

RESTRICTED (when complete)

WITNESS STATEMENT

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

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Statement of: **Amy Roberts**

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

This statement (consisting of **6** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature  : **A Roberts**

Date: **07/02/2024**

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

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

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

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

RESTRICTED (when complete)

Continuation statement of:

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

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

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

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

Continuation statement of:

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

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

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

Continuation statement of:

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

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

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

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

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

Continuation statement of:

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

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

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

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

Continuation statement of:

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

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

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

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