

Licensing Act Sub Committee Hearing

Wednesday 21 December 2011

Members of the Panel:	Councillors Barclay, Fleming and Morris
Application Premises:	Mario's Takeaway, 34 Church Street, Hartlepool
Officers present:	Ian Harrison, Principal Trading Standards & Licensing Officer Tony Macnab, Solicitor Vicky Bosley, Democratic Services Officer
Applicant	Cleveland Police Jonathan Wrigley Andrew Thorpe Barrister Paul Currah
Respondents	Mr Mousa Mousa DNA Mr Navazarni (Representation) DNA
Decision:	

The Licensing Sub-Committee considered an application by Cleveland police as a responsible authority for the review of the premises license for Mario's Takeaway, 34 Church Street.

The premises license holder Mr Mousa Mousa had been contacted on the morning of the review and confirmed that he would not be attending but that Mr Navazani the owner of the business would be representing him. Mr Navazani did not attend the hearing however, members agreed that the matter should proceed.

The application for a review related to the licensing objectives for the prevention of crime and disorder and public safety.

The police brought the review as the premises had provided late night refreshment beyond its permitted hours on days when its licence entitled it to provide late night refreshments until 3am. In addition, there had been incidents of violence both inside and immediately outside the premises on some of those occasions.

The police gave evidence that from October 2010 to December 2010 the premises had on three occasions provided late night refreshments after 3am beyond its permitted hours. The owner of the business Mr Navazani had been given advice by the police that he should start closing the doors to the public at around 2.45am and this advice appeared to have been adhered to.

The police gave evidence of an incident of violence, which occurred on the premises on 20th August 2011 when Mr Navazani was assaulted by a customer however as there was no CCTV on the premises the police

considered that their investigation had been hindered.

The police showed CCTV footage provided by the Council of two further incidents which occurred on 1st & 8th October 2011 arising out of the premises serving late night refreshment after 3am. Mr Navazani was unable to deal with the situation and failed to call the police.

The Licensing Sub-Committee considered all of the evidence provided by the police and decided that the licensing objectives relating to the prevention of crime and disorder and public safety would be promoted by modifying the condition of the premises license on Thursday's, Friday's and Saturday's as follows:

1. The terminal hour for the provision of late night refreshments shall be reduced to 2am with last order being taken at no later than 1.45am and with all customers required to leave the premises by 2am and the doors to be shut at that time.
2. That two SIA registered Door Supervisors shall be employed on the premises from 12 midnight until closure. The Door Supervisors must be engaged exclusively in the role of supervising the door and must not carryout any role in relation to the serving customers or cooking or preparing food.
3. A CCTV system, to a standard approved by Cleveland Police, shall be installed and operational during all open 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.

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

CHAIR