

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - Council Offices, Spennymoor on **Monday 16 April 2012 at 10.00 am**

### **Present:**

**Councillor C Carr (Chair)**

### **Members of the Committee:**

Councillors B Arthur, P Charlton and J Lee

### **Apologies:**

Apologies for absence were received from Councillors J Shiell

### **Also Present:**

Y Raine – Licensing Officer

G Proud – Legal Officer

S Mooney – Durham Constabulary

Sgt T Kelly – Durham Constabulary

Mr H Hussian – applicant (Pizza Place)

### **1 Declarations of Interest (if any)**

There were no declarations of interest received.

### **2 Application for the Grant of a Premises Licence - New Oak Wines, 41 Mayfields, Greenways Estate, Spennymoor, Co Durham, DL16 6RW**

It was noted that this application had been withdrawn.

### **3 Application for the Review of a Premises Licence - Pizza Place, 1A Fore Bondgate, Bishop Auckland, DL14 7PF**

#### **Members:**

Councillor C Carr (Chair), B Arthur and P Charlton

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the review of a premises licence in respect of Pizza Place, 1A Fore Bondgate, Bishop Auckland, a copy of which had been circulated.

Plans showing the location and layout of the premises had been circulated to Members together with the review application received from the Police. Members were advised that the Premises Licence had been transferred to Mr Hussian from Mr Sharif on 8 March 2012

S Mooney, the applicant's representative gave a background to the application which had been submitted because of concerns about poor management and because of the actions of staff and their lack of co-operation following an assault at the premises on 13 November 2011. Details were set out in the witness statements provided by the Police.

Of particular concern was the lack of co-operation and misinformation from staff when the Police were investigating in the early hours of the morning and had a male in police detention with the 'custody clock ticking'. Officers had also discovered that CCTV was not installed despite it being a condition of the licence.

At earlier routine visits on 16 September 2011 and 11 February 2012 the Premises Licence could not be produced and was not on display, nor could Officers recall the presence of CCTV. However a visit on 26 March 2012 confirmed that CCTV had now been installed.

In addition to Sgt Kelly's statement in relation to the assault, an additional statement on 28 March 2012 noted that on 26 March 2012 the Police were called to the premises by Mr Abdul Ali Sharif, the former Premises Licence Holder who described himself as a staff member. There was also an incident on 23 April 2010 when a vehicle was checked in Darlington driven by a male who gave his details as Mr H Hussian, 1A Fore Bondgate, Bishop Auckland.

In conclusion S Mooney referred to section 5.2 and 5.3 of the Council's Licensing Policy and stated that the Police were concerned at the circumstances surrounding the incident in 2011, and also the lack of CCTV which undermined the licensing objective relating to the prevention of crime and disorder. He urged the Sub-Committee to take strong action to address the poor management of Pizza Place, and made reference to paragraph 11.22 of the Home Office Guidance which suggested suspension of the licence for a weekend. He also asked that the current condition relating to CCTV in Annex 2 Part B of the licence be replaced with a more stringent condition as outlined in paragraph 10 of their grounds for review.

Sgt Kelly addressed the Sub-Committee. He explained that it had been some time since the incident and the review had not been made earlier as the Police had hoped that the criminal case would be resolved. The case was ongoing.

In relation to CCTV he explained that the premises had received a copy of the Police minimum standards document prior to installation and the Force CCTV expert would visit to inspect any system in place.

In response to questions Sgt Kelly confirmed that the 5 incidents reported in his witness statement were linked to the premises and 2 of these had not been reported to the Police.

On the night of the assault, whilst not mentioned in the CID Officer's statement, staff had been made aware that a person was being held in custody.

Mr Hussian addressed the Sub-Committee and stated that CCTV had now been installed and he had informed his staff that they must ring 999 whenever there were any incidents.

Through questions from Members it was established that Mr Hussian had worked in the premises in 2010 and that Mr Sharif worked there as well, although not every day. It was a family run shop and Mr Sharif was a relative. Only 3 or 4 people worked at Pizza Place.

He was not aware of who was responsible at the shop on the night of the assault and stated that Mr Sharif did not work at the shop nor was he part owner of the business anymore. He was the only owner.

Mr Hussian confirmed that he understood how important it was to work with the Police for the safety of customers, that he always talked to the Police and that this had been explained to his staff whose English was good. The premises now had new staff, none of whom had worked there in November 2011.

In response to a question about the incident in 2010 when he was stopped by the Police, Mr Hussian advised that he lived in Short Street, Bishop Auckland. Sgt Kelly clarified that there had been an investigation as to who was driving and Mr Hussian had given his address as 1A Bondgate.

With regard to the incident reported on 26 March 2012 Mr Hussian outlined to members that he had spoken with the Police on 3 occasions that evening and on the third call the Police had addressed him as Mr Sharif. He stressed that he had not given Mr Sharif's name and had said his own name the first time he made contact. When the Police arrived he gave his name and showed them the CCTV. Although the Police were asked to check the CCTV they did not look properly.

In response to a question about staff training and how staff were asked to deal with any incidents, he advised that he had told his staff to treat customers with respect and to contact him if there were any problems. If he was not there Mr Ali was in charge although he confirmed that he was not a proper manager. He used to work with Mr Ali in Darlington and some of the previous staff had returned to their country. Mr Sharif was now operating in a shop in Crook.

He did not understand what was meant by training and confirmed that he had not read the Council's Licensing Policy. The Sub-Committee explained that the Police were able to advise on relevant training.

He also confirmed that the premises did not have an incident book.

In summing up S Mooney stated that the Police were now more concerned than they had been at the time of submitting the application. Mr Hussian had nothing further to add.

All parties were asked to retire to allow the Sub-Committee to deliberate the application in private at 10.55am. After re-convening at 11.15am 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 written and verbal representations of the applicant and the Premises Licence Holder.

## **RESOLVED**

That

- (i) the Premises Licence be suspended for a period of 30 days and immediately following the end of that period, the operating hours be modified and reduced to 1700 hours to 0100 hours daily. The reduction in hours to operate for a period of 2 months, after which time the Licence Holder could apply for the opening hours to be extended;
- (ii) the following additional conditions be imposed upon the Premises Licence:-
  - (a) The Premises Licence Holder shall ensure that all staff are trained in relation to responding to incidents of crime and disorder which take place on and within the vicinity of their premises, and regularly reminded of their responsibilities in particular with respect to co-operating with the Police and reporting incidents to the Police and emergency services
  - (b) A written record of all forms of training shall be kept and shall be available upon request to either the Licensing Authority or Durham Constabulary. This shall bear the signatures of those providing the training and those who received the training
  - (c) The Premises Licence Holder shall ensure that the premises operate an incident book, which must be kept up to date. The book must record all incidents which take place both on and within the vicinity of their premises and record the details of the staff present at the time of the incident. The book shall be available upon request to either the Licensing Authority or Durham Constabulary.
- (iii) The following condition in relation to CCTV systems is to replace the existing condition on the licence at B2:-
  - B2 The Premises Licence Holder shall ensure that a digital CCTV system is installed in the premises to the satisfaction of Durham Constabulary and in respect of which the following conditions shall apply:-
    - (a) It must be of such a quality that individuals can be readily identifiable from recordings made

- (b) It must cover all public entrances, points of sale and display and other areas to which the public, paying members and guests have admission with particular regard to those areas which may not be visible from the serving area
- (c) It must be operated by properly trained staff
- (d) It must be in operation at all times that the premises are being used for licensable activities
- (e) Recordings must be kept secure where they cannot be tampered with for a period of not less than 30 days or such other period as shall be specified by Durham Constabulary.

Recordings must be available on request to the Licensing Authority and/or Durham Constabulary or other responsible authority as defined in the Licensing Act.

**4 Any resolution relating to the exclusion of the public during the discussion of items containing exempt information**

That under Section 100(A)4 of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

**5 Application for a Personal Licence**

**Members:**

Councillor C Carr (Chair), B Arthur and J Lee

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Personal Licence, a copy of which had been circulated.

Members heard representations from the Police and the applicant before asking all parties to retire to allow the Sub-Committee to deliberate the application in private at 12.05pm.

On returning at 12.10pm 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 the Police.

## **RESOLVED**

That the application be refused in order to promote the licensing objective relating to the prevention of crime and disorder. The Sub-Committee did not consider that there were exceptional or compelling circumstances to justify granting the licence.