

**Date:** Monday 9 December 2024 at 1.00 pm

**Venue:** Democratic Services Meeting Room, First Floor, Municipal Buildings, Church Road, Stockton on Tees, TS18 1LD

Cllr Eileen Johnson  
Cllr Marilyn Surtees

Cllr Andrew Sherris

## **AGENDA**

- 1        **Evacuation Procedure** (Pages 7 - 8)
- 2        **Apologies for Absence**
- 3        **Declarations of interest**
- 4        **Minutes of the Statutory Licensing sub Committee meetings held on 23 July and 21 August 2024** (Pages 9 - 24)
- 5        **LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE THE VILLAGE STORE, 14 LEVEN ROAD, NORTON, STOCKTON-ON-TEES, TS20 1BQ** (Pages 25 - 78)
- 6        **LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE SOMERSET CONVENIENCE STORE, 60 SOMERSET ROAD, NORTON, STOCKTON-ON-TEES, TS20 2ND** (Pages 79 - 122)

**Members of the Public - Rights to Attend Meeting**

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

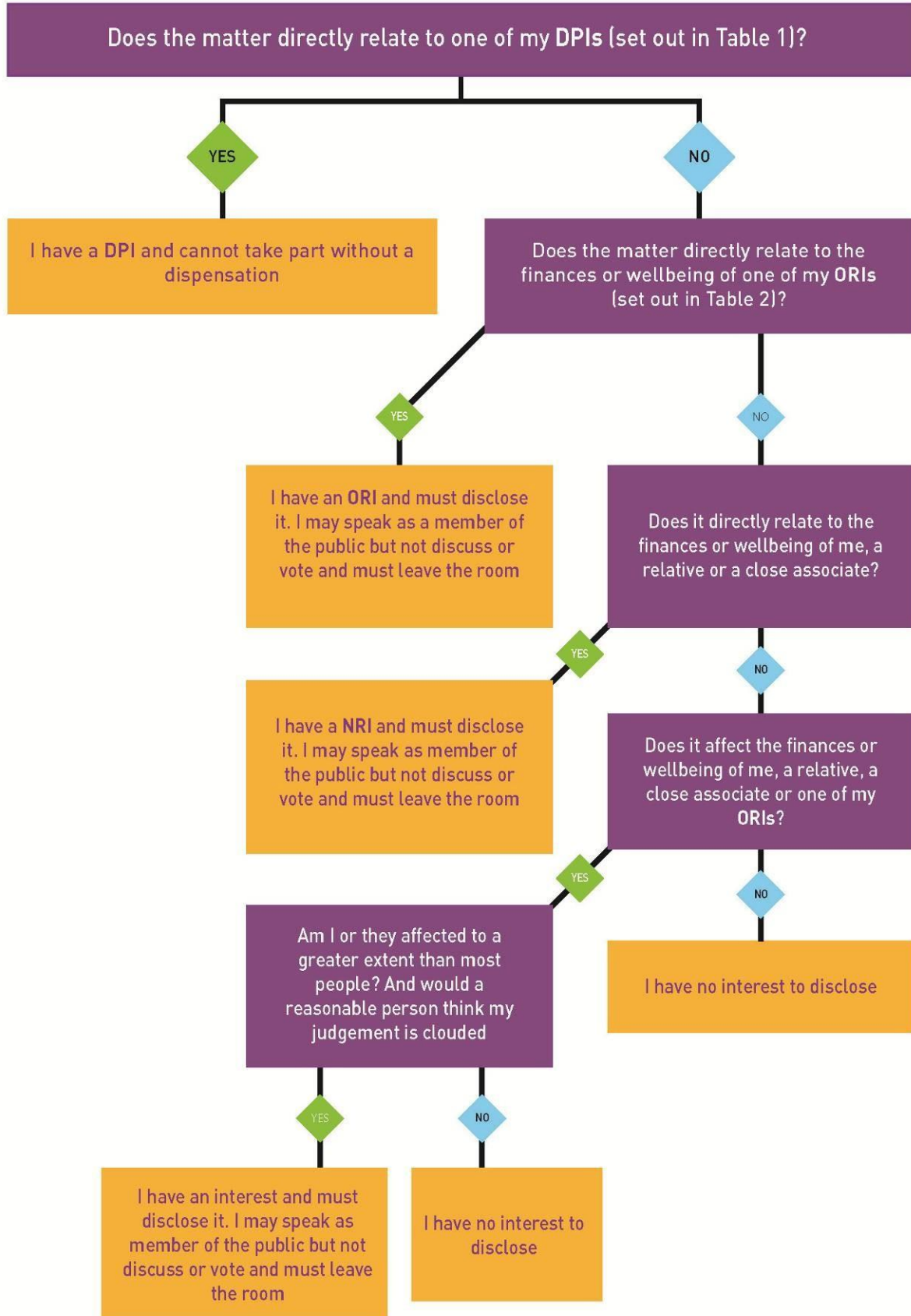
Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: , Democratic Services Officer on email [sarah.whaley@stockton.gov.uk](mailto:sarah.whaley@stockton.gov.uk)

**KEY - Declarable interests are:-**

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

**Members – Declaration of Interest Guidance**



**Table 1 - Disclosable Pecuniary Interests**

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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## **Democratic Services Meeting Room, 1<sup>st</sup> Floor Municipal Buildings** **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors to the right and left of the democratic services meeting room. All key coded emergency exit doors will automatically disengage when the alarm sounds.

### **The main staircase at the reception atrium MUST NOT be used unless there are no alternative escape routes available**

- Everyone must evacuate the building in a calm and orderly manner and proceed to the Assembly Point.
- Staff and Visitors should leave the building by the nearest available protected fire evacuation route and exit unless prevented by smoke or fire.
- The central feature staircase is NOT a protected escape route and should NOT be used, unless necessary.
- Lifts must not be used during a fire evacuation unless it has been identified that the evacuation lift in the Library is to be used for those persons with mobility issues.
- Members of the public, visitors and contractors should be escorted out of the building.
- Staff / visitors should stand together in teams at the Assembly Point.

### **Toilet**

Should you require the toilet please inform the concierge at Reception who will contact a member of staff to escort you to the nearest facility. Alternatively, if you are in the meeting please inform the Chair or a member of staff.

## **Microphones**

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when invited to speak by the Chair, to ensure you can be heard by the Committee and those in attendance at the meeting.



## STATUTORY LICENSING SUB COMMITTEE

A meeting of Statutory Licensing Sub Committee was held on Tuesday 23 July 2024.

**Present:** Cllr Eileen Johnson (Chair), Cllr Susan Scott and Cllr Marilyn Surtees.

**Officers:** John Devine, Polly Edwards, Natalie Hodgson and Stephanie Landles.

**Also in attendance:** Cllr John Coulson, PC Andrew Thorpe (Cleveland Police), Mr Elayarajah Rajaruban (Akshayan Convenience Store), Mr Shan (Akshayan Convenience Store), Victoria Powell (The Keys – 65-67 High Street, Yarm) and John Taylor (The Keys – 65-67 High Street, Yarm)

**Apologies:** .

### **SLS/9/23 Evacuation Procedure**

The evacuation procedure was noted.

### **SLS/10/23 Declarations of Interest**

There were no declarations of interest.

### **SLS/11/23 Minutes of the meetings which were held on 8 August and 7 September 2023**

RESOLVED that the Minutes of the Statutory Licensing Sub Committee meetings held on 8 August and 7 September 2023 be signed as a correct record.

### **SLS/12/23 LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE AKSHAYAN CONVENIENCE STORE - 13 ROCHESTER ROAD, STOCKTON-ON-TEES**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for Grant of a Premise Licence for Akshayan Convenience Store – 13 Rochester Road, Stockton on Tees.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of the report and supporting documents had been provided to all persons present and to Members of the Committee. All parties present were given the opportunity to make representation.

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before Members in their committee papers.

The Committee noted that the application was for the grant of a Premises Licence as detailed in the application appended to the Committee report.

Mr Shan who was representing Mr Rajaruban was given the opportunity to explain to the Committee that he himself was experienced in running fuel stations and convenience stores across the UK since becoming a retailer in 1999. The Committee understood that Mr Shan was Mr Rajaruban's previous employer and that was why he was representing him today.

Mr Shan informed Members that Mr Rajaruban had worked at fuel stations for seven years and had never experienced any issues. Mr Shan expressed Mr Rajaruban's wished to engage with the community and protect children from alcohol and age restricted products, as he was a family man with three young boys himself.

Mr Shan assured the Committee that Mr Rajaruban had always complied with the requirements of the relevant legislation and policies and would be a responsible retailer. Mr Shan informed the Committee that in the premises that Mr Rajaruban had worked at, he had never failed a test purchase in relation to the sale of alcohol or other age restricted products.

Mr Shan advised the Committee that an extensive list of conditions had been agreed with Cleveland Police, which demonstrated that the premises would be run in a responsible manner and would not undermine the licensing objectives. The premises had an extensive CCTV system including audio recording and would operate a Challenge 25 policy to ensure that there were no underage sales of alcohol.

In response to the Committee's questions, Mr Shan confirmed that he was not in any way connected with the business and was simply supporting Mr Rajaruban as his representative and friend.

Mr Shan told the Committee that Mr Rajaruban did not take the law lightly and was a fit and capable person to hold a licence.

Mr Shan confirmed to the Committee that Mr Rajaruban wished to amend his application in order that the hours for the supply of alcohol was from 9:00 hours until 22:00 hours Monday to Sunday in line with the Council's Licensing Policy.

Councillors were given an opportunity to ask questions of the applicant.

The Committee read and had regard to a representation received from a resident who lived nearby and who wished to object to the application. The representee listed his own, plus an additional twelve addresses on Rochester Road. The Committee noted that residents' names were not provided, nor their individual concerns.

The representation stated that the premises' alcohol licence was revoked approximately five years ago due to underage selling, littering, violence in the street, vehicle noise and the sale of illegal drugs. The Committee read that the representee expressed that this was a quiet neighbourhood where the elderly and young families lived, and that residents did not wish for those issues to return.

The Committee were unable to ask questions of the representee, as he did not attend the hearing.

All parties present, were given an opportunity to sum up their case with the applicant invited to speak last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the applicant, his representative and the licensing officer.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy.

The Committee noted that the residents who had objected to the application were concerned at the potential for an increase in crime and anti-social behaviour. The Committee also noted that they must consider this application for a grant of the premises licence on its merits. The Committee were mindful that an application could not be refused based solely on residents' concerns.

The Committee noted that an extensive list of conditions had been agreed with Cleveland Police, which demonstrated that the premises would be run in a responsible manner and would not undermine the licensing objectives. In the Committee's view, these conditions also addressed some of the concerns which had been expressed by the residents who had objected to the application.

These conditions were:-

- A "Challenge 25" policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at all points of sale and at all entrances and exits to inform customers and remind staff that the premises are operating a "Challenge 25" policy.
- Only valid passports, UK "photo card style" driving licence, PASS approved proof-of-age cards or Ministry of Defence "Form 90" identification cards shall be accepted as proof of age.
- All staff will be fully trained in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales) persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 25" policy. Staff will receive refresher training at least every 6 months.
- Training records signed by both the staff member and the Designated Premises Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.
- There will be a minimum of two notices displayed on the premises indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.
- 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, whilst complying with Data Protection legislation.

- 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.
- There will be a minimum of 28 days recording. 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 have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.
- There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24 hours, or less if urgently required for investigation of serious crime.
- The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premises Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.
- The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, and aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premises Supervisor/store Manager/Business Owner will check and sign each page and the incident book will be made available to the Licensing Authority and/or Responsible Authorities upon request.
- No beer, lager or cider of 6.5% ABD (alcohol by volume) or above shall be sold at any time.
- The Premises will not sell any single cans of lager, beer or cider.

The Committee were satisfied that the applicant understood his responsibilities and would operate the premises in a responsible manner.

After considering all of the evidence and representations, the Committee were of the view that the application could be granted subject to the amended hours as confirmed by the applicant.

The Committee granted the application with the following hours:-

Supply of alcohol

Monday 9:00am to 10:00pm  
Tuesday 9:00am to 10:00pm  
Wednesday 9:00am to 10:00pm  
Thursday 9:00am to 10:00pm  
Friday 9:00am to 10:00pm  
Saturday 9:00am to 10:00pm  
Sunday 9:00am to 10:00pm

The Committee agreed to attach the conditions to the licence that had been agreed between the Applicant and Cleveland Police.

RESOLVED that the application for grant of a Premise Licence for Akshayan Convenience Store – 13 Rochester Road, Stockton on Tees, be granted for the reasons and with the conditions as detailed above.

**SLS/13/23 LICENSING ACT 2003 APPLICATION FOR VARIATION OF A PREMISES LICENCE THE KEYS – 65-67 HIGH STREET, YARM, STOCKTON-ON-TEES**

Members of the Statutory Licensing Sub Committee of the Councils Statutory Licensing Committee were asked to consider an application for a variation of a premise licence for The Keys – 65-67 High Street, Yarm, Stockton-On-Tees, to which there had been representations from Responsible Authorities and Local Ward Councillor, representing residents

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of the report and supporting documents had been provided to all persons present and to Members of the Committee.

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above variation application, full details of which appeared before Members in their committee papers.

The Sub-Committee noted that the application was for the variation of a premises licence as detailed in the application appended to the Sub-Committee report, in summary:-

1. to vary the conditions relating to door staff;
2. to extend the finishing time by one hour for an additional four times per year (an increase from eight to twelve times per year) and;
3. to extend the operational time by one hour when British Summer Time starts.

The Committee heard that there had been no objections relating to the first and the third requested variations.

The Applicant Ms Powell explained to the Sub-Committee that the premises was rarely opened as a night club now; the last time they did this was on 5th May 2024, for the bank holiday weekend. The Sub-Committee heard from the Applicant that The Keys used to have the monopoly in Yarm, however there were now other premises that were also open until 2:00am.

Ms Powell told the Sub-Committee that the current premises licence allowed them to extend their finishing time by one hour, eight times per year, on a Friday or Saturday (the premises must give 14 days' notice of this to the licensing authority). Ms Powell therefore confirmed to the Sub-Committee that the variation application was to increase the number of times per year that the premises can do this, from eight to twelve times per year.

The Sub-Committee heard from Ms Powell that last year, each of the eight extended finishing times were utilised in December for events such as well-known DJ sets, giving The Keys an opportunity to compete with other premises and attract customers.

Assistant General Manager & Designated Premises Supervisor, Mr Taylor advised the Sub-Committee that the night club landscape had changed; custom was decreasing as additional premises nearby now opened later, leaving The Keys at a commercial disadvantage. The reason therefore for the variation request to increase the number of times per year that the premises could extend their finishing time was to allow more high profile events to take place, giving The Keys an opportunity to compete with other premises.

With regard to a suggestion that there were noise issues alleged at the weekend around the 10th June 2024, the Sub-Committee heard from Ms Powell that the premises had not been opened as a night club since 5th May 2024.

Everyone present was given an opportunity to ask questions of the applicant and the members of the Sub-Committee asked questions of the applicant.

The Sub-Committee read and had regard to the representation received from Ward Councillor Sherris, representing local residents.

The Sub-Committee heard from Councillor Coulson, on behalf of Councillor Sherris, that concerns centred around the existing hours that the premises remained open late already, which caused issues for residents living on the High Street, High Church Wynd and The Old Market.

The Sub-Committee heard that the issues reported by residents include noise from the building and the movement of pedestrians, particularly into High Church Wynd. The Sub-Committee were told that in Councillor Sherris' view, increasing the hours will only exacerbate the existing problems. Reference was made in Councillor Sherris' representation to "alleged noise issues this past weekend" (the representation is dated 10th June 2024).

The Sub-Committee read and had regard to the representation received from Environmental Health on the grounds of the prevention of public nuisance.

The Sub-Committee heard from the Environmental Protection Team Manager that she had the benefit of over twenty years' experience of investigating such issues at this premises. The Environmental Protection Team Manager expressed to the Sub-Committee that Ms Powell, Mr Taylor and their management team worked very closely with Environmental Health, and wanted to make it clear that they had a consistently good working relationship with management at the premises.

The Committee heard from the Environmental Protection Team Manager that there were noise complaints about the premises, and Environmental Health would like to see the premises consistently abide by and maintain the premises licence conditions already in place, before any more occasions to open late were granted.

The Environmental Protection Team Manager explained to the Sub-Committee that there was an existing condition on the premises licence that required the premises to lower the maximum decibel level set by Environmental Health by five decibels, between the hours of 2:00am and 3:00am. The Committee heard that previously the premises had relied upon this being manually controlled, and this may not have always been adhered to, however it was understood that in future this would be automatically lowered at 2:00am to ensure compliance with that licence condition.

The Environmental Protection Team Manager advised the Sub-Committee that Environmental Health treat information received confidentially and therefore could not identify individuals who had complained, nor their addresses. The applicant explained to the Sub-Committee, in response, that this made it difficult for them to work with residents when they did not know who the complainants were.

The Environmental Protection Team Manager reiterated to the Sub-Committee that customer noise was well managed by the premises, however the issue was low level frequencies; the base of the music. The Environmental Protection Team Manager explained to the Sub-Committee that low level frequencies travels and reverberates through the old building's structure. The Environmental Protection Team Manager confirmed that there had been updates to the building, however, this was an old building that could not be updated to the same standards of newer buildings.

In response to the Sub-Committee's questioning, The Environmental Protection Team Manager explained that there was nothing that the premises were missing or not doing; they had their own acoustic engineers, anti-vibration mounts on speakers, it was simply the location of this premises in a residential area, and in such an old building, that leads to the heavy base being a concern for nearby residents. The Committee heard that this was particularly prevalent in the early hours of the morning when there was very little other noise in that environment.

The Environmental Protection Team Manager requested that the Sub-Committee consider giving the premises an opportunity to demonstrate that they consistently comply with lowering the maximum sound level by five decibels between the hours of 2:00am and 3:00am, before any additional later finishing times were permitted.

The members of the Sub-Committee and other parties were given an opportunity to ask questions.

All parties present were given an opportunity to sum up their case with the applicant invited to speak last.

Members had regard to the Sub-Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the all parties at the hearing.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under

Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy.

The Sub-Committee were of the view that varying the conditions relating to door staff and extending the operational time by one hour when British Summer Time begins would not undermine the licensing objectives. The Sub-Committee therefore confirmed that the variation application was granted in part.

The Sub-Committee were satisfied that the applicant understood its legal responsibilities and would continue to operate the premises in a responsible manner, in line with the information provided by Environmental Health at the Sub-Committee hearing. The Sub-Committee were however of the view that they had to give weight to the fact that the relevant appropriate authority, in this case Environmental Health, had made representations in response to the variation application for a further four extended finishing times per year.

The Sub-Committee noted that the residents represented by Councillor Sherris, who had objected to the variation application, were concerned at the potential for an increase in noise nuisance in the local area, particularly in the early hours of the morning. The Sub-Committee also noted that they must consider this application to vary the premises licence on its merits. The Sub-Committee were mindful that an application could not be refused based solely on residents' concerns. On balance, however, the information provided by Environmental Health added weight to the residents' concerns, and the Sub-Committee felt that granting the variation application to allow a further four extended finishing times per year would undermine the prevention of public nuisance licensing objective.

After considering all of the evidence and representations carefully, the Sub-Committee were of the view that the application could be granted in part, as per the explanation set out above.

The Sub-Committee agreed to remove the following two conditions...:-

“Annex 2

When the premises is to be open for licensable activity after midnight on a Tuesday a minimum of 3 door supervisors will be provided between the hours of 22.00 until closing time.

Annex 3

SIA registered door staff will be used at the premise as follows:

Tuesday – minimum 3 door staff required at 22:00 hours only if nightclub is open and all working until closing time.

Friday – minimum 6 door staff, 2 starting at 21:00 hours, 2 starting at 22:00 hours and 2 starting at 23:00 all working until closing time.

Saturday – minimum 6 door staff, 2 starting at 21:00 hours, 2 starting at 22:00 hours and 2 starting at 23:00 all working until closing time.

Sunday before Bank Holiday, Boxing Day and New Year's Eve – minimum 8 door staff, 2 starting at 21:00 hours, further 6 door staff starting at 21:00 hours, all working until closing time.”

...and replace the above with the following:-

“SIA registered door staff will be used at the premises as follows-

Friday, Saturday and Sunday before Bank Holiday, Good Friday, Boxing Day and New Year's Eve for up to 200 patrons in the venue, from 21:00 hours until closing time:-



- Minimum of 3 door staff when downstairs and cocktail lounge only open to the public.
- Minimum of 4 door staff If any of the others upstairs rooms open are opened in addition to above rooms. If over 200 patrons in the venue, 1 door staff for every additional 100 patrons.”

The Sub-Committee also agreed to include a provision to extend operational time by one hour when British Summer time begins.

Other than as set out above, the Sub-Committee did not attach any additional conditions to the premises licence, which remained unchanged, except for the above variations to conditions relating to door staff and extending the operational time by one hour when British Summer Time begins.

RESOLVED that the application for a variation of a Premise Licence The Keys, High Street, Yarm, Stockton on Tees, be granted in part for the reasons and with the conditions as detailed above.

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## STATUTORY LICENSING SUB COMMITTEE

A meeting of Statutory Licensing Sub Committee was held on Wednesday 21 August 2024.

**Present:** Cllr Eileen Johnson (Chair), Cllr Mrs Ann McCoy and Cllr Mick Moore.

**Officers:** Elliott Beevers, John Devine, Polly Edwards and Natalie Hodgson.

**Also in attendance:** PC Andrew Thorpe (Cleveland Police), Duncan Craig (St Phillips Barristers) and Ms J Henderson (Home Office Immigration Enforcement)

**Apologies:** .

### **SLS/1/23 Evacuation Procedure**

The evacuation procedure was noted.

### **SLS/2/23 Declarations of Interest**

There were no declarations of interest.

### **SLS/3/23 APPLICATION FOR REVIEW OF A PREMISES LICENCE LEBANEAT, 48 HIGH STREET, YARM, STOCKTON-ON-TEES, TS15 9AH**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for a review of a premise licence for Lebaneat, 48 High Street Yarm Stockton-on-Tees, TS15 9AH from the Home Office Immigration Enforcement under section 51 of the Licensing Act 2003, on the grounds of the prevention of crime and disorder.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

Members noted that the review of the premises licence was made at the request of the Home Office Immigration Enforcement.

The Immigration Compliance & Enforcement Officer from Home Office Immigration Enforcement, Ms Henderson explained to the Sub-Committee that the ability to work illegally was a key driver of illegal migration; it encouraged people to break the UK's immigration laws and provided practical means for migrants to remain unlawfully in the UK.

The Sub-Committee heard that working illegally was a criminal offence and an illegal worker may receive a custodial sentence of up to six months and an unlimited fine upon conviction. Ms Henderson told the Sub-Committee that employing illegal workers was also a criminal offence, undermining the prevention of crime and disorder licensing objective.

Ms Henderson explained that it was not routine for the Home Office to seek a review, and that was only undertaken in particular cases where there were increased concerns around illegal working.

The Sub-Committee heard that on 26 March 2024, the Home Office's North East Immigration Compliance and Enforcement team visited the premises, accompanied by a Licensing Officer, after intelligence was received that the premises was employing illegal workers.

Ms Henderson stated that three illegal workers were encountered at Lebaneat, out of a total of five staff members present. The Sub-Committee heard that one of the illegal workers, who was also seen at the premises on previous occasions, was identified by two employees as holding a managerial position, having worked at the premises for a considerable amount of time. Ms Henderson expressed the Home Office's concern that an illegal worker had been placed in a managerial position.

The Sub-Committee heard that the remaining two illegal workers found on the premises had both been issued with application registration cards, confirming that they had no right to work in the UK. The Sub-Committee were told that one of the illegal workers admitted that their employer was aware that he had no right to work.

Ms Henderson explained to the Sub-Committee that all employers were dutybound by law to conduct right to work checks. The Sub-Committee heard that a referral was made to the Home Office's Civil Penalty Compliance team in relation to illegal working at the premises, following which a penalty notice in the sum of £45,000 was issued on 1 August 2024.

The Sub-Committee were informed that another Lebaneat premises in Durham had their premises license revoked in 2018, due to illegal working, and that the Lebaneat premises in Yarm also had its premises licence revoked in 2019 due to the same concerns.

Mr Duncan Craig of St Philips Barristers representing Ms Sayed the sole company director of Lebaneat and the Committee Members were invited to ask questions of Ms Henderson.

The Sub-Committee heard from PC Thorpe that the premises licence was previously revoked in 2019, following an application by Cleveland Police, due to concerns around illegal workers.

PC Thorpe told the Sub-Committee that this revocation was appealed to the Magistrates' Court, and a hearing date was set, however due to the coronavirus pandemic the appeal was never heard. The Sub-Committee heard that the appeal was subsequently withdrawn and the premises licence re-instated by agreement between the parties, with additional conditions being added to the licence to ensure right to work checks for employees would be conducted fully.

Mr Craig informed the Sub-Committee that his client, was not present at the hearing as she had recently given birth.

The Sub-Committee heard Mr Craig concede that the licence condition in relation to right to work checks was clear. Mr Craig stated that his client trusted a member of staff

to deal with recruitment whilst she was away, and that person had now been dismissed because of the failings.

Mr Craig stressed to the Sub-Committee that the civil penalty issued by the Home Office related to just one of the illegal workers, and that the £45,000 fine issued was not the maximum amount of £60,000.

Mr Craig explained to the Sub-Committee that his client was hoping to step back from the business, potentially by way of a franchise. The Committee heard from Mr Craig that his client understood the seriousness of these issues and accepted that she could be removed as the Designated Premises Supervisor as a result. Mr Craig stated that it was inappropriate to suggest any further conditions be added to the licence, as he did not feel that these would assist in such circumstances.

The Sub-Committee were told by Mr Craig that his client was not a director of the company at the time of the previous revocation in 2019. Mr Craig urged the Sub-Committee to step back from revoking the premises licence, and to consider suspending the licence for up to 13 weeks instead.

The Committee Members and other parties present were invited to ask questions of Mr Craig.

All parties present were given an opportunity to sum up their case.

Members of the Licensing Sub-Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before the Members in their agenda and background papers.

Members noted that the review of the premises licence was made at the request of the Home Office, due to illegal workers being found at the premises.

Representations had been received from other responsible authorities including Cleveland Police and the Council's Licensing team. Mr Craig provided a detailed submission on behalf of his client. The Committee noted that no representations had been received from anyone else in support of the premises.

Members of the Licensing Sub-Committee carefully considered those matters brought before them and, in reaching their decision, had regard to their powers under the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the relevant paragraphs of the Guidance Issued under Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy.

It was noted that Mr Craig had not disputed any of the evidence presented by the responsible authorities.

The Sub-Committee noted the following:-

The premises had breached immigration law in utilising illegal workers, constituting a criminal offence;

This was not the first time that the premises had come to the attention of responsible authorities due to concerns over illegal workers, who had their premises licence revoked in 2019 due to the same issue; and

The premises had failed to comply with their premises licence conditions in relation to right to work checks.

The Sub-Committee had regard to the statutory guidance issued under section 182 of the Licensing Act and in particular the paragraphs in relation to the review of premises licences.

The Sub-Committee noted a premise licence holder must ensure that the promotion of the four statutory licensing objectives was always a paramount consideration. In the Sub-Committee's view, Lebaneat Yarm Limited had failed in this responsibility.

Ms Oksana Sayed was the sole director of Lebaneat Yarm Limited, and the Designated Premises Supervisor of Lebaneat in Yarm.

The Sub-Committee noted that Mr Craig had been frank in admitting wrongdoing on his client's behalf. None of the evidence before the Sub-Committee was disputed.

The Sub-Committee had regard to the powers available to them when considering what action, if any, to take under the premise licence review process.

- The Sub-Committee could take no action.

The Sub-Committee viewed the actions of Lebaneat Yarm Limited to be extremely serious, and therefore did not feel that this was an option open to them in the circumstances.

- The Sub-Committee could attach further conditions to the licence.

Again, the Sub-Committee did not feel that this was a case where additional conditions were appropriate to remedy or address the behaviour of Lebaneat Yarm Limited. The Sub-Committee noted that Mr Craig had expressed the same view.

- The Sub-Committee could remove Ms Sayed as the Designated Premises Supervisor.

The Sub-Committee considered this option, however were of the view that this would not be appropriate given that Ms Sayed remained as the sole director and controlling mind of Lebaneat Yarm Limited.

- The Sub-Committee could suspend the licence.

The Sub-Committee, in the past, had considered this an appropriate course of action to allow a premises time to take steps to remedy issues. The Sub-Committee felt, however, that the issue of illegal workers was too serious, compounded by this not being the first time that this issue had been found at the premises.

- The final and ultimate sanction was the revocation of the premises licence.

This was not a step that the Sub-Committee took lightly and would only be taken in relation to matters which they deemed to be serious breaches of the licensing objectives.

The Sub-Committee found that no evidence that employment practices had improved at the Premises and no lessons appeared to have been learned since the revocation in 2019.

The Sub-Committee took this matter extremely seriously and were satisfied that this was a case where revocation of the premises licence was a necessary and appropriate sanction. After considering and weighing up all the evidence and submissions made by the parties to the hearing, the Sub-Committee resolved to revoke the premises licence.

RESOLVED that the Premise Licence for Lebaneat 48 High Street, Yarm, Stockton-On-Tees TS15 9AH be revoked for the reasons as detailed above.

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# Agenda Item 5

2DELEGATED

AGENDA NO.

REPORT TO THE  
STATUTORY LICENSING  
COMMITTEE

5<sup>th</sup> December 2024

**LICENSING ACT 2003  
APPLICATION FOR REVIEW OF A PREMISES LICENCE  
THE VILLAGE STORE, 14 LEVEN ROAD, NORTON, STOCKTON-ON-TEES, TS20 1BQ**

## SUMMARY

The purpose of this report is for Members to consider an application for a review of a premises licence. The application has been made by the Licensing Authority acting as a Responsible Authority on the grounds of the prevention of crime and disorder and protection of children from harm licensing objectives.

## RECOMMENDATION

That Members determine the review application.

## THE APPLICATION

1. An application for a review of premises licence in respect of above the premises has been received from the Licensing Authority. The application relates to the undermining of the licensing objectives of the prevention of crime and disorder and the protection of children from harm.
2. Mr Jenseesan AROCKYANATHAN is both the premises licence holder (PLH) and designated premises supervisor (DPS) at the premises since 08/10/18. The concerns relate to several incidents of poor management at the premises over a period, including underage sales, breach of licence conditions and unlicensed activity, which have resulted in escalating enforcement advice and action.
3. Most recently during an underage sale test purchase operation alcohol was supplied to and underage volunteer on Thursday 29th August 2024. A copy of the application and supporting evidence, including a transcript of interview and compliance history at the premises is attached at Appendix 1 and 2 respectively.
4. A copy of the current premises licence showing licensable activities and licensable hours is attached at Appendix 3.
5. A map showing the location of the premises is attached at Appendix 4.

## RESPONSIBLE AUTHORITIES

6. A representation in support of the licence review on the grounds of undermining the crime and disorder and protection of children from harm licensing objectives has been received from Cleveland Police and is attached at Appendix 5.
7. A representation in support of the licence review on the grounds of undermining the crime and disorder and protection of children from harm licensing objectives has been received from Public Health and is attached at Appendix 6.
8. A representation in support of the licence review on the grounds of undermining the crime and disorder and protection of children from harm licensing objectives, which includes compliance history at the premises has been received from Trading Standards and is attached at Appendix 7.

## ADDITIONAL INFORMATION

<b>PREMISE LICENCE HOLDER</b>	<b>Mr Jeneesan Arockyanathan</b>	<b>08/10/2018 - Present</b>
-------------------------------	----------------------------------	-----------------------------

PLH			
DESIGNATED SUPERVISOR DPS	PREMISES	Mr Jeneesan Arockyanathan	08/10/2018 - Present

**POLICY CONSIDERATION**

9. Members must carry out their functions with a view to promoting the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

10. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Revised Guidance issued December 2022 under the Licensing Act 2003 when considering this application for review. Details regarding the full range of powers available to members can be found at section 11 of the Guidance.

11. At section 11:27 of the guidance states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- **for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;**
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

12. Copies of these documents can be found at:

[www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy](http://www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy)

[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022-accessible](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022-accessible)

## MEMBERS OPTIONS

13. Members are advised that under the provisions of Section 51(4) The Licensing Act 2003 the authority may, at any time, reject any ground for review if it is satisfied –
- that the ground is not relevant to one or more of the licensing objectives, or
  - in the case of an application made by a person other than a responsible authority, that-
  - the ground is frivolous or vexatious, or
  - the ground is a repetition
14. If Members are not minded to reject this application, then under the provisions of Section 52(3) The Licensing Act 2003, the authority must, having regard to the application and any relevant representations take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the four licensing objectives. The steps are –
- a) to modify the conditions of the licence which could include reducing opening hours or requiring door supervisors at a particular time;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premise supervisor for example, because they consider that the problems are the result of poor management;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence
  - f) and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes a step mentioned in (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

15. The committee also have the option to leave the licence in its existing state.
16. The premises licence holder has been invited to today hearing.
17. All interested parties who submitted representations have been invited to todays hearing.

## ASSOCIATED PAPERS

The following appendices are attached for information:

- Appendix 1 Application for review
- Appendix 2 Supporting documents
- Appendix 3 Copy of the existing licence
- Appendix 4 Location Map
- Appendix 5 Representation from Cleveland Police
- Appendix 6 Representation from Public Health
- Appendix 5 Representation from Trading Standards
- Appendix 7 Representation from Trading Standards

### Assistant Director Regulated

#### Services and Transformation:

#### Contact Officer:

#### Telephone No.

#### Email Address:

#### Financial Implications:

Marc Stephenson

Leanne Maloney-Kelly

01642 526566

[leanne.maloney-kelly@stockton.gov.uk](mailto:leanne.maloney-kelly@stockton.gov.uk)

None

#### Community Safety Implications:

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

- The protection of children from harm

### **Legal implications**

Any decision made in respect of the review application can be appealed to the magistrate's court within 21 days by –

- 1 The applicant
- 2 The premises licence holder
- 3 Any other person who made relevant representations

Any decision made in respect of the review does not have effect until –

- ✓ the end of the period given for appealing against the decision, or
- ✓ If the decision is appealed against, the time the appeal is disposed of.

### **Human Rights**

Members should have regard to the Human Rights Act when conducting this hearing.

### **Background Papers:**

Stockton Borough Council Licensing Policy Statement and Section 182 Guidance.

### **Ward(s) and Ward Councillors:**

Norton Central  
Cllr Lisa Evans  
Cllr Steve Nelson

## Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

#### I **Elliott Beevers (Responsible Authority)**

*(Insert name of applicant)*

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

#### Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Village Store 14 Leven Road Norton Stockton-On-Tees	
Post town	Post code (if known) TS20 1BQ

Name of premises licence holder or club holding club premises certificate (if known) <b>Mr Jenseesan Arockyanathan</b>
---

Number of premises licence or club premises certificate (if known) 132151
--

#### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  Licensing Authority c/o Elliott Beevers Licensing Officer  Stockton-on-Tees Borough Council 16 Church Road Stockton-on-Tees TS18 1TX
Telephone number (if any) <b>01642 524802 / 07796 493661</b>
E-mail address (optional) elliott.beevers@stockton.gov.uk

#### This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

#### Please state the ground(s) for review (please read guidance note 2)

As a Responsible Authority under the Licensing Act 2003 I represent licensing at Stockton-on-Tees Borough Council. I apply for a review of the premises licence for The Village Store 14 Leven Road, Norton, Stockton-on-Tees, TS20 1BQ due to the undermining of the licensing objectives:

- Prevention of Crime & Disorder
- Protection of Children from harm

Mr Jenseesan AROCKYANATHAN is both the premises licence holder (PLH) and designated premises supervisor (DPS) at the premises since 08/10/18.

The concerns relate to several incidents of poor management at the premises over a period of time, including underage sales, breach of licence conditions and unlicensed activity, which have resulted in escalating enforcement advice and action.

Most recently during an underage sale test purchase operation alcohol was again supplied to and underage volunteer on Thursday 29<sup>th</sup> August 2024.

Licence holders are expected to upload and promote the Licensing Objectives both objectives of crime and disorder and protection of children from harm are being undermined by the mismanagement at the premises.

The section 182 Guidance which accompanies the Licensing Act 2003 states, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Further evidence including statements and interview transcript will be provided.



Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

None

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *E.F. Beavers*

Date **14.10.24**

Capacity **Responsible Authority**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

## **Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

#### I **Elliott Beevers (Responsible Authority)**

*(Insert name of applicant)*

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

#### Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Village Store 14 Leven Road Norton Stockton-On-Tees	
Post town	Post code (if known) TS20 1BQ

Name of premises licence holder or club holding club premises certificate (if known) <b>Mr Jenseesan Arockyanathan</b>
---

Number of premises licence or club premises certificate (if known) 132151
--

#### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  Licensing Authority c/o Elliott Beevers Licensing Officer  Stockton-on-Tees Borough Council 16 Church Road Stockton-on-Tees TS18 1TX
Telephone number (if any) <b>01642 524802 / 07796 493661</b>
E-mail address (optional) elliott.beevers@stockton.gov.uk

#### This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

#### Please state the ground(s) for review (please read guidance note 2)

As a Responsible Authority under the Licensing Act 2003 I represent licensing at Stockton-on-Tees Borough Council. I apply for a review of the premises licence for The Village Store 14 Leven Road, Norton, Stockton-on-Tees, TS20 1BQ due to the undermining of the licensing objectives:

- Prevention of Crime & Disorder
- Protection of Children from harm

Mr Jenseesan AROCKYANATHAN is both the premises licence holder (PLH) and designated premises supervisor (DPS) at the premises since 08/10/18.

The concerns relate to several incidents of poor management at the premises over a period of time, including underage sales, breach of licence conditions and unlicensed activity, which have resulted in escalating enforcement advice and action.

Most recently during an underage sale test purchase operation alcohol was again supplied to and underage volunteer on Thursday 29<sup>th</sup> August 2024.

Licence holders are expected to upload and promote the Licensing Objectives both objectives of crime and disorder and protection of children from harm are being undermined by the mismanagement at the premises.

The section 182 Guidance which accompanies the Licensing Act 2003 states, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Further evidence including statements and interview transcript will be provided.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

None

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *E.F. Beavers*

Date **14.10.24**

Capacity **Responsible Authority**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

## Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



My Ref: I88546  
Your Ref: 132151

EB1

Municipal Buildings  
Church Road  
Stockton on Tees  
TS18 1LD  
SAT NAV Code: TS19 1UE

Tel: 07796 493661  
Email: [elliott.beevers@stockton.gov.uk](mailto:elliott.beevers@stockton.gov.uk)

8<sup>th</sup> July 2024

Dear Mr Arockyanathan,

**Licensing Act 2003**

**PLH: Mr Jeneesan Arockyanathan – 8<sup>th</sup> October 2018**

**DPS: Mr Jeneesan Arockyanathan – 8<sup>th</sup> October 2018**

**Re: Breach of licence conditions**

Following information received by the Licensing Team from Stockton Council CCTV on Wednesday 5<sup>th</sup> June 2024 that known street drinkers are being able to access alcohol from your premises which they are then going to drink in the High Street, within the PSPO (Public Space Protection Order) area.

Following this a visit was made to your premises on 12<sup>th</sup> June 2024. During this visit I was met with two males at the counter, one male who I believe to be called Shaki and another male called Sam Aeddy. I explained the reason for my visit and showed them a still from the CCTV of the street drinker being served outside the shop and Shaki advised this is him.

I then began to complete a full inspection of your premises licence. During this inspection Shaki advised he would be leaving as it was the end of his shift. I asked him to wait as I needed to obtain his details as he may have committed an offence under Section 136 of the Licensing Act 'unauthorised licensable activates'. I requested his name, address and date of birth and he was immediately obstructive advising me he had done nothing wrong. I kept advising him I need to obtain his details to carry out my investigation which he did not seem happy about. He then asked if he could ring his boss, which I assume to be yourself. I agreed and he went outside the shop while I waited for him inside. It sounded like on the phone he was being told an address to say from the person on the phone and when he came back in, he gave me the address of 55-60 Somerset Road, Stockton-on-Tees but the postcode had 2 numbers and one letter. At this point I advised him to stop lying to me and he needed to start telling the truth as its an offence to obstruct an authorised officer. He then went back outside and confirmed a postcode with someone and came back inside giving me the postcode of TS20 3LA. I have since searched this postcode up and it does not match this address.

When Shaki left I carried on my inspection with Sam and found there were a number of conditions that were non-compliant. You were asked to come to the premises to assist in using the CCTV however this would not work. The following conditions were non-compliant.

Continued.....

Mr Jeneesan Arockyanathan  
27 Mulberry Wynd  
Stockton-On-Tees  
TS18 3BF

- All staff will be fully trained and retrained on a 3 monthly basis in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 21" policy. Staff will receive refresher training at least every 3 months.
- Training records, signed by both the staff member and the Designated Premise Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to Enforcement Agencies and/or Responsible Authorities upon request.
- 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, whilst complying with Data Protection legislation. 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. There will be a minimum of 14 days recording and 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.
- There shall be at least one notice displayed on the premises at the point of sale indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.

It was also noted during this visit you were selling Omega Cider and Knights Cider which officers know to be popular with street drinkers. You were advised it is best not to sell these products as it encourages street drinkers to visit your store, alternatively it may be best to sell these in 4 packs to make them more inaccessible to street drinkers.

You agreed you would not sell to the street drinker who was served outside and will let all of the staff know not to.

Following this, I sent you an email advising I will be returning to your premises on 20<sup>th</sup> June 2024 at 14:00 to conduct my revisit. I revisited at this time and was met by yourself and two members of staff one who I did not know and the other who I know as Sam. I checked compliance with the conditions of your premises licence, which was now compliant, however, there was no training records for Shaki. I asked why this was which you said he does not work there he just comes in sometimes when you go to cash and carry. You stated he is not paid he does this as a volunteer. Even if people are volunteering if they are selling alcohol they should be trained as if they make a sale to someone who is underage and they have not been trained this responsibility may then lay with you as the Designated Premises Supervisor and Premises Licence Holder.

I then left the shop and was conducting other visits around Norton High Street. Around 20 minutes after I had been in your shop, I saw the male who I know to be Shaki speaking with Sam from your store. Following this I requested footage from Stockton Council CCTV team which showed Shaki pulling up on his bicycle. at 14:42 and entering your store with a carrier bag. He then leaves the store a minute later with his carrier bag while on the phone then walks to his bicycle and rides away.

Officers are not convinced that you do not know Shaki's details and do believe he is employed by yourself. Please be reminded that licence holders are expected to upload the licensing objectives one of these being Prevention of Crime and Disorder.

Licensing Officers will continue to work with the CCTV team, Trading Standards, Fire Brigade and other partner organisations to ensure that the Licensing Objectives are upheld, and public safety is maintained.

This letter serves as a warning and will remain on your file for the duration of your licence. If you wish to make any comments regarding the content of the letter then please do so, in writing, with 7 days. Any comments will be held on file.

Yours Sincerely

Handwritten signature of Elliott Beevers in black ink.

Elliott Beevers  
Licensing Officer

**STOCKTON-ON-TEES BOROUGH COUNCIL  
STATEMENT OF WITNESS**

**(Criminal Procedure Rules 2020, r. 16.2;  
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)**

STATEMENT OF: [REDACTED]

AGE (If over 18 enter "over 18") 16

OCCUPATION: Student

ADDRESS: See Over

---

This statement (consisting of 1 pages 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.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2024 Signed \_\_\_\_\_

I am 16 years old. My date of birth is 08/05/2008. I live with my parents. On 29<sup>th</sup> August 2024 at 13.00 I was collected from my home by Kirsty Wannop which I know as an officer employed by Stockton Borough Council's Licensing Service. Also accompanying me was Samantha McCluskey and Ellie Green, from Stockton Borough Council. At 14:20, I entered in to a shop followed by Kirsty Wannop called The Village Store, 14 Level Road, Stockton-on-Tees, TS20 1BQ. I went to the fridges and picked up a bottle of Echo Falls Fruit Fusion and approached the counter. The man asked me for £5.99 and I gave £10 from which I received £4.01 change. I was not asked my age or for identification. I then left the shop and met Samantha McCluskey waiting for me outside. We walked back to the car where I gave Samantha McCluskey the alcohol product a Echo Falls Fruit Fusion 750ml bottle of wine containing 9% abv of alcohol.

**STOCKTON-ON-TEES BOROUGH COUNCIL  
STATEMENT OF WITNESS**

**(Criminal Procedure Rules 2020, r. 16.2;  
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)**

**Continuing Statement of:**

STATEMENT OF: [REDACTED]

ADDRESS: [REDACTED]

# STOCKTON-ON-TEES BOROUGH COUNCIL

## TRANSCRIPT OF RECORDED INTERVIEW

Person Interviewed: Jenseesan AROCKYANATHAN Time Commenced: 2.12 pm  
 Place of Interview: 16 Church Road, Stockton-on-Tees Master CD Number(s):  
 Date of Interview: 12 September 2024  
 CD Reference Nos: ESD/1779  
 Interviewing Officers: Elliott BEEVERS and Kirsty WANNOP

Signature of Officer Preparing Record.....

Exhibit Number.....

Identifying Mark.....

This record consists of 18 pages and is the exhibit referred to in the statement made and signed by me.

Signature.....

Times	Initials	
	EB	This interview is being audio recorded. This interview is under caution and it is taking place in the Trading Standards interview room at 16 Church Road, Stockton-on-Tees. The date is 12 <sup>th</sup> September 2024 and the time is twelve minutes past two. I am Elliott Beever and I'm a Licensing Officer employed by Stockton-on-Tees Borough Council in the Licensing Service. I'm based at Municipal Buildings, Church Road, Stockton-on-Tees. The following officer present is ...
	KW	Kirsty Wannop, Licensing Officer, same address.
	EB	For the record, can you identify yourself stating your full name?
	JA	Yeah, I'm Mr Jenseesan Arockyanathan.
	EB	Your address?
	JA	Number 27 Mulberry Wynd, TS18 3BF.
	EB	Yeah, and the name of your company?
	JA	Village Store.
	EB	And then your position in that company?
	JA	Owner.
	EB	Great. Thank you. So, at the end of the interview, we'll give you a notice explaining what will happen to the CDs and how you can obtain a copy, if needed. Do you agree there is no one else present in the room?

	JA	Yes, please.
	EB	Good. And can you confirm the CDs being used in this interview were new and unsealed in your presence?
	JA	Yes.
	EB	The CDs were unsealed.
	JA	Yeah.
	EB	Yeah. So, prior to the recording machine being switched on, I explained to you, you're being interviewed regarding possible offences under The Licensing Act 2003 and that legal proceedings may be taken against you, and you and your company may have committed offences under The Licensing Act 2003. Because of the formal nature of the interview, I now must caution you, so the time is fourteen minutes past two. You do not have to say anything, but it may harm your defence if you do not mention, when questioned, something that you later rely on in court. Anything you do say may be given in evidence. This caution means you have the right not to say anything or answer the questions I'm about to ask you. However, if you choose not to say anything now, but give an explanation or answer the questions later in court, the court may be less likely to believe you or may wonder why you did not answer my questions. Whatever you do say now will be recorded and could be played or read out to the court. Do you understand the caution?
02:01	JA	Yes.
	EB	Thank you. As the interview is under caution, I must tell you, you are not under arrest, you may leave at any time, you may ask for a break at any time, and you may consult with a solicitor at any time. Do you understand these points?
	JA	Yes.
	EB	Do you wish to seek legal advice before we start?
	JA	Say again.
	EB	Do you wish to seek legal advice before we start?
	JA	If we've got it.
	EB	No. I mean in terms of you getting your own solicitor.
	JA	Yeah. I can get own solicitor.
	EB	Yes. Would you like to speak to them before we commence with the interview?
	JA	No. I'm fine.
	EB	You're okay for now.
	JA	Yeah.

	EB	Okay. If, at any point during the interview you feel like you need to speak to a solicitor, just let us know and we can stop the interview. Okay?
	JA	Yeah.
	EB	So, this interview is being conducted in accordance with the Codes of Practice of The Police and Criminal Evidence Act 1984. A copy of these Codes of Practice is available for you to consult on at any time. Okay.
	JA	Yeah.
	EB	So, on 29 <sup>th</sup> August 2024, Trading Standards and Licensing Officers conducted a test purchase exercise targeting premises on an intel basis. Your premises, The Village Store, 14 Leven Road, Norton, Stockton-on-Tees, TS20 1BQ was targeted and a positive sale of alcohol was made, which was a bottle of Echo Falls and it was made by a male who we believe to be Mr Aeddy. Please can you provide us the details of this name, 'cause I think we've only got his surname, so what's his first name?
	JA	Yeah. I left the passport copy in the van.
	EB	Oh, right.
	JA	Yeah.
	EB	Do you know what his first name is?
	JA	Ready. He called Ready.
	EB	Sorry?
	JA	He called Ready.
	EB	Ready?
	JA	Ready.
	EB	Like R-e-a-d ...
	JA	R-e-a-d-y.
	EB	Ready.
	JA	Yeah.
	EB	Is that his first name or second name?
	JA	Yeah, first name.
	EB	Right, so Ready Aeddy.
03:59	JA	Yeah.



	EB	Okay. So, just to confirm, it's R-e-a-d-y space A-e-d-d-y?
	JA	Yeah. R-e-a-d-d-y.
	EB	And what's his address?
	JA	I just ... the passport, I don't know exactly.
	EB	Is it in the van now?
	JA	Yeah, in the van.
	EB	If you want to go and get it, that's fine. We can pause the tape.
	JA	Yeah.
	EB	Shall we do that?
	JA	Yeah, yeah.
	EB	Okay. That's fine. Give me two seconds.
	JA	Hang on. I can phone them and I ask, yeah?
	KW	You can phone them.
	EB	Yeah, if you want to phone and ask, that's fine.
	JA	Yeah. [Pause] Oh, phone won't work. [Pause] [Speaking on phone] <i>Hello?</i> <i>Yeah, hello. Can you send me your address please?</i> <i>Address [inaudible]</i> <i>Can you text me, please?</i>
06:14	EB	And date of birth please. We need that as well.
	JA	<i>And date of birth, please. Okay.</i> [End of phone call]
	EB	Okay. Is he just sending that over now, is he?
	JA	Yeah, yeah.
	EB	Okay. That's fine. No problem. We'll come back to that one now. So, do you train your staff on age verification policies?
	JA	Yes.
	EB	What type of training do you give them? Have you brought that, or is that under refusals?
	JA	Yeah. Refusal book and training work as well.
	EB	Yes.

	JA	I do every, every day even. To be honest, every single day I go to cash and carry, and then when I come back, drop the stock, I say to them, always winding up. Be careful. Always don't sell underage. No ID, no sale. Doesn't matter sales increase or down, doesn't matter, just no ID, don't sell. I always. Even I got training record as well.
	EB	Yeah. Have you got the training records there? Do you mind if we have a look?
	JA	Yeah.
	EB	Cheers, thank you.
	JA	I think I seen ... you seen the other day, innit?
	EB	Yeah, I did when I came in before. Alright. Okay, so the last... so one of them was in July and the rest were in August.
	KW	So, is ...
	EB	Yeah.
	KW	Go on.
	EB	Yeah. Is the staff member on here who sold?
	JA	Yeah.
	EB	Which one's he? I can't see his name.
	JA	██████████ did this one.
	KW	You've just said he was called Ready Aeddy.
	JA	We call nickname Ready.
	EB	Oh. We mean his actual name.
	KW	Oh. We want his real name, his actual name.
	JA	Yeah.
	EB	So, that's his actual name.
07:59	JA	Yeah.
	EB	So, it's ██████████
	JA	Yeah.
	EB	██████████
	JA	Yeah.

	EB	██████████
	JA	Yeah.
	EB	His last name ██████ ... oh, is it ██████
	JA	██████████ I think.
	EB	Yeah, for his last name. So, it's ██████
	JA	██████████ ... ██████████
	EB	██████?
	JA	Yeah.
	EB	Which is the address on that one?
	KW	████████████████████ It could be ██████ maybes.
	JA	██████
	EB	I'll do a possibility spelling. So, ██████████ Like Tekkald.
	KW	Yeah, that's what I was just ... what is it, ██████████ [Pause]
	EB	Cheers. So, just for the record of the tape, we've just had a look at the training records for the staff and it's now clear the person who sold we believe is called ██████████ either ██████████ or ██████████ of ██████████ We're still waiting on his date of birth. So, how often are the staff trained? So, you mentioned every day.
10:15	JA	Every single day, especially.
	EB	Obviously, you're not ...
	JA	And I do, like, whatever you do, test purchasing as well, I do sometimes or whoever I know, the people, I send in and stay outside.
	EB	Right. So ...
	JA	Yeah. This kind of thing, I do exactly whatever you do, the same things, I train them. Be careful always.
	EB	Yeah. So, you mentioned every day, obviously that might be informal training, so obviously formally in relation to recording it, how often are we actually recording it? Because, obviously...
	JA	Every month. Every month, yeah.
	EB	Every month. Okay. So, you've got one from July. So, are they due again this month? Because, obviously, some of them were from last month.

	JA	Yeah, yeah.
	EB	Okay. So, in terms of your licensing condition, this should be kept every three months, so if you're doing it every month, that's even better for us and you should be keeping a refusals book as well. Have you got your refusals book there as well?
	JA	Yeah, yeah.
	EB	Can we have a look through that? Thank you.
	JA	And then you came out, they sign as well.
	EB	Yeah. Right, so we've got a couple a month. What about ...? When was it? 29 <sup>th</sup> ? So, we haven't got any on that day. One refused on the day after. Okay, so obviously looking, I obviously don't know what your rotas are like in terms of your staffing, but we haven't got any refusals on 29 <sup>th</sup> when obviously this person would have been working. So, maybe again it's a case of refreshing that member of staff and making sure, obviously, they know what their duties are. That's fine. So, how are you promoting the licensing objectives, specifically in terms of protecting children from harm? Because, obviously, an underage sale has been made on your premises. So, how are you promoting protecting children from harm?
12:18	JA	Yeah, well I always tell the kids you don't need to have ... sometimes, I think a couple of months you done the test purchasing from me as well, I refused them. How old are you? She said fifteen and then she left the wine bottle and then walked away from Somerset store. So, we've got a lot of experience. I always tell them, if you need alcohol, you need to go to your parents, ask them, just bring the parents to, you know. Especially, you are not allowed to drink. Go to parents, ask them, whatever they are teaching you. So, this is a way I just shout ... sometimes I shout them, why you coming over here? Just don't learn like this. They come, you know ...
	EB	Yeah, we obviously need to make sure we're not, obviously, telling kids to get the parents to get it for them, because obviously that would still be illegal.
	JA	No.
	KW	No, he's saying go to your parents and say ...
	JA	Parents, yeah.
	KW	... you're trying to buy alcohol.
	EB	Right.
	KW	It's wrong. You say ... is that ...
	JA	Yeah. A lot of parents come in front of me, they're buying from them, but they are ... whenever their school finish and then after, you know, I seen the parents, they buy the alcohol, walk away and then afterward they are coming outside and they shout them kids and then I suggest the parents give them alcohol. These things really, really, really, really mad. You know, the parents ...

	KW	Oh, so, the parents will come in.
	JA	Yeah, come in.
	KW	Go back into their house and then give the kids the alcohol.
	JA	Yeah, stay with the parents and they drink with parents as well.
	KW	They're drinking with their parents.
	JA	Parents as well.
	EB	Obviously, as far as you're able to do, obviously we need to make sure we're not selling to those people. I appreciate it's hard, you know, if people are going home and buying alcohol from your shop and giving it to their children at home, there's not much you can do about that, but obviously if it's really visible and we know who they're buying for, obviously, we need to make sure their sales are turned down. That's what's called a proxy sale. So, obviously you've got your training. How long have you been training like that? Have you just started doing frequent training or have you always done frequent training like that?
14:17	JA	Well, just starting about a couple of months ago.
	EB	Yeah, okay. Is there anything further you've put in place to ensure this won't happen again? Do you have till prompts?
	JA	Yeah.
	EB	Yeah, you have till prompts?
	JA	Yeah.
	EB	And is that ... so, what happens?
	JA	Over eighteen, yes or no, straightaway come in, when you scan this alcohol or cigarette or vapes automatically coming up the till thing. So, I should bring that report as well.
	EB	Yeah, that's fine. Probably what I think might work better, just as a bit of advice, in terms of your till prompt. Possibly if you have your age verification policy on that. So, instead of it saying over eighteen or not, possibly have it popping up saying "challenge twenty-five". Does this customer look over twenty-five?
	JA	Yeah, we've got the over twenty-five.
	EB	Yeah.
	JA	Ready to prove you are over twenty-five and twenty-five.
	EB	Does that come up on the till as well?
	JA	No, eighteen.

	EB	Yeah.
	JA	Eighteen.
	EB	So, maybe if you can, I know it might be difficult, but if you contact the till provider.
	JA	Yeah, yeah, yeah.
	EB	Maybe see if he can get that jumping up, because obviously it makes the staff think more because obviously there is people that might look, you know, nineteen or twenty, you know, but they're only fifteen. So, again, it'll make the staff think, is this person over twenty-five? No. I should be asking them for ID.
	JA	Last night it happened something, one of the girls came and asked for cigarettes and then I said how old are you? Do you think I am underage? There we go, licence, I am thirty-two. Oh, I'm sorry darling, I'm ... looked like you got a baby face.
	EB	Yeah.
	JA	And then I said, I'm really sorry, I need to ask. Looked like a baby.
	KW	Yeah. No, that's the right thing.
	JA	Baby face, so I, and she said thirty-two, then I checked the provisional licence and then wow, I'm sorry.
	KW	Don't ever be sorry for asking for ID. You're doing it for the right reasons.
	JA	Yeah.
	KW	You're doing it for the right reasons.
	EB	Are you okay to carry on or do you want a minute?
16:00	JA	Yeah, yeah.
	EB	Are you sure?
	JA	Yeah.
	EB	So, obviously the issue with this sale is obviously, there has been a lot of intel in the past and you have had quite a lot of warning letters. You have passed TPs, test purchases, that is, sorry, in the past, but again there obviously has been a lot of intel in relation to the sale of age-restricted products while you've been in charge since October 2018. So, just obviously what we've got noted on the system, I'll go from the most recent to the most furthest away. So, obviously on 29 <sup>th</sup> August we had the test purchase fail. On 5 <sup>th</sup> June, you had a written warning from myself, again about the warning for selling alcohol outside of the licensed area. In December last year you passed a vape TP, test purchase. In September last year, you surrendered twenty-six over-sized vapes to Trading Standards. April last year, there was something else. December in 2022, you got advice for a

		<p>hundred and seventy non-compliant vapes that were surrendered again to Trading Standards. In June 2022, you were given a written warning about an underage sale, which you passed. However, the Trading Standards Officer did observe a female who didn't look of age who wasn't asked for ID and was ... sorry, who was asked for ID, but she didn't have it and they were told to bring it next time. August in 2022, you received a written warning for underage sales of alcohol to a young person, but just from Licensing, that was a complaint. In April 2022, there was a complaint of underage sales of e-cigarettes. In January 2022, you received advice for twenty non-compliant e-cigarettes which were surrendered to Trading Standards. In January 2021, you received advice for alcohol and cigarettes sold to a fourteen-year-old which was a complaint that Trading Standards received. In September 2021, you were advised and noted for the next test purchase operation due to further complaints of underage sales of vapes, which also went through Trading Standards. Obviously, as you can see, that's quite a lot, you know, and that's only since you've taken over. It seems in the first three years or so, I think you did get advice at one point about surcharges on your card payment, but obviously, just in relation to trying to stay on topic a little bit, I suppose, sort of for the first three years you were there, you know, it was pretty good. And it just sort of seems the last three years there's been a lot. Is there a reason, do you think, why we've had so many complaints or ...?</p>
18:48	JA	<p>Well, I just ... I'm always warning my staff. Some customers angry with us. They are sometimes they will ... we don't sell it and then they shout us and then they walk away and throw the stone in my shop, break the window. We got evidence for that. A few things. Some people are coming and they grab the wine bottle or vapes and run away. We phone 101, we explain to them. They don't take action, just enforcement come in, who's this, blah, blah, blah and then they walk away. This is ongoing now. We always happening, but unfortunately ...</p>
	EB	<p>I appreciate it can be tough, but obviously really, we haven't really got this many complaints about other shops, I'll be honest with you. And it's quite targeted. Things can be hard and things will ... like this will happen at other shops, but we just need to make sure you're being strong and I'm assuming it won't be these people complaining. You know, I think quite a lot of the underage sale complaints we've had have been like professionals, like off-duty police officers. I think there was a doctor in one of them that's viewed actual ... well, who they believed to be underage getting served. It just doesn't look good, is what I'm saying.</p>
20:10	JA	<p>Right.</p>
	EB	<p>There's a lot of complaints there. So, yes, have you got any further questions on the underage sale or Village Store?</p>
	KW	<p>No.</p>
	EB	<p>Okay. So, following this interview, we'll need to decide what action we need to take next, which isn't decided yet. We obviously need to decide what's most appropriate. And obviously we'll take into account the history and what's happened now and obviously your answers in this interview. So, we could possibly prosecute yourself for the underage sale or the member of staff who's made it. We could choose to review the licence which could result in the revocation of the licence so you couldn't sell alcohol any more or further conditions being added to that to obviously make it stricter. We may ask you to do a minor variation if that's something that you'd be willing to do to again add further</p>

		conditions, but not go down the route of a review. We may decide to give you a warning in this case or we may decide to take action against your personal licence for failings at the premises, such as lots of complaints, underage sales, vape non-compliance and the immigration issues. Again, it's not decided yet what action we are going to decide to take. It will need to be discussed with my supervisor to decide what's best. Obviously, when I do know, I'll let you know and then obviously we'll take whatever comes from there. Does that make sense?
32:19	JA	Yeah.
	EB	Yeah.
	JA	To be honest I really, really tight all the staff with everything I need to know. I mean no ID, no sale, that's it. No second answer. That's what I teach them. No ID, don't sell anything. Oh, you know my mum, you know my dad. It doesn't matter. Bring the ID photo, ID, that's it. No ID, don't sell. Really tight with them now, really tight. Even every single day I teach them. When I go to cash and carry and come back and then, you know, no ID, no sale, always remember.
	EB	Yeah. Okay. Have you got anything further to add before we conclude the interview?
	JA	I'm fine.
	EB	That's fine, okay. So, I'm now handing you the Notice to Persons Being Interviewed. Sorry, can you just get me the number please, Kirsty?
	KW	ESD 1779.
	EB	So, if you can just read that handwritten bit on top of that. So, that tells you how you can get a copy of the discs, if you'd like one.
	JA	Yeah. I read the line.
	EB	So, if you just read that for me, just read it for me. Just the handwritten bit there to confirm receipt.
	JA	Yeah. Oh, right. T50 or TSD?
	KW	ESD.
	EB	Yeah, ESD.
	JA	ESD/1779.
	EB	Great, that's fine. So, the time is now forty-six minutes past two and the interview is concluded.



## LICENSING ACT 2003

## PREMISES LICENCE SUMMARY (PART B)

**PREMISES LICENCE NUMBER: 132151**

## PREMISES DETAILS

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

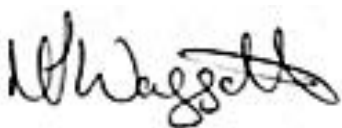
**The Village Store  
14 Leven Road, Norton, Stockton-On-Tees, TS20 1BQ**

WHERE THE LICENCE IS TIME LIMITED THE DATES

**N/A**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

**SUPPLY OF ALCOHOL**



.....  
Margaret Waggott  
Assistant Director  
(Administration, Democratic & Electoral Services)

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

**SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES**

**MONDAY: 09.00 until 22.00**  
**TUESDAY: 09.00 until 22.00**  
**WEDNESDAY: 09.00 until 22.00**  
**THURSDAY: 09.00 until 22.00**  
**FRIDAY: 09.00 until 22.00**  
**SATURDAY: 09.00 until 22.00**  
**SUNDAY: 09.00 until 22.00**

THE OPENING HOURS OF THE PREMISES

**N/A**

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

**Supply Of Alcohol OFF The Premises**

**PART 2**

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

**Mr Jeneesan Arockyanathan**  
**27 Mulberry Wynd, Stockton-On-Tees, TS18 3BF**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**N/A**

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

**Mr Jeneesan Arockyanathan**

STATE WHETHER ACCESS TO PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

# ANNEX 1

## MANDATORY CONDITIONS AND EMBEDDED RESTRICTIONS

### MANDATORY CONDITIONS

- **No supply of alcohol may be made under the premises licence:**
  - (a) at any time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at any time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- **(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**
  - (2) **The designated premise supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
  - (3) **The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-**
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- **A. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price**
  - B. For the purposes of the condition set out in paragraph A -**
    - (a) **"duty" is to construed in accordance with the Alcoholic Liquor Duties Act 1979;**
    - (b) **"permitted price" is the price found by applying the formula -**  
$$P=D+(D \times V)$$
**Where-**
      - (i) **P is the permitted price**
      - (ii) **D is the amount of duty chargeable in relation to the alcohol as if duty were charged on the date of the sale or supply of the alcohol, and**
      - (iii) **V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol**
    - (c) **"relevant person" means, in relation to premises in**

respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premise supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

C. Where the permitted price given by Paragraph (b) of paragraph B would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny

D. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph B on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **ANNEX 2**

### **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

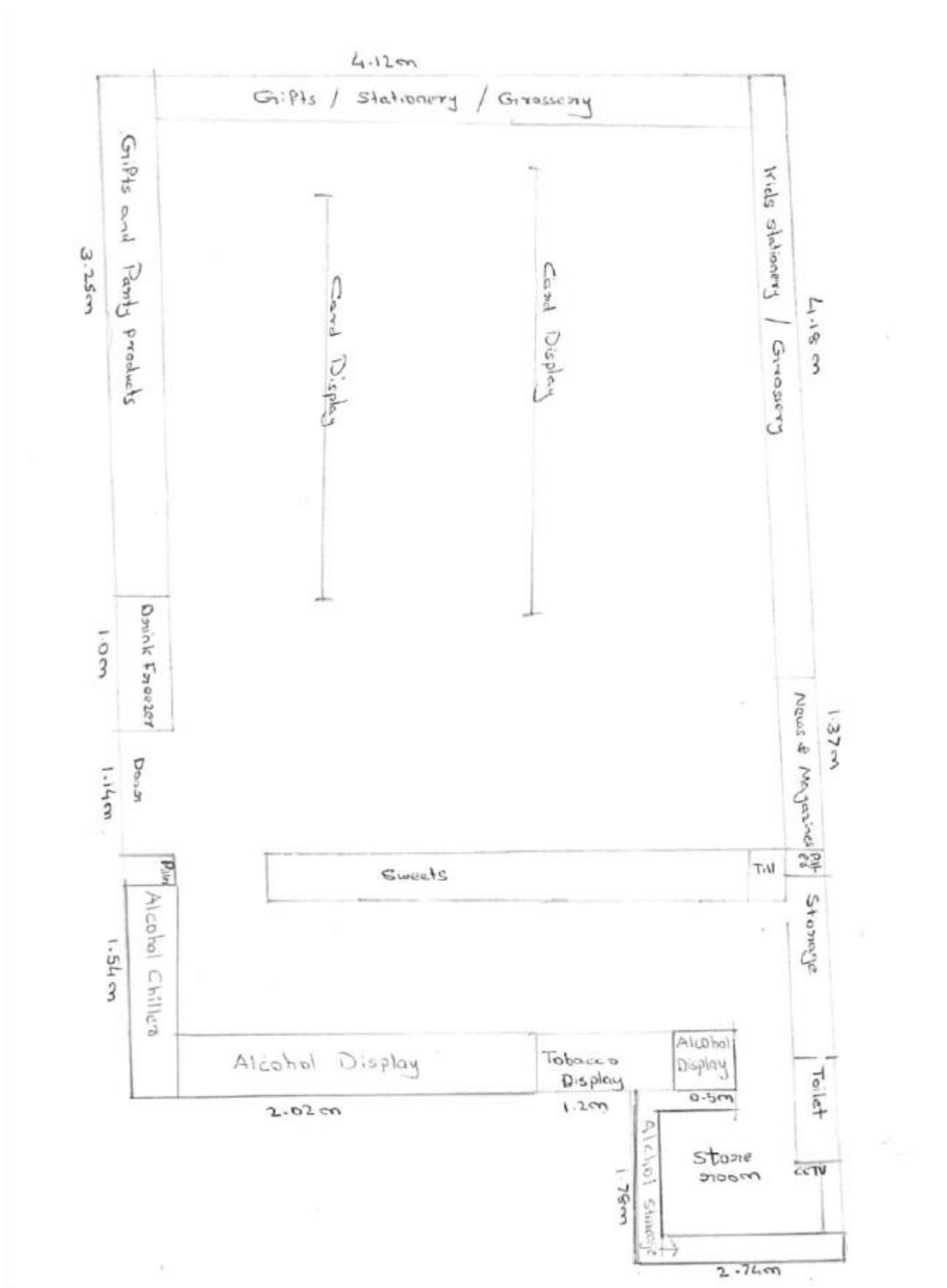
#### **PREVENTION OF CRIME & DISORDER**

- **All staff will be fully trained and retrained on a 3 monthly basis in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 21" policy. Staff will receive refresher training at least every 3 months.**
- **Training records, signed by both the staff member and the Designated Premise Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to Enforcement Agencies and/or Responsible Authorities upon request.**
- **The only acceptable evidence of age will be a valid photo identification confirming the purchasers age, namely a passport, photo driving licence or PASS approved proof of age card such as a Validate card, Portman Group card or a Citizen card.**
- **The business will maintain a refusals book to record all instances where the sale of age restricted products have been refused. This shall include the date and time of the attempted sale, together with a description of the incident, the Designated Premises Supervisor/Business Owner will check and sign each page and the refusals book will be made available to Enforcement Agencies and/or Responsible Authorities on request.**
- **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, whilst complying with Data Protection legislation.  
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.  
There will be a minimum of 14 days recording and 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.**
- **In the event of an incident occurring, there will be a member of staff who can be contacted and who is trained in the use of the equipment. Upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, the member of staff will be able to produce the footage within a reasonable time, e.g. 24hrs routine or immediately if urgently required for investigation of serious crime.**
- **An incident book will be kept and maintained on the premises at all times. The book will detail in brief, incidents, refusals and age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Licensing Officers on demand.**

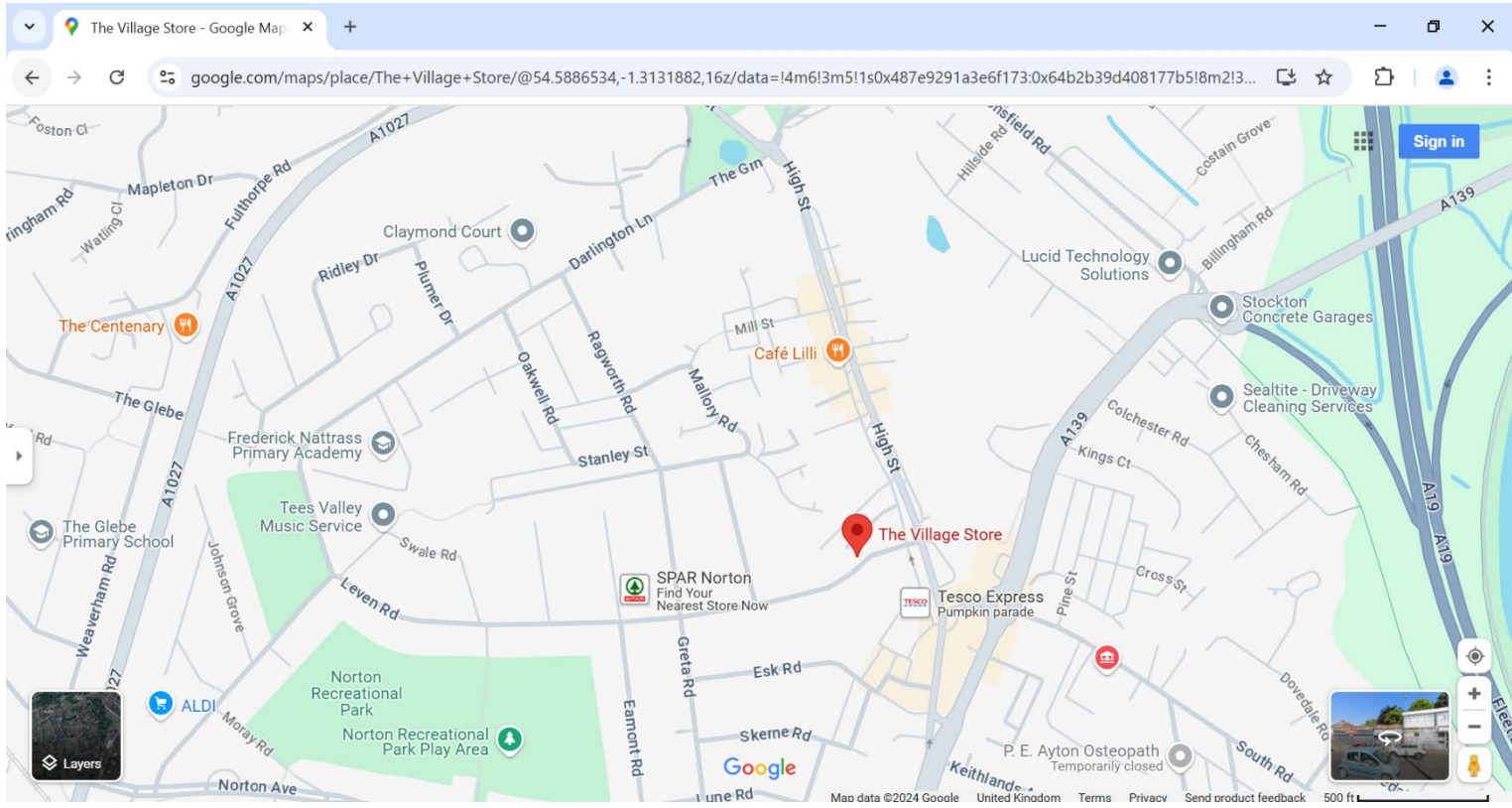
- **A "Challenge 21" policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 21 years of age and who is attempting to buy alcohol. At least one public notice shall be displayed at the point of sale to inform customers and remind staff that the premise is operating a "Challenge 21" policy.**
- **There shall be at least one notice displayed on the premises at the point of sale indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.**

ANNEX 4

PLANS (NOT TO SCALE)



Map Location







premise, between the hours of 09:00 hours to 22:00 hours. Name and registered address of premise licence holder is Mr Jeneesan Arockyanathan 27 Mulberry Wynd, Stockton-On-Tees, TS18 3BF.

Any premises with a licence has certain obligations with regards to all of the four licensing objectives and the conditions laid down in their premise licence. This includes abiding by the allocated hours it is allowed to carry out licensable activity and following the conditions, both the mandatory ones and those put forward by themselves or agreed with responsible authorities which are set out in annex 2 of the licence. Both sets of conditions are legally binding and should be adhered to.

As adults, people can easily become vulnerable due to having consumed excess alcohol. This applies more so to underage drinkers who are, purely by their age, already deemed as being vulnerable. In my experience, the consumption of alcohol by children often leads to them being left in extremely vulnerable and dangerous situations, resulting in them becoming a victim of crime and/or becoming aggressors in violent assaults.

The owners and management of the premise should also be aware of what is happening in their premise and should do everything in their power to assure that illegal activity is not happening from their premise and uphold the licensing objectives.

On information received concerns of poor management at the premises over a period of time, several incidents relate to underage sales and breach of licence conditions.

During an underage sale test purchase operation alcohol was supplied to an underage volunteer on Thursday 29th August 2024. I am aware that this is not the first-time unauthorised sales of alcohol have been sold to children.

The premise license holder has persistently sold to vulnerable persons; mainly the most vulnerable persons in society are children; and as such on a previous occasion has been challenged around such sales.

It is reasonable to say that there could have been many other sales to children that the authorities were not aware of, all of which will lead to the increase of crime and disorder and anti-social behaviour which Cleveland police and partners are trying to combat and working tirelessly hard to make communities a better place to live which is being undermined by irresponsible licensing activities.

The section 182 Guidance which accompanies the Licensing Act 2003 states, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances.

Not only is AROCKYANATHAN willing to have underage sales in his premise, but I have also submitted a similar statement in relation to another premise where MR AROCKYANATHAN is the premise licence Holder in relation to illegal workers.

---

  
CLEVELAND POLICE

Page No 4

Continuation of Statement of **Glyn Eric Bavin**

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The premise licence holder AROCKYANATHAN is clearly demonstrating the licensing laws or objectives do not apply to him; and he is quite willing to have illegal workers working at his premises and selling alcohol to underage persons.

Cleveland Police cannot condone illegal activity being allowed to take place from a licensed premises, especially after they have been warned of this illegal activity by the council, and furthermore cannot condone working outside the remit of their premises licence and not abiding by the conditions of that licence when other premises are working hard to do just that.

## Representations On A Current Application For A Review Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

### Section 1 – Licence Application Details

Applicant Name (If Known)	<b>The Village Store</b>
Premises Name and Address	<b>14, Leven Road Norton Stockton-on-Tees TS20 1BQ</b>

### Section 2 - Responsible Authority

- Trading Standards
- Cleveland Police
- Environmental Health
- Cleveland Fire Service
- Planning
- Protection of Children From Harm
- Public Health

### Section 3 – Representation Grounds

<p><b>The representation is relevant to one or more of the following licensing objectives:</b></p> <p><b>Please tick relevant box(es)</b></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Prevention of Crime and Disorder</li> <li><input type="checkbox"/> Prevention of Public Nuisance</li> <li><input checked="" type="checkbox"/> Protection of Children from Harm</li> <li><input type="checkbox"/> Public Safety</li> </ul>
---	--

<p><b>The grounds of the representation is based on the following:</b> (Please continue on a separate sheet if necessary)</p> <p>The Public Health team have reviewed the evidence provided by licensing colleagues in respect of The Village Store, particularly that relating to the underage sales of alcohol.</p> <p>After considering the information provided, Public Health is in full support of the review application submitted by SBC Licensing, due to the undermining of the following licensing objectives:</p> <ul style="list-style-type: none"> <li>• Prevention of Crime &amp; Disorder</li> <li>• Protection of Children from Harm</li> </ul>
--

It is the responsibility of the licence holder to uphold the conditions on their licence and to uphold the four licensing objectives, with robust procedures and staff training in place to support these.

Public Health recognises the variety of harms associated with alcohol, including:

- Physical health harms to an individual, including increased risk of cancer, stroke, dementia, and heart attacks.
- Mental health harms to an individual, including increased risk of anxiety and depression.
- Wider, community harms; in that alcohol is a significant contributor to crime, factoring in 39% of all violent crimes in England. It has a significant role in perpetration of domestic violence, child neglect, and abuse and exploitation of vulnerable individuals. 50% of all violent crime is alcohol-related (Balance, 2017); and almost nine in ten police officers have been subjected to at least one alcohol-related assault (Balance, 2013).
- Health inequalities, in that, people of a lower Socioeconomic Status (SES) are more likely to experience greater alcohol-related harm, even at the same or lower levels of alcohol intake than people of a higher SES. Rates of alcohol-related deaths are four times higher in our deprived communities than among those living in our most affluent areas.

Public Health supports all aspects of promoting the licensing objectives, particularly, protecting the health of the Borough and local communities. The Public Health approach to reducing alcohol harm is to encourage and promote responsible drinking and to protect public and children from harm. There is a strong correlation between availability, affordability and consumption (Balance, 2017).

It is concerning that there have been instances of underage sales, most recently with a test sale on the 29 August 2024. The law restricting alcohol sales to those aged eighteen and over is primarily to protect children's health from alcohol harm. This is supported by the Chief Medical Officer's Guidance (Department of Health and Social, 2009).

Children who regularly drink are more likely to get involved in risk taking behaviour such as smoking and drugs, as well as an increased risk of violence, underage sex and accidents (<https://whatstheharm.co.uk/myths/>, accessed 6/11/2024). Drinking alcohol can also be a predictor of increased truancy as well as having a negative impact on educational attainment (Department of Education Brief DFE-RB005, 2010).

By selling to those under eighteen, The Village Store is not only putting children's health at risk at a time when their brain is still developing, but is also likely to be adding to the problems of anti-social behaviour and underage drinking in the local community, in an area which is already subject to a Public Space Protection Order.

It is crucial to acknowledge the Village Store is situated in the Norton Central Ward, just off the busy main street of Norton Village. This ward also is in one of the lower deprivation deciles, with an IMD 4\*, with the surrounding wards (Norton North and Norton South) IMD 2\*.

Norton Central has:

- 5.01% of pupils that are persistently absent\*\* from school (11<sup>th</sup> highest in the Borough)
- A Public Space Protection Order in place in Norton Village
- 226.09 crimes per 1,000 population in the year June 2023 to May 2024, compared to an average of 176.80 per 1,000 population across the Borough and 118.10 per 1,000 population across England
- 36% of crimes are violent crimes
- The second highest density of off-sale premises (crude value) in the Borough, with 1.55 off-sale premises per 1,000 population, compared to an average of 0.85 per 1,000 population across the Borough.
- A significantly higher than national average rate of hospital admissions for alcohol attributable conditions and the 9<sup>th</sup> highest in the Borough, looking at 2016/17 to 2020/21 data which used previous ward boundaries.

It is also worth noting the rate of hospital admission episodes for alcohol-specific conditions for under 18s in Stockton, which between 2020/21 – 2022/23 was 26.9 per 100,000 population compared to 26.0 for England.

In the context of the evidence above, and in order to prevent further undermining of the licensing objectives of Prevention of Crime and Disorder and the Protection of Children from Harm - and further risk to Public Health - Public Health fully supports the review application submitted by SBC Licensing.

\*IMD refers to the Index of Multiple Deprivation, with deprivation referring to the seven domains of income, employment, education, health, crime, barriers to housing and services, living environment

\*\* Persistently Absent – the proportion of pupils (Primary and Secondary) who have been absent for 56 or more sessions during the year (around 15 per cent of overall absence) based on location of pupil residence.

Signed: T. Hyman	Position: Public Health Practitioner, SBC Public Health	Dated: 11/11/2024
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When complete this form should be returned to the address above or e-mailed to [licensing.administration@stockton.gov.uk](mailto:licensing.administration@stockton.gov.uk)

## Representations On A Current Application For A Review Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

### Section 1 – Licence Application Details

Applicant Name (If Known)	<b>The Village Store</b>
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### Section 2 - Responsible Authority

- Trading Standards
- Cleveland Police
- Environmental Health
- Cleveland Fire Service
- Planning
- Protection of Children From Harm
- Public Health

### Section 3 – Representation Grounds

<p><b>The representation is relevant to one or more of the following licensing objectives:</b></p> <p><b>Please tick relevant box(es)</b></p>	<input checked="" type="checkbox"/> Prevention of Crime and Disorder
	<input type="checkbox"/> Prevention of Public Nuisance <input checked="" type="checkbox"/> Protection of Children from Harm <input type="checkbox"/> Public Safety

### The grounds of the representation is based on the following:

(Please continue on a separate sheet if necessary)

The Trading Standards team have reviewed the evidence provided by Licensing colleagues in respect of The Village Store, particularly that relating to the underage sales of alcohol.

After considering the information provided, Trading Standards is in full support of the review application submitted by SBC Licensing, due to the undermining of the following licensing objectives:

- Prevention of Crime & Disorder
- Protection of Children from Harm



The sale of alcohol to the young volunteer on 29 August 2024 is of particular concern, given the responsibility of the licence holder to uphold the four licensing objectives, including the protection of children from harm. The lack of ID or age verification is worrying, especially given that there is a 'Challenge 21' condition on the premises licence. It is the responsibility of the licence holder to ensure that robust procedures are in place to uphold such conditions.

Whilst our records indicate that the premises passed underage sale attempts for vapes in December 2023 and cigarettes in June 2022, it is worth noting that the Trading Standards Officer did observe a sale of alcohol to a person she suspected to be underage during the test purchase exercise in June 2022. This sale was made even though the sales assistant had asked for ID and the customer was unable to produce any. The officer sent a warning letter to Mr Arockynathan which I attach as appendix JRJ/1.

Trading Standards have also had cause to visit the premises on three occasions with regard to the sale of non-compliant vapes. On 13 January 2022, 20 non-compliant vapes were voluntarily surrendered by Mr Arockynathan and then on 5 December 2022, a further 170 non-compliant vapes were voluntarily surrendered. In addition, on 27 September 2023, 26 non-compliant vapes were voluntarily surrendered by Mr Arockynathan.

With regard to Mr Arockynathan, our records indicate that he was issued with a simple caution in August 2011 for the sale of alcohol to a person under the age of 18 at Somerset Road Convenience Store, Somerset Road, Norton, Stockton-on-Tees, TS20 2NE. I attach a copy of this caution as appendix JRJ/2.

In addition, in September 2015, he was prosecuted for the supply of counterfeit Glens Vodka from Jaime's Store at 2 Centenary Crescent, Norton, Stockton-on-Tees TS20 2JL. He was fined £514 with £1,500 costs and £51 victim surcharge after pleading guilty to offences under the Food Safety Act 1990 and the Trade Marks Act 1994.

In the context of the evidence above, and in order to prevent further undermining of the licensing objectives of Prevention of Crime and Disorder and the Protection of Children from Harm, Trading Standards fully support the review application submitted by SBC Licensing.

Signed: Jimmy Jones	Position: Trading Standards Manager, Stockton-on-Tees Borough Council	Dated: 11/11/2024
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When complete this form should be returned to the address above or e-mailed to [licensing.administration@stockton.gov.uk](mailto:licensing.administration@stockton.gov.uk)

**For Office Use Only**

Date Received		Checked By	
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My Ref:SMY/E106876  
Your Ref:

Trading Standards  
16 Church Road  
Stockton-on-Tees  
TS18 1TX

[Tel:01642 526535](tel:01642526535)

Email: [samantha.mccluskey@stockton.gov.uk](mailto:samantha.mccluskey@stockton.gov.uk)  
Date: 20/07/2022

Dear Mr Arockyanathan

### **Notification of Test Purchase Result - PASS**

This service has recently conducted a compliance check on your business by means of a test purchase exercise. I am pleased to advise you that the young person's attempt to access an age restricted product/ service was refused.

However, the Trading Standards Officer did witness the sale of alcohol to a customer who looked underage. The shop assistant asked for ID and the customer said "No I haven't brought it with me this time." and the sale was accepted. I must remind you that if you suspect a customer is not over the age of 18, you have asked for ID and they cannot produce sufficient identification then you **MUST** refuse the sale.

We have received a number of complaints of underage sales of cigarettes, alcohol and vapes occurring in your premises and you have received two written warnings on 17/2/21 and 7/10/21 regarding these issues.

This is a **FINAL** warning, should we receive any further complaints or should you fail an underage sales test purchase then it's likely a more formal action will be taken.

If you have any concerns about the contents of this letter, please don't hesitate to call me.

Yours sincerely

Samantha McCluskey

Trading Standards Enforcement Officer

**IMPORTANT**  
The Village Store  
14 Leven Road  
Norton  
Stockton-on-Tees  
TS20 1BQ



**SIMPLE CAUTION**

Offender's Surname: AROCKYANATHAN  
 Forename: JANEESAN  
 Address: 2 WADE AVENUE  
 STOCKTON-ON-TEES  
 TS18 2EB  
 Date Of Birth: 14 MARCH 1972

Date of Offence: 16 JULY 2011  
 Place of Offence: SOMERSET ROAD CONVENIENCE STORE  
 SOMERSET ROAD  
 NORTON  
 STOCKTON-ON-TEES  
 TS20 2NE

Brief Circumstances of Offence:- You did sell alcohol to a person under 18 years of age, namely A person of 16 years of age, contrary to Section 146 (1) of the Licensing Act 2003.

**Please read the declaration below and make sure you understand it before you sign.**

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974, this caution may be taken into account in any decision whether to issue me with a licence.

Name: JANEESAN AROCKYANATHAN  
 Signed: [Signature] Date: 23-08-2011

Name: David Kitching  
Trading Standards & Licensing Manager  
 Signed: [Signature] Date: 24-08-2011



My Ref:SMY/E106876  
Your Ref:

Trading Standards  
16 Church Road  
Stockton-on-Tees  
TS18 1TX

[Tel:01642 526535](tel:01642526535)

Email: [samantha.mccluskey@stockton.gov.uk](mailto:samantha.mccluskey@stockton.gov.uk)  
Date: 20/07/2022

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If you have any concerns about the contents of this letter, please don't hesitate to call me.

Yours sincerely

Samantha McCluskey

Trading Standards Enforcement Officer

IMPORTANT  
The Village Store  
14 Leven Road  
Norton  
Stockton-on-Tees  
TS20 1BQ



# Stockton-on-Tees

BOROUGH COUNCIL

DEVELOPMENT & NEIGHBOURHOOD SERVICES

Trading Standards & Licensing

www.stockton.gov.uk

PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD  
Tel: (01642) 393939 • Fax: (01642) 526584

## SIMPLE CAUTION

Offender's Surname: AROCKYANATHAN  
Forename: JANEESAN  
Address: 2 WADE AVENUE  
STOCKTON-ON-TEES  
TS18 2EB  
Date Of Birth: 14 MARCH 1972

Date of Offence: 16 JULY 2011  
Place of Offence: SOMERSET ROAD CONVENIENCE STORE  
SOMERSET ROAD  
NORTON  
STOCKTON-ON-TEES  
TS20 2NE

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**Please read the declaration below and make sure you understand it before you sign.**

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- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974, this caution may be taken into account in any decision whether to issue me with a licence.

Name:

JANEESAN AROCKYANATHAN

Signed:

*J. Arockyanathan*

Date: 23-08-2011

Name:

David Kitching  
Trading Standards & Licensing Manager

Signed:

*David Kitching*

Date: 24-08-2011

Community  
Legal Service



INVESTORS  
IN PEOPLE | Silver

CUSTOMER  
SERVICE  
EXCELLENCE



The Government Standard

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# Agenda Item 6

2DELEGATED

AGENDA NO.

REPORT TO THE  
STATUTORY LICENSING  
COMMITTEE

5<sup>th</sup> December 2024

**LICENSING ACT 2003  
APPLICATION FOR REVIEW OF A PREMISES LICENCE  
SOMERSET CONVENIENCE STORE, 60 SOMERSET ROAD, NORTON, STOCKTON-ON-TEES,  
TS20 2ND**

## SUMMARY

The purpose of this report is for Members to consider an application for a review of a premises licence. The application has been made by the Licensing Authority acting as a Responsible Authority, on the grounds of the prevention of crime and disorder licensing objective.

## RECOMMENDATION

That Members determine the review application.

## THE APPLICATION

1. An application for a review of premises licence in respect of above the premises has been received from the Licensing Authority. The application relates to the undermining of the licensing objectives of the prevention of crime and disorder.
2. Mr Jenseesan AROCKYANATHAN is both the premises licence holder (PLH) and designated premises supervisor (DPS) at the premises since 28/02/24. Mr AROCKYANATHAN has breached section 15 of the Immigration, Asylum and Nationality Act 2006 and has received a civil penalty notice for illegal working. A copy of the application and supporting evidence including a summary transcript of interview is attached at Appendix 1 and 2 respectively.
3. A copy of the current premises licence showing licensable activities and licensable hours is attached at Appendix 3.
4. A map showing the location of the premises is attached at Appendix 4.

## RESPONSIBLE AUTHORITIES

5. A statement in support of the licence review on the grounds of undermining the crime and disorder licensing objective has been received from Cleveland Police and is attached at Appendix 5.
6. A representation in support of the licence review on the grounds of undermining the crime and disorder objective has been received from Immigration Enforcement and is attached at Appendix 6.
7. A representation in support of the licence review on the grounds of the crime and disorder objective has been received from the Public Health Team and is attached at Appendix 7.

## ADDITIONAL INFORMATION

<b>PREMISE LICENCE HOLDER PLH</b>	<b>Mr Jeneesan Arockyanathan</b>	<b>28/02/2024 - Present</b>
<b>DESIGNATED PREMISES SUPERVISOR DPS</b>	<b>Mr Jeneesan Arockyanathan</b>	<b>28/02/2024 - Present</b>

8. Since serving the application to review the premises on Mr AROCKYANATHAN, he has informed officers he has exercised his right of appeal against the civil penalty. Immigration enforcement have confirmed an appeal has been received.

## **POLICY CONSIDERATION**

9. Members must carry out their functions with a view to promoting the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

10. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Revised Guidance issued December 2022 under the Licensing Act 2003 when considering this application for review. Details regarding the full range of powers available to members can be found at section 11 of the Guidance.

11. At section 11:27 of the guidance states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

12. Copies of these documents can be found at:

[www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy](http://www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy)

[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022-accessible](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022-accessible)

## **MEMBERS OPTIONS**

13. Members are advised that under the provisions of Section 51(4) The Licensing Act 2003 the authority may, at any time, reject any ground for review if it is satisfied –



- that the ground is not relevant to one or more of the licensing objectives, or
- in the case of an application made by a person other than a responsible authority, that-
- the ground is frivolous or vexatious, or
- the ground is a repetition

14. If Members are not minded to reject this application, then under the provisions of Section 52(3) The Licensing Act 2003, the authority must, having regard to the application and any relevant representations take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the four licensing objectives. The steps are –
- a) to modify the conditions of the licence which could include reducing opening hours or requiring door supervisors at a particular time;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premise supervisor for example, because they consider that the problems are the result of poor management;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence
  - f) and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes a step mentioned in (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

15. The Committee also have the option to leave the licence in its existing state.
16. The premises licence holder has been invited to today hearing.
17. All interested parties who submitted representations have been invited to todays hearing.

#### **ASSOCIATED PAPERS**

The following appendices are attached for information:

- Appendix 1 Application for review
- Appendix 2 Supporting documents
- Appendix 3 Copy of the existing licence
- Appendix 4 Location Map
- Appendix 5 Representation from Cleveland Police
- Appendix 6 Representation from Immigration
- Appendix 7 Representation from Public Health

#### **Assistant Director Regulated Services and Transformation:**

**Contact Officer:**

**Telephone No.**

**Email Address:**

**Financial Implications:**

Marc Stephenson

Leanne Maloney-Kelly

01642 526566

[leanne.maloney-kelly@stockton.gov.uk](mailto:leanne.maloney-kelly@stockton.gov.uk)

None

#### **Community Safety Implications:**

The Licensing Act 2003 requires the licensing authority to have regard to:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

#### **Legal implications**

Any decision made in respect of the review application can be appealed to the magistrate's court within 21 days by –

- 1 The applicant

- 2 The premises licence holder
- 3 Any other person who made relevant representations

Any decision made in respect of the review does not have effect until –

- the end of the period given for appealing against the decision, or
- If the decision is appealed against, the time the appeal is disposed of.

**Human Rights**

**Background Papers:**

**Ward(s) and Ward Councillors:**

Members should have regard to the Human Rights Act when conducting this hearing.

Stockton Borough Council Licensing Policy Statement and Section 182 Guidance.

Norton Central

Cllr Lisa Evans

Cllr Steve Nelson

**Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Elliott Beavers (Responsible Authority)**

*(Insert name of applicant)*

*Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below*

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
Somerset Convenience Store 60 Somerset Road Norton Stockton-On-Tees	
<b>Post town</b>	Post code (if known) TS20 2ND

Name of premises licence holder or club holding club premises certificate (if known) <b>Mr Jenseesan Arockyanathan</b>
---

Number of premises licence or club premises certificate (if known) 041172
--

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  Licensing Authority c/o Elliott Beevers Licensing Officer  Stockton-on-Tees Borough Council 16 Church Road Stockton-on-Tees TS18 1TX
Telephone number (if any) <b>01642 524802 / 07796 493661</b>
E-mail address (optional) elliott.beevers@stockton.gov.uk

#### This application to review relates to the following licensing objective(s)

Please tick one or more boxes



- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

#### Please state the ground(s) for review (please read guidance note 2)

As a Responsible Authority under the Licensing Act 2003 I represent licensing at Stockton-on-Tees Borough Council. I apply for a review of the premises licence for Somerset Convenience Store 60 Somerset Road, Norton, Stockton-On-Tees, TS20 2ND due to the undermining of the licensing objectives:

- Prevention of Crime & Disorder

Mr Jenseesan AROCKYANATHAN is both the premises licence holder (PLH) and designated premises supervisor (DPS) at the premises since 28/02/24.

On the 11<sup>th</sup> July 2024 during an intelligence led joint visit with Licensing Officers and Home Office Immigration Enforcement Officers to two people were found to be working in breach of their conditions.

Immigration enforcement considered the information and evidence and concluded Mr Jenseesan AROCKYANATHAN has breached section 15 of the Immigration, Asylum and Nationality Act 2006 by employing (an) adult(s) subject to immigration control who have:

- a) not been granted leave to enter or remain in the UK, or
- b) their leave to enter or remain in the UK is invalid or has ceased to have effect, or
- c) who are subject to a condition preventing them from accepting the employment.

A civil penalty notice for illegal working of £80,000 was issued to Jen & Jamie Ltd company number, 13803511. A check of Companies House shows Mr Jenseesan AROCKYANATHAN is sole director of this company and has been since 15/12/21.

Licence holders are expected to upload and promote the Licensing Objectives. Section 182 guidance which accompanies the Licensing Act 2003 states that certain activity should be treated

particularly seriously, and this includes employing someone who is disqualified from work by reason of their immigration status in the UK, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Further evidence including statements and interview transcript will be provided.

Please tick

✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

None

Please

tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *E.F. Seavers*

.....  
...

Date **14.10.24**

.....  
...

Capacity **Responsible Authority**

.....  
...



Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

### Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**I Elliott Beavers (Responsible Authority)****Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description Somerset Convenience Store 60 Somerset Road Norton Stockton-On-Tees	
<b>Post town</b>	Post code (if known) TS20 2ND

Name of premises licence holder or club holding club premises certificate (if known) <b>Mr Jenseesan Arockyanathan</b>
---

Number of premises licence or club premises certificate (if known) 041172
<ol style="list-style-type: none"> <li>1. Following the application for a review of the premises licence held at the above address I attach additional evidence, acting as a Responsible Authority.</li> <li>2. I am Licensing Officer employed and authorised by Stockton Borough Council. I have been employed in the Licensing Team since September 2021 and part of my duties is to investigate possible offences and conduct compliance checks in relation to the Licensing Act 2003.</li> <li>3. On 11<sup>th</sup> July 2024 I joined Immigration enforcement officers on an intelligence led visit to Somerset Convenience Store located at 60 Somerset Road, Norton, TS20 2ND. The purpose of this visit was for Immigration officers to conduct checks on employees at the premises to ensure they have the right to work in the UK.</li> <li>4. When entering the premises it was noted there was 3 female members of staff present. Immigration officers ran checks on these females which resulted in two of them being questioned further and subsequently arrested for breaching their working conditions.</li> <li>5. On 13<sup>th</sup> August 2024 Jen &amp; Jamie LTD which is the business registered at 60 Somerset Road, Norton, TS20 2ND was issued with a Civil Penalty of £80,000 due to the two females found to be working in the shop in breach of their conditions. A copy of this Civil Penalty notice can be found as EB1.</li> <li>6. The Designated Premises Supervisor and Premises Licence Holder of Somerset Convenience Store, Companies House note Jeneesan AROCKYANATHAN as the sole director of Jen &amp; Jamie LTD. Information from Companies House can be found as EB2.</li> <li>7. On 9<sup>th</sup> September 2024, a referral was made from Cleveland Police to Trading Standards following confusion over a call for help made to police from a staff member at Somerset Convenience Store on 9 September 2024.</li> <li>8. When Police spoke to the store owner, the store owner could not confirm the name or address of the staff member. A copy of the referral can be found as EB3.</li> <li>9. Mr AROCKYANATHAN was interviewed by Licensing Officers on 12 September 2024 on the matters above. A copy of this summary transcript can be found as EB4.</li> <li>10. Mr AROCKYANATHAN was asked about the two females who were found to be working illegally in his shop. He said these two females were friends of his partner. He denied these people were employed or getting paid and said they were there for training and seeing how the shop operated. He denied there was a view to employ these people after the training.</li> <li>11. Mr AROCKYANATHAN claimed to know all of the staff that he employees however admitted he did not know these two females.</li> </ol>

12. An application for the review of the premises licence was made as Mr Arockyanathan has failed to uphold the prevention of crime and disorder objective by employing illegal workers which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Signature *E.F. Seavers*

Date 20/11/24

Capacity: Responsible Authority



# Immigration Enforcement

Jen & Jamie Ltd  
58-60 Somerset Road  
Stockton-On-Tees  
TS20 2ND

## Civil Penalty Notice Illegal Working

This is an important notice. Please do not ignore it. You must either pay a penalty or object within 28 days of the date this notice is given.

This Civil Penalty Notice is issued in respect of (a) breach(es) under section 15 of the Immigration, Asylum and Nationality Act 2006.

Notice issue date: 09/08/2024  
Notice given date: 13/08/2024

Reference: [REDACTED]

### You are liable for a civil penalty

We encountered (a) suspected breach(es) of section 15 on 11/07/2024 at the following address: **Premier Store, 58-60 Somerset Road, Norton, TS20 2ND.**

We have considered the information and evidence in your case, and concluded that you have breached section 15 of the Immigration, Asylum and Nationality Act 2006 by employing (an) adult(s) subject to immigration control who have a) not been granted leave to enter or remain in the UK, or b) their leave to enter or remain in the UK is invalid or has ceased to have effect, or c) who are subject to a condition preventing them from accepting the employment.

### Your penalty amount

**Your penalty is £80000.00. You must pay on or before 10/09/2024.** However, your penalty amount is discounted by 30% to **£56000.00** if you pay your penalty within 21 days (on or before **03/09/2024**) under the **Fast Payment Option**.

### Your penalty breakdown

	Name	Date of Birth	Penalty value	Penalty reason
1	[REDACTED]	[REDACTED]	£40000.00	Breach of work restrictions
2.	[REDACTED]	[REDACTED]	£40000.00	Breach of work restrictions

### Evidence of (a) breach(es) of the law

We hold the following evidence, as indicated by the presence of a cross [X] in the applicable box(es) below, that you have employed (an) illegal worker(s) in breach of section 15 of the Immigration, Asylum and Nationality Act 2006:

Interview records from officials who visited your business premises

Photographic evidence

Other: .

This evidence shows that the illegal worker(s) identified were employed by you under a contract of service or apprenticeship and carried out work for which they did not have permission to undertake. The attached **Statement of Case** sets out the reasons for the breach for each worker and the supporting evidence.

### What you need to do

You must pay your penalty of **£80000.00** on or before **10/09/2024**. However, if you pay on or before **03/09/2024** the amount is discounted to **£56000.00**. If you wish to object you must do so by **09/09/2024**.

### If we don't hear from you

If you do not pay your penalty, set up an instalment plan by **10/09/2024**, or object by **09/09/2024**, the penalty will be registered with the civil court, after which enforcement action may be commenced immediately (see section 18 of the Immigration, Asylum and Nationality Act 2006). This may have an adverse impact on your ability to obtain future credit and act in the capacity of a director in a company.

Your information may be placed into the public domain as a non-compliant employer. Regardless of payment of the civil penalty you should also be aware that your information may be shared with other government departments and agencies, for example the Insolvency Service. This may result in company director disqualification and if you have a sponsor licence, this could also be suspended or revoked. If you are subject to immigration control, your civil penalty liability may be considered in any future immigration application you make.

The Data Protection Act 2018 governs how we use personal data. For details of how we will use your personal information and who we may share it with please see our Privacy Notice for the Border, Immigration and Citizenship system at <https://www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship>. This also explains your key rights under the Act, how you can access your personal information and how to complain if you have concerns.

## How you pay

**Post:** Send a cheque made payable to 'The Accounting Officer' quoting the reference number **327400** to: Order to Cash Team, Shared Services Connected Limited, HO Box 5003, Newport, Gwent NP20 9BB

**Online:** Use the link <https://www.gov.uk/payments/home-office/pay-home-office> to make a payment online and stating **327400** as your reference number.

**Phone:** Call **0345 0100 122** with your credit or debit card details and stating [REDACTED] as your reference number. **Bank:** Through your online business banking or in branch: Home Office bank details: **Nat West**, Sort code: [REDACTED], Account number: [REDACTED], Account name: **Home Office**, Reference: [REDACTED]

**Instalments:** You may request to pay the penalty by way of an instalment plan by Direct Debit. If you wish to take up this option you should contact the Shared Services Connected Limited by e-mail to [Order-to-cash@homeoffice.gov.uk](mailto:Order-to-cash@homeoffice.gov.uk) or telephone on **0345 0100 122** stating that you wish to request an instalment plan. Alternatively, you can write to the Order to Cash Team at: Order to Cash Team, Shared Services Connected Limited, HO Box 5003, Newport, Gwent, NP20 9BB.

**We do not set up instalment plans where payment is made under the Fast Payment Option.**

## How you object

You may object to this **Civil Penalty Notice** on three grounds. These are set out in the enclosed **Objection Form**. We must receive your objection on or before **09/09/2024**. Please cross the box against one or more of the possible grounds on which you want to object, provide your reasons and sign at the bottom. You should send this form to us, together with any **supporting evidence** to: Civil Penalty Compliance Team, PO Box 665, Salford, M5 0LY. Or you can email it to us with scanned documents at [CPCTenquiries@homeoffice.gov.uk](mailto:CPCTenquiries@homeoffice.gov.uk) or fax it to us on **0370 336 9287**.

If you would like a third party (e.g. a legal representative) to object on your behalf, you must ensure you send us a signed letter of authority. We will then send all communications to your authorised representatives. We will consider your objection and inform you of our decision within 28 days. You will not have to pay the penalty while we consider your objection. If you object to your penalty before the due date in this notice, you will continue to be eligible for a discounted penalty amount through the fast payment option. This option is only available where you have not been found employing illegal workers within the last three years.

## If you need more information to ensure your future compliance

You can call our employer enquiry helpline on **0300 790 6268** if you have any questions.

You can visit our website on

<https://www.gov.uk/government/collections/illegal-working-penalties-codes-of-practice-for-employers> to view our Code of practice on preventing illegal working and guidance for employers, including guidance which sets out how we administer illegal working civil penalties. You can use our online employers' toolkit to help you understand your responsibilities and how to carry out the correct right to work checks on your employees. You can conduct an online check on your employee or prospective employee if they give you permission to do so. You can access the service here: <https://www.gov.uk/view-right-to-work>.

The Home Office offers training packages to increase your understanding of the immigration system which includes courses on immigration awareness, right to work and document fraud. For further information please contact [IE-CAS@homeoffice.gov.uk](mailto:IE-CAS@homeoffice.gov.uk).

## Jen and Jamie Company Information

The screenshot shows a web browser window with the following details:

- Browser tab: JEN & JAMIE LTD people - Find
- Address bar: find-and-update.company-information.service.gov.uk/company/13803511/officers
- Search bar: Search for a company or officer
- Company name: **JEN & JAMIE LTD**
- Company number: 13803511
- Buttons: Follow this company, File for this company
- Navigation tabs: Overview, Filing history, People, More
- Section: Officers
- Filter: Filter officers (Current officers: )
- Summary: 2 officers / 0 resignations
- Officer 1: [PETER JEVARAJAH, Anuysiya](#)
  - Correspondence address: 27 Mulberry Wynd, Stockton On Tees, England, TS18 3BF
  - Role: **ACTIVE** Secretary
  - Appointed on: 15 December 2021
- Officer 2: [AROCKYANATHAN, Jeneesan](#)
  - Correspondence address: 27 Mulberry Wynd, Stockton On Tees, England, TS18 3BF
  - Role: **ACTIVE** Director
  - Date of birth: March 1972
  - Appointed on: 15 December 2021
  - Nationality: British
  - Country of residence: United Kingdom
  - Occupation: Director

The Windows taskbar at the bottom shows the search bar, taskbar icons for various applications, and the system tray with the time 12:42 and date 19/11/2024.

**Header Details**

**Originator:** ZWCC00000000  
**Message Reason:** CS

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**Case Details**

**Case ID:** ZWCC18490888  
**Case Code:** 06 Enquiry - Consumer law/rights.  
**General Description:** police info, re local shop, notify  
**Case Created:** 09 / 09 / 2024 at 15:29:30  
**Recent Adviser:** ZWIST  
**Case Updated:** 09 / 09 / 2024 at 15:46:41  
**Sensitive Case:** N  
**Additional Complaint:**  
**Detriment:**  
**Country Of Trade:** GB  
**Survey Consent:** NA

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**Customer Details**

**Name:** Mr, Paul Chatterton  
**Address:** Police Station, Town Centre, , BILLINGHAM, TS23 2LJ  
**Telephone:** [REDACTED]  
**Email:** [REDACTED]  
**Customer Code:** 02 Business caller,  
**Customer Region:** NE  
**Customer TSID:** sotees  
**Consumer Awareness:** 43 Friend / Family Recommendation

---

**Contact Details**

**Contact Date:** 09 / 09 / 2024 at 15:29:18  
**Contact Channel:** 01  
**Communication Direction:** I

**Notes/Advice Given**

SUMMARY: PCSO 6353 Cleveland Police Force - Police called to report shop. Police contacted shop as a call came from shop for help, victim is an employee of the shop, Police asked store owner the details of victim, store owner was unable to confirm name of address. Police found this strange that owner wouldn't know employee details. ADVICE: will notify TS. CB/ref/0808 ACTION: notify

**Adviser ID:** ZWIST

**Contact Outcome:** 05

**RNS Actions:** 1

**To:** NETSsotees

**RNS Code:** N

**Case Classification:** 05 Notification - FYI trader is located in TS area

---

**Trader Details**

**Trader ID:** NETR23802124

**Trader Name:** Premier Shop

**Trader Class:** 02

**Trader Address:** 58-60 Somerset Road, , , STOCKTON-ON-TEES, TS20 2ND

**Trader Details Verified:** N

<b>Region / Nation ID</b>	NE
<b>Trading Standards ID</b>	sotees

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# STOCKTON-ON-TEES BOROUGH COUNCIL

## TRANSCRIPT OF RECORDED INTERVIEW

Person Interviewed: Jenseesan AROCKYANATHAN                      Time Commenced: 2.12 pm  
 Place of Interview: 16 Church Road, Stockton-on-Tees              Master CD Number(s):  
 Date of Interview: 12 September 2024  
 CD Reference Nos: ESD/1779  
 Interviewing Officers: Elliott BEEVERS and Kirsty WANNOP

Signature of Officer Preparing Record.....

Exhibit Number.....
Identifying Mark.....
This record consists of 18 pages and is the exhibit referred to in the statement made and signed by me.
Signature.....

Times	Initials	
	EB	You're premise licence holder and DPS at that store. I know, I think your wife's in there most of the time, isn't she?
	JA	Yeah.
	EB	I think she was there when I went as well, but obviously, in terms of formalities and the licence, you're named on it.
	JA	Yeah.
	EB	So again, there's been a lot of intel and complaints since you've taken over and that's only been since February this year, I think, was it?
	JA	Yeah.
	EB	So, you've been DPS and premise licence holder since 28 <sup>th</sup> February 2024. There was a bit of an odd one recently, actually. I don't know if you were there or your wife's made you aware. The police were called by an employee for help and there was no further information. The staff didn't know the employee's details. Do we know the circumstances around that? This was two days ago.
	JA	I think ... oh two days ago, yeah, yeah. One of the children, one of the teenage boys come in and shouting us, racist and things and throw the things. We charged them and then they [inaudible] and they said we're going to release them a couple of days ago.
	EB	Right. So ...
	JA	All clear now, but the boy not turn in ... they're banned from the Somerset store.

	EB	Yeah, just what it looks like to us, you see I don't know the full story. We've got very limited information. The information we got is the police were called for help by an employee and the staff didn't know the employee's details.
	JA	Right.
	EB	Do you know about that or not?
	JA	Oh, it was Melanie. Melanie.
	EB	Melanie's your wife, isn't she?
	JA	Yeah.
	EB	Yeah.
	JA	No, my partner.
22:00	EB	Sorry, she's not your wife. Partner, sorry. Right okay. So, then in September 2024 there was intel about underage sales of vapes to Trading Standards. In August 2024 you passed an alcohol test purchase, that was recently when Village Store sold. In July 2024, information about selling tobacco to children to Trading Standards, you got a written warning with advice.
	JA	Yeah.
	EB	Right. Okay. So, then in September 2024, there was intel about underage sales of vapes to Trading Standards. In August 2024, you passed an alcohol test purchase, that was recently when Village Store sold. In July 2024, information about selling tobacco to children to Trading Standards, you got a written warning with advice.
	JA	We don't sell tobacco or cigarettes to everyone underage. Very strict. I'm the one that do the mostly jump over there. I'm pretty sure, maybe somebody wrong complain or I don't know.
	EB	Yeah. I mean to say, again, it's just a lot of information.
	JA	I'm very tight with them. Really tight. I don't know how these complaints come in.
	EB	And obviously in July 2024, we had the Immigration visit which I joined them on and you were issued a civil penalty of eighty thousand pounds. The same date I referred an issue to Trading Standards. You were selling what looked to be very realistic looking toy guns. Have they contacted you about that?
	JA	No.
	EB	No, that's fine. As I say, I'm not sure there's anything in the legislation stopping you, but obviously ... so, do you know where the fridge is and the counter?
	JA	Yeah, yeah, yeah.
	EB	Up there.

	JA	The one after that, normally there.
	EB	Yeah, the black ones.
	JA	Yeah, air pistol. Used to be everyone selling.
	EB	Did they? I mean I've not seen anyone doing it recently and it just looked very realistic.
	JA	Yeah. Really too old then, I think.
	EB	Yeah, and just obviously it's with possibly the clientele you need to think of people coming into your shop.
	JA	Well, I am taking off, yeah.
	EB	And who's buying them. Sort of, you need to make sure that they're using it for a legitimate purpose.
	JA	Yeah, yeah.
	EB	Because the last thing you would want is, obviously, someone coming into your shop, buying one of them to use, you know, in crime, for example.
	JA	Yeah.
	EB	So, again just think about what you are selling.
	JA	Yeah. I'm going to stop them.
23:58	EB	And then in June '24 we surrendered twenty more vapes, nineteen being oversized and one with a fake UK address. Again, you were given a written warning. So, if we just go to the immigration issues. So, on 11 <sup>th</sup> July 2024, Licensing and Immigration visited your store. Two females were found to be working in breach of their working conditions and you have since received a civil penalty for this. When were these two people employed?
	JA	It's not employed, they are friends my partner.
	EB	They were friends with your partner.
	JA	My partner, yeah.
	EB	Right. So, if they weren't employed, then why were they at the shop?
	JA	No, they come visited my partner and she teach them, this is the way we tell using things. And then they asked them a part-time job, but she not tell them. We need to ask from me, then I went holiday as well.
	EB	So, your partner was training them to use the stuff in the shop.
	JA	Yeah. Not use.

	EB	No.
	JA	How to sell the customers, training, do these things. They are not ... we are not employ.
	EB	Right.
	KW	So, they weren't employed. They were just friends of your partner's.
	JA	Yeah.
	KW	And they were in the shop just seeing how the shop ran.
	JA	Yeah.
	KW	But they weren't working, is that what you're saying?
	JA	No, they are not working, no. But what you won't understand now, from the immigration people also they have got already, I think this month end, no this year end visa as well. They are legal immigrant, not illegal immigrant.
	EB	Yeah. I know, yeah. So, they're legal immigrants.
	JA	Yeah.
	EB	However, I'm not sure exactly what the specifics were, but I think they were sponsored by another company.
	JA	Yeah, another company and then after ...
	EB	But that resolved.
	JA	... they suspend another company and then I heard about news nowadays. But before we don't know that.
	EB	Right.
	JA	But we are not employ as well.
	EB	Right. Obviously, if they're working, that's where it's illegal. If you're saying that they weren't working, have you made any steps to appeal that civil penalty?
26:04	JA	Yeah. Well, we've done that, yeah.
	EB	You've appealed the civil penalty?
	JA	Yeah.
	EB	Right. Okay. That's fine. Okay, so with staff who are employed, if you're saying that they weren't employed, what right to work checks do you carry out, so to make sure that they are allowed to work?

	JA	No, we don't come to that point. They're come to the work. We only just train them, we don't ... yeah.
	EB	Yeah, so like, for example, if I turned up for your Somerset Road job, and said I want a job, or you were advertising for someone to work in there.
	JA	Yeah, yeah.
	EB	What checks would you carry out on me to make sure that I am allowed to work?
	JA	Well ID check properly, we did ID check properly.
	EB	Yeah.
	JA	Then we can do it, work with them, then you can start however you work and then we can ... when you see your work, then we can say okay, yeah you can work now.
	EB	Okay. So, you check their ID. If somebody wasn't a British national, would you check their residency permit?
	JA	Yeah. Residence permit, yes.
	EB	Yeah, and obviously we can check out with the Home Office as well.
	JA	Home Office right to check, yeah.
	EB	Yeah. Oh, right. So, are you aware of all that?
	JA	Yeah.
	EB	Okay, great. 'Cause obviously we just need to be careful if people do have residency permits, people do get fake ones.
	JA	Yeah, fake.
	EB	Where it might still be them and it'll say "indefinite leave to remain", but obviously they might have no work, then they can't work and ...
	JA	Even if people bring their provisional licence, also fake licence they are bringing to me.
	EB	Right.
	JA	Look like a fake one. You are not old enough. Carry on, no.
	EB	Yeah. So, just obviously, make sure we are crosschecking that with the Home Office and things like that.
	JA	Yeah.
	EB	Does anybody live at, or above the Somerset Road shop?

	JA	Yeah, my partner.
	EB	Oh, does she? Oh, right. Right, that's fine. Just because obviously, when we had the issue with the Village Store, I don't want to cross them over, but they are linked. So, when we had the issue with the Village Store with Shaki, obviously he told me he was living at Somerset Road, which obviously you've later said he wasn't. Obviously, it's just a bit concerning that when officers are asking the staff questions that they're obviously not giving truthful answers.
28:11	JA	I don't know exactly he's living, but he said to me where he living and then I said just give the new address wherever you're living and then he gives Somerset thing without ...
	EB	Yeah. That's what he said to me, yeah. And obviously that was concerning and then I think that followed with a visit from the fire brigade, didn't it?
	JA	Yeah, fire brigade.
	EB	Because we weren't sure who was living there. So, we just need to make sure that staff are aware of obviously the powers of us as officers. We would never overstep the mark, but again we would expect when we are using our powers for them to be respected and for us again not to be obstructed, which I was trying to tell Shaki at the time. And again, that can be included in your training. You mentioned obviously, I think you trained them on licence conditions ...
	JA	Correct.
	EB	... Licensing Act, so just make sure they're aware.
	JA	Yeah.
	EB	That obviously they need to be truthful with people. So, you mentioned to me later as well that he just comes in on a voluntary basis, is that right? Shaki?
	JA	Voluntary basis, yeah.
	EB	Yeah. So, are you aware of the members of staff that you employ? Do you know all your staff?
	JA	I know all the staff, but there's two girls I don't know exactly.
	EB	Right. 'Cause obviously the concerning thing was really with Shaki, obviously if you ... you said to me that you didn't know where he was living. Obviously, if you don't know him very well, then it's a bit concerning he's been left in charge of the shop on his own.
	JA	Yeah, I just suddenly go to Booker and come back quickly. I said stay here and then I'll go to Booker and come back.
	EB	'Cause obviously there's no training records for him either 'cause he said he was voluntary, but obviously if anybody is selling alcohol, they do need to be trained.
	JA	Trained, yeah.

	EB	'Cause obviously, you know, if you're leaving him even for two seconds and then we come in and test purchase you and he sells, it's back on you.
30:01	JA	No. I told them already. I told him already.
	EB	Which you need to make sure it's all noted down and all the staff are aware.
	KW	Yeah, put that in your training records, even if it's a voluntary member of staff, that they've been trained.
	JA	They've been trained. Yeah, that's right.
	EB	Yeah. And we need to make sure people are competent enough to be left on their own and if not, obviously they need to be supervised. Right. So, have you got any further questions, sorry, Kirsty?
	KW	You just mentioned there's two girls who you don't really know who the ...
	JA	The immigration, the Somerset immigration.
	EB	Yeah, the Somerset ones.
	KW	Oh right, but Elliott asked, do you know everyone who you're employing, and you said yes, just two girls. But you said you never employed them in the first place.
	JA	Yeah, yeah.
	EB	So, did you know them or not?
	JA	No, I didn't know them. My partner know.
	EB	Your partner knows them.
	JA	Yeah.
	KW	But they were never employed?
	JA	Never employed.
	KW	Never paid?
	JA	Never, never.
	EB	Okay.
	JA	Even they don't know the currency, how we can ... they're new, I think. Even they don't know different fifty pence and twenty pence.
	EB	Right.
	KW	Right.
	JA	So, how you can ...

	KW	No.
	EB	Okay. So, following this interview, we'll need to decide what action we need to take next, which isn't decided yet. We obviously need to decide what's most appropriate. And obviously we'll take into account the history and what's happened now and obviously your answers in this interview. So, we could possibly prosecute yourself for the underage sale or the member of staff who's made it. We could choose to review the licence which could result in the revocation of the licence so you couldn't sell alcohol any more or further conditions being added to that to obviously make it stricter. We may ask you to do a minor variation if that's something that you'd be willing to do to again add further conditions, but not go down the route of a review. We may decide to give you a warning in this case or we may decide to take action against your personal licence for failings at the premises, such as lots of complaints, underage sales, vape non-compliance and the immigration issues. Again, it's not decided yet what action we are going to decide to take. It will need to be discussed with my supervisor to decide what's best. Obviously, when I do know, I'll let you know and then obviously we'll take whatever comes from there. Does that make sense?
32:19	JA	Yeah.
	EB	Yeah.
	JA	To be honest I really, really tight all the staff with everything I need to know. I mean no ID, no sale, that's it. No second answer. That's what I teach them. No ID, don't sell anything. Oh, you know my mum, you know my dad. It doesn't matter. Bring the ID photo, ID, that's it. No ID, don't sell. Really tight with them now, really tight. Even every single day I teach them. When I go to cash and carry and come back and then, you know, no ID, no sale, always remember.
	EB	Yeah. Okay. Have you got anything further to add before we conclude the interview?
	JA	I'm fine.
	EB	That's fine, okay. So, I'm now handing you the Notice to Persons Being Interviewed. Sorry, can you just get me the number please, Kirsty?
	KW	ESD 1779.
	EB	So, if you can just read that handwritten bit on top of that. So, that tells you how you can get a copy of the discs, if you'd like one.
	JA	Yeah. I read the line.
	EB	So, if you just read that for me, just read it for me. Just the handwritten bit there to confirm receipt.
	JA	Yeah. Oh, right. T50 or TSD?
	KW	ESD.
	EB	Yeah, ESD.



	JA	ESD/1779.
	EB	Great, that's fine. So, the time is now forty-six minutes past two and the interview is concluded.

**LICENSING ACT 2003**

**PREMISES LICENCE (PART B)**

**PREMISES LICENCE NUMBER: 041172**

**PART 1**

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Somerset Convenience Store  
60 Somerset Road, Norton, Stockton-On-Tees, TS20 2ND**

WHERE THE LICENCE IS TIME LIMITED THE DATES

**N/A**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

**SUPPLY OF ALCOHOL**



.....  
Marc Stephenson  
Assistant Director  
Community Safety and Regulated Services

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

**SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES**

**MONDAY: 08.00 until 23.00**  
**TUESDAY: 08.00 until 23.00**  
**WEDNESDAY: 08.00 until 23.00**  
**THURSDAY: 08.00 until 23.00**  
**FRIDAY: 08.00 until 23.00**  
**SATURDAY: 08.00 until 23.00**  
**SUNDAY: 08.00 until 23.00**

**Christmas Day: 12 Noon until 3.00pm and 7.00pm until 10.30pm**  
**Good Friday: 08.00am until 22.30pm**

THE OPENING HOURS OF THE PREMISES

**MONDAY: 08.00 until 22.30**  
**TUESDAY: 08.00 until 22.30**  
**WEDNESDAY: 08.00 until 22.30**  
**THURSDAY: 08.00 until 22.30**  
**FRIDAY: 08.00 until 22.30**  
**SATURDAY: 08.00 until 22.30**  
**SUNDAY: 08.00 until 22.30**

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

**Supply Of Alcohol OFF The Premises**

**PART 2**

NAME AND (REGISTERED) ADDRESS, TELEPHONE NUMBER AND E-MAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

**Mr Jenseesan Arockyanathan**  
**58-60 Somerset Road, Norton, TS20 2ND**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**N/A**

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

**Mr Jeneesan Arockyanathan**

STATE WHETHER ACCESS TO PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

# ANNEX 1

## MANDATORY CONDITIONS AND EMBEDDED RESTRICTIONS

### MANDATORY CONDITIONS

- **No supply of alcohol may be made under the premises licence:**
  - (a) at any time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at any time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- **This Licence/Club Registration Certificate is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:-**

**The Children and Young Person Act 1933**  
**The Cinematograph (Safety) Regulations 1955**  
**The Sporting Events (Control of Alcohol etc) Act 1985**
- **(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**

**(2) The designated premise supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**

**(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-**

  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
- **A. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price**

**B. For the purposes of the condition set out in paragraph A -**

  - (a) "duty" is to construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  
$$P=D+(D \times V)$$
  
Where-
    - (i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premise supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

C. Where the permitted price given by Paragraph (b) of paragraph B would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny

D. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph B on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **EMBEDDED RESTRICTIONS**

- **Off-Licence  
Consumption**

**Alcohol shall not be sold in an open container or be consumed in the licensed premises.**

- **Off Licences and off sales depts of on licensed premises  
Permitted Hours**

**Alcohol shall not be sold or supplied except during permitted hours.**

**In this condition, permitted hours means:**

- a) On weekdays, other than Christmas Day, 8.00am to 11.00pm
- b) On Sundays, other than Christmas Day, 10.00am to 10.30pm
- c) On Christmas Day, 12 Noon to 3.00pm and 7.00pm to 10.30pm
- d) On Good Friday, 8.00am to 10.30pm

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's Naval, Military or Air Forces.

## **ANNEX 2**

### **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

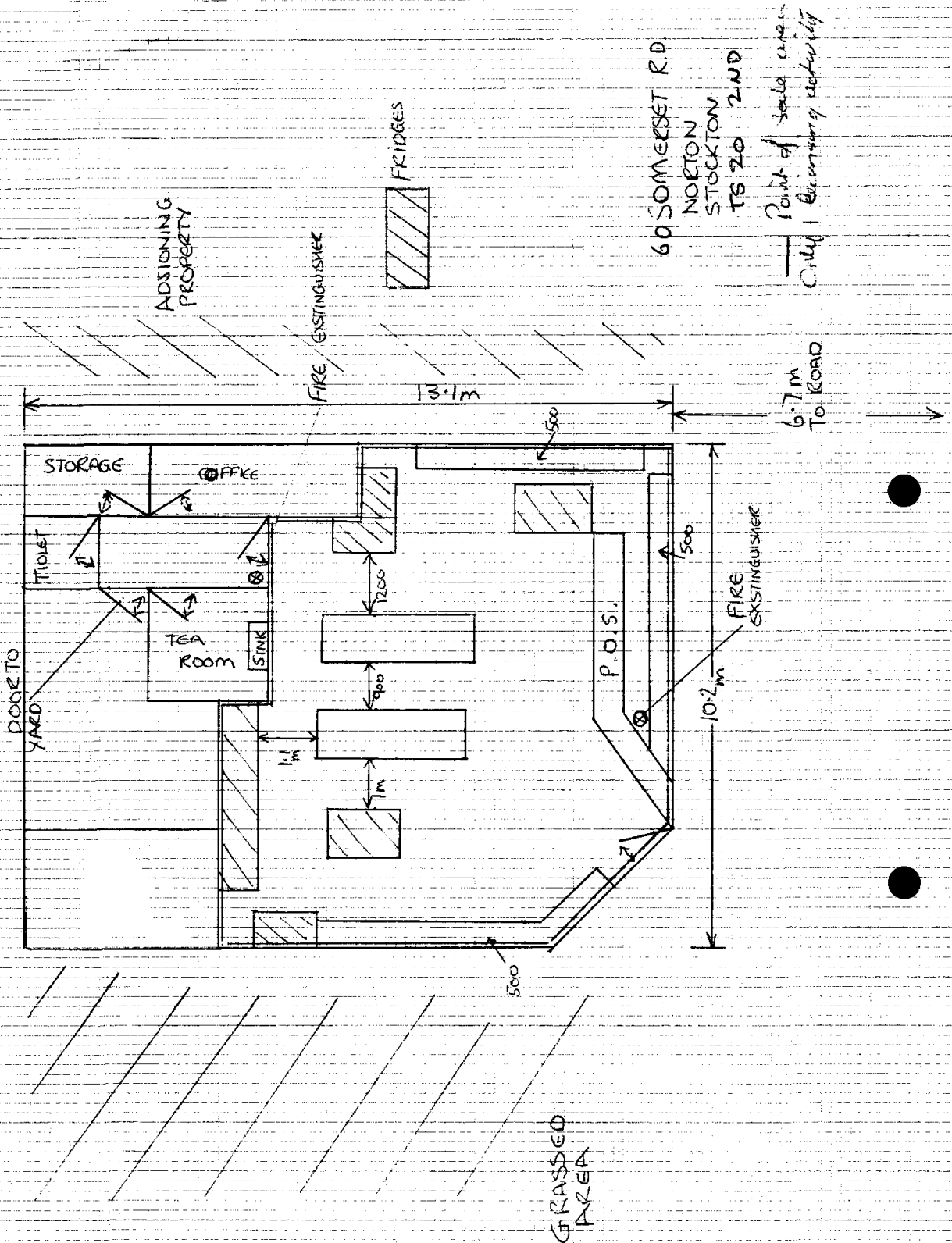
#### **PREVENTION OF CRIME & DISORDER**

- CCTV equipment shall be maintained in good working order in accordance with the manufacturer's instructions.
- A digital CCTV system shall be installed to the public areas of the premises.
- A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
- Ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.

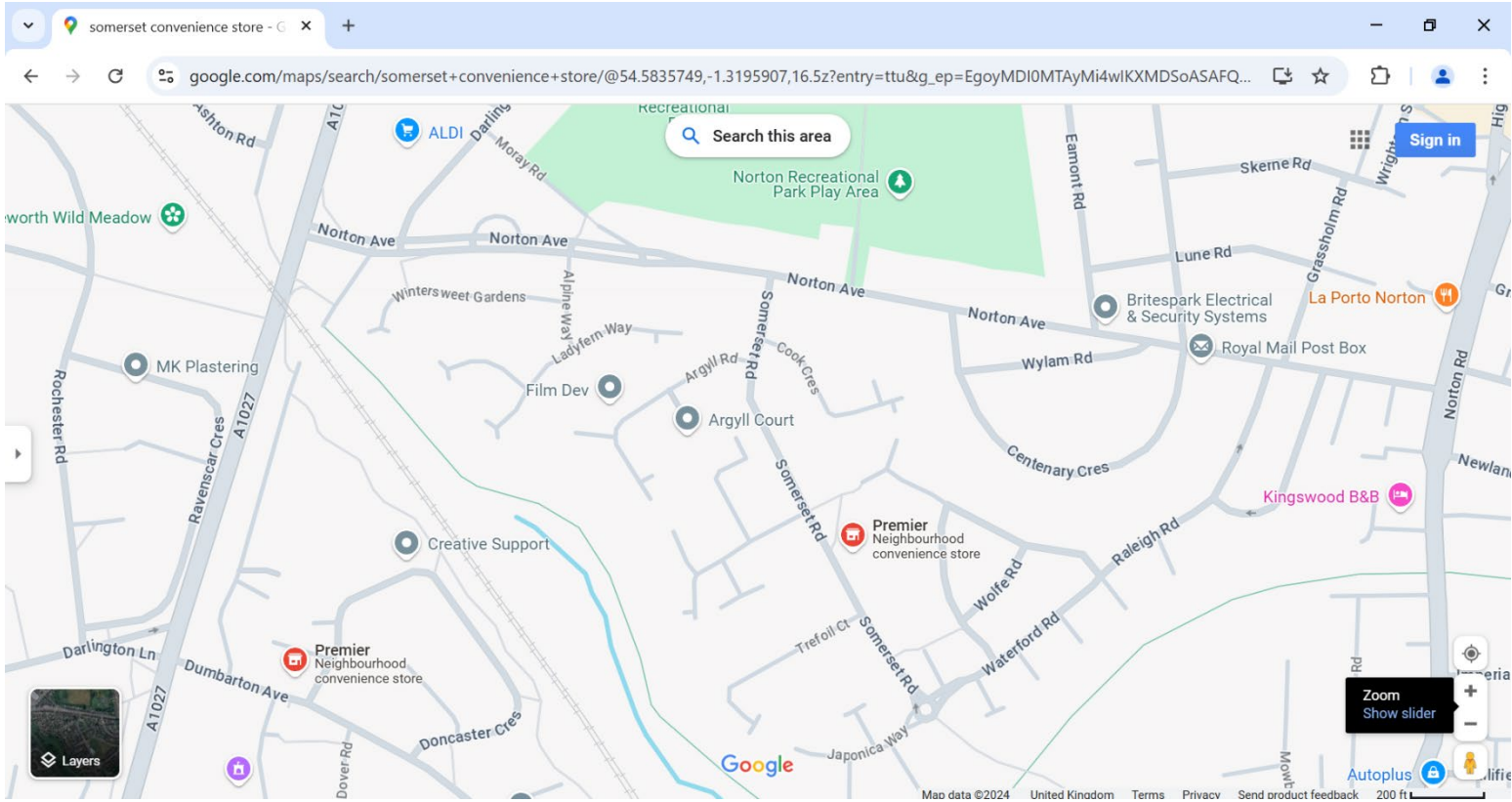
ANNEX 4

PLANS (NOT TO SCALE)

SCALE: 1:100



Location of Premises







[REDACTED]  
CLEVELAND POLICE

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Continuation of Statement of Glyn Eric Bavin

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premise, between the hours of 09:00 hours to 23:00 hours. Name and registered address of premise licence holder is Mr ~~Jeneesan Arockyanathan~~ 27 Mulberry Wynd, Stockton-On-Tees, TS18 3BF.

Any premises with a licence has certain obligations with regards to both the four licensing objectives and the conditions laid down in their premise licence. This includes abiding by the allocated hours it is allowed to carry out licensable activity and following the conditions, both the mandatory one and those put forward by themselves or agreed with responsible authorities which are set out in annex 2 of the licence. Both sets of conditions are legally binding and should be adhered to.

The owners and management of the premise should also be aware of what is happening in their premise and should do everything in their power to assure that illegal activity is not happening from their premise and uphold the licensing objectives.

On the 11th of July 2024 during an intelligence led joint visit with Licensing Officers and Home Office Immigration Enforcement Officers to two people were found to be working in breach of their conditions. Immigration enforcement considered the information and evidence and concluded Mr ~~Jeneesan AROCKYANATHAN~~ has breached section 15 of the Immigration, Asylum and Nationality Act 2006 by employing (an) adult(s) subject to immigration control who have:

- a) not been granted leave to enter or remain in the UK, or
- b) their leave to enter or remain in the UK is invalid or has ceased to have effect, or

[REDACTED]  
CLEVELAND POLICE

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Continuation of Statement of **Glyn Eric Bavin**

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c) who are subject to a condition preventing them from accepting the employment.

A civil penalty notice for illegal working of £80,000 was issued to Jen & Jamie Ltd company number, 13803511. A check of Companies House shows Mr ~~Jenseesan~~ AROCKYANATHAN is sole director of this company and has been since 15/12/21.

Paragraph 11.27 of the Section 182 Guidance to the Licensing Act 2003 (April 2018) states that "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises" "for employing a person who is disqualified from that work by reason of their immigration status in the UK"

In my experience Illegal workers are extremely vulnerable as they have NO support mechanisms in place and can be quite easily taken advantage off.

This is the second time that illegal workers have been found working at a premise where MR ~~Jenseesan~~ AROCKYANATHAN has been the premise licence holder.

Not only is AROCKYANATHAN willing to have illegal workers in his premise, but I have also submitted a similar statement in relation to another premise where MR AROCKYANATHAN is the premise licence Holder in relation to underage sales.

Cleveland Police cannot condone illegal activity being allowed to take place from a licensed premises, especially after they have been warned of this illegal activity by the

  
CLEVELAND POLICE

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Continuation of Statement of **Glyn Eric Bavin**

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council, and furthermore cannot condone working outside the remit of their premises licence and not abiding by the conditions of that licence when other premises are working hard to do just that.





## Immigration Enforcement

### Immigration representation in support of an application for the review of a premises Licence.

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
<b>Premises Licence Holder:</b>			
Mr Jenseesan Arockyanathan			
<b>Name and Address of Premises:</b>			
Somerset Convenience Store 60 Somerset Road Norton			
<b>Post Town:</b>	Stockton-on-Tees	<b>Post Code:</b>	TS20 2NE

Representations are being made for the following reasons:

One of the four licensing objectives which underpins the Licensing Act 2003 is the prevention of crime and disorder and all operators are expected to take steps to promote the licensing objectives. Home Office (Immigration Enforcement) believes Mr Jenseesan Arockyanathan has failed to uphold the prevention of crime and disorder objective by employing illegal workers which is prohibited under the Licensing Act 2003 and the Immigration Act 1971 (as amended).

Employing illegal workers in the UK has the following impact on the community and society as a whole: -

1. It deprives HMRC and the Government of revenue by non-payment of tax and national insurance.
2. It exploits the undocumented by paying them less than the minimum wage and provides no employment or income protection.
3. It encourages other overstayers / illegals to seek similar work.
4. It allows a business to unfairly undercut other businesses by employing cheap labor.
5. Illegal workers are often housed in cramped and unsatisfactory conditions by the employer as part of their working arrangement.

Officers from Immigration Compliance and Enforcement together with Licensing Officers from Stockton-on-Tees Borough Council visited Somerset Convenience Store, 60 Somerset Road, Norton, Stockton-on-Tees, TS20 2NE on 11/07/2024. During the visit two persons were encountered working illegally in breach of their visas working conditions.

A civil penalty of £80,000 was issued to Jen & Jamie Ltd for the employment of two illegal workers.

### Signatures

#### Signature of Responsible Authority

Home Office Immigration Enforcement

Date:

11/11/2024

Capacity:

Responsible  
Authority

### Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement  
The Alcohol and LNR Licensing Team  
40 Wellesley Road  
Croydon  
CR9 2BY

Email address  
(optional):

[IE.Alcoholreviews@homeoffice.gov.uk](mailto:IE.Alcoholreviews@homeoffice.gov.uk)

## Representations On A Current Application For A Review Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

### Section 1 – Licence Application Details

Applicant Name (If Known)	<b>Somerset Convenience Store</b>
Premises Name and Address	<b>60, Somerset Road Norton Stockton-on-Tees TS20 2ND</b>

### Section 2 - Responsible Authority

- Trading Standards
- Cleveland Police
- Environmental Health
- Cleveland Fire Service
- Planning
- Protection of Children From Harm
- Public Health

### Section 3 – Representation Grounds

<p><b>The representation is relevant to one or more of the following licensing objectives:</b></p> <p><b>Please tick relevant box(es)</b></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Prevention of Crime and Disorder</li> <li><input type="checkbox"/> Prevention of Public Nuisance</li> <li><input type="checkbox"/> Protection of Children from Harm</li> <li><input type="checkbox"/> Public Safety</li> </ul>
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<p><b>The grounds of the representation is based on the following:</b> (Please continue on a separate sheet if necessary)</p> <p>The Public Health team have reviewed the evidence provided by licensing colleagues in respect of Somerset Convenience Store and the recent illegal working found at the premises, which led to a civil penalty notice.</p> <p>After considering the information provided, Public Health is in full support of the review application submitted by SBC Licensing, due to the undermining of the following licensing objectives:</p> <ul style="list-style-type: none"> <li>• Prevention of Crime &amp; Disorder</li> </ul>
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It is the responsibility of the licence holder to uphold the conditions on their licence and to uphold the four licensing objectives, with robust procedures and staff training in place to support these.

The employment of persons not legally allowed to work in the UK is in clear breach of the principal licensing objective of Prevention of Crime and Disorder. Actions such as this drive the trade on illegal migration leading to the exploitation of already vulnerable people and is linked to modern day slavery. This puts illegal workers at risk of health inequalities, which disproportionately affect people in more vulnerable circumstances, such as undocumented migrants. Commonly this includes the experiencing of poor mental health, post-traumatic stress disorder (PTSD), anxiety and depression. This can then mean they experience high levels of unmet health needs and poor access to health services. ([Modern slavery and public health - GOV.UK](#), accessed on 8/11/24).

In the context of the evidence above, in order to prevent further undermining of the licensing objectives of Prevention of Crime and Disorder - and further risk to Public Health - Public Health fully supports the review application submitted by SBC Licensing.

Signed: T. Hyman

Position: Public Health  
Practitioner, SBC Public Health

Dated: 11/11/2024

When complete this form should be returned to the address above or e-mailed to [licensing.administration@stockton.gov.uk](mailto:licensing.administration@stockton.gov.uk)

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