

CHIEF CONSTABLE OF HUMBERSIDE POLICE

Applicant

STATEMENT OF PC 2249 GARRY STUART CHAPMAN

Introduction

1. I am PC 2249 Garry Stuart CHAPMAN. I am a Police Constable based in the Licensing Team at Cromwell Road Police Station, Grimsby and am under the direction and control of the Chief Constable of Humberside Police ('the Chief Constable'). My duties include consideration of the impact of crime and disorder and the Chief Constable's response to licensing matters.
2. I have been a Police Constable since 2004. Prior to taking up my current role in the Licensing Team I worked as a risk management officer managing registered sex offenders in the community. Previous to this I have worked in investigation and various front line roles. I am therefore familiar with problems of alcohol related crime and disorder, both in my current and previous roles.
3. The applicant in this matter is Mrs Jeyathevi RAMESHKUMAR born 01/05/1974. Mrs RAMESHKUMAR via Arka Licensing consultants has applied to become the premises licence holder (PLH) for CARTERGATE NEWS & WINE by transferring the premises licence.
4. Mrs RAMSHKUMAR has also applied to vary the licence of CARTEGATE NEWS & WINE with an application to become the Designated Premises supervisor (DPS) of CARTERGATE NEWS & WINE

5. CARTERGATE NEWS & WINE is an 'off licence' convenience store located at 84A Cartergate, Grimsby, North East Lincolnshire. The premises has a licence, granted under Part 3 of the Licensing Act 2003 to supply alcohol by retail as an off sale, Premises Licence PM000350 relates to the premises.
6. I make this statement in representation of the Chief Constable of Humberside Police to formally object to both the application to transfer the premises licence and object to the application to vary the designated premises supervisor to Mrs Jeyathevi RAMESHKUMAR. The information in this statement is either within my personal knowledge or is taken from files maintained by the Chief Constable.
7. Humberside Police believe both applications have been made in order to frustrate the licensing process. Humberside Police engaged with the premises and Mr RAMESHKUMAR in December 2020. At this time Police became aware that the shop was potentially purchasing and stolen food items from a known male to sell in the shop.
8. Police gathered evidence to prove the offence of handling stolen goods. Mr RAMESHKUMAR was interviewed and admitted to purchasing items he knew were stolen from a male who he knew was a 'THIEF'. He also admitted to placing the items on his shelves.
9. On Thursday 7th January 2021 Mr RAMESHKUMAR attended Cromwell Road Police station. He requested to speak to me (Licensing officer) and specifically asked me if we planned to review the premises licence. I informed him that I considered his actions had seriously undermined the licensing objectives relating to CRIME and DISORDER and PUBLIC SAFETY. He was informed that Police would be drafting papers to apply to the local authority for his premises licence to be reviewed.
10. Review papers were completed by Humberside Police and submitted to the local authority on Wednesday 13th January 2021.

11. Humberside Police were informed on the same day by the local authority licensing department that this had been rejected as two applications had been received (12th January 2021) prior to the review papers to transfer the premises licence and to vary the designated premises supervisor to Mrs RAMESHKUMAR.
12. As both of these application had been requested to take effect immediately MRS Jeyathevi RAMESHKUMAR was now in place as the PLH and DPS pending any representations being made during the 14 day consultation period that would follow.
13. It is believed the two applications have been made as a result of knowing Humberside Police would apply for a review and this would delay or potentially prevent this from happening.
14. Humberside Police say that by transferring the premises licence between husband and wife there will be no significant change in how this business operates now and has operated for a number of years.
15. It is extremely likely that the premises will continue to engage in behaviour likely to undermine the licensing objectives.
16. It has previously been established that the shop is run on a daily basis by Mr RAMESHKUMAR with two employed members of staff.
17. Had the premises been sold and transferred to a new operator Humberside Police could have some confidence that how the premises was operate would change and the licensing objectives would be upheld in the future.

Background History

18. In April 2007 Mr Thambiah RAMESHKUMAR applied for the transfer of

19. the premises licence. An application was also received on the same day for Mr Thambiah RAMESHKUMAR to become the DPS of CARTERGATE NEWS & WINE, both were granted.
20. The premises is situated in a predominantly residential area of Grimsby just outside of the main Town Centre. There are small number of other retail premises nearby, including a hairdressers, funeral directors, solicitors, café and social club.
21. The premises licence permits the sale of alcohol Monday to Saturday 0800 to 2300, and on Sunday 1000 to 2230. There are also Embedded Restrictions which permit alcohol sales on Christmas Day 12 noon to 1500 and 1900 to 2230, and on Good Friday 0800 to 2230.
22. The premises licence is subject to conditions in addition to those that are mandatory conditions. They are listed in Annex 3 and Annex 4 of the licence, after a Consent Order was agreed. There are no conditions in Annex 2 on the licence.
23. Throughout 2007 and 2008 there were a number of issues identified at the premises in relation to a knife incident, anti-social behaviour caused by youths in drink and a number incidents and information about underage youths being served alcohol at the premises. Various attempts to work with the premises were made and warnings issued.
24. Due to reports of issues still being received a review application was submitted by Humberside Police on 30th September 2009. This was in reference to 2 Licensing objectives being undermined – The Protection of Children from Harm and Prevention of Crime and Disorder. This was primarily due to underage drinking in the vicinity of the premises and evidence that alcohol was being purchased from the premises by those that were underage or drunk street drinkers.
25. On 24th November 2009, a Licensing Hearing was held. It was found

that, on the balance of probability, over the preceding 2 years the premises had blatantly disregarded Licensing law. It was also felt by the committee that the offence was so serious that children's lives had been put at risk and it was lucky that a child had not died as a result. It was unanimously decided that there was no alternative but to revoke the premises licence.

26 The decision to revoke the licence was appealed. A hearing took place at Grimsby and Cleethorpes Magistrates Court on 20th May 2010. At this hearing, a Consent Order was made with agreed terms, one being that the premises licence remain in full force, subject to new conditions. These conditions can be found in Annexe 3 of the current premises licence.

27 In September 2011, a councillor for North East Lincolnshire referred the premises to the committee for a review of the premises licence. This was due to allegations that the shop was still selling alcohol to intoxicated members of the public, who were then causing disruption to the residents in the area by urinating in the gardens and knocking on doors asking for money.

28 The hearing was held on 17th November 2011. The committee found that it was difficult to attribute all the issues directly with the premises so no further action was taken. It was suggested to Mr RAMESHKUMAR that they introduce labelling of alcohol to identify if the alcohol purchased from his shop was contributing to the anti-social behaviour in the area, these were accepted.

29 A single warning letter was sent to the premises along with a number of other premises shortly after the review. This was to request that they cease sales of alcohol to intoxicated customers, especially known street drinkers, due to an increase of street drinkers appearing in the area.

30 Constant monitoring of the premises then appears to have kept any

issues to a minimum

31 On 25th May 2019, Police were called to the premises to the report an attack at the shop and that a staff member had hit a customer over the head with a hammer. On police attendance, blood was seen on the floor and the hammer located behind the counter. The member of staff was arrested on suspicion of Section 18 GBH – Wounding with Intent to do Grievous Bodily Harm, and the victim was taken to hospital.

32 There was clear CCTV of the incident which showed the male victim enter the shop and proceeded to take 2 cans of alcohol to the counter. The staff member scanned these through the till whilst the victim searched for means of payment. The male appeared unable to find any means of payment and gesticulated with his head about leaving. The staff member took the 2 cans immediately and moved as if to place them back on the shelf, towards the rear of the store, before the customer left.

32 The CCTV also showed the customer return to the shop moments later. A verbal altercation took place between the two. This went on for a few moments, the customer then pushed a display over. After a very short time the staff member then reached behind the counter and produced a claw hammer in his right hand. The staff member then hit the customer on top of his head with the claw side of the hammer causing an immediate visible injury.

33 Police attended at the premises on 17th June 2019 to discuss the hammer assault with Mr RAMESHKUMAR. Whilst at the premises a full licence check was conducted and a number of issues identified. Also during the checks a Blue plastic cricket bat and full size Samurai sword were seized as weapons from behind the counter. The sword was then signed over to Police for destruction and the Cricket bat removed from the premises.

34 It was also established during this visit that there were licensing breaches relating to non-personal licence holders working in the shop after 10am. The shop not displaying the premises licence on the premises or even having a copy available on site so as to know what conditions they should be adhering too

35 Also around this time in 2019 Mr RAMESHKUMAR was asked by local Police officers to remove a number of images of people from the shop window who he claimed had stolen items from the shop. He displayed these images with words accompanied stating "HUMAN TRASH" and "HUMAN SCUM", and on occasion, names of the individuals. Whilst it could be a breach of GDPR for this to happen, this shows a complete lack of interest in following rules and reasonable requests from Police.

36 Due to the hammer assault and other licensing issues Humberside Police applied for a review of the premises licence. This resulted in licensing subcommittee adding further conditions to the premises licence to the premises licence. The subcommittee stated this should deal with the underlying problems and promote the licensing objectives. They added 'they were giving him one last chance to prove he can run the premises smoothly and efficiently. The subcommittee also declared that revocation of the licence would be the starting point at any future hearing.

Recent Incident

37 On Monday 30th November 2020 Police were made aware that a known male was regularly committing shop thefts in Grimsby town centre. The same male was also identified as regularly attending at CARTERGATE NEWS & WINE immediately after committing a shop theft.

38 Police discovered a number of times and dates the male had attended CARTERGATE NEWS & WINE with a full shopping bag, entering the shop and then leaving moments later with the same bag looking less full

or empty.

39 The known male cannot be named in these proceedings as he is currently on bail charged with a number offences some of which are linked to CARTERGATE NEWS & WINE.

40 A number of items were identified as being stolen from POUNDLAND, Victoria Street, Grimsby by the male on 27th November 2020 around 11:11 hours. These were 6 x 4 packs of John West Tuna. These items were in separate Yellow or Blue packaging. He is seen to take the items from the shelf and place them in to a large shopping bag and leave without paying.

41 On Tuesday 8th December 2020 Police officers attended CARTERGATE NEWS & WINE to view CCTV footage inside the shop. Mr RAMESHKUMAR was spoken to whilst watching the CCTV. The male shop lifter was identified on CCTV entering CARTERGATE NEWS & WINE and Mr RAMESHKUMAR was asked if he knew him, he replied hesitantly **"YES, HE IS A THIEF, I SOMETIMES BY THINGS FROM HIM"**.

42 Officers continued to watch the CCTV footage from 27th November between 11:07 and 11:10 hours was played. This shows the known male enter the shop wearing a rucksack and carrying a large shopping bag. He moves around to the side of the counter. He takes several items out of the bag and places them on the counter. RAMESHKUMAR is seen to look at these and a conversation takes place between the two. The known male then moves to the front of the counter and appears to be handed money, he then leaves the shop at 11:10 hours.

43 At 11:17 hours of the same day the same male returns with a full bag and again removes items (Tuna Multipacks) at the side of the counter. He then returns to the front of the counter. He is again appears to be handed money. He then then helps himself to a drink and leaves the

shop at 11:18 hours.

44 Whilst watching footage from 27th November 2020 Police asked Mr RAMESHKUMAR to show us the Tuna packs he was seen buying from the male.

45 Mr RAMESHKUMAR immediately took us to a shelf with canned fish products and pointed out a number of multi packs of John West Tuna in blue and yellow packs. He identified these as being purchased from the male and to be stolen items. These items were the same as the items seen to be stolen from Poundland on the morning of 27th November 2020.

46 CCTV footage from the 28th November between 10:00 and 10:03 hours was viewed. This shows the known male enter the store with a full bag of items. He makes his way to the rear of the store and unloads items from his bag on to the floor. RAMESHKUMAR appears, looks at the items which appear to be jars of coffee and multi packs of Tuna. Both the male and RAMESHKUMAR then move to the front of the store near to the till and again appears to be handed money over the counter and leaves.

47 Arrangements were then made for the shops CCTV images to be secured as evidence. Officers gave Mr RAMESKUMAR advice to not purchase any items to sell in his shop unless they were from a reputable wholesaler or genuine source.

48 Around 12:17 hours on the same day (8th December 2020) Mr RAMESHKUMAR telephoned PC Chapman (Licensing officer) and informed him that he had just had two further males come in to the shop and ask him to buy what he believed to be more stolen items. He said he had declined this and they had left the shop. Mr RAMESHKUMAR was informed to keep doing this in the future as the shop may have a reputation as a shop that buys stolen items and he needed to change

that.

49 On Thursday 17th December 2020 around 10:00 hours Mr RAMESHKUMAR attended at Cromwell Road Police station, Grimsby. This was for a voluntary Police interview to be carried out.

50 During the interview Mr RAMESHKUMAR was shown CCTV footage described above from his shop.

51 During the Police interview Mr RAMESHKUMAR stated that he had been at the shop for 15 years and that his wife owned the shop and he ran it. He stated that he did not know the name of the male but knew him to be a thief as he had been to the shop trying to sell similar stolen items in the past. He also believed him to be homeless. He accepted that when officers attended at his shop on the 8th December that he stated the comment about **'HE IS A THEIF, I SOMETIMES BUY THINGS FROM HIM'**. He also confirmed he knew the items would **'BE STOLEN'**.

52 Mr RAMESHKUMAR accepts the items he buys from the male are stolen and that he buys them from the male knowing this.

53 When asked what he did with the items when he bought them he initially stated that he bought them to take home and send to family in Sri Lanka. When specifically asked about the items officers seized from the shelves that were up for sale he stated he put them on the shelf intending to take them home later. It was established that they remained on sale in the shop for more than 10 days before officers seized them. Mr RAMESHKUMAR also accepted this.

54 Mr RAMESHKUMAR was asked if he thought he was doing anything wrong - he then stated **'IT'S WRONG, I'M SORRY, I DID WRONG'**.

Submissions

55 The view of the Chief Constable is that the premises has had very a troubled past both historically and very recently. Most if not all of the incidents seriously undermine the licensing objectives whilst Mr RAMESHKUMAR has been in charge at the premises.

56 Transferring the premises licence and allowing Mr RAMESHKUMAR to be the named licence holder will not change how the shop will be operated in the future.

57 The most recent incidents are considered too seriously undermine the licensing objectives. Humberside Police request that the applications to transfer the premises licence and vary the DPS to Mrs Jeyathevi RAMESHKUMAR be rejected. This will prevent the premises from continuing in the same way as Humberside Police will then immediately apply to review the premises licence based on the information disclosed in this statement.

58 The Chief Constable requests that the Licensing Committee consider the points made within this statement and asks that they reject the applications.

I believe the contents of this statement to be true.

Signed: 

Dated: 22/01/2021