

**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 its 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**

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

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
Sale of Alcohol

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

<b>The opening hours of the premises</b>
Monday to Sunday: 7am - 11pm

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

**Part 2**

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

Mr Savior Selvarasa Tharneswaran

[REDACTED]  
Middlesbrough

[REDACTED]

**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

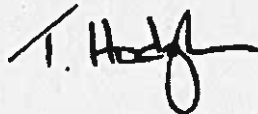
[REDACTED]  
Middlesbrough

[REDACTED]

**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**

## 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.
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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



[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**

<b>Name and address</b> Amy ROBERTS Licensing Officer Cleveland Police Middlesbrough Police Station Bridge Street West Middlesbrough TS21AB
<b>Telephone number (if any)</b> 01642 303175
<b>E-mail address (optional)</b> 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 8<sup>th</sup> 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

**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](mailto: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:

- |   |                                  |
|---|----------------------------------|
| X | Prevention of Crime and Disorder |
| X | Prevention of Public Nuisance    |
| X | Public Safety                    |
| X | 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.

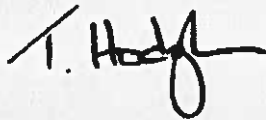
For a number of years Newport Ward has been included in an area covered by Cumulative Impact Policies for both On and Off Licence Premises. Whilst these policies have lapsed

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**

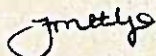
I am writing to advise you that as the Responsible Authority for Public Health a representation has been made to the Licensing Authority in support of the review application made by Cleveland Police in respect of the above premises.

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:

- |   |                                   |
|---|-----------------------------------|
| x | Prevention of Crime and Disorder  |
| x | Prevention of Public Nuisance     |
| x | Public Safety                     |
| x | 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 [jeashmigaa@yahoo.com](mailto:jeashmigaa@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 5<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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.

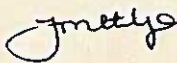
There is a clear lack of knowledge and understanding displayed from all staff working at the premises, including the premises licence holder/Designated Premises Supervisor. There have been several clear breaches of licensing conditions identified. Illegality in one area of the law may demonstrate a willingness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

