

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 your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, 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

Postal address of premises or, if none, ordnance survey map reference or description Codfather, 15 High St, Ashford TN24 8TH	
Post town Ashford	Postcode (if known) TN24 8TH

Name of premises licence holder or club holding club premises certificate (if known)
Mr Sahargul Ahmadzai

Number of premises licence or club premises certificate (if known)
AS/LN/020080544

Part 2 – Applicant Details

I am,

- | | Please tick yes |
|---|--------------------------|
| 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
Telephone number (if any) 01233 896354
Email address (optional) 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 or associated to the premises, in particular the use of weapons.

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, because staff at a premises providing late night refreshment have left the premises, brandished offensive weapons and become involved in a large disturbance outside. This clearly undermines the crime prevention objective, and puts the safety of the public at risk.

In this application, Kent Police will demonstrate the following:

1. A causal link between the disturbance and the licensable activities at the premises
2. How staff left the safety of the premises, brandishing weapons and became involved in the disturbance
3. How the actions of the staff, the failure of the premises licence holder to uphold the licensing objectives, and the lack of cooperation following the incident suggest that this presents a risk to public safety in the future.

The Cod Father is a single level outlet which provides fish & chips, kebabs and burgers mostly to those enjoying the Ashford night time economy.

The venue is accessible to the public by a glass fronted door facing the High Street. The venue has a public seating area, and a high counter where food is displayed and sold from. The venue has CCTV. They are not members of any known pub or shop watch scheme. The Cod father is registered on Companies House with a Mr Khaista Ahmadzai being the only director of the company since 1st October 2018. The premises licence holder Mr Sahargul Ahmadzai is not named.

The Current Premises Licence was issued by Ashford Borough Council to Mr Sahargul Ahmadzai in January 2017.

On Sunday 7th October 2018 at 04:47 hours a CCTV operator working for Ashford Borough Council relayed information to Kent Police about a fight taking place in the High Street, Ashford involving a number of males. Initially the fight is described as 'males grappling'. The disturbance started outside a neighbouring business approximately ten meters away from the Cod Father. As the fight continues the group move closer down the High Street towards the premises. During the disturbance a group of males can be seen coming in and out of the Cod Father.

The report described a 'male brandishing a knife' in the street. Footage shows a male standing in front of the group fighting. He turns and walks straight into the Cod Father through the open door. He returns seconds later with a knife hidden behind his back. He approaches the disturbance before members of the public appear to convince him not to use it. He then returns to the Cod Father. The knife was approximately two foot long; with a thin blade the handle could not be seen. There was a lull in the fighting, until a male involved in the fight got into the driver's seat of the vehicle he arrived in which was parked on the same side as the Cod Father. The driver was the victim whom was assaulted by the group at the start of the disturbance. He navigated his vehicle around the bollards, across the road at a right angle and drove into the front end of the white truck some of the offending group arrived in. The truck is seen rocking sideways as it was struck. The move was clearly deliberate, and in no way could be described as a driver error. The damage to the white truck was minimal. In apparent retaliation a third vehicle driven by persons involved in the fight rammed into the back of the first vehicle, causing it to smash into the rear of a parked vehicle. The impact was so strong that the parked car was projected across to the other side of the High Street. That car belonged to the manager of the Cod Father. Thankfully and surprisingly no pedestrians were injured by the vehicles. A female onlooker who was not involved could be seen holding her head and covering her mouth in shock. The first vehicle fled the scene, and as it did so a male was seen attempting to smash its windscreen as it travelled down the High Street.

Further fighting took place directly outside the Cod Father. It was reported that a male armed with a bat, shown to be a standard sized cricket bat in the footage, was viewed using this to hit one of the males involved in the fight. The footage showed that on at least two occasions the bat was swung in a downward clubbing

motion towards the man's upper body and head. However the man managed to jump backwards and it is not clear if contact was made. The male with the cricket bat, produced it from the Cod Father, and as Police Officers attended the scene, he fled back into the Cod Father with the weapon. A male with what looked to be a broom handle also fled into the Cod Father after striking people in the street.

Police patrols attended, and upon arrival persons were seen fighting, a 25 year old male who was the manager of the Cod Father was arrested for being in possession of an offensive weapon. Enquiries by Officers at the scene established that he brought a baseball bat into the street, and when Police arrived he placed it inside his vehicle. He was interviewed and accepted that his possession of the baseball bat could not have been in self-defence and as a result of this he accepted a formal caution for possessing an offensive weapon in a public place. A second male was arrested for an unrelated matter. The majority of persons involved in this incident did not engage with the Police. Whilst there were clearly assaults and potential injuries from being struck with weapons and bodily force this incident only resulted in three offences being recorded, a common assault, an offensive weapon and an affray.

Kent Police intend to show this footage during the review hearing. Persons clearly linked to the Cod Father exited the premises through the front door during their opening times to confront a disturbance in the street by persons the premises licence holder had said on two occasions were his customers. At the start of the disturbance several males from the venue appear to attempt to defuse the situation by pulling persons away and attempting to stand between parties involved in the altercation. One of them brings a bladed weapon in the public but returns without using it. Once the vehicle belonging to the manager was damaged the males connected to the premises appear to lose sight of their responsibilities and commit public order offences. The Cod Father was not able to produce CCTV which would have been used by Kent Police to identify those persons carrying and using the cricket bat, the knife and the broom handle. Apart from the behaviour itself, the fact that CCTV could not be provided was an attempt to hinder the Police investigation, protect their own interests, whilst having no regard to the licensing objectives.

It was the professional actions of the CCTV operator and the rapid deployment of police patrols that were responsible for limiting the risk of both serious injury to those involved in the disturbance and other members of public. Neither the staff or management of the Cod Father contacted emergency services, and their actions only served to further aggravate and escalate this situation.

The manager, led by poor example after his vehicle was damaged, and being aggrieved by having his vehicle damaged he brandished a baseball bat. The fact that the items were so readily available during the disorder is a concern.

After a number of unsuccessful attempts, on 19th October 2018 at 12:50 hours, the Police Licensing officer, PC Pringle managed to speak to Mr Sahargul Ahmadzai, who identified himself as the premises licence holder. When asked if there was an ongoing feud between staff at the Cod Father and others involved in

the disturbance, he replied *"No they are good people, they are our customers."* He was invited to a further meeting at the Police Station to discuss what had taken place.

On Tuesday 23rd October 2018 Mr Sahargul Ahmadzai attended the Police Station for a meeting with PC Pringle and Mr Postlethwaite (Licensing Officer). When asked as to what led to members of staff picking up weapons, Mr Ahmadzai replied that he had closed at 04:00 hours and was upstairs at the time of the fight. The manager Mr Khaista Ahmadzai was cashing up in the shop. The fight was outside of another late night food outlet nearby.

Mr Sahargul Ahmadzai said that when the manager's car was hit, members of staff came out. When questioned about the control of his staff, he explained that he was not responsible. To explain this he said that an employer could not be responsible for staff once they had left on their way home for example. Mr Sahargul Ahmadzai states he was hit by the big guy when telling them to go away from his shop.

PC Pringle asked the same question – *"What led to members of staff picking up weapons?"*. Mr Sahargul Ahmadzai said, *"When they hit the car, they had knuckle dusters. Yes they are our customer, they are normally okay, but they were drunk"*.

Footage of the incident was also shown to Mr Sahargul Ahmadzai. The footage shows a male walk towards the Kabab shop and returning to the scuffling groups with a metallic object which Kent Police believes is a kebab knife or sharpener. When this was pointed out to the premises licence holder he said that it wasn't a knife. He was asked if he knew the male holding the weapon. At first he said it was a customer, and then said that he didn't know who it was.

Police asked why didn't staff members simply go back inside and lock the doors. Mr Sahargul Ahmadzai said that he did tell them to do this; he went on to say *"If someone tried to punch you with knuckle dusters you'd try to defend yourself"*.

Mr Sahargul Ahmadzai stated that he tells his staff, that if a fight happens, they should lock the door, and turn the lights off. He confirmed that they do have a panic alarm. When asked why it wasn't activated, he said that it wouldn't have worked because the shop was closed. He went on to confirm that the alarm does not work when the shop isn't open. He confirmed the opening times of the shop as 11:00 to 05:00 hours and said that on this night they closed early because of the fight. This suggests he was open at the time of the disturbance.

Mr Sahargul Ahmadzai said that he normally operated the business with five members of staff, he confirmed that if there was a fight taking place and it was showing no signs of stopping that he would then call the police. He said that only staff were allowed to enter the second door which lead up to the private accommodation areas and that customers would never be allowed up there. This is a further indication that the persons leaving the premises brandishing weapons were indeed members of staff.

It was confirmed that the Cod Father does have CCTV. Mr Sahargul Ahmadzai

said that the CCTV system had not been checked for two to three years, he did not appear to be aware of the recording duration, but suggested that it may record for 24 hours.

It was noted that he had presented a CCTV hard drive to police, however as it would have only retained 24 hours' worth of footage it would not have assisted the investigation, and therefore it was not seized.

It was explained that Kent Police wanted to ensure that premises open late are well operated and that simple crime reduction measures such as CCTV are working correctly, and that evidence from them can be accessed quickly when its needed to promote the licensing objective of the 'Prevention of Crime and Disorder'. Mr Sahargul Ahmadzai agreed with this. Kent Police put forward a number of conditions that would help to address concerns and promote the 'Prevention of Crime and Disorder' and 'Public Safety' objectives through better control of CCTV, security / training and timings.

Each condition was read through and discussed.

In response the premises licence holder said *"There aren't any problems, there's no point – the fight was outside, not inside – this is not a pub."*

Kent Police proposed that the premises reduce their operating timings, so that sales of late night refreshment concludes at 04:30 hours to allow them sufficient time to close at 05:00 hours.

Mr Sahargul Ahmadzai said that it wouldn't be good for his business, and suggested that they must match the opening times of another late night refreshment outlet nearby. He said that they wanted the timings to remain as they were until 0500 hours.

The fact that staff members felt the need to pick up weapons strongly indicates a lack of effective supervision and training, therefore Kent Police put forward a condition that all staff should be trained in 'conflict management'. Mr Sahargul Ahmadzai said that this is covered as part of his staff training and that they are issued with a certificate.

Kent Police again expressed concerns about public safety and the need to some level of control at the premises, so therefore asked if the use of security staff would be considered. Mr Sahargul Ahmadzai said he would not do this.

Given that Mr Sahargul Ahmadzai stated that he had closed the shop at 04:00 hours and members of staff were inside cleaning or cashing up, and that the males were seen coming to and from the premises on CCTV it shows that they were members of staff, under the control of either the manager or the premise licence holder.

Given the manager was arrested and cautioned for an offence of 'offensive weapon' it shows that urgent changes are needed to promote the Licensing Objectives.

On 26th October 2018 Kent Police sent a letter recorded delivery to Mr Sahargul

Ahmadzai at the premises detailing the contents of the meeting and again proposing the conditions discussed. Because of the protracted time and lack of any tangible positive movement from the Premises Licence Holder, the letter highlighted that should efforts not be made to introduce the measures outlined by Kent Police within 10 days, we would consider taking the licence to review'

On the 13th November 2018 Ashford Borough Council received an incomplete application to transfer the licence which was returned. There has been no variation to the conditions and It appears that the Cod Father is not willing to take ownership of the issues directly connected to the operation of the business or the members of staff under its control. Therefore Kent Police have no option other than to bring this matter to the attention and review of the Licensing Committee so that a suitable determination can be made.

In the last two years Kent Police have been notified of a total of 16 incidents at or connected to the venue. Including a total of 12 disturbances, 2 recorded assaults, an incident of 'threats' and one of theft.

Given that the premises did not notify Police themselves regarding the incident on the 7th October 2018 and instead chose to involve themselves, there is a strong possibility that the crime figures only show a glimpse of the levels of 'Crime and Disorder' at this venue. Kent Police have concerns that allowing the premise to continue in its current form will put the public at risk, and undermine Police efforts in bringing offenders to justice.

Recommendations:

Kent Police have concerns about the ability of the Premises Licence Holder to uphold the licensing objectives. Furthermore, there is a concern based on the lack of recognition by the Premises Licence Holder that he has not upheld the objectives, despite efforts to communicate this to him, and that he would be unlikely to follow any unique conditions that may be imposed. It is therefore a recommendation of Kent Police that the Premises Licence be revoked.

Should it be decided not to revoke, Kent Police would ask that consideration be made to suspend the licence for a period of no less than 3 months. This would be sufficient time to allow the premises licence holder to fully train staff, and implement the conditions put forward to them during a meeting and later in writing which include:

CCTV

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting condition particularly facial recognition.

- Cameras shall encompass all ingress and egress areas to the premises and all areas where the supply of late night refreshments occurs.
- Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive, kept for a minimum period of 28 days, and handed to Police or member of the Local Authority upon reasonable request.
- 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 upon reasonable request.

2. Notices are to be placed and displayed on the door and tills advising that CCTV is in operation.

SIA Door staff

3. When the premises are open for trading after 23:59 hours, the premises licence holder will clearly identify a person who is accountable for the business. This person will be present in the premises until the business closes for trade

At all times if trading beyond 23:59 these premises must employ two Security Industry Authority door supervisors. These door supervisors are to be dedicated to the role and not just working on the premises. They are to remain on the premises until the premises are clear of all members of the public. All door supervisors must ensure their badges are being worn and displayed whilst working and wear reflective clothing that can be easily and clearly identifiable on CCTV.

Prominent clear and legible notices will be displayed at the exits asking customers to respect the needs of local residents and to leave the premises and area quietly.

An incident book is to be maintained at all times and any incident relating to crime and disorder reported to the Police immediately.

TRAINING

4. All staff, paid or unpaid will be trained with regard to 'conflict management'. A register of completed training should be kept at the premises and be made available to Police and Local Authority on demand
Refresher training will take place on an annual basis.

All staff will have individual training records that detail the date and nature of training.

All records will be kept for a period of 2 years.

TIMINGS

5. Last orders taken at 04:30 (to ensure that the premises can close of 05:00 hours as per the premises licence)

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

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

- | | | |
|---|---------------|-------------|
| | Please | tick |
| | yes | |
| • 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: 

PC 10699 Pringle on behalf of CH/INSP 10040 Somerville. Date 23/11/2018

Capacity – Area commander

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