

LICENSING SUB-COMMITTEE 5 APRIL 2019

JEHAN CURRY HUT

19 SOUTH STREET, BRENTWOOD

SUPPLEMENTARY INFORMATION

TO THE POLICE REPRESENTATION

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

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Statement of: Gordon Ashford

Age if under 18:

(if over 18 insert 'over 18')

Occupation:

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: 20/03/2019

1. I am the Licensing Manager for Essex Police and have the powers of a constable under various statutes by virtue of a designation made by the Chief Constable under section 38 Police Reform Act 2002 (as amended by s38 and Schedule 10 Policing & Crime Act 2017). Amongst those powers of a constable are powers of entry under section 179 and 180 Licensing Act 2003 and powers of seizure under section 19 Police and Criminal Evidence Act 1984.
2. On Friday 15th March 2019 I was on duty and engaged in an enforcement operation with fellow policing licensing personnel and authorised officers of the Brentwood Borough Council's Licensing team.
3. As part of this enforcement operation it was determined that the Jehan Curry Hut Indian restaurant (situated at 19, South Street, Brentwood) would be visited. The premises had recently been subject to a licence transfer application (to take immediate effect) to the Brentwood Curry Hut Ltd, the sole director of which is Md Abdul LATFIF. Mr LATIF had until recently been the licence holder, DPS and operator of another Indian restaurant in the Brentwood area (Chutney Joe's) at which a number of illegal workers had been discovered. For that reason Essex Police was objecting to the transfer of the licence and a licensing hearing was to be held. At the time of submission of the transfer application an application had also been made to change the DPS to a named individual and this

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application had also been objected to by Essex Police. As a consequence of that objection the premises licence holder (Md Abdul LATIF on behalf of the Brentwood Curry Hut Ltd) had withdrawn the application and as of 15th March 2019 no DPS was nominated.

4. It is unlawful to sell alcohol from a licensed premises when no DPS is specified. To ensure that the licence holder was aware of this on the 11th March 2019 when the revised (transferred licence) was issued by Brentwood Borough Council's Licensing Team, it was issued with the wording "NO SALE OF ALCOHOL MAY BE MADE UNTIL A DPS HAS BEEN ASSIGNED". This was in capitals, in bold type and in a red coloured font on the actual licence. On the same day an e-mail had been sent to the premises licence holder (to the e-mail address specified as belonging to the licence holder on the transfer application) by Mr Leonard of the council's licensing team. This e-mail expressly pointed out "*I remind you that NO supply of alcohol may be made under this licence a) at a time when there is no designated premises supervisor in respect of it or, b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.*" That text was in bold type and the text highlighted in yellow.
5. Mr Leonard confirmed that no application for a DPS designation had been made to the council since the 11th March and at the time of the proposed operation no DPS was in place.
6. On the outside of the premises and in smallish text was an A4 sized paper notice. The gist of the notice was that the premises could not sell alcohol because of a 'licensing error' but customers could bring their own drink. The size, text and positioning of the notice was, in my opinion, unlikely to attract the attention of potential patrons.
7. At around 9.45 p.m. on the 15th March, together with Mr Leonard, I entered the Jehan Curry Hut to check that the sale of alcohol etc. was not taking place. On entering the premises I would describe the layout of the premises as a corridor to the immediate right, a bar area directly ahead with a seating/dining area to the immediate left which itself led on to other rooms (and I assume the kitchen).

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8. On our entry I immediately saw the bar area was fully stocked with various alcoholic drinks, many of which were mounted on the wall with optics attached. On the wall to the left of the bar was a rack full of (full) wine bottles.
9. The bar was a traditional bar area, with a raised area separating the staff side from the customer side. Standing in the bar was a relatively young women dressed smartly in a white blouse and to me appeared to be a bar tender. She was dressed differently to two Asian males who wore traditional waiting staff clothing consisting of white shirt and black trousers, back waistcoat, black tie and black shoes.
10. Mr Leonard and myself introduced ourselves and produced our photo identity documents. I expressed surprise to the two staff that there was alcohol on the premises as they were not permitted to sell alcohol and the (seemingly) elder of the two stated something akin to "we know. It was there when we took over". I asked if either was the manager of the premises and was told they were not. I asked where the owner was and the reply suggested he was not. I then pointed out that it was an offence to display alcohol where its sale would be unauthorised under the Licensing Act and asked to inspect the bar area which I was allowed to do. As I moved to do so the 'bar tender' vacated the area and I then saw another notice at the bar concerning no alcohol sales – however this was displayed to the area in front of the bar where the majority of patrons would not visit.
11. I took a couple of photos of the bar area before inspecting the wine racks I had seen. These had several bottles of wine amongst which were bottles of Euca Hill, a Shiraz with 13.5% ABV.
12. I was now aware that one of the two waiting staff must have gone toward the kitchen as just as I was taking photographs of this wine I saw an older Asian male standing close by. I introduced myself and asked if he was in charge. He said he was and when I asked his name he stated it was Mr LATIF. I queried if he was Mr Abdul LATIF the licence holder and he confirmed this.
13. I pointed out that the premises was not allowed to sell alcohol at the current time. This was acknowledged by Mr LATIF who made reference to the A4 notices. I then pointed

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out that to display alcohol for sale when the sale would be unauthorised was illegal. Mr LATIF acknowledged this but stated they were not selling alcohol. I in turn explained he should not be displaying the alcohol and this was an example of undermining the licensing objectives and would form further police evidence for the upcoming licensing hearing concerning the transfer of the licence to his company. I also explained that it was an offence to store alcohol for sale in such circumstances and that I could seize the alcohol as evidence. However I informed him that I expected the alcohol to be immediately withdrawn from display and I would endeavour to see whether the local policing team could attend the next evening to check this had been done. Mr LATIF promised to remove the alcohol.

14. I was about to leave the premises when I noticed all of the tables in the restaurant appeared to have drinks menus stood upright on them. I walked over to the nearest table and picked up a standard sized drinks menu entitled "Wine & Drinks Menu". I opened this menu and could see it was advertising wines and beer by the bottle. I held this up to Mr LATIF and asked if he was not selling alcohol, why were drinks menus on each table. His reply was that "they look good on the tables". I took a photo of the menu
15. I told Mr LATIF that the evidence suggested he was selling alcohol illegally and in any event he was illegally displaying it, that I would refer to this in the upcoming hearing and a prosecution might be considered. I asked he remove the menus from the tables and I then left the premises with Mr Leonard.
16. Having gone outside I checked my photos and realised the image of the menu was blurred. Within a few moments I again entered the premises, together with police licensing officer Mrs Cooper. The menus were no longer on the tables but had been gathered up close to the bar area and I asked one of the waiting staff if I could take one from the premises; one of them directed me to a pile of menus and allowed me to take one. We then left the premises. I subsequently took a photocopy of the menu.
17. I produce a photograph of the bar area (ref GA/1), a close up of various whiskys on display in the bar area (ref GA/2), a picture of the wine rack (ref GA/3), a close up of a bottle of wine displayed in the wine rack (ref GA/4) and a photocopy of part of the Wine & Drinks Menu (ref GA/5).

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Exhibit Ref GA/1



Exhibit Ref GA/2



Exhibit Ref GA/3



Exhibit Ref GA/4



SPARKLING WINE

750ML

One 4 One Prosecco

20cl • £6.50

Italy • ABV 11.0% • 2

A quality, aromatic sparkling wine. No need to share!

Nuà Prosecco

£23.00

Italy • ABV 11.0% • 2

Pale yellow with green undertones. It has an elegant, yet fruity bouquet with flavours of mellow green apple and a light, pleasantly crisp citrus note. This Prosecco is not overly dry, but has a harmonious balance that makes it an ideal aperitif.

Nuà Sparkling Rosé

£23.00

Italy • ABV 11.0% • 2

This elegant pink sparkling wine from Piemonte in Italy is light and dry with enchanting hints of raspberry and strawberry. Its delightful summery character makes it perfect at any time of the day.

WHITE WINE

750ML

Peregrino Sauvignon Blanc

£17.95

CHILE • ABV 12.5% • 2

B**C**

Half pint £2.50 • Pint

King

650ml

Pi

330ml

T

330ml

SOFT DRINK**Coke / I**

Sml £2.30 • Reg

Lerr

Sml £2.30 • Reg

Tonic

Sml £2.30 • Reg

Soda