

**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 in respect of AJs off licensed premises, 39 Crescent Road, Middlesbrough I wish to add the following:

At 09:50 hours on Friday 9 February 2024, I attended the above premises with Tim Hodgkinson, licensing manager of Middlesbrough Council following a walk around the area of where the premises are situated. This included a walk around the perimeter of the school directly opposite the premises, along Worcester Street, Parliament Road and then around Ayresome Gardens which is situated approximately 75 metres away from the premises.

During the walkaround I saw several discarded empty cans of lagers/beers/ciders around the perimeter wall and through the railings of the school. The brands of such included cans of Knights cider, Fosters and Lancer. There were also several empty Jack Daniels miniature bottles. Whilst walking around Ayresome Gardens I saw more discarded cans and miniature bottles. There was also discarded drugs paraphernalia including used syringes, empty tablet packets and used condoms.

When we had completed the walkaround we visited the premises. The reason for the visit was to carry out a further compliance check of licensing conditions and to look at the alcohol being sold from the premises.

On entry to the premises, I noticed that there was two members of staff, one was on the shop floor tidying shelves. This male was later identified as Mr Murugan Mani. The male serving behind the counter area identified himself as Arjan Kannan. Mr Hodgkinson identified himself to both males and asked if Mr Tharmeswaran was present. He was advised by Arjan Kannan that Mr Tharmeswaran was not present, he then asked who was in charge? Arjan Kannan immediately pointed to Murujan Mani. Mr Mani denied being in charge and even working at the premises. A brief discussion ensued between Mr Argan and Mr Mani, but I was unable to understand the conversation as it was not in English.

I identified myself to the male on the shop floor, Mr Mani, and asked if it was ok for me to look at the alcohol displayed for sale.

Whilst at the premises I made a note of some the alcohol on display in the fridge and behind the counter area that had an ABV content of 6.5% or above and the price. These were as follows:

Brand	Size of container	ABV content	Price
Knights	500ml	8.4%	£1.70
Carlsberg Special	500ml	7.5%	£2.99
Lancer	500ml	7.5	£1.29

Frosty Jacks	1litre	7.5%	£2.99
Frosty Jacks	2.5 litre	7.5%	£5.99
3 Hammers	2.5 litre	7.5%	£5.99
White Storm	2 Litres	7.5%	£3.79
Black Storm	2.5 litres	7.5%	£5.69
Omega	2.5 litres	7.5%	£5.99
Festini	1.5 litre	6.8%	£3.79
Lambrini	1.5 litre	6.8%	£4.49
Bellabrusco	1.5 litre	6.8%	£4.79
Bellabrusco	75cl	6.8%	£2.69
Lambrini	75cl	6.8%	£3.49
Henry Westons	500ml	8.2%	£2.49
Dragon Soop	500ml	7.5%	RRP on can £3.29

Whilst noting this information I observed Mr Mani walk into the stock room. I then heard him talking to someone. A few minutes later Mr Tharmeswaran, the PLH entered the store along with his wife and child. A conversation was had between all parties present about Mr Mani and his role at the premises as there had been conflicting information received.

Mr Tharmeswaran advised Tim Hodgkinson that Mr Mani was a family friend and that he was learning at the premises, not working, that he didn't get paid and that he knew him as they both visited the same temple. He advised that he didn't attend the premises regularly. Mrs Tharmeswaran handed the child to Mr Mani, and he went outside.

Mr Tharmeswaran was then asked to see the training records for staff working at the premises. He was told that there was only two members of staff which included Mr Kannan who was present and a cousin. Mr Tharmeswaran was unable to show any documented staff training records, but his wife produced a folder that contained documents of training that she said was delivered to staff but translated into their language as it was easier for them to understand. They had received the documents from Darlington Council as they had managed premises previously in that area.

Mr Hodgkinson asked Mr Argan what training he had completed since starting at the premises which he struggled to answer. I then asked what training he had received in relation to the sale of alcohol he advised that he checked ID to make sure the person was 18 years old.

Whilst speaking to Mr Tharmeswaran and his wife, I noticed that there were several miniature bottles displayed behind the counter alongside bottles of spirits. It is widely known in Middlesbrough that miniature bottles of spirits are a popular choice amongst street drinkers and those that are suffering with alcohol dependency and that they are often purchased alongside a single can of beer/lager/cider. There were also two crates of knight's cider on the floor.

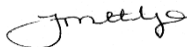
Whilst at the premises we entered the stock room to check CCTV and the retention of it. Mr Tharmeswaran attempted to show the CCTV from the monitoring station in his stock room but for some reason he was unable to playback the CCTV footage which resulted in him using his mobile telephone. As I waited to see the CCTV, I counted 9 more cases of Knight's cider stacked.

I took several photographs of the alcohol on display, within the stock room and on the shop floor whilst at the premises Exhibit Ref FMH/7.

Whilst viewing the CCTV from Mr Tharmeswaran's phone I noticed that Mr Mani, the male that Mr Tharmeswaran had confirmed was not working at the premises, was present on most days between the 11<sup>th</sup>- 31 January 24. He could be clearly seen on the CCTV footage serving behind the counter area and on the shop floor. When this was brought to the attention of Mr and Mrs Tharmeswaran, Mrs Tharmeswaran suggested that he helped when a member of staff needed a comfort break. They both continued to deny Mr Mani worked at the premises.

When asked if they had seen documents from their staff to confirm that they were allowed to work in the UK, they both confirmed they hadn't.

Signature:



Dated: 13.02.24