



To be submitted to the Council at its meeting on 15th December 2022

LICENSING SUB-COMMITTEE

25th January 2023 at 10:00am

Present:

Councillors Hasthorpe, Mickleburgh and K Swinburn.

Officers in attendance:

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

Others in attendance:

- Mr Gaddu (Premise Licence Holder)
- Mrs Gaddu (Designated Premise Supervisor)
- Malcolm Cooke (Solicitor)
- Alison Saxby (Humberside Police)
- Andrew Petherbridge (Humberside Police Legal Representative)
- Karen Barker (Home Office Representative)

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

LSC.7 APPOINTMENT OF CHAIR

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

COUNCILLOR HASTHORPE IN THE CHAIR

LSC.8 DECLARATIONS OF INTEREST

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

LSC.9

APPLICATION FOR A REVIEW OF THE PREMISE LICENCE – “GO LOCAL” 52 LITTLEFIELD LANE, GRIMSBY DN34 4PL

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” 52 Littlefield Lane, Grimsby

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

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

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

Ms Barker stated that a visit was made to the premise on the 8th September 2022 following intelligence received that an illegal worker was working at the premise. Ms Barker said that officers entered the premise on the 8th September 2022 and found a man to be behind the counter and a female to also be present at the premises. She said that officers obtained identification and the man said that he was watching cricket. Ms Barker said that the man was in the UK on a visa which was set to expire in a months' time and was a visa which did not permit the man to work in the U.K. Ms Barker stated that the female who was present had permission to work. Ms Barker said that Mr Gaddu later entered the premise and was asked about the male working at the shop. She said that Mr Gaddu told officers that the male was not working at the premise and that he had only been away from the premise for twenty minutes. Ms Barker stated that police officers checked the CCTV and it showed that the male had been working at the premise for two hours prior to officers arrival and that he had been working at the premise on several other dates. Ms Barker stated that it was not a one off and that the male was not minding the shop. Ms Barker stated that the male was arrested, and that Mr Gaddu called the detainee's family who entered the shop and the family had to witness the male being arrested. She said that it was not a responsible way for a premises licence holder to act. Ms Barker stated that Mr Gaddu never admitted the male was working at the premise until CCTV was shown.

Councillor Swinburn asked Mr Gaddu if the male was related to him. Mr Gaddu confirmed that it was his brother. Councillor Mickleburgh asked Ms Barker whether there had been any more incidents at the premise since 8th September 2022. Ms Barker stated that there had been no more incidents involving the Home Office, but she said she believed that there had been some incidents with the Police regarding Challenge 25 requirements.

The Chair invited Mr Petherbridge to address the sub-committee on behalf of Humberside Police.

Mr Petherbridge stated that he was speaking on behalf of the Chief Constable. He said that the licensing objectives had been undermined and that it was of the Chief Constable's belief that revocation of the licence was the only appropriate option. Mr Petherbridge said that whilst it was the first immigration offence at the premise, the premises licence holder has had other issues at other premises he is responsible for. Mr Petherbridge stated that Mr Gaddu had attended a recent Licensing Sub Committee relating to another one of his premises and that the decision reached by the sub-committee was currently going through the appeal process. Mr Petherbridge reiterated that whilst the premise was different, the entity was the same and that what happened at the other premise was relevant. Mr Petherbridge stated that a £10,000 fine was issued to Mr Gaddu regarding the other premise and said that this had not deterred future breaches. Mr Petherbridge said that Mr Gaddu had been spoken to by immigration officers and that his answers had not offered any clarity to the situation at the premise. Mr Petherbridge stated that Mr Gaddu either did not know what was going on at the premises or was purposely being misleading. Mr Petherbridge said that there are two existing conditions on the licence relating to CCTV and the duration in which CCTV must be kept for. He said that when officers asked to view the CCTV, Mr Gaddu told them he only had ten days recorded and then later said he had fifteen days recorded. Mr Petherbridge said that Mr Gaddu had told officers that he was not sure how to operate the CCTV. Mr Petherbridge stated that when officers looked at the CCTV, there was nineteen days recorded meaning the existing condition of keeping thirty-one days recorded had been breached. Mr Petherbridge stated that after officers viewed the CCTV, Mr Gaddu admitted to the male working at the premise. Mr Petherbridge stated that the Police believe that Mr Gaddu had lied to the authorities and that a previous fine of £10,000 in relation to another one of his premises had not stopped him from committing further offences. Mr Petherbridge stated that it was the view of the Police that any measures other than revocation of the licence would be insufficient and that revocation was the appropriate sanction. Mr Petherbridge concluded that the Chief Constable would say that immigration offences are extremely serious.

Councillor Mickleburgh queried whether the Police had visited the premise since the incident. Mr Petherbridge stated that the Police had not gone back to the premise and said that that was not relevant when you consider the breaches.

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 and said that the male was his brother who had a visa. Mr Cooke asked Mr Gaddu why he let the male work at the premise. Mr Gaddu stated that he was not working and was instead helping and was not paid. Mr Cooke sought clarification from his client as to whether any payments were made to the male. Mr Gaddu stated that no payments were made. Mr Cooke asked Mr Gaddu whether he knew the male had a visa. Mr Gaddu confirmed he did know he had a visa. Mr Cooke asked Mr Gaddu whether he inspected the visa. Mr Gaddu said that he never did. Mr Cooke sought clarification from his client as to whether he was aware that the visa had conditions. Mr Gaddu stated that he was not aware of any conditions in relation to the visa. Mr Cooke asked Mr Gaddu what steps he would take in future to avoid similar incidents. Mr Gaddu said that he had learnt a lot and would now check all relevant paperwork for his employees. Mr Cooke stated that there had been complaints regarding Challenge 25 and Mr Gaddu not implementing training. Mr Gaddu responded that he would give all new staff training and would inform them of Challenge 25. Mr Cooke asked his client if he had sought advice from the local licensing department about training. Mr Gaddu confirmed he had spoken to licensing officers. Mr Cooke asked his client if he had passed the licensing exam and whether he held a personal licence. Mr Gaddu confirmed he did hold a personal licence and had passed the licensing exam. Mr Cooke asked his client if he thought his licensing knowledge had increased and if he felt he was competent at running a business. Mr Gaddu stated that he did and that his licensing knowledge had increased. Mr Cooke asked his client if he had received any other complaints. Mr Gaddu stated that he hadn't had other complaints and said that he had a good relationship with his customers. Mr Cooke asked his client if he had read the conditions outlined in the agenda papers as these could be added to his licence. Mr Gaddu said that he had read the conditions. Mr Cooke asked his client if he would be prepared to comply with the conditions should they be added to his licence. Mr Gaddu stated that he would comply with the conditions. Mr Cooke stated that since the last hearing, his client had taken appropriate steps with regards to training staff and had also addressed the issues with the CCTV. Mrs Gaddu said that they were fulfilling all responsibilities and that

they are training staff and displaying the Challenge 25 sign. Mrs Gaddu said that they were very sorry about the situation and said that her husband felt stressed on the day. Mrs Gaddu commented that they felt responsible that her husband's brother had got in trouble, and she reiterated that he was helping them with the shop and was not being paid.

Councillor Swinburn queried whether there had been any other incidents during the ten years of Mr Gaddu being the premises licence holder. Mrs Gaddu said that there had been no other incidents.

The Chair invited all parties to make their closing statements.

Mr Petherbridge referred sub-committee members to page 73 and said that the information outlined showed Mrs Gaddu was not telling the truth.

Ms Barker said that both the licence holder and the designated premise supervisor are aware of the visa system as they also entered on the visa. She said that Mr Gaddu would surely know the conditions and how the visa regime worked. Ms Barker said that as the employer, Mr Gaddu was supposed to carry out illegal worker checks which he had not done.

Mr Cooke stated that Mr Gaddu had confirmed he had not checked the visa and that he had acted naively. He said that the incident had been a wake-up call for his client and asked that sub-committee members gave him a second chance and give the same consideration as they did at the previous hearing for the Chelmsford Avenue premise.

The Chair asked Mr Gaddu if he considered himself to be an honest man. Mr Gaddu stated that he was an honest man. The Chair asked him why he had lied to the Police and Immigration Officers if he was honest. Mr Gaddu said that he was honest. The Chair said that the evidence showed that he had lied. Mr Cooke asked his client to explain why he originally said his brother was not working at the premise. Mr Gaddu said that he was sorry, but he didn't feel that his brother was working there and was instead helping out. He said if he lied, he was sorry.

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

The Chair stated that it was the job of the sub-committee to ensure the highest standards from licence holders within the authority. He said having discussed the matter at length, the sub-committee believed that a line should be drawn, and the Chair said that he wanted to reinforce the fact that Mr Gaddu's business was well and truly under the spotlight of both the police and immigration. The

Chair said should there be any reoccurrence of the situations outlined and Mr Gaddu appeared before the sub-committee again, the sub-committee would look to immediately revoke the licence. The Chair stated that the unanimous decision of the committee was to suspend the premise licence for the maximum three months. The Chair said that the sub-committee would also be adding the proposed conditions at pages 37, 38 and 97 to Mr Gaddu's licence. The Chair said it was a close decision and that considering all the circumstances surrounding the visit on 8th September 2022, including the naivety shown by Mr Gaddu in dealing with the authorities during the event. The Chair said that as stated at the previous hearing, there have been clear admissions of offences which undermine the licensing objectives. He said that the sub-committee believe that the decision taken was both reasonable and proportionate for the case. The Chair said he wanted to reiterate what he had said at the previous hearing that this was Mr Gaddu's final warning regarding the operation of his licensing activities. The Chair stated that suspension of a licence was still a serious punishment and the extra conditions added to Mr Gaddu's licence would promote the licensing objectives. The Chair told Mr Gaddu that nobody wanted to see him lose his business and the opportunity to support his family and the wider community.

RESOLVED – That the premise licence be suspended for a time period of three months and that conditions outlined on page 37-38 and 97 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 11:50am.