



Statutory Licensing Sub-Committee

Date Monday 23 November 2020
Time 1.30 pm
Venue Remote Meeting - This meeting is being held
remotely via Microsoft Teams

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the meeting held on 29 October 2020 (Pages 3 - 4)
5. Application for the Review of a Premises Licence - Best Kebab, 4 South Street, Crook (Pages 5 - 152)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
13 November 2020

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors D Bell, L Brown, P Crathorne, K Liddell and
M Wilson

Contact: Jill Errington Tel: 03000 269703

This page is intentionally left blank

DURHAM COUNTY COUNCIL

At a Meeting of the **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Thursday 29 October 2020** at **2.00 pm**

Present:

Councillor P Crathorne in the Chair

Members of the Committee:

Councillors D Bell, L Brown, K Liddell and M Wilson

Also Present:

Mr S Buston, Council's Solicitor

Ms H Johnson, Licensing Team Leader

PC C McNaney, Durham Constabulary - Applicant

Mr Kemp, Barrister - Premises Licence Holder's Legal Representative

Miss Richardson, K K & Co Solicitors - Instructing Solicitor

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Review of a Premises Licence - Best Kebab, 4 South Street, Crook, Co. Durham

At approximately 2.40 pm, the Council's Solicitor explained the delay to the commencement of the business was due to absence of the Premises Licence Holder. Mr Kemp, the Premises Licence Holder's legal representative, thanked the sub-committee for their patience and explained the Premises Licence Holder was not in attendance at the instructing solicitor's office, in order to participate in the remote hearing, as he was unaware of the date and time of the hearing. The Premises Licence Holder had attempted to join the meeting by telephone however he had difficulty hearing what was being said, and, as the Premises Licence Holder's first language is not English, he required the assistance of an interpreter.

The interpreter had also failed to attend the meeting. Mr Kemp therefore respectfully requested the sub-committee give consideration to the adjournment of the hearing, to ensure the Premises Licence Holder could attend the hearing, by the appropriate means.

At approximately 2.44 pm the sub-committee adjourned, to consider legal advice from the Council's Solicitor.

The meeting resumed at approximately 2.50 pm and it was

RESOLVED:

That the meeting be adjourned until 1.30 pm on Monday 23 November 2020 to enable the Premises Licence Holder to attend the meeting, or, to provide instructions to his legal representatives.

Statutory Licensing Sub-Committee

23rd November 2020

**Application for the Review of a
Premises Licence**



Ordinary Decision

**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

**Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

Electoral division(s) affected:

Crook

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application by Durham Constabulary to review the premises licence in respect of Best Kebab, 4 South Street, Crook, County Durham DL15 8NE.
- 2 The Premises Licence holder is Mr Ismail Kadeh and the licence was granted on 28th December 2019.
- 3 A plan showing the location of the premises is attached at Appendix 2.
- 4 A Sub-Committee hearing to determine this application had been arranged for 12th October 2020, but this meeting was adjourned at the request of Durham Constabulary to enable all parties to be present. A subsequent hearing arranged for 29th October 2020 was also adjourned as the premises licence holder Mr Kadeh was not in attendance.

Executive summary

- 5 On 27th August 2020, the application was received from PC Claire McNaney of Durham Constabulary (Responsible Authority) asking for a review of the premises licence (ref. no. DCCC/PLN0539) for Best Kebab, 4 South Street, Crook, County Durham DL15 8NE.
- 6 PC McNaney has submitted further additional information as part of her evidence and on 2nd October 2020 Durham Constabulary also provided body cam video footage on disc.

- 7 The Licensing Authority received some information, documents and a video file from Mr Kadeh's Solicitors, KK & Co, in response to the review application and in support of his business.
- 8 During the consultation period the Licensing Authority received no relevant representations.
- 9 The Home Office Immigration Enforcement Team, Durham County Council's Environmental Health Department and the Durham Safeguarding Children Partnership all responded to the consultation with no representations.

Recommendation(s)

- 10 The Sub-Committee is asked to determine the review application with a view to promoting the licensing objectives.
- 11 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 8;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 9.

Background

- 12 Background information

Applicant	Durham Constabulary	
Type of Application: Review of a Premises Licence	Date received: 27th August 2020	Consultation ended: 24th September 2020
Current Premises Licence Holder	Mr Ismail Kadeh	

- 13 The premises licence in respect of Best Kebab, 4 South Street, Crook currently permits the Provision of Late Night Refreshment as detailed in the table below:

Licensable Activity	Days & Hours
Provision of Late Night Refreshment	Monday to Thursday: 23:00 – 01:00 hrs Friday to Sunday: 23:00 – 02:00 hrs
Opening Hours	Monday to Thursday: 16:00 – 01:00 hrs Friday to Sunday: 16:00 – 02:00 hrs

- 14 A copy of the premises licence is attached at Appendix 3.

Details of the application

- 15 The review application submitted by Durham Constabulary was received by the Licensing Authority on 27th August 2020.
- 16 The application is deemed by the Licensing Authority to be relevant and the application was advertised in accordance with the regulations.
- 17 The application for review relates to the following licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
- 18 A copy of the review application and supporting documents from Durham Constabulary are attached at Appendix 4.
- 19 PC McNaney has submitted additional information as part of her evidence and on 2nd October 2020 Durham Constabulary also provided body cam video footage.

A copy of this additional information is attached at Appendix 5.

The Representations

- 20 During the consultation period, the Licensing Authority received no relevant representations in relation to the application.
- 21 The Licensing Authority received some information, documents and a video file from Mr Kadeh's Solicitors, K K and Co, in response to the review application and in support of Mr Kadeh's business.

This information is attached at Appendix 6.

22 Responses were received from the Home Office Immigration Enforcement Team, Durham County Council's Environmental Health Department and the Durham Safeguarding Children Partnership, confirming that they had no representations to make in relation to the review application.

Copies of these responses are attached at Appendix 7, for information only.

The Parties

23 The Parties to the hearing will be:

- PC Claire McNaney, Durham Constabulary (Applicant)
- Sgt Caroline Dickenson, Durham Constabulary (Applicant)
- Mr Stephen Mooney, Force Solicitor, Durham Constabulary (Applicant)

- Mr Ismail Kadeh (Premises Licence Holder)

- Ms Shannon Richardson, KK & Co Solicitors (Premises Licence Holder's Solicitor)

- Mr James Kemp, Barrister (Premises Licence Holder's Legal Representative)

Options

24 The options open to the Sub-Committee are:

- (a) To take no further action;
- (b) To modify or add conditions to the licence;
- (c) Exclude a licensable activity from the licence;
- (d) Suspend the licence for a period (not exceeding three months);
- (e) Revoke the licence.

Main implications

Legal Implications

25 The Committee should be aware of several stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

26 The review application was subject to a 28 day consultation.

See Appendix 1

Conclusion

27 The Sub-Committee is asked to determine the application for the review of the premises licence for Best Kebab, 4 South Street, Crook.

Background papers

28 Durham County Council's Statement of Licensing Policy

29 Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

Other useful documents

30 None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

Consultation

The premises licence review application was subject to a 28 day consultation in accordance with the Licensing Act 2003 and its regulations.

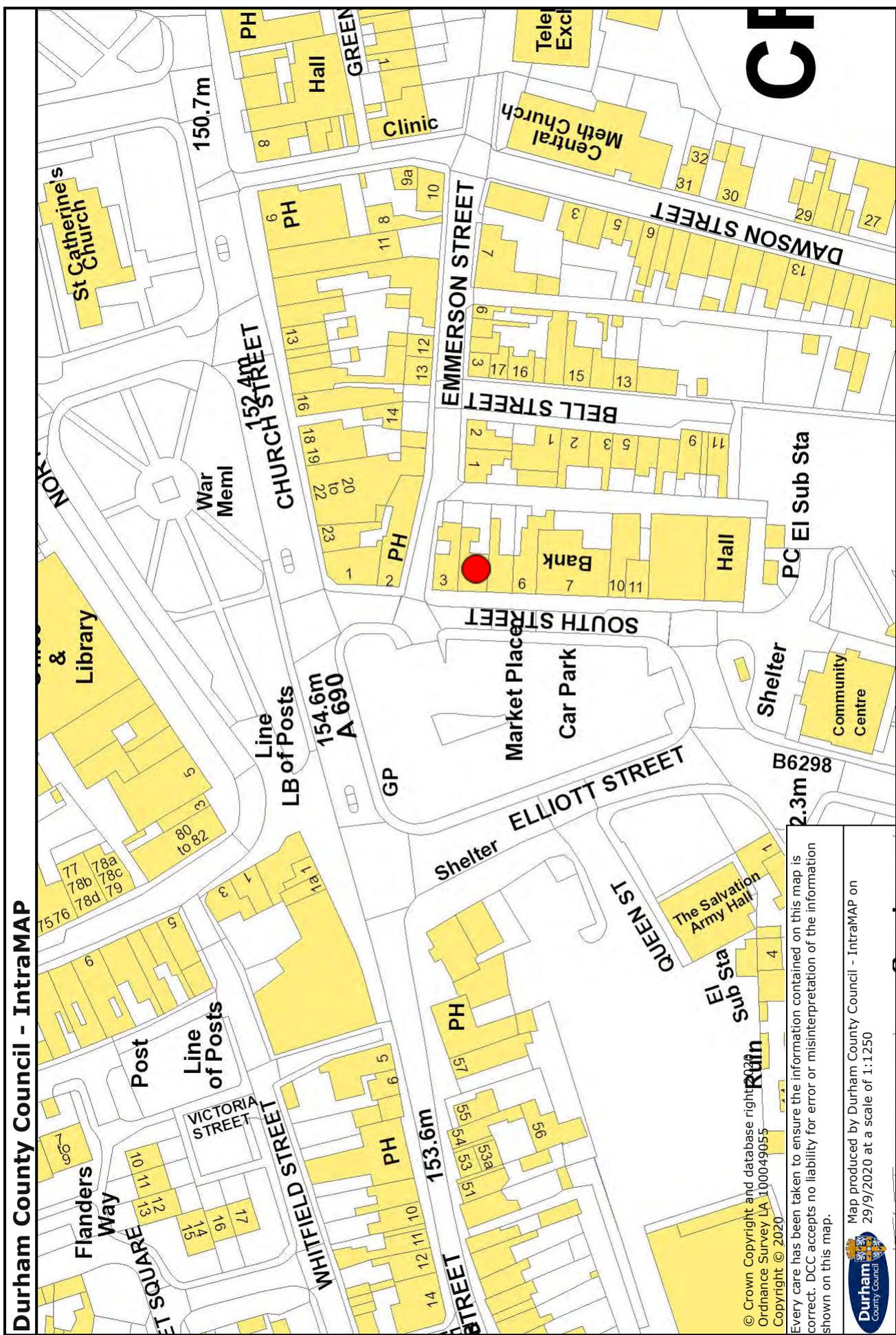
The Responsible Authorities were consulted on the application.

The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was displayed at the Council's Head Office at County Hall, Durham.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

Appendix 2: Location Plan



Appendix 3: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCC/PLN0539
28 December 2019
28 December 2019

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>BEST KEBAB 4 SOUTH STREET CROOK DL15 8NE</p>	<p>DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number:</p>	

<p>Where the licence is time limited the dates N/A</p>
--

<p>Licensable activities authorised by this licence Late Night Refreshment</p>
--

Opening Hours of the Premises		
		Non-standard/seasonal timings
Mon	16:00-01:00	N/A
Tue	16:00-01:00	
Wed	16:00-01:00	
Thu	16:00-01:00	
Fri	16:00-02:00	
Sat	16:00-02:00	
Sun	16:00-02:00	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales: NO ALCOHOL SALES</p>

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Late Night Refreshment	Further details N/A Non-standard/seasonal timings N/A
Indoors	
Mon 23:00-01:00	
Tue 23:00-01:00	
Wed 23:00-01:00	
Thu 23:00-01:00	
Fri 23:00-02:00	
Sat 23:00-02:00	
Sun 23:00-02:00	

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR ISMAIL KADEH BEST KEBAB 4 SOUTH STREET CROOK DL15 8NE	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol
N/A

Annex 1 – Mandatory conditions

None

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

The Prevention of Crime & Disorder

Full initial staff training to be carried out by the Premises Licence Holder and refresher training to be carried out every 6 months. Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premise.

Staff will be trained to operate the CCTV system, this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.

All CCTV footage will be kept on the system for at least 28 days and will be made available to officers and responsible authorities when requested to do so.

The premises licence holder will undertake right to work checks on all staff who are employed at the licensed premise in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the premises and will be made available to officers and responsible authorities upon request.

Public Safety

A log will be maintained and kept at the premises which will detail all incidents that occur at the premises and any action taken. This log will be made available to authorised officers upon request.

The Prevention of Public Nuisance

Any groups of people who may congregate outside of the premises will be discouraged and be asked to move on.

Signage will be displayed on the premises requesting customers to leave quietly.

The Protection of Children from Harm

None

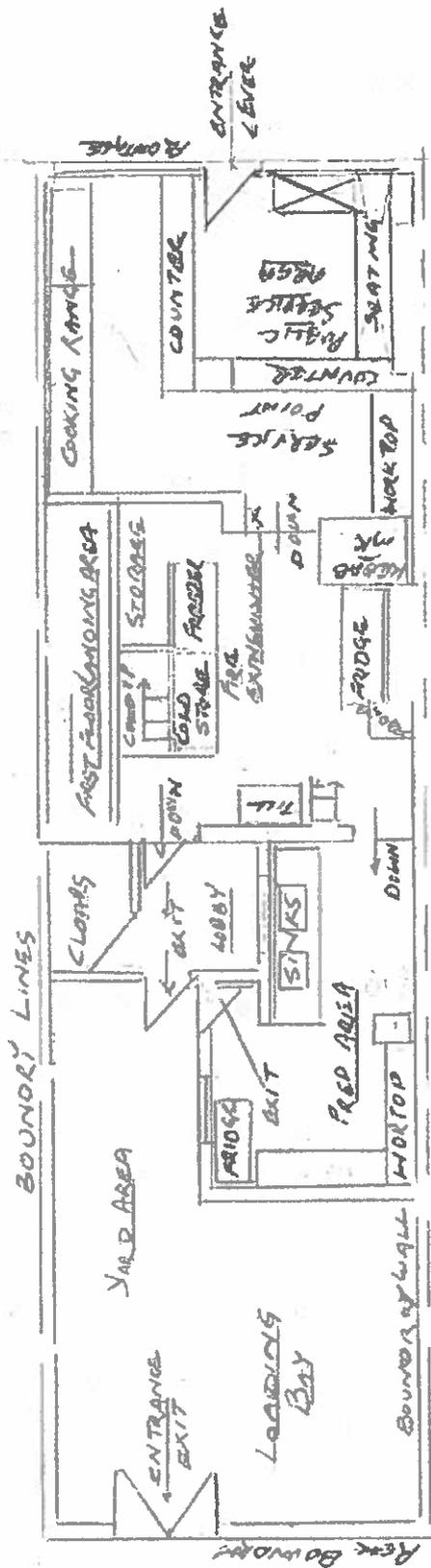
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans attached

Attached

**Signature of Authorised Officer
Head of Community Protection**



EXISTING GROUND FLOOR LAYOUT SCALE 1/100

NO 4 SOUTH STREET COOK DURING DL158NE

Appendix 4: Review application from Durham Constabulary

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 Mrs J Farrell – The Chief Constable of Durham Constabulary
(Insert name of applicant)

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Best Kebab 4 South Street Crook	
Post town Co Durham	Post code (if known) DL15 8NE

Name of premises licence holder or club holding club premises certificate (if known)
Mr Ismail KADEH

Number of premises licence or club premises certificate (if known)
DCCC/PLN0539

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)
- 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

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

**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 Mrs J Farrell The Chief Constable of Durham Constabulary Durham Constabulary Police Headquarters Aykley Heads Durham DH1 5TT
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

1. The Police seek a review of the Premises Licence for Best Kebab, 4 South Street, Crook, Co. Durham, DL15 8NE as it is an appropriate course of action to address concerns relating to the Prevention of Crime and Disorder objective as well as the Public Safety objective.
2. Best Kebab operates as a late night refreshment venue under Premises Licence number DCCC/PLN0539.
3. The current named holder of the Premises Licence (PLH) is Mr. Ismail KADEH. On 26th November 2019 Mr. KADEH submitted an application for a Premises Licence which was granted on 28th December 2019.
4. This follows a previous lapse of the licence on 25th June 2019 after the company Best Kebab Crook Ltd, the Premises Licence Holder for the venue, was dissolved. It is understood that the business continued to trade in this time between June 2019 and December 2019.
5. On Friday 12th June 2020, Officers from the Constabulary attend Best Kebab, Crook. Upon arrival, Officers report finding a male who is undocumented and with no right to work, working in the premises preparing food.
6. Police Officers previously encountered working at the premises on Sunday 8th March 2020 when a call is made to Police at 03:04 hours reporting an issue with a female customer refusing to leave. Police attend and an investigation is carried out. The incident is recorded as a crime occurring at 03:00 hours involving a member of the public in the premises which is open to the public at the time. The Premises Licence authorises the carrying out of licensable activities only until 02:00 hours on a Saturday and Sunday.
7. As the PLH of this premises, the Applicant expects Mr. KADEH to have better management of his employees and to have a full understanding of their right to work in the UK, or lack of it.
8. The revised guidance issued under section 182 of the Licensing Act 2003 (issued April 2018) states at section 11.27:
"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
 - *for employing a person who is disqualified from that work by reason of their immigration status in the UK"*
9. This shows that Mr KADEH has not carried out the checks to establish entitlement to work in the UK as per the Sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.
10. Mr. KADEH the PLH, by his actions is undermining the Crime and Disorder objective by employing an illegal worker at his premises which is being used in the connection with criminal activity.

11. This criminal activity coincides with the Global Covid-19 Pandemic at time where all Immigration Enforcement operational work had ceased and the likelihood of such criminal activity being identified is greatly diminished.
12. On 3rd June 2020 a call is made to Police in which a young female member of staff alleges 3 crimes of a serious nature against themselves occurring at the premises over a number of weeks involving _____ who is the Manager of the premises.
13. As a result of the allegations made, on 4th June 2020 _____ is arrested interviewed and 'Released Under Investigation'. During interview, _____ confirms that he is the Manager at the premises and Mr. Ismail KADEH is the owner.
14. During enquiries into the alleged offences, Police attend the premises and seize the CCTV unit. Upon inspection it is discovered that the hard drive of the CCTV unit is missing, believed tampered with. Therefore Police have been unable to obtain CCTV footage from the premises and potential evidence of the offences reported.
15. In addition to the above serious concerns, the Applicant has other concerns over the management of this premises.
16. During the 12th June 2020 visit by Police Officers it is found that there was no signage on display encouraging customers to leave quietly, as per a condition on the Premises Licence.
17. Following a request from Police on 16th June 2020 in line with a condition on the Premises Licence, Mr. Ismail KADEH has failed to provide copies of Right to Work checks and associated documents for all members of staff in particular _____ contrary to Sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.
18. Mr. KADEH also failed to provide a copy of the Incident Log, indeed he states in an email that there are no logs, despite a condition on the Premises Licence stipulating that one must be kept and incidents having occurred at the Premises as outlined above.
19. Durham Constabulary are therefore using the review procedure in order to effectively deter such activities.
20. Whilst it is for the Licensing Authority to determine the appropriate action to promote the licensing objectives, the Applicant would respectfully seek the revocation of the Premises Licence for Best Kebab, Crook owing to the serious matter of employing workers who do not have the right to work in the UK, suspected tampering of CCTV evidence by staff and failure to promote the Licensing Objectives.

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

As Above

Please

tick ✓ yes

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

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

n/a

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

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

.....

Date **27/08/2020**

.....

Capacity **Police Constable**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) PC 93 McNaney Alcohol Harm Reduction Unit Annand House John Street North Meadowfield	
Post town Co. Durham	Post Code DH7 8RS
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
 Granted
 Issued

DCCC/PLN0539
28 December 2019
28 December 2019

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>BEST KEBAB 4 SOUTH STREET CROOK DL15 8NE</p>	<p>DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number:</p>	

<p>Where the licence is time limited the dates N/A</p>

<p>Licensable activities authorised by this licence Late Night Refreshment</p>

Opening Hours of the Premises		
Mon	16:00-01:00	<p>Non-standard/seasonal timings N/A</p>
Tue	16:00-01:00	
Wed	16:00-01:00	
Thu	16:00-01:00	
Fri	16:00-02:00	
Sat	16:00-02:00	
Sun	16:00-02:00	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales: NO ALCOHOL SALES</p>
--

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Late Night Refreshment Indoors		Further details
Mon	23:00-01:00	N/A
Tue	23:00-01:00	Non-standard/seasonal timings
Wed	23:00-01:00	N/A
Thu	23:00-01:00	
Fri	23:00-02:00	
Sat	23:00-02:00	
Sun	23:00-02:00	

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR ISMAIL KADEH	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol
N/A

Annex 1 – Mandatory conditions

None

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

The Prevention of Crime & Disorder

Full initial staff training to be carried out by the Premises Licence Holder and refresher training to be carried out every 6 months. Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so. CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premise. The majority of staff will be trained to operate the CCTV system, this is to include viewing and downloading of the system. Regular

refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority. All footage will be kept on the system for at least 28 days and will be made available to officers and responsible authorities when requested to do so. The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premise in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licensed premises. These documents will be made available to officers and responsible authorities when requested.

Public Safety

An incident log will be kept at all times.

The Prevention of Public Nuisance

Groups of people will be discouraged from congregating outside the premises. Signage will be displayed encouraging customers to leave quietly

The Protection of Children from Harm

None

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans attached

Attached

**Signature of Authorised Officer
Head of Community Protection**



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DCCC/PLN0539
28 December 2019
28 December 2019

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
BEST KEBAB 4 SOUTH STREET CROOK DL15 8NE	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Late Night Refreshment

The opening hours of the premises (all times in 24hr format)		
Mon	16:00-01:00	Non-standard/seasonal timings
Tue	16:00-01:00	N/A
Wed	16:00-01:00	
Thu	16:00-01:00	
Fri	16:00-02:30	
Sat	16:00-02:30	
Sun	16:00-02:00	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales NO ALCOHOL SALES

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Late Night Refreshment	Further details	
Indoors	N/A	
Mon	23:00-01:00	Non-standard/seasonal timings
Tue	23:00-01:00	N/A
Wed	23:00-01:00	
Thu	23:00-01:00	
Fri	23:00-02:00	
Sat	23:00-02:00	
Sun	23:00-02:00	

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
Mr Ismail Kadeh	

Registered number of holder, for example company number, charity number (where applicable)
Company no: N/A
Charity no: N/A

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
N/A

State whether access to the premises by children is restricted or prohibited
NO RESTRICTIONS APPLY

Signature of Authorised Officer
Head of Community Protection

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9 Magistrates' Courts Act 1980, s.5B

URN

Statement of Claire McNaney

Age if under 18: O'18

(if over 18 insert 'over 18')

Occupation: Police Constable 93

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 27/08/2020

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded *(supply witness details on rear)*

I am the above named Police Constable 93 of Durham Constabulary currently stationed within the Harm Reduction Unit.

On Friday 12th June 2020 at 23:05 hours I was on full uniformed duty in company with PC 1426 Robertson when we attended Best Kebab, 4 South Street, Crook, DL15 8NE.

At this time the premises was open to the public; the front door was unlocked, lights inside illuminated and three members of staff behind the counter preparing food, one of whom I now know to be

I entered the premises and in the presence of the three members of staff I asked to speak to the Premises Licence Holder Mr. Ismail KADEH.

answered stating that Ismail KADEH was not there, I asked if he could contact him and he stated that the manager was not present either.

I asked what his job was at the premises. He replied "I JUST HELP OUT".

I replied "WHAT DOING, AS A CHEF?" owing to the fact that he was preparing food.

He replied "YOU COULD SAY THAT, I'M NOT A PROPER CHEF BUT YOU COULD SAY THAT".

When asked how long he had worked at the premises he stated "JUST A FEW MONTH".

I then spoke to the two other members of staff whilst continued to prepare food on the grill.

In the presence of all three members of staff I explained that I needed to speak to someone about conditions on the Premises Licence. invited me to the rear kitchen area whilst he made a phone call to the Manager and passed me his phone.

I explained to that I needed to speak to the Premises Licence Holder Ismail KADEH so I could check various conditions on the Licence. explained that he was unable to attend the Premises and that Ismail KADEH was not in the area. gave me a telephone number for Ismail KADEH upon my request.

I attempted to speak to Ismail KADEH on the mobile number provided however there was no answer.

I asked to try and contact Ismail KADEH whilst I spoke to another member of staff. returned a few moments later stating that he had spoken to who asked that I provide him with my contact details and a list of what information I required.

It was evident to me throughout that was working at the premises and appeared to be in charge; he was able to answer questions about Staff Training records, CCTV and closing hours.

At the time of my visit there was no CCTV in operation, no Premises Licence on display and no sign on display asking customers to leave quietly, as per conditions on the Premises Licence.

My Body Worn Video was activated throughout this visit, a copy of which has been downloaded to disc and is



exhibited as CLM/1

On Tuesday 16th June 2020 I sent an email to Ismail KADEH requesting a number of documents and items of information. A copy of this email can be found at exhibit CLM/2.

ON 17th June 2020, Mr KADEH sent me an email confirming that his CCTV system was now in operation, signage had been ordered and he had requested a copy of the Premises Licence from Durham County Council. This is exhibited as CLM/3.

The Premises Licence states as a condition:

"full initial staff training to be carried out by the Premises Licence Holder and refresher training to be carried out every 6 months. Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so".

On Sunday 21st June 2020, Mr KADEH forwarded me copies of Staff Training Records which included a record for member of staff namely _____ with entries dated December 2019. CLM/4 refers.

I can confirm that _____ is known by Police to use the alias _____ and it is the view of Officers that _____ is indeed _____

Upon viewing the training records, it is evident that Mr KADEH has failed to complete them fully, as despite there being fields to record addresses and contact numbers these have not been completed for the any of the records submitted.

In addition to this there is no evidence of 6 month refresher training having been completed for _____ or _____ since their previous training on 5th December 2019.

Further, there are no training records for staff member _____ who has been encountered by Police working at the premises on previous occasions including 8th March 2020.

A further condition on the Premises Licence states:

"The Premises Licence Holder is to undertake right to work checks on all staff who are employed at the licensed premise in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licensed premises. These documents will be made available to officers and responsible authorities when requested."

On 21st June 2020 I received a further email from Ismail KADEH containing copies of residence permits and a passport for 4 members of staff however none for _____ or the other 8 members of staff listed within the training records provided in CLM/4. A copy of these documents are exhibited at CLM/5.

On Tuesday 23rd June 2020 I sent Ismail KADEH an email asking him to confirm that I was in receipt of all of the staff training records and residence permits/passports from his previous email. I listed all of the staff members to which these documents referred. Ismail KADEH did not respond to this email which is exhibited at CLM/6. On Thursday 25th June I sent a further email requesting confirmation, again he did not address this in his reply to another matter. CLM/7 refers.

On Wednesday 24th June 2020 I received a further email from Mr KADEH, exhibited CLM/8, stating that there were no incident records pertaining to the premises for the past 6 months. This is despite an incident at the Premises which was reported by staff on 8th March 2020 (can be exhibited as CLM/9) and the arrest of the Manager on 3rd June 2020 for the alleged serious incidents involving a young female member of staff at the premises (can be exhibited as CLM/10).

This is a further breach of licensing conditions on the Premises Licence which states:

"An incident log will be kept at all times."

On Thursday 18th June 2020 I received an email from _____ at NE&C Immigration and Enforcement confirming that _____ has no permission to work.

I received a further email that day from _____ containing a report regarding _____ immigration status which is exhibited as CLM/11

On Wednesday 5th August 2020 I received a further email from _____ containing an image of _____ dated 2012. This image is exhibited as CLM/12

Attached at CLM/13 is a Police photograph of _____ which I can confirm is a true likeness of him.

On Sunday 16th August 2020 at 02:10 hours, Police attended the Premises and found it to be open to members of the public. At that time, there were two members of the public who exited the premises carrying a pizza box and white carrier bag which appeared to contain food items. The Premises Licence only allows the supply of hot food until 02:00 hours on this day.

In summary, Mr Ismail KADEH only obtained this Premises Licence on 28th December 2019 whereby he agreed to all of the conditions documented under Annex 2. Some 3 months after being granted the licence he has shown complete disregard for the Licensing Act by employing an illegal immigrant and further breaches of his licence



conditions over the following months as outlined above.

Signature: _____

Signature witnessed by: _____



Not Disclosable

WITNESS STATEMENT

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

11/SS/01148/20

Statement of: PC 2880 Burnham

Age if under 18: Over 18 *(if over 18 insert 'over 18')*

Occupation: POLICE SERVICE

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness)

Date: 26/06/2020

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded: *(supply witness details on rear)*

I am PC 2880 BURNHAM of Durham Constabulary currently stationed at Bishop Auckland police station. On Thursday 4th June 2020 I have been on duty in full PPE accompanied by PC 9065 COWARD when I attended the area of BEST KEBAB, CROOK to assist other officers with the arrest of

Around 00:50hrs following the arrest of I have informed him that I required his CCTV unit from the shop at the request of the arresting officers. A male from within the shop has stated that he was the manager and would show me to where it was located. I have followed this male to an upstairs room where the CCTV hard drive was located. He stated that they had previous had units damaged so requested that he disconnect it himself which I allowed. The staff on scene were fully compliant throughout and were provided with officer details and the item which had been seized.

At 01:00hrs I have seized a SPRO CCTV unit.

On returning to Bishop Auckland police station and checking the unit for any damage I noticed that a number of the screws appeared to be missing from the casing and that it appeared that the area where the Hard drive should be appeared empty. I have then booked this into Bishop Auckland ERP ref: SA/1499/2020 exhibit RDB/1 and can produce this should it be required.

Signature:

Signature Witnessed by:

CUM/2

Claire McNaney

From: Claire McNaney
Sent: 16 June 2020 14:42
To:
Subject: Best Kebab Crook



Dear Mr Kadeh,

Following our telephone conversation regarding Best Kebab, 4 South Street, Crook I can confirm that I carried out a Licensing Visit at the premises on the evening of Friday 12th June 2020.

At the time of the inspection you were not complying with the following conditions on your licence:

- No signage encouraging customers to leave quietly.
- No Premises Licence on display.

I would be grateful if you would contact me within the next 7 days to confirm that these matters have now been rectified.

In addition to this, Police attended the premises on 4th June 2020 and seized your CCTV hard drive following an alleged incident involving a member of staff. It was later found that the CCTV hard drive had no means of recording or storing footage. This is not in accordance with your Premises Licence which states:

"CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition . Cameras shall encompass all entrances and exits to the premises."

"All footage will be kept on the system for 28 days and will be made available to officers and responsible authorities when requested to do so"

Within the next 7 days, please provide an explanation as to why the CCTV system was not recording as per the conditions on your licence.

As per the conditions on your Premises Licence, I require you to provide the following documents to me via this email address or at the following address by Tuesday 23rd June 2020 : Police Licensing, Annand House, John Street North, Meadowfield, Co. Durham, DH7 8RS

- *Records of all initial staff training for the past 6 months
- *Records of all CCTV staff training for the past 6 months
- *Records of all "RIGHT TO WORK CHECKS" carried out on all staff members for the past 6 months.
- *Copies of all documents pertaining to the 'right to work' checks carried out.

Please note that by virtue of Section 136 (1) of the Licensing Act 2003 a person commits an offence if he/she carries on or attempts to carry on a licensable activity otherwise than in accordance with the licence conditions. This offence, upon conviction, can carry a fine of up to £20,000 and/or 6 months imprisonment.

Should you have any queries, please do not hesitate to contact me.

Regards

PC 93 Claire McNaney
Alcohol Harm Reduction Officer

020113

Claire McNaney

From: Ismail Kadeh
Sent: 17 June 2020 21:39
To: Claire McNaney
Subject: Best kebab crook



Dear pc McNaney

Yes we have received the email. We are getting together all that you have requested and you will receive it by Monday the 22nd. I am sorry for the delay.

So far the cctv has been rectified with a new recorder. Signage will be displayed in the shop as soon as it arrives. We have contacted Durham county council regarding our licence which has not been received by ourself however Yvonne Raine at Durham council is chasing it up for us.

Kind regards

Ismail Kadeh

Sent from my iPhone



STAFF TRAINING RECORD

For each member of staff, make a note of when they have been trained on different safe methods.

Name:
Telephone No:
Address:

SAFE METHOD
ON FIRST DAY:

Working with food sheet
Cleaning and dressing checks
Cross-contamination

DATE

INITIALS

Name:
Telephone No:
Address:

SAFE METHOD
ON FIRST DAY:

Working with food sheet
Cleaning and dressing checks
Cross-contamination

DATE

INITIALS

Name:
Telephone No:
Address:

SAFE METHOD
ON FIRST DAY:

Working with food sheet
Cleaning and dressing checks
Cross-contamination

DATE

INITIALS

Name:
Telephone No:
Address:

SAFE METHOD
ON FIRST DAY:

Working with food sheet
Cleaning and dressing checks
Cross-contamination

DATE

INITIALS

STAFF TRAINING RECORD

(continued)

Name:
Telephone No:
Address:

SAFE METHOD
ON FIRST DAY:

Working with food sheet
Cleaning and dressing checks
Cross-contamination

DATE

INITIALS

Name:
Telephone No:
Address:

SAFE METHOD
ON FIRST DAY:

Working with food sheet
Cleaning and dressing checks
Cross-contamination

DATE

INITIALS



STAFF TRAINING RECORD

(continued)

Name: _____ Telephone no: _____
Address: _____

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Washing with food? plates Dusting and cleaning checks Dress-contamination	12/22	
	12/20	
	11/20	
	11/19	
	11/18	
	11/17	
	11/16	
	11/15	
	11/14	
	11/13	
Cleaning	11/12	
	11/11	
	11/10	
	11/9	
	11/8	
Dusting	11/7	
	11/6	
	11/5	
	11/4	
	11/3	
Cooking	11/2	
	11/1	
	10/31	
	10/30	
	10/29	
Management	10/28	
	10/27	
	10/26	
	10/25	
	10/24	
Other training or retraining	10/23	
	10/22	
	10/21	
	10/20	
	10/19	

Name: _____ Telephone no: _____
Address: _____

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Washing with food? plates Dusting and cleaning checks Dress-contamination	12/22	
	12/20	
	11/20	
	11/19	
	11/18	
	11/17	
	11/16	
	11/15	
	11/14	
	11/13	
Cleaning	11/12	
	11/11	
	11/10	
	11/9	
	11/8	
Dusting	11/7	
	11/6	
	11/5	
	11/4	
	11/3	
Cooking	11/2	
	11/1	
	10/31	
	10/30	
	10/29	
Management	10/28	
	10/27	
	10/26	
	10/25	
	10/24	
Other training or retraining	10/23	
	10/22	
	10/21	
	10/20	
	10/19	

STAFF TRAINING RECORD

(continued)

Name: _____ Telephone no: _____
Address: _____

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Washing with food? plates Dusting and cleaning checks Dress-contamination	12/22	
	12/20	
	11/20	
	11/19	
	11/18	
	11/17	
	11/16	
	11/15	
	11/14	
	11/13	
Cleaning	11/12	
	11/11	
	11/10	
	11/9	
	11/8	
Dusting	11/7	
	11/6	
	11/5	
	11/4	
	11/3	
Cooking	11/2	
	11/1	
	10/31	
	10/30	
	10/29	
Management	10/28	
	10/27	
	10/26	
	10/25	
	10/24	
Other training or retraining	10/23	
	10/22	
	10/21	
	10/20	
	10/19	

> On 21 Jun 2020, at 21:34, Ismail Kadeh wrote:
>
> Please find attached the training logs I will forward the incident log asap
>
> Sent from my iPhone

>> On 18 Jun 2020, at 09:04, Claire McNaney wrote:
>>
>> Dear Mr Kadeh
>>
>> Thank you for the update, I also require a copy of the incident log as per the condition on your Premises Licence.

>> Regards
>>
>> Claire
>>
>> PC 93 Claire McNaney
>> Alcohol Harm Reduction Officer

>>
>>
>>
>>
>>
>>
>>
>>
>>
>>
>>

>> -----Original Message-----
>> From: Ismail Kadeh
>> Sent: 17 June 2020 21:39
>> To: Claire McNaney
>> Subject: Best kebab crook

>> Dear pc McNaney
>>
>> Yes we have received the email. We are getting together all that you have requested and you will receive it by Monday the 22nd. I am sorry for the delay.
>> So far the cctv has been rectified with a new recorder. Signage will be displayed in the shop as soon as it arrives. We have contacted Durham county council regarding our licence which has not been received by ourself however Yvonne Raine at Durham council is chasing it up for us.

>>
>> Kind regards
>>
>> Ismail Kadeh
>>

Claire McNaney

From: Ismail Kadeh
Sent: 21 June 2020 22:17
To: Claire McNaney
Subject: Re: Best kebab crook

Please also find attached a copy of staff passports and residents



RESIDENCE PERMIT

NAME

VALID UNTIL

PLACE AND DATE OF ISSUE

TYPE OF PERMIT

REMARKS

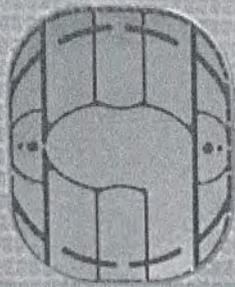


MAJESTY'S SIGNATURE

Claire McNaney

From: Ismail Kadeh
Sent: 21 June 2020 22:21
To: Claire McNaney
Subject: Re: Best kebab crook





[REDACTED]

[REDACTED]

REMARKS

[REDACTED]

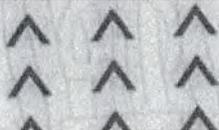
SIX

[REDACTED]

NATIONALITY

[REDACTED]

DATE AND PLACE OF BIRTH





RESIDENCE PERMIT

RK

VALID UNTIL

PLACE AND DATE OF ISSUE

TYPE OF PERMIT

REMARKS

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Sorry it's over several emails it wouldn't let me attach them all.

Kind regards

Ismail Kadeh

Sent from my iPhone

> On 21 Jun 2020, at 21:34, Ismail Kadeh

>

> Please find attached the training logs I will forward the incident log asap

>

> Sent from my iPhone

>

>> On 18 Jun 2020, at 09:04, Claire McNaney

wrote:

>>

>> Dear Mr Kadeh

>>

>> Thank you for the update, I also require a copy of the incident log as per the condition on your Premises Licence.

>>

>> Regards

>>

>> Claire

>>

>> PC 93 Claire McNaney

>> Alcohol Harm Reduction Officer

>>

>>

>> -----Original Message-----

>> From: Ismail Kadeh

>> Sent: 17 June 2020 21:39

>> To: Claire McNaney

>> Subject: Best kebab crook

>>

>> Dear pc McNaney

>>

>> Yes we have received the email. We are getting together all that you have requested and you will receive it by Monday the 22nd. I am sorry for the delay.

>> So far the cctv has been rectified with a new recorder. Signage will be displayed in the shop as soon as it arrives. We have contacted Durham county council regarding our licence which has not been received by ourself however Yvonne Raine at Durham council is chasing it up for us.

>>

>> Kind regards

>>

>> Ismail Kadeh

>>

PAGE IS RESERVED FOR OFFICIAL OBSERVATIONS
TE PAGE EST RESERVEE AUX OBSERVATIONS OFFICIELLES (1)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
DOCUMENT D'ENTREE DE VOYAGE

PT GBR

Serial No. (1)

Citizen's name (surname)

Nationality (Nationality)

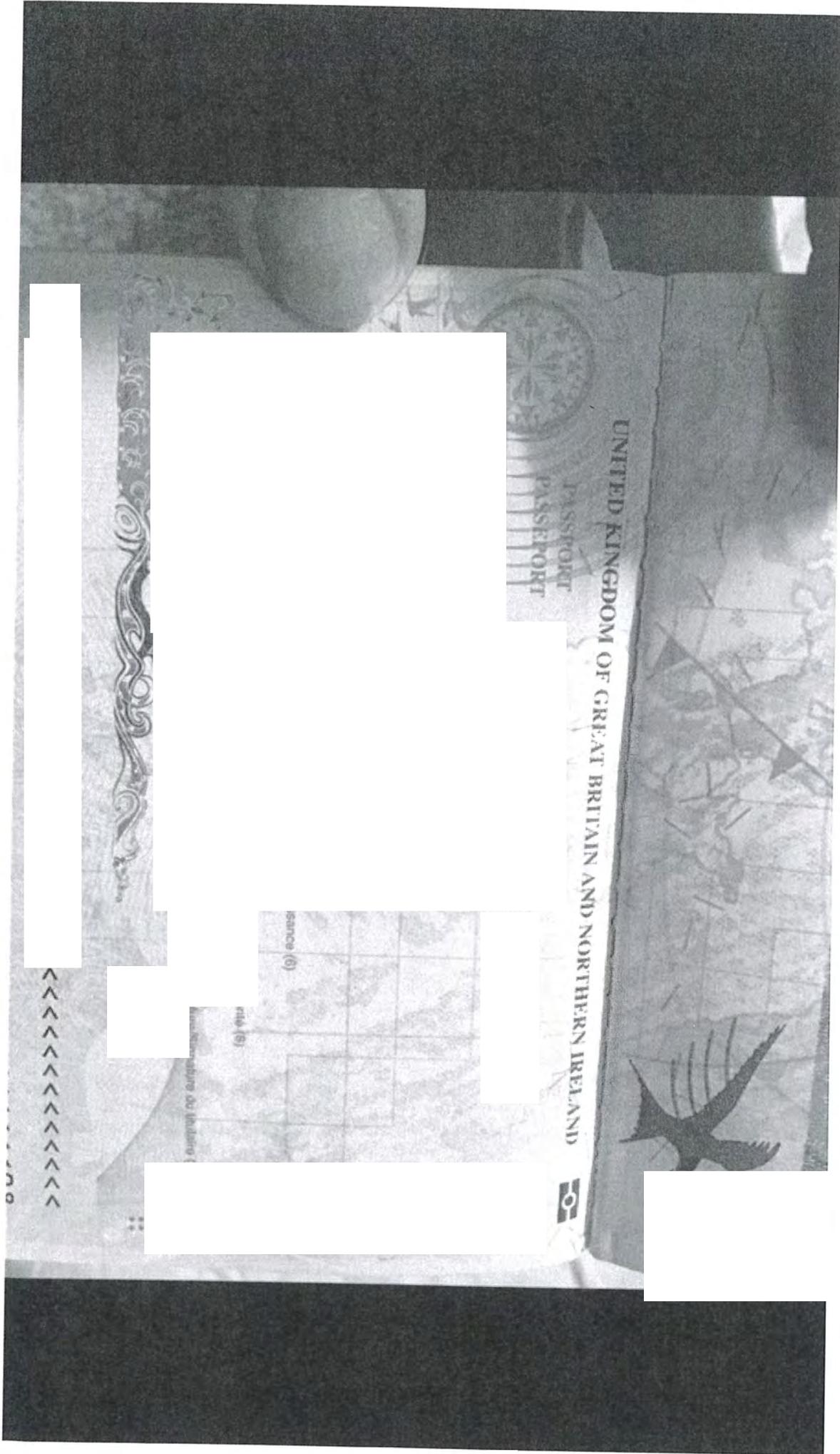
Date of birth (Date of birth)

Date of issue (Date of issue)

Date of expiration (Date of expiration)

Place of issue (Place of issue)

9968



Sent from my iPhone

> On 21 Jun 2020, at 21:34, Ismail Kadeh

>

> Please find attached the training logs I will forward the incident log asap

>

> Sent from my iPhone

>

>> On 18 Jun 2020, at 09:04, Claire McNaney

wrote:

>>

>> Dear Mr Kadeh

>>

>> Thank you for the update, I also require a copy of the incident log as per the condition on your Premises Licence.

>>

>> Regards

>>

>> Claire

>>

>> PC 93 Claire McNaney

>> Alcohol Harm Reduction Officer

Cum/b.

Claire McNaney

From: Ismail Kadeh
Sent: 23 June 2020 20:55
To: Claire McNaney
Subject: Re: Best kebab crook
Attachments: Incident-report-form-1 2.doc

Sent from my iPhone

On 22 Jun 2020, at 10:42, Claire McNaney < > wrote:

Dear Mr Kadeh,

Thank you for sending those across.

To confirm I have all of the emails you sent can you confirm that the residence permits/passports you have are for:

- A K
- M M
- A K
- O K

And the staff training records are for:

- S A
- S M
- R A
- D B
- A K
- G W
- O K
- L B
- A K
- S B
- S Q

Regards

PC McNaney

PC 93 Claire McNaney
Alcohol Harm Reduction Officer
Business Innovation and Development Command

Business Innovation and Development Command

CLM/2

Claire McNaney

From: Ismail Kadeh
Sent: 26 June 2020 10:10
To: Claire McNaney
Subject: Re: Best kebab crook

We have had no incident logs to supply in the past 6 months. I sent this over to show the template that we use if we do need them.

Sent from my iPhone

On 25 Jun 2020, at 08:01, Claire McNaney wrote:

Thank you, please can you confirm my below email regarding staff documents. I need to be sure I haven't missed any.

Kind Regards

Claire

PC 93 Claire McNaney
Alcohol Harm Reduction Officer

From: Ismail Kadeh
Sent: 24 June 2020 10:44
To: Claire McNaney
Subject: Re: Best kebab crook

We have no logs for the past 6 months. I sent over a copy of our log for you to view to show that we do use them.

Kind regards

Sent from my iPhone

On 24 Jun 2020, at 08:09, Claire McNaney wrote:

Dear Mr Kadeh

Please send across all completed Incident Forms, this one is blank.

Kind Regards

PC 93 Claire McNaney
Alcohol Harm Reduction Officer

From: Ismail Kadeh
Sent: 23 June 2020 20:55
To: Claire McNaney
Subject: Re: Best kebab crook

Sent from my iPhone

On 22 Jun 2020, at 10:42, Claire McNaney wrote:

Dear Mr Kadeh,

Thank you for sending those across.

To confirm I have all of the emails you sent can you confirm that the residence permits/passports you have are for:

And the staff training records are for:

Regards

PC McNaney

PC 93 Claire McNaney
Alcohol Harm Reduction Officer

(Your company logo/name)

Incident Report Form

Employees should complete this form immediately upon becoming aware of a near miss, complaint or other incident which concerns the health and safety, or operation of the project.

The completed form should be passed to your line manager.

Project name / address:

Date:

Name and contact details of person reporting the incident

Type of incident you are reporting:

Initial report of incident and action taken by person raising this report (continue overleaf if required)

Signed..... Time..... Date.....

Follow up action by manager and agreed preventative action (continue overleaf if required)

Signed..... Time..... Date.....

Confirmation that preventive action was effective and comments

Signed..... Time..... Date.....

Claire McNaney

00118

From: Ismail Kadeh
Sent: 24 June 2020 18:44
To: Claire McNaney
Subject: Re: Best kebab crook

We have no logs for the past 6 months. I sent over a copy of our log for you to view to show that we do use them.

Kind regards

Sent from my iPhone

On 24 Jun 2020, at 08:09, Claire McNaney

wrote:

Dear Mr Kadeh

Please send across all completed Incident Forms, this one is blank.

Kind Regards

PC 93 Claire McNaney
Alcohol Harm Reduction Officer

From: Ismail Kadeh
Sent: 23 June 2020 20:55
To: Claire McNaney
Subject: Re: Best kebab crook

Sent from my iPhone

On 23 Jun 2020, at 10:40, Claire McNaney
wrote:

Dear Mr Kadeh,

Thank you for sending those across.

To confirm I have all of the emails you sent can you confirm that the residence permits/passports you have are for:

And the staff training records are for:

Regards

PC McNaney

PC 93 Claire McNaney
Alcohol Harm Reduction Officer

Claire McNaney

From: Campbell Rachael
Sent: 18 June 2020 10:42
To: Claire McNaney
Subject: Information request A1270228

Good Morning Claire

As requested,

Subject entered the UK illegally on 13.06.2005 concealed in the back of a lorry, he has made claims for asylum in the UK which have all been refused however subject does have an outstanding appeal for his recent claim which was refused Nov 2019.

He is currently on immigration bail and reports weekly to our Immigration Reporting centre in [redacted], he has been complying with this condition last reporting on 10th March 2020 however due to Covid-19 reporting is currently suspended.

Subject is not allowed to work or study in the UK and I understand you have recently encountered him working in a pizza shop. Unfortunately due to the Covid-19 pandemic all Immigration Enforcement operational work has ceased.

If you believe the subject is still working illegally when Immigration Enforcement return to business as usual then I will be happy to conduct a visit to the premises with a view to issuing a civil penalty for the illegal working aspect if evidence of employment can be ascertained however I imagine that will be some months from now.

Kind Regards
Rachael

Rachael Ashley
NE&C Immigration Enforcement

CLM/13

Appendix 5: Additional information from Durham Constabulary

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9 Magistrates' Courts Act 1980, s.5B

URN

Statement of Claire McNaney

Age if under 18: O'18

(if over 18 insert 'over 18')

Occupation: Police Constable 93

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature _____

Date 29/09/2020

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named Police Constable 93 of Durham Constabulary currently stationed within the Harm Reduction Unit.

On Tuesday 29th September 2020 at 11:12 hours I was on full uniformed duty at Annand House Police Office when I viewed Body Worn Video Footage ref BWV00276672 which was captured by PC 2711 Andrew DAVIES when he attended Best Kebab, Crook on Thursday 8th March 2020 at 03:11 hours.

His attendance at the premises was as a result of a call made to Police at 03:04 hours by member of staff M M reporting a drunken female being racially abusive towards staff calling them "black bastards". I produce a copy of the incident report as CLM/14.

The BWV footage, which I produce as CLM/15 shows the male I know to be S K A b. standing outside Best Kebab, Crook in the vicinity of M M and L B I who are employed at Best Kebab, Crook and members of the public.

At 03:37 minutes into the BWV footage, an unknown male is heard to converse with A in which he says to him.

"I'LL GIVE YOU £4 FOR TWO BOTTLES OF WATER".

PC DAVIES interrupts the conversation at 03:40 minutes stating to A

"RIGHT IS IT YOURSELF WHO OBVIOUSLY WORKS HERE"

to which A gesticulates to PC DAVIES to enter the premises.

At 04:03 minutes, a female member of the public can be heard saying to a male off screen

"ALL YOU'RE DOING IS DOING YOUR JOB AND THAT'S WHY I FULLY HATE RACIAL B/".

it would appear she is having this conversation with A who has just moved out of view.

PC DAVIES then has a conversation inside the premises with M and A about the incident, during which A confirms it has been captured on the CCTV cameras stating at 05:29 minutes

"YEAH ITS DEFINITELY ON THE CAMERA, "I DON'T KNOW IF ITS WORKING"

At which point M explains

"WE WERE TRYING TO CLEAN UP, WE'RE TRYING TO GO HOME"

At 09:34 minutes, A can be heard off camera to say

"WE NO MAKE A STATEMENT, JUST BAN HER FROM HERE."

"JUST TELL HER TO NOT COME BACK HERE"

These observations made of the BWV footage support the belief of the Police attending, that at the time of the incident A was employed by Best Kebab, Crook.



Signature. _____

Signature witnessed by: _____



CUM/14

DURHAM CONSTABULARY RESTRICTED
 DHM-08032020-0039 (Closed)

ISR Report:

08/03/2020 03:04:43	103, VIOLENCE AGAINST THE PERSON	DHM-08032020-0039 / DHM	999	DURHAM
Priority:(1) Immediate	VIOLENCE AGAINST THE PERSON	B1	Officer Dealing:02804	
Operator:08317	Dispatcher:07286	B1B (416512,535526)	Creator Wkstn:CONTACT_33	

Address Information

BEST KEBAB,
 4 SOUTH ST, , CROOK, DL158NE

Proximity: [X] Gazeteer Validation

Complainant Information

WITNESS [N] Media Consent [N] Visit Reqd. [Y] VUL [N] Rpt Victim?
 [Y] ETA

Date of Birth: Sex: M

Notes:

Disposition Codes

PUBLIC ORDER

EVENT CODE - MOPI 3

Date / Time Information

Call Received	08/03/2020	03:04:43
Incident Created	08/03/2020	03:04:43
Address Validated	08/03/2020	03:05:12
Initial Input complete	08/03/2020	03:05:29
Transfer Sent	08/03/2020	05:28:13
Transfer Accepted	08/03/2020	05:58:46
Dispatched	08/03/2020	03:06:32
At Scene	08/03/2020	04:04:21
Units Cleared	08/03/2020	04:26:30
Resulted	08/03/2020	05:28:13
Disposed	08/03/2020	05:58:55

Qualifiers

DISPOSAL QUALIFIERS	Alcohol Related
DISPOSAL QUALIFIERS	Prej - Race
THEME	CRIME RELATED

Unit Activity

A68U	08/03/2020	03:06:32	02804	En-Route
BEST KEBAB, 4 SOUTH ST, CROOK DL158NE				
A68U	08/03/2020	03:06:32	02804	En-Route
BEST KEBAB, 4 SOUTH ST, CROOK DL158NE				
A68U	08/03/2020	03:06:33	02804	En-Route
MESSAGE SENT (#4781298) DHM-08032020-0039; Immediate; 4 SOU				
A68U	08/03/2020	03:06:33	02804	En-Route
MESSAGE SENT 02804 C (#4781299) DHM-08032020-0039; Immed				
Page 66	08/03/2020	03:06:33	02804	En-Route

	MESSAGE SENT (#4781300) DHM-08032020-0039; Immediate; 4 SOU			
A68U	08/03/2020	03:06:33	02804	En-Route
	MESSAGE SENT 02804 C (#4781301) DHM-08032020-0039; Immed			
A68U	08/03/2020	04:04:21	02804	At Scene
	BEST KEBAB, 4 SOUTH ST, CROOK DL158NE			
A68U	08/03/2020	04:26:30	02804	Available
ISR Relations				
SYSTEM GENERATED CRIME NO - ISR RELATION		ADDED CRI00256045 BY SLEUTH CRIME INTERFACE USER SLCRIM		
SYSTEM GENERATED CRIME NO - ISR RELATION		ADDED CRI00258892 BY SLEUTH CRIME INTERFACE USER SLCRIM		
ISR Comments				
Drunk female is being abusive to staff and refusing to leave	08/03/2020	03:06:00	CONTACT_33	08317
She has been racially abusive towards staff, calling them "black bastards"	08/03/2020	03:06:14	CONTACT_33	08317
MOBILISATION MESSAGE SENT TO A68U(#4781298), A68U (02804 C ; #4781299): DHM-08032020-0039; Immediate; 4 SOUTH ST, CROOK; [REDACTED]	08/03/2020	03:06:33	AWSERVER	AWSERVER
MOBILISATION MESSAGE SENT TO A68U(#4781300), A68U (02804.C #4781301): DHM-08032020-0039; Immediate; 4 SOUTH ST, CROOK; [REDACTED]	08/03/2020	03:06:33	AWSERVER	AWSERVER
Female desc as late 30s has black hair, plump, black leather pants and a black top	08/03/2020	03:07:12	CONTACT_33	08317
She has been refusing to leave the shop which has not been shut for some time	08/03/2020	03:07:25	CONTACT_33	08317
Another MOP has intervened and she has been getting in his face and trying to assault him	08/03/2020	03:07:43	CONTACT_33	08317
She has also tried to caus edamage to the till	08/03/2020	03:07:51	CONTACT_33	08317
THRIVE - ongoing violence and recent racially aggravated public order, immediate risk of harm to those involved, possibly vulnerable due to alcohol, suitable for IR to investigate	08/03/2020	03:09:15	CONTACT_33	08317
[REDACTED]	08/03/2020	04:04:07	SOUTH_47	06767
suspect as above - [REDACTED]	08/03/2020	04:04:18	SOUTH_47	06767
crimed as racially aggravated PO	08/03/2020	05:26:47	SOUTH_47	06767
Qualifiers Changed - Previous Value(s) of Qualifiers Alcohol Related	08/03/2020	05:28:07	SOUTH_47	06767
Disposal Codes: ,'100','03'	08/03/2020	05:58:56	FIM_3	01762
# Arrests: 0 # Cautions: 0 # Reports: 0	08/03/2020	05:58:56	FIM_3	01762
OIC / Handling Officer: 02804	08/03/2020	05:58:56	FIM_3	01762
Qualifiers Alcohol Related Prej - Race	08/03/2020	05:58:56	FIM_3	01762
DHM-08032020-0039 HAS BEEN DISPOSED	08/03/2020	05:58:56	FIM_3	01762

DATA PROTECTION ACT 2018 THIS DOCUMENT IS OFFICIAL SENSITIVE
 UNAUTHORISED USE OF DISCLOSURE IS UNLAWFUL
 ANY DISCLOSURE, COPYING, DISTRIBUTION, OF THE INFORMATION CONTAINED HEREIN IS STRICTLY
 PROHIBITED

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9 Magistrates' Courts Act 1980, s.5B

URN

Statement of Andrew DAVIES

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature ✓

Date 16/10/2020

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC 2711 DAVIES of DURHAM Constabulary currently attached to the Response Command and stationed at CROOK Police Station.

On Thursday, 8th March 2020 I have been on duty and in full uniform on mobile patrol in a marked Police vehicle in company with PC 2804 COATES when we have been requested to attend an incident at BEST KEBAB, SOUTH STREET, CROOK following a call to Police reporting a female at the business premises who was being racially abusive towards staff members.

Upon arrival at the location at 0311hrs the same day there have been a number of persons outside of BEST KEBAB and on exiting the Police vehicle I have activated my bodyworn camera device in order to capture any disclosures made and events whilst I have been present at the location. I could not see any members of the public inside the store being served by any staff members.

I have spoken with the group of people outside of the BEST KEBAB takeaway shop in an effort to find out what had taken place.

One female leaves the location and says to A "SEE YOU LATER, ALL YOU'RE DOING IS DOING YOU'RE JOB"

A explains to me that female involved had come into the shop asking to use the toilet which A states they don't allow. A was speaking to me acting as a representative of the BEST KEBAB food store and clearly an employee of the business. It was him who made the decision for the store staff as to what if any Police action was to be taken following the incident for which Police had attended.

The bodycam footage that I obtained from attendance at this incident I uploaded to DURHAM Police computer systems of which are auditable and it is under reference number BWV00276672. I exhibit this footage as AD/1.

I confirm that I have viewed a statement produced by PC 93 Claire McNANEY dated 29/9/20 which makes reference to my attendance to this incident and her viewing of my bodycam footage and I confirm it to be a true and accurate account.

Signature: ✓

Signature witnessed by:

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)
Statement of witness
(*Criminal Procedure Rules r 16.2*
Criminal Justice Act 1967, s.9)

Statement of: Martin Haigh

Age of witness (if over (18) enter over (18): Over 18

Occupation of witness: Licensing Enforcement Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am the above-named person; I am employed by Durham County Council in the post of Licensing Enforcement Officer in the Licensing section of Regeneration and Local Services, a position I have held since March 2017. I am currently seconded to the Covid-19 Business Compliance Team.

On Friday 25 September 2020 I was on duty as part of a joint enforcement operation attended by members of staff from various sections of Durham County Council. The intention of this operation was to monitor business compliance, of Covid-19 guidelines and legislation My duties were to attend premises / businesses in the south of the county to check compliance.

At approximately 20:50hrs I attended Best Kebab, 4 South Street, Crook, DL15 8NE. On entering the premises, it was noticeable that members of staff, who were working 'front facing' with customers, were not wearing face coverings, as is required under The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020. I also observed customers entering the premises without wearing face coverings, once again contrary to the above legislation. I spoke with a male who

introduced himself as the manager and who I now know to be Mr M
M , dob , ha . Mr M
stated that it was his belief that his staff did not need to wear face coverings
whilst working in the premises and that he had also stopped challenging
customers who weren't wearing face coverings. He indicated that the reason
for this was that one customer had become abusive when asked to wear a
mask and the same customer had then punched the Perspex screen in front
of the till, breaking it. I offered Mr M advice with regard to the wearing
of face masks by both staff and customers. Mr M was argumentative
throughout the visit and he indicated that he wouldn't be forcing any staff to
wear masks.

Signed:

Dated the 20 October 2020

*Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (s1 1981/553)
relating to rule 70 of the magistrates' Courts Rules 1981, Section 9 of the
Criminal Justice Act 1967 and Section 58 of the Magistrates' Courts A*

Appendix 6: Information from the Premises Licence holder

From: K K & Co Solicitors <
Sent: 09 September 2020 15:49
To: Yvonne Raine <
Cc: ;
Subject: Best Kebab, 4 South Street, Crook

Dear Yvonne/Claire,

Thank you for your email to my colleague Atia Khan on 3rd September 2020.

Please see the receipt for the new CCTV system I have attached from Mr Kadeh. Yourselves or one of your colleagues are welcome to check the CCTV system within the premises.

I ask this document is placed on file and is considered prior to the hearing date listed on 12th October 2020.

Kind regards,

Paris Thompson LLB LLM LPC

Casework

Tel :



24 Hour Number:



The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorised to receive it.

If you are not the intended recipient, please notify the sender immediately, by replying to it and then delete the message from your computer, and you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited and may be unlawful. KK & Co Solicitors are not liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. Any views or opinions expressed are solely those of the author and do not necessarily represent those of KK & Co Solicitors.

AUTHORISED AND REGULATED BY THE SOLICITORS REGULATION AUTHORITY. SRA Number 523291. THIS FIRM DOES NOT ACCEPT SERVICE BY E-MAIL OR FAX.

KK & Co Solicitors is a trading name for Khan's law Firm Ltd. It is registered in England & Wales as a limited Company, registered number 7112300. Registered Office is 165 West Road, Bandi Sirrah House, Newcastle upon Tyne, Tyne & Wear, NE15 6PQ. A list of our members can be viewed at our office. VAT registration Number – 104272749.

'Striving to ensure those with less in life have more in law'

Visit us at www.kksols.co.uk

INVOICE



North Vision CCTV

Unit H, Warelands Way, Middlesbrough, Cleveland, TS4 2JY

BILL TO

Best Kebab
4 South St, Crook DL15 8NE

INVOICE #

103

INVOICE DATE

16/06/2020

DESCRIPTION	AMOUNT
8 Chanel digital Hikvision DVR, 2tb HDD and installation.	300.00
TOTAL	£300.00

Thank you

TERMS & CONDITIONS

Payment is due within 15 days.

From: K K & Co Solicitors <
Sent: 09 September 2020 16:04
To: Yvonne Raine
Cc: cl
Subject: Best Kebab, 4 South Street, Crook

Dear Yvonne/Claire,

Please see attached the training records my client has sent regarding his business, and he will continue to implement this training to any new staff members.

Mr K A has now been removed from his position as manager and no longer works for the business. My client has now taken full control over the business.

M M's training record is mentioned in your report. My client has informed us there are no records for him as he is a family friend who was helping out at the time, however he has started employment with my client and his training record will be available shortly.

Kind regards,

Paris Thompson LLB LLM LPC

Casework

Tel :



165 West Road
Bandi Sirrah House
Newcastle upon Tyne
NE15 6PQ
Email : admin@kksols.co.uk
Web : www.kksols.co.uk



24 Hour Number:



lets go green, keep it on your screen!

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorised to receive it.

If you are not the intended recipient, please notify the sender immediately, by replying to it and then delete the message from your computer, and you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited and may be unlawful. KK & Co Solicitors are not liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. Any views or opinions expressed are solely those of the author and do not necessarily represent those of KK & Co Solicitors.

AUTHORISED AND REGULATED BY THE SOLICITORS REGULATION AUTHORITY. SRA Number 523291. THIS FIRM DOES NOT ACCEPT SERVICE BY E-MAIL OR FAX.

KK & Co Solicitors is a trading name for Khan's law Firm Ltd. It is registered in England & Wales as a limited Company, registered number 7112300. Registered Office is 165 West Road, Bandi Sirrah House, Newcastle upon Tyne, Tyne & Wear, NE15 6PQ. A list of our members can be viewed at our office. VAT registration Number – 104272749.

'Striving to ensure those with less in life have more in law'

Visit us at www.kksols.co.uk

STAFF TRAINING RECORD

(continued)

Name: L [redacted] B [redacted]
 Telephone no:
 Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	11/3/20	[redacted]
Opening and closing checks	11/3/20	[redacted]
Cross-contamination		
personal hygiene	13/20	
cloths	13/20	
Separating foods	13/20	
food allergies	13/20	
contaminated ish	13/20	
pest control / maintenance	13/20	
Cleaning		
Hand washing	8/3/20	
cleaning effectively	8/3/20	
clean as you go	8/3/20	
cleaning schedule	8/3/20	
Chilling		
chilled storage	14/3/20	
chilling down hot food	14/3/20	
defrosting	14/3/20	
freezing	14/3/20	
Cooking		
cooking safely	21/3/20	
extra care	21/3/20	
reheating	21/3/20	
checking your name	21/3/20	
Hot holding	21/3/20	
ready to eat food	21/3/20	
Management		
stock control	27/3/20	
suppliers + contractors		
customers	27/3/20	
prove it	27/3/20	
Other training or retraining		
GDPR / CCTV	27/3/20	

Name:
 Telephone no:
 Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		

STAFF TRAINING RECORD



(continued)

Name: S [redacted] M [redacted] Telephone no: [redacted] Address: [redacted]			Name: [redacted] Telephone no: [redacted] Address: [redacted]		
SAFE METHOD ON FIRST DAY:	DATE	INITIALS	SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	5/12/19	[redacted]	Working with food? sheet		
Opening and closing checks	3/12/19	[redacted]	Opening and closing checks		
Cross-contamination			Cross-contamination		
personal hygiene	5/12/19	[redacted]			
cloths	5/12/19	[redacted]			
reporting faults	5/12/19	[redacted]			
food allergies	5/12/19	[redacted]			
contamination	5/12/19	[redacted]			
pest control/handover	5/12/19	[redacted]			
Cleaning			Cleaning		
Handwashing	5/12/19	[redacted]			
Cleaning equipment	10/12/19	[redacted]			
Clean as you go	10/12/19	[redacted]			
Cleaning schedule	6/12/19	[redacted]			
Chilling			Chilling		
Chilled storage	17/12/19	[redacted]			
Chilling down hot pots	17/12/19	[redacted]			
Depositing	17/12/19	[redacted]			
Freezing	17/12/19	[redacted]			
Cooking			Cooking		
Cooking safety	20/12/19	[redacted]			
Cake care	20/12/19	[redacted]			
Reheating	20/12/19	[redacted]			
hot holding	20/12/19	[redacted]			
checking your work	20/12/19	[redacted]			
Ready to eat food	20/12/19	[redacted]			
Management			Management		
stock control	21/12/19	[redacted]			
Suppliers & Contractors	21/12/19	[redacted]			
customers	21/12/19	[redacted]			
prove it	21/12/19	[redacted]			
Other training or retraining			Other training or retraining		
GDPR / CCTV	21/12/19	[redacted]			

STAFF TRAINING RECORD



For each member of staff, make a note of when they have been trained on different safe methods.

Name: A K
 Telephone no:
 Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	1/2/20	
Opening and closing checks	1/2/20	
Cross-contamination		
personal hygiene	1/2/20	
cloths	1/2/20	
separating coats	1/2/20	
food allergies	1/2/20	
contamination	1/2/20	
pest control / maintenance	1/2/20	
Cleaning		
Hand washing	8/2/20	
cleaning effectively	8/2/20	
clean as you go	8/2/20	
cleaning schedule	8/2/20	
Chilling		
chilled storage	8/2/20	
chilling down new food	8/2/20	
defrosting	8/2/20	
freezing	8/2/20	
Cooking		
cooking safely	8/2/20	
extra care	14/2/20	
reheating	14/2/20	
checking your menu	14/2/20	
hot holding	14/2/20	
ready to eat food	14/2/20	
Management		
stock control	21/2/20	
suppliers + contractors	21/2/20	
customers	21/2/20	
Prove it	4/2/20	
Other training or retraining		
C.D.P.R / C.T.U	25/4/20	

Name:
 Telephone no:
 Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		

STAFF TRAINING RECORD

(continued)

Name: O [redacted] K [redacted]
 Telephone no: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	1/2/20	[redacted]
Opening and closing checks	1/2/20	[redacted]
Cross-contamination		
personal hygiene	1/2/20	[redacted]
cloths	1/2/20	[redacted]
separating foods	1/2/20	[redacted]
food allergies	1/2/20	[redacted]
contamination	1/2/20	[redacted]
pest control / maintenance	1/2/20	[redacted]
Cleaning		
Hand washing	8/2/20	[redacted]
cleaning effectively	8/2/20	[redacted]
clean as you go	8/2/20	[redacted]
cleaning schedule	6/2/20	[redacted]
Chilling		
chilled storage	14/2/20	[redacted]
chilling down hot food	14/2/20	[redacted]
defrosting	14/2/20	[redacted]
freezing	2/2/20	[redacted]
Cooking		
cooking safely	21/2/20	[redacted]
extra care	21/2/20	[redacted]
reheating	11/2/20	[redacted]
checking your menu	2/2/20	[redacted]
Hot holding	11/2/20	[redacted]
ready to eat food	27/2/20	[redacted]
Management		
stock control	27/2/20	[redacted]
suppliers + contractors	27/2/20	[redacted]
customers	27/2/20	[redacted]
prove it	27/2/20	[redacted]
Other training or retraining		
GDPR / CCTV	27/2/20	[redacted]

Name: [redacted]
 Telephone no: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		



STAFF TRAINING RECORD

(continued)

Name: [redacted]
Telephone no: [redacted]
Address: [redacted]

Name:
Telephone no:
Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	1/4/20	[redacted]
Opening and closing checks	1/4/20	[redacted]
Cross-contamination		
Personal hygiene	1/4/20	[redacted]
cloths	1/4/20	[redacted]
separating foods	1/4/20	[redacted]
Food allergies	1/4/20	[redacted]
contamination	1/4/20	[redacted]
pest control	1/4/20	[redacted]
cleaning		
Hand washing	1/4/20	[redacted]
cleaning equipment	1/4/20	[redacted]
clean as you go	1/4/20	[redacted]
cleaning schedule	1/4/20	[redacted]
Chilling		
chilled storage	16/4/20	[redacted]
chilling down	16/4/20	[redacted]
defrosting	16/4/20	[redacted]
freezing	16/4/20	[redacted]
Cooking		
cooking safely	21/4/20	[redacted]
extra care	21/4/20	[redacted]
reheating	21/4/20	[redacted]
checking your menu	21/4/20	[redacted]
Hot Holding	21/4/20	[redacted]
ready to eat food	21/4/20	[redacted]
Management		
stock control	1/5/20	[redacted]
Suppliers + contractors		
customers	1/5/20	[redacted]
prove it	1/5/20	[redacted]
Other training or retraining		
GDPR / CCTV	1/5/20	[redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		

STAFF TRAINING RECORD



(continued)

Name: S [redacted] M [redacted]
 Telephone no.: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	5/12/19	[redacted]
Opening and closing checks	5/12/19	[redacted]
Cross-contamination		
personal hygiene	5/12/19	[redacted]
clothes	5/12/19	[redacted]
Separating food	5/12/19	[redacted]
food allergies	5/12/19	[redacted]
contamination	5/12/19	[redacted]
pest control/rodents	5/12/19	[redacted]
Cleaning		
Handwashing	5/12/19	[redacted]
Cleaning equipment	10/12/19	[redacted]
Clean as you go	10/12/19	[redacted]
Cleaning schedule	6/12/19	[redacted]
Chilling		
Chilled storage	17/12/19	[redacted]
Chilling down hot pots	7/12/19	[redacted]
Depositing	17/12/19	[redacted]
Freezing	17/12/19	[redacted]
Cooking		
Cooking safely	20/12/19	[redacted]
Safe care	20/12/19	[redacted]
Reheating	20/12/19	[redacted]
Hot holding	20/12/19	[redacted]
Checking your own	20/12/19	[redacted]
Ready to eat food	20/12/19	[redacted]
Management		
Stock control	21/12/19	[redacted]
Suppliers & Contractors	21/12/19	[redacted]
Customers	21/12/19	[redacted]
Prevent	21/12/19	[redacted]
Other training or retraining		
CoPA/CCO	21/12/19	[redacted]

Name: [redacted]
 Telephone no.: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		

STAFF TRAINING RECORD

(continued)

Name: [REDACTED] [REDACTED]
 Telephone no: [REDACTED]
 Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	11/6/20	
Opening and closing checks	11/6/20	
Cross-contamination		
Personal hygiene	11/6/20	
cloths	11/6/20	
Separating foods	11/6/20	
food allergies	11/6/20	
contamination	11/6/20	
pest control/maintenance	11/6/20	
Cleaning		
Hand washing	11/6/20	
cleaning effectively	11/6/20	
clean as you go	11/6/20	
cleaning schedule	11/6/20	
Chilling		
chilled storage	15/6/20	
chilling down hot food	15/6/20	
defrosting	15/6/20	
freezing	15/6/20	
Cooking		
cooking safely	15/6/20	
extra care	20/6/20	
reheating	20/6/20	
checking your menu	19/6/20	
hot holding	19/6/20	
ready to eat food	20/6/20	
Management		
stock control	20/6/20	
suppliers + contractors	20/6/20	
customers	20/6/20	
prove it	20/6/20	
Other training or retraining		
GDPR / CCTV	20/6/20	

Name:
 Telephone no:
 Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		



STAFF TRAINING RECORD

(continued)

Name: S [redacted] [redacted] Telephone no: Address:			Name: Telephone no: Address:		
SAFE METHOD ON FIRST DAY:	DATE	INITIALS	SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	1/2/20	[redacted]	Working with food? sheet		
Opening and closing checks	1/2/20	[redacted]	Opening and closing checks		
Cross-contamination			Cross-contamination		
personal hygiene	1/2/20	[redacted]			
cloths	1/2/20	[redacted]			
Separating food	1/2/20	[redacted]			
food allergies	1/2/20	[redacted]			
contamination	1/2/20	[redacted]			
pest control	1/2/20	[redacted]			
maintenence	1/2/20	[redacted]			
Cleaning			Cleaning		
Hand washing	8/2/20	[redacted]			
cleaning effectively	8/2/20	[redacted]			
cleaning's you do	8/2/20	[redacted]			
cleaning schedule	1/2/20	[redacted]			
Chilling			Chilling		
chilled storage	14/2/20	[redacted]			
chilling down hot food	14/2/20	[redacted]			
defrosting	14/2/20	[redacted]			
freezing	14/2/20	[redacted]			
Cooking			Cooking		
cooking safely	14/2/20	[redacted]			
extra care	21/2/20	[redacted]			
reheating	21/2/20	[redacted]			
checking your	21/2/20	[redacted]			
Hot holding	21/2/20	[redacted]			
ready to eat food	21/2/20	[redacted]			
Management			Management		
Stock control	1/3/20	[redacted]			
suppliers + contractors	1/3/20	[redacted]			
customers	1/3/20	[redacted]			
prove it	1/3/20	[redacted]			
Other training or retraining			Other training or retraining		
GORR / CCTV	7/3/20	[redacted]			

STAFF TRAINING RECORD

For each member of staff, make a note of when they have been trained on different safe methods.

No longer employed

Name: [redacted] A [redacted]
 Telephone no: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	5/12/19	[redacted]
Opening and closing checks	5/12/19	[redacted]
Cross-contamination		
Personal Hygiene	5/12/19	[redacted]
Clothes	5/12/19	[redacted]
Separating foods	5/12/19	[redacted]
Food Allergies	5/12/19	[redacted]
Contamination	5/12/19	[redacted]
Pest control / Maintenance	5/12/19	[redacted]
Cleaning		
Hand washing	5/12/19	[redacted]
Cleaning effectively	10/12/19	[redacted]
Clean as you go	10/12/19	[redacted]
Cleaning schedule	10/12/19	[redacted]
Chilling		
Chilled Storage	17/12/19	[redacted]
Chilling down hot food	17/12/19	[redacted]
Defrosting	17/12/19	[redacted]
FREEZING	17/12/19	[redacted]
Cooking		
Cooking safely	20/12/19	[redacted]
Extra care	20/12/19	[redacted]
Reheating	20/12/19	[redacted]
Checking your menu	20/12/19	[redacted]
Hot holding	20/12/19	[redacted]
Ready to eat food	20/12/19	[redacted]
Management		
Stock control	21/12/19	[redacted]
Suppliers & contracts	21/12/19	[redacted]
Customers	21/12/19	[redacted]
Price it	21/12/19	[redacted]
Other training or retraining		
RDR / QTV	21/12/19	[redacted]

Name: [redacted]
 Telephone no: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		

STAFF TRAINING RECORD



For each member of staff, make a note of when they have been trained on different safe methods.

Name: G [redacted] W [redacted]
 Telephone no: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	15/6/20	[redacted]
Opening and closing checks	15/6/20	[redacted]
Cross-contamination		
personal hygiene	15/6/20	[redacted]
cloths	15/6/20	[redacted]
Separating foods	15/6/20	[redacted]
food allergies	15/6/20	[redacted]
contamination	15/6/20	[redacted]
Pest control maintenance	15/6/20	[redacted]
Cleaning		
Hand washing	20/4/20	[redacted]
cleaning effectiveness	20/4/20	[redacted]
clean as you go	20/4/20	[redacted]
cleaning schedule	20/4/20	[redacted]
Chilling		
chilled storage		
chilling down hot food		
defrosting		
Freezing		
Cooking		
cooking safely		
extra care		
reheating		
checking your menu		
Hot holding ready to eat food		
Management		
stock control		
suppliers + contractors		
customers		
prove it		
Other training or retraining		
GDPR / CCTV	15/6/20	[redacted]

Name:
 Telephone no:
 Address:

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		

STAFF TRAINING RECORD



(continued)

Name: S [redacted] B [redacted]
 Telephone no.: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet	1/2/20	[redacted]
Opening and closing checks	1/2/20	[redacted]
Cross-contamination		
personal hygiene	1/2/20	[redacted]
cloths	1/4/20	[redacted]
separating foods	1/2/20	[redacted]
food allergies	1/2/20	[redacted]
contamination	1/2/20	[redacted]
pest control	1/2/20	[redacted]
machinery	1/2/20	[redacted]
Cleaning		
Hand washing	4/2/20	[redacted]
cleaning effectively	1/2/20	[redacted]
clean as you go	8/2/20	[redacted]
cleaning schedule	4/2/20	[redacted]
Chilling		
chilled storage	14/2/20	[redacted]
chilling down food	14/2/20	[redacted]
defrosting	14/2/20	[redacted]
freezing	14/2/20	[redacted]
Cooking		
cooking safely	14/2/20	[redacted]
extra care	21/2/20	[redacted]
reheating	21/2/20	[redacted]
checking your safety	21/2/20	[redacted]
Hot Holding	21/2/20	[redacted]
ready to eat food	21/2/20	[redacted]
Management		
Stock control	1/3/20	[redacted]
suppliers + contractors	1/3/20	[redacted]
customers	1/3/20	[redacted]
prove it	1/3/20	[redacted]
Other training or retraining		
GDPR / CCTV	7/3/20	[redacted]

Name: [redacted]
 Telephone no.: [redacted]
 Address: [redacted]

SAFE METHOD ON FIRST DAY:	DATE	INITIALS
Working with food? sheet		
Opening and closing checks		
Cross-contamination		
Cleaning		
Chilling		
Cooking		
Management		
Other training or retraining		

From: K K & Co Solicitors <>
Sent: 09 September 2020 16:14
To: Yvonne Raine <
Cc: ; cl k
Subject: Best Kebab, 4 South Street, Crook

Dear Yvonne/Claire,

Please see attached the residence card and passport for S A

My client has informed me the police statement has confused a previous employee with the name S K with his current employee S A .

These attachments should clarify this confusion and his employee does have a right to work in the UK.

Kind regards,

Paris Thompson LLB LLM LPC

Casework

Tel :



24 Hour Number:



lets go green, keep it on your screen!

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorised to receive it.

If you are not the intended recipient, please notify the sender immediately, by replying to it and then delete the message from your computer, and you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited and may be unlawful. KK & Co Solicitors are not liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. Any views or opinions expressed are solely those of the author and do not necessarily represent those of KK & Co Solicitors.

AUTHORISED AND REGULATED BY THE SOLICITORS REGULATION AUTHORITY. SRA Number 523291. THIS FIRM DOES NOT ACCEPT SERVICE BY E-MAIL OR FAX.

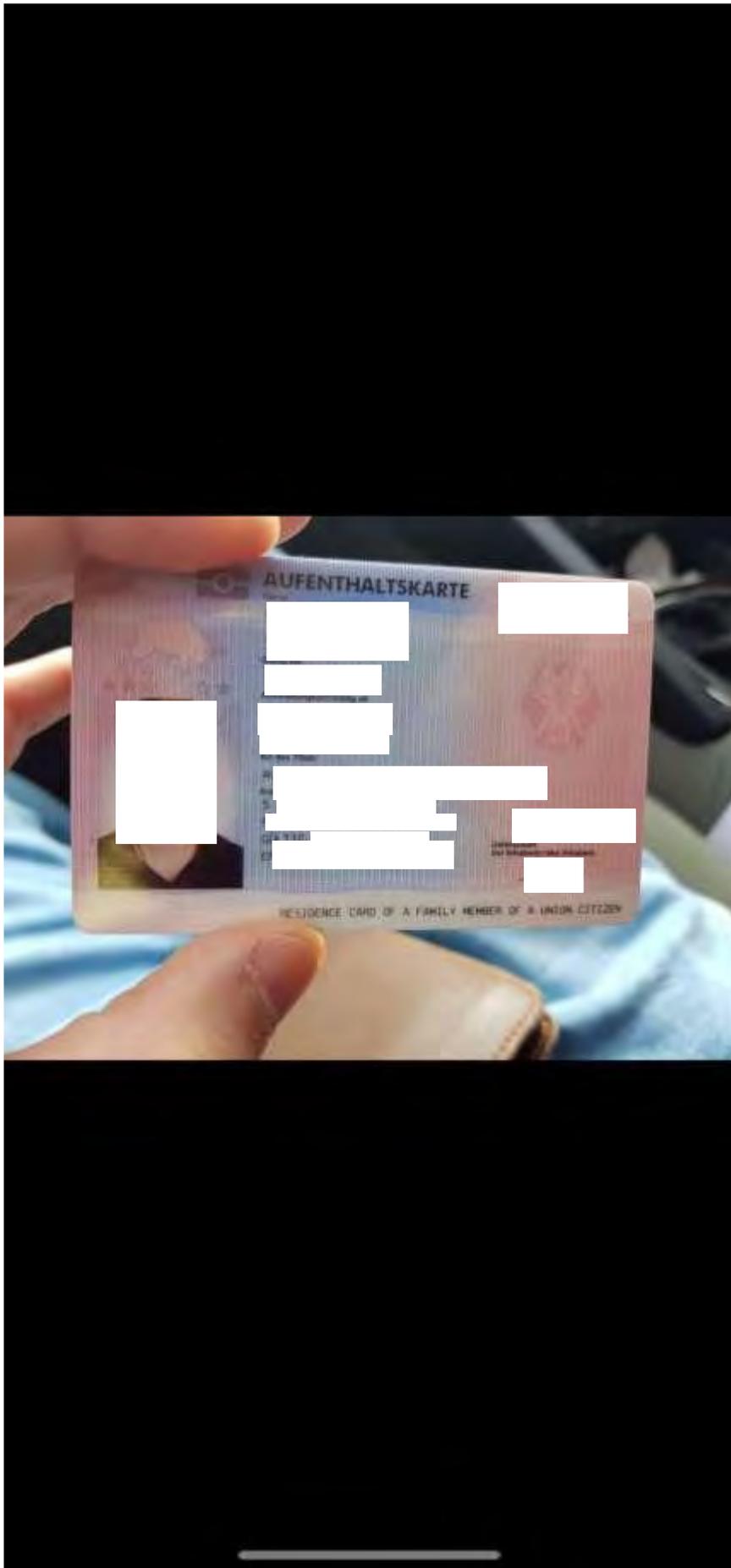
KK & Co Solicitors is a trading name for Khan's law Firm Ltd. It is registered in England & Wales as a limited Company, registered number 7112300. Registered Office is 165 West Road, Bandi Sirrah House, Newcastle upon Tyne, Tyne & Wear, NE15 6PQ. A list of our members can be viewed at our office. VAT registration Number – 104272749.

'Striving to ensure those with less in life have more in law'

Visit us at www.kksols.co.uk







23:02

4G 

Done

Edit



More



165 West Road
Bandi Sirrah House
Newcastle Upon Tyne
NE15 6PQ
Email : admin@kksols.co.uk
Web : www.kksols.co.uk

Director / Duty Qualified Solicitor : Kashif Khan LLB Hons*
Duty Qualified Solicitor : John Brown LLB Hons*
Solicitor : Mohammad Aftab
Consultant / HRA / Duty Qualified Solicitor : Ian Francis Hudson*
*Crime Duty Solicitor

Tel
Email :

24 Hour Emergency

Our Ref: KK/8001-
Your ref:

2 October 2020

FAO Licensing Sub-committee

Dear Sirs,

RE: Application for a Review of the Premises License – Best Kebab, 4 South Street, Crook, County Durham, DL15 8NE

I write further to the above and the hearing arranged for Monday 12 October 2020 at 1:30pm.

I enclose a number of documents that will be relied upon by the Respondent at this hearing.

I ask that this bundle and its contents be made available to the committee to be considered at the above hearing.

Thank you for your time and assistance in the matter.

If you require any further assistance, please contact my office.

~~Yours sincerely,~~
Shannon Richardson
KK & Co Solicitors

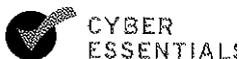


Director/Duty Qualified Solicitor: Kashif Khan LLB Hons* • Duty Qualified Solicitor : John Brown LLB Hons* • Solicitor: Mohammad Aftab •
Consultant/UHRA/Duty/Qualified Solicitor: Ian Francis Hudson*

AUTHORISED AND REGULATED BY THE SOLICITORS REGULATION AUTHORITY SRA Number : 523291. THIS FIRM DOES NOT ACCEPT SERVICE BY FAX.



KK & Co Solicitors is a trading name of Khan's Law Firm Ltd. It is registered in England and Wales as a Limited Company, registered number 7112300.
Registered Office is 165 West Road, Bandhi Sirrah House, Newcastle Upon Tyne, NE15 6PQ.
A list of all our member can be viewed at our registered office.



BEFORE THE LICENSING SUB-COMMITTEE

APPLICATION FOR A REVIEW OF PREMESIS LICENCE

BEST KEBAB,
4 SOUTH STREET,
CROOK,
COUNTY DURHAM,
DL15 8NE

INDEX

Respondent (Mr Kadeh) witness statement	1 - 3
Witness statement of L B	4 - 5
Witness statement of G W	6
Witness statement of H S	7
Witness statement of M P	8
Witness statement of L M Mc	9
Witness statement of B P	10
Witness statement of S H	11
Witness statement of D L V	12
Images of signs	13 - 15
P45 for Mr A K	16 - 17
Training records	18 - 31

STATEMENT OF WITNESS

STATEMENT OF ISMAIL KADEH

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of pages) is true to the best of my knowledge and belief.

1. My name is Ismail Kadeh.
2. My date of birth is
3. I am the sole registered owner of Best Kebab located at 4 South Street, Crook, County Durham, DL15 8NE.
4. The shop operates as Best Kebab however, the company operates as Leah Quality Limited.
5. I took over the business in October 2018 and I submitted an application for a Premises Licence in my name.
6. In 2019, the Council attended my shop and told me that I had not responded with the information about the lease to the premises.
7. I was told that my licence would be removed, and I would need to have the shop closed closed by 23:00.
8. I then sent a copy of the lease to the Council, applied for a new licence and this issue was resolved so that my licence was granted 28 December 2019.
9. In March 2020, the police attended the premises, however I was not there at the time.
10. I was called by my staff who told me that a customer was drunk in the premises and was refusing to leave and I told them to call the police.
11. In June 2020 the police attended the premises, however I was not there at that time and I was not called to attend on that day.
12. The police state that they have encountered Mr S K A working at the shop on both of these occasions.
13. He was not working at the shop at any point as I was aware of his immigration status. He came to the shop once or twice a week to speak to the staff as he is a close friend.

14. I have later been accused of sending the training records for Mr A to the Council. This is not true and these training records are for another of my employees who I have provided the passport for demonstrating he has a right to work in the UK.
15. I found out the day after the police attended in June that one of my staff members, Mr A K , had been arrested at the premises.
16. Mr K had worked for me since I took over the business and in March 2020, I made him a manager due to his hard work.
17. I was shocked about his arrest and I spoke to Mr K about this and the allegations against him.
18. He told me that the allegation was about sexual assault to one of the other female staff members. He told me this was untrue.
19. I went to produce the CCTV from the shop and I found that it had not been working.
20. I remedied this immediately and I had brand new CCTV installed days after the arrest.
21. I interviewed the staff members who were working when Mr K and the complainant were working together.
22. These staff members denied that anything sexual happened between Mr K and the complainant whilst they were on shift together.
23. The complainant did not return to work after this allegation was brought to light therefore, I was unable to investigate this matter any further.
24. At the time this has happened, my wife has been very unwell and I had to take time away from the business to look after her.
25. She is in constant pain and has been prescribed painkillers to ease her symptoms.
26. This pain has inhibited her mobility and she has struggled to walk therefore, I need to take her to her appointments.
27. I have also had serious health issues and this year, I have had an eye operation for which I have attended many doctors appointments.
28. I now realise that I had stepped back from my business.
29. In September 2020, I decided to let Mr K go due to these allegations.
30. I have since been notified that there is no further action against Mr K however, I cannot risk my business by giving him employment.
31. I am willing to comply with any requirements that the Council wish to put in place so that I can keep my licence.

Signed: (witness)

Date:

STATEMENT OF WITNESS

STATEMENT OF L B

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief.

1. My name is L E
2. My date of birth is
3. I am a shop assistant and a delivery driver at Best Kebab and I have worked there for about 3 years.
4. On 8 March 2020 I was working when the police attended the premises to deal with a drunk customer.
5. I do not remember them asking any further questions about the business.
6. I was also working on 12 June 2020 when the police attended the premises and arrested Mr A K

He was not there at the time and he had to be called to attend the shop. At this point, he was arrested and put into the police van.
7. The day before the arrest, the complainant sent a text to one of my colleagues saying that she knew the police were going to get him and he showed me this on his phone.
8. I called her to check why she was not coming into work and that is when she told me about the allegation.
9. I was annoyed as she informed me she had given my name as a witness when I did not want to be involved.
10. At no point did I see Mr K assault the complainant in any form.
11. On the occasions that she has alleged that this has happened the two of them were alone as they often went and did the shifts together.
12. She did not seem distressed when doing so.
13. I have never had any issues regarding my safety at work.
14. I have never had concerns about my other colleagues and believe I could raise them with Mr K; if I did have such concerns.

15. In recent months, I have seen several changes to the business.

16. I have seen more signs be put up including ones requesting customers leave quietly and more COVID security.

Signed:

(witness)

R M
2/10/20

Date:

2-10-20

5

STATEMENT OF WITNESS

STATEMENT OF G W

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 pages) is true to the best of my knowledge and belief.

1. My name is G W
2. My date of birth is
3. I work preparing food at Best Kebab and I have worked there since June 2020.
4. I was not working on 12 June when the police attended the premises to arrest Mr / K
5. The police have called me a number of times following this arrest asking if anything has happened to me.
6. I have been told that the complainant alleged an assault had occurred against me which is not true.
7. The police keep calling me and asking the same questions and I have given the same answers.
8. If I had concerns about my safety in relation to my other colleagues, I would not be working at Best Kebab.
9. I have no concerns with the state of the premises, and I feel it is a safe and clean place to work.
10. During my time at Best Kebab, I feel as though I have been given adequate training and support to complete my job.
11. I have never had concerns with the business, and I feel that I could raise them if I had any concerns.

Signed:

(witness)

R - M
2.10.20

Date: 2-10-20

STATEMENT OF WITNESS

STATEMENT OF H S

Age of witness (if over 18, enter "over 18"): Under 18

This statement (consisting of 1 pages) is true to the best of my knowledge and belief.

1. My name is H S
2. My date of birth is
3. I am a support worker at
4. I am a customer at Best Kebab and I have been using Best Kebab for about 6 years.
5. I use Best Kebab about four or five times a week as I really enjoy the food.
6. The staff are always polite, and I feel I could easily raise issues with them if I had any.
7. I have never had any concerns with the shop or the way it is run.

Signed: *[Signature]*

[Signature]
(witness)

R M
2/10/20

Date: *2/10/20*

7

STATEMENT OF WITNESS

STATEMENT OF M F

Age of witness (if over 18, enter "over 18"): Under 18

This statement (consisting of 1 pages) is true to the best of my knowledge and belief.

1. My name is M P
2. My date of birth is
3. I am a factory worker at
4. I am a customer at Best Kebab and I have been using Best Kebab for 2 or 3 years.
5. I use Best Kebab about three times a week.
6. Over the last few months, I have noticed improvements at Best Kebab as new counters have been put in.
7. I have not had any issues with Best Kebab, I believe the customer service and the staff are really good

Signed: _____

(witness) _____

R M
2/10/20

Date: _____

2/10/20

8

STATEMENT OF WITNESS

STATEMENT OF L M M

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 pages) is true to the best of my knowledge and belief.

1. My name is L M M
2. My date of birth is
3. I am a stay at home parent.
4. I am a customer at Best Kebab and I have been using Best Kebab for about 5 years.
5. I use Best Kebab two to three times a week.
6. I have lived in Crook all of my life and I feel the food at Best Kebab is better than the others in the area.
7. I would not use another takeaway service for pizza or kebab.
8. The customer service at Best Kebab is excellent.
9. The staff are polite, well dressed, well presented and they have excellent time keeping.
10. The building is always nice and clean and I have never had any concerns with the premises.
11. In town, there are around three other kebab shops and I am concerned that they are unhygienic and I would not use them.

Signed: ..

.. (witness)

R. N
2/10/20

Date:

2-10-2020

9

STATEMENT OF WITNESS

STATEMENT OF B P,

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of pages) is true to the best of my knowledge and belief.

1. My name is B P.
2. My date of birth is
3. I have just finished college and I am now training to join the prison service.
4. I am a customer at Best Kebab and I have been using Best Kebab for years.
5. I use Best Kebab four times a week or more.
6. I use Best Kebab as the food is the best in the area.
7. The customer service at Best Kebab is really good, the staff are always friendly.
8. I have never had any concerns with the premises or with the staff.
9. When there have been issues with my order, I have been able to raise them easily and it has been resolved straight away.

Signed: ✓

(witness)

R, M
2/10/20

Date:

n 2/10/2020

10

STATEMENT OF WITNESS

STATEMENT OF S H

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of | pages) **is true to the best of my knowledge and belief.**

1. My name is S H
2. My date of birth is
3. I am unemployed and I am a full-time mum.
4. I am a regular customer at Best Kebab and go there 2 to 3 times a week.
5. I have been going to Best Kebab for at least 5 years.
6. I know the drivers who deliver to me and speak to the staff there.
7. They are very polite, and the customer service is very good.
8. The time keeping is excellent and they are a reliable company.
9. I have never had concerns about Best Kebab or the way that is run.
10. I feel comfortable with the staff and if there are issues I believe they would be able to solve it.

Signed:

.....
(witness)

R MI
02/10/20

Date:

2/10/20

11

STATEMENT OF WITNESS

STATEMENT OF D L V

Age of witness (if over 18, enter "over 18"): Under 18

This statement (consisting of pages) is true to the best of my knowledge and belief.

1. My name is D L V
2. My date of birth is
3. I am a student at
4. I am a customer at Best Kebab and I have been using Best Kebab for a number of years.
5. I use Best Kebab about once a fortnight as it is one of the few nice takeaways around Crook.
6. In the past few months, I have noticed significant improvements with the business.
7. The service is faster, and the customer service is great.
8. The place has also been redecorated and cleaned.
9. I have never had any issues with Best Kebab and I feel as though I could bring up any issues if I did.

Signed: (witness)

..... (authority witness)

Date:

12





THE UNIVERSITY OF CHICAGO
LIBRARY



1 Employer PAYE reference
Office number Reference number
[] / []

2 Employee's National Insurance number
[]

3 Title - enter MR, MRS, MISS, MS or other title
Mr. []

Surname or family name
K []

First name(s)
A []

4 Leaving date DD MM YYYY
02 09 2020

5 Student Loan deductions
 Student Loan deductions to continue

6 Tax Code at leaving date
[]
If week 1 or month 1 applies, enter 'X' in the box below.
Week 1/Month 1

7 Last entries on Payroll record/Deductions Working Sheet.
Complete only if Tax Code is cumulative. If there is an 'X' at box 6 there will be no entries here.

Week number [] Month number 5
Total pay to date
£ [] p
Total tax to date
£ [] p

8 This employment pay and tax. If no entry here, the amounts are those shown at box 7.

Total pay in this employment
£ [] p

Total tax in this employment
£ [] p

9 Works number/Payroll number and Department or branch (if any)

[]

10 Gender. Enter 'X' in the appropriate box

Male Female

11 Date of birth DD MM YYYY
[] [] []

12 Employee's private address

[]

Postcode
[]

13 I certify that the details entered in items 1 to 11 on this form are correct.

Employer name and address

LEAH QUALITY LIMITED
[]

Postcode
[]

Date DD MM YYYY
16 09 2020

To the employee

The P45 is in 3 parts. Please keep this part (Part1A) safe. Copies are not available. You might need the information in Part 1A to fill in a tax return if you are sent one.

Please read the notes in Part 2 that accompany Part 1A. The notes give some important information about what you should do next and what you should do with Parts 2 and 3 of this form.

Tax credits and Universal Credit

Tax credits and Universal Credit are flexible. They adapt to changes in your life, such as leaving a job. If you need to let us know about a change in your income, phone 0345 300 3900.

To the new employer

If your new employer gives you this Part 1A, please return it to them. Check the information on Parts 2 and 3 of this form is correct and transfer the information onto the Payroll record/Deductions Working Sheet.

16

1 Employer PAYE reference

Office number Reference number

[] / []

2 Employee's National Insurance number

[]

3 Title - enter MR, MRS, MISS, MS or other title

Mr.

Surname or family name

K

First name(s)

A

4 Leaving date DD MM YYYY

[02] [09] [2020]

5 Student Loan deductions

Student Loan deductions to continue

6 Tax Code at leaving date

[]

If week 1 or month 1 applies, enter 'X' in the box below.

Week 1/Month 1

7 Last entries on Payroll record/Deductions Working Sheet. **Complete only if Tax Code is cumulative.** If there is an 'X' at box 6 there will be no entries here.

Week number [] Month number [5]

Total pay to date

£ [] p

Total tax to date

£ [] p

To the employee

This form is important to you. Take good care of it and keep it safe. Copies are not available. Please keep Parts 2 and 3 of the form together and do not alter them in any way.

Going to a new job

Give Parts 2 and 3 of this form to your new employer, or you will have tax deducted using the emergency code and may pay too much tax. If you do not want your new employer to know the details on this form, send it to your HM Revenue and Customs (HMRC) office immediately with a letter saying so and giving the name and address of your new employer. HMRC can make special arrangements, but you may pay too much tax for a while as a result of this.

Going abroad

If you are going abroad or returning to a country outside the UK ask for form P85, *Leaving the United Kingdom*, go to www.gov.uk/government/publications/income-tax-leaving-the-uk-getting-your-tax-right-p85

Becoming self-employed

You must register with HMRC within 3 months of becoming self-employed or you could incur a penalty. To register as newly self-employed go to www.gov.uk/topic/business-tax/self-employed

Claiming Jobseeker's Allowance or Employment and Support Allowance (ESA)

Take this form to your Jobcentre Plus office. They will pay you any tax refund you may be entitled to when your claim ends, or at 5 April if this is earlier.

Not working and claiming Jobseeker's Allowance or Employment and Support Allowance (ESA)

If you have paid tax and wish to claim a refund fill in for P50, Claiming tax back when you have stopped working, go to www.gov.uk/government/publications/income-tax-claiming-tax-back-when-you-have-stopped-working-p50

Help

If you need more help, go to www.gov.uk/topic/personal-tax

To the new employer

Check this form, record the start date and report it to HMRC in the first Full Payment Submission for your employee. Prepare a Payroll record/Deductions Working Sheet. Follow the instructions at www.gov.uk/payroll-software

17

Use capital letters when completing this form

1 Employer PAYE reference
Office number Reference number
[] / []

2 Employee's National Insurance number
[]

3 Title - enter MR, MRS, MISS, MS or other title
Mr.

Surname or family name
Kz

First name(s)
/

4 Leaving date DD MM YYYY
02 09 2020

5 Student Loan deductions
 Student Loan deductions to continue

6 Tax Code at leaving date
[]

If week 1 or month 1 applies, enter 'X' in the box below.
Week 1/Month 1

7 Last entries on Payroll record/Deductions Working Sheet.
Complete only if Tax Code is cumulative. If there is an 'X' at box 6 there will be no entries here.

Week number [] Month number [5]

Total pay to date
£ [] p

Total tax to date
£ [] p

To the new employer You will need these details to complete your Full Payment Submission

8 New Employer PAYE reference
Office number Reference number
[] / []

9 Date new employment started DD MM YYYY
[] [] []

10 Works number/Payroll number and Department or branch (if any)
[]

11 Enter 'P' here if employee will not be paid by you between the date employment began and the next 5 April.

12 Enter tax code in use if different to the tax code at box 6.
[]

If week 1 or month 1 applies, enter 'X' in the box below.
Week 1/Month 1

13 If the tax figure you are entering on Payroll record/Deductions Working Sheet differs from box 7 please enter the figure here.
£ [] p

14 New employee's job title or job description
[]

15 Employee's private address
[]

Postcode
[]

16 Gender. Enter 'X' in the appropriate box
Male Female

17 Date of birth DD MM YYYY
[] [] []

Declaration

18 I have prepared a Payroll record/Deductions Working Sheet in accordance with the details above.
Employer name and address
[]

Postcode
[]

Date DD MM YYYY
[] [] []

18

INVOICE



North Vision Ltd
10000 Highway 101, Suite 100, Mississauga, ON L4V 1P9

SELL TO
Client Name
10000 Highway 101, Suite 100

INVOICE #
INVOICE DATE

DESCRIPTION	AMOUNT
10000 Highway 101, Suite 100	300.00
TOTAL	300.00

Thank you

TERMS & CONDITIONS
Payment is due within 30 days

19

From: K K & Co Solicitors <
Sent: 28 October 2020 15:19
To: Jill Errington < >; AHS Licensing <Licensing@durham.gov.uk>; Helen Johnson - Licensing Team Leader (N'hoods) <
Cc:
Subject: Kadeh - Court case

Dear Sirs,

RE: Best Kebab
Hearing: 29 October 2020 at 2pm

I write further to the above.

I attach an amended and signed statement form Mr Kadeh.

I also attached the signed statement of D v which has been approved by an appropriate adult for her given her age.

I attach further images of the Perspex screens in the business in response to the further statements served by the council.

Yours sincerely,

Shannon Richardson LLB

Casework

Tel :



24 Hour Number:



The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorised to receive it.

If you are not the intended recipient, please notify the sender immediately, by replying to it and then delete the message from your computer, and you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited and may be unlawful. KK & Co Solicitors are not liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. Any views or opinions expressed are solely those of the author and do not necessarily represent those of KK & Co Solicitors.

AUTHORISED AND REGULATED BY THE SOLICITORS REGULATION AUTHORITY. SRA Number 523291. THIS FIRM DOES NOT ACCEPT SERVICE BY E-MAIL OR FAX.

KK & Co Solicitors is a trading name for Khan's law Firm Ltd. It is registered in England & Wales as a limited Company, registered number 7112300. Registered Office is 165 West Road, Bandi Sirrah House, Newcastle upon Tyne, Tyne & Wear, NE15 6PQ. A list of our members can be viewed at our office. VAT registration Number – 104272749.

'Striving to ensure those with less in life have more in law'

Visit us at www.kksols.co.uk

STATEMENT OF WITNESS

STATEMENT OF ISMAIL KADEH

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of pages) is true to the best of my knowledge and belief.

1. My name is Ismail Kadeh.
2. My date of birth is .
3. I am the sole registered owner of Best Kebab located at 4 South Street, Crook, County Durham, DL15 8NE.
4. The shop operates as Best Kebab however, the company operates as Leah Quality Limited.
5. I took over the business in October 2018 and I submitted an application for a Premises Licence in my name.
6. In 2019, the Council attended my shop and told me that I had not responded with the information about the lease to the premises.
7. I was told that my licence would be removed, and I would need to have the shop closed closed by 23:00.
8. I then sent a copy of the lease to the Council, applied for a new licence and this issue was resolved so that my licence was granted 28 December 2019.
9. In March 2020, I was informed that the police attended the premises, however I was not there at the time, nor was I able to attend.
10. I was called by my staff who told me that a customer was drunk in the premises and was refusing to leave and I told them to call the police.
11. The police attended the premises after 3.00am which I accept was after licence hours, however, my employees have informed me that they had asked the customer to leave before the end of licencing hours.
12. She then refused to leave and the police were then called which is why the premises had not been closed at this time.
13. In June 2020, the police attended the premises, however I was not there at that time and I could not receive any calls at the time.
14. I found out the day after the police attended in June that one of my staff members, Mr A K , had been arrested at the premises.

15. Mr K had worked for me since I took over the business and in March 2020, I made him a manager due to his hard work.
16. I was shocked about his arrest and I spoke to Mr K about this and the allegations against him.
17. He told me that the allegation was about sexual assault to one of the other female staff members. He told me this was untrue.
18. I interviewed the staff members who were working when Mr K and the complainant were working together.
19. These staff members denied that anything sexual happened between Mr K and the complainant whilst they were on shift together.
20. The complainant did not return to work after this allegation was brought to light therefore, I was unable to investigate this matter any further.
21. The police state that they have encountered a Mr S K A working at the shop.
22. As far I was aware, he was not working at the shop at any point as I was aware of his immigration status. He came to the shop once or twice a week to speak to the staff as he is a close friend.
23. I had previously requested to see evidence that he had the right to work in the United Kingdom and he did not provide any evidence of this therefore, I informed him he was unable to work for the business.
24. I have now had the benefit of seeing the body worn footage in which Mr A states he is an employee and I was shocked by this.
25. At no point did I authorise the employment of Mr A and I did not know that he was acting as an employee of the company.
26. I believe that my managers may have permitted Mr A to act as an employee without my knowledge.
27. Upon being informed of this, Mr A is no longer permitted to have access to the premises and if he were to attend the premises he will, be asked to leave.
28. I entirely accept that Mr A should not have been working in any capacity, paid or unpaid, at the premises and I sincerely regret that this was discovered by the police.
29. I have exhibited the training records and refresher training of my staff in pages 18 to 31 of the prepared bundle in which my staff have completed training in accordance with the Food Standards Agency.
30. I went to produce the CCTV from the shop, and I found that it had not been working.

31. I remedied this immediately and I had brand new CCTV installed days after the arrest.
32. At this time, I also acted on the council's other recommendations by installing a sign asking customers to leave quietly which I have exhibited at pages 13 to 15 of the prepared bundle.
33. I have been asked to produce an incident record and I have realised that no such record has been established. I accept that this was a condition of the licence and I accept it is my responsibility.
34. I have rectified this by implementing new policies in which incidents are recorded as soon as possible after they have occurred, and I have trained my staff to this effect.
35. At the time this has happened, my wife has been very unwell, and I had to take time away from the business to look after her.
36. She is in constant pain and has been prescribed painkillers to ease her symptoms.
37. This pain has inhibited her mobility and she has struggled to walk therefore, I need to take her to her appointments.
38. I have also had serious health issues and this year I have had an eye operation for which I have attended many doctors' appointments.
39. I now realise that I had stepped back from my business and that this is the reason I have come into issues with my licence.
40. I have placed a significant amount of trust in my managers to run the business and I now fully intend to become wholly involved in the running of the business to ensure that it is run correctly.
41. In September 2020, I decided to let my manager Mr K go due to these allegations and the number of issues and seriousness of these issues raised by the council.
42. I have since been notified that there is no further action against Mr K regarding any criminal offence of sexual assault, however, I cannot risk my business by giving him employment.
43. I have now also been given the opportunity to read the further statements made by the police officers regarding Coronavirus practices in my business.
44. I have made my employees aware of the government guidelines regarding the Coronavirus and, in particular, the wearing of face masks.
45. I have also implemented a one household policy in which one household can enter the premises at a time to be served.
46. I have also installed Perspex screens in the premises to protect both my employees and the customers.

47. When the police attended on 25 September, one of the screens had been damaged by a customer however this has been replaced.
48. After the attendance of the police, I aim to make further provisions to encourage the wearing of masks by adding further signs.
49. I am willing to comply with any requirements that the Council wish to put in place so that I can keep my licence.
50. I fully realise that I have there have been issues within the running of the business and I am willing to comply with suggestions or guidelines put forward by the council to improve the running of the business.
51. If my licence is revoked the business will not be able to operate and will have to close resulting in significant job loss.
52. I would also not be able to pay my employees which will have a significant detrimental impact on their lives as many of my employees have families who they need to support.
53. I have taken out a £50,000.00 loan against the business to improve the business itself and I will not be able to make the repayments on this loan if my licence is revoked.
54. Further, I have a bill from HMRC for £3,826.00 which needs to be paid in the next 2 weeks and if the licence is revoked this payment cannot be met.

Signed: _____ (witness)

Date _____

STATEMENT OF WITNESS

STATEMENT OF D [redacted] L [redacted] V [redacted]

Age of witness (if over 18, enter "over 18"): Under 18

This statement (consisting of [redacted] pages) is true to the best of my knowledge and belief.

1. My name is D [redacted] L [redacted] V [redacted]
2. My date of birth is [redacted]
3. I am a student at New College Durham.
4. I am a customer at Best Kebab and I have been using Best Kebab for a number of years.
5. I use Best Kebab about once a fortnight as it is one of the few nice takeaways around Crook.
6. In the past few months, I have noticed significant improvements with the business.
7. The service is faster, and the customer service is great.
8. The place has also been redecorated and cleaned.
9. I have never had any issues with Best Kebab and I feel as though I could bring up any issues if I did.

Signed: [redacted] (witness)

[redacted] (authority witness)

Date: 2/10/20



Appendix 7: Responses from Responsible Authorities

From: ISD Alcohol Licensing <
Sent: 28 August 2020 10:08
To: C McNaney <

AHS Licensing

Cc:
Subject: RE: Review Documents Best Kebab, Crook

Dear All,

Having searched our databases, we can find no record of any Immigration offences in relation to the above premises, therefore Immigration Enforcement will not be making any representations at this time.

Regards

Phil Thomas

The Alcohol and LNR Licensing Team
Interventions and Sanctions Directorate
Immigration Enforcement
Home Office
3rd Floor, Apollo House
36, Wellesley Road
Croydon CR9 3RR

Tel:

For new applications -

For enquiries relating to license applications or ongoing reviews

-

For reviews to be considered or initiated along with hearing dates -



From: Sarah Clement-Dawson <
Sent: 07 September 2020 11:11
To:
Cc: AHS Licensing <
Subject: Review Documents Best Kebab, Crook



MEMO

To: PC93 Claire McNaney
Licensing Services

From: Dr Sarah Clement-Dawson
Neighbourhoods and Climate Change

Date: 7 September 2020

Re: **Licensing Application Best Kebab- Premises Review**
Best Kebab, 4 South Street, Crook, DL15 8NE

With reference to the above licensing application received on 28 August 2020.

I have assessed the application with reference to the public nuisance licensing objective and would confirm I have no objection to raise in relation to the above premises review.

Sarah Clement-Dawson
Senior Contaminated Land Officer
Development Assessment Team
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Direct:
Switchboard: 03000 260000
E-mail:

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at [facebook.com/durhamcouncil](https://www.facebook.com/durhamcouncil)
Follow us on [linkedin.com/company/durham-county-council](https://www.linkedin.com/company/durham-county-council)

From: DSCP Secure <
Sent: 18 September 2020 16:06
To: Yvonne Raine
Subject: RE: Licensing Act 2003 - Review application received - Best Kebab, 4 South St, Crook

I have reviewed this application and have no representations to make. On behalf Of the DSCP I support the application made by Durham CAonstabulary.

Regards

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership

Tel :
County Hall, Durham
DH1 5UJ

Durham County Council is following national guidance in response to the Coronavirus outbreak. Accordingly, employees have been asked wherever possible to work from home. While we continue to prioritise essential services, it might take a bit longer than usual to reply to your email. For urgent queries please contact dscpsecure@durham.gov.uk

For more information on the Council's response to the outbreak please visit www.durham.gov.uk



coronavirus advice

We can help control the virus

- Stay at home as much as possible
- Work from home if you can
- Limit contact with other people
- Keep your distance if you go out (2m where possible)
- Wash your hands regularly
- Do not leave home if you or someone in your household has symptoms

For more information visit www.durham.gov.uk/coronavirus



Durham Safeguarding Children Partnership (DSCP)
Keeping Children Safe

dscpsecure@durham.gov.uk
www.durham-scp.org.uk



Durham
Safeguarding Children Partnership

Appendix 8: Statement of Licensing Policy

3.10 Review of a premises licence or club premises certificate - At any stage during the life of an authorisation, any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named responsible authorities or by a person defined in the Act as ‘any other person’ e.g. residents, councilors, MPs etc. At any time following the grant of a licence or Club Premises Certificate, any person or responsible authority may apply for a review of it.

The Police may also submit a summary review if there is a premises associated with serious crime and disorder. When the council instigates a review, it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

Applications for review must relate to one or more of the licensing objectives and must not (where the review is submitted by any person who is not a responsible authority) be considered as frivolous, vexatious or repetitious by the licensing authority. Where an application for a review is frivolous vexatious or repetitious, or where an application for a review is considered not relevant to the licensing objectives, the council will reject it.

The council expects responsible authorities and other parties to give early notice to licence holders of any concerns about issues identified at premises and of the need for improvement. It is expected that requests for a review of any licence will be sought only if such notice has failed to resolve the matter or problem. It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues;
- Asking DCC Licensing Services to talk to those who manage the premises on your behalf; or
- Talking to the relevant “responsible authority” e.g. environmental health in relation to noise nuisance, or the police in relation to crime and disorder, about the problem.

A review application is also subject to a similar consultation period to that of a new licence or variation, during which relevant representations may be submitted. The Act provides strict guidelines, timescales and procedures for review applications and hearings and the council will deal with every review application in accordance with these rules. Further details on review applications can be found in Appendix IV of this policy.

At a review, the council may take the following steps (if any) where such steps are considered appropriate for the promotion of the licensing objectives:

- a) Modify the conditions of the licence
- b) Exclude a licensable activity from the scope of the licence
- c) Remove the designated premises supervisor
- d) Suspend the licence for a period not exceeding three months
- e) Revoke the licence.

In cases where there is evidence that the crime prevention objective is being undermined, revocation of the licence will be seriously considered by the authority, even in the first instance.

There is a right of appeal to the Magistrates' Court against the decision of the licensing sub-committee, and if an appeal is lodged by the licence-holder, the original decision of the licensing authority will not take effect until the appeal is determined or withdrawn. There is an exception to this in the case of a summary review brought only by the police.

7.1 The Prevention of Crime and Disorder - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

The council expects every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

The **council expects** all applicants to demonstrate, in their operating schedules, that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

The council recommends that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

The council encourages personal licence holders to actively participate in established “Pubwatch” schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the “Best Bar None” initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as ‘Challenge 25’. These are amongst the most important control measures for the achievement of all Licensing Objectives.

The council will take a positive view of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

The council also considers it to be good practice if the DPS or premises licence holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises
- At all times when the premises are a “vertical drinking establishment” where little or no seating is provided
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

Maximum occupancy: When its discretion is invoked, the council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (the Council’s Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service) before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

Security: Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door

supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

Drugs/Knives/Weapons: The council will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

The council will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.2 Public Safety - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the council's occupational health and safety team, Health and Safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service. They should incorporate any recommendations from these responsible authorities in their

Operating Schedule before submitting their applications. Matters for consideration include:

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

In addition to the information provided above, **Table 2 in Appendix VI** provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Appendix 9: Section 182 Guidance

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with

Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Section 182 Guidance - The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be

positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more

than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the

representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. 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.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.