

**REPORT TO THE
STATUTORY LICENSING
COMMITTEE**

5th December 2024

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

SUMMARY

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

RECOMMENDATION

That Members determine the review application.

THE APPLICATION

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

RESPONSIBLE AUTHORITIES

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

ADDITIONAL INFORMATION

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

POLICY CONSIDERATION

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

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

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

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

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

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

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

12. Copies of these documents can be found at:

www.stockton.gov.uk/article/1672/Welcome-to-Stockton-on-Tees-Borough-Council-s-Statement-of-Licensing-Policy

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

MEMBERS OPTIONS

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

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

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

ASSOCIATED PAPERS

The following appendices are attached for information:

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

Assistant Director Regulated

Services and Transformation:

Contact Officer:

Telephone No.

Email Address:

Financial Implications:

Marc Stephenson
Leanne Maloney-Kelly
01642 526566

leanne.maloney-kelly@stockton.gov.uk

None

Community Safety Implications:

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

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

- The protection of children from harm

Legal implications

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

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

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

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

Human Rights

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

Background Papers:

Stockton Borough Council Licensing Policy Statement and Section 182 Guidance.

Ward(s) and Ward Councillors:

Norton Central
Cllr Lisa Evans
Cllr Steve Nelson

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I **Elliott Beevers (Responsible Authority)**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Name of premises licence holder or club holding club premises certificate (if known) Mr Jenseesan Arockyanathan

Number of premises licence or club premises certificate (if known) 132151
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Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes ✓

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

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

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

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

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

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

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

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

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

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

Further evidence including statements and interview transcript will be provided.

Please tick ✓ yes

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

If yes please state the date of that application

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

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

None

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature E.F. Beavers

Date **14.10.24**

Capacity **Responsible Authority**

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

Post town	Post Code
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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.

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

Postal address of premises or, if none, ordnance survey map reference or description

The Village Store
14 Leven Road
Norton
Stockton-On-Tees

Post town

Post code (if known) TS20 1BQ

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

Mr Jenseesan Arockyanathan

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

1. Following the application for a review of the premises licence held at the above address I attach additional evidence.
2. I am Licensing Officer employed and authorised by Stockton Borough Council. I have been employed in the Licensing Team since September 2021 and part of my duties is to investigate possible offences and conduct compliance checks in relation to the Licensing Act 2003.
3. From the councils recording system Civica there has been several issues in relation to the Village Store located at 14 Leven Road, Norton, Stockton-On-Tees since the current Premises Licence Holder and Designated Premises Supervisor, Mr Jeneesan AROCKYANATHAN, has been in post. A table to complaints and compliance history with the Licensing Department over this period can be found below.

<u>Date</u>	<u>Detail</u>	<u>Outcome</u>
30/08/22	Allegation from member of the public they witnessed a underage sale of alcohol to a young person.	Oral Advice
20/04/23	Licensing Officers saw a male at the premises acting suspiciously and who seemed to be a lookout for the shop.	Intel referral to Trading Standards
05/06/24	Complaint the premises were continuing to sell alcohol to street drinkers and doing this outside the perimeter of their licensable area.	Written Warning
29/08/24	Underage Sale Test Purchase Fail – supplied alcohol to an underage volunteer.	Licence Review

4. In August 2022 an allegation was made of an underage sale to a child at the premises. Officers carried out an investigation and oral advice was provided.
5. In April 2023 Licensing Officers were conducting other checks in Norton and happened to park on Leven Road. It was noted going past the shop that a male seemed to be acting suspiciously in the doorway looking out. Then on the way back around 1 hour later this male was still there, this was referred to Trading Standards as intelligence.
6. In June 2024 a referral from Stockton Councils CCTV team who picked up that the premises were selling to street drinkers within the Norton PSPO area and stated 'The Village store on Leven Road is encouraging his (the street drinkers) behaviour, they refuse to let him in the store due to his behaviour, but they are still serving him, making him wait outside and serving him cans of alcohol on the pavement. He is then causing issues once drunk to other premises.'

7. Following this footage was received of this incident. It shows the street drinker entering the premises and being removed by staff a couple of seconds later. The staff member then goes back inside for a couple of seconds and returns with what appears to be a yellow can of 'LYNX' lager. The street drinker appears to try and walk away with this without paying so the staff member steps outside of the shop and takes the money from him.
8. Officers attempted to investigate this case by visiting the premises on 12th June 2024 to determine who the staff member was who sold the alcohol outside of the licensed area. The staff member was working at this time but was obstructive when officers tried to obtain his details.
9. The staff member went outside the shop to speak with his boss, Mr AROCKYANATHAN and then provided what officers believed to be a false name of Shaki JENEESAN of 60 Somerset Road, Norton however he could not give a correct postcode for this. Further investigation shows this is the address of another shop which Mr AROCKYANATHAN owns.
10. Officers also completed a follow up visit to the premises on 20th June 2024 to check compliance of minor noncompliance, during this visit Mr AROCKYANATHAN was asked for the details of the member of staff who sold the alcohol outside of the shop however he advised he didn't know his last name or address and only knows him as Shaki.
11. Officers were concerned "Shaki" did not know his own address, and also his employer did not know his surname or address and made a referral to the Modern Slavery Referral Network (MSIN) and Immigration enforcement.
12. A written warning was also issued for this complaint which is exhibited as EB1.
13. In August 2024 premises failed an underage sale test purchase operation conducted by Stockton Councils Licensing and Trading Standards team. Full details of this can be found in the volunteers statement which is exhibited as EB2.
14. Mr AROCKYANATHAN was interviewed by Licensing Officers on 12 September 2024. A copy of this summary transcript can be found exhibit EB3.
15. Mr AROCKYANATHAN was asked for the details of the employee who sold the alcohol to the volunteer. At first he gave a nickname for the male as "Ready Aeddy", he then had to call the employee to obtain his real name and address.
16. Mr AROCKYANATHAN was asked about the training which he provides to his staff in relation to underage sales, he said he does everyday informally and formally every month. He provided training records during the interview, most of the staff had been trained in August and one was trained in July. He also provided his refusals book for officers to inspect which was completed.
17. An application was made to review the premises licence as licence holders are expected to upload and promote the Licensing Objectives both objectives of crime and disorder and protection of children from harm are being undermined by the mismanagement at the premises.
18. I am concerned Mr AROCKYANATHAN seems to know little about his employees, including names and addresses, as DPS he is authorising his employees to supply alcohol under the Licensing Act 2003 and ensuring the premises is run in accordance with the licensing conditions and objectives.
19. The section 182 Guidance which accompanies the Licensing Act 2003 states, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised

appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate

Signature *E.F. Seavers*

Date 20/11/24

Capacity **Responsible Authority**

My Ref: I88546
Your Ref: 132151

EB1

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

Tel: 07796 493661
Email: elliott.beevers@stockton.gov.uk

8th July 2024

Dear Mr Arockyanathan,

Licensing Act 2003

PLH: Mr Jeneesan Arockyanathan – 8th October 2018

DPS: Mr Jeneesan Arockyanathan – 8th October 2018

Re: Breach of licence conditions

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

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

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

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

Continued.....

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

- All staff will be fully trained and retrained on a 3 monthly basis in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 21" policy. Staff will receive refresher training at least every 3 months.
- Training records, signed by both the staff member and the Designated Premise Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to Enforcement Agencies and/or Responsible Authorities upon request.
- A digital closed circuit television system (CCTV) will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs. There will be a minimum of 14 days recording and the system will record for 24 hours a day. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- There shall be at least one notice displayed on the premises at the point of sale indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.

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

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

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

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

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

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

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

Yours Sincerely

A handwritten signature in black ink that reads "E. F. Beevers". The letters are slightly slanted and connected in a cursive style.

Elliott Beevers
Licensing Officer

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

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

STATEMENT OF: [REDACTED]

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

OCCUPATION: Student

ADDRESS: See Over

This statement (consisting of 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the _____ day of _____ 2024 Signed _____

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

Signed _____

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

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

Continuing Statement of:

STATEMENT OF: [REDACTED]

ADDRESS: [REDACTED]

Signed _____

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

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

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

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

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

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

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

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

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

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

LICENSING ACT 2003

PREMISES LICENCE SUMMARY (PART B)

PREMISES LICENCE NUMBER: 132151

PREMISES DETAILS

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

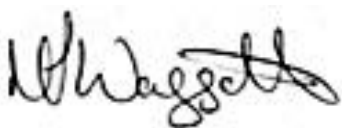
**The Village Store
14 Leven Road, Norton, Stockton-On-Tees, TS20 1BQ**

WHERE THE LICENCE IS TIME LIMITED THE DATES

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

SUPPLY OF ALCOHOL



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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES

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

THE OPENING HOURS OF THE PREMISES

N/A

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

Supply Of Alcohol OFF The Premises

PART 2

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

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

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

N/A

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

Mr Jeneesan Arockyanathan

STATE WHETHER ACCESS TO PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

ANNEX 1

MANDATORY CONDITIONS AND EMBEDDED RESTRICTIONS

MANDATORY CONDITIONS

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

respect of which there is in force a premises licence -

(i) the holder of the premises licence,

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

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

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

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

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

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

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

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

PREVENTION OF CRIME & DISORDER

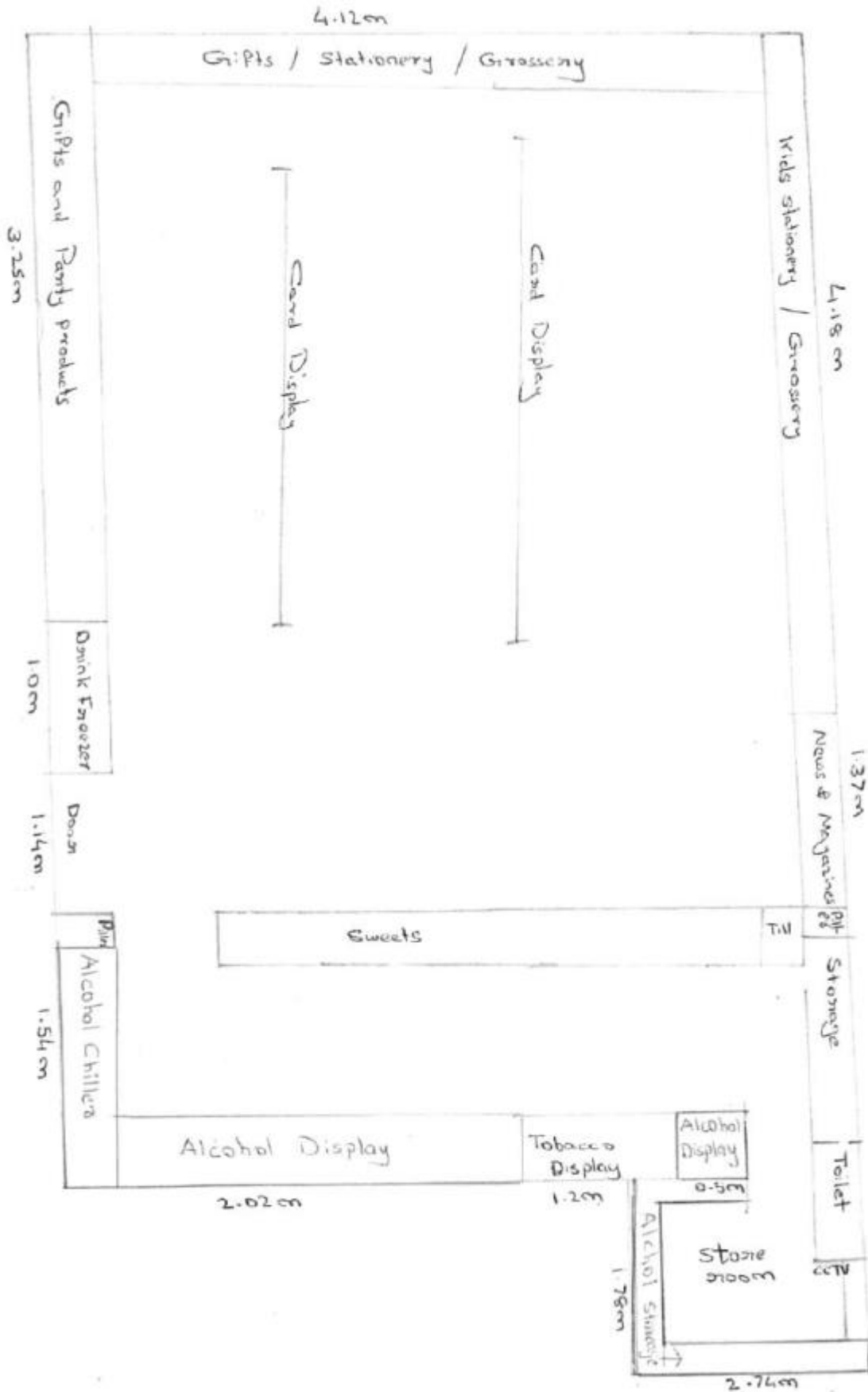
- **All staff will be fully trained and retrained on a 3 monthly basis in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 21" policy. Staff will receive refresher training at least every 3 months.**
- **Training records, signed by both the staff member and the Designated Premise Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to Enforcement Agencies and/or Responsible Authorities upon request.**
- **The only acceptable evidence of age will be a valid photo identification confirming the purchasers age, namely a passport, photo driving licence or PASS approved proof of age card such as a Validate card, Portman Group card or a Citizen card.**
- **The business will maintain a refusals book to record all instances where the sale of age restricted products have been refused. This shall include the date and time of the attempted sale, together with a description of the incident, the Designated Premises Supervisor/Business Owner will check and sign each page and the refusals book will be made available to Enforcement Agencies and/or Responsible Authorities on request.**
- **A digital closed circuit television system (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation.
CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
There will be a minimum of 14 days recording and the system will record for 24 hours a day.
The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.**
- **In the event of an incident occurring, there will be a member of staff who can be contacted and who is trained in the use of the equipment. Upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, the member of staff will be able to produce the footage within a reasonable time, e.g. 24hrs routine or immediately if urgently required for investigation of serious crime.**
- **An incident book will be kept and maintained on the premises at all times. The book will detail in brief, incidents, refusals and age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Licensing Officers on demand.**

- **A "Challenge 21" policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 21 years of age and who is attempting to buy alcohol. At least one public notice shall be displayed at the point of sale to inform customers and remind staff that the premise is operating a "Challenge 21" policy.**

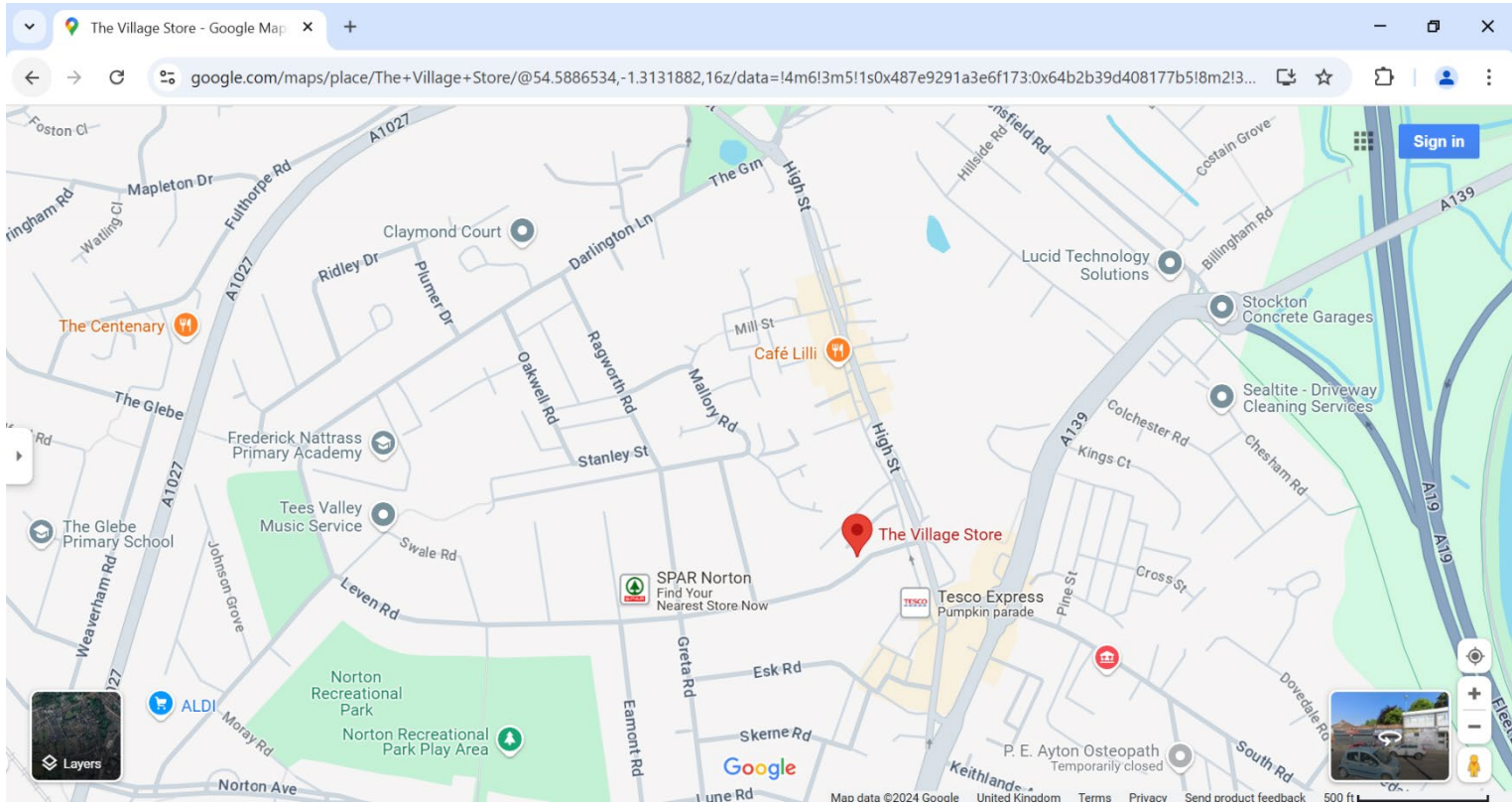
- **There shall be at least one notice displayed on the premises at the point of sale indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.**

ANNEX 4

PLANS (NOT TO SCALE)



Map Location



Continuation of Statement of Glyn Eric Bavin

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

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

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

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

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

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

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

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

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

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


CLEVELAND POLICE

Page No 4

Continuation of Statement of **Glyn Eric Bavin**

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

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

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

Section 1 – Licence Application Details

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

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 The Village Store, particularly that relating to the underage sales of alcohol.</p> <p>After considering the information provided, Public Health is in full support of the review application submitted by SBC Licensing, due to the undermining of the following licensing objectives:</p> <ul style="list-style-type: none"> • 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.

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

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

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

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

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

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

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

Norton Central has:

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

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

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

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

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

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

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)	The Village Store
Premises Name and Address	14 Leven Road Norton Stockton-on-Tees TS20 1BQ

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>	<p><input checked="" type="checkbox"/> Prevention of Crime and Disorder</p> <p><input type="checkbox"/> Prevention of Public Nuisance</p> <p><input checked="" type="checkbox"/> Protection of Children from Harm</p> <p><input type="checkbox"/> Public Safety</p>
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The grounds of the representation is based on the following:

(Please continue on a separate sheet if necessary)

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

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

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

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

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

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

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

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

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

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

For Office Use Only

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

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

[Tel:01642 526535](tel:01642526535)

Email: samantha.mccluskey@stockton.gov.uk
Date: 20/07/2022

Dear Mr Arockyanathan

Notification of Test Purchase Result - PASS

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

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

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

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

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

Yours sincerely

Samantha McCluskey

Trading Standards Enforcement Officer

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



SIMPLE CAUTION

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

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

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

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

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

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

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



My Ref:SMY/E106876
Your Ref:

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

[Tel:01642 526535](tel:01642526535)

Email: samantha.mccluskey@stockton.gov.uk

Date: 20/07/2022

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Yours sincerely

Samantha McCluskey

Trading Standards Enforcement Officer

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



Stockton-on-Tees

BOROUGH COUNCIL

DEVELOPMENT & NEIGHBOURHOOD SERVICES

Trading Standards & Licensing

www.stockton.gov.uk

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

SIMPLE CAUTION

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

Date of Offence: 16 JULY 2011
Place of Offence: SOMERSET ROAD CONVENIENCE STORE
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Name:

JANEESAN AROCKYANATHAN

Signed:

J. Arockyanathan

Date:

23-08-2011

Name:

David Kitching
Trading Standards & Licensing Manager

Signed:

D. Kitching

Date:

24-08-2011

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Legal Service



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