

RESTRICTED (when complete)

CLEVELAND POLICE

WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of **Andrew THORPE**

Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 0894**

This statement (consisting of **5** 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 anything in it, which I know to be false, or do not believe to be true.

Signature **Andrew Thorpe** Date: **10/10/2022**

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

I am a serving police officer with Cleveland Police. I am currently stationed with the Licensing Support Unit at Middlesbrough Police HQ and have attained a BIIAB Level 2 Award for Licensing Practitioners and a BIIAB Level 2 for Legislative Requirements for Alcohol Licensed Premise and the Assessment for recognised Award Schemes.

Part of my role as a licensing support officer is to monitor licensed premises within all four districts of the Cleveland Police area, including Middlesbrough, 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 & 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 The Lifestyle Express Store, Princes Road, Middlesbrough, as we believe that the store has

Signature **PC894 A Thorpe** Signature Witnessed by _____

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failed to uphold three of the four of the Licensing Objectives, namely Crime & Disorder, Prevention of Public Nuisance, and Public Safety.

The Lifestyle Express store, 22-24 Princes Road, Middlesbrough is a busy convenience store situated on a busy residential road with a mixture of residential and business premises. The area has historically been part of the council's Cumulative Impact Area (CIA) which has lapsed but the council are seeking to reinstate in the very near future and this area will again be part of this for very good reason.

During 2019/2020 we had several meetings with the Designated Premise Supervisor (DPS) Mr Naveed, regarding on going issues of street drinking, disorder and crime which were linked to the sale of alcohol from the premise. Mr Naveed agreed to an Action Plan which was in full flow with positive results as of January 2020 until the pandemic hit causing lockdowns and restrictions.

After the lifting of restrictions, the store fully re-opened and Mr Naveed handed the reigns over to Mr Iqbal, although Mr Naveed remains on the licence as the named DPS. The incidents have again slowly increased, with the premise again selling stronger cans of beer, cider and lager and selling them as individual cans at a cost of between 99p and £1.20 a can.

The incidents have reached a crescendo with street drinking, Anti-social behaviour and nuisance being a daily occurrence and the familiar black cans of cheap high ABV cider being

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ever present. Street Enforcement and the Neighbourhood Police team have both taken steps to deal with the issues and have visited the store on a number of occasions.

Police Licensing along with Public Health visited the premise on Friday 15th July 2022. On arrival we immediately saw two females arguing outside the shop, the arguing was becoming more intense, and the situation was escalating. We had to step in to put a stop to the incident. As the situation was calming and the females were walking away a male across the road drinking from a Black can began to shout across the road at the officers. I approached the male who was drinking a can of Knights cider which is sold from the store we were attending, and he had another can of the same drink next to him. Knights is a high ABV (8.4% ABV) and low cost (£1.20 a can sold as single cans). He was clearly drunk, his eyes glazed, and his speech slurred. The male was spoken and told to leave the area. These types of incidents are not unusual in this area.

On entering the store and looking around we saw Perry products for sale on the shelves (a breach of the premise licence conditions), high ABV single cans of cider making up a large portion of the alcohol for sale, and the majority of litre plus bottles of cider were again high ABV. Mr Iqbal was serving and watching over the store and when asked confirmed that he was in charge and that he had been running the business since last year. He was asked why Mr Naveed was still named as DPS on the licence, but Mr Iqbal had no satisfactory answer. As we were of the opinion that there was no DPS in day-to-day control of the premises Mr Iqbal was asked to refrain from the sale of alcohol until the matter was resolved, removing alcohol from floor displays, covering the refrigerated alcohol and refusing any further

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requests for sale. Mr Iqbal agreed to this and was seen to refuse the next few customers' service of alcohol while we were there.

Police Licensing, Public Health, Council Licensing and Street Enforcement officers attended the store again on Tuesday 19th July 2022 at 13:15 hours. Mr Iqbal was again in attendance, but Mr Naveed was also there serving from behind the counter. Mr Naveed stated he was there as DPS and when asked considered that he was in day-to-day control of the premises. Mr Naveed was asked to demonstrate the CCTV, he stated that there had been some problems with the CCTV. When he tried to go back to show us footage from previous days it was found that CCTV was only on from that day and no previous CCTV had been recorded. This was despite our visit on Friday 15th July and the council's visit on Monday 18th July when Mr Iqbal had been asked about the CCTV on both occasions. Mr Naveed was then asked to produce Training records, the incident book and the refusals book. Mr Naveed produced three books which all looked brand new, in fact the training record had a price label on it which looked new. There were entries in the training book and the refusals log, but they all looked to be in the same pen and by the same person. The books were seized as evidence.

Mr Naveed attended the Civic Centre, Middlesbrough for a meeting with responsible authorities regarding the issues at Lifestyle Express. He explained that for the past two weeks he had been there on the Monday of both for a maximum of two hours and estimated his regular attendance as four hours a week which I do not believe fulfils his obligation of day to day running of the premise. He does not have responsibility for stock, staff wages, or other managerial duties and holds down a part time job elsewhere. He was unwilling to

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acknowledge the issues in the area and could not see the part the store played in the problems. He also said that on re-opening after the COVID restrictions he did not continue with the Action Plan that had been agreed in January 2020 which he did agree probably did not help.

We have since received an application to vary the Designated Premises Supervisor for the premises which we have objected to awaiting the outcome of this review hearing.

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.