

EXHIBIT AKS/01



EXHIBIT
AKS/02

Premises Licence

Premises Licence Number: PM000350

Premises Details:

Cartergate News & Wine
84A Cartergate
Grimsby
North East Lincolnshire
DN31 1RT

Tel: 01472 242034

Licensable activities authorised by the licence:

Supply of Alcohol

Where the licence is time limited the relevant dates:

Not Applicable

The times the licence authorises the carrying out of licensable activities:

Supply of Alcohol –

Monday to Saturday	08:00 to 23:00 Hours
Sunday	10:00 to 22:30 Hours

Seasonal Variations:

(Subject to the conditions stated in condition OL1 of Annex 1 to the Premises Licence)

Non Standard Timings:

(Subject to the conditions stated in condition OL1 of Annex 1 to the Premises Licence)

The opening hours of the premises:

No time restriction regarding the opening hours of the premises.

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Mrs Jeyathevi Rameshkumar
Cartergate News & Wine
84A Cartergate
Grimsby
North East Lincolnshire
DN31 1RT

Tel: 01472 242034

Designated Premises Supervisor

Name: Mrs Jeyathevi Rameshkumar

Address: Cartergate News & Wine, 84A
Cartergate, Grimsby, North East
Lincolnshire

Licence Number: [REDACTED]

Issuing Authority: North East Lincolnshire
Council

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Off the premises.

(Supply subject to condition OL1 in Annex 1 of the Premises Licence)

Registered number of holder, for example company number, charity number (where applicable):

N/A

Annex 1 - Mandatory Conditions for premises licences

Premises licensed to sell or supply alcohol for consumption OFF the premises only

MC1. No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

MC2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MC3.

(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 premises 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. (Not clubs)

(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.

MC4.

(1) 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.

(2) For the purposes of the condition set out in paragraph (1) above -

- (a) "duty" is to be 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 rate of duty chargeable in relation to the alcohol as if the 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 premises 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.

(3). Where the permitted price given by Paragraph (2)(b) above 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.

(4).

(a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above 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.

(b) 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.

Embedded Restrictions

This premises licence has been granted subject to the relevant embedded conditions and restrictions contained in the Children and Young Persons Act 1933, the Licensing Act 1964 and other relevant legislation. These conditions and restrictions include the following:

OL 1

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours mean:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Sections 60,63,86 Licensing Act 1964

2. Alcohol shall not be sold in an open container or be consumed on the licensed premises.

Section 164 Licensing Act 1964

Annex 2 – Conditions consistent with the Operating Schedule

1. Mr Thambiah RAMESHKUMAR must not have any involvement in the day to day operation of the premises and must not attend the premises in any working capacity.
2. The premises must retain all purchase orders, receipts and invoices in order to prove that all stock has been purchased from a legitimate supplier for a minimum of 12 months or for as long as the items are displayed for sale at the premises. These records should be made available on request to a person under the direction and control of the Chief Constable or an officer of North East Lincolnshire Council.
3. An incident log shall be kept at the premises, and made available on request to a person under the direction and control of the Chief Constable or an officer of North East Lincolnshire Council, which will record the following:
 - all crimes occurring at the premises
 - all ejections of patrons
 - any complaints received
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service
 - any faults in the CCTV system

Annex 3 - Conditions attached after a Consent Order issued by Grimsby and Cleethorpes Magistrates' Court 20 May 2010

1. From 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder.
2. Adequate CCTV equipment shall be maintained at the premises which shall provide images of all entrances/ exits and public areas of the premises. Such images are to be kept for 30 days and made available to the police or duly authorised licensing officers on reasonable request.
3. Spirits shall be kept and served from behind the counter.
4. All members of staff at the premises shall require "credible photographic 'proof of age' evidence" from any person who is seeking to purchase alcohol and appears to be under the age of 25 years. Such "credible photographic 'proof of age' evidence" shall be limited to a Passport, a photo driving licence or a proof of age card issued under the 'PASS' scheme or any successor thereto.
5. A log shall be maintained at the premises consisting of details of all attempted purchases of alcohol by any person who appears to be under 18 years of age and/or drunk. Such log shall be made available for inspection at any reasonable time by a police officer or duly authorised licensing officers.

Annex 4 – Conditions attached after a Review Hearing held by the Licensing Authority 08 August 2019.

1. An electronic front door shunt lock operated from behind the counter to be installed.
2. A panic button to be installed and connected to a central monitoring station.
3. Staff members to successfully undergo alcohol sales training before they are permitted to sell alcohol.
4. Alcohol sales training to include conflict management.
5. Staff members to undergo refresher alcohol sales training at least every six months.
6. All training shall be documented and signed off by the DPS and the member of staff receiving the training.
7. 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.

Annex 5 – Plans

A copy of the plan in relation to this premises licence is available from the Licensing Section at the address above

Date of Issue: 9 November 2021

Officer: JB

EXHIBIT

AKS/03

To be submitted to the Council on 17th December 2009

LICENSING SUB-COMMITTEE

24th November, 2009

PRESENT: Councillors J. Colebrook, Oliver and D. Pickett

Officers in attendance:

Eve Richardson-Smith	Solicitor - Business Services
Adrian Moody	Licensing Manager – Community Services
Brian Rides	Trading Standards Enforcement Officer – Community Services
Louisa Davis	Licensing Enforcement Officer – Community Services
Georgina Johnson	Democratic Services Officer – Business Services

LSC.19 **APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor Colebrook be appointed Chair for this meeting of the Sub - Committee.

COUNCILLOR J. COLEBROOK IN THE CHAIR

LSC.20 **DECLARATIONS OF INTEREST**

There were no declarations of interest by any member of the Sub-Committee.

LSC.21 **APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF THE PREMISES KNOWN AS JAX NEWS AND BOOZE, AT THE ADDRESS OF 84A CARTERGATE, GRIMSBY, DN31 1RT.**

The Chair introduced himself, other Members of the Sub-Committee and asked the Officers present to introduce themselves.

Ms. Richardson-Smith gave details of the application and the representations that had been received and advised all parties of the remit of the Sub-Committee and asked all parties if there were any additional documents that they wished to present to the Sub-Committee before the meeting commenced.

There was no additional information for consideration.

The Sub-Committee considered a report from the Executive Director Community Services for a review of a premises licence in respect of the premises known as Jax News and Booze, at the address of 84A Cartergate, Grimsby, DN31 1RT.

Introducing the report, Mr. Moody outlined details of the representation received and explained the grounds for the review, the Statement of Licensing Policy and the outline procedures.

Mr. Fenton, representing the applicant, Humberside Police, was invited to address the Sub-Committee in an opening speech. Members of the Sub-Committee and interested parties were given the opportunity to ask questions and seek clarification on any matters.

Mr. Cooke, Solicitor, representing the Applicant was invited to address the Sub-Committee in an opening speech. Mr. Thambiah Rameshkumar, the Designated Premises Supervisor, was also invited to contribute to the meeting and answered questions from all parties. Members of the Sub-Committee and interested parties were given the opportunity to ask questions and seek clarification on any matters.

All parties were invited to make their closing speeches.

There being no further evidence to receive, all interested parties, press and public were requested to withdraw from the meeting during the Sub-Committee's deliberations.

The Sub-Committee, having determined its decision, invited all interested parties, press and public to return to the meeting.

The Chair commented that the Sub-Committee took the four Licensing Objectives extremely seriously especially the protection of children from harm. On balance of probability the Committee found that over the past two years the premises have blatantly disregarded the Licensing Laws.

In addition the Sub Committee had read detailed statements of evidence that the premises have previously sold alcohol to children as young as 12 years old. Canon Michael Hunter of St. James Church had bitterly complained about the problem of anti social behaviour encountered in St. James Square by under age drinkers, and when asked they confirmed that they obtained the alcohol from these premises.

The Sub-Committee also noted that the Designated Premises Supervisor had admitted lapses in the past.

The Sub-Committee acknowledged that steps have been taken, including a refusal book and the introduction of CCTV cameras within the premises, but the Sub-Committee was not convinced that these steps would have had any effect had they been introduced two years ago. The Sub-Committee did not feel that these measures would have any deterrent now as previous warnings had been ignored.

The Sub-Committee felt that the offence was so serious that children's lives had been put at risk, and it was lucky that not one child had died as a result of the premises actions.

After considering all the evidence presented by both sides, the Sub-Committee unanimously came to the conclusion that there was no alternative but to revoke the premises license. The Sub-Committee felt that this action was necessary and proportionate.

RESOLVED - That the premises license be revoked.

There being no further business, the Chairman declared the meeting closed at 3. 30 p.m.

EXHIBIT
AKS/04

BETWEEN:

THAMBIAH RAMESHKUMAR

Appellant

AND

NORTH EAST LINCOLNSHIRE COUNCIL

Respondent

CONSENT ORDER

It is agreed between the parties that the appeal shall be allowed in the following terms.

1. That the premises licence in respect of Jax News and Booze, 84A Cartergate, Grimsby DN31 1RT shall remain in full force and effect subject to the following new conditions:
 - a. From 1st September 2010 all sales of alcohol made after 10:00 hours each day shall be made by a Personal Licence Holder
 - b. That adequate CCTV equipment shall be maintained at the premises which shall provide images of all entrances/exits and public areas of the premises. Such images to be kept for 30 days and made available to the police or the respondents duly authorised licensing officers on reasonable request.
 - c. Spirits to be kept and served from behind the counter
 - d. All members of staff at the premises to require "credible photographic 'proof of age' evidence" from any person who is seeking to purchase alcohol and appears to be under the age of 25 years. Such "credible photographic 'proof of age' evidence" shall be limited to a Passport, a photo driving licence or a proof of age card issued under the "PASS" scheme or any successor thereto.
 - e. A log shall be maintained at the premises consisting of details of all attempted purchases of alcohol by any person who appears to be under 18 years of age and/or drunk. Such log to be made available for inspection at any reasonable time by a police officer or the respondents duly authorised licensing officers.
2. That there be no order as to costs.

Dated

20th May 2010

Signed

1.



DAVID J. HOOK F.I. Mgt F.S.E.L.P.
Senior Partner
HOOK & PARTNERS

Hook & Partners

Solicitors and duly authorised Representative for the Appellant

2.

Solicitor and duly authorised Representative for the Respondents

EXHIBIT

AKS/05

To be submitted to the Council on 16th December, 2011

LICENSING SUB-COMMITTEE

17th November 2011

PRESENT: Councillors Bramley, Burton and Fenty

Officers in attendance:

Sue Burns
Eve Richardson Smith
Jo Edwards

Licensing Officer, People and Communities
Solicitor – Governance and Transformation
Democratic Services Officer – Governance
and Transformation

Also in attendance:

Mr Rameshkumar – Premises Licence Holder (PLH)
Mr Hook – Premises Licence Holder's representative
Mr Baker – Licensing representative
Councillor Darren Billard, Ward Councillor

LSC.61 **APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor Fenty be appointed Chair for this meeting of the Licensing Sub - Committee.

COUNCILLOR FENTY IN THE CHAIR

LSC.62 **DECLARATIONS OF INTEREST**

There were no declarations of interest by any member of the Sub-Committee.

LSC.63 **REVIEW OF PREMISES LICENCE – IN RESPECT OF THE PREMISES KNOWN AS CARTERGATE NEWS AND BOOZE**

The Sub Committee considered a report from the Interim Strategic Director of People and Communities regarding the premises known as Cartergate News and Booze, following an application to review the premises licence.

Mrs. Richardson-Smith confirmed that there had been no further representations received and no representations withdrawn. Mrs. Burns introduced the report and advised the Sub Committee that the application to review the premises licence had been made by Councillor Billard, Councillor for the West Marsh Ward. Councillor Billard advised the Sub Committee of the issues that the residents of the area faced, with regard to inherent problems with drinkers in St. James Square, which had now moved onto Cartergate area. He stated that the area was being brought down because of these issues and something must now be done about it. He stated that he had witnessed the sale of alcohol to a person in drink, at the premises known as Cartergate (Jax) News and Booze, and had received many complaints from the residents of the area regarding the anti-social behaviour of people in drink.

Mr. Hook asked Councillor Billard to clarify how he had witnessed a person in drink purchasing alcohol from the premises. Councillor Billard explained that (before he was elected), he was carrying out his business as a taxi driver, he had picked up a fare who was very drunk indeed. He had asked him (Councillor Billard) to stop at an off licence where he purchased 8 cans of strong lager, which he proceeded to drink for the duration for the journey. The off licence was Cartergate (Jax) News and Booze.

Mr. Hook noted that the application to review the premises licence had been dated on 9th September, 2011, but was not submitted until 27th September 2011 and wondered why this delay had occurred. Councillor Billard advised that this was to collate information from residents of the area. Mr. Hook asked how long Councillor Billard had been a Ward Councillor for the area and had he ever spoken to the premises licence holder about the issues that he and the residents of the area had. Councillor Billard advised that he had been a Ward Councillor since May, 2011 and that he had not spoken to the Premises Licence Holder about these issues, which had been brought to his attention in September of this year.

Members of the Licensing Sub-Committee and interested parties were given the opportunity to ask questions and seek clarification on any matters.

Mr. Hook advised the Licensing Sub Committee of the background of Mr. Rameshkumar's business and its dependency on the local community for its survival and stated that the establishment was now known as Cartergate Food and Wine. In brief, he stated that there were clearly issues with antisocial behaviour in the area, noting the comments of the complaints received, but stated that none of these could be attributed to the premises in question.

A Police incident listed within the report stated that alcohol legally purchased at the premises, was given to someone who was clearly underage. Whilst a very serious and improper incident, the premises licence holder could not be rebuked for this and in fact he regularly covered the front of shop to be alert to who is purchasing alcohol. Mr. Hook continued to list the measures undertaken by his client to promote

an effective running of the business. In summary Mr. Hook stated that the premises licence holder had a very positive relationship with local police and PCSO's and regular visits by them had never raised any issue with the premises, in fact no representations had been made by the police. Far from being a cause of the problem, the premises had experienced problems itself. He stated his disappointment that no one had raised any of the issues with the premises licence holder, prior to the review application, which had escalated since the drinkers had moved from St James Square.

Members of the Licensing Sub-Committee and interested parties were given the opportunity to ask questions and seek clarification on any matters.

There being no further evidence to receive, the Sub-Committee retired to consider its deliberations.

The Sub-Committee, having determined its decision, reconvened the meeting.

The Licensing Sub Committee found it very difficult to associate that Cartergate News and Booze was responsible for those persons that may give rise to public nuisance and disorder, and therefore the Licensing Sub Committee do not feel there is any need to take further action.

However the Licensing Sub Committee impress upon on the Council, that there is an issue of anti social behaviour associated with St James Square and Cartergate, and ask that it works with the various partners to address the issues raised.

The Licensing Sub Committee further recommend to the Council as part of its CCTV review, that this area be highlighted as a hot spot that needs specific cover.

As a result of this, the Licensing Sub Committee suggested to the applicant that they may introduce a labelling of alcohol, specific to the premises, in an effort to disassociate themselves from issues as highlighted at today's meeting.

The Licensing Sub Committee appreciated the applicant's co-operation in this matter in the interest of promoting the four licensing objectives and were pleased to accept the applicant's self-imposed agreement to apply labels, of an approximate size of 50mm, attached to all alcohol within the premise and to be sold with a label attached. They were pleased that the premises are broadly using the best practice guidance regarding CCTV on the premise, and therefore felt no need to add any additional conditions at this time.

RESOLVED –

(1) That, with regard to an application for a review of the premises licence, no further action be taken.

(2) That the Licensing Sub Committee further recommend to the Council as part of its CCTV review, that this area be highlighted as a hot spot that needs specific cover.

There being no further business, the Chairman closed the meeting at 4.00pm

EXHIBIT

AKS/06

13 August 2019

Richard Baker, Director
RB Retailing & Licencing Services Ltd

Dear Sirs

**RE: Application to Review a Premises Licence – Cartergate News & Wine
Licensing Sub Committee, 8th August 2019**

Following the application of Humberside Police for a review of the Premises Licence in respect of the premises known as “Cartergate News & Wine”, the Licensing Sub Committee sitting on 4th August 2019, resolved to add conditions to the Premises Licence.

The Chair thanked all parties for their attendance at the hearing and the clear submissions provided, which helped the Sub Committee establish the cause of the concerns and direct their deliberations at any remedial action.

The Sub Committee heard evidence about previous issues with this premises whilst Mr Thambia had been the Premises Licence Holder, but acknowledged these occurred some 10 years ago.

The Sub Committee heard about the serious incident which occurred on 25th May 2019, which undermined the crime and disorder objective. This incident would not have happened if the Premises Licence conditions were being adhered to. The Sub Committee was surprised and concerned to hear that the employee involved remains employed at the premises.

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 was persuaded by the respondent that adding conditions should deal with the underlying problems and promote the licensing objectives moving forward. The Premises Licence Holder accepted responsibility, has 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 made it apparent 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 declared a further review would ensue if any further problems arise and that revocation of the licence would have to be the starting point at any future hearing.

For clarity, the wording of the conditions to be added to the Premises Licence is as follows:

1. An electronic front door shunt lock operated from behind the counter to be installed.
2. A panic button to be installed and connected to a central monitoring station.
3. Staff members successfully to undergo alcohol sales training before they are permitted to sell alcohol.
4. Alcohol sales training to include conflict management.
5. Staff members to undergo refresher alcohol sales training at least every six months.
6. All training shall be documented and signed off by the DPS and the member of staff receiving the training.
7. 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.

The Sub-Committee read and heard all of the information before them. The Sub Committee is aware of, and has taken into account, any implications that may arise from the Human Rights Act 1998. The Sub-Committee in reaching its decision has had due regard for its public sector equality duty under section 149 of the Equality Act 2010 and consider that in reaching their decision, that they have had due regard for the duty placed upon them by s.149.

Rights of Appeal

Your attention is drawn to the Rights of Appeal as set out in Schedule 5 of the Licensing Act 2003. Where a Licensing Authority decides upon an application for review of a premises licence under section 52 of the Act, the applicant for the review, the Premises Licence Holder or any other person who made relevant representations may appeal against the decision.

An appeal must be commenced by Notice of Appeal given to the Justices' Chief Executive for the Magistrates Court within 21 days of this letter.

Update of Licence

In order for the Licensing Authority to be able to discharge its functions to update the licence under section 56 of the Act, the Premises Licence Holder is required to produce the licence within 14 days for any appropriate amendments to be made. If, without reasonable excuse, the Premises Licence Holder fails to comply with the request, he commits an offence punishable on summary conviction to a fine of up to £500.

Yours faithfully



Eve Richardson-Smith

Team Manager

EXHIBIT

AKS/07

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: [REDACTED]

Age if under 18: N/a (if over 18 insert 'over 18')

Occupation: Police constable

This statement (consisting of [REDACTED] page(s) 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.

Signature: (witness)

Date:

I am Police Constable [REDACTED] serving with Humberside Police and currently based in the Licensing department of Humberside Police. I am a Licensing officer for the Southbank of Humberside Police with responsibility for North and North East Lincolnshire. My duties are under the direction and control of the Chief Constable of Humberside Police.

On Monday 30th November I was made aware via an email from [REDACTED] that a male was stealing food items from shops in Grimsby town centre and was known to regularly attend at CARTERGATE NEWS & WINE immediately after a shop theft had occurred. CARTERGATE NEWS AND WINE is a local convenience shop which also has a licence to sell alcohol.

[REDACTED] also informed me that he had been made aware of a number of dates and times of the male going to CARTERGATE NEWS & WINE with a full carrier bag, entering the shop and then leaving moments later with the same bag looking less full.

I was informed the male was a [REDACTED] born [REDACTED] who was thought to be of no fixed abode.

I am aware that CCTV images show [REDACTED] attending at POUNDLAND, Victoria Street, Grimsby on 27th November 2020 around 11:11 hours and stealing 6 x 4 packs of John West Tuna. These items were in separate Yellow or Blue packaging. CCTV images also show the male moments later attending at CARTERGATE NEWS & WINE.

CCTV also shows [REDACTED] attending at CARTERGATE NEWS & WINE on 28th November 2020 between 09:30 and 10:00 hours. He also attends the shop acting suspiciously on 4th December 2020 between 09:45 and 09:55 hours.

On Tuesday 8th December 2020 around 11.:25 hours and in company with [REDACTED] attended CARTERGATE NEWS & WINE to view CCTV within the shop. Whilst at the shop I spoke to the owner and premises licence holder who I know to be Thambiah RAMESHKUMAR.

We asked to view CCTV from various times and dates that we believed [REDACTED] had attended the shop after committing a shop theft elsewhere.

On footage viewed from 27th November [REDACTED] identified [REDACTED] to me as entering the store at 11:07 hours with a large shopping bag. I asked RAMESHKUMAR if he knew the male coming in the shop. He replied hesitantly something similar to "YES, HE IS A THIEF, I SOMETIMES BY THINGS FROM HIM".

I immediately cautioned RAMESHKUMAR at 11:38 hours by saying " YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING WHICH YOU LATER RELY ON AT COURT, ANYTHING YOU DO SAY MAY BE USED AS EVIDENCE" I then informed him that he was not under arrest but I just wanted him to know his rights at that

time. I then attempted to clarify what he had just told me and said " DID YOU SAY, YOU KNOW HE IS A THIEF AND YOU BUY THINGS FROM HIM" RAMESHKUMAR said "YES, SOMETIMES"

We then continued to watch the footage which showed the male identified to me as [REDACTED] go to the side of the sales counter and appear to hand items over to the man working behind the counter who I could see was RAMESHKUMAR. [REDACTED] then moves to the front of the counter and appears to be handed something which looked like cash by RAMESHKUMAR who is still behind the counter.

Knowing that [REDACTED] had stolen yellow and blue packs of TUNA from Poundland on the 27th November I asked RAMESHKUMAR if he was now selling stolen items within the shop. RAMESHKUMAR then came out from behind the counter and walked toward the rear of the shop and pointed to several 4 packs of John West Tuna in blue and yellow packs. RAMESHKUMAR handed these to [REDACTED] and identified these as being items purchased from [REDACTED].

arrangements were then made for the shops CCTV images to be secured. I gave RAMESKUMAR advice to not purchase any items to sell in his shop unless they were from a reputable wholesaler or genuine source, we then left the shop.

Around 12:17 hours on the same day (8th December 2020) RAMESHKUMAR telephoned me to inform me that he had just had twofurther males come in to the shop and ask him to buy what he believed to be stolen items. He said he had declined this and they had left the shop. I informed RAMESHKUMAR to keep doing this in the future and that the shop may have a reputation as a shop which buys stolen items and he needed to change that.

On Thursday 17th December 2020 around 10:00 hours RAMESHKUMAR attended at Cromwell Road Police station, Grimsby. This was for a voluntary interview to be carried out. [REDACTED] opened the interview, cautioned RAMESHKUMAR offered him free and independent legal advice and informed him that he was only attending on a voluntary basis and was free to leave at any time.

The interview began at 10:13 hours recorded on master seal MR0086950. During the interview RAMESHKUMAR was shown images of a male coming in to his shop. He 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 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 'SOMETIMES BUYING ITEMS FROM HIM'. He also confirmed he knew the items would be stolen.

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 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. RAMESHKUMAR also accepted this.

RAMESHKUMAR was asked if he thought he was doing anything wrong - he then stated 'ITS WRONG, I'M SORRY, I DID WRONG'.

He then went on to say that he purchased the coffee for his children as they like to drink 5 cups each per day.

All times quoted in relation to CCTV are based on the time recorded on systems at each premises.

Signature:

Signature witnessed by:

EXHIBIT

AKS/08

REDACTED

From: [REDACTED]
Sent: 04 February 2021 19:07
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Cartergate News & Wine - Cartergate, Grimsby
Importance: High

Dear [REDACTED]

Thank you for your email. It certainly seems like the application has been put through to frustrate the review process.

I told [REDACTED] that it wasn't the case. What happened is this, when I was speaking Mr Rameshkumar he said that he accepted his wrongdoing and he had been cautioned. He said that licensing officer said he may review the licence, and I was thinking it was the council licensing officer as opposed to police licensing team.

If I knew it was police licensing, then I would have talk to you first. In this instance we submitted the application on the basis that wife is now taking fully control of the business, and he is leaving business totally.

His wife is very upset about this matter, she said she wanted to run the business herself, without any involvement of him. Now that the story came on the newspaper, the business got damaged.

We will request the applicant to withdraw this application, as we put the application on the basis that the review of the premises licence was a possibility, not certain. Now we understand that it was certain. We apologise for making you upset in this matter, while you are taking necessary action.

We will be grateful if we can talk further to see what, how we can work together or the new applicant, to support this family business.

Many thanks
[REDACTED]

REDACTED

Consultant
[REDACTED]

REDACTED

EXHIBIT

AKS/09

[Insert name and address of relevant licensing authority and its reference number (optional)]

**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 Chief Constable of Humberside Police-----

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
CARTERGATE NEWS & WINE,
84A Cartergate

Post town Grimsby

Post code (if known) DN31 1RT

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

Number of premises licence or club premises certificate (if known)
PM000350

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

Humberside Police
Cromwell Road Police station
Grimsby
DN31 2BW

Telephone number (if any)

01472

E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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

Humberside Police seek a Review of the Premise Licence for CARTERGATE NEWS & WINE, 84A Cartergate, Grimsby, DN31 1RT (PM000350). The premises licence holder (PLH) and Designated premises supervisor (DPS) is Thambiah RAMESHKUMAR.

Humberside Police apply for the review on the grounds that the premises or persons linked to the premises are undermining the Prevention of Crime and Disorder and public safety licensing objectives. The Chief Constable respectfully submits that the premises and person(s) linked to the premises are involved in knowingly buying and selling stolen items.

In late November 2020 Humberside Police were alerted to a number of shop thefts being committed in the Grimsby town centre area by a known male. Whilst enquiries and arrest attempts were being made the same male was seen to attend CARTERGATE NEWS & WINE numerous times with stolen items. The male was seen to enter the shop sell the stolen items to Mr RAMESHKUMAR (PLH & DPS) and leave. Some of these items were later recovered from display shelf in the shop by Police. The items were displayed for sale on the shelves in the shop which is also licensed for the sale of alcohol.

Humberside Police say by engaging in this type of criminality there is a clear disregard towards the licensing objectives. There is also a concern by engaging in this criminality they may well have no regard to the statutory obligations of the Licensing act 2003.

Please provide as much information as possible to support the application

On Monday 30th November 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 a shop theft had occurred. CARTERGATE NEWS AND WINE is a local convenience shop which also has a premises licence to sell alcohol.

Police discovered a number of dates and times 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.

The male was known to Police as [REDACTED] born [REDACTED] and was thought to be of no fixed abode.

CCTV images from POUNDLAND, Victoria Street, Grimsby on 27th November 2020 around 11:11 hours showed the named male attend and steal 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.

Other CCTV images then show the same male moments later attending at CARTERGATE NEWS & WINE with the same bag.

On Tuesday 8th December 2020 Police officers attended CARTERGATE NEWS & WINE to view CCTV footage inside the shop. Whilst at the shop Police spoke to the owner and premises licence holder who is known to be Thambiah RAMESHKUMAR.

[REDACTED] and [REDACTED] viewed footage in the shop with RAMESHKUMAR. On footage viewed from 27th November 2020 [REDACTED] identified the known male up on him entering the store at 11:07 hours with a large shopping bag. I asked RAMESHKUMAR if he knew the male entering the shop. He replied hesitantly something similar to "YES, HE IS A THIEF, I SOMETIMES BY THINGS FROM HIM".

Suspecting the 'things' to be stolen, I immediately cautioned RAMESHKUMAR at 11:38 hours (8th December 2020) by saying " YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING WHICH YOU LATER RELY ON AT COURT, ANYTHING YOU DO SAY MAY BE USED AS EVIDENCE" I then informed him that he was not under arrest but I just wanted him to know his rights at that time. I then attempted to clarify what he had just told me and said " DID YOU JUST SAY, YOU KNOW HE IS A THIEF AND YOU BUY THINGS FROM HIM" RAMESHKUMAR said "YES, SOMETIMES"

We then continued to watch the footage which showed the male go to the side of the sales counter and appear to hand items over to the man working behind the counter who I could see was RAMESHKUMAR. The known male then moves to the front of the counter and appears to be handed something which looked like cash by RAMESHKUMAR who is still behind the counter.

Knowing that male had stolen yellow and blue packs of TUNA from Poundland on the 27th November I asked RAMESHKUMAR if he was now selling stolen items within the shop. RAMESHKUMAR then came out from behind the counter where we had been viewing the CCTV and walked toward the rear of the shop. He then pointed at several multi packs of John West Tuna in blue and yellow packs. RAMESHKUMAR handed these to [REDACTED] and identified these as being items purchased from the male.

Arrangements were then made for the shops CCTV images to be secured. [REDACTED] gave RAMESHKUMAR advice to not purchase any items to sell in his shop unless they were from a reputable wholesaler or genuine source, we then left the shop.

Around 12:17 hours on the same day (8th December 2020) RAMESHKUMAR telephoned [REDACTED] 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. [REDACTED] informed RAMESHKUMAR to keep doing this in the future and that the shop may have a reputation as a shop that buys stolen items and he needed to change that.

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

During the interview RAMESHKUMAR was shown CCTV footage from his shop.

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.

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 then helps himself to a drink and leaves the shop at 11:18 hours.

Footage from the 28th November between 10:00 and 10:03 hours is played. 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.

During the Police interview 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'.

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

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. RAMESHKUMAR also accepted this.

RAMESHKUMAR was asked if he thought he was doing anything wrong - he then stated 'ITS WRONG, I'M SORRY, I DID WRONG'.

He then went on to say that he purchased the coffee for his children as they like to drink 5 cups each per day.

Humberside Police say by engaging in this type of criminality there is a clear disregard towards the licensing objectives. There is also a concern by engaging in this criminality they may well have no regard to the statutory obligations of the Licensing act 2003.

All times quoted in relation to CCTV are based on the time recorded on systems at each premises.

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
2	0	0
6	2	0
1	9	

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

This will be the fourth time in 11 years that this premises has been subject to a licensing review hearing. The last hearing was in 2019 with brief details listed below and more information in the attached papers

2009 – (POLICE) Underage Sales – collections from the back of the shop having paid inside.

2011 (NELC) - Selling alcohol to drunk members of the public and causing a nuisance to the local residents, underage sales

2019 (POLICE) Assault by shop worker on customer using a hammer and weapons stored behind the counter (Metal Sword and Plastic cricket bat)

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

Date 05/02/2021

Capacity **Licensing Officer**

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

[Redacted]
Cromwell Road Police Station
394 Cromwell Road

Post town
Grimsby

Post Code
DN31 2BW

Telephone number (if any) 01472 [Redacted]

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [Redacted]

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 included 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 that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

EXHIBIT

AKS/10

Licensing Act 2003 Representation by a Responsible Authority

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. This form will be made available, upon request, to the public. It may also be read out in public at the sub-committee hearing.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	HUMBERSIDE POLICE
Contact Officer:	[REDACTED] (Licensing officer)
Address:	Cromwell Road Police station, Cromwell Road, Grimsby
Telephone Number:	01472 [REDACTED] / [REDACTED]
E-Mail:	[REDACTED]

Please provide details of the application to which your representation refers:

Name:	Mrs Jeyathevi RAMESHKUMAR
Address:	[REDACTED] 84a Cartergate, Grimsby, DN31 1RT
Application Details:	Application to transfer premises licence and application to vary designated premises supervisor (CARTERGATE NEWS & WINE)
Date Application Received:	1 st April 2021
Date of Representation:	13 th April 2021

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box/es:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **The Protection Children from Harm**

Representation:

Humberside Police make representations in relation to the transfer of the premises licence to Jeyathevi RAMESHKUMAR.

Humberside Police also make representations to the application to vary the designated premises supervisor to Jeyathevi RAMESHKUMAR.

These representations are detailed in an attached statement in order to demonstrate how they would undermine the Crime prevention licensing objective and potentially cause issues in relation to public safety. Please see statement of [REDACTED] Humberside Police licensing officer.

If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives**:

Humberside Police object to both applications made and request they be rejected.

- Have you contacted the applicant to discuss this representation? Yes No
- Have you contacted the Licensing Section to discuss this representation? Yes No
- Do you consider further discussion could resolve the issue? Yes No
- Do you intend to attend or be represented at any sub-committee hearing? Yes No

Please be aware that this form may be viewed by any of the parties involved in the hearing. This form will be made available, upon request, to the public. It may also be read out in public at the sub-committee hearing. If you do not consent to your details being made available in this way, **please tick this box**

If you consent to any notice of any hearing being sent to you to the e-mail address provided by you above, **please tick this box**

(please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please return this form to the following address:

**The Licensing Manager
Licensing Section
Doughty Road Depot
Doughty Road
Grimsby
DN32 0LL
Licensing@nelincs.gov.uk**

EXHIBIT

AKS/11

**STATEMENT OF
JO BENNETT,
NELC LICENSING OFFICER**

Introduction

1. My name is Jo Bennett and I am a Licensing Officer in the Licensing Section of North East Lincolnshire Council based at Doughty Road, Grimsby. I cover the area of Grimsby in North East Lincolnshire.
2. I have been a Licensing Officer since November 2018, I am therefore familiar with problems of alcohol related crime and disorder, and aware of the impact of off licensed premises used in criminality.
3. I make this statement in support of the Humberside Police's Review application for the premises licence at 84 Cartergate, Grimsby under Section 51 of the Licensing Act 2003. The information in this statement is either within my personal knowledge or is taken from files maintained by North East Lincolnshire Council.
4. On Monday 25 July 2022 at approximately 3.00 p.m., myself, and Alison Saxby (Humberside Police Licensing Officer) visited Cartergate News & Wine, 84a Cartergate, Grimsby as we had been in the area visiting another premises.
5. When we arrived at the shop, there was a young male behind the counter who when asked advised us that Mr and Mrs Rameshkumar no longer owned the shop and his father had taken over the premises "a couple of months ago". Alcohol was being sold at this time.

6. Although the young male offered to ring his father and get him to come to the shop, both Alison and I had previous engagements so could not wait. So, I left my email address and requested that the new owner email me his details that day so that I could provide transfer and vary dps applications.
7. The new owner did not email me, so on Thursday 28 July 2022, I hand delivered a letter to the shop (copy provided) advising the new owner that they needed to complete a transfer and vary dps application and return them to me by 10 August 2022. Along with the application forms, I also provided a copy of the premises licence so that they could familiarise themselves with all the conditions on the licence but specifically the one "from 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder". On visiting the shop, I handed the letter over to a gentleman who when asked, advised me he was the new owner (later confirmed as [REDACTED]).
8. On Tuesday 23 August 2022, having not received any applications or contact from the premises, Alison Saxby and I visited the premises with a notice to suspend the premises licence. Once again, the son was in the premises by himself, and alcohol was for sale and the son confirmed that he had been selling alcohol. [REDACTED] was called and arrived at the premises and a discussion was held around the suspension of the premises licence.
9. During the conversation [REDACTED] advised that he had been to the council offices with the applications but had not left them there, there was some confusion as to why not. [REDACTED] did advise us that his son did not have a personal licence but that he did. When asked where this licence was from, he told us that he had one from Uxbridge, which was where he lived. He undertook the course in May but the DBS check that he showed us was dated the beginning of August 2022, the DBS check is needed when applying

for the personal licence. We advised that, as we did not have evidence of a personal licence, that the premises was not able to sell alcohol due to the condition "from 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder".

10. We also discussed the other conditions on the premises licence, and it became clear that a number of conditions were not abided with.

Such as: -

- a) the CCTV condition where images had to be kept for 30 days, Mr Srimurugan stated they were kept for around 16 days and was unable to show us the CCTV or get any information from it for us.
- b) the premises must keep all receipts, purchase order and invoices – none available.
- c) incident logs should be kept – no incident log available
- d) staff members to undergo alcohol sales training before they are permitted to sell alcohol and said training to be documented – the son advised no such training undertaken

11. [REDACTED] then rang licensing agent [REDACTED] from [REDACTED] Licensing who I spoke to on the phone who initially advised me that [REDACTED] did have a personal licence but was waiting for the certificate from a council other than North East Lincolnshire Council. He would find out the information and get it too me. When I advised [REDACTED] of the condition "from 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder" he advised he was unaware of this condition.

12. We were then informed by [REDACTED] that he had not taken over the premises at all and was working for the current licence holder Mrs Rameshkumar until such a time he decided whether to take on the shop himself. We advised [REDACTED] that until such a time we could confirm who was running the premises and therefore who the licence holder was, no alcohol sales should take place.

13. On returning to the office, I emailed [redacted] Licensing to get some clarification of the current circumstances with the premises and was advised (see email trail) that Mrs Rameshkumar was still the premises licence holder but was currently abroad in India, so [redacted] was looking after the premises and Mrs Rameshkumar was managing it via video/cctv system. He also confirmed that [redacted] does not hold a personal licence.
14. [redacted] Licensing later confirmed that [redacted] will be managing the premises and will be working at the premises. [redacted] is a local shop owner and holds a personal licence.

I believe the contents of this statement to be true.

Signed: [redacted]
Mrs Joanne Bennett

Dated: ...08 September 2022.....

EXHIBIT AKS/12

Urgent - Do Not Ignore
New Owners
Cartergate News & Wine
84a Cartergate
Grimsby
DN31 1RT

Our Ref:
Enquiries:
Direct Dial:
Fax:
E-mail:
Date:

PM000350
Jo Bennett

28 July 2022

Dear Sir/Madam,

Licensing Act 2003 – Premises Licence
Premises Licence: Cartergate News & Wine, 84a Cartergate, Grimsby
Licence Number: PM000350

I refer to mine and Alison Saxby's (Licensing Officer Humberside Police) visit to the premises on Monday 25 July, in which we were advised that Cartergate News & Wine has been taken over by yourselves. I did leave my email address for you to contact me but as yet I have not received any correspondence.

Therefore, please find enclosed the following: -

- Copy of the current premises licence – please familiarise yourselves with, and always adhere to, the timings that the premises are allowed to undertake alcohol sales and all the conditions that are attached to the licence specifically the one
 - **From 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder.**
- A transfer application form
- A vary dps application form

You should complete the applications and return them to me by 10 August 2022, If I do not receive the applications by this date then I will have no option but to suspend the premises licence for this address which will mean no sales of alcohol will be able to take place.

If you would like to discuss any of the matters in this letter please contact the Licensing Section on telephone number 01472 326299 or via email at licensing@nelincs.gov.uk.

Yours sincerely



Jo Bennett - Licensing Enforcement Officer

EXHIBIT

AKS/13

Urgent - Do Not Ignore
New Owners
Cartergate News & Wine
84a Cartergate
Grimsby
DN31 1RT

Our Ref:
Enquiries:
Direct Dial:
Fax:
E-mail:
Date:

PM000350
Jo Bennett

████████████████████
████████████████████
22 August 2022

Dear Sir/Madam,

Licensing Act 2003 – Premises Licence
Premises Licence: Cartergate News & Wine, 84a Cartergate, Grimsby
Licence Number: PM000350

I refer to my visit to the above premises on 28 July 2022, in which I hand delivered a letter containing the following: -

- A copy of the current premises licence
- A transfer application form
- A vary dps application form

In that letter you were advised that you should complete the applications and return them to North East Lincolnshire Council by 10 August 2022, as failure to do so would mean suspension of the premises licence for this address and no sales of alcohol being able to take place.

As North East Lincolnshire Council have not received the applications as requested, I write to advise you that this licence is suspended with immediate effect and as a result the licensable activities listed on the Premises Licence are no longer authorised. Humberside Police have also been made aware of the suspension to the premises licence.

I must remind you that the sale of alcohol is a licensable activity. Any attempt to carry out this activity, while the premises licence is suspended, will constitute committing an offence under Section 136(1) of the Licensing Act 2003. The maximum penalty on conviction of this offence is 6 months imprisonment and/or an unlimited fine, which highlights its seriousness.

Re-instatement of the premises licence will only be possible once North East Lincolnshire Council have received and accepted the fully completed transfer and vary dps licensing applications and any other required documentation.

If you would like to discuss any of the matters in this letter, please contact the Licensing Section on telephone number 01472 326299 or via email at licensing@nelincs.gov.uk.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Jo Bennett - Licensing Enforcement Officer

EXHIBIT AKS/14

Jo Bennett (NELC)

From: Jo Bennett (NELC)
Sent: 23 August 2022 17:05
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Cartergate News & Wine

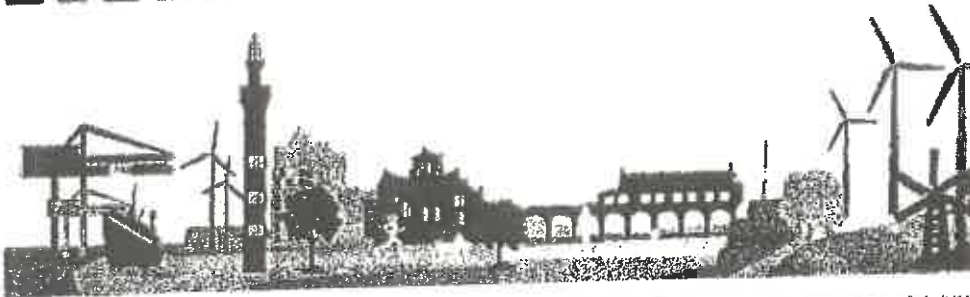
Importance: High

Thank you for your email, as you have advised me that Mrs Rameshkumar is still running the premises, I can confirm the suspension of the premises licence has now been lifted.

I am advised by Humberside Police that they will be in contact with Mrs Rameshkumar shortly regarding the breaches to the premises licence, as such can you confirm that you are acting for/on behalf of Mrs Rameshkumar.

Regards
Jo

Jo Bennett, Licensing Enforcement Officer
Licensing Section, Regulation and Enforcement Services
North East Lincolnshire Council, Doughty Road Depot, Doughty Road, Grimsby, DN32 0LL
Phone: 01472 326299 | licensing@nelincs.gov.uk | www.nelincs.gov.uk



Stronger Economy. Stronger Communities.
Together we can be stronger.

Our Council Plan pledges to work with partners to invest in our people and our place.

From: [REDACTED]
Sent: 23 August 2022 16:12
To: Jo Bennett (NELC) [REDACTED]
Cc: [REDACTED]
Subject: Re: Cartergate News & Wine
Importance: High

Hello Jo,

Thank you for your email.

Now [REDACTED] is managing the premises and he will be working, and he is a personal licence holder.

While we understand that you wanted to remove all alcohol, premises licence holder kindly request you to consider that all conditions will be adhered while premises open now for business and that we will send you schedule of working of personal licence holders.

We hope that you will allow open the business with all conditions adhered to.

We will now process the variation while current conditions are adhered to.

Please allow us until tomorrow response to your queries fully.

Regards

[REDACTED]

Consultant
[REDACTED]

Tel: [REDACTED]

Mob: [REDACTED]

E-mail: [REDACTED]

This email is sent for and on behalf of [REDACTED] Consultants, which is a company registered in England, registered number [REDACTED] registered office [REDACTED]

CONFIDENTIALITY:

This e-mail and any attachments are strictly private and confidential and are intended for the named recipient only. If you are not the intended named recipient, you are advised not to read or disclose the contents of this e-mail and/or any attachments to another person or take copies of them. If you receive this message in error, please notify our e-mail administrator and destroy the message.

From: Jo Bennett (NELC) [REDACTED]

Sent: 23 August 2022 15:55

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Cartergate News & Wine

Hello [REDACTED]

Thank you for your email and for confirming that [REDACTED] does not currently hold a personal licence thus verifying ongoing breaches of the conditions of the premises licence for Cartergate News & Wine under the terms of the Licensing Act 2003.

Whilst we are corresponding and until further notice, please be advised that as per my previous email, no sale of alcohol should take place at the premises and all alcohol must be removed from the shelves.

Considering your reply, please provide the following information: -

- Confirmation of how long Mrs Rameshkumar has been out of the country and when she intends to return.
- Confirmation of which employer holds a personal licence, evidence of the personal licence and details of when they will be working in the shop (times/days etc)

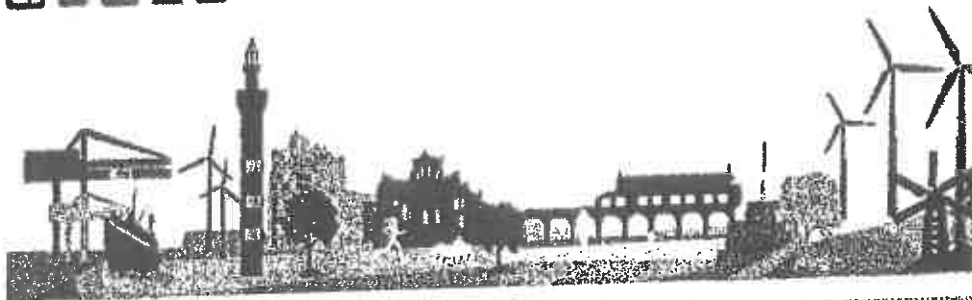
Whilst I note the Mrs Rameshkumar has advised you that she intends to make an application to vary the conditions on the licence, this has not been started by her or received by us and as such all conditions on the premises licence should be adhered to at all times.

I will await your reply

Kind regards

Jo

Jo Bennett, Licensing Enforcement Officer
Licensing Section, Regulation and Enforcement Services
North East Lincolnshire Council, Doughty Road Depot, Doughty Road, Grimsby, DN32 0LL
Phone: 01472 326299 | licensing@nelincs.gov.uk | www.nelincs.gov.uk



**Stronger Economy Stronger Communities
Together we can be stronger.**

Our Council Plan pledges to work with partners to invest in our people and our place.

From: [REDACTED]

Sent: 23 August 2022 15:21

To: Jo Bennett (NELC) [REDACTED]

Cc: [REDACTED]

Subject: Re: Cartergate News & Wine

Importance: High

Good afternoon, Jo,

The current owners are managing the premises via Video/ CCTV system, while the owner is taking a treatment for stroke. They will be back soon.

In the mean time [REDACTED] is managing the premises, and waiting to receive his personal licence.

He will not be working at the moment, and other employee who hold the personal licence will be working now.

The owners want to vary the licence conditions, so that a trained/ experienced employee can work, as the process of getting a personal licence can take longer.

We will try and support the process while the owners return from their treatment.

Regards

Consultant

[REDACTED]

Tel: [REDACTED]

Mob: [REDACTED]

E-mail: [REDACTED]

This email is sent for and on behalf of [REDACTED], which is a company registered in England, registered number [REDACTED], registered office [REDACTED]

CONFIDENTIALITY:

This e-mail and any attachments are strictly private and confidential and are intended for the named recipient only. If you are not the intended named recipient, you are advised not to read or disclose the contents of this e-mail and/or any attachments to another person or take copies of them. If you receive this message in error, please notify our e-mail administrator and destroy the message.

From: Jo Bennett (NELC) [REDACTED]
Sent: 23 August 2022 14:03
To: [REDACTED]
Cc: [REDACTED]
Subject: Cartergate News & Wine

Good Afternoon [REDACTED]

Cartergate News & Wine, 84a Cartergate, Grimsby
[REDACTED]

Further to our visit to the above premises this morning and our subsequent telephone conversation, can you please confirm, as much as you are aware of, what is happening with the premises, as there seems to be some confusion. North East Lincolnshire Council and Humberside Police Licensing Officers visited the premises today to hand deliver a notice that the premises licence had been suspended due to a failure to provide a transfer and vary dps application by 10 August 2022, which was the date given in previous correspondence with [REDACTED]

When we initially visited the premises on 25 July, we were given the impression, by [REDACTED]'s son, that they had taken the premises over from Mr & Mrs Rameshkumar, however we have today been advised that Mrs Rameshkumar is still the premises owner/licence owner and [REDACTED] is working for them until such a time he decides whether to take on the premises himself. Regardless of whether [REDACTED] is working for Mrs Rameshkumar or is the new owner, there are several conditions on the premises licence that are not being met at the current time. One of which, "From 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder". In our discussions [REDACTED] advised us that he holds a personal licence, but he could not provide evidence of this and as a result [REDACTED] was advised that, until further notice, no alcohol sales could take place. Furthermore, [REDACTED] was advised that, even if we do receive confirmation that he does hold a personal licence, he would be the only one able to sell alcohol in the shop at any time as his son does not hold a personal licence.

Therefore, can you please confirm: -

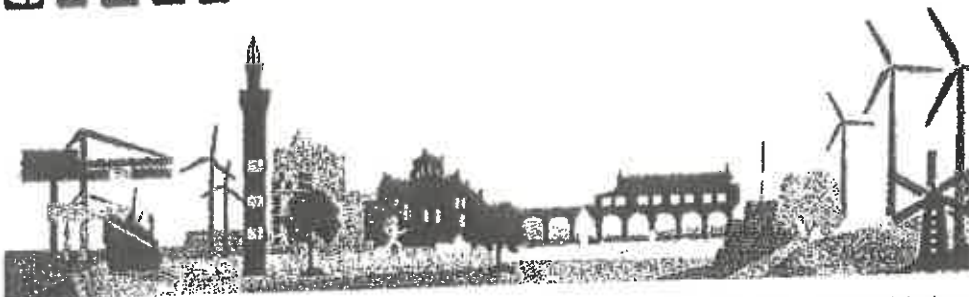
- whether [REDACTED] does hold a personal licence, and if he does provide evidence of this
- who are the current owners of the shop and what is happening with the lease/premises licence

[REDACTED] has been advised that, until such a time that we have evidence that he holds a personal licence, there should be no sales of alcohol made at the premises, I have also now been advised by Humberside Police that all alcohol should be removed from the shelves until this confirmation is received.

Please reply to this email as soon as possible so that I can confirm what is happening and hopefully sales of alcohol on the premises can resume.

Kind regards
Jo

Jo Bennett, Licensing Enforcement Officer
Licensing Section, Regulation and Enforcement Services
North East Lincolnshire Council, Doughty Road Depot, Doughty Road, Grimsby, DN32 0LL
Phone: 01472 326299 | licensing@nelincs.gov.uk | www.nelincs.gov.uk



Stronger Economy Stronger Communities
Together we can be stronger.

Our Council Plan pledges to work with partners to invest in our people and our place.

EXHIBIT AKS/15



HUMBERSIDE POLICE
Licensing Department
Cromwell Road Police Station
Cromwell Road
Grimsby
DN31 2BW

Switchboard: 101
Telephone Direct: [REDACTED]
Mobile: [REDACTED]

Mrs J Rameshkumar
Cartergate News & Wine
84A Cartergate
Grimsby
North East Lincolnshire
DN31 1RT

This matter is being dealt with by:
3014 Allison Saxby
e-mail: [REDACTED]

24/08/2022

Dear Mrs Rameshkumar,

RE – Recent Licensing Check

I write regarding a recent visit to the premises in order to conduct a Licensing check on 24/08/22 with my colleague, Jo Bennett, from North East Lincolnshire Council.

On visiting the premises, after some confusion over who was in charge at the shop, we were advised that you are in charge, but have left [REDACTED] in charge of the shop during your absence.

Through discussions with [REDACTED] and his son at the premises and checks conducted, I found a number of issues and breaches of your licence. These include:

- [REDACTED] was not aware of the Premises Licence Conditions
- [REDACTED] does not currently hold a personal licence – we were informed that an application has been submitted but there was no evidence to support this
- His son, who works the majority of the time in the shop does not hold a Personal Licence, and agreed that he would have sold alcohol.
- It was also confirmed no alcohol sales training had been conducted to the staff at the premises, and no training log was provided as it does not exist.
- [REDACTED] could not show me the CCTV, but stated it records for 16 days – it should be for a minimum of 30 days.

As you are aware, these conditions have been placed on the licence to ensure the Licensing Objectives are upheld after some serious incidents at the premises. A personal licence holder must make the alcohol sales after 1000hrs every day, as imposed by Grimsby and Cleethorpes Magistrates Court in May 2010. This is not a new condition and must be adhered to. There has also been a warning from a previous sub-committee, which was sent at the time to your husband, for the

premises to be run smoothly, promoting the licensing objectives, which is not happening by the premises licence being knowingly breached.

Please ensure that you and your staff familiarise yourself with the conditions on the Premises Licence.

As the Designated Premise Supervisor, it is appropriate that Humberside Police make you aware of the above faults. The Police are keen to work with you, and have done, to ensure your premises operates safely and ensure the four licensing objectives are not undermined.

Humberside Police, whilst willing to assist you, must point out that we will continue to monitor the premise, and we will consider appropriate enforcement action or prosecution.

Yours faithfully



Alison Saxby
3014
Licensing Officer

Copies to: 84a Cartergate
Mrs Rameshkumar Home Address
(email)

EXHIBIT AKS/16



**North East Lincolnshire
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@nelincs.gov.uk
Telephone: 01472 324770

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Is the applicant's business registered outside the UK? Yes No

Note: completing the Applicant Business section is optional in this form.

Business name

VAT number

If the applicant's business is registered, use its registered name.
Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business LICENSING AGENT

Home country United Kingdom

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes

No

Applicant must be 18 years of age or older

* Your date of birth

dd / mm / yyyy

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name 84A

Street CARTERGATE

District

City or town GRIMSBY

County or administrative area

Postcode DN31 1RT

Country United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form note 2\)](#)

* Does the premises have an address?

Yes

No

Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither

Premises licence

Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

IT IS AT THE CURRENT RETAIL PREMISES.

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

THIS IS TO SELL ALCOHOL WHILE VARIATION OF THE CONDITIONS IN PLACE. WHILE DPS MANAGE THE PREMISES WHILE AWAY

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

THIS IS TO SELL ALCOHOL WHILE VARIATION OF THE CONDITIONS IN PLACE. WHILE DPS MANAGE THE PREMISES WHILE AWAY, THE PREMISES UNDERTAKE TO ADHERE TO ALL CONDITIONS ON THE CURRENT LICENCE EXCEPT PERSONAL LICENCE HOLDER SHOULD BE PRESENT

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises [\(see also guidance on completing the form, note 6\)](#):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

08.00 TO 23.00

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

8

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
 Off the premises only
 Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date

23	/	08	/	2022
dd		mm		yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/north-east-lincolnshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="1063"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

EXHIBIT AKS/17



Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003

March 2015

7. Temporary Event Notices (TENs)

7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing).
- 7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.
- 7.5 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.6 The police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).
- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Standard and late temporary event notices

- 7.8 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

Standard temporary event notices

- 7.9 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.
- 7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
- 7.11 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

Late temporary event notices

- 7.12 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.15 are not exceeded.
- 7.13 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing conditions.

Limitations

- 7.15 A number of limitations are imposed on the use of TENs by the 2003 Act:
- the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
 - the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.

- the number of times a TEN may be given for any particular premises is 12 times in a calendar year (the Deregulation Act 2015 has increased this number to 15 with effect from 1 January 2016);
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

7.16 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

7.17 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act 2004.

7.18 A TEN that is given and subsequently withdrawn by the TEN user can be included within the limits of the numbers of TENs allowed in a given calendar year.

7.19 Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given. Proposed activities that exceed these limits will require a premises licence or club premises certificate.

7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.

7.21 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.

7.22 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the limits are not exceeded in the case of each notice. Where the events are due to take place in different licensing authority (and police) areas, the respective licensing authorities and relevant persons would each need to be notified accordingly.

Who can give a temporary event notice?

Personal licence holders

7.23 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENs given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 12 TENs in respect of each premises in a calendar year.

Non-personal licence holders

7.24 The 2003 Act provides that any individual aged 18 or over may give a TEN to authorise the carrying on of all licensable activities under the Licensing Act 2003, whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities and the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

Role of the licensing authority

7.25 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.15). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.

7.26 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.

7.27 Where the TEN is in order, the relevant fee paid and the event falls within the prescribed limits, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). The licensing authority must do so, no later than the end of the first working day following the day on which it was received (or by the end of the second working day if it was received on a non-working day), unless an objection notice is received beforehand from the police or EHA on the basis of any of the four licensing objectives (see paragraphs below).

7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. Alternatively, it can

decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

- 7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.
- 7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.
- 7.31 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. There is no requirement to record all the personal information given on a TEN.

Police and environmental health intervention

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.
- 7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

Modification

- 7.36 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

Applying conditions to a TEN

- 7.37 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
 - if that objection has not been withdrawn;
 - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
 - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.
- 7.38 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Hearings to impose conditions

- 7.39 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

Duty of premises users to keep and produce TENs

- 7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014³.

³ For further guidance on the closure power under the 2014 Act, please refer to https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2.pdf