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## Hastings District

16<sup>th</sup> February 2016.

Licensing Manager  
Environment and Safety Directorate  
Aquila House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY.

Dear Mr. Brown,

**Re: Application by East Sussex Fire Service for a review of the Premises Licence of  
The Tub 57 Cambridge Road Hastings East Sussex. TN34 1BL.**

Sussex Police wish to make a representation in relation to the above review of the premises licence on the grounds that the licensing objectives of:-

- The prevention of crime and disorder.
- The protection of children from harm.

have been seriously undermined.

The premises were previously known as The Union Bar with the change of name, to The Tub, formally taking place on the 26<sup>th</sup> September 2016.

At 1200hrs on Tuesday 16<sup>th</sup> August 2016, at the request of Sussex Police, a meeting was held at the premises between representatives of Sussex Police and management of the premises. Those in attendance were; Sgt. Denham Vokins, PC Christopher Trevena and Licensing Officer Anthony Masters from Sussex Police, and David Francis – Designated Premises Supervisor, Paul Osmond – Joint Manager and Harvey Palmer – Joint Manager from the premises.

At the meeting Sussex Police discussed a number of concerns regarding incidents occurring at the premises and intelligence which had been received by Sussex Police in relation to alleged underage clientele, proxy sales, door staff, use of drugs within the premises, mixed-age events and Barwatch.

David Francis stated that although he was the Designated Premises Supervisor he did not attend the premises on a regular basis. He 'popped in' now and again or in order to watch one of the bands. He was not a 'hands on, pulling pints' Designated Premises Supervisor.

Sussex Police were advised that the premises were opening three days a week hence Mr. Osmond had other daytime employment until 18:00hrs. Therefore he had very limited attendance whilst the business was operating. Harvey Palmer was now taking responsibility for the day to day operation of the premises having recently returned from a 6 month absence.

Police asked to examine the refusals register. This consisted of a small notebook which limited the evidence / information concerning refusals. On inspecting the book there had been no entries relating to refusals since July 2016.

The following subjects were discussed:-

**Underage/ProxySales.**

Mr. Osmond said he would remove alcohol from underage persons attending the premises and then return it to them when they left 'out of respect'. Police informed Mr. Osmond that this should not happen under any circumstances and was reminded of the licensing objective 'protection of children from harm'. He then stated that the alcohol was seized and poured away. Mr. Osmond went on to explain that there were strict ID measures in place. However, when open, the premises were very dark and it could not be guaranteed that underage customers were not sold alcohol, and was difficult to prevent proxy sales from occurring

**FormalTraining.**

Police established that no formal training was given to staff at the premises. Mr. Francis stated that he observed new staff whilst serving and gave brief information with regard to the premises licence. However no training given with regard to Challenge 25, proxy sales etc..Police stressed that training was essential as the premises held mixed aged events. Police recommended that the premises stopped holding mixed aged events, where underage persons and adults attended at the same time, as there were insufficient procedures in place to prevent the children from being served alcohol and a general lack of control by management.

**Door staff.**

The member of security staff used at the premises was not an employee of any recognised SIA Company. Police confirmed that none of the management held a current SIA licence; nor was there the necessary insurance policy in place for the premises to use in-house door staff. Police asked how the member of door staff was deployed and ascertained there was inadequate patrol of the premises and in particular the toilets. The management were advised with regard to employing a minimum of two properly accredited door staff. On the 15<sup>th</sup> July 2014 a Licensing Sub-Committee hearing took place as a result of a review of the premises licence, instigated by Environmental Health. A condition was imposed on the Premises Licence Holder relating to the employment of Security Industry Authority staff however their use was very much directed towards the prevention of noise nuisance.

**Barwatch.**

The premises licence states 'Remain an active member of Barwatch as long as such a system operates within the Borough'. Mr. Francis stated he had not attended a meeting for several months and in the case of Mr. Osmond several years. Police advised them that this was a breach of a condition on the premises licence.

**Drug Investigation.**

PC Trevena conducted 'lontrack' drug swab testing at the premises, and samples were taken from a number of areas including the toilets, bar area etc. and a small table adjacent to pool table was of particular interest. The readings obtained were as follows.

Bar Tables	6.23 Cocaine
Pool Table	4.84 Cocaine
Lobby - 1 area	3.66 Cocaine
Male toilets	5.51 Cocaine
Ladies Toilets	5.88 Cocaine

Sussex Police have concerns at readings over 4, and readings near and over 6 are of serious concern.

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.*

*Results 4 and above. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk source of the narcotic. This is not generally experienced as background contamination or through incidental cross contamination.*

Police also found two small clear plastic re-sealable bags on the floor in the bar area. This type of bag is commonly used for carrying illegal drugs. White powder was clearly visible on the surface of a low level table. On a sofa cushion in the bar area lumps of excrement were found. On bringing these matters to the management attention they did not express surprise or concern about the findings.

A door in the bar area leading to a staircase for the flat above, occupied by Mr. Osmond, could not be closed. Where the securing latch would have been positioned a large proportion of the door was missing. The area had sustained damage. Mr. Osmond said it had been in that state for at least two months and police relayed serious concerns about the door in relation to the control of customers and restricting their access to the flat above.

Throughout the entire premises there were found to be broken electrical power sockets and exposed wiring.

Sgt Vokins was so concerned about the safety and condition of the premises, on the 18<sup>th</sup> August 2016 he contacted Mr. James Portnell of the East Sussex Fire and Rescue to advise him of the visit and in particular the broken power sockets and a damaged door, believed to be a fire door.

On the 19<sup>th</sup> August 2016 Sgt. Vokins emailed Mr. Ian Wheeler at the Hastings Borough Council Environmental Health to inform him of excrement on one of the sofa's in the bar area.

At the request of Sussex Police another meeting was held at the premises on Monday 19<sup>th</sup> September 2016. The purpose of this meeting was to provide Mr. Robert Falconer, the Premises Licence Holder, details of the previous meeting and concerns the police had with regard to the premises. The attendees were; P.C. Deacon and Anthony Masters from Sussex Police and Robert Falconer – Premises Licence Holder, Paul Osmond – Joint Manager and Harvey Palmer – Joint Manager on behalf of the premises management.

The following subjects, discussed at the previous meeting, were brought to the attention of Mr. Falconer, underage clientele, proxy sales, formal training, door staff, mixed age events, the internal door, Barwatch and drug use within the premises.

Having heard Sussex Police concerns Mr. Falconer voluntarily closed the premises with immediate effect and removed the Mr. David Francis as the Designated Premises Supervisor.

On the 30<sup>th</sup> September 2016 a letter was sent to Mr. Falconer a copy of which is attached marked Annex 1.

On Wednesday 19<sup>th</sup> October 2016 Sussex Police received an application to vary the premises licence, to name Mr. Harvey Palmer as the Designated Premises Supervisor.

On Saturday 22<sup>nd</sup> October 2016 P.C. Deacon visited the premises on the reopening night. Sussex Police had not received any prior notification concerning the reopening of the premises. She noticed that the clientele were visibly older since the premises was being operated on a no under 18's policy. Mr. Palmer was present and stated the premises were going to introduce sloped or textured surfaces in the toilets to deter drug use.

On Friday 23<sup>rd</sup> December 2016 P.C. Deacon conducted a licensing check of the premises. Mr. Palmer was present and there was a live music event taking place. Those persons present ranged from 16 years and above, with those under 16 years being provided a wrist band to prevent them purchasing alcohol. Mr. Palmer stated that this was a 'one off' event.

On Monday 30<sup>th</sup> January 2017 PC Trevena conducted an 'Iontrack' drug swab test at the premises:-

Cubicle 1	6.17 Cocaine
Cubicle 2	6.36 Cocaine
Table within the communal area adjacent to the toilets	3.,46 Cocaine
Bar Counter Area	4.74 Cocaine

The above readings remain extremely high and are of significant concern to Sussex Police.

It is noted that the Review Application requests revocation of the Premises Licence. Should the sub-committee not be minded to revoke the Premises Licence, Sussex Police request that the licensing committee seriously consider attaching the following proposed conditions to the Premises Licence in order to promote the licensing objectives and keep people safe.:-

- 1) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, (PSDB Publication Number 09/05) operated and maintained throughout the premises internally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
  - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - CCTV footage will be stored for a minimum of 31 days
  - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
  - Any breakdown or system failure will be remedied as soon as practicable.
- 2) A Challenge 25 policy be adopted and recommended photographic ID such as a passport, driving licence, citizen cards and proof of age standards scheme (PASS) cards shall be acceptable. Staff are to be trained to request the appropriate ID from anyone who appears to be under the age of 25 years of age and that alcoholic drinks are refused unless that ID is produced.
- 3) A refusals register, either written/electronic, shall be kept near the point of sale and all refusals for the sale of alcohol shall be recorded. The DPS shall take responsibility for training staff in the use of the

register and will regularly check to ensure entries are being made. The register will be made available to a representative of the Sussex Police or Licensing Authority on request.

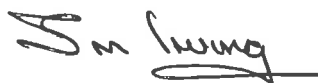
- 4) Maintain an incident record at the premises and ensure that all staff use it to record details of any incident of crime or disorder including date and time, details and/or descriptions of the people involved, exact location of the incident and which staff are present when the incident took place. The use of such a record will ensure that all staff are aware of any ongoing problems and the persons responsible.
- 5) All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; a staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.
- 6) Every Thursday, Friday, Saturday, Bank Holidays and when premises are operating under the authorisation of a Temporary Event Notice there shall be provided at the premises a minimum of one member of door staff or such additional number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for licensable activities and cognisance will be taken of any police advice.
- 7) The Premises Licence Holder and/or the Designated Premises Supervisor or a person nominated by them shall actively participate and be a member of a Pub and Club watch scheme for the area with in which the premises is located.
- 8) No person under the age of 18 years shall be permitted on the premises when they are being used for the purposes of the supply of alcohol and/or the provision of regulated entertainment.
- 9) The Premises Licence Holder will have in place a written policy, to the satisfaction of Sussex Police and the Local Authority, in relation to zero tolerance on drugs which will include inspection of the premises, staff training, search of customers, seizure, retention, disposal, signage, documentation and notification to Sussex Police of drug related offences.

Sussex Police request that the premises licence be suspended for a period of not less than four weeks, to enable the management of the premises to prepare and implement the policies and procedures as above and undertake alterations to the toilets to prevent the use of drugs.

Sussex Police contend that the measures and conditions are both appropriate and proportionate.

Yours sincerely,

On behalf of Sussex Police.



Jean Irving  
Head of Licensing & Public Safety.

**Hastings Police Station**  
Bohemia Road, Hastings, East Sussex, TN34 1JJ

Telephone: 101 |



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## SEST – Alcohol Harm Reduction Unit.

30<sup>th</sup> September 2016

Mr. R. Falconer

37 White Rock  
Hastings  
East Sussex.  
TN34 1JP

Dear Mr. Falconer.

RE: THE UNION BAR 57 CAMBRIDGE ROAD HASTINGS EAST SUSSEX. TN34 1BL

May I first thank you for being present at the meeting held on Monday 19<sup>th</sup> September 2016. I am aware that this meeting was 'sprung' on you at the last moment due to your management team not informing you.

As you are aware on Tuesday 16<sup>th</sup> August 2016, I, Sgt. Vokins and PC Trevena had a meeting with your management team, Mr. Francis (Designated Premises Supervisor), Mr. Osmond (Manager) and Mr. Harvey Palmer (Joint Manager). The meeting was to enable Sussex Police to liaise with the management team with regard to ongoing problems. As a result of that meeting I believed it was appropriate and necessary to have a meeting with you to discuss current problems at the premises, managerial concerns and operating procedures. The premises licence is in your name and therefore appropriate action needed to be taken by you in order to secure that licence.

The matters raised with your management team are as follows:-

**Incident 6<sup>th</sup> November 2015 approx. 01:01hrs.** Reported Assault. Whilst the two female victims were performing on the stage the suspects, unknown male and female, have thrown what is believed to be fake blood over band. No injury caused but damage was caused to the musical equipment to the value of £3000. A formal investigation was initiated by Sussex Police but it is believed to be a publicity stunt as a result of entries within 'Facebook' and other social media.

**Incident 30<sup>st</sup> January 2016 approx. 23:00hrs.** Reported Glassing. Staff did not consider this to be a serious incident and therefore there was no direct call from the premises. Sussex Police not aware of incident until notified 0953hrs 31<sup>st</sup> Jan. '16. Victim / Informant required stitches to a cut.

**Lack of Control.**

Mr. D. Francis admitted that he did not attend the premises on a regular basis, 'sometimes dropped in on a Saturday' and 'maybe once a week' but certainly was not a 'hands on' Designated Premises Supervisor. Mr. Osmond was sharing his managerial duties due to having other employment not connected with the premises. Mr. Palmer stated that he had only recently returned to working at the premises, after a six month absence and jointly managed the premises. It was obvious that the premises lacked full managerial control and Sgt. Vokins remind those present that only Mr. Francis as the Designated Premises Supervisor was recognized within the Licensing Act 2003.

### **Refusals / Incident Register(s).**

The incident / refusals register comprised of a book roughly the size of a mobile telephone. On inspection it was found that some pages had been torn out, other pages partly removed and no entries had been made since the 5<sup>th</sup> July 2016. Mr. Osmond stated that a previous register had been thrown away due to staff using it for purposes other than recording refusal / incidents.

### **Underage Sales.**

It was noticed that there were no 'Challenge 25' posters on display within the premises. Mr. Osmond stated those persons under 18 yrs. of age only normally attended to watch the live bands. Sgt. Vokins asked how age verification was dealt with either by coloured wrist bands or hand stamps. All three members of staff stated they had nothing in place to deal with this situation. PS Vokins advised them that it would be ideal if age verification was dealt with by a door supervisor at the front of the premises prior to customers gaining entry. Once inside age / proxy sales becomes an even greater challenge for bar staff. Mr. Osmond stated that there are very stringent safeguards with regard to underage persons attending the premises. Alcohol was seized from those underage customers attempting to gain entry and then returned to them when they left. Mr. Osmond was reminded of the licensing objective 'protection of children from harm'.

### **Proxy Sales.**

There was no guidance to staff as to the prevention of proxy sales of alcohol. Premises on many occasions too dark for members of staff to view transfer of alcohol from one person to another. Whole guidance / procedure for preventing proxy sales, one drink per person questionable.

### **Formal Training.**

No record of or formal training given to new staff by any member of the management team. Mr. Francis stated that he observed new staff whilst serving and given brief information with regard to the premises licence. No training with regard to Challenge 25, proxy sales etc. In all procedures again questionable.

### **Internal Door.**

Insecure internal door allows customers to exit premises to upstairs private residence of Mr. Paul Osmond. Question the actions of customers in the past existing premises into the flat on the attendance of police officers

### **Barwatch.**

Although there is a condition within current premises licence to be a member of the local Barwatch scheme, both Mr. Francis and Mr. Osmond stated they had not attended a meeting for several months and in the case of Mr. Osmond several years. Mr. Osmond questioned the procedures of the current forum despite not attending a meeting for some years.

### **Drug Investigation.**

PC Trevena made an examination of the premises with regard evidence concerning the use of drugs within the premises. A drug swab examination was made in various areas of the premises including the toilets, bar area etc.. Small table adjacent to pool table of particular concern. In addition evidence of smoking taking place within the premises.

16/08/2016	Hastings	Union Bar	Bar Tables	6.23 Cocaine
16/08/2016	Hastings	Union Bar	Pool Table	4.84 Cocaine
16/08/2016	Hastings	Union Bar	LobbY - 1 area	3.66 Cocaine & 1.60 MDMA
16/08/2016	Hastings	Union Bar	Male toilets	5.51 Cocaine
16/08/2016	Hastings	Union Bar	Ladies Toilets	5.88 Cocaine
16/08/2016	Hastings	Union Bar	Ladies Toilets 2	2.49 Cocaine

Alarms between 2-3 (Medium Response) Could be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of narcotic.

Readings of 4 and above. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk source of the narcotic. This is not generally experienced as background contamination or through incidental cross contamination. In small room adjacent to the pool table were a number of low level tables. Two small empty deal bags were found hidden behind one of the tables



**Other Observations.**

Within the small room referred to above there were a number of low level sofa type chairs. On the cushion of one of the chairs human / animal excrement was found. Throughout the entire premises there were found to be broken electrical power sockets and exposed wiring. As a result of the findings both East Sussex Fire and EHO were alerted to our findings.

As a consequence of our meeting you have closed the premises with immediate effect and removed Mr. Francis as the Designated Premises Supervisor. At this time the premises remain closed until a new Designated Premises Supervisor is proposed in addition to any other procedures you wish to put in place. This was a positive action in order to promote the licensing objectives.

I am aware that in May 2014 an application for the review of the premises licence was submitted by the Environmental Health Department.

Details of the meetings I have had with you and your management team will be kept on record and may be used as evidence in any future licensing hearings.

Sussex Police will continue to monitor the premises when they resume operating to ensure the premises licence and conditions contained therein are adhered to and the licensing objectives are promoted.

Yours Sincerely,

A. D. Masters.  
Sussex Police Licensing Officer.  
SEST – Alcohol Harm Reduction Unit.

