

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Tuesday 9 July 2013 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors E Bell and B Glass

Also Present:

Councillor Barbara Graham, Councillor Joyce Maitland, C Greenlay (Principal Solicitor) and Y Raine (Senior Licensing Officer), Sergeant Robson (Durham Constabulary), PCSO Level (Durham Constabulary, Mr Ali (Premises Licence Holder) and Ms Anderson (Employee at UK Pizza)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Review of a Premises Licence - UK Pizza, 61 Yoden Way, Peterlee.

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application by Durham Constabulary to review the premises licence in respect of UK Pizza, 61 Yoden Way, Peterlee (for copy see file of minutes).

A copy of the premises licence and location plan had been circulated to Members.

The Senior Licensing Officer advised the Sub-Committee that no representations had been received from responsible authorities and that the Premises Licence Holder had now employed a Security Guard and closes the premises 20 minutes earlier.

Additional information from the Premises Licence Holder and Durham Constabulary had been circulated to members and all parties prior to the meeting.

Sergeant Robson acting on behalf of Durham Constabulary indicated that there were high levels of alcohol related disorder in the vicinity of the premises which were currently open until 3.00 am and the licence holder was Mr Ali.

He went on to say that during May 2011 to April 2013 there had been 17 reported incidents of anti-social behaviour, violence, aggression and disorderly conduct at or in the vicinity of the premises.

On the 26 May 2012 an incident took place which resulted in the window of the premises been broken. CCTV showed Mr Ali and the customer ready to fight. CCTV then jumped forward and showed Mr Ali leaving the premises with an instrument in his hand.

Sam Level PCSO Licensing Specialist visited UK Pizza on 29 June 2012 and noted concerns in relation to Health and Safety.

On the 10 August 2012 officers were called to the premises and staff were unable to operate the CCTV. This is an operational condition of the licence.

On the 2 February 2013 a male was stabbed at the premises and Mr Ali was charged with a Section 18 wounding and possession of an offensive weapon. When interviewed he claimed he was not responsible for this attack. CCTV from the premises was removed but footage was unable to be recovered. Mr Ali pleaded not guilty to the offence until the day of the hearing when he pleaded guilty.

A copy of the Trial Record Sheet had been previously circulated to Members and Interested Parties which showed that Mr Ali had been given 12 months Imprisonment suspended for 18 months on Suspended Sentence plus a fine and surcharge.

On 4 February 2013 Officers attended UK Pizza and found poor hygiene levels, no fire blankets or extinguishers and evidence of smoking in the food preparation area.

They also found under the counter 2 table legs and a hammer which could be used as weapons and staff could not account for these items.

On the 27 February 2013 a witness came forward to report affray which had taken place in November 2011.

Sergeant Robson stated that Mr Ali had little control of his temper, poor management of staff and did not act professionally when confronted.

He asked that the Sub-Committee consider revoking the current licence which would result in the premises still been able to remain open until 11.00 pm. Durham Constabulary felt that any extension would have a detrimental impact on the vicinity and they felt that the Licence Holder could not control his temper.

Councillor Bell sought clarification if the evidence of cigarette ends was an observation and if the CCTV had been working when the Police visited the premises.

Sergeant Robson responded that photographs had been taken and the matter referred to Health and Safety. There had also been previous issues of food hygiene in relation to these premises.

He also stated that the Police had been unable to access the CCTV and on one occasion the CCTV had been removed from the premises and this could not be accounted for.

Councillor Glass indicated that CCTV was a condition of the premises licence and sought clarification if this had been complied with consistently. Sergeant Robson responded that it had not been complied with consistently.

Councillor Carr sought clarification on attacks to customers and staff.

Sergeant Robson responded that Mr Ali had to encounter drunken customers and there had been an incident with a customer over his £2.00 change. Mr Ali was racially abused but he dealt with this on his own rather than contact the Police.

Mr Ali advised the Sub-Committee that he had informed the Police but they did not respond so he had no choice but to deal with it, but he tried his best.

Mr Ali went on to say that he could control what went on inside his shop but not outside. He referred to a message that he had on his mobile which asked for him to pay £5,000 which he reported to the police.

The Chairman asked Mr Ali to refer to the Grounds for Review.

Mr Ali showed the Sub-Committee that he had a message on his mobile demanding money. The Chairman advised Mr Ali that the message was not relevant for the hearing today.

Mr Ali then went on to advise Members that he had now employed a Door Supervisor to work on the door in the shop and had CCTV installed.

Mr Ali was asked if he had made a complaint to the Police in regard to his statement that the Police do not turn up when he calls. The Solicitor advised him in future to make a complaint to Durham Constabulary.

Mr Ali was given time to look at the Grounds for Review which was contained within the papers.

The Chairman and Councillor Glass asked Mr Ali questions on each of the Grounds for Review as follows:-

Grounds for Review Item 2

Mr Ali confirmed that he was the Premises Licence Holder for UK Pizza.

Grounds for Review Item 4

Mr Ali explained to members that his window had been broken as a customer had asked for his food for free. He telephoned the Police and he was arrested. The Solicitor asked him to confirm what the implement was. Mr Ali stated that there was no implement. The Solicitor referred him to the CCTV evidence which showed him with a weapon in his arms. Mr Ali confirmed that it was a staff belt.

Councillor Glass referred to the CCTV footage which had not been produced but referred to in the papers that stated that the footage jumped forward. Mr Ali responded that the police had taken the footage so he did not know why it had jumped forward.

Grounds for Review Item 5

Councillor Glass asked Mr Ali to respond to the statement regarding poor hygiene levels found at the premises on 29 June 2013. Mr Ali responded that smoking had taken place in the back room. Ms Anderson an employee of Mr Ali stated that the cigarette end must have been carried in on someone's shoe.

Grounds for Review Item 6

Councillor Glass referred to all staff having to operate the CCTV equipment as part of the licence conditions. Mr Ali responded that not all staff were trained to operate the CCTV equipment.

Grounds for Review Item 7

Councillor Glass sought clarification on four customers been assaulted by four members of staff. Mr Ali responded that it was true. The Solicitor asked if it was acceptable for him to assault customers.

Grounds for Review Item 9

Councillor Glass asked why the premises were still open at 3.28 am on 1 January 2013 when the premises should have closed at 12.30 am. Mr Ali stated that this was not true and the premises were only open until 12.00 midnight.

Ms Anderson stated that they were cleaning as this does take a considerable time.

Grounds for Review Item 10

Councillor Glass referred to staff been unable to operate the CCTV equipment on 21 January 2013.

Ms Anderson responded that since the incident new staff were now employed at the premises.

Grounds for Review Item 11

Councillor Glass sought clarification on the stabbing which took place on 2 February 2013. Mr Ali responded that this was a big mistake and that the knife did not belong to him. Mr Anderson stated that the person who was stabbed was the same person who was trying to blackmail Mr Ali. Councillor Glass asked if he had contacted the police about the blackmail. Mr Ali confirmed that he had gone to the police but they had not believed him.

Grounds for Review Item 12

Councillor Glass asked about the pieces of wood which were under the counter. Mr Ali responded that they were pieces of wood which he had used to try and fix the counter.

Grounds for Review Item 13

Councillor Glass asked about the breach in fire regulations. Mr Ali responded that no one had spoken to him about any breaches.

The Chairman asked him if he was sure as he was aware that Fire Officers did visit premises when there had been a breach.

Ms Anderson advised members that the premises now had fire extinguishers.

Grounds for Review Item 14

Councillor Glass referred to the allegation of affray which took place on 26 November 2011 but came to light on 27 February 2013 and asked if he owned a baseball bat. The Solicitor asked for confirmation when he owned the premises. Mr Ali responded that it was 2011 and he did not own a baseball bat.

Sergeant Robson advised members that this incident was still under investigation.

PCSO Level advised that the incident had not come to light until after the stabbing when people were encouraged to come forward.

In response to the submission by Mr Ali, Sergeant Robson asked why there was no door supervisor in place when police officers visited the premises in June 2013. Mr Ali responded that he had employed someone from the Job Centre to work on a Friday and Saturday.

Ms Anderson stated that they have had a couple of door supervisor but it was difficult to keep them as it was not the work that everyone wanted to do.

The Solicitor asked for confirmation that the Door Staff were registered. Mr Ali confirmed that they were registered.

Sergeant Robson referred to the premises been open at 3.28 am and confirmed that Sergeant Wells witnessed this. Ms Anderson stated that they were clearing up. The Chairman indicated that there was a difference with the door open and clearing up. The Solicitor stated that there was no witness statement from Sergeant Wells.

Sergeant Robson confirmed that Mr Ali had come to see him at Annand House concerning the texts from the person who he had stabbed and he advised him that he had reported it to the police.

Mr Ali responded that he did go to the police about the threats and had a letter to prove it but the police never turned up.

The Solicitor looked at the contents of this letter which was from Mr Ali's Solicitor which stated that he attended the police station. The Solicitor read out an abstract from the letter but indicated that it was not confirmation that Mr Ali had attended the police station.

Sergeant Robson referred to the allegation of affray which had taken place on 26 November 2011 and sought clarification of when Mr Ali obtained his licence for these premises. Mr Ali responded that he had obtained his licence on 20 September 2011.

In Summing up, Sergeant Robson indicated that the premises had a history of violence. Conditions had been imposed on the licence particularly in view of the area. There were issues with management and the conditions of the licence not been adhered to. People were been injured and in his opinion a leopard does not change its sport. There was violence associated with Mr Ali and it was their job to deal with this. He asked that the licence be revoked as the shop could still remain open until 11.00 pm.

In Summing up, Mr Ali gave reassurances that there would be no more problems with UK Pizza. He now employed door supervisors and CCTV had been installed. He would manage the premises with no problems from today.

Members of the Sub-Committee left to deliberate the application in private at 11.25 am. After reconvening at 11.40 am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of the Applicant and Licence Holder.

Resolved:

That the premises licence be revoked.