



Licensing Act Sub-Committee

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MEMBERS: Councillor Dow (Chairman); Councillors Murdoch and Murray

Agenda

- 1 Apologies for absence.**
- 2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.**
- 3 Review of Premises Licence - Coda, 125 Langney Road.** (Pages 1 - 52)

Report of Specialist Advisor – Licensing.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

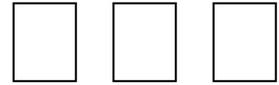
Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415021/5023 Minicom: (01323) 415111, Fax: (01323) 410322
E Mail: localdemocracy@eastbourne.gov.uk
Website at www.eastbourne.gov.uk

For general Council enquiries, please telephone (01323) 410000 or E-mail: enquiries@eastbourne.gov.uk

Agenda Item 3



Body: Licensing Act Sub Committee

Date: 3rd August 2016

Subject: Coda, 125 Langney Road, Eastbourne, BN22 8AG

Designated Premises Supervisor: Ms Sarah Thresher

Report Of: Murrae Hume, Specialist Advisor - Licensing

Ward(s) Devonshire

Purpose To determine a review of a premises licence under the Licensing Act 2003.

Contact: (Murrae Hume, Telephone 01323 415224 or internally on extension 5224
E-mail address murrae.hume@Eastbourne.gov.uk

For general release

1.0 Introduction & Background

- 1.1 Coda, 125 Langney Road, Eastbourne has operated as a licensed premise in Eastbourne for a number of years. It is situated to the East of the town centre in Langney Road towards its junction with Bourne Street and is within Eastbourne Borough Council's Cumulative impact policy area. The building is owned by Ablewhite Developments Ltd and they lease the business to their tenant, who is currently Ms Sarah Thresher who acts as both Premises Licence holder and Designated premises Supervisor (DPS).
- 1.2 The premises operates as a public house and recorded music venue.
- 1.3 The site was issued a premises licence under the Licensing Act 2003 on 30th September 2005, which authorises the site to provide the following licensable activities within the times indicated below. A full copy of the current premises licence and layout plans are included at Appendix A:-

1.4 **The public opening hours of the premises:**

Monday to Saturday 11:00hrs - 23:20hrs Sunday 12:00hrs - 22:50hrs
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The times the licence authorises the carrying out of licensable activities:

Recorded Music:	Indoors
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Monday to Saturday 11:00hrs - 23:20hrs Sunday 12:00hrs - 22:30hrs	
Provision of late night refreshment:	Indoors
Monday to Saturday 23:00hrs - 23:20hrs	
Sale by Retail of Alcohol:	Both on and off the premises
Monday to Saturday 11:00hrs - 23:00hrs Sunday 12:00hrs - 22:30hrs	

2.0 Consultation Process

- 2.1 In respect of application for Review, the Licensing Act 2003 requires the applicant, in this instance, Sussex Police, to serve a copy of the review application on the Licensing Authority, the person who holds the Premises Licence, and all other Responsible Authorities as specified under the Licensing Act 2003.
- 2.2 Notification of the application to review the premises licence was given by Sussex Police to all Responsible Authorities on the 14th June 2016, and was received by the Licensing Authority on the 14th June 2016, and was properly advertised from 15th June 2016. The prescribed site notice was displayed prominently at the premises, and at the Town Hall in order to inform the wider public of the application and for proper consultation to be undertaken for the full 28 day period. A copy of the application for review is attached at Appendix B, along with a copy of the prescribed site notice Appendix C.
- 2.3 As a result of the consultation process, no further representations have been received from responsible authorities or interested parties.

3.0 The Hearing

- 3.1 The Licensing Act 2003 (Hearings) Regulations 2005 state that a hearing must be held by the Licensing Authority within 20 working days after the initial 28 day consultation period. A determination on the review application must be made no later than 2 months after the day of the original giving of notice by relevant parties of the intention to review the premises licence.

4.0 The Decision Making Process The Licensing Objectives

- 4.1 In their decision making, the Licensing Sub Committee must act to promote the four Licensing Objectives. All carry equal weight as part of the process. The licensing objectives are:
- A) The prevention of crime and disorder
 - B) Public safety
 - C) The prevention of public nuisance
 - D) The protection of children from harm

5.0 Commentary on Eastbourne Borough Councils Statement Of Licensing Policy

NB. Copies Previously Circulated As Reference Material to Licensing Committees. Can also be located at

www.eastbourne.gov.uk/licensing.

5.1 Whilst each application will be considered on its merits, the Licensing Sub Committee will have due regard for the Eastbourne Borough Council Licensing Statement, Section 182 Guidance revised in March 2015, in respect of the Licensing Act 2003, and the promotion of the Licensing Objectives.

5.2 **(A) The Prevention Of Crime and Disorder**

The Councils' Statement Of Licensing Policy states that a premises Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours of such and imposition of conditions may be considered and applied as appropriate in order to promote the Licensing Objectives.

5.3 **(B) Public Safety**

The Councils' Statement of Licensing Policy states that the premise Operating Schedule should include steps to ensure the physical safety of patrons and the overall suitability of the premise. This might include the imposition of conditions regarding capacity and mechanisms to promote responsible drinking and safer socialising. The restriction of types of licensable activity, hours of such and imposition of conditions may be considered and applied as appropriate.

The Eastbourne Licensing Policy goes on to state that:

"Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act."

6.0 **The Review Application**

6.1 Eastbourne Borough Council is the relevant Licensing Authority in determining matters where an application is sought for the review of a premises licence under the Licensing Act 2003.

6.2 Section 51 provides that "where a premises licence has effect, an interested party or a Responsible Authority may apply to the relevant licensing authority for a review of the premises licence."

6.3 An application for a review in this instance has been applied for by Sussex Police, a responsible authority, under the following Licensing Objectives:

- The prevention of crime and disorder
- Public Safety.

7.0 **Grounds for Review**

7.1 A full copy of the application submitted by Sussex Police specifying the grounds for a

review is included in Appendix B.

- 7.2 Two Noise complaints were received by the Licensing authority in June and July 2014.
- 7.3 No representations have been lodged by Interested parties or other responsible authorities.
- 7.4 All those making representations and those responding to representations are entitled to attend the hearing in support of their case.

Representation from Interested Parties: None Received.
Representations from Responsible Authorities: ➤ Sussex Police – Applicant. ➤ East Sussex Fire and Rescue Service – No representations ➤ Health and Safety – No representations ➤ Planning Eastbourne Borough Council – No representations ➤ Area Child Protection – No representations ➤ Trading Standards, East Sussex County Council – No representations.

8.0 Options Open To The Committee

- 8.1 When determining the application, the Licensing Sub Committee must have regard to the contents of the review application and any relevant representations contained therein. At this hearing the Licensing Authority must:
- Consider the request for review
 - Consider any relevant representations and associated evidence accordingly.
 - Where appropriate, take such steps as is considered necessary for the promotion of the Licensing objectives.
- 8.2 These steps are:
- To take no action
 - To modify the conditions of the licence
 - To exclude a licensable activity
 - To remove the designated premises supervisor from the licence
 - To suspend the licence for a period not exceeding 3 months, or
 - To revoke the licence.
- 8.3 The determination, if not completed at the hearing, shall be provided within 5 working days. Such a determination does not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

9.0 Legal Considerations

- 9.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business to which the

licence, certificate or authorisation relates.

- 9.2 Licensing is about the appropriate management and control of licensed premises, qualifying clubs and temporary events and the associated licensable activities governed by the Licensing Act 2003. Any conditions attached to licences, certificates and permissions will focus on matters which are within the control of the Designated Premises Supervisor and/or their nominated representative, and will centre on the premises themselves and their immediate vicinity.
- 9.3 When considering these terms and conditions the Sub Committee will primarily focus on the direct impact of the activities taking place at the licensed premise on members of the public living, working or engaged in activity in the area concerned, in addition to the promotion of the Licensing Objectives.
- 9.4 In March 2015, the Department for Culture, Media and Sport issued revised Guidance under Section 182 of the Licensing Act 2003. This guidance is provided to assist the Sub Committee in carrying out their functions. Furthermore, the Licensing Sub Committee must have due regard of the Councils' Licensing Statement.

10.0 Human Rights

- 10.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act, 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property. Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

11.0 Background Material

- Licensing Act 2003
- LACORS Guidance – Committee Hearings
- Section 182 Statutory guidance to the Licensing Act 2003 Hearing and Regulations -
- Eastbourne Borough Council Licensing Statement 2005
- Human Rights Act 1998

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Part A Premises Licence

Premises Licence number

003804

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

CODA
125 Langney Road
Eastbourne
East Sussex BN22 8AG
Telephone number: 01323 725939/730007

Where the licence is time limited, the dates:

Start Date 30th September 2005 (Minor Variation 8th December 2009)
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Sale by retail of alcohol
Recorded music
Provision of Late Night Refreshment

The public opening hours of the premises:

Monday 11:00hrs - 23:20hrs
Tuesday 11:00hrs - 23:20hrs
Wednesday 11:00hrs - 23:20hrs
Thursday 11:00hrs - 23:20hrs
Friday 11:00hrs - 23:20hrs
Saturday 11:00hrs - 23:20hrs
Sunday 12:00hrs - 22:50hrs

Non Standard Timing

Good Friday 12:00hrs - 23:00hrs
Christmas Day 12:00hrs - 15:20hrs and 19:00hrs - 23:00hrs
New Years Eve (except Sundays) 10:00hrs - 23:30hrs
New Years Eve (on a Sunday) 12:00hrs - 23:00hrs
New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 1100 hours 1st January.

Licensing Team, 1 Grove Road, Eastbourne, East Sussex BN21 4TW

Tel: +44(0)1323 410000 Fax: +44(0)1323 415997 Minicom: +44(0)1323 415111 DX6921 Eastbourne

Email: licensing@eastbourne.gov.uk Web: www.eastbourne.gov.uk/licensing

The times the licence authorises the carrying out of licensable activities:

Recorded Music: Indoors

Monday 11:00hrs - 23:00hrs
Tuesday 11:00hrs - 23:00hrs
Wednesday 11:00hrs - 23:00hrs
Thursday 11:00hrs - 23:00hrs
Friday 11:00hrs - 23:00hrs
Saturday 11:00hrs - 23:00hrs
Sunday 12:00hrs - 22:30hrs

Non Standard Timing

Good Friday 12:00hrs - 22:30hrs
Christmas Day 12:00hrs - 15:00hrs and 19:00hrs - 22:30hrs
New Years Eve (except Sundays) 10:00hrs - 23:00hrs
New Years Eve (on a Sundays) 12:00hrs - 22:30hrs
New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 1100 hours 1st January.

Provision of late night refreshment: Indoors

Monday 23:00hrs - 23:20hrs
Tuesday 23:00hrs - 23:20hrs
Wednesday 23:00hrs - 23:20hrs
Thursday 23:00hrs - 23:20hrs
Friday 23:00hrs - 23:20hrs
Saturday 23:00hrs - 22:50hrs

Non Standard Timing

New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 0500 hours 1st January.

Sale by Retail of Alcohol: On and off the premises

Monday 11:00hrs - 23:00hrs
Tuesday 11:00hrs - 23:00hrs
Wednesday 11:00hrs - 23:00hrs
Thursday 11:00hrs - 23:00hrs
Friday 11:00hrs - 23:00hrs
Saturday 11:00hrs - 23:00hrs
Sunday 12:00hrs - 22:30hrs

Non Standard Timing

Good Friday 12:00hrs - 22:30hrs
Christmas Day 12:00hrs - 15:00hrs and 19:00hrs - 22:30hrs
New Years Eve (except Sundays) 10:00hrs - 23:00hrs
New Years Eve (on a Sundays) 12:00hrs - 22:30hrs
New Years Eve - New Years Day in accordance with the Regulatory Reform
(Special Occasions) Order 2002. From the end of permitted hours, 2300
hours, on 31 December to the start of permitted hours at 1100 hours 1st January.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted both on and off the premises at the given times.

Signed: _____
Licensing Manager

Date: _____

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Ms Sarah Elizabeth Thresher
125 Langney Road
Eastbourne
BN22 8AG

Email:

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Ms Sarah Elizabeth Thresher
125 Langney Road
Eastbourne
BN22 8AG

Tel: 01323 730007

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number	1320/003778
Issuing Authority	Eastbourne Borough Council

Annex 1 – Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

	This registration authorises the supply of alcohol subject to the following conditions:
1.	No supply of alcohol may be made at a time when (a) there is no designated premises supervisor in respect of the premises licence, or (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2.	Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision (where supervisors are engaged this condition applies)

3.	All door supervisors will be Security Industry Authority registered.
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Annex 2 – Conditions consistent with the Operating Schedule

All Licensing Objectives

None

Crime and Disorder

None

Public Safety

None

Public Nuisance

None

Protection of Children from Harm

None

Annex 2A – Embedded Restrictions

On Licences

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10a.m. to 11 p.m.
- 2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 0.30 p.m.
- 3) On Good Friday, 12 noon to 10.30 p.m.
- 4) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- 5) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or take in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is

supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises

2. Premises with no children's certificate –

Removed by Minor Variation 8th December 2009

3. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

4. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Annex 3 – Conditions attached after a hearing by the licensing authority:

All Licensing Objectives

Crime and Disorder

Public Safety

Public Nuisance

Protection of Children from Harm

Annex 4 – Plans

At the time of submission the attached plans are an accurate reflection of the design and layout of the premises.

**Part B
Premises Licence Summary**

Premises Licence number:

003804

Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

CODA
125 Langney Road
Eastbourne
East Sussex BN22 8AG
Telephone number: 01323 725939

Where the licence is time limited, the dates:

Start Date 30th September 2005 (Minor Variation 8th December 2009)
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Sale by retail of alcohol
Recorded music
Provision of Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Are detailed as per the enclosed schedule

RECORDED MUSIC: Indoors						
MON	TUE	WED	THU	FRI	SAT	SUN
11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:00	12:00-22:30
LATE NIGHT REFRESHMENT :Indoors						
MON	TUE	WED	THU	FRI	SAT	SUN
23:00-23:20	23:00-23:20	23:00-23:20	23:00-23:20	23:00-23:20	23:00-23:20	23:00-22:50
SUPPLY OF ALCOHOL : Both on and off the premises						
MON	TUE	WED	THU	FRI	SAT	SUN
11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:00	12:00-22:30
PUBLIC OPENING HOURS						
MON	TUE	WED	THU	FRI	SAT	SUN
11:00-23:20	11:00-23:20	11:00-23:20	11:00-23:20	11:00-23:20	11:00-23:20	12:00-22:50

Licensing Team, 1 Grove Road, Eastbourne, East Sussex BN21 4TW

Tel: +44(0)1323 410000 Fax: +44(0)1323 415997 Minicom: +44(0)1323 415111 DX6921 Eastbourne

Email: licensing@eastbourne.gov.uk Web: www.eastbourne.gov.uk/licensing

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted both on and off the premises at the given times.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Ms Sarah Elizabeth Thresher
125 Langney Road
Eastbourne
BN22 8AG

Email:

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

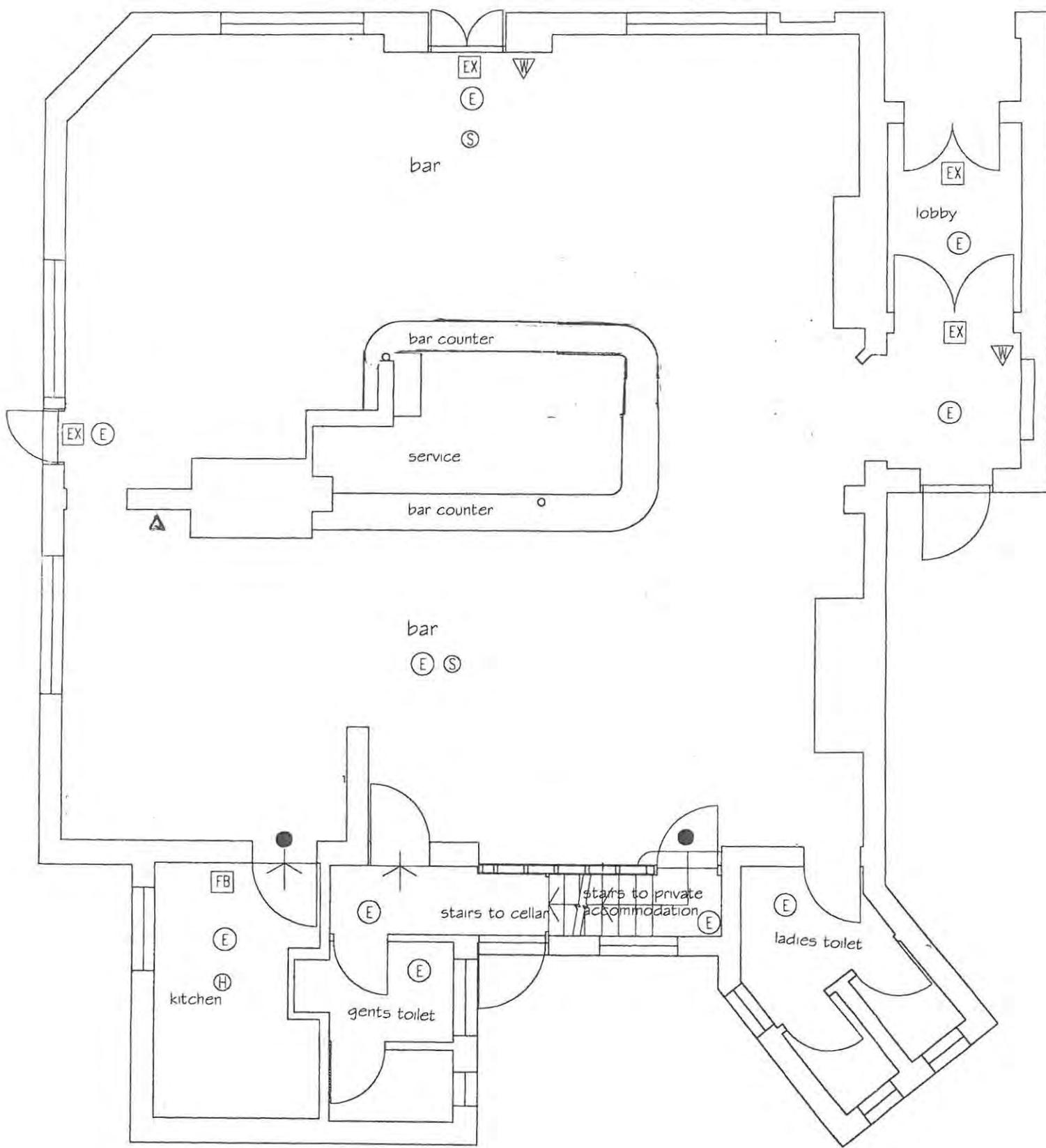
Ms Sarah Elizabeth Thresher

State whether access to the premises by children is restricted or prohibited:

From 12 noon until 21:00 hours on Fridays, Saturdays and Sundays, the area suitable for persons under 14 years of age, accompanied by an adult, shall have meals and beverages other than intoxicating liquor available for sale for consumption in that area.

Signed: _____
Licensing Manager

Date: _____



Date 05/11/2002

Consent granted by the E
for principal architect

Q. V. Jones

Clerk to/Member of the Lic



Application for the review of a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I, <i>(insert name of applicant)</i>	Chief Inspector Emma Brice, Eastbourne District Commander, for and on behalf of the Chief Constable of Sussex Police
--------------------------------------	--

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Coda
 125 Langney Road

Post Town
 Eastbourne

Post code (if known)
 BN22 8AG

Name of premises licence holder or club holding club premises certificate (if known)

Ms Sarah Elizabeth Thresher

Number of premises licence or club premises certificate (if known)

003804

Sussex Police
 Application for review of a premises licence
 07/2015

Part 2 – Applicant details	
I am,	
Please mark X for yes	
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) A responsible authority (please complete (C) below)	X
--	----------

3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
---	--------------------------

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Please mark X for yes									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	

Surname	First names
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Please mark X for yes	
I am 18 years old or over	<input type="checkbox"/>

Current postal address if different from premises address	<input style="width: 95%;" type="text"/>
--	--

Daytime contact telephone number	<input style="width: 95%;" type="text"/>
E-mail address (optional)	<input style="width: 95%;" type="text"/>

Sussex Police
Application for review of a premises licence
07/2015

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (if any)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address:

Chief Inspector Emma Brice
Hammonds Drive Patrol Base
Hammonds Drive
Eastbourne
East Sussex
BN23 6PW

Telephone number (if any)

(Email address (if any))

Emma.brice@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please mark X for yes (one or more boxes)

- | | |
|---|---|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |

Sussex Police
Application for review of a premises licence
07/2015

3) the prevention of public nuisance

4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the above two licensing objectives have been undermined by the carrying on of licensable activities at Coda Bar.

Since May 2015 there have been a significant number of incidents connected with the premises, including fights and assaults resulting in varying degrees of injury. A recurring feature in the majority of the incidents is the drunkenness of customers. Sussex Police are extremely concerned by the lack of control exercised by the Ms Sarah Thresher, Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), a succession of managers and more recently by the current manager, a relative of the PLH/DPS.

Historically the premises have been problematic. As long ago as November 2009 Ms Thresher was invited to attend a meeting with police to discuss their concerns about the premises; she failed to attend. However her then manager R***** H***** was present. A second meeting was arranged, Ms Thresher did attend and concerns about the manner in which the premises were being run were discussed. An action plan for the premises was drawn up by the police and given to Ms Thresher during the first week of December 2009. After a succession of emails between police and Ms Thresher, on 5th February 2010 she refused to sign it deeming it unwarranted. Papers relating to this time period are contained in the evidence bundle.

In the intervening years between 2010 and 2015 the premises came to attention intermittently for matters relating to violent crime, unlicensed licensable activities being conducted, customers' drunkenness, intelligence being received in relation to drug dealing at the premises and the persistent unwillingness of Ms Thresher acknowledge the existence of any problems.

At some time during 2009 Ms Thresher moved to Wales and failed to advise the police. In the intervening years at least six managers have been appointed by Ms Thresher, only two of which held personal licences; at no time were police informed that a new manager had been appointed. The latest manager to be appointed by Ms Thresher is her son Mr Andrew Thresher who has no formal licensing qualifications, despite being asked to attend a training course by Sussex Police on numerous occasions.

Following continuing incidents of drunkenness and assaults, on 23rd March 2016 Sussex Police sent a letter to the PLH/DPS Ms Thresher inviting her to a meeting to discuss their serious concerns regarding the operation of the premises. After failing to attend two meetings, at a third meeting Mrs Thresher listened to the police concerns that management and staff at the premises were not promoting the licensing objectives, and agreed to a suggestion by the police that a Minor Variation application would be submitted to add conditions to the premises licence. Less than 24 hours after the meeting, she notified police that she had changed her mind and it was not necessary to submit a Minor Variation as changes had been implemented at the premises. This has proven not to be the case.

Given the serious nature of the incidents occurring in connection with these premises, the majority of which are fuelled by drunkenness, and the failure of the PLH/DPS and her appointed staff to promote the licensing objectives, Sussex Police have no alternative but to submit this Application for a Review of the Premises Licence to ensure the necessary changes are made at the premises

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to safeguard the public.

Please provide as much information as possible to support the application (please read guidance note 2)

Coda is a medium sized premises situated to the east of the town centre in Langney Road towards the junction with Bourne Street and is within Eastbourne Borough Council's Cumulative Impact Policy area. The main entrance gives on to a lobby with two doors, one of which leads to the open-plan bar and the other to a small enclosed beer garden. There is accommodation above the premises that are currently let to tenants, access to which is gained by an external staircase. Since 2005 the Premises Licence Holder and Designated Premises Supervisor has been Ms Sarah Thresher.

Permitted licensable activities are sale by retail of alcohol, recorded music and the provision of late night refreshment. The current opening hours on Monday to Saturday are 11:00hrs – 23:20hrs and on Sunday between 12:00hrs & 22:50hrs. The hours for the sale of alcohol are between 11:00hrs & 23:00hrs on Monday to Saturday and between 12:00hrs & 22:30hrs on Sunday. Apart from the mandatory conditions and some embedded restrictions there are no conditions on the premises licence.

In the latter half of 2009 the premises was increasingly coming to police attention for such incidents as customers' drunkenness, alcohol fuelled violence, persistent drug use and the lack of cooperation from the DPS, Mrs Thresher, in her dealings with police. A schedule of incidents between 9th August 2008 and 30th October 2009 was prepared by police and is included in the evidence bundle.

The frequency of incidents increased in September 2009 including a report from a customer at

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23:20hrs on Friday 18th September 2009 that he had been the victim of a bogus drug deal that had taken place inside the premises. He further stated that he had given £20.00 to a male called Andy for some 'Ganja' (cannabis) who had taken his money but not given him the drugs. He added that there was "Ganja all over the place in the pub". Two officers, PC Ross Burke and Sergeant Simon Burroughs attended the premises at 23:55hrs. On their arrival the officers saw a group of about seven people outside one of the entrances all clearly intoxicated, speaking loudly and swearing. One male was holding a litre bottle of vodka. When they saw the officers they walked away from the premises along Bourne Street.

A male came out of the side entrance to the pub and introduced himself as the manager R**** H****, who was a personal licence holder. The reason for the visit was explained to him but he seemed reluctant to allow the officers ready access to the premises. Once inside the officers saw about 20 customers standing in the bar area and a male was seen behind the bar serving alcohol. The manager was asked what time the premises should be closed and he replied that he was not working at that time. At the officers request he produced the premises licence, and accepted that alcohol was being served outside the permitted hours and agreed to ask all the customers to leave immediately.

On Thursday 22nd October 2009 Sussex Police sent a letter to Ms Thresher and Mr H**** inviting them to attend a meeting on Wednesday 4th November 2009 the purpose being to discuss a number of incidents that had occurred at the premises including a breach of the premises licence permitted hours. Mr H**** attended the meeting explaining that Ms Thresher had declined the police invitation and stated that she was in Wales having been living there for the previous sixteen weeks. A number of matters were discussed including an incident in the premises about two weeks previously where a customer entered with a knife and assaulted another customer causing a small wound to his neck. This incident was not reported to police, the reason given by Mr H**** that when he spoke to Ms Thresher about the incident she told him not to. As a result of this incident Mr H**** employed an SIA registered door supervisor, however Mr H**** advised that Ms Thresher told him to cancel the contract as she did not want security staff at her premises. Mr. H**** further stated that although he wanted to run the premises in a manner that promoted the licensing objectives he felt he was constantly being thwarted by the interference of the DPS Ms Thresher.

On Thursday 5th November 2009 at 19:00hrs PC Darren Stevens conducted a licensing check at the premises. The DPS was not present but the officer was told by the sole member of bar staff that Ms Thresher was in Eastbourne, had been at the premises on the previous day (the day of the police meeting above) and was expected to visit the premises on the following day (6th) before she returned to Wales where she was living.

On 6th November 2009 police sent another letter to Ms Thresher expressing their serious concern regarding the general operation of the premises and the suggestion that she as DPS did not play an active role in the management and control of the premises. As a result of this letter a meeting with her was arranged for Wednesday 18th November 2009. Ms Thresher did attend this meeting with Inspector Charlie Connaughton, PC Stella Wells and Karen Plympton Eastbourne Council Licensing Manager. A number of matters were discussed:-

- Premises Licence Conditions: Children had been seen on the premises which was at the time a breach of the premises licence contravening embedded restriction 2. On Tuesday 24th November 2009 Ms Thresher applied for a Minor Variation to remove this restriction which was granted.

- **Staff/Staff Training:** In brief, Ms Thresher stated she had probably employed the wrong type of person to run the bar but currently had two staff members who had made enquiries about obtaining their personal licences with a view to them running the premises for her. She stated that she did not want to remain at the premises wanting to return to Wales. She undertook to implement staff training and keep a training manual.
- **Incidents Reported to Police:** An overview of all incidents reported to police over the previous 18 months was given to Ms Thresher and discussed with her. She disagreed with most of them stating that she had no knowledge of them having taken place. It was noted that police records indicated that several incidents had been reported by Ms Thresher personally, however, she advised that she wasn't aware they had taken place.

Necessary improvements were agreed and a copy of the minutes of this meeting are included in the evidence bundle. As a result of the meeting an action plan for the premises was drawn up by police and delivered to Ms Thresher at the premises during the first week of December 2009. A number of emails between police and Ms Thresher ensued in relation to the action plan culminating in her refusal on 5th February 2010 to sign it.

The premises came to attention again the following month on Friday 26th March 2010 when police attended the premises due to a report of a male with a knife who was holding it to a staff member's throat. The incident occurred because there was a dispute about money between the offender, his partner and Ms Thresher. As a result of the incident Sergeant Burroughs and DC Macpherson went to the premises at 00:20 hrs on Saturday 27th March 2010. On entering the premises Sergeant Burroughs saw two males in the entrance lobby play fighting and between 15 and 20 customers in the bar area most of them holding drinks. There were three people behind the bar serving alcohol to customers and money being exchanged over the bar, despite this being after the permitted hours on the premises licence.

Sergeant Burroughs was approached by the female who identified herself as the DPS Ms Thresher. He asked her about CCTV in the premises which she said was broken and appeared antagonistic towards him. When he asked what time the premises was closing Ms Thresher replied that she was just about to close and as the officers left they heard the bell ring to indicate 'last orders'.

On Friday 23rd April 2010 Ms Thresher called police to request a meeting to discuss various licensing matters. On Monday 26th April at 14:40hrs PC Jamie Sykes and the police licensing officer for Eastbourne Cathie Wolfe went to the premises. Ms Thresher was present. She stated that she was sponsoring the Brighton University rugby team who used her premises on Wednesday evenings for their student nights. She said that she paid an amount of money to the rugby club for the sponsorship and discounted all drinks for the members by 70 pence per pint. On student nights she used 'rough furniture' in the bar so that they could enjoy themselves and explained that the students, usually about 40 in number, came dressed up in various guises including being covered in green paint or wearing toilet seats around their necks with accompanying placards reflecting this adornment. As they all arrived at the same time it was her practice to pull 80 pints in advance and put these in jugs on the bar. She also said that it was the students' practice to drink 'dirty pints'. (This is a student drinking game where a central drinking glass is filled by other members of the group who put an amount of their own drink in and who consumes the drink is decided by the toss of a coin).

Ms Thresher further stated that she provided such items as gravy granules and Worcestershire sauce that the students could add to the central glass. She also provided buckets under the tables

for the students to vomit into. She said that her regular customers stayed for the entertainment and that she never knew how many pints had been served until the end of the evening. When Ms Thresher and a staff member were asked to define the point where a customer should not be served alcohol the answers were, when the person could not stand up, could not talk or could not hold their glass. Cathie Wolfe stated that this tolerance level towards drunkenness was far too high but Ms Thresher disagreed. Ms Wolfe explained that new Mandatory licensing conditions were coming into force on 1st October 2010 with particular reference to drinking games.

On Wednesday 5th May 2010, student night in Eastbourne, PC Sykes visited the premises again and reminded her of the main issues; Ms Thresher confirmed that sick buckets were no longer provided.

In July 2010 a Misuse of Drugs Warrant was executed at the premises, both in the licensed area and in the private quarters above the premises. A large quantity of herbal cannabis was found in one of the rooms and a 21 year old female Judith Thresher who is the daughter of the DPS, was arrested for Possession to Supply a Class B Drug. She was later charged with Possession of a Class B Drug, was later found guilty of the offence and fined £80.00

On Saturday 28th August 2010 at 20:20hrs officers conducted a licensing check at the premises. Ms Thresher was present and was extremely unhappy about police officers in her premises asking them to leave on a number of occasions. She was told that the officers would only leave when their task was complete; she remained uncooperative throughout the process and was reluctant to answer any of their questions.

At some point early in 2010 Mr H**** left Ms Thresher's employ and it is believed she was managing the premises herself. The premises continued to have sporadic incidents of fights, drunkenness and drugs intelligence relating to the premises.

On 18th March 2011 a Temporary Event Notice was submitted by Miss L**** K***, who is a personal licence holder. She stated she was only running the premises for Ms Thresher while she was on holiday. However Miss K*** continued to make similar applications until June 2013. It is believed that during this period of time Ms Thresher was spending more time in Wales leaving Miss K*** to manage the premises.

Incidents of assaults, fights and drunkenness continued to take place at the premises during the years between 2011 and 2013 but not with the same frequency as previously. However, in January 2014 this situation began to deteriorate.

At 23:37hrs on Thursday 16th January 2014 police received a call from a male who wanted to report an assault. The call handler heard a male in the background telling him to hang up and then the call ended. The call handler phoned the male back who said he no longer wanted police. He also said that his friend was causing a problem about which he would not elaborate. Due to this officers believed it was not necessary to go to the premises.

A few minutes later at 23:43hrs police received another call from a different male reporting that his friend had been assaulted, was bleeding and that the offender was in Coda bar. Officers went to the premises and spoke to the victim who had an injury above his left eye. The victim advised police that was walking past the premises at about 15:00hrs when a male, Mr Andrew Thresher who is the son of the DPS, came out of the pub, approached him and asked what he had been saying about him. When the victim replied, "Nothing", Mr Thresher punched him in the face.

At about 22:30hrs the victim and his friend returned to the premises for a drink. When they

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entered the premises Mr Thresher was not present. The victim went outside for a cigarette and when he went back inside he saw Mr Thresher by the gaming machine who approached him and then head-butted him in the face and punched him causing a cut above his left eye. The victim left the premises but went back in briefly to fetch his girlfriend and as he did so Mr Thresher broke a pool cue in half waving it at the victim whilst shouting at him.

Officers arrested Mr Thresher who was later charged with Assault Occasioning Actual Bodily Harm, found guilty at court and given a Community Order. The attending officers noted that whilst they were at the premises Ms Thresher was not very cooperative stating that CCTV was not available as they did not have a remote control due to a change in management. Officers would have seized the entire system to prevent evidence from being tampered with but it was bolted down and wired in. They stated that whilst a fully functional CCTV system was not a condition on the premises licence it would be beneficial for instances such as this where the staff and family were bordering on being obstructive and preventing evidence being provided to solve crime.

At 00:07hrs on Friday 17th January 2014 Ms Thresher called police stating that her bar manager E**** G**** had been assaulted during the above incident and the attending officers did nothing about it. She was very demanding, wanting a police sergeant to attend immediately. One of the attending officers had told the manager that police would return to see her once the main incident had been dealt with but neither Ms Thresher nor the manager were happy with this course of action. Officers noted that when they spoke to E**** G**** initially she was drunk and confirmed that she had been drinking for most of the day. It should also be noted that this was the first time police were aware that Ms Thresher had appointed a new manager as again she had not informed them.

With regard to investigating the assault on the manager, E**** G****, three unsuccessful attempts were made to speak to her however eventually the circumstances of her assault were revealed. During the evening of Thursday 16th January 2014 Miss G**** was off-duty but in the premises socialising. She stated that when a fight broke out between two males she intervened breaking up the fight sustaining bruising to her arms though she could not say who had done this. CCTV footage was not able to be viewed at the time as neither the DPS Ms Thresher nor the staff knew how to operate the system. On Friday 31st January 2014 an officer was able to view CCTV images but it showed no obvious assault on the manager. In view of the lack of evidence the matter was filed undetected. This incident is an example of drunkenness in the premises, violence and lack of cooperation from the DPS Ms Thresher.

On Tuesday 21st January 2014 Sergeant Denham Vokins the East Sussex licensing Sergeant carried out a licensing visit at the premises and spoke to Ms Thresher at length. He gave her licensing and drug use advice within the premises. He also set out police expectations of her in terms of effective management of the premises, promotion of the licensing objectives and suggested that it would be more sensible for a member of staff living locally to become the DPS.

During the evening of Wednesday 22nd January 2014 the Neighbourhood Licensing Officer PC Richard Wilkes visited the premises and spoke to the manager, E**** G****. She said she hoped to apply for a personal licence very soon and that she had been the premises manager for the previous two months though had worked there for a year. She also said that Ms Thresher relied on her for the day-to-day management as she lived in Wales; according to Miss G**** Ms Thresher visited the premises periodically. PC Wilkes reiterated that it would be more advantageous for all concerned for the premises to be managed by a DPS who lived locally.

At 18:35hrs on Monday 27th January 2014 police received a call from a female reporting that she had been attacked in front of her two children aged 7 and 9 years, by the manager E**** G**** at

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about 16:00hrs that day who punched, kicked her and tried to stamp on her head. The complainant said that she had gone to the premises with her children to wish a friend 'happy birthday'. Whilst there she had an argument with Miss G**** though she would not divulge what this was about. Another female in the premises grabbed her round the neck from behind at which point Miss G**** punched the complainant on the side of her face. The complainant refused to provide either further details or make a statement because she 'could not be bothered' and therefore this matter was filed undetected. This incident is an example of a customer making an initial complaint to police in relation to violence at the premises, but then refusing to take the matter any further.

At 23:07hrs on Friday 28th February 2014 police received a call from a male reporting a fight in the premises involving about fourteen people. When officers attended they saw a group of three females and two males who were shouting but making little sense. One male in particular was very loud and clearly very drunk. He persistently argued with the Officers, was obstructive and disorderly and was therefore arrested for being Drunk & Disorderly.

A customer told the Officers that he had seen the male fighting and saw him punch both the male barman and the manager E**** G**** causing a cut to her face; the offender was further arrested on suspicion of Assault Occasioning Actual Bodily Harm. On arrival in custody a search revealed the male to be in possession of herbal cannabis. When officers viewed the CCTV it was clear that the arrested male was the main protagonist. Footage showed him punching the male staff member in the face several times but he was very blasé about the incident, laughing at himself being assaulted on the CCTV. He was not interested in making a complaint or giving an account to the officers stating that such events were an occupational hazard of the job. The manager had a similar attitude saying that she did not know who had hit her and then went on to state that the cut on her face was sustained a few days previously though it appeared to the officers to be fresh. She too would not make a complaint or give an account of the incident to police. When officers requested downloaded CCTV images all the staff stated that they did not know how to use the system. It was made clear to them that it would be required the following morning and a failure to comply with this request might be deemed as obstructive. Officers observed that there were some very clear management and control issues in relation to the running of this premises. There were numerous drunken customers and a very poor attitude from the staff.

At 22:40hrs on Saturday 1st March 2014 PC Wilkes and two other officers visited the premises. E**** G**** was present as was the same barman who had been working on the previous evening. PC Wilkes spoke to Miss G**** at length about the previous evening's incident pointing out her shortcomings as a manager and her inability to control customers. She was on crutches and her right leg was in a splint but she was quick to point out that this was as a result of previously torn ligaments in her knee, this condition being aggravated whilst trying to remove the arrested male from the premises. PC Wilkes asked her why most of the customers had been drunk and pointed out that it was an offence to serve alcohol to such people. She said she knew that and it was not something she would knowingly do. The barman interrupted and said that it had been closing time when the incident occurred so everyone had had 'a good drink' and that this was quite normal. When asked why she was not pursuing a complaint against the arrested male she said she had not been assaulted. PC Wilkes disputed this and stressed that Miss G**** as the manager should be taking responsibility for the premises, was not sending out the right message to customers, was not promoting the licensing objectives and as such was putting customers and the premises licence at risk.

PC Wilkes then asked the barman why he was not making any complaint to police about the incident in relation to the assault on him. He replied that it was just part and parcel of working in a bar. PC Wilkes strongly refuted this remark saying that this was unacceptable and, if he was

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stating that he expected this type of incident to happen, it clearly demonstrated a lack of control over the customers. PC Wilkes told Miss G**** that this incident was the third incident of note since January 2014 involving violence and a lack of control over the customers. He said the premises management must start to improve because if it did not police might make an application to review the premises licence. He offered Miss G**** support in making improvements and asked whether the DPS Ms Thresher had been notified of the incidents; Miss G**** said she would be doing so the following day. PC Wilkes emphasised that one of the improvements that needed to be made related to Ms Thresher's residence in Wales leaving the manager who did not hold a personal licence, to run the premises with little support from Ms Thresher. He stated that a DPS should be in a position to oversee the running of a premises and behave responsibly at all times. Miss G**** said that she would talk to Ms Thresher about taking on the role of DPS once she had obtained her personal licence. PC Wilkes also suggested that SIA registered door staff should be employed at the premises which would assist Miss G**** to prevent crime and disorder. He said he would be contacting Ms Thresher to discuss all the elements of the incident with her. He then gave Miss G**** and the barman some general advice on controlling customers, how to recognise and deal with any unacceptable behaviour, early intervention and the prevention of crime and disorder. The barman commented that he would try and "sort things out his way" and was firmly told by PC Wilkes that this was an unhelpful attitude that did not give him any confidence that the barman would be able to deal appropriately with problem customers. Further advice was given before the officers left the premises. A short while later it was discovered that this barman had previously been employed as a manager in another pub and his activities there had jeopardised the premises licence. The premises licence holder had been informed and his services had been dispensed with.

On Sunday 2nd March 2014 in the early afternoon PC Wilkes telephoned Ms Thresher in Wales having been provided with her details by Miss G****. When he spoke to her he relayed the details of the incident, his visit to the premises and his concerns relating to the staff she had employed. Ms Thresher was initially reluctant to speak about any of these matters but once it was made clear to her that a continuation of such incidents could lead to a review of her premises licence, she agreed to make herself available for discussion by coming from Wales to Eastbourne at a time and date to be arranged. The matter of appointing another DPS was raised but once again she was reluctant to do this.

During the afternoon of Sunday 9th March 2014 PC Wilkes visited the premises and met both Mr Andrew Thresher and Miss Judith Thresher, the son and daughter of the DPS. He spoke to them both going over all the issues he had discussed with Ms Thresher the previous week. During the conversation it became apparent that both E**** G**** and the barman working on the night of 28th February 2014 were no longer employed by Ms Thresher and that Judith Thresher would be taking over the role of manager. She said that she had already taken some steps to address the problems at the premises and overall gave PC Wilkes a favourable impression of her ability to run the premises.

That evening PC Wilkes sent Ms Thresher a letter confirming that which was spoken about with her the previous weekend and stated that it was appropriate for her to prepare an action plan for the management and control of the premises. She was also told that she was expected to reduce incidents of crime and disorder at the premises. Ms Thresher failed to come to Eastbourne as agreed and once again deemed an action plan unnecessary.

There were several more incidents of drunkenness, violence and assaults at the premises at until June 2014 when matters seemed to have improved. However, once again this was not to last. The number of incidents at the premises increased, and there were two further management changes about which the police were not informed by Ms Thresher. Neither of these managers

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were personal licence holders

Over the last nine years Ms Thresher has displayed a pattern of behaviour that clearly shows her unwillingness to work with Sussex Police despite her many assurances that she wants to. She has consistently refused to relinquish the role of DPS and has appointed a succession of managers, only two of whom are personal licence holders. She has repeatedly refused to accept that her premises are poorly run or that incidents of crime, disorder, drunkenness, drug use and alcohol fuelled violence take place there.

Despite Sussex Police best efforts to work with Ms Thresher she has been unrelenting in her reluctance to both cooperate with police and accept her failure to run her licensed premises in accordance with the licensing objectives.

There follows a detailed list of incidents, visits and interactions with Ms Thresher from May 2015.

- (1) At 13:00 hrs on Saturday 23rd May 2015 an officer visited the premises as he was aware that a Temporary Event Notice (TEN) had been granted for a birthday party, with licensable activities until 02:00hrs. When the officer asked to speak to the manager a male working behind the bar said he was the new manager appointed by the DPS three weeks previously and introduced himself as M*** F****. He said that the previous manager, Mr Andrew Thresher had left to live with the PLH/DPS Mrs Sarah Thresher, in Wales. Sussex Police had not been informed by Ms Thresher of this change. The new manager said that as the event was his birthday party he would not be working. He had arranged for bar staff and had employed an SIA registered door supervisor for the duration of the event. He was not a personal licence holder but said that he would soon be booking on to a Personal Licence Holder's training course. He was given some general licensing advice and told that the Licensing Act 2003 requires that the Premises Licence Summary be prominently displayed.

At 19:56hrs on the same day police received a call from a male who sounded drunk reporting that people were "coked off their heads and shouting" outside the premises. He refused to provide any further information demanding that the police showed a presence or he 'would sort it out himself'. At 20:03hrs the same male called again stating that he had not seen people taking cocaine but knew they had been and at 20:48hrs he called for the third time to report excessive noise and drug use at the premises. He then stated that customers were fighting outside the premises but would not supply any further details. Police viewed nearby CCTV and formed the view that there was nothing that demanded police attendance at that time.

At 23:10hrs an officer conducted a licensing check. One of the customers was behaving aggressively outside and was told to leave the area. The officer observed about fifty customers inside the premises many of whom were very drunk. The sole door supervisor was struggling to control the flow of customers and in the opinion of the officer attending, the music was excessively loud. The side door of the premises was open allow the noise to escape. The officer attending asked the manager Mr F**** to turn down the music, which was done.

- (2) At 22:24hrs on Monday 25th May 2015 police received a call from a female who wished to remain anonymous reporting that three people were fighting in the premises. She further stated that one of those involved had a van parked outside with a pint of beer on the dashboard. Whilst on the phone the fight stopped but when the main culprit was asked to

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leave the premises, he refused. Officers attended and established that two friends had begun to argue and when a third male joined in one of the three ended up on the floor. The male who was refusing to leave was extremely drunk but was persuaded to do so by the attending officers. All those involved refused to make any allegations.

- (3) At 21:45hrs on Saturday 25th July 2015 a staff member called police to report that a customer had thrown a glass which had smashed all over the bar. When officers attended they were told that the male had been in the premises for some time and was very drunk. When the staff member refused to serve him any more alcohol he threw his pint glass on the floor causing it to smash, he then left the premises. Prior to police arriving the glass had been cleared away and the male was not located by the attending officers. Staff were unsure whether the CCTV was working and advised that they would not be able to check that evening. The matter was filed undetected due to lack of evidence but further demonstrates the levels of intoxication at the premises.
- (4) At 20:49 hrs on Tuesday 8th September 2015 police received a call from staff reporting the presence of a troublesome male who had hit another male then left the premises. This was a third party report of a crime where neither the suspect nor the victim were identified by staff and CCTV was unavailable. Officers attempted to recover CCTV from the premises but by 16th September it was still unavailable as staff did not have the access code to view it. The premises manager was aware and undertook to contact the local PCSO when CCTV was available. The matter was filed undetected as the promised CCTV never materialised, so police were unable to take further action.

Sometime between incident 4 and 5 Mr F***** ceased to be employed by Ms Thresher and a new manager, her son Mr Andrew Thresher, was appointed by her. He is not a personal licence holder and once again police were not informed of the change in management personnel. He is still in post as at 8th June 2016.

- (5) At 20:36hrs on Friday 2nd October 2015 the manager Mr Thresher called police to report the presence of a very intoxicated female in the bar who had been causing a disturbance and threatening to spray people in the face with bleach. Whilst Mr Thresher and someone who he described as 'security' were ejecting her from the premises she grabbed Mr Thresher round the throat. At the time of the call the female was shouting outside the premises. When officers attended Mr Thresher did not make any allegations of assault. He stated he had called police for assistance to remove her from the premises and as she had resisted he was concerned that the situation would escalate. This incident is a further example of the levels of drunkenness within the premises which have required a police intervention, but then no evidence has been provided to the police by management or staff
- (6) At 20:02hrs on Friday 9th October 2015 police received a call from the ambulance service reporting their attendance to a 40 year old male rolling around in the road who had been drinking in the premises. A passer-by had seen the male, asked if he was alright and when the male replied that he had been assaulted, called an ambulance. When an officer spoke to a paramedic he said the male had bumped his nose and was being taken to hospital to be cleaned up. When officers spoke to the male and customers in Coda Bar it was clear that the male had fallen due to his extremely drunken state and in fact no assault had taken place.
- (7) At 19:59hrs on Saturday 10th October 2015 a member of staff called police reporting the presence of a male who was refusing to leave the premises. She said that the male

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was stating that something had happened to him outside the premises on the previous day, was being rude, insulting and causing problems for other customers who were leaving as a result of his behaviour. The staff member again asked the male to leave whilst on the phone to police and he still refused. Officers attended but the male had left prior to their arrival. An example of issues at the premises requiring police intervention which could have been avoided if security was employed at the premises.

- (8) At 22:20hrs on Friday 23rd October 2015 Mr Thresher called police reporting that an assault had taken place in the bar and the group of four females and two males were gathered outside looking as if they were about to fight. When officers attended the group had gone. They spoke to Mr Thresher who said that two females had an altercation over a drink and he had ejected them, threatening to call the police to make them go away. A further example of an issue at the premises requiring police intervention which could have been avoided if security was employed at the premises
- (9) At 09:06hrs on Thursday 29th October 2015 police received a call from a male reporting that on 16th October whilst in the premises with his partner, she became extremely drunk resulting in her being verbally aggressive. Once home the couple had an argument and such was her intoxicated state she then proceeded to punch and kick him in the head. Following an investigation no further action was taken in relation to the male's complaint. However, attending officers stated that the female was highly intoxicated and had been drinking in the premises.
- (10) At 20:28hrs on Tuesday 10th November 2015 police received a call from a male reporting problems with his ex-partner which was connected to the incident number 9 above. The caller was drinking in the premises with his new partner and his ex-partner who was extremely drunk was also in the bar. She accused him of being a child molester in front of all the other customers and said that he would be 'dealt with' when a named male came out of prison; the caller took this to mean with a firearm. He left the premises leaving the drunken female there. Neither management nor staff intervened nor was the obviously drunken female asked to leave.
- (11) At 21:38hrs on Tuesday 10th November 2015 an ambulance controller called police reporting that they had received a call from a male who was later identified through his mobile phone and who was a customer at the premises, reporting that there was a 50 year old unconscious female at the premises. The caller was unco-operative when asked for details and very abusive stating that there were people inside the premises who did not want the ambulance crew there. An ambulance first responder attended but did not enter the premises until officers arrived due to the implied threats made in the initial call. When officers arrived the female had left. No call was received from the premises management to report this serious and worrying incident.
- (12) At 20:49 hrs on Wednesday 11th November 2015 police received a call from an informant reporting that the premises manager was selling drugs in the bar. The information was noted.
- (13) At 21:53hrs on Thursday 19th November 2015 police received a call from a male reporting a fight in the street outside the premises. On police attendance they saw two males, one of whom had blood round his mouth (Male 1), standing in the street. A female approached and told officers that four other males had been involved who had run away. Police CCTV had monitored a group of people running from the premises and were therefore able to identify the address that they entered. Two officers spoke to the

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occupants who denied any involvement in the incident, refused their details and were very anti-police. Meanwhile Male 1 returned to the premises. When officers spoke to him he was extremely rude and was close to being arrested due to his behaviour, despite appearing to have been the victim of an assault. He stated that he had been punched in the mouth but refused to provide any further details.

Whilst at the premises officers found another injured male, the premises manager Mr Thresher, who was very drunk and slumped on the floor and vomiting into a jug. He had a cut on his nose and said that he had been hit in the stomach with a piece of wood. He was taken to hospital but, due to his drunkenness and the pain he was in, was unable to state what had happened. No one in the premises wanted to assist police and the officers noted that all the staff were drunk. Officers did manage to ascertain that Mr Thresher and Male 1 had been involved in an altercation with other males earlier in the evening who having left, returned and assaulted them both. Although initially Male 1 was unco-operative he later stated that he had been in the premises drunk and had seen that the manager was in trouble outside. When he went to assist he was punched in the face. Male 1 refused to make a statement and Mr Thresher was too drunk on the evening of the incident to remember what happened. He did however state that he thought the suspects were in the premises that evening because of a drug debt owed by two customers whose first names he gave, and he was just unfortunate to be there at the time. In the absence of any evidence to support further police action the matter was filed undetected. This is an example of extremely high levels of intoxication of both customers and staff of the venue, which has resulted in an assault in which the perpetrators were not able to be identified.

- (14) At 14:43hrs on Sunday 22nd November 2015 a female called police to report that her handbag had been stolen whilst in the premises during the evening of 19th November. She left her handbag on the bar when she went to look at the fight referred to in incident 13 above and when she returned to the bar her handbag was missing. The caller was one of the two mentioned by the manager in relation to a drug debt referred to in incident 13. CCTV was viewed by the manager Mr Thresher but although there are images of both the bag and its owner he could not see at which point or by whom the bag was taken; the matter was filed undetected.

At 08:52hrs on Tuesday 1st December 2015 Detective Constable Bott sent an email to PC Wilkes regarding a visit she had made to the premises the previous evening. The purpose of her visit was to take a statement from a female who lived in one of the rented rooms above the pub about a matter unrelated to the premises and to talk to Mr Thresher regarding an incident on Thursday 19th November 2015 in which he was the victim of an assault. DC Bott took the statement from the female who then showed her down into the bar. When she walked into the bar she saw Mr Thresher naked to the waist, lying face down on the floor and laughing hysterically. There were five customers all of whom she deemed to be drunk.

Mr Thresher got up from the floor and after spending several minutes looking for his jumper, found it and put it on. He smelt of alcohol and was quite clearly drunk. The officer stated that from the appearance of his eyes she believed he was also under the influence of drugs. Mr Thresher tried unsuccessfully to pull himself together sufficiently to talk to DC Bott. He said he would show her the CCTV which he had just worked out how to use. He showed her behind the bar where she saw that the floor was littered with broken glass and a dog was wandering about amongst it.

Mr Thresher fumbled with the CCTV controls but was unable to operate the system. The officer told him she would return when he was sober. He accompanied her outside and began to talk

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about the assault mentioning two names and a drug debt. When the officer asked him if these people had been banned from the premises Mr Thresher said that he had no reason to bar them.

(15) At 20:25hrs on Saturday 19th December 2015 police received a call from a female reporting a fight inside the premises. When officers attended they saw a disturbance in progress but were unable to gain access as all the doors were locked preventing their entry and customers egress. A second police unit attended and the doors were unlocked releasing a group of drunken hysterical females none of whom made any allegations. Once inside the officers saw clear signs of a disturbance; hair extensions on the floor along with some bracelets. The manager Mr Thresher was not present but appeared a short while later, out of breath. When asked who was in control of the premises he said he was; Officers noted he was drunk. Mr Thresher agreed to close the premises voluntarily and due to the lack of allegations or information officers could take no further action. The attending officers' opinion was that despite Mr Thresher saying he was in control of the premises, no control was evident. A statement has been provided by a police sergeant who attended the incident. This is another example of extreme drunkenness and assaults within the premises and a lack of cooperation with police.

On 23rd December 2015 at 14:30hrs, due to police concerns about the number and nature of incidents at the premises, a licensing visit was made to the premises by PC Wilkes and a local authority licensing officer. The DPS Ms Thresher was not present but the manager, Mr Thresher, was. During the visit it became clear that the manager was not exercising control over the customers in the bar. One of these was a drunken elderly gentleman who appeared to have soiled himself as there was evidence of urination on his outer garments. When Mr Thresher was told by PC Wilkes not to serve the male any further alcohol Mr Thresher denied that the male was drunk. Concerns were also raised by PC Wilkes by the presence of a young girl approximately 10 years old being present at the same time as customers who were generally loud and swearing. In addition the music from the jukebox was very loud creating more of a party evening atmosphere rather than an afternoon. It was also noted that the person responsible for the child was either under the influence of drunk or drugs. When this was brought to Mr Thresher's attention, the child and the adult left the premises.

The behaviour of the customers prompted Mr Thresher to be questioned by the officers about the four licensing objectives. He did not know what they were nor was he aware of any of the conditions on the premises licence or his opening hours on Christmas Day or New Year's Eve. During the meeting three females went into the enclosed lobby area between the entrance to the premises and the garden and began smoking, contravening the Health Act 2006. When the females were pointed out to Mr Thresher he could not see what was wrong. He was given advice and asked to deal with the females. However, very shortly afterwards it became clear that he had no control over the situation and therefore PC Wilkes had to assist him.

It was agreed with Mr Thresher that another visit would be paid to the premises in the New Year and the following would be expected:-

1. The manager would attend a personal licence holders training course which was essential to improve his knowledge of licensing legislation.
2. A training manual for staff would be produced.
3. A robust management document would be produced promoting the four licensing objectives
4. A refusal/incident book would be kept at the premises and maintained
5. A Challenge 25 policy would be adopted.

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It was concluded by the local authority licensing officer attending the premises that she had no confidence in the management and none of the licensing objectives were being promoted; as a result the law was being broken and people were not being kept safe.

- (16) At 22:41hrs on Thursday 31st December 2015 a staff member called police reporting that a very drunken customer was trying to fight other customers and refusing to leave. They then stated that the male was outside but kept falling over and trying to regain entry to the premises. Officers attended and moved the male on. A further example where police had been called to deal with high levels of intoxication within the premises which should have a) not happened in the first place b) should have been dealt with by the premises staff / security.
- (17) At 00:59hrs on Friday 1st January 2016 police received a call from a staff member reporting that everyone in the premises was fighting and expressed the fear that someone would be badly hurt. She further stated that the fight had moved outside where a number of glasses were being smashed. When officers attended all was in order inside but they managed to ascertain that the incident had occurred when two friends had an altercation. No offences were disclosed nor were any allegations made therefore no further police action was possible. This incident occurred due to the high levels of intoxication within the premises.
- (18) At 23:02 hrs on Saturday 2nd January 2016 officers were called to the premises by the manager reporting that a customer had been involved in an altercation with a staff member who had attempted to eject him. On attendance officers spent several minutes trying to persuade the drunk male to leave. After verbally abusing the officers, he allowed himself to be led away by a female friend. At 23:02 hrs a further call was made by the manager Mr Thresher reporting that the male had returned to the bar. When officers arrived for the second time the male was seen walking down a nearby street and detained whilst enquiries in relation to any offences were made. The male was again abusive and was therefore arrested for being Drunk & Disorderly. He resisted arrest necessitating the use of Captor incapacitant spray and was arrested for this offence as well and later charged with both offences. This incident is another example of the irresponsible and excessive sale of alcohol within the premises causing police to attend to keep people safe.
- (19) At 19:44hrs on Tuesday 5th January 2016 police received a call from a local resident reporting customers behaving in an anti-social manner outside the premises; a male was screaming at a female and they were both kicking cars. The caller further stated that occurrences such as this seemed to happen on a regular basis. As it became apparent from the conversation that the problem element of the group had left, officers did not attend.
- (20) At 23:35hrs on Monday 11th January 2016 police received a call from ambulance control reporting their attendance to a male victim of an assault who had a head injury. The circumstances were that two males, one of whom had an issue with the other one relating to a female were in the premises drinking. One of the males left with his friends to go to another premises and whilst on the way there the other male punched him in the face. He reacted by hitting his assailant causing an injury consistent with Actual Bodily Harm (ABH). The victim was extremely drunk and refused to provide officers with any details. The matter has been filed undetected due to insufficient evidence to proceed. One of the attending officers who dealt with the victim said that he was very, very drunk.

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(21) At 21:51hrs on Tuesday 12th January 2016 police received a call from a male reporting a lot of shouting and pushing and shoving between a male and a female outside the premises. He further stated that the male had gone back inside the pub leaving the female outside. When officers attended it transpired that the two protagonists were ex-partners who were having a drunken argument over childcare. They were both spoken to and confirmed that neither had assaulted the other; therefore no further action necessary. However, this is a further example of drunken, violent people being permitted into the premises.

(22) At 18:38hrs on Saturday 30th January 2016 police received a call from a passer-by reporting that there was a drunken male lying in the bushes. When asked if he was alright he got up and went back inside the premises.

On Saturday 20th February 2016 at about 21:00hrs a follow up visit was made to the premises by PC Martin Theelke and a licensing officer from the local authority. On entering the premises there were about fifteen customers present. The manager, Mr Thresher, was asked whether he had completed the actions that were given to him on the previous visit on 23rd December 2015; he confirmed that he had not. The only action he had attempted was to provide an incident/refusals book which was in an A6 size diary. Contained within were two minimal entries relating to New Year's Eve and reminders about events. When it was pointed out that the diary was not fit for purpose the manager was keen to point out that, in his opinion, nothing worthy of an incident entry ever really happened at the premises. The premises licence summary was not on display anywhere in the premises nor were there any Challenge 25 posters displayed.

When asked about the training programme for his staff he could not provide any evidence that training was taking place nor did he have an idea as to how this was to be achieved. He did state that he had new staff who were much better than previous employees. PC Theelke asked where the DPS was and Mr Thresher stated she lived in Wales. When asked about his progress in relation to attending a licensing training course he said he had looked into it online but was not yet booked on to a course. Mr Thresher stated that there was a person living locally who was a personal licence holder who he could ask for help. It was made clear to him that it was not acceptable to run the premises in this manner. An arrangement was made to visit again in about a month with the expectation that he would at least be booked on to a licensing course.

On Wednesday 16th March 2016 the premises was visited by the Eastbourne police licensing officer Cathie Wolfe and PC Deacon. Mr Thresher was not present and according to the sole member of bar staff would not be returning until 17:00hrs. Mr Thresher was spoken to on the phone and an appointment made to return the following day. At the time of the visit there were five customers in the bar and the music was so loud it was very hard to communicate. The staff member turned it down at Cathie Wolfe's request. As no more could be achieved that day both the officers left.

On Thursday 17th March 2016 at 12:55hrs the same officers returned to the premises. There was a different member of staff behind the bar, no customers and once again the music was extremely loud. The bar person said that Mr Thresher was not there having gone to the cash & carry to buy some stock but would be back soon. She asked who we were and then phoned him. The officers went into the beer garden to wait for him and were joined by the staff member who left the bar unattended despite the premises being open. Over the course of the time the officers spent in the premises the bar person said that she had been working there for about six weeks, the premises never had any trouble as troublesome customers had been discouraged

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and the two large dogs present in the bar were there as protection though from what was not specified.

When Mr Thresher arrived the purpose of the visit was explained, i.e. to check whether he had made progress with the actions with which he was tasked during the visits on 23rd December 2015 and again on 20th February 2016. He advised the officers that he had not made any progress on the actions. He did produce his incident/refusals book but this was inadequate being a small 2016 diary with a week on each page. On looking through each page there were two entries both dated 1st January 2016. There were other entries but these were all event reminders. He was again given advice about the diary not being fit for purpose, the type of book he should buy and what to put in it. Mr Thresher said he had intended to buy one but the diary was easier because it had dates in which helped him keep track of when things happen in the premises; he did assure the officers that there was never any trouble and hadn't been since 1st January. In fact there were five calls to police between 2nd January 2016 and the date of this visit as shown above, one of those calls being made by Mr Thresher himself.

He had still not compiled a training manual for staff as per the two aforementioned previous visits, saying he could not do this because he did not have the time, did not know what to put in it and did not have any Challenge 25 posters which would need to be included in the staff training manual. (These were later provided by Cathie Wolfe). Mr Thresher provided a wide and varied number of excuses for his lack of action. He had still not signed up to a personal licence course and again provided excuses for not doing so. His lack of a course/qualification is one of the reasons he gave for not compiling a training manual for staff. When asked who authorised the bar staff to sell alcohol he said he had. It was pointed out that he could not authorise anyone to sell alcohol as he was not a Personal Licence Holder and therefore he would not be able to leave unauthorised staff on their own in the premises serving alcohol.

Mr Thresher told the officers that the female member of staff who had spoken to the police earlier had only worked a couple of shifts, however she told the police she had worked at the premises for about 6 weeks. When asked who had authorised the sole staff member working on the day before Mr Thresher said that the DPS had done this but he could not produce any written authorisations. He provided the DPS's address and contact numbers and said that she last visited the premises between 5 & 6 weeks previously. He added that she had authorised him but seemed unsure about one of the other bar staff.

When Mr Thresher was asked whether he had a problem with drugs in the premises he was adamant that he did not, saying he was very hot on drugs and would not allow anyone to use them in the pub. There is a warning notice on the main entrance door saying that anyone caught with or using drugs in the premises would be reported to the police (not the exact wording). The results of the IonTrak Itemiser drug swabs taken in the premises that day are outlined below.

When asked whether the toilets were checked regularly Mr Thresher avoided the question, but did say he had found a couple of 'baggies' in the urinal a few weeks ago. There was no entry relating to drugs in his incident book. When given advice about keeping a toilet check log he said he wanted to and this was one of the elements he wanted to include in his training manual. Twelve drug swabs were taken from various areas within the premises and all were positive for cocaine. The results were as follows:-

Ladies Left cubicle windowsill, sloping cistern and toilet seat: 6.27 cocaine
Gents cubicle ledges and toilet seat: 6.25 cocaine
Ladies Right cubicle sloping cistern and seat: 5.06 cocaine
Pool table in main bar: 5.06 cocaine

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Ladies communal area ledge & basin: 4.38 cocaine
Gents ledges round urinal: 4.31 cocaine
Behind the bar and till: 4.26 cocaine
Gents basin: 4.06 cocaine
Gaming machine adjacent to bar: 2.68 cocaine
Pinball machine: 2.25 cocaine
Gaming machine opposite bar: 2.18 cocaine
Football game machine: 1.59 cocaine

GE Security, the Ion Trak Itemiser manufacturer, in their Technology Statement gives the following guidance about interpreting swab results.

Readings of between 1 & 2 can be classed as 'low' attributed to cross contamination of the surface tested, background contamination or greatly degraded historic contamination.

Between 2 & 3 can be classed as a 'medium' response 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.

Between 3 & 4 can be classed as 'high' that 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 and above are estimated to relate to microgram amounts of contamination being transferred to the swab. 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.'

There were eight readings above four out of the twelve swabs taken in the premises.

At the time of the visit the premises licence summary was again not displayed which has been an issue since 23rd May 2015. The officers left the premises having no confidence in Mr Thresher's ability to a) properly manage the premises and b) promote the four licensing objectives.

On Wednesday 23rd March 2016 a letter was sent by Sussex Police to the DPS, Ms Thresher. The letter stated that Sussex Police had a number of serious concerns regarding the way the premises was being run and requested a meeting in order that they may be discussed in person; two dates and times were offered. She replied by email on Friday 1st April opting to meet on Friday 15th April but at 1:49hrs the day before the meeting was due to take place, she cancelled. On Friday 15th April a further meeting was arranged for Tuesday 19th April, with email confirmation being sent, but she failed to attend.

As a consequence, a letter was sent to her on 21st April stating Sussex Police concerns in relation to her premises in more detail as no face-to-face meeting had been possible. The letter contained a number of conditions that Sussex Police deemed necessary to be applied to the premises licence to ensure people are kept safe. The letter requested that the conditions be applied to the premises licence by the submission of a Minor Variation application.

(23) At 00:14hrs on Saturday 26th March 2016 police responded to a call from a female reporting that she had seen two males smashing another male's face on the ground outside the premises. On arrival officers found a male with a gash on the top of his head

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and a swelling around his left eye. As he was very drunk he was unable to provide much information but when asked if he had been in Coda Bar he said he had not. An officer went to the premises and spoke to Mr Thresher who said the male had been in the premises a short while earlier and, in an unprovoked attack had hit him with a pool queue which broke causing a head injury. The manager said that in self-defence he and another staff member had taken the male to the ground before ejecting him from the premises. CCTV bears out this account but does not show what happened once they were on the floor though it is clear that the male received his injuries at the hand of the manager or the other male or both. Officers tried to obtain an account of the incident from Mr Thresher who was also drunk and said he did not want to provide this at the time. He also said he could not download the CCTV until the morning though the images were filmed from the CCTV on an officer's body worn video (BWW). The scene was checked but everything had been washed and cleaned up by the manager and one of the barmaids prior to officers' arrival. After a lengthy investigation it was decided that no further action could be taken due to neither the male nor the manager wishing to make any allegations. In addition, the person who made the original call later refused to provide a statement as they live close to the premises and feared that there might be repercussions for so doing. During the investigation it was strongly suspected that the manager in retaliation had inflicted injuries on the male consistent with Grievous Bodily Harm (GBH) and once warned by police that he and the staff member involved were potentially being viewed as suspects he became unco-operative and unwilling to support police in relation to the assault on him. There was also difficulty with obtaining the premises CCTV as the manager was having difficulty extracting the images that were finally obtained by an officer who went to the premises at 11:24hrs on Tuesday 29th March.

On Tuesday 26th April, Ms Thresher responded to Sussex Police letter of 21st April by email requesting another opportunity to meet. This was arranged for Wednesday 4th May and on this occasion Ms Thresher did attend. Minutes of this meeting are contained in the evidence bundle. In brief, all Sussex Police concerns were discussed in detail and at the conclusion of the meeting Mrs Thresher agreed to submit a Minor Variation Application to include all the conditions, except for one, as stated in the letter dated 21st April. However, less than 24 hours later she rescinded her agreement stating that she felt it to be 'the wrong thing' for her licence.

On Thursday 5th May 2016 at 13:10hrs the premises was visited by PC Rush and LO Cathie Wolfe. During the meeting with Ms Thresher on 4th May she gave an assurance that the Manager Mr Thresher had done everything that had been asked of him on 23rd December 2015, 20th February and 17th March 2016, apart from arranging a licensing qualification course. The purpose of this visit was to check that this was the case. The Mr Thresher was present and was able to show the officers written authorisations to permit the sale of alcohol signed by the DPS for all current members of staff. He produced a suitable incident/refusals book with quite a confusing colour coding system to identify who was barred from the premises and for how long. However, there were few entries. Ion Trak drug swabs were taken with lower readings than from those on 17th March however, there were still strong signs of cocaine use in parts of the premises.

Gents' cubicle ledges: 5.41 Cocaine
Ladies right cubicle sloping cistern cover and toilet roll holder: 2.26 Cocaine
Ladies left cubicle sloping cistern cover: 1.73 Cocaine
Football machine: 1.28 Cocaine
Gaming machine adjacent to bar: 1.03 Cocaine

The remaining nine swabs showed no trace of narcotics.

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21/5/16 – Dean and Nadine (few days ban) Jade and BF permanent ban. Kicked off at each other as couples, 2 separate incidents – no violence. Jade and BF returned searching for phone. Left. No incident again.

23/5/16 – 'Nadine' refused service, refused to leave and kept picking drinks up. Banned until Andy says.

(25) At 23:03hrs on Saturday 28th May 2016 police received a call from the manager, Mr Thresher, reporting that a male who had been ejected earlier had returned with what looked like a metal bar down the back of his trousers. When questioned further, the manager was most definite that it was a metal bar because he had seen it. Mr Thresher added that the male was very aggressive, was trying to get him to fight with him and was threatening both him and his girlfriend. When officers attended the male was found to have a bottle on him rather than a metal bar. Mr Thresher told the officers that the male had not threatened anyone with it and that he just wanted the male removed.

(26) At 16:05hrs on Sunday 29th May 2016 police received a call from staff reporting the presence of a very aggressive male in the premises who was threatening to burn the bar down, had punched a wall and nearly knocked over another customer and was asking for the owner. She was unsure whether it was related to incident 25 above. Whilst on the phone to police the caller said that the male had left. When officers attended they ascertained that the male had entered the premises wanting to speak to Mr Thresher. The staff member phoned police as she was on her own and did not know what to do. No assaults had taken place, none of the customers were willing to talk to the officers and as the male had left prior to police arrival there was no further action that could be taken. The staff member who is a Personal Licence Holder called police as she wanted them to make the male leave. This incident is another example of a lack of cooperation from customers with police and lone bar staff being left on their own to deal with difficult / aggressive customers.

(27) At 20:22hrs on Sunday 29th May 2016 the same staff member as in incident 26 called police again. She said that she had asked a male to leave the premises but he had refused. During the call the male left and therefore officers did not attend.

On Tuesday 31st May 2016 the premises was visited by PC Wilkes and Cathie Wolfe, the purpose being to obtain CCTV of the incidents dated 7th, 14th, and 15th May, noted in the premises incident book, none of which had been reported to police. Mr Thresher, was present and the CCTV requested. However, he stated that this would not be possible as the system only records for 15 days and therefore the first date where CCTV images would be available was 16th May. When asked about the new hard drive that the DPS stated in the meeting on 4th May was being purchased in order to expand the CCTV systems retention capacity, the manager said that he had ordered it. However, when asked where from, he retracted saying that he was going to order it but having looked on the internet and not being technically minded he did not know quite what to order. He was told to progress this immediately. When asked he told the officers about the three incidents that had occurred in the premises on 28th & 29th May. The officers requested the CCTV from these incidents and the manager said he would download the images which would be ready the following day. He agreed to call the licensing officer when they were ready for collection.

At 14:35hrs on Wednesday 1st June 2016 Cathie Wolfe spoke to Mr Thresher on the phone who said he had not yet downloaded the CCTV but would do so that afternoon. Ms

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Wolfe gave him the approximate times of the incidents in order to make his task easier. By Friday 3rd June there had been no contact from the manager and so the licensing officer sent him an email asking whether the CCTV was ready. He replied that he had been unable to do so as he had been locked out of the system. His response is reproduced here:

*'i have been locked out of the cctv system. i have had to make contact with someone that has sorted the issues before. im just waiting for response from him.. i dont have his phone number so had to contact him through social media.
i will be in contact as soon as i have made entry into the system.. im just not very computer smart and the system details are beyond me.'*

On the same day Mr Thresher sent another email to Ms Wolfe confirming that he was booked on to a National Certificate for Personal Licence Holders training course.

At 08:19hrs on Monday 6th June 2016 Cathie Wolfe received a text message from Mr Thresher as follows:-

Hey Catherine. I've started to download the footage from the 28th and 29th at the times u asked.. I have only the 29th to download now.. sorry for the delay.. I will let u know when ready to be collected.. Andy

As at 14:40hrs on Monday 13th June 2016 there has been no further contact from Mr Thresher with regard to this matter.

Having regard to the number of incidents at the premises, and the serious nature of some of those incidents, occurring in and in connection with, these premises (many of which are related to the excessive consumption of alcohol), Sussex Police have no confidence in the ability of the manager Mr Thresher to control the premises or promote the licensing objectives. Further, Sussex Police have no confidence in the ability of the existing DPS Ms Sarah Thresher, and contend that the evidence within this Review Application proves that no day to day control of the premises is being exercised by the DPS, as required under the Licensing Act 2013

Under the circumstances Sussex Police invite the sub-committee to seriously consider the addition of the following conditions to the premises licence:-

- (1) CCTV: *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.*
- *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 28 days*
 - *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.*
 - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
 - *Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able*

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to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.

- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- (2) SIA registered door staff will be employed at the premises from 18:00 hrs. until half an hour after the premises has closed on Thursday, Friday and Saturday's plus Bank Holidays, New Year's Eve, public holidays and at any time when a temporary event notice is in operation.
- (3) 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 be solely used for the purpose of recording incidents.
- (4) A refusals register will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.
- (5) A Personal Licence Holder shall be present at all times when the premises is open to the public.
- (6) All staff shall have written authorisation from the Designated Premises Supervisor or Personal Licence Holder to permit them to sell alcohol.
- (7) All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; a staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.
- (8) Staff will contact the police as soon as is practicable if there is evidence drug use or suspected drug use within the premises.
- (9) Zero tolerance notices in relation to drug use will be prominently displayed throughout the premises and a drugs policy will be drawn up and implemented by the management to the satisfaction of Sussex Police.
- (10) A Challenge 25 policy shall be in operation at the premises and staff will be suitably trained to implement this policy.

Sussex Police also invite the sub-committee seriously consider taking the following steps, Which we consider to be appropriate and proportionate to ensure the licensing objectives are Being promoted and people are being kept safe :

- Removal of the current Designated Premises Supervisor, Ms Sarah Thresher, with a replacement being subject to Sussex Police approval.
- Reduction of hours: the sale of alcohol and recorded music to be reduced by 30 minutes from 23:00hrs to 22:30hrs on Monday to Saturday and to 22:00hrs on Sunday.

Late night refreshment to be reduced by 30 minutes from 23:20hrs to 22:50hrs on Monday to Saturday and to 22:20hrs on Sunday.

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The time the premises is open to the public to be reduced by 20 minutes from 23:20hrs to 23:00hrs on Monday to Saturday and from 22:50hrs to 22:30hrs on Sunday.

- Suspension of the Premises Licence a period of not less than 6 weeks in order to implement the changes that would be brought about by the requested conditions and change in Designated Premises Supervisor, and their subsequent change of policies and procedures. A period of suspension would also send a strong deterrent message to the owner of these premises and the others in the area that this type of management of a premises will not be tolerated by the Licensing Authority.

[Empty rectangular box for application details]

Please mark X for yes

	Please mark X for yes
Have you made an application for review relating to this premises before	<input type="checkbox"/>

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If yes please state the date of that application

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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If you have made representations before relating to this premises please state what they were and when you made them

Please mark X for yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

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Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature (on behalf of the applicant)

Alma Ben

Date: 13th June 2016

Capacity:

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Ms Cathie Wolfe
Bexhill Police Station
Terminus Road
Bexhill-on-Sea
East Sussex
TN39 3NR

Post town

Post code

Telephone number (if any)

101: Ext 564241

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

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This is the address which we shall use to correspond with you about this application.

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**THE LICENSING ACT 2003 (PREMISES LICENCES
AND CLUB PREMISES CERTIFICATES)
REGULATIONS 2005
Regulation 38 Notice**

TO : WHOM IT MAY CONCERN

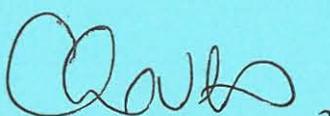
Eastbourne Borough Council do hereby give notice that it is our intention to review the premises known as **Coda, 125 Langney Road, Eastbourne, BN22 8AG** for the following reasons :

The objectives of the prevention of crime and disorder, public safety are not being met. Furthermore, the Designated Premises Supervisor is failing to exercise her responsibilities under the Licensing Act 2003.

Any person who desires to make a representation to the **review** should send this to The Licensing Manager, 1 Grove Road, Eastbourne, East Sussex, BN21 4TW no later than 28 days from the date of this notice, along with a written statement of the grounds of his/her representation. Alternatively, representations can be lodged via our website: www.eastbourne.gov.uk/licensing. The register and grounds for the review may be viewed at the above council during normal office hours.

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary of conviction for the offence is currently £5000 [level 5].

Dated this : 15th of June 2016

Signed: 

Authorised Officer for Eastbourne Borough Council

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