ Alcohol must only be displayed in the areas identified for display of alcohol on the plan attached to the Premises Licence or such other area as agreed with the Licensing Authority subject to the display area not exceeding 10% of the display area outside of the counter, for all goods.
- ~~4.3.~~ The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.
- ~~5.4.~~ The premises will not display/ supply or sell any items that can be deemed as drug paraphernalia e.g. small grip seal bags, glass smoke pipe, bongs, grinders etc. If in doubt the premises licence holder/Designated premises supervisor will take advise from representatives of Cleveland Police licensing.
- ~~6.5.~~ The Premises Licence Holder/Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.

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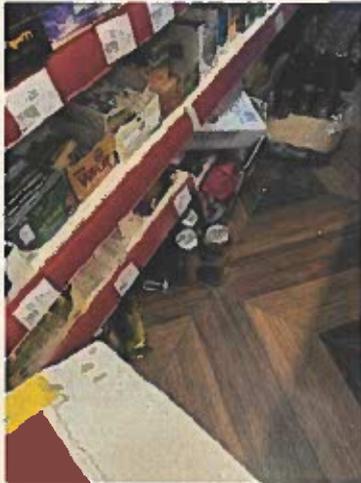
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- Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
- The system will record and retain CCTV footage for a minimum of 31 days
- The system will record for 24 hours a day.
- The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
- There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
- CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises

The premises will place and maintain CCTV signs on all exits from the premises both inside and out as a reminder to customers and staff that their behaviour is being monitored.





WITNESS STATEMENT

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

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Statement of: **Amy Roberts**

Age if under 18: **0-18** (if over 18 insert "over 18") Occupation: **Police service**

This statement (consisting of **6** 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  : **A Roberts**

Date: **07/02/2024**

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

I am Police Constable 2495 Roberts with Cleveland Police, currently stationed at Middlesbrough Police Office and attached to the Force Licensing Unit. Part of my role as a Licensing Support Officer is to monitor licensed premises within all four districts of Cleveland Police, focusing on the Middlesbrough area, ensuring that they are trading within the spirit of the four licensing objectives. We will ask that they will not have an adverse effect on the surrounding community or have a negative impact on crime and disorder, public safety or public nuisance objectives and will prevent harm to children.

This statement is in relation to a review application submitted by Cleveland Police regarding AJ's Convenience Store, Crescent Road, Middlesbrough as we believe that the store has failed to uphold three of the four licensing Objectives, namely Crime and Disorder, prevention of public nuisance and public safety.

AJ's Convenience store, 39 Crescent Road, Middlesbrough is a busy convenience store situated on a busy residential road with a mixture of residential, business premises and local primary school directly across the road. The area has historically been part of the council's Cumulative Impact Area, which has lapsed but is currently under consultation to

Continuation statement of:

be reinstated and this area will again be part of this for a very good reason.

The Government in April 2022 identified Cleveland Police as one of 18 forces in England and Wales eligible to receive extra funding to tackle and develop long-term strategies to prevent serious violence. An aggravating factor of this is that TEESIDE has the second highest violent crime in the country, and now has higher knife crime rates per head of population than London or Greater Manchester.

This funding is known as GRIP (Government Related Initiatives Programme). As a result of this Cleveland Police have produced a Problem Profile Analysis document for all ward areas throughout the Cleveland, identifying GRIP Hot Spots. One of the Hot Spot areas is the Newport ward, with CRESCENT ROAD and surrounding Streets identified as a problem location.

Over recent times, the whole country has been and is still affected by the Covid 19 pandemic. During this time various and numerous restrictions have been in place throughout the country and as a result have changed people's habits. As such, alcohol consumption at home has increased. One of the many reasons for this is the mere fact that on licensed premises were closed and when they opened, they initially had restrictions. Other reasons include fear of financial difficulties, social isolation, uncertainty about the future, disruption to health and clinical services, unemployment, having to work on the frontline, working from home, mental health issues, managing children's schooling when the schools were closed, loss of a loved one from Covid 19, the loss of emotional and social support and the fact that rules and regulations are constantly changing and the fear of another lock down.

Continuation statement of:

As a serving Police Officer, the fact that members of the public are consuming more alcohol at home concerns me greatly, at least when members of the public are consuming alcohol in an on licensed premise, there is an element of control with regards to the amount of alcohol consumed and the behaviour of the individual consuming it, i.e., the premise may have Door Supervisors, the person serving the alcohol and the Supervisors of the establishment will all be on duty to monitor the patrons consumption and behaviour. When consuming alcohol in domestic surrounding's, those measures are not in place and in my experience, the more alcohol consumed, the greater the risk that violence will occur.

The relationship between alcohol and violence is complex and consuming alcohol does not inevitably lead to violent behaviour, and most episodes of drunkenness pass without any violence, however, by lowering inhibitions and impairing judgement, alcohol can increase both aggression and the willingness to take risks and in my experience drunkenness can and very frequently does trigger violent behaviour.

Police Licensing along with Fiona Helyer from Public Health visited the premise on Friday 8th September 2023, after a complaint was sent in to the council regarding alcohol related anti-social behaviour occurring in and around the premise. Upon attending the premise, we were met by a female, who was heavily intoxicated stumbling out of the premise with a single can in her hand. She was agitated after being inside the premise as she was refused further alcohol. Once inside it was clear that the two members of male staff were unaware of what our role was and didn't seem to have an understand around the Licensing Act. Whilst in the premise it was also obvious that there was no compliance with conditions on the licence, the two males in the shop were unaware of the actual conditions or where a copy of the licence was kept. The sale of small grip seal bags and plastic /glass

Continuation statement of:

type pipes was worrying. These I have only ever seen in my career as a Police Constable linked to drug use. This again is a concern especially with a school directly over the road.

During the visit we checked the cctv system and it was only retaining for 25 days and not 31 as per the condition on the licence. They had no refusals book or incident on the premise. When we spoke to one of the males, he stated that he hadn't had any training before he started work and no training record could be found in the over stocked back room. Whilst present the male in the store phoned the owner and I spoke with a female. She was advised of the concerns around the small grip seal bags, and she agreed to remove them. It was also raised with her from Fiona that there were several concerns and that she would be in touch.

Further meetings have been held with the owner and his wife and a family friend, who also owned his own licence premise, but didn't seem to understand or help in explaining the situation, to try and work together in working towards the four licensing objectives.

Between Police, Public health, and the council a list of suggested conditions was given to the licence holder to have a look at to help towards running a better premise that doesn't affect the local community. These were declined even after seeking legal representation. As they didn't agree on two conditions, these are the ones that are causing issues in the area.

The owner and his wife have then taken some legal advice and there has been several emails back and forth with Fiona Helyer taking the lead on them. On 31st January 2024 a meeting was held at the police station with the owner, his wife and Alex Smith as they requested it. During the meeting it was still apparent that they were reluctant still to stop

Continuation statement of:

the sale of the single cans and they had recently bought a large amount as they were on offer at the cash and carry, they use.

The volume of single cans on offer with high APV was worrying, along with the selection of litre plus bottles of cider and throughout the meetings with the licence holder and his wife this seems to be their main source of income and they are reluctant to reduce the sale of these items, they have put the price up very slightly but they are causing a negative effect on the local community. Issues around the area have been explained and they were unwilling to acknowledge the issues in the area and could not see the part the store played in the problems. They blamed other stores in the area that also sell these items and if they were to stop then the custom would go to the other stores.

A similar premise in the same Newport Ward was taken to a review hearing in November 2022, due to the same problems and the decision of the sub committee was to revoke the licence. The Licensing Sub-Committee's reasoning was that they believed "The area in which the premise is, and the proximity has encountered a very serious dramatic decline because of frequent alcohol fuelled disorder and anti-social behaviour. Information provided by the business owner, ward councillor, neighbourhood safety officer and the RAs directly or because of the complaints made to them shows a clear pattern of disorderly behaviour taking place in the particular proximity fuelled by access to cheap strong alcohol from the Premises".

In the review hearing the Committee was "therefore satisfied the operation of the Premises is a causal link to the very serious problems in the area and, as a result, the operation at the Premises is seriously undermining the licensing objectives of the promotion of the

Continuation statement of:

prevention of crime and disorder, public nuisance and the protection of children from harm (which includes exposure to drunkenness and disorderly behaviour). They also noted there was no condition on the licence that sets a minimum price or prohibits the sale of single cans and / or what is generally known as super strength beers lagers or cider and therefore it was not illegal in that sense for the Premises to sell such alcohol. However, selling that type of cheap strong alcohol attractive to street and problem drinkers who then go on to cause disorder in the vicinity to the serious detriment to the public clearly undermines the licensing objectives”.

The Committee also stated in their decision “It was clear to the Committee that it was in the control of management to not supply strong cheap alcohol to street / problem drinkers in the area to prevent the resulting disorder and anti-social behavior”.

This would lead us to suggest that a very real solution to some of the issues would be to stop the sale of cheap high ABV alcohol, especially in single bottles and cans. This is by no means a complete solution but would go some way to alleviating the issues and would show the applicants commitment to bettering the area and lighting the way for others to follow suit. At the very least we would hope that it lessened the problems around the store itself taking the onus off the applicant and the staff at the store.

A review of any premises licence is the last resort, and we will always strive to meet the premises needs in other ways before resorting to this however the familiar cycle of issues with the premises have forced our hands. Unfortunately, the running of the premise does not instil us with the confidence that matters could be put right in the short term, leading to further disruption for the residents and possible ASB and disorder. With their continued sale of single can high strength alcohol and large bottles of high ABV white cider we believe that the Licensing Objectives as a consequence are and will continue to be undermined.

Licensing Act 2003 – Review Hearing 15 February 2024
Premises – AJ’s, 39 Crescent Road, Middlesbrough

Additional evidence of Timothy Hodgkinson, Licensing Manager acting on behalf the Licensing Authority

Further to my previous representations submitted on 22 January 2024 and 9 February 2024 I would like to add the following:-

On the morning of 9 February 2024, I visited AJ’s Convenience Store, 39 Crescent Road, Middlesbrough with Fiona Helyer, Public Health Officer from Middlesbrough Council to check compliance with premises licence conditions. Before entering the premises, we walked around the area surrounding the premises taking photographs of discarded alcohol cans and bottles which were littering the area.

We started at Ayresome Primary School, on Crescent Road, directly opposite the premises (approximately 10 metres away), before walking along Worcester Street past the school gates towards Parliament Road, before turning right onto Parliament Road and then right again into Ayresome Gardens. We continued through Ayresome Gardens before coming back out on to Crescent Road. I attached photographs numbered 1 – 8 being photographs taken of alcohol related litter around the school railings and photographs 9 – 43 being photographs of alcohol related litter and drug paraphernalia taken in Ayresome Gardens. The final 2 photographs (nos. 44 & 45) are of the litter bin located directly outside the premises which is often a location for street drinkers to consume alcohol.

When we returned and entered AJs Store at 9.50am I spoke to Arjan Kannan, a male who was working behind the counter. I asked if the licensee was available, and he stated he was not as he was at the hospital with his child. I then asked who was in charge and he pointed to another Asian male, approximately 50/60 years old who was checking shelves on the shop floor. I approached the male and asked if he was in charge. He denied being in charge or that he worked at the premises. He stated that he was a friend of Arjan.

Shortly afterwards Mr & Mrs Tharmeswaran arrived. I asked them whether the male, who was identified by Arjan Kannan as being a Mr Murugan Mani, was working at the premises and they stated that he was not. Mrs Tharmeswaran stated he was ‘just learning’, stacking shelves and helping unload deliveries from cash and carry. She stated that he was not being paid. When Fiona Helyer stated that she had observed Mr Mani working in the store previously Mrs Tharmeswaran reiterated that he was not working but ‘just learning’. I asked Mr Tharmeswaran how he knew Mr Mani and he stated he had met him at his temple. When asked if Mr Mani had a right to work in the UK Mr Tharmeswaran stated that he did not know as he had never checked his right to work in the UK.

I then carried out a review of Premises Licence conditions. The incident book provided had a start date of 9/11/09 on the front cover. The first entry was recorded on 29/1/10 with the last incident recorded as occurring on the premises was dated 7/3/12. Many of the incidents recorded were of accidents rather than incidents of crime and disorder. When I asked Mrs Tharmeswaran why they had not recorded any incidents since 7/3/12 she stated that no incidents had occurred inside the premises. I advised her that there had been 2 incidents involving customers acting in a disorderly/anti-social manner inside the

premises when Fiona Helyer had visited previously. Mrs Tharmeswaran stated that other than those 2 incidents there had been no other incidents. I attach as TH5 photographs of the incident book.

Upon checking the refusals book the last entry/refusal was recorded as occurring on 8/11/23. I would expect that given the nature of the surrounding area, clientele and type of products sold – cheap, high strength alcohol – there would have been far more refusals made by staff. I attach as TH6 photographs of the refusals book.

I then asked to see training records for staff working at the premises and was presented with a staff training log which was empty. I asked Mrs Tharmeswaran why details of staff training were not recorded, and she could not provide an answer. When I asked who delivered the training, she stated that she did it herself as it was easier to deliver in her own language. She stated that she got the training documents from Darlington Council but was unable to produce a copy. I asked Mr Kannan when he last completed training and he stated approximately 7 days ago and that he had only worked at the premises for 10 days. When I asked him what areas the training covered, he stated it covered price of products and how to serve customers. When he was pressed further by Fiona as to training in relation to sale of alcohol, he stated that he would check if someone was 18 years old by asking for ID. I asked if there were any other staff working at the premises and whether they had undertaken training and was informed that the only other person working there was her cousin who had worked at the premises for 6 months. Mrs Tharmeswaran stated that she delivered the training for her cousin but had failed to record it as she had been busy with the kids. I attach as TH7 photographs of the empty staff training record.

In addition, no training had been delivered to Murugan Mani as he was not working at the premises.

We then checked the CCTV footage, and it was recording for the appropriate length of time. Whilst checking the footage we identified Mr Murugan Mani in the premises on a number of occasions –

- 11 January 2024 – serving behind the counter
- 12 January 2024 - serving behind the counter
- 13 January 2024 – on the shop floor
- 14 January 2024 – on the shop floor
- 16 January 2024 – on the shop floor
- 17 January 2024 – serving behind the counter
- 19 January 2024 – on the shop floor
- 20 January 2024 – on the shop floor
- 21 January 2024 – serving behind the counter
- 24 January 2024 – on the shop floor
- 31 January 2024 – on the shop floor

I asked Mr Tharmeswaran why she had previously told me that Mr Mani did not work at the premises when the CCTV clearly showed him at the premises on a number of dates serving customers. She stated that he did not usually serve customers and only did so when another member of staff needed a toilet break or needed something to eat.

At 10.23am I observed a male customer enter the premises and purchase 2 cans of Knight cider.

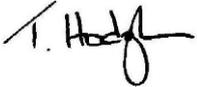
At 10.35am I observed another male enter the premises and purchase a single can of Lancer cider.

As previously stated, the area surrounding these premises suffers badly from alcohol related crime and anti-social behaviour. It is my view that the ongoing poor management, irresponsible sale of alcohol and non-compliance with premises licence conditions is a significant contributing factor to the problems that exist in the area.

This can be demonstrated by Mr & Mrs Tharmeswaran's total disregard for the Premises Licence conditions and to the licensing objectives in general.

The breaches of premises licence conditions were initially identified and brought to the attention of Mr & Mrs Tharmeswaran in September 2023. Despite further visits and meetings these breaches are continuing as of 9 February 2024, some 5 months after they were brought to the attention of the Premises Licence holder.

Signed



Tim Hodgkinson, Licensing Manager

Date__12 February 2024_____

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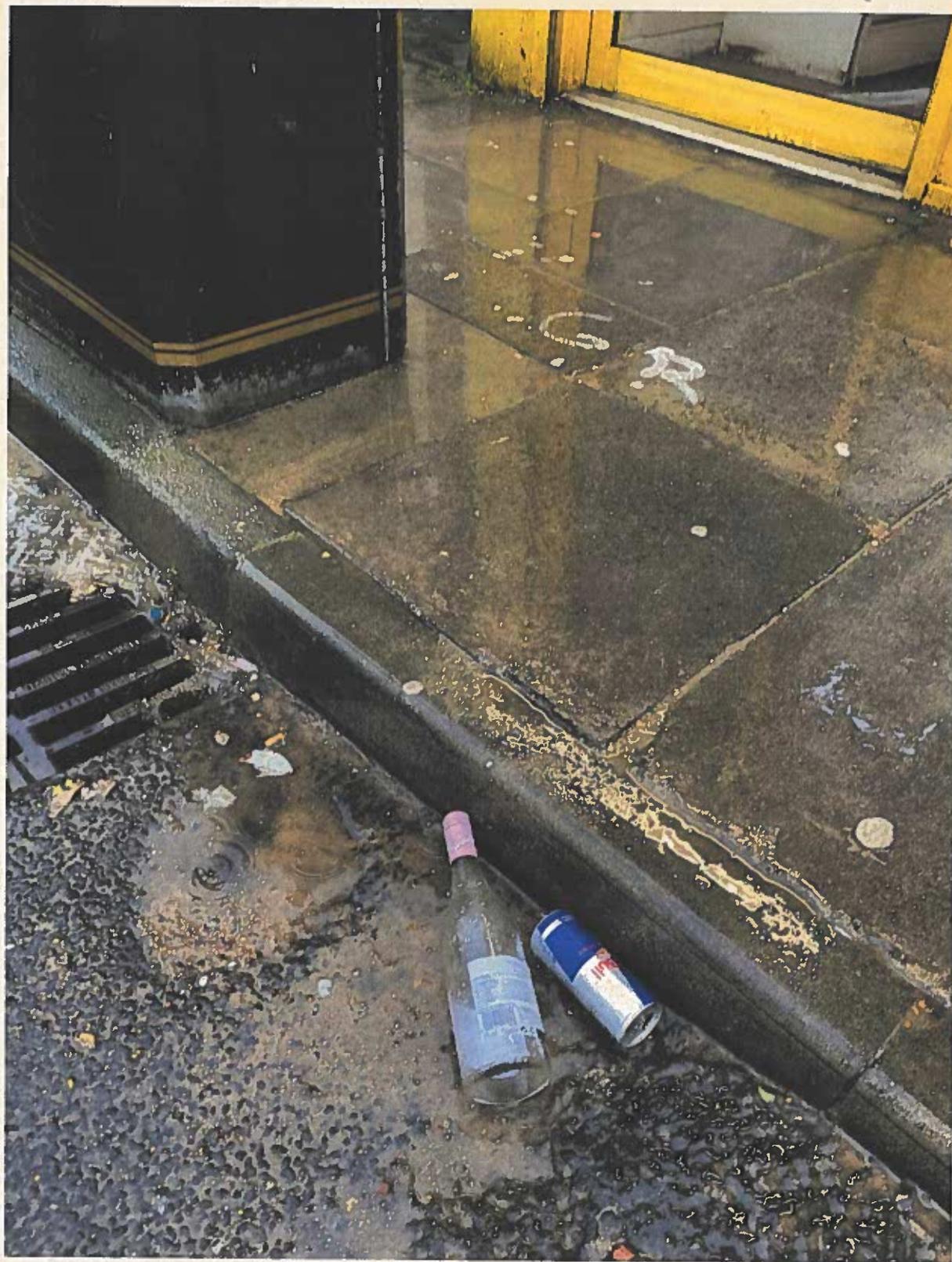






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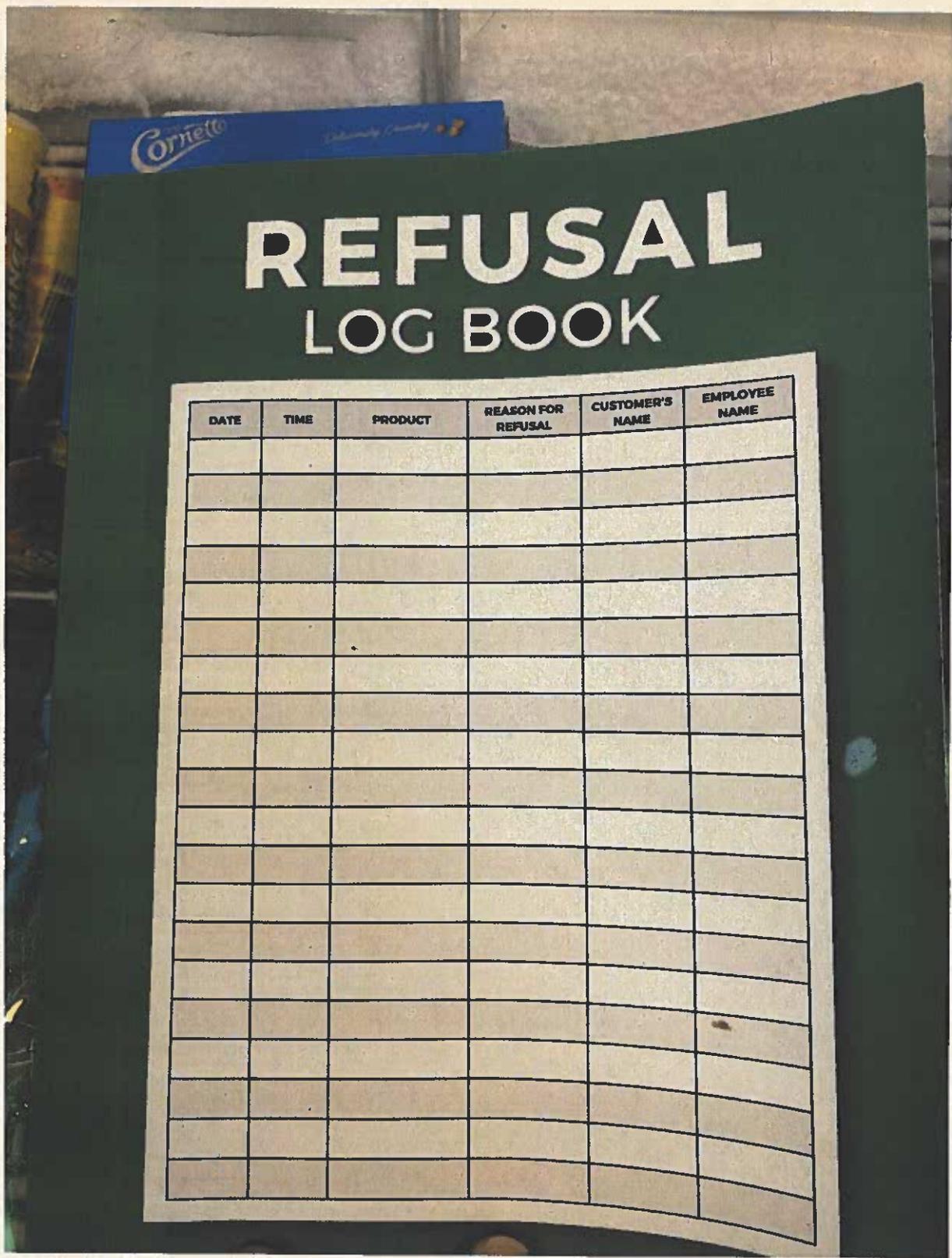


THS

Date and Time	Full Details of Incident	Name of Police Officer (if called)	Is CCTV footage of the incident available Y/N	Date and Name of Police Officer collecting CCTV footage
29/1/10 4:35 PM	SHOPLIFTER CAUGHT + BECAME AGGRESSIVE - FOOTAGE RECOVERED FROM PERSON IN VIEW OF CAMERAS - SHOPLIFTER BECAME VIOLENT + THREATENING - POLICE CALLED	2021 BAKER	Y	DECISION MADE BY PAROLE BOARD NOT TO TAKE MATTER FURTHER
10/2/10 5:45 AM	ATTEMPTED SHOPLIFTING IN SHOP TWO ADULTS ONE MALE, ONE FEMALE. AGGRESSIVE WHEN CONFRONTED - THREATS MADE - BANGS DONE TO DOOR TO COUNTER - POLICE CALLED	NOT TAKEN	Y	PC175 MAUK 303192
22/5/10 15-15	P.C. picks up video of car theft for 22/5/10		Y	
12th July 2010	Little Girl trapped fingers in door. Kenneth Shah 166 Merdon Rd Middlesex			
9/12/10	Guy shouting on front of girlfriend stealing from shop asked to move and then started threatening staff called police Ref No T215042 any problems ME SWAN 46 Worcester Street 6.10pm OUIZ BARNON PC Wilson			
18/5/11	17:30 Man came in drove, his appearance was described as he had a cut to the forehead, he was with a woman, 61.1.1 police called and attended, man walked in room in further action taken.			
24/3/11	Same Man as above - first only correctly came in shop "off his head" was brought to him to house.	NO ACTION	Y	
2/4/11 11:20am	Shaham came in & appeared to be test 1st. He was refused			

Date and Time	Full Details of Incident	Name of Police Officer (called)	Is CCTV footage of the incident available Y/N	Date and Name of Police Officer collecting CCTV footage
30/4/11	4 Loads simplified from alcohol bridge seen past to police		yes	3/5/11
3/8/11	Little lad trapped hand in door.		YES.	
23rd Jan 2012 11:30am	Little lad trapped fingers in door and banged head Roose cotton, 23, Carlrow street 07925436602		yes	
27th Jan 2012 3-16pm	Little girl trapped fingers in door		yes	
7th March 2012 3:35pm	Little boy trapped fingers in the door		yes	

TH6



DATE	TIME	PRODUCT	REASON FOR REFUSAL	CUSTOMER'S NAME	EMPLOYEE NAME

INFORMATION

NAME	AJ'S Convenience Store
ADDRESS	39, Crescent Road, Middlesbrough, TS1 4BW
EMAIL	jeyashmigaa@yahoo.com
PHONE	01642732004
LOG BOOK NUMBER	
CONTINUED FROM	
START DATE	2023 [January]
END DATE	

DATE	TIME	PRODUCT	REASON FOR REFUSAL	CUSTOMER'S NAME	EMPLOYEE NAME
27/01/23	10:30Am	Alcohol (Jack Daniel)	They haven't got ID (looks under age)	-	Arjun
9/2/23	7:30pm	Alcohol (Glens Vodka)	Too much drunk.	-	Jeyasuri
20/4/23	11:00am	Tobacco Sterling	(under age looks) NO ID	-	Thadi
16/6/23	7:30pm	Cigarettes	NO ID	-	Arjun
27/6/23	3:20pm	Cigarettes	(Looks school kid) NO ID	-	Jeyasuri
25/7/23	8:15am	Lottery	Under age NO ID	-	Thadi
9/9/23	3:00pm	Cigarettes (Players)	Under age NO ID	-	Jeyasuri
10/10/23	3:32pm	Au Vodka	Under age no ID	-	Arjun
26/10/23	9:02 pm	vape	[NO ID] Looks like under age	-	Arjun
6/11/23	7:00pm	Elf Bar	under age (boy & girl)	Boy & girl	Jeyasuri
7/11/23	4:47pm	Elf Bar	Look like 17 years old (NO ID)	Boy	Jeyasuri
8/11/23	11:47 Am	Lottery	No ID	Boy	Jeyasuri

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TH7

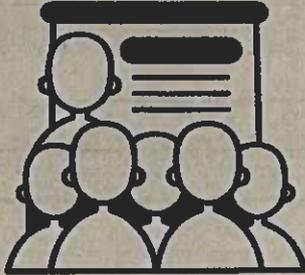
STAFF TRAINING

Log Book



- Undated 12 Months Calendar
- Record Staff Training Sessions
- Size - 8.5 x 11 Inches

A4



STAFF TRAINING LOG BOOK

Company Name:	AJ'S
Address:	39, Crescent Road Middlesbrough. TS1 4AW
Phone/ Email:	01642732004
Contact Person:	Tharshi
Log Book Number:	
Year From:	2023
Year To:	



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LICENSING ACT 2003- REVIEW HEARING 15 FEBRUARY 2024

PREMISES- 39 CRESCENT ROAD, MIDDLESBROUGH

WITNESS STATEMENT OF SAVIOR SELVARASA THARMESWARAN

I, SAVIOR SELVARASA THARMESWARAN, Premises Licence holder at 39 Crescent Road, Middlesbrough state as follows

1. I make this witness statement in response to the various statements made by or on behalf of the Licensing Authority.
2. This statement has been prepared further to face to face discussions with my solicitor. English is not my first language and my solicitor, my wife and a friend have helped me understand the statements prepared by others and put this statement into my own words. My reading and understanding in English is not good and I would need an interpreter if I was to be asked to refer to anything in writing at this hearing and may need assistance from a friend to understand oral questions.
3. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true.
4. I would want to be clear from the outset that I think the general tone of the evidence produced by the Licensing authority is unbalanced and unfair. I am and have made a considerable effort to ensure that we are not a cause of the issues in the area but an active and responsible part of the community which I am part of.
5. I do understand that as a License holder I have obligations to my local community, I respect that and would not wish it to be different. The reality is that recognising the issues in my community I have sought to engage with the Licensing Authority as to their proposed changes to the conditions of the licence and find an agreed way forward. The local authority suggested some 15 amendments to the conditions of the Licence. We agreed 13 of them and immediately implemented the changes. We proposed an amended to another and respectfully rejected one proposal- contrary to this, I think someone reading the evidence presented might consider that we had completely resisted the licensing authority- this is not the case at all.
6. I run a small store, in a deprived area. We are well known and liked. We are in the middle of a cost of living crisis. I do not make a lot of money but notwithstanding this I have paid

for solicitors to give me advice as to how to try and reach a solution with the licensing authority. This matters greatly to me and my family.

7. I attach my solicitor's email of 14 December 2023 as ST1 with a mark-up for the proposed conditions. We had prior to this email implemented every single one of the proposals other than condition 1 & 2. As far as myself and my solicitor understand it, when we recently met Fiona Helyer and Amy Roberts, there was no suggestion whatsoever that we had not done everything that we said would be done and accepted and acted upon all but 2 of the suggested additional conditions.
8. In reference to the above, I therefore do not set out a lengthy response to allegations pertinent to other proposed conditions e.g. training records, length of cctv recordings and the sale of items which can be used in drug use. Contrary to what I think is being implied, I understood all of this, agreed with the proposals, have acted upon them promptly and entirely and there is (or should not be) any suggestion otherwise.
9. The two remaining conditions in dispute/discussion were 1 & 2 only in relation to the sale of single cans of beers, lager or cider and the sale of the same (beer, lager or cider) of over 6.5 ABV. The licensing authority suggest that we do not sell any single cans and no beer lager or cider of over 6.5%
10. In relation to 1, (the Strength of lager and cider), we suggested that in this regard, we would put anything of 6.5 ABV or over behind the counter and would (not that we would sell alcohol of any strength to someone who was drunk) and not sell it to anyone who appeared drunk or under the influence of drugs. Further to my most recent meeting with Fiona Helyer and Amy Roberts, I can agree to act further upon this issue and stop selling Knights Cider (8.4 Abv) or any lager, beer or cider over 6.8%. i.e. we are now agreeing to this proposal save for 0.3 ABV. This is because quite a lot of cider has an ABV of 6.8ABV-6.8ABV for cider is not unusual at all- Knights Cider I accept is very strong and quite cheap (although others in the area sell it at a lower price) and therefore I can agree not to carry on selling this or any other beer or cider over 6.8%. I hope the committee can see that I am doing my best here.
11. In relation to 2, single cans. This is a big issue for me. The community that I serve, generally speaking, is not well off. It is very common for someone to buy a single can of normal strength (e.g. 4 abv) with groceries. There are numerous shops around the area (as the licensing authority have variously accepted to me) that sell single cans (including of over 6.8 abv in strength). If I am told that I must stop selling single cans- it seems to me highly likely that those customers simply go down the road and buy their single cans and all of their groceries at one of my competitors. I respectfully do not see that imposing

this condition on me and not all other stores in the area it could possibly have a material impact on the alcohol related issues in the area. It would however have a material impact on my business. My customers do not always have the money to buy packs of cans- they have enough to buy single cans typically with essential items such as food.

12. When I raise my concerns that conditions are being imposed on our store and not others in the local area, I have been told that this not the case for all stores but the conditions of others are in any event none of my business. My honest view is that on a common sense basis this must be wrong. I get it that it would be beneficial to the community if people were not drunk people on the streets and that alcohol misuse needs to be discouraged. As the licensing authority accept, we refuse alcohol to drunk people. Why would stopping us selling a single can to a customer , and that customer purchasing it from a shop down the road make any difference to the problems in the area? It would not. I also respectfully say that being repeatedly told that others' conditions are none of my business (even where it is accepted that drinks are bought from other shops and drunk outside ours) is not helpful. The other shops are part of this community as we are. We are all invested in preventing crime and disorder and alcoholism. Trying to have a grown up conversation about these things and trying to understand why it is suggested that imposing conditions on us and not others will solve the problems is in my view what I should expect when having these discussions with the local authority.
13. During the course of the discussions with licensing authority, my solicitors have sent a lot of videos (from our cctv) which illustrate that (a) that people often buy alcohol from other premises and then drink them outside of our shop by the bin and (b) that we refuse to sell any alcohol to drunk people. Ms Helyer accepted this at our recent meeting. In respect of (b) this shows that we do care about the purpose of licensing obligations. A & B together, I respectfully say are much more important to understanding the problem and the challenges of dealing with it than any limited (and more probably no) affect that the proposed disputed conditions would have.
14. It is not a matter for me, but I would fully support the local authority imposing a ban on people drinking at all in the streets and policing that. I would also welcome the bin where people congregate outside our shop being moved up the street. We already ask people not to drink outside the premises (whether drinks have been bought from our shop or others, but it is difficult to know that is happening all the time and on occasion we will be ignored. I would also not be objecting to these proposed conditions if they were to be

applied to other local shops. They don't apply to other shops and it makes no sense to me for us to be singled out.

15. I now wish to address a couple of 'incidents' referred in the witness statements of those submitted on behalf of the licensing authority:

a) 8 September 2023- an incident is referred when an intoxicated lady was refused alcohol. It is not true that we do not take our responsibilities seriously- if we didn't we would not have refused to sell this lady alcohol. I don't dispute there is an issue with alcoholism in the area- we acted as prudent persons in refusing the sale. I appreciate our records were not up to scratch at this time but I believe we have corrected that. People were and are trained (sometimes not in English)- they would not have refused alcohol to a drunk person had they not been. There is reference to the sale of items used for drug use (small bags etc). Obviously such items can be used for other things, but we stopped selling them anyway and there is no suggestion otherwise.

b) 22 December 2023- Ms Helyer's statement refers to people who had been drinking beer purchased somewhere else and leaving them outside the shop while purchasing from our shop. It appears to be accepted that the Knights cider was behind the counter in line with my counterproposals to the local authority. I assume that the purchaser did not appear drunk when they were in the shop. Ms Helyer makes a great deal about the amount of alcohol we had in the store room including Knights cider. This was very simply because it was Christmas time and people purchase more alcohol of all kinds around this time, and there had been an offer on at the cash & carry- I respectfully say this should be considered irrelevant to the issues at hand. In Ms Helyer email dated 14 December (ST2) it was said:

Dear Alex,

Thank you for your email outlining your clients' proposals.

I will take some time to look at this along with the other Responsible Authorities involved and will be in touch once we have an outcome.

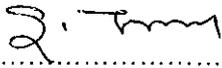
In reference to this, I had understood that following our proposals we would hear further from the licensing authority- I was trying to resolve the perceived issue amicably and sensibly. The next we heard was the notice of the referral to have a license considered

by the committee. This was hugely disappointing and if this was because of the 'incident' of 22 December 2023, my view is that is not a reasonable approach.

16. I respectfully say that this Licensing Committee should be able to see that despite challenges we are trying to be part of the solution. My view is that the proposals we have made (and make in relation to the strength of beer and cider in this statement) would be a reasonable and proportionate response to perceived issues.

Statement of truth

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



.....
SAVIOR SELVARSA THARMESWARAN

12 February 2023

LICENSING ACT 2003- REVIEW HEARING 15 FEBRUARY 2024

PREMISES- 39 CRESCENT ROAD, MIDDLESBROUGH

WITNESS STATEMENT OF SAVIOR SELVARASA THARMESWARAN

EXHIBIT ST1

Alex Smith

From: Alex Smith
Sent: 14 December 2023 11:59
To: Fiona Helyer; jeyashmigaa@yahoo.com
Cc: Amy.Roberts3@cleveland.police.uk>, Tim Hodgkinson <Tim_Hodgkinson@middlesbrough.gov.uk>
Subject: RE: AJ's 39 Crescent Road [ENDVR-ACTIVE.FID18462]
Attachments: Aj's conditions (003) (003).docx

Dear Fiona,

Thanks for your patience.

Our client is keen to come to an agreed solution and stands with you in wishing to ensure that their business has no part to play in anti-social behaviour in the area. I would note that I am instructed that they have done what they reasonably can to engage with what you have proposed. For example, they have already stopped selling items that can be used as drug paraphernalia (notwithstanding you will appreciate that small grip seal bags etc can reasonably be used for multiple other things) and now operate a challenge 25 policy. They further already have a CCTV system- we understand there was an issue that the recordings retained did not go back 31 days (but approximately 27) and this has been resolved.

They do however have to consider their business and consider their community, with many low income families in the midst of a cost of living crisis, who can for example, already buy single cans in numerous places in the very near vicinity.

The attached amended proposed conditions are intended to be a compromise and it would be understood that they may of course be revisited if it is considered that any issue continue.

If however they cannot be accepted then we can deal with the same at review. We would hope that we could agree this compromise and then see what happens over the next few months. If this is not agreed we will refer to this at a forthcoming review. It does seem very clear to me that our client does not wish to facilitate anti-social behaviour.

Many thanks

Alex Smith

Partner

Direct Dial: (+44) 01642 610340

Mobile: (+44) 07753 871727

Fax: (+44) 01642 610330

Website: endeavour.law



Happy Holidays

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From: Alex Smith <A.Smith@endeavour.law>
Sent: 05 December 2023 16:45
To: Fiona Helyer <Fiona_Helyer@middlesbrough.gov.uk>; jeyashmigaa@yahoo.com
Cc: Amy.Roberts3@cleveland.police.uk, Tim Hodgkinson <Tim_Hodgkinson@middlesbrough.gov.uk>
<Amy.Roberts3@cleveland.police.uk>
Subject: RE: AJ's 39 Crescent Road [ENDVR-ACTIVE.FID18462]

Dear Fiona,

Thanks for your email.

I will discuss with our client and revert further shortly.

I would hope that an agreed solution can be found.

Many thanks

Alex Smith
Partner
Direct Dial: (+44) 01642 610340
Mobile: (+44) 07753 871727
Fax: (+44) 01642 610330
Website: endeavour.law



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From: Fiona Helyer <Fiona_Helyer@middlesbrough.gov.uk>

Sent: 05 December 2023 14:43

To: Alex Smith <A.Smith@endeavour.law>; jeyashmigaa@yahoo.com

Cc: Amy.Roberts3@cleveland.police.uk>, Tim Hodgkinson <Tim_Hodgkinson@middlesbrough.gov.uk>
<Amy.Roberts3@cleveland.police.uk>

Subject: RE: AJ's 39 Crescent Road [ENDVR-ACTIVE.FID18462]

Dear Sir/Madam,

Thank you for your email.

Meetings have been held with your client following a number of recent complaints regarding alcohol related anti-social behaviour occurring in and around the above named premises. Prior to the meetings being held, I, along with Police and Licensing Officer's attended the premises and saw first hand some of the behaviours displayed from drunken customers attending the store.

During visits to the premises, it became apparent at a very early stage, that your client had been running these premises for some considerable time (since at least January 23) without the named PLH and DPS, a family member who by his own admission had not been in day to day control or taking any of the profit as he had handed the business over to your clients .

In addition, on two sperate occasions that the premises were visited, numerous breaches of licensing conditions, namely CCTV, training and refusals were not complied with.

Several concerns have been raised with Ms Jeyashmigga and her husband. These concerns relate to the following:

- No transfer application being made for new ownership, trading since January 2023 and taking profit from the business without this being completed.
- PLH and DPS named on the premises licence not in day to day control of the premises, a statutory requirement of the Licensing Act.
- Conditions of the licence being breached, namely CCTV, Training, refusal records.
- Alcohol being displayed next to and in the middle of where sweets are being displayed.
- A high proportion of single cans of high strength alcohol (attractive to street drinkers and alcohol dependants) being sold from the premises, attracting the type of clientele that will go on to cause crime and anti-social behaviour.

- Small grip seal bags being sold and glass pipes at the premises. Whilst it is not illegal to sell such products, it is of concern to Cleveland Police and the Council, as such products are commonly used for the misuse of illegal substances. Ironically during one of our visits, Mrs Jeyashmigga, raised concerns about the number of drug users in the area, including in the local park. As a responsible retailer operating in this area with knowledge of the existing problems encountered with drugs, we would expect them to refrain from selling such products as it may attract the wrong clientele.
- At the time of the visits and during meetings staff at the premises and managing these premises were unable to understand reasonable requests from Officers and communicate any response.

Since 2017, Middlesbrough Council have deemed it necessary to have a Cumulative Impact Policy in place for this area due to the high levels of alcohol related crime and anti-social behaviour and health harms experienced. This policy is in the process of being reapplied, due to persistent problems. It is therefore necessary to ensure that licensed premises are being ran responsibly. In this case, it was felt that they were not, due to the law being breached and a clear lack of understanding around licensing legislation, processes, and compliance.

The Responsible Authorities including representatives of Cleveland Police and Middlesbrough Council's Public Health and Licensing have met with your clients to talk around the issues and possible solutions to the problems and have informed your client that a review application of the premises licence was being considered. As an alternative, we asked your client to consider making a minor variation to voluntarily add the proposed attached conditions which we believe will help to promote the licensing objectives and reduce the crime and anti-social behaviour experienced in and around the premises.

As you are probably aware, the Licensing Act does not allow blanket conditions to be added to all Premises Licence, each licence must be assessed on its own merit and conditions applied accordingly, to promote the licensing objectives. However, that said, I can confirm that there are a number of premises licences in Middlesbrough that have been recently reviewed and have had similar conditions imposed.

I hope this explains the current position. In relation to your suggestion that we give your client a reasonable period of time of trading, I must again point out that your clients have been in control of this premises for some considerable time and have consistently breached conditions attached to the premises licence even when these issues were brought to their attention.

I would be grateful if you could reconsider the proposed conditions above and let me know your views so that the Police and Council can consider the next course of action.

Representatives of the Police and Council are happy to meet with you and your client once you have had the time to advise accordingly.

Regards
Fiona

Fiona Helyer
Public Health Officer
Alcohol & Licensing

Public Protection Service
PO Box 505, Civic Centre, Middlesbrough, TS1 9FZ, Tel. (01642) 728717

(SAT NAV postcode is TS1 2RH)

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From: Alex Smith <A.Smith@endeavour.law>

Sent: Monday, 04 December 2023 15:12

To: Amy.Roberts3@cleveland.police.uk>, Tim Hodgkinson <Tim_Hodgkinson@middlesbrough.gov.uk
<Amy.Roberts3@cleveland.police.uk>; Fiona Helyer <Fiona_Helyer@middlesbrough.gov.uk>

Cc: jeyashmigaa@yahoo.com

Subject: RE: AJ's 39 Crescent Road [ENDVR-ACTIVE.FID18462]

Importance: High

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Dear Ms Helyer.

We have been instructed by the new Licensee of this premises.

Would it be possible please for you to provide some detail to us as to why it is considered to be necessary for each condition to be put into place so that we may advise our client accordingly? I assume this relates to historic issues i.e. during a period of a previous license. Can it not be agreed that this can be revisited further to a short period of trading with the current licensee? I know from our discussion that the Licensee is committed to ensure that there is no anti-social behaviour, but obviously wishes where possible for the conditions not to adversely affect the stores trading. There are other premises in the vicinity that they understand do not have comparable conditions to that suggested.

Lastly, I would be grateful if the proposed meeting tomorrow can be put back until a reasonable period after we have had a response to the above query in order that our client can receive an adequate opportunity to obtain advice. It may also be prudent for us to attend a meeting.

I look forward to hearing from you.

Many thanks

Alex Smith
Partner

Direct Dial: (+44) 01642 610340
Mobile: (+44) 07753 871727
Fax: (+44) 01642 610330
Website: endeavour.law



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From: Fiona Helyer <Fiona_Helyer@middlesbrough.gov.uk>

Date: 30 November 2023 at 10:42:28 GMT

To: sutharshini Tharmeswaran <jeayashmigaa@yahoo.com>

Cc: "Amy Roberts (Amy.Roberts3@cleveland.police.uk)"

<Amy.Roberts3@cleveland.police.uk>, Tim Hodgkinson

<Tim_Hodgkinson@middlesbrough.gov.uk>

Subject: RE: AJ's 39 Crescent Road

Dear Madam,

A meeting has been held with representatives of the Police, Public Health and licensing following your last telephone conversation where you indicated you were not willing to accept some of the proposals made.

Moving forward, I am proposing that we meet again to discuss the action that has been agreed between the Responsible Authority representatives.

I have organised a meeting to take place at 1pm on Tuesday 5 December at Middlesbrough Police Station. I would be grateful if you could confirm by return of email if you are able to make this time and date.

I look forward to hearing from you.

Kind regards

Fiona

Fiona Helyer
Public Health Officer
Alcohol & Licensing

Public Protection Service
PO Box 505, Civic Centre, Middlesbrough, TS1 9FZ, Tel. (01642) 728717

(SAT NAV postcode is TS1 2RH)

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<image001.jpg>

From: sutharshini Tharmeswaran <jevashmigaa@yahoo.com>
Sent: Friday, 10 November 2023 11:27
To: Fiona Helyer <Fiona_Helyer@middlesbrough.gov.uk>
Subject: Re: AJ's 39 Crescent Road

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Dear Madam,

I received my premises license on Monday. Thank you so much for your decision.

I always be grateful to your support . Thank you so much.

On 10 Nov 2023, at 08:53, Fiona Helyer
<Fiona_Helyer@middlesbrough.gov.uk> wrote:

Dear Madam,

Following the meeting held at Middlesbrough House on Thursday 26 October where a number of licensing conditions were proposed for the above premises I wanted to make contact to see whether you had considered the proposal and what your thoughts are for moving forward.

I would be grateful if you could contact me and let me know the decision you have come to.

Kind regards
Fiona

Fiona Helyer
Public Health Officer
Alcohol & Licensing

Public Protection Service
PO Box 505, Civic Centre, Middlesbrough, TS1 9FZ, Tel.
(01642) 728717

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LICENSING ACT 2003- REVIEW HEARING 15 FEBRUARY 2024

PREMISES- 39 CRESCENT ROAD, MIDDLESBROUGH

WITNESS STATEMENT OF SAVIOR SELVARASA THARMESWARAN

EXHIBIT ST2

TYPES / STRENGTH / DISPLAY OF ALCOHOL

1. ~~All~~ No beer, lager or cider of over 6.5 ABV (alcohol by volume) shall be displayed only behind the shop counter. No beer, lager or cider of over 6.5 ABV or any alcohol over this ABV shall be sold to anyone who appears to be intoxicated or under the influence of drugs. ~~or above shall be displayed or sold at any time at the premises.~~
2. ~~The Premises will not sell or supply any single cans of beer, lager, cider.~~
3. ~~2.~~ Alcohol must only be displayed in the areas identified for display of alcohol on the plan attached to the Premises Licence or such other area as agreed with the Licensing Authority subject to the display area not exceeding 10% of the display area outside of the counter, for all goods.
4. ~~3.~~ The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.
5. ~~4.~~ The premises will not display/ supply or sell any items that can be deemed as drug paraphernalia e.g. small grip seal bags, glass smoke pipe, bongs, grinders etc. If in doubt the premises licence holder/Designated premises supervisor will take advise from representatives of Cleveland Police licensing.
6. ~~5.~~ The Premises Licence Holder/Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.

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Conditions that premises already have and to be considered for changing to revised wording:

CHALLENGE 25 (they operate a challenge 21 at the moment)

1. Staff must require ID in the form of a current ten-year passport, photo card driving licence or PASS logo identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made
2. Notices must be placed in a prominent position advising customers the Premises operates a challenge 25 policy and all customers who appear under the age of 25 will be challenged for ID.

STAFF TRAINING

1. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003 including but not limited to the companies Age Verification Policy, Under Age Sales, Proxy Sales and Sales to Intoxicated Persons.
2. In addition, relevant staff shall also be trained on specific Premises Licence conditions attached to this Premises Licence.
3. Such training will be provided upon company induction and at regular intervals of no longer than six months.
4. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training.
5. Documented training records must be kept at the Premises and made available to the police, trading standards or licensing officers on request and / or during an inspection.

39 Crescent Road

INCIDENT BOOK

1. An incident book must be kept at the Premises and maintained up to date at all times recording the time date and details of all incidents of crime and disorder or anti-social behaviour at the premises or directly outside of the premises. The incident book must be made available to the police, trading standards and / or licensing officers on request or during an inspection.

REFUSALS REGISTER

1. A refusals register must be kept at the Premise and maintained up to date at all times recording the date time and reasons for every refusal to sell alcohol to a customer. The refusals record must be made available to the police, trading standards and / or licensing officers on request or during an inspection

CCTV

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
- Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
- The system will record and retain CCTV footage for a minimum of 31 days
- The system will record for 24 hours a day.
- The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
- There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
- CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises

The premises will place and maintain CCTV signs on all exits from the premises both inside and out as a reminder to customers and staff that their behaviour is being monitored.

39 Crescent Road

LICENSING ACT 2003- REVIEW HEARING 15 FEBRUARY 2024

PREMISES- 39 CRESCENT ROAD, MIDDLESBROUGH

WITNESS STATEMENT OF SAVIOR SELVARASA THARMESWARAN

EXHIBIT ST3

Alex Smith

From: Alex Smith
Sent: 14 December 2023 15:50
To: Fiona Helyer; jeyashmigaa@yahoo.com
Cc: Amy.Roberts3@cleveland.police.uk>, Tim Hodgkinson <Tim_Hodgkinson@middlesbrough.gov.uk
Subject: RE: AJ's 39 Crescent Road [ENDVDR-ACTIVE.FID18462]

Dear Fiona,

Many thanks for this.

I look forward to hearing from you in due course.

Best wishes

Alex Smith

Partner

Direct Dial: (+44) 01642 610340

Mobile: (+44) 07753 871727

Fax: (+44) 01642 610330

Website: endeavour.law



Happy Holidays

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From: Fiona Helyer <Fiona_Helyer@middlesbrough.gov.uk>
Sent: 14 December 2023 15:45
To: Alex Smith <A.Smith@endeavour.law>; jeyashmigaa@yahoo.com
Cc: Amy.Roberts3@cleveland.police.uk>, Tim Hodgkinson <Tim_Hodgkinson@middlesbrough.gov.uk
<Amy.Roberts3@cleveland.police.uk>
Subject: RE: AJ's 39 Crescent Road [ENDVR-ACTIVE.FID18462]

Dear Alex,

Thank you for your email outlining your clients' proposals.

I will take some time to look at this along with the other Responsible Authorities involved and will be in touch once we have an outcome.

Kind regards
Fiona

Fiona Helyer
Public Health Officer
Alcohol & Licensing

Public Protection Service
PO Box 505, Civic Centre, Middlesbrough, TS1 9FZ, Tel. (01642) 728717

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From: Alex Smith <A.Smith@endeavour.law>
Sent: Thursday, 14 December 2023 11:59
To: Fiona Helyer <Fiona_Helyer@middlesbrough.gov.uk>; jeyashmigaa@yahoo.com
Cc: Amy.Roberts3@cleveland.police.uk>, Tim Hodgkinson <Tim_Hodgkinson@middlesbrough.gov.uk
<Amy.Roberts3@cleveland.police.uk>
Subject: RE: AJ's 39 Crescent Road [ENDVR-ACTIVE.FID18462]

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Dear Fiona,

Additional Evidence presented by Middlesbrough Council, Responsible Authority for health, against the application for a premises licence in respect of premises situated at 39 Crescent Road, Middlesbrough the Licensing Act 2003

Further to the representation and evidence submitted on behalf of Middlesbrough Council's Public Health in respect of AJs off licensed premises, 39 Crescent Road, Middlesbrough I wish to add the following:

At 09:50 hours on Friday 9 February 2024, I attended the above premises with Tim Hodgkinson, licensing manager of Middlesbrough Council following a walk around the area of where the premises are situated. This included a walk around the perimeter of the school directly opposite the premises, along Worcester Street, Parliament Road and then around Ayresome Gardens which is situated approximately 75 metres away from the premises.

During the walkaround I saw several discarded empty cans of lagers/beers/ciders around the perimeter wall and through the railings of the school. The brands of such included cans of Knights cider, Fosters and Lancer. There were also several empty Jack Daniels miniature bottles. Whilst walking around Ayresome Gardens I saw more discarded cans and miniature bottles. There was also discarded drugs paraphernalia including used syringes, empty tablet packets and used condoms.

When we had completed the walkaround we visited the premises. The reason for the visit was to carry out a further compliance check of licensing conditions and to look at the alcohol being sold from the premises.

On entry to the premises, I noticed that there was two members of staff, one was on the shop floor tidying shelves. This male was later identified as Mr Murugan Mani. The male serving behind the counter area identified himself as Arjan Kannan. Mr Hodgkinson identified himself to both males and asked if Mr Tharmeswaran was present. He was advised by Arjan Kannan that Mr Tharmeswaran was not present, he then asked who was in charge? Arjan Kannan immediately pointed to Murujan Mani. Mr Mani denied being in charge and even working at the premises. A brief discussion ensued between Mr Argan and Mr Mani, but I was unable to understand the conversation as it was not in English.

I identified myself to the male on the shop floor, Mr Mani, and asked if it was ok for me to look at the alcohol displayed for sale.

Whilst at the premises I made a note of some the alcohol on display in the fridge and behind the counter area that had an ABV content of 6.5% or above and the price. These were as follows:

Brand	Size of container	ABV content	Price
Knights	500ml	8.4%	£1.70
Carlsberg Special	500ml	7.5%	£2.99
Lancer	500ml	7.5	£1.29

Frosty Jacks	1litre	7.5%	£2.99
Frosty Jacks	2.5 litre	7.5%	£5.99
3 Hammers	2.5 litre	7.5%	£5.99
White Storm	2 Litres	7.5%	£3.79
Black Storm	2.5 litres	7.5%	£5.69
Omega	2.5 litres	7.5%	£5.99
Festini	1.5 litre	6.8%	£3.79
Lambrini	1.5 litre	6.8%	£4.49
Bellabrusco	1.5 litre	6.8%	£4.79
Bellabrusco	75cl	6.8%	£2.69
Lambrini	75cl	6.8%	£3.49
Henry Westons	500ml	8.2%	£2.49
Dragon Soop	500ml	7.5%	RRP on can £3.29

Whilst noting this information I observed Mr Mani walk into the stock room. I then heard him talking to someone. A few minutes later Mr Tharmeswaran, the PLH entered the store along with his wife and child. A conversation was had between all parties present about Mr Mani and his role at the premises as there had been conflicting information received.

Mr Tharmeswaran advised Tim Hodgkinson that Mr Mani was a family friend and that he was learning at the premises, not working, that he didn't get paid and that he knew him as they both visited the same temple. He advised that he didn't attend the premises regularly. Mrs Tharmeswaran handed the child to Mr Mani, and he went outside.

Mr Tharmeswaran was then asked to see the training records for staff working at the premises. He was told that there was only two members of staff which included Mr Kannan who was present and a cousin. Mr Tharmeswaran was unable to show any documented staff training records, but his wife produced a folder that contained documents of training that she said was delivered to staff but translated into their language as it was easier for them to understand. They had received the documents from Darlington Council as they had managed premises previously in that area.

Mr Hodgkinson asked Mr Argan what training he had completed since starting at the premises which he struggled to answer. I then asked what training he had received in relation to the sale of alcohol he advised that he checked ID to make sure the person was 18 years old.

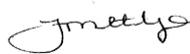
Whilst speaking to Mr Tharmeswaran and his wife, I noticed that there were several miniature bottles displayed behind the counter alongside bottles of spirits. It is widely known in Middlesbrough that miniature bottles of spirits are a popular choice amongst street drinkers and those that are suffering with alcohol dependency and that they are often purchased alongside a single can of beer/lager/cider. There were also two crates of knight's cider on the floor.

Whilst at the premises we entered the stock room to check CCTV and the retention of it. Mr Tharmeswaran attempted to show the CCTV from the monitoring station in his stock room but for some reason he was unable to playback the CCTV footage which resulted in him using his mobile telephone. As I waited to see the CCTV, I counted 9 more cases of Knight's cider stacked.

I took several photographs of the alcohol on display, within the stock room and on the shop floor whilst at the premises Exhibit Ref FMH/7.

Whilst viewing the CCTV from Mr Tharmeswaran's phone I noticed that Mr Mani, the male that Mr Tharmeswaran had confirmed was not working at the premises, was present on most days between the 11th- 31 January 24. He could be clearly seen on the CCTV footage serving behind the counter area and on the shop floor. When this was brought to the attention of Mr and Mrs Tharmeswaran, Mrs Tharmeswaran suggested that he helped when a member of staff needed a comfort break. They both continued to deny Mr Mani worked at the premises.

When asked if they had seen documents from their staff to confirm that they were allowed to work in the UK, they both confirmed they hadn't.

Signature: 

Dated: 13.02.24

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WITNESS STATEMENT

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

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Statement of: **PC 2495 Amy ROBERTS**Age if under 18: **O-18** (if over 18 insert "over 18") Occupation: **Police service**

This statement (consisting of 2 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


: **A Roberts**Date: **14/02/2024**Tick if witness evidence is visually recorded (supply witness details on rear)

Further to my statement dated 7th February 2024, Tim Hodgkinson from Middlesbrough council collected a USB from AJ's, 39 Crescent Road, Middlesbrough on 16th January 2024. I was handed this shortly after. After going through some of the clips I have the following which has been shared.

AR/1 is a camera from inside the store, from 17th December 2023 at 0915hrs a young male with his hood up enters the shop and buys 2 single cans of Knights cider, after the purchase he goes outside the shop at 0917hrs and opens one of the cans and uses the bin as a bar and starts drinking one of the cans.

AR/2 is an outside camera that is from the same date and follows the male from above as he walks outside the store, he starts drinking one of the cans of alcohol, he then moves his bike to the front of a residential property, so he isn't blocking the path and continues to drink from the opened can of alcohol. The member of staff at 0919hrs comes out and puts a tissue in the bin and goes back inside. He doesn't seem to speak to the male to ask him to move away, he only seems to smile at him. The male is then seen to move away at 0921hrs.

Continuation statement of:

AR/3 is the outside camera on 17th December 2023 at 1447hrs, it shows a male exiting the store with a can of alcohol and stands at the bin drinking it. The footage shows some families crossing the road as they approach the location where he is stood to move away. The male is seen at 1503 to finish the can of alcohol and puts it into the bin, 1506hrs he goes back into the store and purchases another can and at 1507hrs he is stood again outside drinking the can of alcohol.

AR/4 is an inside view of the shop which covers the till area and the outside of the shop door. At 1511 hrs the same male mentioned above is still outside drinking his can. At 1517hrs when the clip ends the male is still outside drinking his second can of alcohol.

This shows that customers are hanging around the store after buying alcohol from it, local residents are moving away from the front as they don't want to walk past someone who is drinking, and the members of staff are not working with the operating schedule as per the condition "polite dissuasion of the consumption of alcohol outside the premise after sales".