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# **APPENDIX 1**

## **Review Application Form**

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## **Application for the review of a premises licence 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, *(insert name of applicant)*

Chief Inspector Emma Brice, Lewes and Wealden District  
Commander, for and on behalf of the Chief Constable of Sussex  
Police

**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**

The Bay Tree Inn  
Pelham Road

**Post Town**  
Seaford

**Post code (if known)**  
BN25 1EP

##### **Name of premises licence holder or club holding club premises certificate (if known)**

Mr. Steven Ralph Brumwell

##### **Number of premises licence or club premises certificate (if known)**

LN/2005/00920

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<b>Part 2 – Applicant details</b>	
I am,	
<b>Please mark X for yes</b>	
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
a) a person living in the vicinity of the premises	
b) a body representing persons living in the vicinity of the premises	
c) a person involved in business in the vicinity of the premises	
d) a body representing persons involved in business in the vicinity of the premises	
2) A responsible authority (please complete (C) below)	<b>X</b>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
<b>(A) DETAILS OF INDIVIDUAL APPLICANT</b> (fill in as applicable)	
<b>Please mark X for yes</b>	
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>
Miss <input type="checkbox"/>	Ms <input type="checkbox"/>
Other title (for example, Rev)	
<b>Surname</b>	<b>First names</b>
<div style="border: 1px solid black; height: 30px;"></div>	<div style="border: 1px solid black; height: 30px;"></div>
<b>Please mark X for yes</b>	
I am 18 years old or over	<input type="checkbox"/>
<b>Current postal address if different from premises address</b>	
<div style="border: 1px solid black; height: 60px;"></div>	
<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	

<b>(B) DETAILS OF OTHER APPLICANT</b>

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>Email address (if any)</b>

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT</b>
<b>Name and address:</b>  Chief Inspector Emma Brice Lewes Police Station 6 North Street Lewes BN7 2PA
<b>Telephone number (if any)</b> 101 Ext:564241
<b>(Email address (if any)</b>  Catherine.wolfe@sussex.pnn.police.uk

<b>This application to review relates to the following licensing objective(s)</b>	
	<b>Please mark X for yes (one or more boxes)</b>
1) the prevention of crime and disorder	X
2) public safety	X
3) the prevention of public nuisance	X
4) the protection of children from harm	<input type="checkbox"/>

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Sussex Police contend that the above three licensing objectives have been undermined by the carrying on of licensable and unlicensed licensable activities at The Bay Tree Inn.

During 2016 Sussex Police became increasingly concerned about the significant number of incidents connected with the premises, including fights and assaults resulting in varying degrees of injury. A recurring feature in the majority of the incidents was the drunkenness of customers. Sussex Police were also extremely concerned by the lack of control exercised by both the Premises Licence Holder (PLH) Mr Steven Brumwell and the Designated Premises Supervisor (DPS) Mr Glenn Burvill.

The significant indications of drugs use within the premises continues to be an issue, and appears to be on the increase. The most recent drug test results on 24<sup>th</sup> March being the highest reading taking in the premises, despite police feeding back to the premises management their findings.

Given the serious nature of the incidents occurring in connection with these premises, the majority of which were fuelled by drunkenness and the failure of the PLH and the DPS and staff to promote the licensing objectives, Sussex Police felt there was no alternative other than to submit an Application for a Review of the Premises Licence of the premises. A Review Application was submitted by Sussex Police on 31<sup>st</sup> August 2016 stating that the licensing objectives of a) Prevention of Crime and Disorder and b) Public Safety had been undermined by the management at the Bay Tree.

On Thursday 20<sup>th</sup> October 2016 there was a hearing before the licensing sub-committee resulting in the removal of the DPS Mr Glenn Burvill. Additionally, a warning was given to the PLH Mr Steven Brumwell in relation to the bad management of the premises and a number of conditions were attached to the Premises Licence. A copy of the review document dated 31<sup>st</sup> August 2016 and a copy of the licensing sub-committee's decision notice dated 24<sup>th</sup> October 2016 are attached to this document.

Since the Premises Licence Review Hearing in October 2016, incidents have continued to take place either in, or associated with, the premises. A significant incident of concern to police was the premises being open and undertaking licensable activity, without any door staff being present, on Friday 17<sup>th</sup> and Saturday 18<sup>th</sup> March 2017. This is a breach of condition 16 of the Premises Licence which was added by the sub-committee at the Review Hearing as a result of their concerns in relation to the safety of customers within the premises.

Sussex Police contend that it is necessary to submit a further Application for a Review of the Premises Licence due to the continued failure of the PLH, Mr Steven Brumwell and the new DPS, Mr. Robert Willis to promote the licensing objectives.

**Please provide as much information as possible to support the application (please read guidance note 2)**

The Bay Tree Inn is a licensed premises situated to the south west of Seaford town centre on the corner of Pelham Road and West Street. The main entrance in Pelham Road gives on to a small lobby with one step up to the door of the main, open plan bar; there is a second entrance in Pelham Road which is mainly used at weekends. There is a beer garden to the rear of the premises access being gained through the main bar although there is a gate leading from the beer garden on to West Street; the garden is also the premises' smoking area. There is staff accommodation above the premises. Mr Stephen Brumwell has been the Premises Licence Holder since 2006.

Permitted licensable activities are sale by retail of alcohol, recorded music, live music and the provision of late night refreshment. The current opening hours on Monday to Thursday are 09:00hrs – 00:30hrs, Friday and Saturday between 09:00hrs and 01:30hrs and on Sunday between 09:00hrs and 23:30hrs. The hours for the sale of alcohol on Monday to Thursday are 10:00hrs - midnight, Friday and Saturday between 10:00hrs and 01:00hrs and on Sunday 10:00hrs to 23:00hrs. There are a number of conditions on the Premises Licence, the majority of which were imposed as a result of October 2016 Review Hearing.

On Thursday 20<sup>th</sup> October 2016, following a Review Application which was submitted by Sussex Police on 31<sup>st</sup> August on the grounds of the Prevention of Crime and Disorder and Public Safety, there was a hearing before the licensing sub-committee. After hearing the evidence and the concerns from police in relation to the manner in which Mr Glenn Burvill ran the premises as the DPS, the Committee decided to remove Mr Burvill from this position. In addition, the Committee issued a warning to the PLH, Mr Steven Brumwell, and attached a number of conditions to the Premises Licence. Mr Robert Willis was present throughout the Review Hearing and was present when the decision of the Licensing Committee was read out.

On Tuesday 25<sup>th</sup> October 2016, Mr Glen Burvill was formally removed as DPS and replaced by Mr Robert Willis. Mr Willis had been working at the premises since approximately April 2016 in the role of bar staff. Despite the police and Committees concerns expressed at the Review Hearing in relation to Mr Burvill's poor management of the premises, Mr Brumwell, the PLH, permitted him to live above, and continue to manage, the premises. Mr Burvill continued to have interactions with the police, despite him having no legal status under the Licensing Act 2003, which acknowledges only the Designated Premises Supervisor and the Premises Licence Holder as the point of contact for police and other Responsible Authorities. On one occasion Mr Burvill rang PC Rush on Robert Willis's mobile phone and he was extremely rude and abusive to her including shouting and swearing. This conversation was overheard by other members of staff within the Police Licensing Office, where PC Rush was when the call was received.

On another occasion, when PC Rush and PC Wilkes attended the premises Mr Burvill was very aggressive and swore at them in front of the customers.

A search of Companies House on Wednesday 29<sup>th</sup> March 2017 indicated that Mr Burvill is the sole director of Bay Tree Pub Ltd. (Company number 10007858) appointed on Thursday 3<sup>rd</sup> March 2016; his occupation is listed as Pub Manager. Therefore his removal as DPS by the Licensing Committee has proved to be ineffectual as he maintains full control over the way in which the premises is run. Copies of the Companies House documents are contained within the evidence

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bundle.

Below is a chronology of occurrences relating to the premises subsequent to the October 2016 Premises Licence Review. This chronology includes police visits and interactions.

1. **On Sunday 23<sup>rd</sup> October 2016 at 01:27hrs** police received a call from a local resident reporting that the dispersal of patrons from The Bay Tree that evening had been "horrible" and "very disturbing". They said that people in the street were shouting and swearing, had been into the complainant's garden, kicked their bin and urinated. Police attended in response to the call, and PC Daniels has provided a statement as he was one of the Officers who attended the scene. Within his statement he describes 'a large group of approx. 7-10 people .....I would describe them all as intoxicated...' PC Daniels further describes 'signs of urination on the walls of the Bay Tree' and customers telling him they had been drinking at the Bay Tree. The customers were all intoxicated to such an extent that one drunken female lost her balance and fell into a puddle on the pavement. PC Daniels comments that there were no members of staff from the Bay Tree attempting to move the group on. He also states that the issues he was confronted with 'reminded me of the issues that we previously had at The Trek Club, once the doors are closed the staff believe it not to be there (sic) issue with stragglers hanging around causing ASB. I would expect to see security staff moving on customers rather than just going home and leaving police to deal with'. A copy of PC Daniels statement is contained within the evidence bundle.  
On Thursday 27<sup>th</sup> October 2016 at 15:00hrs PS CV146 Vokins contacted the complainant who told him that they had seen a group of about six people who had come round the corner from the front of the Bay Tree Inn. They heard lots of shouting and swearing coming from this group, saw some of them pushing each other and heard one of them shout, "I'm gonna glass your face" which was followed by the sound of a smash. They then saw officers running out of Seaford Police Station to deal with the disturbance. The complainant further stated that the music was loud and went on until at least 01:15hrs despite their sending several text messages to Mr Burvill about the noise, which were ignored. The agreement to send text messages, when the noise emanating from the premises was too loud, was made between the resident and Mr Burvill. The permitted hours for recorded music on Friday and Saturday are 09:00hrs to 01:00hrs. Further details of the conversation with the complainant are contained within PS Vokins statement.
2. **On Friday 28<sup>th</sup> October 2016 at 22:28hrs** police received a 999 call from a male believed to be one of the door staff reporting that a customer who had just left the premises had "staggered" down the road, got into his van and was sitting in the driver's seat with the engine and lights on. Police CCTV monitored the vehicle and saw the male leave the vehicle and walk away. However, a short while later CCTV saw the male go back to the vehicle and drive off. Despite an area search by police the vehicle was not located.
3. **On Sunday 30<sup>th</sup> October 2016 at 00:25hrs** police received a 999 call from a male who, it is believed was one of the door staff, reporting the presence of a violent, aggressive male who was shouting and screaming and was being pinned to the floor. The police call-taker could hear in the background a male making threats and a woman becoming verbally aggressive. Police CCTV observed a male detained on the ground by door staff. When officers attended they deemed the male to be drunk and had to facilitate him getting home in order to prevent a Breach of the Peace. On Tuesday 1<sup>st</sup> November 2016 PC Rush went to the premises to collect CCTV of the incident. When she viewed the footage she saw a male becoming aggressive in the premises and a number of customers trying to physically push him towards the front door. Neither the premises staff nor door staff were visible at this time. The CCTV



then showed the male being forcefully ejected by a door supervisor and Mr. Burvill. The ejection was conducted with such force that the male landed on his back. By this time a number of customers had come from the premises and gathered outside the front door. Mr. Willis was present, though he advised PC Rush subsequently he was not working, was seen attempting unsuccessfully to usher them back inside. Full details of this incident are contained within PC Rush's statement. This incident is an example of customer drunkenness and a lack of management control.

4. **On Friday 11<sup>th</sup> November 2016** a meeting was held at Seaford Police Station attended by PS Vokins, PC Rush, Licensing Officer (LO) Cathie Wolfe and the DPS Mr. Willis. Mr. Brumwell, the PLH, could not attend the meeting as he was in Thailand and not due to return for some weeks. However, as legislation states that the DPS is the person who is in day to day control of the premises and police were so concerned at the continued incidents taking place at the premises, the meeting went ahead. Only the Premises Licence Holder and the Designated Premises Supervisor have any 'status' under the Licensing Act 2003, and the inclusion of other members of staff at the Bay Tree at this meeting was therefore deemed not appropriate.

The purpose of the meeting was to talk to Mr. Willis about his new role as DPS and to raise concerns about three incidents (as above) associated with the premises, all involving customer drunkenness, which had taken place since the Review hearing, at which the issue of drunkenness was raised as the police's primary cause for concern. When the incident on Sunday 23<sup>rd</sup> October 2016 was discussed, Mr. Willis was asked about his dispersal plan for customers at the end of the evening. He said he did not know what this meant but explained that at closing time he started at the back of the bar encouraging people to leave, likening his actions to "herding cattle". He also said that he relied on door staff to move customers out of the premises. PC Rush listed a number of actions staff could take prior to the premises closing to assist in the quiet, calm dispersal of customers. Amongst these were; lowering the volume of the music and changing the genre, slowly increasing the lighting and using door staff to encourage customers to leave. Mr. Willis made a note of some of these good practice examples. Mr. Willis was aware of the identity of the local resident who had complained about this incident as they had sent text messages to staff on the night. In addition it was not the first time they had complained about the premises. He stated that he took the complaints with "a pinch of salt" and accused them of complaining about minor issues. PS Vokins pointed out that on this occasion the complaint of anti-social behaviour had been substantiated by police who had attended the scene due to the noise. It was suggested to Mr. Willis that as the new DPS he make contact with the resident and outline his plans for minimising noise and nuisance emanating from the premises. Police are not aware if this commitment was followed up.

Door staff were discussed and Mr. Willis expressed his dissatisfaction with the company currently supplying door staff. He stated that the door staff were both rude and unreliable. He was given names of other security companies should he wish to make a change, which he wrote down. To ensure Mr. Willis, as DPS, understood the premises licence and the conditions placed upon it, PS Vokins asked Mr. Willis what he would do if, on a particular occasion the security company could not provide door staff. Mr. Willis replied that he thought there was mention of exceptional circumstances but was unsure, in those circumstances, whether he would open or not. He was told to read his premises licence to ensure he was fully conversant with all the conditions. PS Vokins told him that any breach of the premises licence could lead to a prosecution and another Review Application being submitted.

The second incident on Friday 28<sup>th</sup> October 2016 was then discussed. Mr. Willis said that although he had not been working at the time he was aware of the incident. Driving with

excess alcohol was discussed including the fact that the subject of the incident had clearly been served whilst drunk. When asked where this incident and others had been recorded and what the premises licence condition was in relation to the recording of incidents, Mr. Willis did not know. The condition was explained to him in detail.

The third incident on Sunday 30<sup>th</sup> October 2016 was discussed and Mr. Willis agreed that door staff had not handled the issue well. It was pointed out to him that had the male not been drunk it was likely that the incident would not have taken place. When asked how and why the male was allowed to become drunk Mr. Willis could not answer.

Other matters relating to the premises management were discussed; these were how the Pubwatch system worked, high drug swab readings in the past and the rear doors to the premises being open after 23:30hrs in breach of one of the conditions on the premises licence. Although Mr. Willis commented on each issue his answers were not satisfactory indicating his lack of understanding of the conditions on the Premises Licence, for which he has day to day control. A copy of the minutes is contained within the evidence bundle.

5. **On Wednesday 16<sup>th</sup> November 2016** As part of an enquiry about a Pubwatch matter, PC Rush spoke to Mr. Willis. At 15:05hrs she received a phone call from Mr. Burvill who was angry and aggressive. He said, "This is a fucking piss take. You lot go round fucking accusing me of talking to people about Pubwatch." He went on to say, "And another thing, you can't fucking tell my staff what I can and can't do." When PC Rush asked him to calm down he replied, "No, I fucking won't calm down. I'm the fucking manager and you're telling Rob (Willis) to fucking tell me what to do. As he continued to shout and swear told him PC Rush told him she was not prepared to listen to him any longer and terminated the call. Full details of the conversation are contained within PC Rush's statement.
6. **On Sunday 20<sup>th</sup> November 2016 at 01:03hrs** Police received a 999 call from Mr. Burvill reporting that "someone has glassed someone" and that the suspect was still inside the premises. When officers attended they saw a member of door staff holding a female's arm in the air in an attempt to stop the bleeding from a cut on her hand. The officers established that both the male victim and the female suspect had independently been drinking in the premises all evening. The female had been kissing a number of male customers during the evening including the victim. It was later established that, due to her drunkenness the female had been refused service of alcohol around midnight but rather than being told to leave she was allowed to remain in the premises. During the intervening period between midnight and the incident, the female reportedly helped herself to other customers' drinks. When she tried to take the victim's drink he told her that she had had too much (alcohol) and should go home. In response she picked up a glass from the bar and hit him over the head with it causing cuts to his ear and neck. One of the officers observed that the female was clearly either highly intoxicated, had been taking illegal substances or both. As the victim did not wish to pursue the matter no further police action could be taken. Despite CCTV of the incident being requested by PC Rush it was never provided; Mr. Willis advised her that he had deleted the footage in error. This incident is another example of drunkenness being permitted in the premises by the management, a lack of cooperation with police by customers and a failure by the management / DPS to provide CCTV. This is a breach of the CCTV condition applied to the premises Licence by the Licensing Committee at the Review Hearing.
7. **On Tuesday 29<sup>th</sup> November 2016 at 15:32hrs** a local resident reported to police that at 23:00hrs the previous evening the caller had seen a group of drunken people outside the premises who for about twenty-five minutes were trying to get a drunken male into a car. One of the males was heard to tell the female driver to "Fuck Off". The caller further stated that at

23:15hrs the manager, who the caller named as 'Rob', "popped his head round the corner when locking the gates and saw one of the males staggering around carrying a glass of beer". He did not try to retrieve the glass and was even seen to shake hands with one of the males. This call was recorded on police systems as Anti-Social Behaviour by a rowdy, drunken group, however police were unable to attend.

8. **On Sunday 1<sup>st</sup> January 2017 at 02:58hrs** police received a call from a local resident reporting that customers in the premises garden were shouting, being rowdy and that loud music could be heard. The caller was advised to contact the Environmental Health Department of the Council, as they are the lead agency for such matters.

9. **On Monday 16<sup>th</sup> January 2016** police sent letters to both Mr. Willis and the PLH Mr. Brumwell expressing concern about the number of incidents at the premises since the October 2016 Review, and requested a meeting. The letter also noted breaches of the premises licence. Copies of the letters are contained within the evidence bundle.

10. **On Tuesday 31<sup>st</sup> January 2017** the meeting took place at Seaford Police Station attended by Mr. Brumwell, Mr. Willis, PS Vokins, PC Rush and LO Wolfe. Also present was Mr. Gavin Cooper, director of Apollo Security Group Ltd. who was both working at, and providing door staff to, the premises. The purpose of the meeting was to ensure that Mr. Brumwell was fully aware of the incidents that had taken place at the premises since the Review.

Prior to the meeting Mr. Brumwell had given prior notice that he would be recording the meeting as he stated that his recollection of a previous meeting with police had not been in accordance with minutes taken by police staff. In light of that police also recorded the meeting; a full transcript of the police recording is contained within the minutes.

The police concerns were outlined and the incidents since the Review were discussed in detail. The conditions on the premises licence were also discussed. It was pointed out by police that the drugs policy, part of condition 11 (i), had been neither been drawn up nor implemented. Mr. Willis was under the impression that a document submitted by Mr. Brumwell's solicitor prior to the Review was the drugs policy. This document consisted of a photograph of a notice displayed at the premises warning customers that they would be barred from the premises for life if they were caught with illegal substances and a few lines of instructions for staff should anyone be suspected of drug use.

When Sussex Police receive a drugs policy from a competently managed premises, it will usually contain specific details such as; the procedure staff must follow if drugs are seized from customers, when staff should call police, what staff should do if drugs are found on the premises, how and where the drugs seizures are recorded and where they are stored pending collection by police. The document submitted by Mr. Brumwell's solicitor contained none of these elements. Sussex Police licensing team provided a drugs policy template to Mr Willis to assist him.

(Note: On Monday 13<sup>th</sup> February 2017 Mr. Willis provided a copy of the premises drugs policy based on a template provided by Sussex Police)

Police made a number of suggestions regarding improving management procedures and Mr Cooper undertook to provide Mr Willis with a number of documents, such as door staff attendance sheets and incident sheets to assist with this. Throughout the meeting Mr. Cooper answered a considerably greater number of the questions and issues raised by the police than either Mr. Brumwell or Mr. Willis.

During the meeting, police were attempting to ascertain the level of involvement from the PLH, Mr Brumwell. When asked on what he would expect to be updated on he replied: "What I'm saying is if I'm told something, I know it". Mr Brumwell then said 'and if I'm not told something, I don't know it.' Sgt Vokins asked Mr Brumwell if he was aware of the incidents which had been discussed, he confirmed he was aware of the 'majority' of them. Mr Brumwell said he

thought things have improved and moved on. Sgt Vokins did not agree with this comment as there had been 3 incidents in 8 days following the review hearing. A full transcript of this meeting is included in the evidence bundle.

At the conclusion of the meeting all the attendees went to the premises where PC Rush and LO Wolfe took a number of Ion Track drug swabs from the gents toilets situated to the right hand side of the bar. The access door to the gents' toilets and the ladies upstairs was locked and Mr. Willis stated that they had not been used since New Year's Eve. On entering the gents toilets PS Vokins conducted a visual inspection of the overall area and recovered the following:- an empty drug 'deal bag' tucked inside the top of the radiator grill, one empty 'deal bag' in the toilet cistern in the cubicle and two empty 'deal bags' discarded in the urinal.

The results of the drug swabs were emailed to Mr Willis. The highest readings and therefore of serious concern are:

- Gents Urinal Ledge = Cocaine 5.58
- Gents Cubicle Cistern Lid = Cocaine 4.55
- Gents Cubicle Toilet Lid = Cocaine 3.98
- Gents Cubicle Toilet Roll Holder (top) = Cocaine 3.65

These high readings are of particular concern to police given that drug residue degrades over time and the toilets had been locked for 31 days.

PC Rush and LO Wolfe also took a number of drug swabs from the ladies and gents toilets situated on the left hand side of the bar adjacent to the beer garden. The results of these swabs are as follows:-

- Ladies Right Cubicle Toilet Roll Holder = Cocaine 4.44
- Ladies Hand Dryer (top) = Cocaine 3.55
- Ladies Left Cubicle Cistern Lid = Cocaine 3.73
- Gents hand Dryer (top) = Cocaine 4.79
- Gents Cubicle Toilet Roll Holder = Cocaine 4.58
- Gents Cubicle Cistern Lid = Cocaine 4.31

The Committee will note that of the above readings, many are higher than those previously taken and provided in the Review Application submitted on 31<sup>st</sup> August 2016.

GE Security, the Ion Trak Itemiser manufacturer, in their Technology Statement gives the following guidance about interpreting swab results:

- *Between 2 & 3 can be classed as a 'medium' response attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.*
- *Between 3 & 4 can be classed as 'high' that would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.*
- *Readings of 4 and above are estimated to relate to microgram amounts of contamination being transferred to the swab. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic.*

A copy of the full Technology Statement is contained within the evidence bundle.

**11. On Thursday 2<sup>nd</sup> February 2017** PC Rush and LO Wolfe returned to the premises to take some more drug swabs of the ladies toilets, again locked since 1<sup>st</sup> January 2016, and the bar area as they had been unable to complete this task two days previously. Both Mr. Willis and Mr. Burvill were present and the high drug readings from 31<sup>st</sup> January were discussed with them both. They were also both given a copy of the Ion Track Technology Detection Statement which explains drug readings in more detail. It was agreed that the toilets should be thoroughly cleaned after which more drug swabs would be taken in order to establish the severity of the problem.

The results of the swabs taken on 2<sup>nd</sup> February were again indicative of recent and direct contact with a drug as follows:-

Ladies toilets situated to the right hand side of the bar:

- Right Cubicle Toilet Seat = Cocaine 4.54
- Right Cubicle Window Ledge = Cocaine 3.42
- Right Cubicle Toilet Roll Holder (top) = Cocaine 3.30
- Right Cubicle Cistern Lid = Cocaine 3.01

Bar Area:

- Right Hand Side Fruit Machine = Cocaine 4.02
- Left Hand Side Fruit Machine = Cocaine 3.73
- Till Behind Bar = Cocaine 3.23

On Friday 3<sup>rd</sup> February 2017 at 08:00hrs LO Wolfe sent the swab results by email to Mr. Willis.

**12. On Sunday 5<sup>th</sup> February 2017** at 00:56hrs police officers witnessed a rowdy group of people leaving the Bay Tree. It was necessary for the officers to intervene due to two females being involved in an altercation inside the premises. They spoke to staff and the premises was closed by 01:17hrs

**13. On Sunday 5<sup>th</sup> February 2017 at 01:52hrs** police received an email from a local resident complaining about the noise coming from the garden at the premises. They stated that from 23:00hrs (approx. 3 hours before sending the email) there were groups of people talking loudly and drinking outside, the door to the garden was open and music was blaring. Conditions on the premises licence at 13(b) and (c) state, *Measures will be taken to ensure that any noise arising from the premises does not cause a public nuisance to premises in the vicinity. Such measures will include: Ensuring all windows and doors are kept shut during regulated entertainment.* The caller also said that at 01:30hrs there were two males in the garden drinking and talking loudly and stated noise nuisance caused by customers was commonplace and was not controlled by either the landlord or the manager. This situation was causing them stress and preventing them from sleeping.

**14. On Monday 6<sup>th</sup> February 2017 at 15:35hrs** LO Wolfe spoke to Mr. Willis about both matters as above. In relation to the rowdy group seen by police Mr. Willis stated that he had not been working at the time and therefore had no knowledge of the incident. With regard to the noise complaint Mr. Willis said that although he had not been working, he had been present in the premises socially and had stood at the door to the garden for ten minutes telling people to be quiet. Before the conversation ended he said that the thorough clean of the toilets was

complete and therefore it was arranged that PC Rush and LO Wolfe would visit the premises, to conduct further drug swabbing, on Wednesday 8<sup>th</sup> at 10:30hours

- 15. On Wednesday 8<sup>th</sup> February 2017 at 10:30hrs** PC Rush and LO Wolfe, went to the premises as arranged. However, the premises was locked and Mr. Willis was not present. There was no reply to repeated knocking on the door nor did Mr. Willis answer his phone. PC Rush then phoned Mr. Burvill who came and opened the door. He said the toilets to the right of the bar had been extensively cleaned; PC Rush and LO Wolfe drug swabbed the same areas as before. In spite of the apparent deep clean the results of the swabs still showed traces of cocaine, one of which was Cocaine 3.36 from the gents' cubicle toilet lid. As Mr. Willis was still not present both officers spent some time giving Mr. Burvill advice as to what would constitute a drugs policy. Mr. Willis then arrived and PC Rush repeated the advice that had already been given to Mr. Burvill.
- 16. On Thursday 9<sup>th</sup> February 2017 at 12:30hrs** PC Rush received an email from the person who had made the noise complaint on Sunday 5<sup>th</sup> February 2017. The email commenced with an overview of incidents of noise and nuisance coming from the premises since the Review in October 2016. In particular, loud music up until 01:00hrs on Saturday nights and the detrimental effect this was having. The email went on to describe what had happened over the weekend of 4<sup>th</sup>/5<sup>th</sup> February when the music had been 'thumping out' since about 21:00hrs. The complainant had sent a number of text messages to the Bay Tree staff but received no reply. The email concluded with some observations about the premises management. A copy of this email is contained within the evidence bundle.
- 17. On Friday 17<sup>th</sup> March 2017 at 20:01hrs** the police call centre received a call from Mr. Willis stating that he was the manager of The Bay Tree Inn and had been told to notify police if there were no security. He told the call handler that he could not see anything on his premises licence that said there had to be security but he 'suspected it was a condition' so was notifying police. Condition 16 on the premises licence, issued on Thursday 10<sup>th</sup> November 2016, following the Review Hearing states, '*SIA registered door staff will be employed at the premises from 2100hrs until half an hour after the premises has closed on Friday's and Saturday's...*' At the time of the call, and until midnight that night, PC Rush and Licensing Officer Wolfe were working and received no call from Mr. Willis on their mobile phones. This condition had been highlighted during meetings at which Mr. Willis was present, including face to face police meetings and the Review Hearing.
- 18. On Monday 20<sup>th</sup> March 2017** PC Rush became aware of the call made by Mr. Willis in relation to door staff. At 09:40hrs she telephoned Mr. Cooper at Apollo Security, the company who were supplying SIA registered door staff to the premises, and asked him why there were no door staff on duty over the previous weekend. He told PC Rush that his company were no longer providing door staff to The Bay Tree and had terminated their contract. The reason he gave was that his company had not been paid and he had on-going concerns and issues regarding the Bay Tree's clientele. He also told PC Rush that if he continued to honour his service agreement the venue's reputation could have an adverse effect on his company. He said that he had visited the premises on the previous Monday (13<sup>th</sup> March 2017) and had given a contract termination letter to Mr. Burvill's partner. When asked who was responsible for paying him he said, "Glenn" (Burvill). Mr Cooper has provided a copy of the termination letter which is contained within the evidence bundle.
- At 09:57hrs the same day PC Rush spoke to Mr. Willis and asked him why there were no door staff employed at the premises on the evenings of Friday 17<sup>th</sup> and Saturday 18<sup>th</sup> March. He said that the Security company had let them down, though admitted that he knew on Tuesday 14<sup>th</sup> or Wednesday 15<sup>th</sup> Apollo Security would not be supplying any more door staff. He also



confirmed that the premises had been open and selling alcohol after 21:00hrs on both the Friday and Saturday nights despite having no door staff. PC Rush told him that the Premises Licence clearly states when door staff should be present at the premises and therefore this condition had been breached and he had committed an offence under S.136 of the Licensing Act 2003. When asked whether he had approached other security companies to try and obtain door staff he said that he had not. He did say however that he had met someone at a trade fair recently who he thought had a company in Eastbourne and was going to "give them a go".

**19. On Wednesday 22<sup>nd</sup> March 2017 at 13:29hrs** PC Rush and PC Wilkes went to the Bay Tree for a pre-arranged meeting with Mr Willis. Mr. Willis also was aware that police required CCTV footage from the weekend 17<sup>th</sup>/18<sup>th</sup> March. PC Rush cautioned Mr. Willis, to which he made no reply, and told him that she was investigating an offence under the Licensing act 2003. He said "You know I may be the DPS but I'm not in charge of the premises". As he wanted legal advice the interview did not continue. Mr. Willis could not produce a copy of the current Premises Licence issued on 10<sup>th</sup> November 2016 but did have one dated 25<sup>th</sup> October 2016 showing him to be the DPS; this licence did not have the conditions imposed by the licensing sub-committee at the Review. He did produce a sheet of paper containing the post Review conditions which he said had been given to him by Mr. Brumwell after the weekend of 17<sup>th</sup>/18<sup>th</sup> March 2017. He also said he had not been given a copy of the full licence. Mr Willis did produce a number of till receipts for that weekend which showed that alcohol had been sold from 21:00hrs to closing time on both nights. When asked for CCTV for those nights Mr. Willis said he could not provide it because the USB, although unused, had insufficient memory. He agreed that the officers could view the CCTV and that he would download it when he had a new USB.

Mr. Burvill then entered the premises and almost immediately started to shout and swear at the Officers, accusing them of lying and "stitching us up like you did with the swabs". The officers viewed the CCTV which confirmed both the sale of alcohol and the absence of door staff during the time that door staff should be employed at the premises. Whilst at the premises a male walked down the stairs situated at the back of the premises behind the bar. Mr. Willis asked the male "Is Steve up there then?" Mr. Willis asked the officers if he should go and speak to Mr. Brumwell. Officers agreed he should, and he went upstairs returning a short while later. The officers asked him if Mr. Brumwell was coming down to speak to them Mr. Willis said that he had just left, and had told him that, "he would deal with it when it reached him." If Mr Brumwell had taken this opportunity to speak with them it would have demonstrated his level of commitment to his responsibilities as the Premises Licence Holder. Full details of this visit are contained within PC Rush's statement.

The Licensing Act 2003 puts responsibility / a duty on the Premises Licence Holder to ensure those persons using the premises has a copy of the Premises Licence, as below. This duty under legislation has not been fulfilled by the Premises Licence Holder, Mr Brumwell.

**a. Section 135 of the Licensing Act 2003 states: '*Licence Holder's duty to produce licence*'**

*(1) This section applies where the holder of a personal licence is on premises to make or authorise the supply of alcohol, and such supplies -*

- 1. Are authorised by a premises licence in respect of those premises, or*
- 2. Are a permitted temporary activity on the premises by virtue of a temporary event notice given under Part 5 in respect of which he is the premises user.*

**20. On Friday 24<sup>th</sup> March 2017 at 21:18hrs** PC Rush and PC Wilkes went to the premises to check whether there were any door staff. Two males, both displaying their SIA licences, were

present. When spoken to, both males stated they were self-employed and had been hired by "Rob" who was paying them cash in hand. PC Rush then spoke to Mr. Willis, who was off-duty but present in the bar, and asked him whether he personally held an SIA licence. When he replied that he did not, PC Rush told him that the Security Industry Authority specifies that no one should employ door staff without having an SIA licence themselves. When asked who had employed the door staff Mr. Willis replied that it had been both Mr. Burvill and himself. PC Rush told him that Mr. Burvill was aware of the requirement to hold an SIA licence before employing Door Staff because, when he was DPS, he had employed door staff directly without an SIA licence and had been told by police that he could not do this.

As previously agreed with Mr. Willis both officers then went to the toilets and took some more drug swabs. As they were leaving the premises Mr. Burvill who was working behind the bar, called PC Rush over. He asked whether she was planning on taking drug swabs from other premises that evening and when she replied that she was, he became aggressive and threatening saying, "You better fucking had be, because I'll find out and if you haven't I'll fucking do you for harassment." This was said in front of a number of customers. Not wishing to become involved in an argument with Mr. Burvill, PC Rush started to walk away. As she did so Mr. Burvill said, "Don't fucking walk away from me." Both the officers did leave the premises as it was becoming likely that Mr Burvill would be arrested to stop his aggressive behaviour escalating to a public order offence, which would possibly involve customers within the Bay Tree. The Officers felt compelled to walk away to prevent a breach of the peace occurring.

The results of the drug swabs are as follows:-

- Gents' Toilet Cubicle (Surfaces) = Cocaine 5.62
- Gents' Hand Dryer (top) = Cocaine 5.08
- Gents' Cistern Lid = Cocaine 4.82
  
- Ladies Left Cubicle (Surfaces) = Cocaine 6.04
- Ladies Right Cubicle (Surfaces) = Cocaine 5.92
- Ladies Basin Edges and Hand Dryer (top) = Cocaine 4.65

The above contain readings which are higher than previous reading taken within the premises.

**21. On Saturday 25<sup>th</sup> March 2017 at 22:30hrs** PC Wilkes visited the Bay Tree again to check the employment status of door staff at the premises. There were two door staff at the premises, one standing by the entrance door and the other inside. PC Wilkes spoke to the male on the door and took his details including his SIA licence which was displayed in an armband. He stated that he was not employed by a security company, that a friend, whose first name he gave and who was one of the door staff present at the premises the previous evening, had asked him to cover for the night and that he was being paid in cash. He had not been told what his duties were nor did he know anything about the premises. PC Wilkes then spoke to the second door supervisor. He told PC Wilkes which security company he usually worked for and where, adding that he was not employed by them to work at the Bay Tree nor would they be aware he was doing this. Subsequent enquiries revealed all that he had told PC Wilkes was untrue. He was wearing an arm band, but instead of an SIA licence being displayed there was a piece of paper with what appeared to be an SIA licence number written on it. When questioned about this the male told PC Wilkes that his licence was soon up for renewal and therefore he had sent it back to the SIA so that he could be issued with a new one. PC Wilkes took the male's personal details and wrote the number down; when he later checked the SIA register of licence holders, no results were found. Subsequent enquiries of the SIA revealed that the male had never been registered with them.

It is incumbent on any premises management who are employing persons who purport to be



SIA licence holders to check their status, and satisfy themselves the person is properly licensed to ensure they comply with any premises licence condition. It is an offence under Section 5(1) of the Private Security Industry Act 2001 to '*employ unlicensed persons in licensable conduct.*' Additionally, as it is a mandatory premises licence condition that any security employed must be SIA licensed, employing unlicensed door staff constitutes a breach of the premises licence condition and a contravention of S136 of the Licensing Act 2003.

**22. On Tuesday 28<sup>th</sup> March 2017 at 11:00hrs** PC Rush accompanied by PC M Theelke formally interviewed Mr. Willis in the presence of a solicitor regarding the S.136 of the Licensing Act 2003 offence that took place on Friday 17<sup>th</sup> and Saturday 18<sup>th</sup> March 2017 of undertaking licensable activity after 2100 hours without SIA Door Supervisors being present. At the end of the interview Mr. Willis was reported for the offence.

**23. On Friday 31<sup>st</sup> March 2017 at 18:18hrs** PC Rush telephoned Mr. Willis to enquire whether door staff would be present at the premises over the weekend. He said that he had not been able to find a company to provide door staff and therefore the premises would be closing at 21:00hrs. In order to assist with identifying the male who does not hold an SIA licence PC Rush asked Mr. Willis to provide police with a description of the male. She also asked for CCTV from that evening. Initially he refused stating that every time he had to provide a USB "it cost him in memory sticks". He then agreed that he would provide some footage containing images of the male and in addition would send a screen shot to LO Wolfe. Neither of which have been provided. When PC Rush and LO Wolfe drove past the premises at 21:19hrs the same night, it was closed.

Sussex Police have very significant concerns at the way in which these premises have been, and continue to be, managed. The Premises Licence Holder, Mr Brumwell, appears to be attempting to absolve himself from any responsibility in relation to the premises. Previous steps taken by the Licensing Committee in an attempt to rectify the situation, specifically, the removal of the previous DPS, Mr Glenn Burvill have proven ineffective as, with the full knowledge and permission of the Premises Licence Holder, Mr Brumwell, he continues to play a full and active role in running the premises.

Mr Brumwell has not made any contact with police for an update on any incidents of concern or to ascertain whether the premises were being managed properly and that there had been no recurrence of the issues raised on the 31<sup>st</sup> January, 2017

At the Review Hearing the Committee issued a warning in relation to the management of the premises, which has gone unheeded. Sussex Police have no faith in the ability or willingness of the Premises Licence Holder, Mr Brumwell, nor in the existing DPS, Mr Robert Willis to promote the Licensing Objectives, as required under the Licensing Act 2003.

On contemplating the options, Sussex Police considered requesting the Committee remove the current DPS, Mr Willis, however the guidance issued in S182 of the Licensing Act 2003, S182 Guidance, in which paragraph 11.22 makes the following observation;

*'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 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.'*

At paragraph 11.18 the S182 Guidance also states;

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*'However, where responsible authorities such as the police or environmental health officers have already issued warning 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. ....'*

Under the circumstances, taking into consideration the Secretary of States' S182 Guidance as above, Sussex Police contend it would be ineffective to remove the DPS, and the imposition of further Premises Licence Conditions would also be futile as some of the existing ones have been ignored, including those imposed at the previous hearing.

Therefore, Sussex Police assert it is both proportionate and appropriate to request the Licensing Committee seriously consider revoking the Premises Licence of the Bay Tree.

**Please mark X for yes**

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

**X**

If yes please state the date of that application

3 1 / 0 8 / 2 0 1 6

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

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**Please mark X for 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 **X**
- I understand that if I do not comply with the above requirements my application will be rejected **X**

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

*Sam Iwing*

Date: 20<sup>th</sup> April, 2017

**Capacity:**

Head of Licensing & Public Safety,  
in the absence of the District Commander Chief Inspector Brice

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

Ms Cathie Wolfe  
Bexhill Police Station  
Terminus Road  
Bexhill-on-Sea  
East Sussex  
TN39 3NR

**Post town**

**Post code**

**Telephone number (if any)**

101: Ext 564241

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**



## **Application for the review of a premises licence 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, <i>(insert name of applicant)</i>	Chief Inspector Robert Leet, Lewes and Wealden District Commander, for and on behalf of the Chief Constable of Sussex Police
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**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**

The Bay Tree Inn  
Pelham Road

**Post Town**  
Seaford

**Post code (if known)**  
BN25 1EP

##### **Name of premises licence holder or club holding club premises certificate (if known)**

Mr. Steven Ralph Brumwell

##### **Number of premises licence or club premises certificate (if known)**

LN/2005/00920

<b>Part 2 – Applicant details</b>	
I am,	
<b>Please mark X for yes</b>	
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
a) a person living in the vicinity of the premises	
b) a body representing persons living in the vicinity of the premises	
c) a person involved in business in the vicinity of the premises	
d) a body representing persons involved in business in the vicinity of the premises	
2) A responsible authority (please complete (C) below)	X <input type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
<b>(A) DETAILS OF INDIVIDUAL APPLICANT</b> (fill in as applicable)	
<b>Please mark X for yes</b>	
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>
Miss <input type="checkbox"/>	Ms <input type="checkbox"/>
Other title (for example, Rev) <input style="width: 100px;" type="text"/>	
<b>Surname</b>	<b>First names</b>
<input style="width: 350px;" type="text"/>	<input style="width: 350px;" type="text"/>
<b>Please mark X for yes</b>	
I am 18 years old or over	<input type="checkbox"/>
<b>Current postal address if different from premises address</b>	<input style="height: 50px;" type="text"/>
<b>Daytime contact telephone number</b>	<input style="width: 500px;" type="text"/>
<b>E-mail address (optional)</b>	<input style="width: 500px;" type="text"/>

<b>(B) DETAILS OF OTHER APPLICANT</b>

<b>Name and address</b>
<b>Telephone number (if any)</b>
<b>Email address (if any)</b>

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT</b>
<b>Name and address:</b>  Chief Inspector Robert Leet Lewes Police Station 6 North Street Lewes BN7 2PA
<b>Telephone number (if any)</b> 101 Ext:564241
<b>(Email address (if any)</b>  Catherine.wolfe@sussex.pnn.police.uk

<b>This application to review relates to the following licensing objective(s)</b>	
	<b>Please mark X for yes (one or more boxes)</b>
1) the prevention of crime and disorder	X
2) public safety	X
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 1)**

Sussex Police contend that the above two licensing objectives have been undermined by the carrying on of licensable activities at The Bay Tree Inn.

Since March 2016 there have been a significant number of incidents connected with the premises, including fights and assaults resulting in varying degrees of injury. A recurring feature in the majority of the incidents is the drunkenness of customers. Sussex Police are extremely concerned by the lack of control exercised by both the Premises Licence Holder (PLH) Mr Steven Brumwell and the Designated Premises Supervisor (DPS) Mr. Glenn Burvill.

Given the serious nature of the incidents occurring in connection with these premises, the majority of which are fuelled by drunkenness, and the failure of the PLH and the DPS and staff to promote the licensing objectives, despite numerous interventions by police, Sussex Police have no alternative but to submit this Application for a Review of the Premises Licence to ensure the necessary changes are made at the premises to keep people safe.

**Please provide as much information as possible to support the application (please read guidance note 2)**

The Bay Tree Inn is a licensed premises situated to the south west of the town centre on the corner of Pelham Road and West Street. The main entrance in Pelham Road gives on to a small lobby with one step up to the door of the main, open plan bar; there is a second entrance in Pelham Road but this is rarely used. There is a beer garden to the rear of the premises access being gained through the main bar although there is a gate leading from the beer garden on to West Street; the garden is also the premises' smoking area. There is staff accommodation above the premises. Mr Stephen Brumwell has been the Premises Licence Holder since 2006.

Permitted licensable activities are sale by retail of alcohol, recorded music, live music and the provision of late night refreshment. The current opening hours on Monday to Thursday are 09:00hrs – 00:30hrs, Friday and Saturday between 09:00hrs and 01:30hrs and on Sunday between 09:00hrs and 23:30hrs. The hours for the sale of alcohol on Monday to Thursday are 10:00hrs -midnight, Friday and Saturday between 10:00hrs and 01:00hrs and on Sunday 10:00hrs to 23:00hrs. There are a number of conditions relating to the public safety and prevention of public nuisance licensing objectives but only four basic conditions relating to the prevention of crime and disorder objective.



On 29<sup>th</sup> August 2013 Mr. E\*\*\*\* R\*\*\*\*\*, an experienced licensee, having previously run public houses in Sussex, was appointed Designated Premises Supervisor (DPS). During the two years and 5 months that he was in charge of the premises there were seven incidents requiring police attention.

On Monday 29<sup>th</sup> February 2016 Mr Glenn Burvill was appointed Designated Premises Supervisor (DPS) taking over the premises in that capacity on Tuesday 1<sup>st</sup> March 2016

On Friday 4<sup>th</sup> March 2016 a Lewes District Council Licensing Officer visited The Bay Tree Inn. The officer gave the new Mr Burvill a copy of the premises licence and went through it in detail with him.

Below is a chronology of events relating to the premises:

1. On Monday 14<sup>th</sup> March 2016 at 22:58hrs police received a call from a male reporting that he had been assaulted by another male inside the premises; no call was made to police by staff. On officers arrival they saw the complainant who was extremely drunk propped up against the bar. At first he was unco-operative but when asked what happened he stated that when another customer had put some music on the jukebox he had asked him, "Why are you putting that Nigger music on?" The male took exception to this, responding by punching him in the face which knocked him to the floor where the male then kicked his head. When Police challenged the victim about the racist comment he and two of the bar staff seemed bewildered that the 'N' word was racially abusive. One of the bar staff, C\*\*\*\*\* B\*\*\*\*\* (CB) who is believed to be the partner of the DPS Mr. Burvill, was initially happy to provide a statement but once the male's comment had been challenged all those present became reluctant to say anymore. The victim was too drunk to give a statement and told officers he had drunk "a lot". He was told that he would need to be interviewed for a Racially Aggravated Public Order offence; due to his intoxication officers were not able to interview him at that time. Officers later stated that he was aggressive and wanted the warrant number of the attending officer, which was provided. He was told that he would be contacted when he was sober. Despite phone calls and letters to him he did not contact police. Therefore both the assault and the Public Order offence were filed undetected. At the time of this incident the suspect for the assault was on a Pubwatch Ban as he had previously threatened a DPS at another premises in Seaford with a claw hammer. This incident is an example of drunkenness and drunks being permitted within the premises, a lack of management control, a lack of cooperation with police from both staff and customers and a failure to adhere to a Pubwatch ban. It is understood that the previous DPS had made the new management aware of all the Pubwatch banning notices and the importance of ensuring persons banned by Pubwatch do not enter premises which are a part of the scheme.
2. On Friday 8<sup>th</sup> April 2016 at 17:00hrs PC Rush attended the premises to conduct a licensing check and to discuss police concerns about the incident on Monday 14<sup>th</sup> March 2016 (1). As the DPS was not present PC Rush spoke to CB who had been in the bar at the time of the incident. CB stated that they had "got their fingers burnt". She told PC Rush that she knew the suspect (for the assault) and because of that thought he would behave himself if she let him in. She also stated that both she and the DPS were aware that the suspect was banned from member premises under the Seaford Pubwatch scheme. Notwithstanding that she said she felt he could be allowed entry. She further stated that the DPS would be joining Pubwatch as soon as possible. (In order to join Seaford Pubwatch an application has to be made by the person wishing to join, generally the DPS, and a membership fee paid. Once the application is processed the new member will receive a password so that they can access the Seaford Pubwatch scheme online). At the time of this visit the DPS had not joined Pubwatch, despite

the following being a condition on the licence: *'Join local Pubwatch scheme'*. PC Rush told CB that police officers found staff unhelpful on the night of the incident and expressed concern about the victim's drunkenness and lack of support for police enquiries by both customers and staff.

3. On Friday 29th April 2016 at 19:00hrs PC Rush conducted a licensing visit at the premises. The DPS Mr. Burvill was present and during the course of conversation he stated that it was his intention to continue holding DJ events. Historical noise issues were discussed and PC Rush suggested that Mr. Burvill contact Lewes District Council's Environmental Department for advice. He said he would, and in particular would seek advice in relation to installing noise limiters. PC Rush asked Mr. Burvill what steps he had taken to join Seaford Pubwatch; he said he had missed the last meeting (Thursday 7<sup>th</sup> April 2016) but wanted to join and start attending.
4. On Sunday 1<sup>st</sup> May 2016 at 01:19hrs police received a call from Sussex Ambulance Service reporting their attendance to a male who had been glassed in the face at the Bay Tree Inn, the call to them having been made by a staff member at the premises. On Officers arrival there were a few customers in the bar, none of whom claimed to have witnessed the incident which took place in the beer garden. The victim who was drunk, was identified to Officers who saw a substantial swelling on his right eye socket and a large amount of dried blood on his face but no obvious cuts. He was extremely uncooperative towards police and paramedics, refusing both treatment and any details of what had happened other than to state that he had fallen over and had not been assaulted. The beer garden had been cleaned up by staff prior to officers' arrival and although the premises CCTV covered that area neither the DPS nor staff knew how to use the system as they advised officers it was password protected and they were not in possession of the code. When the staff member who called for an ambulance was spoken to by police she said that although she did not witness anything she had heard a disturbance, seen a smashed glass and assumed, from the blood on the victim's face, that he had been hit with it. As the victim did not have injuries consistent with being hit in the face with a glass, the officers concluded that he had been in a fight during which a glass had been broken. Repeated attempts by police to obtain CCTV footage from the premises were unsuccessful and as the victim was unwilling to support a prosecution the matter was filed undetected. Of note is that staff did not call police to report the incident, they cleared up a potential crime scene prior to officers' arrival and the victim who was drunk was, at the time of the incident, the subject of a Pubwatch ban. This incident is another example of drunkenness being permitted in the premises by the management, a lack of cooperation with police by both customers and staff and a failure by the DPS to work with police and provide CCTV of a potentially serious incident and also failure to support a Pubwatch ban.
5. On Friday 6<sup>th</sup> May 2016 at 10:00hrs a meeting was held at Seaford Police Station attended by PS Vokins, PC Rush and the DPS Mr. Burvill. The purpose of the meeting was to discuss the police concerns following the two serious incidents at the premises on 14<sup>th</sup> March and 1<sup>st</sup> May 2016. These concerns included, the inadequate CCTV condition on the premises licence and the staffs' inability to access the system, the condition relating to Pubwatch that was not being complied with, and to clearly outline the law in relation to serving drunks and permitting drunkenness, the lack of staff training, what the process was for banning troublesome customers, not admitting people who were drunk, refusal of sales of alcohol to anyone who appears to be under 25 years and the problems which arise from the use of glassware in the outside areas. The police suggested a number of measures that should be implemented at the premises, which would help prevent incidents of drunkenness and violence at the premises. These included the DPS learning how to use the CCTV system, making sure incidents could be viewed and recorded, to have incident and refusals books at the premises

that should be completed along with the day, date and time of any incident/refusal as well as the outcome, to join Seaford Pubwatch, to complete thorough and regular recorded toilet checks in relation to the misuse of drugs, to have regular recorded staff training and for written authorisations to be completed by Mr. Burvill for each member of staff. In addition it was pointed out that as the DPS, he should read the premises licence ensuring that he was fully aware of all that was contained therein. Applying for a Minor Variation to the premises licence to amend and add conditions was also discussed as was the suspect for the assault on 14<sup>th</sup> March 2016. When Mr. Burvill was asked whether he knew the suspect he confirmed that he did and said that he thought the male was the subject of a Pubwatch ban at the time of the incident. When asked why the male was allowed into the premises Mr. Burvill replied that, "he wanted to give him a chance". At the conclusion of the meeting Mr. Burvill stated that he was willing to carry out all that the police had asked for. He also said that he would investigate the possibility of employing SIA registered door staff. PC Rush said she would visit the premises in a week to see what progress he had made. Notes of this meeting are contained within the evidence bundle and referred to in PC Rush's statement (2).

6. On Monday 9<sup>th</sup> May 2016 PC Rush sent a letter to Mr. Burvill setting out the police expectations and giving him one week to carry out the agreed actions. A copy of this letter is contained within the evidence bundle. She also sent him a pack containing Challenge 25 Posters, a Crime Scene Management Booklet, an alcohol unit calculator, a licensing questionnaire and answer sheet for staff training, a 'Mates in a State' Poster, a Euro 2016 advice letter, some evidence bags for items seized at the premises e.g. drugs and 'No Drink/Drug Driving' Posters. A copy of the letter is contained within the evidence bundle.
7. On Wednesday 11<sup>th</sup> May 2016 a letter was sent to the Premises Licence Holder (PLH) Mr. Stephen Brumwell informing him of police concerns relating to the way his premises was being managed, the recent meeting with his DPS and requesting that he submit a Minor Variation application to substitute the current CCTV condition on his premises licence, 'CCTV installed on premises' with the following:-

*Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, (PSDB Publication 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.*

- *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
- *CCTV footage will be stored for a minimum of 28 days*
- *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
- *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
- *Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.*
- *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*

A copy of this letter is contained within the evidence bundle.

8. On Friday 13<sup>th</sup> May 2016 at 17:00hrs PC Rush attended the premises as arranged at the meeting the week before. There was one member of staff behind the bar and the DPS was not present. PC Rush returned to the premises at around 19:10hrs. Staff members F\*\*\*\* R\*\*\*\*\* and R\*\* W\*\*\*\*\* were behind the bar along with the DPS Mr. Burvill and CB. PC Rush went through the letter dated 9<sup>th</sup> May with the DPS to ascertain which actions had been carried out. The CCTV system was working, covered the premises both inside and out and PC Rush was told that Mr. Burvill, CB and the manager R\*\* W\*\*\*\*\* were able to use the system. There were problems with two cameras in the beer garden, one because it had been affected by the sun and was slightly cloudy and the second due to its position; people could reach it to turn it round. Mr. Burvill said a technician was due to replace the cover on the first camera and that he wanted to have a cage put round the second camera in order to make it tamper proof. He also said he wanted to be able to stream the images to his flat above the premises. With regard to joining Seaford Pubwatch he said he had left a voicemail message for the Chair but had not yet had a reply. PC Rush gave him details of the Pubwatch online website and told him to do as much as he could to join and attend. Refusals, incidents and toilet checks were recorded on two pads of lined A4 paper which were behind the bar; there were some entries but little detail. He had one incident recorded, a refusal to serve a female whom he thought had had 'too much'. Mr. Burvill had written authorisations to sell alcohol for all staff. With regard to the employment of door staff, he was still considering the option. He also said that he had not had time to bring all his staff together to train them, however he had put up the posters PC Rush had sent him.
9. On Sunday 15<sup>th</sup> May 2016 at 02:12hrs Police received a call from a person at a residential address in Seaford who reported seeing a neighbour assaulting his partner about 30 minutes earlier and further stated that they were both in their home but the male could be heard being aggressive. When Officers attended and spoke to the couple individually it transpired that during the evening of Saturday 14<sup>th</sup> May they had consumed a bottle of red wine between them before going to The Bay Tree Inn. On leaving the premises they took a taxi home and during the journey the female struck up a conversation with the driver whom she knew. Her partner took exception to this becoming abusive and aggressive, behaviour that continued once they arrived at the female's home. She was extremely drunk, making mistakes when giving her personal details to Police. The male who was also extremely drunk was arrested for Common Assault and later given a Simple Caution for Assault by Beating. This incident is example of the extreme drunkenness of customers who had been served alcohol in the Bay Tree Inn.
10. On Friday 20<sup>th</sup> May 2016 at 20:30hrs PC Rush went to the premises and as the DPS was not present she spoke to the manager R\*\*\* W\*\*\*\*\*. She asked him about a recent incident at the premises but he said he had no knowledge of it. PC Rush then reminded him that serving alcohol to people who are drunk is an offence and told him to be aware of customers levels of intoxication and excess noise music as the evening progressed.
11. On Saturday 28<sup>th</sup> May 2016 at 01:10hrs Police received a call from Sussex Ambulance reporting their attendance at the premises to a 20 year old male who had been assaulted and sustained a head injury. Officers driving to the incident saw ambulance paramedics with a male in Dane Road, outside The Shore Bar. They stopped and spoke to the male who had facial injuries and blood on his clothing. He refused to go to hospital or be treated by paramedics despite theirs and the officers' best efforts. He also refused to provide his details to police but one of the attending officers knew the male and was therefore able to confirm his identity. The male was extremely drunk, hard to understand and his behaviour was erratic.

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After much effort, due to his drunkenness, he was able to tell the officers that he had been drinking in The Bay Tree Inn but could not identify who had assaulted him and was not willing to divulge the circumstances of the incident. Due to his extreme drunkenness the officers deemed him unfit to be left in a public place so took him home. Later that day an officer phoned the male who stated he had no idea how or why he had incurred his injuries though he did say that he thought the altercation might have had something to do with a pouch of tobacco. He suspected that another customer in The Bay Tree Inn was trying to 'fleece him' and when he challenged him the male punched him. On Monday 20<sup>th</sup> June 2016 PC Rush contacted the person who had called the ambulance who confirmed that the male was assaulted inside the Bay Tree Inn before being pushed and shoved outside though he was not willing to provide a statement. The victim could not recall the incident with any clarity and refused to support any police action. In addition, there were no witnesses and therefore the matter was filed undetected. Of note: the victim's Pubwatch ban for drunken aggressive behaviour in The Bay Tree and other premises in Seaford had only recently expired. This incident is another example of staff and management serving drunks and permitting drunkenness in the premises, a failure by premises staff to call police at the time of the incident and a lack of management control.

12. On Sunday 5<sup>th</sup> June 2016 at 19:05hrs police received a call from a female reporting that her 17 year old daughter had been assaulted in the premises during the previous evening. The circumstances described by the victim were that she had gone to the premises at about 21:30hrs with a female friend having consumed a glass or two of wine at her friend's house, which she said made her feel 'tipsy', before they went out. Once inside the premises she saw an older female who she knew slightly who was pointing at her and making comments to her group of friends. Later in the evening whilst outside in the smoking area she approached the older female and asked her about her behaviour. The female was verbally hostile towards her before grabbing her round her neck. The victim managed to pull away and an abusive, verbal confrontation between the two females ensued culminating in the older female scratching the victim's face so hard that blood was drawn. The DPS appeared and asked the victim if she had any ID. When she said she had not but had not been drinking in the premises, she was told to leave. The victim stated that she was bleeding but staff did not offer to assist her or call the police. This incident is another example of violent behaviour in the premises and a failure by either the DPS or staff to notify police. This is also an example of the staff and management not protecting vulnerable people, i.e. a 17 year old, and ejecting them from the premises rather than checking on their welfare.
13. On Tuesday 7<sup>th</sup> June 2016 at 13:10hrs PC Rush sent Mr. Burvill a text message requesting CCTV for the incidents on Sunday 15<sup>th</sup> May (9), Saturday 28<sup>th</sup> May (11) and Sunday 5<sup>th</sup> June 2016 (12).
14. On Wednesday 8<sup>th</sup> June 2016 at 13:20hrs the Premises Licence Holder Mr. Brumwell called police on 101 responding to a message left on his voicemail by PS Vokins earlier that day regarding the letter written to Mr. Brumwell on 11<sup>th</sup> May 2016. Mr. Brumwell had not responded to the letter, hence the phone call from PS Vokins. Later that day PC Rush spoke to Mr. Brumwell who confirmed that he had received the letter on the 13<sup>th</sup> May but would not make any commitment regarding a Minor Variation application. He asked PC Rush to send him a copy of the letter police had sent to Mr. Burvill and confirmed that he was aware of the recent incidents at the premises.
15. On Thursday 9<sup>th</sup> June 2016 at 12:00hrs PC Rush and a Lewes District Council Licensing Officer visited the premises. The purpose of the visit was to collect CCTV footage requested on 7<sup>th</sup> June 2016. The premises was closed but the DPS was present as were two staff



members, CB and the manager R\*\* W\*\*\*\*. During the visit PC Rush was told by the DPS that although he, CB and the manager were able to view incidents recorded on CCTV they still did not know how to download any images that may be required. PC Rush reminded the DPS that on a previous visit to the premises (13<sup>th</sup> May 2016) he had assured her that all three of those present were able to use the system. PC Rush strongly advised the DPS that his acquiring a full working knowledge of the CCTV system was imperative. She asked to view the CCTV for the incident on 15<sup>th</sup> May 2016 (9) but this proved impossible as the system had already automatically removed them as images are only stored for between 15 – 20 days. However, images for 28<sup>th</sup> May and 5<sup>th</sup> June were available. Whilst viewing the CCTV for 5<sup>th</sup> June 2016 it was evident that the condition on the premises licence, 'All outside areas will be cleared of customers by 11.30pm except for use by smokers for smoking without consumption of food or alcohol such to be monitored to prevent noise nuisance' was being breached. At 00:15:17hrs camera 7 showed large groups of customers in the beer garden who were not smoking but had drinks with them, consuming alcohol after 23:30hrs. The doors to the premises were wide open. Camera 6 in a period of five minutes between 00:15:00 and 00:19:33, showed at least 13 breaches of the condition. When Mr. Burvill was questioned about this it became clear that he was completely unaware of the condition despite having been told both verbally and by letter that he must fully acquaint himself with his premises licence and the conditions upon it. Mr. Burvill stated he had still not joined Pubwatch nor had staff training been carried out. With his agreement six Ion Track drug swabs were taken from various areas inside the premises. The toilets were checked and inside the cisterns in the gents five small empty drugs bags were found. The results from these swabs were as follows:-

Female Toilet Right (surfaces) = Cocaine 5.59  
Gents Toilet Garden (surfaces) = Cocaine 4.87  
Gents Toilet Right (surfaces) = Cocaine 4.69  
Female Toilet Garden (surfaces) = Cocaine 4.55  
Bar servery Area = Cocaine 1.53  
Pool Table = Cocaine 1.94

GE Security, the Ion Trak Itemiser manufacturer, in their Technology Statement gives the following guidance about interpreting swab results.

*Readings of between 1 & 2 can be classed as 'low' attributed to cross contamination of the surface tested, background contamination or greatly degraded historic contamination.*

*Between 2 & 3 can be classed as a 'medium' response attributed to cross contamination of The surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.*

*Between 3 & 4 can be classed as 'high' that would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.*

*Readings of 4 and above are estimated to relate to microgram amounts of contamination being transferred to the swab. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic. A copy of the Technology Statement is contained within the evidence bundle.*

16. On Saturday 11<sup>th</sup> June 2016 at 00:44 hrs police received a call from a local resident

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complaining that very loud music, in particular the bass beat, was coming from the premises which was affecting his and his partner's ability to sleep. The police call handler advised him to contact the Environmental Team at Lewes District Council. It has been confirmed by one of their officers that a complaint was received in relation to excessive noise escaping from the premises through the open rear doors. There is a condition on the premises licence, *'Measures will be taken to ensure that any noise arising from the premises does not cause a public nuisance to premises in the vicinity. Such measures will include: Ensuring all windows and doors are kept shut during regulated entertainment.....'* It is understood that the Environmental Team sent a letter to Mr. Burvill on 14<sup>th</sup> June 2016. He spoke to an officer from the team the following day and agreed to use his door staff to monitor the opening and closing of the rear doors.

17. On Saturday 11<sup>th</sup> June 2016 at 01:12 hrs. PC Rush sent a further text message to Mr. Burvill reminding him that the CCTV previously requested was urgently required by the investigating officers. At 00:15hrs he replied by text saying that it was ready for collection. Screen shots of these texts are contained within the evidence bundle.
18. On Tuesday 14<sup>th</sup> June 2016 at 12:32hrs PC Rush received the following email from CB: *'Hi Hannah It's C\*\*\*\*\* from the bay, just to update you on certain issues, we have burnt the cctv footage onto a dongle for you which we gave to a pc, we also have doorman on a Friday and Saturday evening which started the weekend of the 10th June 16. They are with mark 1. We are also checking the toilets more frequently and all our staff have been told this too. Also there is no more drinking outside after 11.30 as you asked. We have also moved the seating area in the garden and made it more clearer on the camera if drugs are being used this would eliminate that. We also spoke with the cctv guy and he will come and change that camera for us in the smoking area so it can't be moved. Also a security light will go up in the garden so it isn't so dark. Staff training will start I think in the next 2 weeks as we are still waiting on the books that I'm ordering and to see which staff are staying perminatley. Many thanks c\*\*\*\*\*.'*
19. On Friday 17<sup>th</sup> June 2016 at 22:40hrs the premises were visited by PC Rush and PC DD361 Deacon. One SIA registered door supervisor was present on the front door whose details were obtained by PC Rush. He stated that he was working alone that evening from 21:00 hrs until 02:00 hrs but there would be a second door supervisor working with him the following evening. He said he had been asked by the DPS carry out ID checks and conduct handbag searches. He had also been asked to carry out the toilets checks and later on in the evening to make sure customers did not go out into the rear garden with any drinks. He stated that he worked for a security company but this particular employment was not through them indicating that he was being directly employed by the DPS Mr. Burvill who is not registered with the SIA in any capacity. PC Rush spoke to the manager R\*\* W\*\*\*\*\* and told him that the music coming from the premises was so loud she could hear it in her office at Seaford Police station which is situated to the rear of the premises, with a building and a car park between. The manager told the DJ to turn the music down. PC Rush then spoke to the DPS. He said that he had decided to employ two door staff on Friday and Saturday evenings but could not provide PC Rush with the name of the company who supplied them despite the fact that the door supervisor working that evening had a security company name on his jacket. PC Rush gave the DPS the Ion Track drug swab results and explained what they meant. The high readings indicated that a surface had been in direct contact with a bulk amount of narcotic, in this case cocaine. The incident book was checked in which six incidents were recorded; however, the details were minimal. The toilet checks had not been recorded. PC Rush gave general advice about irresponsible drinking and before leaving asked for further CCTV footage for the incident on 5<sup>th</sup> June 2016 before both officers left the premises.

20. On Saturday 18<sup>th</sup> June 2016 at 01:46hrs Officers on a routine patrol outside another premises in Seaford were approached by door staff from another premises reporting that whilst conducting condition of entry searches a male was found to be in possession of a quantity of white powder later confirmed as cocaine. The male who was extremely drunk was arrested for Possession of a Class A Controlled Drug – cocaine. When interviewed in police custody the male stated that he had been drinking 'quite a bit' and had also used cocaine at the Bay Tree Inn with friends earlier in the evening. The male was charged with the offence, was found guilty at Brighton Magistrates Court on Monday 22<sup>nd</sup> August where he was fined £233.00.
21. On Thursday 23<sup>rd</sup> June 2016 Mr Brumwell phoned PS Vokins in response to the letter which police had left for him at both the premises and his home address on Tuesday 21<sup>st</sup> June 2016. During the phone call PS Vokins arranged a meeting with Mr Brumwell for 11:00 hours on Wednesday 29<sup>th</sup> June 2016 and explained that the purpose of the meeting would be to discuss the recent rise in incidents of crime and disorder, to discuss the premises licence to ensure all conditions on it were being adhered to and to discuss whether any other conditions may be added through a minor variation application. Mr Brumwell said to PS Vokins that CCTV does not prevent anything and said if he was driving 3 or 4 mph over the speed limit CCTV would capture it. He also said that when a new person takes over the running of a pub the old faces return and cause trouble and he said that Police would know that too.
22. On Sunday 26<sup>th</sup> June 2016 at 00:00hrs PCDD361 Deacon conducted a licensing visit at the premises. She spoke to the DPS Mr. Burvill and asked to see the toilet check log. Although there were entries for the previous evening there were no current entries. Mr. Burvill said that door staff had been checking the toilets but had yet to enter them in the log. PC Deacon told him that he must ensure the checks are entered in the log at the time they are completed rather than retrospectively. He told her about an incident earlier in the evening where a male had thrown an unspecified object at the wall in the beer garden after becoming angry. He had not deemed the incident serious enough to call police nor had he entered any details in the incident log. PC deacon advised him to enter the incident in the book.
23. On Wednesday 29<sup>th</sup> June 2016 at 11:00hrs a meeting took place at the police request, between PS Vokins, Licensing Officer Tony Masters, Mr. Brumwell and Mr. Burvill. Recent serious incidents at the premises were discussed, as were the letters sent to both Mr. Brumwell and Mr. Burvill and the meeting Mr. Burvill had had with a Lewes District Council licensing officer. During the meeting police also pointed out that some conditions on the premises licence had been breached. These were a failure to join the Seaford Pubwatch scheme and a failure to ensure that outside areas are cleared of customers by 23:30 hrs, save for those customers smoking, without consumption of alcohol. In answer to both these matters Mr. Burvill said he had left one message for the Chair of Pubwatch and had not pursued this further. In response to the 23:30hrs condition he agreed that he had regularly been breaching this condition. PS Vokins clearly advised both Mr. Brumwell and Mr. Burvill that as neither of them were registered with the SIA either as a front-line or non-frontline operative they could not directly employ and door staff. This meant the Door Staff has been working in contravention of the requirements of the Private Security Industry Act 2001. In addition PS Vokins warned that the high Ion Track drug readings from swabs taken by police at the premises, confirmed the presence of cocaine which meant customers had been using cocaine in the premises. The meeting closed with PS Vokins telling Mr. Brumwell and Mr. Burvill to consider what changes and plans they were going to bring about in the premises to reduce the incidents of crime and disorder and promote the licensing objectives; Mr. Brumwell confirmed that stance was reasonable and Mr. Burvill confirmed he would get an engineer to get a 28 day camera arranged. The minutes of this meeting, which concluded at



13:20hrs are contained within the evidence bundle.

24. On Saturday 2<sup>nd</sup> July 2016 at 23:30hrs PC Theelke and A/PS CS509 Smith conducted a licensing visit at the premises. An SIA registered door supervisor was standing at the entrance and very loud music was heard coming from within. The doorman was reluctant to allow the officers entry, however, they walked past him and entered the premises. There were between 30-40 people inside, some of whom were dancing to extremely loud disco music. PC Theelke walked through the bar and then spoke to Mr. Burvill who was outside. During the conversation PC Theelke asked about the incident/refusals book and was told that although these were kept behind the bar there were no entries as there were no problems at the premises that would warrant this. The member of staff was advised that the officers felt there were drunk people on the premises who should not have been served further alcohol, and they also expressed their concern that some of the patrons looked young. However, the officers were unable to follow up these concerns due to competing operational issues. The officer's statement in relation to this visit is contained within the evidence bundle.
25. On Tuesday 5<sup>th</sup> July 2016 PS Vokins telephoned Mr Brumwell, as a follow up on the meeting on 29<sup>th</sup> June, to ascertain what plans he and Mr. Burvill had made regarding the management of the premises and the reduction of incidents of crime and disorder at the premises. Mr. Brumwell could not outline any appropriate measures speaking only in vague terms such as, "put it this way, we are responding to things that occur". He also said that he could not predict an incident, that a poster would not stop drugs being taken in a premises, that no one could have predicted the murder of the MP in the street the previous month and that signs do not necessarily stop people speeding; it is when they are caught on camera that people find out about it. Mr. Brumwell asked PS Vokins whether he had any suggestions and was told that police had spent several hours recently in meetings with both himself and Mr. Burvill during which comprehensive advice had been given. PS Vokins then pointed out that it was Mr. Brumwell & Mr. Burvill's responsibility to run and operate the premises effectively and safely and not the responsibility of the police. PS Vokins also reminded Mr. Brumwell that in May PC Rush given extensive advice and paperwork to assist Mr. Burvill. Mr. Brumwell said he had not looked online for any assistance from pub watch / forums in spite of the advice from police the previous week to do so. He said he did not know if Mr. Burvill had done this as he had not spoken to him, though he would do so later that day. Mr. Brumwell then asked, "What do we do? We've got to move forwards, we cannot know how and when things will happen". PS Vokins concluded the conversation by asking Mr. Brumwell to contact either him or PC Rush when or if he or Mr. Burvill would be putting measures in place at the premises to bring about change and reduce the likelihood of incidents occurring there.
26. Shortly after concluding the call with Mr. Brumwell, PS Vokins telephoned Mr. Burvill to ask him the same questions he had posed to Mr. Brumwell. Mr. Burvill said that they had started doing the things that police had asked them to. He said that he had got "proper door staff" in now from VIP security, a company he thought was based in Peacehaven and that he had used them on the previous Friday and Saturday evenings. He said "R\*\*" ran the company but he did not know his surname. Mr. Burvill said that his partner, was going to look on the Internet as police had suggested, for information about "toilet checks and things like that". He said most of his bar staff were on holiday over the next two weeks but when they returned he and his partner would be delivering some training to them. When asked what the training would comprise he replied, "about kids and too much drinking". He added that a Lewes District Council Licensing Officer had previously sent him something which he was going to use to train his staff. Mr. Burvill also said that his partner was with him and then relayed a message from her asking that PC Rush send her a list of things to do and then they would do them. PS Vokins reminded Mr. Burvill, as he had said before when they had met, it was not

the responsibility of the police to tell him as DPS or Mr. Brumwell as the PLH exactly what to do at the premises. PS Vokins further stated that the police had raised their concerns, discussed the areas where improvements needed to be made and now it was for Mr. Burvill and Mr. Brumwell to address the problem areas. During the conversation Mr. Burvill did not sound particularly confident about his prospects of effecting a positive change in the way the premises were currently being operated. Full details of both these phone calls are contained within PS Vokins' statement in the evidence bundle. Of note: When an officer conducted research on VIP Security at Companies House it was revealed that the company had been dissolved via voluntary strike-off on 3<sup>rd</sup> March 2015.

27. On Friday 8<sup>th</sup> July 2016 a third letter was written to Mr Brumwell and hand delivered to both the premises and his home address by PC Rush. This letter from PS Vokins contained a number of measures deemed necessary by police to promote the four licensing objectives. These included the removal of the DPS Mr. Burvill, a period of closure, a reduction of hours for the sale of alcohol to 23:30 on Monday to Saturday, a more detailed CCTV condition, staff training, a refusals register, an incident book, a Challenge 25 policy and two SIA registered door staff to be employed on a Friday and Saturday evening. All the aforementioned were to be placed on the premises licence via a Minor Variation application to Lewes District Council. An answer to the letter was requested no later than Thursday 14<sup>th</sup> July. A copy of this letter is contained within the evidence bundle.
28. At the same time as the letter was delivered, PC Rush conducted a licensing check. There was an SIA registered door supervisor standing at the front door who was displaying an SIA registration licence. PC Rush obtained his name, R\*\*\*\*\* L\*\*\*\*\* and licence number and that of a second door supervisor who was also working at the premises. Both males told PC Rush that they were not employed by a security company but were both directly employed by the DPS Mr. Burvill. Their duties were discussed including requesting ID from customers prior to entering, walking the floor, carrying out toilet checks, recording them and making sure that no customers with glasses went into the back garden after 23:30hrs. Mr. L\*\*\*\*\* showed PC Rush incident sheets and a toilet log contained in a new folder which he said he had provided. The manager R\*\* gave PC Rush a USB stick containing images of the incident on 3<sup>rd</sup> July 2016 (26). Full details of the visit and photographs of both the incident and toilet logs are contained within the evidence bundle. Note: it is an offence under the Private Security Industry Act 2011 for Door Security to be employed directly by persons who do not hold the correct SIA licence. It further means that the Door Security would not have been covered by Public Liability insurance, as specifically required when employing, lawfully, Door Security.
29. On Monday 11<sup>th</sup> July 2016 at 14:51hrs PC Rush received an email from CB listing a number of actions implemented at the premises. These included hiring VIP Security (according to Companies House a dissolved company) for a Friday and Saturday evening which also included a 'panic' alarm call out service, toilet checks completed by the door staff, what actions staff will take if drugs are found at the premises and an accident and incident book to be kept behind the bar. She also stated that drug misuse posters were displayed as was a notice relating to customers not taking glass into the garden after 23:30hrs. An intention to join Seaford Pubwatch was expressed and a future commitment by both CB and Mr. Burvill to carry out staff training using books ordered from a website which had not arrived at that time. It was finally stated that after contacting a CCTV technician they were informed that if they were to extend the time on their hard drive for their CCTV then the quality of the pictures would be affected. A copy of the email is contained in the evidence bundle.
30. On Wednesday 13<sup>th</sup> July 2016 a letter from Mr. Brumwell was hand delivered to Seaford Police Station for the attention of PS Vokins. Enclosed with the letter was a copy of the email

sent to PC Rush on 11<sup>th</sup> July from CB. Mr. Brumwell made reference to this in his letter and stated that with regard to the changes to his premises licence deemed necessary by the police, he would be seeking legal advice. He added that he has been a licence holder since 1985 and that he had always tried to promote the licensing objectives. The letter ended with a request for the name of PS Vokins 'superior'. A copy of this letter is included in the evidence bundle.

31. On Friday 15<sup>th</sup> July 2016 at 22:00hrs PC Rush hand delivered a second letter to Mr. Burvill at the premises with a copy for Mr. Brumwell. The letter specified police concerns in relation to Mr. Burvill reportedly employing SIA door staff directly without being registered as a non-front line operative. The letter made it clear that without an appropriate authorisation from the SIA Mr Burvill could not employ SIA door staff directly – he would need to use a registered company. Having delivered the letter PC Rush spoke to Mr. Burvill and established that he was fully aware of his inability to hire SIA door staff directly. He stated that as far as he knew he was hiring them through VIP Security, the invoices were headed with that company name and the security staff wore uniforms displaying the company logo. PC Rush explained that on a previous visit she had asked the door staff who was employing them and both answered that this was Mr Burvill. When PC Rush spoke to one of the door staff he said that an incident had taken place about 40 minutes prior to her visit. He stated that two males had started 'squaring up' to each other and though no physical assault took place both males were ejected by the door staff; both made threats to return. When PC Rush asked if this incident had been reported to the police the door supervisor said that Mr Burvill had said he was going to phone 101 to report it but that if he didn't then the door supervisor would. This incident was never reported.

32. On Monday 18<sup>th</sup> July 2016 at 11:50hrs PC Rush went to the premises with the intention of taking further lontrack drug swabs from various areas in the premises. Prior to taking the swabs PC Rush spoke to Mr. Burvill on the phone and told him what she wanted to do. He became defensive expressing the view that his premises was being "picked on" by police. He became quite heated saying that the incidents that had occurred at the premises were minor and not worthy of police attention. PC Rush explained that the incidents were not minor as people were being injured but Mr. Burvill failed to agree.

The drug swab readings were as follows:

Left gents toilet = Cocaine 3.96 and MDMA 1.11

Female toilets (surfaces) = Cocaine 3.24

Pool table = Cocaine 1.89

Bar area (surfaces) = Cocaine 1.12

33. On Friday 22<sup>nd</sup> July 2016 at 16:00hrs a letter to Mr. Brumwell from PS Vokins was hand delivered to the premises as was a copy to his home address. The letter, amongst other matters, asked for confirmation of the time scales for the CCTV system repairs and improvements and a copy of the contract supplied by the security company providing door staff. A copy of the letter is contained within the evidence bundle.

34. On Friday 22<sup>nd</sup> July 2016 PS Vokins received a letter from Barwells Quality Solicitors stating that they were representing The Bay Tree and another premises with regard to recent meetings with police and correspondence from them. The letter concluded by stating that Counsel's opinion would be sought which was likely to be communicated to the police after 15<sup>th</sup> August 2016; this has not yet been received by police. A copy of the letter is contained in the evidence bundle.

35. On Saturday 23<sup>rd</sup> July 2016 at 00:32hrs a Police Officer sent an email to PC Rush stating that he had just driven past the garden of the premises and saw that the rear doors were open with about ten people outside. Door staff were outside chatting to people. (The rear doors of the premises must be closed after 23:30hrs). A copy of the email is contained within the evidence bundle.
36. On Saturday 30<sup>th</sup> July 2016 at 00:43hrs police received a call from a local resident reporting what sounded like a fight in the garden of the premises where a number of females were shouting. At 00:44hrs another call was received from a different local resident reporting that one of the door staff at the premises looked as if he was being attacked. At 00:45hrs a third call was made by one of the door staff at another premises reporting a fight at The Bay Tree involving about 30 people with a male on the ground. At 00:46hrs the premises manager phoned the police reporting a fight at the premises and at 00:51hrs Sussex Ambulance called police reporting their attendance to an unconscious male at the premises. When officers attended they saw a number of people in the street shouting at each other and the situation was confused due to the drunkenness and behaviour of those involved. One of the door staff stated that the incident began when he was asked by Mr. Burvill to eject a family attending a birthday celebration. When a male from the family was refused service of alcohol by staff due to his drunkenness he and the group became abusive towards bar staff. Mr. Burvill did not witness their rowdy behaviour but when asked why they could not carry on drinking he stated that he was acting on information from his staff. The situation was exacerbated when the refused male repeatedly asked Mr. Burvill whether he thought he was drunk and whether he would have served him. Mr. Burvill replied that he did not think the male was too drunk to be served and, had he been behind the bar, he would have allowed him to buy more alcohol. However, he would not undermine his staff. When he accompanied the group outside to prevent them returning to the premises they continued to argue and when some members of the group started to come too close to him the doorman had to push them back. In the ensuing melee several people sustained injuries, including a broken nose, injuries from being punched, being knocked to the ground where she became unconsciousness and a female suffering a cut to the back of her head as a result of being knocked to the ground and hitting her head on the kerb. Both these females were taken to hospital for further treatment including gluing of a wound. A member of staff is also implicated for assaults. Officers had extreme difficulty, despite being at the scene for about 50 minutes, when attempting to obtain details from those involved due to their extreme drunkenness to such a degree that one of them was unable to communicate. Because of the difficulty officers had in establishing what had happened no arrests were made at the time. However, this incident is still being investigated by police. CCTV footage from various cameras has been viewed by officers who stated that it is of such poor quality that it is barely viewable. It is dark, grainy and images from one of the cameras appears misted up despite previous assurances on Friday 13<sup>th</sup> May 2016 by Mr. Burvill that this would be rectified. On Sunday 31<sup>st</sup> July 2016 when an officer spoke to Mr. Burvill about the incident he said that he had not banned the family group from the premises but would tell them they were not welcome should they return at any time.
37. On Saturday 30<sup>th</sup> July 2016 at 03:59hrs PC DC701 Crundwell who attended the above incident (36) sent PC Rush an email in which she stated that the people she dealt with who were involved in the incident were drunk and the CCTV quality was poor.
38. On 31<sup>st</sup> July 2016 Mr. Brumwell wrote to PS Vokins. In his letter he stated that the work on the CCTV cameras had been completed (when this work was carried out was not specified but it is worthy of note that the officers attempted the view CCTV footage for the incident on 30<sup>th</sup> July 2016 it was barely viewable). Mr. Brumwell also stated that he did not agree with the

police view in relation to removing the DPS Mr. Burvill as he continued "to have faith in his ability to run The Bay". He concluded by stating that he was meeting a licensing barrister on 19<sup>th</sup> August and would contact PS Vokins after this. He then commented that "it would be nice if police could visit licensed premises on a more regular basis". Note: Since Mr. Burvill became DPS on 29<sup>th</sup> February 2016 eleven visits by police have been made to the premises, nine of these were prior to the date of Mr. Brumwell's letter.

39. On Friday 6<sup>th</sup> August 2016 at 23:00hrs PC Rush conducted a licensing check at the premises. Mr. Burvill was present and the incident on 30<sup>th</sup> July discussed. Mr. Burvill gave an account of the incident from his perspective saying that he had said to one of the male's involved, "Listen mate you're only saying these things because your pissed, you seem like a decent fella, you've just had too much". This indicated to PC Rush that Mr. Burvill was well aware the person was drunk in his premises. PC Rush then checked the premises incident logs as well as the toilet check logs. The entries were up to date from the previous weekends but only the 21:00hrs check had been recorded for the evening.

Having regard to the number of incidents at the premises within the last 6 months, and the serious nature of some of those incidents, occurring in and in connection with, these premises (many of which are related to the excessive consumption of alcohol), Sussex Police have no confidence in the ability of the Premises Licence Holder Mr. Brumwell promote the licensing objectives. Further, Sussex Police contend that the evidence within this Review Application proves that no day to day to control of the premises is being exercised by the DPS, as required under the Licensing Act 2013

Under the circumstances Sussex Police invite the sub-committee to seriously consider the addition of the following conditions to the premises licence:-

(1) CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, (PSDB publication 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 28 days
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

*(\*\*Police reason for this request: This is appropriate due to the issues with CCTV within the premises\*\*)*

(2) SIA registered door staff will be employed at the premises from 21:00hrs until half an hour after the premises has closed on Friday's and Saturday's plus Bank Holidays, New Year's

Eve, public holidays. In addition, at any time when a Temporary Event Notice is in operation and on any other occasion, subject to the DPS having conducted a written risk assessment or on other specific occasions when requested by Police.

*(\*\*This is appropriate to ensure members of the public are kept safe by monitoring drunkenness within the premises, by keeping out persons banned under Pubwatch and also stopping those already intoxicated entering the premises. \*\*)*

- (3) All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; a staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.

*(\*\*The addition of this condition will ensure good practice within the premises\*\*)*

- (4) An incident book will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request. This book shall solely be used for the purpose of recording incidents.

*(\*\*The addition of this condition will ensure good practice within the premises\*\*)*

- (5) A refusals register will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.

*(\*\*This will enable police and local authority licensing officers to monitor the number of refusals for drunkenness or under age is taking place within the premises and to ensure management and staff are exercising their duties under the Licensing Act 2003\*\*)*

- (6) All staff shall have written authorisations from the designated Premises Supervisor to permit them to sell alcohol.

*(\*\*This is Home Office recommended good practice\*\*)*

- (7) Staff will contact the police as soon as is practicable if there is evidence of drug use or suspected drug use within the premises.

*(\*\*This condition will place a clear obligation on staff and management to ensure they deal with issues of drug use within the premises robustly and help stop drug use occurring within the premises\*\*)*

- (8) Zero tolerance notices in relation to drug use will be prominently displayed throughout the premises and a drugs policy will be drawn up and implemented to the satisfaction of Sussex Police.

*(\*\*These notices will send a clear message to patrons of the pub, that the management of the premises will not tolerate drug use within the premises\*\*)*

- (9) A 'Challenge 25' policy shall be in operation at the premises and staff will be suitably trained to implement this policy.

*(\*\*This policy is in operation across East & West Sussex and is an important condition to be applied to licences to protect children from harm\*\*)*

Sussex Police also invite the sub-committee to seriously consider taking the following steps, which we consider to be appropriate and proportionate to ensure the licensing objectives are being promoted and people are being kept safe.

- Removal of the current Designated Premises Supervisor, Mr. Glenn Burvill, with a replacement being subject to Sussex Police approval.
- Sussex Police contend that this is necessary to ensure the premises is run safely



and the management and staff promote the licensing objectives.

- A reduction of hours for all licensable activities to 23:30hrs daily and a reduction of hours for the time the premises is open to the public to 00:00hrs (Midnight) daily. Sussex Police contend that this is both appropriate and necessary in order to reduce the number of incidents involving excessive drunkenness and alcohol related disorder.
- Suspension of the Premises Licence a period of not less than 6 weeks in order to implement the changes that would be brought about by the requested conditions and change in Designated Premises Supervisor, and their subsequent change of policies and procedures. A period of suspension would also send a strong deterrent message to the owner of these premises and the others in the area that this type of management of a premises will not be tolerated by the Licensing Authority.

Please mark X for yes

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

☐

/  /

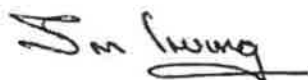
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X ☐
- I understand that if I do not comply with the above requirements my application will be rejected X ☐

**Part 3 – Signatures** (please read guidance note 3)

Sussex Police  
Application for review of a premises licence  
07/2015



Signature (on behalf of the applicant)



Date: 31/08/2016

Capacity:

Head of Licensing & Public Safety, in the absence of the District Commander Chief Inspector Leet

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

Ms Cathie Wolfe  
Bexhill Police Station  
Terminus Road  
Bexhill-on-Sea  
East Sussex  
TN39 3NR

**Post town**

**Post code**

**Telephone number (if any)**

101: Ext 564241

**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.

This is the address which we shall use to correspond with you about this application.

Sussex Police  
Application for review of a premises licence  
07/2015

