

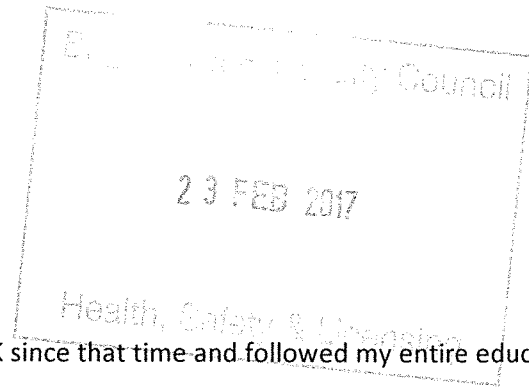
# APPENDIX D

A statement by Mr Afshin Kianifard

Date of birth: 10/01/1970

Nationality: British

Place of birth: Iran, Tehran



I moved to the UK with my family in 1978. I remained in the UK since that time and followed my entire educational experience in schools and colleges in the UK.

My working life began as a bar manager for a venue called "Wall Street Brasserie" on Western Road, Hove. After this, I worked at Hove School of English where I was manager and company director from 1990 to 2002. My experience here involved child and adult welfare, offering a 24-hour service to all students (adults and children from age 8 upwards). My role involved a range of activities including marketing and travelling to various destinations around the world to recruit students.

In 2002 I decided to have a change of career and opened my own business which was a small restaurant and take away in Hove. This is when I became a licensee and applied for a premises licence. The business opened until 02:00 hrs at weekends, offering food with a licence to serve alcohol until 23:00 hrs Monday to Friday and 22:30 hrs Sundays.

In 2006 I purchased the lease of 116 Church Road, Hove and turned it from a Chinese restaurant into a cocktail bar. I am a hands on type of person who enjoys and takes great pride in everything I do.

Over the years Misty's developed a good reputation locally and became a venue I was extremely proud of running.

Regular staff meetings have always taken place in Misty's. They have continued to be held on a regular basis over the last two years. Additionally, when there has been an occurrence of any kind, additional meetings may have been held. As an example of the meetings that have been held:

#### Appendix B:

9<sup>th</sup> February 2015 meeting regarding better usage of the CCTV system and more "walk throughs"

6<sup>th</sup> April 2015 meeting regarding the incident where a lady slips down the stairs

22<sup>nd</sup> February 2016 meeting regarding incident of 20/02/2016 in the garden area

14<sup>th</sup> March 2016 meeting regarding new CCTV equipment

4<sup>th</sup> July 2016 meeting regarding the [REDACTED] incident

28<sup>th</sup> November 2016 meeting regarding barred person who alleged being assaulted by door staff

29<sup>th</sup> November 2016 Incident involving Mobile Support Unit and their handling of the situation

19<sup>th</sup> January 2017 Incident caused as a result of Scannet equipment failure

In 2013 we decided to introduce DJ's as there appeared to be a demand for it. This did open Misty's up to a wider range of people and unfortunately with it came trouble that we had never previously experienced. Initially everything went smoothly, however, as time passed it became evident that having DJ's was not appropriate for Misty's. As a result, we stopped DJ's performing indefinitely. This had a short-term positive impact on the types of customers we were welcoming. However, we felt that it would take far longer to totally be clear of the types of people who were causing issues.

On 09/01/2014 we joined BCRP (Business Crime Reduction Partnership) and on 12/05/2014 we contracted the services of Concierge & Security Ltd for MSU (Mobile Support Unit). These two arrangements continue to this day.

Over the years, I continued to try to improve all aspects of Misty's, having several re-fits in order to put the days of DJ's behind us. In 2016, we had an unfortunate incident which led to the discovery that the head door supervisor was not carrying out his duties in the manner he should have been. As a result, within 9 days of this incident, he was relieved of his duties and we contracted the services of Consec Risk Management, a security company that works very closely with all licensing authorities and BCRP (Business Crime Reduction Partnership).

We expected this change to have a very positive impact on how the door was being managed. However, unfortunately, over a period of months, it was realised that this move was not having the substantial impact we were hoping it would have. A process of barring a large number of people began. As a result, we purchased an ID Scanner which is the one used by the majority of larger bars and clubs in Brighton. Unfortunately, the equipment failed shortly after it was installed and several telephone calls and emails later, resulted in 3 replacement machines all of which failed until the most recent one reached us in early February 2017. In addition to this, more recently, a breathalyser was introduced to assist where staff have doubts regarding the state of certain individuals. As is policy, full training has been given to all staff (including door staff) on using this equipment and the training records will illustrate this. A copy of the Breathalyser Training Policy is attached for your attention.

Staff training takes place both as an induction for new staff and as a refresher for existing staff. These take place at regular intervals throughout the year. This is essential in ensuring that all staff members (including door staff) are aware of their responsibilities with regards to the four major licensing objectives and fire risk assessment. All staff training records are held on file in Misty's. Full training records are available for inspection and are signed by staff members who have received the training and signed and dated by the management who have provided the training. These records are held on site in Misty's and are available for inspection.

Misty's has a package of policies available all of which are listed in the appendix. The most recent is the Breathalyser Policy which is attached. Other examples of attached policies are Staff Training Policy, Child Protection Policy, CCTV Policy, Drugs Policy and Dispersal Policy. The Dispersal Policy is a policy that was updated on 15/01/2017 and all staff members including door staff have been updated on this policy. This has been attached for your attention.

Appendix A:

Age Verification Policy  
Breathalyser Training Document  
CCTV Training Document  
Child Policy  
Dispersal Policy  
Drugs Policy  
Drugs Training Policy  
Fire Alarm Training Document  
Fire Evacuation Procedure  
Fire Risk Assessment Annual Review  
ID Scanner Training Policy  
Incident Log Training Policy  
Search Policy  
Staff Training Policy

I have recently arranged the purchase of a drugs testing kit and identify this. I am rightly concerned about the indications from the police as to the variety of areas as to where drug traces have been found and on testing the bar area, having cleaned it thoroughly, I was surprised to find that the drugs testing kit was indicating a high cocaine presence. Having cleaned the area again, using the cleaning products we use throughout the premises, there again was an indication on further testing that cocaine was further present. I have therefore come to the conclusion that this particular type of cleaner is giving false readings on a surface which was so thoroughly cleaned.

I am an individual who takes his responsibilities extremely seriously and have always upheld the main licensing objectives to the best of my ability and will always continue to do so. I find it extremely distressing that the most recent changes we have made and implemented since the end of December 2016 are not given the opportunity to illustrate that they are working. We are turning away a substantial number of people if they do not fit into the profile we feel appropriate to enter the venue. Large groups are no longer permitted to enter. The door is secured after 22:30 hrs (which means that persons outside the venue cannot walk in unless a member of staff releases the door from within) during the week which will allow individuals to be hand picked thus reducing any chance of incidents. At weekends the door is secured at 01:30 hrs (again, this allows people to exit but does not allow anyone to enter the venue unless a member of staff releases the door from within).  
and the door staff are not allowing anyone to enter beyond 02:00 hrs.  
Since the changes have been implemented, we have not had any incidents and I am confident that this will continue to be the case if we are simply given more time to illustrate this.

Thank you for your kind attention.

Afshin Kianifard

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# Misty's Cocktail & Wine Bar

116 Church Road, Hove, East Sussex BN3 2EA

Telephone: 01273 220302

Email: [mistysbar@gmail.com](mailto:mistysbar@gmail.com)

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First created on 11/02/2017

## Breathalyser Training

I ..... have been fully trained on operating the breathalyser. I understand when and how to use this piece of equipment and to record any persons whom I breathalyse.

Date: .....

Name: .....

Signature: .....

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# Misty's Cocktail Bar

116 Church Road, Hove, East Sussex BN3 2EA

Telephone: 01273 220302

Email: [mistysbar@gmail.com](mailto:mistysbar@gmail.com)

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First created on 17/04/2006

Last updated on 15/08/2012

## **STAFF TRAINING POLICY**

Every staff member on having been selected to work at Misty's must undergo a full training which must be completed successfully before being permitted to work as a member of the bar staff.

This means completing all aspects of training with a strong emphasis on licensing law with a focus on the four main licensing objectives.

There is a 1 month period which is allocated to staff induction after which it is expected that the new employee is confident with respect to their responsibilities as bar staff.

Refresher training takes place at regular intervals.

ADMINISTRATION

MISTY'S COCKTAIL & WINE BAR

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# Misty's Cocktail & Wine Bar

116 Church Road, Hove, East Sussex BN3 2EA

Telephone: 01273 220302

Email: [mistysbar@gmail.com](mailto:mistysbar@gmail.com)

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First created 17/04/2006

## CHILD POLICY

From opening up to 21:00 hrs, the premises licence allows children to enter the venue provided they are accompanied by an adult.

However, it is Misty's policy to allow children to enter the venue with an adult up to 20:00 hrs provided they are accompanied by an adult over the age of 21.

ADMINISTRATION  
MISTY'S COCKTAIL & WINE BAR

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# Misty's Cocktail & Wine Bar

116 Church Road, Hove, East Sussex BN3 2EA

Telephone: 01273 220302

Email: mistysbar@gmail.com

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First created on 20/03/2016

## CCTV Training Document

I, ..... have been fully trained on all aspects of using the CCTV equipment. In the event that footage is required, I am able to download the relevant footage and transfer it onto a USB stick.

Name: .....

Trained by: .....

Date: .....



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# Misty's Cocktail & Wine Bar

116 Church Road, Hove, East Sussex BN3 2EA

Telephone: 01273 220302

Email: [mistysbar@gmail.com](mailto:mistysbar@gmail.com)

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First created on 17/04/2006

Last updated on 16/12/2016

## **DRUGS POLICY**

Misty's has a **ZERO TOLERANCE** drugs policy. Any individuals found carrying or attempting to consume what appears to be illegal drugs will have the illegal drugs confiscated from them and they will be barred for a minimum of 2 years (repeat offenders will be barred for life). This is carried out by the staff member notifying door staff who then proceed to eject the individual(s) concerned. Should the incident occur when there are no door staff present, the mobile support unit is contacted and the individual(s) concerned is/are monitored closely until the mobile support unit arrive and take charge of the situation. A repeat offender is someone who has already been caught and after a 2-year ban has reoffended.

All feasible steps are taken to ensure that no one attempts to enter Misty's either whilst under the influence of alleged illegal substances or, whilst in possession of alleged illegal substances.

An ultraviolet light has been position at the main entrance which will assist in detecting if someone has consumed any illegal white powder.

Door staff will carry out random searches on a minimum set number of people whilst on duty. This number is a minimum, should they feel that more people need to be searched, they have the authority to search larger numbers. The minimum number is as follows:

Wednesdays: 6

Thursdays: 8

Fridays: 10

Saturdays: 10

Bank Holiday Weekends: 14 per night

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# Misty's Cocktail & Wine Bar

116 Church Road, Hove, East Sussex BN3 2EA

Telephone: 01273 220302

Email: [mistysbar@gmail.com](mailto:mistysbar@gmail.com)

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First created 17/04/2007

Last updated 15/01/2017

## DISPERSAL POLICY

**Other days of the week:** The garden is closed 10 minutes before last orders are called. Once last orders are called, all members of the public are gradually encouraged to drink up and quietly leave the premises. Any people intending to leave the premises on their own are encouraged to ask a member of bar staff to call a taxi. Door supervisors ensure that members of the public do not loiter in front of the premises in order to prevent a noise nuisance and to prevent crime and disorder.

**Fridays & Saturdays:** 30 minutes before last orders are called, 1 door supervisor begins to close the garden down ensuring that the public move into the main bar area in an orderly fashion. When last orders are called, the public are encouraged to drink up and leave in a quiet and orderly manner. Any people intending to leave the premises on their own are encouraged to ask a member of bar staff to call a taxi. Door supervisors ensure that members of the public do not loiter in front of the premises in order to prevent a noise nuisance and to prevent crime and disorder.

In general, the music is switched off at 23:00 hrs in the garden to avoid any noise nuisance issues.

In the bar areas, the music is changed to a more mellow kind in order to allow the public to relax and avoid any "high energy" movements. This helps to prevent crime and disorder and ensures public safety.

ADMINISTRATION

MISTY'S COCKTAIL & WINE BAR

Minutes of meeting of 09/02/2015 17:00 hrs

Attendees: Farzan Asadi, Maria Dato, Afshin Kianifard, Maxi Gonzalez, Akos Leidl, Nikola Kiraplova, Monica Gomez

An extraordinary staff meeting took place as a result of the incident of 07/02/2015.

It was decided that more regular supervision of the cameras monitoring the garden is necessary and bar staff and door staff will more regularly do "walk throughs" in order to keep an eye on the areas that are less visible.

The meeting was ended.

Minutes of meeting of 06/04/2015 17:00 hrs

Attendees: Farzan Asadi, Maria Dato, Afshin Kianifard, Maxi Gonzalez, Akos Leidl, Monica Gomez

An extraordinary staff meeting was held as a result of an incident that took place on 04/04/2015. A lady fell down the stairs and was laying down and being cared for by her friend. Some man who appeared drunk attempted to enter Misty's stating that he was a paramedic. The door supervisor asked him to leave and stated that paramedics were on their way. He felt that the individual was drunk and in no condition to be permitted to enter. He was later commended for taking the correct actions by the police. The lady who was injured was treated by paramedics and walked away from the incident with no lasting injuries. She was also kind enough to phone Misty's the following day to thank us for looking after her.

Door staff were commended for their professional conduct. End of meeting.

Minutes of meeting of 22/02/2016 17:00 hrs

Attendees: Maria Dato, Afshin Kianifard, Niky Kiraplova, Silvia Orunda

A general staff meeting was held to discuss the events that took place on 20/02/2016 in the garden.

The door staff did not act quick enough and as a result the head door supervisor was reprimanded with a view to further action being taken in due course. Had the door staff intervened immediately, the resulting escalation would not have taken place.

We spent a great deal of time helping police with their enquiries and providing them with evidence to assist in the capture of the guilty parties.

The CCTV system was immediately upgraded and additional cameras were installed. A 6-monthly review of cameras now takes place in order to see how we can further improve coverage and quality of footage.

End of staff meeting.

Minutes of meeting of 14/03/2016 17:00 hrs

Attendees: Maria Dato, Afshin Kianifard, Niky Kiraplova, Silvia Orunda and Rocio Sanchez

A general staff meeting was held with all staff present. The updated CCTV hardware and cameras were discussed and all staff members were trained on how to use the CCTV equipment.

End of staff meeting.

Minutes of meeting of 04/07/2016 17:00 hrs

Attendees: Maria Dato, Afshin Kianifard, Niky Kiraplova, Charles Axtell and Martin Prelec, Akos Leidl

A general staff meeting was held with all staff present. It was concluded that none of the Dawes family would be permitted to enter Misty's and that all procedures were carried out in the correct manner. It was also concluded that this was a premeditated event and was impossible to predict under the circumstances. According to our records, [REDACTED] was not on the BCRP list on the day in question which means it would not have been possible for us to be aware of him.

End of staff meeting.

Minutes of meeting of 28/11/2016 17:00 hrs

Attendees: Maria Dato, Afshin Kianifard, Niky Kiraplova, Alex Peacock, Martin Prelec, Akos Leidl

A general staff meeting was held. The alleged incident of assault by a barred member of public was discussed. It was evident that he was lying to police about being assaulted by door staff. The police did come and it was a waste of their time. This individual is a problematic person and it was emphasised that under no circumstances was he to be permitted to enter the venue.

End of staff meeting.



Minutes of meeting of 29/11/2016 17:00 hrs

Attendees: Maria Dato, Afshin Kianifard, Niky Kiraplova, Alex Peacock, Martin Prelec, Akos Leidl

A general staff meeting was held with all staff present and it was reemphasised that it is essential to ensure that members of the public entering the venue are screened if there is any doubt about their suitability to be served they are not to be permitted to enter.

It is our opinion that MSU on this occasion could have handled the situation better as it appears that they did not take all possible measures to ensure the 2 males leave the premises peacefully.

This was passed onto the head door supervisor in order for him to discuss it with his company.

End of staff meeting.

Minutes of meeting of 19/01/2017 17:00 hrs

Attendees: Maria Dato, Afshin Kianifard, Niky Kiraplova, Alex Peacock, Martin Prelec, Akos Leidl

The Scannet equipment failed yet again. Again, the company was contacted and they apologised for the inconvenience caused and stated that another replacement system would be sent out.

The persons involved in the incident were both not behaving appropriately. The gentleman who was manhandled out of the premises was done so because of talking in an inappropriate manner to another male who was sat down having a quiet pint of beer. The reaction was extreme but as the CCTV footage illustrates, the gentleman in question was taken by his upper body and carried out of the premises where he was left and the other male proceeded to re-enter the premises behaving in a very calm manner throughout the incident.

When the police arrived and saw the cctv footage, they did feel that their time was being wasted by the individual who called them. Bar staff did try to discourage him from calling the police, however, he was insistent.

End of staff meeting.

**From:** <[steve.amner@sussex.pnn.police.uk](mailto:steve.amner@sussex.pnn.police.uk)>  
**Date:** 30 December 2016 at 15:44:40 GMT  
**To:** <[Brighton.Licensing@sussex.pnn.police.uk](mailto:Brighton.Licensing@sussex.pnn.police.uk)>  
**Cc:** <[mistysbar@gmail.com](mailto:mistysbar@gmail.com)>  
**Subject:** Misty's Bar, Church Road, Hove

Hello Licensing Unit,

Myself and DC DUFFY attended Misty's Bar on Church Road, Hove this afternoon in relation to a GBH that took place outside Misty's on 23/12/2016 – NICHE 47160177587 refers.

Our intention was to obtain CCTV from Misty's. We were met by the owner 'Ash' (Afshin KIANIFARD) who was extremely helpful.

It is rare to attend a business and find that the owner is so co-operative and knowledgeable. Ash has full working knowledge of the CCTV system and further to that had just purchased a USB stick to assist with our CCTV enquiry.

Ash will also be providing a copy of a written log made by his security staff in relation to the incident.

Misty's have also installed a new ID scanner that may assist greatly with any further police enquiries and Ash happily showed us what it can do.

I was so impressed with the level of co-operation and standard of security systems (including also clear CCTV) that I told Ash I would write to you to pass on my thanks.

Regards  
DC Steve AMNER CA314  
Brighton CID  
Sussex Police

Sussex Police - Serving Sussex

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8<sup>th</sup> February 2017

To Whom It May Concern

Regarding: Misty's Cocktail and Wine Bar, 116 Church Road, Hove

I am writing in support of the above venue. I have frequently held my law firm's staff Christmas parties and entertained clients there. I have always had a positive experience with very friendly staff and a relaxed atmosphere.

I can confirm that I have never witnessed any issues whilst frequenting this establishment.

As a customer, I can state that it is a well run, organised establishment which has been there for many years.

If you require any further information, please do not hesitate to contact me.

Yours faithfully



Alex Sherwood



127 CHURCH ROAD

HOUSE

DN3 2AE

04.02.17

To whom it may concern,

I confirm that we at Timpson use Mistys as a venue for both social and work related staff meetings, we fully support Mistys in relation to the review process that they are going through.

We have never had any negative experiences at this venue and have always found thee to be a relaxed, friendly atmosphere.

Thank you for your kind attention.

Yours faithfully

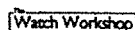
Adam Coombe (manager)



Timpson Limited Established 1903

Registered Office: Timpson House, Claverton Road, Wythenshawe, Manchester, M23 9TT. Registered No. 00675216 England

Telephone: 0161 946 6200 Facsimile: 0161 946 0135 www.timpson.com



# Tandoori

175 Church Road  
Hove, East Sussex, BN3 2AB  
Tel. 01273 737188  
01273 202795

02/02/2017

To Whom It May Concern

Regarding: Misty's Cocktail & Wine Bar

I am a local business owner and I run a restaurant called Hove Tandoori on Church Road, Hove. Me and my staff regularly go to Misty's after we have closed in order to relax and have a couple of drinks and talk about the day's events.

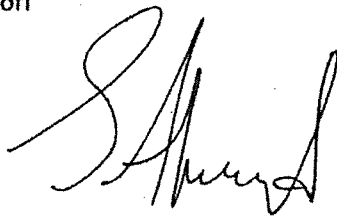
We have always found Misty's to be a nice friendly place with a lovely local community feel. Although we frequent this venue 2 - 3 times a week, we have never experienced any issues to speak of. All the staff are friendly and alert and always check that we are ok when we are in there.

Please treat this letter accordingly.

Yours faithfully

Shahed Ahmad - Proprietor

Hove Tandoori



Awarded the certificate  
for the Taj Good Curry  
Restaurant guide

Montefiore Fisheries

23 Montefiore Road

Hove

BN31RD

03 Feb 2017

Dear Sirs

Misty's Bar

I am the owner of Montefiore Fisheries. We are a fish and chips shop. We go to Misty's to have a drink or two after work and we enjoy it very much. It is open late enough to allow us to go there after work and relax together with friends.

We have never known of any problems there and have been using the place for over 2 years.

Please contact me if you want to discuss anything.

Best wishes

Montefiore Fisheries



5<sup>th</sup> February 2017

Dear Sir/Madame

Reference Misty's

I am the owner of a fish and chips shop on Portland Road in Hove. It is called Chip Basket. We often visit Misty's after we have finished cleaning and closing up processes.

We really enjoy going there as it is open late which means me and my colleagues can go there and relax together.

We have been going there for at least the past 8 years and have never witnessed any problems. The atmosphere is lovely and friendly.

Thank you for your attention.

Yours truly

Maged Safar

A handwritten signature in black ink, appearing to be 'Maged Safar', written in a cursive style.