

REPORT OF THE DEPUTY CHIEF EXECUTIVE

LICENSING SUB-COMMITTEE – 5 JUNE 2013

LICENSING ACT 2003 – CONSIDERATION OF THE TRANSFER OF A PREMISES LICENCE

RYE AND DRY, 19 RYHOPE STREET SOUTH, RYHOPE, SUNDERLAND

Mr Roy Jeyaruban Maurice and Mrs Kavitha Maurice

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the transfer of a premises licence for the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

- 2.1 When determining the application the Sub-Committee is requested to have regard to the notice given by Northumbria Police referred to in paragraph 4.0 below and to reject the application if it considers it appropriate for the promotion of the crime prevention objectives to do so.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Relevant representations have been received in relation to the application and these are detailed at section 4.0.
- 3.2 A copy of the application form to transfer the premises licence is attached as Appendix 1.

4.0 CURRENT POSITION

- 4.1 Northumbria Police have notified the Council that it is their belief that the granting of the application would undermine the crime prevention objective. A copy of the notice is attached as Appendix 2.
- 4.2 The application was due to be considered by the Licensing Sub-Committee on 22 May 2013. However, the hearing was adjourned to 5 June 2013 to allow for legal representation on behalf of the applicants.

5.0 REASONS FOR THE DECISION

- 5.1 To determine the application as requested by section 44(5) of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 There are no other considerations that require the attention of the Sub-Committee.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

Appendix 1 – Application form.

Appendix 2 – Northumbria Police notification.

10.0 BACKGROUND PAPERS

10.1 None.

Appendix 1

**Application to transfer premises licence to be granted
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/We ROY JEYARUBAN MAURICE and KAVITHA MAURICE

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

00CMPREM00240

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Rye and Dry (Newsagent and Convenience Store)
19 Ryhope Street South
Ryhope

Post town Sunderland

Post code SR2 0RN

Telephone number at premises (if any)

Please give a brief description of the premises

Newsagent and Convenience Store

Name of current premises licence holder

Jeyanthi Manikkauasagar

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

a) an individual or individuals*

Please tick yes

please complete section (A)

b) a person other than an individual *

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

iv. other (for example a statutory corporation)

please complete section (B)

c) a recognised club

please complete section (B)

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname
Maurice

First names
Kavitha

I am 18 years old or over

Please tick yes

Current postal address if different from premises address
121 St. Albans Road

Post town Watford **Post code** WD17 1RD

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

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Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

I have enclosed the premises licence

Please tick yes

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 18/03/13

Capacity Applicant

For joint applicants signature of 2nd applicant, 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) John Cosgrove Peter Dunn & Co 20 Athenaeum Street	
Post town SUNDERLAND	Post Code SR1 1DH
Telephone number (if any) 0191 568 9000	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) johncosgrove@peterdunn.co.uk	

Consent of premises licence holder to transfer

I/we JEYANTHY MANIKKAUASAGAR
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 00CMPREM00240
[insert premises licence number]

relating to

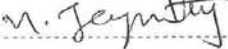
19 Ryhope Street South Ryhope Sunderland SR2 0RN
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

00CMPREM00240
[insert premises licence number]

to

ROY JEYARUBAN MAURICE and KAVITHA MAURICE
[full name of transferee].

signed 
name
(please print) JEYANTHY MANIKKAUASAGAR

dated 17/09/2013

Appendix 2

NORTHUMBRIA POLICE

Total Policing



Sunderland Area Command

Gillbridge Avenue Police Station

Gillbridge Avenue

Sunderland

SR1 3AW

Tel: 101

Fax: 0191 563 6198

3 May 2013

Peter Dunn & Co.
20 Athenaeum Street
Sunderland
Tyne & Wear
SR1 1DU

Cc: Sunderland Council

RE: Transfer of a premises licence, 19 Ryhope Street South, SR2 0RN

Northumbria Police are in receipt of the above application and wish to object on the grounds of crime and disorder. The Police have concerns with the premises which is currently operating under the name of Rye and Dry and is owned and managed by Jeyanthi Manikkauasagar, the current DPS is Baskaran Mukunthan. This licence has recently been reviewed and the Licensing Committee deemed it appropriate to revoke the premises licence due to the evidence offered by Northumbria Police and Trading Standards. The revocation of this licence has been appealed at Sunderland Magistrates Court.

Evidence submitted via the review related to underage sales of alcohol at the premises, no day to day input by the current DPS of the premises who has shown a lack of responsibility and duty of care in the sale of alcohol.

The transfer of the premises licence has been applied for in the name of Roy Jeyaruban Maurice and Kavitha Maurice, Mr Maurice has also applied to become the DPS of the premises. The Police have reason to believe that the new applicants have connections with the current owner and DPS of the premises and that the granting of the application would undermine the crime prevention objective

In email correspondence received from John Cosgrove on behalf of Peter Dunn & Co. Solicitors it is stated that the correspondence address for Mr & Mrs Maurice is 133 Fenham Drive, Newcastle. In the transfer application and the consent of an individual to being specified as premises supervisor, Mr Maurice states that his home address is also 133 Fenham Drive, Newcastle. This address is also the current address of the current DPS of Rye and Dry, Mr Baskaran Mukunthan.

The email correspondence states further that the shop will actually be managed by Ismail Abdul Hasan, with a staff of four. There are no further details given for this person, if he holds a personal licence, or has any relevant experience in managing a premises that has ongoing issues with a pattern of underage sales and lack of managerial responsibility.

Contact has been made with the London Borough of Brent Council who have confirmed that Mr Maurice holds a personal licence with them but his home

address is still in London (a copy of this correspondence is attached). It appears that Mr Maurice has not notified Brent Council of his change of address which is his duty, failure to comply with this duty without reasonable excuse is a criminal offence, Section 127(4)(5) LA 2003. A distant DPS would not be appropriate for these premises due to the ongoing issues.

The Police believe that this transfer has been submitted as a way to circumvent the current Licensing Act 2003 system, whereby if the licence is transferred the pending court appeal could be dropped and the premises can continue to operate under the premises licence. Transferring the premises licence and varying the DPS to a person who has strong connections with the current management of the premises will have no practical positive impact and could further undermine the promotion of the Licensing Objectives.



Richard Jackson
Chief Inspector
Sunderland Area Command
Northumbria Police

Enc...



"Viechweg, Dennis"
<Dennis.Viechweg@brent.gov.uk>
ext:

02/05/2013 15:24
Please think of the environment
before you print

To "sarah.howson.4672@northumbria.pnn.police.uk"
<sarah.howson.4672@northumbria.pnn.police.uk>
cc

bcc

Subject RE: Personal Licence Holder [NOT PROTECTIVELY
MARKED]

Hello Sarah

Thank you for your enquiry.

I can confirm that Mr Roy Jeyaruban Maurice does have a current Personal Licence held with Brent Council, however we only have him listed at the original address in London, please see below.



**LONDON BOROUGH OF BRENT
THE LICENSING ACT 2003**

PERSONAL LICENCE - PART 2

Licence Number: 434740

Name: Mr Roy Jeyaruban Maurice

Address: 33 Rannock Avenue, London, NW9 7LD

Expiry Date: 8 October 2018

Regards

Dennis Viechweg

Business Support Officer

Safer Streets/Licensing

Tel (020) 8937 5359

Fax (020) 8937 5357

www.brent.gov.uk

From:Environment and Protection

Sent: 02 May 2013 14:42

To: Lo, Wai-yee; Rudman, Grace; Lendore, Estelle; Viechweg, Dennis

Subject: FW: Personal Licence Holder [NOT PROTECTIVELY MARKED]

Importance: High

Hi

Please see below email

Regards

Archna

From:sarah.howson.4672@northumbria.pnn.police.uk [