

# Evidence

# Bundle

# 4

Evidence relating to  
**Paginated page 15:**

Email Dated:  
Tuesday 14<sup>th</sup> June 2016

1 x Copy Email

Referenced in statement  
of PC Rush (3)

## Rush Hannah DR403

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**From:** The Trek Club [REDACTED]  
**Sent:** 14 June 2016 12:41  
**To:** Alan Sidders; [REDACTED] Rush Hannah DR403; [REDACTED]  
[REDACTED] Martin Theelke; [REDACTED]  
[REDACTED] Sue Lindsey; [REDACTED]  
[REDACTED]  
**Subject:** Seaford Pubwatch

Dear Members and Associates,

I have this morning spoken to [REDACTED] of the [REDACTED] and she has said that under the circumstances of my resignation she is not prepared to take on Pubwatch at this time. Therefore please consider Pubwatch disbanded unless there is another licensee prepared to take it on.

Thank you all for years of support and for all your endeavours and friendship in making Seaford a safer place.

Very best wishes  
Yvonne

Evidence relating to  
**Paginated page 16:**

Letter Dated:  
Wednesday 22nd June  
2016

1 x Copy Letter



**Sussex Police**  
Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk)

## Alcohol Harm Reduction Unit

22<sup>nd</sup> June 2016

Mrs. Y. Newton-Turner,  
[REDACTED], Trek Nightclub,  
Blatchington Road, Seaford, East Sussex BN25 2AF

Dear Mrs. Newton-Turner,

**Trek 2, Blatchington Road, Seaford, East Sussex BN25 2AF**

Firstly, I would like to introduce myself. As you may be aware Alan Whitehead is retiring on Thursday next and I am taking over two of his areas, Lewes and Wealden along with my own area, Eastbourne. I would very much like to meet you and to that end, have asked PC Rush to arrange a mutually convenient time.

Thank you for your action plan about which I have the following comments:-

**Bar Staff:**

I am pleased to see that you have held a meeting with your bar staff who have been reminded of their legal responsibilities in relation to the service of alcohol. They have also been reminded of the action they should take when refusing service to those whom they consider to be intoxicated.

**Door Staff:**

I am also pleased that you have held a meeting with your door staff though you do not specify whether this was all the door staff or just those directly employed by you. I understand that currently one customer in ten is searched and that you have agreed with your door staff that this ratio will be increased; I would suggest at least one in five.

**Dispersal:**

I note that you intend to alter the mood of the venue towards the end of trading by changing the music at 01:45hrs prior to closure at 02:00hrs. I would have preferred this action to take place at 01:30hrs so that customers have more time to wind down. I would be grateful if you could clarify what time the main lights go on.

I am aware that your premises licence permits the sale of alcohol until 02:00hrs which is also the time that your premises closes to the public. I would be grateful if you would let me know what time the sale of alcohol ceases. If this is at 02:00hrs I would ask you to consider bringing that time back to 01:30hrs, this to allow customers to consume their last drink in a timely fashion.

**Drugs:**

Your method of dealing with patrons suspected or found to be in possession of illegal substances appears satisfactory.

**SIA Staff:**

I understand that your door staff are provided in part by Marc One Security, the remainder being directly employed by you. I have some reservations about your acting as both the DPS and a door supervisor though appreciate that on the occasions when a female door supervisor is required you are able fulfil that role. Therefore, I would like you to consider employing, or asking Marc One to provide, a female member of door staff thus allowing you more time to manage your premises.

**CCTV:**

I understand you have in excess of twenty high definition, infra-red CCTV cameras. However, I also understand that the images can only be retained for ten days due to the capacity of the hard drive. Sussex Police require that any CCTV system has the ability to store images for thirty-one days which can be achieved by expanding the memory of your hard drive. I have enclosed PSDB publication 09/05; Home Office guidance relating to UK police requirements for digital CCTV systems for your perusal.

**Operating Hours:**

I note that there is no proposal in your action plan to reduce your operating hours which I believe was discussed at your meeting with PS Vokins and PC Rush. I am therefore assuming that you are currently unwilling to undertake this action.

At present you do not appear to operate a 'No Entry/Re-entry' policy; e.g. No entry to either new or existing customers after 01:00hrs. I would be interested to hear your views on this.

**Premises Licence:**

In order to familiarise myself with the operation of your premises I have read your premises licence and note that it was transferred from a Justices' Licence in March 2005 under 'grandfather rights'. At that time a number of Restrictions were attached to the licence which are no longer present. For my benefit would you be kind enough to let me know when you submitted a variation application to have the majority of these Restrictions removed. I appreciate this may have been some time ago.

I look forward to hearing from you in the near future.

Yours sincerely,

Cathie Wolfe – Eastbourne, Lewes and Wealden Licensing Officer  
Alcohol Harm Reduction Unit

101 extn 564241

[catherine.wolfe@sussex.pnn.police.uk](mailto:catherine.wolfe@sussex.pnn.police.uk)

Evidence relating to  
**Paginated page 17:**

Email Dated:

Wednesday 22nd June  
2016

1 x Copy Email  
Referenced in statement  
of PC Rush (3)

Yvonne

**From:** [Hannah.rush@sussex.pnn.police.uk](mailto:Hannah.rush@sussex.pnn.police.uk) [<mailto:Hannah.rush@sussex.pnn.police.uk>]  
**Sent:** Wednesday, June 22, 2016 1:33 PM  
**To:** [thetrekclub](#)  
**Cc:** [Martin.Theelke@sussex.pnn.police.uk](mailto:Martin.Theelke@sussex.pnn.police.uk); [Catherine.Wolfe@sussex.pnn.police.uk](mailto:Catherine.Wolfe@sussex.pnn.police.uk)  
**Subject:** Update and Incident on 18th June 2016

Good Afternoon Yvonne,

Firstly can I take this opportunity to let you know that your current Licensing Officer [REDACTED] is retiring. His last day of work will be tomorrow – Thursday 23<sup>rd</sup> June. Therefore I would like you to be aware that Catherine Wolfe will be taking over this role. Cathie is a very experienced Licensing officer and has been in the role for an excess of 16 years. She has been looking after Eastbourne, but since [REDACTED] retirement she will be taking over the position for Lewes and Wealden Districts as well. Cathie would like to meet with you and has asked me to make a convenient time where we could visit you, so she can see your premises for herself. I am away on leave next week but would suggest the end of the following week, perhaps Thursday 7<sup>th</sup> July? If you could let me know if this is suitable and what time would be most convenient to you.

We had an incident reported to us as 02:28hrs on 18<sup>th</sup> June 2016 about a group fighting and throwing rocks in Blatchington Road. Would you please be able to turn the CCTV from your camera that points up the road between the hours of 02:00hrs and 02:40hrs. Hopefully PC Martin Theelke will be able to visit you over the weekend and collect it.

Kind Regards,  
Hannah Rush  
**Sussex Police - Serving Sussex**

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We want to know your views - see what's new and give us your feedback and suggestions at [www.sussex.police.uk](http://www.sussex.police.uk)

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Evidence relating to  
**Paginated page 18:**

Email Dated:

Thursday 23rd June  
2016

1 X Copy Email  
Referenced in statement  
of PC Rush (3)

## Wolfe Catherine 60498

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**From:** The Trek Club <[REDACTED]>  
**Sent:** 25 June 2016 13:00  
**To:** Wolfe Catherine 60498  
**Subject:** FW: Update and Incident on 18th June 2016

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**From:** The Trek Club [mailto:[REDACTED]]  
**Sent:** Thursday, June 23, 2016 7:22 PM  
**To:** 'Hannah.rush@sussex.pnn.police.uk' <Hannah.rush@sussex.pnn.police.uk>  
**Cc:** Sue Lindsey ([REDACTED]) <[REDACTED]>  
**Subject:** RE: Update and Incident on 18th June 2016

Good Evening Hannah,

I don't know if you are able to thank [REDACTED] for all his support over the many years he has been Licensing Officer, I am sure the members of Pubwatch would really want to thank him and would, I know, all wish him well.

Thank you for the two Police Officers that were stationed at the club last Friday evening the 28<sup>th</sup> June 2016 and for your visit to the club with your female colleague.

I hope that you and your other officers found everything satisfactory and can bear witness to the fact that no-one came down to the club too drunk or was allowed to get too drunk whilst at the premises. It gave you an opportunity to see how the door staff operate and how we adhere to all the strict rules laid down by the SIA.

During the evening I mentioned to you that I had taken professional advice with regard to my licence and the suggestions made at the meeting at the Police Station on Friday the 10<sup>th</sup> June when it was suggested that my terminal hour could be altered under a minor variation from 2.00a.m. to 1.30a.m. and that the provision of CCTV be added as a proviso for any future owner of the Trek Club. Changes to the hours of opening cannot be done under a minor variation especially when the owner does not want them altered and no proviso for future owners can be put on the licence.

I did mention at the Police Station that Inspector Brunstum had asked me to reduce my hours to 1.30a.m many years ago for six months after which I was supposed to get the half hour back but when I tried to do it he denied that he had said it and I had to go back to the Magistrates Court with all the information about him coming at the weekends in the early hours of the morning getting me out of bed. Of course when the Magistrates became aware of his behaviour they granted my licence back to me and he got sacked from the Police force. In the six months that I did close early I lost £16,000 so it is a fact that for the business to operate profitably I have to have the 2.00 a.m. licence.

I also showed you the two texts which provide the Late Night Industry with a list of benchmark practices and confirmed that it is these by which I run the club. Safer Clubbing is produced by our trade association Noctis which is compiled by the London Drug Policy Forum in conjunction with the BII, Guy's & St Thomas's Hospitals and the Home Office. In particular I showed you the two fact sheets relating to the requirements of the Licensee and those of the Police. The key to this is basically one of co-operation between parties and so I hope we can work together to resolve any issues the Police have with the club and to formulate a safe and effective plan to minimise the impact the club has on the Police and the neighbours. I feel I have always done my best to promote a safe environment and have always co-operated with the Police whenever they have made any request to me. This includes removing the boxing machine that was on the front of the car park, terminating the burger van so that people were not hanging around outside the club waiting for food and adopting a plastic only policy. I have also run Pubwatch almost single handed for the best part of 20 years on and off and feel that this has contributed greatly to reducing incidences both at the Trek and elsewhere.

As I also mentioned at the meeting I am a fully qualified front line door person and so have every right to employ door staff directly and Sid the area manager for our door contractors (namely Marc One) is a fully qualified trainer. When he first vetted the club he made sure that we were operating in line with the other text I showed you- the SIA Handbook. However I would like some clarification with regard to the SIA manual which

states that whenever there is an indictable offence i.e. drugs being found, an assault or someone refusing to leave the club premises we are instructed to call the Police. However at the meeting I was told that the Police want us to be 'self-policing' which I am assuming that it means we call the Police only as a last resort (excepting drug finds which would be considered a positive call). Perhaps you could let me know when such calls are acceptable so that I can do my level best to fulfil the wishes of the Police.

With regard to meeting the new Licensing Officer Catherine Wolfe I too am away next week and the only free day I have the following week would be Wednesday 6<sup>th</sup> July. The afternoon would be best for me as I look after my mother in law in the mornings. Perhaps once we have had a meeting to sort out exactly what the Police would like me to do you could both visit the club when it's open so that Catherine can judge for herself what lovely people (in the main) come here to enjoy themselves.

As I mentioned last Friday I am so disappointed at the way this has been handled so far as I had no idea that the Police had a problem with the club. In fact quite the contrary I thought the lack of interest in Pubwatch by the Police and some of the other licensees was because Pubwatch had become such an effective tool especially when we worked together Hannah and got everything online. I am sure we can work together again and use the expertise of the new Licensing Officer to find a mutually beneficial solution.

With regard to the incident at 2.28 a.m. on the 18<sup>th</sup> June we were aware of a family dispute at the end of the night but they did head off along Blatchington Road eventually. I am unaware of any rock throwing. I will certainly get Julian to turn off the CCTV.

Very best wishes

Yvonne

Evidence relating to  
**Paginated page 19:**

Emails Dated:

Saturday 25<sup>th</sup> June 2016

Sunday 26<sup>th</sup> June 2016

Monday 27<sup>th</sup> June 2016

3 x Emails

Referenced in statement  
of PC Rush (3)

## Wolfe Catherine 60498

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**From:** The Trek Club <[REDACTED]>  
**Sent:** 25 June 2016 13:13  
**To:** Rush Hannah DR403  
**Cc:** Wolfe Catherine 60498; Sue Lindsey  
**Subject:** Police visit Friday 24th June 2016

Dear Hannah,

Just to confirm that Laura picked up the CCTV relating to an incident in Blatchington Road the week before and also a small bag of cocaine found in the toilets last week.

With regard to the incident there was an argument at the end of the night over a girl but as you can see from the videos it wasn't that aggressive and the friends of the two young boys helped to calm it down.

I have managed to obtain their names which I have passed to Laura but of course I have no idea if it was these two that caused the problem or someone else entirely. They are both on Facebook.

I asked Laura to inspect the customers in the club and I am sure she will verify that everyone was again reasonably sober and well behaved

The only problem we had last night was with [REDACTED] who suddenly showed all the signs of someone who had taken drugs of some sort (agitated, highly emotional and unresponsive to rational discussion). She left without problem and is now on our barred list.

Thanks Yvonne

## Wolfe Catherine 60498

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**From:** The Trek Club <[REDACTED]>  
**Sent:** 26 June 2016 10:42  
**To:** Rush Hannah DR403  
**Cc:** Wolfe Catherine 60498; Sue Lindsey  
**Subject:** Meeting with the Trek club

Good Morning Hannah,

Obviously you will not receive this message until you return from leave on Monday the 4<sup>th</sup> July 2016 which is the day I return from holiday and not the date in my email to Cathie Wolfe. I think it would therefore be sensible to arrange the meeting for the following week commencing Monday 11<sup>th</sup> July and I think it would be very beneficial to either have Sue Lindsey from licensing or someone else with some legal licensing knowledge at the meeting and also I will ask Alan Sidders from Marc One Security to attend although I know he is running his training courses at the moment. I think that this will save us time in the long run. As you can see I am keeping Sue in the loop with the emails. I can be completely free that week with a bit of juggling so I am sure we can sort something out.

Thanks Yvonne

PS. Thank you for sending Paul down to us again and I am sure he will confirm we are doing more searching and I also have the signed sheets from the door staff members who work for Mark one confirming they have had the brief refresher training on people who are starting to show signs of being drunk.

## Wolfe Catherine 60498

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**From:** The Trek Club <[REDACTED]>  
**Sent:** 27 June 2016 10:46  
**To:** Rush Hannah DR403  
**Cc:** Wolfe Catherine 60498; Sue Lindsey  
**Subject:** Meeting date at the Trek Club

Hi Hannah,

Sid (from Mark One) can do the 11<sup>th</sup> July.  
Thanks Yvonne

Evidence relating to  
**Paginated page 20:**

Email Dated:  
Saturday 25<sup>th</sup> June 2016

1 x Email



**From:** The Trek Club [mailto:~~the.trek.club@btinternet.com~~]  
**Sent:** 25 June 2016 12:59  
**To:** Wolfe Catherine 60498 <Catherine.Wolfe@sussex.pnn.police.uk>  
**Subject:** Ref your communication to the Trek Nightclub 22nd June 2016

Dear Cathie Wolfe,

I can confirm I have received your letter dated 22<sup>nd</sup> June 2016.

I will forward to you my last email to Hannah Rush regarding our prospective meeting which also answers some of your questions.

All door staff that have worked since the initial meeting have been briefed but you will appreciate contracted door staff do change from time to time but the premises manager and the head doorman would brief anyone new on all their duties.

We will try to increase searching but this stops surveillance duties as two doormen have to be in attendance for each search. We have found this method to be virtually ineffective as anyone carrying drugs hides it in their underwear.

We have reduced the level and type of music from 1.45 a.m. I will consult with the DJ's as to what can be done further.

slowly. The main lights go on when the bar closes at 2.00am. We have no facility for bringing the lights up

You will see from my letter that I have tried both reducing the hours to 1.30a.m. and also curbing the time when customers enter the venue. Both made the club unprofitable. It also made no difference as to whether there was trouble at the venue or not. I would therefore not agree to this because I know it would put me out of business.

Exchanging one door person from Marc One from a man to a woman would be a detrimental move. When I work I work as a door person I do those duties only and they are exactly the same duties as the DPS would do. It is considered best practice by the SIA that anyone front of house is registered as an SIA Door Person.

The storage capacity of the CCTV system can easily be made compliant with the Police Authority. We currently have a mix of the latest high definition cameras and some others but all give clear pictures. We are currently trialling body cams to cover areas not covered by the CCTV because as you will appreciate although most of the cameras can zoom in and out (we have one PTZ) we don't really have the time to do this when we are open.

my last Premises Licence issued to me was on the 30<sup>th</sup> August 2012 (Licence No LN/2005/00122).

I hope this gives you any information not covered in my action plan. I am on holiday from Monday 20 -27th June 2016 inclusive.

Yours sincerely,

Yvonne Newton-Turner (Owner and Managing Director of the Trek Club )

Evidence relating to  
**Paginated page 21:**

Meeting on:

Monday 11<sup>th</sup> July 2016

Meeting Minutes

Referenced in statement  
of PS Vokins (2)

PC Rush (3)

11K  
Minutes of Meeting held on Monday 11<sup>th</sup> July 2016

Meeting: The Trek Club, Blatching Road, Seaford

Present: Mrs Newton-Turner (YNT), Mr Newton-Turner (JT), Alan Sidders (AS) (Marc One Security), Sue Lindsey (SL) (Lewes District Licensing Officer for LDC), PS Denham Vokins (DV), LO Catherine Wolfe (CW) and PC Hannah Rush (HR)

The meeting began with a quick introduction in YNT flat which is situated above the Trek Club. A very brief discussion was had between YNT and CW about the CCTV system. It was then decided that a tour of the Club itself would be of benefit before further conversations took place. YNT showed everyone around the premises other than JT who remained upstairs. YNT showed the main entrance to the Club where the CCTV cameras are situated on two large flat screen TVs. The TVs showed around twenty cameras some of which were in colour. JT was obviously observing our progression and the cameras were then panned and tilted to show what they could do. YNT stated that the cameras were of such high definition that they could only possibly record for ten days. After that the system re wrote. She stated that if the Police wanted 28 day retention then she would have to take the number of cameras from around 24 to 6 which she would expect Police to choose. The incident book/diary was handed to CW to inspect which she did. YNT stated that "absolutely everything" was recorded in there. YNT also produced her sheet which contained the numbers of public which had come through the doors on the previous Friday and Saturday, along with the signed safety checks that the SIA staff complete every 15 minutes inside and around the club. YNT explained where she positioned her door staff during the evening and how searching every one person in five would be completely impractical. YNT wanted evidence from Police that such a request was justified and requested the Ion Track machine. YNT was also happy for swabs to be taken at the Club at any time.

A walk through was then made of the club including the toilets. The cameras were pointed out by AS who also pointed out the main toilet that males tend to use to take their drugs. DV made a detailed inspection of both the toilets and reported back that a deep clean could be of benefit as items had been poked down the backs of the radiators. DV pointed out that once a deep clean had taken place hidden or discarded items would be much more obvious to staff. YNT pointed out the price list of her drinks. She informed Police that on general people only consume two drinks throughout their stay at the Club and she did not think this was excessive. YNT stated that most of her drinks her priced around £5. However HR noticed that a shot of 'Sourz' was only £1. The lounge area was pointed out as being very dark by YNT yet when it is viewed on her CCTV system the image is very clear and defined. This was agreed with. CW wished to view the 'back bar' which could up the Clubs capacity to 600. However it was clear from the state of this area that it could not suddenly opened and used for business. Everyone then made their way back upstairs.

Everyone then sat around the table. YNT appeared to chair the meeting. YNT stated that on 20<sup>th</sup> May HR visited the Club and spoke to SIA staff about an incident involving two females. She stated Police Never requested CCTV and as far as the Club was concerned it was simply a verbal argument. YNT stated this incident was also not brought up at Pubwatch. HR explained that both females involved in this incident had made calls to the Police themselves. One who reported the incident to Police outside the venue and the other who was found by a Police Sgt in a slumped drunken state in a bus shelter. Both reported to have been assaulted by the other inside the Club. When Police had asked SIA staff for the CCTV and was told the area would not be covered. HR can confirm that there is a camera that should have covered the incident in the lounge. YNT denied that CCTV was ever asked for and made comments regarding the truthfulness of the officer's request. YNT stated that on May 21<sup>st</sup> she sent an email to HR requesting evidence following her visit on the 20<sup>th</sup> May.

YNT continued that on the 10<sup>th</sup> June she was called to have a meeting at the Police Station with DV and HR. According to YNT "38" incidents were raised and comparisons were made to similar premises in Brighton. DV corrected YNT stating that a much larger capacity venue in the middle of a large city had nowhere near the amount on incidents such as the Trek. DV stated that he could not name the premises. YNT stated she was extremely concerned about the discrepancy in incidents between the Police's incidents and her own.

YNT told the table that on the 2<sup>nd</sup> December 2015 [REDACTED] came into the club, punched someone and then left. Police were not called but it's recorded in her incident book and he was put out through their private 'What's App' Group.

SL stated there had been a lot of confusion and a complete lack of trust from YNT towards the Police. YNT stated she had no trust whatsoever in the Police. She believed the Club had been told to self Police. YNT went into the history of the premises again and the case involving an Insp Brumstrum. YNT stated she was green at the time but she was wider now.

YNT stated that HR had been a great help in the setting up and running of the Pubwatch Scheme at the beginning, where help was offered the licensees with the on line system. But had been disappointed recently. YNT brought up she was unaware that Section 35s could no longer be issued and had been expecting Police to still be carrying out this practise. She made complaints about the lack of feedback at Pubwatch meeting and inferred the other schemes felt the same. HR responded to this stating that the schemes were updated otherwise it would be impossible for the photos and letters to be made available and that she was always on the end of the phone or an email if someone had a specific question or wanted a quicker update. DV pointed out again that we had made a pledge to send an officer to the meetings if they were ever reinstated. DV asked YNT why it was that no one was now willing to the Scheme on, when originally they were. YNT stated she had had to inform her staff and licensees about her treatment by the Police and how she had lost face amongst them and couldn't possibly continue in her role as chair. She stated that a total lack of trust now existed between Police and Licensees including ones in Lewes. HR said she was surprised to hear this because as far as she knows no one has any issue with her or the police in general and questioned why this would be. DV asked YNT why it was the Pubwatch has been disbanded following her resignation. YNT stated again that it was based on the lack of trust and her treatment at the hands of the Police. YNT again made comment to the discrepancies in the Polices 'evidence' and those written in her incident book she made reference to not believing the issues and incidents that were discussed with her during the initial meeting at the Police Station. DV then questioned if YNT was saying that she thought the incidents were not real? DV quickly made the point that if that is what YNT was saying then there was little point in continuing with the discussion. This point was raised several times.

However the discussion did continue after offered to sit down with YNT once again to go through each incident one by one. This offer was accepted by YNT.

YNT continued that she then produced an action plan to the Police which was then followed by a letter from CW requesting consideration be made to reducing opening hours until 01:30hrs, the extension of the retention of the CCTV, etc. CW made it clear that her letter stated it was 'guidance'.

YNT mentioned HRs visit to the premises last Friday. YNT stated that the SIA themselves were questioning the need for the one in five searches for drugs and stated their normal way was better. HR then said to AS that YNT had admitted in front of her staff to HR that she had told her staff not to call Police, as it was obviously going to be a black mark against them. HR asked AS what his thoughts

were on this and that his staff were being told not to report incidents. YNT then said that it was only her in house staff on duty that night. SL brought up she felt that the Club were now afraid to call the Police.

SL stated that she would have liked to have been sited on the letters which had been sent to YNT so she knew herself what the issues were. DV stated it was unfortunate that we had a meeting planned the next day between SL, HR CW and DV to discuss such matters. DV did however say that we were not at liberty to share all information with the Licensing authority.

DV explained to YNT that our recommendations had been put forward to her and if none were accepting then we had little place to go. DV reiterated that our main concerns were the dispersal and did YNT agree with that? YNT stated she did not understand or believe the evidence that we were working with. SL asked what amount of incidents would be acceptable? DV stated there was no magic number and of course it was understood that zero would be an unrealistic target. Which lead DV to ask whether working with the Police was even a possibility for YNT? DV informed YNT that many premises on Action Plans do not end up at a review and the process was discussed.

AS brought up the dispersal issue around the premises, DV explained what advice was given to YNT during our first meeting. Such as ceasing the sale of Alcohol at 01:30, turning the music down and changing its style and pace, putting the lights on and opening the doors with staff actively encouraging water and being in position to help people with a quiet and smooth egress.

YNT asked DV how far she was responsible for people's behaviour and actions. She gave an example of someone going home and then beating up his wife, would they be to blame for that? Or if someone got into their car the next morning and failed a breath test would that also be the clubs fault? DV explained 'directly attributable evidence' and 'reasonable distance'.

DV asked for the written sentence on the drugs policy by the door to be removed which states "Drugs will be taken to the Police by Yvonne as and when" to "Drugs will be removed by Police" YNT informed to call Police to collect any drugs which are found on her premises.

Meeting ended with an agreement between CW and YNT that a meeting would be made for them to review the incidents together at a mutually convenient time in about three weeks time. YNT stated she would be obtaining further legal advice on this matter. A deep clean would take place of the premises. A second meeting would be arranged and attended by all those present. A parting comment by YNT was that she was well connected and this has been an awful experience and has destroyed all the good will between the Police and the Licensees.

Evidence relating to  
**Paginated page 22:**

Emails and  
Attachments Dated:  
Tuesday 12<sup>th</sup> July  
2016

Meeting Minutes  
2 x Attachments  
Referenced in statement  
of PC Rush (3)

## Wolfe Catherine 60498

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**From:** The Trek Club <[redacted]>  
**Sent:** 12 July 2016 19:01  
**To:** Alan Sidders; Wolfe Catherine 60498; Rush Hannah DR403; Sue Lindsey  
**Subject:** Note of the meeting at the Trek club 11th July 2016  
**Attachments:** A meeting was held at the Trek Nightclub on Monday the 11th July 2016 at 11 a.docx; Calendar of Meetings involving the Police and Yvonne Newton-Turner - Copy.docx; CCTV Data Protection Act scan.jpg; CCTV Legislation Information Governance scan.jpg

Thank you all very much for attending the meeting at the Trek Club yesterday. I have made a few notes which I hope will enable us to clarify just exactly what the problems are and find a sensible solution to them.

Very best wishes  
Yvonne



A meeting was held at the Trek Nightclub on Monday the 11<sup>th</sup> July 2016 at 11 a.m.

This was a request by Cathie Wolfe licensing officer for the Police who wanted to view the premises.

Those present: Cathie Wolfe, Sergeant Denhan Vokins, PC Hannah Rush, Alan Sidders (Marc One-Contracting Door Supplier and SIA trainer), Yvonne Newton-Turner, Julian Newton-Turner and Sue Lyndsey (Licensing Officer for Lewes District Council).

Yvonne invited 'Sid' Alan Sidders (SIA), her husband (CCTV) and Sue Lynsey (licensing) as experts in their relative fields.

The meeting started with a tour of the club and Yvonne explained exactly how the club operated showing Cathie Wolfe the Security Sheets which showed how many customers had come to the club (and at what times) the previous weekend and explained how the processes of controls and searching was implemented and how many door staff were employed.

Cathie Wolfe asked about the capacity of the club which is currently 450 with the back bar shut off and asked if we had enough door staff. Sid confirmed that it wasn't the capacity of the club that determined the number of SIA door staff but the number of people inside the venue. Yvonne then showed her that the back bar could not be opened suddenly as it was full of storage items. She also showed her the low level of light in the lounge area to show just how good the camera system was.

Cathie Wolfe examined the Incident Book in which all relevant information to the club's operation is recorded including the seizure of fraudulently used I.D's, assaults, breaches of Pubwatch and refusals of entry.

A fairly detailed discussion took place relating to the CCTV regarding the 24 camera system and Yvonne explained that she and her husband were in the process of converting the remaining old system over to new high definition cameras and were about a third of the way through. Yvonne explained that due to the high quality of the images the length of time that downloads were available was only about ten days as that is the time that they currently get written over. To be able to fulfil the preferred requirement of the Police (31 days) would mean either an investment of about £8,000 for 8 more DVR's or the reduction of the number of recording cameras to 6 and the decommissioning of the other 18. Yvonne said that the 10 days was in accordance with the ICO, the Data Protection Act (who recommend 7 days) and the Information Governance (March 2015 page 2) which recommends 'a very short period' copies of both legislation attached.

Yvonne also pointed out the price of drinks (nearly all £5.00) and from the takings the average consumption per capita was about 2 (£10.00) and the average amount of time spent at the club about one hour and half.

Everyone except Sergeant Denhan then went upstairs to Yvonne's flat and Sergeant Denhan who had requested swabbing the toilets for drugs was left downstairs.

He made two comments when he came up to the flat:

1. That there were items down the back of the radiators which consisted of paper towels in both and an air freshener in the gents. The paper towels were removed today but the air freshener would need the central heating system drained down and the radiator taken off the wall to get it out. This would be done as soon as possible.
2. That he wanted the removal of the words 'as and when' from the drugs policy in the lobby. This has now been amended.

Once upstairs Hannah Rush took minutes of the meeting for the Police and Yvonne worked from notes about the history of the problem with the Police. Comments were made and this list with some of the comments are attached.

Yvonne expressed her dismay and lack of trust in the Police reciting that something very similar had happened to her about 27 years ago when she was called in to the Police station and told that if she didn't adhere to what the Police wanted that she would lose her licence again citing a list of incidences and requesting reducing her terminal hour. At that time she did not have an incident book or CCTV and was not able to defend herself against the Police claims but when it came to the magistrate's court they could see that a lot of what the Police were relying on as evidence had been manufactured. She won her case and the Inspector lost his job.

This has been followed by three illegal closures by the Police and even after the third one they came back two years running and attempted to do it again.

Yvonne explained that her incident book was not reflective of the 38 alleged incidents that the Police were using as EVIDENCE against her and she said she would ask for disclosure. Cathie Wolfe said she would be happy to obtain this information and sit with Yvonne and go through her records and the Police records to ascertain what the problems really were. A meeting was agreed for approximately two week's time in Bexhill on Sea.

Yvonne expressed her dismay that an assault between two girls mentioned at the initial meeting with the door staff on the 20<sup>th</sup> May 2016 would be shown as two incidents even though there was no proof that anything had happened at the Trek. One girl had reported to an officer outside the club that a girl had assaulted her inside but this was not followed by a request for the CCTV either at the time or afterwards and then the other girl said that she had been assaulted by the other one. She was later found half dressed in a bus shelter on the sea front by the Sergeant on duty. Later both girls dropped their charges against the other.

An incident dated the 18<sup>th</sup> June 2016 led to a request for the CCTV. It had been reported that a rock throwing incident was happening along Blatchington Road. The Police attended and there was no-one there and the Trek Club was closed and no-one was outside. The CCTV showed a slight argument between two males prior to closure. The door staff and the friends of the two men intervened and they later walked along Blatchington Road. All the people on the CCTV recording seemed perfectly sober.

It seemed clear that these types of incidents are recorded as being negatively attributed to the Trek Club and that some clarity is required as to where the responsibility ends both in time and location. There seems to be no obvious legal consensus although Sid felt that within view of the gates and until the club closed completely seemed reasonable. Yvonne has now requested clarity from her solicitor who is referring it to a licensing barrister next week.

The incidents and their number seemed to be where the problems had started between the Police and Yvonne. It was stated at the meeting (dated the 10<sup>th</sup> June) by Sergeant Denhan that a 'spike' had been noticed in the number of incidents over the 10 month period directly before this meeting and commencing in October 2015. In the 38 alleged incidents some had been considered positive calls and some negative but it was not made clear exactly how many of each there were and what the Police view as positive. This needs clarity. Also a comparison between the Trek and another club (in Brighton) of similar size (although 600 was mentioned) showed there to be an unreasonably higher rate of incidences at the former. Please could you furnish me with the name of the club so that I can visit and view their operation. Also in view of the 'spike' I think I should view the disclosure of information for the same period of the year before to see if any particular pattern arises. Again we do not seem to have a 'spike' in our own records.

### Conclusion.

The Action Plan requested by the Police has been implemented by Yvonne.  
Clarity about certain items by Cathie Wolfe to be considered and determined i.e. CCTV, and searching policy.

Meeting between Cathie Wolfe and Yvonne to take place and the incidents to be examined.  
Clarity about what constitutes a positive incident and what a negative one in the eyes of the Police.

Clarity from Yvonne's barrister as to where –in time and location- she can be legally held to be responsible for customer's actions.

This report compiled on Tuesday 12<sup>th</sup> July 2016.

A copy of this report to be sent to all the participants and Yvonne would like to thank everyone for attending.

### Calendar of Events- Police threats.

PC Hannah Rush visits club Fri 20<sup>th</sup> May 2016 raises issues with door staff about the club. Yvonne not there held up and getting ready.

21<sup>st</sup> May 2016 Yvonne emailed Hannah Rush requiring evidence.

10<sup>th</sup> June 2016 Meeting at the Police Station- From original minutes 38 issues raised- similar club in size comparison-concerns by the Police-issues drunkenness, licence, staff training, drugs Policy , SIA staff-searching ( post action plan), dispersal. At the end of the meeting I was warned if I didn't adhere to what the Police wanted my Licence would be put forward for review and that I was to make sure the club was 'self-policing'-from minutes. Questioned whether able to employ SIA staff directly? Licence? Suggested reducing closing time by half an hour.

10<sup>th</sup> June 2016 Resigned from Pubwatch as felt defamed and unable to continue also needed time to have legal consultations, write action plans etc.

14<sup>th</sup> June 2016. Action Plan, Drugs Policy and DJ Notice sent to Police.

14<sup>th</sup> June 2016 A Warning Letter from WPC Hannah Rush & Sergeant Denhan Vokins claiming that the Incidences provided evidence of excessive drunkenness, most occurring after 2.a.m- some not even at the Trek Club? My Incident book not showing the same.

18<sup>th</sup> June 2016 Request for information of incident 18<sup>th</sup> June -group throwing rocks along Blatchington Road- Request for CCTV by Hannah Rush- (8<sup>th</sup> July- she had viewed the CCTV and confirmed that Police attended at 2.28 a.m. following a call but nothing. Club closed- no-one there.

22<sup>nd</sup> June 2016 Letter from Cathie Wolfe following receiving Yvonne's Action Plan- Bar& Door Staff training ok . Dispersal -request to reduce licence to 1.30am. Drug Policy ok. SIA staff from Marc One - sign training sheet. CCTV-31 day rule?

Fri 8<sup>th</sup> July Visit by Hannah Rush to the club. Discuss of the impracticality of more searches and why the incidents at the Trek Club were completely inconsistent with the Police list- request for full disclosure. The no Police Calls -self-policing-Hannah says no?

The club has been operating for 31 years. No difference no changes.

Disclosure of evidence?

What and where does my responsibility end.

CCTV which 6 cameras?

Licence fit for the purpose?

# Processing the images

Images, which are not required for the purpose(s) for which the equipment is being used, should not be retained for longer than is necessary. While images are retained, it is essential that their integrity be maintained, whether it is to ensure their evidential value or to protect the rights of people whose images may have been recorded. It is therefore important that access to and security of the images is controlled in accordance with the requirements of the 1998 Act. The Seventh Data Protection Principle sets out the security requirements of the 1998 Data Protection Act. This is discussed in more depth at Part II pages 38 to 39. However, the standards required by this Code of Practice are set out below.

## Standards

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- 1 Images should not be retained for longer than is necessary (Fifth Data Protection Principle).

*For example* – publicans may need to keep recorded images for no longer than seven days because they will soon be aware of any incident such as a fight occurring on their premises.

*For example* – images recorded by equipment covering town centres and streets may not need to be retained for longer than 31 days unless they are required for evidential purposes in legal proceedings.

*For example* – images recorded from equipment protecting individuals' safety at ATMs might need to be retained for a period of three months in order to resolve customer disputes about cash withdrawals. The retention period of three months is based on the interval at which individuals receive their account statements.

- 2 Once the retention period has expired, the images should be removed or erased (Fifth Data Protection Principle).
  - 3 If the images are retained for evidential purposes, they should be retained in a secure place to which access is controlled (Fifth and Seventh Data Protection Principles).
-

### Storage and use of recorded material

The information has to be properly protected, possibly via encryption. If data is to be stored using a cloud computing system, then the ICO's guidance on the use of cloud computing must be complied with. As always, extraneous and obsolete information must be deleted.

If appropriate law enforcement agencies are requesting access to this information then practical considerations must be addressed e.g. how easy it is to take copies off the system of the recording, can it be provided in a suitable format, would it comply with designated standards, how easy is it to use? In certain situations, particular sensitivity must be borne in mind. For example, if images have been recorded in a changing room, it may be more appropriate to only view recorded images after an incident has occurred.

### Disclosure

A law enforcement agency may request access to surveillance information in order to prevent and detect crime. Information may be released to the media for identification purposes in criminal cases, but this should not be done by anyone other than a law enforcement agency. In any event, the Data Controller needs to consider very carefully whether identifying features of third parties, other than someone who has made a Subject Access Request, need to be obscured or not at all on CCTV to be released.

### Subject Access Request

The usual £10 fee under the Data Protection Act applies and information should be supplied within 40 calendar days of receiving a request. An individual can require a copy of information in permanent form if the surveillance footage constitutes their personal data, unless they agree to simply view the footage, or to produce it is either not possible or would involve disproportionate effort. The ICO Subject Access Code makes it clear that the latter is only likely to be relevant in exceptional circumstances. Clearly, steps may need to be taken to obscure identities of third parties captured in the footage.

### Freedom of Information Act

If the Data Controller is a public authority, they may receive a request under the FOIA. When such a request is received then the Data Controller will have to ask -

1. Is the information personal data of the requestor? If so then it should be treated as data protection Subject Access Request, or
2. Is the information personal data of other people? If so then it can only be disclosed if to do so would not breach the data protection principles. It may be possible to obscure the images of third parties, which would allow disclosure.

### Retention

This will depend upon how the information is being used. For example, a small CCTV system in a pub may only need to retain images for a short period of time because often incidents come to light very quickly, unless of course a crime has been reported to the Police, and it may need to be retained until collected by the Police.

### Staying in control

Individuals will need to be told how they can make a Subject Access Request, be given a copy of the Code or details of the ICO website, and details of how to make a complaint if they are affected by the system in place. Staff clearly need to be properly trained in respect of handling information securely, dealing with Subject Access Requests and with requests from law enforcement agencies. The information also must be clearly stored.

### Selecting and siting surveillance systems

It is important that unnecessary images are not reviewed or recorded. For example, has the camera location been carefully chosen to minimise viewing spaces that are not of relevance for the purposes for which CCTV is being used?

### Surveillance technology other than CCTV systems

#### 1. Automated Number Plate Recognition

The Data Controller must ensure that the system in use is appropriate. For example, is the system just recording vehicle registration marks, or is it recording images of vehicles' occupants?

#### 2. Body Worn Video

It is likely to be more intrusive than normal CCTV because of its mobility. It is unlikely that continuous recording could be justified i.e. because it may be recording people going about their daily business in addition to the individual who is the focus of your attention. The presence of audio recording adds further to the privacy intrusion, and hence can be more difficult to justify. Care must be taken when using such devices in private dwellings, schools and care homes.

#### 3. Unmanned Aerial Systems (UAS)

They are often referred to as drones. If they are used purely for domestic purposes by "hobbyists" they will be treated differently from

Evidence relating to  
**Paginated page 23:**

Letter Dated:  
Friday 22<sup>nd</sup> July 2016

1 x Copy Letter

Referenced in statement  
of PS Vokins (2)



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**Barwells**  
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COMMERCIAL/CONVEYANCING  
DEPARTMENT  
10 Sutton Park Road  
Seaford  
East Sussex, BN25 1RB  
Tel: 01323 875024  
Fax: 01323 890108  
DX: 38900 Seaford  
QSBCommercial@barwells.com  
[www.qualitysolicitors.com/barwells](http://www.qualitysolicitors.com/barwells)

Sergeant Denham Vokins PS CV146  
Alcohol Harm Reduction Unit  
Sussex Police Headquarters  
Church Lane  
Lewes  
East Sussex BN7 2DZ

Our Ref: PMC/KT/Salmi SAL75/1

Your Ref: Sergeant Denham Vokins PS CV146

22 July 2016  
(Dictated 21 July 2016)

Dear Sergeant Vokins

**Licence Queries with Sussex Police**

I write to advise that I have been instructed by Yvonne Newton-Turner of The Trek Club, Seaford and by [REDACTED] of the [REDACTED], Seaford regarding recent correspondence and meetings which have occurred relating to concerns that Sussex Police have in respect of the Premises.

We have spoken to Sue Lindsey at the Local Authority to advise her of our involvement in this matter. We are intending to instruct Counsel to advise upon certain matters which have been raised and we shall also be writing to you in detail upon specific instances.

We are due to receive an email from Mrs Newton-Turner by the 22 July which will form the basis of our instructions to Counsel. The writer will be arranging to instruct Counsel prior to this weekend but it is likely that Counsel's opinion will be received after the writer has left for his holiday and the writer is not due to return until the 15 August and, therefore, we are anticipating writing to you at that point.

Yours sincerely

**PAUL CHALONER**  
Quality Solicitors Barwells

Directors (May also be referred to as Partners): David George / Tim Morgan / Bill Elliott / Andrews Woods (non lawyer) / Stephen Ash / Nicola Jones / Paul Chaloner.  
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