

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

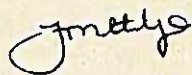
**LICENSING ACT 2003**

**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](mailto: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 5<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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
<b>Total</b>	<b>5677</b>	<b>24192</b>	<b>29869</b>

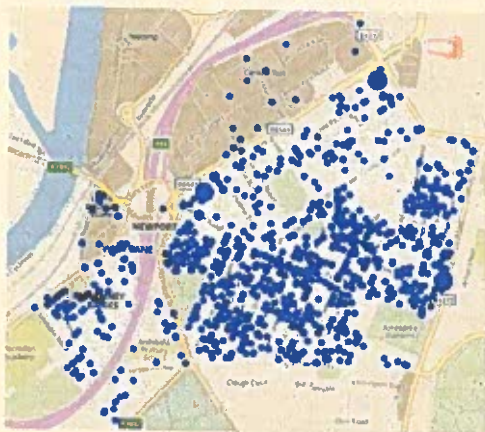
Both Newport and Central wards border each other and are similar in profile regarding the top 5 categories of crime that include violence against the person, theft and handling stolen goods, ASB, criminal damage and drugs offences.

Newport	2978	Central	6907
Violence Against The Person	1211	Violence Against The Person	2707
491		Theft and Handling Stolen Goods	1664
Theft and Handling Stolen Goods	484	1083	
Criminal Damage	261	Criminal Damage	494
Drug Offences	166	Drug Offences	271
Burglary	146	Other Offences	196
Sexual Offences	74	Burglary	192
Robbery	70	Sexual Offences	171
Other Offences	65	Robbery	115
NFIB Fraud	9	NFIB Fraud	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 13<sup>th</sup> 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 4<sup>th</sup> 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.

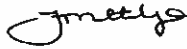
Several attempts have been made to work with the Premises Licence Holders and representatives of the business however there seems to be an unwillingness to make change in the areas that is most needed.

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

Exhibit Ref FMH/1 – AJ's, 39 Crescent Road -



Witness: Claire Williams-King

Exhibits: CWK1

Date Statement made: 6<sup>th</sup> 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



Exhibit CWK 6



**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 town

Middlesbrough

Post code

TS1 4QW

Telephone number

01642 732004

Where the licence is time limited the dates

N/A

Licensable 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

Part 2

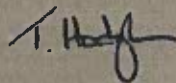
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence  
Mr Sunthararejan Alakumani  
8 Dorothy Street  
Middlesbrough  
TS3 6JD  
[a.sunthar@hospa.com](mailto:a.sunthar@hospa.com)  
07805034034

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



424 Crescent Rd-Oxford St PT2



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 27<sup>th</sup> 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 29<sup>th</sup> 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 .....

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 2<sup>nd</sup> can by debit card, which he did and then left. This male appeared to be unkept, and dirty.
10. The 2<sup>nd</sup> 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](http://www.middlesbrough.gov.uk)

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

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**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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Exhibit Ref FMH-6 - AJ's - 39 Crescent Road - photographs taken 22.12.23



Exhibit Ref FMH-6 - AJ's - 39 Crescent Road - photographs taken 22.12.23

