

## **REPORT OF THE DEPUTY CHIEF EXECUTIVE**

### **LICENSING SUB-COMMITTEE – 22 MAY 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.

### **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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Rye and Dry (Newsagent and Convenience Store) 19 Ryhope Street South Ryhope	
<b>Post town</b> Sunderland	<b>Post code</b> SR2 0RN
<b>Telephone number at premises (if any)</b> [REDACTED]	

<b>Please give a brief description of the premises</b> Newsagent and Convenience Store
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<b>Name of current premises licence holder</b> Jeyanthi Manikkauasagar
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**Part 2 - Applicant details**

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

- |   |   |
|---|---|
|   | <b>Please tick yes</b>  |
| a) an individual or individuals*                | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> 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		

**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 2<sup>nd</sup> applicant, 2<sup>nd</sup> 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

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

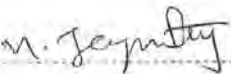
hereby give my consent for the transfer of premises licence number

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

3 May 2013

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

Tel: 101  
Fax: 0191 563 6198

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](http://www.brent.gov.uk)

**From:**Environment and Protection

**Sent:** 02 May 2013 14:42

**To:** Lo, Wai-ye; 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](mailto:sarah.howson.4672@northumbria.pnn.police.uk) [