

# **APPENDIX 12**

**Statement from Barwells**

## Michael Moss

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**From:** QSBCommercial <QSBCommercial@barwells.com>  
**Sent:** 18 May 2017 16:22  
**To:** 'Catherine.Wolfe@sussex.pnn.police.uk'; Michael Moss  
**Subject:** Licence Review upon The Bay Tree Public House, now known as the Kings Head, Pelham Road, Seaford

Dear Sir and Madam,

On behalf of my clients Mr Steven Brumwell the licence holder and Mr Robert Willis, the DPS, I am now submitting a statement of representations in respect of the application for review of the premises licence. I would state that a request has been made to the Police to extend the time for lodging a statement, to be a period after the Police have lodged their statement of evidence, but this request has been rejected, and therefore to comply with the consultation period deadline, the following statement is lodged.

Please note that witness statements on behalf of the Licensee will be lodged, together with evidential documents, once the Police have lodged their documents, and therefore the right to raise additional comments is reserved. This response has been produced without the benefit of sight of the police evidence bundle – which I would suggest puts the Licensee at a considerable disadvantage given the way in which the Police have tended to mischaracterise certain aspects of this matter in their summary.

In summary, the following points should be taken into account by the Licensing Committee:

1. It is very important to recognise that Mr Willis has taken over the full management of the public house from Mr Glen Burvill, with effect from 8th May 2017. A formal agreement has been entered into between the Freeholder and Licensee, Mr Steven Brumwell, and Mr Willis, with effect from that date, and neither Mr Burvill nor his partner, who were previously involved in a managerial capacity at the public house, are involved in any way in the public house from that date. Indeed, they are no longer involved in the public house in any capacity – which is critical to enabling Mr Willis to ensure that the licencing objectives are upheld going forward.
2. Many of the incidents referred to in the Police statement relate to noise and anti social behaviour matters occurring late in the evening (i.e. at or after 1pm), and to endeavour to alleviate the concerns of the Police and further the Licencing Objectives, the Licensee and DPS intend to voluntarily adopt reduced opening hours in the evening, and in effect, to restrict the opening hours to what would be regarded as normal public house opening hours.
3. It is important to note that the Lewes District Council Statement of Licensing Policy refers under principal 2 to “longer opening hours can help to ensure the number of people leaving at the same time is reduced”. In addition, principal 5.2 and 5.2.5 states that the Licensing Authority shall “consider reducing the hours...where there are good grounds for believing that the licensing objectives will be or are being undermined”. Further under principle 5.1.4 it is stated that the Council will support “care and control of premises by effective management and supervision this is a key factor in reducing crime and disorder; good quality training for staff and the obtaining of the accredited licensing qualification for bar staff and personal licence holders”
4. Under the Home Office Revised Guidance under section 182 LA 2003 it is stated that:-  
2.1 Licensing Authority should look to the police as the main source of advice on crime and disorder  
2.5 Re conditions relating to management competency of DPS should not normally be attached – and that these would only be justified in rare circumstances
5. Dealing with the specific allegations in the Police Statement in support of the application for a review, the Licensee would highlight the following in relation to the specific allegations referred to. Further detail and a response to each and every part of the application will be produced in due course.

## Section of Application

### Representations

1

At the time of the allegation, being about 1:30am, the DPS would almost inevitably manage to get customers out in around 10-15mins. There are rarely people hanging around at 1:30am – these people referred to in the allegation could have come from another pub.

2

Regarding the male person leaving

The Bay, he is known to the DPS and Glen Burvill, is physically disabled so he staggers when not drunk. It was recognised by the door staff that he had too much alcohol for driving; Mr Burvill took more than reasonable steps to prevent the male driving, including taking his car keys.

3

Guy was aggressive and may have attempted to hit Mr Burvill; he was pinned to the floor and police called. Mr Willis got everyone back in and let the door staff deal with it. The male wasn't actually that drunk – he was just aggressive and had gone in there to cause a nuisance as he had a grievance with Mr Burvill's partner's son

5

Mr Burvill has nothing to do with the pub anymore

6

Deleting CCTV kept happening when trying to burn it off – it was deleting what Mr Willis was trying to burn off; Mr Willis telephoned the CCTV company; the CCTV company logged in remotely to see what the problem is – they said that Mr Willis had admin access and shouldn't have that to be able to delete the CCTV; now Mr Willis only has a Bay Tree log in where all you can do is play back and burn it off – therefore this problem is solved;

Did call 999 – Mr Burvill was there and in charge that night

Mr Willis has since had the female involved put on the Pubwatch list.

7

The incident only appears to have been called in the following day.

The drunk male person wasn't drinking in The Bay – he had been to a rugby club for a wake. As Mr Willis was clearing up the garden his customers saw the person, who is known as Vince and saw him staggering down the Alley; they offered to give Vince a lift, he wasn't aggressive, was just saying \*\*\*\* off I am alright in a friendly way; Mr Willis fully went out and spoke to the group, they got Vince in a car and Mr Willis did shake hands but nothing is to be implied from this action.

Vince had not come from The Bay.

8

The incident referred to is New Year's Eve , when the pub had a licence to 12am the next day , but it was decided to close at 3am.

Mr Willis was not on duty on New Year's Eve, but was in the pub as a customer.

10

The comments are accepted regarding the drugs policy, the changes how now been made.

Accepted re the deal bags – but they could have been there for years – Sgt Vokins said that they could have been there for years

As far as Mr Willis is concerned this area had been locked off all the time he was at the pub

11

Agreed to do a deep clean

12

Mr Willis wasn't actually there, Mr Willis first heard of it when he received a phone call from Cathy Wolfe – on the Monday [14]

Mr Burvill said it was two males not two females – they were asked to leave by the door staff

Mr Willis not sure at all what did actually happen

13

Noise complaint – garden is gated and locked off – Mr Burvill could have been out there after hours – they are entitled to do that

It is hoped and anticipated that this will now not be problem going forwards, if it is agreed that the opening hours are shorter.

15

The Police did come and do more swabs and the readings, it is understood these were much lower. The full results are requested.

16

Up until now residents have not had Mr Willis' number – now Mr Willis has given out the number. In effect, Mr Willis is going to get a "pub mobile" to be left behind the bar and write to all local residents with the number etc.

17

Mr Willis did notify the police re no door staff, Mr Willis reasonably believed that Mr Burvill was getting door staff sorted – Mr Burvill told Mr Willis that he would sort this.

18

As for 17.

19

Mr Willis agrees he has not had a copy of the full licence at this time – Mr Willis was going away and reading the licence issued after the last hearing saying that Mr Willis was the DPS. Mr Willis is now fully familiar with the terms of the licence. It is understood that there is some confusion over the fact that there were two licences.

Having discussed this with the licencing officer – told Mr Willis that he should have surrendered the old licence – assumption was that the one on the 25th / 26th October was the new licence – Mr Brumwell gave this to Mr Burvill and Mr Willis to keep at the premises – another licence came through on the 10th November and Mr Brumwell retained this in error.

20

The door staff were not dealt with by Mr Willis – Mr Burvill dealt with all the money etc. Mr Burvill had met the security person at a trade show, he said he had an SIA company, took a card from him – called him up – he said it was his company and he could sort door staff etc – it was explained to him that needed to be SIA authorised etc

As far as Mr Willis was aware they SIA staff had come through a properly authorised company – Mr Willis didn't have that much to do with it, Mr Burvill was doing most of the organising

Mr Willis wasn't working – he had had a drink and said he didn't want to be involved

Mr Willis wasn't happy about being involved

There was no previous agreement with Mr Willis re doing the drug swabs etc

The complained of issues relate to the time when Mr Burvill was managing, and he is no longer involved.

21

The same security company from the Friday – under the impression that would all be SIA licenced – rang the person who supplied them in the day on the Saturday – the company owner told Mr Willis that they were a legitimate company and could provide all relevant docs to the police – therefore Mr Willis reasonably believed the company was legitimate and fully compliant.

22

Police have since interviewed Mr Burvill No summons has been received.

23

Mr Willis didn't have a memory stick – spoke to PC Rush at subsequent meeting with SIA representative - there was no clear image of the person on the CCTV – Mr Willis did give the police a full description however. The pub closed at 9pm, as they had no door staff available.

6. It should be noted that the vast majority of the incidents referred to relate to a time when Mr Glen Burvill was the manager of the public house, and many of the incidents complained of relate to management failures. Mr Willis is now seeking to embark upon a new image for the public house, putting the previous history in the past, whilst taking on board the Police's advice and recommendations. To cement the new image, the pub name has been changed, and the old management have been removed.

In conclusion, Mr Brumwell is fully aware of and committed to his obligation to uphold and further the Licencing Objectives. He is taking proactive steps in reducing the opening hours, changing the name and character of the pub and installing new management to effect this change. Mr Brumwell has been a publican in the local area for many decades and is dedicated to ensuring positive relationships between those running his public houses, the Police and

the Local Authority. In this regard, Mr Brumwell invites the Police to meet with him, Mr Willis and his legal advisors to discuss this matter in the hope that a way forward can be found that is agreeable to all and importantly that best upholds the Licencing Objectives whilst not unduly interfering with his business.

Yours faithfully,

Quality Solicitors Barwells

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