

# APPENDIX 1



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## Alcohol Harm Reduction Unit

20<sup>th</sup> September 2016

Ms. S. Lindsey  
Licensing Officer,  
Lewes District Council  
Southover House,  
Southover Road,  
Lewes,  
East Sussex  
BN7 2SY

Dear Ms. Lindsey,

Please find attached an Application for a Summary Review, and a Superintendents' Certificate, in relation to the Trek Nightclub, Seaford, which Sussex Police have now formally served on you, as the representative of the Licensing Authority at... *16.15* ..... Hours on Tuesday 20<sup>th</sup> September 2016.

As you will be aware, the LA need to hear the case and make a decision within 48 hours of service of this notice. Please note that Mr. Steve Bell CBE will be attending, presenting Ms. Maria Caulfield MP for Lewes constituency, as a police witness giving evidence on behalf of the residents. Mr. Bell has been able to make himself available to attend the Summary Review hearing all day on Thursday 22<sup>nd</sup> September, and has asked that we respectfully request that the hearing is held on that day so he may make representation to the Committee. Police representatives will also be available on that day.

Yours sincerely,  
On behalf of Sussex Police

**Jean Irving**  
Head of Licensing & Public Safety  
**Local Policing**

Brighton Police Station  
John Street, Brighton, East Sussex BN2 0LA  
**Mobile: 07909 893682**  
Tel: 101 Ext: 550200

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Ms S. Lindsey, Licensing Officer  
Lewes District Council,  
Southover House,  
Southover Road,  
Lewes,  
East Sussex BN7 1AB

**Application for the review of a premises licence under section 53A of the  
Licensing Act 2003 (premises associated with serious crime or disorder)**

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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 the 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.**

I, Temporary Superintendent Warren Franklin, [on behalf of] the chief officer of police for the Sussex police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Trek Nightclub  
Blatchington Road**

Post town: Seaford

Post code (if known): **BN25 2AF**

**2. Premises licence details:**

Name of premises licence holder (if known): The Trek Nightclub Ltd

Number of premises licence holder (if known): LN/2005/00122

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

**An expedited review is sought because an urgent remedy is necessary following the serious injury to one of the door staff employed at the premises in the early hours of Sunday 11<sup>th</sup> September 2016.**

**The circumstances are, that following the ejection of two males from the Trek Nightclub for fighting on the dance floor, approximately fifty people left the club and, in small groups, began fighting amongst themselves in the road outside.**

**The door staff went outside, followed by Yvonne Newton-Turner who is the Designated Premises Supervisor (DPS). At the time Ms Newton-Turner was dual-rolling by acting in the capacity of a door supervisor and also the DPS. Sussex Police have advised Ms Newton-Turner that trying to conduct the role of a door supervisor at the same time as a DPS is inadvisable and is activity discouraged as it usually results in neither role being conducted effectively.**

**Ms Newton-Turner is one of the two directors of the Trek Nightclub Ltd, the holder of the premises licence. The other director is Mr Newton-Turner.**

**During the fighting one of the door staff was punched in the face causing ligament and muscle damage to his jaw and the other, whilst restraining a male on the ground, was kicked in the face a number of times by a male who had been ejected from the premises. This member of door staff sustained injuries consistent with Grievous Bodily Harm namely, a fractured left eye socket, complex fractures to the left optical bridge, multiple complex fractures of his cheek and nasal bones, bleeding to his left retina and the iris in his left eye is torn impeding his vision.**

**The incident was reported to police via a phone call by a local resident and an ambulance was called by a member of the public. At no time was a call made to police or the ambulance service by the DPS or any member of staff working at the premises. The fact that no member of staff reported the incident to police would be as a direct result of instructions by Mrs. Newton-Turner to her staff not to report incidents to police. In the presence and hearing of the door staff, Mrs Newton Turner told PC Rush that she had given this instruction to her staff and this is confirmed within PC Rush's statement. This type of non-cooperation with police is unacceptable and demonstrates a complete undermining of the licensing objectives of prevention of crime and disorder and public safety.**

**During such a serious incident, Sussex Police would expect the DPS to**

**exercise a duty of care towards the injured person by ensuring the police and ambulance service had been called. This action would ensure no further persons were injured and injured persons could be dealt with as soon as possible.**

**This serious incident is still being investigated by police and criminal charges will follow, therefore the full details of the assault cannot be disclosed due to subjudice.**

**However, the relevant licensing facts of this case are that: CCTV reflects that the alleged offender was in the Trek for just under two hours before the incident and following his arrest and interview for the assault, the male was bailed until November 2016 for S.18 of the Offences Against the Person Act 1861 (Wounding with Intent). This is an extremely serious criminal offence which carries a maximum sentence of life imprisonment. Custody records indicated the male was so drunk that he could not be interviewed until 1000am the next morning. During the course of his detention he was on 30 minute welfare checks due to his state of intoxication**

**Witness statements are attached from Officers who attended the scene and they describe a number of fights taking place outside between approx 15 to 20 people, and associated with the Trek, one Officer describing high levels of intoxication and going for far as describing the scene upon his arrival as like 'a scene from the wild west'.**

**As previously stated, this incident was reported to police via a member of the public who has provided a witness statement to police (attached). A number of members of the public will provide evidence via Mr Steve Bell CBE, who is representing the local Member of Parliament, Ms Maria Caulfield. Their statements will provide evidence of the serious disorder regularly taking place outside their houses and associated with the Trek. Their statements will also outline how frightened they were, not just on this night, but on many nights previously when it is common place for fighting in the street to take place. Their evidence, via Mr Bell, will confirm the Officers witness statements of many people on the street fighting on this particular night, which constitutes serious disorder.**

**A standard review application (S51a) is a slower process which does not resolve the serious problems associated with the premises as quickly as a Summary Review. In this instance Sussex Police have found it necessary to take this course of action to ensure the public are kept safe and the Licensing Objectives are promoted.**

**Sussex Police are very concerned at the significant increase in the levels of violence and disorder associated with the Trek and contend that immediate and decisive action is necessary to prevent further instances taking place.**

**Due to the severity of the incidents Sussex Police deployed police resources at the premises on the evenings of both Friday 16<sup>th</sup> and Saturday 17<sup>th</sup> September 2016. Their specific tasking was to monitor both the way the premises was being operated and the behaviour and levels of customers' drunkenness. Despite the heavy police presence, another assault did take place in the early hours of Sunday 18<sup>th</sup> September and although this occurred in Broad Street, Seaford both the offender and the victim had just left the premises; both were drunk. The victim sustained injuries consistent with Actual Bodily Harm;**

further details of this assault are contained in this document at the end of the incident list.

There is a list of incidents directly connected to the premises starting from 4<sup>th</sup> October 2015 and culminating in the assaults on 11<sup>th</sup> September 2016 and a further assault on 18<sup>th</sup> September 2016. In total there have been four incidents of Grievous Bodily Harm, three of these since 1<sup>st</sup> May 2016. There have been seven incidents where Actual Bodily Harm injuries have been sustained, three of Common Assault, and one each of Assault by Beating, Assault Police and Resisting Arrest. These violent incidents seriously undermine the licensing objectives of the Prevention of Crime and Disorder and Public Safety.

**4<sup>th</sup> October 2015**

A drunken female who had been in the premises was detained by door staff for assaulting one of their number. When arrested for assault she kicked the door of the police vehicle. She kicked one of the officers and spat at a passer-by. She was given Cautions for x 4 offences: Assault by Beating, Assault Police, Resisting Arrest and Common Assault. Custody records indicated she was drunk.

**13<sup>th</sup> December 2015**

A drunken female who had been in the premises had slapped one of the door staff in the face during an argument about her coat. She was deemed drunk by attending officers and the matter was dealt with by a Community Resolution.

**19<sup>th</sup> December 2015**

A drunken male who had been in the premises was caught up in a fight taking place outside during which he was pulled to the ground where he was punched and kicked resulting in sustaining an injury consistent with Grievous Bodily Harm, namely a fractured jaw. Following an investigation the matter was filed undetected due to lack of evidence.

**25<sup>th</sup> December 2015**

A male was assaulted by another male causing injuries consistent with Actual Bodily Harm during an argument which took place within in the premises. The offending male was arrested for the offence which later resulted in no further action due to the victim refusing to take the matter further. Custody records indicated that the offender was drunk.

**7<sup>th</sup> February 2016**

A female was assaulted by another female in the premises who hit her in the face, pulled her to the floor, sat on her and tried to pull her hair out causing injuries consistent with Actual Bodily Harm. Door staff intervened and the offender who was extremely drunk, was ejected. Staff did not report the incident to police but both the offender and the victim contacted police and the matter was resolved by Community Resolution. When the offender called police the call was graded as an emergency due to her drunkenness combined with her walking along a fast main road in the dark.

**20<sup>th</sup> March 2016**

A drunken female was assaulted in the smoking area by another female who punched her causing her to fall to the ground where she 'passed out' briefly. She attributes that element of the assault to the amount of alcohol she had consumed. The injury was consistent with Actual Bodily Harm and although the victim sustained a black eye she was not prepared to co-operate with



police and the matter was therefore filed.

**3<sup>rd</sup> April 2016**

One of the door staff found a male with a cut lip on the ground in the smoking area. although his injury was consistent with having been punched he insisted he had fallen over. Although the matter was recorded by police as Actual Bodily Harm it was filed undetected.

**9<sup>th</sup> April 2016**

A female was assaulted on the dance floor by another female who head-butted her in the face causing her nose to bleed profusely and subsequently swell. The matter was filed undetected as, despite the co-operation of the victim no suspect was ever identified.

**1<sup>st</sup> May 2016**

An extremely drunken male who had been in the premises with his friends was assaulted by another male in the road close to the premises. When the victim was punched in the face, causing a cut to his lip, he fell to the ground where he hit his head on the pavement causing a cut on his head and unconsciousness. Further medical investigation revealed a fractured ankle, an injury consistent with Grievous Bodily Harm. The friends with him were all drunk, one of whom so much so that he kept falling asleep in the street. No suspect was ever identified and the matter was later filed.

**28<sup>th</sup> May 2016**

When a male was head-butted on the dance floor door staff intervened. A fight ensued during which two door staff were assaulted, one sustaining Actual Bodily Harm injuries and the other those of Common Assault. A male was arrested on suspicion of causing Actual Bodily Harm; arresting officers confirmed he was drunk. He was later charged with Assault by Beating and is due to appear in court. Custody records also indicated that the offender was drunk.

**24<sup>th</sup> July 2016**

A male who had been in the premises and was extremely drunk was assaulted outside. He had been punched in the face causing him to fall to the ground and hit his head causing it to bleed heavily, this assault took place during a large fight. When Officers arrived the male was surrounded by about forty extremely drunk, excitable people some of whom said that weapons had been used including a baseball bat; the presence of this weapon was confirmed by one of the door staff. The victim's injuries were later found to be a fractured left cheekbone, a broken nose, a ruptured sinus membrane and two chipped teeth. After an investigation the matter was filed undetected due lack of both witnesses and support from the victim.

**11<sup>th</sup> September 2016**

This is the incident during which two door staff received serious injuries as described earlier in this document.

**18<sup>th</sup> September 2016**

Officers saw a male in Broad Street which is about two minutes walk away from the premises. He had facial injuries which were caused by being punched in the face by another male and the impact of the punch had caused him to fall to the ground where he became unconscious. The offending male was located and arrested on suspicion of causing Actual Bodily Harm. On arrival in custody

at 03:30hrs the male was too drunk and violent to be given his rights and was taken straight to a cell. he was placed on 30 minute welfare checks due to his high level of intoxication and was not deemed fit to be given his rights until almost 11 hours later at 14:26hrs. When interviewed the male admitted to using cocaine in the premises and when the victim was spoken to he stated he had become 'quite drunk' whilst in the premises. The matter has been filed undetected due to the victim's refusal to support any police action.

Due to the frequency and severity of the recent incidents Sussex Police believe that suspension of the premises licence is both necessary and proportionate and request that the licensing committee seriously consider taking this course of action as an interim step, pending the full Review Hearing.

Sussex Police further contend that suspension of the premises licence is necessary to ensure people are kept safe, and serious public nuisance to the residents does not continue.

The police concerns are reinforced by the security provider to the Trek who stated to police that he is so concerned about the safety of his staff at the premises that he is very seriously considering providing them with protective equipment, including body armour. This would be the first and only place in East & West Sussex, including Brighton & Hove, that security staff feel it is necessary to take these steps to keep them safe.

In August 2016, Jean Irving, Head of Licensing and Public Safety for Sussex police and Sgt Denham Vokins of the Police licensing team, along with Mr Steve Bell CBE on behalf of Maria Caulfield M.P., met with local residents who expressed many serious concerns regarding the drunken and violent behaviour by customers from the premises. Close contact has been maintained between them and Ms Jean Irving and Mr Steve Bell. Residents are fearful; they are experiencing regular serious disruption to their lives and it was stated in writing by the person who reported the incident on 11<sup>th</sup> September 2016 that they hold an honest belief that one day someone will be seriously hurt or killed.

Residents are too frightened of repercussions against them to appear at the hearing themselves. Therefore, Sussex Police wish to call Mr Steve Bell as a witness in support of their Application for a Summary Review, to provide further evidence of serious disorder on behalf of the residents.

Sussex Police will make more detailed submissions at the full hearing and we reserve the right to serve additional evidence, as necessary, at the full Review Hearing.

Attached to this application are statements from:

1. Police Sergeant Vokins
2. PC Hannah Rush
3. PC Kevin O'Connor
4. PC Mark Edmands
5. PC Martin Theelke
6. Mr. A. Sidders
7. A Local Resident

Sussex Police would respectfully request permission to address the members of the licensing committee in relation to their belief that suspension of the

premises licence is the only viable solution as an interim step, pending the full Review Hearing, to prevent further serious crime and serious disorder occurring at the Trek.

Signature of applicant:

  
T/Superintendent Warran Frankel  
CF896

Date: 20<sup>th</sup> September, 2016

Capacity:

**Contact details for matters concerning this application:**

Address:

**Jean Irving,  
Head of Licensing & Public Safety  
c/o Bexhill Police Station  
Licensing Dept  
Terminus Road  
Bexhill-on-Sea  
TN39 3NR**

Telephone number(s): 07909 893682

Email: jean.irving@sussex.pnn.police.uk

**Notes for guidance:**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.  
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:  
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be



expected to be sentenced to imprisonment for a term of three years or more; or  
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.  
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.