



Local Policing Support Team

January 2020

Miss Susan Lindsey,
Specialist Advisor (Licensing)
Southover House,
Southover Road
Lewes, East Sussex BN7 1AB

Dear Miss Lindsey,

RE: APPLICATION FOR THE REVIEW OF THE PREMISES LICENCE FOR THE LAMB, 10 FISHER STREET, LEWES, EAST SUSSEX BN7 2DG UNDER THE LICENSING ACT 2003 REF: WK202000279

With reference to the Review application dated 6th January 2020 made by Councillor Milly Manley on behalf of local residents, I write on behalf of the Chief Officer of Police for Sussex to make a representation on the grounds of the Licensing Objective of the Prevention of Crime & Disorder.

Since Mr. Stephen Elliott took over as Designated Premises Supervisor (DPS) on 4th July 2019 there have been a number of complaints from local residents about excessive noise emanating from the premises, some of these made to police. However, Sussex Police wish to address the matter of principle concern to them, namely the habitual misuse of illegal substances within the premises as shown from recent drug swabbing carried out by PC Buck a member of East Sussex Licensing Team. Prior to the drug swab results there follows three incidents reported to police in relation to the premises.

1. On Saturday 6th July 2019 at 22:58hrs police received a call from staff reporting that an aggressive male had hit the DPS and five customers. The caller went on to say that the male had just assaulted another three customers and that he was being restrained by two male customers. When officers attended the offender had already left the premises. An area search was conducted but the male was not located. Despite being punched a number of times and his glasses being damaged the DPS declined to support police in relation to a prosecution and signed an officer's pocket note book to that effect. It is Sussex Police expectation that if staff and in particular a DPS is assaulted they will support of police prosecution. To fail to do so is unacceptable. After a lengthy investigation during which no witnesses were identified nor any indication as to who the male was, the matter was filed undetected. The investigation was hampered by the lack of CCTV even though there is a condition on the premises licence that states, CCTV throughout the premises. A further call at 23:01hrs was received by a local resident reporting that there was a fight at the premises.
2. On Friday 1st November 2019 at 00:24hrs a member of staff called police to report that a number of customers in the main area of the premises were coughing and suffering a burning sensation. She believed that some kind of pepper spray may have been used to cause the symptoms but no one had seen anything. She further stated that she had evacuated the premises and no one required medical assistance. She did not require police attendance but merely wanted the matter logged. The incident was passed to the Licensing Team to make enquiries.
3. On Friday 1st November 2019 at 10:15hrs police received a call from a local resident reporting that on the previous evening there was a large congregation of customers outside the premises who were being very loud. She went to the premises just after midnight and found that four members of staff were verbally quite aggressive when she confronted them.

She further stated that there had been an incident in the premises where someone had let off a pepper spray or similar. The caller then went on to complain about the noise from the premises which was taking place on a regular basis which was affecting her sleep and that of other nearby residents. PC Buck did look into the incident but as the complaint was predominately that of noise it was decided that Lewes District Council should take the lead.

4. On Friday 15th November 2019 a routine visit was paid to the premises by PC Buck who, whilst there took a number of Ion Trak drug swabs from various areas within the premises. The results of these drug swabs were as follows:-

Mens Toilet Seat = 5.97 Cocaine & 3.89 Amphetamine
Left Ladies Cubicle Window Ledge = 5.84 Cocaine
Mens Window Ledge = 5.74 Cocaine & 4.17 Amphetamine
Right Ladies Cubicle Toilet Seat = 5.14 Cocaine
Mens Hand Dryer = 4.77 Cocaine
Ladies Hand Dryer = 3.87 Cocaine
Ladies Sanitary Bin = 3.11 Cocaine
Mens Sink = 2.91 Cocaine
Bar = 2.76 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.'

Whilst taking the drug swabs Mr. Elliott stated to PC Buck that he knew drugs were being used at the premises. As a result of these high drug readings on Wednesday 20th November 2019 an Action Plan Letter was sent to Mr. Elliott. He was given ten days from the date of the letter to provide the measures he would be putting in place to combat the misuse of illegal substances within his premises. A copy of this letter is included in the evidence bundle.

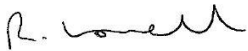
5. On Monday 2nd December 2019 Sussex Police received the measures Mr. Elliott would be taking to eliminate drug use within his premises. A copy of these measures are included within the evidence bundle.
6. On Friday 3rd January 2020 PC Buck returned to the premises to carry out further drug swabbing and make enquiries in relation to a missing person. He had been told by the officer leading the missing person investigation that the premises staff had not assisted the enquiry in providing CCTV footage despite numerous requests to do so. The CCTV footage had been promised for that afternoon but on PC Buck's arrival it still was not ready so he seized the premises hard drive. He then took further drug swabs, the results of which are as follows:-

Ladies Left Cubicle Window Ledge = 5.63 Cocaine
Mens Window Ledge = 5.43 Cocaine
Mens Toilet Seat = 5.11 Cocaine
Ladies Toilet Seat = 5.03 Cocaine
Mens Hand Dryer = 4.11 Cocaine
Ladies Hand Dryer = 3.03 Cocaine
Bar = 3.01 Cocaine
Ladies Sanitary Bin = 2.74 Cocaine

As shown there was little improvement in these drug readings compared with those taken on 15th November 2019. When a premises is on an Action Plan Sussex Police expects to see a significant reduction in the drug swab readings indicating that any measures put in place at the premises are proving effective. This is not the case here. Whilst at the premises PC Buck spoke to a member of staff who had worked there since the beginning of December 2019. He said that he had not received any training in relation to illegal substances despite this being one of the measures offered by the DPS.

Given the high drug readings and Mr. Elliott's failure to implement the measures he offered to significantly reduce drug misuse within the premises Sussex Police have no hesitation in supporting the Review brought by Councillor Milly Manley on behalf of local residents.

Yours sincerely,



Insp Rob Lovell
Force Licensing Inspector
Sussex Police