### **APPENDIX 6**

**Evidence Bundle 4** 

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### Evidence

### Bundle

4

## Evidence relating to <a href="Page 12:">Page 12:</a>

**Technology Statement** 

1 x Morpho Detection (UK) Ltd Technology Statement



#### Morpho Detection (UK) Ltd Technology Statement

The Itemiser<sup>(x)</sup> and Mobile Trace are programmed to detect and identify microscopic amounts of many different types of narcotics. Cocaine is one of the most reactive and easy to detect substances in the equipments library. Responses are reported to the user by a simple and clear computer interface. An "alarm Strength" number gives intensity of the response. This strength is an indication of the amount of narcotic contamination that was collected on the sampling media used, in the case of Itemiser<sup>98</sup>, a cotton — paper disk and with the Itemiser<sup>3/3e/DX</sup> and Mobile Trace a Teflon coated fiberglass strip. These traps are cleaned and packed by MDII in Boston, USA to ensure they are not contaminated before use. They should also be checked before use on site in a customs or police application.

Samples are taken from areas likely to contain fingerprints from the target subject but not necessarily directly from the person themselves. The machine will correctly identify contamination down to nanogram (billionth of a gram) levels.

Alarms of between 1 and 2 times the alarm threshold can be classed as a "low" response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Alarms of between 2 and 3 times the alarm threshold can be classed as a "medium" response. It could be 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.

Alarms of between 3 and 4 times the alarm threshold can be classed as a "high" response. This level of response 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 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. 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, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

It should be noted that the presence of any response to drugs using the Itemiser could be used as grounds for furthering an investigation depending on the SOP of the enforcement agency using the device.

A full technical introduction to the ITMS detection principals follows.



#### **Technology Notes - Trace Detection Technologies**

The three most prevalent technologies available for trace detection of narcotics and explosives include Ion Mobility Spectrometry (IMS), Combination Gas Chromatography-Chemiluminescence (GC-CLD), and enhanced IMS, or Ion Trap Mobility Spectrometry (ITMS). A fourth combination gas chromatography and mass spectrometry (GC-MS) is also available, but it is used mostly in lab-related equipment.

IMS separates ionized molecular compounds on the basis of their transit times (sometimes called "time of flight" or "drift time") when subjected to an electric field in a tube. This time is then compared to stored transit times of known compounds making it possible to distinguish the target material (explosives or narcotics) from other molecules. This technique is fast and makes a compact device possible. Gaseous samples enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase. A gating mechanism allows the ions of the correct polarity to pass through the shutter grid and enter the ion drift region where an applied electric field mobilizes the ions. Less than 1% of the ions created in the ionization chamber actually reach the drift tube as more than 99% of the ions are discharged on the shutter grid. The rate at which these ions traverse the ion drift region is inversely proportional to the size of the ion. This correlation allows for the identification of the analyte of interest.[3]

GC-Chemiluminescence uses quantitative measurements of the optical emission from excited molecules to determine analyte concentration. Although GC-CLD technology has good sensitivity and selectivity, its range of detection is fairly

limited. The GC-CLD technology employed in explosive detectors can only detect nitro compounds. Today, with the ever-increasing threat of non-nitro substances such as HMTD and TATP that are outside the detection range of this technology, the practical application of GC-CLD as an option for security outside the structured controls of a laboratory is limited. In addition, there are practical concerns about the expense of maintenance, instrument complexity, high consumable gas costs, and containment of potentially harmful materials, such as ozone, from the operator.

ITMS, like IMS, separates ionized vapors and then measures the mobility of the ions in an electric field. In the typical implementation of ITMS, the gaseous sample passes through a semi-permeable membrane prior to ionization. Also like IMS, the gaseous samples then enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase. Unlike IMS, however, the ionization in ITMS is allowed to reach equilibrium in a field free region and then pulsed into the drift tube where an electric field accelerates the ions to the collector. Note that in the ITMS detector, the shutter grid does not exist, resulting in a much greater portion of the ions entering the drift tube.



Performance Regulrements of Trace Detection

When comparing these technologies, there are important performance requirements that we can use to evaluate their application for checkpoint, facility, or event security. The requirements include sensitivity, selectivity, and range of compounds detected, logistics, and reliability/maintenance.

Sensitivity (detection effectiveness) is the degree of response of an instrument to an introduced concentration. In other words, how much of an explosive or narcotic material is required to detect it. In real world application of these devices, we must realize that there is a time limit to complete the analysis in order to process sample targets through the unit, typically in the 3-to10-second range. Assuming this is a realistic range, GC-CLD technology will have a loss in selectivity, as the GC column will not provide enough separation of the nitro compounds over this analysis time.

Traditional IMS loses sensitivity with the loss of lons to the shutter grid with its non-equilibrium ionization. ITMS enhances the sensitivity through many methods.

Selectivity is the ability to distinguish between compounds. Typically when sampling for explosives or narcotics, other materials are present and the threat signals need to be selected by the technology. All three technologies are able to accurately select the threat compound if it is present above the sensitivity level of that detector, although there are significant operational differences.

Range of compounds detected is quite simply the spectrum of material that the device can detect simultaneously. GC-CLD concentrates on distinguishing between nitro compounds, but detects only nitro substances. IMS detects either negative or positive ions, but not both at the same time. ITMS simultaneously detects negative and positive ions, including both nitro and non-nitro target substances.

Logistics incorporate practical application issues present with each technology. This could include regulatory issues for ozone, radioactive sources, bottled gases, etc. IMS and ITMS contain radioactive sources. GCCLD requires handling of sensitive gases such as hydrogen, ozone, or hellum.



Reliability/Maintenance.

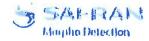
Looking at the real world application of this technology in areas outside the controlled laboratory environment, reliability of operation and the ability to maintain peak performance in dusty, high-traffic, or humid conditions become a concern. Downtimes due to maintenance or excessive maintenance costs become other factors of concern. Both GC-CLD and IMS are unprotected from dust, dirt, and water vapor entering the system. This is a serious problem for traditional IMS, as the dryer or desiccant requires frequent changing and leads to downtime. In addition, the contamination material can lead to a loss of sensitivity over time if it is not installed in a very clean environment. The latest ITMS systems have regenerating dryers that do not require changing and a semi-permeable membrane to protect them from dirt, dust, and humidity. GC-CLD systems require replacement of the chemical modules approximately every 3-6 months if usage is high, which can be almost as expensive as a new bench-top ITMS or IMS detector. While all three require similar sampling consumables, the GC-CLD requires

bottle replacement on top of the consumables. The ITMS and IMS devices require dopant depending on the application.

ITMS vs. IMS Technology

Enhancements to IMS analysis through ITMS technology allow for vast improvements to ionization efficiency, and therefore sensitivity of the detector. ITMS enables extremely low concentrations of electrophillic vapors, such as explosive vapors, to be detected— impossible with traditional IMS. The ionization chamber in the ITMS detector is a field-free region where the ion population, both negative and positive ions, is allowed to build up by the action of the beta particles on the dopant gas. With IMS and ITMS, the high density of electrons produces a high probability of ionization of the dopant gas molecules, which in turn collide with the target molecules. Electric charge is then transferred to the target molecules because of their extremely high charge affinity, and the overall result is high ionization efficiency. Since the ITMS detector does not incorporate a shutler grid as in traditional IMS, there is no loss of ions by discharge onto the shutter grid, which could account for a loss of up to 99% of the lons. With ITMS, lons are accumulated over a 20mS interval and then compressed into a pulse of 0.2mS, increasing the density and collected current by a factor of 100 [4,5,6] . Further enhancement is made with the addition of a semi-permeable membrane that excludes dust and dirt.

This enhancement makes the system more sensitive to the materials of concern and allows continued operation and sensitivity in environments outside the lab that are high-traffic, humid, or dusty. In addition to providing a charge medium, the chemical dopant that is added into the analysis in the detector region to reduce the chances of ionizing unwanted analyte. Ammonia is the primary dopant for positive ions used in the ITMS detector, while methylene chloride is used as the dopant for negative ions. The dopants accept charge from the low-energy beta particles thereby reducing the chance of analytes with charge affinities lower than that of the dopant to accept



charge. The target contraband molecules will accept the charge more readily than the dopants due to their higher affinity for the charge. This process reduces the amount of possible interferences due to the other analytes because the detector recognizes only charged species [4,5,6].

Finally, recent advancements in ITMS technology incorporate engineered high-

speed switching systems that allow for millisecond alternating from positive to negative ion mode, thereby allowing for simultaneous detection and analysis of target positive and negative ions. Most narcotics have a positive ion affinity, while most explosives have a negative ion affinity; however, there are some important exceptions. TATP, for example, is an explosive that is seen as a positive affinity molecule, which would not be detected in a traditional IMS in single-mode operation for explosives. Detection limits for real world samples in ITMS in vapor sampling mode are in the picogram range.

Summary

As we look to implement a total solution for security, trace detection technologies become an integral component of that solution. Complementing x-ray scanners and metal detection, trace detection closes security loopholes by detecting microscopic particles that remain on clothing, luggage, ID cards, and more after explosives or narcotics are handled. Because it can sniff out vapors that build up in confined spaces, trace detection is especially effective for finding contraband hidden in compartments, suitcases, and lockers. ITMS technology offers the advantage of detecting a wider range of targeted substances in a more flexible detector design. Therefore it is ideal for practical applications such as checkpoint security, and screening vehicles, personnel, shipside, sea craft, packages, luggage, and cargo.

References [1] J. Brokenshire, N. Pay, "Ion mobility spectrometry" in International Laboratory, Graseby Analytical Ltd, Warford, Herts, England, 1989, p4 [2] P. Z. Jankowski, A. G. Mercado, S. F. Hallowell, "FAA Explosive Vapor/Particle Detection Technology" Proceedings "Applications of Signal and Image Processing in Explosives Detection Systems", Boston, Massachusetts, 16-17 Nov. 1992 Volume 1824, pp13-27 [3] Eiceman, G.A., Karpas, Z., Ion Mobility Spectrometry" CRC Press 1994. [4] ITMS (U.S. Patent No. 5,200,614). [5] McGann, W.J., Jenkins, A., Riblero, K., Napoll, J., SPIE on Substance Detection Vol. 2092, 1993. [6] McGann, W.J., SPIE on Chemistry and Biology-based Technologies For Contraband Detection. Vol. 2937, 1996. [7] Haigh, P.B., "Dual Mode Detection" technical presentation, GE Ion Track, Wilmington, MA, 2003. T E C H N I C A L P A P E R For more Information on ITMS products call, email or consult our website. 1, 9 7 8 . 6 5 8 . 3 7 6 7 /s a l e s @ i o n t r a c k, c o m / w w w. i o n t r a c k . c o m GE Ion Track Limited

## Evidence relating to <a href="Page 13">Page 13:</a>

Incident No 13 dated: Sunday 5<sup>th</sup> February 2017

1 x Email
Referenced in
statement of PC Rush
(4)

## Evidence relating to <a href="Page 13">Page 13:</a>

Incident No 13 dated: Sunday 5<sup>th</sup> February 2017

1 x Email
Referenced in
statement of PC Rush
(4)

#### Rush Hannah DR403

From:

Sent: To: 09 February 2017 12:30

Rush Hannah DR403

Subject:

Re: Bay Tree

#### Dear PC Rush,

Thank you for getting back. I just wanted to ensure you have the right picture of the bay, as being quieter for a few weeks in January when people have no money after Xmas new year and windy rainy weather, does not reflect the ongoing issues since the review. There have been several incidents over the months since the review of late noise from people outside after 11 pm with drinks and the back doors open letting out the music and customers shouting, after 11pm. This is over and above the music still thumping out on Saturday nights until 1am. It is very stressful, and not being able to sleep just one night leads to fatigue and stress over the following days. Just one night of noise a week has an effect beyond that one night for those of us around the pub. I have filled in forms about the noise nuisance for the council, and also reported to the police when it seems it is a license or anti social behaviour concern. I have made about three calls to the police since November.

Over this weekend of the Saturday 4th and Sunday 5th of February, the door was open after 11 pm, with groups of people outside sitting at the tables at 23.30. The music had been thumping out since about 21.00 pm. I complained by text on both numbers I have for the bay, however they did not turn the volume down. At 00.45am. I could still hear the music thumping through the bedroom window, and when I went outside to check what was going on, I could hear music and voices coming from the back entrance to the pub. I texted both numbers again to say I could still hear the music and they went quiet, and people went inside, however, I was aware of loud voices again at 01.30 am, so I went outside to check, and I could see a man with long dark hair drinking from a pint glass in the garden of the Bay. Him and the man with him were shouting to talk to each other. When I texted both numbers, this time and mentioned I could see a man drinking, then I made an online report to the police. By the time I had done this they had gone quiet and turned out the light in the garden.

Just because each time they do get everyone in and quieten down when it is during illegal hours when it is pointed out to them, this does not make it acceptable. What if weren't to complain, would they just carry on? They don't turn the music down each time when I text to complain about the noise level from the music during legal hours, and only turn it down when I complain after they are out of licensing hours and I point out I can see people drinking. This is poor management and shows a great lack of respect to the surrounding residents. It is surely up to them as the professionals to know when they are not acting responsibly and within their license, not for me or other residents to have to complain to them each time? It should not be this way. The doesn't have anyone in the garden after 11, and only one or two people at a time outside the front door smoking. It can be done properly, the bay just doesn't seem to want to.

Thank you for taking time to get my perspective. I am usually available on my mobile, so do try again if you need anything clarifying.

I would be grateful if you could email me the telephone number you are successfully using to communicate with them. Thank you.

Kind regards

Sent from my iPad

On 7 Feb 2017, at 09:16, <<u>Hannah.rush@sussex.pnn.police.uk</u>> <<u>Hannah.rush@sussex.pnn.police.uk</u>> wrote:

Dear

I tried to call your mobile this morning. I just wanted to return you call as requested last week and to discuss what went on over the weekend. Please feel free to email me any of the details as catching each other on the phone can be a little hit and miss sometimes.

Kind Regards,

PC Hannah Rush DR403

Lewes Neighbourhood Licensing Officer,

Lewes Police Station

Ext: 563026

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www.sussex.police.uk

Sussex Police - Serving Sussex

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# Evidence relating to <a href="Page 14">Page 14</a>:

Incident No 18 dated:
Monday 20<sup>th</sup> March
2017

Letter from Apollo Security Group Ltd dated: Monday 13<sup>th</sup> March 2017

Referenced in Statement of PC Rush (4)

13th of March 2017

Dear Glen,

I am writing this to inform you that Apollo Security Group Ltd are terminating our service agreement with you The Baytree Ltd with immediate effect this is due to the amount of outstanding payments to us and ongoing concerns and issues regarding The Baytrees clientele and the venues reputation which we believe if we continued to honour our service agreement could have an adverse effect on our new company Apollo Security Group Ltd image and reputation.

I would like to take this opportunity to thank you for your business and wish you and everyone who works at the Baytree all the best for the future.

**Yours Sincerely** 

Gavin Cooper.

Director

**Apollo Security Group Ltd** 

## Evidence relating to <a href="Page 15:">Page 15:</a>

### Further Evidence Post Review Application Service

1 x Copy Letter1 x Copy Photograph1 X Police Statement by PC Rush



#### **Alcohol Harm Reduction Unit**

18th May 2017

Mr. M. Moss Licensing Officer, Lewes District Council Southover House, Southover Road, Lewes, East Sussex BN7 2SY

Dear Mr. Moss,

### RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR THE BAY TREE INN, PELHAM ROAD, SEAFORD, EAST SUSSEX BN25 1EP UNDER THE LICENSING ACT 2003 – LN/2005/00920

Further to the Review Application for the above premises served on you 20<sup>th</sup> April 2017, we wish the following further evidence on which we will rely, to be considered at the Review Hearing. Hard copies of the content of this email including the statement will be posted to Mr. Brumwell at the address as per the premises licence.

The evidence is as follows:-

A 'further to' statement by PC DR403 Rush relating to the following matter:

An email from a local resident raising concerns about continued poor management of the premises, noise nuisance and anti-social behaviour.

The full evidence bundle for the Review Hearing will be sent to you by tomorrow.

Yours sincerely

Cathie Wolfe - Safer East Sussex Team - Alcohol Harm Reduction Unit Bexhill Police Station, Terminus Road, Bexhill, East Sussex TN39 3NR Telephone 101 Ext. 564241

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101



#### **WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

| URN                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Statement of: Hannah Rush                                                                                                                                                                                                                                                                              |
| Age if under 18: Ov 18 (if over 18 insert 'over 18') Occupation: Police Officer                                                                                                                                                                                                                        |
| This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true. |
| Signature: Date 18th May 2017                                                                                                                                                                                                                                                                          |
| Tick if witness evidence is visually recorded (supply witness details on rear)                                                                                                                                                                                                                         |
| Further to my statement dated the 17th May 2017, on Thursday 18th May 2017 I read an email that was sent                                                                                                                                                                                               |
| to me at 14:24hrs on Wednesday 17th May. The email from a local resident detailing their on-going concerns                                                                                                                                                                                             |
| over the Kings Head, formally The Bay Tree, Pelham Road, Seaford. The email reads as follows:                                                                                                                                                                                                          |
| Hi Pc Hannah Rush                                                                                                                                                                                                                                                                                      |
| I left a message to speak with you, but it's probably easier to email you with my concerns and question about                                                                                                                                                                                          |
| the new King's Head under Rob's management. Given he was as much responsible for the appalling loud                                                                                                                                                                                                    |
| music and drunkenness as Glenn and C , I am not going to be easily convinced that he is changing the                                                                                                                                                                                                   |
| pub. I received a letter from him to say that he is 'aware of how things were before' and 'of the bay's                                                                                                                                                                                                |
| reputation', and trying to convince me he will be changing from a focus on late night entertainment to good                                                                                                                                                                                            |
| food, however his first weekend was a 'party like kings' bash, and people were gathered in groups around                                                                                                                                                                                               |
| the tables outside between 23.00 p.m. And 01 a.m. Although they weren't drinking, they were using the                                                                                                                                                                                                  |
| garden as a place to chat in groups rather than just one or two allowed outside for a quick smoke. When I                                                                                                                                                                                              |
| complained during the day on the Saturday 13th there were people being rowdy and swearing loudly in the                                                                                                                                                                                                |
| garden one afternoon and could he sort them out, he asked me to be patient as it will take a while for people                                                                                                                                                                                          |
| to understand it's not that sort of pub anymore, yet he has a sign in the road encouraging people to start                                                                                                                                                                                             |
| drinking at 10 a.m. 'You can't drink all day unless you start in the morning!'. How is a message such as this                                                                                                                                                                                          |
| helping people who used to go to the bay understand the pub is not like that anymore? He has asked by text                                                                                                                                                                                             |
| for someone to go around to see him so we can talk face to face, but I would rather not                                                                                                                                                                                                                |

SUSSEX POLICE

MG11

#### RESTRICTED (when complete)

#### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

11(T)



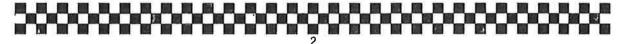
I have been texting rob while emailing you and he has said he wishes to refer my complaints to his solicitor, and that I am wrongly accusing him of being involved with the disturbances with Glenn and C am I wrong, was he not with them, turning on the music so loudly over August bank holiday and doing the awful karaoke outside? Anyhow, I have apologised if I may have misunderstood. I will only text him to complain if things are too noisy.

What a mess, I just want a peaceful neighbourhood and for the neighbours to be respected by the publandlord and customers

Kind regards

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This email confirms continued issues with the premises in regards to poor management, noise and antisocial behaviour. In respect of the sign outside the premise which reads 'You cant drink all day... if you don't start in the morning, come on inl Open 10am 7 days a week' Section 10.39 of the April 2017 S182 guidance reads '... The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do in a manner which undermines the licensing objectives'. It is Sussex Police's opinion that this promotion would appear to be contrary to this guidance. A photograph of this sign which was taken on 18th May 2017 can be found in the evidence bundle.



The King's Head YOU CAN'T DRINK ALL DAY ... IF YOU DON'T START IN THE MORNING! COME ON IN! OPEN 10 AM TDAYS WEEK!