

CHIEF CONSTABLE OF HUMBERSIDE POLICE

Applicant

-and-

MRS JEYATHEVI RAMESHKUMAR

Respondent

**STATEMENT OF
ALISON KATE SAXBY**

Introduction

1. My name is Alison Kate Saxby and I am a Licensing Officer in the Licensing Section of the Humberside Police based at Cromwell Road Police Station, Grimsby. I cover the county of North East Lincolnshire. I am under the direction and control of the Chief Constable of Humberside Police ('the Chief Constable'). My duties include consideration of the impact of crime and disorder and the Chief Constable's response to licensing matters.
2. I have been a Licensing Officer since April 2018, prior to which I was a Finance Assistant for 4 years, a Public Service officer for 2 years and an Anti Social Behaviour Researcher for 2 ½ years. I have worked for Humberside Police for over 12 years, therefore I am familiar with problems of alcohol related crime and disorder in both in my current and previous roles.
3. The Respondent, Mrs Jeyathevi RAMESHKUMAR, is the premises licence holder for the premises licence granted under Part 3 of the Licensing Act 2003 ('the Act') in respect of the premises known as Cartergate News and Wine, situated at 84A Cartergate, Grimsby, North East Lincolnshire, DN31 1RT. Premises Licence PM000350 relates to the premises.

4. I make this statement in support of the Chief Constable's Objection to the review of the premises licence under Section 51 of the Licensing Act 2003 and is in addition to those papers already served on the authority. The information in this statement is either within my personal knowledge or is taken from files maintained by the Chief Constable.

Background

5. The Respondent is the Premises licence holder and the Designated Premises Supervisor at the premises, after an agreement between Humberside Police and Legal Representation for Mrs Rameshkumar in July 2021, prior to an objection hearing.
6. The premises is situated in a primarily residential area, with a small number of businesses nearby, including a hairdresser, Solicitors, café and social club. It is on the outskirts of Grimsby Town Centre.
(EXHIBIT AKS/01)
7. The premises licence permits the sale of alcohol Monday to Saturday 0800 to 2300 and on Sunday between 1000 to 2230. There are embedded restrictions in Annex 1 which limit the sale of alcohol hours on Christmas Day from 12 noon to 1500 and 1900 to 2230, and Good Friday from 0800 to 2230. **(EXHIBIT AKS/02)**
8. The licence is subject to conditions in addition to those that are mandatory. They are listed in Annex 2, Annex 3 and Annex 4 of the licence.
9. The conditions in Annex 2 were added in 2021, with Annex 3 conditions in 2010 after a consent order by Grimsby and Cleethorpes Magistrates Court, and Annex 4 by the Licensing Committee in 2019.

History

10. The premises was taken over by the respondent's husband in April 2007, and throughout 2007 and 2008, there were a number of issues at the premises, including a knife incident, anti-social behaviour by youths in drink and underage sales at the premises. Attempts were made with the premises to work with them, with warnings issued.
11. Unfortunately, issues were still happening at the premises, so Humberside Police applied to review the licence on 30th September 2009. The hearing was held on 24th November 2009 and it was found that, on the balance of probability, the Licensing Law had been disregarded for the previous 2 years, and that the offence was so serious it was lucky a child hadn't died due to the risk. The licence was revoked by unanimous decision. **(EXHIBIT AKS/03)**
12. This decision was appealed, and a hearing was held at Grimsby and Cleethorpes Magistrates court on 20th May 2010, where a consent order was made. In this, the licence was allowed to continue with agreed terms. This included that the licence continues but with new conditions, as seen in Annex 3. **(EXHIBIT AKS/04)**
13. Two of the conditions placed on the licence at this time were:
 - a) From 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder.
 - b) 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.

14. A further review hearing was held on 17th November 2011 after a Counsellor for North East Lincolnshire referred the premises due to further issues in the area. No further action was taken at this hearing as it could not be proven the issues were coming solely from the shop, and advice was given regarding labelling alcohol. A warning letter was sent to several premises in the area after this in an attempt to curb the behaviour and actions of intoxicated people.
(EXHIBIT AKS/05)
15. After a few years of visits and no further issues, a serious incident at the premises was reported to the police on 25th May 2019. A member of staff had hit a customer on the head with a hammer. This was after a customer was unable to find a means of paying, which escalated into a verbal altercation, before the customer pushed a display. The staff member reached for a hammer that was situated behind the counter and hit the customer with the claw, causing immediate injury to the top of his head. This staff member did not have a personal licence.
16. Licensing officers attended the premises on 17th June 2019 to discuss the incident and conducted a full licence check, which identified a number of issues, including there not being a premises licence holder working at the shop after 10am.
17. Behind the counter, a blue plastic cricket bat and a full size Samurai Sword were found. The cricket bat was removed, and the samurai sword was signed over to the Police. Stern words were given regarding having any item behind the counter that could be used as a weapon.
18. Due to the incident, the sword and the breaches, Humberside Police applied for a review of the licence. Further conditions were added to the licence by the sub-committee, which are detailed in Annex 4.

19. Five of the 7 conditions added were all related to alcohol sales training at the premises for staff.
20. The Sub-Committee stated that the conditions should deal with the underlying problems and promote the licensing objectives, adding *'they were giving him one last chance to prove he can run the premises smoothly and efficiently'* and revocation would be the starting point at further hearings. **(EXHIBIT AKS/06)**
21. On 30th November 2020, a male was identified by local officers for regularly committing shop thefts in Grimsby Town Centre, then regularly attending Cartergate News and Wine immediately after. On a number of times and dates, he would enter the shop with a full bag and leave moments later with the same bag looking less full, or empty.
22. On visiting the shop, Mr Rameshkumar admitted knowing the male was a thief and that he sometimes bought things from him. Items were located on the shelves that were known to be stolen, which was again admitted.
23. People continued to attend the shop to sell stolen items as it had now gained a reputation for accepting them, but he was advised to refuse them in order to change the reputation.
24. Mr Rameshkumar attended the Police station for an interview and stated he had been at the shop for 15 years and runs it, and his wife (the RESPONDENT) owns the shop. After stating the items were bought for use at home, he admitted that the items were for sale in the shop, and some items had been on the shelf for 10 days. He admitted he "did wrong". He received a Caution for this offence. **(EXHIBIT AKS/07)**
25. On 7th January, Mr Rameshkumar attended at the Police Station to speak to a Licensing officer dealing with the above offence. He

specifically asked if the plan was to review the premises licence. It was explained that his actions seriously undermined 2 licensing objectives – Prevention of Crime and Disorder and Public Safety, and that an application would be made to the local authority.

26. The review was submitted on 13th January 2021 but was rejected by the Local authority Licensing Department. This was due to 2 applications being received on the 12th January 2021 to transfer the licence and vary the DPS to Mrs RAMESHKUMAR.
27. It was believed that these applications were submitted in order to delay or even prevent the review from happening in an attempt to frustrate the licensing process.
28. Humberside Police placed an objection for both applications, and on 5th February, but the applications were withdrawn by the representative for the premises. The review application was resubmitted. **(EXHIBIT AKS/08) (EXHIBIT AKS/09)**
29. Discussions were held between Humberside Police and the representative for the premises, [REDACTED], and visits were made to speak to Mr & Mrs Rameshkumar at the shop. Despite these conversations, there was insufficient information provided to allay concerns that the shop would be run any different with Mrs Rameshkumar in charge of the shop.
30. It was suggested that Mr Rameshkumar not be involved directly or indirectly in the day-to-day running of the premises, which was not appropriate as they live in the same house so conversations could be held at times the premises is shut.
31. The applications to Transfer the licence and vary the DPS were submitted again on 1st April 2021, and these were objected to as before, due to the fact that the parties are inextricably linked due to

being husband and wife. Both the review and objection hearings were scheduled for 29th April 2021. **(EXHIBIT AKS/10)**

32. Unfortunately, in the time before the hearing, Mr Rameshkumar had a medical emergency which required a long hospital stay. Obviously the health concerns were paramount, so the hearings were adjourned until such a time as deemed acceptable by all parties involved. The hearing was rearranged for 30th September 2021.
33. Due the delay the unforeseeable event had, and the belief that Mrs Rameshkumar had been running the shop with no issues during the 5 months, it was agreed by all parties that the right thing to do would be for Humberside Police to withdraw the objections to her being the Premises Licence Holder and the DPS at the premises.
34. An agreement between parties was also reached in order to add the current Annex 2 conditions on to the licence.

Current Incident

35. On 25th July 2022, a visit was paid to the shop to speak to Mrs Rameshkumar as a follow up, to see how she was finding the shop and also to check how Mr Rameshkumar's recovery was going. This was a joint visit between Humberside Police and Jo Bennett from North East Lincolnshire Council Licensing Department whilst we were doing other enquiries in the area. **(EXHIBIT AKS/11)**
36. On entering the premises, there was a young male behind the counter that we were not familiar with. We asked if we could speak to Mrs Rameshkumar, but were advised that she was no longer involved and that his dad had taken over the premises a couple of months ago. We confirmed, for the sake of clarification, that Mr and Mrs Rameshkumar were no longer involved in any capacity, and he agreed saying no they weren't, it was their shop now.

37. Jo Bennett then stated that as they had been there a couple of months, they needed to transfer the licence and vary the DPS to themselves so that they were operating in accordance with the Licensing Act. She left the male her email address, written down, so that they could email her for her to send electronic forms to them to make it easier. She asked that the email address be passed on to his dad and they email that day or as soon as he can do. This was understood.

38. Jo revisited the store on 28th July 2022 as she had not had any communication from the store. She hand delivered a letter to the shop advising that the new owner needed to complete the relevant forms to transfer the licence and vary the DPS, and return them by 10th August 2022. Also provided was a copy of the premises licence so that the conditions on the licence could be familiarised with, specifically the condition from 1st September 2010 that "all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder". The letter was handed over to a male called [REDACTED], who was identified as the new owner, and father of the person spoken to on 25th July 2022.

(EXHIBIT AKS/12)

39. On 23rd August, a joint visit was conducted by Humberside Police and North East Lincolnshire Council to the premises as no applications had been received and no contact had been made from the premises, as requested. Once again, the son was in the premises by himself.

40. We requested to speak to [REDACTED] who we were advised had recently left the shop. It was asked that contact be made and if he could return to the premises so it could be discussed about the applications.

41. [REDACTED] stated that he had attended the council offices and had spoken to a person there, but couldn't explain who had been

spoken to, and why the applications hadn't been left there. We continued to question if it was to do with the Transfer and Vary DPS applications, but there was also some confusion regarding a personal licence application. North East Lincolnshire Council Licensing Team had not been made aware of a visit or any message to contact him further.

42. At this point, we asked whether he held a personal licence. Initially he stated yes, but during the course of the conversation it was found that he had completed a Personal Licence course in May 2022, and had one from Uxbridge. This could not be produced on request, to which we were informed that he had not received one yet.
43. Paperwork was located at the premises which had the documents Jo had dropped of in it, and also a DBS check in it. A DBS check is required to apply for a personal licence, and this one was dated 2nd August. There was no paperwork regarding a Personal licence application, a receipt or any proof of payment provided to prove that it had been applied for. It was also confirmed that his son had not undertaken the course, and therefore did not have a Personal Licence.
44. I was advised by the son that he had not served any alcohol at the shop. I challenged this due to the fact the shop is well known for serving alcohol, that he is there by himself and would have, over the course of 3 months, served customers alcohol, to which he nodded.
45. At this point, both parties stated they had not taken over the shop yet, and that they were running it on behalf of Mrs Rameshkumar whilst she was away in India until mid September 2022. They were running it to see if they wanted to take it on full time. This was a total contradiction to all the other conversations that we had previous to this point and also on the other visits.

46. It was stated that Mrs Rameshkumar was monitoring the shop remotely through a Video/CCTV system from India. We questioned this as it is not, in my professional opinion, an effective way to run a shop but were not shown anything sufficient to prove this was being done. He stated he was new to the job and was learning at the shop.
47. ██████████, then contacted a licensing consultant in his phone, who spoke to Jo. He identified himself as ██████████ from ██████████. After speaking to ██████████, he stated that he hadn't yet been issued with a personal licence, and that he didn't believe it was his shop.
48. A licensing check was also conducted whilst at the store. It was asked how long the CCTV recorded for, to which it was stated 16 days. I asked if CCTV could be viewed. They stated they did not have access to the CCTV, it was only Mrs Rameshkumar that could access. They were advised that CCTV needs to record for 30 days and made available on request. It was asked that this was changed so it recorded for the correct amount of time and also someone could access it.
49. I asked ██████████'s son if he had received any Alcohol sales training before working at the premises and selling alcohol. He stated that he hadn't, and confirmed there would not be a training record at the premises. It was advised there are 5 conditions on the licence relating to alcohol sales training, they are:
- Staff members to successfully undergo alcohol sales training before they are permitted to sell alcohol;
 - Alcohol sales training to include conflict management;
 - Staff members to undergo refresher alcohol sales training at least every six months
 - All training shall be documented and signed off by the DPS and the member of staff receiving the training

- 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.
50. Due to the stories changing and lack of confirmation as to who the shop belonged to, a decision was taken to suspend all the alcohol sales at the premises until it can be confirmed who was responsible for the premises, and therefore the licence. This was handed to [REDACTED] by Jo, who had prepared the letter due to the Transfer and Vary DPS forms not being submitted in a timely manner as requested. **EXHIBIT AKS/13**
51. It was explained that if we were satisfied that [REDACTED] was in charge then the suspension would remain until the forms were received. If it was Mrs Rameshkumar that was in charge then no alcohol sales could be made until a personal licence holder is present to make the sales. It was requested the alcohol was covered in the shop and that a sign was put in the window until contact was made to advise. They were unhappy with doing this due to the loss of trade, but closed the fridges whilst we were there.
52. They were asked after to remove all alcohol from the shelves too, until they were allowed to sell it again.
53. Jo emailed [REDACTED] Licensing to clarify what the circumstances were at the premises due to the contradictions that we had been told on the recent visit. She was advised that Mrs Rameshkumar was currently abroad but she was still the Premises Licence holder and DPS. [REDACTED] was looking after the premises and she was managing it via video/CCTV. He also confirmed again that [REDACTED] does not have a personal licence.

54. [REDACTED] later confirmed that a [REDACTED] would be managing the premises and working at the premises. He has a personal licence and is a local shop owner. **(EXHIBIT AKS/14)**
55. At 1610 hours on the same day, I had to drive passed the premises and could see that the alcohol was still on display, the shutters were up on the fridges and there was no sign on the door.
56. The suspension was lifted at 1700 hours after a meeting was held between Humberside Police and North East Lincolnshire Council Licensing Teams.
57. A warning letter was hand delivered to the premises on 24th August 2022 at 1415 hours, posted at Mrs Rameshkumar's home address and emailed to [REDACTED] to email to her and for their records. **(EXHIBIT AKS/15)**
58. In an attempt to bypass the licensing conditions, a Late Temporary Event Notice was applied for on 24th August 2022 by [REDACTED] Licensing on behalf of [REDACTED]. This was to sell alcohol whilst the DPS was away and to adhere to all the condition with the exception of having a Personal Licence Holder at the premises. This also stated that [REDACTED] did not have a personal licence as the question is asked in section 6 and is marked "no". **(EXHIBIT AKS/16)**
59. This application was objected to by Humberside Police due to the fact it breached the guidance regarding Temporary Event Notices (TENs). Under Section 182 guidance, section 7.20 states "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". The licensable activity here is Sale of alcohol, which is already covered by the premises licence, therefore the TENs application is not appropriate. It is a clear attempt to bypass the current conditions on the licence that have

been placed on the licence to protect the premises and allow it to run in a safe manner. (EXHIBIT AKS/17)

60. On 26th August 2022 at 12:46, a phone call was received from [REDACTED] Licensing who stated they wished to submit a minor variation in order to remove the condition relating to a Personal Licence Holder being present at the store for the Alcohol Sales. It was stated that Humberside Police would not be willing to do this due to the continuous issues the store has presented, unless substantial alternative conditions could be submitted to sufficiently satisfy us the Licensing Objectives could be upheld. It was also pointed out that the condition has been on for long enough that people should be employed with a personal licence to uphold this condition or put through the relevant course.
61. The consultant then stated that he did not believe that Humberside Police would give anyone at the shop a fair go. This was instantly rebutted, stating Humberside Police assess every application on its own merits, but in this instance there are already issues as either the DPS has left the shop in the hands of an inexperienced person without a personal licence, deliberately breaching the conditions, or it has been transferred and we have since been lied to by the new owner, who again is breaching the conditions of the licence.

Submissions

62. The view of the Chief Constable is that given the premises has had an extremely troubled past, and whilst it can be said that this was whilst the Respondents husband was in charge, it is clear that the responsibility of being a licence holder is not being taken seriously. The current premises licence holder has had a known involvement in the shop, as stated by her husband in 2020 when he stated she owned the shop.

63. The shop has been subject to various review hearings over the years, with the licence having been revoked by the Licensing Sub-Committee on one of those hearings. This was appealed and heard at Grimsby & Cleethorpes Magistrates Court and it was decided that they could continue to have the licence at the shop, as long as a number of conditions (5) were placed on the licence. These conditions included:

- From 1st September 2010 all sales of alcohol made after 1000 hours each day shall be made by a Personal Licence Holder.
- 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.

Mrs Rameshkumar has been the DPS since 28th September 2021, and having taken over the shop, she would have known the previous issues due to her husband having run the shop, and would be aware of the conditions as new ones were added on. Also the Licensing Agent would be aware of the current conditions, as well as the new conditions so should inform their client accordingly.

64. However, less than a year later, a routine visit to the premises finds a new party in the premises who initially advise that they had taken over 2 months previous, and the DPS was out of the country for a minimum of 3 months.

65. When issues were identified with the store, stories were changed and uncertainty prevailed.

66. The person who may be taking over has not familiarised themselves with the Premises Licence at all, even after it has been provided to them directly from the Council, and has been breaching the conditions.
67. What is certain is that Mrs Rameshkumar is still listed as the responsible person for the sales of alcohol at the premises and left the store under the responsibility of a person who does not hold a personal licence, does not have staff who have a personal licence, cannot access the CCTV so unable to provide it when requested, with CCTV that we have been informed does not record for long enough, and she has not trained the staff accordingly in alcohol sales.
68. A return visit to the store took place on 8th September 2022 so CCTV could be viewed due to a street drinker visiting the premises the previous day. The street drinker was seen accessing the store with nothing in his pockets, but leaving with full pockets after a couple of minutes, walking away from the premises before removing a can of alcohol out of his pocket.
69. This visit was also to offer assistance to the store to identify the person and explain the issues that are caused in the town centre so to refuse service to them. [REDACTED] was present at the shop and first stated his son had access to the CCTV but was at college, then stated Mrs Rameshkumar would be back the following week to be able to do it, so it is unlikely they followed the request from the previous visit.
70. On this occasion alcohol was covered up on the shelves and a sign stating no alcohol sales, however due to someone being seen the day before, no CCTV access, no access to the till report which was requested, and the fact that alcohol was stored in the store cupboard at the back of the store with a large number of open boxes, including

boxes containing cans of what was seen being drunk by the street drinker.

71. The premises was revisited on 15th September 2022. [REDACTED] was still not aware how to use the CCTV, so he contacted Mrs Rameshkumar to attend the shop. On her attendance, she signed into the system but stated that she did not know how to use it, and that her husband always did it. Through questioning, it was found that for the past year, since she took over, no one has been able to use the CCTV. In order to check if it was recording, myself and my colleague were able to figure out how to use the playback and could see that there were no recordings of any day. The licence states images should be kept for 30 days. Advice was given to get it looked at as a matter of urgency for the safety of the staff and customers, and it was a licence condition.
72. It is clear that there is a complete disregard for the conditions on the Premises Licence, either imposed by Police licensing, Council Sub-Committee or Magistrates court, therefore a complete disregard for the Licensing Objectives and Licensing act overall from both Mrs Ramsehkumar and [REDACTED]
73. Due to the continued issues at the premises, and no regard to wanting to change how the premises is being run by either party, it is the view of the Chief Constable that the premises will continue to undermine the licensing objectives, including the Prevention of Crime and Disorder and Public Safety, of the Licensing Act 2003.
74. The Chief Constable requests that the Licensing Committee consider the points made within this statement and asks that they revoke this premises licence.

I believe the contents of this statement to be true.

Signed:
Mrs Alison Saxby

Dated: 16/09/2022.....