

Licensing Act Sub Committee Hearing

Wednesday 7th December 2011

Members of the Panel:	Councillors Lawton, Tempest & Wells
Application Premises:	Kullar News, 122 West View Road, Hartlepool
Officers present:	<p>Sylvia Pinkney – Public Protection Manager</p> <p>Dave Barnfather – Senior Licensing Enforcement Officer</p> <p>Rachel Byron – Technical Officer (Trading Standards)</p> <p>Tony Macnab – Solicitor</p> <p>Jo Stubbs – Democratic Services Officer</p> <p>Vicky Bosley – Democratic Services Officer</p>
Applicant	<p>Joan Smith, Barrister</p> <p>PC Yasmin Hussain</p> <p>PC Andy Thorpe</p>
Respondents	Mr Gurvir Singh Kullar
Decision:	
<p>The Licensing Sub-Committee considered this application by Cleveland Police who are a responsible authority for the review of the premises license for Kullar News, 122 West View Road relating to the licensing objectives for the prevention of crime and disorder, public safety and the prevention of public nuisance.</p> <p>The Police brought the review as they considered that the premises were in breach of its condition in relation to CCTV which required recordings to be made immediately available to Cleveland Police or authorised Local Authority Officers on request.</p> <p>The police gave evidence of a report of theft from the premises on 25th June which required the police to obtain CCTV footage. Despite numerous requests for the footage it was not supplied and when it was eventually provided on 6th July the disk was blank.</p> <p>A further incident took place at the premises on 16th July involving an allegation of racial abuse. Again despite repeated requests for copies of the footage a blank disc was provided on 28th July.</p> <p>The police requested the footage from the license holder's brother Jagvir Kullar who gave various excuses for not providing the footage including that</p>	

he didn't have time. The police were advised that no one else was able to provide the footage.

The police found Mr Jagvir Kullar to be uncooperative and this hindered their enquiries and prevented an apprehension of the offenders.

The police stated that the premises inability to provide CCTV footage has undermined the licensing objectives relating to the prevention of crime and disorder, public safety and the prevention of public nuisance.

The premises license holder Mr Gurvir Singh Kullar gave evidence that he did not know anything about the request for CCTV footage until he received the application for review of the premises. He stated that he had not been advised by his brother that there had been any problems.

Mr Kullar advised the Licensing Sub-Committee that the current CCTV system had been installed in May this year. He said that he could download footage and so could his brother, but that he could show both his mother and his father how to download footage. He accepted that it is his responsibility to ensure compliance with the condition of the license relating to CCTV footage.

The Licensing Sub-Committee considered all of the evidence submitted to it and agreed that the premises license holder had failed to comply with the condition of the license relating to the provision of CCTV footage.

The Licensing Sub-Committee accepted that due to this failure, police investigations into two offences had been hindered and that this undermined the licensing objects relating to the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Licensing Sub-Committee have decided that the licensing objectives would be promoted by imposing a suspension of the license for the period of 28 days. This will enable the premises license holder to train all members of staff including his mother and father to download CCTV recordings onto disc as soon as copies are requested by the police and authorised Local Authority Officers.

The Licensing Sub-Committee consider that this decision is necessary and proportionate to the promotion of the licensing objectives.

CHAIR