

**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 Karen Osborn

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 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	
Persia 126 Church Road	
Post town Hove	Post code (if known) BN3 2EA

Name of premises licence holder or club holding club premises certificate (if known)
Emad Abdolkhani

Number of premises licence or club premises certificate (if known)
1445/3/2019/03974/LAPRMV

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

.

2) a responsible authority (please complete (C) below)

YES

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 ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sussex Police John Street Brighton BN2 0LA
Telephone number (if any) [REDACTED]
E-mail address (optional) Brighton.licensing@sussex.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 | Yes |
| 2) public safety | Yes |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | Yes |

Please state the ground(s) for review (please read guidance note 2)

Sussex Police are calling for a review of the premises licence held by Emad Abdolkhani as we believe the licensing objectives of Prevention of crime & disorder, Public safety and Protection of children from harm are not being promoted.

During a recent licensing inspection, officers from Sussex Police Licensing witnessed, a staff member altering training records while Police were waiting. When asked, this staff member advised they had been asked by Emad Abdolkhani (Premises Licence Holder) to do this to give the impression that training was all up to date and therefore ensure that he was complying with a training condition on his premises licence. This has caused a loss of trust in the PLH by Sussex Police and a belief that he is not actively promoting the licensing objectives.

Sussex Police Licensing best practice is a process which involves working with operators when issues arise. This involves a stepped approach of warnings being issued followed by meetings if things are not corrected and finally resulting in a review if issues and/or incidents continue to occur.

The act of altering and falsifying the training records (allegedly as directed by the PLH, Emad Abdolkhani) during our recent inspection, is viewed as sufficiently severe to bypass the usual stepped approach and call for an immediate review of the premises licence.

Additionally, we have had concerns over Emad Abdolkhani's ability and desire to promote the licensing objectives previously following interactions with him during an investigation into a serious allegation back in April 2023. This resulted in a breach being issued to him.

Due to the seriousness of both incidents, we believe the only course of action is to revoke the premises licence. If we removed the Designated Premises Supervisor, the Premises Licence Holder will remain Emad Abdolkhani, the same person who instructed his employee to alter the training record and was obstructive during a CCTV request in April 2023. There is no

mechanism to remove the Personal Licence Holder from the licence under the Licensing Act 2003. Additional conditions would not be able to address the actions taken by the premises licence holder.

Please provide as much information as possible to support the application (please read guidance note 3)

We have set out above our area of concern and what outcome we are seeking during this review process. We will now set out in more detail the reasons for our request to have the premises licence revoked starting with our licensing inspection that has triggered this review.

19th April 2024 – 22:05

In the company of a representative from Brighton & Hove City Council (BHCC) Licensing a pre-planned evening of visits around the city had been arranged. This was to follow up on visits at venues that might have been breaching previously and visit other venues where we have received intelligence they might not be trading as per their licence permissions permits them to. This also included venues operating shisha, which BHCC lead on, to ensure venues were allowing shisha smoking within the government guidelines. Persia was on the list for such a visit however as we were aware of CCTV issues in April 2023, we decided that we would also conduct a full licensing inspection.

On arrival we met with Emad Abdolkhani the premises licence holder who took us up to the first floor. This is the location of a shisha lounge that has been constructed. There is believed to be issues with regards to how much open ventilation there is within the structure and that is currently being dealt with by the local authority.

We then sat down to talk through the premises licence and go through the conditions under Annex 2 to ensure they were all being complied with.

Apart from incident log and training conditions, 4 & 9 under Annex 2, all other conditions we found were being adhered to.

Condition 4 – Incident log reads:

- An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals not to exceed 4 weeks. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers and staff of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

Presented to us was a vast number of loose A4 sheets of paper that was set out as a log with various boxes to be completed. The issue was that they were being completed for each day with no incidents occurring, just being signed off but when completing the date box, it was just the day and month, not including the year. As there were so many pages that possibly went over more than a year it was hard to review the documentation. Our colleague from Brighton & Hove City Council who was present with us offered to send a logbook and advice was given that they only need to log incidents if they occur and sign it off just once every 4 weeks. This will assist in keeping clear and accurate information that is then able to be reviewed during inspections.

Condition 9 – Training reads:

- (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk.

- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

- (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

This is the main area of concern which has prompted us to call this review.

Emad Abdolkhani had to leave us on the first floor while he went to collect all the paperwork that we needed to inspect to ensure the licence conditions were being adhered to. It was then noticed how long he was taking to gather the information and return to us. Just as we were about to head down to the ground floor to locate him, PC Bernascone noticed a window built into the floor that gave a view of a serving counter area on the ground floor. What was then witnessed was a female member of staff with some paperwork, pen and bottle of Tippex, or similar correction fluid, make an amendment to the paperwork. We were genuinely shocked with what we were witnessing.

Emad Abdolkhani then came back to us on the first floor and presented us with a vast amount of paperwork. Within the paperwork we located a training record that had two of the dates altered, one with the use of Tippex, to change the year from 2023 to 2024. When Emad Abdolkhani was challenged about this, he denied he knew what the employee was writing on the form, or that he had seen what she was doing. The paperwork in question now reads:

- 1st line – training completed by a named staff member on 30/03/2024 (originally stated 2023)
- 2nd line – training completed by a named staff member on 30/03/2024 (originally stated 2023)
- 3rd line – training completed by a named staff member on 16/02/2024 (no alteration)
- 4th line – training completed by a named staff member on 16/02/2024 (no alteration)

The document had then been signed off by someone on 30/03/2023.

As you will see, the alteration to the record makes the training dates be out of sync and the document signed off in 2023 before what the owner is trying to make us believe, training had been conducted in 2024.

The female seen via the window was asked about this and she confirmed that she did alter the records on the request of Emad Abdolkhani as he had told her it needed to all read 2024.

The actions taken raise serious concerns as to how the business is being operated. Altering the document and falsifying records undermines the licensing objectives by attempting to show that staff had been fully trained when this is not the case. Sussex Police have lost all trust in the premises licence holder that he is keeping genuine records or operating in a reasonable way.

Other incident of note.

27th April 2023 – 20:00

Officers attended the premises to obtain some CCTV footage to assist with a serious allegation that occurred inside the venue. The attending officers stated they met with the manager who took them to the kitchen area where the CCTV is stored but advised he did not know how to use the system. He stated that he would call someone out but suggested that Sussex Police would have to cover the cost if officers wanted that to happen. When advised that Police would need to seize the system if he was unable to assist, he pulled down a mouse from shelving above and proceeded to show the footage to the attending officers' that was required to assist with the investigation.

The officers advised the manager that he needed to ensure the footage was saved on a disc for Police or we could send him a link to download it. He again advised that he could only do that if he called someone out and that Sussex Police would need to pay for it.

Sussex Police Licensing were made aware of the reluctance to assist police in securing CCTV of a serious allegation the following day (28th April 2023). PS Lam contacted Emad Abdolkhani where once again we were told that Sussex Police would need to pay the fees for the footage to cover the cost of an engineer to be called out. He was reminded of his CCTV condition within his premises licence which states:

- The management will give full and immediate cooperation and technical assistance to the police in the event that CCTV footage is required for the prevention and detection of a suspected or alleged crime. A link was sent to him to enable him to download the footage which in turn gets sent electronically to Sussex Police.

He was given until 12:00 noon the next day (29th April 2023) to download the footage and sent it over.

29th April 2023 - 17:16

Investigating officers, in the company of officers from Police Licensing, attended the venue as the CCTV had not been sent over. Emad Abdolkhani stated he was unable to upload the footage or past the footage on to a USB stick. Therefore, due to the serious nature of the investigation, the hard drive was seized. It was also noted that Emad Abdolkhani had twice stopped officers obtaining a statement from a potential witness that worked at the venue stating they were too busy. It was felt that Emad Abdolkhani was being obstructive throughout the interaction with police. A charge has since been made against an individual and they are awaiting a court date. The venue was issued with a breach letter regarding the issues police faced with obtaining and securing the CCTV footage.

We have in the past (October 2022) had high drug readings at the premises. However, it is acknowledged that further checks have been conducted of which the results have shown the operator currently has the issue under control and readings have been either nil or so low they are classified as cross contamination. The last swabbing was conducted on 29th April 2023.

A premises licence variation application was submitted on 05th December 2023. The application was to include the first floor of the premises within the licensable area. Sussex

Police submitted a representation against this application due the incident as mentioned above that occurred in April 2023 and a separate allegation against the premises licence holder. A licensing panel hearing was held on 30th January 2024 and resulted in the variation application being refused. We are aware that the applicant has appealed this decision and we are waiting on a court date for this to be heard.

Sussex Police contend that Emad Abdolkhani (as Premises Licence Holder) has no desire of promoting the licensing objectives and that these matters are so serious we have lost any trust we had in the management of this venue. This is evidenced by him instructing a member of his staff to alter and falsify the training records as well as the resistance to providing CCTV to assist in the April 2023 investigation which has now resulted in a charge. The licensing objectives of the protection of crime and disorder, public safety and the protection of children from harm will be undermined if the premises is allowed to carry on trading under a premises licence and could put the public at future risk. It is for this reason we are seeking revocation of the premises licence.

Sussex Police reserve the right to submit further evidence during the consultation period and refer to it at any future hearing.

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year

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

- A premises licence variation application was submitted on 15th August 2022. The application was to include the first floor of the premises within the licensable area and extend licensable hours. Sussex Police submitted a representation against this application. A licensing panel hearing was due to be held on 10th October 2022 however the applicant withdrawn their application on 07th October 2022.
- A premises licence variation application was submitted on 12th October 2022. The application was to include the first floor of the premises within the licensable area and extend licensable hours. Sussex Police submitted a representation against this application. A licensing panel hearing was held on 01st December 2022 and resulted in the variation application being refused.
- A premises licence variation application was submitted on 05th December 2023. The application was to include the first floor of the premises within the licensable area. Sussex Police submitted a representation against this application. A licensing panel hearing was held on 30th January 2024 and resulted in the variation application being refused. We are aware that the applicant has appealed this decision and we are waiting on a court date for this to be heard.

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 – Yes
- I understand that if I do not comply with the above requirements my application will be rejected - Yes

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



KAREN OSBORN

Date 25th April 2024

Capacity Chief Inspector, Divisional Command, Brighton & Hove

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Sussex Police
Licensing Department
John Street

Post town
Brighton

Post Code
BN2 0LA

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) brighton.licensing@sussex.police.uk

Notes for Guidance 0

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.