



To be submitted to the Council at its meeting on 19th September, 2019.

LICENSING SUB-COMMITTEE

8th August 2019

PRESENT: Councillors Callison, Harness and James

Officers in attendance:

Jo Bennett	Licensing Enforcement Officer
Gemma Broderick	Solicitor
Rob Close	Scrutiny and Committee Support Officer
Laura Cowie	Scrutiny and Committee Adviser
Eve Richardson-Smith	Legal Team Manager and Deputy Monitoring Officer
Adrian Moody	Licensing Manager

Also in attendance:

Rich Barker	Licensing Agent
Olivia Bennyworth	Senior Legal Officer for Humberside Police
Gary Chapman	Licensing Officer for Humberside Police
Roy Light	Barrister
Thambiah Rameshkumar	Premises License Holder

There were 2 members of the press and 6 members of the public present at the meeting.

LSC.10 **APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor Callison be appointed Chair for this meeting of the sub-committee.

COUNCILLOR CALLISON IN THE CHAIR

LSC.11 **DECLARATIONS OF INTEREST**

There were no declarations of interest by any member of the sub-committee.

**APPLICATION TO REVIEW A PREMISES LICENCE –
CARTERGATE NEWS AND WINE, 84A CARTERGATE, GRIMSBY,
DN31 1RT.**

The Chair introduced himself, other Members of the sub-committee and asked the officers present to introduce themselves.

Mrs Richardson-Smith explained the procedure for the hearing and ensured that everyone in attendance had copies of the agenda and supplementary documentation they required for the meeting. She asked if either of the parties present wanted to produce any further information or had any applications to make.

Mr Moody summarised the application and he explained that representations were received from Humberside Police and from three other parties in support of the Premises Licence Holder.

The Chair invited Ms Bennyworth to address the sub-committee. He informed Ms Bennyworth that she had twenty minutes to submit the case on behalf of the applicant.

Ms Bennyworth asked that before she began her case if she could present CCTV footage to the sub-committee. Due to the sensitive nature of the footage she requested that it be viewed only by official parties at the meeting.

All press and public left the room for a brief time while CCTV footage was shown to the sub-committee. The footage was viewed twice, once being talked through by Ms Bennyworth and once by Mr Light.

The press and public then re-entered the room. Ms Bennyworth explained that the Premises Licence Holder had held his licence since April 2007. She outlined previous incident history relating to the application, explaining that in May 2007 there were reports of staff members chasing customers down the street while wielding a knife. Further incidents related to underage and street drinker sales of alcohol, she added this had led to the premises licence being revoked in 2009. Following an appeal at the Magistrates Court she explained the decision to revoke was reversed with new conditions added that allowed the premises to serve alcohol once again. She then referred to a licensing sub-committee in 2011 in which the premises was again being reviewed for underage drinking following a complaint by a ward councillor. She added this review resulted in additional conditions of labels being required on alcohol sold from the premises. She went on to explain that in May 2019 an incident occurred following a customer attempting to buy alcohol before an argument ensued resulting with the shopkeeper striking the customer on the head with a claw hammer. Contrary to the shopkeeper's account, Ms Bennyworth claimed there was actually no evidence of the shopkeeper running back into the shop after the confrontation. She also added that there was no evidence of the verbal exchange between the shopkeeper and the customer so any

allegations of verbal abuse to the shopkeeper would not be admissible. She stressed that the customer required hospital treatment after the incident.

Ms Bennyworth stated that the application was made on the basis of a lack of a conflict management plan and adequate conflict management training offered to staff. She made reference to Licensing Officer Alison Saxby's statement, noting that Mr Remeshkumar confirmed himself that staff only received training on serving alcohol and no such conflict management training was provided at all.

Ms Bennyworth noted that Police Officer Gary Chapman and a colleague had attended the premises for a follow up interview in June 2019, and while in the shop the officers noticed a full sized cricket bat and an ornamental sword behind the counter. She emphasised that even though it was ornamental, the sword was full sized and could have been used as an offensive weapon. She then referred to the multiple officer accounts of photographs of youths being displayed in the shop, adding that they were accompanied by their names as well as derogatory text written below. She added that upon further visits it was confirmed that the photographs were placed back where they were after officers repeatedly told Mr Remeshkumar to remove them. She also highlighted for members that even the actual intended sale of alcohol in the May 2019 incident was a breach of the premises licence conditions as the Premises Licence Holder was not serving.

Ms Bennyworth explained that the issue was with the general management of the establishment. She stated there was a complete lack of relevant training offered to staff, adding that visits from Police Officers revealed that the premises training records hadn't been completed for a number of years. She added Humberside Police felt that Mr Remeshkumar had little regard for criminal and licensing law and asked that the sub-committee consider a revocation of the licence in the first instance.

The Chair invited Mr Light to address the sub-committee. He informed Mr Light that he had twenty minutes to submit the case on behalf of the applicant.

Mr Light stated to the sub-committee that this was a deeply unpleasant incident and as a result of this meeting they should feel assured that this sort of incident would not happen again. He admitted that his first reaction after reading what had happened was that it was a strong possibility that the licence could be revoked. After closer examination he felt that there were better ways to deal with the situation. He explained Mr Remeshkumar became the Premises Licence Holder in 2007 to provide for his wife and two children. Since taking over the premises, he explained that Mr Remeshkumar had developed a strong relationship with the community with regular customers even attending the meeting of sub-committee to support him. He told the sub-committee that two previous reviews of the premises had been

undertaken, since then Mr Remeshkumar had taken advice and necessary steps to avoid these problems being repeated. Mr Light read out letters from Mr Remeshkumar's supplier and customers which provided positive accounts of his character. He explained that since the press began to cover the story, people had become very unkind to Mr Remeshkumar and his family.

Mr Light referred to Ms Saxby's statement, noting that Mr Remeshkumar claimed that there was no instance of him chasing youths out of the shop. He added that in the 2009 review of the premises Humberside Police made no reference to this incident. He then noted that within that review Humberside Police offered no evidence to support their allegations of underage drinking, with the foundation of their allegation coming from police intelligence. He explained that the outcome of the 2011 review of the premises on the grounds of underage drinking resulted in the sub-committee dismissing the allegations due to lack of evidence of the premises being responsible. Mr Light expressed his confusion as to why Humberside Police referred to additional conditions when no additional conditions were actually added. He confirmed that although Mr Remeshkumar offered to include labels on his alcohol and install CCTV, this was self-imposed and was not a formal condition.

Mr Light explained that all small local shops had the issue of shoplifting. He added that one of Mr Remeshkumar's friends who worked in a shop close to him shared the same problem, explaining it was her who suggested to him to display photographs of the suspected shoplifters. After he was told to move the photographs by Humberside Police, he explained that Mr Remeshkumar moved them behind the counter before removing the pictures completely.

Mr Light noted that the condition of only the Premises Licence Holder having permission to serve alcohol past 10.00 a.m. caused great difficulty to Mr Remeshkumar. He added that Mr Remeshkumar and his wife met with a Humberside Police Licensing Officer a number of years ago who assured them that this condition would not be enforced, although Mr Light admitted that ultimately, it was up to Mr Remeshkumar as the Premises Licence Holder to make sure he was adhering to his conditions. He accepted that the Premises Licence condition had been breached but that currently Mr Remeshkumar and his wife were working 12 hours a day 7 days a week to ensure compliance. He explained that staff needed training to become Personal Licence Holders which often resulted in the staff leaving Mr Remeshkumar's employment after they had completed their training. He confirmed that they were in the process of training a current member of staff to become a Personal Licence Holder.

Mr Light referred to the three objects found by Humberside Police. He explained that the cricket bat was a child's plastic hollow bat used to play cricket in the car park with his children, he added that this was deemed lawful and he was allowed to keep it although he needed to

remove it from the shop. He explained the sword was only ornamental and had sat in his shop for 12 years following a visit from a family member, but agreed to surrender it to Humberside Police for destruction at the visit on 17th June 2019.

The sub-committee adjourned for a brief time to allow Humberside Police time to read a statement made by a Mr Oliver. After the sub-committee reconvened, Mr Light read out the statement from Mr Oliver explaining he was a friend of Mr Remeshkumar and that the hammer belonged to him. He added that it was left in the warehouse of the shop before being transferred to the shop counter by an employee to fix the stool.

Mr Light explained that Humberside Police disputed the claim from Mr Remeshkumar that the shopkeeper phoned the emergency services only after striking the customer with the hammer. He noted that it could be clearly seen on the CCTV footage that the shopkeeper was on the phone before striking the customer. He also noted that the police themselves described the shopkeeper as the victim on their call report. He explained that the damage done to the customer was minimal with the results of a CT scan coming back clear, the customer was discharged with only stitches. He added that the incident wasn't considered serious enough for the shopkeeper to be charged with an offence of Section 18 Grievous Bodily Harm. The shopkeeper was originally arrested for an offence of section 18 Grievous Bodily Harm but was ultimately given a police caution for an offence of Section 47 Actual Bodily Harm, a less serious offence. Mr Light explained that a caution was usually considered appropriate for low level offending for first time offenders.

Mr Light handed a list of additional conditions to the sub-committee and asked if these could be considered instead of revoking the Premises Licence. He concurred with Humberside Police's account that the main factor for this incident occurring was the lack of any conflict management training offered to staff, and felt that this had been appropriately addressed within the submitted conditions.

Councillor James asked if the conditions that were agreed in May 2010 were being adhered to.

Mr Baker explained that Mr Remeshkumar and his wife now worked long hours to make sure one of them was present at the shop after 10.00 a.m. to adhere to the licence conditions. He added they were also training up a current member of staff to become a Premises Licence Holder which would alleviate some of the pressure of working long hours. To assure members he also explained there was a refusals log being maintained of attempted sales by under 18's or customers in drink.

Councillor Harness wanted assurances that this incident would not happen again. He also had concerns that there was a culture of violence against customers associated with the premises.

Mr Light explained that the breach of licence condition was a mistake and that Richard Baker, licensing consultant, was now advising, and everything would be documented. He added that the shopkeeper involved in the incident was immediately suspended without pay. He assured the sub-committee that Mr Baker would be providing training to ensure that this situation would not be repeated.

The Chair queried the nature of the photographs that were being displayed as well as the alleged wording that accompanied them.

Mr Remeshkumar assured the sub-committee that the photographs were only being displayed to help staff recognise who the offenders were and that no wording or slogans were ever included.

The Chair invited Ms Bennyworth to make a closing speech.

Ms Bennyworth stated that she had assurances from Police Officers that the photographs did indeed include derogatory slogans. She added that any new personal licenses would have to be created by the current Premise Licence Holder. She affirmed that the cricket bat and sword were both full size so could have been used violently regardless of their intended function. She then reminded the sub-committee that possessing either weapon of this nature on a public premises was an offence; and went on to explain that the shopkeeper was only being referred to as the victim because it was he who reported the incident. She stated that the sub-committee shouldn't take into consideration that the shopkeeper was scared or consider any verbal abuse as there was no evidence of this as the CCTV did not have any audio. She asked the sub-committee to only consider if, from what they had heard, they felt the management of the premises was acceptable. She urged them to consider revocation of the licence as she felt additional conditions could not solve the underlying problems of the premises. She concluded that Mr Remeshkumar was seeking to minimise the behaviour and that suggested additional conditions were reactive with such conditions not able to adequately prevent crime and disorder continuing.

Mr Light explained that Mr Remeshkumar fully understood the seriousness of the situation. He referred to Ms Bennyworth's comments about the concern over the management of the premises explaining that he did not disagree, but that if Mr Remeshkumar was allowed to retain his licence with the revised conditions, he would have the opportunity to improve the management of the premises whilst still providing for his family. He explained that if allowed to keep the licence, Mr Remeshkumar would make sure that conflict management training would be provided to all of his staff and regularly refreshed.

The sub-committee withdrew to deliberate the matter. After an interval, the sub-committee returned to advise of their findings.

The Chair thanked all parties for attending and making their submissions which helped the sub-committee establish the cause of their concerns and directed their deliberations at any remedial action.

He stated that the sub-committee had heard the evidence about previous issues with the premises whilst Mr Remeshkumar had been the Premises Licence Holder, but they acknowledged these occurred some ten years ago.

He explained that the sub-committee had heard about the serious incident which occurred on 25th May 2019, which had undermined the crime and disorder objective. He added this incident would not have happened if the Premises Licence conditions were being adhered to. The sub-committee were surprised and concerned that the employee involved remained employed at the premises.

He advised that the sub-committee was minded to revoke the premises licence due to public safety concerns relating to the above incident and the offensive weapons being found on the premises, but had been persuaded by the respondent that adding conditions should deal with the underlying problems and promote the licensing objectives moving forward. He added that the Premises Licence Holder had accepted responsibility, taken the concerns seriously and provided the sub-committee with assurances that positive steps had already been taken. The sub-committee believed the conditions suggested were appropriate and therefore that revocation would not be a proportionate response.

The sub-committee wanted to make it clear to the Premises Licence Holder how close he came to losing his livelihood and that they were giving him one last chance to prove he can run the premises smoothly and efficiently and in co-operation with all the responsible authorities. The sub-committee needed to be clear that a further review would ensue if any further problems were to arise and that revocation of the licence would have to be the starting point at any future hearing.

RESOLVED – That the premises licence for Cartergate News and Wine – 84A Cartergate, Grimsby, be varied in part, adding the following 7 new conditions:

- An electronic front door shunt lock operated from behind the counter to be installed.
- A panic button to be installed and connected to a central monitoring station.
- Staff members successfully to undergo alcohol sales training before they are permitted to sell alcohol.

- Alcohol sales training to include conflict management.
- Staff members to undergo refresher alcohol sales training at least every six months.
- All training shall be documented and signed off by the DPS and the member of staff receiving the training.
- All training will be recorded in a training log to be kept on the premises and made available for inspection by the police and relevant responsible authorities upon reasonable request.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 12.05 p.m.