

Crawley Borough Council

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Report to Licensing Sub Committee

Wednesday 8 February 2012

Application to Review the Premises Licence applicable

To

'APPLE TREE'

Ewhurst Road

West Green

Crawley

West Sussex

RH11 7DH

ANGELA TANNER

Head of Planning and Environmental Services

1. Details of Application

*Reference
Documents and
Guidance*

- 1.1 On the 29th November 2011, Sussex Police as a 'responsible authority' submitted an application to the Council as the Licensing Authority for the Borough of Crawley for a REVIEW of above mentioned premises licence.

Appendix A
Copy of the
Review Application

- 1.1.1 On 19th January 2012 Sussex Police submitted additional information in support of their review application.

Appendix B
Copy of the
Supportive
information

- 1.2 Sussex Police has requested a review on the grounds that the licence holder is not promoting the statutory objective(s) of:-
 (I) Preventing crime and disorder
 (II) Protection of Children from Harm
 s.51 – Licensing Act 2003
- 1.3 The premises licence issued in accordance with the provisions of the Licensing Act 2003 is currently held by;-
 ‘Jasmine Court Associates Ltd’
 Appendix C
 Copy of the current premises licence
- 1.4 ‘Jasmine Court Associates Ltd’ , currently has a premise licence for the sale by retail of alcohol for consumption on and off the premises together with certain regulated entertainment and the provision of late night refreshments
- 1.5 The ‘designated premises supervisor’ (DPS) named on the licence at the date of submission of the review application was :-
 ‘Mr Zamir Ahmad Butt’
 Appendix C
- 1.6 On the 23rd December Mr Butt submitted a letter outlining his response to the Police submissions.
 Appendix D
- 2. Consultation**
- 2.1 The application was advertised in accordance with legislation and as a result of the consultation process, the following responses were submitted to the Council:
- 2.2 **Interested Party;** -
 Enterprise Inns Plc submitted a relevant representation as an interested party. They respectfully suggest the Licensing Committee in determining the application for review consider imposing conditions relating to:
 Appendix E
- adoption of Challenge 25;
 - maintenance of a refusals register; and
 - implementation of a staff training programme.
- They submit that the imposition of such conditions would address Police concerns and serve to promote the licensing objectives. A copy of the representation is at Appendix E.
- 2.2.1 **Further Representation;-**
 Five letters of representation were received in support of the premises which are attached as appendices;-
 Carl Brooks -
 Carol Matthew -
 A S Sangha -
 G Hobden -
 Tarun Patel -
 Appendix F
 Appendix G
 Appendix H
 Appendix I
 Appendix J
- 2.3 No further representations or comments have been received regarding this application including from any responsible authorities.

3 Background

- 3.1 Crawley Borough Council (“the Council”) is the relevant licensing authority in relation to any premises within the Borough of Crawley which is to be used for one or more licensable/qualifying activities in accordance with the Licensing Act 2003 “the Act”.
- 3.2 Section 51 of the Act states where a premises licence has effect, an interested party and/or a responsible authority may apply to the relevant licensing authority for a review of the premises licence provided that the grounds for the review are relevant to the ‘licensing objectives’ and are not frivolous, vexatious or repetitious. Section 51, LA03
- 3.3 Government guidance states that the proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. S182 Guidance Para 11.1
- 3.4 Before determining the application for the review the Council must hold a hearing to consider it and any relevant representations.
- ### **4 Statutory considerations and Guidance issued by Government**
- 4.1 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps: Section 52 of the Licensing Act
- (a) to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition); S182 Guidance Para 11.18
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence.
- 4.2 Section 4 of the 2003 Act provides that in carrying out its functions, the Council must “have regard to” guidance issued by the Secretary of State under section 182. S4 of the Licensing Act 2003
- 4.3 However, nothing in the Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on the authorities under human rights legislation) Some of the relevant sections of the Guidance are set out below. Section 182 Guidance Para 1.8

- 4.4 The licensing authority may decide that no action is necessary if it finds that the review does not require any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. S182 Guidance Para 11.17
- 4.5 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response. S182 Guidance Para 11.19
- 4.6 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. S182 Guidance Para 11.20
- 4.7 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives. S182 Guidance Para 11.21
- 4.8 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives. S182 Guidance Para 11.22
- 4.9 The following parties may appeal the decision of a licensing authority on any application for review of a club premises certificate: Part 2 Schedule 5 Licensing Act 2003
- (a) the applicant for the review,
 - (b) the holder of the premises licence.
 - (c) any other person who made a relevant representation in relation to the application.

- 4.10 The court, on hearing any appeal, may review the merits of the decision on the facts and consider points of law or address both. On determining an appeal, the court may:
- (a) dismiss the appeal;
- (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit
- Section 182
Guidance
paragraph 12.6

5 Policy considerations

- 5.1 Members must give due consideration to the merits of each individual case. Attention is drawn to the following sections of the 'Members' Information Pack':
- The Council's Licensing Sub-Committee Hearing Procedure
 - Council's Licensing Policy
 - LACORS Guidance
- Part A
Part B
Part C
Part D
- 5.2 The aim of the policy is to promote the licensing objectives set out in the Act whilst securing the safety and amenity of residential communities and facilitating a sustainable entertainment and cultural industry.
- CBC Alcohol
Licensing Policy
1.2
- 5.3 The Council recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run premises providing entertainment to the local economy and vibrancy of the borough.
- CBC Alcohol
Licensing Policy
1.7
- 5.4 The Council recognises that licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act. The terms and conditions attached to various permissions will be focused on matters which are within the reasonable control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- CBC Alcohol
Licensing Policy
2.4
- 5.5 The Policy states that the Council will primarily focus on the direct impact the activities taking place at licensed premises may have on members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the reasonable control of the individual, club or business holding a licence, certificate or relevant permission.
- CBC Alcohol
Licensing Policy
2.5

5.6	The policy states the key controls in respect of preventing crime and disorder arise from good operational planning and good management of activities at the premises.	CBC Alcohol Licensing Policy 2.10
5.7	The essential purpose of the licence is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. The Council will not, therefore, seek to use, conditions attached to licenses to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents.	CBC Alcohol Licensing Policy 2.11
5.8	No conditions relating to the management competency of designated premises supervisors will be attached to premises licences, unless it could be demonstrated that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and/or disorder and public safety.	CBC Alcohol Licensing Policy 2.12
5.9	The Council Policy states that conditions will be used if they can control issues that directly impact on the behaviour of those under the licensee's direction, when on the premises or in the immediate vicinity of the premises as they seek entry or leave. The pool of conditions laid down in Annex D of the Statutory Guidance can be used as a resource for drafting conditions in respect of general management controls on crime and disorder, although these should not be applied universally irrespective of circumstances.	CBC Alcohol Licensing Policy 2.14 and Section 182 Statutory Guidance Annex D
5.10	The Council's policy states that it will look to the Police as the main source of advice on matters relating to the reduction of crime and disorder objective and this advice will be given considerable weight.	CBC Alcohol Licensing Policy 2.14
5.11	The Council in its policy recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not public health which is dealt with in other legislation.	CBC Alcohol Licensing Policy 2.27
5.12	Once a premises licence is issued, it remains in place for the life of the business: there is no "annual renewal" of the licence, but applications are required to pay an annual fee to cover the Council's costs concerning the exercise of its statutory obligations under the Act as set out in the statute. However, should problems arise; it is possible for representations to be made to the Council, to review the licence.	CBC Alcohol Licensing Policy 5.1
5.13	The Policy states that the Council intends to use the review procedures effectively to deter crime. Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, we will seriously consider that revocation of the licence/certificate, even in the first instance.	CBC Alcohol Licensing Policy 5.10
5.14	The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary and proportionate for the promotion of the licensing objectives. Accordingly, if other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be	CBC Alcohol Licensing Policy 5.34

necessary to impose the same or similar duties on the premises licence holder or club.

6 Staffing, Equalities, Financial, and Legal Implications

6.1 There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s)

6.2 The Council is required to consider the impact any decision may have on an individual's Human Rights, however as the premises licence holder is a company, this does not arise in this review.

6.3 The Council is required to consider the impact any decision may have on crime and disorder in the area (Section 17, Crime and Disorder Act, 1998) which states as follows:

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,
 - (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) the misuse of drugs, alcohol and other substances in its area; and
 - (c) re-offending in its area.

7 Recommendations

7.1 **The Sub-Committee must, having regard to the application and any relevant representation take such steps (if any) as it considers necessary for the promotion of the licensing objectives.** S 52(3) of the Licensing Act 2003

The steps are;

S 52(4) of the Licensing Act 2003

(i) to modify the conditions of the licence

(ii) to exclude a licensable activity from the scope of the licence

(iii) to remove the designated premises supervisor

(iv) to suspend the licence for a period not exceeding three months

(v) to revoke the licence

8 Background Papers

- 8.1 All associated paper work regarding this application
The information pack.

Contact Officer:- Mike Lyons
Direct Line:- 01293 438698

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 Curry** for and on behalf of the Chief Constable of Sussex Police

(Insert name of applicant)

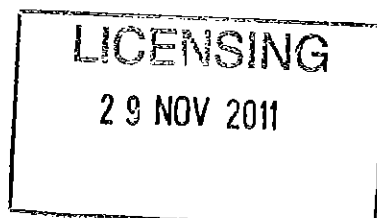
apply for the review of a premises licence under section 51 described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Appletree Ewhurst Road West Green	
Post town Crawley	Post code (if known) RH11 7HD

Name of premises licence holder or club holding club premises certificate (if known)
Jasmine Court Associates Ltd Bank House 209 Merton Road South Wimbledon London SW19 1EE

Number of premises licence or club premises certificate (if known)
05/00042/LAPER



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

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 Curry for and on behalf of the Chief Constable of Sussex Police Crawley Police Station Northgate Avenue Crawley, West Sussex RH10 1JA
Telephone number (if any) 01293 583991
E-mail address (optional) WS_licensing_HOR@sussex.pnn.police.uk

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the Licensing Objectives of :

- i) The prevention of crime and disorder
- ii) The protection of children from harm

have been severely undermined by the steady increase in the numbers of incidents recorded by Sussex Police involving persons under the age of 18 years being served, and consuming alcohol, within the premises.

This includes two 16 year-old children being sold alcohol during a police test purchase operation on 27th October 2011, and a large scale disorder incident on 28th April 2011 in which children under the age of 18 were arrested having been drinking alcohol supplied by the premises.

There has also been a number of incidents involving violent crime and anti-social behaviour in and around the vicinity of the Appletree. These incidents can be directly associated with the customers of the premises and the poor management by the Designated Premises Supervisor (DPS) Mr Zamir Butt and bar staff.

Despite interventions from Sussex Police and Crawley Borough Council, Sussex Police contend there has been a serious failure by the DPS and the staff in promoting the Licensing Objectives.

Members of the local community have reported their concerns regarding the sales of alcohol to underage persons specifically from the Appletree premises.

Please provide as much information as possible to support the application (please read guidance note 2)

The Appletree public house consists of a public bar and two other areas set out for the public use as an Indian restaurant. The location of the Appletree is mainly residential with one parade of shops in the immediate area.

Sussex Police are concerned by the continued failure of the premises management to promote the Licensing Objectives. Despite a multi-agency meeting taking place at Horsham police station on 29th June 2011 in which a number of issues were addressed with the DPS, further incidents have occurred.

The following chronology details incidents at the premises and demonstrates that the management has consistently fallen far below the standard expected by Sussex Police and has undermined the Licensing Objectives.

27th October 2011

The Sussex Police Licensing Team conducted a test purchase at the Appletree. Two 16 year-old children entered the premises and purchased two bottles of Magners cider. The sale was witnessed by plain clothed police officers. At no time were the children asked their age or asked for identification. Uniformed police officers then entered the premises to speak with the member of bar staff who made the sale and the DPS, Mr Zamir Butt.

The seller of the alcohol was issued with an £80 fixed penalty notice for selling alcohol to a person under the age of 18, contrary to S146 of the Licensing Act 2003.

The DPS, Mr Zamir Butt was interviewed at the time of the sale. When asked where he was at the time of the sale he stated that he was hanging up Halloween decorations and did not see the sale. Zamir Butt was asked what training the bar staff receive. He responded that they are not to serve drunks and to check ID of all customers who appeared underage. When asked to provide training records for the bar staff he was unable to do so.

17th September 2011, 20:52hrs

An emergency call was received by Sussex Police from within the Appletree regarding a banned male who had been permitted to enter the premises and was shouting, swearing and fighting with another male customer.

The disturbance could be heard by the police call-taker. Upon police arrival, the banned male had left the premises. Police spoke to the bar staff and the male customer, however neither party would make any allegations nor support police action.

10th September 2011, 20:36hrs

An emergency call was made by a member of staff regarding a fight within the premises between two male customers. The offender fled the premises prior to police arrival.

The other male had sustained a substantial injury and due to significant blood loss, an ambulance was called. It was clear to police officers that an assault had taken place, however the male would not support any police action and requested the ambulance was cancelled as he "just wanted another pint". Officers noted that the male was drunk.

21st July 2011, 23:43hrs

During a routine patrol police came across a very drunk female causing problems within the premises. The female was spoken to by officers, but due to her behaviour and levels of intoxication, she was arrested for being drunk and disorderly.

On 29th June 2011 a multi-agency meeting was held at Horsham Police Station due to grave concerns in relation to the increasing number of incidents at the premises, and a particularly a serious incident of a large scale public disorder which occurred on 28th April 2011. The meeting was chaired by Mr Michael Lyons, Senior Licensing Officer, Crawley Borough Council (CBC). Also in attendance were PS Morgan, PC Levett and Chris Boyle from the Sussex Police Licensing Team, Mr David Walkes, technical assistant, CBC Environmental Services, and Mr Zamir Butt, the Designated Premises Supervisor of the premises. Andrew Ford from Enterprise Inns also attended as at the time of the meeting they held the premises licence for the Appletree.

During the meeting Sussex Police and CBC raised a number of concerns in relation to reports

from local residents regarding underage drinking within the premises, noise complaints from local residents and evidence from local police officers who had conducted licensing checks at the premises. Some of the points raised are as follows:

- High levels of drunkenness and underage people being served alcohol, culminating in large scale disorder in which 3 youths were arrested.
- Requirement for age verification scheme to be enforced (Challenge 25)
- Customers under 18 years of age only be allowed in the premises after 2100 hours when having a meal in the attached Indian restaurant
- The CCTV was not working. This contravenes a condition on the premises licence which states the following:
"CCTV to be in operation incorporating 6 cameras with recording facilities covering the internal area."
- Due to the DPS not paying the annual Pubwatch membership fee, the premises were excluded from the scheme. Consequently a further condition on the premises licence has been breached which states:
"The management shall actively participate in and support any local Pubwatch scheme".
- Allowing banned Pubwatch members to drink within the premises.
- Complaints from a local resident about an incident of disorderly behaviour in which approximately 15 youths were seen to be holding alcoholic drinks and appeared to be under the age of 18, and drunk.
- Very loud noise levels were causing a public nuisance. A requirement was made for noise limiters and a noise management plan to be put in place. Two letters from Crawley Borough Council have been sent to Mr Butt requesting a noise management plan, but no response was received.

Sussex Police informed Mr Butt, that if he continued to run the premises in this manner, there would be no option other than to apply for a review of the premises licence. Mr Butt was clearly advised that the continued sale of alcohol to persons under the age of 18 years, or any further incidents of alcohol fuelled crime and disorder associated with the premises would not be tolerated.

There have been follow up visits to the premises regarding the CCTV not working, and during the last visit made by Sussex Police staff, the equipment was found to be working. However, this was not fixed until highlighted to Mr Butt.

Sussex Police have been advised that payment for Pubwatch has now been made.

However following this meeting, there have been repeated incidents at the premises, including the aforementioned sale of alcohol to 16 year-old children during a police test purchase operation.

28th April 2011 23:17hrs

Sussex Police received an anonymous call from a person reporting large scale public disorder involving between 30 - 40 males.

On arrival, police officers found a large group of people in the premises' car park.

Officers attempted to disperse the youths some of whom proceeded to fight amongst themselves. The situation escalated and the officers were forced to use their incapacitant spray to maintain public safety and control the situation.

One male was arrested for being drunk and disorderly and obstructing police officers in the execution of their duty. A second male was arrested for assaulting a police officer. A female was arrested for being drunk and disorderly.

It was then established that the two arrested males were 17 years old and the female was 16 years old.

When sober, the female was given a police reprimand for being drunk and disorderly.

The male arrested for being drunk and disorderly was given an £80 fixed penalty notice, and the male arrested for assaulting police was interviewed and dealt with by means of a community resolution.

During his interview the 17 year-old male stated that he had been at his friend's house earlier that night where he had consumed 6 bottles of beer. He got a taxi to the Appletree Public

House at approximately 21:00 hours where he consumed 5 pints of beer within the premises. The custody record states the male was under the influence of drink and too drunk to be dealt with for some time.

This male was both underage and heavily intoxicated, and was served significant quantities of alcohol by staff at the Appletree.

5th February 2011, 20:40hrs

Police attended the premises following a fight outside between a very drunk female and her boyfriend who had been drinking in the Appletree.

Police Officers spoke with both parties and her boyfriend stated he would take his girlfriend home to sober up. The officers remained in the area to ensure the couple would comply with the agreement. The female was found a short time later urinating in a nearby garden. She was arrested for being drunk and disorderly and once sober issued with an £80 fixed penalty notice

22nd January 2011, 00:30hrs

Following an 18th birthday party at the premises a fight broke out outside the premises between a female's boyfriend and two males.

The police were called, and upon their arrival the two males were arrested for affray and public order offences.

This was recorded by the police CCTV operators who were able to inform officers that as the police arrived, one of the arrested males had dropped an item behind a parked car. The item was found and identified as a package of cannabis. The male was further arrested for possession of cannabis. The female, who was drunk, was arrested for a public order offence and bailed to appear in court.

One of the males was issued with a police caution for common assault and a public order offence. The custody record shows the male was too drunk to be dealt with for some time, having consumed 5 to 6 pints of alcohol.

The second male was issued with a caution for possession of cannabis and charged to appear in court for the offence of battery. The custody record shows the male was under the influence of alcohol.

Further to the incidents listed, Sussex Police have also received information from members of the public on three separate occasions reporting the presence of youths at the premises and underage drinking.

Sussex Police contend that the management of these premises has fallen well below an acceptable standard. There has been consistent disregard for the Licensing Objectives of the protection of children from harm and the prevention of crime and disorder and failure to comply with the conditions placed upon the premises licence by the Local Authority

In considering all of the evidence available, Sussex Police has paid due regard to S182 Secretary of State Guidance (para 11.26 & 11.27) of the Licensing Act 2003, which states the following:

There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- *For the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*

Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

In the circumstances, Sussex Police request that the committee seriously consider revoking the Premises Licence.

However, should the committee decide it is not proportionate and necessary to revoke the Premises Licence, then Sussex Police request the Licensing Committee give serious consideration to suspending the Premises Licence for a period of 3 months, and applying additional conditions to the Premises Licence, as below:

Suspension:

- Suspend the Premises Licence for a period of 3 months. This will enable the Designated Premises Supervisor to develop new policies and procedures to prevent underage sales and disorderly behaviour and for training in licensing legislation to be completed.
Furthermore, a suspension will act as a deterrent to these premises, giving a clear indication that the Licensing Authority will not tolerate sales of alcohol to children, and high levels of crime and disorder.
This suspension will also break the link between the sale of alcohol to underage children and the premises.

Conditions:

1. Two Security Industry Authority licensed Door Supervisors will be on duty within the premises from 20:00hrs on Friday and Saturday nights until 30 minutes after the closing time of the premises. The Door Supervisors will not have a dual role within the premises.
2. A Personal Licence Holder or the Designated Premises Supervisor will be on duty within the premises from 1900 hours until close every day.
3. A Challenge 25 scheme to be implemented, in which any person who appears to be under 25 years of age will be required to prove their identity by producing a recognised proof of age card which must have the PASS hologram or a valid photographic driving licence or a passport.
4. Any person under the age of 18 years will not be permitted to remain in the bar area after 21:00hrs, with the exception of those entering and leaving the restaurant within the premises.
5. All incidents of crime and disorder will be reported to police and recorded in an incident log book which will be kept and updated. This will be made available to police and licensing officers from Crawley Borough Council immediately upon request.
6. All refusals of the sale of alcohol will be recorded in a refusal register. The DPS will check and sign the register monthly, and feedback given to staff. The register will be provided to police and licensing officers from Crawley Borough Council immediately upon request.
7. Training will be given to all new and current staff members which must be signed and fully documented. Refresher training will be implemented by the management once every three months and a written record will be kept and provided to police and licensing officers from Crawley Borough Council.

Sussex Police also request that the committee require the following training is undertaken by the DPS and bar staff employed within the premises, and completed by the final day of the period of suspension of the Premises Licence. This will ensure the management and staff involved in the sale of alcohol are aware of their responsibilities under the Licensing Act 2003:

- The Designated Premises Supervisor will receive specific BIAB approved training for the job role. Proof of attendance must be provided to the Local Authority and Sussex Police Licensing Team.

- All members of staff who undertake the sale of alcohol will attend the BIIAB Level 1 Award in Responsible Alcohol Retailing. Proof of attendance must be provided to the Local Authority and Sussex Police Licensing Team.

Please tick yes

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

If yes please state the date of that application

Day
Month
Year

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

Empty response box for representations.

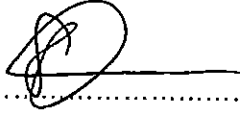
Please tick yes

- 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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature  Ch. COY. CURRY

Date 28/11/11

Capacity Chief Insp & District Commander

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

PS Tony Jarred
Horsham Police Station
Hurst Road
Horsham
West Sussex
RH12 2DJ

Telephone number (if any) 01293 583991

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

Notes for Guidance

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

Sussex Police
Supporting Evidence for Review Application
The Appletree Public House
Ewhurst Road
West Green
Crawley

LICENSING

19 JAN 2012

Document Index / Page Number

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10. MG15 - Record of Taped Interview (ROTI)
This relates to incident dated 22nd January 2011 on Review application - Fight & Possession of drugs
(Page 2 of 5 captures evidence relating to premises failure to ask for ID - & underage drinking/high levels of intoxication.

Evidence bundle includes unsigned electronic copies and photocopied signed documents.

Evidence relating to
Incident dated:
27th October 2011

2 X Police Statements

①

WITNESS STATEMENT

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

URN

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Statement of: Keith Beckley

Age if under 18: - Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable CB281

This statement (consisting of 2 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 31/10/11

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

On Thursday 27th of October 2011 I was on plain clothes duty with SC Taylor doing an alcohol test purchase operation. This where premises are tested to see if they sell alcohol to under eighteens.

At about 2040hrs I entered the Appletree public house, Ewhurst Road, West Green, Crawley with SC Taylor and we sat at the bar near the main door.

At about 2045hrs two sixteen year old females, [redacted] and [redacted] who where involved in the test purchase operation entered the premises [redacted] and [redacted] came up to the bar next to where myself and SC Taylor where sitting. [redacted] asked the bar staff for two bottles of cider.

The bar staff who was a female with blonde hair, wearing a black top and black trousers served them. The bar staff asked if [redacted] or [redacted] would like a glass and ice with the cider, which they refused. The bar staff returned with two bottles of Magners cider and asked for the money. [redacted] handed the money over and got given the change back.

At no time did the bar staff asked either [redacted] or [redacted] how old they where or if they had any identification.

[redacted] and [redacted] took the bottles from the bar and placed them on the table next to myself and SC Taylor, they then walked out the pub.

SC Taylor followed [redacted] and [redacted] out the pub and I stayed at the bar with the two bottles of cider on the table next to me.

About a minute or so later two uniformed police officers, PC King and SC Hardy entered the pub. I pointed out to them the two bottles of cider and the bar staff who served [redacted] and [redacted]

I then seized the two bottles of Magners cider from the table which I can produce as exhibit KB/1.

PC King spoke with the bar staff that served [redacted] and [redacted] and asked her if the dedicated premises supervisor was around. She pointed out a male who had been to and from the bar area putting up Halloween decorations in the pub. PC King asked to speak to them both some where quieter.



Continuation of statement of KETH BECKET

I went with PC King, the bar staff and the dedicated premises supervisor to a private room. I then gave the circumstances of what had happened to PC King in the presents and hearing of the bar staff and dedicated premises supervisor of the sale of the two bottles of Magners cider to [redacted] and [redacted]. On hearing the circumstances PC King cautioned the bar staff and dedicated premises supervisor and I left the pub.

Outside the pub I poured away the alcohol, liquid contents of the two bottles of Magners cider in the presents of PC Vasey CV053 and placed the two empty bottles of Magners cider in an exhibit bag. These were later placed in to the property store.



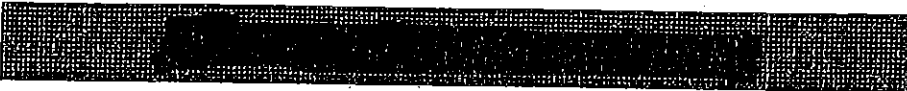
Signature



Signature witnessed by: _____

PTO

2



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

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Statement of: Sally Anne TAYLOR

Age if under 18: over (if over 18 insert 'over 18') Occupation: Special Constable

This statement (consisting of 1 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: *SATaylor* Date 27-10-11

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

At approximately 15.00 hours I was on duty in the briefing room at HORSHAM Station where I was briefed by PS Tony JARRED CJ100 in relation to Operation Teepee. This is an operation where young police cadets are used to test purchase alcohol in licensed premises. During the briefing the two cadets were introduced. I now know to be aged 16 years and 11 months and to be aged 16 years and 8 months.

I was in plain clothes and was to be used to gather the evidence of any offences committed and also to look after the welfare of the cadets whilst inside the premises.

The other plain clothed officer was PC CLAIRE LEVETT DL192 and PC Keith BECKLEY CB281.

At 20.40 hrs myself and PC BECKLEY entered the Apple Tree Public House, Ewhurst Road, West Green, CRAWLEY where I carried out a spontaneous risk assessment and felt it was safe for the cadets to enter the premises. There were only approximately 15 other members of the public present. I then saw and enter the pub. They came and stood close to myself and PC BECKLEY at the bar. They ordered two bottles of Magners Cider from a female member of the bar staff and were served straight away. At no point did the member of staff selling ask how old they were or ask for any proof of identification. Once the sale had been completed, I then followed the cadets out of the pub back to PC Claire LEVETT who took over the responsibility of the cadets from me. PC BECKLEY stayed in the pub to meet with the uniformed officers.

SATaylor

**Evidence relating to
incident dated: 17th
September 2011**

1 x Police Statement

[REDACTED]

WITNESS STATEMENT

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

URN

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Statement of: Carly MILES DM583

Age if under 18: Over18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of _____ 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 13/01/2012

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

On Saturday the 17th of September 2011 I was on duty in full uniform, callsign WR106. At approximately 20:10hours I attended The Apple Tree Public House, West Green Drive, West Green, Crawley, RH11 7DH in company of PC WALLIS DW229 after a report of two males fighting in the pub.

On arrival, I entered the pub and spoke with a member of staff working behind the bar. I asked what had happened and she said that a male had started fighting another male and then he threw a chair across the room. The member of staff described this male as being a white male, approximately 6F0, big build, shaven head and wearing dark clothing. This male had left the pub before Police arrived. A member of the public within the pub stated that this male in question was banned from the pub and when I asked the member of staff if this was correct, they replied "I'M NOT SURE". This member of staff didn't appear to know much about this particular male.

In my personal opinion, the staff at the Apple Tree did not appear very helpful as they didn't want to give much information regarding the incident. It was as though they didn't want to get involved in any Police matter and that they were just happy the male had left the pub.

While in the pub I was confronted by an unknown female who said that her ex-boyfriend had turned up at the pub and started arguing with her friend; who was a male who gave his name as [REDACTED] and his date of birth as [REDACTED]. This male also gave his address as [REDACTED] stated that he believed his friends ex-boyfriend had become jealous about them "HANGING OUT TOGETHER" therefore he came into the pub and started an argument "FOR NO REASON".

At this time the pub didn't seem very busy with approximately 10 people inside, sitting in various groups. None of these people appeared drunk or disorderly in any way. When asked what they had seen, everyone said that the male in question had come into the pub and started arguing with a male and female within the pub, this was [REDACTED] and his friend who had made themselves known to Police. This male then threw a chair

Continuation of statement of

across the room before leaving the pub. No-one stated that they knew any of the parties involved.

The members of staff at the pub were asked if any damage had been caused to their property to which they replied no. [REDACTED] was asked if he had been assaulted in any way by this male. [REDACTED] replied "I WAS PUSHED A LITTLE BUT IT WAS NOTHING". [REDACTED] stated to Police that he didn't want to take the matter any further as he didn't want to get involved. [REDACTED] details were taken and Police stood down from the incident, ensuring that if either the pub or [REDACTED] received any further trouble from this male, then they should call Police.

Signature _____

Signature witnessed by: _____

PTO

**Evidence relating to
incident dated:
21st July 2011**

2 X Police Statements

4



WITNESS STATEMENT

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

URN [] [] [] []

Statement of: Matthew Robert BECKER

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CB280

This statement (consisting of two 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: [Handwritten Signature] PC CB280 Date: Friday 22 July 2011

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

At 2330 hours on Thursday 21st July 2011 I was on duty in full uniform in company with PC WILLIAMS CW568 in a marked Police vehicle. At this time we were assigned to an Incident involving a possible assault and had been sent to try and locate the victim. PC WILLIAMS parked the Police vehicle at WEST GREEN SHOPS on EWHURST DRIVE, WEST GREEN, CRAWLEY and we waited whilst I asked the radio operator to pass me the mobile number for the victim as he was not in the area.

PC WILLIAMS wound his window down and I did the same. It was immediately obvious that there was something occurring outside the APPLE TREE public house which is directly opposite the shops. I could hear several loud female voices and there was lots of screaming and shouting. One voice in particular was quite apparent, screaming loudly. As I looked across I could see a group of five or six females, some sat, some standing outside the doorway of the pub. It was quite clear that one female in a black dress was instigating the majority of the problems and as PC WILLIAMS drove our vehicle to outside the pub I could see she was pushing others around and then being held back by an older female in a floral dress. PC WILLIAMS and I got out of the vehicle, assuming that our presence would quell the situation. I was aware that there were numerous other incidents occurring and resources were limited so I was hoping we would be able to divide the group and allow them home.

As I approached the group the shouting was getting louder and the situation was clearly not being calmed by our presence. The female in the black dress, now known to me as [Redacted] was directly in front of me, squaring up to other females and gesturing wildly with her arms in an aggressive manner. There was a strong smell of intoxicating liquor on her breath and she was falling from side-to-side as she lurched at other females in the group. Her eyes were glazed and bloodshot and she stared aggressively at the female in the floral dress who was trying to calm her down. She was drunk.

I approached [Redacted] She was shouting "FUCKING KNOCK ME OUT. KNOCK ME OUT" although it was

[Handwritten Signature] PC CB280

Continuation of statement of
not clear who this was directed at. I asked her to calm down and had to separate her twice from the female in
the floral dress, who I then established was her mother. [redacted] was of fat build with a strong Irish accent,
wearing a black dress with a belt at the waist.

Again I told [redacted] to calm down but as soon as I stepped away to see if she would leave of her own
accord, she lurched again at one of the females and I took hold of her arm and PC WILLIAMS assisted me in
restraining her. I said to [redacted],

"I AM ARRESTING YOU ON SUSPICION OF BEING DRUNK AND DISORDERLY."

[redacted] was then cautioned to which she made no reply. Time of arrest 2340 hours.

[redacted] was handcuffed to the rear and I took the decision to walk her a longer route around the car park to
avoid the rest of the group who were trying to commandeer a taxi at the other exit. As PC WILLIAMS and I
escorted [redacted] to the vehicle, her mother followed us closely behind. She was clearly not happy with her
daughter being arrested and was shouting at us to release her. As we got to the vehicle, I struggled to get
[redacted] into the vehicle as she was falling over due to intoxication. I moved to open the front door to the
vehicle to slide the seat forward and became aware of [redacted] mother who was trying to push her way
past PC WILLIAMS to get to [redacted] PC WILLIAMS and I restrained her and she was asked several times
to move away or face arrest but she continued to struggle against us. PC WILLIAMS escorted her away from
the vehicle and I was eventually able to place [redacted] in the vehicle. [redacted] was then transported via
marked Police vehicle to Crawley Custody Centre where arrest conditions were relayed to the custody
Sergeant and detention was authorised.

[Handwritten signature] PC [redacted]

Signature

[Handwritten signature]

PC [redacted]

Signature witnessed by:

PTO

5



WITNESS STATEMENT

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

URN [] [] [] []

Statement of: Mark Courtney WILLIAMS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CW568

This statement (consisting of 3 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: [Signature] Date 22/07/2011

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

On Thursday the 21st of July 2011 I was on full uniformed duty with PC BECKER CB280 and in marked police vehicle WR102.

At about 2330 hours we had been asked to attend West Green Parade, Crawley which is a parade of shops. We were to meet an informant at this location regarding an earlier incident. Across the road from the parade is a large public house called the Appletree.

We waited across the road in our vehicle and I looked over towards the pub. I saw a number of individuals leaving the pub and from the way they were moving they appeared to be heavily intoxicated. I could see that most of them were short females of medium to large build and one taller bald male. There seemed to be some sort of commotion on the steps of the pub involving the females. At first I couldn't work out if it was high spirits or something for police attention. I could hear some shouting and after a few moments we decided to drive over to the location and see what was going on. I had my window open as I approached and could hear some shouting from the pub. This shouting sounded aggressive and female. When we pulled up in front of the pub a passing female stated that there were women fighting there. As we approached I could see that the group of females were having a heated argument which seemed to focus on a female in the middle of the group who was screaming at another. As we approached the female was screaming at another and I believed that a fight may well be close to starting as the words were threatening towards each other. With PC BECKER I moved into the group and separated the females into what appeared to be their respective parties. I attempted to speak to a female, who I believe to be the mother of the female who had been the focus of the shouting. She was standing behind me and screaming something at the person I was trying to speak to. I could not understand exactly what the female was saying as she was clearly heavily intoxicated and slurring her words badly. I had to physically separate the females who seemed intent in continuing whatever had been going on regardless of our presence. As we separated the groups the very

Continuation of statement of
 drunk female continued to scream and I heard PC BECKER arrest her. I believe this female to be called [REDACTED] PC BECKER was placing [REDACTED] into handcuffs and we were moving away from the front of the pub to get some distance from the rest of the group. The female I believe to be [REDACTED] mother approached us and was insisting that everything was fine and that she would look after her daughter. I repeatedly explained that [REDACTED] had been arrested and that her mother should stay back. I said this repeatedly and had to use my arm to push her mother away as she persisted in trying to interfere and get very close.

We started to walk [REDACTED] back towards our police vehicle, this was difficult as [REDACTED] was so unsteady on her feet that she was having trouble walking. I was aware that her mother had followed us towards our car.

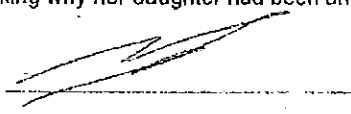
As we were attempting to place [REDACTED] into the back of our vehicle, which was difficult due to her state of drunkenness her mother approached again. [REDACTED] mother was attempting to interfere and was trying to push past us and get to her daughter. I did not know what her intentions were and she was very close after having been told to keep back repeatedly. She was persisting in trying to get very close to us and her daughter and I had to use my hand to push her back repeatedly. She was making it very hard to get her daughter into the police car as she was so close it was not possible to devote all my attention to her daughter and her. I had to push her mother back several more times, all the time telling her to stay back and she repeatedly came back complaining that she wanted her daughter to be released.

I pushed [REDACTED] mother away from the car several feet to allow PC BECKER to get [REDACTED] into the car without interference. All the while telling the mother to keep back. I moved her away from the car and then returned to assist further with [REDACTED] who was lolling about in the back of the car.

As I did this [REDACTED] mother came back once more and in this insistence I took hold of her, restrained her. She struggled against me and I kept hold of her telling her to stop struggling and that I was going to move her away. I explained again that her daughter had been arrested and that she would be coming with us. I also explained that she risked arrest if she continued this behaviour also. I walked the mother, still restrained, along the side of a wall onto the grounds of the pub where her other associates were waiting. I pushed her towards them and told her not to return.

I then walked back to the police car and finished securing [REDACTED]. As I did this another unit attended to support us because of the number of people present. Once [REDACTED] was secured I returned to her mother who was asking why her daughter had been arrested. I explained again that she had been arrested for drunk

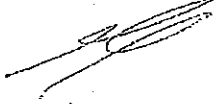
Signature



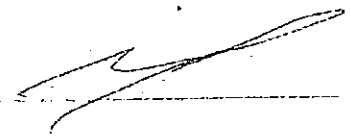
Signature witnessed by:

PTO

Continuation of statement of
and disorderly behaviour. Mother then asked why I had pushed her, I attempted to explain that it was
because she was obstructing me and that she posed an unknown threat to me and my colleague but she
shouted over me each time I tried to do this so after several attempts I returned to the vehicle and we
transported [REDACTED] to Crawley custody.



Signature



Signature witnessed by: _____

PTO

Evidence relating to
item dated:
29th June 2011

Minutes of Multi-
agency meeting held
on 29th June 2011

6

The Apple Tree Public House

Date : Tuesday 29th June 2011
Time : 14:30 hrs - 15:30 hours
Location : Horsham Police Station, Conference Room
Head of Meeting : Michael Lyons (Crawley Borough Council)
Minute Taker : PC Claire Louise Levett and Chris Boyle (Sussex Police)

Attendees : David Walkes (CBC)
Zamir Butt (Designated Premises Supervisor)
Andrew Ford (Enterprise Regional Area Manager)
Sergeant Simon Morgan (Sussex Police)

Apologies : Sergeant Tony Jarred (Sussex Police)

Note: SGT Simon Morgan attended on behalf of above mentioned.

Minutes :

Enterprise established as Premises License Holder:

Andrew Ford began the meeting by mentioning that Enterprise had just found out that they were still the premises license holder for the Apple Tree Public House, Ewhurst Road, West Green, Crawley. He mentioned that an application to transfer the Premises Licence to Zamir Butt was to be submitted in the near future.

Complaint letter received by local resident:

Michael Lyons then led the meeting by reading out a letter from a local resident regarding a private function held at the pub. The complaint was made over the telephone in February 2011. A written letter of complaint was received June 2011. The letter stated that about fifteen youths were seen at the pub acting very disorderly, holding alcoholic drinks, appeared under the ages of 18 and were very drunk.

The local resident, who had held the private function at the pub, had hired her own door supervisor to manage her private function and deal with any issues arising from the function. She noticed her door supervisor had to eject one of the youths who was

not part of the function and was within the main bar area of the pub. From then on she noticed that the door supervisor was standing at the front entrance to the pub. When she asked the pub management team why, they said it was to stop under age customers from entering. At about 20:30hrs she smelt cannabis coming from the smoking area. She knew this was cannabis as she had previously been on a drugs awareness course. She was told by a member of her party that they saw drug dealing taking place in the toilets. She approached the manager about this who said he was occupied and could not deal with it.

A window was damaged during that evening and the manager told her that it was someone from her party and that she was liable for the damage caused. She did not agree with him so requested to see the CCTV footage of that area and was told by the manager that the CCTV was broken and has been for months.

Complaints of Noise levels and confirmation of above complaint:

David Walkes agreed to some of the issues raised in the above letter as he was present that night at the venue responding to the noise complaints. He confirmed that a group of young males were present and that they were "Totally Intoxicated" and appeared under the ages of 18. Noise levels were very loud, and enough to disturb neighbours and cause a public nuisance. He pointed out having noise limiters as one of the conditions of the premises licence. Neither noise limiters nor a noise management plan are in place and it has been suggested to the DPS and Andrew Ford to arrange the implementation of the above thus adhering to the premises licence conditions.

Michael Lyons stated that two letters had previously been sent to Zamir Butt requesting a Noise Management Plan however CBC have had no response.

In response Andrew Ford said that the appropriate action has been taken regarding the noise limiters and that it was in the process of being implemented.

Regarding the Noise Management Plans Andrew Ford has requested David Walkes to offer support to Zamir Butt and help put a plan in place.

Breaches of Pub Watch Conditions:

Mike Lyons now reads out letters received from the Crawley and Gatwick Business watch manager, Karen Methven. They contain a variety of incidents covering information she has received from various sources regarding underage drinking, cans of beer being sold, after hour lock ins, unpaid subscriptions and a banned pub watch customer seen drinking at Apple Tree pub in particular Danny Steer on a number of occasions. He also read out a letter sent from Karen to Zamir Butt suspending his membership to pub watch due to the above breaches.

Evidence gathered by Sussex Police:

Sgt Simon Morgan read out a number of incidents reported to police covering a period of time from February 2011 to the present time. These were reports of fights

at the premises, several sources of intelligence reporting underage drinking, reports of noise complaints and evidence from police officers who had completed licensing checks at the premises in May 2011 and were informed by the manager that the CCTV was not working. The most recent report of 30 to 40 people fighting outside in the premises car park was pointed out. Police officers arrived and arrested two people for being drunk and disorderly and another person for assaulting police. Once the custody proceedings had taken place it had transpired that all three arrested were under the age of 18yrs. The two males arrested for being drunk and disorderly were only 16 and 17 years of age. The male arrested for assaulting police was 17yrs and stated in his interview that he had drunk 5 pints of lager inside the premises.

Sgt Simon Morgan continued to point out that the police will consider the option to review if there is evidence to suggest that staff at a licensed premises are selling alcohol to minors, but also acknowledged the importance of discussing the matter with both the Premises Licence Holder and the Designated Premises Supervisor in order to identify the shortfalls and establish solutions to rectify the matter. He suggested that a volunteered minor variation from the management would show that Zamir Butt and Andrew Ford were actively promoting the licensing objectives. Sgt Simon Morgan stated that an example would be for persons under the age of 18 to leave the main bar area by 21:00hrs unless they were using the bar for exit/egress purposes when utilising the attached restaurant

Response by Zamir Butt:

All functions booked have already been cancelled. "I am no longer doing anymore functions for 18 to 21 yrs of age".

He then referred back to the local resident's letter. He said that the entire fault was the females and that she had brought all the youths into the pub. He found several empty bottles of vodka and that people from the private function were bringing their own drinks onto the premises. He claims that it was her son that smashed his window. He then continued to say that the CCTV is now operational and in use.

Michael Lyons asked how many cameras were working and the reply was 4. Mike Lyons then pointed out that part of the premises licence conditions was to have 6 operational and well maintained cameras covering the internal areas. He also pointed out the condition to attend and be an active member of pub watch was to attend regular meetings. Even after saying that his understanding of regular was every 2 or 3 weeks it transpired that the last meeting Zamir Butt had attended was in November 2010.

Response by Andrew Ford:

Andrew Ford concurred with most of the suggestions made and with regards to underage sales he stated "it's a given" that this is not to happen.

He says he has done regular checks on the premises but never found cans. On his visits he has never found any evidence to suggest after hour lock ins. He said it might be slightly difficult to implement a minor variation because half the premises is a restaurant and the only toilets are in the main bar area, therefore it would cause an access problem.

Actions to be taken:

Mike Lyons then summarised the meeting and clarified the actions to be taken which are as follows:

- Implement challenge 21 or 25
- Meet with the Crawley and Gatwick Business watch manager and reinstate the pub watch membership
- Call outs to patrons at closing time to leave the premises quietly
- Produce a noise management plan with the support of David Walkes
- Install electronic noise limiters - proceedings have already began
- Monitor the noise levels by walking the circumference of building throughout licensable activities taking place - recording what distance was stood from the building, timings, whom completed the check and when these were completed
- CCTV cameras positioned in the internal areas, operating and well maintained - only 4 working at the moment, PC LEVETT and Chris Boyle will have a meeting with Zamir Butt at the Apple Tree to discuss the number of cameras and the position of the cameras they require
- A written document from Zamir Butt confirming he is no longer holding any functions for 18's and 21st birthdays, and confirming that he will write to Sussex Police giving 14 days notice should a function take place
- Zamir Butt and Andrew Ford to explore the suggestion of a minor variation

Any other business:

David Walkes - None

Zamir Butt - None

Andrew Ford - None

Sgt Simon Morgan - Reiterating the request by Sussex police to explore the possibility of a minor variation

Chris Boyle - None

Claire Levett - Requested Zamir remained at the end to arrange a date to meet at the Apple Tree

Mike Lyons - Ensured Zamir Butt knew the seriousness of Section 136 Licensing Act - the many breaches which had occurred.

Claire Levett and Chris Boyle have arranged to meet Zamir Butt at the Apple Tree Public House on Monday 11th July 2011 at 13:00 hours.

Meeting concluded

**Evidence relating to
Incident dated:
28th April 2011**

1 X Police Statement



7

WITNESS STATEMENT

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

URN

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Statement of: Jon-Barry MILLS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CM027

This statement (consisting of 2 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: *J Mills CM027*

Date 30th April 2011

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

At 2320 hours on Friday 29th April 2011 I was on duty in uniform at Crawley Police Station. From information received via my personal airwave terminal I attended The Apple Tree Public House on Ewhurst Road, West Green, Crawley for a report of between 30 and 40 youths causing a problem at the pub.

I arrived on scene and saw a large group of youths in the car park, in the door way and some of the youths making their way away from the pub. I could see small groups inside the car park pushing each other and after dealing with some individuals and giving words of advice I walked towards the entrance of the pub where I saw a female shouting at a male to leave. I pulled this male to one side and told him to wait down the stairs in the car park. As I turned towards the car park I saw a small male with his back to me pushing a larger male. I moved down the steps with PC Newby CN108 and approached the two males. I took hold of the first male by his clothing and pulled him away from the second male. As I pulled the male away PC Newby also took hold of the male and assisted pulling him back away from the second male. As the male moved backwards he fell to the floor. I turned to where the male had fallen and was approached by another male. This male was white, approximately 17 years old, approximately 5'08" tall with short brown hair. He was wearing a black t-shirt, brown light jeans and black canvas shoes. I now know this male to be [REDACTED]

[REDACTED] was standing in front of me, facing me and said "GET OFF MY MATE". [REDACTED] then pushed me two handed to the chest. I stopped, stunned by this male's actions when he pushed me again, two handed to the chest. I grabbed hold of [REDACTED] and told him at 2326 hours "YOU'RE UNDER ARREST FOR ASSAULTING A POLICE OFFICER". I then cautioned [REDACTED] Throughout this [REDACTED] was pulling away from me and another male had taken hold of [REDACTED] and was trying to pull him away. By males were standing opposite each other and were leaning forward. PC Newby took hold of the second male and was trying to assist me by separating the two.

J Mills CM027

Continuation of statement of

Due to the large volume of people in the car park and the amount of hostility being shown to the Officers on scene I did not want to spend too long trying to separate the two males and gaining control of [REDACTED]. I drew my captor spray and pointed it towards [REDACTED]. I shouted "CLEAR SPRAY" and saw PC Newby turn his head away from the direction I was holding the captor spray can. I then saw [REDACTED] pick his head up and look straight at the captor spray can. I discharged a short burst of captor spray into the face of [REDACTED]. This also hit the second male and both males fell to the floor. As I leant forward to take hold of [REDACTED] another male took hold of his arm and attempted to pull him away from me. I gave this male a one handed push to the chest whilst keeping hold of [REDACTED] and shouting "GET BACK" at the group as some approached shouting and swearing.

I saw that [REDACTED] was lying on the floor with his left hand covering his face whilst I had hold of his right arm. I told [REDACTED] "PULL YOUR ARM BEHIND YOUR BACK", [REDACTED] immediately put his left arm behind his back and I applied the handcuffs. PS Lee DL191 then joined me and [REDACTED] was helped to his feet and walked to a marked Police Van where he was sat for a short while whilst the other youths dispersed.

At custody [REDACTED] apologised for his behaviour stating that he did not know he was pushing a Police Officer. *J. Millcroft*

Signature

J. Millcroft

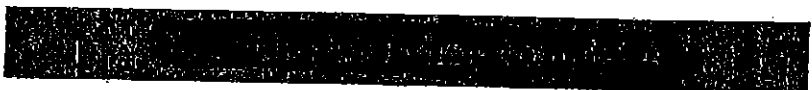
Signature witnessed by: _____

PTO

Evidence relating to
incident dated:
5th February 2011

1 X Officer Statement

8



WITNESS STATEMENT

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

URN

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Statement of:

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer - CL492

This statement (consisting of 1 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: *K. LL CL492*

Date 6th February 2011

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

At 0250 hours on Sunday 6th February 2011, I was on duty in full uniform travelling as a passenger in a marked police van with PS HESTER CH580, PC CARPENTER DC254, PC LEVETT DL192, PC HOWE CH275, PC JONES CJ270, PC COMMINS CC248 and PC HARWOOD CH088 when we heard a report of a disturbance in the car park at the Apple Tree public house in West Green, Crawley. We all attended and spoke with a group of two males who were with two females, all of whom were drunk. All was in order at the car park and so, after checking that they were not wanted on PNC, we let the group go on their way as there were no offences. After having left the scene, we drove up the road very near to the Apple Tree public house once more to check that the group were not causing a disturbance. At 0308 hours, we were travelling south east along West Green Drive when I saw one of the females that we stopped at the Apple Tree public house squatting on top of a small wall, at the front of a local resident's property's front garden, urinating into their garden and on top of the small wall whereby she was exposing her genitalia.

PS HESTER stopped the van and I exited along with PC JONES and PC COMMINS to ask what the female was doing to which she replied, "I'M VERY SORRY FOR THAT". I could see that the female was drunk as I had previously also as her eyes were glazed; she was unsteady on her feet and I could smell intoxicating liquor on her breath.

I then arrested the female, who I now know to be date of birth for being drunk and disorderly in a public place contrary to Section 91(1) of the Criminal Justice Act 1967, I then cautioned to which she again replied, "I'M SORRY". I then placed handcuffs on checked the tightness and double locked them. was then conveyed to Crawley Custody where her detention was authorised.

This statement forms my original notes and was completed at 0355 hours on Sunday 6th February 2011.

K. LL
CL492

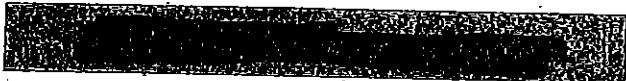
Evidence relating to
incident dated:
22nd January 2011

1 X Witness
Statement

MG15 ROTI

Specifically page 2 of 5 & comment made at 06:13 hours on page 3

9



WITNESS STATEMENT

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

URN [] [] [] []

Statement of: [Redacted]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Unemployed

This statement (consisting of 2 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 willfully stated in it, anything which I know to be false or do not believe to be true.

Signature: [Handwritten Signature]

Date 22/01/11

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

I have been staying at my girlfriends moms at [Redacted] about a week and we are looking to get a flat from Social Services in the near future.

On the 21 January 2011 we were celebrating my girlfriend, [Redacted] birthday and had been for a meal in Crawley town. We came back home to West Green for a quick fag and the headed to The Apple Tree public house. We had gone to the pub with [Redacted] mom, [Redacted] and her step dad, [Redacted] and were having a nice evening. We had been having a few drinks when I noticed that [Redacted] and [Redacted] had left and asked [Redacted] what happened. She said that they had gone home as they were arguing so we went outside for a smoke and some of the males from a group in the pub kept asking for fags from us.

We returned inside the pub and had a dance but there were only a few songs left as the pub was getting ready to close. [Redacted] came back into the pub asking [Redacted] to go home but we stayed until the last song was played and then went home. [Redacted] started arguing with us again as she had been drinking and she threw us out. We got locked out so went out of the gate and [Redacted] called the Police to see if we could get help getting our stuff back. We went and waited at the shop bench, opposite the Apple Tree pub for Police and I smoked a fag.

A male standing outside the pub asked me for a light so we walked over to the pub. I looked for my lighter but couldn't find it so [Redacted] gave him hers. The doors were then closed to the pub and I finished my fag when a couple of boys outside started asking me for a fag again. They then started asking for weed and hash and I think one of them was saying they had lost some weed or something. They then accused [Redacted] of stealing it and I know she didn't.

The group of about 7-8 males came around us as [Redacted] was sitting on the step. We tried to walk away but they all crowded around us. [Redacted] was not next to me then and I heard someone say 'YOU FUCKING BITCH' and heard a slap or a punch. I jumped in front of [Redacted] and asked the male 'WHAT DO YOU THINK YOU'RE DOING!'. The male who hit [Redacted] (male 1) started to say 'I'M GONNA KNOCK YOU OUT, YOU WANT SOME, LETS GO'. I started to back away and heard another male come from the other side and another walking towards me. I then felt a punch to my face (male 2) and I kept backing away with my guard up this time to stop anymore hits. I was backing away asking them why they were starting and went around the wall to the pub car park to get away. I tried to grab [Redacted] to get her out of the way but the group of males surrounded me again. One of the group threw a punch at me again, I'm not sure who, and I ducked under it. Male 1 and 2 then started to threaten me saying 'I'M GONNA KNOCK YOU OUT', they got behind [Redacted] and one of the group tried to help us get away saying 'YOU NEED TO LEAVE, YOU'RE GONNA GET HURT'. He was trying to help us escape and tried to stop the group hitting us. I grabbed [Redacted] and we started to walk up the road, crossing over to the shop side. A broken bottle was thrown towards us but didn't hit us and we heard some of the group still shouting abuse at us. We went back to [Redacted] to see if we could get in but decided to wait near for Police as we had already called earlier. The Police then arrived.

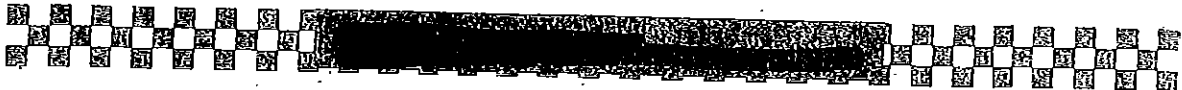
I would describe male 1; the male who hit [Redacted] as being a white male, fair complexion, skinny build aged

Signature: [Handwritten Signature]

Signature witnessed by: [Handwritten Signature]

MG11 5/2007





about 17-18 yrs. He was about 5ft 8 I think. He had spiky, dark brown or black hair and was wearing a grey hoodie and possibly a black or dark blue jacket on too. That is all I can remember about this male.

Male 2, the male who punched me, was a white male, with fair hair of a stocky build, he was the biggest in the group. He was about 6ft tall I think and was also a fair/slightly tanned complexion and also about 17-18 yrs old. This male was wearing a beige, woolly zip up hoodie, light coloured jeans but that is all I can remember.

Both of these males had been drinking and they were very aggressive towards me. I had done nothing to provoke the males but I could tell they were going to be trouble when they started asking for fags off me. They seemed to have an attitude this evening but I have never seen them before and don't know why they started on us.

I have also been drinking this evening but hadn't had much. I would say I was a level 1 out of 1-10 of drunkenness, 1 being sober and 10 being the drunkest I have ever been. I had only had a pint and one shot tonight so can remember everything that happened.

My face has a lump on the cheek bone by my left ear. It is also bleeding slightly and red around the lump. My ear was also red from being hit but this should be ok soon.

K.A.M.



10

RECORD OF INTERVIEW

URN	47	NC	501	11
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ROTI

Person interviewed: [REDACTED]

Place of interview: Crawley Police Station

Police exhibit no: MH/02
 Number of pages: Pages 1 of 5
 Signature of interviewer producing exhibit

Date of interview: 22-01-2011

Time commenced: 17.31 hours

Time concluded: 17.45 hours

Duration of interview: 14 minutes

Audio tape reference nos. NC/513/11 W01A

Visual image reference nos.: _____

Interviewer(s) PC HOLDSTOCK DH130

Other persons present: Dean SHERGOLD - Solicitor

Tape Counter Times	Person Speaking	Text
		Introductions
		Advised of entitlement to free and independent legal advice
		Cautioned
		Caution explained
	DH130	The early hours of this morning, you were arrested on suspicion of an affray and also whilst you've been here, I've been made aware of an allegation that occurred on the 22 nd of July 2010 at the Co Op store on South Street in Worthing, where on that day a male and female walked into the store, the allegation is that they picked up some bottles of Smirnoff and walked out without paying for them. The CCTV was seized by the Officers and still images were circulated amongst Sussex Police and an Officer who used to work at Crawley wrote a statement identifying yourself as being the female on the still picture. So that's the allegations and how you've come to then be named through that. So at this moment in time you're under arrest on

Signature(s)

2006/07(1)

[REDACTED]

Person interviewed: [REDACTED]

Tape Counter times	Person Speaking	Text
		suspicion of theft and just to remind you that you're still under caution
	DP	Ok
03.36	DH130	If we start with last night. Tell me what happened last night
	DP	Erm erm I went out with my mum erm my sister erm my step dad, my boyfriend and my brother's fiancé and my er niece as well, she come erm we went into town. erm we went for dinner cos it was my 18 th birthday erm and then er instead because I had no photo no photo ID the Apple Tree served me erm but the White Hart never did so we decided to go to Apple Tree instead, erm we went there, there was a disco there, everything we had a really good night erm and then my mum and dad started arguing and they left me in the pub with my boyfriend, they went home erm I went back to my mum's, my mum I rolled a cigarette, my mum then threw me out erm she I went into the back for a cigarette, she went "YOU'RE NOT ALLOWED TO SMOKE IN THIS HOUSE NO MORE" erm and my mum locked the back door, and was like "YOU'RE NOT COMING IN", I didn't have no shoes on or anything, that's how I first rung the Police erm
	DH130	So you rang the Police?
	DP	I rang the Police last night yeah erm and then er my boyfriend, there was a group of youths about erm all night they'd been saying "IT WAS A 17 YEAR OLD GIRL'S BIRTHDAY PARTY", they were all drinking in the pub, they were all being served erm as the pub closed I was sitting on the bench at West Green shops erm and then I walked over and sat on the steps at the Apple Tree pub erm the boys started getting leary saying something about weed, saying "I KNOW YOU'VE GOT WEED, GIVE ME YOUR FUCKING WEED" erm I said to them "I DON'T SMOKE WEED" erm and then they started chasing my boyfriend [REDACTED] round the car park er I see him get a smack to the right side I think it was, it might have been his left side of this face, but I think it's his right, to the right side of his face erm then I had a boy standing in front of me erm kept I kept dropping my phone,

Signature(s)

[REDACTED]

Person interviewed: [REDACTED]

Tape Counter times	Person Speaking	Text
		he kept picking my phone up and taking my phone, I kept grabbing my phone back off em erm and they spat in my face, punched me on my right side, I haven't got a mark though erm and then the Police turned up
06.13	DH130	The group that was sort of causing problems, to your knowledge, have you ever seen them before?
	DP	Never, ever seen them before
	DH130	Any particular reason that you know of, why they suddenly started?
	DP	Probably because they're young and they'd drunk a lot, maybe that's why
	DH130	Did either you or any of your group have any cannabis with you?
	DP	No, it was only me and my partner, that was it, the only two that were there
	DH130	And to your knowledge [REDACTED] didn't have any?
	DP	No
	DH130	Apparently a bag of cannabis was found at the location near a car, under a car or something. Apparently there is some CCTV at the location
	DP	Yeah there is
	DH130	I haven't seen it myself, I know there is some talk about possibly showing you throwing punches or something
	DP	Ok, that's probably me grabbing my phone back
	DH130	If I was to get hold of that CCTV and show it to you, do you feel there's anything on there that will show you
	DP	There will be nothing of me throwing any punches whatsoever
	DH130	The two males that were causing problems, you're aware that they were arrested
	DP	Yeah
	DH130	Did you push either of those?

Signature(s)

[REDACTED]

Person interviewed: [REDACTED]

Tape Counter times	Person Speaking	Text
	DP	No
	DH130	Even in (DP talks over PC)?
	DP	No there was one really nice lad, he was saying to me saying "PLEASE CAN YOU GO, YOU'RE GOING TO GET HURT, CAN YOU PLEASE GO" and like erm the camera shows me, I give him a cuddle for trying to help me erm and then like I think his mate pushed him out the way, and that's when I got spat in the face, everything happened so quickly and everyone was arrested
	DH130	I didn't know if possibly you pushed one of them in defence, cos one spat in your face
	DP	I didn't lay a hand on any of them
	DH130	Or protecting anybody else or anything like that?
	DP	No
	DH130	Would it be fair to say that, bearing in mind, the lads were arrested there at the scene and the some hours later you've been arrested, would it be fair to say you sitting here now, a bit dumbfounded that you're here?
	DP	Erm yeah I am actually, I am because considering I phoned the Police, erm and I know 100% that I haven't done anything and obviously it will come out eventually, but I know I didn't do anything so I am pretty pissed off to be honest
10.27	DH130	Ok. In relation to that last night, there is nothing else that I wish to ask you, is there anything you need to add or clarify?
	SOL	I think the only thing we want to add is just the fact that if the CCTV shows you making any kind or motion or movements
	DP	That will be grabbing my phone back each time
		SOLICITOR advised DP to remain silent or answer no comment to the following questions relating to shoplifting
		PC HOLDSTOCK asks DP questions relating to the offence of shoplifting

Signature(s)

[REDACTED SIGNATURE]

Person interviewed: [REDACTED]

Tape Counter times	Person Speaking	Text
	DP	PC HOLDSTOCK asks DP if she wishes to add or clarify anything
		PC HOLDSTOCK concludes the interview and switches the tapes off at 17.45 hours
		(Checked and agreed by:)

Signature(s)

2006/07(1)

[REDACTED]

Premises Licence

Licensing Act 2003 – (Part A)

CRAWLEY BOROUGH COUNCILLicensing Section, Town Hall, The Boulevard, Crawley,
West Sussex. RH10 1UZ
01293 438289

Premises licence number

05/00042/LAPRE**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description

Appletree
Ewhurst Road
West Green

Post town

CRAWLEY

Post code RH11 7HD

Telephone number

01293 614956

Where the licence is time limited the dates;-

NOT APPLICABLE

Licensable activities authorised by the licence

THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES

LIVE MUSIC, RECORDED MUSIC

PERFORMANCE OF DANCE

(or anything of similar a similar description to the above activities)

FACILITIES FOR DANCING

INDOOR SPORTING EVENTS

LATE NIGHT REFRESHMENT

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol;- Monday – Thursday 10:00 to 24:00
Friday – Saturday 10:00 to 00:30
Sunday 11:00 to 24:00

Seasonal variation to the Supply of Alcohol;

Christmas Eve 10:00 to 01:00
New Years Eve 10:00 to 02:00

Indoor Sporting Events;- Monday – Saturday 10:00 to 24:00
Sunday 11:00 to 23:00

Live Music, Recorded Music, Performance of Dance (or anything of a similar description) and to Provide Facilities for Dancing;

Monday – Thursday 10:00 to 23:00
Friday – Saturday 10:00 to 24:00
Sunday 11:00 to 23:00

Seasonal variations to - Live Music, Recorded Music, Performance of Dance (or anything of a similar description) and to Provide Facilities for Dancing;

Christmas Eve 10:00 to 24:00
New Years Eve 10:00 to 02:00

Late Night Refreshment; Sunday – Thursday 23:00 to 00:30, Friday – Saturday 23:00 to 01:00
Seasonal variations.-Xmas Eve 23:00 to 00:30, New Years Eve 23:00 to 02:30

The opening hours of the premises	Monday – Thursday	10:00 to 00:30
	Friday – Saturday	10:00 to 01:00
	Sunday	11:00 to 00:30
Seasonal variations - for the premises to be open to the public:		
	Christmas Eve	23:00 to 01:30
	New Years Eve	23:00 to 02:30

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies
ON AND OFF THE PREMISES**

Part 2
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Jasmine Court Associates Ltd
Bank House 209 Merton Road
South Wimbledon
London
SW19 1EE

Registered number of holder, for example company number, charity number (where applicable)
02954439

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Zamir Ahmad Butt
29 Graham Road
Mitcham
Surrey
CR4 2HB

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol
London Borough of Merton LN 2007 1394

IMPORTANT:

Embedded Restrictions under the Licensing Act 1964 apply to the licence otherwise indicated at annex 2 – Conditions consistent with the Operating Schedule.

This licence is issued subject to the relevant (Licensing Act 2003, the Act) legislation and does not constitute an authorisation for any other purpose administered by Crawley Borough Council and it may not be construed that the grant of this premises licence shall indicate the approval of any other authorisation administered by this Council.

This licence forms an authorisation which indicates the approved licensable activities applicable to the premises so mentioned, the times of these activities, the approved layout of the premises and the conditions by which the premises may lawfully operate.

You are advised that in accordance with s136 on the Act , a person commits an offence if they carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or knowingly allow a licensable activity to be so carried on.

Annex 1 – Mandatory Conditions

- (1) If this premises licence authorises the supply/sale of alcohol, the following two conditions apply:
 - i. No supply of alcohol may be made under the premises licence at time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated supervisor does not hold a personal licence or his personal licence is suspended.
 - ii. Every supply/sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
- (2) If this Premise licence authorises the exhibition of film(s), the admission of children under the age of 18 years is restricted in accordance with the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984.
- (3) If this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity (as defined by the Private Security Industry Act 2001) then such individuals must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

- (1) Embedded restrictions under the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children & Young Persons Act 1933 are removed from this licence.
- (2) Any person known to be subject of an exclusion order made by the courts will be excluded from the premises.
- (3) CCTV to be in operation incorporating 6 cameras with recording facilities covering the internal area.
- (4) To actively participate in and support any local Pubwatch scheme
- (5) Customers leaving the premises will be requested to leave the premises quietly.
- (6) Noise management plan in place with the installation of electronic noise limiters with automatic control of amplified sound when entertainment is provided to prevent disturbance to nearby properties.
- (7) Management to monitor and assess sound levels from outside of the premises.
- (8) The placing of refuse into receptacles outside the premises and restocking will only take place during times that will minimise the disturbance to nearby residents

PLUS PEL CONDITIONS

Annex 3 – Conditions attached after a hearing by the licensing authority

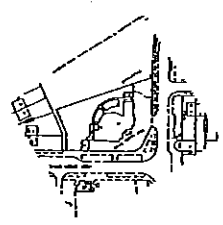
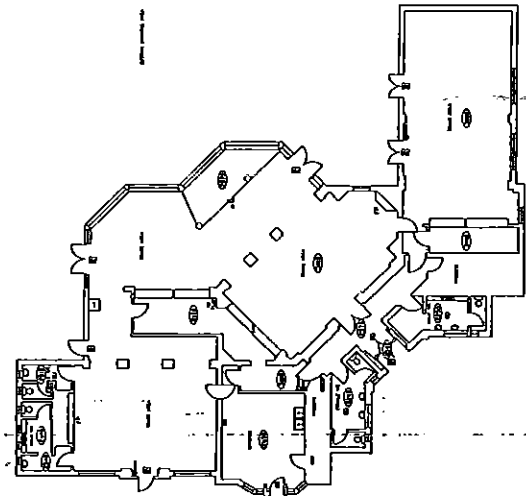
NOT APPLICABLE

Annex 4 – Plans;-

This licence is issued subject to the attached approved plan (plan which was submitted as part of the application process) and now forms a very important part of the 'authorisation'.

(Any alternation made to the premises or a substantial change to the approved plans which are currently in the possession of the Council may require a variation of the licence. You are advised to consult with this Licensing Authority before you make any proposed changes).

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ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE NOTED
 SCALE 1/8" = 1'-0"
 GROUND FLOOR

Premises Licence Summary

(Licensing Act 2003 – Part B)

CRAWLEY BOROUGH COUNCIL

Licensing Section, Town Hall The Boulevard,
Crawley, West Sussex. RH10 1UZ
01293 438279



Premises licence number

05/00042/LAPRE

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Apple Tree
Ewhurst Road
West Green**

Post town

CRAWLEY

Post code RH11 7HD

Telephone number

01293 614956

Where the licence is time limited the dates

NOT APPLICABLE

Licensable activities authorised by the licence

**THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES
LIVE MUSIC, RECORDED MUSIC
PERFORMANCE OF DANCE
(or anything of similar a similar description to the above activities)
FACILITIES FOR DANCING
INDOOR SPORTING EVENTS
LATE NIGHT REFRESHMENT**

The times the licence authorises the carrying out of licensable activities

Supply of alcohol

Monday – Thursday 10:00 to 24:00

Friday – Saturday 10:00 to 00:30

Sunday 11:00 to 24:00

Seasonal variation to the Supply of Alcohol;

Christmas Eve 10:00 to 01:00

New Years Eve 10:00 to 02:00

Indoor sporting events;

Monday – Saturday 10:00 to 24:00

Sunday 11:00 to 23:00

Live Music, Recorded Music, Performance of Dance (or anything of a similar description) and to Provide Facilities for Dancing;

Monday – Thursday 10:00 to 23:00

Friday – Saturday 10:00 to 24:00

Sunday 11:00 to 23:00

Seasonal variations to - Live Music, Recorded Music, Performance of Dance (or anything of a similar description) and to Provide Facilities for Dancing;

Christmas Eve 10:00 to 24:00

11/00979/LAPRE/TRANS/16.08.11

New Years Eve	10:00 to 02:00
<u>Late Night Refreshment:</u>	
Monday – Thursday	23:00 to 00:30
Friday – Saturday	23:00 to 01:00
Sunday	23:00 to 00:30
<u>Seasonal variations - for Late Night Refreshment:</u>	
Christmas Eve	23:00 to 00:30
New Years Eve	23:00 to 02:30

The opening hours of the premises	
Monday – Thursday	10:00 to 00:30
Friday – Saturday	10:00 to 01:00
Sunday	11:00 to 00:30
<u>Seasonal variations - for the premises to be open to the public:</u>	
Christmas Eve	23:00 to 01:30
New Years Eve	23:00 to 02:30

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies
ON AND OFF THE PREMISES**

Name, (registered) address of holder of premises licence
 Jasmine Court Associates Ltd
 Bankhouse 209 Merton Road
 South Wimbledon
 London
 SW191EE

Registered number of holder, for example company number, charity number (where applicable)
 02954439

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol
 Zamir Ahmad Butt

State whether access to the premises by children is restricted or prohibited
 Not Applicable

On 29th June 2011 Event

After the meeting held at Horsham Police Station, I have taken very strong steps for keeping the premises in good order, having re-joined the pub watch scheme as well as attending the meeting, new c.c.tv system and noise limiter was installed and inspection of c.c.tv was carried out as well as a few more visits were made by licensing police officers.

Further steps have been employed to keep the record of all incidents or any other events, people have been refused drink due to arriving at pub as they have been drinking else where as well as banned persons on pub watch scheme.

On quite a few checks have been made by Enforcement Officers, no one under the age have been found in pub.

21st July 2011.

A drunk female was refused drinks and turned away from the pub, her friends were trying to take her away, lots of shouting was going on. By then, in the front car park of premises the incident was recorded in book.

10th September 2011.

Two males started fighting outside in car park again and one of the males had not been drinking in the pub before and the other male was called Andy who was a regular, now he had been barred. At later it came to my knowledge that Mr. Andy was going to drive a car with his son while he had a few drinks, the other male tried to stop him doing that, the fight broke out and this happened between them in outside pub. The other did not want to press charges as Mr. Andy fled the premises (car park). The male who got injured was drinking sensibly and concern for Mr. Andy child welfare. The incident was recorded in book.

17th September 2011.

Police were called by staff as they were concerned for their safety as the banned person was abusive and shouting. Anyhow he left before the police arrived. I suppose staff were wrong calling the police for help? Notes were made in book.

27th September 2011.

One of my part time staff did serve two females as I was attended to other duties away from bar area. The part time staff was given disciplinary notice, the part time staff was given training to check I.D the whole time.

She pointed out she had made a mistake as they seem to be made to look over the age of 20 years. Further training has been given and notes are kept in book.

This one off event is very unfortunate, normally person involved is very, very careful.

Since I have been running the premises, the record will show that I have no trouble in this place for two years. Some of these events have only started as we had some birthday parties which have now been completely stopped.

Further more, the function room is no longer for hire as now it has been converted into part of Thai Restaurant.

Since I took it over 2/3/4 years ago I have concentrated in changing the format of the site from pub to dining state the mix of food and that it is built upon family visits. Coupled with that how I operate with those under 18 and the controls in place including training and training records

Further I would add that alcohol sales is now a very small part of the income in isolation but an accompaniment to the food offer

The element of trouble I inherited has now been squeezed to a small part of the establishment where CCTV is in situ

Functions are no longer as the area is Thai restaurant as such door staff are not required I would also add how I have now improved your operating schedule to include checks on the external areas and the depth of support from the Community ie charity nights where the mayor attends

Most of people who drinks in my pub are regulars elderly and local residents with family and friendly environment.



GOSSCHALKS
SOLICITORS

BY E-MAIL AND POST

The Licensing Authority
Crawley Borough Council
Town Hall
The Boulevard
Crawley
West Sussex RH10 1UZ

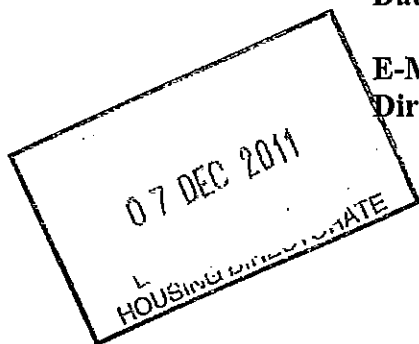
Our ref: MCJ/MJM/98454-15514-0

Your ref:

Date: 5th December 2011

E-Mail: mandy_mighty@gosschalks.co.uk

Direct Fax: 0870 600 5947



Dear Sirs,

re: Apple Tree, West Green, Crawley RH11 7DL

We refer to the application for Review made by Chief Inspector Curry.

We act for Enterprise Inns Plc which is essentially a property business in the course of which our clients let licensed premises to individual operators. Our clients are the freehold owners of these premises and in the circumstances are an interested party by virtue of Section 13 (3) (c) of the Licensing Act 2003.

We would be grateful if you would accept this letter by way of representation to the review. paragraph 11.19 of the statutory guidance states that "the Committee, in deciding which of its powers to invoke should so far as possible seek to establish the cause or causes of the concerns which the representations identify". The paragraph goes on to state that "the remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response". The Police have issued the review on the basis of the prevention of crime and disorder and the protection of children from harm and state that there have been underage sales at the premises and instances of crime and disorder. In order the address these issues and to ensure that the licensing objectives are promoted Enterprise Inns would respectfully suggest that the Committee in determining the application for review consider imposing conditions relating to adoption of Challenge 25, maintenance of a refusals register and implementation of a staff training programme. We would submit that the imposition of such conditions would address Police concerns and serve to promote the licensing objectives.

On the basis that this letter positively addresses how the licensing objectives can be promoted and consequently according the paragraph 52 (7) of the Licensing Act 2003 and paragraph 11.7 of the statutory guidance we would be grateful if you would confirm that the representation is relevant and accepted.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 - Hull

Partners: Simon Lunt, Bruce Raper, Ian Lanch, Richard Llewellyn, Neil Johnson, Clare Johnson, Roy Taylor, Robert Thomson, Jonathan Beharrell, Nigel Beckwith, Zoé Carmichael, Nicholas Dean, Mark Teal, Stephen Walker, Andrew Mallory, Robert Hasle, Richard Taylor, Andrew Johnson, Jonathan Peet, James Phinn, Justin Graves, Matthew Fletcher, Andrew Tarbutt, Ted Flanagan, Kale Groves, Craig Beetham, Stephen Dillon, Ashlie Prescott, Chris Groves, Paul Plaxton, Nicola Barrass, James Houston, Victoria Quinn, Andrew Bell, Charlotte Chikcott, Caroline Neadley

Associate - Julia Williams

Partnership Secretary - Martin Haldenby

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We look forward to hearing from you.

Yours faithfully

Gosschalks

GOSSCHALKS



CARL BROOKS
[REDACTED]

CRAWLEY

WEST SUSSEX
[REDACTED]

RECEIVED
Crawley Borough Council
Town Hall, The Boulevard
Crawley, West Sussex RH10 1UZ

8th December 2011

Sir

My name is Carl Brooks [REDACTED] and in my own time I am a volunteer youth worker at Dormans Arts Youth Centre and I organise Charity rock concerts in the Crawley area. Over many years the Apple Tree public house in West Green, Crawley have welcomed and wholeheartedly supported my events and during that time, with their help we have raised Thousands of pounds for charities both home and abroad. The charities have included

The British Heart Foundation, Ifield chestnut House, Sands (who support anyone affected by the death of a baby), Oxfam, The disasters Emergency committee, Crawley Open House, the Guide dogs for the blind association, the Relief for Haiti fund, Radio Mercury's "operation Santa", St Catherine's Hospice and the Sussex Oak leaf trust.

This list is by no means exhaustive and just demonstrates some of the good causes the Team at the Apple Tree have been active in supporting

Because of the nature of the Apple Tree I have found it to be a suitable venue for some of the youth bands I work with at Dormans arts centre to perform and make their contribution to the charity work. I would not have brought the youth bands in to the venue if I thought for one moment that it was an unfit or unsuitable place for young band and for their friends and families to see them perform.

The understanding I had been given in the past that young performers are allowed to perform at such venues providing they did not drink alcohol or approach the bar, it would seem that since I had been given the advice that guide lines have unfortunately changed, The presence of

young people and families, in my experience have a moderating effect on the cliental at any such venue and their exclusion is detrimental to good moderated behaviour.

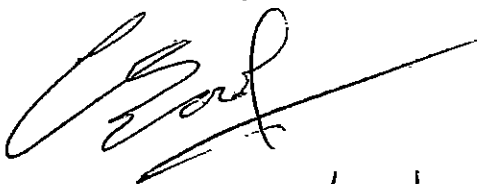
On many occasions the Mayors of Crawley have attended these functions and have given their wholehearted support to the culture that we had created there.

I have always found the management and staff of the Apple Tree to be of good character and not the type of people who would knowingly or would want to commit any crime or offence.

I know that over the past few months to keep the local community happy the management have Fitted a sound limiting device and have drawn up an action plan in order to meet the requirements of the local licensing officers in addition to this I understand that the staff will also be given further training to avoid the incidents that have brought the running of the Apple Tree in to question.

In conclusion i would like to say that The Apple Tree and the team who work there are very much a positive force for good in the community and should be supported rather than sanctioned in their efforts to meet the exacting requirements of the Licensing officer.

Yours Sincerely



Carl Brooks 08/12/2011

Telephone: [REDACTED]

To Whom It May Concern

I, *Carol Matthews* use Apple Tree Frequently and have
No cause for concern about Crime disorder of Public Safty Public Nouisance of any
kind about Apple Tree Public House keeping its license.

To Whom It May Concern

I, MR A. S. SANGHA use Apple Tree Frequently and have
No cause for concern about Crime disorder of Public Safty Public Nouisance of any
kind about Apple Tree Public House keeping its license.

To Whom It May Concern

I, *G HOBDEIN* use Apple Tree Frequently and have
No cause for concern about Crime disorder of Public Safty Public Nouisance of any
kind about Apple Tree Public House keeping its license.

To Whom It May Concern

I, TARUN PATEL use Apple Tree Frequently and have
No cause for concern about Crime disorder of Public Safty Public Nouisance of any
kind about Apple Tree Public House keeping its license.

