APPENDIX 4

Evidence Bundle 2

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Evidence

Bundle

2

Evidence relating to Pages 3 - 5:

3 x Police Statements by PS CV146 Vokins PC DR403 Rush PC CW456 Wilkes

1,



WITNESS STATEMENT

(CJ Act 19	67, s.9; MC	: Act 1980, ss.5A(3) (a) an	id 5B: Criminal F	URN	es 2005, Rule 27.1
Statement of: Age if under 18:		okins PS CV146 (if over 18 insert 'over 18')	Occupation:	Police office	er
This statement (cand belief and I wilfully stated and Signature:	make it kno	f 3 page(s) each sign by that, if it is tendered which I know to be false o	d in evidence, I r do not believe	shall be liable to be true.	t of my knowledge e to prosecution if I have 18 th May 2017
Tick if witness ev	idence is vi	sually recorded (supply witness a	letails on rear	

I am the Police Sgt for East Sussex Division's Alcohol Harm Reduction Unit. My role includes ensuring that Licensed premises are operated in accordance with the conditions on their premises Licenses and in a way that promotes the Licensing objectives laid down in the Licensing Act 2003. When there is evidence that licensed premises are operated in ways that fail to promote the Licensing objectives or when conditions are breached it is my role to address these issues.

On Thursday 20th October 2016 I attended the review hearing for the Bay Tree Pub. Since the hearing there have been incidents either at, or associated with the premises and there have been breaches of conditions on the premises licence relating to both CCTV and SIA registered door staff. Both of these conditions were added to the premises licence at the review hearing. As a result of this Sussex Police have submitted another application for a review of the premises licence.

I have reviewed the evidence contained in the latest review application for the Bay Tree Pub and submit this statement to confirm where the evidence has originated from and to clarify it's contents.

The review application states that on Sunday 23rd October 2016 Police received a call from a local resident stating the dispersal of patrons from the Bay Tree that evening had been horrible. Police records state there were people in the street swearing and shouting, kicking a bin and urinating. I subsequently phoned the informant who said they heard one of the group shout, "I'm gonna glass your face" and then heard something smash. They also saw police officers run from the direction of Seaford police station and one of the group ran off and was chased by Police. The informant's opinion was that this group were drunk due to their body language, swearing and swaying unsteadily on their feet.

I attended the meeting on Friday 11th November 2016 at Seaford Police station which is referred to in the review application. Also present were LO Wolfe, PC RUSH & Mr Rob WILLIS. Mr Stephen BRUMWELL was

Continuation of statement of apparently unable to attend the meeting as we were advised he was in Thailand at the time. The importance of the meeting was to discuss Mr WILLIS' role as the new Designated Premises Supervisor of the Bay Tree and to talk about the incidents associated with the premises that had occurred shortly after the review hearing on the 20th October. During the meeting I asked Mr WILLIS questions to establish his knowledge of the new conditions on the premises licence and in particular I asked him what he would do if the security company he used could not provide the required door staff. Mr WILLIS said he was unsure in such circumstances whether he would open the premises or not. Due to his answer I told him to read and know the conditions of the premises licence. The licence states registered door staff will be employed at the premises from 21:00 hrs until half an hour after the premises has closed on Friday's and Saturday's plus bank holidays, New Years eve, public holidays. It also stipulates use of door staff when TENs are in operation. This condition was imposed on the premises licence by the sub-committee at the review hearing on 20th October at which Mr WILLIS was present, however it was apparent that he did not have a good knowledge of the conditions on the licence.

The review application states that Police received a report on Tuesday 29th November 2016 regarding a group of drunk people outside the premises the previous evening at about 23:00 hours. The informant heard one of the males in the group swearing and saw the manager, who they named as Rob pop his head around the corner when locking the gates. At that time a male was staggering and carrying a glass of beer. Rob did not try to take the glass off the male. It would appear therefore Mr WILLIS was aware of the antisocial behaviour of this group but did nothing to address their behaviour.

On Sunday 1st January 2017 at 02:58 hours a local resident called Police reporting rowdy, shouting customers in the garden of the premises and said that loud music could be heard. The call handler gave the caller appropriate advice to contact the Environmental Health Department of the Council who are the lead agency for noise related complaints.

On Tuesday 31st January 2017 I attended the meeting at Seaford Police station referred to in the review application. Also present were PC RUSH, LO WOLFE, PS GILLINGS, Mr WILLIS, Mr BRUMWELL and Mr Gavin COOPER, director of Apollo Security Group Itd. Prior to the meeting Mr BRUMWELL had advised us that he

Signature witnessed by:

Continuation of statement of ... Volume K. Common practice however we deemed it appropriate in the circumstances. A written transcript of this meeting has subsequently been produced by police and is contained within the evidence bundle. In the meeting Mr BRUMWELL said he had been aware of the majority of the incidents we had discussed. He said he was quite pleased and thought things had improved and moved on.

On Sunday 5th February 2017 at 00:56 hours Police officers on patrol witnessed a rowdy group of people coming out of the premises. The Police report regarding this incident stated that two females had been involved in an altercation in the premises. Police did not receive any calls from staff at the premises regarding this incident.

Sussex Police Licensing officers have had to invest significant time and resources in attempting to work with Mr BRUMWELL and staff at his premises yet the premises continues to be operated poorly. It is evidential that in spite of all previous efforts by police and the fact that the premises licence has also recently been reviewed significant problems continue to exist at the premises which seriously undermine the Licensing objectives.

The Licensing Act 2003 requires Licensees to promote the Licensing objectives; they should support and actively encourage promotion of the objectives rather than simply be passive in relation to them.

Mr BRUMWELL has ultimate responsibility for the premises licence. The crime and disorder, risk to public safety, poor management and breaches of conditions on the licence demonstrate a failure to promote the Licensing objectives. As the premises has breached the conditions recently imposed on it's licence it is appropriate and proportionate for Sussex Police to seek revocation of the licence.





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)

ÿ.	URN					
Statement of: Hannah Rush Age if under 18: Over 18 (if over 18 insert 'over 18') O	ccupation: Police Officer					
This statement (consisting of 12 page(s) each signed and belief and I make it knowing that, if it is tendered in e wilfully stated anything in it, which I know to be false or do Signature:	vidence, I shall be liable to prosecution if I have					
Tick if witness evidence is visually recorded (supp	ly witness details on rear)					
I am a Police Constable with 14 years' service and for the past 6 years I have worked in the role as						
Neighbourhood Licensing Officer for Lewes District. I have	e passed the level two BIIAB National Certificate					
for Licensing Practitioners.						

On Friday 28th October 2016 at 22:28hrs a call was made to Police by a member of door staff at The Bay Tree reporting that a customer had left the premises, staggered down the road, got into a van and was sitting in the drivers seat with the engine and lights on. I viewed the CCTV footage provided by The Bay Tree but this only covered the front door. I also viewed the footage from the Police CCTV camera, this showed a male leaving The Bay Tree, walking down Pelham Road, towards the Seafront and opening the driver's door of a parked van. The male got into the driver's seat and the vehicles lights then come on. The footage goes onto show Mr Burvill approaching the van. A short time later the male gets out of the van and walks back up Pelham Road towards The Bay Tree. He walks past the premises and immediately turns down West Street. He remains out of sight for several minutes but is then seen getting back into his vehicle and driving off.

On Sunday 30th October 2016 at 00:25hrs Police received a 999 call from, it is believed, a member of door staff at The Bay Tree, reporting the presence of a violent and aggressive male who was shouting and screaming and being pinned to the floor. On Tuesday 1st November 2016 I went to The Bay Tree to collect the CCTV of this incident. When I viewed the footage I saw a male become increasingly animated inside



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(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1 11(T)

the premises, he was pushing out at people around him and fronting up to them. Several customers are seen to try and restrain and push the male towards the main front doors. I could see no door staff or bar staff at this time. The next CCTV camera showed the male being forcefully ejected by a door supervisor and Mr Burvill. The force was such that the male landed on his back onto the street pavement. He then went out of view. The CCTV shows a number of people exiting the premises to watch the incident unfold. Mr Willis is seen to exit the premises via the front doors although he informed me he was not on duty and at the premises socially. After a short time I could see Mr Willis waving his arms in a fashion as to usher people back inside the premises but this was ineffective and the customers remained outside until a member of Door staff directs them back inside. The officers who attended deemed the male to be drunk and had to facilitate him getting home in order to prevent a breach of the peace.

On Friday 11th November at 09:32hrs I attended a meeting at Seaford Police Station attended by PS Vokins, LO Wolfe and Mr Willis. The meeting was held in order to speak to Mr Willis as the new DPS of the premises and to discuss the three incidents which had taken place at the premises so shortly after the review date of 20th October 2016. Whilst discussing what a dispersal plan was I made several suggestions to Mr Willis about how the end of the evening could be better managed. These suggestions included lowering the volume and changing the genre of the music, bringing the lights up gradually, offering water or soft drinks and having the SIA staff walk amongst the customers talking to them and making sure they leave in a calm and quiet manner. Mr Willis appeared to write some of these ideas down. Mr Willis then went onto say that he took the complaints from their neighbour with a pinch of salt and stated that she complained about the most minor of things. I suggested to Mr Willis that he could make contact with the resident and offer to talk with them in a neutral environment where he could the discuss the issue face to face and he could inform them about his plans for minimising noise from the premises and for dealing with anti-social behaviour around closing time. I then said to Mr Willis that his licence stated that an incident book must be kept at the premises and used solely for recording incidents at the premises. I asked to see the incident book but he told me that the SIA made their own notes and there was nothing recorded in it since before the review on 20th October 2016. I said to Mr Willis that the book needed to be used by all staff

and terminated the call.

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

to record any incident that took place at the premises and therefore needed to be stored somewhere that staff could have direct access to it. I then went on to discuss Pubwatch Bans with Mr Willis and asked him why he had not felt comfortable with informing someone of their ban. Mr Willis stated that he was not yet sure how Pubwatch worked and he didn't want to refuse this particular person and have him 'kick off' and then possibly move onto another premises where he might get served. I gave advice to Mr Willis that he needed to become much more familiar with the Pubwatch system, and that he could have used the WhatsApp group that he was a member of if he was unsure of someone's ban. I then discussed with Mr Willis the recent high drug swab readings and gave advice on drug prevention. Lastly I asked Mr Willis why the rear doors were being left open after 23:30hrs when his licence states that they must be closed. Mr Willis said that they could not be closed because they were push open style doors and therefore people would not be able to re-enter the pub if they went into the garden. I gave two possible solutions to Mr Willis regarding this issue, firstly to either replace the doors so that they were fit for purpose or have an SIA door supervisor standing by the doors allowing access and egress to and from the smoking area after 23:30hrs. Throughout the meeting Lo Wolfe and PS Vokins also asked questions. The meeting was then concluded. On Wednesday 16th November 2017 I phoned Mr Willis to discuss a Seaford Pubwatch matter. Later that day at 15:05hrs Mr Burvill phoned me. He said we were picking on him and accusing him of talking to people about Pubwatch. He was very aggressive saying words to the effect of "YOU FUCKING LOT WONT LET IT GO, YOU DON'T FUCKING GET IT, YOUR SAYING I'M FUCKING DOING THIS AND THAT. YOUR FUCKING FELLA DOWN THE ROAD OBVIOUSLY HATES ME" I said to Mr Burvill that he needed to calm down as I couldn't answer his questions whilst he was shouting at me, he replied "NO I FUCKING WONT CALM DOWN, I'M THE FUCKING MANAGER AND YOUR TELLING ROB TO FUCKING TELL ME WHAT TO DO" Other members of the licensing team could hear me trying to calm Mr Burvill and asking

On Sunday 20th November 2016 at 01:03hrs a 999 call was made to Police from Mr Burvill saying that

him to stop swearing. I then said to Mr Burvill that I was unwilling to continue the phone call, I said goodbye



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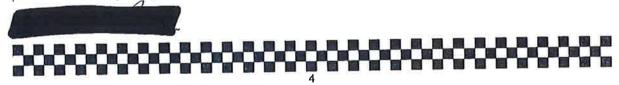
(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

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someone had just tried to glass someone and the suspect was still inside the premises. Following on from this incident I contacted Mr Willis to request a copy of the CCTV. However it was never provided and on Tuesday 22nd November at 16:12hrs Mr Willis sent me a text message saying that he had deleted the footage in error. On The Bay Tree Premises Licence it states that 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. Therefore this was a breach of the premises licence condition.

On Tuesday 31st January 2017 a meeting was held at Seaford Police Station attended by the Premises Licence Holder Mr Brumwell, the Designated Supervisor Mr Willis and the Head Doorman and Director of Apollo Security Mr Gavin Cooper (who were providing security staff to The Bay Tree), PS Vokins, LO Wolfe and PC Rush. Also present as an observer was PS Gillings. In the meeting we made Mr Brumwell aware of the incidents that had taken place at the premises since the Licence Review hearing in October 2016 and our continued concerns regarding the premises. The meeting was recorded and a full transcript can be found in the evidence bundle. After the meeting we attended The Bay Tree to take a number of Ion Track drug swabs. We first attended the gents toilets situated on the right hand side of the bar. Mr Willis informed us that these toilets were last used on New Year's Eve and had been locked since that time. LO Wolfe and I took various swabs from these toilets. We then swabbed both the male and female toilets to the left of the bar. The drug swabs results can be found in the review document. Although Mr Brumwell came back to the premises with everyone else, he took no interest in what we were doing, asking no questions and not offering to accompany us. Having previously been taken to a review hearing and having just listened to our on-going concerns I would have expected him to show more interest in what we were doing.

On Thursday 2nd February 2017 LO Wolfe and I returned to The Bay Tree in order to complete the Ion Track Drug swabbing that we were unable to complete on the 31st January 2017, this was due to the number of swabs that were required to sufficiently cover the premises. Both Mr Willis and Mr Burvill were present and the high drugs results from our visit on the 31st January were discussed. Both were given a



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

copy of the Ion Track Technology Detection Statement which explains the readings in more depth. It was agreed that a deep and thorough clean of the toilets was required after which more drugs swabs would be taken to establish the severity of the problem. On this occasion swabs were taken from the female toilets to the right of the bar and the bar area itself. These results can be found within the review document.

On Sunday 5th February 2017 at 17:54hrs an email was sent into the call centre by a resident of Pelham Road. The email complained of noise from The Bay Tree. They stated that the back door to the garden was open from 23:30hrs onwards with the music thumping through. They also reporting two males in the rear garden drinking and talking loudly at 01:30hrs on Sunday 5th February 2017. They say they can't sleep and this happens most weekends. I tried to speak to the complainant but when unsuccessful I sent them an email asking for them to contact me.

On Wednesday 8th February 2017 at 10:03hrs LO Wolfe and I attended the premises for a pre-arranged visit with Mr Willis. However when we arrived at the premises it was locked and Mr Willis was not present. LO Wolfe phoned Mr Willis but only got his voicemail. I then phoned Mr Burvill who then came and opened the door for us. Mr Burvill said that the toilets to the right of the bar had undergone an extensive clean and so LO Wolfe and I took some more drug swabs from the male and female toilets, for continuity we swabbed the same areas as before. We agreed that another set of swabs would be carried out in a few weeks' time in order to ascertain the extent of the problem. Whilst we were waiting for Mr Willis to arrive LO Wolfe went through with Mr Burvill what a drugs policy should include and supplied him with written guidance. This advice was repeated to Mr Willis when he eventually arrived. I provided Mr Willis with a sample evidence bag which had been correctly completed on the back so that he had a reference and a training guide. I also provided Mr Willis with a Drugs Storage and Handover form. LO Wolfe asked to see the noise management plan but this could not be provided by Mr Willis. The premises licence states The Premises Licence Holder will produce a noise management plan to be provided to Environmental Health by 20th November 2016.

On Thursday 9th February 2017at 12:30hrs I received an email from the same resident who had complained to us regarding noise issues on Sunday 5th February 2017. In the email the resident explains how stressed



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they felt and how their sleep had been affected by the noise coming from the premises and the fatigue they endured for days afterwards. The email goes onto say that they often see people outside in the garden with drinks after 23:30hrs and on the weekend of the 4th and 5th February 2017 said the music "thumped out" from 21:00hrs until 00:45hrs. The resident states that they make contact via text message to two phone numbers for the premises but these messages were ignored. The full email can be found in the evidence bundle.

On Friday 17th March 2017 I was on duty from 16:00hrs until 00:00hrs committed on an operation. I had my work mobile phone switched on. I received no calls from anyone in relation to the Bay Tree and had no missed calls.

On Monday 20th March 2017 I was made aware of a call that had come into the Police from Mr Rob Willis at 20:01hrs on Friday 17th March 2017. He said that he was notifying us (the Police) that he would not have door staff on duty that night. He said to the call taker that he could not see a condition on his licence that said he needed to have security staff, but thought that he needed to notify us.

On Monday 20th March 2017 at 09:30hrs I made a call to Mr Gavin Cooper, at Apollo Security who had been head doorman at The Bay Tree since November 2016. I asked him why there were no SIA door staff on duty at The Bay Tree over the weekend of the 17th & 18th March 2017. Mr Cooper said to me "WE'VE PULLED OUT OF WORKING THAT PREMISES. I DID VISIT THEM LAST MONDAY AND GAVE THEM A LETTER SAYING THAT WE WERE TERMINATING OUR CONTRACT, SO THEY HAD NOTICE." When I asked Mr Cooper why he was terminating the contract he said "WE HAVEN'T BEEN PAID. ITS THAT TIME OF THE YEAR WHEN THE ACCOUNTS ARE GETTING DONE AND WE WORKED OUT THAT HE OWED US OVER A GRAND IN PAYMENT, AND TO BE HONEST SOMETHING IS GOING ON THERE AND I DON'T WANT MY COMPANY INVOLVED" I asked Mr Cooper who was responsible for paying him he said "GLEN". I then asked Mr Cooper who he physically handed the letter to, he replied "GLENS PARTNER" I asked when, and he said "MONDAY 13TH MARCH, AROUND 7 O'CLOCK THAT EVENING. I asked Mr Cooper if he could provide me with a copy of the letter that he gave to the premises,

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(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1 11(T)

which he did. This can be found in the evidence bundle.

On Monday 20th March 2017 at 09:40hrs I phoned Mr Willis's mobile. He did not answer but called me back at 09:57hrs. I asked him why the premises failed to have door staff on duty on Friday 17th and Saturday 18th March 2017. Mr Willis replied that Apollo security were no longer going to provide SIA staff at the premises because they had bigger projects to work on and had left them high and dry for the weekend. I asked Mr Willis when he was made aware that Apollo were not going to provide door staff for the weekend of the 17th & 18th March 2017 and he replied "AROUND TUESDAY OR WEDNESDAY" I then said "SO YOU REMAINED OPEN AFTER 2100HRS, SELLING ALCOHOL ON BOTH FRIDAY 17TH AND SATURDAY 18TH MARCH?" He replied "WELL YEAH I WASN'T SURE WHAT I SHOULD DO". I said to Mr Willis that his premises licence stated that SIA security staff are to be on duty at the premises between 21:00hrs until half an hour after closing on Friday and Saturday evenings. I pointed out that he had breached his licence on both evenings due to not having the required SIA staff and this constituted a section 136 breach under the licensing Act 2003. This condition was put onto The Bay Trees premises licence by a licensing subcommittee at a Review Hearing which was held on 20th October 2016. Mr Willis said "BUT ISN'T THERE SOMETHING ABOUT IF IT'S NOT YOUR FAULT THAT THEY DIDN'T TURN UP?" I said that he had been given notice that Apollo were terminating their contract two to three days before the weekend and asked what other security companies they had tried in order to get SIA staff on duty for the weekend. Mr Willis said "WELL NONE YET, WE WERE LEFT A BIT HIGH AND DRY. AND I WAS TRYING TO FIND OUT WHETHER WE ACTUALLY HAD TO HAVE STAFF OR NOT. BUT I MET SOMEONE AT A TRADE FAIR THE OTHER DAY WHO I THINK HAS A COMPANY RUNNING OUT OF EASTBOURNE. WE'VE GOT NO CHOICE BUT TO GIVE THEM A GO I SUPPOSE". I was very surprised that no attempt had been made to get SIA staff in to cover the weekend. During a meeting that Mr Willis attended on 11th November 2016 after he was appointed DPS both LO Ms Wolfe and I gave Mr Willis the names of a number of Security Companies which he could have made enquiries with. I told Mr Willis I would be in further contact with him and later that day I asked him to produce the CCTV for the night of the 17th and 18th March 2017 from 21:00hrs until thirty minutes after closing time and till receipts for this time also.

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

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On Wednesday 22nd March 2017 at 13:29 I entered The Bay Tree along with my colleague PC Wilkes CW456. No one was present at the premises apart from Mr Willis. At 13:30hrs I cautioned Mr Willis, I then told Mr Willis that he was not under arrest but that I was investigating a breach of the premises licence under 136 of the Licensing Act 2003. Mr Willis made no reply to caution. I asked Mr Willis whether his job as DPS at the premises had been affected, he relied "NO". Mr Willis went on to say "YOU KNOW I MAY BE THE DPS BUT I'M NOT IN CHARGE OF THIS PREMISES", this comment was written down by PC Wilkes in his pocket note book and was signed by Mr Willis as being as accurate record of what he said. I took this to mean that Mr Burvill was making all the decisions regarding the premises and not Mr Willis. Mr Willis was asked if Mr Brumwell was upstairs and available, Mr Willis said he wasn't sure but went upstairs to check. He returned a few minutes later on his own. Mr Willis was then asked if Mr Brumwell would be coming to talk to us he said "HE WAS UPSTAIRS BUT HE'S NOW JUST GONE, HE SAID HE WOULD DEAL WITH THINGS WHEN THEY GOT TO HIM". I told Mr Willis that I intended to interview him about the breach of his licence and I went through his rights. I asked Mr Willis if he wanted legal advice and he said "YEAH I GUESS I PROBABLY SHOULD". I then called the duty solicitor number and logged a request. Whilst we were waiting for the solicitor to call back I asked Mr Willis to produce a full copy of the premises licence. Part B of the licence was displayed on the door leading out to the back area of the bar. Mr Willis produced a premises licence for The Bay Tree which showed him as the DPS. This licence was dated 25th October 2016 and ended at point 14. At the end of the licence was a sheet of paper which documented some of the conditions that were added after the licence review hearing which was held on 20th October 2016, including the condition regarding the SIA. Mr Willis told me that Mr Brumwell had provided the last page of the licence, which was different to his, after the weekend of the 17th & 18th March 2017. Mr Willis stated that he had not had a copy of these extra conditions and pointed out that his copy of the licence overall had much fewer conditions than Mr Brumwells licence which he had only realised after the weekend of 17th & 18th March 2017. Mr Willis said this was the reason that he could not see the fact that he must have SIA staff on his licence when he called the police control room on Friday 17th March 2017. Mr Brumwell had since copied the last page of his copy of the premises licence for Mr Willis but had not provided him with a full

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(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1 11(T)

copy. I said to Mr Willis "YOU WERE PRESENT AT THE REVIEW HEARING WHEN THE SIA CONDITION WAS ADDED THOUGH WEREN'T YOU? AND WE HAVE ALSO GONE THROUGH YOUR LICENCE WITH YOU ON SEVERAL OCCASIONS SINCE THE REVIEW AS WELL". I then asked Mr Willis to provide till receipts from the 17th and 18th of March 2017. He produced eight till receipts which showed the sale of alcohol between 21:00hrs to closing time for both dates, he handed these to me. I then asked Mr Willis for the CCTV that I had requested when I spoke to him on Monday 20th March 2017. He said that he had not done it. Mr Willis was unable to provide us with the CCTV at the time. I therefore asked Mr Willis whether PC Wilkes and I could at least view the CCTV footage on his system. Mr Willis agreed. At this time Mr Burvill came into the premises via the back door. Mr Burvill was verbally aggressive and abusive, he swore at me several times and made it clear we were not welcome. PC Wilkes and I then viewed the CCTV with Mr Willis footage from Friday 17th March from 21:00hrs onwards and the same on Saturday the 18th March 2017. It showed that the premises was open, selling alcohol with no SIA door staff on duty as per the premises licence condition. This was all confirmed by Mr Willis and was recorded on PC Wilkes Body worn video. Mr Willis confirmed to me that he was on duty on Friday 17th March 2017 We left the premises at 14:26hrs.

On Friday 24th March 2017 at 21:09hrs PC Wilkes and I attended The Bay Tree to check that SIA staff were present and on duty as per the licence condition. As I walked towards the premises I could see a member of SIA staff standing on the front door. I spoke to this male and a second SIA door staff member and took both their details. Both men told me that they were self-employed and were hired by 'Rob' who was paying them cash in hand. As I entered the premises I saw Mr Burvill and Own working behind the bar. I then saw Mr Willis on the customer side of the bar, he was not working. I asked to speak to Mr Willis by the garden so that we could have a conversation without shouting above the music. I asked Mr Willis about the SIA staff and asked him if he had a non-front line licence. He said "NO" I then said to Mr Willis that the SIA state that he cannot personally hire in-house door staff without one and that he needed the correct insurance. I asked Mr Willis who had hired the staff currently on duty and he replied "TO BE FAIR BOTH ME AND GLEN". I said to Mr Willis that during our last meeting we held with him and Mr Burvill on Wednesday 8th

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February 2017 we agreed that I would come back to take some more drug swabs. I confirmed that this was ok and PC Wilkes and I then took three drug swabs from the female toilets and three from the male toilets. As we were leaving the area we needed to walk back through the main bar. Mr Burvill then called me over to the bar. He said "HAVE YOU JUST DRUG SWABBED THOSE TOILETS?" I replied "YES" he then said "ARE YOU PLANNING ON SWABBING OTHER PREMISES TONIGHT?" I replied "YES" to which Mr Burvill said "YOU BETTER FUCKING HAD BE, BECAUSE I'LL FIND OUT AND IF YOU HAVEN'T I'LL FUCKING DO YOU FOR HARASSMENT" This was in front of all his customers. He was very aggressive and threatening in his manner. As there was a real threat of the situation escalating into verbal altercations and serious disorder I decided to walk away but as I did so Mr Burvill shouted "DON'T FUCKING WALK AWAY FROM ME". As I got to the front door Mr Willis then joined me and asked what Mr Burvill had said. I told Mr Willis. PC Wilkes and I left the premises around 22:12hrs.

On Tuesday 28th March 2017 at 11:27hrs I interviewed Mr Willis contemporaneously in the presence of a solicitor at his home address for the offence of carrying on licensable activity without consent contrary to section 136 of the licensing act 2003. Also present was PC Theelke.

On Wednesday 19th April 2017 at 09:26hrs I made a phone call to Mr Willis, he did not answer but returned my call. I informed Mr Willis that I wished to visit the following day at 11:00hrs with Elsie Carrasco from the SIA in order to give some advice on the employment of door staff. It was decided that we would meet at the premises in case any paper work was required.

On Thursday 20th April 2017 at 11:10hrs I arrived at the premises with PC Wilkes and Elsie Carrasco. Only Mr Willis was present. He informed me neither Mr Brumwell nor Mr Burvill would be attending the meeting. Mr Willis was asked who was providing his door staff presently. He answered 'Com R but could not remember nor provide the name of Mr R security company. Mr Willis was asked whether he had met Mr R and whether Mr R had attended the premises, Mr Willis said he knew it looked bad but no he had not. This was because he was moving house. Mr Willis stated that Mr Burvill was currently paying for the security and he assumed Mr R was invoicing Mr Burvill but didn't personally know the

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arrangements. Mr Willis said that there was only a verbal contract in place at this time with Mr Remi, as

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1 11(T)

they were on a trial basis. Mr Willis was asked to provide the booking on and off sheet that he had previously stated he asked his SIA staff to complete. Mr Willis could only produce the premises incident book. Three SIA door staff had written their names and licence numbers in the book on Friday 7th April 2017 but there was nothing previous to that, dating back to January 2017, nor after it. Mr Willis was given advice to either ask for, or provide, the SIA staff with a separate sheet to book on and off duty which was to include their names, duty times, SIA licence number and expiry date. Mr Willis was asked how he came to find Mr R to which he said that Mr R was a family member of one of his regular customers. Mr Willis confirmed to Ms Carrasco that he did not currently hold a non-front line SIA licence. I then showed Mr Willis the SIA website and showed him how he could look up individuals on either their licence number or their name and date of birth. I wrote the website down for Mr Willis. I also provided Mr Willis with the web address for Companies House. Ms Carrasco asked Mr Willis to provide the following information to her. The name of Mr R security company, the Companies House reference number for the security Company, a copy of the Public Liability Insurance and clarification over how the staff were being paid. During the conversation Mr Willis said that once Mr Burvill had left he would be managing the premises. He said he would be changing the name of the premises to The Kings Head and taking over the rent of the building. On Friday 21st April 2017 at 21:53hrs I visited The Bay Tree in order to ascertain whether the Blue Review Notice had been displayed at the premises. Two notices were present and correctly displayed. During my visit I spoke to three SIA staff. I took their names and licence numbers. All three had their licences on display and were checked against the SIA register. The Head Door man confirmed that he was paid by Mr R He produced a signing in booklet which had been completed for the 21st April and previously the 14th and 15th April. I spoke to all three SIA staff and outlined what we would expect them to do if they were to find someone with drugs on their person. I also spoke to the SIA door staff about Pubwatch, however no pictures had been provided to them by Mr Willis. When I asked Mr Willis whether he was able to provide the staff with a list of names and photographs he answered that he had still not yet managed to get onto the

system. I gave strong advice to Mr Willis to get onto the Pubwatch Website to view the names and images.

MG11

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)

This was very concerning to me as without knowing who was currently on a ban how would he, or any of his staff know who should be denied access to the premises? Mr Willis has been given this advice on several occasions.

On Wednesday 3rd May 2017 at 10:35hrs I interviewed Mr Burvill contemporaneously in the presence of a solicitor at The Bay Tree for the offence of carrying on licensable activity without consent contrary to section 136 of the licensing act 2003. Also present was PC Wilkes.

As of Tuesday 17th May 2017 the SIA confirmed to me that to date they had not received all of the information they requested of Mr Willis at the meeting held on 20th April 2017. Mr Willis has failed to supply a copy of the Public Liability Insurance from his security company and the security companies registration number with Companies House.





WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B:	Criminal	Procedu	ire Rule	s 2005,	Rule 27.1	
2967	9	URN				

Statement of:

Richard Louis James WILKES

Age if under 18:

Over 18

(if over 18 insert 'over 18')

Occupation:

Police Officer CW456

This statement (consisting of 4 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:	A	

Date 3 May 2017

Tick if witness evidence is visually recorded (

(supply witness details on rear)

I am a Police Constable with 20 years' service and for the past 7 years I have worked in the role as Neighbourhood Licensing Officer within the "Safer East Sussex Team" on East Sussex Division. Since 2014 I have been covering Eastbourne District. I also hold a national certificate, having passed the BIIAB Level 2 award for licensing practitioners.

As well as working as a Licensing Officer on Eastbourne District, I regularly assist my Licensing colleagues in dealing with issues at licensed premises on their respective areas. Over the past few months, I have had cause to assist the officer who covers Lewes District, PC DR403 Hannah RUSH, specifically in relation to the poor management and problems occurring at THE BAY TREE INN Public House which is located in PELHAM ROAD, Seaford. The premises continues to give cause for serious concern and as such is again under scrutiny by the Sussex Police Licensing unit for continuing to undermine the Licensing Objectives.

At 22:30 hours on Saturday 25th March 2017, I was on duty and out on foot patrol when I visited the BAY TREE INN PH to ascertain whether there were any SIA licensed door supervisors present & working at the premises with "active" front-line licences. Following a review of the premises licence in October 2016, operating conditions had been imposed which required the premises to have SIA door supervision from 21:00 hours on Friday and Saturday nights.

The result of my visit was as follows. On arrival at the front of the premises in PELHAM ROAD, two door supervisors were present and on duty at the premises. One was standing outside at the main entrance and the other just inside the premises.

The male working at the front door had his S.I.A. licence displayed in an armband and was in



Continuation of statement of Richard Louis James WILKES possession of his own Body-Warn video camera which was on a lanyard in the middle of his chest area.

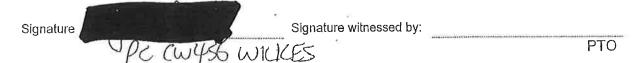
badge commenced in November 2016. He advised me that he would be working at the premises until 01:30 hours unless the premises decided to close earlier. He explained that he wasn't employed by a company as an S.I.A. door supervisor, and was therefore self-employed and stated he was being paid cash for his duty.

He confirmed that a friend called "Me" asked him to cover the duty for the night so he didn't know if he'd be doing it again.

When asked about his deployment, Mr Harmon replied that had not received a brief about the premises and didn't know what his duties were. He didn't know any specific details about the venue but whilst speaking to him he was actively checking the identification of some of the customers attending the premises. A subsequent check on the S.I.A register of licence holders confirmed Harmon details and that he holds an "active" front-line door supervisor's licence.

Having finished speaking to Hamme, I then went over to the second door supervisor who was inside the premises near to the front entrance and I invited him to come outside.

He promptly came outside and I saw that he was wearing his badge armband around his upper right arm, but displayed within it was a piece of paper with a 16 digit number on it which was handwritten in biro and in the style of an S.I.A. licence number. He was very quick to point out to me that he didn't have his S.I.A. licence card with him as he had sent it off to S.I.A. for a renewal as it was soon to expire but had not yet expired. He stated that he understood it was O.K. to do this, however this was not my understanding. I took the details of the 16 digit number displayed on the piece of paper. The male identified himself to me as Mr M I noted his description and he spoke with a Polish accent and stated that he had lived in the U.K. for his whole adult life and



Continuation of statement of Richard Louis James WILKES had worked as a door supervisor on-off since 2005.

I took down his details but he was unable to provide me with any form of identification. He advised me that he was employed by Resolve Security and usually worked as a door supervisor at a licenced premises in Brighton but it was his night off, so he was working independently. He stated that Resolve Security were not aware that he was working at the BAY TREE INN PH.

During my visit I could see that approximately 40 - 50 persons were inside the premises and the bar area was busy with a vibrant atmosphere. Both Harman and Same reported that there had been no problem customers or incidents at the premises whilst they were on duty. They were not using clickers and they said that there were approximately 45 customers in the premises but it was a lot quieter earlier on in the night. I observed that the Designated Premises Supervisor, Mr Rob WILLIS was working behind the bar and I could clearly see that there was sale of alcohol taking place. I re-iterated to Mr Harman that they must monitor levels of intoxication, prevent drunkenness and prevent drunk customers from entering the premises and implement better management of customers. A short while later, I left the front of the premises and returned to my district.

On Sunday 26th March 2017, having come back on duty, I carried out a check on the S.I.A. register of licence holders for the hand-written 16 digit number displayed in March S.I.A. armband and no results were found. I combined this check with his name and date of birth and again there were no matches/records.

Subsequent enquiries of the S.I.A. revealed that Mann State had never been registered with them at all. Further checks were also carried out which confirmed that what State said wasn't true in that Resolve Security do not have anyone working for them called Mann State and do not provide S.I.A. door supervisors to the licensed premises in Brighton where State Resolve employed him.

I also carried out a check on police I.T. systems and records and a file does exist with photographs of Managers confirming his identity and the date of birth he gave to be correct.

It is incumbent on any premises management who are employing persons who purport to be S.I.A.

Signature Signature witnessed by:

PTO

Continuation of statement of Richard Louis James WILKES 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 S.I.A. licensed, employing unlicensed door staff constitutes a breach of the premises licence condition and a contravention of S.136 of the Licensing Act 2003.

Given that M S was working as a front-line door supervisor at The BAY TREE PH without an active SIA licence, two of the Licensing Objectives were not being promoted - the prevention of crime & disorder and public safety. A person working as a front-line door supervisor at a licensed premises without an S.I.A. licence gives serious cause for concern as the perpetrator is operating without authority and therefore undermining a position of trust with the public which could have grave consequences for public safety. Operating this way, both the premises and S ware displaying little or no regard for the law and the authority provided by the SIA.

This statement has been made from original notes taken at the time as well entries on the Police Innkeeper system.

PC CW456 WILKES

Signature		Signature witnessed by:	
-----------	--	-------------------------	--

Evidence relating to Page 6:

Companies House Printout dated: Wednesday 29th March 2017

5 X Printouts
Referenced in statement
of PS Vokins (3)

Companies House

BETA This is a trial service — your <u>feedback (https://www.research.net/r/chbeta)</u> will help us to improve it.

Search for companies or officers

BAY TREE PUB LTD

Company number 10007858

Registered office address

The Bay Tree Pub, Pelham Road, Seaford, East Sussex, England, BN25 1EP

Company status
Active

Company type

Private limited Company

Incorporated on 16 February 2016

Accounts

First accounts made up to 28 February 2017 due by 16 November 2017

Confirmation statement

Next statement date 15 February 2018 due by 1 March 2018

Last statement dated 15 February 2017

Nature of business (SIC)

• 56302 - Public houses and bars

Companies House

BETA This is a trial service — your <u>feedback (https://www.research.net/r/chbeta)</u> will help us to improve it.

Search for companies or officers

BAY TREE PUB LTD

Company number 10007858

Date	Туре	Description	View / Download
02 Mar 2017	CS01	Confirmation statement made on 15 February 2017 with updates	(5 pages)
17 Nov 2016	AD01	Registered office address changed from 25a Steyning Avenue Peacehaven BN10 8HN United Kingdom to The Bay Tree Pub Pelham Road Seaford East Sussex BN25 1EP on 17 November 2016	(1 page)
03 Mar 2016	AP01	Appointment of Mr Glenn Burvill as a director on 3 March 2016	(2 pages)
16 Feb 2016	TM01	Termination of appointment of Peter Valaitis as a director on 16 February 2016	(1 page)
16 Feb 2016	NEWINC	Incorporation Statement of capital on 2016-02-16	(20 pages)

• GBP 1

BAY TREE PUB LTD - Officers (free information from Companies Ho... Page 1 of 2

Companies House

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Search for companies or officers

BAY TREE PUB LTD

Company number 10007858

- Officers
- Persons with significant control (https://beta.companieshouse.gov.uk/company/10007858/persons-withsignificant-control)

Filter officers

Current officers
Apply filter
2 officers / 1 resignation
3
BURVILL, Glenn
Correspondence address 25a, Steyning Avenue, Peacehaven, East Sussex, England, BN10 8HN
Role Active Director
Date of birth October 1962
Appointed on 3 March 2016
Nationality British

VALAITIS, Peter Anthony

Occupation Pub Manager

Country of residence England

Correspondence address 5 High Street, Westbury On Trym, Bristol, United Kingdom, BS9 3BY Role Resigned Director

Date of birth November 1950

BAY TREE PUB LTD - Officers (free information from Companies Ho... Page 2 of 2

Appointed on 16 February 2016

Resigned on 16 February 2016

Nationality British

Country of residence United Kingdom

Occupation Director



CS01(ef)

Confirmation Statement

Company Name:

BAY TREE PUB LTD

Company Number:

10007858

Received for filing in Electronic Format on the:02/03/2017



Company Name:

BAY TREE PUB LTD

Company Number:

10007858

Confirmation

15/02/2017

Statement date:

Sic Codes:

56302

Principal activity

Public houses and bars

description:

Statement of Capital (Share Capital)

Class of Shares:

ORDINARY

Number allotted

1

Currency:

GBP

Aggregate nominal value:

1

Prescribed particulars

EACH SHARE IS ENTITLED TO ONE VOTE IN ANY CIRCUMSTANCES. EACH SHARE IS ENTITLED PARI PASSU TO DIVIDEND PAYMENTS OR ANY OTHER DISTRIBUTION. EACH SHARE IS ENTITLED PARI PASSU TO PARTICIPATE IN A DISTRIBUTION ARISING FROM A WINDING UP OF THE COMPANY.

Statement of Capital (Totals)

Currency:

GBP

Total number of shares:

1

Total aggregate nominal

1

value:

Total aggregate amount

0

unpaid:

Persons with Significant Control (PSC)

PSC notifications

Notification Details

Date that person became 06/04/2016 registrable:

Name:

MR GLENN BURVILL

Service Address:

THE BAY TREE PUB PELHAM ROAD

SEAFORD ENGLAND BN25 1EP

Country/State Usually

ENGLAND

Resident:

Date of Birth:

**/10/1962

Nationality:

BRITISH

Nature of control

The person has the right to exercise, or actually exercises, significant influence or control over the company.

10007858

Evidence relating to Page 7:

Incident No 1 dated:
Sunday 23rd October
2016

1 x Police Statement by PC CD061 DanielsReferenced in statement of PS Vokins (3)



WITNESS STATEMENT

(CJ Act 1967,	s.9; MC Act 1980, ss.5A(3) (a) an	d 5B: Criminal F	Procedure Rules 200	5, Rule 27.1 11(T)
			URN	1
Statement of: Noel DANIELS	Se Control of the Con			€.
Age if under 18:	(if over 18 insert 'over 18')	Occupation:	Police Constable	

This statement (consisting of ____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:	CD061	 Date	31/10/2016	

Tick if witness evidence is visually recorded (supply witness details on rear)

At approximately 01:00 hours on Sunday October 23rd 2016 I was on duty in full uniform working alongside PC SCOTT DS096. Whilst in Seaford Police Station completing paperwork we could hear aggressive shouting from outside the police station in Church Street which led us to leave via the rear car park where we were met by a group of approximately four males and one female shouting loudly at one another in West Street which joins Church Street to Pelham Road.

When I initially left the police station and ran into the car park I could see an older male standing by himself in the public car park which backs on to the police station. Once we were dealing with the group the male came over and I could see that he was from a security firm, he was about 50 years of age, white male, fat build, with short thinning hair and told me that he worked at The Bay Tree Inn further up the road. The security guard added that two males had tried to jump the rear wall of the pub earlier which led him to follow the group.

The group were all young and very intoxicated, I do not know where they had been drinking but myself and PC SCOTT had to deal with the group several times in order to prevent a fight from occurring.

A short time later at approximately 01:30 hours a call was received from a member of public in relation to a large group of people outside The Bay Tree Inn causing ASB issues such as noise and



MG11,

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)

urinating in the street. This was cad ref 0109 23/10/2016. When we attended the pub there was a large group of approximately 7-10 people outside on the corner of West Street and Pelham Road, I would describe them all as intoxicated and in several smaller groups all chatting away to one another. I could see some empty bottles on the floor and there were no signs of any staff member from The Bay Tree Inn present making attempts to move on the group.

I spoke with a group of two females and two males who stated that they had been in the Bay drinking and were clearly intoxicated but in good spirits, there were no signs of the group dispersing so to aid this we had to drop the group home in the hope that we would not receive any further calls from disgruntled residents.

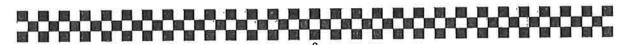
There were signs of urination on the walls of The Bay Tree Inn and I actually witnessed one intoxicated female loose her balance and fall into the puddle on the pavement as she was kneeling down talking to a friend.

It 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 issue with stragglers hanging around causing ASB. I would expect to see security staff moving on customers rather than just going home and leaving it to police to deal with.

It has been approximately eight days since these incidents occurred to me writing this statement.

The above is a true and accurate account of what occurred.





Evidence relating to Page 8:

Meeting on: Friday 11th November 2016

Meeting Minutes

Minutes:

Meeting On Friday 11th November 2016 with Mr Rob Willis (RW) DPS from The Bay Tree, PS Denham Vokins (DV), LO Cathie Wolfe (CW) and NLO PC Hannah Rush (HR). Meeting held at Seaford Police Station and commenced at 09:32hrs.

DV opened the meeting by thanking RW for attending and laid out the objective of the meeting which was to meet with him as the new DPS of The Bay Tree and discuss Police concerns with the premises after the Review hearing on the 20th October 2016. DV informed RW that a great deal of consideration had been taken on deciding whether or not to object to his appointment as DPS. DV explained that we had eventually formed the opinion that we would not object to this variation in the hope that he (RW) would be able to make the appropriate changes to the running of the premises. It was noted that Police would have preferred Mr Brumwell to have also been present at the meeting but understood that he was currently in Thailand.

DV spoke about the three incidents that had been associated with the premises since the review. He explained to RW how disappointed we had been to see incidents take place just days after the hearing and over consecutive weekends. Not only that but the incidents yet again involved high levels of intoxication and two out of the three had taken place post-midnight. These were the very issues that had brought about the review in the first place. The first incident we that was put to RW was a call made to Police on 23rd October 2016. This was a call from a resident complaining that there were people from the premises out the back of property swearing and shouting, threatening to glass each other and urinating on bins. Police attended the group and confirmed that they were drunk. They were causing so many issues that they were taken home in order to prevent serious disorder. DV pointed out that of had been seen in the garden clearing up but had made no attempts to talk to the group or ask them to move on quietly. RW stated that Glen and Cess were very laid back and this was just their style. RW asked what time this occurred. The call came in just before 01:30hrs, RW was quick to mention that the bar closed at 01:00, however when pushed on the accuracy of this RW admitted that although they stopped serving alcohol at 01:00 the premises was actually open until 01:30hrs. DV asked RW about his dispersal plan. RW did not know what this meant but said something along the lines of "herding them out like cattle". When he could not give an appropriate response HR discussed options such as lowering the volume of the music, changing the genre of the music, bringing the lights up, offering water or soft drinks and even having them available on the bar, having door staff talking to customers inside the premises and making sure they leave the area in a clam and quiet manner. RW wrote some of these ideas down. RW did say that he took what their neighbour (Resident) said with a pinch of salt and accused mo complaining about even the most minor things. HR suggested that as the new DPS he make contact with again and perhaps arrange to meet in a neutral environment and discuss the issues face to face. HR suggested that RW tell her his plans for minimising noise from the premises and dealing with the ASB at closing time. DV pointed out that on this occasion this complaint of ASB had been substantiated by Police who had attended the scene due to the noise. RW accepted this. RW also stated that he was not happy with the current company who were supplying him with door staff. He said that they have proven to be unreliable and have told him and his partner to "Fuck off". DV tested RWs knowledge on his new licence and asked what he would do if the company couldn't provide the two door security required. RW said he thought there was mention of exceptional circumstances but was unsure whether he would open or not. DV told RW to read his licence and to

know the conditions and explained that a breach of the licence could lead to a prosecution and another review. CW informed RW of the names of other Door Security companies he could try in order to help bring about the desired changes. RW noted these down and thanked CW for the information. RW stated that he did not trust the current company (Sussex Security) to turn up. He also stated that they always ask for three SIA on a Saturday night but often only get two. Role of the SIA and duel rolling were discussed. RW asked whether he was allowed to stand on the door but when asked why he would want to do this he stated because he didn't trust his current door staff. DV and CW explained what was and what wasn't acceptable with regards to being a visible presence on the door.

The second incident to take place since the review was on the 28th October 2016 where a male is reportedly drink driving. A member of SIA called into Police and reported that a male customer had been drinking at the premises, had staggered off down the road and has tried to drive off in his van. It appears that Glen and a member of door staff have followed the male and got him to leave his vehicle. However the male returns to his van and drives off ten minutes later. RW stated he wasn't working at the time but knew about the incident. DV said that drink driving aside we were concerned that the male had very obviously been served whilst drunk. Various implications of this discussed including vulnerability. DV asked where this incident, and others, had been recorded and what his licence said about this specifically. RW admitted he did not know. HR informed RW that his licence stated that an incident book must be kept at the premises and used solely for the use of recording Incidents at the premises. HR had asked to see the incident book and had been told by Glen that the door staff made their own notes and there was nothing recorded in their book since before the review. It was pointed out to RW that this was not to happen and that all staff were to use the incident book to record all incidents and that this was to be kept behind the bar so that all staff had access to it.

The third and last incident was discussed which was an aggressive drunken male who had to be removed from the premises. CCTV shows the male being almost thrown out of the front door onto the pavement and Glen laying hands on in order to help restrain the male. RW was also seen to be present on the night, however RW stated he wasn't actually working. It was pointed out to him that it appeared as though he was. RW agreed and understood what we were saying. We also agreed that this incident had not been handled well by the SIA but that had the male not been drunk in the first place it was highly likely that this would not have happened. CW asked how this male was allowed to become drunk and RW could not answer.

HR asked RW if he planned to keep on all the staff currently working at the premises. He said that he was. It was also asked whether Glen and C would continue to work behind the bar, RW answered that they were. HR suggested that perhaps when they work would need to be thought about and that RW may want to consider working both Friday and Saturday evenings for the next few months in order to set a new president. It was pointed out to RW that on the surface customers may not notice or expect any change to take place with the running of the premises and that RW would need to work hard to change the premises around. HR suggested that a coffee machine might be an idea to implement, this would give RW the chance to refuse people before they become drunk but be able to offer an alternative.

HR asked RW about Pubwatch and why he had not felt happy with informing someone of their ban. RW stated that he was not sure how the Pubwatch system worked and was not sure if the person in question needed to be in receipt of their banning letter first. RW then admitted that he didn't want the male in question to 'kick off' and then possibly move onto another premises where he might get served. HR told RW how the 'WhatsApp' group could have been used in this instance to make sure

the surrounding premises were aware that the male was around and had been made aware of his ban.

HR brought up the issue of drugs being used on the premises and that the swab readings had been very high indicating direct and sustained contact. RW brought up an incident where he had been informed that a regular had been dealing in cocaine. RW informed us that he had immediately confronted the male and informed him that he was now barred from the Premises. HR asked why Police had not been called regarding this and pointed out that we have the power to search under the misuse of drugs act and that we may have found enough to prove possession, that being the case we could have prevented a drug dealer from walking the streets.

HR also asked why the rear doors were constantly open even after 23:30hrs when the licence states they must be closed. RW stated that they could not be closed as they were a push open style door and therefore people would not be able to get in from the garden if they were closed. HR gave two options to this issue, firstly to replace the doors so that they work as they should, or to have an SIA door supervisor standing by the rear doors allowing access and egress. By this time the garden area should only be used by smokers for smoking and so this should not prove a massive burden.

The meeting concluded at 11:15hrs.

Y.

Evidence relating to Page 9:

Incident No 6 dated: Sunday 20th November 2016

1 x Police Statement by
PC CD061 Daniels
Copy of Text Message
Referenced in statement
of PC Rush (4)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedul URN	14466 2000, 1446 27.1					
Statement of: Noel Daniels						
Age if under 18: O18 (if over 18 insert 'over 18') Occupation: Police	ee Constable					
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 in it, anything which I know to be false or do not believe to be true.						
Signature:	Date 22/11/2016					
Tick if witness evidence is visually recorded (supply witness details of	-					
I am the above named person and at approximately 01:10 hours on Sunday	November 20th 2016 I was on					
duty in full uniform working alongside PC DAWSON DD061 from call sign ES	6105 when we attended The Bay					
Tree Inn, Pelham Road, Seaford in response to a male victim having been as	ssaulted by a female suspect					
with a glass to the face.	n.					
When we arrived on scene there was a female being restrained by a male or	itside the pub whilst a security					
officer who I now know to be Gavin COOPER was holding her arm in the air	due to a bleeding cut she had					
on her hand. I was advised that the victim was inside the pub and that this fe	male was responsible for					
'glassing' him to the face causing injury. I would describe the female as white, 5'6, blonde hair, slim build,						
wearing a tight black dress and black heels. The female was clearly either highly intoxicated, on drugs or						
both. PC DAWSON spoke with the female as I observed and I would describe the female as very up and						
down and volatile, due to this I waited outside with PC DAWSON until PC FRANKS DF989 and PC						
O'CONNOR CO348 later arrived on scene. The staff had closed the pub and	I were making attempts to					
disperse people however this was taking some time, the door staff were not allowing any other persons into						
the pub and had locked the front door.						
Once colleagues arrived on scene myself and PC FRANKS went into the pu	b and spoke with the victim so					
my time with the suspect was very limited to give any further description ove	r her demeanour. The victim did					
not want to support a prosecution but told me that the female had been drink	king heavily during the evening					
and was kissing a large majority of men within the pub whilst alcoholic drinks	s belonging to others, near the					
end of the night he claimed that he refused her any of his drink which has the	en resulted in the female hitting					
him to the face with a glass. Details were then taken and the female was eve	entually released due to having					
no supporting victim despite the bar staff and landlord insisting they wanted	her arrested. I then learned that					
Signature: Signature witnessed by:	MG11 5/2007					





the females name was from PC DAWSON and this was confirmed through documents in her handbag which she had left at scene before leaving. The staff at the pub were helpful throughout the incident and had sectioned off the area where the incident had occurred, they stated that they had had a lot of people from Newhaven in the pub but that it was a peaceful evening until this incident had occurred with no earlier signs of trouble. As we waited with the victim for ambulance to check on his injuries I noticed atmale I know was slightly intoxicated and helping the landlord clean up behind the bar, I am unsure if this male actually works at the pub or is a friend of the landlord. The offence was witnessed by the security officer COOPER who stated that he was happy to provide a statement if required. Later that same day when I returned to duty I attended the pub again at approximately 1700 hours in order to view the CCTV of the incident. I was shown downstairs to the cellar by a member of staff who I know to be Rob WILLIS, he showed me the incident on CCTV which clearly caught the entire offence however during conversation he mentioned that the female in question had allegedly been so drunk that she was refused service, this in turn resulted in her 'mine sweeping' other people's drinks (drinking from other persons glasses) for the rest of the night. In my personal opinion you have to question why the female was not thrown out the pub having been refused further drinks by staff earlier in the night which may have prevented this incident from occurring in the first place. It has been approximately 48 hours since the incident occurred to me writing this statement at the request of licensing officers. The incident was captured on body worn video however I have so far been unable to download the footage due to the system being down. This is a true and accurate account of what occurred.





NOKIA

From Rob Willis

12:57

HI Hannah we've tried to obtain the CCTV but an era has occurred ive just had the guys out to check it all and he has fixed it but it's not now there however the officer that came to check it filmed it on his phone

Options

Reply

Back

NOKIA

From Rob Willis

13:01

PHULL

Received

16:12:20

From:

Rob Willis

and the second second

Options Reply

Evidence relating to Page 10:

Letters dated:
Monday 16th January
2017

2 x Copy Letters



Alcohol Harm Reduction Unit

16th January 2017

Dear Mr. Brumwell,

RE: The Bay Tree, Pelham Road, Seaford

I am writing to you in your capacity as Premises Licence Holder for the above named premises. There have been a number of incidents at, or connected to, the premises since the review hearing on 20th October 2016 which is of concern to Sussex Police. This letter has also been sent to the designated premises supervisor Mr. Rob Willis.

In addition, at the hearing a number of conditions were attached to the premises licence by the licensing sub-committee, one of which relates to CCTV at the premises. You will note the penultimate paragraph states... '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....' On two occasions since Saturday 19th November 2016 you have either failed to provide CCTV footage or there has been an unacceptable delay in so doing when requested by police.

There is also a condition relating to the use of an incident book, again reproduced here, '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.' On at least one occasion there was some considerable difficulty in producing the incident book when requested to do so by a police officer.

In light of the above you are both requested to attend a meeting at Seaford Police Station at 11:00hrs on any day between Tuesday 24th January and Friday 27th January 2017 inclusive to discuss our concerns with you. Please would you be kind enough to let me know which of these dates is convenient to you.

Yours sincerely,

Cathie Wolfe ABII
Eastbourne, Lewes and Wealden District Licensing Officer

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



Alcohol Harm Reduction Unit

16th January 2017

The Bay Tree Inn Pelham Road, Seaford

Dear Mr. Willis,

RE: The Bay Tree, Pelham Road, Seaford

I am writing to you in your capacity as Designated Premises Supervisor for the above named premises. There have been a number of incidents at, or connected to, the premises since the review hearing on 20th October 2016 which is of concern to Sussex Police. This letter has also been sent to the premises licence holder Mr. Steven Brumwell.

In addition, at the hearing a number of conditions were attached to the premises licence by the licensing sub-committee, one of which relates to CCTV at the premises. You will note the penultimate paragraph states... '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....' On two occasions since Saturday 19th November 2016 you have either failed to provide CCTV footage or there has been an unacceptable delay in so doing when requested by police.

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Yours sincerely,

Cathie Wolfe ABII

Eastbourne, Lewes and Wealden District Licensing Officer

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