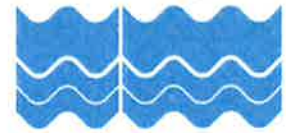


APPENDIX 9

Representation from Public Health



Department of Public Health

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19th May 2017

Michael Moss
Licensing officer
Lewes District Council
Southover House
Southover Road
Lewes BN7 1AB

Dear Mr Moss

Bay Tree Inn (now known as The Kings Head), Pelham Road, Seaford, BN25 1EP

I am writing on behalf of East Sussex Public Health as a responsible authority to support the recommendation made by Sussex Police that the Licensing Committee consider revoking the Premises Licence of Bay Tree on the grounds of continued failure of the PLH and the DPS to promote the four licensing objectives.

The role of public health is to promote and protect the health and wellbeing of the population and to prevent ill-health (such as that resulting from alcohol or drug use); this includes a consideration of the broader determinants of health such as people's local environment and their social interactions.

Having read the police evidence I note that the Licensing Objectives are not being promoted as follows:

Prevention of crime and disorder – There has been continued evidence of cocaine use within the Bay Tree, as evidenced by swab results taken from the male and female toilets, and more recently the bar area, on five occasions between 9th June 2016 and 24th March 2017. The more recent results show increasing levels detected suggesting a worsening of the situation since the hearing in October 2016. In addition there was an admission of cocaine use at the Bay Tree by a man charged with possession of cocaine in June 2016.

Public Safety – There is evidence of extreme drunkenness of patrons of the Bay Tree, such that people have fought on the premises and on the streets outside resulting in cuts and abrasions, a broken nose, head injury and even unconsciousness. The emergency services have been called a number of times resulting in avoidable costs to the NHS in terms of ambulance call outs and A&E attendances. There have also been incidents of extremely drunk people leaving the Bay Tree and driving away, putting both their own safety and that of others at risk. Such extreme drinking behaviour appears to be encouraged by the Bay Tree (now called The Kings Head) as evidenced by a sign outside the pub, which I was alerted to via a witness statement, which reads 'You can't

drink all day unless you start in the morning'. Such blatant advertising encourages irresponsible drinking and is likely to result in increased alcohol-related harm in Seaford.

Prevention of public nuisance – Local residents have made a number of complaints about the noise from loud music emanating from open doors of the Bay Tree often into the early hours of the morning (in breach of the condition of the licence) and also from the shouting and swearing of drunk patrons when leaving the Bay Tree. Anti-social behaviours such as kicking a neighbour's bin, and urinating in their garden, have also been documented. The noise levels have been such that the police have advised calls to Environmental Health. Whilst one neighbour came to an agreement with the former DPS to send text messages to alert him about the impact of noise at the Bay Tree, this failed to elicit any acknowledgement and the noise was not abated. This shows disregard for neighbours and the impact of noise on their health and wellbeing. Such disregard was also evidenced by comments to police on 11th November 2016 when the current DPS was alerted to a neighbour's complaints; he said they had complained before and he took their complaints 'with a pinch of salt'.

The protection of children from harm – There is evidence of the Bay Tree serving underage customers. A 17 year old girl was reportedly assaulted whilst drinking at the Bay Tree in June 2016, whilst drinking there with her friend (who may also have been underage). It is not clear from the police evidence I had sight of whether or not a Challenge 25 policy is now in place and being utilised.

In addition to the above, there is evidence of on-going poor management of the Bay Tree and several breaches of the Licence in terms of:

- The operating and maintenance of the CCTV equipment.
- Direct employment of door staff without an SIA licence and the use of unqualified door staff using fake ID, despite being aware that this was in breach of the licence.
- Selling alcohol without door staff present, a breach of a condition of the licence
- Lack of robust procedures for discouraging, detecting and dealing with illegal drug use, and no drug policy in place until relatively recently.
- Evidence of staff serving alcohol to people who are drunk/who have been under a Pub Watch ban, an apparent lack of a refusals policy and lack of awareness that this is an offence.
- Lack of awareness of the DPS as to the conditions on the licence introduced following the hearing in October 2016.
- Failure to implement police advice (eg join Pub Watch), despite meetings to discuss police concerns as to the issues of concern, aggressive behaviour towards, and a lack of cooperation with, the police (eg failure to provide CCTV footage of incidents when requested).

In conclusion, I am appalled at the Bay Tree's failure to address previous police concerns despite several opportunities to rectify their poor practice. It would also seem that this is unlikely to improve with the former DPS being the sole director of the company. All of which lead me to conclude that the Bay Tree is unable to promote the four licensing objectives and, in addition, continues to adversely impact on the health of the patrons, the staff and the neighbours.

I therefore recommend that the Licensing Committee seriously consider revoking the Premises License of the Bay Tree.

Yours sincerely



Martina Pickin
Consultant in Public Health