

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).

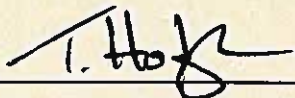
As we were having difficulty accessing the CCTV I requested that Mr Tharmeswaran download footage from the external CCTV covering the outside of the premises and from the internal camera covering the counter between the hours of 7am – 11pm on 17 December 2023.

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.

