

# LICENSING SUB-COMMITTEE AGENDA



**30 July 2013**

**at 10.00 am**

**in Committee Room C,  
Civic Centre, Hartlepool**

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Cook (Chair), Gibbon and Griffin

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
  - 3.1 Application for Variation of Premises Licence – Mario's, 34 Church Street, Hartlepool – *Assistant Director, Regeneration*



**Report of:** Assistant Director, Regeneration

**Subject:** APPLICATION FOR VARIATION OF PREMISES  
LICENCE – MARIO'S, 34 CHURCH STREET,  
HARTLEPOOL

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## 1. PURPOSE OF REPORT

- 1.1 To consider an application for the variation of a premises licence issued under the Licensing Act 2003 in respect of Mario's, 34 Church Street, Hartlepool.

## 2. SUMMARY OF APPLICATION

- 2.1 Applicant: Mr Mousa Mousa

Premises: Mario's, 34 Church Street, Hartlepool

- 2.2 The applicant has applied to extend the hours for the Provision of Late Night Refreshment to the following times:-

Sunday to Thursdays	23:00 – 02:00
Friday's and Saturday's	23:00 – 04:00.

A copy of the application is attached as Appendix 1.

- 2.3 The current licence authorises the provision of Late Night Refreshment at the following times: -

Sunday to Wednesday	23:00 – 01:00
Thursday's, Friday's and Saturday's	23:00 – 02:00

A copy of the current licence is attached as Appendix 2.

## 3. BACKGROUND

- 3.1 The application is for the variation of an existing premises licence which was originally granted to Mario's takeaway in 2005.

- 3.2 The current application has been advertised in the prescribed manner and a representation has been received from Cleveland Police. Copies of their representation is attached as Appendix 3.

3.3 The nature of the current representation made by Cleveland Police can be summarised as follows:

- The premises are situated in an area that already suffers from alcohol related crime and disorder and drink related problems.
- The premises suffers from incidents of alcohol related crime and disorder.
- The premises falls in the designated Special Policy area as specified in the Councils Statement of Licensing Policy.
- The applicant has failed to mention in his application how he will prevent the licensing objectives being undermined.

3.4 Members previously considered an application for the Review of Mario's premises licence in December 2011 following a request by Cleveland Police.

3.5 Cleveland Police requested the Review of the premises licence in 2011 on the grounds that the licence holder had, on a number of occasions, kept the premises open longer than the premises licence permits and that this did, directly or indirectly, lead to incidents of violence and disorder at the premises

3.6 As a result of the Review in 2011 Members determined to add the following conditions to the premises license on Thursday's, Friday's and Saturday's:

- (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.*

3.7 The area to which the current application relates falls within an area designated a 'Special Policy' area in the Councils Licensing Policy.

#### 4. ISSUES

4.1 As relevant representations have been received within the prescribed time period a hearing must be held for Members to consider those representations (unless all parties agree a hearing is unnecessary).

- 4.2 Paragraph 6.4 of Hartlepool Borough Council's current Licensing Policy states: -

*'Following the receipt of evidence of crime, disorder and nuisance from Cleveland Police the licensing authority has chosen to adopt a special policy to ensure the promotion of the licensing objectives in a specific designated area.'*

- 4.3 The area to which the special policy applies can be found detailed in Appendix 4 and these premises fall within the policy designated area.

- 4.4 Members are also reminded that Paragraph 6.8 of Hartlepool Borough Council's current Licensing Policy states: -

*'A special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, if relevant representations to that effect are received'*

- 4.5 Paragraph 6.9 of Hartlepool Borough Council's current Licensing Policy states: -

*'Applications for premises licences or club certificates for premises situated within the identified special policy area will be required to demonstrate in their operating schedules how the operation of their business will not add to the cumulative impact already being experienced in this area'*

- 4.6 The Special Policy forms part of Hartlepool's Licensing Policy and states that, because of the number of licensed premises in the specified area, there is a potential impact on the promotion of the four licensing objectives.

- 4.7 The existence of a Special Policy creates a rebuttable presumption that applications for new premises licences, or material variations, will normally be refused, unless it can be demonstrated that the operation of the premises will not add to the cumulative impact being experienced.

- 4.8 Having regard to the representations received, Members may take any of the following steps for the promotion of the licensing objectives:

- i) Grant the application without amendment
- ii) Grant the application in part and/or with conditions or amended conditions
- iii) Refuse the application

- 4.9 The licensing objectives 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

- 4.10 Members are reminded that they must only consider those aspects of the licence application that are relevant to the representations received.

## **5. RECOMMENDATIONS**

- 5.1 That members consider the representations made by the applicant and the objectors and determine what aspects, if any, of the proposed application should be granted and, if appropriate, what conditions, if any, should be attached.



REGENERATION & NEIGHBOURHOODS  
DEPARTMENT  
06 JUN 2013

# Application to vary a premises licence 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/We M. MUSA  
(insert name(s) of applicant)

CONFIDENTIAL

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

HART/PS/276.

### Part 1 – Premises Details

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

MARIOS  
34 CHURCH STREET

Post town

HARTLEPOOL

Postcode

TS24 7DG

Telephone number at premises (if any)

01429 275555

Non-domestic rateable value of premises

£ 4.160

### Part 2 – Applicant details

Daytime contact  
telephone number

E-mail address (optional)

Current postal address if different  
from premises address

SAME AS PREMISE ADDRESS  
ABOVE

Post town

Postcode

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Sale by retail of alcohol (if ticking yes, fill in box J)

☐

In all cases complete boxes K, L and M

# B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed						
Thur			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)			
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

# C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

# D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

# E

<b>Live music</b> <b>Standard days and timings</b> (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>			
Mon						
Tue						
			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>			
Fri						
Sat						
Sun						

# F

Recorded music standard days and timing (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>	Outdoor <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur						
Fri			Non standard timing. Where you intend to use the premise or the playing of recorded music at different times to those listed in the column on the left please list (please read guidance note 5)			
Sat						
Sun						

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) WOULD LIKE TO OPEN EARLIER AND CLOSE SHOP LATER IF POSSIBLE.		
Mon	12.00	02.00			
Tue	12.00	02.00			
Wed	12.00	02.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	12.00	02.00			
Fri	12.00	04.00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	12.00	04.00			
Sun	12.00	02.00			
	12.00	02.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

**K**

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8).</p>
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**L**

**Hours premises are open to the public**

Standard days and timing.  
(please read guidance note 6)

**State any seasonal variations (please read guidance note 4)**

Day	Start	Finish
-----	-------	--------

Mon		
-----	--	--

Tue		
-----	--	--

Wed		
-----	--	--

Thur		
------	--	--

Fri		
-----	--	--

Sat		
-----	--	--

Sun		
-----	--	--

**Non-standard timings.** Where you intend the premises to be open to the public at different times from those listed in the column on the licence list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒  
☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

### a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

We have good contact with Police, CCTV and a doorman, friendly staff that are employed to serve customers in a professional manner. We do not abide any trouble and if there is, it will be calmed down immediately.

### b) The prevention of crime and disorder

CCTV - covers shop and outside shop  
DOORMAN PRESENT, to stop any trouble starting. We contact Police if we feel the trouble is escalating, although it does not happen much at all.

### c) Public safety

We have a doorman that stops any trouble. We have good contact with Police. Customers can come to our premises for food in a friendly environment, no fighting or bullying is accepted.

### d) The prevention of public nuisance

AGAIN our doorman is there to help any public nuisance that may occur, in the past we have hardly any trouble in our premises, if we have it is calmed down quickly.

### e) The protection of children from harm

our premises we feel does not effect children, we are here to provide hot take-away food to the public in a appropriate manner, quickly and effectively.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

Signature	CONFIDENTIAL	
Date	05-06-13	
Capacity	OWNER	

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	CONFIDENTIAL	
Date	05/6/13	
Capacity	MANAGER	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

34 CHURCH STREET

Post town	MARTLEPOOL	Post code	TS24 7DG
Telephone number (if any)	01429 275555		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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



**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's, Friday's and Saturday's 23:00 – 02:00

**The opening hours of the premises**

Sunday – Wednesday 16:00 – 01:00

Thursday's, Friday's and Saturday's 16:00 – 02:00

**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

**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: 21<sup>st</sup> December 2011**

## **ANNEX 1 – Mandatory Conditions**

1. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.

## **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**

The following conditions 1, 2 and 3 will apply to the premise licence on Thursday's, Friday's and Saturday's:

1. The terminal hour for the provision of late night refreshments shall be reduced to 02:00am with last order being taken at no later than 01.45am and with all customers required to leave the premises by 02:00am and the doors to be shut at that time.
2. That two SIA registered Door Supervisors shall be employed on the premises from 00:00am 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.

## **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.

Your Ref:  
Our Ref: LICE/20/765MN

When telephoning please use  
Direct Line (302160) to contact  
PC Hussain

12<sup>th</sup> June 2013

Dear Sirs,

**Re: Licensing Act 2003**  
**Application for Variation of Premises Licence**  
**Marios - 34 Church Street, Hartlepool**

Cleveland Police have received an application for a variation of the premises licence in respect of the above named premises to extend the hours of opening from 02.00 hours until 04.00 hours on a Saturday and Sunday morning to which Cleveland Police make the following representations:

The premises is situated in an area which already suffers from alcohol related crime and disorder. Indeed, the premises itself suffers from incidents of alcohol related crime and disorder.

In addition to this, the premises is in an area which has already been declare saturated by Hartlepool Borough Council and therefore, a special policy has been adopted. Therefore, variations of a premises licence which are likely to add to the cumulative impact will normally be refused or subject to certain limitations following relevant representations, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives. The applicant has failed to show how he will prevent the licensing objectives being undermined and Cleveland Police are of the opinion that if granted, the crime and disorder and public safety objectives will be undermined.

In addition to the above, this premises has already been subject of review proceedings due to incidents at the premises. The matter was heard in December 2011 when the hours of opening were reduced.

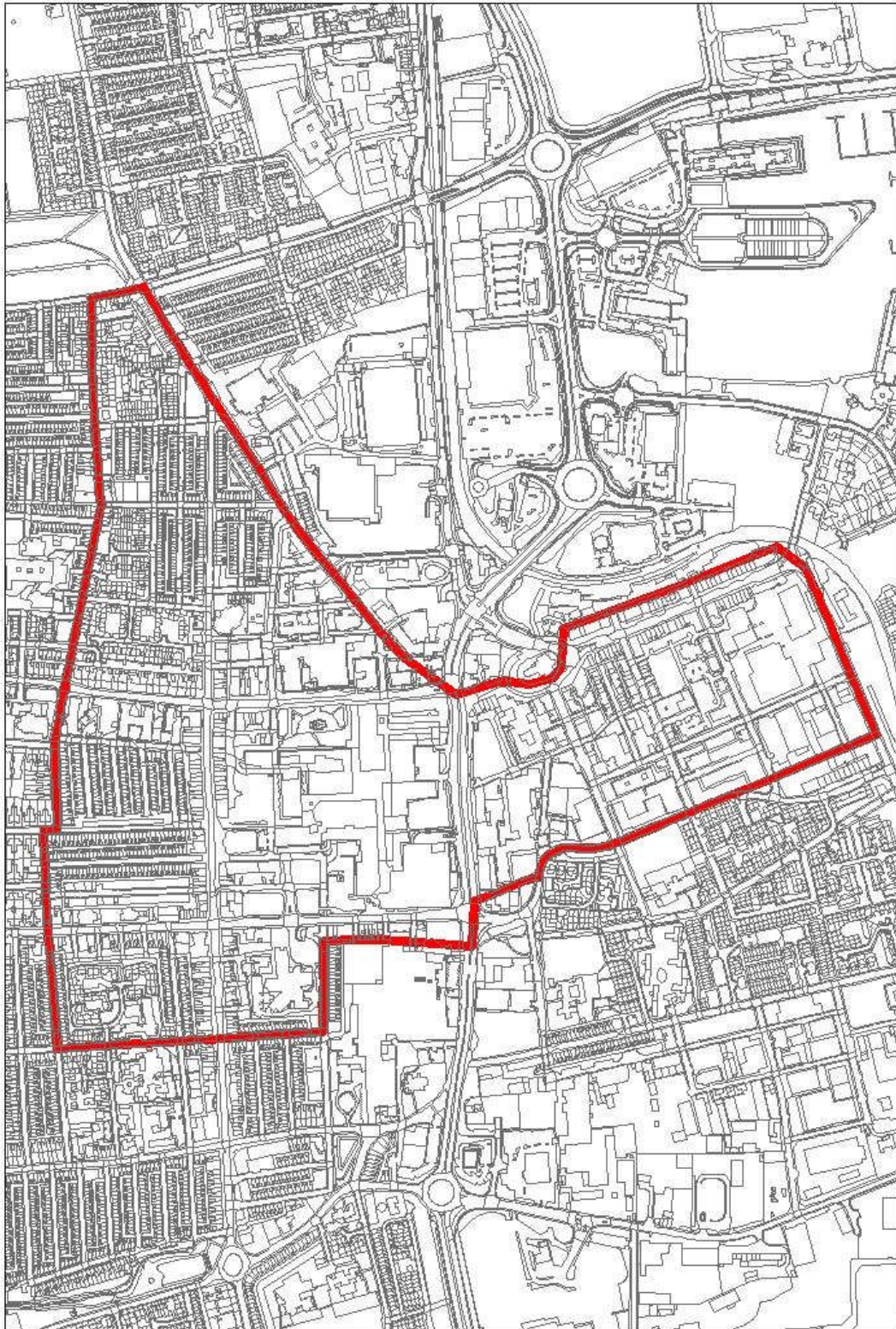
Mr Ian Harrison  
Licensing Department  
Hartlepool Borough Council  
DX 60669  
Hartlepool

It is concern to Cleveland Police that the premises is once again making an application to extend the opening hours and in the event that this application is not withdrawn, further evidence will be provided.

Yours faithfully,

**M. Nevison**  
**Legal Adviser**

## Designated Area for Special Policy



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

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN	17			
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Statement Yasmeen HussainAge if under 18: **Over 18** (if over 18 insert "Over18") Occupation: Police Constable 2086

This statement (consisting of 7 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 in it anything which I know to be false or do not believe to be true.

Signature: confidential Date: 22nd July 2013

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

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

Part of my role is to monitor licensed premises within Hartlepool and ensure they are not undermining the four principal licensing objectives, and are abiding by the licensing conditions attached to their licence. If the premises are not abiding by their conditions it is my duty to collate evidence of any breaches

This statement is in relation to an application made by Mario's take away 34 Church Street to vary their current premises licence to allow supply of late night refreshment until 04:00 hours on Friday night leading into Saturday mornings and Saturday nights leading into Sunday mornings.

Cleveland Police make representations to this variation of a premises licence to trade until 04:00 hours on the following grounds:

Signature: confidential Signature Witnessed by \_\_\_\_\_

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

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Continuation of Statement of Yasmeen Hussain

The premises were previously subject to a review application by Cleveland Police on the 21<sup>st</sup> December 2011 due to concerns of the crime and disorder associated with the premises and on a number of occasions, trading after licensable activities should have ceased.

I have reviewed all police information and intelligence systems, in addition to entries made by PC Thorpe in his pocket note book. PC Thorpe had cause to attend the premises when they were found to be in breach of conditions attached to their licence, which were imposed at the review hearing.

The conditions attached were that the premises:

- 1) The terminal hour for the provision of late night refreshments shall be reduced to 02:00am with the last order being taken at no later than 01:45am and with all customers required to leave the premises by 02:00am and the doors to be shut at that time.
- 2) That two SIA registered Door Supervisors shall be employed on the premises from 00:00 am 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 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

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authority officers on request.

On Sunday 3<sup>rd</sup> February 2013 at 02:12 hours, police observed a verbal altercation taking place outside Mario's takeaway, which resulted into a fight. The injured male informed police that whilst inside Mario's two males were arguing with him this was over the seating in the pizza shop. One male hit him in the face whilst inside the shop to which he did punch him back, he then left the shop to get away from him but they followed him outside, where the arguing continued and he was subjected to further assault.

This assault may have been avoided if the premises had adhered to their licensing hours and closed at the time stated on their licence.

On Saturday 16<sup>th</sup> February 2013 PC Thorpe was on duty as in his role as licensing officer. At approximately 02:20 hours that morning, whilst passing Mario's, he noticed that there were customers still inside the premises. Whilst PC Thorpe was stood outside the premises, he observed a customer enter the takeaway and place an order. PC Thorpe entered the premises and requested to speak with the manager and was informed that the manager wasn't in but would be tomorrow. PC Thorpe asked staff if they were aware of what time they should be closed, however they could not tell him. Staff were advised that the premises should be closed by 2am and last orders for food should be taken by 01:45am. There was no SIA registered door staff and when questioned, they replied door staff had failed to turn up.

On Sunday 17<sup>th</sup> February 2013 at 00:00 hours, PC Thorpe attended Mario's takeaway where

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he spoke with Mr Al Heydari who identified himself as the manager of the premises. Mr Heydari was asked if he was aware that the premises were still open after 02:20 hrs last night to which he replied that his staff had informed him they stayed open late. He was also challenged regarding the lack of door staff, to which he stated he had issues with door staff and their attendance, but he was looking into a permanent solution by having one of his staff SIA registered to enable them to carry out the role as door staff. The conditions of the premises licence were pointed out to Mr Heydari.

Mr Heydari also acknowledged that PC Thorpe had cause to speak with him on the first weekend of their opening over Christmas period regarding the very same issues, where Mr Heydari stated he'd ensure the same issues did not occur again.

On Saturday 20<sup>th</sup> April 2013 at 02:20 hours, PC Thorpe was on duty in his role as licensing officer where he once again attended Mario's and the premises were still open. PC Thorpe asked if the manager was available to which he was advised he would be tomorrow. When questioned regarding door staff, the staff at the premises did not know and didn't appear to know that door supervisors were required. PC Thorpe advised them to close the premises as it was past their licensable hours.

On Sunday 21<sup>st</sup> April 2013 at 00:05 hours, PC Thorpe attended Mario's takeaway where he spoke with Mr Al Heydari (manager) of the premises. Pc Thorpe pointed out to Mr Heydari that this was the third occasion he has had to speak with him regarding the premises staying open after their licensable activities should have ceased and not having SIA registered door

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supervisor as it is a condition of his licence. Mr Al Heydari stated that this was occurring on nights that he was not present on the premises, and in relation to door supervisors, he had been let down on a few occasions but he had a member of staff who had gone through the SIA course and was waiting for his accreditation to come through. PC Thorpe reiterated the importance of abiding by the conditions on the premises licence and stressed the importance of complying with those imposed by the licensing committee at the last review. Mr Al Heydari agreed that he should have a tighter control on the premises.

On 18<sup>th</sup> June 2013, a letter was received by Cleveland Police from Mr Qusemi stating that he had no previous involvement with the premises and could not comment on the review. Whilst this may be the case, it should be noted that this application was made by both Mr Qusemi and Mr Mousa. Mr Mousa was the Premises Licence Holder at the review hearing and continues to be the Premises Licence Holder.

On Sunday 30<sup>th</sup> June 2013 PC Thorpe was on duty in his role as licensing officer. At 02:24 hours whilst stood outside Mario's takeaway he observed that the premises doors were wide open and they were busy serving customers. PC Thorpe indicated to staff that it was after 02:00 hours and the premises should be closed, whilst PC Thorpe was speaking with staff, another customer had entered the premises and ordered food. PC Thorpe advised staff that they should close the premises as they are in breach of their licence, furthermore there was no door supervisors controlling the premises. When questioned in relation to this, they were unable to provide an answer. As PC Thorpe left the premises staff had closed the door to the premises to prevent further customers entering. This is the fourth occasion PC Thorpe has had

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to speak to the premises, regarding their apathetic attitude towards the closing times and no door supervisors on the premises controlling the doors, as a prevention to crime and disorder and anti social behaviour.

On Sunday 14<sup>th</sup> July 2013 Sergeant Dack and PC Bell were on uniformed foot patrol carrying out licensing patrols on Church Street. It was after 02:00 hours when their attention was drawn to Mario's takeaway, they observed customers inside the premises and also further customers entering the premises. Sergeant Dack and PC Bell attended Mario's and informed staff at the premises that it is well after 02:00 hours and they are still carrying out licensable activity when it should have ceased. PC Thorpe was also on duty and had been made aware by Sergeant Dack that Mario's was still trading after licensable activity should have ceased. PC Thorpe attended Mario's at 02:07hours the same morning where he had cause to speak with the manager Mr Qusemi. It was pointed out to him that he was still open when all licensable activity should have ceased, Mr Qusemi stated that he was been victimised by police. He was assured that this was not the case and he should be adhering to the conditions attached to his licence.

The premises were again open after 02:00 hours and had no door supervisors controlling the door. Sergeant Dack and PC Bell had to stand in front of the premises door to prevent further customers entering the premises to order food. Customers became abusive towards Sergeant Dack and PC Bell saying they are normally open at this time.

Based on the above information, it appears that Mr Mousa has failed to implement any of the conditions imposed at the review hearing, therefore showing total disregard.

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Church Street is an area which already suffers from alcohol related crime and disorder. When patrons are leaving drinking establishments they tend to congregate around late night takeaways, this is where they tend to fight due to been fuelled with alcohol. By allowing another late night licence, Cleveland Police are of the opinion that this will only exacerbate the incidents of crime and disorder.

Finally, as stated in the representations made by Cleveland Police, this premises is situated in an area declared saturated and therefore, the applicant needs to show how their application would not undermine the licensing objectives. It is the opinion of Cleveland Police that the applicant has failed to do this.

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