

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 representations submitted on 22 January 2024 and 9 February 2024 I would like to add the following:-

On the morning of 9 February 2024, I visited AJ’s Convenience Store, 39 Crescent Road, Middlesbrough with Fiona Helyer, Public Health Officer from Middlesbrough Council to check compliance with premises licence conditions. Before entering the premises, we walked around the area surrounding the premises taking photographs of discarded alcohol cans and bottles which were littering the area.

We started at Ayresome Primary School, on Crescent Road, directly opposite the premises (approximately 10 metres away), before walking along Worcester Street past the school gates towards Parliament Road, before turning right onto Parliament Road and then right again into Ayresome Gardens. We continued through Ayresome Gardens before coming back out on to Crescent Road. I attached photographs numbered 1 – 8 being photographs taken of alcohol related litter around the school railings and photographs 9 – 43 being photographs of alcohol related litter and drug paraphernalia taken in Ayresome Gardens. The final 2 photographs (nos. 44 & 45) are of the litter bin located directly outside the premises which is often a location for street drinkers to consume alcohol.

When we returned and entered AJs Store at 9.50am I spoke to Arjan Kannan, a male who was working behind the counter. I asked if the licensee was available, and he stated he was not as he was at the hospital with his child. I then asked who was in charge and he pointed to another Asian male, approximately 50/60 years old who was checking shelves on the shop floor. I approached the male and asked if he was in charge. He denied being in charge or that he worked at the premises. He stated that he was a friend of Arjan.

Shortly afterwards Mr & Mrs Tharmeswaran arrived. I asked them whether the male, who was identified by Arjan Kannan as being a Mr Murugan Mani, was working at the premises and they stated that he was not. Mrs Tharmeswaran stated he was ‘just learning’, stacking shelves and helping unload deliveries from cash and carry. She stated that he was not being paid. When Fiona Helyer stated that she had observed Mr Mani working in the store previously Mrs Tharmeswaran reiterated that he was not working but ‘just learning’. I asked Mr Tharmeswaran how he knew Mr Mani and he stated he had met him at his temple. When asked if Mr Mani had a right to work in the UK Mr Tharmeswaran stated that he did not know as he had never checked his right to work in the UK.

I then carried out a review of Premises Licence conditions. The incident book provided had a start date of 9/11/09 on the front cover. The first entry was recorded on 29/1/10 with the last incident recorded as occurring on the premises was dated 7/3/12. Many of the incidents recorded were of accidents rather than incidents of crime and disorder. When I asked Mrs Tharmeswaran why they had not recorded any incidents since 7/3/12 she stated that no incidents had occurred inside the premises. I advised her that there had been 2 incidents involving customers acting in a disorderly/anti-social manner inside the

premises when Fiona Helyer had visited previously. Mrs Tharmeswaran stated that other than those 2 incidents there had been no other incidents. I attach as TH5 photographs of the incident book.

Upon checking the refusals book the last entry/refusal was recorded as occurring on 8/11/23. I would expect that given the nature of the surrounding area, clientele and type of products sold – cheap, high strength alcohol – there would have been far more refusals made by staff. I attach as TH6 photographs of the refusals book.

I then asked to see training records for staff working at the premises and was presented with a staff training log which was empty. I asked Mrs Tharmeswaran why details of staff training were not recorded, and she could not provide an answer. When I asked who delivered the training, she stated that she did it herself as it was easier to deliver in her own language. She stated that she got the training documents from Darlington Council but was unable to produce a copy. I asked Mr Kannan when he last completed training and he stated approximately 7 days ago and that he had only worked at the premises for 10 days. When I asked him what areas the training covered, he stated it covered price of products and how to serve customers. When he was pressed further by Fiona as to training in relation to sale of alcohol, he stated that he would check if someone was 18 years old by asking for ID. I asked if there were any other staff working at the premises and whether they had undertaken training and was informed that the only other person working there was her cousin who had worked at the premises for 6 months. Mrs Tharmeswaran stated that she delivered the training for her cousin but had failed to record it as she had been busy with the kids. I attach as TH7 photographs of the empty staff training record.

In addition, no training had been delivered to Murugan Mani as he was not working at the premises.

We then checked the CCTV footage, and it was recording for the appropriate length of time. Whilst checking the footage we identified Mr Murugan Mani in the premises on a number of occasions –

- 11 January 2024 – serving behind the counter
- 12 January 2024 - serving behind the counter
- 13 January 2024 – on the shop floor
- 14 January 2024 – on the shop floor
- 16 January 2024 – on the shop floor
- 17 January 2024 – serving behind the counter
- 19 January 2024 – on the shop floor
- 20 January 2024 – on the shop floor
- 21 January 2024 – serving behind the counter
- 24 January 2024 – on the shop floor
- 31 January 2024 – on the shop floor

I asked Mr Tharmeswaran why she had previously told me that Mr Mani did not work at the premises when the CCTV clearly showed him at the premises on a number of dates serving customers. She stated that he did not usually serve customers and only did so when another member of staff needed a toilet break or needed something to eat.

At 10.23am I observed a male customer enter the premises and purchase 2 cans of Knight cider.

At 10.35am I observed another male enter the premises and purchase a single can of Lancer cider.

As previously stated, the area surrounding these premises suffers badly from alcohol related crime and anti-social behaviour. It is my view that the ongoing poor management, irresponsible sale of alcohol and non-compliance with premises licence conditions is a significant contributing factor to the problems that exist in the area.

This can be demonstrated by Mr & Mrs Tharmeswaran's total disregard for the Premises Licence conditions and to the licensing objectives in general.

The breaches of premises licence conditions were initially identified and brought to the attention of Mr & Mrs Tharmeswaran in September 2023. Despite further visits and meetings these breaches are continuing as of 9 February 2024, some 5 months after they were brought to the attention of the Premises Licence holder.

Signed



Tim Hodgkinson, Licensing Manager

Date__12 February 2024_____