

Licensing Act Sub Committee Hearing

Thursday, 18 November 2010

Members of the Panel:	Councillors Brash, Laffey and London
Application Premises:	19 Church Street, Hartlepool
Officers present:	Tony Macnab, Solicitor Ian Harrison, Principal Trading Standards and Licensing Officer Sarah Bird Democratic Services Officer
Applicant:	Joan Smith, Barrister for the Police Inspector Green, Sergeant Henderson PC Hussain PC Thorpe PC Sanderson
Respondent	Rebecca Smith, Barrister Saied Ahmadi Rashpal Singh
Decision:	
<p>The Licensing Authority considered an application by Cleveland Police as a responsible authority for the review of the Premises Licence for 19 Church Street, Hartlepool, known as Pizza Hart. The application was based on the grounds that the licensing objectives relating to the prevention of crime and disorder and public nuisance were not being promoted.</p> <p>The premises known as Pizza Hart has a licence for the provision of late night refreshment from 11.00 pm until 1.00 am the following morning on Sunday to Wednesday and from 11.00 pm to 3.00 am the following morning on Thursday to Saturday and on any day which precedes a bank holiday.</p> <p>The licence for the premises was varied to its current hours by the Licensing Authority on 6th July 2010. The conditions relating to the provision of CCTV were also imposed on that occasion.</p> <p>The Police brought the review as they consider that the premises were breaching its hours of operation and had breached the conditions relating to CCTV.</p> <p>The Police relied on witness statements and “live” evidence from Police Officers.</p> <p>The Police gave evidence that the premises remained open after 3.00 am on the morning of 16th July, 25th July and 8th August and appeared to be serving food after its permitted hours.</p>	

The Police gave evidence and produced CCTV footage of an altercation which occurred on the premises during the early hours of Sunday 26th September. The licence holder was present serving food at the premises and took no action to call the Police.

The Police gave evidence of the subsequent difficulty they encountered in obtaining CCTV footage downloaded onto a DVD from the licence holder despite repeated requests. A condition of the Premises Licence required that staff must be trained and capable of downloading CCTV evidence onto DVD discs and it shall be made available to responsible authorities on request.

The Police also gave evidence that on two previous occasions, 9th and 11th September an Officer had requested CCTV footage from the premises however the member of staff informed the Officer that he could not operate the CCTV system.

The respondent Premises Licence holder Mr Ahmadi gave evidence that following the variation of his Premises Licence on 6th July he did not receive a formal decision of the Licensing Authority as he left the country the following day and was only made aware that the hours of operation had been extended following information provided to him by a Hartlepool Mail Journalist. He had left a Manager in charge of the premises and was unaware that the Police had attended the premises until 8th August. At that point he made a decision to close the premises until his return home on 14th August.

In respect of the incident at the premises during the early hours of 26th September Mr Ahmadi stated that he did not realise that he had to call the Police but now realises that he has to call the Police.

Mr Ahmadi explained the difficulties in downloading CCTV footage onto a DVD. He thought the easiest way of providing the footage to the Police was by way of a USB. He explained that he had spent a lot of money on his CCTV system and was now able to download the footage onto a DVD and that staff were now trained how to do this.

In respect of ensuring that the premises are closed by 3.00 am Mr Ahmadi stated that he stopped serving food which takes longer to cook at 2.45 am and food which does not take long to cook at 2.55 am.

The Licensing Authority considered all the evidence presented to it and reached the following decision.

1. The conditions of the licence be modified on Thursday, Friday and Saturday nights and on any night which precedes a Bank Holiday in respect of the provision of late night refreshment so that the latest time for this to take place will be 2.00 am
2. On the days referred to in paragraph 1 the premises shall close at 2.00 am with the shutters fully down and no members of the public shall be permitted to remain on the premises at that time. On all other days the premises shall close at 1.00 am with the shutters fully down and no members of the public shall be permitted to remain on the premises at

that time.

3. The premises licence shall be suspended on Thursday, Friday and Saturday nights and on any night which precedes a Bank Holiday for a period of 28 days.

The Licensing Committee considered that the above modification of the licence conditions is necessary in order to promote licensing objectives in respect of the prevention of crime and disorder and public safety. In respect of the suspension of the premises licence referred to in paragraph 3 the Licensing Committee considered that this is essential to allow the licence holder sufficient time to enable him to train his staff in the observance of the modified conditions of the licence.

CHAIR