

Appendix F6

IN THE MATTER OF PERSIA RESTAURANT

AND IN THE MATTER OF A REVIEW AT THE BEHEST OF SUSSEX POLICE

WITNESS STATEMENT OF EMAD ABDOLKHANI

I, Emad Abdolkhani of 126 Church Road, Hove, BN3 2PA say as follows:

1. I am the Premises Licence Holder for Persia at 126 Church Road, Hove.
2. I first came to live in the United Kingdom in about 2008 and immediately started working in various of the restaurants run by members of my family including Otello, Orsino and Ilsole.
3. I worked in every aspect of these restaurants be it kitchen, front of house etc.
4. I have held a Personal Licence since 2016.
5. I opened Persia in 2019 holding the Premises Licence and acting as the DPS.
6. I am fully aware of my responsibilities being an experienced licensee and have invested my whole life in the Persia restaurant. Other than a small wage I have never drawn an income investing any profit back into the business.
7. I was until recently the DPS but with a view to broadening the management structure and experience, I appointed a new DPS and I stood back from that role in late 2023.
8. The DPS is now responsible for the day to day running of the business and in particular alcohol sales although I continue to be fully involved, particularly with training new staff.
9. I make this Witness Statement in response to the Review of the Premises Licence sought by Sussex Police.
10. I absolutely deny the various allegations that have been made and/or the Police version of events.
11. With regard to the allegation that I failed to co-operate regarding the production of a video recording, this is simply untrue.
12. I recall that on a Wednesday afternoon two Police Officers called at the premises [REDACTED] They asked if they could have a look round the premises and of course I agree⁸⁷ They then said that they would

like to look at my CCTV recordings. They specified a particular date and time and I played the tape which they recorded on their phone.

13. They returned the following day and asked to see other of my CCTV recordings which again I showed to them and they recorded.
14. They said that they wanted me to download certain of the footage which I was content to do and they said that they would send me a link to my phone and then went on to say that I had until 12 noon the next day to send it through but if I did not, they would attend and take away the hard drive of the recorder.
15. I said that I would do my best but that I was not particularly technically proficient, and if I could not make it work I might have to call out my technician for which there would be a cost and I speculated as to who was going to pay for this. I do not think the Officers actually replied to this.
16. However significantly these Officers left me with no contact details or telephone number.
17. I duly received the link later that day and whilst I could download the footage to my phone, I could not get it to then send the footage onto the Police. I did not know what to do because as stated, they had not troubled to provide me with any contact details. There was nothing more I could do at the time.
18. On the Saturday at about 4 pm these Officers came back with two Officers from the Licensing Department who I knew. They asked me why I had not sent the footage and I explained that I could not send it and I showed them my phone that I had managed to get the footage there but the link was not working. I asked if I could send it rather by WhatsApp.
19. One of the Licensing Officers took my phone to try and send it himself and eventually after a little while he said that he had managed to do so.
20. Clearly this Officer was experienced in this download procedure as he was able to make it work when I was not.
21. They then said they wanted to take my recorder as well and I said that I was fine as I had a spare one. They removed the one in use and I replaced it and checked that it was working.
22. Whilst there were there, they took some drug swipes in the toilets about which I heard nothing so I presume that these were clear.
23. By now it was 5 pm and the restaurant was starting to get quite busy. Two Officers asked if they could now interview members of my staff and I responded that could we not do this another time it simply was not convenient as we were busy and I needed the staff to be working.
24. I was happy to make the staff available for interview but not during a busy service.
25. The Officers left.
26. The recorder was returned the next day and thereafter I received a letter alleging breach of my licensing conditions as I did not supply the CCTV footage. In terms the Police accused me of not cooperating them and refusing to provide the CCTV footage – as I explain above this is simply not true.
27. However it was not for want of trying, and I sent an email in response on 5 May 2023 to which I did not receive a reply so presumed at the time that my version of events was after all accepted.

28. There was never any question of my not making the CCTV recording available. I simply was unable to do so and for that of course I apologise.
29. I have since taken steps to ensure that I am rather more familiar with the CCTV system.
30. Turning to the events of 19 April 2024.
31. Four Officers came into the premises at about 10 pm and said that they were undertaking a licensing check.
32. Slightly to my surprise they then went straight upstairs, rather than into the restaurant which was empty. I think they thought they might find people drinking upstairs which is not a licensed area and they were clearly disappointed that they did not. They then asked me if this was a Shisha Lounge and I said that it was but we had not got any customers. They asked about the roof which is removable and I showed this to them.
33. One of the Officers said that that was not acceptable but I said that it was as it exposed at least 50% of the area.
34. However I went on to say that I believed that it was compliant but if there was more that had to be done I would look at this.
35. They also checked the area and found that there was no alcohol up there. They also at this point suddenly asked me how I paid my staff – which seemed very odd to me given that this was meant to be a licensing inspection.
36. They asked if I had had customers and I said not that day and when they found a receipt, I pointed out that this was for training the staff to use a new till.
37. They pointed to some cameras and I said that they had been installed but were not yet linked to the recording system as this was not part of the licensed area. [REDACTED] of the Police agreed that that was the case.
38. They then asked me where the fire exit was which again I thought strange. Surely this was not a matter for the Police.
39. They then asked if they could see my training records. I said that I would go and get them – they are kept in folders in a drawer in the front of the restaurant.
40. I pulled out the training file and gave it my senior waitress [REDACTED] and asked her to pull out all the training sheets for 2024.
41. After going through the files she handed me a number of sheets and I provided these to the Police, they accused me of having the dates on one of them changed.
42. This is simply not true. I gave no such instruction to [REDACTED] and on investigation what I think happened was that she found a training sheet from 2023 where some training sessions for 2024 had subsequently been noted.
43. She thought that this was an error and all related to 2024 and for some reason, without speaking to me, she took it upon herself to change the dates – so that they appeared to be 2024.
44. The point is that unfortunately, and for this I apologise, training records for both 2023 and 2024 had got onto the same sheet which led [REDACTED] to think that there was an error which needed to be corrected. There was no intention to mislead anybody or to falsify any record.

45. There was one sheet for 20 March 2024 that [REDACTED] had not countersigned and she noticed this. She did it then and I told the Officers exactly what had happened and they appeared to accept this.
46. It is nonsense to allege that I would arrange for the falsification of training records in full view of the Police.
47. I have been at pains to ensure that all my staff are properly trained and I have sought to keep records. English is not my first language so I do have some issues with documentation but I am satisfied that the training has been properly albeit perhaps a little inaccurately recorded. During this visit I was criticised for completing the Incident Book every day even though nothing had happened to be reported but then the Police did not ask to see my Refusals Book.
48. If I was going to falsify records, I would not do it the way the Police alleged but I did not. Would I seriously have documents changed in full view of the Police?
49. It is notable that towards the end of the visit the Police Officers went specifically through every condition on my Premises Licence and found – and acknowledged – that we were fully compliant – so I was at best disappointed when subsequent to this I again received an email from the Police making various allegations. I responded to this setting out what had actually happened on 23 April 2024.
50. I do not know why, but we now also have representations from the Planning Authority, Environmental Health and the Immigration Authority.
51. Dealing firstly with that from the Planning Department.
52. It is correct that I built a small extension to the rear of the first floor and looked to incorporate this as part of the licensed area. Previously it was residential accommodation.
53. It is wrong to say that only after I had had a visit from the Planning Authority did we lodge a Planning Application.
54. My Planning Application for this work was lodged on 12 April 2023, the day before the Planning Officer visited – I presume her visit was prompted by our planning application.
55. It is correct that thereafter I started work whereupon I had a visit from a Planning Enforcement Officer. She did not tell me that I had to stop work but simply said that in starting work before Planning Permission had been granted, I was taking a risk in that if Planning Permission was refused I would have lost the money spent on the work and would have to spend more taking it down.
56. I accepted that this was a risk and I was prepared to take this risk.
57. In the event Planning Permission was refused and we Appealed.
58. We therefore continued with the work pending the Appeal quite lawfully.
59. The Appeal was ultimately refused on 24 April 2024 and as a result I have removed all the furniture etc from the first floor and we are in the process of turning it back into residential. Plans have been produced and the work has started, particularly as to the internal reconfiguration to residential. We will also be taking down the small extension at the rear – this is timber framed so does not amount to a great deal of work.
60. I may have been reckless as regards undertaking work, but with the pending Appeal, I believed I was entitled to. As soon as the Appeal was refused the work stopped and the property is being restored.

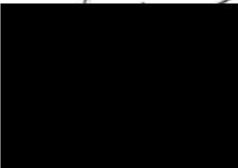
61. Quite how this impinges on my ability to hold a Premises Licence, I do not know.
62. We then have the representation from the Home Office Immigration Department.
63. Employing as I do frequently people from Iran and similar, I am well aware of my obligation to ensure that anybody who is working for me has the right to work in the UK. With all staff I obtain a copy of their Passport and National Insurance Number and a copy of their BRP. I check these to ensure that they are entitled to work and also if I am in any doubt, I check on the Home Office Website.
64. All my staff are registered with my Accountants and are paid through the PAYE system.
65. None of the people found in my premises have worked or were working for me. I have over many years through my Mosque supported particularly refugees and asylum seekers coming to this country. You frequently meet them at the Mosque – these are often destitute and homeless people without any hope and it is only right and proper that I feel I must assist them.
66. I have from time to time provided accommodation in the upper part of the restaurant – the residential accommodation – without charge, and I have also taken steps to feed these poor people.
67. A number of those that I have befriended – not only those found by the Home Office – have been given an open invitation when they need to eat to come to the restaurant at any time it is open.
68. Not only do they come for food, but jointly with the staff and in particular the chefs, they will come to the restaurant to pray.
69. As a part of the prayer ritual, all will perform the “Wadu ritual” of cleaning the face, hands and feet.
70. As to why therefore these people were wearing crocs or flipflops or similar, coming to prayer they will take off their shoes and socks and having cleaned their feet in particular they will often put on crocs or flipflops which we have down there for just that purpose before they leave putting on their outside shoes.
71. There is therefore nothing untoward in the fact that these people were wearing crocs and as to their clothing, they were not spattered with food – but this simply recognises the clothing that these poor unfortunate people have to wear as refugees. Their clothes are often old and stained – they have to survive in old clothes that often come from charity shops etc.
72. As to the now defunct Shisha Lounge on the first floor, I opened this at the beginning of April 2024.
73. I was well aware that there were Regulations that had to be complied with such that the area where people might smoke had to be in excess of 50% open.
74. The relevant area has a retractable roof and knowing that the Regulations were open to interpretation – I took advice both from my Architects, and from the Consultant that I use at “Blueprint” a woman called [REDACTED]
75. As [REDACTED] will confirm, I did ask her whether the set-up would comply with the Regulations and she said that it did comply.
76. I accept that the Council had subsequently said that it does not comply, but that is open to debate as a matter of interpretation of the Regulations and of application to the

relevant area.

- 77. This in any event is now irrelevant, because of the Planning Application having been refused on Appeal, this area has been cleared and closed and is no longer in use.
- 78. In closing I regret I must say that I feel I am being singled out for Police attention that is completely unwarranted.

I believe the facts and matters appearing in this Statement to be true.

Dated 1 3/06/2024

Signed 

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