

LICENSING ACT SUB-COMMITTEE AGENDA



Thursday, 23 September 2010

at 10.00 am

in Committee Room B, Civic Centre, Hartlepool

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Brash (Chair), Atkinson and Griffin

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1** Application For The Review Of Premises Licence – 19 Church Street,
Hartlepool - *Assistant Director, Community Safety & Protection*

LICENSING ACT 2003

Procedure for Review Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Head of Public Protection and Housing.
4. Applicant for Review presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
10. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
11. If required, the Licence /Club Certificate holder to be given opportunity to sum up.
12. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
13. Members to go into closed session to deliberate.
14. Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Community Safety & Protection

Subject: APPLICATION FOR THE REVIEW OF PREMISES
LICENCE – 19 CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of 19 Church Street (Pizza Hart), Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- Premises to which the review relates: 19 Church Street (Pizza Hart)
Hartlepool
TS24 7DH

- 2.2 The current licence authorises the following activities: -

Recorded Music

Sunday to Wednesday	1600 – 0100
Thursday to Saturday	1600 – 0300

Provision of late Night Refreshment

Sunday to Wednesday	2300 – 0100
Thursday to Saturday	2300 – 0300

In addition, licensable activities can continue until 0300 on the night immediately preceding Bank Holidays. A copy of the licence is attached as Appendix 1.

- 2.3 A copy of the review application is attached as Appendix 2.

3. BACKGROUND

- 3.1 Cleveland Police has requested a review of the Premises Licence on the following grounds: -

Following a recent decision of the Licensing Sub-Committee to partly grant a variation of the premises licence so as to permit opening hours until 3:00 a.m.

the premises were found to be serving meals until 3:15 a.m. on two separate occasions.

Cleveland Police have said that by remaining open beyond the hours allowed by the licence the premises had attracted groups of unruly and aggressive youths in the area.

- 3.3 The current licence was issued on the 7th July 2010 following a Licensing Act Sub Committee Hearing when Members considered an application to vary the existing licence so as to permit licensable activities until 4.45am on Thursdays to Saturday.
- 3.4 Cleveland Police objected to the variation on the grounds that if the licence was granted, both the 'crime and disorder' and 'public safety' objectives would be undermined in an area where alcohol related crime and disorder already exists.
- 3.5 On that occasion Members determined that the premises could remain open until 0300am on Thursdays to Saturday subject to the imposition of three new licence conditions relating to the provision and use of a CCTV system on the premises.

4. **ISSUES**

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003. The application must be made by either a Responsible Authority or Interested Party as defined by the Act. Cleveland Police are a Responsible Authority.
- 4.2 The application must also relate to at least one of the Act's 'licensing objectives'. These are: -
 - i) The prevention of crime and disorder;
 - ii) Public safety;
 - iii) The prevention of public nuisance; and
 - iv) The protection of children from harm
- 4.3 The application has been advertised in the prescribed manner and no further representations have been received.
- 4.4 Following consideration of the application, relevant representations and any comments of the licence holder, Members may take such steps as they consider necessary for the promotion of the licensing objectives.
- 4.5 The steps are: -
 - To take no action;
 - To modify the conditions on the licence (this may include altering or omitting an existing condition or adding a new condition);

- To exclude a licensable activity from the scope of the licence;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

5. RECOMMENDATIONS

- 5.1 That Members consider the representations made by the Cleveland Police and licence holder and determine what action, if any, should be taken.



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

3.1 Appendix 1

Premises licence number

HART/PS/280

Part 1 - Premises details

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

19 Church Street

Post Town Hartlepool

Post Code TS24 7DH

Telephone number 01429 868484

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence. Any entertainment authorised by this licence is limited to indoors only, unless stated otherwise.

1. Recorded Music
2. Provision of Late Night Refreshment

The time the licence authorises the carrying out of licensable activities.

1. Recorded Music

Sunday to Wednesday 1600 – 0100
Thursday to Saturday 1600 – 0300

2. Provision of late Night Refreshment

Sunday to Wednesday 2300 – 0100
Thursday to Saturday 2300 – 0300

On the night preceding Bank Holidays licensable activities can continue until 0300

The opening hours of the premises

Sunday to Wednesday 1600 – 0100
Thursday to Saturday 1600 – 0300

On the night preceding Bank Holidays the premises can remain open until 0300

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Seied Siroos Ahmadi
19 Church Street
Hartlepool
TS24 7DH

Tel 01429 868484

E Mail assiroos53@yahoo.co.uk

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorizes the supply of alcohol

N/A

Tel No.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorizes for the supply of alcohol

N/A

Date licence granted: 7th July 2010

ANNEX 1 – Mandatory Conditions

NONE

ANNEX 2 – Conditions consistent with the Operating Schedule

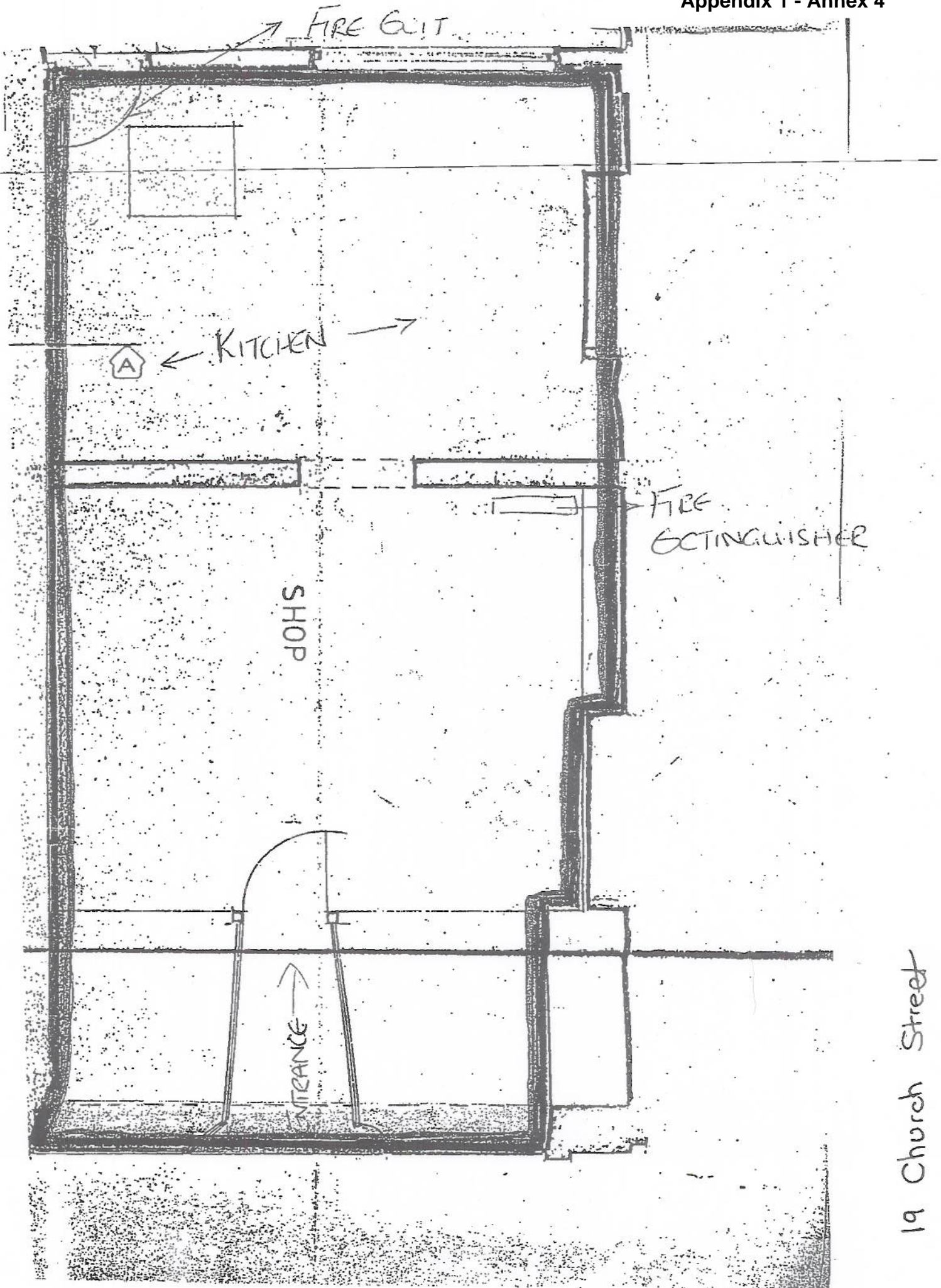
1. Litter shall be collected from outside the premises, during opening hours.
2. Notices shall be displayed requesting customers to leave the premises in a quiet and orderly manner.
3. All reasonable steps will be taken to prevent groups gathering outside the premises.

ANNEX 3 – Conditions attached after a hearing by the Licensing Authority

- 1 A CCTV system must be installed that complies to a minimum standard set in partnership with Cleveland Police. The system must be maintained at regular intervals and must record whenever the premises are open for business. Recordings must be kept for a minimum of 28 days and must be made immediately available to responsible authorities upon request.
- 2 Staff must be trained and capable of downloading CCTV evidence onto DVD discs and it shall be made available to responsible authorities upon request.
- 3 Notices be displayed and maintained on the premises warning customers that CCTV cameras are in operation.

ANNEX 4 - Plans

See attached



Application for Review of Premises
Licence



CLEVELAND
POLICE
Putting People First

Pizza Hart
19 Church Street, Hartlepool

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB
PREMISES CERTIFICATE 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 Marie Nevison

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Pizza Hart 19 Church Street	
Post town Hartlepool	Post code (if known) TS24 7DH

Name of premises licence holder or club holding club premises certificate (if known) Seied Siroos Ahmadi
--

Number of premises licence or club premises certificate (if known) HART/PS/280
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Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below) ☒

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable of Cleveland Police c/o Sergeant Green Licensing Unit Hartlepool Police Office Avenue Road Hartlepool TS24 8AJ
Telephone number (if any) 01642 302567
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 1)

Cleveland Police wish to make an application to review this premises for the following reasons:

On two occasions, namely, 9 and 16th May 2010, the premises was found to be in breach of the Premises licence in that it was open beyond the hours allowed.

On 9th May, PC Cartwright and A/Sgt Holroyd attended the premises at 03.30 hours and found the premises serving food. The manager, Mr Rustami informed police that all customers had requested food prior to 3.00am. He appeared unaware that the premises only had a licence to serve food until 02.30 hours.

On 16th May 2010, the premises were again observed to be taking orders for food after 02.30 hours by licensing officers for Hartlepool Borough Council. A food order was taken at 02.40 and the customer was handed the food at 02.50 hours. At the time of the sale, Cleveland Police had cause to close nearby premises due to a large crowd of unruly and aggressive youths in the nearby vicinity. It was the opinion of Inspector Green, who was on duty that night, that the remaining open of the premises appeared to be another reason for the group of unruly and aggressive youths to remain immobile and a disincentive for them to leave the area.

On 11 May 2010, an application was made to vary the premises licence to enable the premises to open 16.00 – 01.00 Monday, Tuesday, Wednesday, and Sunday and from 16.00 – 04.45 hours on a Thursday, Friday and Saturday. Cleveland Police strongly objected to the additional hours on a Thursday, Friday and Saturday. The hearing was listed for Monday 6th July.

At the hearing, Inspector Green and indeed within his witness statement,

expressed the view that the premises had a "cavalier attitude towards its licensing responsibilities"

The decision of the licensing committee was that they were not satisfied that the application to vary until 04.45 WOULD promote the licensing objectives. Therefore, along, with certain conditions being attached to the premises licence, the premises was allowed to open until 03.00 hours.

10 days after the hearing, on 16th July 2010, the premises were again found to be breaching their premises licence by opening after 03.00 hours. They were serving meals at 03.15 hours.

At 03.15 hours on 25th July 2010, a further report was received that the shutters were half down, but the premises were still serving.

It is of concern to Cleveland Police that even after the decision had been made by Hartlepool Borough Council Licensing Committee that the premises could not remain open past 03.00 hours, the sheer reluctance to go behind the decision of the committee, coupled with previous breaches, has left Cleveland Police with no alternative but to make this application to review this premises licence.

Please provide as much information as possible to support the application
(please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them.

On 27th May 2010, representations were made against the variation of the premises licence.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 3rd August 2010

Capacity Solicitor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Copies of this completed application form must be sent to:-

The Licensing Team (HBC),
Principal Trading Standards Officer (HBC)
Development Control Manager (HBC)
Principal Environmental Health Officer (Commercial Services) (HBC)
Principal Environmental Health Officer (Environmental Protection) (HBC)
Head of Safeguarding and Review (Licensing) (HBC)
Cleveland Police,
Cleveland Fire Brigade

Addresses for the above organisations are attached.

The Licensing Section
Public Protection and Housing
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

MG 11-00(T)

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

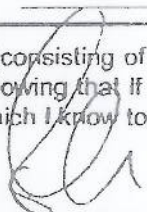
(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of Anthony Joseph GreenAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Inspector 442

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature

 INS? 442Date: 30th June, 2010.Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Inspector in the Cleveland Police stationed at Hartlepool. I manage the Alcohol Licensing Unit within the District.

About 03:25 hours on Sunday the 9th of May, 2010, I was in Church Street, Hartlepool when I noticed that Pizza Hart, a fast food outlet was still trading. The premises were open and customers were still in the shop. The premises should in fact be empty of customers and trading should have ceased by 02:30am.

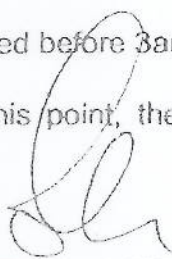
I instructed A/Sgt 114 Holroyd to approach the premises and identify the Manager. I exhibit his statement as witness reference AJG 1.

A/Sgt Holroyd was accompanied by PC 2267 Cartwright. I exhibit his statement as witness reference AJG 2.

Both officers attended the premises and spoke to the Manager, Mr Ramin Rustami. Mr Rustami was unable to show the officers where on the premises the Part A Licence was kept. Rustami also informed the officers that the premises were still open because food had been ordered before 3am.

In respect to this point, the last order for food should be no later than 02:30 and the

Signature



Signature Witnessed by

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MG 11-00(T)

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

Continuation of Statement of **Anthony Joseph Green**

premises emptied and shut by the same time. This indicated to me either a training need within the premises or a less than conscientious adherence to the terms of the Licence.

At 02:40 hours on the 16th of May, the premises were again observed as being open and trading by Hartlepool Borough Council Noise Abatement staff. I was advised that an order for food was placed at 02:40 and handed to the customers at 02:50.

At this time the police were dealing with a serious incident at the junction of Church Street and Lynn Street with lower Church Street from that point on being closed to traffic. A licensed premise between Lynn Street and Whitby Street would shortly be shut by the police because of a large crowd of unruly and aggressive youths standing outside of it in Church Street and seemingly "anchored" to it.

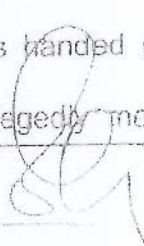
The remaining open of Pizza Hart appeared to be another reason for the group to remain immobile and a disincentive for them to leave the area. Beyond this consideration the police were fully occupied in dealing with an ugly atmosphere, a crime scene and a retail outlet with a cavalier attitude towards its licensing responsibilities.

On Thursday the 20th of May, 2010, Mr Seied Siroos Ahmadi attended Hartlepool Police Office and was spoken to by PC 75 Swales and myself.

The circumstances of the events of the 9th of May were outlined to him. Mr Ahmadi told PC Swales and me he had worked the following weekend (the 16th) to ensure he was not let down by his staff again. In effect he was personally supervising them to ensure compliance with the licence and was satisfied he had done so.

Mr Ahmadi was therefore somewhat surprised when asked why a sale was made at 02:40 and the goods handed over at 02:50. He could offer no credible narrative as to why, despite his allegedly meticulous supervision, the transaction had been sanctioned. He

Signature



Signature Witnessed by

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RESTRICTED (when complete)**CLEVELAND POLICE**

Page No. 3

Continuation of Statement of **Anthony Joseph Green**

made no reference to any external events, including domestic issues that would have distracted him.

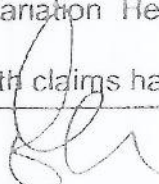
Furthermore, Mr Ahmadi went on to say that he regularly stayed open until 03:00 hours on a Friday and Saturday night, closing the doors at 03:30. He also acknowledged that in doing so he was negating the insurance for the premises; effectively the policy was null and void after 02:30 hours.

Mr Ahmadi did aver that he believed he was entitled to stay open until 03:00. However his comments regarding voiding his insurance in doing so appear to undermine that belief or give rise to the suspicion that he was not in the least bit bothered that the insurance was compromised.

The interview was recorded in PC 75 Swales PNB 15669, pages 66 TO 68 (Wit. Ref AJG / 3). During the interview the CCTV of both breaches was requested. To date this has not been provided.

An application was subsequently made to vary the premises licence from 16:00 to 01:00 on Monday, Tuesday, Wednesday and Sunday and from 16:00 to 04:45 on Thursday, Friday and Saturday. Cleveland Police made representations that if the application was granted until 04:45 it would undermine the both the crime and disorder objectives and public safety objectives. I also expressed concern about the poor management of the premises. When interviewed by Local Authority staff on the 18th of June, in connection with the purchase of the 16th of May, Mr Ahmadi allegedly made reference to his wife having succumbed to appendicitis that weekend which had prevented him properly supervising the shop but during the Variation Hearing Mr Ahmadi claimed that she had in fact miscarried. The veracity of both claims has not been corroborated by the authorities.

Signature

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Signature Witnessed by

MG 11-00(T)

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 4

Continuation of Statement of **Anthony Joseph Green**

The Committee were not persuaded that the application until 04:45 would promote the licensing objectives and therefore along with conditions, extended the licensing hours to 03:00 on Thursday to Saturdays and on the night preceding a Bank Holiday.


Ten days later on the 16th of July at approximately 03:15 hours the premises were observed to be still trading by Special Constable 4485 Vishnevskiy who was on patrol in a marked police vehicle (Wit. Ref. AJG / 5).

Event T121620 was immediately created (Wit. Ref. AJG / 6).

At 03:15 on Sunday the 25th of July, the premises were observed to be still trading by PC 2114 Sanderson. The roller shutters on the premises were lowered and then raised to allow a succession of customers to leave with foodstuffs before being again lowered. The shutters prevent any observation of the interior of the premises and this appears to suggest another flagrant disregard for the recently imposed conditions. (Wit. Ref. AJG / 7)

Event T127798 was created at 05:29 that day. (Wit. Ref. AJG / 8).

The police take the view that the premises are poorly managed and that a lackadaisical attitude to their responsibilities is self evident. When confronted with the facts Mr Ahmadi claimed ignorance of the details of his licence, although after two police interventions and a Variation Hearing this is stretching that excuse to its limits. Mr Ahmadi has blamed his staff and then offered an oversight for the Breaches of the 9th and 16th; an oversight on one occasion may be unfortunate, a second, within a week, particularly when Mr Ahmadi is personally supervising the business to allegedly ensure observance indicates either incompetence or a brazen disregard for authority and the safety of the public. On the third and fourth occasion there can be no credible excuse for failing to adhere to the Licensing Law.

Signature Signature Witnessed by 

RESTRICTED (when complete)

MG 11-00(T)


CLEVELAND POLICE

Page No 5

Continuation of Statement of **Anthony Joseph Green**

Mr Ahmadi has demonstrated a complete and brazen disregard for authority and appears to have a casual approach to his responsibilities. Cleveland Police have no alternative but to make an application to Review the premises licence and are of the opinion that nothing less than a revocation will suffice.

Signature

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Signature Witnessed by

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of Jonathan HolroydAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Acting Police sergeant 114

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature

Date: 20th May 2010Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am acting police sergeant 114 Holroyd of Cleveland police, currently stationed at Hartlepool.

At 0330 hours on Sunday 9th May 2010, I was on duty in full police uniform in company with Pc 2267 Cartwright conducting high visibility foot patrol on Church Street, Hartlepool.

I would describe Church Street as a single carriageway road which has number of pubs and nightclubs, as well as fast food takeaway shops on either side of the road, at this time it was dark although visibility was good with plenty of street lighting on both sides. The area was busy with members of the public visiting the pubs and nightclubs on Church Street. At this time we attended Pizza Hart, Church Street Hartlepool, and spoke with the manager Ramin Rustami. I noted that the metal roller shutter was part way down, the shop lights were still illuminated and there were approximately six people still in the shop waiting for food. As I spoke to Mr Rustami I requested to see the Part A document of his licence which he was unable to provide stating he did not know where it was. I asked him why he was still open and serving food which he stated all the customers had requested food prior to 3am and it was still cooking. I requested to view the CCTV to establish these facts however I

Signature



Signature Witnessed by



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MG 11-00(T)

RESTRICTED (when complete)

CLEVELAND POLICE

Page No 2

Continuation of Statement of **Jonathan Holroyd**

was informed that although there is CCTV within the shop there was no recording facility. I obtained the owners details as Mr Sisirros AHMADI.

Once I left the shop, the four remaining customers collected their food and also left.

I took no further part in the investigation.



Signature



Signature Witnessed by



RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of Andrew CARTWRIGHTAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 2267

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature _____

Date: 20-5-10Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 2267 CARTWRIGHT of CLEVELAND police currently stationed at HARTLEPOOL police station.

At approximately 0330 hours on SUNDAY 9th MAY 2010 I was on duty in full uniform with A/SGT 0114 HOLROYD. At this time we were on CHURCH STREET, HARTLEPOOL conducting high visibility licensing patrols. CHURCH STREET is described as a long single carriage way road with pubs, nightclubs and takeaways on either side of the road. At the time of being on patrol it was dark but due to the street lighting and light coming from the pubs, clubs and takeaways visibility was good.

At the before stated time and date CHURCH STREET was busy with members of the public who were using the pubs, clubs and takeaways.

At this time we attended PIZZA HART on CHURCH STREET. Upon entering the premise we had to bend over slightly as the metal roller shutter outside the property was half way down. Inside the shop the lights were still on and there were approximately six people inside the shop who were waiting for food. A/SGT 0114 HOLROYD spoke to Mr RUSTAMI and asked to see the Part A document of his license. Mr RUSTAMI could not provide this

Signature _____

Signature Witnessed by _____

15

MG 11-00(T)

RESTRICTED (when complete)

CLEVELAND POLICE

Page No 2

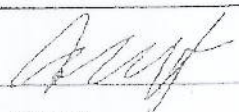
Continuation of Statement of **Andrew CARTWRIGHT**

as he did not know where it was. A/SGT 0114 HOLROYD asked why he was still open and serving food. Mr RUSTAMI stated that the customers had ordered their food prior to 3am and it was not ready yet.

A/SGT 0114 HOLROYD asked to view the CCTV inside the shop. Mr RUSTAMI informed us that the CCTV was not recording. Mr RUSTAMI gave A/SGT 0114 HOLROYD the owners details Mr Sisirros AHMADI.

As we left the shop the remaining customers followed with their food. I played no further part in this investigation.

Signature



Signature Witnessed by

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AJ9/3

ISSUED TO

Name: T.C. SWALES

Admin No: PC 75

Date: 8th March 2010
07/6/10.

Completed: THOSP 11.57

S. WALSLEY Officer in Charge

This is a G.N./O. Refill

OCCURRENCES

POLICE OFFICER'S
THREE-IN-ONE POCKET BOOK

15669

Dayell J
4 pm. Resume to HI —
HI/DCU e-mails.
11:35 pm. Cease duty @ HI

Thursday 20th May 10
Duty - HI/DCU
R.O. - 8:15 am x 4:15 pm

8:15am. Comm. duty @ H1 -
1/2 Insp 442 Green. 66

10:05am @ H1/FEO, speak
with SEIED SIROOS
AHMADI, re application
to vary premises licence
Nº HART/PS/280. -

@ PIZZA HART,
19 Church St., H1/pool.

Discuss application to
vary P.L. - provisions of
regulated entertainment
point (F) - Recorded
Music. Point (L) - Late
night refreshment. Point (H)

Holders premises are
open to the public. -

Point (P) - General - all
four licensing objectives
Discuss licence number

HART/PS/280

(1) Licence Activity
Hours. Thursday to Satur-
day 17:00 x 02:30 hrs. -
Late Night Refreshments -
23:00 x 02:30 hrs. -

(2) Opening Hours. - Thurs-
day to Saturday 17:00 x 02:30
hrs. -

(3) Annex 2 - Conditions x 3

10:15am. @ above joined by
Insp. 442 Green. -

(1) Breach of Premises Licence
@ 03:30 hrs on Sunday
09/5/2010. Witnessed
by Insp. 442 Green. -
CCTV Requested by
me. - (02:20 hrs x 03:00
hrs Sun. 09/5/2010) -

(2) Breach of Premises Licence
@ 02:40 hrs x 02:50 hrs
on Sunday 16/5/2010.

Test Purchase by HBC.
(Noise Abatement) - 67
CCTV requested by me
(02:20hrs x 03:00hrs -
Sunday 16/5/2010) -
AHMADI stated he
regularly stated open
uptill 03:00hrs on
Friday & Saturday Night
as he thought he was
licensed until 03:00hrs
Closing @ 03:30hrs. -
AHMADI stated this
"Breach of Premises
Licence" would also
make his Insurance
Liability - null & void
after 02:30hrs. -
AHMADI stated this
was an oversight by

him (and his staff).
Also stated he was not
sure if the memory on
his CCTV would still
store the evidence I
have requested of him
Discusses representation
to be made by Cleveland
Police, to object to the
Licensing Authority (Com-
mittee) against longer
hours. Breaches to be
disclosed and offered in
evidence to the council
New Conditions to be
asked for: - (1) CCTV
to a standard specified
by Cleveland Police.
(2) S.I.A. Door Supervisor
from 02:30hrs until
closing to the public.
(04:45hrs)

10.35am. Resume. Note - for
1/2 with SEICD side 188.
AHMADI did not appear
throughout. Except to
say she was there for
moral support. -

Resume. HI/DCU. -

4.30pm. Cease duty @ HI



LICENSING ACT 2003

NOTICE OF DETERMINATION

Notice is hereby given that following receipt of an application for the variation of a Premises Licence under Section 34 of the Licensing Act 2003 in respect of:

Name **Mr Seied Siroos Ahmadi**

Address **19 Church Street
Hartlepool
TS24 7DH**

Hartlepool Borough Council, as Licensing Authority for the aforesaid Act, has considered the application and relevant representations made to it and has determined that the application be granted in part.

A copy of the determination is attached for information.

You have the right to appeal this decision to the Magistrates Court within 21 days of receipt of this Notice.

Dated 7th July 2010

Signed:

**ASSISTANT DIRECTOR
COMMUNITY SAFETY & PROTECTION**

Thursday, 6 July 2010

A5914.

Members of the Panel:	Councillors Fleet, Griffin, and Rogan
Application Premises:	19 Church Street, Hartlepool
Officers present:	Tony Macnab, Solicitor Sylvia Pinkney, Public Protection Manager Sarah Bird, Democratic Services Officer
Applicant:	Seied Siroos Ahmadi
Interested Parties	Inspector Tony Green, Cleveland Police Marie Nevison, Cleveland Police Solicitor Rashal Singh

Decision:

The Licensing Authority considered the application for a variation of the premises licence for the provision of late night refreshment and recorded music until 1.00 am Sunday to Wednesday, inclusive and until 4.45 am on Thursday to Saturday inclusive and also the night preceding a Bank Holidays.

The Police responsible authority objected to the application relating to the variation of hours until 4.45 am on the basis that the application would not promote the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance.

Evidence was brought before the Committee that the premises had remained open beyond their current licensed hours on two occasions on 9 May 2010 and 16 May 2010.

Evidence was also brought before the Committee that an incident had occurred during the early hours of 16 May 2010 when Police were trying to close a nearby alcohol licensed premises and that members of the public who had congregated outside those premises were later seen in Pizza Hart whilst it remained open beyond its current licensed hours.

The Police responsible authority have no objection to the premises closing at 1.00 am on Sunday to Wednesday inclusive.

The Police submitted that if the premises licence was to be varied to allow it to open until 4.45 am then a number of conditions should be imposed including one relating to the provision of an SIA registered door supervisor.

The Licensing Authority was not satisfied that the application to vary until 4.45 am would promote the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance.

The Licensing Authority did however consider that the licensing objectives

could be promoted by varying the licence so that the premises can remain open until 3.00 am on Thursdays to Saturdays inclusive and on the night preceding the Bank Holiday subject to the imposition of the following condition relating to the provision of a CCTV system.

- A CCTV system must be installed that complies to a minimum standard set in partnership with Cleveland Police. The system must be maintained at regular intervals and must record whenever the premises are open for business. Recordings must be kept for a minimum of 28 days and must be made immediately available to responsible authorities upon request.
- Staff must be trained and capable of downloading CCTV evidence onto DVD discs and it shall be made available to Responsible Authorities upon request.
- Notices be displayed and maintained on the premises warning customers that CCTV cameras are in operation.

CHAIR

RESTRICTED (when complete)
CLEVELAND POLICE

ASG/5

WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of ARTUR VISHNEVSKIYAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation SPECIAL CONSTABLE

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature

Date: 21/07/2010Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Special Constable 4485 VISHNEVSKIY currently based at HARTLEPOOL main office.

On 16th of July 2010 I was on duty in full police uniform accompanied by SC 4578 SMITH.

At approximately 0315 hours I was on licensing patrol driving a marked police van towards bottom end of CHURCH STREET at the speed of approximately 20 mph, when my attention was drawn to PIZZA HART take away because their shutters were still up, lights were on and the door was wide open.

I would describe PIZZA HART as mid terrace building, with large 6ft by 6ft clear single glass windows at the front of the shop, large waiting area inside and a counter in the middle for transactions and orders to take place. It is well illuminated inside as well as outside which makes it easily seen by members of public especially on the night time.

As I drove past it I noticed a male who was unsteady on his feet at the counter handling some sort of paper currency to the person behind the counter. Due to the speed at which I was travelling I was able to observe this transaction for about 4-5 seconds, more than enough to understand what was occurring inside the shop. I then immediately turned the van around and parked directly outside PIZZA HART, about five metres from the front of

Signature



Signature Witnessed by



RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

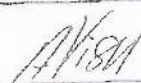
Continuation of Statement of **ARTUR VISHNEVSKIY**

the shop. At that point I saw another two unknown males seated next to the window inside PIZZA HART eating a pizza. From where I was looking I could see that there was more than a half of pizza still in the box. I could also see one male behind the counter and another male in the kitchen. The male behind the counter appeared to be finalizing the transaction and the male he had just served was still inside waiting for his order to be prepared. The male in the kitchen appeared to be cooking food. I then got my pocket note book out of protective vest in order to record what I was witnessing. My attention was drawn away from the front of the shop whilst I did this and upon looking back at the shop I noticed that the staff had pulled the shutters half way down. There were still three customers inside as I could see through the shutters as the lights were illuminating from the inside out. I got out my vehicle to make some enquires about their licensable activity as it was my understanding that the premises should be empty and shut by no later than 0300 hours and this was clearly not the case. However as I exited my vehicle my attention was drawn to two unknown males approximately fifty metres pushing and shouting at each other. I immediately returned to my vehicle in order to deal with that situation.

At approximately 0330 I returned to PIZZA HART however the shutters were fully down and there was no light inside the premises. At that point I got in touch with HARTLEPOOL control room and asked them to create an event for PIZZA HART being open later than their were licensed to.

I am aware that there have been previous issues with PIZZA HART remaining open past their licensed times hence my initial suspicions. It is my belief that the shop should be closed by 0300am. It is clear from my experiences that PIZZA HART was serving food to customers past their relevant time.

Signature



Signature Witnessed by



RESTRICTED (when complete)

CLEVELAND POLICE

Page No 3

ARTUR VISHNEVSKIY

Continuation of Statement of

I have provided this statement of my own free will and it is true to the best of my

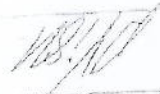
knowledge.



Signature Witnessed by

26A

Signature



Event Chronology -- T121620

☒ System Comments

Time	Date	Terminal	Operator	Action
03:32:48	16/07/2010	dh0a	7554	<p>EVENT CREATED: Location=19 CHURCH ST STRANTON HART : @PIZZA HART TAKE AWAY , Cross Streets=STATION APP /LYNN ST , Name=P4485 , Call Source=RADIO , Call Status=STAFF ON DUTY</p> <p>Agency=P, Group=H1, Beat=H1W11, Status=W, Priority=2, ETA=0, Hold Type=0, Primary Member=0, Current=F, Open Current=F, Type Code=PS16-LICENSING</p> <p>TAKEAWAY SERVING FOOD AFETR HOURS 0315HRS</p> <p>2 MALES INSIDE EATING PIZZA</p> <p>BELIEVE LICENSE ONLY UNTILL 0200HERS</p>
03:32:49	16/07/2010	DBServer	7554	** [SYSTEM] LOI search completed at 16/07/10 03:32:49
03:33:26	16/07/2010	dh0a	7554	EVENT CHRONOLOGY EMAILED
03:34:59	16/07/2010	dh0a	7554	EMAIL FAI PCSWALES
03:35:32	16/07/2010	dh0a	7554	<p>Unit=H852, Status=DP, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4214485</p> <p>Unit=H852, Status=DP, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4214578</p>
03:35:36	16/07/2010	dh0a	7554	<p>Unit=H852, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4214485</p> <p>Unit=H852, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4214578</p>
03:35:39	16/07/2010	dh0a	7554	<p>Unit=H852, Status=AV, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4214485</p> <p>Unit=H852, Status=AV, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4214578</p>
12:36:57	16/07/2010	cg1z	7117	<p>Agency=P, Group=H1, Beat=H1W11, Status=W, Priority=2, ETA=0, Hold Type=0, Primary Member=0, Current=F, Open Current=F, Type Code=PS16-LICENSING</p> <p>[SYSTEM] Assigned Result Code: PS - PUBLIC SAFETY/WELFARE, Detailed Event Type:</p> <p>PS16 - LICENSING, Qualifier 1: -, Qualifier 2: -, OIC:4485</p> <p>*** Tag: QL35 - Qualifiers not applicable</p>
12:36:58	16/07/2010	cg1z	7117	<p>Agency=P, Group=H1, Beat=H1W11, Status=A, Priority=2, ETA=0, Hold Type=0, Primary Member=0, Current=T, Open Current=F, Type Code=PS16-LICENSING</p> <p>EVENT CLOSED</p> <p>[SYSTEM] Event T121620 closed.</p>

A59/87

MG 11-00(T)

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Michaela SANDERSONAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 2114

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature msanderson PC 2114Date: 02/08/10Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a police officer with Cleveland Police currently attached to Hartlepool X Relief Response.

At 03.15 hours on Saturday 25 July 2010 I was on duty in full police uniform in company with PC 2030 DIXON on licencing foot patrol CHURCH STREET, HARTLEPOOL when I was stood opposite PIZZA HART take away.

It was at this time that I saw that the red shutters on the premises were half way down, however from time to time the shutters would lift up slightly to allow customers carrying food to leave the take away. This process was repeated on a number of occasions.

While stood outside I also saw people inside the take away shop eating food. I had a strong suspicion that the sale of food was still on-going.

About 15 minutes later while I was still stood opposite PIZZA HART when I saw a male and female leave the take away. It was at this time that the shutters went fully down.

The white female headed towards a car that was parked opposite and the Asian male left the take away walking away to my left down CHURCH STREET towards LYNN STREET.

28

Signature msanderson PC 2114 Signature Witnessed by _____

A5918

Event Chronology for event: T127798

Disclosed by: 7261 on 27-Jul-10 at 12:32 AM

Time Term Oper Action

DATE: 25/07/10

05:29:32 cglm 7943 EVENT CREATED: CHURCH ST STRANTON HART , Cross Streets= STATION APP / LYNN ST , Name= P2114 ,
Address= C:STAFF ON DUTY , Call Source= RADIO , Phone Number= 2123 ,
Call Status= STAFF ON DUTY
Agency= P , Group= H1 , Beat= H1W11 , Status= W , Priority= 3 , ETA= 0 , Hold Type= 0 ,
Primary Member= 0 , Current= F , Open Current= F , Type Code= PS16 - LICENSING

DBServe7943 ** [SYSTEM] LOI search completed at 25/07/10 05:29:32

cglm 7943 AT PIZZA HUT

THE TAKE AWAY WAS DUE TO SHUT AT 03:00HRS HOWEVER THEY WERE STILL SERVING AT
03:15HRS
WITNESSED BY OIC
SHUTTERS WERE HALF DOWN AND PERSONS WERE STILL INSIDE AND APPEARED TO BE SERVED

- THIS HAPPENED ON SEVERAL OCCASIONS

05:29:33 cglm 7943 NEIGHBOURHOOD INFORMATION VIEWED.

05:29:55 cglm 7943 EVENT CHRONOLOGY EMAILED

05:30:20 cglm 7943 COPY SENT TO H DIST LICENSING

05:30:23 cglm 7943 PLEASE CLOSE

06:43:42 dh0a 6320 Unit= ADMIN1 , Status= DP , Location= CHURCH ST STRANTON HART

06:43:45 dh0a 6320 Unit= ADMIN1 , Status= AQ

15:01:05 cgli 7117 Agency= P , Group= H1 , Beat= H1W11 , Status= W , Priority= 3 , ETA= 0 , Hold Type= 0 ,
Primary Member= 0 , Current= F , Open Current= F , Type Code= PS16 - LICENSING
Result Code Assigned= PS , Detailed Event Type= PS16 , Qualifier1= - , Qualifier2= - , Code#
= 1

[SYSTEM] Assigned Result Code: PS - PUBLIC SAFETY/WELFARE, Detailed Event Type:

PS16 - LICENSING, Qualifier 1: -, Qualifier 2: -, OIC:2114

*** Tag: QL35 - Qualifiers not applicable

15:01:06 cgli 7117 Agency= P , Group= H1 , Beat= H1W11 , Status= A , Priority= 3 , ETA= 0 , Hold Type= 0 ,
Primary Member= 0 , Current= T , Open Current= F , Type Code= PS16 - LICENSING

EVENT CLOSED:

[SYSTEM] Event T127798 closed.

DATE: 26/07/10

22:17:27 cg1h 8274 EVENT CHRONOLOGY EMAILED

DATE: 27/07/10

00:31:40 dh0a 7261 FROM H104 THE PREMISES HAS BEEN WRONGLY NAMED ON THE EVENT AS PIZZA HUT AND
SHOULD READ PIZZA HART ON CHURCH ST

DATA PROTECTION ACT

The information contained in this document is subject to the Data Protection Act 1998
It must not be disclosed to any unauthorised person

MC 11-00(T)

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Mark RAINEAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 1928

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature

M Raine P1928Date: 10/08/2010Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Constable in CLEVELAND POLICE currently attached to WEST VIEW NEIGHBOURHOOD POLICE TEAM.

On Sunday 8th AUGUST 2010 I was on duty in Police uniform with clearly marked orange EGT epaulets as part of the TALL SHIPS EVENT TEAM in crew with PC 1865 WALKER.

We were deployed as an evidence gathering team throughout our duty.

Between 0307 and 0308 hours at the request of HARTLEPOOL LICENCING UNIT I made a recording of an incident using a SONY HDR XR200 (hard drive).

I later produced a master copy of the footage that was placed in a sealed Police evidence bag (H02597333). Exhibit MR1.

I also produced a working copy of the footage this was placed into a video evidence bag (H02597332), exhibit MR2.

Both copies were forwarded to HARTLEPOOL LICENCING UNIT.

M Raine P1928

Signature

M RaineP1928

Signature Witnessed by

Package
0120 off duty

67

Saturday 7/8/10
TOO 2200x 0000

2130on duty
AKU

licensing patrols
in company with insp
442 Green.

0050

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

0114

00 312

8/8/2010

0125

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~CONFIDENTIAL~~

0249

[REDACTED]

878

enter Pizza Hart
which is still open
request PC Range 1928
evidence gathering
officer to Am
Premises shall open
customers shall on
premises, shutters
shall open,
customers were shall
entering Pizza Hart
to purchase food
however due to
police attendance

69

I am the above
named person and
reside at the
above address

I entered Pizza
Mark at 0305 hours
on Sunday 8/8/10
to order food
at the time
Premises were
open I waited
in the queue
However I was
refused to be
served 10 minutes

later after waiting
in the queue

Cachonai legal rights explained.
0317 NOZAR SAFARI
17/6/81

Q What time does
your licence for
the premises allow
you to remain
open until

A 3am

Q Is that everyday

A No only weekends

Q Which days does
this include on
Weekends.

A Thursday Friday
Saturday open till
3am other days

12 O'clock.

Q Can I look ⁷⁰
at your premises
licence.

A I can't find
my licence.

Q Do you own this
shop.

A NO

Q Who owns the
shop / premises.
Sayed Siros

Ahmadi

Q Is Mr Ahmadi
on the premises

A He is in Iran
on holiday

Q When did he
go on holiday

A 4 weeks ago.

Q So your saying
your premises
licence allows you
to remain open
until 3am each
Thursday Friday
and Saturday
to serve food.

A Yeah 3 days
Thursday Friday
Saturday till 3 o'clock

Q How long have
you worked here

A 4 weeks.

Q Who told you
that the premises
licence allows
the Pizza Shop
to remain open
until 3am
Thursday Friday
Saturday

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Anthony Joseph GreenAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Insp 442

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature _____

Date: 05.11.10.Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Inspector 442 Green of the Cleveland Police, currently stationed at Hartlepool.

I manage the Alcohol Licensing Unit within the District. Further to my previous statement of the 30th of June, 2010, in respect to Pizza Hart, I now wish to add the following.

At 00:33 hours on Saturday the 11th of September, a male was assaulted immediately outside of Pizza Hart. One male was subsequently arrested by PC 2259 Askwith. (Wit.Ref. AJG 10).

At 00:48 hours on Saturday the 11th of September, 2010, excessively loud music was heard coming from the premises. PC 2086 Hussain attended the premises and advised the staff member present, Mr Ali Hidrpour, to reduce the volume. PC 2086 Hussain requested CCTV from Mr Hidrpour who was unable to download it because he could not operate the system. Mr Ahmadi was not present. The noise level was such that it was in PC Hussain's belief causing a Public Nuisance. (Wit. Ref. AJG 11).

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

Continuation of Statement of **Anthony Joseph Green**

At 00:50 hours on Saturday the 11th of September, 2010, a fight occurred immediately outside of the premises involving 2 females, one of whom was subsequently arrested for being Drunk and Disorderly by PC 1989 Frankland. (Wit. Ref AJG 12)

At 22:51 hours on the Saturday the 18th of September, police assistance was requested by Mr Ahmadi to remove a drunk who was asleep in the premises. Event No T103763 refers. The drunk was removed from the premises without incident and allowed to go on his way. The calling of police assistance to remove a totally inert drunk who other than being incapacitated by an alcohol induced slumber appeared not to be causing a problem is worthy. It is in stark comparison to the entirely neutral reaction to the next incident by Mr Ahmadi.

About 02:20 hours on Sunday the 26th of September an assault occurred inside the premises. The victim was unknown to the assailant who took it upon himself to hurl verbal abuse at her before approaching the injured party, spitting in her face walking away and then returning to spit on her face again. The entirety of the assault is captured on the internal CCTV of the premises. (Wit. Ref. AJG 13)

This was an act of gratuitously disgusting offensiveness by the perpetrator. What is of particular concern about the 9 minutes and 22 seconds duration captured on CCTV is the totally passive and disinterested response of Mr Ahmadi who was present throughout. He is clearly visible in the internal CCTV but made absolutely no effort to intercede on behalf of the victim. He made no attempt to contact the police and did absolutely nothing to

Signature _____ Signature Witnessed by _____

Continuation of Statement of **Anthony Joseph Green**

ameliorate the situation. His only concern appeared to be the taking of further orders regardless of the distress of the victim: he was oblivious to her anguish. Had Mr Ahmadi adopted a more conscientious attitude and intervened earlier the victim could have avoided a further assault outside the premises when the attack spilled into the street.

On this occasion his responsibilities in respect to the Prevention of Crime and Disorder and Public Safety appeared to have evaded him.

The Assailant was charged with Assault.

The provision of CCTV from the above incident by Mr Ahmadi proved torturous to say the least. Messages were left on his answer phone; Mr Ahmadi was personally spoken to in an attempt to facilitate the process and eventually the coverage was received on the 8th of October, some 12 days after the first request was made. This is in stark contrast to the condition imposed upon him at the Variation Hearing of the 6th of July this year in which the following condition was imposed:

- A CCTV system must be installedRecordings must be kept for a minimum of 28 days and made immediately available to responsible authorities upon request.
- Staff must be trained and capable of downloading CCTV evidence onto DVD discs and it shall be made available to Responsible Authorities upon request.
(this was not possible on the 11th of September).

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 4

Continuation of Statement of **Anthony Joseph Green**

Analysis of events in fast food outlets in Church Street reveals the following pattern; the outlets which have come to police notice account for over 10% of the total violence and ASB within the locale. Pizza Hart is responsible for over 1 / 3 of that total (36%); the second highest figure is below 30%. The third highest is slightly over 1 / 5 of the total.

Sadly, Mr Ahmadi has repeatedly demonstrated that he is unable to properly manage the premises and more importantly, safeguard his customers.

Signature _____ Signature Witnessed by _____

456/10

MG 11-00(T)

RESTRICTED (when complete)

CLEVELAND POLICE

WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; MC Rules 1981, r70)

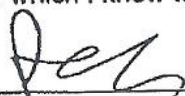
URN	17	H1	4939	10
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Statement of **RYAN ASKWITH**

Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police constable 2259**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature



Date: **18/10/10**

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Constable for Cleveland police and I am currently stationed at Hartlepool Police Office.

At approx 00:30hours on Saturday, 11th September 2010 I was on duty in full police uniform using call sign H124 V when I was on mobile patrol on CHURCH STREET HARTLEPOOL. As I was stood on the pavement outside of NEXUS BAR looking down church street towards MAINSFORTH TERRACE, I could see a group of males approx 50m away walking down church street in that direction. I could see that this group had stopped and all males were now looking at a male dressed in a white top and blue jeans sat down on the floor outside of PIZZA HART, this male was eating out of a white plastic tray and was approx 3m away from the PIZZA HART entrance. I could not make out any other description of this male due to the distance I was away. I then could see a male I now know to be [REDACTED] of [REDACTED] HARTLEPOOL, step forward from the group and with his right fist punch this male in the white top to the head once, causing the male to fall to the ground. COOPER then walked away down CHURCH STREET towards MAINSFORTH TERRACE, due to witnessing this I pursued [REDACTED],

Signature



Signature Witnessed by

RESTRICTED (when complete)**CLEVELAND POLICE**

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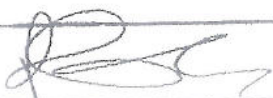
Continuation of Statement of **RYAN ASKWITH**

as I ran past the male who had been punched by [REDACTED] I could see he was not moving laid out on the pavement. As I approached [REDACTED] he said to me "OK OK FUCKING HELL IT WAS ONLY A CLIP"

At 00:33hours I cautioned and arrested [REDACTED] on suspicion of assault, [REDACTED] replied to caution "YEH I DID IT CAUSE HE THREW A CHIP AT ME WHAT WOULD YOU DO" [REDACTED] prior to transporting [REDACTED] to custody I searched [REDACTED] and found a wrap of a white powder in his left jeans pocket, [REDACTED] stated on finding this "AHH IL TELL YOU WHAT IT IS ITS COCAINE" due to this I further cautioned and arrested [REDACTED] on suspicion of possessing a class A drug, he made no reply to caution. I then transported [REDACTED] to Hartlepool police station via a marked police vehicle.

At 00:45 hours I arrived at Hartlepool police station where the circumstances of arrest were outlined to the custody sergeant who authorised his detention. [REDACTED]

Signature



Signature Witnessed by

ATG/11

Event Chronology -- T158611

☒ System Comments

Time	Date	Terminal Operator	Action
00:48:36	11/09/2010	dh0b 7064	EVENT CREATED: Location=19 CHURCH ST STRANTON HART : @PIZZA HART TAKE AWAY , Cross Streets=STATION APP /LYNN ST , Name=P2086 , Call Source=RADIO , Call Status=STAFF ON DUTY MUSIC COULD BE HEARD BLARING O/S OF PREMS
00:48:37	11/09/2010	dh0b 7064	[REDACTED] AS11-ROWDY INCON BEHAV- INCL SOLVENT ABUSE
00:48:37	11/09/2010	DBServer 7064	** [SYSTEM] LOI search completed at 11/09/10 00:48:37
00:48:59	11/09/2010	dh0b 7064	OCCUPANTS ADVISED TO TURN MUSIC DOWN
00:49:23	11/09/2010	dh0b 7064	Unit=ADMINH, Status=DP, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART
00:49:26	11/09/2010	dh0b 7064	Unit=ADMINH, Status=AV, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART
01:40:10	11/09/2010	cg1z 7702	NEIGHBOURHOOD INFORMATION VIEWED.
01:40:28	11/09/2010	cg1z 7702	[REDACTED] AS11-ROWDY INCON BEHAV- INCL SOLVENT ABUSE [SYSTEM] Assigned Result Code: AS - ANTI SOCIAL BEHAVIOUR, Detailed Event Type: AS7 - NOISE (NOT NEIGHBOURS), Qualifier 1: -, Qualifier 2: -, OIC:2086 * [REDACTED] Qualifiers not applicable
01:40:29	11/09/2010	cg1z 7702	[REDACTED] AS11-ROWDY INCON BEHAV- INCL SOLVENT ABUSE EVENT CLOSED [SYSTEM] Event T158611 closed.

A-JG/n

MG 11-00(T)

RESTRICTED (when complete)

CLEVELAND POLICE

WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17	HI	4941	10
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Statement of Darren FRANKLAND

Age if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 1989

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature [Signature] PC1989 Date: 11th September 2010

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by Cleveland police, attached to HARTLEPOOL district working on V relief response.

On 11th September 2010 I was on duty using the call sign H 104V. At around 0050 hours I was on foot patrol in CHURCH STREET, HARTLEPOOL policing the night time economy when I heard via my police radio of a fight in progress immediately outside PIZZA HART, CHURCH STREET, HARTLEPOOL as I made my way to the scene along with other officers I sighted 2 females on the public road, outside the entrance to PIZZA HART, each had a hold of the others hair.

Both females were separated by myself and other officers at the location, I took hold of one female who I now know to be called [REDACTED]. [REDACTED] was unsteady on her feet and smelt of intoxicating liquor with glazed eyes, [REDACTED] was intoxicated.

Signature [Signature] PC1989 Signature Witnessed by _____

RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 2

Continuation of Statement of **Darren FRANKLAND**

[REDACTED] began shouting verbal abuse at the other female who was calm and speaking to other officers. [REDACTED] refused to calm down and stop using abusive and threatening language towards the other female.

Due to the incident happening in a public place with other members of the public in attendance and [REDACTED] clearly acting in a disorderly manner, at 0100 hours on 11th September 2010 whilst on CHURCH STREET, HARTLEPOOL I cautioned and arrested [REDACTED] for being Drunk and Disorderly. No reply was made and [REDACTED] was taken to HARTLEPOOL police station, whilst the facts of the arrest were provided to the custody Sgt, detention was then authorised at that point [REDACTED] continued being non compliant and was taken directly to her cell before full booking in procedures were completed.

Signature [Signature] PC1989 Signature Witnessed by _____

Event Chronology -- T163768

☒ System Comments

Time	Date	Terminal	Operator	Action
22:51:56	18/09/2010	cg1c	7921	<p>EVENT CREATED: Location=19 CHURCH ST STRANTON HART : @PIZZA HART TAKE AWAY , Cross Streets=STATION APP /LYNN ST , Name=AHMAEI/CYRUS;11081974 , Address=C:MANAGER , Call Source=PHONE PR, Phone Number=[REDACTED] Call Status=OTHER PARTY</p> <p>Agency=P, Group=H1, Beat=H1W11, Status=W, Priority=2, ETA=0, Hold Type=0, Primary Member=0, Current=F, Open Current=F, Type Code=AS11-ROWDY INCON BEHAV- INCL SOLVENT ABUSE</p>
22:51:56	18/09/2010	DBServer	7921	<p>** [SYSTEM] LOI search completed at 18/09/10 22:51:56</p> <p>REPORTING THAT THERE IS MALE IN THE PIZZA SHOP WHO IS ASLEEP DRUNK ON THE FLOOR</p> <p>WANTS HIM REMOVING FROM PREMISES</p>
22:52:52	18/09/2010	dh0b	7064	CCTV MONITORING
23:10:27	18/09/2010	dh0b	7064	<p>Unit=H122Y, Status=DP, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212357</p> <p>Unit=H122Y, Status=DP, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212294</p>
23:42:06	18/09/2010	dh0a	8039	<p>Unit=H122Y, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212357</p> <p>Unit=H122Y, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212294</p>
23:42:14	18/09/2010	dh0b	7064	<p>Unit=H122Y, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212357</p> <p>Unit=H122Y, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212294</p>
23:42:15	18/09/2010	dh0a	8039	H122Y - ASKED MALE TO LEAVE
23:42:19	18/09/2010	dh0a	8039	HE HAS REFUSED ALL DETAILS
23:42:21	18/09/2010	dh0a	8039	AMB TURNED UP
23:42:27	18/09/2010	dh0a	8039	HE HAS REFUSED ALL TREATMENT
23:42:34	18/09/2010	dh0a	8039	UNIT PERSUADED HIM TO GET A TAXI
23:42:42	18/09/2010	dh0a	8039	HE HAS GOT INTO A TAXI AND LEFT THE AREA
23:42:45	18/09/2010	dh0a	8039	PC 2357
23:43:50	18/09/2010	dh0a	8039	<p>Unit=H122Y, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212357</p> <p>Unit=H122Y, Status=AR, Location=@PIZZA HART TAKE AWAY : 19 CHURCH ST STRANTON HART, Employee=4212294</p>
10:28:03	19/09/2010	cg1l	6730	-
10:28:04	19/09/2010	cg1l	6730	NEIGHBOURHOOD INFORMATION VIEWED.
10:28:07	19/09/2010	cg1l	6730	-
10:28:26	19/09/2010	cg1l	6730	<p>Agency=P, Group=H1, Beat=H1W11, Status=A, Priority=2, ETA=0, Hold Type=0, Primary Member=0, Current=T, Open Current=F, Type Code=AS11-ROWDY INCON BEHAV- INCL SOLVENT ABUSE</p> <p>[SYSTEM] Assigned Result Code: AS - ANTI SOCIAL BEHAVIOUR, Detailed Event Type: AS11 - ROWDY INCON BEHAV- INCL SOLVENT ABUSE, Qualifier 1: -, Qualifier 2: -,</p> <p>OIC:2357</p> <p>** [REDACTED] Alcohol</p> <p>Agency=P, Group=H1, Beat=H1W11, Status=A, Priority=2, ETA=0, Hold Type=0, Primary Member=0, Current=T, Open Current=F, Type Code=AS11-ROWDY INCON BEHAV- INCL SOLVENT ABUSE</p>
10:28:27	19/09/2010	cg1l	6730	<p>EVENT CLOSED</p> <p>[SYSTEM] Event T163768 closed.</p>

A-JG-13

0000070009

MG 11-00(T)

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

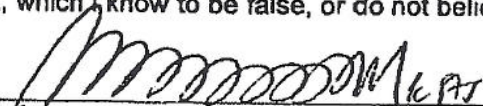
(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of **Stephen McDonnell**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 875**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature

Date: **26/09/10**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a police constable with Cleveland Police currently attached to Hartlepool District Support Unit.

At 0225hrs on Sunday 26th September 2010 I was on duty in full uniform, on foot beat on licensing patrols on CHURCH STREET, Hartlepool. At this time I was stood outside of NEXUS bar when I noticed a female on the ground outside of PIZZA HART pizza shop. As I approached to enquire why she was on the ground, I was approached by another female who shouted "STOP HIM IN THAT GREY SHIRT. HE'S JUST PUNCHED MY MATE". The female was gesturing to a male who was walking away past the HILCARTER HOTEL. I would describe him as white, approximately 20 years, 6'3" tall, medium build, wearing a grey shirt, jeans, and black shoes. I then ran after the male and spoke to him next to the HILCARTER HOTEL. The male identified himself as [REDACTED] b [REDACTED] I asked [REDACTED] what had happened and he said "SHE WAS SLAPPING ME SO I SLAPPED HER BACK" (At this point, [REDACTED] gestured slowly with his left open palm connecting with the right side of my face to demonstrate how he had slapped the female) "I DON'T CARE WHO IT IS, IF ANYONE SLAPS ME ABOUT THEY DESERVE EVERYTHING THEY GET."

Signature



Signature Witnessed by

RESTRICTED (when complete)

CLEVELAND POLICE

Page No 2

Continuation of Statement of **Stephen McDonnell**

SO SHE WAS ASKING FOR IT, THE FAT SLUT".

At this point, I cautioned and arrested [REDACTED] on suspicion of common assault. He made no reply. He was handcuffed to the front and placed in the rear of a marked police van and conveyed to Hartlepool Police Office where [REDACTED] the [REDACTED] under reference.

Signature _____

Signature Witnessed by