

Date: Wednesday 8 January 2025 at 1.30 pm

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

Cllr Eileen Johnson
Cllr Mrs Ann McCoy

Cllr John Coulson

AGENDA

- 1 Evacuation Procedure (Pages 7 - 8)**
- 2 Apologies for Absence**
- 3 Declarations of interest**
- 4 APPLICATION FOR REVIEW OF A PREMISES LICENCE OXFORD CONVENIENCE STORE, 39 OXFORD ROAD, THORNABY, STOCKTON-ON-TEES, TS17 6LW (Pages 9 - 70)**
- 5 APPLICATION FOR REVIEW OF A PREMISES LICENCE FAMILY SHOPPER, 2 LYTTLETON DRIVE, STOCKTON-ON-TEES, TS18 5LE (Pages 71 - 134)**

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

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
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	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.
Contracts	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.
Land and property	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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	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.
Securities	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, 1st 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.

Agenda Item 4

AGENDA NO.

REPORT TO THE
STATUTORY LICENSING
COMMITTEE

19th December 2024

LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
OXFORD CONVENIENCE STORE, 39 OXFORD ROAD, THORNABY, STOCKTON-ON-TEES,
TS17 6LW

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 Theivendram is both the premises licence holder (PLH) and designated premises supervisor (DPS) at the premises since 04/01/2016. The concerns relate to several incidents of poor management and noncompliance at the premises over a period, including positive underage sales test purchases, breach of licence conditions and unlicensed activity, which have resulted in extensive escalating enforcement advice and action.
3. Most recently on 1st August 2024 alcohol was illegally supplied outside the authorised licensable hours, in addition a personal licence holder was not on site.
4. Due to previous underage sale test purchases Mr Theivendram was encouraged to submit a minor variation to add robust conditions to the premises licence, a condition was added to state: *Protection of Children from Harm: At all times when alcohol is offered for sale on the premise a personal licence holder must be on the premises and available to supervise sales.*
5. There have been several occasions alcohol has been supplied when a personal licence holder was not on site to authorise the sale as per the conditions attached to the licence. 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.
6. A copy of the current premises licence showing licensable activities and licensable hours is attached at Appendix 3.
7. A map showing the location of the premises is attached at Appendix 4.

RESPONSIBLE AUTHORITIES

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 has been received from Cleveland Police and is attached at Appendix 5.
9. 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.

ADDITIONAL INFORMATION

PREMISE LICENCE HOLDER PLH	Thilageswaran Theivendram	04/01/2016 - Present
DESIGNATED PREMISES SUPERVISOR DPS	Thilageswaran Theivendram	04/01/2016 - Present

POLICY CONSIDERATION

10. 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

11. 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.

12. 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.

13. 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

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-

MEMBERS OPTIONS

14. 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
15. 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.

16. The committee also have the option to leave the licence in its existing state.
17. The premises licence holder has been invited to today hearing.
18. 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

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

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:

Mandale & Victoria
Cllr Richard Eglington
Cllr Nathan Gale

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 **Kirsty Wannop (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	
Oxford Convenience Store 39 Oxford Road Stockton-on-Tees TS17 6LW	
Post town	Post code (if known) TS17 6LW

Name of premises licence holder or club holding club premises certificate (if known) Mr Thilageswaran Theivendram

Number of premises licence or club premises certificate (if known) 047992
--

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 Kirsty Wannop Licensing Officer Stockton-on-Tees Borough Council 16 Church Road Church Road Stockton-on-Tees TS18 1TX
Telephone number (if any) 01642 524802 / 07384797 297
E-mail address (optional) Kirsty.wannop@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 Oxford Convenience Store, due to the undermining of the licensing objectives:

- Crime & Disorder
- Public Safety
- Protection of Children from Harm

Mr Thilageswaran Theivendram is both the premise licence holder and designated premises supervisor at the premises since 04/01/2016.

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.

Licence holders are expected to uphold 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.

On the 1st August 2024 alcohol was supplies outside the authorised hours and in breach of the licensing conditions as the person who sold the alcohol did not have a personal licence and was the only person working at the time of the sale.

On several occasions alcohol has been supplied when a personal licence holder was not on site to authorise the sale as per the conditions attached to the licence.

The premises has a history of non compliance, positive underage sales test purchases and has had extensive licensing officer intervention.

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

.....

Date

.....

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.

Appendix 2

I	Kirsty Wannop (Responsible Authority)
Part 1 – Premises or club premises details	
Postal address of premises or, if none, ordnance survey map reference or description Oxford Convenience Store 39 Oxford Road	
Post town Stockton-on-Tees	Post code (if known) TS17 6LW
Name of premises licence holder or club holding club premises certificate (if known) Mr Thilageswaran Theivendram	
Number of premises licence or club premises certificate (if known) 047992	
<ol style="list-style-type: none"> Following the application for a review of the premises licence held at the above address I attach additional evidence, acting as a Responsible Authority. I am a Licensing Officer employed and authorised by Stockton Borough Council. I have been employed in the Licensing Team since June 2018 and part of my duties is to investigate possible offences and conduct compliance checks in relation to the Licensing Act 2003. On 29th June 2022 during a test purchase exercise an underage volunteer was supplied with alcohol at Oxford Road Convenience Store. As potential criminal offences had taken place (supply of alcohol to a child) a formal PACE interview under caution took place with Mr THEIVENDRAM as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS). A formal written warning was issued, a copy of which is found as KWA1. On 16th May 2023 again during a test purchase exercise an underage volunteer was supplied with alcohol at Oxford Road Convenience Store. As potential criminal offences had taken place (supply of alcohol to a child) a formal PACE interview under caution took place with Mr THEIVENDRAM as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS). Mr THEIVENDRAM agreed to submit a minor variation to the premises licence to add robust conditions to the licence including, <i>At all times when alcohol is offered for sale on the premise a personal licence holder must be on the premises and available to supervise sales.</i> On 26th September 2023 an underage sale test purchase exercise was carried out, the sale was correctly refused by the employee. On 1st August 2024 alcohol was supplied to Licensing Officers outside of the authorised licensable hours, during an early morning test purchase exercise. The employee who supplied the alcohol did not hold a personal licence. Full details can be found in Mr Beevers statement attached at KWA2. On 2nd August 2024 I revisited the premises, another employee was at the premises, working alone, the employee did not hold a personal licence, they stated they had applied but had not received a licence. During the visit the employee could not operate the CCTV system, an additional breach of licence condition which states: <i>There will be at all times a member of staff on duty who is trained in the use of the equipment.</i> As potential criminal offences had taken place (unlicensed activity) a formal PACE interview under caution took place with Mr THEIVENDRAM as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS). 	

11. Mr THEIVENDRAM confirmed the employee who made the sale on 1st August 2024 did not hold a personal licence at the time of the sale.
12. Mr THEIVENDRAM confirmed he did not hold training records for the employee, only verbal training had taken place before the employee was left unsupervised. This is in breach of the conditions attached to the licence which states, *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.*
13. A copy of the summary transcript is attached at KWA3.
14. An application for the review of the premises licence was made as Mr THEIVENDRAM has failed to uphold the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives, I have tried to work with Mr THEIVENDRAM, he has been given the opportunity to amend the conditions of his licence and put robust procedures in place, taking extensive resources from the licensing team. At each stage of intervention Mr THEIVENDRAMS has given assurances it will not happen again and staff will be trained. He has put plans in place such as recruiting a consultant to train staff across the premises he is the licence holder for. I do not have faith in Mr THEIVENDRAMS management of licensed premises.

Signature *K. Wannof*

Date 28/11/24

Capacity: Responsible Authority

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

My Ref: 006036

Tel: 01642 526568
Email: john.wynn@stockton.gov.uk

Date: 31 August 2022

Dear Mr Theivendram

Licensing Act 2003
Sale of Alcohol to Underage Volunteer

On 29 June 2022, your employee [REDACTED] sold a bottle of 'WKD Blue' to an underage volunteer at premises known as Oxford Convenience store, Oxford Road Thornaby. As you are now aware It is an offence under Section 146 of the Licensing Act 2003 to sell alcohol to any person under the age of 18.

Following your interview at this office it has been decided to issue you with a written warning with regard to this offence. It was noted however that you do not have a robust system in place to prevent sales to underage persons. I would recommend that you implement the following measures:

- Training to be provided to all employees. This must be written, and the employee must sign to say that they have completed and understood all aspects concerning sales of all age restricted products. An on-line search will show training materials and resources to assist you.
- Implementation of a refusals log/system. This is important and can provide you with a 'due diligence defence' if similar incidents are recorded in future
- Display warning/information posters signs Etc

I must warn you that if similar offences occur in future formal action will be considered and this letter and the investigation file can be used as evidence. Further offences will also jeopardise your premise licence.

Any comments regarding the content of this letter should be directed to my Manager Mrs Leanne Maloney-Kelly on leanne.maloney-kelly@stockton.gov.uk or 01642 526566.

Yours Sincerely

John Wynn
Licensing Officer

Mr Thilageswaran THEIVENDRAM
71 Earlsdon Avenue
Acklam
MIDDLESBROUGH
TS8 8ST

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: Mr Elliott Beevers

AGE: Over 18

OCCUPATION: Licensing Officer

ADDRESS: See Over

This statement (consisting of 2 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 2 day of August 2024 Signed *E.F. Beevers*

1. I, Elliott BEEVERS am a 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 relating to the Licensing Act 2003.
2. On Thursday 1st August 2024 at approximately 07:10 I entered Oxford Convenience Store located at 39 Oxford Road, Thornaby, Stockton-On-Tees, TS17 6LW to conduct a test purchase in relation to the early morning sale of alcohol before the premises was authorised to supply alcohol for consumption off the premises.
3. I entered the premises and walked to the fridge where I spotted bottles of wine. I picked one of these up and took it to the counter.
4. I placed the wine on the counter and the male working at the time asked me how much this wine was labelled at. I thought it was labelled at £5.79 which I told him but he went to the fridge to check himself then told me this was £8.99. I informed him that's ok.
5. He then asked for my ID which I provided to him, and I then gave him £10 in cash, and he provided me £1 and 1p change. I then exited the shop with the wine.
6. I walked down Oxford Road back towards the van I had travelled in.
7. I got into the van and began to fill out an evidence bag to put the wine in. This wine can be produced as EB1 – Oxford Road.

**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)**

Continuation of Statement of: Elliott Beavers

8. Once the wine was in the evidence bag my colleague Polly EDWARDS and I entered the premises. I identified myself to the male who had sold me the wine as being from Stockton Council Licensing and advised him we are conducting test purchases at premises for them selling before licensed hours which they have failed as they cannot sell alcohol until 08:00.
9. I asked the male for his details which he provided me as [REDACTED] which he spelt out for me, date of birth [REDACTED] and address [REDACTED].
10. He did try to ring his boss however he did not answer.
11. I advised him we will be in contact regarding the next steps then left the store.

STOCKTON-ON-TEES BOROUGH COUNCIL

TRANSCRIPT OF RECORDED INTERVIEW

Person Interviewed: Thilagesweran THEIVENDRAM Time Commenced: 15.10 hrs
 Place of Interview: 16 Church Road, Stockton-on-Tees Master CD Number(s):
 Date of Interview: 12 September 2024
 CD Reference Nos: ESD/1780
 Interviewing Officers: Kirsty WANNOP and Elliott BEEVERS

Signature of Officer Preparing Record.....

Exhibit Number.....
Identifying Mark.....
This record consists of 32 pages and is the exhibit referred to in the statement made and signed by me.
Signature.....

Times	Initials	
	KW	This interview is being audio recorded. This interview is under caution. This interview is taking place in the Trading Standards room at 16 Church Road, Stockton-on-Tees. The date is 12 th September 2024 and the time is 15.10. I am Kirsty Wannop and I am a Licensing Officer employed by Stockton-on-Tees Borough Council Licensing Service. I am based at 16 Church Road, Stockton-on-Tees. The following officer is also present ...
	EB	Elliott Beevers, also a Licensing Officer, based at the same address.
	KW	For the record, can you identify yourself stating your full name?
	TT	Thilagesweran Theivendram.
	KW	Address?
	TT	House address?
	KW	Yes.
	TT	The Shop, 71 Earlsden Avenue.
	KW	The name of your company?
	TT	Theivam Limited.
	KW	And the position in your business company?
	TT	I'm the director.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	KW	Director. Lovely. So, at the end of the interview, I'll give you a notice explaining what will happen to the CDs and how you can obtain a copy, if needed. Do you agree that there's no one else present in the room?
	TT	Yeah.
	KW	Can you confirm that the CDs being used in this interview are new and were unsealed in your presence?
	TT	Yeah.
	KW	Prior to the recording machine being switched on, I explained that you were being interviewed about a possible offence and legal proceedings may be taken against you. You were told the interview was about a sale on 1 st August, it was an unauthorised sale before your hours had started. And then there's also some breaches of licence conditions that we'll discuss and then also with regards to another business. So, that was at Oxford Road and then there's some about the business at Family Shopper, which is 2 Lyttleton Drive, which I think there's been some unauthorised licensable activities, 'cause it's out of the time.
	TT	Yeah, times.
	KW	Yeah, so it's classed as unauthorised licensable activities.
02:00	TT	Okay.
	KW	And you may have committed offences under the Licensing Act 2003. Because of the formal nature of the interview, I must now caution you. The time is 15.12. You do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. The caution means that you have the right to say nothing 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 to the questions later in court, the court may be less likely to believe you, or may wonder why you didn't 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? Are you happy to continue?
	TT	Yeah.
	KW	As the interview is under caution, I must tell you that you're not under arrest, you're free to leave at any time, to have a break at any time and consult with a solicitor at any time. Do you understand these points?
	TT	Yeah.
	KW	After that, do you wish to seek any legal advice before we go ahead? Are you quite to happy to go ahead?
	TT	Yeah.
	KW	If at any point that changes and you do want to consult with a solicitor, just say and we'll stop, stop the tape and we'll re-arrange for another date and time, once you've done that.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	Yeah.
	KW	The interview is being conducted in accordance with the Codes of Practice of the Police and Criminal Evidence Act 1984 and a copy of these Codes of Practice is available for you to consult at any time. Right. So, on 1 st August 2024, alcohol was sold at Oxford Road Convenience Store at approximately 7.10 am. I visited the premises on 2 nd August and spoke to a member of staff who did not have a personal licence. The staff member was [REDACTED]. I think I pronounced that right.
	TT	Yeah.
	KW	And he could also not operate the CCTV as per the licence conditions. Why was this staff member working and selling alcohol in breach of your licence?
04:03	TT	He sent for the exam and passed and his application with Middlesbrough Council, so it's gonna take at least, in normal time I think eight weeks.
	KW	It's around about eight weeks, that's how long it can take.
	TT	So, that's why I do put him.
	KW	Was the application in at the time?
	TT	Yeah.
	KW	So, the application was submitted.
	TT	Yeah. He passed the DBS and everything, so that's all good.
	KW	He passed all of that stuff, but he was still working without having the personal licence in place, even though he passed the exam.
	TT	I have three people with the licence. They're on holiday, that's why I haven't. All of my staff got the exam now. None of them worked. Only two new people there still having their training.
	KW	Right.
	TT	If I give them the job, then I'll get the licence for them as well. Even the floor staff.
	KW	So, are they all gonna have personal licences?
	TT	Everybody. If they can get the licence only, I will employ the people, that's not just my shop [inaudible].
	KW	Right. So, at the time [REDACTED] had sat the exam, passed it and put his application in, but just hadn't received that personal licence, the application wasn't processed and complete, so he didn't have a personal licence at the time.
	TT	Yeah.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	KW	This is just to recap what you're saying, and you're saying, he was working at the time because the three people that had licences at that time were on holiday, so he was the member of staff covering that shop. Is that right?
	TT	Yeah.
	KW	Still, I'll go back to, and I think we've had discussions about it, is why was that member of staff left working without it? As it is a condition on your licence to have a personal licence holder.
06:02	TT	I had only three people at that time with a licence, so they're not available at the time, that's why I had to use him. He got the exams passed and the DBS, that's why, and applied for the licence, so then I thought it was okay.
	KW	Right.
	TT	It's like he knows stuff, because he's had for the exam and passed and he's qualified for the licence because the DBS passed.
	KW	Yeah.
	TT	So, there's nothing to stop him to get the licence.
	KW	Yeah.
	TT	That's what I thought.
	KW	Okay.
	TT	I'm okay to use it.
	KW	So, he couldn't operate the CCTV as well, and that's a licence condition.
	TT	I never know that condition. Sorry. Until the Family Shoppers the other day and one of your colleague went there to check the camera. But until then I don't know, 'cause I don't normally let them to use. I think I already explained to you.
	KW	I think we've had a conversation, haven't we, in the past and you said ...
	TT	Yeah. But I don't know whether you said it's my condition, but you said everybody should be able to operate, but for the security reason I don't.
	KW	Just for the benefit of the tape, what I'll say is, I visited on the 2 nd and I spoke with the member of staff and then you came down and I had a conversation with you, didn't I?
	TT	Yeah.
	KW	And said that it's a condition of the licence and they need to be able to operate that. So, you said at that point you didn't know it was needed.
	TT	Yeah. I didn't know, and plus a good reason I don't normally let them to operate, but now I had to, because they can delete. They can do anything in the shop and they can delete if they can operate. So, that's why I don't normally.

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	KW	So, are they trained now?
	TT	Yeah.
	KW	Is that all staff are trained?
	TT	Yeah. The main. The floor staff doesn't need it. The main, like, even if even just two people, one of them, the floor staff, like second staff, they don't need as long as the main staff knows.
08:09	EB	Yeah. It's just somebody needs to be there who can use it, so.
	TT	Yeah.
	KW	Anyone [inaudible].
	TT	We trained one time. If they forget something when you come and check, I'm not like, I can't keep take them to the office and show all the time. It's not like they not coming to ...
	KW	No. I would probably include it with any age verification.
	TT	No. To me, it's all straightforward if they can't operate like ...
	KW	When you do your age verification training, about age-restricted products.
	TT	Yeah.
	KW	I would probably just, maybes run through a little sort of ...
	TT	Like every three months.
	KW	Yeah. Do you know how to do ...
	TT	Like [inaudible]. Yeah. Like [inaudible].
	KW	Can you remember how to do your CCTV and just get them all to check a date or something.
	TT	Okay.
	KW	I would probably operate it like that until, or especially the main ones that are probably the ...
	TT	Yeah. Every three months will do, but in case if somebody is too thick.
	KW	Yeah.
	TT	I can't.
	KW	Right.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	No, what I'm saying is, not everybody's technology differ. If they forget something or get tired.
	KW	No. And we understand that. If they know that they can, sort of, ring someone and say, can you just remind me how to do this?
	TT	Oh, yeah. That's fine.
	KW	What we don't want is to turn up without them being shown.
	TT	Yeah.
	KW	So, whether you get them to sign something to say they've been trained on it, that's up to you.
	TT	That day, I thought he was gonna fail because he's a bit thick. The Family Shopper. I saw him a couple of times. Even next day, if he saw something and if you ask him next day, he won't know.
	EB	Yeah.
	TT	That kind of person is.
	KW	Right. Okay.
	EB	Yeah.
	TT	But luckily, he got ...
	EB	He got there in the end. Yeah.
	KW	How long has [REDACTED] worked for you?
	TT	From December, I think? Not December. I can check and see.
	KW	Oh, right. That's fine.
10:00	TT	His friend joined in December then when he leave, he brought him. Don't have it now. June probably.
	KW	June?
	TT	Yeah.
	KW	So, he's worked from June 2024 and what training has he had?
	TT	Nothing now.
	KW	So, is this your training records?
	TT	After 12 th on the weekend will be training.
	KW	So, 12 th August you had your consultant that comes and done that.

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	TT	Yes, comes and he then [inaudible].
	KW	But, before that 12 th August, what had he had before then?
	TT	Just verbally.
	KW	Just verbal training.
	TT	Yeah. Verbal training. That's useful. Like, we always get the people like that, like age-restricted stuff, only the main staff, we don't ...
	KW	You don't document that, though, that initial bit of training.
	TT	No. Like, we state like three days training, three days one of the senior staff, either me or like the other people will be with them, and they train them on previous, like, fully remitting. So, verbally only get, say like ... if the staff, like, the trainers need, they can take an order or they can video it, or something, but we don't give any document out in his hands. Then, yeah, before 12 th .
	KW	So, at that point, he was left unattended, so this is me just making an observation. I've come into the shop. He was there unattended. It was just himself. Nobody else in the shop.
	TT	Yeah.
	KW	He's on his own.
	TT	Yeah.
	KW	He's only had verbal training. There's no training records, but he's left without having a personal licence able to ...
	TT	He knows that he train, yeah, he train, but not the document, that's the ...
	KW	Yeah, but this is as a per ... this is another licence condition is all staff must be trained.
	TT	And he sat for the exam that time, so he already got trained.
	KW	But there isn't a training record in place for him at that point.
	TT	Right.
	KW	Does that make sense?
	TT	Yeah. Not for the shop. The training with the institute, they call him, so he went there, so he sat for the training that time.
12:02	KW	What training?
	TT	So, that training better than our shop training. So, the institute.
	KW	So, he'd done the personal licence course.

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	TT	Yeah.
	KW	In terms of your licence, I would say it needs to be ... wherever you keep your staff training records, before they are left unsupervised and able to, you know, make alcohol sales, etc, they have to have their personal licence and they have to be trained in terms of your staff training records. So, make sure you document that before they're left, you know, to go and make sales and stuff if they're in charge at the till and making those sales and things. Do you agree?
	EB	Yes.
	KW	Yeah.
	EB	I think it might just be an idea on them days where you say they're having the three days training, even if you just have sort of like a general checklist to say what they've been trained on. For example, like use of the till, you know, the age verification and just get them to sign that. Then obviously that's training ... is it three months, is it? They have to be trained every three months?
	KW	Is it every three or six? Let me just double-check.
	TT	Yeah. It says six months in here ... nearly ...
	KW	But you do it three, don't you?
	EB	Yeah.
	TT	No, no. This is the institute gave me this and every six months, but if needed I can change this three months.
	EB	So, it's every six for your licence. So, for example, that will see you through. So, if you can just get that, then obviously you've got the training record there, then six months later this guy will probably have been back anyway. Then obviously he can get on board with everybody else, can't he? But obviously it covers him for that period in between, do you know what I mean?
	TT	Yeah.
	KW	Yeah.
	EB	So, just make sure you ask them formally.
	TT	But after this, if I get any new staff, still I have to record this?
	KW	Yes.
	EB	Yeah.
	TT	Then he will come and check it. But before I met this person, I didn't have any book like this, so.
	KW	No. You'd done some sort of staff training, didn't you, before that?
	TT	Yeah, but that's already ... I've printed myself and I've explained.

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14:03	KW	You've done it yourself and went through it etc, but now that you've got this.
	TT	Yeah. Well, we have that record, but that's not official like.
	KW	Yeah, but if they're not getting trained by this.
	TT	Do you know that I brought the file?
	KW	Yes, I remember the file.
	TT	But on that file his name was there, but this person disposed everything. He said that's wrong.
	KW	Yeah. So, he ... I think he ...
	TT	So, then we had the record.
	KW	He came and he attended, didn't he? You'd done something with all your staff on 12 th August.
	TT	Yeah, that's what he brought.
	KW	But he's only come in ...
	TT	And the record I had before that, that's what I go through with everybody, that isn't right. I think I brought to you a few times.
	KW	Yeah, you brought and showed us what you've been doing, your training records, etc.
	TT	Yeah, but ... yeah, this person said that's not right so he disposed it. He said don't keep that.
	KW	Okay.
	TT	That's not the proper way to do. That's what he said.
	KW	Okay. Right.
	TT	It's like we didn't have the ... it's like CCTV wasn't there in that things. Only mainly the alcohol things and we didn't have the description like ...
	KW	Oh, about what to challenge like that.
	TT	Yeah.
	KW	So, that goes into a lot more detail.
	TT	Yeah, but that's what he said.
	KW	So, you have training records, so you could prove what you'd done before that.
	TT	No, I didn't have that, you see.

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	KW	I would've probably kept it. So, you can say, well, that they were trained then, trained then, trained then, trained then.
	TT	'Cause if I keep the old file then I would mix up.
	KW	You don't have to keep it forever, but I'd have kept it for a twelve-month period at least and then you can show this is what we've done. Right, there's just me delivering some training. This is what ... the trainer has now come and you can see that, you know, we've put a lot more into it and there's a lot more description, a lot more information in there. So, then you've got that. But if there isn't a period between when you're ... if you're relying on a trainer, you know, this consultant to come and do your training where that person is waiting for that training, then they're not trained. So, it's about meeting your ...
	TT	Then I'll have to do this, that's what he said.
	KW	Yeah. So, you will have to do that with them.
	TT	If I take any new staff before he comes next time, I'll have to fill everything.
	KW	Yeah, you will have to do that, that's right. Yeah.
	TT	Yeah, that's what ...
15:59	KW	But there's a period between you employing this person and then your trainer coming, your consultant coming in doing that with them where that person's been left with what looks like no training records for that person for that period, even though they've had verbal training, even though your licence says all staff will be fully trained in relation to that and then you have to have training records.
	TT	Trained, but I don't have the proper record, that's the thing.
	EB	Yeah, but even if that guy's saying it's wrong, it's better having something that you've tried to do that may be wrong, but I don't think it would be, rather than having nothing at all.
	KW	If you've gone through, because your condition says all staff will be fully trained.
	TT	But I thought if I keep that document then I'll be mix with this, then it's confusing.
	KW	No, I'd have just kept it for a twelve-month period to show that crossover, but we can't bring something back that's not there.
	TT	Okay. Yeah, that's right.
	KW	But, obviously, your condition says 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 eighteens, persons appearing to be under the influence of alcohol and also operation of associated twenty-five. So, you'll have gone through those verbally with this [REDACTED] before he was left.
	TT	Yeah.

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	KW	So, then it was about having a record that says verbal training given on X, Y and Z and then him signing to say that he's had that training 'cause then it shows he was trained. But what you're saying is well, he's had three days, but there's no training record to show he's had those three days. So, then what we get onto is that kind of ... we've been ... we've been through ...
	TT	Because, you know yourself that I can't let somebody to run my shop without the training 'cause it's already, I know I meant was, so I've done full training, but I can't prove that I've got that thing.
	KW	Yeah, and I suppose what I'll get to is, we've had a lot of dealings with the shop and your premises and we've put a lot of ... there's a lot of work gone into it.
	TT	Yeah. I have already ... my shop is already ... my shop licence is already in risk, so I want to employ somebody who's not trained so he's well trained.
	KW	Yeah, but then we haven't got the training. But then we haven't ... we're not ... knowing that your shop is at risk, we then haven't got the training records for that person.
18:03	TT	Right.
	KW	Does that make sense?
	TT	It makes sense, but I won't employ, or I won't leave somebody to run my shop without the training. So, I'll keep fully trained ... he's well-trained staff. But the CCTV I don't ... I never showed anybody, but after the Family Shopper, only I trust everybody, colleague.
	KW	So, that's just my bit of advice is before anyone's left.
	TT	I will do that.
	KW	Get your training records in. So, have the three days with them, write down what you've done before they're left.
	TT	Yeah.
	KW	And if they're left completely to sell alcohol, they need to have their personal licence before they're left to sell alcohol.
	TT	Yeah. Okay.
	KW	So, the person who sold on 1 st August is [REDACTED]
	KW	[REDACTED] yeah.
	KW	Is that his surname or first name?
	TT	[REDACTED] is his first name, I think.
	KW	First name. What's his surname?
	TT	I don't know.

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	EB	It'll be in my pocketbook.
	KW	That was Munib wasn't it? I think it will be on your ...
	TT	I think he text me.
	KW	██████ is that right? ██████████
	TT	████████████████████.
	KW	████████████████████.
	TT	████████████████████
	KW	Oh, ██████████ is that?
	TT	No, it's ...
	KW	Is it ████████ or ██████████ do you think?
	TT	Hasan. Can I call it, if I'm allowed to?
19:58	KW	Yeah. I'm happy with that. Just to confirm whether it's ████████ or ████████. I think it looks like ██████████
	TT	[Speaking on telephone] Hello, ████████ Hello. Hello, how are you? I'm good thank you. You, sir? Good, thank you. Okay. Can you confirm your full name, please? Full name? Full name, yeah. ████████████████████. Can you spell the last word? Yeah. ██████████
	KW	██████████
	EB	Does it start with an ██████ or an ██████
	KW	A-H.
	TT	[Speaking on telephone] ██████████ ██████████ Yeah, ██████████ ██████████ Okay, thank you. Thank you.
	KW	Lovely. You confirmed to me whenever, it's that he doesn't have a personal licence.

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	TT	It's the same situation.
	KW	So, that was the same situation.
	TT	They both ... yeah.
	KW	Both, so he passed this personal licence course.
	TT	Licence. Got the DB assessment.
	KW	Got his DBS. Who is his application with?
	TT	This company I applied.
	KW	But what authority?
	TT	I think it's Middlesbrough. The address is Middlesbrough.
	EB	Yeah. [Inaudible] Middlesbrough.
	TT	Yeah.
	KW	Middlesbrough. Yeah. But haven't yet received ...?
	TT	No, nothing.
	KW	What training did ...? So, he'd sold outside licensable hours. Had he had any training on the licence conditions and timings at that time?
22:02	TT	They got everything, but they didn't tell that our time.
	KW	Right, had he had ...?
	TT	Now he knows it, but I ...
	KW	Has he got ... did he have training at the time on your training records or not?
	TT	No, everybody's the same. Before 12 th they do the same and the timing, they didn't do anything about.
	KW	Did you have any training record before the 12 th ?
	TT	No, it's the same, like.
	KW	Right. It's just a ...
	TT	I had on my old one, but they all disposed.
	KW	I just ... so the last ...
	TT	Like the way I do, like, explain everything, then...
	KW	To him, so he'd had that.

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	TT	Yeah.
	KW	And he'd signed to say he'd had that.
	TT	Yeah.
	KW	Right.
	EB	Were you aware of your licensable hours before that?
	TT	I know it's eight from eleven and ten from eleven on Sunday, but they don't normally ...
	EB	Right. Yeah, so before that sale though, were you aware of them?
	TT	Yeah. Time I know, but we don't normally focus on the time. We mainly focus on the age restricted, that's the danger.
	EB	Right.
	TT	So, after we done this course ... I sat for the course as well. I already passed the exam like eight years before, but I sat for this course as well.
	KW	You sat through that as well. How long has [REDACTED] worked for you?
	TT	The same time.
	KW	June?
	TT	Yeah, May, June like, probably a couple of weeks before just for me he joined.
	KW	Do they work across all stores or is it just Oxford Road?
	TT	Oxford Road. If I need people to cover for Family Shopper, I'll send them over there. But in the main ... [REDACTED] mainly in Premier, now he transferred. He was working in Oxford Road as well and he's Premier staff.
24:10	KW	So, does that work with all the staff? Do they mainly...?
	TT	He's Premier staff.
	KW	He's Premier staff.
	TT	Yeah.
	KW	Right. So, do they mainly stick to a certain store and just move around if they need to?
	TT	Yeah.
	KW	Right.
	TT	He's mainly Premier staff. That day he just came to cover.

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	EB	Is Premier staff South View?
	TT	South View.
	EB	Right.
	TT	Yeah.
	KW	What have you done since this to stop these breaches happening again?
	TT	I've posted everything. We have [inaudible] on the shop, I posted everything, the time and chart and even the shop staff they just keep the time on the till.
	EB	So, it's actually like a cut-out of the hours? Is that right? Yeah.
	TT	Yeah, Monday to Saturday eight 'til eleven, then ...
	EB	Yeah. I think when I came to the Family Shopper he was saying about that, wasn't he?
	TT	Yeah.
	EB	Yeah.
	TT	And the problem is that time they didn't have the Sunday time. I think he might have told you.
	EB	Yeah. He didn't know.
	TT	He thought it's from eight 'til eleven every day.
	EB	Yeah.
	KW	Right. Okay.
	EB	Yeah. He wasn't too sure.
	TT	So, that's what they have the record anyway.
	EB	Yeah.
	TT	But after this, the consultant come only, they know the time difference, like Sunday is different. And the other thing, that shop cameras might not be right. However, it's still there, I haven't set the time.
	KW	Oh, we'll come to that in a bit.
	TT	Yeah.
	KW	We'll come to that in a bit. So, we've talked about training records, so on those two days, on the 1 st and the 2 nd , we've got no training records because you've disposed of them.
	TT	Okay. Yeah.

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	KW	Is that right?
	TT	Yeah.
	KW	And because one of them was just verbal training, but you hadn't ... so [REDACTED] had had signed training had he, or had he just had verbal training, but nothing recorded?
26:02	TT	No, signed training they both had, but that's not the proper training record, that's why I didn't want.
	KW	Right. Okay.
	EB	So, they'd both had signed training but you don't have that record any more.
	TT	No. 'Cause we got that ... so, I've got, I think, first time when our shop got failed. I brought to you.
	KW	Yeah. You did. Yeah, we've had ...
	TT	In that building. Yeah, from that day we do that same, but that's not official document, like I've printed myself, I draw it.
	KW	Your condition doesn't state ... it states what you need to cover, it doesn't state how it needs to be done.
	TT	I know.
	KW	So, how you've gone through it when you've covered proxy sales, underage sales, you know, Challenge 25, etc, as long as it covers those, then the training record's fine and input in writing, we've been through all of this, signed to say we've been through all of this and we've talked about it, we've discussed it, that's fine. It doesn't, you know, the more in-depth training that you can get is absolutely better, but to give some training so they know what they're looking for, what Challenge 25 is, what it means, how they operate and proxy sales etc, that's the main thing.
	TT	I can call the consultant if he has that record 'cause he put everything in his box, that book. Is it from that one?
	KW	Right. Okay. We can have a look at that maybe after this. I don't think we need it right now.
	TT	Yeah, that I can get.
	EB	I think, yeah, it would probably be help, though, 'cause obviously if we do decide ...
	TT	That's a big file.
	EB	Yeah.
	TT	He brought the box for this all framed, you know, the poster frame and this file, then he put this [inaudible] he'll take 'em.

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	EB	Yeah, 'cause ...
	TT	He said, if you keep this you will make some confused. He's the one that said to me, then he put everything in with [inaudible] things. I'll ask him to check if he hasn't disposed.
	KW	Yeah. That would be good, yeah because what would be wise is if you maybe took that home and said like, that's not to be used, but that's my training record up to that point. I'll keep it for a period of time to show that training's been done until, obviously, you get into this training and that gets down the line 'cause it just shows if we went back to anything, that training has been done and it's proof, isn't it?
28:13	TT	Yeah. I think when they come, we didn't have any issues, that's why he told me, don't need that.
	KW	Right. Okay. So, do both members of staff still work for you?
	TT	Yeah. They're both waiting for their licence.
	KW	They're still waiting?
	TT	Yeah. I've paid for that, so they can't leave now. I've told them if they leave, I'm gonna charge the licence fee.
	KW	Right. Okay.
	TT	Like last month pay, I won't pay, so they have to work.
	KW	So, on 4 th September 2024, a licensing officer attended Family Shopper, 2 Lyttleton Drive and during the licence condition check it was observed a sale of alcohol had taken place on 4 th August 2024 at seven thirty.
	TT	That's actually eight thirty.
	KW	On the CCTV. You contacted me via message to explain that the timing on the CCTV was incorrect and the sale took place at 8.30 am.
	TT	Yeah.
	KW	This was still outside of licensable hours. What's the name of the male who sold?
	TT	Ganesh.
	KW	How do you spell that? So, not the male that was working on the 4 th , the one who sold on 4 th August.
	TT	Yeah. Because when he came to check that's a different person, but the person who sold that's different. That's [REDACTED].
	KW	Yeah.
	EB	Yeah.

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	KW	That's correct, yeah.
	TT	I have his name in Family Shopper.
	KW	You've got a different file for the different premises.
	TT	Okay. I have three files.
	KW	Three files, just to keep you right.
29:59	TT	Yeah. [REDACTED]
	KW	[REDACTED]
	TT	[REDACTED]
	EB	Yeah.
	KW	Does he have a personal licence?
	TT	He sat for the exam. Everybody ... only ...
	KW	Everybody. So, he sat for the exam.
	TT	Yeah. Only the ... yeah, the [inaudible] have got the licence now, the person who failed in Family Shopper. He received the licence.
	KW	Oh, is that ...? Oh, the one ... I know which one you're on about. Yes.
	TT	Yeah, [inaudible] and [REDACTED] has the licence, [REDACTED] has the licence, [REDACTED] has the licence.
	KW	Right.
	TT	And I have the licence, my wife has the licence.
	KW	Yeah. So, he sat for the exam. Application is in. Is that with Middlesbrough or ...?
	TT	Yeah, Middlesbrough. They're all from Middlesbrough, so that's Middlesbrough Council.
	KW	Middlesbrough Council. Was he the only person on the site at the time?
	TT	Yeah.
	KW	On 4 th August?
	TT	Yeah.
	KW	So, he's made a sale ...
	TT	That's the new condition, so I asked him to put up the times.

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	KW	That was the Family Shopper, wasn't it?
	TT	Yeah. We need the different time.
	KW	Yeah, so I think I said ... on Tuesday the 6 th , said, "You must have a personal licence holder on the premises when the sale of alcohol is being made, otherwise this is a breach of condition". So, that was on Tuesday the 6 th , wasn't it, that I said that to you.
	TT	That's the Oxford Road.
	KW	That was the 4 th . Yeah.
	TT	That's for the Oxford Road, isn't it?
	KW	No, that's for all of them. You need to have them ... I know it's a new licence, but you need to have ... everyone has to have a personal licence if sale of alcohol ...
	TT	Yeah, but everybody's gonna get sooner, but everybody's ...
	KW	Until they get there, you can't make a sale of alcohol unless there is somebody with a personal licence on the premises. So, you might need to look at your staff rotas to make sure.
32:02	TT	And I'll have to close the shops.
	KW	Oh, well, it's not necessarily close the shops, it's just not offer for sale alcohol.
	EB	Yeah. You just have to stop selling alcohol for a couple of weeks in them shops, if you can't get anybody on.
	KW	Until you can get somebody to ... if, on the days that people can't work and don't have a personal licence, you can still sell other things.
	EB	You can still sell drinks and like soft drinks.
	KW	Soft drinks and sweets and bread and milk and that type of stuff.
	TT	That's a lot of hassle. If somebody bring their bottle to the till, if they say, oh, I can't sell alcohol, then they're going to start shout, like, you know, intimidate the staff.
	KW	I know it puts you in a difficult position, but it's going to put you in more of a difficult position here.
	EB	Yeah, 'cause if ...
	TT	It will give me the different type, 'cause everything's on [inaudible], like everybody passed the DBS, I can inform you this training.
	KW	No, no, this is ... so that's ... I know we had the discussion on the 2 nd and you asked about it, so that's what my message on the 6 th was. If you're selling, you have to have a personal licence, otherwise it's a breach of condition. So, that's

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		all of your shops now that you've got your minor variation ... that you put your variations in for to put those conditions on. What training had he had at that point up until 4 th August? Same?
	TT	The same, yeah.
	KW	How long has he worked for you?
	TT	It's the same as this one. This one, the June.
	KW	So that's May, June time.
	TT	Yeah.
	KW	The person working on 4 th September gave the name of Janegan Shrinevas, is that right?
34:02	TT	No, he hasn't sold the ... for the 4 th ...
	KW	No, he hasn't sold. No, he hasn't sold anything.
	TT	Yeah.
	KW	And he stated that he's got a personal licence.
	TT	Yeah. So, he's still waiting, waiting.
	KW	So, checks have been made. He's waiting.
	TT	Yeah, his application from the council.
	KW	Middlesbrough?
	TT	Yeah.
	KW	So, he doesn't have a personal licence.
	TT	Yeah.
	KW	Yeah. So, we've checked with Middlesbrough and he didn't ... he hasn't got a personal licence in place yet. Nor have they stated there was an application, but we didn't specifically ask that did we, but we can.
	EB	No. We just asked if there was a licence in place and they said no, and then we said any other for that address? And he said, not of that name.
	KW	So, has he ... has he made sales ...?
	TT	They already applied, they said, for the month. Yes.
	KW	Which it might not be processed yet.
	TT	I can get the exam certificate and DBS online mail from this institute then, if I can.

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	EB	Yeah. Does he live with you?
	TT	No, he's using my address.
	KW	Why is he using your address?
	TT	I sponsored him from Sri Lanka.
	EB	Right.
	TT	So, he's registered at his family house, but he lives with one of his friends' room like for the medical, like GP address, and all official things, he's using my address.
	EB	Right.
	KW	Where does he live with his friend?
	TT	In Stockton. I don't know.
	EB	Right. If he lives in ... right, I'm not sure about that. I think if he's not living with you, I don't think ... he should have his real address and then maybe an address for correspondence, if that's an option?
	TT	Yeah, but that's ... my address is ... is mine correspondence address or ...? All his official stuff come to my house because I am the one sponsored him from Sri Lanka.
36:05	KW	Right. Maybes we have to do a little bit more reading about how this works.
	EB	Yeah.
	KW	But he gave ... when he was asked, what's your address, he gave that address.
	TT	And his licence, the driving licence or passport, like everything matches.
	KW	Right. Okay.
	TT	'Cause he doesn't have a separate house yet or tenants. That's why he doesn't want to use his friend's house.
	EB	Right.
	TT	But he lives with his, like two boys living there in one house, like they share the house, so he doesn't want to use any of his like personal details in that house, but even bank, it's in my address.
	EB	Right.
	KW	So, is he waiting for his own tenancy?
	TT	Oh, own tenancy, yeah. He's gonna get ... he's gonna move to Oxford Road flat. Above the shop I have a flat, so I'm preparing that.
	KW	Right. Okay.

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	TT	So, he's waiting for that. So, until then he's gonna use mine.
	EB	Yeah.
	KW	So, has he made sales of alcohol? Does he predominantly work at Family Shopper?
	TT	He's working for ... he must have ... I can't lie to you. I don't sell ... I don't ... I haven't told anybody, like you can't sell alcohol, but they all sit for the exam after you gave me the condition, so that's why I thought, and ...
	KW	That's okay.
	TT	Normally ...
	KW	When did we go ...?
	TT	The DBS take normally six weeks and the licensing process take eight weeks, so it's altogether like more than three months, four months' time it's gonna take. That's why he said I ask you if you can give me a bit of time, then I can send everybody, 'cause I can't send everybody together to London for the exam on things.
	KW	So, it was a minor variation which was ...
38:00	TT	The licence ...
	KW	... closed on the 15 th , wasn't it? Yeah, 15 th July.
	TT	July, so if you give me it.
	KW	And then ...
	TT	Four months' time. July. August, September.
	KW	We said we were gonna do that in June, didn't we? I think we had you in in June, didn't we, for your last interview. So, you've had from June.
	TT	July or June?
	KW	You put the minor variation in July.
	TT	July.
	KW	But we discussed and come to the agreement that we would do it in June, so you've had from June to know that this was gonna happen.
	TT	Okay. June.
	KW	That's June, July, August. Four months now, September.
	TT	End of September is only four months.

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	KW	But ...
	TT	It's only two weeks, if you can give me I can make sure to bring all the licences I can send you.
	KW	But then I continue ...
	TT	'Cause I can push these people as well if they can call the council and make something.
	KW	Yeah. So, I confirmed to you on 6 th August and just said, "You must have a personal licence holder on the premises when the sale of alcohol is being made, otherwise this is a breach of condition".
	TT	That's the day I think you visited to the shop, isn't it?
	KW	I visited the shop on the 2 nd and then we had a chat and a conversation, didn't we, and then I confirmed to you on the 6 th that you must have a personal licence holder on the premises.
	TT	Yeah, that's good, 'cause Oxford Road conditions very old.
	KW	That's been on for a long time, yeah.
	TT	Yeah, so that's why I put on the board.
	KW	So, I confirmed so, that's across the premises, across all three premises really, you need to have someone who's got a personal licence.
	TT	Oxford Road always have personal licence holders now across ...
	KW	What about Premier? Does Premier always have a ...?
	TT	No, that's the same. They both are ...
	KW	They were at the same time.
	TT	We didn't have any problem over there, but I agreed to get personal licence for all my premises. We had the problem on Oxford and the Family Shopper only.
	KW	Yeah. We did have an underage sale at Premier, didn't we?
	TT	Yeah, that's the first sales I think. That's ... you didn't even give me any condition for that time. That time I kept ...
40:03	KW	No, your conditions were quite lengthy on your Premier.
	TT	No, that time you just gave me an excuse, like a ...
	KW	We gave ... it was a written warning, I think, wasn't it?
	TT	Yeah, a warning I mean.
	KW	It was a warning that you were given, but obviously ...

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	TT	Yeah, so then I only said I can make sure to get a licence to everybody.
	KW	Yeah, that's what you said because people work across different shops and stuff, so it made sense to have all your licences all lined up so they had, you know, same or similar conditions, so your staff members knew that the conditions were the same for each, the same owners.
	TT	If you can consider this for first time, if you can.
	KW	Yeah, but it's more about how you ...
	TT	For Oxford Road, like we can make sure like licence holders to be on the floor, like at all times because we have now staff anyway. Four staff working there, they all have the licence. So, I don't have a problem in that shop. The Premier and Family Shoppers if you give me 'til end of September time. There's only two weeks I'm asking you if you can.
	KW	It would be a breach of condition.
	EB	Yeah. I was going to say, if it's on the licence, obviously it needs to be complied with and obviously you're saying ...
	TT	'Cause if we apply for the licence, it's gonna take time, that's what I'm saying.
	EB	But the only problem is, you're saying if you give us a bit more time ...
	TT	Only two weeks I'm asking.
	EB	But I mean in terms of the Oxford Road shop, that's ...
	TT	That's already ...
	EB	Yeah, so that minor variation went in in July last year. Obviously, we still haven't ...
	TT	Not the ... Oxford Road.
	EB	Yeah, in July last year it says here.
	KW	July last year, yeah.
	EB	But we're still having issues now, with no personal licence holders, twice ... I don't ...
	TT	We have, we have licence holders. With our rota, I can show you old rota, all my previous rotas, everybody had the licence including [REDACTED] and [REDACTED] four people had the licence. On that time, school holiday, I think Amy was like same, gone with her family and Steph's gone with her family as well. Lisa wasn't well.
42:05	EB	Yeah. But it just seems like a coincidence that twice we came ...

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	TT	And that's the time only I had ... I just these people, they're still our [inaudible]. They all okay, like, they all got the right training and they sat for the exam and DBS passed. That's only like a one-off time I just ...
	EB	Yeah, just ...
	TT	Now we have one extra person like, but no, he had the licence already.
	EB	Obviously, it's consecutive days. Obviously, we came for the early morning TP on the 1 st , no personal licence. Kirsty came on the 2 nd for a visit, no personal licence. That's two out of two days with no personal licence holders, so that's the problem we've got at the minute.
	KW	What we're looking at as well is not just ... whilst we're looking at the individual shops, we're looking at the management across the shops and how that's managed and how you uphold the licensing objectives, you know, across those premises.
	TT	I'm happy to get the licence for even the floor staff. I'm gonna spend the money. I'm happy to get the ... like my shop staff conditions there, if they can't get the licence, sit for the exam and get this, I will pay. They don't have to spend money, but they have to go to London to do the exam and get this licence. If they're clear like DBS clear only I employ, so that's a condition I'm happy to do that. But the council work can't happen within one day. Like they need time. Everybody, like even DBS, I think they need six week minimum. Then the council take eight weeks, eight to twelve weeks, I think. So, that's the reason I need time for that two shop, but they all have the exam, I can prove that.
	KW	It would be still looked at as a breach of condition.
	TT	And then the Oxford Road has enough staff with the licence. I don't have a problem with that shop.
	KW	Yeah. Obviously, I can only go off what the, kind of the letter of the law would say and it would be that this is a breach of condition at the moment. So, a decision would have to be made about the Family Shopper of whether you just don't sell alcohol or whether you don't open until you've got ... you sell ... someone with a personal licence or you move your staff around and put someone from Oxford Road, if you've got two or three members of staff and say, right I'll just ... I'm gonna have to play around with my rotas and move someone over or whether you ...
44:18	TT	And if I move them then ...
	KW	Or whether you go ...
	TT	Oxford Road has the old conditions, but then we do have the staff with the licence over there. I've filled the Oxford Road proper.
	KW	You'd have to look at it yourself. You'd have to look at your staffing rotas, so whether that be you ...
	TT	Even I'm covering myself as well sometimes.
	KW	Obviously, I'm not here to solve those problems for you.

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	TT	Yeah, I know but I'm ...
	KW	I know it's an issue.
	TT	Check your thing if you can consider for two weeks on me.
	KW	And we can go round in circles at the moment, but it would be deemed as a breach of condition at the moment 'cause you wouldn't be meeting it.
	TT	No, that's ... I know. If you can consider for two weeks only, as a request I'm asking. Definitely from 1 st October all the shop staff will have the licence. I'll make sure that.
	KW	How can you make sure of that 'cause you don't know how long the application's gonna take at Middlesbrough?
	TT	I will ask them to email or request the Middlesbrough Council. If not ... if that's not happened, then I'll have to put my wife to cover, sit.
	KW	That might be something you have to consider.
	TT	Like I'll have to hire even from different shop, if anybody has the licence I have to hire people. I will do that if you can give me that two weeks.
	KW	Right. That might be something that we have to look at.
	TT	Yeah, if you can.
	KW	At present, what I'm going to say is, it's a breach of condition and you need to sort that. There isn't going to be a two-week leniency.
	TT	That's a problem.
	EB	Yeah, if you're gonna make a change, you need to do it now. Like if you ... you have to have a personal licence holder there.
	TT	So, when I come out this office I'm going to call them, but I don't have any option, otherwise I have to close the shop, that's the only option. If I open the shop, people will bring the alcohol, then if I say something, like if my staff say something, then they'll ... there's gonna be another choice.
46:05	KW	You know, it could be done by covering the alcohol. Is it in a fridge?
	TT	Beer cave.
	KW	Is it in a beer cave?
	TT	No, in a beer cave.
	KW	Can you close it so it can't be opened?
	TT	We can close that.

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	KW	If you put that closed and just say, no sale of alcohol at present. Leave that. Nobody can then go and get it. Nobody can bring it to the till and then it's two weeks ...
	TT	I can't afford to do that. [Inaudible]
	KW	It's two weeks' worth of ...
	TT	Like, people will talk like, okay this shop can't sell the alcohol, then most of the people will ...
	KW	Why don't you just put a sign on it that just says, unfortunately no alcohol sales at present? No sale of alcohol.
	TT	You know, I don't ... I can put the sign.
	KW	Yeah.
	TT	You know, and I can put a big board or something in front of the fridge, that's not an issue. Then people will talk around like okay, this shop not allowed to sell alcohol, then that will put ...
	KW	You can put that it's a temporary, on a temporary basis, but I suppose it's not for me to solve your business problems, as such.
	TT	I know, I know. It's not ... I'm asking...
	KW	I'm here to make sure that you're condition-compliant.
	TT	So, I've requested you can ...
	KW	And at the moment you're not compliant with your conditions so, my advice to you is, don't sell alcohol unless you've got a personal licence holder present on the shop floor to supervise.
	TT	So, you can't promise a delay?
	KW	No, I can't. Sorry.
	TT	It's only for two weeks, if you can.
	KW	That's not a decision that I can just make and say you can do. It's either you're complaint or not compliant.
	EB	No. I mean, if it's on the licence, you need to be compliant. If you think, if you've got a personal licence, your wife's got a personal licence, what, you've got three, four shops in Stockon, have you? That's half of them covered just for now when everybody else's go through and then you must have a couple at Oxford Road. I think if you look at the staff rota you'd be able to cover it. If you and your wife step in for two or three weeks. The amount ... it's ...
	TT	I have a daughter, a ten-years-old daughter also.
48:00	EB	I know, but ...

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	TT	If I take my wife out then ...
	EB	It's either that or close the shop, so.
	TT	That's fine.
	EB	Yeah.
	KW	I know it's a headache, but it's something you're gonna have to do, especially to show that you can be compliant with your conditions. 'Cause if you continue to not be compliant with your conditions, it looks a lot worse for you, especially after we've said it's what you need to do.
	TT	I know. I don't want to lose the licence. I know.
	KW	And checks may be made during that time period at your shops, all three of them, to make sure that somebody is on the ... if the sale of alcohol is happening, that you are compliant with your conditions. I think since June 2022 we've had four sales out of eight for underage sales, so half of them you've failed of the ones that we've done and then now we've also identified three occasions...
	TT	Two out of three.
	KW	Three occasions where you've had no personal licence holder, a breach of your condition.
	TT	Okay.
	KW	Yeah. You will be pleased to know, I'm not gonna be all doom and gloom, you did pass on 29 th August an underage sale test purchase and the person who was working did have a personal licence.
	TT	Which shop?
	KW	Oxford Road.
	TT	[Inaudible]
	KW	Yeah.
	TT	He's the one who failed, you know.
	KW	The one that failed at Family Shopper, yes.
	TT	Family Shopper then he's got the licence now.
	KW	Yes, he's got the licence. That's all in place. So, but this is still a cause for concern for us at present. We're not spending the same amount of time on other off-licences in the area that have sale of alcohol. They're not getting the same amount of time spent on them and the amount of licence breaches, etc we're not noticing. So, it is a concern, obviously, across the licensing service, specifically for my team leader as well. So, following this interview, the next course of action

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		will be decided after all information from the investigation is collated. This action could range from doing nothing, which I don't think it's gonna be that.
50:09	TT	Sorry? I didn't get that.
	KW	It could be that we do nothing and I don't think it's gonna be we're gonna do nothing.
	TT	Okay.
	KW	But it could go to prosecution or a review of your premises licence.
	TT	Oh, right.
	KW	That's not just solely my decision, that will be me collating all the evidence, putting that to my team leader and a decision being made. So, we could prosecute the individual for unauthorised sale. We could review the premises licence which goes to the Licensing Committee and they decide what, if anything, it's gonna do, or we could do both of those actions. So, we can review your premises licence and then take a prosecution file forward if we deem that that is necessary. Have you got anything else...?
	TT	Out of this time, this is not because underage sales, then?
	KW	No. We've obviously got the history of underage sales and what's happened. Then we've got, you know, the breaches of licence conditions.
	TT	Then we passed that last one.
	KW	Then we've got the unauthorised licensable activities, so it's looking at the picture across from '22 to now in all of those things.
	TT	At least I'm doing something to ...
	KW	Obviously, I'm not questioning the fact that you ... there's things that are in place.
	TT	Resolved that, like. Yeah, this is ... yeah. Like he has a contract now. I signed the contract with him for all three shops. He's gonna visit every six months. He's gonna provide all the posters and he's gonna train my staff. So, I'm doing that. I'm paying for that as well and I'm getting people on condition only, like if they can get the licence. So, I'm doing my best as well to protect my licence.
51:58	KW	That was my next ... my next question was to you, do you have any further comments to add, and I'm assuming that's your closing comments, that you've now signed a contract.
	TT	Yeah.
	KW	What's the name of the company?
	TT	Arka Training Institute.
	KW	Arka Training.

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	TT	Arka Training.
	KW	So, you've signed a contract. He will attend the shop every six months, train all staff. Have you got anything else you want to add before we conclude the interview?
	TT	I'm gonna get licence to everybody even the floor staff. Not one single members can work without the licence, but it could take time because I have to come from later the training, then the trial period four weeks. If I can formally, I'll send for the licensing, then it's gonna take like, for the DBS check and the licence, three, four months.
	KW	Have you got any further questions?
	EB	No. Nothing further.
	KW	No. Have you got anything else you want to add?
	TT	No.
	KW	I think I've asked all the questions that I need to and we've discussed, obviously, things at length.
	TT	Okay. If you can request, that's the only I can add. If I can request to you to consider that two weeks.
	KW	The two weeks. I don't think that'll be considered.
	TT	Okay.
	KW	I don't think that'll be something that ... it's not something that I want to say yes to and I don't think my team ... it's something that my team leader would say yes to, given these ...
	TT	Because at the minute I have ... the staffs are, like finding right staff's very difficult, so I've found the staff.
	KW	I appreciate that.
	TT	And, yeah, and they're all on, like, their licence is in place, but it's the waiting came now.
54:00	KW	Right.
	TT	So, if I have to put everybody with a licence, then I have only one option to close the shop or ...
	KW	I think leaving here now, I would consider those actions and what you're going to do, so that you're not ... you haven't got anybody selling alcohol that doesn't have a personal licence. So, I would put those plans in place because I don't think anything's gonna change from my end to say, oh go ahead, you can do that, 'cause it will be a breach of licence. So, I would put your plans in place to try and put something ...

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	TT	And it's for two weeks if you, or your team will give me time.
	KW	Even for two weeks, yeah. I don't think you're gonna get two weeks. No. I don't think that's gonna happen. You need to make sure whoever's working has a personal licence.
	TT	At least for this ... rest of the three days 'cause this week rotas already made it. So, they'll like ... this is the final [inaudible] 'cause I can even show you the rota. We normally do the rota 'til Sunday, then from Monday a new rota. So, already I don't know whether I can get the licence people for, like spread the people.
	EB	Have you got yourself on the rota?
	TT	Yeah, I'm working, but I have to go ... morning I'm on the cash and carry always. I have to go to the warehouse, then evening I'm on the shift.
	EB	Could staff not do cash and carry? Would you not let them do that?
	TT	No, they can't drive my van and they don't know how ...
	EB	I was gonna say, have they not got their own car or anything like that?
	TT	No. They have to run, like ten, fifteen times.
	EB	Or if you just open the shop later, so if you go to cash and carry in the morning ...
	TT	No, the cash and carry is normally half day.
	EB	Right. It's a decision you're gonna have to make.
	TT	It's only for 'til Sunday I'm asking because from Monday the new rota, then I'll try to put every, like licence holders in the shop.
	EB	We couldn't allow you, unfortunately. If it's a condition of the licence, that has to be complied with for alcohol to be sold. It might be a decision for the rest of the week that you don't sell alcohol then. That's the only thing we can advise if there's no personal licence holder.
	KW	Yeah.
55:59	EB	It seems harsh, but that's the way it has to stay at the minute because it's on the licence. It's a major requirement, yeah.
	KW	It's on the licence. It needs to be complied with.
	TT	Okay.
	KW	Okay. Have you got anything else you want to add before we conclude? Have you got anything else to add?
	EB	No.
	KW	So, I'm now handing you notice reference number... if you could just read this out for me at the top.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN
THEIVENDRAM

	TT	E5B.
	KW	ES.
	TT	Oh, ESD 1780.
	KW	Right. The time is now 16.06 and the interview is concluded.

LICENSING ACT 2003

PREMISES LICENCE (PART B)

PREMISES LICENCE NUMBER: 047992

PART 1

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

Oxford Convenience Store
39 Oxford Road, Thornaby, Stockton-On-Tees, TS17 6LW

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: 10.00 until 22.30

THE OPENING HOURS OF THE PREMISES

MONDAY: 06.00 until 23.00
TUESDAY: 06.00 until 23.00
WEDNESDAY: 06.00 until 23.00
THURSDAY: 06.00 until 23.00
FRIDAY: 06.00 until 23.00
SATURDAY: 06.00 until 23.00
SUNDAY: 06.00 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 Thilageswaran Theivendram
71 Earlsdon Avenue, Middlesbrough, TS8 8ST

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 Thilageswaran Theivendram

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.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

PREVENTION OF CRIME & DISORDER

- **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 is operating a "Challenge 25" policy.**
- **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 persons under the age of 18 is illegal and that adults who buy alcohol for immediate disposal to persons 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 31 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 on duty 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. 24hrs routine 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.**

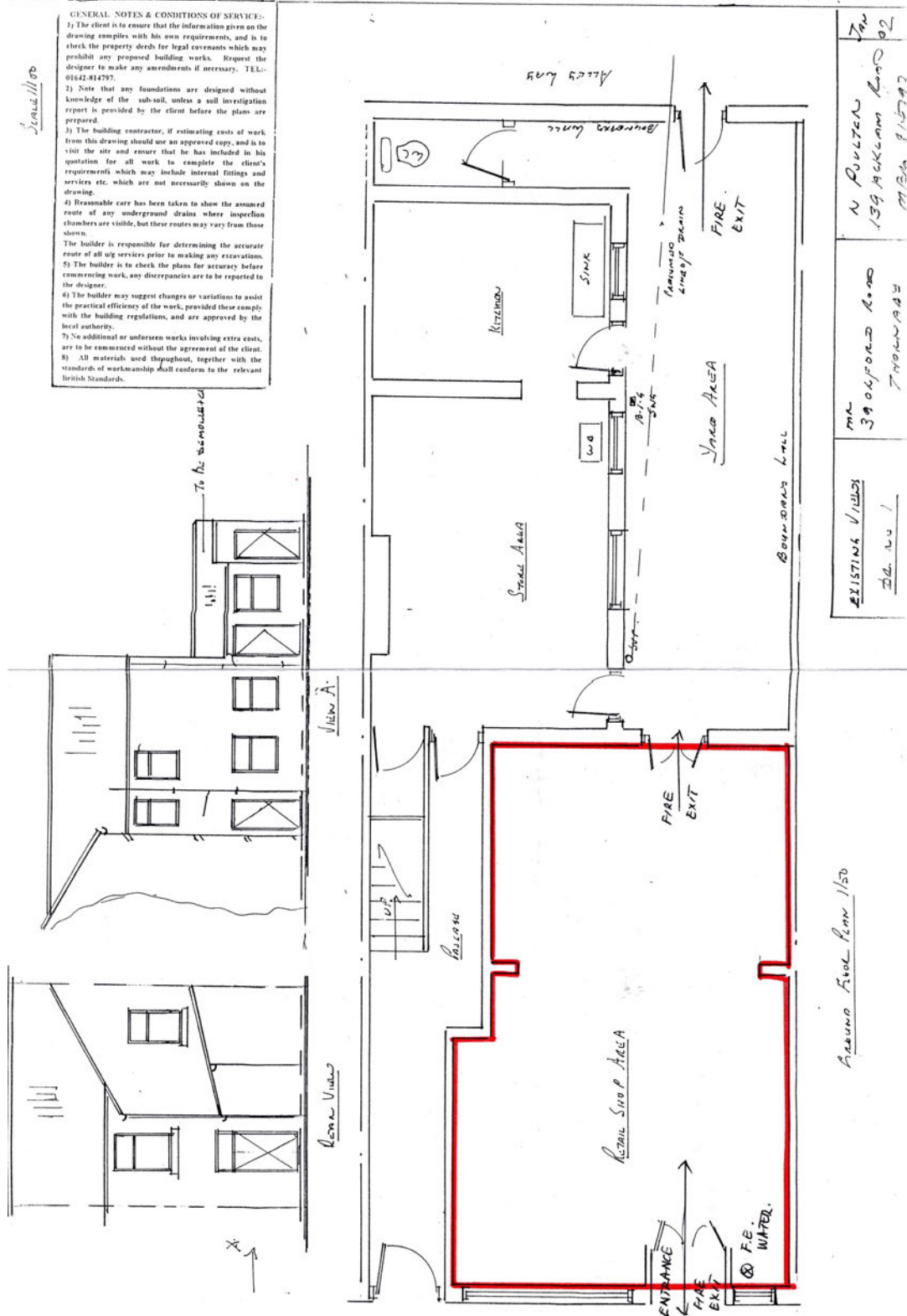
- **The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call Police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the Police were called/attended. The Designated Premise 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.**

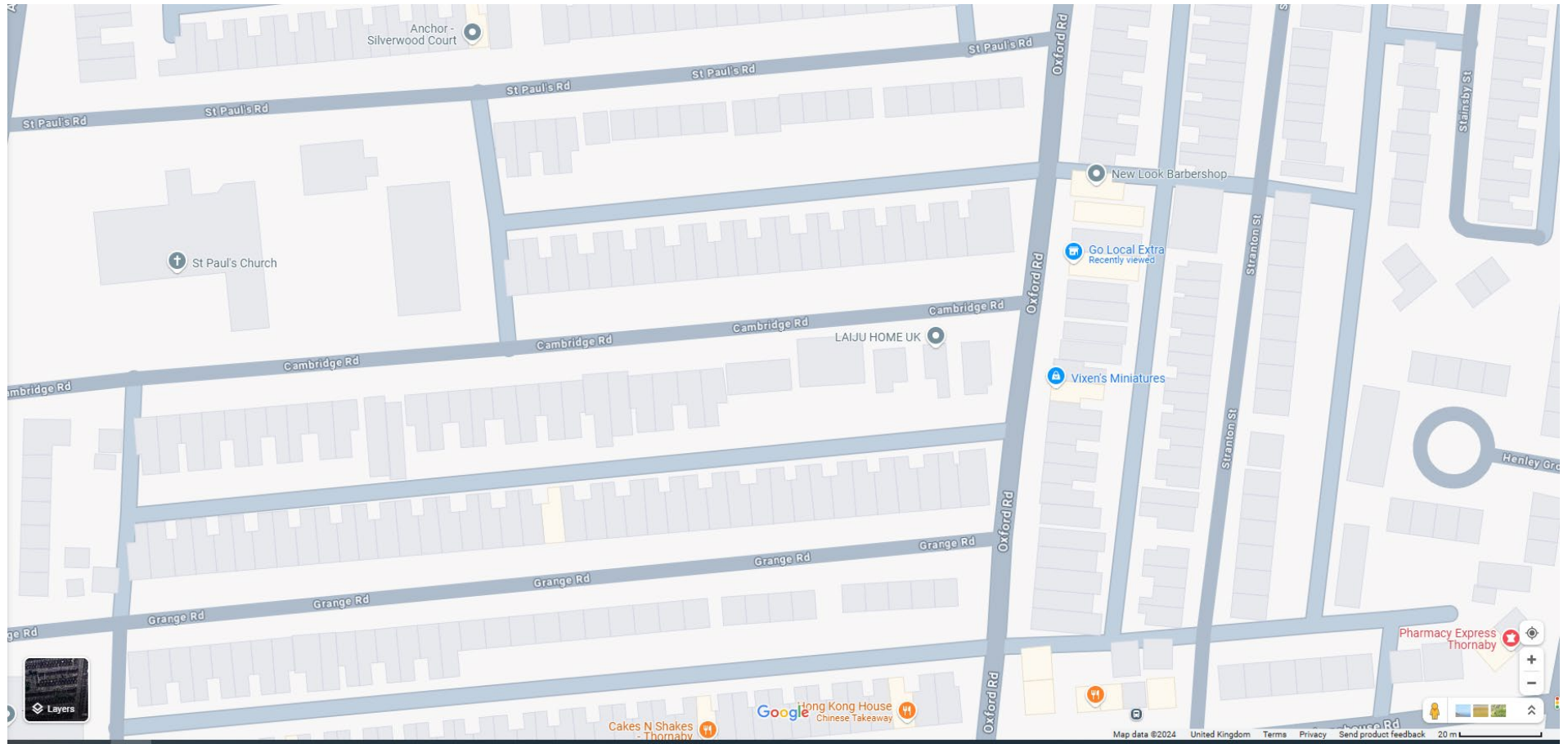
PROTECTION OF CHILDREN FROM HARM

- **At all times when alcohol is offered for sale on the premise a personal licence holder must be on the premises and available to supervise sales.**

ANNEX 4

PLANS (NOT TO SCALE)





RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable**

This statement (consisting of **3** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature **A.Thorpe**Date: **26/11/2024**Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in Cleveland Police presently stationed at Middlesbrough Police station in the Licensing Support Unit.

I have performed this role for over 10 years and during that time I have successfully completed the BIIAB level 2 National Certificate for Licensing Practitioners and the BIIAB level 2 course in the Assessment of Licensed Premises.

Licensing relies heavily on partnership work, not just with the local authority and responsible authorities but with the Premise Licence Holders (PLH), Designated Premise Supervisors (DPS), breweries and landlords. We will always try to work with Licensed Premises when there are issues at the premise, but this is a two-way street and requires the co-operation of all sides.

This statement is in relation to the review brought by Stockton council against Oxford Road Convenience Store, 39 Oxford Road, Stockton-on-Tees, TS17 6LW, the premises is a

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

convenience store which sells food and beverages.

The premises licence states that the store is for the supply of alcohol for consumption off the premises, between 08:00 hours to 23:00 hours Monday to Saturday and 10:00 hours and 22:30 hours Sunday. Name and registered address of the premises licence holder is Mr Thilageswaran Theivendram of 71 Earlsdon Avenue, Middlesbrough, TS8 8ST.

Any premises with a licence has certain obligations with regards to all of the four licensing objectives and the conditions laid down in their premises licence. This includes abiding by the allocated hours it is allowed to carry out licensable activity and following the conditions, both mandatory and those put forward by themselves or agrees 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 premises should be aware of what is happening in their premise and should do everything in their power to assure that illegal activity if not happening from their premises and uphold the licensing objectives.

On the 1st August 2024 alcohol was supplied outside the authorised hours and in breach of the licensing conditions as the person who sold the alcohol did not have a personal licence and was the only person working at the time of the sale.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)

CLEVELAND POLICE

Continuation of Statement of **Andrew THORPE**

On several occasions alcohol has been supplied when a personal licence holder was not on site to authorise the sale as per the conditions attached to the licence.

The premises has a history of non compliance, positive underage sales test purchases.

Cleveland Police cannot condone illegal activity being allowed to take place on a licenced premises, especially after they have been warned of this illegal activity by the Council and had extensive engagement to educate. While we are happy to work with licensed premises there has to be an understanding that repeated breaches or failure to put right issues which have been raised or warnings which have been issued there has to come a time when more stringent action is taken and unfortunately this is the time.

Signature _____ Signature Witnessed by _____

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)	Oxford Convenience Store
Premises Name and Address	39, Oxford Road Stockton-on-Tees, TS17 6LW

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>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<ul style="list-style-type: none"> <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
---	--

<p>The grounds of the representation is based on the following: (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 Oxford Road Convenience Store in relation to the breach of licence conditions; the sale of alcohol outside of permitted hours without a personal licence holder present. It is also noted that this is in addition to a number of other incidents relating to poor management, including underage sales.</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"> • Prevention of Crime & Disorder • Protection of Children from Harm

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. At all times a personal

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.
- 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.

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).

In relation to the sale outside of permitted hours:

By selling outside of permitted hours, as well as going against the premises licence and the law, the availability and accessibility of alcohol is inadvertently increased. It is commonly accepted in the evidence that if opening hours of alcohol sale are extended, more violent harm results, affecting the wider community and directly contravening the two aforementioned Licensing Objectives. Locally, the view of restricting hours available for alcohol sale is popular in Stockton-on-Tees – in 2017, 62% of respondents supported restricting alcohol sales in off licences to between 10am and 10pm (Balance, 2017). Similarly, 43% of respondents felt there are too many off-licences, supermarkets, and shops, that sell alcohol.

In relation to the sale without the presence of a personal licence holder:

By selling without a personal licence holder present there are questions about the training and procedures at the premises, and therefore the management. The staff need to be regularly trained and to understand the law and licence conditions.

In relation to the incidences of underage sales:

It is concerning that past breaches include underage sales. 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, Oxford Road Convenience 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.

It is crucial to acknowledge the Oxford Road Convenience Store is situated in the Mandale and Victoria ward, in a row of shops within a residential area, within walking distance of three primary schools. This ward also is in the lowest deprivation decile, with an IMD 1. Surrounding wards also have a low IMD (Village – IMD 3, Stainsby Hill – IMD 1, Stockton Town Centre – IMD 1).

Mandale and Victoria has:

Page 69 • 6.94% of pupils that are persistently absent** from school (3rd highest in the Borough)

- 357.88 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. This is the highest in the Borough.
- 30% of crimes are violent crimes
- 86 instances of ASB since 1st May 2024
- 3rd highest prevalence of domestic abuse victims/survivors in the Borough
- The fourth highest density of off-sale premises (crude value) in the Borough, with 1.39 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 ratio for hospital stays where the primary diagnosis or any of the secondary diagnoses contain an alcohol-attributable condition, and the 8th highest in the Borough, looking at 2016/17 to 2020/21 data.

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: 25/11/2024
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When complete this form should be returned to the address above or e-mailed to licensing.administration@stockton.gov.uk

For Office Use Only

Date Received		Checked By	
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Agenda Item 5

AGENDA NO.

REPORT TO THE
STATUTORY LICENSING
COMMITTEE

19TH DECEMBER
2024

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
FAMILY SHOPPER, 2 LYTTLETON DRIVE, STOCKTON-ON-TEES, TS18 5LE**

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. The premises licence holder (PLH) is Theivam Limited, Companies House information shows Thilageswaran Theivendram as the sole Director of this company since 20/06/2020. The designated premises supervisor (DPS) is Uthaya Bergmen.
3. 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 extensive escalating enforcement advice and action.
4. Most recently on 4th August 2024 alcohol was illegally supplied outside the authorised licensable hours, in addition a personal licence holder was not on site.
5. Due to previous underage sale test purchases Mr Theivendram was encouraged to submit a minor variation to add robust conditions to the premises licence, a condition was added to state: *Protection of Children from Harm: At all times when alcohol is offered for sale on the premise a personal licence holder must be on the premises and available to supervise sales*
6. There have been several occasions when alcohol has been supplied when a personal licence holder was not on site to authorise the sale as per the conditions attached to the licence. 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.
7. A copy of the current premises licence showing licensable activities and licensable hours is attached at Appendix 3.
8. A map showing the location of the premises is attached at Appendix 4.

RESPONSIBLE AUTHORITIES

9. 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.

10. 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.

ADDITIONAL INFORMATION

PREMISE LICENCE HOLDER PLH	Theivam Limited 71 Earlsdon Avenue, Middlesbrough, TS5 8ST Thilageswaran Theivendram is the Director of this company	29/11/2023 – Present 20/06/2020 – Present
DESIGNATED PREMISES SUPERVISOR DPS	Uthaya Bergmen	29/11/2023 - Present

POLICY CONSIDERATION

11. 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

12. 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.

13. 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.

14. 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

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

15. 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

16. 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.

17. The committee also have the option to leave the licence in its existing state.

18. The premises licence holder has been invited to today hearing.

19. All interested parties who submitted representations have been invited to today's 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

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

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.

Hartburn

Cllr Lynn Hall

Cllr Jason French

Cllr Niall Innes

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 **Kirsty Wannop (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	
Family Shopper 2 Lyttleton Drive Stockton-on-Tees	
Post town	Post code (if known) TS18 5LE

Name of premises licence holder or club holding club premises certificate (if known) Theivam LTD
--

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

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 Kirsty Wannop Licensing Team Leader Stockton-on-Tees Borough Council
Telephone number (if any) 07384 7979 297
E-mail address (optional) Kirsty.wannop@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 Family Shopper 2 Lyttleton Drive, due to the undermining of the licensing objectives:

- Crime & Disorder
- Protection of Children from Harm

Theivam LTD is the Premises Licence Holder and has been since 29th November 2023 which Mr Thilageswaran Theivendram is the Director of this company. **Mrs Uthaya Bergment** is the DPS and has been since 29th November 2023.

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.

The Licensing Service received a complaint regarding the opening hours of the premises. An officer attended and whilst conducting an inspection checked the CCTV. Whilst checking the CCTV the officer noted that a sale of alcohol took place on Sunday 4th August 2024 at 07:34. This is outside the permitted hours. The person who made the sale of alcohol was also not a personal licence holder nor was there a member of staff on site with a personal licence to authorise the sale as per the licence conditions.

Licence holders are expected to uphold 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.

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

.....

Date

.....

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.

Appendix 2

I	Kirsty Wannop (Responsible Authority)
Part 1 – Premises or club premises details	
Postal address of premises or, if none, ordnance survey map reference or description Family shopper 2 Lyttleton Drive Stockton-on-Tees	
Post town	Post code (if known) TS18 5LE

Name of premises licence holder or club holding club premises certificate (if known) Theivam LTD
--

Number of premises licence or club premises certificate (if known) 048143
<ol style="list-style-type: none"> 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. 2. I am a Licensing Officer employed and authorised by Stockton Borough Council. I have been employed in the Licensing Team since June 2018 and part of my duties is to investigate possible offences and conduct compliance checks in relation to the Licensing Act 2003. 3. On 16th April 2024 during a test purchase exercise an underage volunteer was supplied with alcohol at Family Shopper. 4. As potential criminal offences had taken place (supply of alcohol to a child) a formal PACE interview under caution took place with Mr THEIVENDRAM as the Premises Licence Holder (PLH). Mr THEIVENDRAM agreed to submit a minor variation to the premises licence to add robust conditions to the licence including, <i>At all times when alcohol is offered for sale on the premise a personal licence holder must be on the premises and available to supervise sales.</i> 5. Following a positive test purchase at another store, on 6th August 2024 via text message I proactively reminded Mr THEIVENDRAM of the above licence condition. 6. On 1st September 2024 a complaint was received via ward Councillors from a member of the public. The resident had concerns regarding Family Shopper and the operating hours of the premises. A licensing officer attended the premises and conducted a licence inspection. There were several licence conditions not being complied with including: <ol style="list-style-type: none"> 7. <i>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.</i> 8. <i>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.</i> 9. <i>There will be a minimum of two notices displayed on the premises indicating that the sale of alcohol to persons under the age of 18 is illegal and that adults who buy alcohol for immediate disposal to persons under the age of 18 are committing an offence.</i> 10. <i>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</i>

each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

11. During the inspection CCTV was checked to ensure it was in working order, CCTV confirmed a sale of alcohol on 4th August 2024 at 07:34. Which is outside of the authorised licensed hours. A copy of the inspection form is attached at KWA1.
12. The employee stated he held a personal licence with Middlesbrough Council. Middlesbrough Council confirmed via email there is no record of a personal licence issued to that name or similar at the address given. A copy of the email is attached at KWA2.
13. On Wednesday 4th September Mr THEIVENDRAM sent licensing officers a message to confirm that the CCTV was showing the wrong time, he confirmed the sale of alcohol took place at around 08:30am, which is still outside of the permitted licensed hours. A copy of this message it attached as KWA3.
14. On 12th September 2024 as potential criminal offences had taken place (unlicensed supply of alcohol) a formal PACE interview under caution took place with Mr THEIVENDRAM as the Premises Licence Holder (PLH).
15. Mr THEIVENDRAM confirmed the person who made the sale on 4th August 2024 did not hold a personal licence at the time of the sale, he claimed to have applied for a licence.
16. Mr THEIVENDRAM confirmed he did not hold training records for the employee, only verbal training had taken place before the employee was left unsupervised. This is a breach of the conditions attached to the licence.
17. A copy of the summary transcript is attached at KWA4.
18. Mrs UTHAYA BERGMEN was also invited for formal interview as the Designated Premises Supervisor (DPS at the premises since 29th November 2023). Mrs BERGMEN failed to attend the interview and when officers called her to see if she was still attending she stated she was unwell. Mrs BERGMAN failed to rearrange a further date and time.
19. An application for the review of the premises licence was made as Mr THEIVENDRAM has failed to uphold the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives, I have tried to work with Mr THEIVENDRAM, he has been given the opportunity to amend the conditions of his licence and put robust procedures in place, taking extensive resources from the licensing team, At each stage of intervention Mr THEIVENDRAM has given assurances it will not happen again and staff will be trained. He has put plans in place such as recruiting a consultant to train staff across the premises he is the licence holder for. I do not have faith in Mr THEIVENDRAMs management of licensed premises.

Signature *K. Wannof*

Date 29/11/24

Capacity: Responsible Authority

**STOCKTON-ON-TEES BOROUGH COUNCIL LICENSING ACT PREMISES PROFORMA
CHECK HISTORY AND LAST INSPECTION PAPERWORK BEFORE INSPECTION
CHECK GAMBLING MACHINE PERMIT / NOTIFICATION**

Date	Officer	Last Inspection Notes – issues to check	Last Insp Date
04/09/24	EBS		

Premises Name	Family Shopper	Licence Number	048143
Premises Address	2 Lythketon Drive, Stockton-on-Tees, TS18 5LE		
Premise Licence Holder	Theivam Limited		
DPS	Mrs Uthaya Beramen		
Responsible Person	[REDACTED]		
Are DPS Details Correct?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is DPS Present?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If No - Reason		Person Authorised?	

Activity	Yes	Auth?	Activity	Yes	Auth?	Activity	Yes	Auth?
Sale of Alcohol - On			Live Music			Plays		
Sale of Alcohol - Off		<input checked="" type="checkbox"/>	Recorded Music			Films		
Late Night Refreshment			Performance of Dance			Indoor Sports		

MANDATORY LICENCE CONDITION COMPLIANCE

Are there irresponsible drinks promotions?	AV centre	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is free tap water available?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is there an age verification policy in place?	23	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is beer or cider available in half pint measures?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is gin, rum, vodka or whisky available in 25ml or 35ml measures?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is still wine in a glass available in 125ml measures?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are customers made aware of the availability of these measures – price list?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Accurate Premises Plans?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Are door supervisors required, are they SIA. Evidence seen (signing in book)		<input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Licence (Part B)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Location	New DGU
Part A Licence (available on site)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Location	

STOCKTON-ON-TEES BOROUGH COUNCIL LICENSING ACT PREMISES PROFORMA

CONDITIONS COMPLIANCE

Mandatory	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Advised on hours (stay consistent on Monday to Saturday but seemed unsure on Sunday).
Embedded restrictions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
General	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Crime & Disorder	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dates of last training, refusal log, incident log etc. Is CCTV date and time correct? etc Proxy sale notices training records, records book
Public Safety	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Public Nuisance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Record dates noise checks etc
Children from harm	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	



GAMING MACHINES

Number Of Gaming Machines		Where Sited?	
Permit/Notification Current?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Name Correct?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are Machines in view of the Bar?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

COMMENTS / FOLLOW UPS

- Need 2 Proxy sale notices
 - Need training records
 - Need records book on site

- Checked CCTV on 4th August 2024 at 07:24
 Made in white for sda proxy jacks by step mem

Signed (Responsible Person)	
Signed (Authorised Officer)	



From: [Elliott Beevers](#)
To: [Kirsty Wannop](#)
Subject: FW: Personal Licence
Date: 03 December 2024 12:26:17
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

This document was classified as: OFFICIAL

Elliott Beevers

Licensing Officer

Stockton-on-Tees Borough Council

Telephone: [07796 493661](tel:07796493661) | Mobile: [07796 493661](tel:07796493661) | Email: elliott.beevers@stockton.gov.uk | Web: www.stockton.gov.uk

From: Philip Armitage <Philip_Armitage@middlesbrough.gov.uk>

Sent: 11 September 2024 11:25

To: Elliott Beevers <Elliott.Beevers@stockton.gov.uk>

Subject: RE: Personal Licence

This document was classified as: OFFICIAL

Hi Elliot, there is nothing similar.

Regards

From: Elliott Beevers <Elliott.Beevers@stockton.gov.uk>

Sent: Wednesday, September 11, 2024 10:02 AM

To: Philip Armitage <Philip_Armitage@middlesbrough.gov.uk>

Subject: RE: Personal Licence

CYBER SECURITY WARNING: This email is from an external source - be careful of attachments and links. If in doubt contact ICT Services via the YourICT link on The Bridge.

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Thanks Phil,

Nothing of a similar name as I may have got the spelling wrong?

Kind regards

Elliott Beevers

Licensing Officer

Stockton-on-Tees Borough Council

Telephone: [07796 493661](tel:07796493661) | Mobile: [07796 493661](tel:07796493661) | Email: elliott.beevers@stockton.gov.uk | Web: www.stockton.gov.uk

From: Philip Armitage <Philip_Armitage@middlesbrough.gov.uk>

Sent: Wednesday, September 11, 2024 9:57 AM

To: Elliott Beevers <Elliott.Beevers@stockton.gov.uk>

Subject: RE: Personal Licence

This document was classified as: OFFICIAL

Hi Elliot there is no one of that name holding a personal licence for that address.

Regards

From: Elliott Beavers <Elliott.Beevers@stockton.gov.uk>
Sent: Wednesday, September 11, 2024 8:55 AM
To: Philip Armitage <Philip_Armitage@middlesbrough.gov.uk>; Jason Arbuckle <Jason_Arbuckle@middlesbrough.gov.uk>
Cc: Kirsty Wannop <Kirsty.Wannop@stockton.gov.uk>
Subject: RE: Personal Licence

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Hi,

Can either of you help me with the below?

The reason for asking is we have a premises in Stockton which has been a problem in the past therefore has a condition a personal licence holder on site at all times when alcohol is served so I just wanted to check he had one.

Thanks

Elliott Beavers

Licensing Officer

Stockton-on-Tees Borough Council

Telephone: [07796 493661](tel:07796493661) | Mobile: [07796 493661](tel:07796493661) | Email: elliott.beevers@stockton.gov.uk | Web: www.stockton.gov.uk

From: Elliott Beavers
Sent: Wednesday, September 4, 2024 2:53 PM
To: Licensing <Licensing@middlesbrough.gov.uk>
Cc: Kirsty Wannop <Kirsty.Wannop@stockton.gov.uk>
Subject: Personal Licence

Hi,

Please can you confirm if there is a personal licence in place for a male living at [REDACTED]? His name is [REDACTED] I believe but the spelling may be off.

Kind regards

Elliott Beavers

Licensing Officer

Stockton-on-Tees Borough Council

Telephone: [07796 493661](tel:07796493661) | Mobile: [07796 493661](tel:07796493661) | Email: elliott.beevers@stockton.gov.uk | Web: www.stockton.gov.uk



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Oxford Road Conv...



14:30 ✓✓

Wed, 4 Sep

Hiya Kirsty, hope you are doing well. We've got Lisencing officer's visit this morning, he has checked CCTV randomly and caught one of our staff served alcohol around 7.30, the CCTV time is an hour behind, so the actual time was 8.30, but it was Sunday. I spoke to the staff, he said that he was thinking all 7 days are the same (8am till 10pm) until he met the trainer from London(12th Aug).

I would like inform that all my staffs are very conscious of underage sale and the timing.

Thanks

14:17



Mon, 9 Sep



STOCKTON-ON-TEES BOROUGH COUNCIL

TRANSCRIPT OF RECORDED INTERVIEW

Person Interviewed: Thilagesweran THEIVENDRAM Time Commenced: 15.10 hrs
 Place of Interview: 16 Church Road, Stockton-on-Tees Master CD Number(s):
 Date of Interview: 12 September 2024
 CD Reference Nos: ESD/1780
 Interviewing Officers: Kirsty WANNOP and Elliott BEEVERS

Signature of Officer Preparing Record.....

Exhibit Number.....

Identifying Mark.....

This record consists of 32 pages and is the exhibit referred to in the statement made and signed by me.

Signature.....

Times	Initials	
	KW	This interview is being audio recorded. This interview is under caution. This interview is taking place in the Trading Standards room at 16 Church Road, Stockton-on-Tees. The date is 12 th September 2024 and the time is 15.10. I am Kirsty Wannop and I am a Licensing Officer employed by Stockton-on-Tees Borough Council Licensing Service. I am based at 16 Church Road, Stockton-on-Tees. The following officer is also present ...
	EB	Elliott Beevers, also a Licensing Officer, based at the same address.
	KW	For the record, can you identify yourself stating your full name?
	TT	Thilagesweran Theivendram.
	KW	Address?
	TT	House address?
	KW	Yes.
	TT	The Shop, 71 Earlsden Avenue.
	KW	The name of your company?
	TT	Theivam Limited.
	KW	And the position in your business company?
	TT	I'm the director.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	KW	Director. Lovely. So, at the end of the interview, I'll give you a notice explaining what will happen to the CDs and how you can obtain a copy, if needed. Do you agree that there's no one else present in the room?
	TT	Yeah.
	KW	Can you confirm that the CDs being used in this interview are new and were unsealed in your presence?
	TT	Yeah.
	KW	Prior to the recording machine being switched on, I explained that you were being interviewed about a possible offence and legal proceedings may be taken against you. You were told the interview was about a sale on 1 st August, it was an unauthorised sale before your hours had started. And then there's also some breaches of licence conditions that we'll discuss and then also with regards to another business. So, that was at Oxford Road and then there's some about the business at Family Shopper, which is 2 Lyttleton Drive, which I think there's been some unauthorised licensable activities, 'cause it's out of the time.
	TT	Yeah, times.
	KW	Yeah, so it's classed as unauthorised licensable activities.
02:00	TT	Okay.
	KW	And you may have committed offences under the Licensing Act 2003. Because of the formal nature of the interview, I must now caution you. The time is 15.12. You do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence. The caution means that you have the right to say nothing 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 to the questions later in court, the court may be less likely to believe you, or may wonder why you didn't 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? Are you happy to continue?
	TT	Yeah.
	KW	As the interview is under caution, I must tell you that you're not under arrest, you're free to leave at any time, to have a break at any time and consult with a solicitor at any time. Do you understand these points?
	TT	Yeah.
	KW	After that, do you wish to seek any legal advice before we go ahead? Are you quite to happy to go ahead?
	TT	Yeah.
	KW	If at any point that changes and you do want to consult with a solicitor, just say and we'll stop, stop the tape and we'll re-arrange for another date and time, once you've done that.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	Yeah.
	KW	The interview is being conducted in accordance with the Codes of Practice of the Police and Criminal Evidence Act 1984 and a copy of these Codes of Practice is available for you to consult at any time. Right. So, on 1 st August 2024, alcohol was sold at Oxford Road Convenience Store at approximately 7.10 am. I visited the premises on 2 nd August and spoke to a member of staff who did not have a personal licence. The staff member was [REDACTED]. I think I pronounced that right.
	TT	Yeah.
	KW	And he could also not operate the CCTV as per the licence conditions. Why was this staff member working and selling alcohol in breach of your licence?
04:03	TT	He sent for the exam and passed and his application with Middlesbrough Council, so it's gonna take at least, in normal time I think eight weeks.
	KW	It's around about eight weeks, that's how long it can take.
	TT	So, that's why I do put him.
	KW	Was the application in at the time?
	TT	Yeah.
	KW	So, the application was submitted.
	TT	Yeah. He passed the DBS and everything, so that's all good.
	KW	He passed all of that stuff, but he was still working without having the personal licence in place, even though he passed the exam.
	TT	I have three people with the licence. They're on holiday, that's why I haven't. All of my staff got the exam now. None of them worked. Only two new people there still having their training.
	KW	Right.
	TT	If I give them the job, then I'll get the licence for them as well. Even the floor staff.
	KW	So, are they all gonna have personal licences?
	TT	Everybody. If they can get the licence only, I will employ the people, that's not just my shop [inaudible].
	KW	Right. So, at the time [REDACTED] had sat the exam, passed it and put his application in, but just hadn't received that personal licence, the application wasn't processed and complete, so he didn't have a personal licence at the time.
	TT	Yeah.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	KW	This is just to recap what you're saying, and you're saying, he was working at the time because the three people that had licences at that time were on holiday, so he was the member of staff covering that shop. Is that right?
	TT	Yeah.
	KW	Still, I'll go back to, and I think we've had discussions about it, is why was that member of staff left working without it? As it is a condition on your licence to have a personal licence holder.
06:02	TT	I had only three people at that time with a licence, so they're not available at the time, that's why I had to use him. He got the exams passed and the DBS, that's why, and applied for the licence, so then I thought it was okay.
	KW	Right.
	TT	It's like he knows stuff, because he's had for the exam and passed and he's qualified for the licence because the DBS passed.
	KW	Yeah.
	TT	So, there's nothing to stop him to get the licence.
	KW	Yeah.
	TT	That's what I thought.
	KW	Okay.
	TT	I'm okay to use it.
	KW	So, he couldn't operate the CCTV as well, and that's a licence condition.
	TT	I never know that condition. Sorry. Until the Family Shoppers the other day and one of your colleague went there to check the camera. But until then I don't know, 'cause I don't normally let them to use. I think I already explained to you.
	KW	I think we've had a conversation, haven't we, in the past and you said ...
	TT	Yeah. But I don't know whether you said it's my condition, but you said everybody should be able to operate, but for the security reason I don't.
	KW	Just for the benefit of the tape, what I'll say is, I visited on the 2 nd and I spoke with the member of staff and then you came down and I had a conversation with you, didn't I?
	TT	Yeah.
	KW	And said that it's a condition of the licence and they need to be able to operate that. So, you said at that point you didn't know it was needed.
	TT	Yeah. I didn't know, and plus a good reason I don't normally let them to operate, but now I had to, because they can delete. They can do anything in the shop and they can delete if they can operate. So, that's why I don't normally.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	KW	So, are they trained now?
	TT	Yeah.
	KW	Is that all staff are trained?
	TT	Yeah. The main. The floor staff doesn't need it. The main, like, even if even just two people, one of them, the floor staff, like second staff, they don't need as long as the main staff knows.
08:09	EB	Yeah. It's just somebody needs to be there who can use it, so.
	TT	Yeah.
	KW	Anyone [inaudible].
	TT	We trained one time. If they forget something when you come and check, I'm not like, I can't keep take them to the office and show all the time. It's not like they not coming to ...
	KW	No. I would probably include it with any age verification.
	TT	No. To me, it's all straightforward if they can't operate like ...
	KW	When you do your age verification training, about age-restricted products.
	TT	Yeah.
	KW	I would probably just, maybes run through a little sort of ...
	TT	Like every three months.
	KW	Yeah. Do you know how to do ...
	TT	Like [inaudible]. Yeah. Like [inaudible].
	KW	Can you remember how to do your CCTV and just get them all to check a date or something.
	TT	Okay.
	KW	I would probably operate it like that until, or especially the main ones that are probably the ...
	TT	Yeah. Every three months will do, but in case if somebody is too thick.
	KW	Yeah.
	TT	I can't.
	KW	Right.

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	TT	No, what I'm saying is, not everybody's technology differ. If they forget something or get tired.
	KW	No. And we understand that. If they know that they can, sort of, ring someone and say, can you just remind me how to do this?
	TT	Oh, yeah. That's fine.
	KW	What we don't want is to turn up without them being shown.
	TT	Yeah.
	KW	So, whether you get them to sign something to say they've been trained on it, that's up to you.
	TT	That day, I thought he was gonna fail because he's a bit thick. The Family Shopper. I saw him a couple of times. Even next day, if he saw something and if you ask him next day, he won't know.
	EB	Yeah.
	TT	That kind of person is.
	KW	Right. Okay.
	EB	Yeah.
	TT	But luckily, he got ...
	EB	He got there in the end. Yeah.
	KW	How long has [REDACTED] worked for you?
	TT	From December, I think? Not December. I can check and see.
	KW	Oh, right. That's fine.
10:00	TT	His friend joined in December then when he leave, he brought him. Don't have it now. June probably.
	KW	June?
	TT	Yeah.
	KW	So, he's worked from June 2024 and what training has he had?
	TT	Nothing now.
	KW	So, is this your training records?
	TT	After 12 th on the weekend will be training.
	KW	So, 12 th August you had your consultant that comes and done that.

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	TT	Yes, comes and he then [inaudible].
	KW	But, before that 12 th August, what had he had before then?
	TT	Just verbally.
	KW	Just verbal training.
	TT	Yeah. Verbal training. That's useful. Like, we always get the people like that, like age-restricted stuff, only the main staff, we don't ...
	KW	You don't document that, though, that initial bit of training.
	TT	No. Like, we state like three days training, three days one of the senior staff, either me or like the other people will be with them, and they train them on previous, like, fully remitting. So, verbally only get, say like ... if the staff, like, the trainers need, they can take an order or they can video it, or something, but we don't give any document out in his hands. Then, yeah, before 12 th .
	KW	So, at that point, he was left unattended, so this is me just making an observation. I've come into the shop. He was there unattended. It was just himself. Nobody else in the shop.
	TT	Yeah.
	KW	He's on his own.
	TT	Yeah.
	KW	He's only had verbal training. There's no training records, but he's left without having a personal licence able to ...
	TT	He knows that he train, yeah, he train, but not the document, that's the ...
	KW	Yeah, but this is as a per ... this is another licence condition is all staff must be trained.
	TT	And he sat for the exam that time, so he already got trained.
	KW	But there isn't a training record in place for him at that point.
	TT	Right.
	KW	Does that make sense?
	TT	Yeah. Not for the shop. The training with the institute, they call him, so he went there, so he sat for the training that time.
12:02	KW	What training?
	TT	So, that training better than our shop training. So, the institute.
	KW	So, he'd done the personal licence course.

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	TT	Yeah.
	KW	In terms of your licence, I would say it needs to be ... wherever you keep your staff training records, before they are left unsupervised and able to, you know, make alcohol sales, etc, they have to have their personal licence and they have to be trained in terms of your staff training records. So, make sure you document that before they're left, you know, to go and make sales and stuff if they're in charge at the till and making those sales and things. Do you agree?
	EB	Yes.
	KW	Yeah.
	EB	I think it might just be an idea on them days where you say they're having the three days training, even if you just have sort of like a general checklist to say what they've been trained on. For example, like use of the till, you know, the age verification and just get them to sign that. Then obviously that's training ... is it three months, is it? They have to be trained every three months?
	KW	Is it every three or six? Let me just double-check.
	TT	Yeah. It says six months in here ... nearly ...
	KW	But you do it three, don't you?
	EB	Yeah.
	TT	No, no. This is the institute gave me this and every six months, but if needed I can change this three months.
	EB	So, it's every six for your licence. So, for example, that will see you through. So, if you can just get that, then obviously you've got the training record there, then six months later this guy will probably have been back anyway. Then obviously he can get on board with everybody else, can't he? But obviously it covers him for that period in between, do you know what I mean?
	TT	Yeah.
	KW	Yeah.
	EB	So, just make sure you ask them formally.
	TT	But after this, if I get any new staff, still I have to record this?
	KW	Yes.
	EB	Yeah.
	TT	Then he will come and check it. But before I met this person, I didn't have any book like this, so.
	KW	No. You'd done some sort of staff training, didn't you, before that?
	TT	Yeah, but that's already ... I've printed myself and I've explained.

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14:03	KW	You've done it yourself and went through it etc, but now that you've got this.
	TT	Yeah. Well, we have that record, but that's not official like.
	KW	Yeah, but if they're not getting trained by this.
	TT	Do you know that I brought the file?
	KW	Yes, I remember the file.
	TT	But on that file his name was there, but this person disposed everything. He said that's wrong.
	KW	Yeah. So, he ... I think he ...
	TT	So, then we had the record.
	KW	He came and he attended, didn't he? You'd done something with all your staff on 12 th August.
	TT	Yeah, that's what he brought.
	KW	But he's only come in ...
	TT	And the record I had before that, that's what I go through with everybody, that isn't right. I think I brought to you a few times.
	KW	Yeah, you brought and showed us what you've been doing, your training records, etc.
	TT	Yeah, but ... yeah, this person said that's not right so he disposed it. He said don't keep that.
	KW	Okay.
	TT	That's not the proper way to do. That's what he said.
	KW	Okay. Right.
	TT	It's like we didn't have the ... it's like CCTV wasn't there in that things. Only mainly the alcohol things and we didn't have the description like ...
	KW	Oh, about what to challenge like that.
	TT	Yeah.
	KW	So, that goes into a lot more detail.
	TT	Yeah, but that's what he said.
	KW	So, you have training records, so you could prove what you'd done before that.
	TT	No, I didn't have that, you see.

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	KW	I would've probably kept it. So, you can say, well, that they were trained then, trained then, trained then, trained then.
	TT	'Cause if I keep the old file then I would mix up.
	KW	You don't have to keep it forever, but I'd have kept it for a twelve-month period at least and then you can show this is what we've done. Right, there's just me delivering some training. This is what ... the trainer has now come and you can see that, you know, we've put a lot more into it and there's a lot more description, a lot more information in there. So, then you've got that. But if there isn't a period between when you're ... if you're relying on a trainer, you know, this consultant to come and do your training where that person is waiting for that training, then they're not trained. So, it's about meeting your ...
	TT	Then I'll have to do this, that's what he said.
	KW	Yeah. So, you will have to do that with them.
	TT	If I take any new staff before he comes next time, I'll have to fill everything.
	KW	Yeah, you will have to do that, that's right. Yeah.
	TT	Yeah, that's what ...
15:59	KW	But there's a period between you employing this person and then your trainer coming, your consultant coming in doing that with them where that person's been left with what looks like no training records for that person for that period, even though they've had verbal training, even though your licence says all staff will be fully trained in relation to that and then you have to have training records.
	TT	Trained, but I don't have the proper record, that's the thing.
	EB	Yeah, but even if that guy's saying it's wrong, it's better having something that you've tried to do that may be wrong, but I don't think it would be, rather than having nothing at all.
	KW	If you've gone through, because your condition says all staff will be fully trained.
	TT	But I thought if I keep that document then I'll be mix with this, then it's confusing.
	KW	No, I'd have just kept it for a twelve-month period to show that crossover, but we can't bring something back that's not there.
	TT	Okay. Yeah, that's right.
	KW	But, obviously, your condition says 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 eighteens, persons appearing to be under the influence of alcohol and also operation of associated twenty-five. So, you'll have gone through those verbally with this [REDACTED] before he was left.
	TT	Yeah.

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	KW	So, then it was about having a record that says verbal training given on X, Y and Z and then him signing to say that he's had that training 'cause then it shows he was trained. But what you're saying is well, he's had three days, but there's no training record to show he's had those three days. So, then what we get onto is that kind of ... we've been ... we've been through ...
	TT	Because, you know yourself that I can't let somebody to run my shop without the training 'cause it's already, I know I meant was, so I've done full training, but I can't prove that I've got that thing.
	KW	Yeah, and I suppose what I'll get to is, we've had a lot of dealings with the shop and your premises and we've put a lot of ... there's a lot of work gone into it.
	TT	Yeah. I have already ... my shop is already ... my shop licence is already in risk, so I want to employ somebody who's not trained so he's well trained.
	KW	Yeah, but then we haven't got the training. But then we haven't ... we're not ... knowing that your shop is at risk, we then haven't got the training records for that person.
18:03	TT	Right.
	KW	Does that make sense?
	TT	It makes sense, but I won't employ, or I won't leave somebody to run my shop without the training. So, I'll keep fully trained ... he's well-trained staff. But the CCTV I don't ... I never showed anybody, but after the Family Shopper, only I trust everybody, colleague.
	KW	So, that's just my bit of advice is before anyone's left.
	TT	I will do that.
	KW	Get your training records in. So, have the three days with them, write down what you've done before they're left.
	TT	Yeah.
	KW	And if they're left completely to sell alcohol, they need to have their personal licence before they're left to sell alcohol.
	TT	Yeah. Okay.
	KW	So, the person who sold on 1 st August is [REDACTED].
	KW	M [REDACTED] yeah.
	KW	Is that his surname or first name?
	TT	[REDACTED] is his first name, I think.
	KW	First name. What's his surname?
	TT	I don't know.

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	EB	It'll be in my pocketbook.
	KW	That was Munib wasn't it? I think it will be on your ...
	TT	I think he text me.
	KW	Hasen is that right? [REDACTED] N.
	TT	[REDACTED]
	KW	[REDACTED]
	TT	[REDACTED].
	KW	Oh, [REDACTED] is that?
	TT	No, it's ...
	KW	Is it [REDACTED] or [REDACTED], do you think?
	TT	Hasan. Can I call it, if I'm allowed to?
19:58	KW	Yeah. I'm happy with that. Just to confirm whether it's [REDACTED] or [REDACTED]. I think it looks like [REDACTED]
	TT	[Speaking on telephone] Hello, [REDACTED]. Hello. Hello, how are you? I'm good thank you. You, sir? Good, thank you. Okay. Can you confirm your full name, please? Full name? Full name, yeah. [REDACTED]. Can you spell the last word? Yeah. [REDACTED].
	KW	[REDACTED].
	EB	Does it start with an [REDACTED] or an [REDACTED]?
	KW	[REDACTED].
	TT	[Speaking on telephone] [REDACTED] [REDACTED] ? Yeah, [REDACTED]. [REDACTED]. Okay, thank you. Thank you.
	KW	Lovely. You confirmed to me whenever, it's that he doesn't have a personal licence.

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	TT	It's the same situation.
	KW	So, that was the same situation.
	TT	They both ... yeah.
	KW	Both, so he passed this personal licence course.
	TT	Licence. Got the DB assessment.
	KW	Got his DBS. Who is his application with?
	TT	This company I applied.
	KW	But what authority?
	TT	I think it's Middlesbrough. The address is Middlesbrough.
	EB	Yeah. [Inaudible] Middlesbrough.
	TT	Yeah.
	KW	Middlesbrough. Yeah. But haven't yet received ...?
	TT	No, nothing.
	KW	What training did ...? So, he'd sold outside licensable hours. Had he had any training on the licence conditions and timings at that time?
22:02	TT	They got everything, but they didn't tell that our time.
	KW	Right, had he had ...?
	TT	Now he knows it, but I ...
	KW	Has he got ... did he have training at the time on your training records or not?
	TT	No, everybody's the same. Before 12 th they do the same and the timing, they didn't do anything about.
	KW	Did you have any training record before the 12 th ?
	TT	No, it's the same, like.
	KW	Right. It's just a ...
	TT	I had on my old one, but they all disposed.
	KW	I just ... so the last ...
	TT	Like the way I do, like, explain everything, then...
	KW	To him, so he'd had that.

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	TT	Yeah.
	KW	And he'd signed to say he'd had that.
	TT	Yeah.
	KW	Right.
	EB	Were you aware of your licensable hours before that?
	TT	I know it's eight from eleven and ten from eleven on Sunday, but they don't normally ...
	EB	Right. Yeah, so before that sale though, were you aware of them?
	TT	Yeah. Time I know, but we don't normally focus on the time. We mainly focus on the age restricted, that's the danger.
	EB	Right.
	TT	So, after we done this course ... I sat for the course as well. I already passed the exam like eight years before, but I sat for this course as well.
	KW	You sat through that as well. How long has [REDACTED] worked for you?
	TT	The same time.
	KW	June?
	TT	Yeah, May, June like, probably a couple of weeks before just for me he joined.
	KW	Do they work across all stores or is it just Oxford Road?
	TT	Oxford Road. If I need people to cover for Family Shopper, I'll send them over there. But in the main ... [REDACTED] mainly in Premier, now he transferred. He was working in Oxford Road as well and he's Premier staff.
24:10	KW	So, does that work with all the staff? Do they mainly...?
	TT	He's Premier staff.
	KW	He's Premier staff.
	TT	Yeah.
	KW	Right. So, do they mainly stick to a certain store and just move around if they need to?
	TT	Yeah.
	KW	Right.
	TT	He's mainly Premier staff. That day he just came to cover.

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	EB	Is Premier staff South View?
	TT	South View.
	EB	Right.
	TT	Yeah.
	KW	What have you done since this to stop these breaches happening again?
	TT	I've posted everything. We have [inaudible] on the shop, I posted everything, the time and chart and even the shop staff they just keep the time on the till.
	EB	So, it's actually like a cut-out of the hours? Is that right? Yeah.
	TT	Yeah, Monday to Saturday eight 'til eleven, then ...
	EB	Yeah. I think when I came to the Family Shopper he was saying about that, wasn't he?
	TT	Yeah.
	EB	Yeah.
	TT	And the problem is that time they didn't have the Sunday time. I think he might have told you.
	EB	Yeah. He didn't know.
	TT	He thought it's from eight 'til eleven every day.
	EB	Yeah.
	KW	Right. Okay.
	EB	Yeah. He wasn't too sure.
	TT	So, that's what they have the record anyway.
	EB	Yeah.
	TT	But after this, the consultant come only, they know the time difference, like Sunday is different. And the other thing, that shop cameras might not be right. However, it's still there, I haven't set the time.
	KW	Oh, we'll come to that in a bit.
	TT	Yeah.
	KW	We'll come to that in a bit. So, we've talked about training records, so on those two days, on the 1 st and the 2 nd , we've got no training records because you've disposed of them.
	TT	Okay. Yeah.

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	KW	Is that right?
	TT	Yeah.
	KW	And because one of them was just verbal training, but you hadn't ... so [REDACTED] had had signed training had he, or had he just had verbal training, but nothing recorded?
26:02	TT	No, signed training they both had, but that's not the proper training record, that's why I didn't want.
	KW	Right. Okay.
	EB	So, they'd both had signed training but you don't have that record any more.
	TT	No. 'Cause we got that ... so, I've got, I think, first time when our shop got failed. I brought to you.
	KW	Yeah. You did. Yeah, we've had ...
	TT	In that building. Yeah, from that day we do that same, but that's not official document, like I've printed myself, I draw it.
	KW	Your condition doesn't state ... it states what you need to cover, it doesn't state how it needs to be done.
	TT	I know.
	KW	So, how you've gone through it when you've covered proxy sales, underage sales, you know, Challenge 25, etc, as long as it covers those, then the training record's fine and input in writing, we've been through all of this, signed to say we've been through all of this and we've talked about it, we've discussed it, that's fine. It doesn't, you know, the more in-depth training that you can get is absolutely better, but to give some training so they know what they're looking for, what Challenge 25 is, what it means, how they operate and proxy sales etc, that's the main thing.
	TT	I can call the consultant if he has that record 'cause he put everything in his box, that book. Is it from that one?
	KW	Right. Okay. We can have a look at that maybe after this. I don't think we need it right now.
	TT	Yeah, that I can get.
	EB	I think, yeah, it would probably be help, though, 'cause obviously if we do decide ...
	TT	That's a big file.
	EB	Yeah.
	TT	He brought the box for this all framed, you know, the poster frame and this file, then he put this [inaudible] he'll take 'em.

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	EB	Yeah, 'cause ...
	TT	He said, if you keep this you will make some confused. He's the one that said to me, then he put everything in with [inaudible] things. I'll ask him to check if he hasn't disposed.
	KW	Yeah. That would be good, yeah because what would be wise is if you maybe took that home and said like, that's not to be used, but that's my training record up to that point. I'll keep it for a period of time to show that training's been done until, obviously, you get into this training and that gets down the line 'cause it just shows if we went back to anything, that training has been done and it's proof, isn't it?
28:13	TT	Yeah. I think when they come, we didn't have any issues, that's why he told me, don't need that.
	KW	Right. Okay. So, do both members of staff still work for you?
	TT	Yeah. They're both waiting for their licence.
	KW	They're still waiting?
	TT	Yeah. I've paid for that, so they can't leave now. I've told them if they leave, I'm gonna charge the licence fee.
	KW	Right. Okay.
	TT	Like last month pay, I won't pay, so they have to work.
	KW	So, on 4 th September 2024, a licensing officer attended Family Shopper, 2 Lyttleton Drive and during the licence condition check it was observed a sale of alcohol had taken place on 4 th August 2024 at seven thirty.
	TT	That's actually eight thirty.
	KW	On the CCTV. You contacted me via message to explain that the timing on the CCTV was incorrect and the sale took place at 8.30 am.
	TT	Yeah.
	KW	This was still outside of licensable hours. What's the name of the male who sold?
	TT	██████████
	KW	How do you spell that? So, not the male that was working on the 4 th , the one who sold on 4 th August.
	TT	Yeah. Because when he came to check that's a different person, but the person who sold that's different. That's ██████████.
	KW	Yeah.
	EB	Yeah.

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	KW	That's correct, yeah.
	TT	I have his name in Family Shopper.
	KW	You've got a different file for the different premises.
	TT	Okay. I have three files.
	KW	Three files, just to keep you right.
29:59	TT	Yeah. [REDACTED]. [REDACTED] ...
	KW	[REDACTED]
	TT	[REDACTED].
	EB	Yeah.
	KW	Does he have a personal licence?
	TT	He sat for the exam. Everybody ... only ...
	KW	Everybody. So, he sat for the exam.
	TT	Yeah. Only the ... yeah, the [inaudible] have got the licence now, the person who failed in Family Shopper. He received the licence.
	KW	Oh, is that ...? Oh, the one ... I know which one you're on about. Yes.
	TT	Yeah, [inaudible] and [REDACTED] has the licence, [REDACTED] has the licence, [REDACTED] has the licence.
	KW	Right.
	TT	And I have the licence, my wife has the licence.
	KW	Yeah. So, he sat for the exam. Application is in. Is that with Middlesbrough or ...?
	TT	Yeah, Middlesbrough. They're all from Middlesbrough, so that's Middlesbrough Council.
	KW	Middlesbrough Council. Was he the only person on the site at the time?
	TT	Yeah.
	KW	On 4 th August?
	TT	Yeah.
	KW	So, he's made a sale ...
	TT	That's the new condition, so I asked him to put up the times.

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	KW	That was the Family Shopper, wasn't it?
	TT	Yeah. We need the different time.
	KW	Yeah, so I think I said ... on Tuesday the 6 th , said, "You must have a personal licence holder on the premises when the sale of alcohol is being made, otherwise this is a breach of condition". So, that was on Tuesday the 6 th , wasn't it, that I said that to you.
	TT	That's the Oxford Road.
	KW	That was the 4 th . Yeah.
	TT	That's for the Oxford Road, isn't it?
	KW	No, that's for all of them. You need to have them ... I know it's a new licence, but you need to have ... everyone has to have a personal licence if sale of alcohol ...
	TT	Yeah, but everybody's gonna get sooner, but everybody's ...
	KW	Until they get there, you can't make a sale of alcohol unless there is somebody with a personal licence on the premises. So, you might need to look at your staff rotas to make sure.
32:02	TT	And I'll have to close the shops.
	KW	Oh, well, it's not necessarily close the shops, it's just not offer for sale alcohol.
	EB	Yeah. You just have to stop selling alcohol for a couple of weeks in them shops, if you can't get anybody on.
	KW	Until you can get somebody to ... if, on the days that people can't work and don't have a personal licence, you can still sell other things.
	EB	You can still sell drinks and like soft drinks.
	KW	Soft drinks and sweets and bread and milk and that type of stuff.
	TT	That's a lot of hassle. If somebody bring their bottle to the till, if they say, oh, I can't sell alcohol, then they're going to start shout, like, you know, intimidate the staff.
	KW	I know it puts you in a difficult position, but it's going to put you in more of a difficult position here.
	EB	Yeah, 'cause if ...
	TT	It will give me the different type, 'cause everything's on [inaudible], like everybody passed the DBS, I can inform you this training.
	KW	No, no, this is ... so that's ... I know we had the discussion on the 2 nd and you asked about it, so that's what my message on the 6 th was. If you're selling, you have to have a personal licence, otherwise it's a breach of condition. So, that's

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		all of your shops now that you've got your minor variation ... that you put your variations in for to put those conditions on. What training had he had at that point up until 4 th August? Same?
	TT	The same, yeah.
	KW	How long has he worked for you?
	TT	It's the same as this one. This one, the June.
	KW	So that's May, June time.
	TT	Yeah.
	KW	The person working on 4 th September gave the name of [REDACTED], is that right?
34:02	TT	No, he hasn't sold the ... for the 4 th ...
	KW	No, he hasn't sold. No, he hasn't sold anything.
	TT	Yeah.
	KW	And he stated that he's got a personal licence.
	TT	Yeah. So, he's still waiting, waiting.
	KW	So, checks have been made. He's waiting.
	TT	Yeah, his application from the council.
	KW	Middlesbrough?
	TT	Yeah.
	KW	So, he doesn't have a personal licence.
	TT	Yeah.
	KW	Yeah. So, we've checked with Middlesbrough and he didn't ... he hasn't got a personal licence in place yet. Nor have they stated there was an application, but we didn't specifically ask that did we, but we can.
	EB	No. We just asked if there was a licence in place and they said no, and then we said any other for that address? And he said, not of that name.
	KW	So, has he ... has he made sales ...?
	TT	They already applied, they said, for the month. Yes.
	KW	Which it might not be processed yet.
	TT	I can get the exam certificate and DBS online mail from this institute then, if I can.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	EB	Yeah. Does he live with you?
	TT	No, he's using my address.
	KW	Why is he using your address?
	TT	I sponsored him from Sri Lanka.
	EB	Right.
	TT	So, he's registered at his family house, but he lives with one of his friends' room like for the medical, like GP address, and all official things, he's using my address.
	EB	Right.
	KW	Where does he live with his friend?
	TT	In Stockton. I don't know.
	EB	Right. If he lives in ... right, I'm not sure about that. I think if he's not living with you, I don't think ... he should have his real address and then maybe an address for correspondence, if that's an option?
	TT	Yeah, but that's ... my address is ... is mine correspondence address or ...? All his official stuff come to my house because I am the one sponsored him from Sri Lanka.
36:05	KW	Right. Maybes we have to do a little bit more reading about how this works.
	EB	Yeah.
	KW	But he gave ... when he was asked, what's your address, he gave that address.
	TT	And his licence, the driving licence or passport, like everything matches.
	KW	Right. Okay.
	TT	'Cause he doesn't have a separate house yet or tenants. That's why he doesn't want to use his friend's house.
	EB	Right.
	TT	But he lives with his, like two boys living there in one house, like they share the house, so he doesn't want to use any of his like personal details in that house, but even bank, it's in my address.
	EB	Right.
	KW	So, is he waiting for his own tenancy?
	TT	Oh, own tenancy, yeah. He's gonna get ... he's gonna move to Oxford Road flat. Above the shop I have a flat, so I'm preparing that.
	KW	Right. Okay.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	So, he's waiting for that. So, until then he's gonna use mine.
	EB	Yeah.
	KW	So, has he made sales of alcohol? Does he predominantly work at Family Shopper?
	TT	He's working for ... he must have ... I can't lie to you. I don't sell ... I don't ... I haven't told anybody, like you can't sell alcohol, but they all sit for the exam after you gave me the condition, so that's why I thought, and ...
	KW	That's okay.
	TT	Normally ...
	KW	When did we go ...?
	TT	The DBS take normally six weeks and the licensing process take eight weeks, so it's altogether like more than three months, four months' time it's gonna take. That's why he said I ask you if you can give me a bit of time, then I can send everybody, 'cause I can't send everybody together to London for the exam on things.
	KW	So, it was a minor variation which was ...
38:00	TT	The licence ...
	KW	... closed on the 15 th , wasn't it? Yeah, 15 th July.
	TT	July, so if you give me it.
	KW	And then ...
	TT	Four months' time. July. August, September.
	KW	We said we were gonna do that in June, didn't we? I think we had you in in June, didn't we, for your last interview. So, you've had from June.
	TT	July or June?
	KW	You put the minor variation in July.
	TT	July.
	KW	But we discussed and come to the agreement that we would do it in June, so you've had from June to know that this was gonna happen.
	TT	Okay. June.
	KW	That's June, July, August. Four months now, September.
	TT	End of September is only four months.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	KW	But ...
	TT	It's only two weeks, if you can give me I can make sure to bring all the licences I can send you.
	KW	But then I continue ...
	TT	'Cause I can push these people as well if they can call the council and make something.
	KW	Yeah. So, I confirmed to you on 6 th August and just said, "You must have a personal licence holder on the premises when the sale of alcohol is being made, otherwise this is a breach of condition".
	TT	That's the day I think you visited to the shop, isn't it?
	KW	I visited the shop on the 2 nd and then we had a chat and a conversation, didn't we, and then I confirmed to you on the 6 th that you must have a personal licence holder on the premises.
	TT	Yeah, that's good, 'cause Oxford Road conditions very old.
	KW	That's been on for a long time, yeah.
	TT	Yeah, so that's why I put on the board.
	KW	So, I confirmed so, that's across the premises, across all three premises really, you need to have someone who's got a personal licence.
	TT	Oxford Road always have personal licence holders now across ...
	KW	What about Premier? Does Premier always have a ...?
	TT	No, that's the same. They both are ...
	KW	They were at the same time.
	TT	We didn't have any problem over there, but I agreed to get personal licence for all my premises. We had the problem on Oxford and the Family Shopper only.
	KW	Yeah. We did have an underage sale at Premier, didn't we?
	TT	Yeah, that's the first sales I think. That's ... you didn't even give me any condition for that time. That time I kept ...
40:03	KW	No, your conditions were quite lengthy on your Premier.
	TT	No, that time you just gave me an excuse, like a ...
	KW	We gave ... it was a written warning, I think, wasn't it?
	TT	Yeah, a warning I mean.
	KW	It was a warning that you were given, but obviously ...

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	Yeah, so then I only said I can make sure to get a licence to everybody.
	KW	Yeah, that's what you said because people work across different shops and stuff, so it made sense to have all your licences all lined up so they had, you know, same or similar conditions, so your staff members knew that the conditions were the same for each, the same owners.
	TT	If you can consider this for first time, if you can.
	KW	Yeah, but it's more about how you ...
	TT	For Oxford Road, like we can make sure like licence holders to be on the floor, like at all times because we have now staff anyway. Four staff working there, they all have the licence. So, I don't have a problem in that shop. The Premier and Family Shoppers if you give me 'til end of September time. There's only two weeks I'm asking you if you can.
	KW	It would be a breach of condition.
	EB	Yeah. I was going to say, if it's on the licence, obviously it needs to be complied with and obviously you're saying ...
	TT	'Cause if we apply for the licence, it's gonna take time, that's what I'm saying.
	EB	But the only problem is, you're saying if you give us a bit more time ...
	TT	Only two weeks I'm asking.
	EB	But I mean in terms of the Oxford Road shop, that's ...
	TT	That's already ...
	EB	Yeah, so that minor variation went in in July last year. Obviously, we still haven't ...
	TT	Not the ... Oxford Road.
	EB	Yeah, in July last year it says here.
	KW	July last year, yeah.
	EB	But we're still having issues now, with no personal licence holders, twice ... I don't ...
	TT	We have, we have licence holders. With our rota, I can show you old rota, all my previous rotas, everybody had the licence including [REDACTED] and [REDACTED] four people had the licence. On that time, school holiday, I think [REDACTED] was like same, gone with her family and [REDACTED] gone with her family as well. Lisa wasn't well.
42:05	EB	Yeah. But it just seems like a coincidence that twice we came ...

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	And that's the time only I had ... I just these people, they're still our [inaudible]. They all okay, like, they all got the right training and they sat for the exam and DBS passed. That's only like a one-off time I just ...
	EB	Yeah, just ...
	TT	Now we have one extra person like, but no, he had the licence already.
	EB	Obviously, it's consecutive days. Obviously, we came for the early morning TP on the 1 st , no personal licence. Kirsty came on the 2 nd for a visit, no personal licence. That's two out of two days with no personal licence holders, so that's the problem we've got at the minute.
	KW	What we're looking at as well is not just ... whilst we're looking at the individual shops, we're looking at the management across the shops and how that's managed and how you uphold the licensing objectives, you know, across those premises.
	TT	I'm happy to get the licence for even the floor staff. I'm gonna spend the money. I'm happy to get the ... like my shop staff conditions there, if they can't get the licence, sit for the exam and get this, I will pay. They don't have to spend money, but they have to go to London to do the exam and get this licence. If they're clear like DBS clear only I employ, so that's a condition I'm happy to do that. But the council work can't happen within one day. Like they need time. Everybody, like even DBS, I think they need six week minimum. Then the council take eight weeks, eight to twelve weeks, I think. So, that's the reason I need time for that two shop, but they all have the exam, I can prove that.
	KW	It would be still looked at as a breach of condition.
	TT	And then the Oxford Road has enough staff with the licence. I don't have a problem with that shop.
	KW	Yeah. Obviously, I can only go off what the, kind of the letter of the law would say and it would be that this is a breach of condition at the moment. So, a decision would have to be made about the Family Shopper of whether you just don't sell alcohol or whether you don't open until you've got ... you sell ... someone with a personal licence or you move your staff around and put someone from Oxford Road, if you've got two or three members of staff and say, right I'll just ... I'm gonna have to play around with my rotas and move someone over or whether you ...
44:18	TT	And if I move them then ...
	KW	Or whether you go ...
	TT	Oxford Road has the old conditions, but then we do have the staff with the licence over there. I've filled the Oxford Road proper.
	KW	You'd have to look at it yourself. You'd have to look at your staffing rotas, so whether that be you ...
	TT	Even I'm covering myself as well sometimes.
	KW	Obviously, I'm not here to solve those problems for you.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	Yeah, I know but I'm ...
	KW	I know it's an issue.
	TT	Check your thing if you can consider for two weeks on me.
	KW	And we can go round in circles at the moment, but it would be deemed as a breach of condition at the moment 'cause you wouldn't be meeting it.
	TT	No, that's ... I know. If you can consider for two weeks only, as a request I'm asking. Definitely from 1 st October all the shop staff will have the licence. I'll make sure that.
	KW	How can you make sure of that 'cause you don't know how long the application's gonna take at Middlesbrough?
	TT	I will ask them to email or request the Middlesbrough Council. If not ... if that's not happened, then I'll have to put my wife to cover, sit.
	KW	That might be something you have to consider.
	TT	Like I'll have to hire even from different shop, if anybody has the licence I have to hire people. I will do that if you can give me that two weeks.
	KW	Right. That might be something that we have to look at.
	TT	Yeah, if you can.
	KW	At present, what I'm going to say is, it's a breach of condition and you need to sort that. There isn't going to be a two-week leniency.
	TT	That's a problem.
	EB	Yeah, if you're gonna make a change, you need to do it now. Like if you ... you have to have a personal licence holder there.
	TT	So, when I come out this office I'm going to call them, but I don't have any option, otherwise I have to close the shop, that's the only option. If I open the shop, people will bring the alcohol, then if I say something, like if my staff say something, then they'll ... there's gonna be another choice.
46:05	KW	You know, it could be done by covering the alcohol. Is it in a fridge?
	TT	Beer cave.
	KW	Is it in a beer cave?
	TT	No, in a beer cave.
	KW	Can you close it so it can't be opened?
	TT	We can close that.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	KW	If you put that closed and just say, no sale of alcohol at present. Leave that. Nobody can then go and get it. Nobody can bring it to the till and then it's two weeks ...
	TT	I can't afford to do that. [Inaudible]
	KW	It's two weeks' worth of ...
	TT	Like, people will talk like, okay this shop can't sell the alcohol, then most of the people will ...
	KW	Why don't you just put a sign on it that just says, unfortunately no alcohol sales at present? No sale of alcohol.
	TT	You know, I don't ... I can put the sign.
	KW	Yeah.
	TT	You know, and I can put a big board or something in front of the fridge, that's not an issue. Then people will talk around like okay, this shop not allowed to sell alcohol, then that will put ...
	KW	You can put that it's a temporary, on a temporary basis, but I suppose it's not for me to solve your business problems, as such.
	TT	I know, I know. It's not ... I'm asking...
	KW	I'm here to make sure that you're condition-compliant.
	TT	So, I've requested you can ...
	KW	And at the moment you're not compliant with your conditions so, my advice to you is, don't sell alcohol unless you've got a personal licence holder present on the shop floor to supervise.
	TT	So, you can't promise a delay?
	KW	No, I can't. Sorry.
	TT	It's only for two weeks, if you can.
	KW	That's not a decision that I can just make and say you can do. It's either you're complaint or not compliant.
	EB	No. I mean, if it's on the licence, you need to be compliant. If you think, if you've got a personal licence, your wife's got a personal licence, what, you've got three, four shops in Stockon, have you? That's half of them covered just for now when everybody else's go through and then you must have a couple at Oxford Road. I think if you look at the staff rota you'd be able to cover it. If you and your wife step in for two or three weeks. The amount ... it's ...
	TT	I have a daughter, a ten-years-old daughter also.
48:00	EB	I know, but ...

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	If I take my wife out then ...
	EB	It's either that or close the shop, so.
	TT	That's fine.
	EB	Yeah.
	KW	I know it's a headache, but it's something you're gonna have to do, especially to show that you can be compliant with your conditions. 'Cause if you continue to not be compliant with your conditions, it looks a lot worse for you, especially after we've said it's what you need to do.
	TT	I know. I don't want to lose the licence. I know.
	KW	And checks may be made during that time period at your shops, all three of them, to make sure that somebody is on the ... if the sale of alcohol is happening, that you are compliant with your conditions. I think since June 2022 we've had four sales out of eight for underage sales, so half of them you've failed of the ones that we've done and then now we've also identified three occasions...
	TT	Two out of three.
	KW	Three occasions where you've had no personal licence holder, a breach of your condition.
	TT	Okay.
	KW	Yeah. You will be pleased to know, I'm not gonna be all doom and gloom, you did pass on 29 th August an underage sale test purchase and the person who was working did have a personal licence.
	TT	Which shop?
	KW	Oxford Road.
	TT	[Inaudible]
	KW	Yeah.
	TT	He's the one who failed, you know.
	KW	The one that failed at Family Shopper, yes.
	TT	Family Shopper then he's got the licence now.
	KW	Yes, he's got the licence. That's all in place. So, but this is still a cause for concern for us at present. We're not spending the same amount of time on other off-licences in the area that have sale of alcohol. They're not getting the same amount of time spent on them and the amount of licence breaches, etc we're not noticing. So, it is a concern, obviously, across the licensing service, specifically for my team leader as well. So, following this interview, the next course of action

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

		will be decided after all information from the investigation is collated. This action could range from doing nothing, which I don't think it's gonna be that.
50:09	TT	Sorry? I didn't get that.
	KW	It could be that we do nothing and I don't think it's gonna be we're gonna do nothing.
	TT	Okay.
	KW	But it could go to prosecution or a review of your premises licence.
	TT	Oh, right.
	KW	That's not just solely my decision, that will be me collating all the evidence, putting that to my team leader and a decision being made. So, we could prosecute the individual for unauthorised sale. We could review the premises licence which goes to the Licensing Committee and they decide what, if anything, it's gonna do, or we could do both of those actions. So, we can review your premises licence and then take a prosecution file forward if we deem that that is necessary. Have you got anything else...?
	TT	Out of this time, this is not because underage sales, then?
	KW	No. We've obviously got the history of underage sales and what's happened. Then we've got, you know, the breaches of licence conditions.
	TT	Then we passed that last one.
	KW	Then we've got the unauthorised licensable activities, so it's looking at the picture across from '22 to now in all of those things.
	TT	At least I'm doing something to ...
	KW	Obviously, I'm not questioning the fact that you ... there's things that are in place.
	TT	Resolved that, like. Yeah, this is ... yeah. Like he has a contract now. I signed the contract with him for all three shops. He's gonna visit every six months. He's gonna provide all the posters and he's gonna train my staff. So, I'm doing that. I'm paying for that as well and I'm getting people on condition only, like if they can get the licence. So, I'm doing my best as well to protect my licence.
51:58	KW	That was my next ... my next question was to you, do you have any further comments to add, and I'm assuming that's your closing comments, that you've now signed a contract.
	TT	Yeah.
	KW	What's the name of the company?
	TT	Arka Training Institute.
	KW	Arka Training.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	Arka Training.
	KW	So, you've signed a contract. He will attend the shop every six months, train all staff. Have you got anything else you want to add before we conclude the interview?
	TT	I'm gonna get licence to everybody even the floor staff. Not one single members can work without the licence, but it could take time because I have to come from later the training, then the trial period four weeks. If I can formally, I'll send for the licensing, then it's gonna take like, for the DBS check and the licence, three, four months.
	KW	Have you got any further questions?
	EB	No. Nothing further.
	KW	No. Have you got anything else you want to add?
	TT	No.
	KW	I think I've asked all the questions that I need to and we've discussed, obviously, things at length.
	TT	Okay. If you can request, that's the only I can add. If I can request to you to consider that two weeks.
	KW	The two weeks. I don't think that'll be considered.
	TT	Okay.
	KW	I don't think that'll be something that ... it's not something that I want to say yes to and I don't think my team ... it's something that my team leader would say yes to, given these ...
	TT	Because at the minute I have ... the staffs are, like finding right staff's very difficult, so I've found the staff.
	KW	I appreciate that.
	TT	And, yeah, and they're all on, like, their licence is in place, but it's the waiting came now.
54:00	KW	Right.
	TT	So, if I have to put everybody with a licence, then I have only one option to close the shop or ...
	KW	I think leaving here now, I would consider those actions and what you're going to do, so that you're not ... you haven't got anybody selling alcohol that doesn't have a personal licence. So, I would put those plans in place because I don't think anything's gonna change from my end to say, oh go ahead, you can do that, 'cause it will be a breach of licence. So, I would put your plans in place to try and put something ...

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN THEIVENDRAM

	TT	And it's for two weeks if you, or your team will give me time.
	KW	Even for two weeks, yeah. I don't think you're gonna get two weeks. No. I don't think that's gonna happen. You need to make sure whoever's working has a personal licence.
	TT	At least for this ... rest of the three days 'cause this week rotas already made it. So, they'll like ... this is the final [inaudible] 'cause I can even show you the rota. We normally do the rota 'til Sunday, then from Monday a new rota. So, already I don't know whether I can get the licence people for, like spread the people.
	EB	Have you got yourself on the rota?
	TT	Yeah, I'm working, but I have to go ... morning I'm on the cash and carry always. I have to go to the warehouse, then evening I'm on the shift.
	EB	Could staff not do cash and carry? Would you not let them do that?
	TT	No, they can't drive my van and they don't know how ...
	EB	I was gonna say, have they not got their own car or anything like that?
	TT	No. They have to run, like ten, fifteen times.
	EB	Or if you just open the shop later, so if you go to cash and carry in the morning ...
	TT	No, the cash and carry is normally half day.
	EB	Right. It's a decision you're gonna have to make.
	TT	It's only for 'til Sunday I'm asking because from Monday the new rota, then I'll try to put every, like licence holders in the shop.
	EB	We couldn't allow you, unfortunately. If it's a condition of the licence, that has to be complied with for alcohol to be sold. It might be a decision for the rest of the week that you don't sell alcohol then. That's the only thing we can advise if there's no personal licence holder.
	KW	Yeah.
55:59	EB	It seems harsh, but that's the way it has to stay at the minute because it's on the licence. It's a major requirement, yeah.
	KW	It's on the licence. It needs to be complied with.
	TT	Okay.
	KW	Okay. Have you got anything else you want to add before we conclude? Have you got anything else to add?
	EB	No.
	KW	So, I'm now handing you notice reference number... if you could just read this out for me at the top.

CONTINUATION OF TRANSCRIPT OF RECORDED INTERVIEW OF THILAGESWERAN
THEIVENDRAM

	TT	E5B.
	KW	ES.
	TT	Oh, ESD 1780.
	KW	Right. The time is now 16.06 and the interview is concluded.

LICENSING ACT 2003

PREMISES LICENCE (PART B)

PREMISES LICENCE NUMBER: 048143

PART 1

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

Family Shopper
2 Lyttleton Drive, Stockton-On-Tees, TS18 5LE

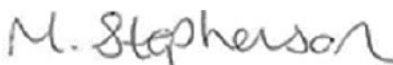
01642 581203

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: 10.00 until 22.30

Christmas Day: 12 Noon until 3.00pm and 7.00pm until 10.30pm

Good Friday: 8.00am until 10.30pm

THE OPENING HOURS OF THE PREMISES

MONDAY: 09.00 until 21.00
TUESDAY: 09.00 until 21.00
WEDNESDAY: 09.00 until 21.00
THURSDAY: 09.00 until 21.00
FRIDAY: 09.00 until 21.00
SATURDAY: 09.00 until 21.00
SUNDAY: 10.00 until 21.00

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

Theivam Limited
71 Earlsdon Avenue, Middlesbrough, TS5 8ST

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

12683974

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

Mrs Uthaya Bergmen

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.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

PREVENTION OF CRIME & DISORDER

- 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 is operating a "Challenge 25" policy.

- **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 persons under the age of 18 is illegal and that adults who buy alcohol for immediate disposal to persons 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 31 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 on duty 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. 24hrs routine 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, 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 Premise 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.**

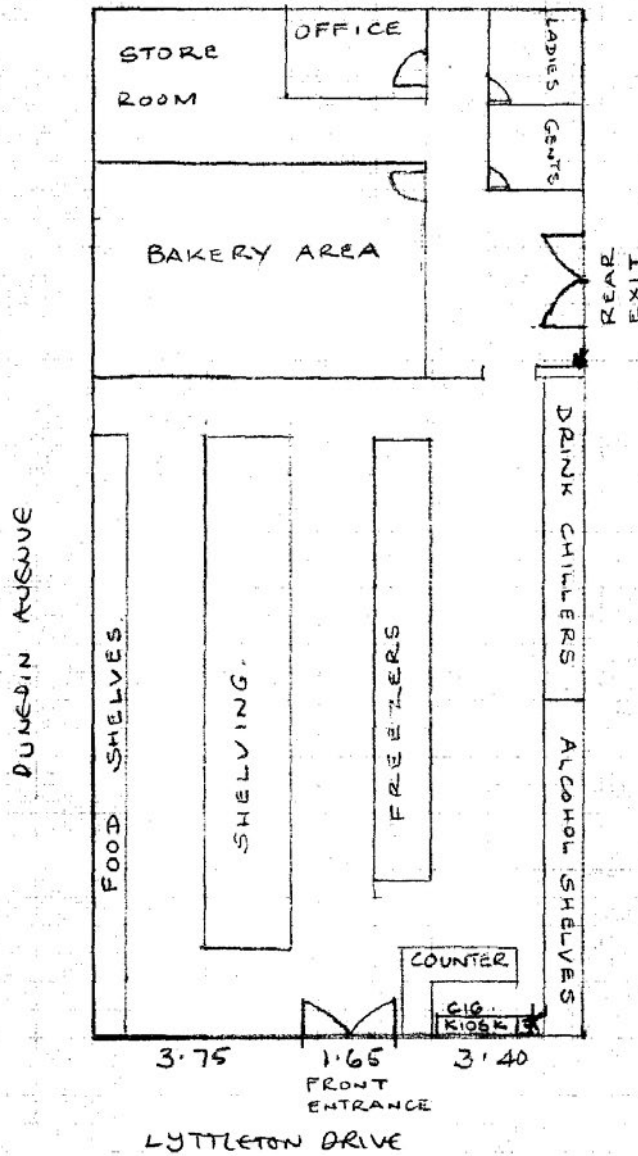
PROTECTION OF CHILDREN FROM HARM

- **At all times when alcohol is offered for sale on the premise a personal licence holder must be on the premises and available to supervise sales.**

ANNEX 4

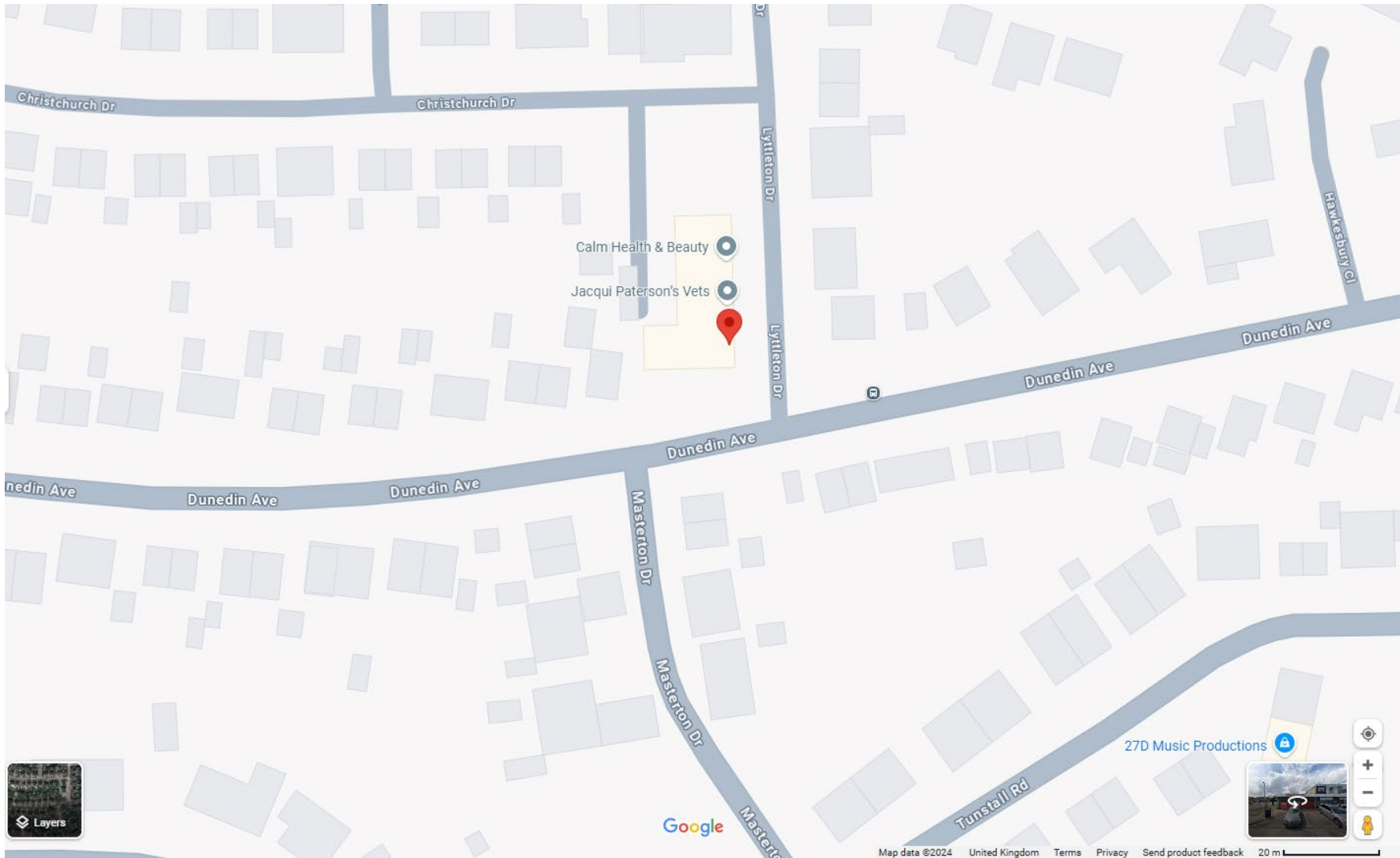
PLANS (NOT TO SCALE)

1:100 SCALE PLAN OF SPARK STORES HARTBURN LTD
2 LITTLETON DRIVE
HARTBURN, STOCKTON-ON-TEES
TS18 5LE.



* fire fighting

10/6/2005



RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable**

This statement (consisting of **8** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature **A.Thorpe**Date: **16/08/2023**Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in Cleveland Police presently stationed at Middlesbrough Police station in the Licensing Support Unit.

I have performed this role for over 10 years and during that time I have successfully completed the BIIAB level 2 National Certificate for Licensing Practitioners and the BIIAB level 2 course in the Assessment of Licensed Premises.

Licensing relies heavily on partnership work, not just with the local authority and responsible authorities but with the Premise Licence Holders (PLH), Designated Premise Supervisors (DPS), breweries and landlords. We will always try to work with Licensed Premises when there are issues at the premise, but this is a two-way street and requires the co-operation of all sides.

This statement is in relation to the review brought by Stockton council against Family Shopper, 2 Lyttleton Drive, Stockton-on-Tees, TS18 5LE, the premises is a convenience store which

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

sells food and beverages.

The premises licence states that the store is for the supply of alcohol for consumption off the premises, between 08:00 hours to 23:00 hours Monday to Saturday and 10:00 hours and 22:30 hours Sunday. Name and registered address of the premises licence holder is Theivam LTD of which Mr Thilageswaran Theivendram of 71 Earlsdon Avenue, Middlesbrough, TS8 8ST is the sole director.

Any premises with a licence has certain obligations with regards to all of the four licensing objectives and the conditions laid down in their premises licence. This includes abiding by the allocated hours it is allowed to carry out licensable activity and following the conditions, both mandatory and those put forward by themselves or agrees 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 premises should be aware of what is happening in their premise and should do everything in their power to assure that illegal activity if not happening from their premises and uphold the licensing objectives.

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.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)

CLEVELAND POLICE

Continuation of Statement of **Andrew THORPE**

On Sunday 4th August 2024 at 07:34 a sale of alcohol was made. This is outside the permitted hours of the premises. The person who made the sale of alcohol was also not a personal licence holder nor was there a member of staff on site with a personal licence to authorise the sale as per the licence conditions.

On several occasions alcohol has been supplied when a personal licence holder was not on site to authorise the sale as per the conditions attached to the licence.

Cleveland Police cannot condone illegal activity being allowed to take place on a licenced premises, especially after they have been warned of this illegal activity by the Council and had extensive engagement to educate. While we are happy to work with licensed premises there has to be an understanding that repeated breaches or failure to put right issues which have been raised or warnings which have been issued there has to come a time when more stringent action is taken and unfortunately this is the time.

Signature _____ Signature Witnessed by _____

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)	Family Shopper
Premises Name and Address	2, Lyttleton Drive Stockton-on-Tees TS18 5LE

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>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<ul style="list-style-type: none"> <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
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<p>The grounds of the representation is based on the following: (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 Family Shopper (Lyttleton Drive) Convenience Store in relation to the breach of licence conditions; the sale of alcohol outside of permitted hours without a personal licence holder present. It is also noted that this is in addition to a number of other incidents relating to poor management, including underage sales.</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"> • Prevention of Crime & Disorder • Protection of Children from Harm
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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.

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.
- 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.

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).

In relation to the sale outside of permitted hours:

By selling outside of permitted hours, as well as going against the premises licence and the law, the availability and accessibility of alcohol is inadvertently increased. It is commonly accepted in the evidence that if opening hours of alcohol sale are extended, more violent harm results, affecting the wider community and directly contravening the two aforementioned Licensing Objectives. Locally, the view of restricting hours available for alcohol sale is popular in Stockton-on-Tees – in 2017, 62% of respondents supported restricting alcohol sales in off licences to between 10am and 10pm (Balance, 2017). Similarly, 43% of respondents felt there are too many off-licences, supermarkets, and shops, that sell alcohol.

In relation to the sale without the presence of a personal licence holder:

By selling without a personal licence holder present there are questions about the training and procedures at the premises, and therefore the management. The staff need to be regularly trained and to understand the law and licence conditions.

In relation to the incidences of underage sales:

It is concerning that past breaches include underage sales. 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, Family Shopper 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.

Family Shopper is in the Hartburn ward, a relatively affluent ward with a high IMD number of 9.

Hartburn has:

- 3.68% of pupils that are persistently absent** from school
- 85.98 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. This is the highest in the Borough.

23 incidences of ASB since 1st May 2024

- 24% of crimes are violent crimes
- A higher than national average ratio for hospital stays where the primary diagnosis or any of the secondary diagnoses contain an alcohol-attributable condition, and the 16th highest in the Borough, looking at 2016/17 to 2020/21 data.

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: 25/11/2024

When complete this form should be returned to the address above or e-mailed to licensing.administration@stockton.gov.uk

For Office Use Only

Date Received		Checked By	
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