



## LICENSING SUB COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on  
Monday, 30th April, 2018 at 10.00 am.

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The Members of the Licensing Sub Committee are:-

Cllrs. Feacey, Mrs Webb, White,  
Reserve – Cllr Shorter

### Agenda

Page Nos..

1. **Election of Chairman**
2. **Apologies/Substitutes**  
  
To receive Notification of Substitutes in accordance with Procedure  
Rule 1.2(iii)
3. **Declarations of Interest** 1 - 2  
  
To declare any interests which fall under the following categories, as  
explained on the attached document:
  - a) Disclosable Pecuniary Interests (DPI)
  - b) Other Significant Interests (OSI)
  - c) Voluntary Announcements of Other InterestsSee Agenda Item 3 for further details
4. **Minutes** 3 - 22  
  
To approve the Minutes of the Meetings of this Sub-Committee held on  
21<sup>st</sup> November 2017 and 1<sup>st</sup> December 2017
5. **The Gurka Villa, 30 Bank Street, Ashford - Review of the Premises  
Licence** 23 - 76
  - (a) Clarification and Determination of Equal Maximum Time to be  
allocated to each party
  - (b) To note withdrawal of any representations
  - (c) The Hearing of the case

KM  
10 April 2018

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Queries concerning this agenda? Please contact Kirsty Morland  
Tel: 01233 330499 Email: [kirsty.morland@ashford.gov.uk](mailto:kirsty.morland@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

## Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

### **Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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## Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room No. 2, Civic Centre, Tannery Lane, Ashford on the **21<sup>st</sup> November 2017**.

### **Present:**

Cllr. Bradford (Chairman);

Cllrs. Mrs Dyer, Mrs Webb.

Cllr. Feacey (Reserve Member)

### **Also Present:**

Cllr. Farrell

Licensing Officer (AS), Licensing Officer (JP), Principal Solicitor, Member Services Officer.

PC A Pringle, PC C Hill – Applicant's Representatives.

PCSO K Welbourne – Licensing Co-Ordinator, Kent Police

Mr T Smith – Interested Party

Mr A Barlow - Press

## **231 Election of Chairman**

### **Resolved:**

**That Councillor Bradford be elected as Chairman for this Meeting of the Licensing Sub-Committee.**

## **232 Declaration of Interest**

Councillor Farrell made a Voluntary Announcement as he was employed by The Deltic Group. He was attending the meeting as Ward Member and therefore would only be observing proceedings.

## **233 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Sub-Committee held on the 1<sup>st</sup> August 2017 be approved and confirmed as a correct record.**

## **234 The Auction House, 7 New Street, Ashford – Application for Review of the Premises Licence**

The Chairman opened the meeting and welcomed all those present. The Principal Solicitor advised that this meeting was a public meeting and it was intended to hear the whole application in public. However, if during the course of the hearing any items arose that required private or confidential matters to be discussed, it may be necessary to exclude the press and public for that part of the meeting. Members confirmed that they had read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Officer (AS) then gave a brief summary of her report. She said the application to be considered by the Sub-Committee was for the review of the premises licence under the provisions of Section 51 to the Licensing Act 2003. The application had been made by Acting Chief Inspector Andrew Bidmead on behalf of the Chief Officer of Police and she confirmed that the application had been made in the correct manner.

Representations had been received from Trading Standards, Kent Fire and Rescue and a Chartered Surveyor acting on behalf of Michael Yoakley's Charity. These were also included with the papers (Appendices C, D and E). The grounds for the review as stated by the Applicant were grievous bodily harm assault by the use of glass, failure by door staff to detain the offender, poor management of outside area of premises when a group were ejected and the ineffectiveness of the Designated Premises Supervisor. The Licensing Officer concluded by outlining the decision options available to the Sub-Committee.

PC Pringle, on behalf of the Chief Officer of Police, outlined the application for a review of the premises licence. The review had been based upon an incident of grievous bodily harm that had occurred on 8th/9th September 2017. A male had had a glass forcibly thrown into his face, resulting in serious lacerations to his face. In a separate incident that same evening two males had been involved in an assault resulting in one of the males falling onto broken glass in the smoking area, resulting in a wound on his wrist. There was a casual approach to glass and the risks that it posed at the premises, the latter of these incidents highlighted that.

PC Pringle advised that it was a bar with a capacity of 130 persons, however on a Friday and Saturday evening the premises resembled a small nightclub. The premises were a member of Pubwatch, a voluntary paid scheme that afforded members a town-net radio and direct contact with both the Council's CCTV team and Kent Police. Mr Daly, the licence holder and Designated Premises Supervisor (DPS) for the Auction House, did not attend the monthly Pubwatch meetings, however Rightguard Security, who supplied the door staff to the premises, did. The Auction House did not share information or nominate anyone for banning under the scheme.

PC Pringle gave the Sub-Committee an overview of the history of the premises; in particular the expedited and summary reviews that had taken place in 2015. These reviews had taken place due to a serious incident involving glass and the Sub-

Committee, at the time of the expedited review made an interim decision that required the Auction House to serve drinks in either plastic or polycarbonate vessels. At the summary review the Sub-Committee reinstated the use of glass vessels as they had been assured that steps had been put in place to minimise incidents involving glass.

Drawing attention to the papers submitted by the Police in the making of their application to review the premises licence, PC Pringle reiterated the request to remove Mr Daly as the DPS. The incident that had brought about the review under consideration today was a repeat of the previous incident that was the subject of the expedited and summary reviews in 2015. There had been little change in the way that the premises were managed. There had been breaches of the premises licence and a failure by the DPS to promote the licensing objectives. The DPS did not work with nor interact with the Police. Mr Daly was always polite and respectful when communicating with the Police however he had a casual attitude towards responding to requests for information and would not answer questions.

PC Pringle drew the Sub-Committee's attention to letters that he has sent to the DPS in both 2016 and 2017 regarding incidents that had taken place at the premises and issues surrounding the CCTV system. It was also noted that Mr Daly had suggested making the bar manager the DPS, which was welcomed by Police however this had never come to fruition. There had been repeated delays in receiving CCTV footage from the premises, with the longest delay upwards of two months. Arrangements had been made to meet Mr Daly at the premises to discuss concerns regarding a female member of the public assaulting Police Officers after leaving the premises. Mr Daly failed to attend this meeting, which had been arranged at the premises. PC Pringle highlighted a number of occasions when contact had been disregarded by Mr Daly, with one resulting in the Police attending the premises and seizing CCTV footage to enable them to investigate a claim of assault by a member of the door team. The footage disproved this claim and the Police made a recommendation that body worn cameras would assist door staff and protect against false allegations.

Kent Police has requested the hours of alcohol sales and operation be reduced. PC Pringle drew attention to a bar chart that showed a breakdown of incidents at the premises and the times at which they occurred. It was considered that a reduction in hours would greatly assist in reducing the level of incidences at the premises. Since May 2016 there had been 2 incidences of GBH, 13 of ABH, 9 common assaults, 2 sexual assaults, 1 fear/provocation of violence, 1 theft and 1 allegation of drink spiking at the premises. Five of these incidents involved glass. PC Pringle advised of an incident whereby a female had a glass thrown in her face causing lacerations. Drawing attention back to two incidents that occurred on 8<sup>th</sup>/9<sup>th</sup> September PC Pringle advised that the manner in which they had been dealt with differed quite dramatically. The first incident that resulted in serious lacerations to a males face had not been reported to the Police by the venue nor had first aid been provided to the victim. The male injured in the other incident had received first aid and been attended to by an ambulance. PC Pringle questioned why these incidents had been treated so differently. The response to the former incident showed a blatant disregard for the licensing objectives. Furthermore, Kent Police requested the CCTV of that evening on no fewer than 12 occasions, with CCTV footage having to

be seized by Police. Upon seizing the footage it became apparent that the CCTV system had not been merged as had been a condition imposed by the previous review and footage had been wrongly identified. By refusing to supply the CCTV footage when requested Mr Daly had obstructed the Police and had broken the conditions of his premises licence.

PC Pringle indicated to the Sub-Committee that he wished to show CCTV footage of the incident that had occurred on 8<sup>th</sup>/9<sup>th</sup> September and an image of a glass incident involving a female member of the public.

## **235 Exclusion of the Public**

### **Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, namely 'The Auction House, 7 New Street, Ashford, TN24 8TN – Application for a Review of the Premises Licence' as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraphs 1, 2 and 7 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

PC Pringle, assisted by PC Hill, during exempt session, showed the Sub-Committee CCTV footage of the incident that occurred on 8<sup>th</sup>/9<sup>th</sup> September. This footage was of the inside and outside of the premises. They also showed the Sub-Committee an image detailing injuries to a female member of the public who had been injured as a result of an incident involving glass.

## **236 The Auction House, 7 New Street, Ashford – Application for Review of the Premises Licence**

In summary, PC Pringle advised the Sub-Committee that there had been 5 incidents involving glass at the premises since May 2016. The risk posed to the public and members of staff from glass was real and had been witnessed through the showing of CCTV footage. He urged the Sub-Committee to consider the options put forward by the Police, including the revocation of the premises licence. The Sub-Committee may have some questions that would only be able to be answered by Mr Daly, however he was not in attendance at the meeting.

In response to a question, PC Hills advised that Mr Daly leased the building. The premises licence was in his name and he was the DPS. The Licensing Officer advised that the premises were currently closed. The Sub-Committee wishing for further information in relation to this closure invited the representative from the Press that was present to advise on what had been published in the local paper. Mr Barlow advised that their understanding was that a dispute had occurred between

Mr Daly and the owner of the building and a note was affixed to the premises stating that the lease had been forfeited.

PC Pringle advised that Pubwatch enabled scheme members to log in and provide details of incidents that had taken place and to nominate individuals for barring from member premises. A monthly meeting of the Pubwatch board considered all nominations and Kent Police were able to provide assistance with identifying individuals if appropriate.

The Sub-Committee questioned whether a premises licence holder or DPS had a duty to report incidents. PC Hill advised that whilst this was not a condition of the premises licence it was a moral issue as a responsible person. A small fracas may not require Police attendance but it should be noted and reported. PC Pringle added that at the monthly Pubwatch meeting he had repeatedly stated that any incidents involving weapons must be reported to the Police.

PC Pringle advised that he was unable to provide exact details on the number of prosecutions that had been carried out as a result of incidents at the premises. However it should be noted that victims did not always support prosecutions. During the last three year period incidences had increased at the premises from 12 in 2015 to 22 in 2017. Visits were carried out to premises in the Borough, with requests made of the late shift on Friday and Saturdays to attend premises for license checks.

The Chairman was concerned about the representations made by Kent Fire and Rescue Service (KFRS) and the Chartered Surveyor on behalf of a neighbour. KFRS had attended the premises and carried out a fire safety inspection on 19 October 2017 and confirmed that the public safety objective of the Licensing Act 2003 had not been adequately satisfied. The fire alarm panel had showed multiple faults and fires in certain zones. There were no records or evidence of maintenance of the system and the most recent fire risk assessment was dated 2014. The neighbour had advised that Mr Daly had not entered into an agreement to access their land and thereby was unable to gain access for fire escape purposes. They had made numerous attempts to contact Mr Daly and were considering blocking the exit to prevent trespass. The Licensing Officers confirmed that no comments had been received from Mr Daly on this or any other matter raised by parties that had made representations.

The Sub-Committee requested clarification on how the incident book was completed. They requested that Mr Smith, from Rightguard Security, who was present at the meeting explain the procedure followed by his staff. Mr Smith advised that the incident book was located in the office and was completed at the end of the shift and in the presence of the DPS or bar manager usually. The door staff would complete the form and if necessary provide Police with a statement. Door staff also had pocket books which enabled them to make notes during their shift to enable them to complete any incident reports at the end of that shift.

The Sub-Committee then retired to make their decision.

On return the Chairman read out the Licensing Sub-Committee's decision and reasons.

**Resolved:**

**That:**

- 1. Mr Alan Daly be removed as the Designated Premises Supervisor.**
- 2. The Premises Licence be revoked.**

The decision notice and formal wording read out by the Chairman is appended to these minutes.

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**LICENSING SUB-COMMITTEE**  
**Tuesday 21<sup>st</sup> November 2017**

**APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR THE  
AUCTION HOUSE, 7 NEW STREET, ASHFORD, KENT, TN24 8TN, UNDER THE  
PROVISIONS OF SECTION 51 TO THE LICENSING ACT 2003**

**LICENSING SUB-COMMITTEE DECISION AND REASONINGS**

**OFFICER CASE  
STATEMENT OF :**

Licensing Officer

**REASON FOR  
MEETING:**

An application was made by the Police for a review for the premises licence for The Auction House, 7 New Street, Ashford, Kent, TN24 8TN, under the provisions of Section 51 to the Licensing Act 2003

**DELIBERATION:**

The Sub-Committee was advised at the meeting by the Licensing Officer of the Police's application. They heard representations by the Police in respect of their application, and in particular they amplified the incident that occurred on the 8<sup>th</sup>/9<sup>th</sup> September 2017. The police explained that since May 2016 there had been 2 incidences of GBH, 13 of ABH, 9 common assaults, 2 sexual assaults, 1 fear/provocation of violence, 1 theft and 1 allegation of drink spiking.

The Police, during exempt session, showed the Sub-Committee CCTV footage of the incident that occurred on 8<sup>th</sup>/9<sup>th</sup> September. This footage was of the inside and outside of the premises. The Police also showed the Sub-Committee an image detailing injuries to a female member of the public who had been injured as a result of an incident involving glass.

The Police drew attention to the previous review of the premises that had been undertaken in 2015. In particular, the issues relating to glass that had occurred at that time.

During questioning the Sub-Committee noted that the CCTV system was not being managed or maintained correctly in particular that the clock had not been changed from GMT to BST and any evidence obtained during that period of time would have been misleading. They also noted Police frustrations at their ability to obtain CCTV evidence during the previous 18 month period from the Licensee in relation to offences that had been reported and occurred in the premises.

Upon retiring to consider the review, the Sub-Committee recited to themselves the following:

That their decision should be made with regard to the Secretary of State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the guidance or policy clear or cogent reasons must be given. Members should be aware that If such departure is made the chances of appeal/challenge is increased.

The Sub-Committee also refreshed their minds of the options open to them.

The Sub-Committee considered the suggestions put forward by the Police as contained on page 45 of the report as follows:

- Removal of Alan Daly as the Designated Premises Supervisor.
- A reduction of hours of alcohol sales from 03:00 hours to 01:00 hours.
- A reduction of the closing hours from 03:00 hours to 02:00 hours.
- No further admittance after midnight. This would ensure that the Auction House could control and monitor persons on site in relation to alcohol consumption.
- Suspension of the premises licence for a period of time to allow for implementation of conditions and changes.
- An increase of door staff to four from 21:00 hours each Friday and Saturday night, All public holidays, and Events.
- A member of staff nominated as 'glass collector' to proactively remove empty glasses from the public areas to reduce its accessibility and the associated risk.
- All non-bottled drinks to be provided in plastic or polycarbonate glasses. Bottled drinks to be decanted into plastic or polycarbonate glasses or provided in plastic bottles. No glass vessels or bottles to be on the bar or in the public area at any time.
- Additionally to tighten the existing conditions as follows:
  - The licence holder will ensure that staff are fully trained in responsible sales of alcohol (BIIAB or equivalent) and that training records are kept.
  - A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Kent Police. Such system shall be:
    - Operated by properly trained staff
    - Be in operation at all times that the premises are being used for a licensable activity.

- Ensure coverage of all entrances and exits to the licensed premises internally and externally.
- Ensure coverage of such other areas as may be required by the Licensing Authority and Kent Police.
- Provide continuous recording facilities for each camera to a good standard of clarity. Such recording shall be retained (on disc, hard drive or other immediately retrievable facility) for a period of 30 days and shall be supplied to the Licensing Authority or a Police Officer **immediately** on request.
- The system should be checked and maintained daily to ensure it is in good working order, this should be entered into the incident book.

The Sub-Committee particularly noted that the Licensee did not attend the hearing or offer any mitigating evidence. In the absence of the licensee the Sub-Committee was compelled to accept the evidence of Police, particularly in relation to the licensing objectives of preventing crime & disorder and promoting public safety and conduct both within and outside the premises. They were also compelled to accept representations from Kent Fire and Rescue Services and the Chartered Surveyors that represented the neighbouring property of the Auction House, in particular in relation to the absence of a current fire risk assessment and the availability of vital fire exit and public safety.

The Sub-Committee noted that a great many allegations of crime had been made to Police in the previous 18 month period in relation to the Auction House. Many of these had been subsequently dropped as those who made the allegations did not wish to substantiate those allegations made. There was an impact on the ability of Police to deal with offences committed in the premises.

The Sub-Committee noted the haphazard entries provided in the incident book at the premises and subsequently added to the incident log and the Licensee failing to report the incident that occurred on 8th/9th September which was contrary to the licensing objectives.

Evidence presented to the Sub-Committee indicated that any conditions imposed on the license were unlikely to be adhered to and they had no confidence in the Designated Premises Supervisor in his ability to promote and uphold the licensing objectives. It was therefore their decision that Mr Alan Daly be removed as the Designated Premises Supervisor.

The Sub-Committee further considered the Police's request to amend the license at the Auction House, they had been very concerned that the current Licensing Conditions had not been fully

complied with, however the Sub-Committee moving forward had no confidence in the Licence Holder upholding the licensing objectives and his ability to put steps in place to rectify the ongoing issues at the Premises and their ability or willingness to continue to work with the Police.

The Sub-Committee felt consideration needed to be given to the amount and seriousness of incidents that had taken place at the Auction House and the failure of the License Holder to properly liaise with the Police, including making available CCTV footage in a timely and proper manner. It was therefore their decision that for the sake of upholding the licensing objectives to prevent crime and disorder and the promotion of public safety the premises licence be revoked.

**DECISION MADE:**

That:

- 1. Mr Alan Daly be removed as the Designated Premises Supervisor.**
- 2. The Premises Licence be revoked.**

## **Licensing Sub-Committee**

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **1<sup>st</sup> December 2017**.

### **Present:**

Cllr. Feacey (Chairman);

Cllrs. Mrs Dyer, Shorter.

Cllr. Mrs Webb (Reserve)

### **Also Present:**

Environmental Protection and Licensing Team Leader, Licensing Officer (JP), Licensing Officer (AS), Principal Solicitor, Member Services Officer.

PC Alistair Pringle – Licensing Enforcement Officer, Kent Police

Mr Rahman – Applicant

Mr Russell – Applicant's Representative

Mr Thorneycroft – Interested Party

## **243 Election of Chairman**

### **Resolved:**

**That Councillor Feacey be elected as Chairman for this Meeting of the Licensing Sub-Committee.**

## **244 Ashford Pizza and Kebab, 25-27 Tufton Street, Ashford – Application for a Premises Licence**

The Chairman opened the meeting and welcomed all those present. The Principal Solicitor advised that this meeting was a public meeting and it was intended to hear the whole application in public. However, if during the course of the hearing any items arose that required private or confidential matters to be discussed, it may be necessary to exclude the press and public for that part of the meeting. Members confirmed that they had read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Officer (JP) then gave a brief summary of his report. The matter for consideration by the Sub-Committee was an application for a premises licence. The application had been made and advertised in the correct manner. The Applicant had advertised the last date for representations incorrectly, however this was identified and rectified promptly, therefore it had been deemed appropriate for him to re-

advertise with the correct date and move the last date for representations back. The premises were trading as a pizza and kebab outlet and had applied for the following hours as part of their premises licence; Late Night Refreshment (eat in and takeaway) Sunday to Thursday 23:00 to 01:30 and Friday and Saturday 23:00 to 04:00, with Hours open to the public Sunday to Thursday 11:30 to 01:30 and Friday and Saturday 11:30 to 04:00.

The Licensing Officer (JP) drew attention to Appendix E of the agenda papers, contained therein were conditions consistent with the Applicants operating schedule and agreement with Kent Police. Seven parties had made representations; these could be found in full in Appendix H of the agenda papers. Five of the representations were from residents living in properties within the Church Yard. One was from a business. Representations were received from Kent Police, however following negotiations with the Applicant an agreement was reached in respect of operating hours and conditions (Appendix E).

The main concern arising from the representations was the potential for anti-social and drunken behaviour from customers in and around the premises and specifically from those customers that may enter the Church Yard. The Licensing Officer (JP) advised that the residents of Church Yard Passage and Church Yard had these concerns as a result of previous complaints and issues experienced in the area in the past. He concluded by outlining the decision options available to the Sub-Committee.

Mr Russell introduced himself and the Applicant, Mr Rahman, and advised those present that he would be representing Mr Rahman. They had taken note of the objections received from the public and understood that those in the vicinity of the premises had experienced issues from other premises previously. This was not the only fast food outlet in the town and was located near to other general business premises and was opposite a public house. He confirmed that the premises would not generate any further problems in the area. They had held discussions with Kent Police and wanted to comply fully with the conditions put forward. He drew attention to the public house opposite the premises and confirmed that that was open late.

Mr Thorneycroft advised the Sub-Committee that he worked for Hallett & Co, who had made a representation. Hallett & Co owned the driveway that was adjacent to the premises and the garage along Bull Yard. There had been problems in the past in relation to anti-social behaviour, in particular people accessing the garage used by staff and urinating and defecating. To resolve this issue shutters had been installed on the garages. Their concern related to the late opening hours and the potential for drunken behaviour and vandalism in the driveway in their ownership. These were genuine concerns, whilst staff may not be at work during these late hours, the issues that awaited them in the morning had been real and therefore affected them nevertheless. Drawing attention to the conditions contained at Appendix E, it was noted that CCTV was to be installed. He requested clarification as to what 'all areas' meant, in particular if the cameras were to be installed as to overlook their property. If this was to be the case then he considered that their consent would be required and there would be issues relating to data protection to consider. Further clarification was also requested in relation to the removal of customer waste from the

immediate vicinity of the premises, did this just relate to the public area at the front of the premises or did it encompass the driveway to the side?

PC Pringle advised the Sub-Committee that although the Police had resolved their concerns, he was present at the meeting to answer any questions that they may have. In respect of the areas to be covered by CCTV 'all areas' would encompass all entrances and exits, any area further beyond that would require further consultation. He wouldn't expect cameras to exceed the perimeter of the premises. There were issues in relation to data protection that would need to be considered and he would encourage the Applicant to be au fait with this prior to installation.

Drawing attention to the CCTV system to be installed, a Councillor felt that there could be an advantage to the system covering the driveway into Bull Yard. He urged the Applicant and Mr Thorneycroft from Hallett & Co to enter into an open discussion regarding this matter. Furthermore, CCTV systems were only as effective as their installation and management. Training records should be kept and the responsible person held to account for the system. He emphasised that the importance of a correctly operating CCTV system was paramount.

In response to questions from the Sub-Committee, Mr Thorneycroft advised that the issues with anti-social behaviour and the garage pre-dated the premises and had come to a head at the start of the year. No vandalism or issues had been experienced since the shutters had been installed. The photos that had been submitted as part of their representation showed litter that had appeared after the opening of the premises. Whilst this had not occurred since, they had been in contact with the Applicant regarding this. He also noted that the bins were being stored on their driveway which had not been agreed upon. The bins had previously been stored in the courtyard but a large store had recently been installed which means that the bins could no longer fit. Hallett & Co were of the opinion that the bins being stored on land in their ownership was tantamount to trespass. There were also a number of issues that required resolving with the Applicant in relation to covenants.

Mr Russell advised that the issues in relation to refuse collection and storage were being addressed. The courtyard to the rear of the premises was used by a number of premises and had been cleared up recently. Mr Rahman had addressed the concerns of Hallett & Co and there had been no reports of litter since. Mr Russell confirmed that refuse and food waste collections had been increased, so these now took place on a weekly basis. In respect of the storage of bins, these could be stored in the courtyard, to enable this they would request smaller bins.

The Sub-Committee drew attention to the proposed condition in respect of conflict management. Training records would be required and they would expect staff on duty to be trained and comply with this training. Mr Russell confirmed that some discussions had been held with Kent Police in respect of this training and they were in the process of arranging for this to take place. He anticipated that this training could be undertaken by the end of the week. PC Pringle confirmed that they could move forward with this training. He further confirmed that the premises would be closely monitored for compliance with the conditions of their licence.

The Sub-Committee then retired to make their decision.

On return the Member Services Officer read out the Licensing Sub-Committee's decision and reasons.

**Resolved:**

**The application be granted with the following conditions:**

- 1. CCTV to be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.**
- 2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas.**
- 3. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order and kept for a period of 31 days.**
- 4. The premises licence holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.**
- 5. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the responsible named individual.**
- 6. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.**
- 7. All staff to be trained in 'conflict management'. A register of completed training should be kept at the premises and be made available to the Police and Local Authority on demand.**
- 8. A member of staff will be appointed to ensure customer waste is cleared from outside the immediate vicinity.**
- 9. All refuse and food waste to be stored within the courtyard on the premises.**
- 10. Opening/Operating hours to be as follows;**

**Public/Bank Holidays – Late night refreshment and opening hours until 04:00.**

<b>Late Night Refreshment (Eat in and takeaway)</b>	Sunday to Thursday 23:00 – 01:30	Friday and Saturday 23:00 – 04:00
<b>Hours premises open to the public</b>	Sunday to Thursday 11:30 – 01:30	Friday and Saturday 11:30 – 04:00

The decision notice and formal wording read out by the Member Services Officer is appended to these minutes.

The Chairman requested that Mr Russell explained the conditions to Mr Rahman and emphasised the importance of complying with these.

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**LICENSING SUB-COMMITTEE**  
**Friday 1<sup>st</sup> December 2017**

**APPLICATION FOR A PREMISES LICENCE FOR ASHFORD PIZZA & KEBAB,  
25-27 TUFTON STREET, ASHFORD TN23 1QN, UNDER THE PROVISIONS OF  
SECTION 17 TO THE LICENSING ACT 2003**

**LICENSING SUB-COMMITTEE DECISION AND REASONINGS**

**OFFICER CASE  
STATEMENT OF :**

Licensing Officer

**REASON FOR  
MEETING:**

An application was made by Mr Muhammed Rahman for a premises licence for the Ashford Pizza & Kebab, 25-27 Tufton Street, Ashford TN23 1QN.

**DELIBERATION:**

The Sub-Committee was advised at the meeting by the Licensing Officer of the application. There had been seven parties that had made representations. Five of those, were from residents living within properties in the Church Yard. One representation was from a business. The Police had made a representation that had been withdrawn following agreement being met with the Applicant in relation to conditions.

The Sub-Committee heard from a representative on behalf of the Applicant in respect of discussions that had been held with the Police. He clarified that the premises were not the only fast food outlet in the area and the premises were opposite a public house that also served hot food.

Further clarification was given by an interested party in respect of issues that had been experienced in the area particularly in relation to anti-social behaviour and littering. Clarification had also been requested in relation to the proposed condition regarding CCTV cameras and the areas to be covered.

The Sub-Committee heard from the Police representative regarding discussions that had been held in respect of the agreed conditions. It was made clear that the Applicant would need to be au fait with details in relation to data protection and CCTV coverage. In addition it was agreed that members of staff would be trained in conflict management, with records being kept.

Councillors requested clarification on the issues that had been reported regarding anti-social behaviour and litter. They were advised that shutters had been installed to prevent egress to

premises. Further to the litter issue, discussions had been held regarding this. Some improvement had been made however there were still issues outstanding particularly in relation to the storage of refuse bins. The Sub-Committee sought clarification of the frequency of refuse collections. They were advised that these had been increased to weekly. Smaller bins could be requested which would allow bins to be stored in the courtyard.

Upon retiring to consider the application, the Sub-Committee recited to themselves the following:

That their decision should be made with regard to the Secretary of State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003, and the licensing objectives of prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Where the decision departs from either the guidance or policy clear or cogent reasons must be given. Members should be aware that if such departure is made the chances of appeal/challenge is increased.

The Sub-Committee also refreshed their minds of the options open to them.

The Sub-Committee particularly noted that there was a need for the Applicant to hold discussions with Hallett & Co, their neighbour, in relation to CCTV cameras and the areas which may be covered. It was felt that this would be mutually beneficial, given issues that had previously been experienced.

The Sub-Committee noted the representations made by the residents of the Church Yard and that none of those making representations had attended the meeting to expand on their concerns.

The Sub-Committee further considered the issues highlighted by the conditions put forward by the Police, in particular the need for staff to be trained in conflict management and operation of CCTV.

**DECISION MADE:**

That:

The application be granted with the following conditions:

- 1. CCTV to be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.**
- 2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas.**

3. **Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order and kept for a period of 31 days.**
4. **The premises licence holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.**
5. **The recording equipment and discs/tapes shall be kept in a secure environment under the control of the responsible name individual.**
6. **An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.**
7. **All staff to be trained in 'conflict management'. A register of completed training should be kept at the premises and be made available to the Police and Local Authority on demand.**
8. **A member of staff will be appointed to ensure customer waste is cleared from outside the immediate vicinity.**
9. **All refuse and food waste to be stored within the courtyard on the premises.**
10. **Opening/Operating hours to be as follows;**

**Public/Bank Holidays – Late night refreshment and opening hours until 04:00.**

<b>Late Night Refreshment (Eat in and takeaway)</b>	Sunday to Thursday 23:00 – 01:30	Friday and Saturday 23:00 – 04:00
<b>Hours premises open to the public</b>	Sunday to Thursday 11:30 – 01:30	Friday and Saturday 11:30 – 04:00

**Additional notes made by the Sub-Committee at the meeting -**

- The Sub-Committee encouraged the Applicant to hold discussions with Hallett & Co in respect of the coverage of the CCTV system of the passageway in the ownership of Hallett & Co.
- The Sub-Committee strongly advised that conflict management training for staff should be undertaken within 10 working days or as soon as reasonably practicable thereafter.
- In the case of a Premises Licence, an appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices' chief executive for the magistrates' court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against.

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**Agenda Item No:** 5  
**Licence Reference** LN/020060064  
**Report To:** LICENSING SUB COMMITTEE  
**Date:** 4<sup>th</sup> April 2018



**Report Title:** **Licensing Act 2003 - Application is made for the review of the premises licence in respect of The Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA on the grounds of the prevention of crime and disorder and public safety.**

**Report Author:** Julian Postlethwaite

The report advises Members of a licence application under the provisions of the Licensing Act 2003.

**Summary:** Application type: **Application is made for the review of the premises licence under the provisions of section 51 of the Licensing Act 2003.**

Applicant: **Chief Inspector 10040 Andrew Somerville, on behalf of the Chief Officer of Police**

Premises: **Gurkha Villa, 30 Bank Street, Ashford, Kent. TN23 1BA**

To advise elected members of a valid 'Application for a Review of a Premises Licence' under Section 51 of the Licensing Act 2003 has been received and a hearing and determination is required under Section 52(2) of the Act.

**Key Decision:** NO

**Affected Wards:** Victoria Ward

**Recommendations:** **That the Licensing Sub-Committee makes a determination, as required by Regulation 26(2) of the Licensing Act (Hearings) Regulations 2005.**

**Policy Overview:** The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

**Financial Implications:** There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal.

**Other Material Implications:** **HUMAN RIGHTS:** In considering this application the Sub Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.

**LEGAL:** Under the Licensing Act 2003 the Council has a duty to exercise licensing control of relevant premises and this includes determinations for applications to review.

**Exemption Clauses:** Not applicable

**Background Papers:** None

**Contacts:** Julian Postlethwaite. [Julian.postlethwaite@ashford.gov.uk](mailto:Julian.postlethwaite@ashford.gov.uk)

**Agenda Item No.**                    5

**Report Title:**                    **Licensing Act 2003 - Application is made for the review of the premises licence in respect of The Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA on the grounds of the prevention of crime and disorder and public safety.**

**Purpose of the Report**

1. The report advises Members of a review application under the provisions of the Licensing Act 2003.

Application type:    **Application is made for a review of a premises licence**

Applicant:            **Chief Inspector 10040 Andrew Somerville on behalf of the Chief Officer of Kent Police.**

Premises:            **The Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA**

**Issue to be Decided**

2. Members are asked to consider an application to review a premises licence received under the provisions of section 51 of the Licensing Act 2003.

**Background**

3. The Licensing Act 2003 (the Act), directs that a premises licence is required for any venue where any 'licensable activity' is carried out. Such activities include the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
4. Representations are only valid where they relate to one of the four licensing objectives, namely:
  - a) the prevention of crime and disorder
  - b) public safety
  - c) the prevention of public nuisance
  - d) protection of children from harm
5. An application for the review of these premises has been received from Kent Police under the objectives of the prevention of crime and disorder and public safety;
  - The prevention of crime and disorder - There have been three incidents involving violence or criminal damage at or near the premises since April 2017.
  - Public safety – There have been difficulties obtaining CCTV footage following incidents at the premises, and conditions have not been complied with on numerous occasions.

This application was also circulated to other responsible authorities to give them the opportunity to make representations. (Police, Fire and Rescue Service,

Environmental Health, Trading Standards, Social Services, a health body, Planning authority and the Home Office). The application is appended at **Appendix A**.

6. In accordance with the Act the application has been correctly displayed by way of a notice at the premises, posted on Tuesday 6<sup>th</sup> March 2018, on the Council's website and on a notice board at the Council offices at the Civic Centre. A copy of the notice is appended at **Appendix B**
7. Before determining the review application, the Council licensing authority must hold a hearing to consider it and any relevant representations received.
8. There have been no representations from other Responsible Authorities, or Interested parties.
9. All applications for the review of a premises licence require the applicant to state the grounds for the review. In summary the application for a review states the following problems:
  - a) An assault on a member of staff where a customer threw a glass.
  - b) Two incidents of criminal damage, one occurred whilst the premises was closed.
  - c) Poor management, failure to comply with operating conditions, failure to respond to or work with local Police and Licensing authority.
  - d) The ineffectiveness and absence of the designated premises supervisor.

The Guidance suggests that where authorised persons and responsible authorities have concerns about problems identified at a premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.

10. This application for a review of the premises licence is based upon the following events:

- **22<sup>nd</sup> April 2017.**

CAD (computer aided dispatch) 22-0093. Member of the public contacted Kent Police at 02:23 hours on the 22<sup>nd</sup> April 2017 – Location: 30 Bank Street, Ashford – Call type 'Fight / 6/7 people smashing glasses.

CAD 22-0096. Member of staff contacted Kent Police at 02:25 hours on the 22<sup>nd</sup> April 2017 – Location: 30 Bank Street, Ashford – Call type 'Fight – have hit staff member – 20 people involved'.

CAD 22-0097. Member of public contacted Kent Police at 02:25 hours on 22<sup>nd</sup> April 2017 – Location 30 Bank Street, Ashford – Call type ‘Abandoned/Request for police’.

CAD 22-0099. Unidentified caller contacted Kent Police at 02:27 hours on the 22<sup>nd</sup> April 2017 – Location: Bank Street, Ashford – Call type ‘Fight/ people fighting now’

• **15th January 2018.**

CAD 15-1346. Mr Chemjong (Manager) contacted Kent Police at 23:48 hours on the 15th January 2018 – Location: 30 Bank Street, Ashford – Call type ‘Criminal damage’

• **16<sup>th</sup> January 2018.**

Member of the public reports a male causing damage to the front of the Gurkha Villa. CCTV confirm male using implement. Male arrested nearby. He denied the offence, Council CCTV footage was not clear enough to confirm the offenders identity. The premises could not provide footage (However this was outside of operating hours and the premises was closed)

11. Since April 2017 Police and Ashford Borough Council Licensing offices have undertaken numerous visits to the premises, and made repeated requests for meetings, downloaded CCTV footage, and administrative paperwork submissions. See **Appendix C** for full details of visits, meetings and communications between Kent Police and staff at the premises. In addition separate visits and communications have been carried out by Licensing officers at Ashford Borough Council.

**Relevant premises history**

12. The premises is situated on Bank Street, Ashford, within the town. The current premises licence holder is Sukaa Ltd T/A the Gurkha villa, the Designated Premises Supervisor (DPS) is Mr Ananda Dewan. The premises has been licensed in previous names since January 2006, and as the Gurkha villa since 2016.
13. The premises licence, as in **Appendix D**, permits the following activities:

<i>Alcohol Sales (Indoors only)</i>		<i>Regulated Entertainment</i>		<i>Opening hours</i>	
Sunday	12:00 - 02:30	Sunday	12:00 - 02:00	Sunday	12:00 - 03:00
Monday	10:00 - 02:00	Monday	11:00 - 01:30	Monday	10:00 - 02:30
Tuesday	10:00 - 00:30	Tuesday	11:00 - 00:00	Tuesday	10:00 - 01:00
Wednesday	10:00 - 01:00	Wednesday	11:00 - 00:30	Wednesday	10:00 - 01:30
Thursday	10:00 - 02:00	Thursday	11:00 - 01:30	Thursday	10:00 - 02:30

<b>Alcohol Sales (Indoors only)</b>		<b>Regulated Entertainment</b>		<b>Opening hours</b>	
Friday	10:00 - 04:00	Friday	10:00 - 03:30	Friday	10:00 - 04:30
Saturday	10:00 - 04:00	Saturday	10:00 - 03:30	Saturday	10:00 - 04:30

### **Hearings Regulations**

34. Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
35. The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act including:
  - a copy of the Notice of Hearing;
  - the rights of a party provided in Regulations 15 and 16;
  - the consequences if a party does not attend or is not represented at the hearing
  - the procedure to be followed at the hearing.

### **Appeals**

36. The Licensing Act 2003 Section 181 and Schedule 5 makes provision for appeals to be made by the applicant; the holder of the premises licence and those making representations against decisions of the Licensing Authority to the Magistrates' Court within 21 days of the determination.

### **Recommendations**

37. That Members carefully consider the application for review and take such steps as detailed in paragraph 39 below that the Sub-Committee consider necessary for the promotion of the licensing objectives

### **Decision options open to members**

38. The Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
39. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
  - to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music;
  - to remove the designated premises supervisor, for example, because they

consider that the problems are the result of poor management;

- to suspend the licence for a period not exceeding three months;
- or revoke the licence.

40. In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

41. The Licensing Act 2003 at section 52(11) states that:

*“A determination under this section does not have effect –*

- a) until the end of the period given for appealing against the decision, or*
- b) if the decision is appealed against, until the appeal is disposed of.”*

### **Consultation**

42. All relevant parties have followed the consultation procedures required under the Licensing Act 2003. The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given.

### **Handling**

43. The timings for handling the application are set out in the Licensing Act 2003 and related regulations.

### **Conclusion**

44. Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

### **Further Information**

Contact:	Licensing Officer
Email:	Julian.postlethwaite@ashford.gov.uk

## **Summary of Appendices**

**Appendix A:** Application to review

**Appendix B:** Copy of Public Notice

**Appendix C:** Summary of events

**Appendix D:** Premises licence

**Appendix E:** Worthingtons Letters

**Appendix F:** Human Rights

**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 you're 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, Chief Inspector 10040 Andrew Somerville on behalf of the Chief Officer of Police**

**Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Gurkha Villa, 30 Bank Street, Ashford, Kent.	
<b>Post town</b> Ashford	<b>Postcode (if known)</b> TN23 1BA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Sukaa Ltd T/A Gurkha Villa

<b>Number of premises licence or club premises certificate (if known)</b>
AS/LN/020060064

**Part 2 – Applicant Details**

I am,

- |   | <b>Please tick yes</b>   |
|---|--------------------------|
| 1 An interested party (please complete (A) or (B) below)                            |                          |
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 A responsible authority (please complete (C) below)                               | X                        |

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 (eg, 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**

**Email address (optional)**

**(A) Details of Other Applicant**

**Name and address**

**Telephone number (if any)**

**Email address (optional)**

## (B) Details of Responsible Authority Applicant

Kent Police Ashford Police Station Tufton Street Ashford Kent TN23 1BT
<b>Telephone number (if any)</b> 01233 896354
<b>Email address (optional)</b> 10699@kent.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

**Please tick one or more boxes**

- |   |                                      |   |
|---|--------------------------------------|---|
| 1 | The prevention of crime and disorder | X |
| 2 | Public safety                        | X |
| 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)

The Prevention of Crime and Disorder and Public Safety

Incidents of crime and disorder at the venue coupled with multiple breaches of licensing conditions inhibiting Police investigations.

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

**Overview:** Kent Police are making this application for a review of the premises licence, in respect of the following licensing objectives: -

**The Prevention of Crime and Disorder, Public Safety.**

The Gurkha Villa is a single level Nepalese restaurant situated at 30 Bank Street, Ashford, Kent TN23 1BA. Prior to becoming a Restaurant the premises was a nightclub over two floors. The upper level has been adapted into a residential flat leaving the lower level open to the public. At that time of these alterations the Premises Licence was not altered to reflect this, many of the conditions within it, including drug, door staff and searching policies remained.

On entering the premises there is a tabled area to the front, a small bar area on the left hand side, tables and chairs running along the right hand side of the property with a staged area to the rear. Beyond that are kitchen and staff areas. Behind the bar there are stairs leading down to further storage areas, and the premises CCTV system. The premises are not members of any known Pub or Shop watch scheme. The Designated Premises Supervisor (DPS) is Mr Ananda Dewan.

The current premises Licence was issued on the 25/07/2016.

On Saturday 22<sup>nd</sup> April 2017 at 02:23 hours several calls were made to Kent Police in relation to 6/7 people smashing glasses within the venue. Within the initial report the informant states that there were only two staff members so it could not be controlled. A female was heard screaming in the background. The informant states the males are trying to harm people and cause trouble in the pub and goes on to say that they are all intoxicated. A Police patrol was dispatched and found that persons had started to disperse.

A member of the public contacted Kent Police at 0230 hours stating that "they were fighting" at the premises. A member of staff from the Gurkha Villa also contacted Kent Police stating that he had been assaulted by one of the males involved. Police stopped several persons nearby however no arrests could be made as the descriptions provided were not sufficient.

Four separate persons contacted Kent Police in relation to this incident, the reports ranged from an assault, glass being smashed to 20 persons fighting. The assault reported was on a member of staff whereby a glass was thrown and struck the victim on the head inside the restaurant causing a cut to the victim's ear, crime report ZY/15930/17 refers – this matter was not progressed due to lack of corroborating evidence. This incident also generated two further crime reports. An affray ZY/16051/17 – where the suspects could not be identified and it was not progressed as well as a Criminal damage to glassware ZY/16050/17 refers – The premises did not support a prosecution therefore the matter was not progressed. It was established that there had been a concert at the venue which resulted in intoxicated persons being involved in a disturbance.

On 3<sup>rd</sup> May 2017 Police and Council Licensing Officers conducted a follow up visit to the premises after the incident on the 22<sup>nd</sup> April 2017. Mr Dewan was not present however he was spoken to on the phone and a further meeting was arranged.

On 4<sup>th</sup> May 2017 Police and Council Licensing Officers attended the Gurkha Villa and met with the DPS Mr Ananda Dewan and the manager Mr Jitendra Chemjong to discuss the incident and assault on a member of staff. Mr Chemjong was present on the night of that incident and explained they had a live music event until 0200 hrs. Customers started to leave an argument started over payment of a bill. The argument escalated and a male threw glass at a member of staff. CCTV was not provided on the night as staff did not know how to use the equipment. After chasing the premises for CCTV on the 9<sup>th</sup> May 2017 Mr Chemjong confirmed on the 11<sup>th</sup> May 2017 that they were not able to provide footage. Police had to seize the hard drive to integrate it. This caused delays in the investigation. It was finally established that the hard drive held no information and had not been recording. Due to the lack of corroborating evidence the matter was not progressed.

On the 16<sup>th</sup> May 2017 Police attended the Gurkha Villa and spoke to Mr Chemjong. Mr Dewan was not present. Police advised that members of staff should be trained in the use of the CCTV. Kent Police raised concerns that the Gurkha Villa was not promoting the 'Prevention of Crime and Disorder' objective.

A number of conditions were not being adhered to – Concerns were raised that they were not supporting a prosecution, so they agreed to support. Unfortunately this made no difference to the final outcome. Police informed Mr Dewan that a Full Variation should be submitted to Ashford Borough Council by 22<sup>nd</sup> May 2017.

Ashford Borough Council Licensing department attempted to contact Mr Dewan on the 18<sup>th</sup> May 2017, 25<sup>th</sup> May 2017 and 2<sup>nd</sup> June 2017 in an attempt to rectify this issue. Mr Dewan finally responded and a meeting was set for the 12<sup>th</sup> June 2017. During the meeting, which was attended by Mr Dewan, Mr Chemjong, Police and Council Licensing Officers the full variation process was fully explained. Relevant and enforceable conditions were agreed by all parties. The application was then submitted on the 13<sup>th</sup> June 2017. Due to an objection, a hearing was scheduled for 1<sup>st</sup> August 2017. Mr Dewan nor the objector attended the hearing. Therefore it did not proceed. Following the failed hearing Police and Council Licensing Officers attended the Gurkha Villa. Mr Dewan was not present but was spoken to on the phone. He stated that he was waiting for paperwork clarifying details of the hearing but had not heard anything. The hearing papers were located at the restaurant. Mr Chemjong confirmed that Mr Dewan comes to the premises once a month or more if called. It was advised that a further application be submitted as soon as possible. A follow up letter was sent by Kent Police to Mr Dewan raising concerns that he was not the best person for the position of DPS given that for several weeks he was not present to collect business related post.

On 1<sup>st</sup> September 2017 the Gurkha Villa submitted a full variation to amend conditions on the premises licence. Information on the blue notice displayed at the premises showed incorrect timings to that on the application. Mr Dewan was informed that due to contravention of the application process, the application was considered void. Mr Dewan was advised to rectify the matter urgently given he was in contravention of his licence. He was advised to seek the services of a licensing practitioner/solicitor to assist him with the application.

On 15<sup>th</sup> December 2017 Ashford Borough Council forwarded correspondence from Worthington's Solicitors acting on behalf of Mr Dewan to Kent Police. The Council's views were sought in respect of the removal of conditions relating to Door Staff. Given that removal of door staff conditions related to the prevention of Crime and Disorder objective Kent Police responded.

Concerns were raised that Mr Dewan was not addressing issues with the entire Licence. The enquiry related to removing a few selective conditions concerning the restrictions on children and door staff at the venue. Police asked if the Gurkha Villa would be ceasing the live music concert events and return the venue to a restaurant only venue however this question was not answered. With this in mind Police asked – would customers be eating dinner so late on a Friday / Saturday night? Concerns were raised that if door staff were removed who would enforce conditions such as ensuring glass did not leave the premises. These points were not clarified by Mr Dewan.

On 15<sup>th</sup> January 2018 at 23:48 hours Kent Police received a call from the Gurkha Villa in relation to an intoxicated customer who became agitated after being

refused more alcohol. The male smashed the full length glass entrance door to the premises before leaving the area. This offence of criminal damage was recorded by Kent Police under reference number ZY/2768/18. It transpired that the male responsible was in fact that male that threw glass injuring staff in April 2017. This matter is still being investigated therefore no further information can be provided.

On the 16<sup>th</sup> January 2018 at 03:29 hours Kent Police received contact from Ashford Borough Councils CCTV operators. A suspicious incident was reported in that a male was seen outside the Gurkha Villa appearing to damage windows at the venue with an unknown implement – the premises were closed. Kent Police officers attended and found that every window pane to the front of the premises had been damaged. It appeared as though the side of a paving slab had been smashed into each panel. Officers located a male nearby who was arrested on suspicion of causing the criminal damage. The quality of the CCTV was not sufficient to identify the male; the arrested male was interviewed but denied the offence. It was decided that it was not cost effective to conduct forensic testing on samples obtained therefore the matter was not progressed.

On the 16<sup>th</sup> January 2018 at 13:30 hours Kent Police Licensing and Ashford Borough Council Licensing officers attended the Gurkha Villa. Mr Dewan was not present. Mr Chemjong was spoken to, he was not aware of the second incident of criminal damage as the premises was closed when it took place. Mr Chemjong was asked about the earlier damage to the entrance door, he explained that a customer wanted to drink more alcohol and became angry when he was refused. Then 4/5 minutes later they heard the glass smash. The damage was caused at around 23:30 to 23:45 hours. Mr Chemjong explained that the night of the 15<sup>th</sup> January 2018 was a normal evening at the venue. He stated they were serving food until 22:00 hours. Which is a breach of a condition on their premises licence which states:

**Food is not served past 21:00 hours.**

Kent Police required till receipts to be produced from 21:00 hours onwards on the 15<sup>th</sup> January 2018. Mr Chemjong was not able to do so. It appeared that he was not able to provide the information from the electronic till.

Paper hand written receipts were located behind the bar, it was explained that these were for cash payments only. The receipts which included sales of alcohol were not timed or dated. It was explained that only card payments went through the till.

On leaving the premises Kent Police required the Gurkha Villa to provide CCTV and all receipts from 21:00 hours until close. Mr Dewan was emailed providing him the details of the licensing visit and the requirement for receipts and CCTV. During the visit Mr Chemjong again confirmed that Mr Dewan attends the Gurkha Villa once a month. Mr Chemjong was not able to operate the CCTV system but said he would arrange a technician to come and look at it. The premises were told to provide the items requested by the end of the following day.

The following day Mr Chemjong attended Ashford Police Station and said he was having difficulties getting hold of a technician to access the CCTV, but he would continue trying to rectify this. He provided the hand written receipts which were

seen by police previously at the venue. No receipts showing payments by card were provided.

Mr Dewan emailed Kent Police on the 19<sup>th</sup> January 2018 stating Mr Chemjong has provided all cash payment receipts from 21:00 hours onwards on the 15<sup>th</sup> January 2018. He then explained that there was an issue with the CCTV hard drive, which had now been fixed. He apologised and stated he could not provide CCTV footage of the date requested.

On 18th January 2018 at 11:00 hours Kent Police conducted 'open source' enquiries on Social Media. The Gurkha Villa Facebook page showed several breaches specifically the serving of food after 2100 hours and children on the premises past 2100 hours. Although it may appear minor, it showed that the premises had been breaching conditions over a long period of time; attempts to advise and guide the premises have not made any difference to the running of the premises.

On the 23<sup>rd</sup> January 2018 Kent Police responded to Mr Dewan. He was thanked for providing the cash receipts and asked if he had any receipts covering card payments, and if so if he could provide them (these were not provided). He was advised that it was usual and best practise that receipts are timed and dated, so that it could be established when a transaction had taken place. Mr Dewan was informed that by not being able to produce CCTV of a crime at the venue he was yet again in breach of conditions. He was reminded that he was warned for a similar occurrence last year. The condition relating to CCTV states:

**CCTV shall be installed to cover the access and egress of the premises. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping. The Licence Holder shall ensure that suitable CCTV coverage is maintained within the two licensed areas and over the front entrance to the premises.**

He was advised that all members of staff should be aware of the conditions and adhere to them.

A further licensing visit was conducted on 23<sup>rd</sup> January 2018 at 10:00 hours. Mr Dewan was not present. Mr Chemjong stated the premises now wanted to support a prosecution in relation to the ongoing investigation relating to the criminal damage to the entrance door which was welcomed.

Police were told that during the previous evening (22<sup>nd</sup> January 2018) there was a birthday party for a 5 or 6 year old, which involved 20 to 30 persons. There was singing and a food buffet which started at 18:00 hours and ended at 21:00 / 22:00 hours. CCTV showed that at 23:41 hours on the 22<sup>nd</sup> January 2018 the CCTV showed a member of staff pouring a pint of beer from one of the pumps. At the same time a young child is seen in the venue. Police asked Mr Chemjong how old he thought the child was, and he replied about 5 years of age, in breach of conditions. It was confirmed that the alcohol seen being poured was paid for at 00:10 hours on the 23<sup>rd</sup> January 2018. There was clear evidence of food being served. Police were informed that the serving of food ceased as 22:30 hours, again in breach of conditions.

Mr Chemjong was asked if he was the person in day to day control of the premises. He agreed that he was. He confirmed Mr Dewan attends monthly. He confirmed The Gurkha Villa does not use door staff at weekends but only one SIA member of door staff during events, contrary to licensing conditions which state:

**Door supervisors registered by the Security Industry Authority (SIA) shall be used on Friday and Saturday nights. And  
A minimum of two door supervisors registered by the Security Industry Authority (SIA) shall be used on Friday and Saturday night**

Due to the breaches of conditions and an evidenced unauthorised alcohol sale Kent Police issued a 'Closure Notice'. The notice was left at the premises and a copy of it emailed directly to Mr Dewan. Within that email Kent Police recommended that Mr Dewan remove himself as DPS and the position passed to someone working at the premises, so that the ongoing situation could finally be rectified and no further offences or breaches committed.

On 29<sup>th</sup> January 2018 Kent Police received a 'minor variation' which was submitted by Worthington Solicitors on behalf of Mr Dewan. Kent Police made representations that the variation should have been a full variation and not a minor based on the fact that the alterations were capable of having an adverse impact on the licensing objectives. It was therefore rejected. Ashford Borough Council sent correspondence to Worthington's Solicitors informing them of this and recommended contact is made with Kent Police prior to submitting a further application. No further application has been seen nor discussed.

Given that a further application would be the fourth of its kind, Kent Police have little faith the process would be followed to a satisfactory conclusion. Ashford Borough Council and Kent Police have spent a disproportionate amount of time advising the premises; application instructions have not been followed. Members of staff have been unable to provide Police with footage from their own CCTV system, a number of conditions are regularly breached. These issues severely undermine the licensing objective of the prevention of crime and disorder and Public Safety.

On the 1st February 2018 Kent Police and Ashford Borough Council visited the Gurkha Villa. Mr Dewan was not present, Mr Chemjong was spoken to. Initially incorrect information was provided to him, in that as long as no alcohol sales took place children could enter, and food could be served past 21:00 hours. This was rectified on the 15th February 2018 via a telephone call and in writing.

The operational control at the premises is lacking. Mr Dewan has had more than enough time to rectify these concerns but has failed to grip the issues, leaving Mr Chemjong to manage the premises in contravention of the Premises Licence.

**Recommendations:**

The licence is revoked as compliance with conditions, advice and guidance from enforcement authorities is ignored. The DPS is not adequately supervising the premises nor promoting the licensing objectives.

Should it be decided not to revoke the licence, Mr Dewan should be removed as DPS. There is a lack of control at the premises when it comes to procedures for CCTV/training and compliance of conditions. Mr Dewan has another restaurant in Aldershot, and only attends Ashford once a month as described on several occasions by staff. Mr Dewan has not taken on board advice and guidance from the licensing authority and Kent Police. Police have previously recommended he remove himself from the position and instate someone more involved in the day to day operation of the premises, yet he continues to remain in post. Mr Dewan has not promoted the licensing objectives of 'Prevention of Crime and Disorder' nor 'Public Safety'.

**Timings:**

The Authorised Hours for licensable activities be reduced to 23:00hrs on a Monday, Tuesday, Wednesday and Thursday and 00:00hrs on a Friday, Saturday and Sunday.

The Opening hours (closing times) of the Premises be reduced to 23:30 hours on a Monday, Tuesday, Wednesday and Thursday and 00:30 hours on a Friday, Saturday, and Sunday.

*Kent Police understand that the premises had wished to operate until 02:00 hours on a Friday/Saturday as per the previous variation submitted. They stated they wished to conduct live music events, and estimated this would be approximately six times a year. Kent Police believe that these can be achieved on temporary event notifications. The above timings are more in line with a premises that defines itself as "essentially a restaurant rather than a late night venue"*

**Non Standard Timings & Seasonal Variations:**

To reflect timings more consistent to a restaurant Kent Police propose the times are altered from:

Bank Holiday Mondays: 11:00 to 03:00, Christmas Eve: 11:00 to 03:00, New Years Eve: 11:00 to 04:30

To

Bank Holiday Mondays: 11:00 to 01:00 hours, Christmas Eve: 11:00 to 01:00 hours.

New Year's Eve: 11:00 to 01:00 hours.

**Proposed conditions:**

Remove all current conditions which have been inherited from previous licence and propose new ones. Alcohol ON SALES only. Alter timings to those more suitable to a restaurant.

Inclusion of the following conditions:

**Prevention of crime and disorder:**

1. CCTV system will be installed at the premises and maintained in good and efficient working order to the satisfaction of both the licensing authority and

Kent Police. The system will be operated by trained staff, be in operation at all times that the premises are being used for any licensable activity. Ensure coverage of entrances and exits to the licensed premises, internally and externally. Provide continuous recording facilities for each camera to a good standard and clarity. Recordings will be retained (on disc or otherwise) for 30 days and will be supplied to the licensing authority or Police Officer on request.

2. The licence holder will ensure that an incident record is maintained at the premises and that all staff will be trained in its use. This will be bound and clearly marked with the following information:

Time and date of incident

Full description of the incident

Description/names of any persons involved in the incident

Actions taken by any staff member

Details of all staff present at time of incident.

Name of staff member making the entry/time of entry.

3. The licence Holder will ensure that staff are fully trained in responsible sales of alcohol (BIIAB or equivalent) and that training records are kept.
4. The Licence Holder shall ensure appropriate numbers of staff are on duty to monitor for crime & disorder. Such staff are to be trained as appropriate to promote the prevention of crime & disorder objective.
5. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and as an ancillary to the meal.
6. Anyone leaving the premises will not be permitted to remove, or take with them, open bottles or open containers of any kind that contain or have contained beverages of any type

**Public Safety:**

7. A minimum of two SIA licensed door supervisors to be present at the premises for any organised, ticketed or advertised event as defined by the Licensing Authority/Kent Police.  
SIA registered door staff will remain until everyone has left the building and immediate vicinity.

**The prevention of public nuisance:**

8. The licence holder will ensure, where necessary that noise from the premises is monitored and any concerns are addressed immediately.

**Protection of Children from Harm:**

9. Children to be accompanied by an appropriate adult in the restaurant at all times.

**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

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- |   | Please<br>yes | tick |
|---|---------------|------|
| • 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 | X             |      |
| • I understand that if I do not comply with the above requirements my application will be rejected  |               | X    |

**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 01/03/2018  
CI 10040

CH/INSP Somerville

Capacity –

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
PC 10699 PRINGLE Ashford Police Station Tufton Street	
<b>Post town</b> Ashford	<b>Postcode</b> TN23 1BT
<b>Telephone number (if any)</b> 01233 896354	
<b>If you would prefer us to correspond with you using an email address, please provide your email address (optional)</b> 10699@kent.pnn.police.uk	

**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.



ASHFORD  
BOROUGH COUNCIL

# Notice of Review of Premises Licence

## LICENSING ACT 2003

Take notice that **Chief Inspector 10040 Somerville on behalf of the Chief Officer of Police**, being a responsible authority within the meaning of the Licensing Act 2003, have made an application to **Ashford Borough Council**, the licensing authority for the borough of Ashford for the review of the premises licence for

**Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA**

### Grounds for review:

The police are of the opinion that the premises does not comply with the licensing objectives of:

- The prevention of crime and disorder
- The prevention of public nuisance

Any person wishing to view details of this application can contact the licensing team on 01233 331111

**Any person wanting to make representations regarding the review should do so in writing sent to the Licensing department, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL [licensing@ashford.gov.uk](mailto:licensing@ashford.gov.uk) between the following dates:**

**6<sup>th</sup> March – 3<sup>rd</sup> April 2018**

Notice to be displayed for 28 days from 06/03/18 – 03/04/18

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary of conviction for the offence is £5000.

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Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA

Details of incidents:

22<sup>nd</sup> April 2017.

CAD (computer aided dispatch) 22-0093. Member of the public contacted Kent Police at 02:23 hours on the 22<sup>nd</sup> April 2017 – Location: 30 Bank Street, Ashford – Call type 'FIGHT / 6/7 PEOPLE SMASHING GLASSES.

CAD 22-0096. Member of staff contacted Kent Police at 02:25 hours on the 22<sup>nd</sup> April 2017 – Location: 30 Bank Street, Ashford – Call type 'FIGHT – HAVE HIT STAFF MEMBER – 20 PEOPLE INVOLVED'.

CAD 22-0097. Member of public contacted Kent Police at 02:25 hours on 22<sup>nd</sup> April 2017 – Location 30 Bank Street, Ashford – Call type 'ABANDONED/REQUEST FOR POLICE'.

CAD 22-0099. Unidentified caller contacted Kent Police at 02:27 hours on the 22<sup>nd</sup> April 2017 – Location: Bank Street, Ashford – Call type 'FIGHT/ PEOPLE FIGHTING NOW'

Generating crime reports:

ZY/15930/17 Actual Bodily Harm – glass thrown at member of staff. Filed suspect not identified, victim initially declines to support prosecution.

ZY/16051/17 Affray – persons fighting at the venue. Filed suspects not identified.

ZY/16050/17 Criminal damage to glassware. Filed suspects not identified.

**The premises failed to produce any CCTV to Kent Police, in breach of CCTV condition. Warning given in respect of this breach of conditions.**

15<sup>th</sup> January 2018.

CAD 15-1346. Mr Chemjong (Manager) contacted Kent Police at 23:48 hours on the 15<sup>th</sup> January 2018 – Location: 30 Bank Street, Ashford – Call type 'CRIMINAL DAMAGE IN PROGRESS'

Generating crime report:

ZY/002768/18 – Criminal Damage to glass entrance door. Drunk customer has caused the damage after being refused further alcohol.

**The premises failed to produce any CCTV to Kent Police, in breach of CCTV condition.**

**Recorded as a further breach of condition.**

16<sup>th</sup> January 2018.

Member of the public reports a male causing damage to the front of the Gurkha Villa. CCTV confirm male using implement. Male arrested nearby. He denied the offence, Council CCTV footage was not clear enough to confirm the offenders identity. The premises could not provide footage (However this was outside of operating hours)

This generated crime report:

ZY/002804/18 – Criminal Damage – this was filed due to lack of evidence.

Details of communication/visits with DPS and Staff:

Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA

3<sup>rd</sup> May 2017

Visited premises with Alison Simmonds to conduct follow up visit following incident on 22<sup>nd</sup> April 2017. DPS not present.

4<sup>th</sup> May 2017

Visited premises with Alison Simmonds. Met Mr Dewan and Mr Chemjong. Incident discussed. CCTV will be provided on the 8<sup>th</sup> /9<sup>th</sup> May 2017.

9<sup>th</sup> May 2017

Chasing email sent by PC PRINGLE to Mr Chemjong in relation to CCTV footage not yet provided.

11<sup>th</sup> May 2017

PC PRINGLE contacts Mr Chemjong by phone chasing CCTV footage. Unable to download footage will bring hard drive to Ashford Police Station.

11<sup>th</sup> May 2017

Mr Chemjong attended Ashford Police Station. Hard drive is seized by PC PRINGLE.

16<sup>th</sup> May 2017

Police Interrogate CCTV Hard Drive and discover that no footage is held on the machine and that it had not been recording.

16<sup>th</sup> May 2017

PC PRINGLE visited the premises. Mr Chemjong showed Police a replacement machine, which he says is operational. Original hard drive is returned.

16<sup>th</sup> May 2017

Letter to Mr Dewan hand delivered to the Gurkha Villa and emailed direct– summarising the incidents, and the issues around CCTV not being provided. Concerns were raised that the premises were not promoting the licensing objective of Prevention of crime and disorder. Mr Dewan was warned in relation to breaching his CCTV condition. He was reminded that Alison Simmonds had fully explained that the Licence could be altered to suit the business and that she would assist them with that process. He was informed that Kent Police expect a full variation by 22<sup>nd</sup> May 2017.

12<sup>th</sup> June 2017

Meeting held at Ashford Borough Council. Present was Alison Simmonds, Pc PRINGLE, Mr Dewan and Mr Chemjong. Alison Simmonds fully explained the Full Variation process and assisted Mr Dewan with the paperwork. Conditions were agreed by all parties present, and the full variation submitted.

1<sup>st</sup> August 2017

Hearing was set for the 1<sup>st</sup> August 2017 due to representation raised by a neighbour.

Neither the applicant nor the objector attended. The hearing could not go ahead because the public advert providing incorrect timing. It was considered void.

1<sup>st</sup> August 2017

Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA

Julian Postlethwaite and Pc PRINGLE attended the Gurkha Villa. Mr Chemjong was present. Mr Dewan was not. Mr Dewan was spoken to on the phone; he stated he was not aware of the hearing date. He said he was awaiting notification of the hearing date but had received nothing.

Mr Chemjong was asked to retrieve any business post, which he did. The hearing pack was present at the venue.

#### 3<sup>rd</sup> August 2017

Letter sent to Mr Dewan by Pc PRINGLE informing him of the failed hearing. Kent Police asked if Mr Dewan was the most suitable person for the role of DPS, considering he had not been at the premises for several weeks to pick up business post. He was told to resubmit the application.

#### 1<sup>st</sup> September 2017

The Gurkha Villa submitted a Full Variation which was considered VOID by Julian Postlethwaite due to incorrect timings advertised. He was advised to seek the services of a licensing practitioner/solicitor to assist him with the application

#### 15<sup>th</sup> December 2017

Correspondence forwarded to Kent Police by Ashford Borough Council. Worthington Solicitors required as to the Councils views on the removal of door staff from the Premises Licence.

#### 19<sup>th</sup> December 2017

PC Pringle responded, concerns were raised that Mr Dewan was not addressing issues with the entire Licence. The enquiry related to removing a few selective conditions concerning the restrictions on children and door staff at the venue. Police asked if the Gurkha Villa would be ceasing the live music concert events and return the venue to a restaurant only venue however this question was not answered.

#### 16<sup>th</sup> January 2018

Pc PRINGLE and Julian Postlethwaite visited the premises following the two incidents of criminal damage on 15<sup>th</sup> and 16<sup>th</sup> January 2018. Mr Chemjong stated the previous night was a normal evening for the premises; they were serving food until 22:00 hours. Breaching the condition stating no food to be served past 21:00 hours. Pc PRINGLE required all transaction receipts for the premises. These could not be fully provided, nor was he able to provide a copy of CCTV footage. Mr Chemjong was asked to provide the receipts and CCTV from 21:00 to close for the night of the offences, by the end of the following day. It was explained that Cash payments are receipted, and all card payments are put through the till.

#### 16<sup>th</sup> January 2018

Pc PRINGLE emailed Mr Dewan informing him of the Licensing Visit conducted by Kent Police and Ashford Borough Council. He was informed of the items required by Kent Police.

#### 17<sup>th</sup> January 2018

Mr Chemjong attended Ashford Police Station with cash receipts, which were already seen by Pc PRINGLE at the venue the previous day. Card payments that are put through the till were not provided. The cash receipts showed alcohol sales, however were not timed or dated. Copies of the receipts were made by Police.

18<sup>th</sup> January 2018

Pc Pringle conducted 'open source' enquiries on Social Media. The Gurkha Villa Facebook page showed several breaches specifically the serving of food after 2100 hours and children on the premises past 2100 hours on several occasions. This showed that the premises had been breaching conditions over a long period of time; attempts to advise and guide the premises have not made any difference to the running of the premises.

19<sup>th</sup> January 2018

Email received from Mr Dewan to Pc PRINGLE stating that Mr Chemjong had brought in cash receipts as requested from 21:00 hours until close. Mr Dewan apologised and stated that there had been a problem with the CCTV hard drive and that CCTV could not be provided for the night it was requested. He confirmed it was now fixed and recording.

19<sup>th</sup> January 2018

Pc PRINGLE emailed Mr Dewan thanking him for his email and the information. In relation to the footage not being supplied Mr Dewan was informed Kent Police considered this a severe breach of conditions. He was asked if he could provide card payment receipts for the night of the 15<sup>th</sup> January 2017. He was advised it was best practise that receipts are timed/dated. The receipts to date have not been supplied.

23<sup>rd</sup> January 2018

Julian Postlethwaite and Pc Pringle visited the Gurkha Villa to conduct a further Licensing Visit. CCTV was viewed which showed alcohol being served at 23:41 hours. At that time food was being served, and a child was present. Mr Chemjong described the child as being around 5 years old.

Mr Chemjong confirmed that he was in charge of the day to day running of the business and that Mr Dewan attends monthly. Mr Chemjong confirmed The Gurkha Villa does not use door staff at weekends but only one SIA member of door staff during events, contrary to licensing conditions requiring two door staff every Friday and Saturday night.

PC Pringle issues a 'Closure Notice' to the premises. A copy is emailed to Mr Dewan as he was not present. Conditions noted as being breached were allowing children in the premises past 21:00 hours and serving food past 21:00 hours. Pc Pringle wrongfully advised that if no alcohol sales take place after 21:00 hours food can be served and children can be present (This error was rectified on 15<sup>th</sup> February 2018 by phone conversation and in writing)

29<sup>th</sup> January 2018

Gurkha Villa submits Minor Variation via Worthington Solicitors to Ashford Borough Council to remove/alter conditions on the Premises Licence.

29<sup>th</sup> January 2018

Pc Pringle responds to Worthington Solicitors and Mr Dewan advising that the removal of door staff from the venue would put them in breach of other conditions not being amended. Kent Police recommend that the minor variation be withdrawn and a Full Variation submitted to remedy the entire licence. No response received.

2<sup>nd</sup> February 2018

Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA

Kent Police submit representations to Ashford Borough Council that the variation should have been a full variation and not a minor based on the fact that the alterations were capable of having an adverse impact on the licensing objectives. The minor variation was rejected by Ashford Borough Council.

15<sup>th</sup> February 2018

Pc Pringle contacts Mr Dewan by phone advising of the previous incorrect advice provided regarding children and food in the premises after 21:00 hours. The following clarification was provided: The premise continues to be a licensed premise, whether or not alcohol is being sold at any given point. Therefore allowing children in past 2100 hours – as it currently stands will be recorded as a breach in conditions. Serving food past 2100 hours – as it currently stands will be recorded as a breach in conditions. If there are sales of alcohol whilst these or any other conditions are being breached, then it becomes a criminal matter. This was put in writing in an email to Mr Dewan and Mr Chemjong.

16<sup>th</sup> February 2018

Mr Chemjong emails Pc Pringle saying they will be following the instruction provided in respect of not serving alcohol past 21:00 hours and will be allowing children in and serving food past that time.

19<sup>th</sup> February 2018

Pc Pringle emails Mr Dewan and Mr Chemjong again clarifying the above. Confirming it is Mr Dewans responsibility to ensure no further breaches take place.

21<sup>st</sup> February 2018

Phone conversation with Worthington Solicitors confirming that Kent Police are completing Review papers. It was confirmed that food or children in the premises after 21:00 hours would be considered as a breach in conditions.

5<sup>th</sup> March 2018

Kent Police submit application to review the premises licence at Gurkha Villa.

7<sup>th</sup> March 2018

Mr Dewan phones Pc Pringle confirming that it is his intension to step down as DPS. Mr Chemjong will be putting himself forward. This was confirmed back to Mr Dewan in an email. To date this has not been completed and Mr Dewan remains DPS.

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## Premises Licence

### Ashford Borough Council

Premises licence number: LN/020060064

#### Premises details:

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

Gurkha Villa, 30 Bank Street, Ashford, Kent, TN23 1BA

Telephone number: 01233 630730

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence & times the licence authorises the carrying out of licensable activities:

Licensed area:

Indoors Only

Licensable activities:

Sale By Retail of Alcohol

Authorised hours:

Sunday	12:00 - 02:30
Monday	10:00 - 02:00
Tuesday	10:00 - 00:30
Wednesday	10:00 - 01:00
Thursday	10:00 - 02:00
Friday	10:00 - 04:00
Saturday	10:00 - 04:00

Non Standard Timings & Seasonal Variations:

New Year's Eve 11:00 to 04:00 New Year's Day

Christmas Eve 11:00 to 02:30 Christmas Day

Bank Holiday Mondays 11:00 to 02:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies - On & Off supplies of alcohol

**Licensable area:** Ground Floor  
**Licensable activities:** Live Music  
Recorded Music  
Facilities for Dancing

**Authorised hours:**

Sunday	12:00 - 02:00
Monday	11:00 - 01:30
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:30
Thursday	11:00 - 01:30
Friday	11:00 - 03:30
Saturday	11:00 - 03:30

**Non Standard Timings & Seasonal Variations:**

Bank Holiday Mondays until 02:00  
Christmas Eve until 02:00  
New Year's Eve until 03:30

**Licensed area:** First Floor  
**Licensable activities:** Live Music  
Recorded Music  
Facilities for Dancing

**Authorised hours:**

Sunday	12:00 - 02:00
Monday	11:00 - 01:30
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:30
Thursday	11:00 - 01:30
Friday	11:00 - 03:30
Saturday	11:00 - 03:30

**Non Standard Timings & Seasonal Variations:**

Bank Holiday Mondays until 02:00  
Christmas Eve until 02:00  
New Year's Eve until 03:30

**Licensed area:** Indoors Only  
**Licensable activities:** Exhibition of Films

**Authorised hours:**

Sunday	12:00 - 02:00
Monday	11:00 - 01:30
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:30
Thursday	11:00 - 01:30
Friday	10:00 - 03:30
Saturday	10:00 - 03:30

**Non Standard Timings & Seasonal Variations:**

None

**The opening hours of the premises**

**Sunday** 12:00 - 03:00  
**Monday** 10:00 - 02:30  
**Tuesday** 10:00 - 01:00  
**Wednesday** 10:00 - 01:30  
**Thursday** 10:00 - 02:30  
**Friday** 10:00 - 04:30  
**Saturday** 10:00 - 04:30

**Non Standard Timings & Seasonal Variations:**

**Bank Holiday Mondays** 11:00 to 03:00  
**Christmas Eve** 11:00 to 03:00  
**New Years Eve** 11:00 to 04:30

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

**Name :** Sukaa Ltd T/A Gurkha Villa  
**Address:** 30 Bank Street, Ashford, Kent, TN23 1BA

**Tel number:**

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Name & Address:** Ananda Dewan, 30 Bank Street, Ashford, Kent. TN23 1BA

**Tel number:** 01233 634116

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Personal licence number: 12:00550/LAPER**

**Licensing authority: Rushmoor Borough Council**

**Licence issued by Julian Postlethwaite (Licensing Officer)**

**Signature:**

**Issue date: 25 July 2016**

## Mandatory Conditions

### Supply of alcohol

1. No supply of alcohol may be made under this premises licence:

a) At a time when there is no designated premises supervisor in respect of the premises licence or,

b) At a time when the designated premises supervisor does not hold a personal licence or his personal or the licence is suspended

2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

### Alcohol minimum permitted price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in 3 above—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where—

i) P is the permitted price,

ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

i) the holder of the premises licence,

ii) the designated premises supervisor (if any) in respect of such a licence, or

iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-

paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Irresponsible Promotions**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise); .

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Potable Water**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Age Verification**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—  
(a) a holographic mark, or .  
(b) an ultraviolet feature.

### **Small Measures**

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— .

- (i) beer or cider: ½ pint; .
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
- (iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **Showing of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

### **Door Supervisors**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Conditions consistent with the Operating Schedule**

### **General**

1. The Licence Holder shall operate within an occupancy limit of 220 persons including staff and performers.
2. The Licence Holder shall liaise closely with the Police in connection with the operation of the licence and in order to promote the four licensing objectives.
3. The Licence Holder shall be a member of the local Pub Watch or equivalent scheme.
4. Door supervisors registered by the Security Industry Authority (SIA) shall be used on Friday and Saturday nights.
5. The Licence Holder shall ensure that each bar is under the supervision of a designated bar supervisor in addition to other bar staff.

### **The Prevention of Crime & Disorder**

6. The Licence Holder shall ensure that all access and egress points within the premises are appropriately supervised.
7. The Licence Holder shall ensure that the two licensed areas are appropriately supervised.
8. The Licence Holder shall ensure that suitable CCTV coverage is maintained within the two licensed areas and over the front entrance to the premises.
9. The Licence Holder shall ensure that the Designated Premises Supervisor or other appropriately authorised person shall always be present when the premises is open to the public.
10. The Licence Holder shall ensure appropriate numbers of staff are on duty to collect glasses and monitor for crime & disorder. On Friday and Saturday night there are to be a minimum of three members of staff within each licensed area engaged in this duty. Such staff are to be trained as appropriate to promote the prevention of crime & disorder objective. Their training is to include drug awareness.
11. A minimum of two door supervisors registered by the Security Industry Authority (SIA) shall be used on Friday and Saturday night.
12. The Licence Holder shall operate appropriate policies and procedures in connection with the prevention of crime & disorder including arrangements for calling the Police as appropriate.

13. The Licence Holder shall ensure the provision of tea and coffee for customers.
14. The Licence Holder will adhere to relevant drug related policies as agreed with the Police or other relevant authority.
15. The Licence Holder will ensure that at least one member of staff holds a recognised qualification in drug awareness.
16. The Licence Holder will implement a system whereby the toilets are inspected at regular intervals when the licensed premises is open to the public, to ensure that controlled drugs are not being used or supplied in these areas and ensure that the toilet facilities are so constructed as to deter the use of drugs.
17. The Licence Holder will ensure that staff are trained to deal with aggressive behaviour commensurate with their work activities.
18. The Licence Holder will ensure that any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner will not be served alcohol and will no longer be permitted to remain on the premises.
19. The Licence Holder will not engage in irresponsible drinks discounting.
20. The Licence Holder will through the operation of a recognised 'proof of age' scheme ensure that any one who appears to be under 18 and is attempting to buy alcohol or is consuming alcohol on the premises will be asked to provide adequate and accepted proof of age.

### **Public safety**

21. The Licence Holder will ensure the provision of appropriate fire fighting equipment and ensure that all fire safety appliances and systems are tested every year and re-certified as appropriate.
22. The Licence Holder when reviewing public safety procedures do so in accordance with the Police, Fire Service & other relevant authority recommendations.
23. The Licence Holder will ensure the provision of adequate and appropriate first aid equipment and materials on the premises.
24. The Licence Holder will ensure that door supervisors are trained first aiders.
25. The Licence Holder will ensure easy access to the premises is provided as appropriate.
26. The Licence Holder will ensure all staff are trained in fire procedures and in the evacuation of the premises.

27. The Licence Holder will ensure that the construction of the premises is such as to protect the public from risk of fire eg through the provision of escape routes and use of appropriately fire rated glass.
28. The Licence Holder will ensure that the premises is provided with adequate and appropriate smoke alarms.
29. The Licence Holder when reviewing public safety procedures do so in accordance with the Fire Service & other relevant authority recommendations.

#### **The Prevention of Public Nuisance**

30. The Licence Holder will not permit glasses to be taken outside the premises.
31. The Licence Holder will ensure taxi information is available for customers. Such information will be available from door staff.
32. The Licence Holder will ensure that appropriate arrangements are in place for relevant staff to monitor customers leaving the premises and to ensure that they are given appropriate advice about leaving quietly and about not causing public nuisance.
33. The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises to ensure that are not excessive or likely to disturb neighbours.
34. The Licence Holder will ensure that on the second floor, banquette seating is located along both walls adjacent to the neighbouring properties.
35. The Licence Holder will ensure that a new wall mounted speaker system that will be sound engineered to focus sound within the bar area and fitted with an output limit and acoustic wall brackets, in order to minimise noise breakout.
36. The Licence Holder will ensure that the new function room will not be used as a dance space and will only be fitted with a background music system with a low powered amplifier.
37. The Licence Holder will ensure that all windows will be closed by 22:00 on Fridays and Saturdays.

#### **The Protection of children from harm**

38. The Licence Holder will not permit children onto the ground floor of the premises at lunch times or in the early evening for eating. Food is not served after 21:00 hours. Children will not be permitted on the premises after 21:00 hours.
39. The Licence Holder will not permit children onto the premises unless accompanied by an adult.

See also 'proof of age' condition.

40. The Licence Holder will not permit adult entertainment events.

## **CONDITIONS CONSISTENT WITH A CONVERTED PUBLIC ENTERTAINMENT LICENCE**

### **GENERAL**

1. The licensed premises shall not be kept or used for the provision of Regulated Entertainment for Live Music, Recorded Music, and facilities for Dancing except between the hours of:

**Please refer to Licence Operating Schedule for times**  
subject to

1. Entertainments being permitted to continue without such restrictions as to time in premises licensed for the sale of intoxicating liquor on any day including Sundays where such entertainment is by way of music and singing only which is provided solely by reproduction of recorded sound.
2. The Licensee shall comply with any reasonable fire prevention and safety measure that may be required of him by or on behalf of the Licensing Authority or Fire Authority.
3. All persons responsible for, or employed in or in connection with performances shall take all due precautions for the prevention of any accident and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for performances.
4. Authorised Officers of the Licensing Authority, Kent County Council Police Officers on duty and Officers of the Fire Brigade on duty shall be admitted immediately at all reasonable times to all parts of the premises.
5. The maximum number of persons admitted to the premises used principally for **MUSIC & DANCING shall not exceed, 100 persons on the Ground Floor and 100 on the First Floor.**
6. In premises where seating is permitted for more than 200 persons, all chairs shall be clipped or battened together in units of not less than four, nor more than twelve.
7. The premises shall not be used for a closely seated audience except in accordance with seating plans previously submitted to, and approved by the Licensing Authority in writing.
8. The Licensed Premises shall not be open for the purposes for which this Licence is granted on any occasion when the Licensing Authority shall have signified their desire in writing to the occupier or other person having at the time the care and management of such premises that the same should not be open for reasons of public safety or for the avoidance of nuisance or annoyance to adjoining or adjacent occupiers.

## **CONTROL AND CONDUCT OF THE PREMISES**

9. The Licensee shall take all due precautions for the safety of the audience, the performers and the employees, and except with the consent of the Licensing Authority in writing, shall retain control over all parts of the premises.
10. Any instructions given by the Licensing Authority regarding the safety of the audience and participants shall be put into immediate effect.
11. The number of attendants on duty on the premises to assist persons entering or leaving should be not less than one for every 250, or part of 250 persons present; and
  - a) if the number of persons present on any floor or tier is less than 100, there should be at least one additional attendant on duty on that floor or tier;
  - b) if the number of persons present on any floor or tier exceeds 100 there should be at least two additional attendants on duty on that floor or tier.

PROVIDED THAT where the audience or attendance consists wholly or mainly of persons under 16, the number of attendants on duty to assist persons entering or leaving shall instead be not less than 1 for every 100 or part 100 on the lowest floor plus one attendant for every 50 or part of 50 above the lowest floor.

12. Persons awaiting admission to the premises shall not be allowed to congregate in any position which will cause the obstruction to any persons leaving the building.
13. The Licensee shall, to the best of his ability, maintain and keep good order and decent behaviour in the building during the permitted hours of entertainment and in particular:-
  - a) Drunkenness or other disorderly conduct shall not be permitted, nor shall reputed prostitutes, thieves, or other persons of notoriously bad character be knowingly allowed to enter or (when discovered to have entered) be allowed to remain in the Licensed Premises.
  - b) No public music, singing, dancing, exhibition, recitation or entertainment of a like kind shall be permitted or suffered to take place in the place licensed which is offensive, obscene, immoral, licentious or indecent or likely to produce riot, tumult, or breach of the peace.
  - c) No public music, singing, dancing or entertainment of a like kind shall be permitted, or suffered to take place in the place licensed which shall be a nuisance, annoyance or inconvenience to the occupiers of any property adjoining the place licensed or in the neighbourhood thereof.
14. All reasonable steps shall be taken by the Licensee to minimise noise emitted from the Licensed Premises. No amplified music or sound from the premises must be audible within any residential premises between 2300 hours and 0700 hours. (See Note 4).

15. In premises at which an exchange telephone is not installed a notice or notices clearly indicating the position of the nearest telephone by means of which the Fire Brigade may be summoned shall be provided in a position or positions approved by an authorised officer of the Fire Brigade.
16. The Licensee shall be responsible for making arrangements to ensure that information of any outbreak of fire, however slight, shall be at once communicated to the Fire Brigade and to the Police.
17. The Licensee, the person in charge of the premises, and all such attendants shall be properly instructed in the protection of the premises from fire and the use of the fire appliances provided.

### **FIRE PRECAUTIONS**

18. All gangways shall be at least 1070mm (3ft 6ins) in width, and all gangways and exits shall be maintained clear of obstruction during the whole time the premises are used for any public entertainment. Persons shall not be permitted to sit or stand in gangways unless prior approval has been obtained from the Licensing Authority.
19. Exit doors, if fastened during the time persons are on the premises, shall open outwards in the line of exit route and be secured only by a form of fastening which will allow the doors to open immediately upon slight pressure being applied from within. Where panic bars or latches are fitted, the words "PUSH BAR TO OPEN" shall be indicated on the doors 125mm high in bold block lettering of a conspicuous colour above the operating bar.
20. All exit doors shall be clearly indicated by a white on green "running man" pictogram sign of a minimum size of 125mm high displayed at a height of approximately 2.5 metres above floor level over the door. The sign shall be clearly visible from the access route to the door at all times.
21. All exits shall be instantly available for free exit during the whole time the public are on the premises.
22. Emergency lighting, supplied from a source entirely independent of the general lighting, shall be provided to the satisfaction of the Licensing Authority. The degree of lighting available shall be sufficient to allow persons to leave the premises in safety should the general lighting fail. The exit signs should be adequately illuminated by the general lighting and emergency lighting. The emergency lighting must be inspected and tested annually to the current British Standard. Certification shall be available for inspection by the Licensing Authority at all reasonable times.
23. Fire extinguishers shall be provided and be immediately available for use at all times in accordance with the following criteria: One 9 litre extinguisher for every 200 square metres or part thereof subject to a minimum of two extinguishers per floor.
24. An annual Certificate issued by a competent firm of fire equipment engineers to the effect that each extinguisher provided in the premises has been

inspected and tested in accordance with the current British Standard and is in good working order, shall be maintained at all times during the currency of this licence and shall be available for inspection by the Licensing Authority at all reasonable times.

25. Only such parts of the premises as have been approved by the Licensing Authority shall be used as retiring rooms, or cloakrooms, and provisions for hanging hats or cloaks shall not be made in corridors, passages, gangways or exitways used by the public.
26. A fire alarm where fitted should be maintained to the current British Standard at all times and all attendants and other staff shall be trained in and familiar with the operation of the system to ensure that the alarm can, if necessary, be operated by them in the event of a fire. Certification shall be available for inspection by the Licensing Authority at all reasonable times.
27. All scenery, drapes and curtains etc. shall be either of inherently flame-resisting material or be treated with a flame retardant solution and maintained in this condition. A Certificate to the effect that treatment has been undertaken shall be available for inspection by the Licensing Authority at all reasonable times.
28. No structural or other alteration of the place licensed or of the means of exit therefrom shall be made during the continuance of this Licence without the sanction of the Licensing Authority. Upon receipt of a notice, in writing, from the Licensing Authority, that the certificate of a competent structural engineer is required in respect of any aspect of the premises, the Licensee shall not permit the premises to be used for any purpose authorised by this Licence until notified in writing by the Licensing Authority.
29. Temporary decorations, curtains or hangings should not be used unless approved by the Licensing Authority in writing. Under no circumstances shall approved temporary decorations be adjacent to or attached to, lighting fittings.

#### **STRUCTURE, FIXTURES AND FITTINGS**

30. Application for consent for all decorations, curtains and hangings should be made to the Licensing Authority in writing and should be accompanied by full details, including samples (not less than 1000mm x 500mm) of the material proposed to be used and, in the case of temporary decorations, a statement as to the period for which it is desired to retain the decorations.
31. Where collapsible gates or roll-up shutters are used these shall be locked in the open position whilst the public are present. Revolving doors shall not be used as exit doors.
32. All floors, floor coverings and upholstery in the Licensed Premises shall be maintained in proper repair and in a clean condition.
33. Mats, matting and other floor coverings shall be secured and maintained so that they will not ruck or be in any way a source of danger.

34. The edges of the treads of steps and stairways shall be made conspicuous. All gangways, exitways and the treads of steps and stairways shall be maintained with a non-slip surface.
35. The hangings or curtains over exit doors or across gangways shall be made to part in the centre, to hang so as to be readily drawn aside and not to trail on the floor, and be arranged so as not to conceal notices.
36. All parts of the premises and fittings therein, including the seating, door fastenings and notices, shall be maintained at all times in good order and condition.
37. All electric lampholders within reach of the public shall be kept fitted with lamps or otherwise protected.
38. If gas is installed at the premises, an annual Certificate issued by a CORGI registered gas engineer to the effect that the gas installations in the premises have been examined and tested in accordance with the current edition of the Gas Safety (Installation and Use) Regulations and are in a safe working condition, shall be maintained at all times during the currency of this Licence and shall be available for inspection by the Licensing Authority at all reasonable times.
39. An annual Certificate issued by a qualified electrical engineer to the effect that the electrical installations in the premises have been examined and tested in accordance with the current edition of the Regulations published by the Institution of Electrical Engineers and are in a safe working condition, shall be maintained at all times during the currency of this Licence and shall be available for inspection by the Licensing Authority at all reasonable times.
40. The Licensee shall ensure that socket outlets for use with electrical equipment on or in the vicinity of any stage area, and any circuits associated with spotlights or other stage lighting equipment, shall be protected by one or more Residual Current Devices (RCDs), as necessary, having an adequate load current rating and a 30mA tripping current.
41. Temporary electrical fittings shall not be used unless the express written consent of the Licensing Authority has first been obtained. They are to be correctly wired and powered via recognised standard electrical outlets. Electrical leads to such fittings are to be run out of reach of the public.
42. Every heating appliance used in the premises, which is so situated as to be within reach of any member of the public, shall be fitted with guards which comply to the standards of construction and fitting required by any regulations for the time being in force applying to heating appliances of a type, which are so designed that they are suitable for use in places of public assembly; and every heating appliance used in the premises shall be situated sufficiently far from woodwork, hangings or other materials, or substances liable to catch fire so that there shall be no likelihood of fire by reason of their proximity to the heating appliance. Combustible hangings are not to be placed over any heating appliance.

43. Every heating appliance situated in a part of the premises to which the public are admitted shall be fixed in position in such a manner as to prevent it being knocked over.
44. Liquid petroleum installations (portable or fixed) of any kind, gas lamps, oil lamps or candle lamps shall not be installed or used within the premises without the prior written approval of the Licensing Authority. Electric lamps and other electrical appliances used within the stage area shall be sited so that they are not liable to come into contact with drapes, scenery or properties.
45. Adequate and separate sanitary conveniences shall be provided for persons of both sexes and shall be separately approached and adequately screened. The conveniences for each sex shall be indicated by a suitable notice. The several lavatories and urinals in the licensed premises shall at all times be kept in good order and repair and be properly and effectively cleansed, ventilated and disinfected and supplied with water and proper and efficient flushing arrangements. During the time the licensed premises are open to the public the lavatories and urinals and the approaches thereto shall be properly and efficiently lighted. The following standards will be deemed to be the minimum level of compliance unless otherwise specified by the Licensing Authority.
- i) Sanitary accommodation shall be provided for all persons resorting to the Licensed Premises, in accordance with the table set out below.
  - ii) Sanitary accommodation shall be provided for entertainers and/or staff separate from the accommodation described at (i) above on the basis of 1 water closet and 1 wash hand basin (W.H.B) per 15 persons or part thereof (due regard being had to the segregation of the sexes).
  - iii) Every wash hand basin shall be provided with hot and cold water, soap and towels (or a suitable alternative method of hand-drying).
  - iv) Every water closet compartment shall be properly lighted and ventilated with a suitable intervening ventilated lobby between the compartment and any other room which is not a corridor or entrance hall.

Public Houses, Clubs and Discotheques

	Males	Females
W.Cs	1 for up to 150 plus 1 per 150 or part thereof	2 for up to 30 plus 1 for every 25 or part thereof
Urinals	2 for up to 75 plus 1 per 75 or part thereof	
W.H.Bs	1 per W.C. 1 for every 5 urinals or part thereof	1 per 2 W.Cs or part thereof

Theatres, Concert Halls and Similar Buildings

	Males	Females
W.Cs	Minimum 1 up to 250 plus 1 per 500 or part thereof	Minimum 2 for up to 40 3 for up to 70 4 for up to 100 plus 1 for every 40 or part thereof
Urinals	Minimum 2 up to 100 plus 1 for each 80 or part thereof	
W.H.Bs thereof	1 per W.C. 1 per 5 urinals or part thereof	1 plus 1 per 2 W.Cs or part thereof

### TEMPORARY STRUCTURES

46. No temporary grandstand or other similar facility shall be provided for spectators unless the express written consent of the Licensing Authority has first been obtained and a certificate has been produced from a qualified structural or other suitably qualified engineer confirming that the proposed structure would be safe for the purposes for which it is intended to be used.
47. The Licensee shall, prior to the use of a temporary grandstand or other similar facility, provide the Licensing Authority with a certificate from a structural or other suitably qualified engineer to the effect that he/she has inspected the grandstand or other similar facility, in situ, and it is safe for the purposes for which it is intended to be used.

### MISCELLANEOUS

48. No rubbish or waste paper or other inflammable material shall be stored or allowed to accumulate in or adjacent to any part of the licensed premises. Storage of necessary combustible materials shall be in such positions as may be approved by the Licensing Authority. Rubbish or waste paper receptacles shall be of incombustible material so as to minimise risk of fire.
49. The licensed premises shall be maintained in a clean condition free of vermin.
50. Any strobe lighting equipment must be arranged to operate at a fixed frequency not exceeding four flashes per second.
51. No laser equipment shall be used without the prior written consent of the Licensing Authority, which must be applied for a minimum of 21 days before the event is due to take place.
52. Pyrotechnics and other special effects (eg fireworks, real flame, bomb tanks, loud bangs, smoke effects, fire arms, nitrogen, carbon dioxide, explosives, etc) shall not be used during any public entertainment or performance without the prior written consent of the Licensing Authority, which must be applied for a minimum of 21 days before the event is due to take place.
53. No exhibitions, demonstration or performance of hypnotism shall be given on any person at any premises licensed for public entertainment without the prior written consent of the Licensing Authority, which must be applied for a

minimum of 21 days before the event is due to take place and in accordance with any conditions attached to such consent.

54. No foam parties, striptease, lap dancing or table dancing shall take place at the Licensed premises without the prior written consent of the Licensing Authority, which must be applied for a minimum of 21 days before the event is due to take place.
55. Any storage, preparation or sale of articles of food or drink are to be conducted so as to comply with the requirements of the Food Hygiene (England) Regulations 2006.

### **Additional Conditions**

#### **NOTE 1**

The attention of the Licensee is drawn to the provisions of Section 12 of the Children's and Young Persons' Act, 1933: This relates to the responsibility of anyone providing entertainment at a performance attended mainly by children to station and maintain stationed, a sufficient number of adult attendants. This section also makes provision for safeguards against overcrowding and other safety precautions.

#### **NOTE 2**

All conditions marked \* are only applicable during any entertainment for a closely seated audience

#### **NOTE 3**

Additional conditions are applicable for closely seated audiences exceeding 300 persons or may be required for complex premises or to control unusual circumstances

#### **NOTE 4**

Inaudibility is defined as follows:

- The LAeq,5min level measured 1 metre outside a window to a habitable room, with entertainment taking place, shall show no increase when compared with the representative LAeq,5min level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place; and
- The Leq,5min level in the 63 Hz and 125 Hz octave bands measured 1 metre outside a window to a habitable room, with entertainment taking place, should show no increase when compared with the representative Leq,5min level in the 63 Hz and 125 Hz octave bands measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

### **ADDITIONAL CONDITIONS**

1. Licence holders must take all reasonable steps to eliminate the supply of controlled drugs within the Licensed Premises.
2. The Search Policy detailing the procedure for searching, seizing and disposing of drugs, as agreed with the local Police, must be implemented. The Licensee must ensure that all employees are appraised of these

procedures on a regular basis. The Search Policy is attached as Appendix B.

3. All drug-related incidents at the Licensed Premises must be reported to the local Police in an agreed format.
4. Licence holders, managers and door supervisors employed at the Licensed Premises must receive regular training on licensing regulations, health & safety, first aid, fire safety and drug awareness. Proof of training must be available for inspection at the request of the Licensing Authority and Police.
5. Adequate first aid provisions must be available at all times that the public are on the Licensed Premises. These provisions must include a suitable number of trained first aiders who have awareness of drug related problems, for example, heat stroke, dehydration, anxiety and paranoia, and are capable of dealing with them appropriately.
6. The maximum occupancy figure, as detailed in Condition 6, must not be exceeded and a system must be in place to accurately monitor the number of persons in the Licensed Premises at any one time.
7. Facilities must be provided which are cooler and quieter to enable customers to rest and cool down.
8. Free and unrestricted access to cold drinking water must be available at all times.
9. A regime must be implemented whereby the sanitary conveniences are inspected at regular intervals when the Licensed Premises is open to the public, to ensure that controlled drugs are not being supplied in this area
10. CCTV shall be installed to cover the access and egress of the premises. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.

### **SEARCH POLICY**

1. Notices are to be prominently displayed at the entrance to the premises explaining to customers that a search policy is in practice.
2. Random searches to be conducted on a daily basis on all persons entering the premises. These searches are to take place in a private room out of public view.
3. There are to be sufficient female staff members on duty to conduct searches of females entering the premises. This is to deter the carrying of drugs into the premises by females.
4. If a customer is found to have drugs on their person, staff are to detain them. A supervisor is to be called immediately and is to verify the item seized as suspected drugs and confirm the quantity in the presence of the detained customer. Two members of staff must remain with the customer at all times from this point until police officers arrive.

5. The customer is to be removed to a secure room within the premises to await the arrival of police officers.
6. Police are to be contacted on 01233 611055 and will attend as a matter of urgency. If deemed an emergency, i.e. demeanour of detainee, quantity of drugs, etc. then 999 facility to be used.
7. The drugs seized are to be placed in police evidence bags, a supply of which can be left at the premises. The attending officers are to confirm the suspected type and quantity of drugs in the presence of the detained customer. Any comments made by the detained person with regard to the seized items are to be noted immediately in the officer's pocket notebook. The customer is to be invited to sign the pocket notebook.
8. Once the attending officers are satisfied that an offence has been committed, it will be important for the offender to be arrested and removed from the premises as soon as possible. This is to prevent the build up of tensions within the premises.
9. The members of staff involved in the detention of the customer are to provide statements prior to the end of their shift. To ensure that correct statements are made a Pro Forma statement will be supplied by the police requiring the staff to merely 'fill the blanks'. (By lowering the amount of work required to be carried out by the staff, it is hoped that reporting of 'finds' to the police will be made, as opposed to discarding of drugs with a warning to the customer.)
10. If drugs, or what appears to be drugs, are located on the premises without an owner, these are to be seized and given straight to a supervisor who will record details, namely time, date and location of find and will place them in police evidence bags and retain in a locked container. Police are to be notified on 01233 611055 as soon as possible to arrange collection.
11. Any drug-related incident or what appears to be a drug-related incident, occurring outside of the premises is to be reported to the police immediately.

**Conditions attached after a hearing by the licensing authority**

NONE

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# Worthingtons

SOLICITORS

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The Licensing Officer  
Ashford Borough Council  
Civic Centre, Tannery Lane  
Ashford  
Kent TN23 1BA  
By email: [licensing@ashford.gov.uk](mailto:licensing@ashford.gov.uk)

OUR REF: BGK.PRS.SUKKA  
YOUR REF: LN/020060064  
E-Mail:  
[bgk@worthingtons.uk.com](mailto:bgk@worthingtons.uk.com)  
3 April 2018

Dear Sir

**Re: Suka Ltd T/A Gurkha Villa  
30 Bank Street, Ashford, Kent  
Premises Licence Number: LN/020060064  
Application for Review of Premises Licence**

We act for Suka Limited in respect of matters raised of the above mentioned premises, in particular the application by Chief Inspector Somerville of the Kent Police to review the Premises Licence.

In the circumstances, please find enclosed herewith the representations in regard to the application to review the Premises Licence in relation to the above mentioned premises which we are instructed to make of behalf of the Premises Licence Holder.

Please would you be so kind as to acknowledge safe receipt and let us know the date for the hearing of the Review Application in due course.

Yours faithfully



Worthingtons

## REPRESENTATIONS IN REGARD TO APPLICATION TO REVIEW THE PREMISES LICENCE

### IN RELATION TO GURKHA VILLA, 30 BANK STREET, ASHFORD, KENT.

These representations are made on behalf of Suka Limited, T/A Gurkha Villa in respect of the Application for a Review of the Premises Licence in respect of the above mentioned premises made by Chief Inspector 10040 Andrew Somerville on behalf of the Chief Officer of Kent Police.

#### **Representations**

1. It is submitted on behalf of the Premises Licence Holder that the full Licensing objectives will be satisfied if the conditions attached to the current Premises Licence are:-
  - a) Modified;
  - b) Certain licensable activities are removed from the scope of the licence;
  - c) There is a change in the designated premises supervisor of the premises. Mr Jitendra Kumar Chemjong is in the process of applying for a variation of the Designated Premises Supervisor so as to enable him to be the DPS.
2. The Premises Licence Holder is agreeable to the current conditions which have been inherited from the previous licence being removed and that alcohol on sales only should from the date of any review hearing be the only permitted sales.
3. It is also agreed that the CCTV system which is installed in the premises will at all times be maintained in good and sufficient working order and will be operated by trained staff. Each staff member shall comply with the proposed conditions suggested by Chief Inspector Somerville save that recordings of the CCTV will be retained for 28 days not 30 (as this is in accordance with the specification of the CCTV system installed at the premises).
4. The Premises Licence Holder will ensure that an incident record book is maintained at the premises and all staff will be trained in its use. The other condition suggested by Chief Inspector Somerville will be complied with.
5. The Premises Licence Holder shall ensure that staff are fully trained in responsible sales of alcohol (BIIAB or equivalent) and that training records are kept.
6. The Premises Licence Holder shall ensure that an appropriate number of staff are on duty to monitor crime and disorder and that such staff will be trained as appropriate to prevent crime and disorder being one of the Licensing Objectives.
7. Intoxicating liquor shall only be sold or supplied for consumption on the premises. The Premises Licence Holder is agreeable to the supply of intoxicating liquor being limited to people taking table meals and that the supply of intoxicating liquor should be ancillary to any such meal being one of the conditions proposed by Chief Inspector Somerville.

8. It is agreed that anyone leaving the premises will not be permitted to remove or take with them, open bottles or open containers of any kind that contain or have contained beverages of any type.

**Public Safety**

9. A minimum of two SIA licensed door supervisors shall be present at the premises on an organised, ticketed or advertised event as defined by the Licensing Authority/Kent Police. SIA registered door staff will remain until everyone has left the building and immediate vicinity.

**The Prevention of public nuisance**

10. The Premises Licence Holder will ensure, where necessary, that the noise from the premises is monitored and any concerns are addressed immediately.

**Protection of Children from Harm**

11. Children shall be accompanied by an appropriate adult in the restaurant at all times.

**Timings**

12. The Premises Licence Holder is agreeable to the amended and reduced timings suggested by Chief Inspector Somerville.



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Worthingtons

For and on behalf of the Premises Licence Holder

Dated 03 April 2018

To: Licensing Department, Ashford Borough Council

Chief Inspector Somerville (PC A Pringle)

Any others to Whom It May Concern

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## **HUMAN RIGHTS**

### **Article 8**

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### **Article 1 of the First Protocol**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

### **Article 10**

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

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