

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

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 this 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.
You may wish to keep a copy of the completed form for your records.

I Chief Inspector Paul Phelps, Hastings District Commander, for and on behalf of
the Chief Constable of Sussex Police

(Insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act
2003.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Zar Zar Bar 91-92 Queens Road Hastings East Sussex.	
Post town Hastings	Post code (if known) TN34 1HL.

Name of premises licence holder or club holding club premises certificate (if known) Mr. Nigel LEWIS 91-92 Queens Road Hastings East Sussex. TN34 1HL.
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Number of premises licence or club premises certificate (if known) HOP 50421
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates
(please complete (A) below)

☐

Recd 14/4/2015
Eds 12/5/2015.

WU201500409.

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Inspector Paul PHELPS Hastings Police Station Bohemia Road Hastings East Sussex. For and on behalf of the Chief Constable
Telephone number (if any) 101
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

X

☐

X

☐

Please state the ground(s) for review (please read guidance note 2)

Sussex Police contend that the above two licensing objectives have been undermined by the carrying on of licensable activities at the Zar Zar Bar since May 2014.

Since May 2014 there have been 14 incidents relating to the premises, 5 concerning victims being subject of an assault, sustaining injuries of varying degree. A recorded incident concerned the Premises Licence Holder, Mr. Nigel Lewis being involved in an incident where he had possession of a firearm (air rifle). He was charged under Section 16A and Schedule 6 of the Firearms Act 1968. The most recent incident involved three males causing a disturbance at the premises. This occurrence taking place after the new Designated Premises Supervisor was appointed.

On the 19th November 2013 Sussex Police received a copy of an application from Mr. Nigel Lewis, making an application for the grant of a personal licence. Sussex Police objected to the application with regard to the licensing objective, crime and disorder.

On the 28th May 2014, Mr. Trevor Scrase Licensing Officer Hastings Borough Council sent a letter to Mr. Lewis concerning the conduct of the business and its patrons. The management and staff had clearly allowed the premises to operate in a manner which fell short of promoting the licensing objectives and complying with the conditions contained within the premises licence.

Since taking control of the premises both Mr. Lewis and the Designated Premises Supervisor Lindsey Shirley have permitted the premises to function in a manner contravening the conditions within the premises licence, namely:-

- (1) That food must always be available.
- (2) The premises shall be operated as a café encouraging light alcohol consumption.

Please provide as much information as possible to support the application (please read guidance note 3)

19th November 2013.

This information is restricted and is found within Annex 1 of this application. The information is to be viewed by members of the licensing sub committee only.

- (1) **Wednesday 7th May 2014** at approximately 00:40hrs two males were drinking within the premises. The victim had upset one of the other customers (suspect) which resulted in the suspect punching the victim three times to the face. The victim went home and called the police. Police attended the victim's home address, however he was found to be drunk and refused to make a formal complaint.
- (2) **Monday 12th May 2014.** Call received by Sussex Police at 10:24hrs reporting that on the previous Saturday (10/05/14) night into the Sunday (11/05/14) morning, she was present at the Zar Zar Bar. The informant reported that whilst there she witnessed persons who she believed to be underage and that drugs were openly being sold. The informant witnessed small bags being exchanged and money being passed. The informant also stated that the barman was involved in an altercation with a group of black males outside of the premises. In addition there was an altercation between a female member of staff and another female customer. No one from the premises made a formal complaint.
- (3) **Sunday 1st June 2014.** At 01:34hrs an informant made a complaint concerning very loud music and persons shouting very loudly. The informant stated this happened every weekend. Information forwarded to the Environmental Health Department.
- (4) **Thursday 19th June 2014.** Approximately 23:30hrs an informant was walking along the road past the Zar Zar Bar when he heard a female shout about him being a paedophile. There were several males outside the premises and one of them was heard to say "GET THE LIGHTER, SET FIRE TO HIM". The informant states that none of the males got up but a lighter was seen before he left the area. The aggrieved did not know any of the males and would not recognise any of them again. The aggrieved was asked how any one would know that he was a convicted sex offender to which he replied "I WAS IN THE PUB A WHILE AGO AND I MIGHT OF SHOWN SOME PEOPLE A NEWSPAPER ARTICLE ABOUT ME WHEN I WAS SENT TO PRISON".
- (5) Same victim as above reported that on occasions he had to walk past the premises and certain members of staff shouted out comments such as 'paedophile'. Victim did not take any of the threats seriously and did not wish to make a formal complaint.
- (6) **Tuesday 7th October 2014.** The victim stated that between 22:00hrs and 23:30hrs she had been assaulted in the premises by being punched to the side of the body and head by a female. The female then dragged the victim outside and continued to punch and hit her until she was on the ground. Police spoke to staff at the bar and they confirmed that a fight had taken place in the pub and that the victim was drunk. At no time did the staff contact Sussex Police to report the incident. Apparently the victim had called the females boyfriend a name. CCTV was unavailable and the member of staff (witness) would not provide a statement.
- (7) **Sunday 26th October 2014** at approximately 03:49hrs, a member of the public was passing the premises when a male started shouting at her and then threw a bottle against the wall. Staff requested the informant contact the police as the male was causing problems and would not leave. Police officers attended and the drunk male was transported home by the officers.

- (8) **Saturday 1st November 2014.** Approximately 00:20hrs the informant contacted Sussex Police concerning loud music emanating from the premises. The informant stated that the premises did not have a music licence and that it was supposed to operate as a restaurant. There is a condition within the premises licence which states the following '*The premises shall be operated as café encouraging light alcohol consumption*'. Informant lived above the premises and the problem was effecting her in addition to her 10 month child. The informant advised that this was happening on a regular basis. The informant went on to state that some of the customers had been outside drinking and shouting. Police Officers attended and asked the staff to turn the music down which was done. The Environment Health Department were advised of this report.
- (9) **Saturday 8th November 2014.** Approximately 00:31hrs, the same informant as the serial above again complaining of very loud music emanating from the premises. Informant alleged this time that the premises had problems when they close due to fights taking place. The Environment Health Department were advised of this report.
- (10) **Tuesday 16th December 2014.** Approximately 01:41hrs on Sussex Police were called to a report by the Sussex Ambulance Service of an intoxicated male who had a shoulder injury. The offender had walked away. A female standing outside of the Zar Zar Bar, who was very drunk, was asked what she had witnessed. She stated that the victim had been drinking in the bar from 10am until 1:15am. She was standing by the Zar Zar bar door when she saw someone kick the victim which made him fall over. The victim, who was also very drunk, would not give much detail and said that he had just fallen over. CCTV showed the male lying on the floor. Another male exited Zar Zar Bar and a kick action can be seen towards the victim. An ambulance was called and it was confirmed that the male had a dislocated shoulder and was taken to hospital. Due to the victims injuries this incident was recorded as an Actual Bodily Harm. The victim was not willing to assist the police with the investigation and there were no other lines of enquiry.
- (11) **Monday 22nd December 2014.** At 03:22hrs Sussex Police were called to the premises by a member of staff who stated she had seen an assault on one of the patrons. The male was on the ground near to the Forbidden Fruit, another licensed premises, a short distance from the Zar Zar Bar and appeared to be unconscious, although possibly due to being drunk. The informant, a member of staff, stated that the victim and his friend had been in the bar since 12:10hrs. A male had been constantly approaching the victim and appeared to be looking for a fight. The male was asked to leave the bar but refused. He kept asking for drinks. He was heard to say to the victim " what are you looking at". The male left the bar but returned and appeared to be trying to get the victim to leave bar and asked the victim for a fight. Words were exchanged and shortly afterwards the victim left the bar and the suspect followed. The victim and his friend were walking along road and a staff member saw the suspect run towards the victim. Victim fell to the floor and was kicked several times. The male then ran off and police were called. Police attended the Conquest Hospital but the victim was too intoxicated to provide a statement. There was CCTV in the premises but the staff member did not know how to use system. The victim did not want to support prosecution and there were no other lines of enquiry, so the matter was filed as no further action.

12th January 2015. P.C. Trevena and Anthony Masters (Licensing Officer) invited Mr. Nigel Lewis (Premises Licence Holder) and Lindsey Shirley (Designated Premises Supervisor) to Hastings Police Station. The meeting was to discuss the recent increase in serious incidents in addition to the poor management of customers. Other subjects discussed included the use of the existing CCTV system, although not a requirement under the current premises licence, incident books and staff training.

- (12) **17th January 2015.** Retrospective Report – The victim reported that on New Years Eve he went to premises and between 00:00hrs and 02:00hrs he was seriously assaulted. He remembered going to the car and getting home about 02:00hrs but did not remember anything between the above times. He went to bed for almost a day and woke up with bad head pain. He went to the hospital where it was confirmed that he had several fractures to his skull and bleeding on his brain. He has had to return to the hospital for regular check ups and brain scans. He did not report the incident at the time as he could not remember anything that had happened. However, numerous people have told him what happened. Apparently he called the barmaid a name and barmaid's boyfriend assaulted the victim who then got up and walked home. The offender had worked at premises but the victim is not sure if he still does. At the time of preparing this application the investigation is ongoing.

5th February 2015. P.C. Trevena met with both Mr. Nigel Lewis and Lindsey Shirley to discuss ongoing problems and concerns. As a result of the number of serious incidents they agreed that the premises should be placed on an 'Action Plan' to assist them in the management of the premises. The 'action plan' was explained to them in detail and after proposed amendments by them they both signed the document agreeing to accept the requirements contained therein. The management plan covered issues such as management of ejections, management of refusals, reduction in alcohol related violence, reduction of illegal controlled drugs, and maintenance of and effective CCTV monitoring

- (13) **Monday 16th February 2015.**

This information is restricted and is found within Annex 2 of this application. The information is to be viewed by members of the licensing sub committee only.

Wednesday 25th March 2015

Mr. Lewis (Premises Licence Holder) submitted an application for the variation of the premises licence to name Mr. Jason Burgess as the proposed Designated Premises Supervisor

- (14) Wednesday 1st April 2015. At 17.12hrs Sussex Police received a report, from a member of staff, of a disturbance at the premises involving three males. The call taker has recorded on the serial that there was a lot of background noise and was unable to obtain further details. The Hastings Borough CCTV operator has identified a male on the floor immediately outside of the premises who was seen to re enter the premises. The male victim would not assist the attending police officers and no one else present were prepared to assist the officers in their enquiries. The police officers ensured that the males involved were caused to leave in separate ways.

On Wednesday 8th April 2015 at 12:06hrs, Anthony Masters Licensing Officer for the Hastings District contacted Mr. Jason Burgess, the new Designated Premises Supervisor. It was established that Mr. Lewis had not provided Mr. Burgess with a copy of the action plan to which the premises was subject of or even inform Mr. Burgess of the 'action plan'. Sussex Police are concerned that this important document had not been shared with the new DPS who is responsible for ensuring the premises promotes the licensing objectives.

It is the submission of Sussex Police that the management of these premises has fallen far below an acceptable standard, and in consequence, the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance have been seriously undermined.

Licensable activities have repeatedly been carried on at the premises other than in accordance with the terms of the premises licence:-

The premises shall be operated as café encouraging light alcohol consumption'. PC Trevena has visited the premises on a number of occasions and during his visits has never seen food being served to patrons.

The former Designated Premises Supervisor, Lindsey Shirley, was the partner of the Premises Licence Holder, Mr. Nigel Lewis at the time the majority of the incidents occurred. She was replaced on the 25th March 2015 by the new Designated Premises Supervisor, Mr. Jason Burgess. Since his appointment there has already been an incident at the premises, (Incident 14 above).

Sussex Police are extremely concerned that incidents are occurring at the premises but not being reported to police, preventing full investigation and ensuring offenders are brought to justice. Having regard to the serious nature of the incidents occurring in and in connection with these premises (of which many are connected with the consumption of excess alcohol), and the failure of the management both to address them and to comply with the requirements of the licence, Sussex Police invite the sub-committee to seriously consider the following:-

The suspension of the premises licence for a period of four weeks for the following reasons:-

- Provide time for the management to put in place new operating procedures.
- Provide management time to fully instruct staff on the requirements of the Licensing Act 2003 and on crime scene preservation.
- To break the relationship between the current clientele and the premises to instil a new ambience within the premises.
- To act as a deterrent to this and other premises in the area that this type of behaviour will not be tolerated by the Licensing Authority.
- To break the cycle of crime and disorder which appears to be the normal practice within the premises.

The operating times for the premises be amended to the following times, this is appropriate and proportionate due to the number incidents which occur when the premises operates past these hours:-

Opening times for the premises	Monday – Sunday	09:00hrs – 00:00hrs (midnight)
Licensable activities		
Supply of alcohol	Monday – Sunday	09:00hrs – 23:30hrs
Live music	Thursday – Saturday	09:00hrs – 23:45hrs
Recorded Music	Monday – Sunday	09:00hrs – 23:45hrs
Provision of facilities for making music.	Thursday - Saturday	09:00hrs – 23:45hrs
Provision of late night refreshment (not takeaway).	Monday – Sunday	23:00hrs – 23:45hrs

Sussex Police further contend that it is proportionate and appropriate to apply the following conditions to the licence:

Condition1

- 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 and externally 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.

This will ensure that should any further incidents occur at the premises full and comprehensive CCTV images will be available to assist Sussex Police with an investigation where no other lines of enquiry are available.

Condition 2.

A Challenge 25 policy be adopted and it is recommended that only photographic ID such as a passport, driving licence, citizen cards and proof of age standards scheme (PASS) cards 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.

Condition 3.

A refusals register, written/electronic, shall be kept and all refusals 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.

Condition 4.

Two Security Industry Authority registered doorstaff to be on duty at the premises from 21:00hrs until all customers have left the premises.

This is to facilitate the management of the premises and the orderly dispersal of patrons from the premises and the immediate vicinity.

Condition 5.

Maintain an incident book 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 book will ensure that all staff are aware of any ongoing problems and the persons responsible can be identified.

Condition 6.

Staff are to prevent customers taking glasses and open bottles out of the premises into the street or other public place.

Sussex Police believe that the implementation of the above conditions and proposals are proportionate, appropriate and relevant to the operation of the premises. Sussex police contend that the above will allow the premises to operate within the requirements of the Licensing Act 2003 and to promote the licensing objectives.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

None

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **13th April 2015**

Capacity **Chief Inspector. District Commander Hastings District**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Hastings Police Station
Bohemia Road
Hastings
East Sussex.

Post town
Hastings

Post Code
TN34 1JJ.

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.