

IN A MATTER UNDER THE S51 LICENSING ACT 2003
BEFORE NORTH EAST LINCOLNSHIRE COUNCIL'S LICENSING SUB-
COMMITTEE

CHIEF CONSTABLE OF HUMBERSIDE POLICE

APPLICANT

V

MR THAMBIA RAMESHKUMAR
(CARTERGATE NEWS & WINE)

RESPONDENT

WRITTEN SUBMISSIONS ON BEHALF OF THE APPLICANT

1. These submissions are filed and served in accordance with paragraph 6.2 of North East Lincolnshire Council's ("NELC") Standing Order for Remote Meetings. They are not intended to contain the entirety of the Applicant's submissions but do summarise the points that will be made and outline any outstanding issues.
2. These submissions should be read alongside the application and supporting documentation including the witness statement of Police Constable 2499 Chapman and the annexes to that statement.

Outstanding Issues

3. Two days prior to the listed review hearing, the Respondent submitted applications to transfer the Premises License and Designated Premises Supervisor. It is understood that the transfer is to the Respondent's wife, Jeyathevi Rameshkumar. The Respondent's legal representatives requested an agreed adjournment of the Review Hearing pending the outcome of the transfer applications.
4. The requested adjournment was and remains opposed should it be applied for at the Review Hearing.

5. The Applicant submits that these late transfer applications are nothing but an attempt to circumvent the Review Hearing. In any event, the Applicant would oppose such a transfer given that Mrs Rameshkumar has been the owner of Cartergate News & Wine throughout all of the incidents listed below, including the incident which triggered this application.

Summary of the Applicant's Position

6. This is the fourth time in eleven years that the Respondent has been subject to a licensing review hearing.

Chronology of Reviews

The 2009 Review

7. On 24th November 2009, a licensing hearing was held at the Applicant's request to address concerns of sales of alcohol to those who were underage and to those who were already intoxicated. Whilst full details can be found in the Sub-Committee's decision, it was found that over the preceding 2 years, the Respondent had blatantly disregarded licensing law and that children's lives had been put at risk. The premises license was revoked.
8. The Sub-Committee's decision was appealed but prior to the hearing in the Magistrates' Court, a Consent Order was agreed allowing the premises licence to remain in full force subject to new conditions.

The 2011 Review

9. In September 2011, a councillor for North East Lincolnshire referred the Respondent for review due to concerns that the Respondent was still selling alcohol to those who were already intoxicated who were in turn causing a nuisance to the public. The Sub-Committee were not able to attribute all of the issues directly to the Respondent and so no further action was taken.

The 2019 Review

10. On 25th of May 2019, a member of staff assaulted a customer with a claw hammer following an altercation in the Respondent's premises. Following police attendance, CCTV was reviewed showing the attack and a licensing review was also carried out which uncovered a plastic cricket bat and a full size samurai sword stored behind the counter. Other licensing breaches were also uncovered detailed at paragraph 22 of PC Chapman's statement.
11. The Sub-Committee added further condition to the premises licence but added "*they were giving him one last chance to prove he can run the premises smoothly and efficiently*". They also confirmed that revocation of the licence would be the starting point at any future hearing.

Incident Triggering Current Review

12. Full details of the incident can be found at paragraphs 25-43 of PC Chapman's statement.
13. In brief, a local shoplifter had been seen attending the Respondent's premises after having committed shop thefts. Officers attended Cartergate News & Wine on 8 December 2020 to review the CCTV footage. The Respondent said he knew the person shown on the CCTV and said "*He is a thief, I sometimes buy things from him*". The Respondent admitted to purchasing items such as tinned tuna and coffee on multiple occasions as shown by the CCTV.
14. In Police interview, the Defendant admitted that he knew the items he bought would "*be stolen*". The Respondent stated he bought the items to take home to his family in Sri Lanka. When specifically challenged about the Tuna, he said he had placed them on the shelf intending to take them home later. He accepted that they had been on display for 10 days prior to the police arriving.
15. It is submitted that this is an entirely implausible explanation. The items were clearly on display for sale and this excuse, in the face of an opportunity to be honest, further compounds the Applicant's concerns regarding the Respondent.

Submissions

16. The Sub-Committee will of course have reference to the Licensing Objectives and the options available to them as per s52 of the Act.
17. The Sub-Committee may feel that having been given “*one last chance*” by their predecessors and having been told that the starting point for any further hearing would be revocation of the premises licence, the Respondent would have been extremely diligent in his running of Cartergate News & Wine.
18. However, despite being given that warning and knowing full well the likely consequence of any review, the Respondent saw fit to furnish his shop with stolen items and accepted in police interview that he knew they were stolen.
19. Engaging in such criminality with the warnings he had been given raises obvious concerns about the Respondent’s understanding of, compliance with and commitment to furthering the licensing objectives.

**JAMES HOLDING
PARK SQUARE BARRISTERS
30 & 31 MARCH 2021**