

LICENSING ACT SUB-COMMITTEE AGENDA



Wednesday 21st December 2011

at 10.00 am

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Barclay, Fleming and Morris

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 – Marios Takeaway, 34 Church street, 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. Assistant Director, Regeneration and Planning (or representative) outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director, Regeneration and Planning (or representative)
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 – MARIOS TAKEAWAY, 34 CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of Marios Takeaway, 34 Church Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- Premises to which the review relates: Marios Takeaway
34 Church Street
Hartlepool
- Licence Holder: Mr Mousa Mousa

- 2.2 The current premises licence authorises the following activities: -

Late Night Refreshment

Sunday to Wednesday	23:00 – 01:00
Thursday to Saturday	23:00 – 03:00

- 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

3. BACKGROUND

- 3.1 Cleveland Police has requested a review of the premises licence on the grounds that the licence holder has, on a number of occasions, kept the

premises open longer than the premises licence permits and that this has, directly or indirectly, led to incidents of violence and disorder at the premises.

- 3.2 Cleveland Police has also stated that licence holders 'disregard of the licensing laws' has resulted in the licensing objectives being undermined and that a failure to apply for a review of the licence 'may result in person(s) being seriously injured'.
- 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/276

Part 1 - Premises details

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

34 Church Street

Post Town

Hartlepool

Post Code

TS24 7DG

Telephone number

01429 275555

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

Late Night Refreshment

The time the licence authorises the carrying out of licensable activities.Late Night Refreshment

Sunday to Wednesday

23:00 – 01:00

Thursday to Saturday

23:00 – 03:00

The opening hours of the premises

Sunday – Wednesday 16:00 – 01:00

Thursday – Saturday 16:00 – 03:00

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

Mousa Mousa
2 M Food
Barton Road
Middlesbrough
TS2 1RY

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

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: 5th October 2010

ANNEX 1 – Mandatory Conditions

NONE

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Notices shall be displayed, stating incidents of crime and disorder will be reported to the Police.
2. Numbers of customers allowed in the shop at busy periods shall be limited in order to ensure public safety.
3. All floor surfaces shall be maintained clean and dry, so as not to give rise to danger.
4. Customers who have previously caused a nuisance on the premises will be prohibited from any future visits
5. Notices shall be displayed warning children not to sit or stand on the window ledges.

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

NONE

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



Marios Takeaway
34 Church Street, Hartlepool

Report of: Assistant Director, Regeneration & Planning

Subject: APPLICATION FOR THE REVIEW OF PREMISES LICENCE – MARIOS TAKEAWAY, 34 CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

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Sunday to Wednesday	23:00 – 01:00
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- 2.5 The application for review refers to the following licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety

3. BACKGROUND

- 3.1 Cleveland Police has requested a review of the premises licence on the grounds that the licence holder has, on a number of occasions, kept the

premises open longer than the premises licence permits and that this has, directly or indirectly, led to incidents of violence and disorder at the premises.

- 3.2 Cleveland Police has also stated that licence holders 'disregard of the licensing laws' has resulted in the licensing objectives being undermined and that a failure to apply for a review of the licence 'may result in person(s) being seriously injured'.
- 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;
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 - 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/276

Part 1 - Premises details

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

34 Church Street

Post Town

Hartlepool

Post Code

TS24 7DG

Telephone number

01429 275555

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

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23:00 – 03:00

The opening hours of the premises

Sunday – Wednesday 16:00 – 01:00

Thursday – Saturday 16:00 – 03:00

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

Mousa Mousa
2 M Food
Barton Road
Middlesbrough
TS2 1RY

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

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: 5th October 2010

ANNEX 1 – Mandatory Conditions

NONE

ANNEX 2 – Conditions consistent with the Operating Schedule

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Authority

NONE

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PREMISES LICENCE (PART A)

Premises licence number

HART/PS/276

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

34 Church Street

Post Town

Hartlepool

Post Code

TS24 7DG

Telephone number

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Sunday – Wednesday 16:00 – 01:00

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N/A

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

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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 Marios Takeaway 34 Church Street	
Post town Hartlepool	Post code (if known) TS24 7DG

Name of premises licence holder or club holding club premises certificate (if known) MOUSA MOUSA CLO. Mr Ali Navazani

Number of premises licence or club premises certificate (if known) HART/PS/276
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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
 - 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 Sgt 1814 Jonathan Wrigley 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
- 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 this premises licence for the following reasons:

From October 2010 to December 2010, on no less than three occasions, Cleveland Police had to remind the premises that their Premises Licence did not allow the sale of food after 03.00 hours. For some time after this, the premises appeared to be conforming to the licensing laws and not selling food after 03.00 hours.

However, on 20th August 2011, there was an incident whereby the Owner Ali Navazali was assaulted by a customer. Police arrested the male but due to the fact that there was no CCTV on the premises, the investigation was made more difficult.

On 1st October 2011, the premises were found to be still open at 03.20 hours with persons inside being served food. This resulted firstly in an incident inside the premises which eventually spilled out into the street and ended up becoming what can be only be described as a brawl. CCTV evidence is available to show this incident.

On 8th October 2011, the premises called police at 03.13 hours following concerns of an unruly drunken male, who was causing problems with the staff of Marios. The male was arrested but CCTV shows footage of members of the public entering Marios at 03:06 hours and when the male was arrested at 03:11 hours there was still a female in the premises awaiting food.

Despite warnings regarding the implications of opening after hours, this premises continued to disregard the licensing laws resulting in the above licensing objectives being undermined. Therefore, Cleveland Police have no alternative but to review the premises licence. Failure to do so may result in person(s) being seriously injured.

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

See attached evidence

[Large empty rectangular box for providing supporting information]

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

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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 28th 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



If you are making an application to Hartlepool Borough Council for a new licence or a variation to an existing licence, under the Licensing Act 2003, you must send a copy of your application to each of the following organisations. This must be done at the same time as you send your application to the Council.

The Licensing Team
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7 BT

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

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

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

Hartlepool Safeguarding Children Board
Child and Adult Services Department
Hartlepool Borough Council
Bevan House
35 Avenue Road
Hartlepool
TS24 8HD

Principal Environmental Health Officer (Commercial Services)
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7 BT

Principal Environmental Health Officer (Environmental Protection)
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7 BT

Principal Trading Standards Officer
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7 BT

For more information contact the Council's Licensing Team on (01429) 523354 or licensing@hartlepool.gov.uk or visit Bryan Hanson House, Hanson Square Hartlepool, TS24 7BT

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 Andrew THORPE

Age if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 0894

This statement (consisting of 9 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: 25/10/2011

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

I am a serving police officer with Cleveland Police. I am currently stationed with the Hartlepool District Alcohol Licensing Unit.

Part of my role is to monitor licensed premises within Hartlepool and ensure they are not undermining the four licensing objectives and are abiding by the licensing 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.

This statement is in relation to Mario's Takeaway, 34 Church Street, Hartlepool and the following incidents/offences all occurred because of the premises being open to members of the public after their licensing hours.

I have recently reviewed all police information and intelligence systems for the previous seven months in order to compile this statement and provide a true reflection of the

Signature _____

Signature Witnessed by _____

9

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

Continuation of Statement of **Andrew THORPE**

behaviour of revellers and staff associated to the premises.

The following are detailed incidents/ offences, which are associated to Mario's Takeaway.

On the 17th October 2010 at 03:05 hours, T/PS 882 Henderson and PC2086 Hussain of the Alcohol Licensing Unit noticed that Mario's Takeaway was still open at 03:19 hours. At this time, there were still numerous customers inside the premises waiting to be served food. PC Hussain spoke with Mr Ali Navazani who stated he was the owner of the premise. Mr Navazani stated he was still open as it took time to prepare orders and the people were waiting on their food. Mr Navazani was given advice to the closing times (03:00 hours) of the premises and also, that food should cease being supplied at 03:00 hours. Mr Navazani signed PC Hussain's pocket notebook to this effect. Exhibit AT/1

At around 03:05 hours on 21st October 2010 T/PS 882 Henderson of the Alcohol Licensing Unit attended Mario's Takeaway which was open. T/PS Henderson spoke with Mr Ali Navazani the licence holder and informed him that he was breaching his premises licence by remaining open at this time and supplying late night refreshment. Mr Navazani stated that he had customers in the shop who wanted food. He was advised to close, which the premises eventually did at 03:20 hours.

On 4th December 2010 at around 03:02 hours I attended Mario's Takeaway to find it still open with customers still entering the premises to purchase food. As I was standing there waiting to speak to someone, staff were taking the food order of a dark haired adult female.

Signature _____

10

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 3

Continuation of Statement of **Andrew THORPE**

When I was noticed by the manager Mr Ali Navazani, he started to shout "NO MORE ORDERS WE ARE CLOSED" and refused to serve anyone else. By this time, it was at least 03:05 hours and I advised Mr Navazani that he should have taken his last order prior to 03:00 hours and they should have been closed by 03:00 hours. His reply was that he was just completing orders. I reiterated the point that he should be closed to the public by 03:00 hours and he evidently was not. I advised him to complete the orders that had been paid for and he stood by the door himself with it locked letting people out as their orders were completed. The premises closed by 03:15 hours the same day.

On 9th December 2010, PC2086 Hussain invited Mr Ali Navazani the owner of Mario's Takeaway in to Hartlepool Police Office to discuss the issues of the previous months and the late closure over the weekend. PC Hussain went through Mr Navazani's responsibilities as the premises licence holder and owner of the business. PC Hussain asked if he was familiar with the conditions of his licence especially the opening and closing times and the times he should be carrying out licensable activities. Mr Navazani said he was aware of these conditions. It was suggested to Mr Navazani that he should start closing his doors to the public at around 02:45 hours as this would allow him to complete serving all his customers at that time and still allow him to cease licensable activities and close by 03:00 hours as his licence stipulates. Mr Navazani signed PC Hussain's Pocket Note Book to show he understood what he had been told and advised (Exhibit AS/2) Mr Navazani seemed to take heed of PC Hussain's advice but recently, the premises has lapsed again and the opening times are again becoming more fluid depending on how busy they are.

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

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Continuation of Statement of **Andrew THORPE**

On 2nd April 2011 at around 01:31 hours there was a report of an assault at Mario's Takeaway. On arrival no one was willing to give details of an assault. However, as a result of the problems, the two males involved were both given Section 27 notices (Direction To Leave the Town Centre area) and not to return within the next 48 hours. This incident was not reported by Mario's at the time, it took a police officer to come across the situation after it had happened.

On the 20th August 2011 at around 22:25 hours a male entered Mario's Takeaway and ordered some food. On request of payment by the owner Ali Navazani for the food, the male starts to argue over the price. The male pats Mr Navazani on his left cheek then proceeds to slap him twice and then punch the member of staff to the left side of his face. The male runs out of the premises but is detained by police further down the road. The owner of Mario's was unable to supply CCTV footage from inside the shop of his own assault. This footage would have been of great assistance to the arresting officer in investigating the offence of assault.

On 18th September 2011 at around 02:32 hours a police officer attended outside Mario's Takeaway due to an incident involving an adult male. Due to his conduct, the male was arrested for being Drunk and Disorderly. Although this incident cannot be directly attributed to Mario's it is indicative of the problems the premises attract.

On 1st October 2011 at around 03:20 hours a CCTV operator advised the control room of a fight outside Mario's Takeaway which had spilled out from inside Mario's. CCTV shows that

Signature _____

Signature ¹² Witnessed by _____

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Continuation of Statement of **Andrew THORPE**

there were persons inside Mario's still taking supply of late night refreshment at 03:15 hours. A member of staff was monitoring the door so the customers could be let out when they had their food and preventing other members of the public from going in. A group of males and females had gathered outside and on more than one occasion, had tried to gain entry to the premises, but were refused. As the last customer inside, an adult male, was trying to leave with his food, two males from the group and a large female tried to push their way in. The member of staff could be seen on CCTV trying to refuse them entry and the male trying to get out could be seen gesticulating for them to go. One of the males leaves but then returns and looks as though he throws a punch at the male trying to leave. A fight then breaks out inside the premises with the male trying to leave and the other male from the group and the large female. This is broken up by two other males and all parties leave the premises. Outside, the two males who broke up the fight walked towards Whitby Street with the adult male customer, while the group still congregated near to Marios. As the male customer was walking away, a bottle was thrown in his direction. The male ran back to one of the males in the group, and a fight started again with other members of the group joining in. The two males who broke up the initial fight tried to do the same again. The fight broke up and the group milled around with the three males until a police vehicle turned up. At this point, everyone involved split up and started to walk away. The adult male customer was stopped by a police officer and spoken with, while the two males from the group disappeared from CCTV and were lost.

At no point during this incident did anyone from Mario's contact the police or try to make anyone aware of what was happening. Apart from this fact, if Mario's had stopped serving and closed at 03:00 hours as their Premises Licence indicates, CCTV shows the group had

Signature _____

Signature ¹³ Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

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not formed at this point. All of the trouble would have been avoided if they had arrived at the premises and it had been all locked up and no one but staff was inside or it was in darkness. I feel that as they were, from an outsider's point of view, still serving customers and the lights were on, others outside would have wondered why they could not go in. This would have caused frustration to those outside and would ultimately exacerbate the situation. The closing times and supply times are on the Premise license for good reason and should be adhered to as stipulated.

On 8th October 2011 at around 03:13 hours, staff from Mario's Takeaway advised police control room operators that they had an adult male in the premise being abusive. Police attended and the male came out of the premise continuing to be abusive. The male was arrested by police for being drunk and disorderly. The call was made well after 03:00 hours when the premise should have been closed for the last 13 minutes. We have obtained CCTV footage which shows members of the public walking in to the premise at around 03:06 hours and when the male is arrested at around 03:11 hours by the (CCTV footage clock) there is still a female inside the premise on the public side of the counter who appears to be waiting for her food. This is another case where Marios have failed to adhere to the constraints of their premises licence and have continued to remain open and supply food after the times they are allowed to carry out licensable activities.

In the past 6 months, Mario's Takeaway have had five reported incidents with their premises being named in each one of them. At least two of these incidents could have been avoided if Mario's had abided to the conditions stipulated on their Premises Licence

Signature _____

Signature ¹⁴ Witnessed by _____

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Continuation of Statement of **Andrew THORPE**

which was issued by Hartlepool Borough Council on 5th October 2010. The front sheet of this licence states that they should stop serving Late Night Refreshment at 03:00 hours and the premises should close at 03:00 hours. The occurrence of these incidents is exacerbated by the fact that Mario's were spoken to on three separate occasions at the end of last year regarding flouting their opening times by officers from the Hartlepool District Alcohol Licensing Unit. On each occasion, the owner was spoken to and it was made sure that they understood what the conditions of their operating and closing times were.

On Mario's Premise Licence condition 1 of Annex 2 states "Notices shall be displayed, stating incidents of crime and disorder will be reported to the Police" which indicates that the premise will report incidents of crime and disorder that occur. However, the incident that occurred on 1st October 2011, which started in the premises, was not reported at any point.

Although not a condition of the premises licence, Mario's inability to supply CCTV footage, even for incidents that concern assaults against their own staff, would have been useful in securing a conviction against the offender. It appears that Mario's are putting their business before the safety of their own staff and premises.

I believe that the situation has reached the point where there are significant concerns that a failure to make a review application may lead to persons being involved in a serious incident or seriously injured.

Signature _____

Signature ¹⁵ Witnessed by _____

AT / 1.

0319 Ali, NAVAZANI

17

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

At 03:19 hours on Sunday 16th October 2010

PC Hassan and Sgt Henderson attended my premises Marios Pizza Shop, Church St Hipool,

I am the owner of Marios Pizza Shop

At the time police attended Marios the premises

had customers inside who were waiting for food.

When I was asked why I was still open I informed

police customers were waiting for food they ordered and it takes time to prepare food

if

0325

[Redacted text block]

AT/2

1300 Mr. Ali, NAVAZAN,

37

Hartlepool.

I am the above named person and currently reside at the above address. I have attended Hartlepool Police Station at 1300 hours on Thursday 9th December 2010 in company with my son [REDACTED]

Where I have spoke with PC 2080 Yasmeen Hussain from Alcohol Licensing Unit

who works at Hippool Police, in relation to Mario's PIZZA Shop which is situated on Church St. Hartlepool.

I am happy to be contemp interviewed legal rights explained.

Q Are you the owner of Mario PIZZA Shop Church St.

A Yes he rents the property and I am the licensee from the premises.

Q How long have you been the licensee for the premises

A For approximately 4.5 months

Q What do you understand

17

about your licence
regarding

38

Serving late
night refreshment

and the opening hours

A) During the week

I believe my
opening hours do be
10am - until 0000

Sunday & Thursdays
and Fridays they
are 8pm until
0300 AM this also
includes Saturdays.

Q When was the
last time you looked
at the licence.

A About a week ago.

Q Did you look at
your trading hours
to serve late
night refreshment

A Yes.

Q you were found to
be opened on
Sunday 5th December
2010 after your
licence seizing hours.

Is there any ext
reason for this
PC Thorpe from
Alcohol Licensing
unit attended
Mario's Pizza and
found that the
premises were
open at 0302 hours
and serving food.

A Because we are
really scared of
people in Hartlepool
therefore we are
afraid to see refuse them

entry into the
shop and not 39
serve them.

Q Do you understand
your licence opening
hours

A) yes.

I can confirm that
I have been
advised in this
interview by
PC Hussain that
my licence stipulates
for me to carry
out late night
refreshments
Sunday to Wednesday
2300 - 0100 hrs
Thursday to Saturday
2300 - 0300 hrs

Although the
opening hours
Sunday to Wednesday
are 1600 - 0100
Thursday to Saturday
1600 - 0300.

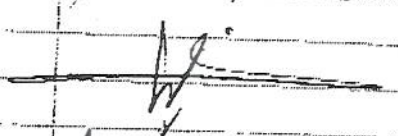
I have been advised
that come
0100 hrs Sunday to
Wednesday I must
ensure that my
premises are closed
lights off, doors closed
no customers to be
inside premises
and Thursday to
Saturday again I
must ensure that I
have ceased trading
by 0300 hrs no customers

inside premises and
no food is 40
being prepared
main doors closed.

If I am again
found in breach
of my licence
Hatched alcohol
licence unit will
take my premises
as a reviled panel
for no failing
to comply with
my licence.

I have also been
advised that
come 0245 hrs
Thursday & Saturday
close the Main doors
this enables me to

ensure customers
who are in the
premises by this
time are out by 0300hrs
with their food and
my premises are
free of customers.


Amir Nawazani
I can confirm that
this is a true accurate
record of what has
been said between
my father Ali
Nawazani and
PC Hussain.