

## APPENDIX 2



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### Alcohol Harm Reduction Unit

26<sup>th</sup> September 2016

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

Dear Mrs. Lindsey,

**RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR THE BAY TREE INN, PELHAM ROAD, SEAFORD, EAST SUSSEX BN25 1EP UNDER THE LICENSING ACT 2003 – LN/2005/00920**

Further to the Review Application for the above premises served on you 31<sup>st</sup> August 2016, we wish the following further evidence on which we will rely, to be considered at the Review Hearing. Hard copies of the content of this email including the two statements will be posted to Mr. Brumwell at the address as per the premises licence.

The evidence is as follows:-

A 'further to' statement by PC DR403 Rush relating to the following matters:

An enquiry made to Lewes District Council's Environmental Health Team on Thursday 11<sup>th</sup> August 2016 in relation to whether the DPS Mr. Burvill had ever contacted them to discuss noise limiters or any other noise related issues.

Mr. Burvill's progress with joining Seaford Pubwatch.

Two noise complaints from a local residents.

Further issues with the direct employment of door staff by the DPS who is not able to do this as he is not registered with the SIA in any capacity.

A 'further to' statement by PC DD361 Deacon relating to a visit paid to the premises on Friday 23<sup>rd</sup> September 2016.

The full evidence bundle for the Review Hearing will be sent to you within the next few days.

Yours sincerely,

Cathie Wolfe - Safer East Sussex Team – Alcohol Harm Reduction Unit  
Bexhill Police Station, Terminus Road, Bexhill, East Sussex TN39 3NR  
Telephone 101 Ext. 564241



### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

11(T)

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Statement of: Hannah Elizabeth Rush

Age if under 18: Over 18 (If over 18 Insert 'over 18') Occupation: Police Constable DR403

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 23<sup>rd</sup> September 2016

Tick if witness evidence is visually recorded  (supply witness details on rear)

Further to my statement I made on the 9<sup>th</sup> September I have the following to add.

On Thursday 11<sup>th</sup> August 2016 I made enquiries with Lewes District Councils Environmental Health Department. I asked them whether they had had any dealing with Mr. Burvill or The Bay Tree this year. In particular I wanted to know whether Mr. Burvill had ever made contact with them to discuss limiting noise in his premises after the advice I had given him on my visit on the 29<sup>th</sup> April 2016. I received a response from the council confirming that they had received a noise complaint about the premises on the 13<sup>th</sup> June 2016. On the 14<sup>th</sup> June 2016 a standard letter had been sent to Mr. Burvill to inform him of this complaint and was followed up by a conversation with an Environmental Health Officer on the 15<sup>th</sup> July 2016. Mr. Burvill had agreed to use his door staff to monitor the opening and closing of the rear doors of the premises to help with the noise level.

On Saturday 27<sup>th</sup> August 2016 at 18:15hrs I called Mr. Burvill on his mobile. I was aware that he had still made no progress in joining Seaford Pubwatch scheme. I logged into the on-line system and tried myself to join him as a member. The call that was made to Mr. Burvill was in order to obtain details such as email and business numbers. I explained what I was doing and that he should expect to receive an email in due course with details on how to log into the Pubwatch system. I told him to follow the link on the email which should give him access. I reminded him that



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### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1 11(T)

the next Pubwatch meeting was three days away on Tuesday 30<sup>th</sup> August at 16:00hrs at The Seven Sisters, which he was aware of. However neither he, nor anyone else from The Bay Tree attended the Seaford Pubwatch meeting.

On Wednesday 7<sup>th</sup> September 2016 at 12:10hrs I made a call to Mrs. R [REDACTED] who had attended Seaford Police Station on Tuesday 30<sup>th</sup> August to complain about the noise from The Bay Tree Inn over the Bank Holiday weekend. She told the Police Enquiry Officer at the front desk that she understood that she lived very near a licenced premises and that she did expect a certain amount of noise due to that, however she says the music was unreasonably loud and was being played until 01:00hrs on a Friday and Saturday night. Mrs. R [REDACTED] also expressed concerns about the staff and customers behaviour. When I spoke to Mrs. R [REDACTED] she told me that she had lived at her current address with her husband since 20 [REDACTED]. She said that over the August 2016 Bank Holiday weekend when it was extremely hot she and her husband were unable to have any of their windows open due to excessive noise coming from the music at The Bay Tree. She stated that when Mr. Burvill took over the premises he gave her a mobile number to contact if she had any concerns. Mrs R [REDACTED] told me that she used to text this number but that they had stopped texting her back. At one point when Mrs. R [REDACTED] complained about the music Mr. Burvill asked her to go to the premises to discuss the issue, however she was too nervous to do so. She said "I DO NOT WANT TO DISCUSS THE ISSUE WITH NOISE IN A PUB WHEN PEOPLE HAVE BEEN DRINKING AND I'M COMPLAINING ABOUT THEM. I THINK THAT'S AN UNREASONABLE REQUEST". On one of the evenings of the Bank Holiday Mrs. R [REDACTED] said that she and her husband had decided to go out to escape the noise. They walked down Pelham Road towards the sea and she said you could still hear the noise and music from the end of the road. She went on to say that at the end of the evening when they returned home at around 23:30hrs you could hear the [REDACTED]



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## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1 11(T)

noise at the other end of the road, by Morrison's some 160mtrs away. Mrs R [REDACTED] told me that she has informed Lewes District Council's Environmental Health Team about the issues at the start of the summer and she was given a diary to keep. However this was during the bad weather and the premises wasn't busy. Mrs. R [REDACTED] also said that the noise from the people who attend the premises was awful as well. On one evening she saw a female come out of the rear doors of the premises into the garden and shout at the top of her voice "I CANT HEAR A FUCKING WORD IN THERE" Mrs. R [REDACTED] pointed out that if it was too loud for people inside to even talk then surely it was simply too much to expect residents to accept. Mrs. R [REDACTED] had said that during the time when Mr. R [REDACTED] (the previous DPS) had run the premises there were few problems with noise but since Mr. Burvill had taken over the situation had become almost unbearable for her. She told me that the premises are now putting on a disco on a Wednesday evening as well which she was dreading and that her husband has to get up at 05:30hrs and is suffering due to lack of sleep. I told Mrs. R [REDACTED] to keep a diary and to contact Environmental Health when there is an issue with noise.

On the 9<sup>th</sup> September 2016 at 23:35hrs police received another complaint about loud music from a resident who has lived in the same road as The Bay Tree for an excess of fifteen years and until recently had experienced no issues with the premises. The caller complained that the music is getting turned up at 23:30hrs. Informant stated that other neighbours were having issues as well and calls to the council had not brought about any improvement.

On 12<sup>th</sup> September 2016 Mrs. R [REDACTED] made another call to police to complain about the music and shouting coming from the premises. Mrs. R [REDACTED] said she had text the landlords but got no reply. She was referred onto Lewes District Council Environmental Health Team.

On Friday 9<sup>th</sup> September 2016 I was made aware that Mr. L [REDACTED] SIA licence had been suspended





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### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1 11(T)

by the Security Industry Authority and therefore I needed to check that he was not working in that capacity at the premises. As I approached the premises at 22:34hrs I saw a male wearing black with what appeared to be an SIA badge on his right arm, he was leaned up against the side of the front door with one leg rested on the wall. He was swearing down his phone, on his headphones as I approached. He didn't appear to finish his call but I introduced myself and asked for his name. He told me his name was B [REDACTED] B [REDACTED]. He took his badge from his arm and passed it to me to inspect. He had a valid Door supervisor licence which didn't expire until 19<sup>th</sup> August 2018. To start with it was very difficult to get any straight answers from Mr. B [REDACTED] regarding his employment at the premises. However he confirmed that he did not work for Sussex Security, which was the company currently contracted to provide security staff to the premises and in fact he was not employed by any security company. He told me that he rarely worked the 'doors' anymore. He was very defensive saying he was new at the premises and knew nothing about it, I found this a strange reaction as I hadn't yet asked him anything about the premises. I asked him if he was working alone that evening. He told me that he was alone at the moment but another door supervisor may arrive later, possibly at 23:00hrs, but could give no more details than that, but given the time I doubted what he said very much. I asked who had asked him to work at The Bay Tree that evening, and after saying a few times, in various ways, that he did not know, he finally told me that it was R [REDACTED] L [REDACTED]. At this point Mr. Burvill came outside the front of the premises. I took Mr. Burvill to one side as I was concerned that yet again it appeared that he was directly employing a door supervisor without the correct non front line licence. Mr. Burvill was very annoyed. He was not aware that Mr. L [REDACTED] was not working. He told me that he had been out that evening with his partner and had just got back to the premises. He did not know that I was outside and had come out to ask the door supervisor what was going on and to ask where Mr. L [REDACTED] was. As the security industry register of licences are a public facing register I told Mr. Burvill that if he were to check



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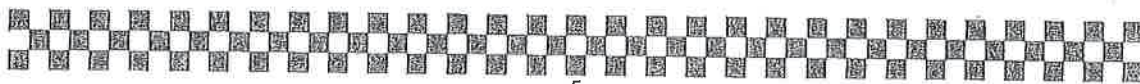


**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

11(T)

their register on line he would see that Mr. L [REDACTED] licence had been suspended. I then pointed out to Mr. Burvill that Mr. B [REDACTED] had told me that he was not employed by any security company and that this meant that yet again Mr. Burvill was directly employing a member of door staff, which he was unable to do. He understood this and was angry that this situation could be used against him in the upcoming review. Mr. Burvill reiterated how he felt he was personally being picked on, and believed that PS Vokins didn't like him and this was the reason for the review. He also told me that he was not going to call the Police for every little incident that took place at his premises.





**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of: Laura Louise DEACON

Age if under 18: 018 (If over 18 Insert 'over 18') Occupation: Police Constable DD361

This statement (consisting of *THREE* page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: DD361

Date 25<sup>th</sup> September 2016

Tick if witness evidence is visually recorded  (supply witness details on rear)

At 2345 hours on Friday 23<sup>rd</sup> September 2016 I was on duty in full uniform attached to call sign LO104 in company with SC HOVENDEN S1457 when we attended THE BAY TREE PUBLIC HOUSE to conduct a licensing check.

On arrival, there was one member of SIA door staff stood outside the front entrance and the DPS Glen BURVILL was stood with him. I introduced myself to Mr. BURVILL and stated that we had met on a previous visit when I was with PC RUSH DR403 (17/6/16) but he did not seem to remember me.

I asked to view the refusals / incident log and toilet check book. Mr. BURVILL advised me that the current books were not on the premises as he had sent them to his solicitor to peruse due to the impending review however there were replacement notebooks in place. At no point did I discuss the review with him or make any mention to it. I advised him that I was not aware of any specifics and was merely there to conduct a licensing check as tasked by colleagues. I also asked Mr. BURVILL about his pubwatch membership. He had the minutes from the previous meeting on an email on his phone which he showed me but intimated that he was not up to speed with computers which I took to mean that he would have issues trying to log on to the site. He was also very non-committal when I referred to pub watch and I formed the opinion that he was not really interested in attending or even attempting to log onto the system to find out the latest information. He stated he was shocked by the news of the Trek closing and plans to open longer in light of the Trek being closed. I did note some signage at the front of the premises advising patrons that there would be no re-entry after 00:00.

SC HOVENDEN and I entered the premises and approached the bar. I immediately recognised the male member of bar staff as I had spoken to him on a previous visit. I believe his name is R I asked him if I could see the incident book and he invited us behind the bar to check it. I noted two entries in the book which were as follows;

20:36 – tall bald gentleman caught in men's toilets with cocaine. Been barred and left amicably



Continuation of statement of *LAURA LOUISE DEACON*  
(name of M [REDACTED])

10:05 (22:05?) – Gent asked to leave as believed to be drunk, got emotional but no trouble. Bald headed, goaty beard, portly.

I then inspected the toilet check register and found the following entries had been made;

12 noon – nothing found.

1:45 – sick noted in men's urinals. Men's/women's ok.

3:30pm – ok

5:00 – all ok

6:00 – ok

7:00 – ok

8:00 – all ok

8:30 cocaine found, gent barred.

21:00 – both WC's good

21:30 – both WC's good.

22:00 – both WC's good.

As the time of our visit was 23:45 and the last documented check of the toilets was 22:00 this means that the toilets went unchecked for almost two hours. Given the fact that the premises was reasonably busy and there were 4 members of staff present (Mr. BURVILL and his partner plus two members of bar staff) AND two SIA registered door staff, I find this very poor.

At 00:02 whilst noting the above checks in my pocket notebook, I noticed a female sitting at one of the tables in the rear garden with a drink. As I went to approach her, SIA staff went up to the table and took the drink from her. I am aware that it is a condition of the premises licence that there is to be no consumption of alcohol in the rear garden after 23:30. LD

I would estimate that there were approximately 40-60 people present within the premises spread throughout the bar and garden areas. The music was loud. The demeanour of customers was ok and there were no issues apparent. The atmosphere was amicable and there were no signs of intoxication that would warrant ejection or refusal of service. LD

Part B of the licence was on display on a door at the back of the bar and a toilet check revealed nothing of any significance or concern. I asked R [REDACTED] if the CCTV was up and running and he confirmed it was. He showed SC HOVENDEN and I the monitor and I could clearly see the system periodically switching camera views. R [REDACTED] confirmed the system was recording and in order.

With regards to the entries made in the incident book, I have since checked to see if Police were informed about the male who was found taking cocaine in the toilets and can find no record of any

Signature [REDACTED]

DD361

Signature witnessed by: \_\_\_\_\_

PTO



Continuation of statement of *LAURA LOUISE DEACON*  
call being made.

The second entry also gave me cause for concern, in particular "Gent asked to leave as believed to be drunk". Section 141 of the Licensing Act 2003 makes it an offence to sell or attempt to sell alcohol to a person who is drunk, or allow alcohol to be sold to such a person on relevant premises.

Both of these entries allude to the fact that neither the licensing law or objectives are being adhered to.

There were two SIA registered door staff present, they were;

S [REDACTED] W [REDACTED] - Licence active, expires [REDACTED]

F [REDACTED] R [REDACTED] - Licence active, expires [REDACTED]

The visit concluded at approximately 00:15 and SC HOVENDEN and I left the premises.

[REDACTED] DD 30

Signature

[REDACTED]

DD361

Signature witnessed by:

\_\_\_\_\_

PTO