

LICENSING ACT SUB-COMMITTEE AGENDA



Wednesday 7th December 2011

at 10am

in Committee Room A, Civic Centre, Hartlepool

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Lawton, Tempest and Wells

- 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 license – Kullar News, 122 West View Road, Hartlepool – *Assistant Director, Regeneration & Planning*

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, Regeneration & Planning

Subject: APPLICATION FOR THE REVIEW OF PREMISES
LICENCE – KULLAR NEWS, 122 WEST VIEW
ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of Kullar News, 122 West View Road, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- Premises to which the review relates: Kullar News
122 West View Road
Hartlepool
- Licence Holder: Mr Gurvir Singh Kullar
- 2.2 The current premises licence authorises 'Alcohol (Off) Sales' between the following hours: -
- | | |
|-------------------|-------------|
| Monday – Saturday | 0800 - 2300 |
| Sundays | 1000 - 2230 |
| Christmas Day | 1200 - 1500 |
| | 1900 - 2230 |
| Good Friday | 0800 - 2230 |
- 2.3 A copy of the premises licence is attached as **Appendix I**.
- 2.4 A copy of the application for review, including Police witness statements, is attached as **Appendix II**.
- 2.5 The application for review refers to the following licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance

3. BACKGROUND

- 3.1 Cleveland Police have requested a review of the premises licence on the grounds that the licence holder has failed to comply with a condition of the

licence – namely the requirement to maintain, retain and provide CCTV recordings to them on request. The Police believe that this failure has undermined both the Crime and Disorder and Public Safety licensing objectives.

- 3.2 Cleveland Police have also raised concerns that the licence holder appears to be unwilling to work with them to prevent crime and deal with racial abuse in the area.
- 3.3 The application for review has been advertised in the prescribed manner and no additional representations have been received.

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 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.

- 4.4 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 the licence holder and determine what action, if any, should be taken.

APPENDIX I

THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/022

Part 1 - Premises details**Postal address of premises or, if none, Ordnance Survey map reference, or description**

Kullars News
 122 West View Road

Post Town

Hartlepool

Post code

TS24 0BN

Telephone number

01429 422032

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licenceAlcohol Sales

Off-Licence

The time the licence authorises the carrying out of licensable activitiesAlcohol Sales

Off-Licence

Monday – Saturday

0800 – 2300

Sunday

1000 – 2230

Christmas Day

1200 – 1500

1900 – 2230

Good Friday

0800 – 2230

The opening hours of the premises

At the discretion of the licensee

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

Off Sales

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

Mr Gurvir Singh Kullar
122 West View Road
Hartlepool
TS24 0BN

Tel: 01429 422032

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 authorises the supply of alcohol

Mrs Narinder Kaur Kullar
122 West View Road
Hartlepool
TS24 0BN

Tel: 01429 422032

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

HART/PL/497
Hartlepool Borough Council

Date licence granted: 2nd September 2009

ANNEX 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied for Off Sales, except during permitted hours

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

1. A CCTV system, to a standard approved by Cleveland Police, shall be installed and operational during all opening hours. Recordings shall be retained for a minimum of 28 days and shall be made immediately available to Cleveland Police or authorised local authority officers on request.

ANNEX 4 - Plans

YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

IT IS AN OFFENCE NOT TO PRODUCE YOUR PREMISES LICENCE (INCLUDING THE PLAN) UPON REQUEST BY A POLICE OFFICER, LOCAL AUTHORITY OFFICER OR AUTHORISED PERSON.

Application for Review of Premises Licence



Kullars News
122 West View Road, Hartlepool

APPLICATION FOR REVIEW OF PREMISES LICENCE

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**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**

Kullars News
122 West View Road

Post town Hartlepool

Post code (if known) TS24 0bn

**Name of premises licence holder or club holding club premises certificate (if
known)**

Gurvir Singh Kullar
122 West View Road
Hartlepool
TS24 0BN

Number of premises licence or club premises certificate (if known)
HART/PS/497

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

☐

b) a body representing persons living in the vicinity of the premises

☐

c) a person involved in business in the vicinity of the premises

☐

d) a body representing persons involved in business in the vicinity of the
premises

☐

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 PC Yasmeen Hussain Licensing Unit Hartlepool Police Office Avenue Road Hartlepool TS24 8AJ
Telephone number (if any) 01642 302160
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
- 2) public safety
- 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 make an application to review the premises licence for the following reasons:

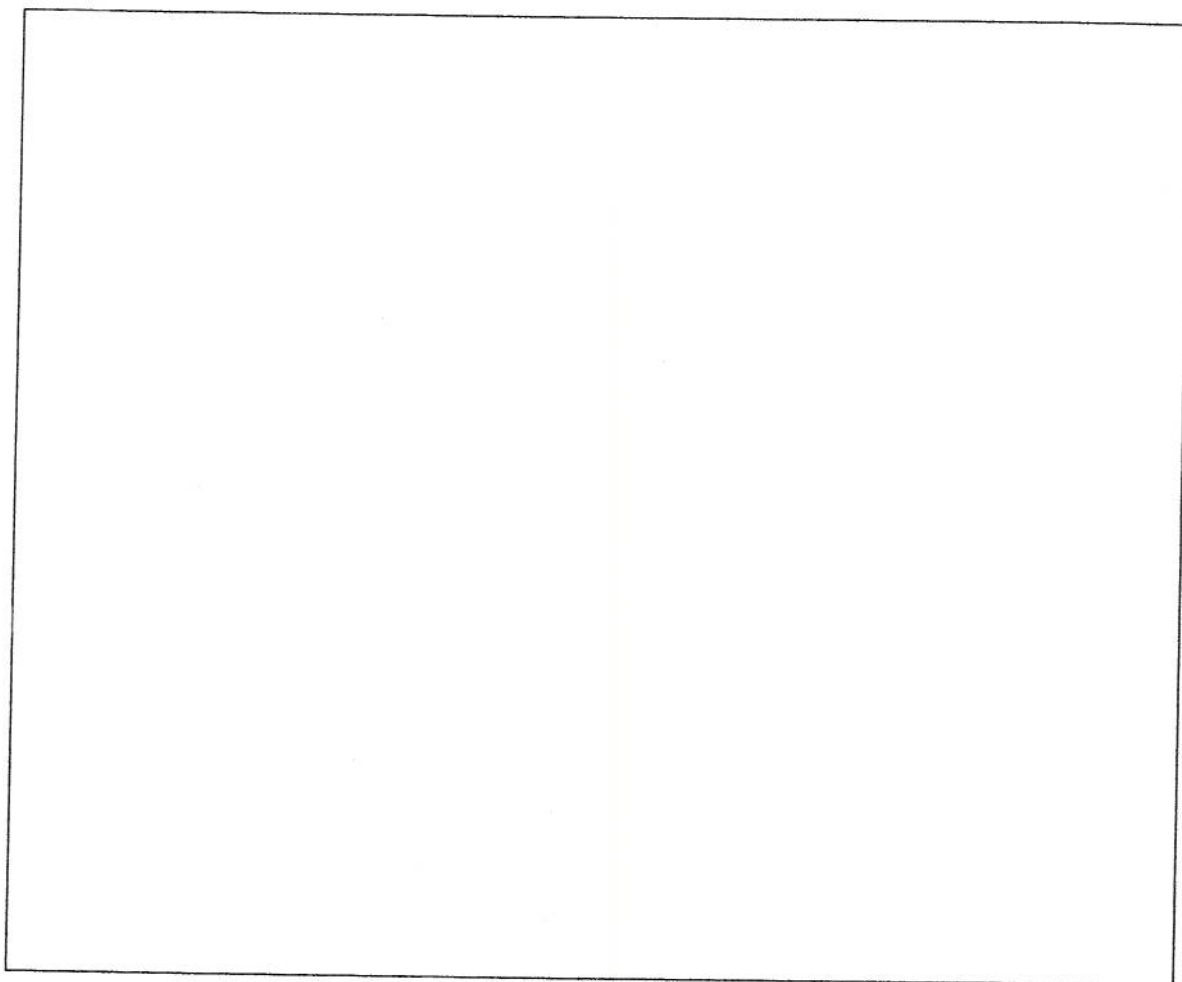
In 2006, the premises licence was revoked following an application for review by Trading Standards after an under age sale had taken place. However, following an appeal by the premises to the Magistrates Court, the licence was reinstated with the following condition being attached:

A CCTV system to a standard approved by Cleveland Police shall be installed and operational during all opening hours. Recordings shall be retained for a minimum of 28 days and shall be made immediately available to Cleveland Police or authorised local authority officers on request.

On 25th June 2011, Cleveland Police received a call from the premises following a theft from the shop of cans of lager. Despite numerous requests for the premises to provide CCTV in order to progress the investigation, CCTV was initially not forthcoming and even when it was provided, the disc was blank.

On 16th July 2011, Cleveland Police received a call from the premises that they had been subject to racial abuse, an offence which Cleveland Police treat extremely seriously. However, when CCTV was requested in order to identify the perpetrators, again, CCTV was initially not forthcoming and when it was provided, the disc was blank.

It is of concern to Cleveland Police that despite the fact that the premises has a CCTV condition following a licence review by a Responsible Authority, failing to comply with this condition has undermined both the crime and disorder and public safety objectives. It is of further concern that the premises licence holder appears unwilling to work with officers to prevent crime and to stamp out racial abuse within the area. To assist police with racial abuse would not only help this premises, but would also assist police in eradicating this crime for neighbouring premises.



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

See attached evidence

Have you made an application for review relating to this premises before ☐ **Please tick yes**

If yes please state the date of that application

Day	Month	Year
<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

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 12 October 2011

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

Licensing Act 2003 Consultees



The Licensing Team
Public Protection & Housing
Level 3, Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Principal Trading Standards Officer
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Chief Fire Officer
Community Services Group
Fire Engineering Hartlepool
Fire Brigade HQ
Endeavour House
Stockton Road
Hartlepool
TS25 5TB

The Licensing Officer
Hartlepool Police Office
Avenue Road
Hartlepool
TS24 8AB

Development Control Manager
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Head of Safeguarding and Review (Licensing)
Hartlepool Borough Council
Municipal Buildings
Hartlepool
TS24 7EQ

Principal Environmental Health Officer
(Commercial Services)
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Principal Environmental Health Officer
(Environmental Protection)
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

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 Yasmeen HussainAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 2086

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 [Signature]Date: 10th October 2011Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Constable employed by Cleveland Police, currently posted in the Alcohol Licensing Unit in Hartlepool.

Part of my role is to monitor licensed premises within Hartlepool and ensure that they are not undermining the licensing objectives and abiding by the licensed conditions which have been attached to their licence. If premises are not abiding by the conditions imposed then it is my duty to collate evidence of the breaches and inform the licence holder of the issues.

A review has been initiated by Cleveland Police in relation to Kullars News, which is situated on West View Road Hartlepool. Detailed below are offences and incidents which have been recorded by Cleveland Police and caused particular concern leading to the necessity for this review application.

In 2006, the premises licence was revoked following an application for review by Trading Standards after an under age sale had taken place. However, following an appeal by the premises to the Magistrates Court, the licence was reinstated with the following condition

Signature [Signature]Signature Witnessed by 9

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Yasmeen Hussain**

being attached:

A CCTV system to a standard approved by Cleveland Police shall be installed and operational during all opening hours. Recordings shall be retained for a minimum of 28 days and shall be made immediately available to Cleveland Police or authorised local authority officers on request.

On the 25th June 2011 at 1010 hours PC Grieves attended Kullars News to a report of theft of lager. To progress with his investigation and identify to the suspect responsible for the theft, PC Grieves requested CCTV footage of the incident. PC Grieves had been shown a copy of the CCTV footage, however Mr Jagvir Kullar stated he was unable to provide footage of the incident at the present time, but would have CCTV footage available the following day for the officer. On the 26th June 2011 PC Grieves attended the store at 08:00 hours to collect CCTV, however was informed by Mr Narinder Kullar (father of Jagir Kullar) that a copy of the CCTV had not been made. At 12:30 hours the same day PC Grieves attended the store again to collect CCTV, where he spoke with Mr Narinder Kullar again, PC Grieves was requested to attend the store the following day to collect CCTV.

On the 27th June 2011 PC Gillson attended the Kullars News to collect CCTV on behalf of PC Grieves, no CCTV footage had been made available to PC Gillson to collect.

On the 5th July 2011 PC Grieves once again attended Kullars News where he spoke with Mr Jagvir Kullar, who requested PC Grieves to attend the following day for the CCTV.

On the 6th July 2011 PC Grieves attended Kullars News, where Mr Jagvir Kullar handed a CCTV disc to PC Grieves. However, the CCTV disc was blank and contained no data, thus breaching a condition of the premises licence. (Exhibit YH/1)

Signature Signature Witnessed by 

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **3**Continuation of Statement of **Yasmeen Hussain**

On 16th July 2011 at 12:45hours, PC Guard attended Kullars News following a report of a racially motivated public order offence. To progress with the investigation, PC Guard spoke with a male who identified himself as Jagvir Kullar and requested a copy of the CCTV footage. Mr Jagvir Kullar requested the officer to attend the following day to collect CCTV.

PC Guard attended the premises the following day to collect CCTV footage, however Mr Jagvir Kullar replied "I haven't had the time". PC Guard stressed how important it was for him to have a copy of the CCTV to progress with his investigation and identify an outstanding suspect for the offence. Mr Jagvir Kullar was reminded of the licensing condition to provide CCTV to police upon request. He advised Mr Jagvir Kullar that he had had 24 hours, which was ample time to comply with the condition. PC Guard also asked Mr Jagvir Kullar if there was anyone else who could operate the system and download the required footage, to which Mr Jagvir Kullar replied "No".

PC Guard once again attended the premises a few days later and CCTV footage was still not available. Mr Jagvir Kullar was advised that CCTV was crucial evidence and that it was needed to progress with the investigation.

After numerous attempts, CCTV was eventually produced to PC Guard on the 28th July 2011. However the CCTV produced was played on police systems which showed the CCTV containing no contents. The CCTV footage was played on another 2 laptops which confirmed this.

Signature 

Signature Witnessed by _____

RESTRICTED (when complete)
CLEVELAND POLICE

Page No 4

Continuation of Statement of **Yasmeen Hussain**

PC Guard made Mr Jagvir Kullar aware that the CCTV provided was blank, but despite further attempts, Mr Jagvir Kullar was not forthcoming in producing CCTV. Therefore, the investigation was hindered and the suspect was unable to be identified. (Exhibit YH/2)

It is of concern to Cleveland Police that despite numerous attempts to obtain CCTV for two separate incidents, the premises has failed to assist and indeed, has hindered Cleveland Police in their investigations. The CCTV condition was placed on the Premises Licence by Teesside Magistrates Court for a reason, namely to prevent the licensing objectives being undermined. One must raise the question, how are police supposed to work with a Premises Licence Holder who will not work with police, even where the objective is to protect not only him, but neighbouring premises in the vicinity. There could be a serious incident at the premises and if so, Cleveland Police are not confident that the premises will assist police or indeed, be able to produce the relevant CCTV.

For the above reasons, Cleveland Police are of the opinion that they have had no alternative but to review this Premises Licence.

Signature 

Signature Witnessed by _____

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

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

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Statement of **James Andrew GRIEVES**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable PC2193**

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

*J. Grievs*Date: **15/09/2011**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person and currently employed as a police constable in Cleveland Police attached to V Relief.

On Saturday 25th June 2011 I was on duty in full police uniform when at 1010hrs I was dispatched to a reported theft at KULLARS STORE, 122 WEST VIEW ROAD, HARTLEPOOL. I arrived at this location a short time later and obtained details from Narinder KULLER for a theft which had previously occurred in the store.

Part of my investigation into this theft was to view cctv footage within the store, I was shown footage of the incident by a son of Narinder called Jagvir KULLAR. I then explained that I would require a copy of this footage as evidence and to progress my enquiries. Upon requesting this, I was informed by Jagvir that he was unable to provide a copy at the current time. He stated that he would be able to provide the copy on the following day, Sunday 26th June 2011.

On Sunday 26th June 2011 I returned to the Store at 0800hrs and 1230hrs and was

Signature

J. Grievs

Signature Witnessed by

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RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

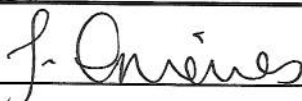
Continuation of Statement of **James Andrew GRIEVES**

informed by Narinder that a copy had not been made. I was then asked to return the following day on Monday 27th June 2011. As I was not on duty during this day I requested my colleague PC 2109 GILLSON collect a copy of the footage, he later informed that no copy was available on his arrival.

I re attended the shop on Tuesday 5th July 2011 days and spoke with Jagvir who assured me he would copy the footage for the following day. Upon arrival in the 6th July I was handed a cd disc from Jagvir. I took this disk to HARTLEPOOL POLICE OFFICE where I attempted to view the footage. Upon doing so I could that the disc was blank and contained no data.

Due to lack of assistance from KULLARS STORE I was unable to pursue with an effective enquiry to locate a suspect for the reported theft. Numerous attempts were made to collect the footage which eventually ended with me receiving a blank disc. This resulted in the crime being undetected.

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 **Philip Guard**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **PC 2172 Guard**

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: **15/08/11**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Constable for Cleveland Police based out of Hartlepool Police Office.

On 16/07/11 at 1245 hours I attended Kullar's convenience store, 122 West View Road, Hartlepool to a report of a racially motivated public order offence.

I was shown the CCTV system which is held in the living room of in the upstairs of the address. I was shown the CCTV by a male who identified himself as Javir Kullar. He was able to operate the system efficiently to play back the footage to police.

When police requested a copy of the footage he stated that he would have it for police the following day.

I re-attended the next day and requested the CCTV footage. In reply he stated, "I haven't had the time". I stressed the importance of the enquiry and how it was essential to get the CCTV evidence as soon as possible. The CCTV was key evidence in this case and was needed by police not only to evidence of the offence but to identify an outstanding suspect involved. I advised Jagvir of the licensing requirements to provide CCTV to police upon request and that 24 hours was ample time to burn off the footage. I asked if there was anyone else who could do it and Jagvir stated, "No".

Signature



Signature Witnessed by

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RESTRICTED (when complete)**CLEVELAND POLICE**


Page No 2

Continuation of Statement of **Philip Guard**

I then attended a few days later and again I was given excuses stating that he had not had the chance to do it. I urged Jagvir to provide the CCTV as soon as possible in his own interests to progress the enquiry.

After numerous visits and contacts, on the 28th July 2011 the CCTV was finally produced to police and seized. The CCTV was then brought back to Hartlepool Police office and the police CCTV system showed no content on disk. This was confirmed on two police laptops. The CCTV provided was either not actually recorded or burned on or was provided in a format which is not playable to police.

I informed Jagvir of this fact and no working CCTV has since been produced. I have rang his mobile on approximately three occasions with no answer each time. I have also attended the store on two occasions since and staff have been unable to provide me with any footage what so ever with staff directing me to Jagvir.

I have spent considerable time and effort trying to resolve the CCTV issue with Kullar's and this is seriously delaying enquiries. I now believe that the footage may now be lost due to the time elapse since the offence. This has prevented the unknown male from being identified and has serious prejudiced the police investigation. From my dealing it is apparent that Jagvir is the only person who can work the systems and I believe he does not know how to burn the footage due to his procrastination and delay in providing the footage. 

Signature Signature Witnessed by 