

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.

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

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.