



To be submitted to the Council at its meeting on 15<sup>th</sup> December 2022

## **LICENSING SUB-COMMITTEE**

**11<sup>th</sup> November 2022 at 1.00 p.m.**

### **Present:**

Councillors Green, Hasthorpe and Westcott

### **Officers in attendance:**

- Iain Peck (Senior Licensing Enforcement Officer)
- Sophie Pickerden (Committee Support Officer)
- Jo Bennett (Licensing Enforcement Officer)
- Eve Richardson-Smith (Deputy Monitoring Officer)
- Gemma Broderick (Solicitor)

### **Others in attendance:**

- Mrs Rameshkumar (Premise Licence Holder)
- Rabia Choudhary (Solicitor)
- Kanagasabai Sriram (Solicitor)
- Alison Saxby (Humberside Police)
- Andrew Petherbridge (Humberside Police Legal Representative)
- Lee Newton (Humberside Police)

- There were two observers and one member of the press in attendance.

### **LSC.1 APPOINTMENT OF CHAIR**

RESOLVED – That Councillor Hasthorpe be appointed as Chair for this meeting.

COUNCILLOR HASTHORPE IN THE CHAIR

### **LSC.2 DECLARATIONS OF INTEREST**

There were no declarations of interest received in respect of any item on the agenda for this meeting.

### **LSC.3**

## **APPLICATION FOR A REVIEW OF THE PREMISE LICENCE – “CARTERGATE NEWS AND WINE” 84A CARTERGATE, GRIMSBY, DN31 1RT**

The Chair introduced himself, the other members of the sub-committee, and the officers present.

The sub-committee considered an application for a review of premises licence in respect of the Premises known as “Cartergate News and Wine” 84a Cartergate, Grimsby DN31 1RT

Mrs Richardson-Smith outlined the preliminary legal issues in relation to the bundle of papers, additional evidence served and the process to follow for the hearing. She also asked all parties for introductions.

Mr Peck summarised the application. He explained that the application for review was the fifth application for review and had been submitted by Humberside Police as a result of the licence holder undermining the Prevention of Crime and Disorder and the Public Safety objectives of the Licensing Act 2003 by repeatedly breaching the conditions of the premise licence that have been placed on the licence by the Licensing Committee or the Magistrates Court.

The Chair invited Mr Petherbridge to address the sub-committee on behalf of Humberside Police. Mr Petherbridge stated that it was appropriate for the sub committee to exercise their powers as the licensing conditions had been undermined. He noted that it was of the Chief Constable’s view that the sub-committee were at the point of revoking the licence. Mr Petherbridge outlined the events leading to the application for review. He stated that it was the view of the Chief Constable that whilst her husband was the premise holder initially, Mrs Rameshkumar should have known what the conditions were and as the current premise holder should know them and adhere to them. Mr Petherbridge commented that the Police would go as far as saying there had been a blatant disregard for the licensing conditions. He said that the Police had found it difficult to get a clear picture due to the vague responses they had received from Mrs Rameshkumar and staff. Mr Petherbridge stated that Mrs Rameshkumar had left a person in charge of the premises who did not hold a personal licence as well as staff working at the premise who also did not hold a personal licence whilst she was in India. He said that this was uncovered by the Police and Licensing Officers. Mr Petherbridge reiterated that the licensing conditions were not being followed, he referred to page 131 of the agenda papers where Mrs Rameshkumar made admissions of breaches of conditions. Mr Petherbridge said that Mrs Rameshkumar should have made appropriate plans for the premise to be managed while she was away. He stated that while evidence had been provided by Mrs Rameshkumar regarding

selling the premise, the evidence provided did not amount to confirming a sale and that were it to be sold Mrs Rameshkumar would still be the licence holder for a period of 6-8 weeks. Mr Petherbridge said that potentially Mrs Rameshkumar went away to India thinking that the premise would be sold while she was there. Mr Petherbridge stated that it was important to protect the local community.

There were no questions from the members of the Sub-Committee, therefore the Chair invited Mrs Rameshkumar's legal representative to address the sub-committee. Mrs Choudhary referred to the Licensing Act 2003 and said that she was confused as to what the Police were objecting to in terms of public safety. Mrs Choudhary stated that Mrs Rameshkumar assumed her responsibility as premise licence holder on the 14<sup>th</sup> April 2021. She said that it was unfair to assume or place blame on Mrs Rameshkumar for any issues that occurred whilst her husband was the premise licence holder as she had no say in the running of the business during that time. Mrs Choudhary stated that since Mrs Rameshkumar had been the premise licence holder, there had only been one incident. Mrs Choudhary said that Mrs Rameshkumar had been following the licencing objectives but that she had to go to India to support her husband during his health treatment. She said that Mrs Rameshkumar husband's health issues were the reason that she had decided to sell the shop in order to make sure nothing went wrong with the premise. Mrs Choudhary stated that her client had a family to support. Mrs Choudhary referred to paragraph 4 of Mrs Rameshkumar's statement where she outlined that Mr Srimurugan had been left in charge of the premise and had told her he had passed the personal licence exam and was going to apply for the personal licence. She said that Mrs Rameshkumar had been told by him that there had been a delay in him getting his licence and that his nephew would help him run the shop as he already had a personal licence. Mrs Choudhary said her client knew she couldn't manage the shop as she might have to travel to India. Mrs Choudhary stated that Mr Srimurugan had called her client saying that Council officers were at the premise, she said that when her client got to the shop, officers had left, and her client was informed by Mr Srimurugan that he had fallen out with his nephew. Mrs Choudhary stated that Mrs Rameshkumar had told Mr Srimurugan that he must have someone at the premise who has a personal licence. She said that her client had to go to India to support her husband and that a few days later she received a phone call from Mr Srimurugan informing her that he had received his personal licence. Mrs Choudhary stated that Mrs Rameshkumar told Mr Srimurugan to send off the relevant forms. Mrs Choudhary stated that Mr Srimurugan had told her client that he had tried to deliver the forms to the Council offices but had been told he had to fill in the forms online. Mrs Choudhary stated that when her client returned from India, she was informed by Mr Srimurugan that he no longer wanted to purchase the shop

however she said he later changed his mind. Mrs Choudhary said that a few weeks passed, and Mrs Rameshkumar was driving past the shop when she saw that it was closed. She said her client was advised to call the police and when she went inside the shop, all the stock had gone. Mrs Choudhary stated that her client restocked the shop and was now in the process of selling the premise to another buyer. Mrs Choudhary said that the shop was the only livelihood the family had and requested that the sub-committee allowed the licence to remain in her client's name. She said that the Police had been informed of the sale and that they were waiting on the new lease to be granted and transferred over. Mrs Choudhary stated that during the process of the sale, Mrs Rameshkumar would have a second person in the shop and would promote the licensing objectives. She said that CCTV had been restored in the premise. Mrs Choudhary asked the sub-committee to take compassion into account and allow Mrs Rameshkumar to keep the lease during the sale process.

The sub-committee was given the opportunity to ask questions and enquired how Mrs Rameshkumar could be trusted to run the premises safely.

Mrs Choudhary stated that there were functional CCTV cameras inside the premise and that her client had a person running the business currently who has a personal licence. Mrs Choudhary said that Mrs Rameshkumar only needed 6-8 weeks in order to sell the premise. She said that if there were any other conditions that the Council recommended, then these would be implemented.

The sub-committee queried as to how they could be assured that any new conditions would be followed.

Mrs Choudhary stated that it was unfair to put the blame on her client for situations that took place prior to her being the premise licence holder.

The sub-committee sought clarification regarding the potential sale of the premise.

Mrs Choudhary stated that the approved lease had been sent and that the sale would be completed within a time frame of 6-8 weeks. She requested that the sub-committee act compassionately towards Mrs Rameshkumar.

Mr Petherbridge stated that it seemed like the reason the premise licence holder did not want the licence revoked was to avoid holding up a potential sale.

Mrs Choudhary stated that were the licence to be revoked, then the buyer would pull out of the deal.

The Chair invited all parties to make their closing statements.

Mr Petherbridge stated that there was no guarantee a sale of the premise would take place and that the facts of the sale were irrelevant. He said that the Mrs Rameshkumar had a duty as the licence holder. Mr Petherbridge stated that the premise had a troubled past and that Mrs Rameshkumar must have known about the issues. He said that the licensing conditions had not been adhered to.

Mrs Choudhary stated that were the licence to be revoked, then the sale of the premise would fall through. She said that her client would lose £75,000. Mrs Choudhary stated that Mrs Rameshkumar had a family to support.

The sub-committee withdrew to deliberate. After an interval, the sub-committee returned to the meeting.

The Chair thanked everyone for their attendance at the hearing. He said that the sub-committee had taken into consideration all representations both in writing and orally.

He said that the sub-committee acknowledge and sympathise with the personal circumstances of Mrs Rameshkumar. However, that the sub-committee took breaches of conditions very seriously.

He said that the sub-committee had taken into account the troubled past and multiple breaches of the licence conditions as outlined by Humberside police. In addition, the sub-committee were mindful of the fact that there was no guarantee that the sale of the business would actually take place. The Chair stated that the sub-committee had a duty to deal with the here and now and to protect and reassure the local community.

The Chair said that there were clear admissions of breaches of conditions, which is a blatant disregard for the licensing objectives. He said that the premises licence holder (PLH) has the ultimate responsibility for the running of the business and that the sub-committee was not assured that this could happen safely moving forward.

The Chair stated that the sub-committee has decided that revocation was the only reasonable and proportionate option.

**RESOLVED** – That the premises licence in respect of the premises known as “Cartergate News and Wine” 84a Cartergate Grimsby DN31 1RT be revoked.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 3.15 p.m.