



To be submitted to the Council at its meeting on 16th March 2023

LICENSING SUB-COMMITTEE

7th December 2022 at 9.30 a.m.

Present:

Councillors Farren, Hasthorpe and K. Swinburn

Officers in attendance:

- Kate Brooks (Licensing Enforcement Officer)
- Georgina Goodhand (Licensing Enforcement Officer)
- Linda Milner (Licensing Enforcement Officer)
- Iain Peck (Senior Licensing Enforcement Officer)
- Sophie Pickerden (Committee Support Officer)
- Eve Richardson-Smith (Deputy Monitoring Officer)

Others in attendance:

- Barinderjeet Gaddu (Premise Licence Holder)
- Ms Gaddu (Premise Licence Holder)
- Malcolm Cooke (Solicitor)
- Alison Saxby (Humberside Police)
- Andrew Petherbridge (Humberside Police Legal Representative)
- Karen Barker (Home Office Representative)

There were three observers and no members of the press in attendance.

LSC.4 APPOINTMENT OF CHAIR

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

COUNCILLOR HASTHORPE IN THE CHAIR

LSC.5 DECLARATIONS OF INTEREST

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

LSC.6 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE – “GO LOCAL” 117 CHELMSFORD AVENUE, GRIMSBY DN34 5BZ

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

The sub-committee considered an application for a review of premises licence in respect of the premises known as “Go Local” 117 Chelmsford Avenue, Grimsby DN34 5BZ.

Ms Richardson-Smith outlined the preliminary legal issues in relation to the bundle of papers, additional evidence served and the process to follow for the hearing.

Mr Peck summarised the application. He explained that the application for review had been submitted by Humberside Police in conjunction with the Home Office regarding immigration offences and the undermining of licensing objectives under the Licensing Act 2003. Mr Peck outlined to the sub-committee the actions they could take against the premises licence holder.

The Chair invited Mr Petherbridge to address the sub-committee on behalf of Humberside Police. Mr Petherbridge stated that it was appropriate for the sub-committee to exercise their powers as the licensing objectives had been undermined. Mr Petherbridge stated that the sub-committee should consider revoking the licence as a serious incident had occurred. Mr Petherbridge stated that Mr Gaddu had employed an illegal worker who had been found to be working at the premises on 21st November 2021 and 8th September 2022 by the police and immigration officers. Mr Petherbridge stated that there was no other person present at the premises who could have been working on the 8th September 2022. Mr Petherbridge said that there had been a blatant and repeated risk at the premises and that the sub-committee had no reason to divert from the revocation guidance. Mr Petherbridge stated that a baseball bat and ball had also been found to be behind the counter by officers and that when a receipt was printed it showed that the illegal worker had served at least one customer. Mr Petherbridge said that the individual was asked about why the baseball bat was at the premises, and he said he did not know why it was there. Mr Petherbridge stated that the individual was asked to close the shop and he said that the individual knew the process of how to do this. Mr Petherbridge said that when officers first entered the premises on the 8th September 2022, the individual told them that the licence holder had only gone out and would be back

in ten minutes, however officers were at the premises for thirty-five minutes. Mr Petherbridge stated that the police believe that the licence holder had been purposely misleading officers. Mr Petherbridge informed the sub-committee that there had also been issues regarding CCTV and that when officers returned on the 9th September to look at the CCTV, the licence holder had said he was not sure how to use the system. Mr Petherbridge said that officers did check the footage for the 8th September and it showed the illegal worker working at the premises. Mr Petherbridge further stated that officers viewed footage from random dates to see if the individual was working at the premises on other days as well and he was seen to be found working on various other days. Mr Petherbridge said that the licence holder had said that it was just luck that the individual was at the premises on those dates, and he reiterated that the individual did not work at the premises. Mr Petherbridge stated to sub-committee members that if they were minded to give the benefit of the doubt to the licence holder, then they should be aware that the individual was also working at the premises on Littlefield Lane. Mr Petherbridge stated that there had been two breaches of immigration legislation and there had been an undermining of the licensing objectives. He said that the first breach was in November 2021 and a subsequent civil penalty was issued. Mr Petherbridge concluded that while the premises licence holder had said he was sorry and that lessons had been learnt, they clearly had not been, and it was his view that the licence holder was sorry for being caught.

Councillor Farren queried whether other staff working at the premises were also family members or friends. Mr Cooke stated that the other staff member was not a member of Mr Gaddu's family but was a UK citizen. Councillor Farren queried whether there was an existing condition on the premises licence regarding CCTV and it being available. Ms Saxby stated that there was no condition on the licence requiring it be available for 31 days but that the police recommend it be accessible for a decent amount of time. Councillor Farren queried whether the CCTV from the premises did go back 31 days. Ms Saxby stated that the police could view CCTV from 10th August onwards.

The Chair invited Ms Barker to address the sub-committee on behalf of the Home Office.

Ms Barker confirmed that it was the same person on both dates at the premise and that the individual remained in the UK as there was an outstanding criminal offence that still had yet to be heard.

The Chair invited Mr Gaddu's solicitor Mr Cooke to address the sub-committee on behalf of his client.

Mr Cooke stated that he thought it was appropriate for him to ask his client some questions in order for the sub-committee to

consider his view on the events that had occurred. Mr Cooke asked his client whether he accepted that a breach of immigration legislation had occurred. Mr Gaddu responded that he did accept that. Mr Cooke asked his client to outline to the sub-committee the facts of what had happened. Mr Gaddu stated that he accepted he had made a mistake and that the illegal worker did not live with him and his wife and that he had not paid him to work on the premises but had asked him for help. Mr Gaddu stated that regarding the November 2021 incident, the individual did work in the shop but said he was not working when he was on the premises in September 2022 and was instead visiting and having lunch. Mr Gaddu explained that the baseball bat found on the premises was there for his son along with a ball. Mr Cooke asked his client to confirm that the baseball bat was not on the premises to be used as a weapon. Mr Gaddu confirmed that the baseball bat was not at the premise to be used as a weapon. Mr Cooke asked his client to explain what action he would take to avoid similar incidents occurring in the future. Mr Gaddu said that he would require paperwork for all staff and would provide sufficient training. Mr Cooke asked his client to confirm that he would follow the challenge 25 scheme. Mr Gaddu stated that he would have all the relevant challenge 25 signs displayed on the premise and would follow the correct process. Mr Cooke asked his client to outline what his proposal was regarding CCTV. Mr Gaddu stated that he would keep the CCTV for the 31 days and that he had contacted professionals to help him with this. Mr Gaddu stated that he had also spoken to licensing officers and legal representation regarding following licensing rules and objectives. Mr Cooke stated to Mr Gaddu that should the committee decide to let him keep his licence, he could be subject to conditions, he asked his client whether he would comply with them. Mr Gaddu stated that he would comply with all the conditions and apologised to the committee for his previous conduct.

Councillor Farren queried why Mr Gaddu had only just come to understand that paperwork was needed for people to work at the premises. Mr Gaddu stated that he knew the individual was illegal and was very sorry. Councillor Farren asked Mr Cooke how he was helping his client regarding the premises licence. Mr Cooke stated that he had informed his client that he must sharpen his practices and had given him advice on how to do so. Councillor Farren queried how Mr Gaddu supported the local community. Mr Gaddu stated that he supported the local community and that during lockdown he had offered a delivery service to his customers. Ms Gaddu stated that they both have a good relationship with their customers. Councillor Swinburn queried why Mr Gaddu had decided to seek advice from Mr Cooke now and not after the incident in November 2021 when they received a fine of £10,000. Mrs Gaddu stated that her and her husband were very sorry but did not have the correct information at the time and had also lost a family member. Councillor Swinburn queried whether they had

received a second fine. Mr Gaddu stated they had not received a second fine. Mr Cooke stated that there had been an indication that there would be no further financial penalty. Ms Barker responded that during both visits, there had been lots of masking going on and officers were not given direct answers to questions asked. Ms Richardson Smith asked for clarification on whether the Home Office were wanting to issue a fine. Ms Barker stated that they did want to, but that the premise licence holder had evaded the penalty. Councillor Hasthorpe queried as to why the sub-committee should believe Mr Gaddu. Mr Gaddu stated that he would not do anything wrong again. Ms Gaddu said that they would request for all staff to follow the rules and that they had both learnt a lot of lessons. She further stated that they had two children and that their livelihood depended on the licence.

The Chair invited all parties to make their closing statements.

Mr Petherbridge stated that the police accepted the apologies from Mr Gaddu but that the law was clear in the circumstance.

Ms Barker stated that the owners evaded questions from officers, and they had been fined before and knew that if they admitted anything they could be fined again. Ms Barker said that the owner remained silent and therefore evaded the fine.

Mr Cooke stated that his client had previously paid a large fine and had a family to provide for and other obligations. He asked the sub-committee to give his client a second chance and confirmed that his client would implement conditions. Mr Cooke said that his client was aware that this would be their last chance.

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

The Chair thanked everyone for their attendance at the hearing. He said that the sub-committee had taken into consideration all representations both in writing and orally. The Chair stated that the sub-committee appreciated that this was Mr Gaddu's first time appearing before them but that the sub-committee was there to ensure compliance with Licensing objectives. The Chair said that it was clear that the previous financial penalty had not been effective to prevent further occurrences and breaches of the Licensing objectives. The Chair further stated that it was a difficult decision and that the sub-committee were split on the verdict. He said that so many factors point to revoking the licence immediately and that the premises licence holder had blatantly and wilfully disregarded the previous offences and a £10,000 fine by immigration authorities. The Chair stated that the fine should have been a sufficient warning. The Chair said that the stringent conditions that would now be attached to Mr Gaddu's licence mean should he be foolish enough to commit further breaches of that licence and

appear before the sub-committee again, there would be no other choice than that of revocation. The Chair said that it was difficult for the sub-committee to believe that he would listen and take notice of the conditions being imposed but that he hoped he would understand the severity of his offending and that we would not have to take that decision. The Chair stated that the decision of the sub-committee was that the licence be suspended for 3 months and the conditions outlined in the agenda papers on pages 73-74 and 87-88 regarding both licensing and immigration regulations be applied. The Chair further stated that there have been admissions of immigration offences which clearly undermined the licensing objectives. The Chair said the sub-committee believed that the decision taken was proportionate and reasonable and would be a final warning.

RESOLVED – That the premises licence be suspended for a time period of three months and that conditions outlined on page 73-74 and 87-88 of the agenda paperwork be applied to the licence.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 12.02 p.m.