



Details of person making objection

Name of Chief Officer of Police	CH INSP 10428 BRITTENDEN
Postal Address: (Area Headquarters)	Ashford Police Station Tufton Street, Ashford, Kent, TN23 1BT
E-mail address	10699@kent.pnn.police.uk
Telephone Number:	01233896354

Details of premises representation is about

Name of Premises:	Cod Father
Address of premises:	15 High Street, Ashford, Kent, TN24 8TH
Date application received by police	02/05/2019
Date representation sent to Licensing Authority	21/05/2019
<p><i>Must be within 28 days of receipt –</i> The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</p>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? **NO**

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

Due to the exceptional circumstances of this case, I am satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective because

Please use separate sheets where necessary

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

Kent Police object to this application under the Prevention of Crime and Disorder and public safety objectives.

Please see attached sheets for further information.

Please use separate sheets where necessary

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary. Consider s106 Licensing Act 2003.

There are no suitable conditions that could be suggested to alleviate the concern that these premises could or would be able to promote the licensing objectives.

Signed:



Date: 21/05/2019

Print name: PC 10699 Pringle (on behalf of CH
INSP 10428 BRITTENDEN

Force Number: 10699

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Please return this form along with any additional sheets to the Licensing Authority.

This form must be returned within the Statutory Period.

Index:

Page 4: Intentionally left blank.

Page 5 - 7: Kent Police representations in respect of the new application for a premises licence at 'Cod Father' 15 High Street, Ashford.

Page 8: Intentionally left blank.

Page 9 – 18: **Exhibit AP/1** – Application to review premises licence dated 23/11/2018. This is in relation to the previous premises licence at the same address.

Page 19 – 31: **Exhibit AP/2** – Determination of above hearing by Ashford Borough Council Licensing Committee.

Page 32: Intentionally left blank.

Page: 33 – 35: **Exhibit AP/3** – Police representations in relation to a transfer of premises licence into the name of Mr Khaista Gul Ahmadzai dated 28/11/2018.

Page 36: Intentionally left blank.

Page 37: **Exhibit AP/4** – Screen print of web pages advertising the Cod Father in relation to operating times.

Page 38: Intentionally left blank.

Page 39-41: **Exhibit AP/4** – Screen print of web pages advertising the Cod Father in relation to operating times.

Page 42: Intentionally left blank.

Page 43-46: **Exhibit AP/5** – Screen prints of web pages advertising Queens Pizza and Kebab in relation to operating times.

Page 47: **Exhibit AP/6** – Police warning letter to the Cod Father in relation to an allegation of 'unauthorised licensable activity'.

Page 48: Intentionally left blank.

Page 49 – 50: **Exhibit AP/7** - Police warning letter to 'Queens Pizza and Kebab' in relation to allegation of 'unauthorised licensable activity'.

Kent Police representation- Cod Father 15 High Street, Ashford. New premises application.

This objection is based on the following concerns, which give reason for Kent Police to believe that the licensing objectives of 'prevention of crime and disorder' and 'public safety' will be undermined should this application be successful:

- The applicant was the director of a business operating under a previous premises licence at the same venue which was recently revoked by the licensing committee, following an incident that the applicant was directly involved in.
- It is believed that the staff and management will be largely the same as those operating the previous revoked premises licence.
- There is no evidence to show any improvement or any effort to address the failures that led to revocation of the previous premises licence.
- The applicant appears to have been continuing licensable activities since the previous licence was revoked.

The applicant's connection with the previous premises licence and incident that led to revocation

The Cod Father previously held a premises licence allowing them to conduct 'Late night refreshment' from 23:00 to 05:00 hours daily.

On 7th October 2018, a serious incident took place at the Cod Father. It involved persons leaving the premises with various weapons such as a cricket bat, broom handle and what appeared to be a long bladed kebab knife in the street. It was a highly volatile situation which showed bats being used against members of the public. Mr Ahmadzai, the director of the company and current applicant for a new premises licence, armed himself with a baseball bat in public, retrieved from his car which was parked outside the premises. The disorder was caught on council owned CCTV and shown during the subsequent review proceedings brought by Kent Police on the grounds of 'Prevention of crime and disorder' and 'Public Safety'. During this hearing concern was raised that the current applicant had also received a 'penalty' from Immigration Enforcement for employing two persons not eligible to work due to their immigration status.

I exhibit the Agenda to the review meeting held on 24th January 2019, as **AP/1**. This document summarises the Kent Police concerns, and matters discussed on the day. The decision made by Ashford Borough Council's Licensing Committee was to revoke the licence. I exhibit the determination as **AP/2**. This contains a summary of the matters discussed, and evidences the decision made.

The connection between the management and staff of the previous premises licence and this application

Following the revocation of the previous licence a third party submitted an appeal against the decision. The appeal was deemed invalid by the court, as the third party was not involved in the proceedings. Prior to this decision on the appeal being made by the courts, the current applicant Mr Ahmaszai submitted an application for the transfer of the revoked premises licence subject of the appeal into his name. Kent Police objected as we had exceptional grounds to believe the licensing

objectives would be undermined, Mr Ahmaszai withdrew the application. I exhibit the transfer objection form as **AP/3. This document is Restricted.**

It appears that the premises are operated largely by family members, with additional staff supplying food/drink from the premises as well as deliveries, as advertised through online platforms such as 'Just Eat'. The applicant Mr Ahmadzai was the director at the time the previous licence was revoked. He and the then licence holder both appeared to be responsible for the daily operation of the business - both attended the hearing, they are related.

Lack of effective supervision or any effort to improve

There appears to be a culture of aggression and retaliation engrained amongst the staff and management which we believe would be impossible to dismantle. The serious incident in October 2018 took place whilst the applicant Mr Ahmadzai was the 'director' of the company. It resulted in his arrest and caution for being in possession of an offensive weapon, namely a full sized baseball bat he retrieved from the boot of his car, in the High Street, Ashford. Members of staff acted in an inflammatory and dangerous manner when confronted with hostile or agitated members of the public. It appears the management of the premises still continues to fail at providing effective supervision and training in 'conflict management' to staff members. On the 2nd February 2019 at 04:20 hours after a member of staff (not the applicant) was arrested on suspicion of assault against a member of the public who attended the establishment - the matter did not proceed further as the alleged victim did not support a prosecution. It was reported to Kent Police that the member of the public was called a 'Paedophile' by members of staff whilst he checked a female's pulse; she had collapsed, due to intoxication inside the premises. The altercation between staff and the male continued outside, staff from the Cod Father filmed him on a mobile phone. This resulted in the member of the public grabbing the mobile, causing several persons to fall to the floor outside the premises. Rather than returning inside by the front door the member of staff left the area by walking down the High Street, he was seen by CCTV re-entering the Cod Father by the rear door. It appears that both parties contributed to escalating the incident.

With regard to the content of this current application, there appears to be little sign of any measures seriously designed to prevent the failures that led to the revocation of the previous premises licence, nothing to actively control or prevent violence. There is concern that other than making superficial changes, it appears to be a continuation of the previous licence with only a slight reduction in hours by thirty minutes. The application put forward a raft of conditions, many of which related to the sale or supply of alcohol, which seem to be irrelevant to the premises and in combatting the likelihood of previous failures repeating. The operating schedule was weak in construction and enforceability. The Licensing Authority offered some assistance to provide conditions that were more relevant and enforceable. Even with these new conditions however, the circumstances outlined in this representation provide strong reason to believe that the applicant would simply ignore or bypass any conditions.

If this Premises licence is granted, it is more likely than not that 'Public Safety' will be compromised. The 'prevention of crime and disorder' licensing objective will not be promoted. There is little faith that once operating beyond 23:00 hours up to 04:30 hours in the morning that the premises would be capable of managing any conflict with its customers, engage or work positively with Kent Police or any other authority. The current 'unauthorised licensable activity' allegation at the premises only

adds to the notion that the applicant has no regard as to the promotion of the licensing objectives or the authorisations surrounding it.

Indications that licensable activity is still ongoing

15 High Street, Ashford is currently an unlicensed premise however the 'Cod Father' continues to advertise opening hours well into 'licensed hours' on food delivery apps such as 'Just Eat'. I exhibit a screen print of Cod Father page from 'Just Eat' as **AP/5**. A further company by the name of Queens Pizza and Kebab, is also located at 15 or 15b (upstairs) High Street, advertises opening hours as late as 04:00 hours. I exhibit a screen print of the Queens Pizza and Kebab page from 'Just Eat' as **AP/6**.

It is strongly believed these companies are the same premises supplying hot food seemingly beyond 23:00 hours without a suitable authorisation – the companies clearly have different names however they are located within the same building. The landline contact number for Queens Pizza and Kebab business is the same Mr Ahmadzai's contact number given in the application. Kent Police have warned both companies in respect of unauthorised licensable activity on the 14th May 2019. I exhibit each warning letter as AP4 and AP5.

Following receipt of the warning letters, Mr Ahmadzai contacted PC Pringle by phone on Friday 17th May 2019. He confirmed that Queens Pizza and Kebab was operating out of the same premises as the Cod Father. In relation to the times advertised on Just East, he said that he was doing nothing wrong as the 'shop was closed at 23:00'. I explained he still needed to be in possession of a premises licence to make sales of hot food past 23:00 hours even when the food is delivered. He suggested that the accounts were 'off line', I recommended he contact 'Just Eat' to obtain documentation to show this was the case, which he could then present at the Ashford Borough Council's Licensing Committee hearing.

Conclusion

Kent Police believe public safety will be compromised should this application be granted. Further, it is not believed that a strongly conditioned licence would achieve this aim of protecting the public from the poor management and lack of consideration of the licensing objectives by the applicant and others that appear to be connected to the various businesses operating from the premises.

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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

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 ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 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 at 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

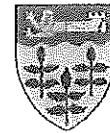
1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.

Legal and Democracy

Ask for: Kirsty Morland
Email: kirsty.morland@ashford.gov.uk
Direct line: (01233) 330499

PC Alistair Pringle
Kent Police CSU
Ashford Police Station
Tufton Street
Ashford
Kent
TN23 1BT

Our Ref: LN/020080544
Your Ref:
Date: 5 February 2019



ASHFORD
BOROUGH COUNCIL

Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111

www.ashford.gov.uk



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AshfordBoroughCouncil

Dear Sir

Notice of Hearing – Licensing Act 2003 REVIEW OF THE PREMISES LICENCE - THE COD FATHER, 15 HIGH STREET, ASHFORD

Further to the Licensing Sub-Committee held on 24th January 2019 I write to formally confirm the outcome.

The Sub-Committee made the following decision:

Resolved:

That the licence be revoked.

Please find enclosed a copy of the minutes of the meeting of the Sub-Committee and appended to those a copy of the Decision and Reasoning's Statement that was read out at the meeting. Also enclosed is a note regarding the Rights of Appeal.

Yours faithfully



Member Services Officer

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room 1, Civic Centre, Tannery Lane, Ashford on the **24th January 2019.**

Present:

Cllr. Feacey (Chairman);

Cllrs. Krause, Pickering.

Also Present:

Licensing Officer, Environmental Protection & Licensing Team Leader, Principal Litigator, Member Services and Ombudsman Complaints Officer.

PC A Pringle – Applicant's Representative.

PC G Hart – Kent Police.

PCSO K Wellbourne – Kent Police.

Mr S Ahmadzai – Premises Licence Holder.

Mr K Ahmadzai – Premises Owner/Manager .

Mr S Axtell – Press .

306 Election of Chairman

Resolved:

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

307 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on the 15th June 2018 be approved and confirmed as a correct record.

308 The Cod Father, 15 High Street, Ashford, Kent TN24 8TH – Review of the Premises Licence

The Chairman opened the meeting and welcomed all those present. He explained the procedure to be followed at the meeting.

The Licensing Officer summarised the application as set out in the report. The application for a review of the above premises licence was based upon an event which occurred in the vicinity of the premises on 7th October 2018 at approximately

04.40 hours. A Council CCTV operator made a radio call to Kent Police to advise that there was a fight in the High Street involving a number of males and during this altercation 4 vehicles were damaged and weapons were used. On 23rd November 2018 the Council had received a request from Kent Police to review the licence of the premises under the objectives of the prevention of crime and disorder and public safety, citing incidents of crime and disorder at or associated to the premises, in particular the use of weapons. The application had been correctly displayed by way of a notice at the premises, on the Council's website and on a notice board at the Council offices at the Civic Centre. On 10th January the Immigration Office had advised the Police that two members of staff at the premises were 'illegal workers', and drew attention to 11.27 and 11.28 of the Revised Guidance issued under Section 182 of the Licensing Act 2003.

PC Pringle explained the reasons for the application to review the premises licence. He drew attention to the failure of the Licence Holder to prevent crime and disorder and protect public safety. He indicated that the standards of operation and management fell below those required. He amplified the details of the immigration incident and confirmed that a Civil Penalty Referral Notice had been served on the owner for employing two 'illegal workers' at the premises. He said that these were the immigration offences referred to in the Guidance and said that this was an example of the disregard for law at the premises. PC Pringle said that the incident on 7th October had started at 4.47am. There was footage from a CCTV camera which showed that a knife was brought out of the Cod Father, and that bats were used during a scuffle near the premises. Little information was subsequently provided to the Police, staff did not report persons with weapons, and did not activate the panic alarm. The Licence Holder attended a meeting with PC Pringle and the Council's Licensing Officer on 23rd October. The Licence Holder said he could not be held responsible for the behaviour of staff after work. Suggestions were made to help the Licence Holder more fully support the licensing objectives and a number of conditions were proposed to this end. The Licence Holder refused, with no attempts at negotiation. He was shown footage from the nearby CCTV cameras of a male coming out of the Cod Father with what appeared to be a knife. The Licence Holder said it was a customer, not a member of staff. PC Pringle said that in the footage the Licence Holder stood close to this man and did not appear to be afraid. He said there was clearly a prior connection between the two men. He also argued that a member of public would not have known where to find a knife in such a short space of time. He said that a bat and broom were also used during the incident and staff were clearly acting in retaliation to the damage caused to the Licence Holder's car. PC Pringle said that the Licence Holder showed an inherent disregard for law and order, and had taken no control or responsibility. This was an example of taking poor decisions, and, as Licence Holder, he was expected to uphold the licensing objectives during an incident and in the aftermath. PC Pringle had written to the Licence Holder on 4th January asking about details of staff training and whether the in-house CCTV system was operational. He also requested details of all staff. This was not provided immediately, and some of the details, such as staff training certificates, were only provided that morning to the Sub-Committee. PC Pringle said he had written to the Licence Holder on 26th October, outlining the conditions which had been discussed at their meeting on 23rd October. PC Pringle drew the Sub-Committee's attention to page 59 of the agenda which outlined the recommendations suggested and the reasons behind the recommendations. Kent

Police formally requested a revocation of the licence, or a period of suspension to allow the premises to make the necessary changes.

309 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, 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, during the exempt session, showed the Sub-Committee CCTV footage of the incident that occurred on 7th October. The footage was taken from two CCTV cameras in the vicinity of the Cod Father premises and the nearby High Street.

The Sub Committee came out of exempt session.

310 The Cod Father, 15 High Street, Ashford, Kent TN24 8TH – Review of the Premises Licence

In response to a question, PC Pringle said that no officers had been informed about a knuckleduster at the time of the incident, nor had it been raised during his meeting with the Licence Holder. This Sub-Committee meeting was the first time he had heard it mentioned.

PC Pringle advised that the premises licence allowed the premises to open until 5.00am. This incident happened at approximately 4.50am. The Sub-Committee questioned whether an earlier closing time would prevent this type of incident. PC Pringle responded that businesses operating at this time tended to draw intoxicated people. The remedy was either to employ door staff or reduce the opening times. The Sub-Committee questioned whether the requirement for 2 door staff was draconian but PC Pringle considered that 2 security staff would mean that premises staff did not need to take action in the event of disturbance.

In response to a question about the in-house CCTV, PC Pringle said that the Licence Holder had visited the police station and brought the hard drive from the CCTV system. However, he had not brought the necessary cables, so it was not possible to view the footage immediately. It was late on Friday afternoon and PC Pringle did not believe at that stage that any footage would incriminate staff. PC Pringle considered all aspects and did not pursue the matter immediately. The CCTV system was thought to record only for 24 hours, so by Monday it was thought no longer possible to obtain footage from the night of the incident. PC Pringle said that in retrospect he believed footage from the premises would have helped identify who came and went.

The Sub-Committee questioned what had happened regarding the Immigration Office. PC Pringle said he now had the names of the two staff who were considered to be 'illegal workers'. The Licence Holder said he had appropriate evidence but PC Pringle questioned when these documents had been retrieved from the two staff, who had Italian passports. PC Pringle confirmed that he had received a letter from the Immigration Office along with a penalty. The Principal Litigator advised the Sub-Committee that this was a matter for the Immigration Office, who had made their formal decision to issue a penalty, and it was not a matter for the Sub-Committee to go behind that decision.

The Owner/Manager spoke. He said he was cashing up when the incident first began, and the Licence Holder was upstairs. Some staff were still on site and were cleaning the premises. At first, the Owner/Manager tried to break up the fight, but there were many people involved. He did not call the Police because he did not wish to cause extra trouble for himself and his business. He was not able to break up the fight. His car was hit by another car, with a drunk driver. He removed the keys from that driver and walked away, without getting involved any further in the fight. Some of his friends arrived and started getting punched. At that point the Owner/Manager removed a baseball bat from the boot of his car, just as a police car arrived. He attempted to talk to the Police and explain the situation, but he was told to sit in a car, and was then told that he was being arrested. He was only holding the baseball bat, and did not hit anyone with it. He was intending to defend himself, if necessary. He questioned why drunk drivers were allowed to 'get away with it', when the Police were always very hard on his business. He confirmed that the Licence Holder had not been involved.

In response to a question, the Owner/Manager said that the panic button did not work any more as the response agency was no longer operating. He clarified the confusion with regard to a response the Licence Holder had given to the same question at the time of the incident. The Owner/Manager explained that the Licence Holder did not speak good English and had been confused when he said the button would not work as the shop was closed. The Owner/Manager also clarified that when questioned the Licence Holder thought the Police were asking about hygiene certificates, not conflict management certificates, and he had answered that all staff had them.

The Principal Litigator explained to the Owner/Manager that this was a hearing to review the premises licence held by the Licence Holder, and the Owner/Manager was only here to assist him in that regard. She said he needed to explain why the licence should not be revoked and explain how the licensing objectives were addressed by the Licence Holder. The Sub-Committee asked if the Licence Holder knew what the licensing objectives were. The Licence Holder was unable to answer. He asked to confer with the Owner/Manager and was still unable to answer afterwards. The Chairman said the Licence Holder should be well aware of the licensing objectives and that this was a cause for concern. He said the business would attract drinkers and should have good communications with the Police. The Licence Holder and Owner/Manager had no business trying to defuse altercations near the premises. The Owner/Manager said that the Licence Holder would adhere to the conditions which he had presented to the Sub-Committee at the start of the

meeting. The Sub-Committee referred the Licence Holder to the relevant page in the committee document that detailed all the licensing objectives and, in particular, his own premises licence certificate. Still he was unable to explain the licensing objectives to the Sub-Committee. The Owner/Manager was asked the same question and was given the same direction to the committee documents. He was also unable to answer the question. The Sub-Committee then asked the Licensing Officer to explain what the licensing objectives were. Further to this explanation, the Sub-Committee asked the premises Licence Holder to explain what steps or measures he had in place to promote the licensing objectives when operating his business. Neither the premises Licence Holder nor the Owner/Manager of the business could adequately explain to the Sub-Committee how they conducted their business in light of these objectives i.e. how they prevented crime and disorder, how they protected public safety, how they dealt with the prevention of public nuisance and how they protected children from harm. In response to a question, the Owner/Manager said that four members of staff had now been trained in how to deal with customers who were abusive and drunk.

In summing up, the Police expressed a lack of faith in the Licence Holder to work with the Police and uphold the licensing objectives. PC Pringle proffered that revocation of the premises licence was the only sure way of preventing crime and disorder and protecting the public.

The Sub-Committee then retired to make their decision.

On return, the Principal Litigator read out the Licensing Sub-Committee's decision and reasons. A copy of the decision notice and reasoning was issued to the Licensee after it had been read.

The Chairman said that the Council wanted to promote a thriving night-time economy in the town and weapons on the street had no place in civilised society. The Sub-Committee took a dim view of this.

Resolved:

That the licence be revoked.

The decision notice and formal wording read out by the Principal Litigator is appended to these minutes. The decision notice was duly issued to the Premise Licence holder at the meeting before the meeting was formally closed.

LHS/LS
240119

**LICENSING SUB-COMMITTEE
THURSDAY 24th JANUARY 2019**

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOR THE COD
FATHER (15 HIGH STREET, ASHFORD, KENT, TN24 8TH) UNDER THE
PROVISIONS OF SECTION 51 OF THE LICENSING ACT 2003**

LICENSING SUB-COMMITTEE DECISION AND REASONINGS

LICENSING OFFICERS

Alison Simmonds
Trevor Ford

**REASON FOR
MEETING:**

An application was made by the Chief Officer of Police for the review of a premises license for The Cod Father (15 High Street, Ashford, Kent TN24 8TH), under the grounds of 'The Prevention of Crime and Disorder' and 'Public Safety'.

DELIBERATION:

The Licensing Sub Committee listened to the introduction given by the Licensing Officer in respect of the application made, who also drew attention to the fact that 11.27 and 11.28 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 were pertinent sections of the Guidance in light of an immigration incident that had taken place at the premises.

The introduction was swiftly followed by the comprehensive amplification of the application made by the Police for review. The Police were represented by PC Pringle, who explained his concerns as follows: the failure of the Licence Holder to prevent crime and disorder and protect public safety. He indicated that the standards of operation and management fell below those required. He amplified the detail of the immigration incident and confirmed that a Civil Penalty Referral Notice had been served on the business owner for employing two 'illegal workers' at the premises. He detailed that these were the immigration offences referred to in the guidance. He indicated that this was indicative of the disregard of the law at the premises.

In terms of the incident that happened in October, it was detailed that whilst the premises Licence Holder and the owner had initially exited the premises to defuse the incident, when this was not effective they simply joined in, what should have happened is that they retreated back to the premises and called the Police. This did not happen, neither did they deploy the panic alarm.

The Police indicated to the Sub-Committee that the premises was a magnet to drunk people because they are open and therefore attract customers to their premises to purchase hot food. Whilst

this is not within the control of the premises Licence Holder, how they react to drunk patrons and altercations in the vicinity of the premises is within their control and wielding the knives associated with food preparation, e.g. kebab knives, is a worrying concern as it was what appeared to be a long kebab knife that was taken from the premises into the street during the incident in October.

The Police indicated that if revocation was not the preferred option for the Sub-Committee then there should be very strict control measures, e.g. reduced timings and door security to ensure public safety and reduce crime and disorder. The belief was that if there were door staff then staff members at the premises would not get involved, or take on security issues themselves.

The Sub-Committee were then shown CCTV footage of the incident in question. Both the Police and the owner of the business explained what was happening on the screen. The premise Licence Holder and the premise owner indicated to the Sub-Committee that they wanted to break up the fight. They indicated that they did not call the police because the police would make trouble for them, the police would associate the problems occurring with the premises of the Cod Father. However, the altercation taking place in the street was not related to the Cod Father. The premise owner indicated to the Sub-Committee that the panic button did not in fact work any more, it was not connected to an external company monitoring centre.

The Sub-Committee questioned the Police about the necessity of SIA door staff, believing that perhaps this measure was draconian. The Police indicated that if there was door staff then staff members would not get involved, would not take on the security themselves, and this would protect public safety and would promote crime and disorder objective.

The Sub-Committee noted that CCTV was a condition on their current licence and that the premise Licence Holder had offered the hard drive to the Police to view, attending the station with the said hard drive. PC Pringle accepted that it was his judgement call not to take the hard drive, get the lead from the Licence Holder and view the footage as it was a Friday and his view was that it was unlikely to hold any information worth viewing.

The Sub-Committee then proceeded to listen to the response to the application made by the premise Licence Holder who was represented by the owner of the premises, a Mr K Ahmandzai. The detail provided by Mr K Ahmandzai concentrated on the events that took place on 7th October. Whilst they had provided documentation detailing conflict management training, this was not expanded upon in any great detail, except to say that the only public facing staff were the four individuals who had attended the

training and that no-one else needed it. There was no discussion about how this would be cascaded down to any new members of staff that commenced employment with the premises. They indicated that they had drivers and cleaners but that they did not need to attend the training, since they did so few hours.

In respect of the training that had taken place, the premise owner indicated that the premise Licence Holder was confused when previously asked whether staff were trained in conflict management/received conflict management training. The premise Licence Holder indicated previously that certificates were held, believing that the question that was being asked was about the hygiene certificates which his staff do hold. However, since this review application conflict management training has been undertaken. This took place on 17th January 2019.

The Sub-Committee proceeded to question the premise Licence Holder who up until this point had said very little in the proceedings, all representations/information had been provided by the owner of the property, Mr K Ahmandzai and not Mr S Ahmandzai, the premise Licence Holder. In view of the fact that the Police had serious concerns about how the premises conducted their business in light of all the licensing objectives but in particular those of 'crime and disorder' and 'public safety', the first question posed was that of 'what are the licensing objectives?' The premise Licence Holder was unable to answer. He asked to confer with the owner of the premises and after conferring was still unable to answer.

The Sub-Committee referred the premise Licence Holder to the relevant page in the committee document that detailed all the licensing objectives and in particular his own premises licence certificate. Still, the premise Licence Holder could not tell the Sub-Committee what the licensing objectives were. The premises owner was asked the same question and was given the same direction to the committee documents. He also was not able to answer the question.

The Sub-Committee then asked the Licensing Officers to explain what the licensing objectives were. Further to this explanation, the Sub-Committee asked the premises Licence Holder to explain what steps/measures they had in place to promote the licensing objectives when operating their business. Neither the premises Licence Holder or the owner of the business could adequately explain to the Sub-Committee how they conducted their business in light of these objectives i.e. how they prevented crime and disorder, how they protected public safety, how they dealt with the prevention of public nuisance and how they protected children from harm.

In summing up the Police proffered that revocation of the premises licence was the only sure way of preventing crime and disorder and protecting the public.

In light of the above, the Sub-Committee considered the following relevant licensing objectives:

1. Prevention of Crime and Disorder

The Sub-Committee took the application for review made by Kent Police very seriously. The footage shown by the Police was alarming and of great concern. Whilst the Sub-Committee noted that initially the premise Licence Holder and the premise owner appeared to work to defuse the situation, when this was clearly not successful it was inappropriate to become involved by joining in with the proceedings e.g. getting baseball bat out of a car boot, cricket bat, broom, not having control of kitchen equipment and so forth.

Whilst it is commendable that some staff have undertaken what appears to be a conflict management course on 17th January, it would appear further to questioning in the licensing hearing that the premise Licence Holder does not understand the licensing regime and conditions under which he is to operate e.g. the Licensing Act 2003 and his responsibilities under the said legislation. It appeared that the course was taken in light of these proceedings further to the suggestion from the Police but they did not appear to fully understand the purpose of this requirement or its necessity.

The Sub-Committee were alarmed that the premise Licence Holder had no idea what the licensing objectives were, namely Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm. Not only that, he did not know what measures he had in place i.e. the parameters within which his premises could lawfully operate in respect of the promotion of the licensing objectives. As such, the Sub-Committee were concerned that the Crime and Disorder objective would not be promoted by the premise Licence Holder because he did not understand what it was to therefore conduct his business in a way that secured this licensing objective.

The Sub-Committee were mindful of the immigration offences that had taken place and the Civil Penalty Referral Notice that had been served on the business owner for employing two illegal workers at the premises. The Sub-Committee were mindful that the guidance issued under Section 182 of the Licensing Act 2003 detailed that this criminal activity should be treated particularly seriously and that where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that

revocation of the licence – even in the first instance – should be seriously considered. The Sub-Committee were minded not to go behind the decision of the Home Office in issuing the aforementioned Notice and therefore did not give much weight to the representations made by the Licence Holder in this regard, mindful that it had been put before the Home Office in consideration of whether there was a statutory defence.

The Sub-Committee were concerned at the lack of cooperation between the premise Licence Holder and the Police. The lack of contacting the Police when incidents take place, especially events such as those that took place in October where offensive weapons were produced, motor offences were taking place, fights in the street and car crashes, events which are quite serious and alarming, is a great worry. Calling the Police should be at the forefront of the premise Licence Holder's mind in such instances. Instead, they chose not to contact the Police because they do not wish to alert them to troubles that could be associated with their premises. This lack of cooperation and lack of public duty to report crime and disorder is indicative of their failure to promote this licensing objective.

2. Public Safety

The Sub-Committee were very concerned that the premise Licence Holder had no idea what the licensing objectives were, namely Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm. Not only that, he did not know what measures he had in place i.e. the parameters within which his premises could lawfully operate in respect of the promotion of the licensing objectives. As such, the Sub-Committee were concerned that the Public Safety objective would not be promoted by the premise Licence Holder because he did not understand what it was to therefore conduct his business in a way that secured this licensing objective.

3. The Prevention of Public Nuisance

No representations had been made regarding this licensing objective.

4. Protection of Children from Harm

No representations had been made regarding this licensing objective.

DECISION MADE:

To revoke the licence

Right of Appeal

- The decision does not take 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.
- There is a right of appeal against this decision. An appeal must be commenced by notice of appeal given by the Appellant or anybody affected by this decision to the Magistrates Court within 21 days of the date of this notice.

Dated: 24th January 2019

Licensing Act 2003

Rights of Appeal

Who can appeal?

The Licensing Act 2003 gives certain persons the right to appeal to the Magistrates' Court against decisions made by the Licensing Authority. In particular;

1. The applicant may appeal against the Council's decision to reject the application
2. The holder of a premises licence or club premises certificate may appeal against the decision to impose or modify a condition
3. A responsible authority or an interested party who has made relevant representations may appeal against the grant of a licence or against the conditions on which it has been granted

Where to appeal

Other than in the case of personal licences the appeal must be made to the Magistrates' Court for the petty sessions area in which the premises concerned are situated. An appeal should be addressed to;

The Clerk to the Justices
The East Kent Administration Centre
The Magistrates' Court
Pencester Road
Dover
CT 16 IBF
Telephone 01304 218600

Time to bring an appeal

An appeal must be made by giving notice of appeal to the Magistrates' Court within 21 days from the date of being notified of the decision.

What can the magistrates do?

On an appeal, the Court can;-

- a) Dismiss the appeal
- b) Substitute for the Local Authority decision any decision, which could have been made by the Council
- c) Send the case back to the Council to dispose of it in accordance with the direction of the Court

In addition the Court can make such order as to costs as it thinks fit.

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**Kent
Police**

Chief Officer of Police Objection notice in relation to an application for **transfer** of premises licence made under Part 3 **Section 42** Licensing Act 2003 (S42 Licensing Act 2003)

Details of person making representation

Name of Chief Officer of Police	CH/INSP 10040 Somerville
Postal Address: (Area Headquarters)	Ashford Police Station, Tufton Street, Ashford, Kent, TN231BT
E-mail address	
Telephone Number:	

Details of premises representation is about

Name of Premises:	Cod Father
Address of premises:	15 High St, Ashford TN24 8TH
Date application received by police	21/11/2018 <small>Must be received on the same day as the day application given to Licensing Authority.</small>
Date representation given to Licensing Authority	28/11/2018 <small>Must be within 14 days of receipt. S42(7) Licensing Act 2003</small>

The Chief Officer of Police has received an application for the transfer of a premises licence made under the provisions of Section 42 Licensing Act 2003, and under Section 42(6) of that Act asks the Licensing Authority to consider this objection in respect of the prevention of crime and disorder objective.

Complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because there is concern with regards to the type and regularity of incidents involving mostly intoxicated individuals as well as employees at the premises. The incidents of crime and disorder have led to a review of the premises licence at the request of Kent Police. An application to transfer the licence at this stage may be an attempt by the longstanding premises licence holder to avoid responsibility for these serious matters in relation to the operation of the premises.

The applicant to this transfer was involved in a serious incident of which Kent Police recorded an assault, possession of offensive weapon, and affray crime reports. On 7th October 2018 the proposed premises licence holder was involved in an incident outside the premises during operating times. The applicant, showing a lack of self-control, had armed himself with a baseball bat outside the licensed premises when faced with an altercation. The applicant was placed under arrest which resulted in a formal caution being issued for being in possession of an offensive weapon in public. Kent Police have strong concerns that granting this transfer will undermine the Prevention of Crime and Disorder objective due to the applicants admission of being in possession of an offensive weapon when working at the premises and other individuals associated with the premises using weapons in a public place.

On 30th November 2013 Kent Police received a call from a male. It was established that there was a fight involving knives, lots of threatening behaviour and swearing could be heard. The applicant was arrested for the offence of 'aggravated burglary'. The victim described meeting up with an unknown female in Canterbury following which they returned to his bedroom in a multi occupancy property.

Three males including the applicant attended and banged on the main door demanding to know if the female was with the victim. The victim was so scared that he picked up a knife from the kitchen. The victim opened the door and asked them what they wanted. He was told that they wanted to make sure the female was not with him. One of the males brandished a hammer and threatened the male. In 'joint enterprise' they demanded to search the property; the victim told them they could not. In fear, the victim brandished the knife, and started walking back up the stairs. The three males including the applicant caught up with him. They used bodily force to push him out of the address and locked him outside. The victim then heard banging, which he believed, was the males banging/kicking on internal doors. After five minutes the three males appeared with the female. A further disturbance took place in the street; neighbours came out of their addresses and tried to defend the victim. The applicant was one of three arrested. During interview he admitted to attending the address, and causing criminal damage to a door. The victim in this case refused to support a prosecution. The applicant admitted causing criminal damage and he received a formal caution.

On the 4th August 2012 the applicant was arrested for causing 'actual bodily harm' in Derby, Derbyshire. The Police National Computer shows the method of the assault as: 'MALE OFFENDER CHASES VICTIM INTO RIVER GARDENS AND ASSAULTS HIM BEFORE POLICE ARRIVE. THIS CAUSES A CUT TO LEFT EYE AND BRUISING TO LEGS.' The applicant received a formal caution for the offence of 'Actual Bodily Harm'. Derbyshire Constabulary have been contacted for further information.

The applicant has involved himself in at least three incidents in which violence played a central part; it is far more likely than not that the applicant will continue with this mind-set given that he has not taken heed of those warnings. Placing him in a position of trust and authority of the premises licence he is likely to be placed in a position whereby his

patience is tested, and there is a concern that his reactions, as proven by his criminal record, will result in further crime and disorder.

Kent Police propose that this transfer is refused on the grounds that the incident in October 2018 together with the previous incidents involving violence are 'exceptional' and that the applicant has little regard in ensuring he is not involved in crime and therefore there is little confidence that the 'Prevention of Crime and Disorder' objective will be promoted.

Please use separate sheets where necessary

Signed:



Date: 28/11/2018

Print name: PC Alistair Pringle on behalf of
CH/ISNP 10040 Somerville.

Force Number: 10699

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application under s 42(5) Licensing Act 2003.

Please return this form along with any additional sheets to the Licensing Authority.

This form must be returned within the Statutory Period.

the cod father ashford.co.uk

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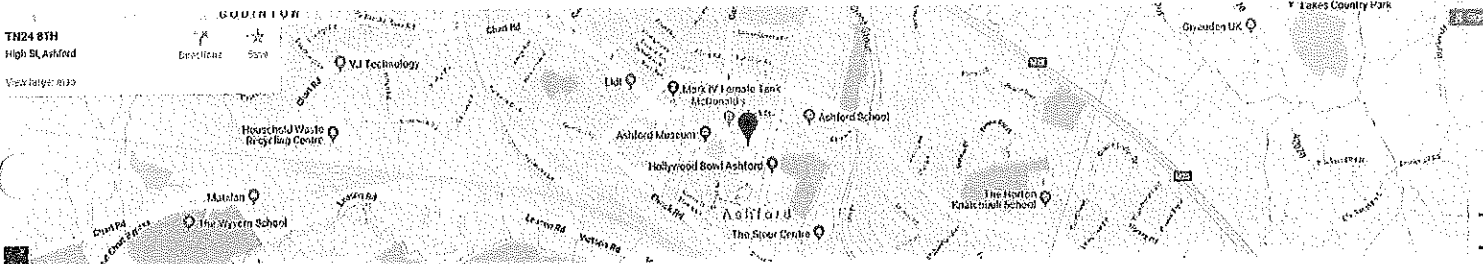
The Cod Father Ashford
15 High Street
Ashford
TN24 8TH

Opening times

Monday	11:00 - 23:20
Tuesday	11:00 - 23:20
Wednesday	11:00 - 23:20
Thursday	11:00 - 23:20
Friday	11:00 - 23:20
Saturday	11:00 - 23:20
Sunday	11:00 - 23:20

Please note, delivery times may vary.

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JUST EATExhibit AP/4

Menu

Home in TN24 Ashford

The Cod Father Ashford



The Cod Father Ashford

★★★★☆ 139 reviews

Fish & Chips, Kebab

15 High Street, Ashford, TN24 8TH

Delivery available on orders of £11 and over (delivery fee £0)

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Menu

Reviews

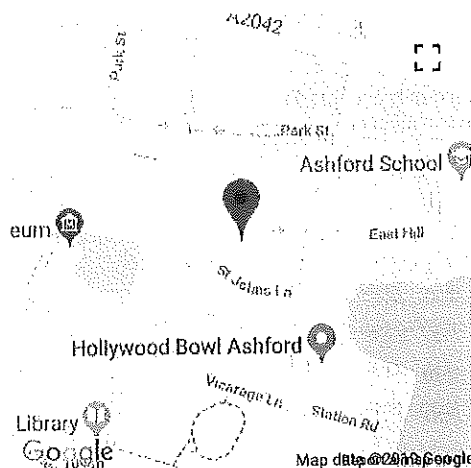
Info

☐ Delivery
45 - 60 mins

☐ Collection
20 mins

There are no items in your basket

Where to find us



Checkout

139 reviews of The Cod Father Ashford

Tim

14/05/2019

★★★★☆

Looked like the food had been thrown into the serving boxes. Absolutely no care or attention made and such a shame as they used to be really good. Ordered with them several times and the last 5 times something has been wrong and they seem to be getting worse every time. Time to find a new takeaway!

Liam

14/05/2019

★★★★

Malcolm

10/05/2019

★★★★★

Zoe

08/05/2019

★★★★☆

Fish was watery and tasteless with soggy batter ☹️

Jared

05/05/2019

★☆☆☆☆

Everything was Stone cold. Batter was soggy and wet, chips were cold and wet, savaloy was hard and dry, Mars bar was like water, everything was awful, haven't eaten here in years, used to be good, not eating here again for years after that waste.

[See more reviews](#)

Description

Fancy good old Fish & Chips then The Cod Father Ashford is the place for you with the help of the JUST EAT app all you need to do is decide what you want to eat, order and pay (cash or card) pick a time for delivery or collection it's as easy as ABC... [Read more](#)

See this restaurant's food hygiene rating at <http://ratings.food.gov.uk/>

Free bottle of drinks on orders over £23.99
Free home delivery on minimum order £8

Opening hours

Monday	11:30 - 23:30
Tuesday	11:30 - 23:30
Wednesday	11:30 - 23:30
Thursday	11:30 - 23:30
Friday	11:30 - 23:30
Saturday	11:30 - 00:00
Sunday	11:30 - 00:00

Delivery areas

TN23 Ashford
TN24 Ashford
TN25 Ashford

Customer
service

Top
cuisines

Locations

Top Brands

A bit more
about us

40



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SafeKey



Feedback

Help us improve our
website

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41

Exhibit AP/5


[Home](#) [Contact](#) [Log in](#)
QUEENS PIZZA & KEBAB KENT

SAVE UP TO

10%
**ORDER
NOW**

OPEN
11:30 - 01:00

Download Queens Pizza & Kebab Kent app

**QUEENS PIZZA & KEBAB KENT****Opening hours**

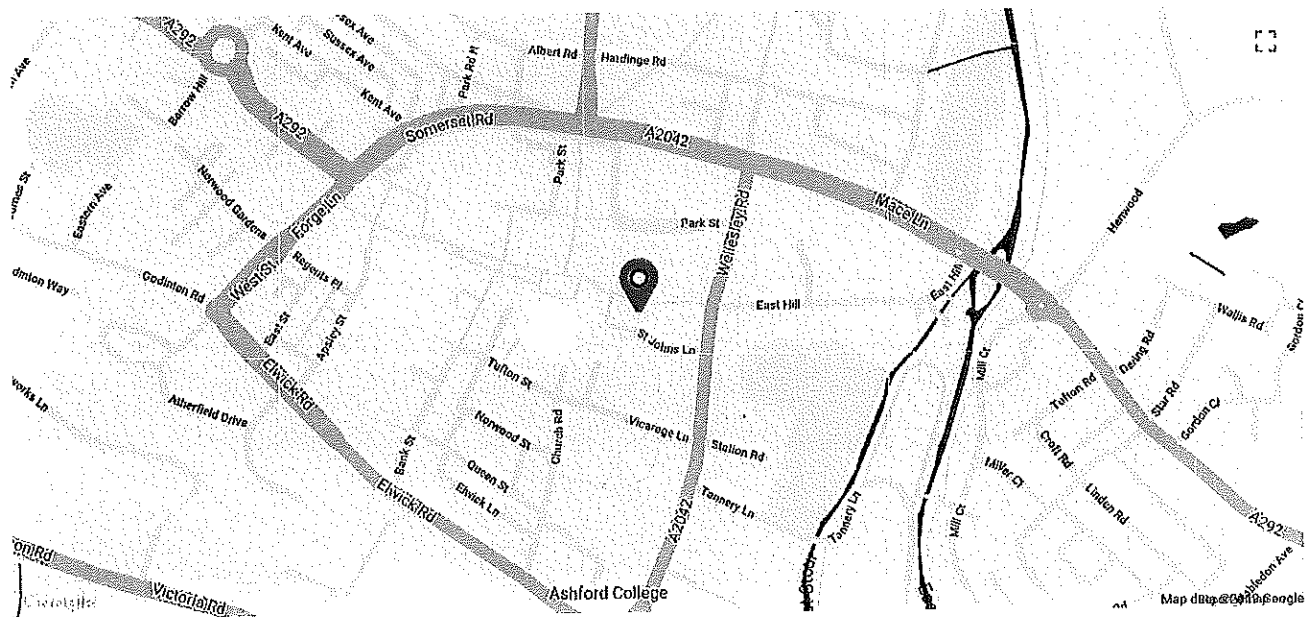
Monday:	11:30 - 04:00
Tuesday:	11:30 - 01:00
Wednesday:	Closed
Thursday:	11:30 - 01:00
Friday:	11:30 - 04:00
Saturday:	11:30 - 04:00
Sunday:	11:30 - 01:00

Contact**Address**

15b High Street, Ashford, Kent, TN24 8TH

Phone number

+441233634822

SAVE UP TO 10%**ONLY THROUGH OUR WEBSITE AND APPS****ORDER NOW****QUEENS PIZZA & KEBAB KENT**

15b High Street, Ashford,
Kent, TN24 8TH
T: +441233634822

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Menu

JUST EAT

Log in

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Home

TN24 Ashford

Queens Pizza


QUEENS PIZZA

Queens Pizza

★★★★★ 125 reviews

Pizza, Italian

15 High Street, Ashford, TN24 8TH

Delivery available on orders of £11 and over (delivery fee £0)

If you or someone you're ordering
for has a food allergy or intolerance,
[click here](#)

Categories

Popular

Special Offers

Starters

Pizza

Calzone

Pasta

Salad

Ice Cream

Dessert

Drinks

Menu

Reviews

Info

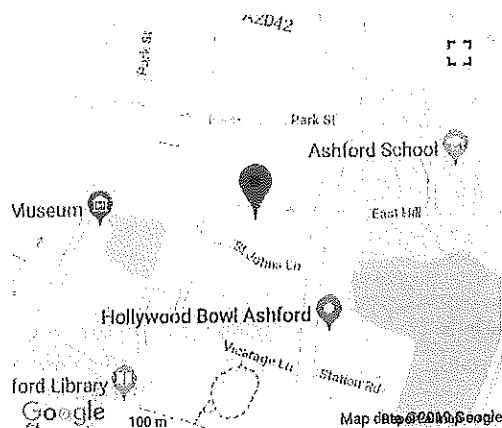
☐ Delivery

45 – 60 mins

☐ Collection

20 mins

Where to find us



There are no items in your basket

Checkout

125 reviews of Queens Pizza

Harry

05/05/2019

★★★★★

Pizza was very undercooked (doughy)

David

29/03/2019

★★★★★

Ian

28/03/2019

★★★★★

Josh

27/03/2019

★★★★★

Dawn

25/03/2019

★★★★★

45

[See more reviews](#)

Description

Do you love Pizza? But it's such a faff to cook at home cutting all the toppings and grating your fingers as well as the cheese, well Queens Pizza may be just what you're looking for, Queens Pizza will deliver your chosen pizza right to your door and the.. [Read more](#)

See this restaurant's food hygiene rating at <http://ratings.food.gov.uk/>

Two for Tuesday deal buy one get one FREE 10" & 12" pizza only

Opening hours

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

Delivery areas

TN23 Ashford
TN24 Ashford
TN25 Ashford
TN26 Ashford

Customer
service

Top cuisines

Locations

Top Brands

A bit more
about us



MasterCard.
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Feedback

Help us improve our
website
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46

Community safety unit



Kent
Police



Ashford Community Safety Unit

Ashford Police Station, Tufton Street, Ashford, Kent TN23 1BT
Telephone: 01233 896354

Date: 14th May 2019

Dear Mr Ahmadzai,

It has come to our attention that the Cod Father is advertising its opening times into the 'licensable hours' past 23:00 hours on 'Just Eat', I am writing to you as the director of the company to address this matter. Currently, as you are aware, the Cod father does not hold an authorisation to conduct 'late night refreshment'. The times being advertised are as follows:

Opening hours

Monday	11:30 - 23:30
Tuesday	11:30 - 23:30
Wednesday	11:30 - 23:30
Thursday	11:30 - 23:30
Friday	11:30 - 23:30
Saturday	11:30 - 00:00
Sunday	11:30 - 00:00

Conducting 'Late night refreshment' beyond 23:00 hours without an authorisation (Premises Licence) constitutes a criminal offence of 'Unauthorised Licensable Activity'. This offence is punishable by up to 6 months imprisonment, and an unlimited fine. I strongly advise that if you are conducting sales of hot food/drink past 23:00 hours **you must cease immediately.**

Just Eat is an ordering platform; customers rely on the information in front of them to determine when orders are able to be placed. It may be that these times are incorrectly displayed. However it does appear that should anyone wish to submit an order after 23:00 hours, they will be able to. I would recommend that you take this matter seriously, given you are currently in the process of applying for a new premises licence for 15 High Street.

I am also aware that another company by the name of Queens Pizza and Kebab is advertising a closing time as late as 04:00 hours on the same platform. That company's address on www.queenspizzaandkebab.com is 15b High Street, Ashford, Kent, TN24 8TH and 15 High Street, Ashford on the 'Just Eat' app. It would therefore appear that both companies' operate from the same building, which is unlicensed. Should this not be the case, feel free to contact me. These facts will be raised to Ashford Borough Council's Licensing Committee as part of Kent Police's representations.

Kind Regards,

PC 10699 Pringle
Licensing Enforcement Officer, Community Safety Unit, Ashford Police Station.

Community safety unit



**Kent
Police**



**ASHFORD
BOROUGH COUNCIL**

Ashford Community Safety Unit

Ashford Police Station, Tufton Street, Ashford, Kent TN23 1BT
Telephone: 01233 896354

Date: 14th May 2019

Dear Sir/Madam,

For the attention of the operators of Queens Pizza and Kebab, 15 or 15b High St, Ashford TN24 8TH.

It has come to our attention that the Queens Pizza and Kebab website (www.queenspizzaaandkebab.com) is displaying operating times beyond 23:00 hours, up until as late as 04:00 hours. The following is a screen shot from your website.

QUEENS PIZZA & KEBAB KENT

Opening hours

Monday: 11:30 - 04:00
Tuesday: 11:30 - 01:00
Wednesday: Closed
Thursday: 11:30 - 01:00
Friday: 11:30 - 04:00
Saturday: 11:30 - 04:00
Sunday: 11:30 - 01:00

Contact

Address
15b High Street, Ashford, Kent, TN24 8TH
Phone number
+441233634822

SAVE UP TO 10%

ONLY THROUGH OUR WEBSITE AND APPS

ORDER NOW

The address of 15b High Street, Ashford, is directly above and linked to the 'Cod Father' 15 High Street. Neither address holds a Premises Licence authorising the provision of 'late night refreshment'. It is clear to me that 'Queens Pizza and Kebab' is highly likely to be operating from the Cod Father premises. It is also noted that on the 'Just Eat' app 'Queens Pizza and Kebab' advertises its operating times as follows:

Opening hours

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

Community safety unit



Kent
Police



ASHFORD
BOROUGH COUNCIL

Operating beyond 23:00 hours without an authorisation (Premises Licence) constitutes a criminal offence of 'Unauthorised Licensable Activity'. This offence is punishable by up to 6 months imprisonment, and an unlimited fine. I strongly advise that if you are supplying hot food/drink past 23:00 hours **you cease immediately**. Should you wish to continue I would advise you contact Ashford Borough Council with a view to obtaining a Premises Licence to authorise this 'Licensable Activity'.

Kind Regards,

PC 10699 Pringle

Licensing Enforcement Officer, Community Safety Unit, Ashford Police Station.