

Licensing Act Sub Committee Hearing

Monday, 7 March 2011

Members of the Panel:	Councillors Lawton (Chair), Aiken and Hall.
Application Premises:	Sorrentos, Church Street, Hartlepool
Officers present:	Tony MacNab, Solicitor Ian Harrison, Principal Trading Standards and Licensing Officer David Cosgrove, Principal Democratic Services Officer
Applicant:	Inspector Green, PC Hussein Sgt Henderson Marie Nevison
Respondent :	Mr Behroz Beni Mr Ali Heydary Mr Monsour Mosayeb
Decision:	
<p>The Licensing Authority considered an application by Cleveland Police as a responsible authority for the review of the premises licence for Sorrentos, 49 Church Street, Hartlepool relating to the licensing objectives for the prevention of crime and disorder and public safety.</p> <p>The premises licence enabled the premises to provide late night refreshment on the Thursday to Saturday nights until 2.30 a.m. the following morning and in Sunday nights until .1.00 a.m. the following morning and until midnight on Monday Tuesday and Wednesday.</p> <p>There are also conditions attached to the licence relating to the operation of a CCTV system and that staff must be trained and capable of downloading CCTV evidence and making it immediately available to the Police upon request.</p> <p>Police gave evidence relating to an incident which occurred on the 24 December 2010 at 2.42 a.m. The Police attended the premises following a complaint that a member of staff had assaulted a member for the public. Upon arrival at the premises the police found that nine persons were locked in the premises.</p> <p>Later on that day the Police requested CCTV footage of that incident but no staff on the premises were available to provide the footage. Further requests were made for the provision of CCTV footage in person at the premises,</p>	

however no footage was supplied.

On the 11 January 2011 Inspector Green contacted the premises licence holder by e-mail requesting the CCTV footage but no response was received.

The Police eventually received two blank discs purporting to contain the CCTV footage previously requested.

The Police provided further evidence that the premises continued to provide late night refreshment beyond their licence hours. On 30 January 2011 when approximately 20 people were observed on the premises some of whom were queuing and ordering food.

The licence holder Mr Beni gave evidence that he owned the premises but that Mr Heydary was the manager. Mr Beni gave evidence that he was not aware of the conditions on the licence relating to the provision of CCTV footage.

Mr Heydary gave evidence that the member of staff responsible for the assault on the member of the public had since been sacked and that he suspects that that member of staff had stolen the CCTV footage of the assault and was therefore unable to supply the CCTV footage.

Mr Mosayeb, a member of staff, gave evidence that he was unable to download the CCTV footage.

The Licensing Sub Committee considered all the evidence submitted to it and decided that the premises licence holder had failed to comply with the conditions of the licence relating to the hours of provision of late night refreshment and the conditions relating to the provision of CCTV footage.

The Licence Sub Committee considered that the premises licence holder was incapable of complying with the conditions relating to the licence and decided that no additional conditions could be added to the licence to enable the licensing objectives to be promoted.

In the circumstances the Licensing Sub Committee decided that the licensing objectives relating to the prevention of crime and disorder and public safety would continue to be undermined if the premises were permitted to remain open and therefore decided to revoke the premises licence.

CHAIR