

APPENDIX 10

Statement from Licensing Section

MEMORANDUM



Lewes District Council

To: The Licensing Officer
Lewes District Council

Date: 24th April 2017

From: Susan Lindsey
Licensing Officer
Lewes District Council

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The Bay Tree, Pelham Road, Seaford

Further to the submission of a Review Application under Section 51 of the Licensing Act 2003 by the Chief Constable of Sussex Police for **The Bay Tree, Pelham Road, Seaford**.

I am a Licensing Officer authorised to exercise powers under the Licensing Act 2003 by Lewes District Council.

On Tuesday 21st March (pm) I received a telephone call from Mr Rob Willis (the DPS at the Bay Tree Public House) and Mr Glenn Burvill (the tenant Manager of the Bay Tree Public House).

This telephone call was with reference to a telephone message left on my work mobile by Mr Glenn Burvill on Friday 17th March in which he was querying what to do as they had SIA door staff difficulties for that weekend (17th & 18th March).

I was unable to call Mr Glenn Burvill or Mr Rob Willis back on Friday 17th as I was on annual leave.

Mr Burvill confirmed to me over the telephone on Tuesday afternoon (21st March) that their SIA cover for that weekend had let them down and he was trying to get hold of me on Friday 17th March to see whether they could stay open or not.

Mr Burvill said he had also telephoned 101 and had tried to get hold of the Police Licensing Team, but that they did not get back to him.

Mr Burvill told me that he had operated his normal licensing hours on that Friday and Saturday night (17th & 18th March) without door staff. He told me that he had heard from Sussex Police and PC Hannah Rush was due to visit his premises on Wednesday (22nd) and that she wanted to collect CCTV footage from 9pm to half an hour after closing on both 17th and 18th March. She also wanted to collect till receipts for that time. Mr Burvill asked me why they would want this.

I advised Mr Burvill that it was a condition on their Premises Licence that SIA staff were at his premises from 9pm to half an hour after closing on every Friday and Saturday night and that to operate without SIA breached one of their licensing conditions.

I explained to Mr Burvill that if they have no SIA cover from 9pm to half an hour after closing on either a Friday or a Saturday night, then they will have to close the premises. Mr Burvill said he would not open the premises after 9pm in future if he does not have SIA cover.

I explained that Sussex Police had probably made arrangements to collect CCTV footage and till receipts as evidence of this breach and that this could lead to a possible review application and/or prosecution. I advised they should get legal advice.

On 18th April 2017 I attended Hammonds Drive Police Station in Eastbourne. I viewed both Friday 17th and Saturday 18th March footage from 9pm until 1am (the following morning). The camera footage was taken from 'camera 6' positioned above the pool table pointing at the bar and showing the internal front entrance area. There were no visible SIA on duty shown from 'camera 6' at the premises throughout the footage.

PC Hannah Rush informed me that the DPS and Premises Licence Holder do not dispute that SIA were not on duty on either the evening of Friday 17th or Saturday 18th March.

I am aware (through receipt of weekly Police incident reports) that there have been 15 calls made in respect of the Bay Tree to Sussex Police since the last Review Hearing on 20th October 2016:

- 6 relating to outside noise/disturbance and rowdy behaviour
- 5 relating to violence/drunks/threatening behaviour
- 1 relating to a malicious communication
- 3 reports by staff of possible drink driving/seized drugs/difficulties with SIA cover

I have not been party to any further investigations by Sussex Police into the above incidents and have no further information on them.



Susan Lindsey
Licensing Officer