

# Crawley Borough Council

**PES/143**

## **Report to Licensing Sub Committee**

**Monday 03<sup>rd</sup> March 2014**

### **Application to Review the Premises Licence applicable**

**To**

**‘JJ Whispers ’**

**107 High Street**

**Crawley**

**West Sussex**

ANGELA TANNER

**Head of Planning and Environmental Services**

#### **1. Details of Application**

- 1.1 On the 10<sup>th</sup> January 2014, 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.
- 1.2 Sussex Police has requested a review on the grounds that the licence holder is not promoting the statutory objectives of:-
- (I) Preventing crime and disorder
  - (II) Public Safety
  - (iii) Prevention of Public Nuisance
- 1.3 On the 11<sup>th</sup> February 2014 Sussex Police submitted an evidential bundle with supporting documents. Please note that the exhibits which were attached to the witness statement in support of incident number 27 contained information which could identify individuals. The documents relating to incident number 27 have therefore been

*Reference Documents and Guidance*

**Appendix A**  
Copy of the Review Application

**Appendix B**  
Copy of the evidential bundle

removed from Appendix B to this report and have been separately attached to report PES/144 so that the publication of this information can be appropriately withheld as it contains exempt information under the Local Government Act 1972 (as amended).

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|-----|--|---|
| 1.4 | The premises licence issued in accordance with the provisions of the Licensing Act 2003 (“the Act”) is currently held by:-<br>“Southern Leisure Corporation”                 | <b>Appendix C</b><br>Copy of the current premises licence |
| 1.5 | The premises licence is for the licensable activities and times so mentioned on the licence, including the sale by retail of alcohol for consumption <u>on</u> the premises. | <b>Appendix C</b><br>Copy of the current premises licence |
| 1.6 | The ‘designated premises supervisor’ (DPS) named on the licence is Mr Marc Warren Simpson.   | <b>Appendix C</b><br>Copy of the current premises licence |

## 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 | <b><u>Responsible Authority:</u></b> - No representation received   |  |
| 2.3 | <b><u>Any other person:-</u></b> No representation received   |  |

## 3. Background

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|-----|--|--|
| 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 Act’.  |  |
| 3.2 | Section 51 of the Act states where a premises licence has effect, a responsible authority or any other person may apply to the relevant licensing authority for a review of the premises licence provided that the grounds for the review are relevant to one or more of the ‘licensing objectives’ and are not frivolous, vexatious or repetitious. | s.51 of the Act                                    |
| 3.3 | Government guidance states that the proceedings set out in the 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.  | s.182 Guidance<br>para 11.1<br>(June 2013 edition) |
| 3.4 | Before determining the application for the review, the Council must hold a hearing to consider it and any relevant representations.  | s.52(2) of the Act                                 |

#### **4. Statutory Considerations and Guidance issued by Government**

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|-----|--|---------------------------|
| 4.1 | <p>The licensing authority must, having regard to the application and any relevant representations, take such of the steps set out below (if any) which it considers appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"><li>(a) to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);</li><li>(b) to exclude a licensable activity from the scope of the licence;</li><li>(c) to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;</li><li>(d) to suspend the licence for a period not exceeding three months;</li><li>(e) to revoke the licence.</li></ul> | s.52(3) of the Act        |
| 4.2 | <p>Section 4 of the Act provides that in carrying out its functions, the Council must “have regard to” guidance issued by the Secretary of State under section 182. Some relevant extracts from the Guidance are set out below.</p>  | s.4 of the Act            |
| 4.3 | <p>At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.</p>   | s.182 Guidance para 11.2  |
| 4.4 | <p>Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.</p>  | s.182 Guidance para 11.10 |
| 4.5 | <p>The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.</p>  | s.182 Guidance para 11.16 |
| 4.6 | <p>The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing</p>   | s.182 Guidance para 11.17 |

objectives are effectively promoted.

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|------|---|---------------------------|
| 4.7  | However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.   | s.182 Guidance para 11.18 |
| 4.8  | 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.   | s.182 Guidance para 11.20 |
| 4.9  | 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.  | s.182 Guidance para 11.21 |
| 4.10 | 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 maybe an inadequate response to the problems presented.  | s.182 Guidance para 11.22 |
| 4.11 | 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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence. | s.182 Guidance para 11.23 |
| 4.12 | It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and the HO Guidance. Reasons should be widely known to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.  | s.182 Guidance para 12.10 |

## 5. Policy Considerations

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|-----|---|---|
| 5.1 | Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The Council's current statement of licensing policy under the Act took effect on 1 March 2013 and a copy is in the members' information packs and on the Council's website. Some relevant extracts from the Council's Statement of Policy are set out below.   |   |
| 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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 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.	CBC Statement of Licensing Policy para 2.14
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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 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 Statement of Licensing Policy para 7.1
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 Statement of Licensing Policy para 7.6
5.14	The only conditions which should be imposed on a premises licence or club premises certificate are those which are appropriate 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 necessary to impose the same or similar duties on the premises licence holder or club.	CBC Statement of Licensing Policy para 8.2
<b>6.</b>	<b>Staffing, Equalities, Financial, and Legal Implications</b>	
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 appropriate for the promotion of the licensing objectives.** s.52(3) of the Act

**7.2 The steps are:** s.52(4) of the Act

- (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

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## **8. Background Papers**

**8.1 All associated paper work regarding this application.  
The Members Reference Pack – Licensing Act 2003**

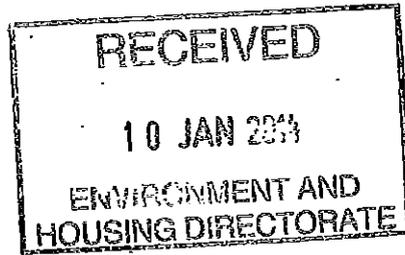
Contact Officer:- Mike Lyons Direct Line:- 01293 438698



Appendix A  
**Sussex Police**  
Serving Sussex

www.sussex.police.uk | 101

**Horsham Police Station**



Your Ref:

Our Ref: TJ/PG

Date: 9<sup>th</sup> January 2013

Contact Name: T.Jarred

Tel. Extension:

Direct Dial No: 01273 404242

Dear Sir

Re: Application for Review of Premises Licence  
JJ Whispers  
107 High Street  
Crawley RH10 1DD

Please find enclosed the application for the review of the premises licence for JJ Whispers  
107 High Street Crawley RH10 1DD  
This is sought under Section 51 of the Licensing Act 2003

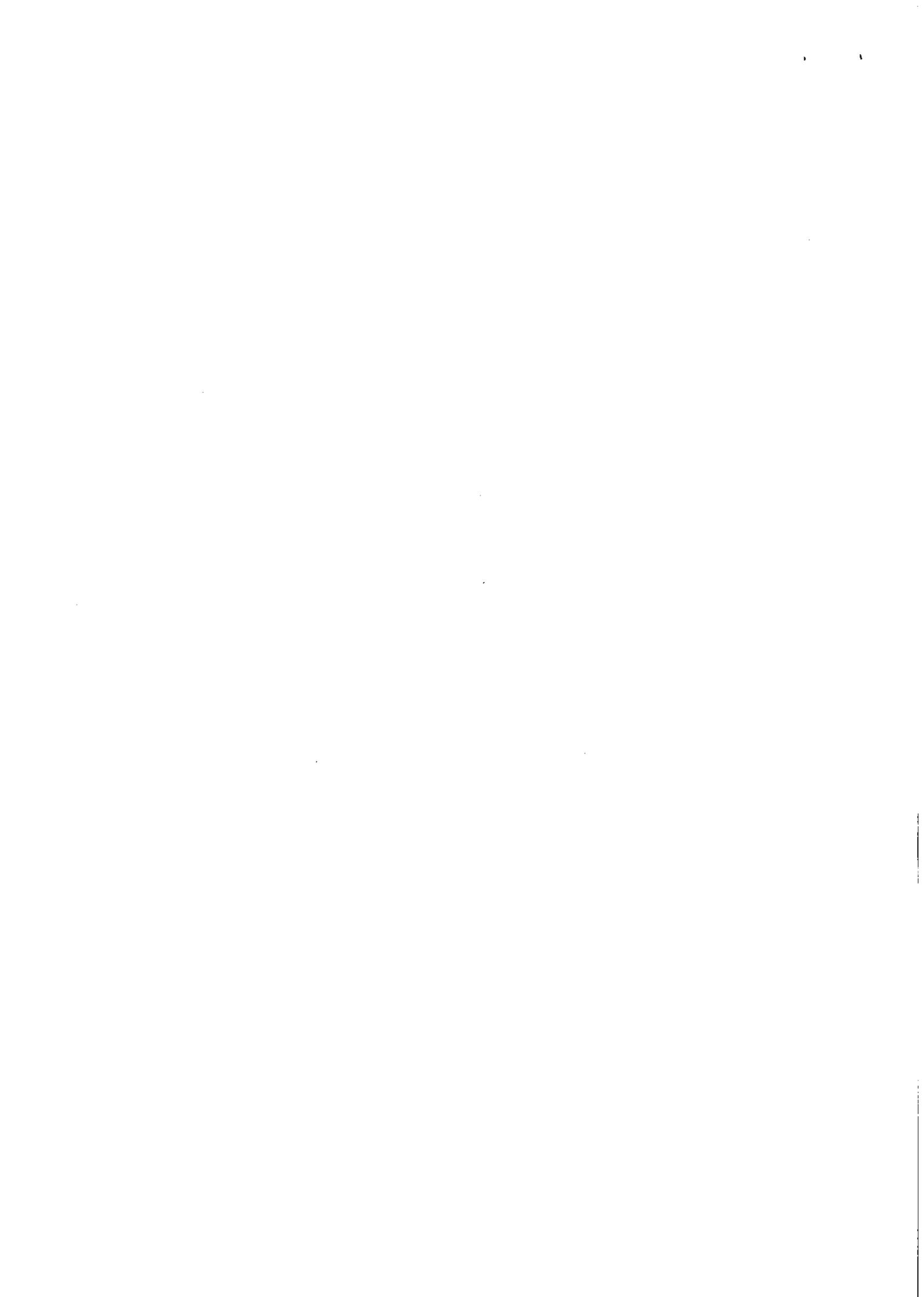
Copies of this application have been served on the Responsible Authorities and the premises licence holder, Southern Leisure Corporation.

Yours faithfully,

Tony Jarred,  
Licensing Sergeant  
Neighbourhood Licensing Team

Premises Licensing  
Crawley Borough Council  
Town Hall The Boulevard  
Crawley  
RH10 1UZ

Southern Leisure Corporation  
29-41 Church Street  
Reigate Surrey  
RH2 0AD



**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 Beeken 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**

JJ Whispers Nightclub  
107 High Street

**Post town**

Crawley

**Post code (if known)**

RH10 1DD

**Name of premises licence holder or club holding club premises certificate (if known)**

Southern Leisure Corporation, 39-41 Church Street, Reigate, Surrey, RH2 0AD

**Number of premises licence or club premises certificate (if known)**

08/500/LAPRE

Part 2 - Applicant details	
I am	
	<b>Please tick yes</b>
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)	
<b>Please tick</b>	
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>
Miss <input type="checkbox"/>	Ms <input type="checkbox"/>
Other title <input type="text"/>	
(for example, Rev)	
<b>Surname</b>	<b>First names</b>
<input type="text"/>	<input type="text"/>
	<b>Please tick yes</b>
I am 18 years old or over	<input type="checkbox"/>
<b>Current postal address if different from premises address</b>	<input type="text"/>
<b>Post town</b>	<b>Post Code</b>
<input type="text"/>	<input type="text"/>
<b>Daytime contact telephone number</b>	
<input type="text"/>	
<b>E-mail address (optional)</b>	<input type="text"/>

(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 Beeken for and on behalf of the Chief Constable of Sussex Crawley Police Station Northgate Avenue Crawley West Sussex RH11 7HD
Telephone number (if any) 01273 404242
E-mail address (optional) <a href="mailto:ws_licensing_hor@sussex.pnn.police.uk">ws_licensing_hor@sussex.pnn.police.uk</a>

This application to review relates to the following licensing objective(s)	
	Please tick one or more boxes
1) the prevention of crime and disorder	✓
2) public safety	✓
3) the prevention of public nuisance	✓
4) the protection of children from harm	

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

Sussex Police contend that the following licensing objectives of:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance

have been seriously undermined by the high levels of drunkenness and related incidents of drunk & disorderly behaviour within the premises and in the immediate vicinity. The premises licence is held by Southern Leisure Corporation, Marc Simpson and his father Stuart Simpson are directors of the Southern Leisure Corporation. Despite repeated police intervention Marc Simpson, the Designated Premises Supervisor (DPS) and the premises management team, have failed to promote the Licensing Objectives or to comply with the conditions placed upon the premises licence. This has created an environment in which drunkenness and anti-social behaviour are considered to be acceptable.

Since May 2013 there have been a number of incidents where patrons have been allowed to become so drunk that Police intervention has been required. On more than one occasion, patrons have required ambulance assistance due to their dangerously high levels of intoxication.

Sussex Police have raised concerns regarding the management of the premises highlighting that drunkenness is directly related to crime & disorder, which can negatively impact upon the local community. The Sussex Police Neighbourhood Licensing Team have held meetings with the DPS and Stuart Simpson, and made clear they have a duty of care towards their patrons and a legal requirement to comply with the conditions on their premises licence and to promote the licensing objectives.

They have continued to fail to address the problems highlighted to them by police. It is now necessary to instigate review proceedings in order that the seriousness of the situation is recognised and addressed, and to prevent further risk to the public.

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

J.J Whispers is a night club situated in the High Street, Crawley with the provision to remain open until 03:00 hours Monday to Sunday permitting the sale of alcohol, dancing & live music until 02:30 hours. Other licensable activities are permitted within the time period.

The premises has a ground floor entrance with a staircase leading to a bar and licensed area. The main bar and dance floor are situated towards the rear of the premises. The premises also has a top floor which has; a VIP mezzanine area and individual booths booked for use by private parties and another small bar area with tables and chairs. From the main dance floor there is a second flight of stairs that leads to the ground floor which is an external smoking area within the premises boundary. The premises has a capacity of approximately 700.

Below is a chronology of significant incidents, meetings and visits relating to the premises recorded by Sussex Police since April 2013. However since they opened on 21<sup>st</sup> April 2011 Sussex Police have held a number of meetings in which concerns were highlighted with the premises management. The predominant theme has been police concern over the high levels of intoxication and associated incidents of crime & disorder.

**1. Saturday 6<sup>th</sup> April 2013 00:40hrs**

Door supervisors at the premises became aware of two males squaring up to each other on the dance floor. One male was ejected. The male's female partner left the premises shouting and swearing. The male then punched a member of door staff in the face causing swelling and bleeding. The female intervened, scratching and punching the member of door staff. She was also restrained and both the male and the female were arrested. On reaching custody the female was incapable of signing her rights due to her high levels of intoxication. When sober she received a caution for Common Assault. The male was charged with Common Assault and is due in Court in January 2014.

**2. Sunday 5<sup>th</sup> May 2013 01:30hrs**

An 18year old female was on the dance floor when a male held his forearm across her throat and forcefully placed his hand up her skirt sexually assaulting her. The female reported this to door supervisors who then approached a male matching the description she had given. Shortly afterwards she left the premises where she and her friend saw a male, matching the description, engaged in conversation with door staff outside the nightclub. No details were taken by the door supervisors and police were not informed of the incident by the premises. This resulted in the loss of evidence, impeding the police investigation.

The victim reported the incident to police an hour later when she arrived home in a distressed state. The following day Sussex Police attended the premises to obtain a copy of the CCTV but were informed that the club was too busy to provide it and that the disc drive may not be working properly. Eventually a recording was provided although due to the poor quality it was not possible to identify the suspect. The case was filed as undetected.

### **3. Sunday 12<sup>th</sup> May 2013 01:10hrs**

Two uniformed police officers were on foot patrol outside JJ Whispers when they witnessed a drunken female being ejected from the premises. Door staff were restraining her as she was screaming kicking and swearing. Officers intervened as it was clear she would not comply with requests to calm down and shouted at the officers ".get the fuck off me you pricks". She was subsequently arrested for Drunk and Disorderly Behaviour.

On arrival at custody the female was too intoxicated to read or sign her rights. During her detention she was seen to be so drunk that she vomited, removed all her clothing and masturbated on the floor of the custody cell. When sober she was issued with a Penalty Notice for Disorder for being Drunk & Disorderly.

### **4. Sunday 12<sup>th</sup> May 2013 02:53hrs**

Sussex Police received a call from a male who had been ejected from the premises because he had vomited. The male complained that he had purchased a bottle of vodka but was ejected before he had drunk it all. The male was unhappy and sounded intoxicated to the call handler.

Sussex Police are aware, and are very concerned, that the premises promotes / advertises the sale of large bottles of spirits (70cl & larger) to an individual for consumption within a booth. The bottle of alcohol is then the property of the purchaser, to be dispensed directly from the bottle in undefined quantities.

### **5. Sunday 19<sup>th</sup> May 2013 01:10hrs**

Uniformed Police officers were informed of an incident at JJ Whispers, by door staff of another Crawley premises via the pubwatch radio. On attending they located a male lying on the floor outside JJ Whispers. An altercation between a couple inside the premises had resulted in a third party male being assaulted by the female's partner. Officers noted that all parties were very drunk. An ambulance was called by police officers to attend the victim who had sustained an injury to the face. The suspect was then identified by the officers and was subsequently arrested. While in police custody he continued to use offensive language, swearing and spitting at officers. On arriving at the custody centre he was too drunk & incapable of signing his legal rights. He was later placed in limb restraints and placed on constant cell-watch due to his drunken & volatile state.

The male was charged and convicted at Magistrates Court for offences of Disorderly Behaviour under the Public Order Act and for Assaulting two Police Constables in the execution of their duty.

### **6. 21<sup>st</sup> May 2013**

A meeting was held at the premises between PC Selwyn of the Neighbourhood Licensing Team and the DPS Marc Simpson, Sorrel the manager, Dan the head of the door supervisor team and Peter Philips head of Security Solutions who provide the door security team. At the meeting, police raised concerns regarding a "Hangover Party" where-by Jagerbombs were given as part of the entry fee. The DPS stated that since a new club had opened things had been difficult and that he was concerned about their competitors' drinks promotions. He also raised concerns that Sussex Police did not monitor other premises or take action when he raised concerns about them & that they were unhappy regarding uniform officers response to a recent incident at the premises. PC Selwyn explained the procedure for making a formal complaint should they wish to report this.

PC Selwyn asked the DPS how he considered the intoxication levels of his patrons to which he replied "Fine". However the head doorman stated that people pre-loading did cause them some problem requiring patrons to be removed from the premises due to intoxication.

**7. Friday 24<sup>th</sup> May 2013 02:44hrs (Sub judice)**

Police CCTV saw a fight outside JJ Whispers and asked officers to attend. Police Officers attended to find a group of people involved in a disturbance outside the club. A number of males were seen squaring up to each other. A fight broke out apparently after one male racially abused a female. In total three males were arrested.

All parties had been in the premises and were leaving as it was closing time.

During interview one male admitted to consuming 6 Budweisers and 10 Vodka Red Bulls but stated that he was used to drinking.

One male was charged with Common Assault and later convicted at Magistrates Court. A second male was charged with Section 4 Public Order Act Offence of racially aggravated intentionally causing harassment alarm or distress and is yet to appear in court.

**8. Sunday 02<sup>nd</sup> June 2013 01:55hrs**

Police were called to the premises where door staff had detained a male in the toilet area in possession of a bag of cocaine. The male was arrested for possession of Class A drugs and was described by the arresting officer as being drunk. He later admitted he had bought the drugs from a male inside the premises. The male received a Police Caution.

**9. Saturday 8<sup>th</sup> June 2013 00:25hrs**

Police Officers were on duty in patrol vehicle when they observed a disturbance outside JJ Whispers. No call for assistance had been received, but one male was being restrained on the floor by a door supervisor. A second male was identified as being involved in the incident. The officers were informed that the two males were part of a group who had been ejected from the premises after one of the group had vomited in the club.

The male who had been on the floor was swearing and shouting. He was unsteady on his feet rambling and incoherent. The male was arrested for Drunk and Disorderly Behaviour. He was taken to Custody where he was required to remain in a custody cell until the following day in order to sober up. Custody records reflect that he was sick in the cells and very drunk. The following day he received a Penalty Notice for Drunk and Disorderly Behaviour.

Another male from this group was later issued with a Section 27 direction to leave the area but failed to comply. He was arrested and taken to the custody cells where he was detained over night to sober up, after which he received a Police Caution.

**10. Saturday 15<sup>th</sup> June 2013 01:39hrs**

Two males were ejected from the premises for fighting with each other male. Once outside one male attempted to continue the fight. The male was unsteady on his feet and directed a stream of swear words at the police officers. He made numerous threats to the other male but refused to provide his details to the police officers. The male was arrested for Drunk and Disorderly Behaviour. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.

**11. Saturday 15<sup>th</sup> June 2013 02:22hrs**

Uniformed officers were on duty when they became aware of a male engaged in an erratic and irate conversation with a SIA door supervisor. The member of door staff walked away from the male who turned to a second male where the situation escalated. Officers quickly intervened as it became clear that a fight was about to erupt. The first male was unsteady on his feet, his eyes were glazed and his breath smelt of alcohol. He refused to listen to the officers and continually shouted and swore at them. He was issued with a Section 27 direction to leave the area. Having failed to comply with this the male was later arrested. On arriving in custody he was incapable of signing his rights. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.

While in this instance it is not possible for Sussex Police to confirm the male had been inside the night club, his presence and the disorder requiring police intervention is indicative of the ongoing problems that occur at this location in the early hours of the morning.

**12. Sunday 16<sup>th</sup> June 2013 00:48hrs**

Police on duty outside the premises became aware of a male behaving aggressively with wild and exaggerated arm movements. He was being spoken to by a member of the door staff who had ejected him for being involved in a disturbance inside the premises. The male was approached by officers and it was clear that he was drunk. His eyes were glazed and his shirt had three buttons missing which he stated had been ripped off whilst inside the club. The male was told to go home but he refused to comply. He continued to be aggressive and was arrested for Drunk and Disorderly Behaviour. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.

**13. Sunday 16<sup>th</sup> June 2013 01:30hrs**

A male was ejected from the premises due to his involvement in an altercation inside the club. He was drunk and aggressive with door staff and began to film them. Police Officers were approached by the male who proceeded to swear and shout at them. He was warned about his behaviour & asked to stop swearing. Despite repeatedly being asked to leave the area he refused and continued to swear and act in a disorderly manner. He was arrested for Drunk and Disorderly Behaviour. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.

**14. Friday 21<sup>st</sup> June 2013 23:30hrs**

PC Selwyn attended the premises with a taxi licensing officer from Crawley Borough Council. They had received information that the premises were running a drinks promotion whereby a free shot was being offered with every 'Tweet' or 'Facebook update'. There were approximately 30 people in the premises. The door supervisor radioed the deputy manager, Sorrel, to escort the officers around the premises. The door supervisor was reluctant to allow them entry until Sorrel had arrived. He was asked about drinks promotions and stated they were offering a 'Buy one get one Free' on Cocktails. Sorrel was then asked if there were any other drinks promotions at which point he acknowledged the Twitter/Facebook promotion. PC Selwyn felt this was reluctantly volunteered. He was provided with advice regarding irresponsible drinks

promotions and reminded of his responsibility to promote the licensing objectives.

**15. Friday 21<sup>st</sup> June 2013 02:16hrs**

SIA Door Supervisors from JJ Whispers contacted police officers about a highly intoxicated male who had been ejected from the premises for vomiting on the dance floor. The 18 year old male was extremely drunk & semi-conscious outside vomiting in the bushes. Due to his highly intoxicated state & vulnerability Police Officers requested an ambulance attend to assist him.

**16. Sunday 23<sup>rd</sup> June 2013 03:00hrs**

A female spent the evening drinking in JJ Whispers, leaving with friends at approximately 02:45 hours. Having taken a taxi she was the last person to be dropped off. On getting home the female contacted Sussex Police reporting that on getting out of the vehicle she had been sexually assaulted by the taxi driver. The female admitted that at the time of the incident she was heavily intoxicated and could not be sure of the taxi company used or the colour of the vehicle. The male was not identified and no further investigation was possible due to the female's intoxicated state.

**17. Friday 28 June 2013 Between 00:30 and 02:00 hours**

A group of female friends attended JJ Whispers. During the course of the evening a male, unknown to the group, kept pestering one of the women. Despite her request that he should leave her alone he proceeded to grab her hips, bottom, waist and breasts; to raise her dress and attempted to pull the top of her dress down to try to reveal her breasts. Using force she pushed him away causing him to step back. At this stage door supervisors intervened and simply ejected the male from the premises and did not call the police.

Some time later the female left her friends to go home as she had work in the morning. While waiting for a taxi outside the club she noticed the same male, who again approached her and tried to accompany her in a taxi. Concerned that he may follow her home, she contacted her friends and they all left together on foot.

At this time a second group of females left JJ Whispers and went to a take away pizza restaurant, where they came across the same group of males. One of the males had vomited on the floor of the restaurant and was lying on the bench in a semi-comatose state. The two males outside the premises then approached the girls making threats of violence and lewd, offensive suggestions. Despite repeated protestations from the girls one of the males proceeded to sexually assault one female

Uniform officers, alerted to the problem males by staff at the pizza restaurant, attended the scene. The men, who had been banging on the windows and urinating in the street, were identified by the officers who considered them all to be highly intoxicated. One of the males was then arrested for assaulting the girl at the pizza restaurant. As the officers were dealing with the situation, the victim of the original assault within J.J Whispers approached the officers with her friends to report that they had just been threatened with assault by the remaining males. She went on to identify the male who sexually assaulted her in the nightclub.

The three males were arrested and charged.

During the course of the police investigation the CCTV recording from JJ Whispers was frequently requested. Contact was made by investigating officers and messages left; with Sorrel the manager, Steven O'Brian the duty manager and with the premises 'head office'.

On the 29th August 2013 Sorrel contacted Sussex Police to say that the footage had not been viewed, had not been recorded and had now been lost/ copied over. Two of the males have since appeared before Lewes Crown Court and Crawley Youth Court where they were both found guilty of a number of offences including Sexual Assault. The Youth offender had just turned 17 years old at the time of the offence. No further action was taken against the third male due to insufficient evidence.

**18. Sunday 30<sup>th</sup> June 2013 00:00**

A member of police staff was at the premises when he witnessed a member of bar staff serve a round of drinks consisting of both a Jager bomb (35%ABV mixed with a stimulating high caffeine energy drink) and a further shot of clear spirit, believed to be Sambuca, for each person in the group. The drinks were then downed straight away, one after the other by the customers and also the member of bar staff.

**19. Saturday 4<sup>th</sup> July 2013**

A meeting was held at Horsham Police Station called by PS Jarred & Pauline Giddings Licensing Officer of the Neighbourhood Licensing Team. The meeting was called to address the concerns held by Sussex Police regarding the high & increasing levels of drunkenness at the premises. A Temporary Event Notice for 27<sup>th</sup> May 2013 for an extension of hours had caused an objection to be raised with the Local Authority by the Police Licensing Team. A number of issues were raised including the 'Spin-a-wheel drinks and Buy~one~get ~one~free drinks promotions. Sergeant Jarred explained that it was Sussex Police's opinion that this was promoting irresponsible drinking which was contrary to promoting the licensing objectives and thereby placing the premises licence at risk. Concerns were also raised regarding customers purchasing large bottles of spirits containing approximately 30 shots for consumption in the booths. While waitress service of the initial drink was offered any further monitoring of consumption was left to SIA door supervisors. It was stated by Mr Simpson that a re-organisation of staff would hopefully assist in reducing the current trend in the levels of drunkenness. It was strongly recommended that the ID scanner used at the premises was linked to other premises using the same equipment. It was also reinforced that staff should not be allowed drink on duty.

Mr Stuart Simpson stated that the premises would do their best, but that he considered it to be a joint responsibility for Sussex Police. Sergeant Jarred reiterated that the licensing objectives were the governing principles of the Licensing Act 2003 and all operators of licensed premises are required to promote them. Failure to do so places the premises licence at risk. A raft of measures were discussed which it was recommended the premises licence holders put in place in order to address the serious concerns raised.

**20. Sunday 21<sup>st</sup> July 2013 00:30**

Uniformed officers conducted a licensing visit approximately 160 customers were present. The premises was running a Smirnoff Vodka promotion Night 'Double shot £5'

**21. Sunday 18<sup>th</sup> August 2013 01:55hrs**

Police officers witnessed a male outside the premises who was being abusive towards door staff because he had been ejected. He had no shirt on and was making threatening and abusive comments. The male was issued with a Section 27 Direction

to Leave Notice and he left the area.

**22. Tuesday 20<sup>th</sup> August 2013**

PC King & PC Selwyn of the Neighbourhood Licensing Team conducted a licensing visit at the premises which was holding a Bar Med reunion night. There was a considerable queue and the ID scanner was being used. The metal detector was not in use, as required by the condition on the premises licence. Dan, the head doorman, indicated that it would be used later. PC Selwyn said that this was contravening the conditions on the premises licence, Dan disputed this & PC Selwyn said she would check when she returned to the police station.

The condition states: *A metal detector will be used to check customers on entry. At least one in five customers will be searched on entry.*

**23. Sunday 1<sup>st</sup> September 2013 01:00 hrs**

PC Heasman & PC Swietlik of the Neighbourhood Licensing Team conducted a licensing visit at the premises. The door supervisor on duty made no effort to remove the rope barrier to allow entry to the officers stating that they had had their licensing visit that evening. PC Heasman explained that they would be conducting a further licensing visit and removed the rope barrier to enter. A member of the door supervisor team then insisted on escorting the officers around the premises. The officers asked the name of the DPS and if he was on duty. They were informed it was Sam but did not locate him. Later the door supervisor stated that the DPS might not be Sam but he was not sure. There were very few customers on the premises but the officers felt the atmosphere was 'uncomfortable'.

**24. Wednesday 21st September 2013 00:30**

Uniformed police officers conducted a licensing visit to the premises, only 26 persons present.

**25. Friday 27<sup>th</sup> September 2013**

Premises no-longer opening on Friday nights.

**26. Friday 18<sup>th</sup> October 2013 01:51hrs**

Police Officers outside the premises became aware of an extremely volatile female leaving the nightclub. Her behaviour was such that it resulted in her being arrested for drunk and disorderly behaviour. Once in custody she attempted to self harm and claimed that she had not had any alcohol that evening. The female's father reported to Sussex Police that he had been in the premises with his daughter and had witnessed a male drop something into her lemonade. This male was apparently identified to door staff who proceeded to eject him but failed to obtain any details or to identify him to police. As there was insufficient evidence to proceed, no further action was taken.

**27. November 2013**

A video clip posted on JJ Whispers Crawley Facebook promoting a 'House Party Event' clearly shows patrons drinking directly from bottles of alcohol including,

Disarrano (28% proof) & from large bottles of vodka. This media clip promotes irresponsible drinking & shows numerous images of people swigging from bottles and purchasing numerous 'shots'. This video will be submitted along with the police evidence bundle and it is requested that provision to play this at the licensing hearing be made.

#### **28. Friday 22nd November 2013 23:45 hours**

Plain clothed members of Sussex Police attended the premises as part of an Operation to visit licensed premises in the Crawley area. There were approximately 60-70 customers within the club. An entry fee was not being charged for persons possessing wrist bands apparently obtained from other venues. The possession of a wrist band also entitled the customer to any free drink from the bar.

There appeared to be only one member of bar staff on at this time which was causing one customer to get angry due to the delay in getting served. Three SIA door supervisors seemed to be working, mainly by the entrance doors and hanging up coats. The SIA door supervisor scanning ID was seen to be engaging with customers.

A drunk male was seen asleep on the sofa with his feet up. After a while a door supervisor approached the male and asked him to sit up. It was clear that the male was about to return to sleep as the door supervisor left. He then returned and indicated that he could not sleep in the premises at which point the male requested assistance in leaving the premises. It was necessary for the member of door staff to escort the male down stairs due to his high levels of intoxication. A female customer in the VIP area then vomited all over the floor, requiring a member of staff to clear up the mess.

The plain clothed Officers noted that there were three extremely drunk males at the bar, two of whom were lifting the other onto the bar itself. The male was sitting on the bar with his legs dangling the staff side. One of the males had been verbally abusive to staff earlier regarding slow service. Despite this behaviour and obvious intoxication, bar staff continued to serve the three males with drinks which appeared to be Jäger bombs. The male was so drunk he was unable to provide the correct money staring continually at his open palm. None of the males were challenged by staff regarding their behaviour or their level of drunkenness. On leaving the club, a male (part of a group of three) was being ejected for being drunk. An ambulance was seen to attend the premises to tend to the female who had earlier vomited and had to be carried out on a stretcher.

Uniformed members of the Neighbourhood Licensing Team were outside the premises as the female was removed. PS Jarred raised his concerns regarding the seriously high levels of intoxication occurring within the night club, with Peter Phillips who was in charge that evening. Mr Phillips stated that the female's condition was a one-off incident. However during this conversation members of the Licensing Team entered the premises and located a further male in the premises toilets who was very drunk. SIA door supervisors were notified. They proceeded to eject the vulnerable male onto the street. At this point PS Jarred pointed out their duty of care to the male and Mr Phillips eventually directed a member of staff attend to him. The male was seen to vomit all over the floor.

Incidents which require Sussex Ambulance Service to attend to assist drunken customers are not reported to Sussex Police by members of the premises management team.

#### **29. Monday 23rd November 2013 10:00 hours**

Marc Simpson the DPS telephoned the Neighbourhood Licensing Team to say he was unhappy with the Licensing Team's visit of the 22<sup>nd</sup> November 2013. PS Jarred

explained that he had raised serious concerns over the levels of drunkenness with Mr Phillips on Friday night. He reminded Mr Simpson, that as the DPS and a PLH he is responsible for the premises and should be taking steps to address the issues.

### **30. Saturday 30<sup>th</sup> November 2013 23:30 hours**

PC Heasman of the Neighbourhood Licensing Team attended the premises in plain clothes to conduct a licensing visit. He identified himself to the head of the Door Supervisor Team who then notified all his staff that a police officer was on the premises. While being escorted around the premises by the door supervisor a male was seen carrying a female from the premises. It was only when the Police Officer raised this with the door supervisor that he took action to ensure that she was taken safely down the stairs. PC Heasman then asked about the use of the VIP booths which can be hired for private use for a minimum spend. (Mr Stuart Simpson had previously explained during the meeting of 4<sup>th</sup> July 2013, that bottles of Vodka could be purchased for £95.00 which were for consumption in the VIP booths. No minimum occupancy for the booth was required) PC Heasman was assured that mixers are provided and that the rooms are monitored by SIA Supervisors. However the Officer noted that all the SIA staff located near the booths were facing away from the booths and overlooking the dance floor. PC Heasman asked how this allowed the consumption of alcohol to be supervised. No response was provided.

PC Heasman then asked to speak to the manager Peter Phillips and asked to see the premises incident book. This was provided but the most recent entry was 5 months old, dated 7<sup>th</sup> July 2013. When this was queried he was told there must be another book in the office. PC Heasman asked to see this second book which, when produced, contained an entry dated 1<sup>st</sup> August 2013. This was again queried and a third book for 'accidents' was suggested as a 'back up'. However, the most recent entry in this was 29<sup>th</sup> November of the previous year. The premises register of refusals and ejections was then requested. The head of security stated that he recorded these on his 'phone. He started to show PC Heasman a list which concluded with an entry on 28<sup>th</sup> September 2013. This breaches condition 28 of the premises licence.

PC Heasman then asked where the premises had recorded the incident from 22<sup>nd</sup> November relating to the excessively drunk female and of the necessity to call an ambulance. No answer was provided.

Pc Heasman enquired about the implementing of condition 26 on the premises licence which relates to the use of the metal detector. He was informed that it was hung up and not often used as they used 'hands-on' searching. They stated that their ID scanner was linked up to other venues but that they did not use it to ban people, more as an in-house banning device. This failed to exchange useful information with other local premises. Mr Phillips stated that he had only been in role for 4 weeks and was still learning but he would address paperwork issues. He later mentioned that he had in fact previously worked at the premises, prior to the last manager.

On leaving the premises PC Heasman recognised a male he had previously seen in JJ Whispers. He was standing in the road so drunk he was nearly knocked over.

It has since been confirmed that the ID scan is not linked to the local premises and that Mr Phillips has been involved in the premises since it opened and runs the security company employed at the premises. PC Selwyn has confirmed that he has attended meetings with Sussex Police in relation to the premises over a prolonged period of time.

### **31. Sunday 8<sup>th</sup> December 2013 01:11 hours**

PC King of the Neighbourhood Licensing Team attended the premises to conduct a licensing visit. The head door supervisor stated that they have a new sheet for ejections that do not require police interventions. The premises were not particularly busy with approximately 285 customers present. On leaving the premises PC King witnessed a male who had been ejected due to his high level of intoxication. He was having difficulty standing and was slurring his words and was clearly very drunk. Heading towards the town centre PC King saw two females one of whom was very distressed. Her friend explained that she had been ejected from JJ Whispers. She was clearly drunk and emotional and stated that a third party who was also drunk had accidentally pulled her to the floor in the nightclub but that the other girl had disappeared into the crowd and remained on the premises.

### **32. Friday 13<sup>th</sup> December 2013 after 01:00 hours (Sub judice)**

Following a night out with friends a female was subject to a serious sexual assault while on her way home. Police investigations revealed that she had been in JJ Whispers with a female friend until closing time where they had been drinking alcohol. As this is under current investigation, further details cannot at this stage be provided.

### **33. Saturday 14<sup>th</sup> December 2013 0305 hours (Sub judice)**

A male was ejected from the premises having been removed by SIA door staff and as a result became angry and remonstrated with door staff. He was arrested for failing to comply with a Section 27 Notice however he resisted arrest and was captor sprayed.

The custody detention log states that the male was incapable of signing the custody record because he was too drunk.

The following day, when he was fit, the male was charged with failing to comply with the Section 27 Notice and Resisting Arrest. He has been bailed to appear before Magistrates on 8/1/14

### **34. Saturday 15<sup>th</sup> December 2013 00:25 hours**

PC King of the Neighbourhood Licensing Team attended the venue with PC Hayward to conduct drug swabbing at the premises. Whilst the majority of the readings were quite low, the results for the male toilets revealed evidence of cocaine at a level of **5.14** which is significantly higher than readings taken from other local premises.

As outlined below this is a very high reading and indicates a recent and high presence of the drug.

*Readings levels from the ION Tracker drugs technology*

- *Alarms of between 1 and 2 times the alarm threshold can be classed as a 'low' response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.*
- *Alarms of between 2 and 3 times the alarm threshold can be classed as a 'medium' response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.*

- *Alarms of between 3 and 4 times the alarm threshold would be classed as a 'high' response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.*
- *Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the swab. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, in this case cocaine. This level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.*

### **35. 17<sup>th</sup> December 2013 Objection to TEN**

Due to their ongoing concerns Sussex Police raised an objection to a Temporary Event Notice for an extension of hours submitted by the premises for 27<sup>th</sup> December 2013. This was a late submission received Tuesday 17<sup>th</sup> December 2013 a Counter Notice was issued by Crawley Borough Council on 19<sup>th</sup> December 2013.

### **36. 27<sup>th</sup> December 2013 between 01:00 & 02:30 hours**

A female was in the premises when an ex boyfriend approached her, a verbal altercation followed which resulted in him biting her ear. Following continued disturbance the male was ejected.

Later, on leaving the premises, she asked the SIA door supervisor to walk her to her vehicle around the corner. He refused but stated that he would watch her. On reaching her car the female was threatened by the male wielding a house brick. He ran off and was unsuccessfully pursued by SIA.

The SIA door supervisor denied witnessing an assault but told officers that he recalled that a female was crying and had requested a unit to attend.

This was not reported to the police by the premises

### **37. 5<sup>th</sup> January 2014- between 01:00 & 02:10 hours**

PC King of the Neighbourhood Licensing Team was on duty conducting licensing visits in Crawley Town Centre. He entered JJ Whispers at approximately 01:00 hours at which time there were only there were around 115 customers. On leaving the premises he saw two males attempting to pick up a dishevelled female, who was so drunk she required assistance to stand and slurred her words while speaking. All three friends had been drinking in JJ Whispers.

Later that night at 02:10 hours PC King was in the High Street when he noticed a female staggering along the road being supported by a male. He approached them to check on her welfare and to ensure that she knew the male accompanying her. The female found it difficult to stand and was slurring her words. They confirmed they had been drinking in JJ Whispers

In the officer's opinion, both of the women he had seen had been made vulnerable through alcohol consumed at the nightclub.

It is worth noting that the premises has been running significantly under-capacity and, although usually open on Thursday, Friday and Saturday nights, it has been closed for

a number of Fridays during September and October.

Over the period covered by this report, the premises has failed to report the detection of drugs on any person attempting to enter the nightclub. This is unusual for a venue of this type.

Sussex Police contend that the Designated Premises Supervisor and the management team of this premises have systematically failed in their duty to promote the licensing objectives. The continuing occurrence of drunkenness and the failure to report significant incidents to Sussex Police or record them in accordance with the conditions on the premises licence, has seriously undermined the licensing objectives and put patrons at risk.

The premises management has continually failed to address police concerns of excessive drunkenness, and have continued to create an environment where drunkenness is condoned not addressed. This has created an unsafe environment, presenting a real danger to the patrons at the premises.

To address our concerns, Sussex Police considered requesting the Licensing Committee to remove the Designated Premises Supervisor from his post, however he would still remain as the Premises Licence Holder with his father. Therefore, the management and the manner in which the premises is run would remain the same.

Sussex Police considered requesting further conditions be applied to the Premises Licence, however, the licence already has numerous conditions, which are not being complied with, therefore this would also fail to address the problems emanating from the premises. Other options, for example, a reduction in trading hours was also considered, however, drunkenness is evident very early in the evening e.g. 2345hours, so this would also not address the issues and police concerns. Excessive drunkenness, to the point of vomiting, is evidenced repeatedly within this premises and is indicative of the way the club is managed.

Sussex Police consider there is no alternative other than to request that Licensing Committee gives very serious consideration to revoking of the Premises Licence of this venue. Sussex Police argue that revocation is an appropriate and proportionate response to the high levels of incidents, excessive intoxication and a continued lack of willingness by the management to fulfil their duty under the Licensing Act 2003 to promote the licensing objectives and to keep people safe.

Please tick yes	
Have you made an application for review relating to this premises before	Yes/No
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**

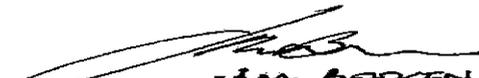
Please tick yes	
▪ I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate	<input checked="" type="checkbox"/>
▪ I understand that if I do not comply with the above requirements my application will be rejected	<input checked="" type="checkbox"/>

**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

  
**J.M. BORDEN**  
 Ch. Insp DB130.

Date  
9<sup>th</sup> January 2013

Capacity  
**Chief Inspector**  
**Crawley 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) 01273 404242

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.





**JJ Whispers Review  
Evidence.**

**Evidence**

Ch Insp Beeken overstatement

Ps Jarred Neighbourhood Licensing Team Sergeant

**Regarding 1**

6<sup>th</sup> April 2013

PC Bryant

PC Goring

SIA Door Supervisor

PC Selwyn

**Regarding 2**

5<sup>th</sup> May 2013

PC Selwyn

**Regarding 3**

12<sup>th</sup> May 2013

PC Mooney

PC Selwyn

**Regarding 4**

12<sup>th</sup> May 2013

PC Selwyn

**Regarding 6**

21st May 2013

PC Selwyn

**Regarding 7**

24th May 2013 ~ Sub-judice

**Regarding 8**

2<sup>nd</sup> June 2013

PC Creasey

PC Selwyn

**Regarding 9**

8<sup>th</sup> June 2013

PC Fornari

PC Selwyn

**Regarding 10**

15<sup>th</sup> June 2013

PC West

**Regarding 11**

15<sup>th</sup> June 2013

PC Bryant

**Regarding 12**  
16<sup>th</sup> June 2013  
PC Palmer

**Regarding 13**  
16<sup>th</sup> June 2013  
PC Goring

**Regarding 14**  
21<sup>st</sup> June 2013  
PC Selwyn

**Regarding 15**  
21<sup>st</sup> June 2013  
PC Selwyn  
PC Jones

**Regarding 16**  
23rd June 2013  
PC Selwyn

**Regarding 17**  
28th June 2013  
PC Holden  
PC Boxhall  
Witness statement x 3

**Regarding 18**  
30<sup>th</sup> June 2013  
Witness statement

**Regarding 19**  
4<sup>th</sup> July 2013  
Letter from Neighbourhood Licensing Team

**Regarding 20**  
21<sup>st</sup> July 2013  
PC Selwyn

**Regarding 21**  
18<sup>th</sup> August 2013  
PC Mooney

**Regarding 22**  
20<sup>th</sup> August 2013  
PC Selwyn

**Regarding 23**  
1<sup>st</sup> September 2013  
PC Heasman

**Regarding 24**  
21<sup>st</sup> September 2013  
PC Selwyn see 20

**Regarding 25**  
27th September 2013  
PC Selwyn see 20

**Regarding 26**  
18<sup>th</sup> October 2013  
PC Robinson

**Regarding 27**  
November 2013  
PC Selwyn

**Regarding 28**  
22<sup>nd</sup> November 2013  
PC Swietlik

**Regarding 29**  
25th November 2013  
PS Jarred

**Regarding 30**  
30<sup>th</sup> November 2013  
PC Heasman

**Regarding 31**  
8<sup>th</sup> December 2013  
PC King

**Regarding 32**  
13<sup>th</sup> December 2013 ~ Sub-judice

**Regarding 33**  
14<sup>th</sup> December 2013  
PC Giles

**Regarding 34**  
15<sup>th</sup> December 2013  
PC King

**Regarding 35**  
15<sup>th</sup> December 2013

**Regarding 36**  
27<sup>th</sup> December 2013  
PC Selwyn

**Regarding 37**  
5<sup>th</sup> January 2013  
PC King see 31



### 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: Justina Beeken

Age if under 18: N/A (if over 18 insert 'over 18') Occupation: Police Officer

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 \_\_\_\_\_

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

I am the District Commander for Crawley and have been since November 2012. I am responsible for all aspects of policing in Crawley Borough, with the focus being on the prevention and reduction of crime and to ensure the public have confidence in the local police and ultimately keep the public safe.

The Borough has a vibrant and varied night time economy including many licensed bars, restaurants and late night drinking venues, particularly focussed on the town centre. As part of the plan to reduce late night crime & disorder in the Borough, high visibility Police Officers undertake Operation Marble on Friday and Saturday nights which is an Operation designed to promote public safety, reduce public place violent crime and anti-social behaviour. The tactics employed during the operating include 'tone-setting' and early intervention activities and relies heavily on working in partnership with the Local Authority and the licensed premises operating across the town centre.

Since I have been in post at Crawley, I have been aware of a constant stream of incidents occurring at JJ Whispers nightclub, located at 107 High Street, Crawley. The amount of incidents, many resulting in crime and disorder, has had a detrimental impact on policing resources across the Borough by requiring a disproportionate amount of police resources to attend incidents at the venue. These incidents, which relate almost exclusively to high levels of drunkenness, has caused a draw on police resources which is unacceptable as officers attending these drunken incidents are then unable to attend other emergency calls which are not alcohol related. The investigation involved following each incident is further taking valuable resources from the Borough, which could be used to investigate and follow up other matters.

Continuation of statement of

The evidence provided within the Review application will show that avoidable incidents have occurred, including incidents during which people, who have become vulnerable through drink, and have become the victims of distressing and upsetting crimes. People who consume large quantities of alcohol are often not able to manage their own safety and can get into situations they otherwise wouldn't have. The high levels of intoxication displayed by some of the patrons of JJ Whispers is unacceptable, putting themselves and others at risk of harm, and causing them to become offenders or victims of crime.

I am aware that the Neighbourhood Licensing Team (NLT) have spoken frequently with the premises management, both at the venue and also more formerly in a police station. The meetings have been attempts to support and encourage the management to improve safety standards and reduce the excessively high levels of drunkenness emanating from the premises on a regular basis. The role of the NLT is to work closely with the management of licensed venues who are not promoting the licensing objectives, particularly in the night time economy, which the team have successfully done within a number of other premises within Crawley Borough. The management of JJ Whispers have been hostile towards police licensing officers, and despite the NLT's interventions serious incidents are still taking place causing harm to patrons

In my professional opinion allowing JJ Whispers to remain operating under its current owners and management will cause further risk to both the patrons of the premises and its staff. The consistently poor premises management has culminated in an environment in which high levels of drunkenness and disorder has become acceptable and people are getting hurt and police resources are being continually called upon to deal with incidents from the premises.

Signature \_\_\_\_\_

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

PTO



### 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: Sgt Tony Jarred CJ100

Age if under 18: N/A (if over 18 insert 'over 18') Occupation: Police Officer

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:  *deyso*

Date 4<sup>th</sup> February 2014

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

I am the Sergeant of the West Sussex Division Neighbourhood Licensing team, Sussex Police. I am responsible for overseeing licensing across the division, with the overall aim of making the districts a safer place by ensuring licensed premises adopt good licensing practice and promote the Licensing Objectives. This is done by working closely with licensed premises and offering support and advice where necessary, but also by taking positive action against those premises that continually or significantly fall below the standard expected by Sussex Police.

The premises known as JJ Whispers first opened on 21<sup>st</sup> April 2011, since which time I have monitored all interactions the Licensing Team have had with the management and reviewed all incidents relating to the venue.

Since this time a number of meetings have taken place with the premises management in order to address high levels of drunkenness and incidents of violent crime & disorder relating to the venue. A number of breaches of the conditions on the premises licence have also been addressed.

A meeting was held at Horsham Police Station on 19<sup>th</sup> July 2011, following concerns raised with the premises management relating to drinks promotions on 'Facebook'. A number of issues were discussed, including irresponsible drinks promotions and the issues arising from excessive drinking, as well as a discussion around breaches of the conditions of the premises licence and the requirement to ensure they were being met.

On 19<sup>th</sup> October 2011, the premises management were called to Horsham Police Station to discuss their planned events. The issue was raised regarding controlled drugs being found on people who had been arrested at the premises. The premises search policy was discussed due to a number of incidents occurring as a result of people being under the influence of illegal substances. A further issue relating to the head of security being aggressive towards police officers and demanding arrests be made was also addressed. It was explained that it is unacceptable for a police officer to be pushed and shouted at to arrest people. Marc Simpson wanted to offer apologies to the officer involved. Further issues were raised regarding breaches of conditions on the premises licence and advice was provided. The meeting concluded with the premises management accepting that there had been too many incidents relating to the venue and agreed to take action.

Following this meeting, a further meeting took place on 25<sup>th</sup> November 2011, at JJ Whispers, which was attended by the local Police Licensing Officer PC Selwyn. The minutes from the meeting show a discussion took place relating to measures that had been put in place since the last meeting, which included extra door staff at the venue, a more robust search policy, barriers for a queuing system and the creation of a controlled area to place patrons involved in incidents. The meeting was positive and encouraging, however a police licensing visit at the premises the next day, on 26<sup>th</sup> November 2011, led to the following report being made by a local response officer:

'...ALTHOUGH NO PROBLEMS AT TIME OF LICENSING CHECK, THERE WAS A GENERAL BAD FEELING AROUND THE PLACE ALL NIGHT AND TWO ARRESTS FOR VIOLENT OFFENCES. IT SEEMED TO OFFICERS THAT EVERYONE EXITING THE CLUB SEEMED TO BE VERY DRUNK AND ANGRY.'

 *deyso B 7*

Continuation of statement of Sgt Tony Jarred CJ100

On 27<sup>th</sup> January 2012, a further meeting was held at Horsham Police Station, attended by the premises management including Stuart and Marc Simpson, along with PC Selwyn, myself, and Crawley Borough Council Licensing Officer Mike Lyons.

Within the meeting I raised concerns regarding the increase and severity of incidents at the premises since the last meeting on 25<sup>th</sup> November 2011. I made it clear that high levels of intoxication was still a recurring issue which was leading to incidents, and needs to be addressed. A number of incidents were discussed, including an incident on 26<sup>th</sup> January 2012, in which an intoxicated female was sick in the toilets and an ambulance was called to attend to her. I also raised concerns regarding an incident of Grievous Bodily Harm (GBH) on 05/01/2012, in which the suspect stated to Police they had consumed ¾ bottle of sambuca before they arrived at the venue and then more sambuca and champagne at the venue. In their words they were drunk when they got there and very drunk when they left.

A whole range of issues were discussed and advice provided by police and Mike Lyons on ways to address the identified problems. The meeting concluded on the basis that the premises would take positive action to address the issues raised. I made it clear that the current level of incidents must be reduced, and stated that it was for the premises management to take action to ensure the public are safe. Mike Lyons agreed it had been a very constructive meeting.

A follow-up meeting was held on 13<sup>th</sup> April 2012, attended by Jean Irving, Public Safety and Force Licensing Manager, PC Selwyn, Licensing Clerk [REDACTED] and myself, along with Stuart and Marc Simpson and the DPS Martin Slocombe. Marc Simpson went through a number of measures the premises had put in place as a result of the previous meeting and it was agreed that there had been a decrease in the levels of incidents since the last meeting. However it was acknowledged that high intoxication levels remained but things were going in the right direction.

Jean Irving questioned why an incident in which a female who was ejected due to not meeting the required dress code, who was later found to have a bottle of methadone on her person, was not recorded in the incident log. The DPS responded that it was surprising the female had been allowed to enter the premises in the first instance and was unsure why the incident was not recorded in the log. Jean Irving mentioned two further incidents, which were again found not to be recorded in the incident log.

Within the meeting I raised an issue regarding an incident on 18<sup>th</sup> March 2012 in which Marc Simpson was rude towards PC Selwyn whilst she was undertaking a licensing visit. PC Selwyn reported that following her visit to the premises Marc Simpson approached her and in a raised voice questioned why she walked across the dance floor and stated it was affecting his business. Marc went on to say 'I'VE NEVER WORKED WITH SUCH AN AWFUL AUTHORITY'. Marc went on to state 'I'M NOT GOING TO BE AMICABLE ANYMORE'. PC Selwyn reported that as Marc walked away from her he said 'I WISH I'D NEVER OPENED THIS FUCKING CLUB'. PC Selwyn reported that she was 'shocked' and 'disgusted' with how Marc Simpson had spoken to her.

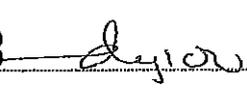
Marc Simpson provided an account of his version of events and stated that he had lots of VIP's in the venue on that evening and in his opinion if people see police they don't like it. Marc stated that he was a bit upset and felt the visit was unnecessary and an infringement. Marc accepted that it was not dealt with in the right manner and apologised if he had been rude.

I explained to all parties present that police licensing visits form part of reducing crime and disorder and promoting public safety in late night premises. I advised that police go to many premises and have never had this kind of reaction before; most premises like a police presence and the public confidence it provides. Jean Irving confirmed that the style of policing and licensing checks in Crawley are a standard that is found across the whole of Sussex and forms part of the strategic plan that she sets.

A further meeting was held at Horsham Police Station on 10<sup>th</sup> July 2012 in which a serious incident was discussed where a male who had been involved in a fight on the dance floor had received injuries amounting to GBH. Present were Marc Simpson, Martin Slocombe (DPS) and the Head Doorman Dan Nuttall along with [REDACTED] and Myself. I explained that the males involved in the incident were described as drunk, and the attending officers reported high levels of intoxication at the premises.

Further measures to reduce violent and drunken incidents were discussed with the premises management and I concluded the meeting advising that there was still further room for improvement.

Signature

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

PTO

B 8

Continuation of statement of Sgt Tony Jarred CJ100

Further visits conducted by Licensing Officers reported very high levels of drunkenness. This included a visit on 23<sup>rd</sup> December 2012 in which a female was considered to be vulnerable due to being highly intoxicated, and a male was seen to leave the premises so intoxicated that he was observed staggering from side to side as he walked up the road. A visit by officers on 2<sup>nd</sup> February 2013 reported that upon arriving at the premises the head doorman was dealing with two drunk females who had been inside the venue and were refusing to leave until they got their coats back.

On 15<sup>th</sup> February 2013 a discussion took place between [REDACTED] Licensing Officer, and Marc Simpson, regarding a submitted Temporary Event Notice (TEN). Within this conversation Chris Boyle reported that he advised Marc Simpson that the intoxication of his customers had been noticed to be on the increase again. Marc Simpson responded stating he would be working that night and would address the issue.

The incidents which have occurred from April 2013 in relation to JJ Whispers are well documented with the Review Application served by Sussex Police on 10th January 2014, as well as further meetings that have taken place with the premises management.

In relation to the Review application, I can confirm that on 23<sup>rd</sup> November 2013, I visited JJ Whispers shortly after a visit by plain clothed officers had taken place. I witnessed a female being taken into the back of an ambulance. I was informed that the female was drunk and had recently been seen to have vomited inside the venue. As I witnessed this I was approached by Peter Phillips, who advised me that he was in charge of the venue on that evening. I expressed my concerns directly with Mr Phillips, who tried to reassure me that this was a 'one-off' incident. I spoke with Peter Phillips for approximately 15 minutes, during which I expressed my concerns around levels of drunkenness of patrons at the venue. Peter continued to reassure me that there was not a problem with high levels of drunkenness at the venue, when a very drunk male was escorted past me, and ejected from the premises after being found drunk in the toilets by police licensing officers. The male was ejected onto the street at which point I advised Peter Phillips of his duty of care to the male, having allowed him to become drunk and vulnerable whilst in the venue. Peter then directed a member of door staff to attend to the drunken male, who proceeded to vomit over the floor outside of the venue. I explained to Peter Phillips that the levels of drunkenness witnessed at the premises was totally unacceptable and outlined my concerns.

On 25th November 2013, I received a phone call from Marc Simpson, in which he wanted to complain about the nature of the licensing visit conducted 3 days previously, as outlined above. Marc Simpson requested a meeting with the Licensing Team to discuss the issues raised. I reminded him of his responsibility to promote the licensing objectives and highlighted my concerns at the levels of intoxication witnessed at the premises.

The Licensing Team have provided support to the management of JJ Whispers over a long period of time and ensured that concerns have been promptly communicated in order to allow swift resolutions to identified issues. During this time the management have made a number of changes, however the high levels of drunkenness and incidents of crime and disorder have continued.

It is clear from the number of meetings held between the Sussex Police Licensing Team, and the premises management of JJ Whispers, that consistently high levels of drunkenness at the premises have not been addressed. Whilst the venue has had periods in which levels of incidents have reduced, this is only for a short time. The failure by the premises management to address the issues in the long term, has led to a culture in which high levels of drunkenness is considered normal and acceptable leading to incidents of crime & disorder; placing the public at risk of harm.

[REDACTED] *deja*

Signature

[REDACTED] *deja*

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

B 9

PTO

### 1. Saturday 6<sup>th</sup> April 2013 00:40hrs

Door supervisors at the premises became aware of two males squaring up to each other on the dance floor. One male was ejected. The male's female partner left the premises shouting and swearing. The male then punched a member of door staff in the face causing swelling and bleeding. The female intervened, scratching and punching the member of door staff. She was also restrained and both the male and the female were arrested. On reaching custody the female was incapable of signing her rights due to her high levels of intoxication. When sober she received a caution for Common Assault. The male was charged with Common Assault and is due in Court in January 2014.



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**WITNESS STATEMENT**

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

URN 

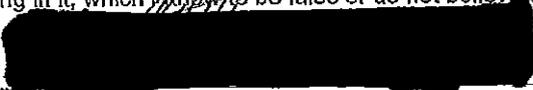
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Statement of: Jonathan Bryant

Age If under 18: 0.18 (If over 18 Insert 'over 18') Occupation: Police Sergeant AB834

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 6/4/13

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

At 00:40 hours on Saturday 6<sup>th</sup> April 2012 I was on duty in full uniform in a marked police carrier with PC DM266 McManamon, PC DG851 Goring, PC DP383 Palmer, PS CH580 Hester and Insp CS231 Sanford on patrol in the Crawley town centre area when there was a call over the radio to the premises of J J Whispers 107 High Street, Crawley to the report that a male had punched one of the door staff and was being restrained on the ground outside the club. We started to make to the club and en route we were further advised that a female was also being restrained on the ground.

We arrived at the location a short time later, I saw that door staff had a male and female restrained on the ground. I ran over to the two door staff who had a male restrained on the ground opposite the club entrance doors. He was face down and the two door staff had him restrained. I bent down and told the male to put his arms behind his back so I would be able to handcuff him to prevent any further injury or assault and whilst I did so I asked one of the door staff what had occurred.

I was told that the male had been asked to leave the club and had then punched one of the door staff to the face causing an injury.

I said to the male, 'In view of what I have just been told I am arresting you on suspicion of assault ABH on one of the door staff as there is a need to prevent any further injury and to interview you.'

I cautioned him and as I did he replied, 'You know me.'

I saw that the male was a man who I know to be [redacted] Crawley.

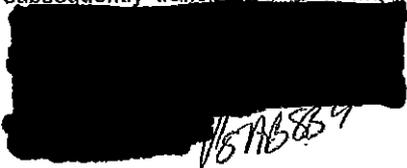
[redacted] compliantly let me handcuff him to his back. I was aware that the female behind was also being arrested by other officers for assault and was removed to the Police van.

[redacted] was stood up and we waited for transport to arrive. I saw that his eyes were glazed, he smelled strongly of alcohol and was very emotional. He was clearly intoxicated.

[redacted] AB834

Continuation of statement of Police Sergeant Jonathan Bryant

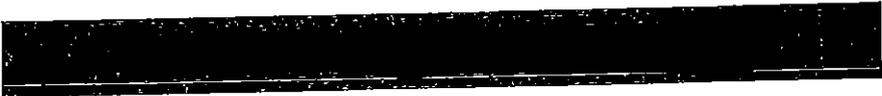
 was subsequently transported to Crawley Police Station Custody Centre where his detention was authorised

  
15/11/85

Signature \_\_\_\_\_

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

PTO



**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: Sarah Jane GORING

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable DG851

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:  DG851 Date Saturday 6<sup>th</sup> April 2013

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

On Saturday 6<sup>th</sup> April 2013 I was on full uniformed duty as part of Operation Marble, prevention of town centre violence, and anti social behaviour. I was crewed with PC PALMER DP383, call sign WRK01. At 00.37 hours approximately we were assigned to a male who had been detained by door staff outside JJ WHISPERS, and we were also informed that there was a female trying to get involved. As we approached I could see that a male was being restrained on the ground, by two or three door staff, and a female was being restrained on the ground by another member of door staff. I went to where the female was being restrained and took over from a male who was holding her in a ground pin. I said to him "WHY HAS SHE BEEN RESTRAINED" to which he replied "SHE PUNCHED AND KICKED STAFF" At 00.40 hours I said to the female now known to me as  "I AM ARRESTING YOU ON SUSPICION OF ASSAULT OCCASIONING ACTUAL BODILY HARM" I then "CAUTIONED" her to which she made "NO REPLY" She was handcuffed to the rear and these were checked for fit and double locked.  was then helped to her feet and stood up. She smelt heavily of intoxicating liquor, and her speech was slurred, in my opinion she was very drunk. She was very angry at having been arrested and maintained that she and her boyfriend,  had done nothing wrong. She was taken to CRAWLEY CUSTODY, where her detention was authorised by a custody sergeant.  DG851

 DG851

SUSSEX POLICE

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

URN

Statement of: Daniel NUTTALLAge if under 18: 0113 (if over 18 insert 'over 18') Occupation: Door staff

This statement (consisting of 013 <sup>3</sup> 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 which I know to be false or do not believe to be true.

Signature:  Date: 6<sup>th</sup> April 2013Tick if witness evidence is visually recorded  (supply witness details on rear)

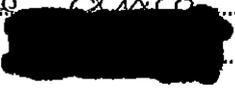
I am the head doorman at JJ Whispers in Crawley.

I have been working the doors as an SIA member for five years approximately. I have been working at this club for approximately two years.

This evening I was working both the front door and the floors inside the club, alternating between them. My role is to monitor behaviour of our customers and ensure the smooth running of the premises.

This evening I was on the front door when I noticed a female in the que waiting to come in. I recognised her from being in the premises previously, and having had chats with her.

I would describe her as a white female, approx 25yo, slim build, long dark hair, approx 5'7 in height. There were no issues at this time so she came in to the club. Shortly before 1238hrs I was called to the dance floor, in front of the DJ

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

PTO

Continuation of statement of: .....

booth by [REDACTED], another member of door staff, requesting assistance as two males were having a confrontation. As I approached the two males and [REDACTED] could see they were what I would describe as squaring up to each other. I spoke to one of the males and I asked him to speak with me and to diffuse the situation to attend the front door with me. Initially, he refused he was verbally aggressive to me and was squaring up to me and becoming more aggressive. I took hold of the male in an arm restraint as he was refusing to leave the club. I, [REDACTED] and now another colleague [REDACTED], have removed the male to the fire exit to speak with him. After a few moments the male calmed down and agreed to leave the club. I and [REDACTED] have escorted the male from the club to the front door and on to the street. Once there the male and I had a polite exchange of words and he and I shook hands. I would describe the male as 6'2 medium build, mixed race, approx 25yo, with short cropped dark hair. I have then become aware of the female I had seen earlier in the evening to the side of me, I turned

Signature: [REDACTED]

Signature witnessed by: .....

Continuation of statement of: .....

to look at her as she was shouting. Once I had turned, the male in front of me had swung at me, totally unprovoked, and punched me straight in the face, hitting my top lip nose and my front teeth. Immediately, I could taste blood in my mouth and pain in my teeth and face. I slugged backwards and was disorientated. Next thing I saw my colleagues had taken the male to the floor. Police arrived and the male was arrested.

I have pain in my nose and my front teeth.

I have never seen this male before but I would recognise him again. At no point did I give anyone permission to assault me. [REDACTED]

Signature: [REDACTED]

Signature witnessed by: .....



**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: Claire Louise Selwyn

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

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 15/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

In relation to the incident on Saturday 6<sup>th</sup> April 2013 at 00:40 hours made to Sussex Police in which door supervisor at JJ Whispers Nightclub, 107 HIGH STREET, CRAWLEY was assaulted and subsequently both a male and a female were arrested for ABH.

I can confirm from the custody reference number 47NC/1916/13 relating to the arrest of the male for the offence of ABH, the following comments have been made by the Custody Sergeant in relation to the detained persons detention log:

"THE DP IS DRUNK."

I can confirm from the custody reference number 47NC/1913/13 relating to the arrest of the female for the offence of ABH, the following comments have been made by the Custody Sergeant in relation to the detained persons detention log:

"UNDER INFLUENCE OF DRINK OR DRUGS".

I can confirm the following comments were also made in relation to the females detention:

"THE TAKING OF FINGERPRINTS/PHOTOGRAPH/DNA HAVE BEEN DELAYED DUE TO THE DETAINED PERSON BEING DRUNK".

During the females detention an Inspector conducted a review and I can confirm the following comments were also made:

98

Continuation of statement of [REDACTED]  
"D/P HAS BEEN ARRESTED FOR ABH AT THE TIME OF ARREST SHE WAS UNFIT TO BE DEALT WITH  
OWING TO ALCOHOL. D/P TO BE ALLOWED A PERIOD OF REST TO SOBER UP AND WILL BE  
INTERVIEWED IN THE MORNING BY RIT WITH A SOLICITOR PRESENT WHICH HAS BEEN  
ARRANGED".

D/P means detained person.

This information was taken directly from Police custody record, as referenced in this statement.

[REDACTED]

DS198.

*[A large diagonal line is drawn across the page, likely indicating a signature or a mark.]*

[REDACTED]

DS198

Signature \_\_\_\_\_

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

PTO

B 18

## **2. Sunday 5<sup>th</sup> May 2013 01:30hrs**

An 18year old female was on the dance floor when a male held his forearm across her throat and forcefully placed his hand up her skirt sexually assaulting her. The female reported this to door supervisors who then approached a male matching the description she had given. Shortly afterwards she left the premises where she and her friend saw a male, matching the description, engaged in conversation with door staff outside the nightclub. No details were taken by the door supervisors and police were not informed of the incident by the premises. This resulted in the loss of evidence, impeding the police investigation.

The victim reported the incident to police an hour later when she arrived home in a distressed state. The following day Sussex Police attended the premises to obtain a copy of the CCTV but were informed that the club was too busy to provide it and that the disc drive may not be working properly. Eventually a recording was provided although due to the poor quality it was not possible to identify the suspect.

The case was filed as undetected.



**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: OV 18 (if over 18 insert 'over 18') Occupation: Police 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: DS198 Date 22/01/2014

Tick if witness evidence is visually recorded  (supply witness details on rear)  
I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

I can confirm that on Sunday 5<sup>th</sup> May 2013 Sussex Police received a report of a Sexual Assault by the mother of the 18 year old female which took place at JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex. I can confirm that the female reported to police that she had been inside the club when a male held his forearm across her throat and forcefully placed his hand up her skirt sexually assaulting her. The female reported to door staff at the time who then approached a male matching the description she had given. Shortly afterwards the female stated to police that she left the club and the male matching the description was seen in a conversation with door staff. I can confirm that Sussex Police were not informed of the incident by the premises. The investigation log sheets show that the following day Sussex Police attended the premises to obtain a copy of the CCTV but the club informed police that they were too busy to provide it at that time and that the disc drive may not be working properly. Eventually a recording was provided however it was extremely poor quality. The female was informed that the suspect could still not be identified due to lack of CCTV. The case was filed as undetected. DS198

DS198

### 3. Sunday 12<sup>th</sup> May 2013 01:10hrs

Two uniformed police officers were on foot patrol outside JJ Whispers when they witnessed a drunken female being ejected from the premises. Door staff were restraining her as she was screaming kicking and swearing. Officers intervened as it was clear she would not comply with requests to calm down and shouted at the officers ".get the fuck off me you pricks". She was subsequently arrested for Drunk and Disorderly Behaviour.

On arrival at custody the female was too intoxicated to read or sign her rights. During her detention she was seen to be so drunk that she vomited, removed all her clothing and masturbated on the floor of the custody cell. When sober she was issued with a Penalty Notice for Disorder for being Drunk & Disorderly.



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: Thomas Mooney

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police officer - CM589

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: [Redacted] Date 12/05/2013

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

On Sunday 12<sup>th</sup> May 2013 at around 01:00 hours I was on duty in full uniform with Pc Fornari DF784. I was on foot patrol outside JJ Whispers nightclub in Crawley. I was looking at the front entrance when I saw a female being escorted out of the nightclub by a couple of door staff. As the female walked down the stairs she was kicking both legs out in front of her as if she was trying to break free from the door staff who were escorting her out. I approached the female at the entrance who continued to kick out with both legs. I now know this female to be [Redacted] who was extremely emotional and was crying and screaming. [Redacted] was shouting that her ex boyfriend had cheated on her five times. I attempted to try and calm [Redacted] down but without any success as she continued to shout and scream about her ex partner. [Redacted] was directly outside the nightclub and there was other members of the public who were present and could see her behaviour. [Redacted] had glazed eyes and she was unsteady on her feet, she was drunk. [Redacted] then started to wave her arms around and I had to take hold of her right arm to prevent it hitting anybody. Pc Newby CN108 and Pc Phipps DB377 then turned up in a police van to help deal with the incident. I have then escorted [Redacted] the rear of the police van to help in trying to calm her down. On getting [Redacted] to sit down in the back of the van she instantly stood up in an attempt to get out. [Redacted] was shouting that she had tried to kiss her boyfriend but that he didn't want too. [Redacted] continued to shout in the back of the van. I tried to obtain details from [Redacted] but she would not provide me with anything. It was at this point that [Redacted] friend who I do not know came over to the van and provided me with a driving licence for [Redacted] I then asked [Redacted] to confirm her address but she stated she did not know it, her friend did not know her address either. I have then checked [Redacted] through on police systems, while leaving the female with Pc Fornari. We have then tried to explain that [Redacted] needed to go home in a taxi, but she



Continuation of statement of Thomas Mooney  
stated she was going home with her ex partner which was planned [REDACTED] said "I CAN AFFORD  
A FUCKING TAXI, I AM A SINGLE MUM". [REDACTED] was then removed from the van once she had  
calmed down slightly and I was going to issue her with a section 27 form to direct her to leave the area.  
[REDACTED] has then said loudly "SO YOU CAN'T HAVE A RELATIONSHIP ANYMORE, IS THAT  
AGAINST THE LAW" and then "GET THE FUCK OFF ME YOU PRICKS". I have said to [REDACTED]  
"I AM ARRESTING YOU FOR BEING DRUNK AND DISORDERLY" and cautioned her. [REDACTED]  
Just continued to shout and scream and I handcuffed her to the rear as her behaviour was unpredictable. I  
recall [REDACTED] saying "YOU ARE ARRESTING ME FOR BEING IN LOVE". [REDACTED] was  
then transported to Crawley custody in a different van and she continued to be emotional the whole time. In  
custody [REDACTED] fell to the floor when being spoken too and continued with being emotional and  
dramatic. The detention of [REDACTED] was then authorised.

[REDACTED]

[REDACTED]  
Signature witnessed by: \_\_\_\_\_



**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: Claire Louise Selwyn

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

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:  DS198

Date 15/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

In relation to the incident on Sunday 12<sup>th</sup> May 2013 at 01:10 hours two uniformed police officers were on foot patrol outside JJ Whispers when they witnessed a drunken female being ejected from the premises. She was subsequently arrested for Drunk and Disorderly Behaviour.

I can confirm from the custody reference number 47NC/2633/13 relating to the arrest of the female for the offence of drunk and disorderly, the following comments have been made by the Custody Sergeant in relation to the detained persons circumstances of arrest:

"THE DP WAS EJECTED FROM A NIGHTCLUB AT ABOVE LOCATION. DP SEEN KICKING OUT, AND SWEARING AND BELIEVED TO BE DRUNK."

I can confirm the following comments were also made on the detention log:

"INCAPABLE OF SIGNING BECAUSE DRUNK AND EMOTIONAL".

"DP IS DRUNK".

"THE DETAINED PERSON WAS NOT INFORMED OF RIGHTS AT THIS TIME BECAUSE THE DETAINED PERSON IS INCAPABLE OF UNDERSTANDING WHAT IS SAID. THE DP IS VERY DRUNK. TO BE GIVEN WHEN SOBER".

"INCAPABLE OF SIGNING RECORD OF PROPERTY BECAUSE TOO DRUNK".

"DP IS VERY DRUNK AND EMOTIONAL. THE DP HAS NOW STRIPPED NAKED AND IS STANDING IN THE MIDDLE OF THE CELL".

"THE DPS IS NAKED IN HER CELL"

 DS198

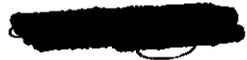
Continuation of statement of: CLAIRE LOUISE SELWYN  
"SHE IS CURRENTLY LYING ON THE FLOOR MASTURBATING".

"DP SEEN ON CCTV TO BE KNEELING BY HER TOILET AND THEN FALL BACKWARDS ONTO THE CELL FLOOR".

"THE DP IS SHIVERING, AS SHE IS LYING ON THE CELL FLOOR AND IS COMPLETELY NAKED. SHE HAS REFUSED TO WEAR HER CLOTHES, AND HAS THREATENED TO HARM HERSELF SO I HAVE PLACED HER CLOTHING OUTSIDE THE CELL TO ALLOW IT TO BE RETURNED WHEN SHE IS SOBER".

"DP SEEN IN CELL. SHE HAS VOMITTED A SMALL AMOUNT".

This information was taken directly from Police custody record, as referenced in this statement.

  
DS198.

Signature \_\_\_\_\_

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

PTO

#### 4. Sunday 12<sup>th</sup> May 2013 02:53hrs

Sussex Police received a call from a male who had been ejected from the premises because he had vomited. The male complained that he had purchased a bottle of vodka but was ejected before he had drunk it all. The male was unhappy and sounded intoxicated to the call handler. Sussex Police are aware, and are very concerned, that the premises promotes / advertises the sale of large bottles of spirits (70cl & larger) to an individual for consumption within a booth. The bottle of alcohol is then the property of the purchaser, to be dispensed directly from the bottle in undefined quantities.



**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: Claire Selwyn

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

Date 23/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

I can confirm that on Sunday 12<sup>th</sup> May 2013 at 02:53 hours Sussex Police received a report from a male in relation to JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex, where he stated to the call taker that he had vomited whilst at the club and was then asked to leave the premises. The male reported this to police because he was unhappy about the situation as he had purchased a bottle of vodka at the club. I can confirm that the call taker advised the male to go home and call the manager of the club at a later time. I can also confirm that the call taker typed comments onto the report stating that the male sounded intoxicated.

I can confirm that all the information provided was taken directly from a Police report. DS198.

DS198.

## 6. 21<sup>st</sup> May 2013

A meeting was held at the premises between PC Selwyn of the Neighbourhood Licensing Team and the DPS Marc Simpson, Sorrel the manager, Dan the head of the door supervisor team and Peter Philips head of Security Solutions who provide the door security team. At the meeting, police raised concerns regarding a "Hangover Party" where-by Jagerbombs were given as part of the entry fee. The DPS stated that since a new club had opened things had been difficult and that he was concerned about their competitors' drinks promotions. He also raised concerns that Sussex Police did not monitor other premises or take action when he raised concerns about them & that they were unhappy regarding uniform officers response to a recent incident at the premises. PC Selwyn explained the procedure for making a formal complaint should they wish to report this. PC Selwyn asked the DPS how he considered the intoxication levels of his patrons to which he replied "Fine". However the head doorman stated that people pre-loading did cause them some problem requiring patrons to be removed from the premises due to intoxication.



**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: Claire Selwyn

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

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:  DS198 Date 23/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

On Tuesday 21<sup>st</sup> May 2013 I arranged a meeting with the management of JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex. This meeting took place at the club and present was myself, Marc SIMPSON (Designated Premises Supervisor), Sorrel (Assistant manager), Daniel NUTTEL (Head doorman), Peter PHILIPS (Head of Security Solutions - door company).

The meeting began by a general conversation on how the business had been doing and I was informed that it was currently a tough time and that they did find it extremely difficult during the initial opening of Moka Nightclub, Station Way, Crawley, West Sussex in October 2012.

Marc SIMPSON then went onto tell me what events they had planned over the following three weekends. He informed me of an event due to take place on Friday 31<sup>st</sup> May 2013 called "THE HANGOVER PARTY". He explained that this was a movie themed evening which consisted of a £5 entry fee or £6 entry fee 10pm onwards which includes an alcoholic drink called a jagerbomb (35% abv) upon entry before 11:30pm. This themed evening also included blackjack and roulette tables which Marc SIMPSON assured me patrons will not be playing for any money and instead the person who wins at the end of the night will receive a free bottle of champagne.

At this point I raised my concerns with Marc SIMPSON explaining how this themed evening could be perceived differently and looked as though the club are enticing patrons to enter, get drunk and then suffer

 DS198

Continuation of statement of [REDACTED] with a hangover the following day. He then stated that he was a responsible DPS and hoped Sussex Police also perceived him to be. He acknowledged our concerns however the advertising was written in a marketing way specifically to draw people into the club.

Marc SIMPSON then raised concerns he had about other premises within the town and their drinks promotions. I took his information down and said I would look into this. However he then told me that he doesn't believe what he tells us ever gets looked into and dealt with.

I then began talking through some of the recent incidents with Daniel NUTTEL, during this conversation Marc SIMPSON appeared to look least interested and bored. He did not participate in the conversation at all.

Peter PHILIPS then complained to me about an incident where he wasn't too impressed with the police officers who attended. I had to explain to Peter PHILIPS the procedure for making a complaint which will get dealt with officially.

I then went onto ask about their ID Scanner and if it is linked up to the Internet and can therefore link in with other premises. They stated that it was but if they ban people from their club they don't necessarily make other premises aware as well as they don't always deem it necessary.

I ended the meeting by finally asking Marc SIMPSON what his thoughts were on the patrons intoxication levels and he replied "FINE". At that point Daniel NUTTEL then stated that they are still getting issues with customers pre-loading at their homes and then after an hour of being inside the club he is having to eject patrons due to their high levels of intoxication. [REDACTED] DS198.

[REDACTED] DS198.

Signature

Signature witnessed by:

B 30

PTO

## **7. Friday 24<sup>th</sup> May 2013 02:44hrs (Sub judice)**

Police CCTV saw a fight outside JJ Whispers and asked officers to attend. Police Officers attended to find a group of people involved in a disturbance outside the club. A number of males were seen squaring up to each other. A fight broke out apparently after one male racially abused a female. In total three males were arrested.

All parties had been in the premises and were leaving as it was closing time.

During interview one male admitted to consuming 6 Budweisers and 10 Vodka Red Bulls but stated that he was used to drinking.

One male was charged with Common Assault and later convicted at Magistrates Court. A second male was charged with Section 4 Public Order Act Offence of racially aggravated intentionally causing harassment alarm or distress and is yet to appear in court.

**8. Sunday 02<sup>nd</sup> June 2013 01:55hrs**

Police were called to the premises where door staff had detained a male in the toilet area in possession of a bag of cocaine. The male was arrested for possession of Class A drugs and was described by the arresting officer as being drunk. He later admitted he had bought the drugs from a male inside the premises. The male received a Police Caution.



**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: Adam Creasy

Age if under 18: 018 (if over 18 Insert 'over 18') Occupation: Police Constable CC935

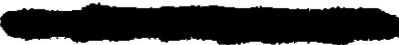
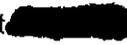
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:  CC935 Date 02/06/2013

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

On Sunday 02 June 2013 I was on duty in full uniform working with PS WARNCKEN CW082 as a driver of a marked police vehicle responding to call sign WR106.

At 0140hrs I received a call on my personal airwave radio to attend JJ WHISPERS NIGHTCLUB, HIGH STREET, CRAWLEY, WEST SUSSEX, where they had detained a male they had found in possession of class A, suspected cocaine.

When I arrived on scene I saw a male I now know as  he was detained at the front of the nightclub, he was identified to me by Daniel NUTTALL who is the head door supervisor. NUTTALL explained that he conducted the searches in the toilet and located  who had white powder around his nose. NUTTALL confirmed that  handed him a packet of cocaine which he produced from his pocket this was then handed to SGT WARNCKEN.

At 0145hrs I said, "I AM ARRESTING YOU ON SUSPISION OF POSSESSING CLASS A DRUGS COCAINE", I then cautioned him to which he made no reply. I handcuffed him to the rear and transported him to Crawley police station where his detention was authorised.

Whilst in the custody block  said "ITS COCAINE, YEAH ITS COCAINE" I have not recorded these comments anywhere else. He was slurring his words, and unsteady on his feet, he continually was fidgeting and his hands were opening and closing, he was unable to follow my directions, his breath smelt strongly of intoxicating liquor, I would state that he was drunk and possibly under the influence of drugs. 





**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: Claire Louise Selwyn

Age if under 18: OV 18 (if over 18 insert 'over 18') Occupation: Police 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.

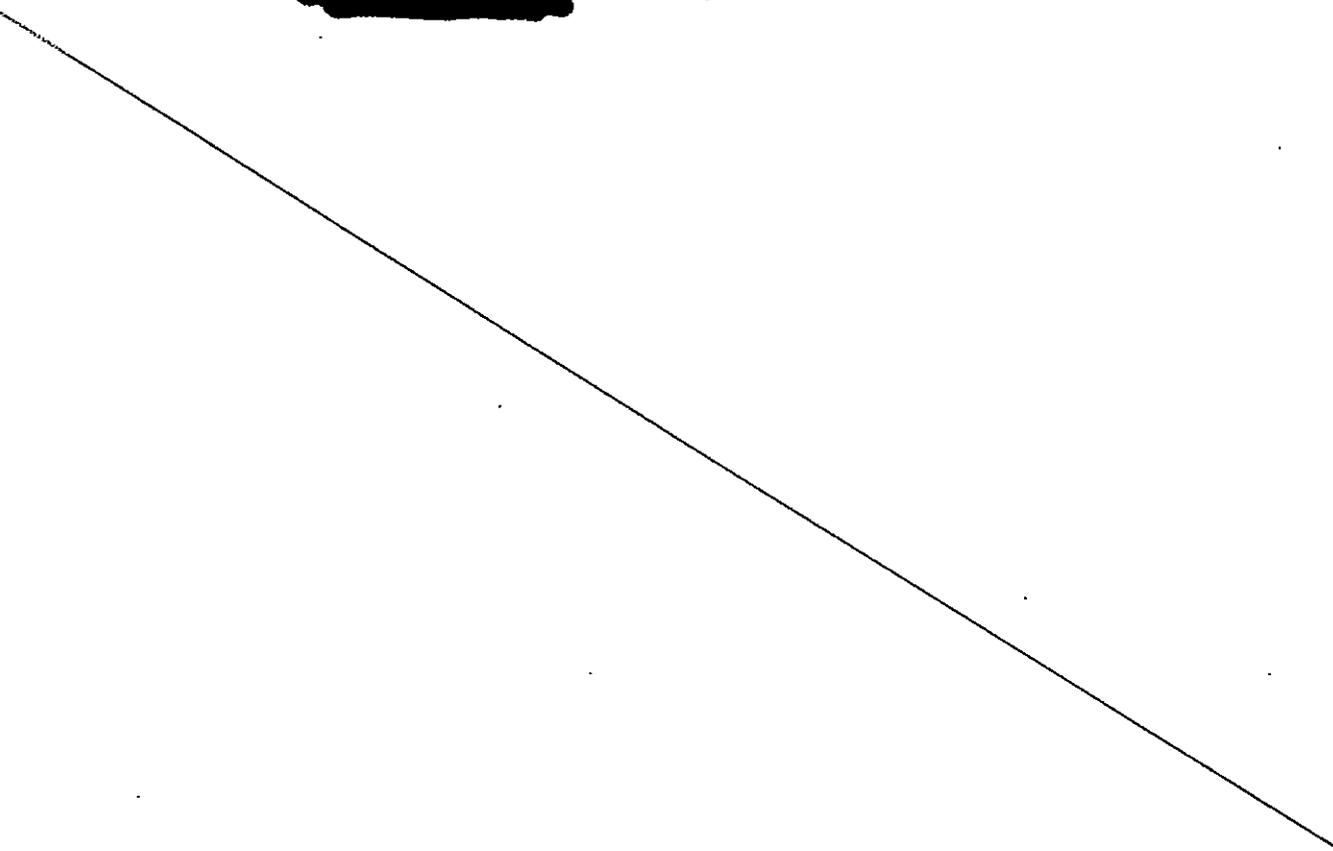
Signature:  DS198,

Date 24/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

I can confirm that on Sunday 2nd June 2013 at 01:55 hours in relation to a male who had been arrested for Possession of Class A drugs at JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex that during his interview at Crawley Police Station he admitted to buying the drugs from another male who he'd met inside the club.  DS198,



**9. Saturday 8<sup>th</sup> June 2013 00:25hrs**

Police Officers were on duty in patrol vehicle when they observed a disturbance outside JJ Whispers. No call for assistance had been received, but one male was being restrained on the floor by a door supervisor. A second male was identified as being involved in the incident. The officers were informed that the two males were part of a group who had been ejected from the premises after one of the group had vomited in the club.

The male who had been on the floor was swearing and shouting. He was unsteady on his feet rambling and incoherent. The male was arrested for Drunk and Disorderly Behaviour. He was taken to Custody where he was required to remain in a custody cell until the following day in order to sober up. Custody records reflect that he was sick in the cells and very drunk. The following day he received a Penalty Notice for Drunk and Disorderly Behaviour

Another male from this group was later issued with a Section 27 direction to leave the area but failed to comply. He was arrested and taken to the custody cells where he was detained over night to sober up, after which he received a Police Caution



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: Claudia Magdalen FORNARI

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police officer DF784

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 in it, anything which I know to be false or do not believe to be true.

Signature: \_\_\_\_\_ Date 08/06/2013

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

On Saturday 08 June 2013 I was on duty in full uniform with PC SMITH CS384 when at 0025hrs we were on patrol and drove past JJ WHISPERS Nightclub in Crawley. As we approached I saw a disturbance outside it involving a couple of males and door-staff. I had no idea what was happening as nothing had come over the police radios.

As I stopped the police car and exited it, I saw one male being restrained by door staff. PC SMITH went over to him, and another door-man identified another male who had been getting involved but who had now calmed down; I now know this male to be [REDACTED]. I was told by door-staff that the two males and their friends had been ejected because one of the party was bring sick in the club and none were welcome anymore; everyone else except [REDACTED] and the male being restrained were accepting of this and did not cause a scene about it. It wasn't [REDACTED] or the ale being restrained who had vomited.

I spoke for about three or four minutes with door staff and [REDACTED] and once I had established there were no allegations against [REDACTED] and I was satisfied he wasn't going to cause problems, I went over to PC SMITH. I asked him "WHATS HAPPENING WITH HIM?" I then heard PC SMITH arrest the male for being drunk and disorderly. As I was talking to [REDACTED] and as I approached PC SMITH I could hear this male I now know to be [REDACTED] swearing and constantly shouting. He didn't appear to be calming down or being rationale. I heard the words "CUNTS" and "YOU'RE ALL CORRUPT" a lot, and demands to see the "UNEDITED CCTV." Within a few seconds of being with [REDACTED] I formed the opinion he was drunk; he was unsteady on his feet and rambling a lot and not being particularly coherent. Due to being with other door-staff and [REDACTED] I didn't really know what [REDACTED] was saying or doing, and only heard small segments of bad language.

He was transported to Crawley custody by me and PC SMITH and his detention was authorised. As we were leaving the nightclub a door-man involved in the ejection I know as Daniel NUTTALL told me that [REDACTED] had also attempted to attack him but he had been unsuccessful.

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





### 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: Claire Louise Selwyn

Age if under 18: OV 18 (if over 18 insert 'over 18')

Occupation: Police 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:  DS198.

Date 15/01/2014

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

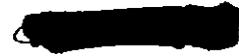
I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

In relation to the incident on Saturday 8<sup>th</sup> June 2013 at 00:25 hours police officers were on duty in a patrol vehicle when they observed a disturbance outside JJ Whispers. No call for assistance had been received, but one male was being restrained on the floor by a door supervisor. The officers were informed that the two males were part of a group who had been ejected from the premises after one of the groups had vomited in the club. Subsequently a male was arrested for Drunk and Disorderly Behaviour.

I can confirm from the custody reference number 47NC/3166/13 relating to the arrest of the male for the offence of drunk and disorderly, the following comments have been made by the Custody Sergeant in relation to the detained persons detention log:

- "DP IS DRUNK".
- "DUE TO VOMIT THE DETAINED PERSON HAS BEEN MOVED INTO CELL NUMBER 20".
- "DP HAS BEEN SICK AND HAS BEEN MOVED TO A CLEAN CELL".
- "DP WILL NOT BE GIVEN ANY FOOD AT THIS TIME DUE TO HIM BEING SICK AND VERY DRUNK".

This information was taken directly from Police custody record, as referenced in this statement.

 DS198.

**10. Saturday 15<sup>th</sup> June 2013 01:39hrs**

Two males were ejected from the premises for fighting with each other male. Once outside one male attempted to continue the fight. The male was unsteady on his feet and directed a stream of swear words at the police officers. He made numerous threats to the other male but refused to provide his details to the police officers. The male was arrested for Drunk and Disorderly Behaviour. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.



### WITNESS STATEMENT

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

URN 

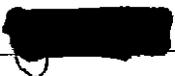
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Statement of: Samantha Jane WEST

Age if under 18: 0'18 (If over 18 insert 'over 18') Occupation: Police Officer

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:



Date 15/06/2013

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

At 01:30 hours on Saturday 15 June 2013 I was on full uniformed foot patrol with PC PALMER DP383. We were outside a club called JJ Whispers, High Street, Crawley as part of Operation Marble which is a Police operation to reduce alcohol linked violent crime.

We noticed two males sat on the raised flower beds, both IC1, one with a white t-shirt and the other with a grey top, and another stood by the wall beside the entrance to the club, IC1 and wearing a blue shirt.

A doorman from JJ Whispers approached PC PALMER and I and advised us that two of these males had had an altercation inside the club and had been throwing punches at each other. He stated that although they had been ejected from the club together neither realised that the other was the other party. PC PALMER spoke to the male in the blue shirt and he stated he was waiting for his partner to come out of the club before he could get a cab home.

One of the males walked past PC PALMER and I and stood by the entrance to the club.

I now know this male to be

Two IC1 females both wearing black dresses exited the club and stood to the right of the door and began speaking to him. I heard one of the females refer to the conversation between them was very animated and seemed very agitated.

Suddenly one of the females shouted "HE'S THERE, THE GUY WHO GOT YOU THROWN OUT IS THERE!" and pointed to the male in the blue shirt. PC PALMER and I stayed close to the entrance and ensured we were stood between the two parties.

The females were shouting at to just get in a cab and go home but he refused and walked away from the females back towards the male in the blue shirt. I stood beside the male in the blue shirt to ensure the two parties were kept separate. walked past the male in the blue shirt and looked over at

DWS143

Continuation of statement of Samantha WEST

him and smiled, he was advised by PC PALMER and I to carry on walking which he did and stood with the other male beside the raised flower beds.

██████████ then turned back and walked towards the male in the blue shirt. PC PALMER and I stood in front of him blocking the way; ██████████ tried to get closer and said to the male "I JUST WANT TO TELL YOU, YOU DON'T KNOW HOW LUCKY YOU ARE!" He was pointing at the male and appeared to be still trying to get to the male so PC PALMER and I put hands on him to keep him back.

I was no more than ten inches away from ██████████ and could smell intoxicating liquor on his breath. This confirmed my suspicions that in my opinion ██████████ was drunk.

He was told to get back and to calm down. He said to me "FUCK OFF, I'M NOT DOING ANY HARM!" He was warned by PC PALMER and I about his language.

The other male wearing the grey top then approached ██████████ and started to put hands on him trying to get him away from us.

The other male said he'd take ██████████ to get a cab and they started to walk away.

PC PALMER and I walked behind them with a member of door staff to ensure they made it to the taxi office.

██████████ was being cuddled by his friend and at times they were almost falling to the floor. ██████████

kept trying to walk back towards JJ Whispers but his friend kept hold of him.

PC PALMER and I continued to follow them and tell them to keep moving.

Both males stopped approximately twenty metres along the path and leant against the fence. PC PALMER and I approached them and told them to carry on walking. ██████████ turned to me and said "FUCK YOU!"

It was now clear to me that due to his intoxication, and inability due to this to listen to reason, that his presence in the locality was likely, in all the circumstances, to cause or to contribute to the occurrence of alcohol related crime or disorder in that locality. The giving of a Direction under Section 27 of the Violent Crime Reduction Act was necessary for the purpose of removing or reducing the likelihood of there being such crime or disorder in that locality.

I asked ██████████ for his surname and he replied "CUNT" so I asked him again and he replied "NOT TELLING YOU" So I wrote on the form 'refused' He refused to answer any of my questions. So I continued to write the form out until ██████████ said "THIS IS BULLSHIT, YOU'RE AN IDIOT! YOU HAVE NO IDEA WHAT I AM CAPABLE OF!"

At 01:39 hours I arrested ██████████ on suspicion of being drunk and disorderly in a public place, I explained that his arrest was necessary to prevent further offences and he was cautioned to which he made

Signature

██████████  
U DW143.

Signature witnessed by:

\_\_\_\_\_

PTO

B 40

Continuation of statement of Samantha WEST  
no reply.

PC PALMER and I took hold of a wrist each and placed them behind his back, [REDACTED] turned to me and said "I'VE GOT A FUCKING DISLOCATED SHOULDER, IF YOU HURT ME AT ALL I WILL FUCK YOU UP REAL BAD". I applied my handcuffs in the approved manner, ensuring they weren't too tight and then double locking them.

PC PALMER and I tried to calm him down but he continued to be verbally aggressive towards us both. He was conveyed to custody where his detention was duly authorised. [REDACTED]

*JW143*

Signature [REDACTED] Signature witnessed by: \_\_\_\_\_ PTO B 41

*JW143*

#### **11. Saturday 15<sup>th</sup> June 2013 02:22hrs**

Uniformed officers were on duty when they became aware of a male engaged in an erratic and irate conversation with a SIA door supervisor. The member of door staff walked away from the male who turned to a second male where the situation escalated. Officers quickly intervened as it became clear that a fight was about to erupt. The first male was unsteady on his feet, his eyes were glazed and his breath smelt of alcohol. He refused to listen to the officers and continually shouted and swore at them. He was issued with a Section 27 direction to leave the area. Having failed to comply with this the male was later arrested. On arriving in custody he was incapable of signing his rights. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.

While in this instance it is not possible for Sussex Police to confirm the male had been inside the night club, his presence and the disorder requiring police intervention is indicative of the ongoing problems that occur at this location in the early hours of the morning.



### 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: Christopher BRYANT

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer CB811

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 15/06/13

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

On Saturday 15th June 2013 I was on full uniform duty with SC HARRIS SC2457 in a marked Police vehicle call sign WR102. At around 0140 hours we were on mobile patrol on the High Street in Crawley. As we passed JJ WHISPERS night club I noticed a male talking with door staff. I now know this male to be [REDACTED] [REDACTED] seemed animated and irate. He was flinging his hands in the air. The member of door staff walked away and [REDACTED] seemed to turn his attention to another male and their conversation appeared to be getting heated. SC HARRIS and I vacated the Police vehicle and approached [REDACTED] who appeared to be the aggressor. [REDACTED] was stating that the other male interfered in a conversation he didn't have any part in so he was telling him where to go and if he wanted to fight he would defend himself. I could smell intoxicating liquor strongly on [REDACTED] breath, at times he was unsteady on his feet and his eyes were glazed. In my opinion [REDACTED] was drunk. We attempted to speak with [REDACTED] but he would argue with everything we said. [REDACTED] began to raise his voice and swear in front of us. [REDACTED] refused to leave and continued to argue. I believed that if [REDACTED] remained on the High street he would be involved in alcohol related disorder where someone could get hurt, so to prevent this at 0156 hours I said to [REDACTED] that he was being issued with a section 27 direction to leave form under S27 of the Violent Crime reduction act 2006. [REDACTED] at first was refusing to give me details and I had to warn him under S50 of the Police reform act to provide his details. He eventually did this. I said to [REDACTED] 'YOU ARE DIRECTED TO LEAVE IMMEDIATELY THE HIGH STREET AND NOT RETURN FOR A PERIOD OF 6 HOURS. YOU MUST ALSO NOT ATTEND STATION WAY IN CRAWLEY.' I explained these locations and why he was being asked to leave. [REDACTED] stated he understood the direction. [REDACTED] refused to sign for the form but accepted his copy. I finished issuing the form at 0207 hours. [REDACTED] didn't leave the High Street until 0210 hours where he walked away shouting 'BULLSHIT'. At around 0220 hours [REDACTED] returned and was standing on

Continuation of statement of Christopher BRYANT  
the High Street, I approached him and advised him that this was his last chance before he would be arrested. [REDACTED] was with a female who stated she was his girlfriend. I spoke to her and explained the situation and asked her to take him home [REDACTED] and this female walked off towards the Boulevard, off the High Street. We returned to our Police vehicle and sat in this location. We were sat on the High Street. At 0225 hours I could see [REDACTED] walking towards us, he walked straight past my driver's side door onto the High Street. I got out of my Police vehicle and asked [REDACTED] to stop; he was on the High Street. [REDACTED] stopped, his back was towards me, [REDACTED] put his hands out to the rear. At this time I handcuffed him compliantly to the rear and said 'YOU ARE UNDER ARREST FOR FAILING TO COMPLY WITH S27 DIRECTION TO LEAVE'. I CAUTIONED [REDACTED] to which he made no reply. I conveyed [REDACTED] to Crawley custody where his detention was authorised. I exhibit Police copy of the S27 form I issued to [REDACTED] as CJB/01 ( ).

*These are my original notes made as soon as practicable at Crawley Police station at 0330 hours on 15/06/13*

Signature \_\_\_\_\_

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

B 44

PTO

## 12. Sunday 16<sup>th</sup> June 2013 00:48hrs

Police on duty outside the premises became aware of a male behaving aggressively with wild and exaggerated arm movements. He was being spoken to by a member of the door staff who had ejected him for being involved in a disturbance inside the premises. The male was approached by officers and it was clear that he was drunk. His eyes were glazed and his shirt had three buttons missing which he stated had been ripped off whilst inside the club. The male was told to go home but he refused to comply. He continued to be aggressive and was arrested for Drunk and Disorderly Behaviour. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.



**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: Jodie PALMER

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

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 16/06/2013

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

On Sunday 16<sup>th</sup> June 2013 I was on uniformed patrol with PC WEST DW143 on Op Marble in Crawley town centre.

At approximately 0042 hours we were outside JJ Whispers in Crawley High Street. I could see that there was a male, who I now know to be speaking to a member of door staff slightly away from the entrance door. My attention was drawn to him because he appeared to be unhappy about something. His voice was raised and he was gesturing excitably with his arms. He was getting quite close to the doorman. I walked closer so that I could monitor the situation and I heard shout at the doorman "TELL ME WHY I HAVE BEEN THROWN OUT? I'VE HAD THE BUTTONS RIPPED OFF MY SHIRT AND IT'S ME THAT GETS THROWN OUT!" The doorman tried to explain that he had been involved in an altercation in the club and this is why he had been thrown out. shouted "BUT SHE THREW THE FIRST PUNCH SO WHY HASN'T SHE BEEN THROWN OUT?" was still using big gestures and getting very close to the doorman so I approached him and said "Calm yourself down and go home." then turned to me and said "LOOK, I'VE HAD THE BUTTONS RIPPED OFF MY SHIRT- ONE, TWO, THREE BUTTONS AND I'VE BEEN CHUCKED OUT. THIS IS RIDICULOUS." I said "You have been thrown out because you've been involved in a disturbance in the club" and before I could continue, started shouting again saying "BUT I WANT TO KNOW WHY I'VE BEEN THROWN OUT. I CAN'T BELIEVE IT." was not listening to a word that was said to him, despite his questions being answered. He was being aggressive in the way he spoke, shouting and at one point he was shouting so loudly and angrily that he spat on me, though this was not deliberate. He smelt of alcohol and was using fast and sudden movements with his arms, demonstrating to me that he was angry. I was concerned at how close he was trying to get to the doorman and felt that he may at some point make contact with him whilst gesturing. His eyes were glazed and I formed the opinion that he was drunk. At this point, I took hold of his

Continuation of statement of PC [REDACTED] arms gently to stop them flying around. I said to [REDACTED] "If you want to make a complaint about being thrown out then do that tomorrow. This is not the time. You need to stop shouting and get yourself home or you will end up getting yourself arrested." [REDACTED] shouted "I DON'T CARE, ARREST ME THEN!" I said to [REDACTED] "I don't want to arrest you, I want you to calm down and go home." [REDACTED] continued to shout at the doorman "I WANT TO KNOW WHY I HAVE BEEN THROWN OUT!" I then said to [REDACTED] "Have you got some I.D please?" [REDACTED] shouted "YES ACTUALLY, I HAVE." He then went through his pockets and shoved his passport at me and said "THERE YOU GO, I.D." I was about to issue the male with a section 27 direction to leave but [REDACTED] continued to shout at the doorman and was clearly not intending to go anywhere. He seemed to be intent on staying and arguing with the doorman, who was not responding to him. [REDACTED] was acting in a disorderly manner and I was concerned that if not arrested, he would not leave and would continue to shout at and argue with door staff or get himself involved in another altercation.

At 0048 hours I took hold of [REDACTED] right arm and PC WEST took hold of his left arm and I said to him "You are under arrest for being drunk and disorderly. CAUTION." [REDACTED] compliantly put his hands behind his back as requested and I handcuffed him to the rear and double locked the handcuffs. He was then transported back to Crawley Custody where his detention was authorised.

During the booking in procedure [REDACTED] continued to be disruptive, continually asking what he had been arrested for and that it was ridiculous. [REDACTED] was advised about 5 or 6 times by multiple people why he had been arrested but he refused to listen. [REDACTED]

Signature

[REDACTED]

Signature witnessed by:

PTO B 47

### **13. Sunday 16<sup>th</sup> June 2013 01:30hrs**

A male was ejected from the premises due to his involvement in an altercation inside the club. He was drunk and aggressive with door staff and began to film them. Police Officers were approached by the male who proceeded to swear and shout at them. He was warned about his behaviour & asked to stop swearing. Despite repeatedly being asked to leave the area he refused and continued to swear and act in a disorderly manner. He was arrested for Drunk and Disorderly Behaviour. He was detained in custody over night to sober up after which he was issued with a Penalty Notice for Disorder.



**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: Sarah Jane GORING

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

Occupation: Police Constable DG851

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:

DG851

Date Sunday 16<sup>th</sup> June 2013

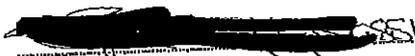
Tick if witness evidence is visually recorded  (supply witness details on rear)

On Sunday 16<sup>th</sup> June 2013 I was on full uniformed foot patrol crewed with PC SAWYER CS417, call sign WRK01. We were conducting routine Op Marble duties, and were walking towards JJ WHISPERS, when a white male wearing a cream coloured knitted jumper gestured at us to come over. As we walked towards him, he started to wave his arms around shouting "DO I LOOK LIKE A FUCKING PAEDOPHILE" I said to the male "STOP SWEARING, AND CALM DOWN" He had a broad Scottish accent, and sometimes it was difficult to understand what he was saying. He smelt heavily of intoxicating liquor, and his words were quite slurred. In my opinion he was very drunk. I now know this male as moved away with PC SAWYER, and I saw them speaking to each other. Another male then came over and explained that he was a friend of and that it was unfair they had been ejected from the club. He was on the phone, and said he was talking to the police. I told him that he had better not have dialled 999 and called police when we were already here talking. He then moved away and carried on talking and I approached the door staff of JJ'S to ascertain what had gone on. It was explained that and his friend had been involved in some kind of an altercation with some males inside the club, and that they had been asked to leave. Once outside became verbal, and he and his friend were using their mobiles to video door staff. Door staff asked them to step away from the property, and to stop filming. This continued for about 10 minutes, and eventually one of the door staff took the phone and deleted the video. This caused some agitation and it was at this point we happened to be outside the club. was repeatedly asked to leave and to get in a taxi and to go back to his hotel. But he stood fast and said "IM NOT FUCKING LEAVING" He was told to go on several occasions, and at one point started to walk away, but then returned shouting "SO ITS MY FUCKING FAULT THAT IM A FUCKING PAEDOPHILE IS IT?" Again he was asked to stop swearing, but he couldn't help himself and started to wave his arms around shouting "FUCK OFF" At 01.30 hours I said to "I AM ARRESTING YOU FOR BEING DRUNK AND DISORDERLY" I then

DG851

Continuation of statement of  
"CAUTIONED" him to which he made "NO REPLY" He was handcuffed to the rear and these were checked for fit and double locked. He then shouted "SO IVE BEEN ARRESTED FOR BEING A SCOTTISH CATHOLIC PAEDOPHILE" To which I answered "NO, FOR BEING DRUNK AND DISORDERLY" He then went onto argue that he was not drunk and to breathalyse him. He was transported to Crawley custody where his detention was authorised by a custody sergeant.  J. D. B. S. I.

Signature



Signature witnessed by:

.....

#### 14. Friday 21<sup>st</sup> June 2013 23:30hrs

PC Selwyn attended the premises with a taxi licensing officer from Crawley Borough Council. They had received information that the premises were running a drinks promotion whereby a free shot was being offered with every 'Tweet' or 'Facebook update'. There were approximately 30 people in the premises. The door supervisor radioed the deputy manager, Sorrel, to escort the officers around the premises. The door supervisor was reluctant to allow them entry until Sorrel had arrived. He was asked about drinks promotions and stated they were offering a 'Buy one get one Free' on Cocktails. Sorrel was then asked if there were any other drinks promotions at which point he acknowledged the Twitter/Facebook promotion. PC Selwyn felt this was reluctantly volunteered. He was provided with advice regarding irresponsible drinks promotions and reminded of his responsibility to promote the licensing objectives.



**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: Claire Louise Selwyn

Age if under 18: OV 18 (If over 18 insert 'over 18') Occupation: Police 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:  DS198.

Date 23/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

On Friday 21<sup>st</sup> June 2013 I was on duty with Bill NAILEN, Taxi Licensing Officer from Crawley Borough Council. At about 23:30 hours we visited JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex. I'd received some information that the premises was advertising a free shot of an alcoholic drink if the customer Tweets or writes a Facebook status tagging the club. Upon approaching the entrance I felt the door staff were reluctant to let me enter without the manager being present to escort us around. However we walked through as some customers were walking out. Once I reached the top of the steps Sorrel the assistant manager was waiting for us. There were about 30 patrons present during the visit and I asked Sorrell if there were currently any drinks promotions being advertised that evening. His response to me was "JUST BUY ONE GET ONE FREE". I then asked if he had any others and very reluctantly he told me about the free shot of alcoholic drink with a Tweet or Facebook Status tagging the club. I advised Sorrell on monitoring the levels of intoxication and at that point he stated that the shot was very low in ABV% and consisted of a lot of juices. On our way out via the smoking area we were informed by the doorman escorting us out that business had not been doing very well at all lately and that the club were lucky to get 300 customers through their doors.

 DS198.

**15. Friday 21<sup>st</sup> June 2013 02:16hrs**

SIA Door Supervisors from JJ Whispers contacted police officers about a highly intoxicated male who had been ejected from the premises for vomiting on the dance floor. The 18 year old male was extremely drunk & semi-conscious outside vomiting in the bushes. Due to his highly intoxicated state & vulnerability Police Officers requested an ambulance attend to assist him.





### 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: Claire Selwyn

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

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:  DS198.

Date 23/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

I can confirm that on Sunday 30<sup>th</sup> June 2013 I received an e-mail from PC Grant Jones CJ270 informing me that on Thursday 21<sup>st</sup> June 2013 he witnessed a male was so intoxicated he was laying in a bush outside JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex vomiting violently. PC Jones informed me that he was alerted by door staff from the club after the male was ejected by staff members for being sick on the dance floor. PC Jones stated that the male was so intoxicated he thought he was somewhere else and that the officers were his teachers. PC Jones states that eventually they managed to get the male into a car with his friends.

PC Jones also states in his e-mail to me referring to the same night that there was a further incident up the road whereby an ambulance had to be called to another very intoxicated male. PC Jones and his colleagues remained outside JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex until closing time and informed me that patrons leaving the club were in an absolute state, stumbling around and various females had to be supported by friends to help keep them from falling down.

I can confirm that all the information provided was taken directly from Police e-mails.

 DS198.

**16. Sunday 23<sup>rd</sup> June 2013 03:00hrs**

A female spent the evening drinking in JJ Whispers, leaving with friends at approximately 02:45 hours. Having taken a taxi she was the last person to be dropped off. On getting home the female contacted Sussex Police reporting that on getting out of the vehicle she had been sexually assaulted by the taxi driver. The female admitted that at the time of the incident she was heavily intoxicated and could not be sure of the taxi company used or the colour of the vehicle. The male was not identified and no further investigation was possible due to the female's intoxicated state.



### 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: Claire Louise Selwyn

Age if under 18: OV 18 (if over 18 insert 'over 18') Occupation: Police 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:  198.

Date 22/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

I can confirm that on Sunday 23<sup>rd</sup> June 2013 Sussex Police received a report from a female reporting that she had spent the evening drinking at JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex. I can confirm that she reported to police that she left the club at 02:45 hours with her friends and took a taxi home. On getting home she made the report to Sussex Police that on getting out of the taxi she had been sexually assaulted by the taxi driver. The female admitted to police that at the time of the incident she was heavily intoxicated and could therefore not be sure of details. The case was filed as undetected.

  
DS 198.

  
DS 198

## 17. Friday 28 June 2013 Between 00:30 and 02:00 hours

A group of female friends attended JJ Whispers. During the course of the evening a male, unknown to the group, kept pestering one of the women. Despite her request that he should leave her alone he proceeded to grab her hips, bottom, waist and breasts; to raise her dress and attempted to pull the top of her dress down to try to reveal her breasts. Using force she pushed him away causing him to step back. At this stage door supervisors intervened and simply ejected the male from the premises and did not call the police.

Some time later the female left her friends to go home as she had work in the morning. While waiting for a taxi outside the club she noticed the same male, who again approached her and tried to accompany her in a taxi. Concerned that he may follow her home, she contacted her friends and they all left together on foot.

At this time a second group of females left JJ Whispers and went to a take away pizza restaurant, where they came across the same group of males. One of the males had vomited on the floor of the restaurant and was lying on the bench in a semi-comatose state. The two males outside the premises then approached the girls making threats of violence and lewd, offensive suggestions. Despite repeated protestations from the girls one of the males proceeded to sexually assault one female

Uniform officers, alerted to the problem males by staff at the pizza restaurant, attended the scene. The men, who had been banging on the windows and urinating in the street, were identified by the officers who considered them all to be highly intoxicated. One of the males was then arrested for assaulting the girl at the pizza restaurant.

As the officers were dealing with the situation, the victim of the original assault within J.J Whispers approached the officers with her friends to report that they had just been threatened with assault by the remaining males. She went on to identify the male who sexually assaulted her in the nightclub.

The three males were arrested and charged.

During the course of the police investigation the CCTV recording from JJ Whispers was frequently requested. Contact was made by investigating officers and messages left; with Sorrel the manager, Steven O'Brian the duty manager and with the premises 'head office'.

On the 29th August 2013 Sorrel contacted Sussex Police to say that the footage had not been viewed, had not been recorded and had now been lost/ copied over.

Two of the males have since appeared before Lewes Crown Court and Crawley Youth Court where they were both found guilty of a number of offences including Sexual Assault. The Youth offender had just turned 17 years old at the time of the offence.

No further action was taken against the third male due to insufficient evidence.



### 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: Brett Robert HOLDEN

Age if under 18: Ov18 (if over 18 insert 'over 18') Occupation: Police Constable CH589

This statement (consisting of 02 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 anything in it, which I know to be false or do not believe to be true.

Signature:

Date 28/06/2013

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

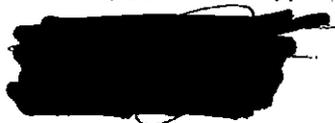
At 01:40 hrs on Friday the 28<sup>th</sup> of June 2013 while on duty crewed with PC BRYANT CB811, the control room made us aware via our personal radios that police assistance was required outside Dominoes Pizza, High Street, Crawley, in reference to males fighting.

Turning left off the Boulevard onto Banks Lane we followed the short road around onto the High Street. Police CCTV informed us that the three males involved were just about to cross Banks Lane. Pulling alongside those males PC BRYANT and I exited the police vehicle in order to engage with them.

I now know those three males to be

Engaging with I noticed that his eyes were glazed, he was unsteady on his feet and his breath smelt of intoxicating liquor. In my professional opinion he was drunk.

A few minutes later PC BRYANT returned from speaking with the witnesses and arrested on suspicion of sexual assault. Leaving and with PCs WOOD CW588 and BOXALL CB423, I spoke with a member of staff from The Angelic Wine Bar, High Street. The member of staff pointed to and said that he had seen him prior to our arrival urinating up a wall and kicking the windows of Dominoes Pizza. On receiving that information, I walked back over to and at 02:00 hrs issued him with a section 27 direction to leave notice. I explained to that I required him to leave the locality of the High Street, Boulevard and Bank Lane, Crawley. I told him it was of immediate effect and that he would not be able to return for a period of at least six hours. signed the notice and confirmed he understood what was required. PC BOXALL also issued with a section 27 notice. Releasing I assisted PC BRYANT with securing the witnesses for the sexual assault case. Approximately 5 minutes after releasing and



Continuation of statement of Brett Robert HOLDEN  
called up on the police radio stating that both males were now causing trouble with some females outside RBS on the High Street. Making to that location I saw [REDACTED] standing on the High Street outside RBS speaking with an unknown female.

At 02:10 hrs I took hold of [REDACTED] arms and said "IM ARRESTING YOU FOR BREACHING YOUR SECTION 27 NOTICE, WITH THE NECESSITY OF PUBLIC DECENCY, CAUTIONING, to which [REDACTED] made no reply.

Some unknown females standing around [REDACTED] took objection to his arrest stating that he was helping to defend them against his friend.

I placed [REDACTED] into the rear of PC BATEUP'S CB303 patrol vehicle. [REDACTED] was compliant up until that point. Just as I was placing him into the vehicle, [REDACTED] became verbally abusive and started to tell everyone to "FUCK YOU, FUCK OFF" He repeated that over and over in an aggressive manner. Leaving [REDACTED] with PC BATEUP I got into PC BRYANT'S patrol vehicle and conveyed prisoner [REDACTED] to custody.

At 05:30 hrs I seized the police copy of [REDACTED] direction to leave notice. I produce that notice as exhibit BH/01 ( )

[REDACTED]

Signature

[REDACTED]

Signature witnessed by:

\_\_\_\_\_

PTO



**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: Vincent BOXALL

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: PC Constable CB423

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 28/06/2013

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

On Friday 28th June 2013 at 01:45 hours I was in full uniform in call sign WR103 and called with a colleague PC WOOD CW688 to a report of males fighting in THE HIGH STREET, Crawley outside Dominos pizza restaurant. On arrival I saw PC BRYANT CB811 and PC HOLDEN CH589 talking to three males on the corner of THE HIGH STREET and BANK LANE. I spoke to PC BRYANT who explained that the staff at Dominos had pizza restaurant had explained to him that the three males had been acting in an anti social manner by urinating outside the shop and banging on the windows and one of the males had vomited inside the shop. I spoke to a male who identified himself to me as appeared to be highly intoxicated; he was slurring his words, smelt of alcohol and was having trouble standing up. In my opinion he was drunk. I explained to that because of his behaviour, he was going to be given a section 27 notice which was a direction to leave the area immediately. At 01:53 hours, I issued a section 27 notice which he signed and was issued a copy. I instructed him to leave the area of THE HIGH STREET & BANK LANE immediately for a period of 8 hours. I exhibit a copy of this section 27 as exhibit VB/1 ( ).





**WITNESS STATEMENT**

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

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Statement of:

Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation:

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 28/06/2013

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

On 27<sup>th</sup> June 2013 I went to JJ WHISPERS, CRAWLEY HIGH STREET with some female friends. As the evening went on, a male who I don't know kept coming up to me. The first time he came up to me he called me by my name - I asked how he knew my name and he said "DON'T WORRY ABOUT THAT" and said quietly to myself, 'that's embarrassing' I don't know if he heard.

He was talking to me but I cant remember what he was saying, although I remember at one point he said "JUST LET ME DANCE WITH YOU, LET ME GIVE YOU A KISS" and I said "NO, GO AWAY" I pushed him away - quite gently and said "LEAVE ME ALONE" I went with my friends to get a drink and went to the back of the dance floor. We went and smoked.

I actually thought the male had gone when we came back in. But he approached me again. He wouldn't leave me alone for ages, he kept coming up to me and annoying me. Every time I moved away from him, I could see him staring at me.

Every time he came up to me he grabbed me wherever he could.

He grabbed my hips, my bum, my waist, and even my breasts. He even tried to pull my dress up and also trying to pull it down from the top, to try and reveal my breasts. I then pushed him harder with all my might, this caused him to take a couple of steps back. The bouncers then came along and took him out of the club.

This must have been about 00:30 on 28<sup>th</sup> June. About 01:50 my friend told me what time it was. I had to be at work at 08:00 so I said bye to them and went outside to get a taxi. When I got outside, I saw the same male was outside. As I was putting my flip flops on. I approached a taxi but then the male was saying to me

"WHERE ARE YOU GOING NOW, I'LL GET IN THE CAB WITH YOU AND TAKE YOU HOME" I refused but I was scared that he would get in a taxi behind me and follow me home, so I face-timed my friend, which was just about to connect when and came out of the club. I told them that the guy was still there. We waited for our other friends and to come out.



Continuation of statement of

We began to walk up to TROYS to get a kebab. Walking past LEGENDS I saw police with the male, and also a male I know called [REDACTED] saw that police were talking with them and I said "FINALLY!" I thought he was being arrested for being kicked out the club. We continued to TROYS, after I ordered my food, I found out they didn't take cash, so [REDACTED] and I went across to the cash point.

Once again I saw the same male at the cash point. As I went to get the card out of my purse, he said "OH LOOK AT YOU, IT'S YOU, IT'S YOU" I said "JUST LEAVE ME ALONE" he said "I'LL HEAD BUTT YOU". I said to him "GO ON THEN"

I saw [REDACTED] come over and said "LEAVE IT OUT" to the male. [REDACTED] started talking to me, and the male's attention turned to [REDACTED] and said he was going to head butt her. [REDACTED] was telling him to leave us alone. Police then turned up. The male ran down the alley beside TROYS. [REDACTED] remained. He was arrested and I told police that he had done nothing wrong, thinking they might have heard what had been happening and by us shouting at the male to leave us alone, although I never told them. I therefore thought they were arresting [REDACTED] for causing the problems. I then told the police "YOU'VE GOT THE WRONG PERSON, HES GONE OVER THERE" pointing in the direction the male went. I took an officer nearer, and he said "IVE JUST SEEN HIM" and I therefore walked back to the others, by the cash point and I then saw the police officer bringing back the male who had assaulted me. I saw him get handcuffed and put in a police car.

I can describe the male as white, medium build, about 5' 6". He looked about 19 years old. He had longish shaggy light brown hair, a beard and moustache too. He wore a white t-shirt, he had rosary beads on - which were a dark brown red. I don't know what else he was wearing, or his footwear.

I have never seen this male before in my life. I would recognise him again if I saw him.

I felt really violated by what he did. I was glad he was removed from the club. I gave him no permission to touch me in any way.

Signature \_\_\_\_\_

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

PTO

B 63



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: Ov18 (if over 18 insert 'over 18') Occupation: [Redacted]

This statement (consisting of 02 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: [Redacted] Date 28/06/2013

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

On the evening of Thursday the 27<sup>th</sup> of June 2013 I decided to go out in Crawley town with my friends [Redacted] At around eleven PM we arrived at the JJ Whispers nightclub on the High Street, Crawley. During the evening I consumed three single shots of spirits. I am not drunk but slightly tipsy. At around 01:30 hrs on Friday the 28<sup>th</sup> of June 2013 all three of us left the nightclub and walked down to the Dominoes Pizza takeaway a minute from JJ Whispers on the High Street.

Arriving at Dominoes Pizza I could see that a male had been sick on the floor. I would describe that male as white, F507, 18-19 years of age, slim build, with short dark hair; he had a dark beard and was wearing a light top. I shall refer to that male as male 1.

My friend [Redacted] told me that she didn't want to go into the pizza shop as there was sick everywhere. Because [Redacted] didn't want to eat in the takeout, two males that I believe were with male 1 came out of Dominoes and started talking with us. I would describe male 2 as white, F509, slim build, 19 years of age, with light brown short hair, wearing a white t-shirt and sunglasses.

I would describe male 3 as white, F503, stocky build, 18-19 years of age, with short light brown hair, wearing a grey shirt.

Male 1 didn't say anything to us as he was passed out inside the takeout. Male 2 said to me and my friends that he was going to fist us. He also made reference to wanting anal sex. Male 2 said that he was going to come all over our faces. It was just after that I saw male 2 put his hand up [Redacted] skirt and touch her vagina. [Redacted] told male 2 to stop on at least three occasions. In total I believe that male 2 reached up into her skirt touching [Redacted]s vagina at least four occasions.

Male 3 was repeating what male 2 was saying. He also made reference to wanted to fist us and have anal sex.



Continuation of statement of [REDACTED]  
I really tried not to say anything to the males, I remained quiet. At this point I was really worried for [REDACTED] because male 2 was touching her up, I didn't know if it was going to stop there.

Male 1 got up from a bench within the pizza shop, to which all three males walked off in the direction of Troy's kebabs. The police arrived and stopped the three males just beside the legends bar, High Street.

A police officer came and spoke with us. It was at that time we explained to him what had happened. The police officers informed us that the male who had been touching [REDACTED] had been arrested. I overheard [REDACTED] asking the officer if it was the male who was in possession of the sunglasses. The officer confirmed it was that male. Looking over to the police car that was about three car lengths away, I only saw males 1 and 3. I assume that male 2 must have been arrested.

The three males were in my view for a total of 15 minutes. At times they were right in front of us. Visibility was good from shop and street lighting. I don't know the males and have never seen them before. About an hour and a half has past since the incident took place.

[REDACTED]

Signature [REDACTED]

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

PTO



**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:

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 28/06/2013

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

On Thursday 27<sup>th</sup> June 2013 I went out in Crawley town centre with my two friends and . We got into town at around 2130 hours. We were having a good night in the Jubilee oak and then went to JJ Whispers club at around 2300 hours. We left JJ Whispers at around 0130 hours on Friday 28 June 2013. We walked up the High Street towards Dominoes PIZZA. On the way as we walked to Dominoes I noticed three white males, they were fighting between themselves. As we got to Dominoes one of these males passed out on the bench inside of Dominoes. This male was a white male with a beard. He was around 20 years old, wearing a white tshirt. I will refer this male as male 1.

The next male was also white, he was a lot taller than the other two males, he was around 20 years old but looked slightly younger than the other two males. He was slim. He was at times wearing black sunglasses in a rayban style. He was wearing a grey hooded jumper. He had his hood up so I couldn't see his hair. I will refer to this male as male 2.

The last male was also white, he was around 5 ft 4 tall, he was around 20 years old, and he was wearing a faded grey/blue tshirt. His hair was a mousey brown colour and gelled down. I will refer to this male as male 3. I do not know these males and haven't seen them before.

I could see sick on the floor in Dominoes, I said to that I wasn't going in there until it had been cleaned up. Male 3 then looked at me and said 'DO YOU WANT TO BE FISTED'. I was in shock. Male 2 and 3 were then both talking about 'ANAL' and 'ANAL FISTING'. This was directed at me. They were next to me. Male 2 started making hand gestures towards me in which he clenched his fist and rubbed his other hand up his arm. I believe this him gesturing fistng towards me. I was shocked and offended by these. I turned away and turned my back on them. Male 2 got back in front of me. Male 3 was asking me back to his house, I refused. Male 3 continued to ask and then moved on saying that he wanted to 'CUM ON MY FACE'. Male 2 joined in



Continuation of statement of [REDACTED] [REDACTED] [REDACTED] with this and they were continuing to go on about this. Male 3 went over and touched [REDACTED] face, she asked him not too. He continued and she was telling him to stop. Male 2 said to [REDACTED] 'WILL TOUCH WHO I WANT'. Male two then with his hand, put his hand up my skirt and groped my vagina. I slapped his hand away straight away. I saw a male friend called [REDACTED] walking towards us. I ran over to him and told him what had happened. Male 2 and 3 came over to me again. Male 2 said 'WHY CANT I TOUCH YOU?' I replied 'BECAUSE IVE GOT A BOYFRIEND'. Male 2 replied 'WELL IVE GOT A DICK'. I walked back towards Dominoes with [REDACTED] I said to [REDACTED] loudly 'MY BOYFRIENDS REALLY HENCH ISNT HE'. Male 2 then said 'MY DICKS REALLY HENCH'. At around this point Male 2 placed his hand up by skirt again from my right side. He groped by vagina again; I moved away from him and walked away. Male 2 continued to follow talking to me, shortly after Male 2 again placed his hand up my skirt and groped my vagina. I pushed male 2 away at this point. I shouted 'STOP TOUCHING ME' at him. Male 1 had been passed out on the bench in Dominoes the whole time. Male 3 went over and was shouting at him to wake up. As male 1 was waking up I said to him 'BE CAREFUL DON'T FALL IN YOUR SICK'. Male 1 then shouted at me 'SHUT UP YOU FUCKING WHORE'. Male 2 was still around me and way trying to touch me and get up my skirt. I was turning around and blocking him telling him to go way. Male 3 got male 1 up and out of Dominoes. Male 3 helped male 1 and they walked up the High Street towards Troys. Male 2 turned around and followed. Not even a minute later I saw a Police officer walking towards Dominoes. I stopped him and told him about what had happened. I described male 2 to the Police officer. I saw the Police officer walk to just passed legends bar and take hold of male 2. I could clearly see this was male 2. I was around 2 bus lengths away. My view was unobstructed and visibility was good due to artificial lighting. This incident last for around 10 minutes in total. At no point did I give Male 2 permission to touch me in any way. I didn't provoke Male 2 touching me. I didn't want him to touch me, especially where he did. It was vulgar. Due to Male 2s comments and where he was touching me I believe his actions were sexually motivated. I was angry that Male 2 wouldn't listen to me and continued to touch me. I also found it very disrespectful. This incident has scared me as I do not want to bump into these males again.

[REDACTED]

Signature [REDACTED]

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

PTO

**18. Sunday 30<sup>th</sup> June 2013 00:00**

A member of police staff was at the premises when he witnessed a member of bar staff serve a round of drinks consisting of both a Jager bomb (35%ABV mixed with a stimulating high caffeine energy drink) and a further shot of clear spirit, believed to be Sambuca, for each person in the group.

The drinks were then downed straight away, one after the other by the customers and also the member of bar staff.

S.W.



### WITNESS STATEMENT

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

11(T)

URN 

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Statement of:

Age if under 18:    Over 18    (if over 18 insert 'over 18')    Occupation:    Police Licensing Staff

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 04/02/2014

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

I am currently employed by Sussex Police in the Licensing department.

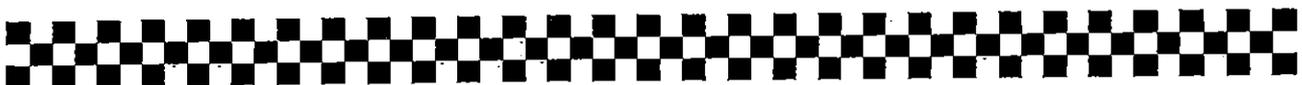
On the 29/06/2013 I was out socially in Crawley town centre when I entered JJ Whispers at approximately 2350hrs.

As I was the designated driver I was not consuming any alcohol on this evening. Upon entering the premises, I walked up a set of stairs where I entered a large bar area. On entering this area I observed a group of 5 males stood at the bar. One of the males was ordering a round of drinks for the group. The round of drinks included a Jager Bomb (a single shot of Jagermister dropped in a glass containing energy drink) and a shot of clear spirit which appeared to be sambuca for each of the males.

As the female member of bar staff was serving the group, she placed the drinks on the bar and was about to take payment.

I then heard the male who had ordered the round say "POUR YOUR SELF SOME TOO". At which point she poured one more of each drink.

The group of males then all gathered round closely in front of the female member of bar staff and all downed their drinks, the jager bomb first followed by the clear shot of spirit. The female member of bar staff joined in with downing the drinks, also consuming a Jagerbomb and a further shot of spirit.



## 19. Saturday 4<sup>th</sup> July 2013

A meeting was held at Horsham Police Station called by PS Jarred & Pauline Giddings, Licensing Officer of the Neighbourhood Licensing Team. The meeting was called to address the concerns held by Sussex Police regarding the high & increasing levels of drunkenness at the premises. A Temporary Event Notice for 27<sup>th</sup> May 2013 for an extension of hours had caused an objection to be raised with the Local Authority by the Police Licensing Team. A number of issues were raised including the 'Spin-a-wheel drinks and Buy~one~get ~one~free drinks promotions. Sergeant Jarred explained that it was Sussex Police's opinion that this was promoting irresponsible drinking which was contrary to promoting the licensing objectives and thereby placing the premises licence at risk. Concerns were also raised regarding customers purchasing large bottles of spirits containing approximately 30 shots for consumption in the booths. While waitress service of the initial drink was offered any further monitoring of consumption was left to SIA door supervisors. It was stated by Mr Simpson that a re-organisation of staff would hopefully assist in reducing the current trend in the levels of drunkenness. It was strongly recommended that the ID scanner used at the premises was linked to other premises using the same equipment. It was also reinforced that staff should not be allowed drink on duty.

Mr Stuart Simpson stated that the premises would do their best, but that he considered it to be a joint responsibility for Sussex Police. Sergeant Jarred reiterated that the licensing objectives were the governing principles of the Licensing Act 2003 and all operators of licensed premises are required to promote them. Failure to do so places the premises licence at risk. A raft of measures were discussed which it was recommended the premises licence holders put in place in order to address the serious concerns raised.



**Sussex Police**  
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## Neighbourhood Licensing Team

4<sup>th</sup> July 2013

Marc Simpson  
Linden 14 Wembury Park  
Newchapel Lingfield  
Surrey  
RH17 6HH

Dear Mr Simpson,

RE: J J Whispers 107 High Street Crawley RH10 1DD

Thank you for attending Horsham Police Station today, for a meeting with PS Tony Jarred and Pauline Giddings Divisional Licensing officer, of the Neighbourhood Licensing Team. Also present was Mr Stuart Simpson

The meeting was held to address some concerns held by Sussex Police regarding the increasing number of recorded incidents relating to the premises, specifically involving incidents of drunkenness. A Temporary Event Notice (TEN) was given on 27<sup>th</sup> May 2013 for an extension to the hours currently permitted under your premises licence. Given the current concerns an objection to the Notice was raised by Sussex Police, which has already been provided to you.

Following introductions PS Jarred explained that there has been an unacceptable rise in incidents of drunkenness particularly over the last four weeks. You said that you did not consider there had been an increase at the premises but that the nature of the High Street had changed and this may have been reflected in these figures. You stated that the problem came from customers 'pre-loading' and that, despite a reduction in customers, you had maintained the numbers of SIA door staff employed and that, having consulted Mr Lyons at Crawley Borough Council, you did not believe the drinks promotions you ran were illegal. They allow a customer to 'buy one get one free' (BOGOF) an offer which allows the replication of the round of drinks previously purchased. The drinks promotions you currently run are: Thursday ~ £2.00 per selected drinks (vodka & certain beers), Friday ~ BOGOF on cocktails until 00:00 hours (cocktails contain no more than 25ml of alcohol), Saturday ~ Spin the Wheel available until 23:00 hours, whereby the outcome can be 'no-win', a free 'shot with bullet' (no more than 4% ) or ' a duplicate round' for free. The Smirnoff promotion party offered vodka lollies & vodka Haribo and shots of flavoured vodka £2.00 per item. You believed that on quiet nights customers spent more. Sergeant Jarred explained that any promotions or incentives that resulted in persons drinking irresponsibly were contrary to promoting the licensing objectives and therefore would be placing the licence at risk.

When asked about sales of entire bottles of vodka, you stated that bottles could be purchased from £95 which were brought to a 'VIP' booth by a waitress where they were decanted. Mrs Giddings was concerned that the premises could not then be monitoring the consumption of approximately 30 shots of alcohol. You stated that the waitress would pour the first round and that wristbands gave access to the booth and that the purchaser could distribute up to 10 of these to guests of their choice. However there is no minimum number of persons required for this offer to be available. The waitress was encouraged to pour further drinks but this was not compulsory. You stated that a member of SIA door staff was placed at each booth. You went on to say that on Fridays you employ 6 members of the SIA (Security Solutions) whereby 1 is located at the front entrance, 1 inside the entrance, 1 in the smoking area, 1 as a floor walker and 1 at each of the booths. On Saturdays 9 door staff are employed and 7-8 on a Thursday.

You discussed the forthcoming re-organisation of staff at the premises which you hoped would assist in reducing the current trend in the levels of drunkenness. 'Promotion leaflet staff 'are now briefed to walk potential customers to the premises entrance and to dissuade those considered to have reached their alcohol tolerance level from attempting to gain entry.

Sussex Police Headquarters  
Malling House, Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 1011 01273470101

It was strongly recommended that you link the I.D. Scanning machine to other premises using the same equipment. This would give you the benefit of knowing which customers had been barred from the other premises and the reason; similarly they would be aware of persons refused entry or ejected by J.J Whispers.

You were asked whether staff were permitted to consume alcohol while on duty which you said does not occur as it is a sacking offence. Sergeant Jarred then explained that a female member of bar staff had been witnessed serving a round of Jagerbombs and shots to a group of customers and had proceeded to join them in downing one of each. It was also noted that the incidents of drunkenness reported to police predominantly occurred after 00:30 hours. These levels of drunkenness had on occasion required Sussex Ambulance to be called and had resulted in a considerable number of arrests for drunk & disorderly behavior. There had been one incidence of drugs being located by SIA door staff on a male in the toilets. No drugs seem to have been located by the SIA door staff on entry. You stated that you had a 1:5 search policy but that the lack of results were due to patrons not attempting to bring drugs onto the premises.

A new initiative for the forthcoming weeks was to introduce Kiss FM DJ nights every Friday night. Entry would be the same

The TEN submitted for 14<sup>th</sup> July 2013 is for an extension of hours which you stated you may not use but was to allow you flexibility. It is for a 'House Night' and aimed at over 25s. It was recommended that if the event is to go ahead the drugs search ratio is increased to 1:3 as it was considered to be of higher risk.

Overall it was recommended that a robust staff training procedure is introduced which ensures bar staff, SIA door staff and glass collectors are fully aware of their responsibilities and are aware of this recent trend in the levels of drunkenness. Training should be revisited regularly as the failure of staff to promote the licensing objectives would ultimately be putting the premises licence at risk. This is particularly important as you stated that you, the DPS, cannot be present every night and must be able to rely on staff to maintain standards in your absence.

Mr Stuart Simpson said that the premises would do its best which is all they could do, but that it was a joint responsibility for Sussex Police. Sergeant Jarred stated that persistently allowing drunkenness was not acceptable and clearly did not promote the licensing objectives. The licensing objectives are the governing principals of the Licensing Act 2003 and all operators of a licensed premises are required to promote them. Mr Stuart Simpson asked if he could obtain information regarding other licensed premises under the Freedom of Information Act. PS Jarred confirmed that anyone is entitled to apply for this information.

It was agreed that in the short term weekly/fortnightly feedback could be provided to the premises. The premises would be informed of any concerns held by Sussex Police at the earliest opportunity. The purpose of this meeting was to discuss the TEN and to advise the premises of the aforementioned concerns and give the premises licence holder & the DPS the opportunity to address the matters raised.

It was agreed that Mr Marc Simpson would confirm in writing that an increased drug search ratio would be implemented for the TEN and that staff training would be conducted prior to the event for bar staff, SIA and glass collectors. Mr Marc Simpson stated that he would be working at the premises for the event (depending upon personal circumstances). Subject to receiving these assurances Sussex Police would withdraw the objection to the Notice.

Further training is to be fully documented and an additional written response is to be provided indicating the measures the premises shall be implementing to address the concerns raised.

Contact details were provided and the meeting concluded.

If there are any matters within this letter you wish to discuss please do not hesitate to contact this office.

Yours sincerely,

T Jarred CJ100  
Sergeant Neighbourhood Licensing Team  
West Sussex Division

c.c. Southern Leisure Corporation  
39 Church Street  
Reigate  
Surrey RH2 0AD

Sussex Police Headquarters  
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

**20. Sunday 21<sup>st</sup> July 2013 00:30**

Uniformed officers conducted a licensing visit approximately 160 customers were present. The premises was running a Smirnoff Vodka promotion Night 'Double shot £5'



**WITNESS STATEMENT**

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

URN 

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Statement of: Claire Selwyn

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

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:  DS198.

Date 23/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

On Sunday 21<sup>st</sup> July 2013 at about 00:30 hours I can confirm that PC DEACON CD125 conducted a licensing visit at JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex where he identified that the premises was advertising a drinks promotion. This was a "Smirnoff Vodka" promotion night offering a double shot for £5 only. The officer also reported back that the club had 160 customers present at the time. I can confirm I received this information from a Police record of the visit.

On Saturday 21<sup>st</sup> September 2013 I can confirm that uniformed police officers conducted a licensing visit at about 00:30 hours to JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex. They reported back that the club only had 26 customers present at the time.

On Friday 27<sup>th</sup> September 2013 I was on duty with PC Phil KING CK171. At about 00:10 hours we attended JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex to conduct a licensing visit. As we got out of our vehicle and approached the club it was in darkness and appeared closed. Upon further inspection I saw a notice on the front entrance door stating that the premises was closed due to a private function. We then left and continued our tour of duty but upon speaking to other local officers and licensed premises within the town it became clear that JJ Whispers have decided to close on Friday nights for the foreseeable future due to lack of business. Some weeks later when speaking with Peter PHILIPS, the door company owner of JJ Whispers explained to me that the reason behind closing on Friday nights is due to the current building works going on opposite the club as apparently members of the public have been less inclined to walk down

Continuation of statement of CLAIRE LOUISE SELWYN  
to their club. [REDACTED] DS198.

[REDACTED]

Signature \_\_\_\_\_

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

PTO

B 75

**21. Sunday 18<sup>th</sup> August 2013 01:55hrs**

Police officers witnessed a male outside the premises who was being abusive towards door staff because he had been ejected. He had no shirt on and was making threatening and abusive comments. The male was issued with a Section 27 Direction to Leave Notice and he left the area.



### WITNESS STATEMENT

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

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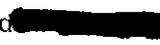
Statement of: Thomas Mooney

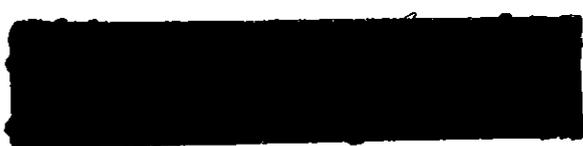
Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police Officer - CM589

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:  Date 11/01/2014

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

On 18<sup>th</sup> August 2013 at around 02:05 hours I was on duty in full uniform in Crawley town centre. I was outside JJ Whispers Nightclub in Crawley when I became aware of a male who I now know to be called  date of birth 25/03/75. I was aware that  had been ejected from the nightclub by door staff for being drunk. Male then started to make verbal threats towards door staff for being ejected. Due to this the male I asked to leave the area, which he did for a short time.  then returned and continued to make further verbal threats towards door staff. Due to this I issued  with a section 27 direction to leave form, which stated he was immediately to leave the High Street for a period of 4 hours.  complied with this section 27 direction to leave form and I had no further contact with him. I have made this statement in reference to a section 27 direction to leave form that was uploaded to police database after the incident. I issued the form to  as under my observation that I thought that he was drunk. Due to the time period since the incident I cannot recall any further detail about the incident, as it occurred around 5 months ago since making this statement.



## 22. Tuesday 20<sup>th</sup> August 2013

PC King & PC Selwyn of the Neighbourhood Licensing Team conducted a licensing visit at the premises which was holding a Bar Med reunion night. There was a considerable queue and the ID scanner was being used. The metal detector was not in use, as required by the condition on the premises licence. Dan, the head doorman, indicated that it would be used later. PC Selwyn said that this was contravening the conditions on the premises licence, Dan disputed this & PC Selwyn said she would check when she returned to the police station.

*The condition states: A metal detector will be used to check customers on entry. At least one in five customers will be searched on entry.*



### 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: Claire Louise Selwyn

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

Date 23/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

On Tuesday 20<sup>th</sup> August 2013 I was on duty with PC Phil KING CK171. At about 22:00 hours we attended JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex to conduct a licensing visit. The premises was hosting a "BAR MED REUNIION NIGHT" and so the queue to the club was fairly busy. During the visit I noticed the metal detector was not being used and so I raised this with Daniel NUTTEL, the head doorman. He stated that they had an influx of patrons entering the club and so they hadn't had time to use it yet. I explained that I believed the premises licence had a condition to be using the metal detector with 1 every 5 persons entering but Daniel NUTTEL disputed this. DS198.

198.

### 23. Sunday 1<sup>st</sup> September 2013 01:00 hrs

PC Heasman & PC Swietlik of the Neighbourhood Licensing Team conducted a licensing visit at the premises. The door supervisor on duty made no effort to remove the rope barrier to allow entry to the officers stating that they had had their licensing visit that evening. PC Heasman explained that they would be conducting a further licensing visit and removed the rope barrier to enter. A member of the door supervisor team then insisted on escorting the officers around the premises. The officers asked the name of the DPS and if he was on duty. They were informed it was Sam but did not locate him. Later the door supervisor stated that the DPS might not be Sam but he was not sure. There were very few customers on the premises but the officers felt the atmosphere was 'uncomfortable'.



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: James HEASMAN

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

Occupation: Police Officer CH672

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 in it, anything which I know to be false or do not believe to be true.

Signature:

[Redacted] CH672

Date

7/1/2014

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am a uniformed Sussex Police Licensing officer based at WORTHING Police Station, where I perform a role of a Licensing Officer in respect of West Sussex in accordance with the Licensing Act 2003.

On Sunday 1st September 2013 I was on duty in full police uniform in a marked police vehicle WL51, at 01:00 hours I attended JJ WHISPERS in CRAWLEY with PC SWIETLIK DS925 to complete a licensing visit. We parked the van outside the venue and as we approached the front door the club had some rope across the entrance acting as a barrier. When I normally attend premises like this, I would expect the door staff to remove the barrier knowing we would be looking to go and look around the venue. I spoke to the door staff and explained who we were and that we would be completing a licensing check, he replied "WE'VE HAD ONE ALREADY" and by his actions it appeared he didn't want us to go in there again. I waited to see if he would remove the rope barrier to allow us to enter, and he didn't so I opened it myself and explained that we would be completing another visit.

A member of the door staff proceeded to walk us around the venue which was useful as we hadn't been there before. I asked who the DPS was and if they were on duty, and he replied "YES ITS SAM" but he never actually located him or made them aware we were on site completing a visit.

We walked around and asked how many customers they had inside the venue, and he said about 180 but looking at the crowd we suspected there to be around 130 people inside as the booths appeared to be empty and there were no queues around the 2 bars. We did notice a couple of males ordering several shots and spirits with mixers, they however didn't appear to be drunk.

It was noted by both officers the atmosphere inside the venue didn't feel comfortable and that the male showing us around didn't really want us to be left alone having a walk through. We noticed the venue had 6 SIA security on duty, and we discussed the ID Scanner at the front of the venue. They explained it was working but not linked up to any other venues.

We left to go outside and the male who showed us around said that the "IT MIGHT NOT BE SAM WHO IS THE DPS" he wasn't entirely sure who was in charge. The security company used throughout the venue didn't appear to be very engaging with me or PC SWIETLIK and they gave of the feeling they didn't want us standing outside talking to him.

This statement was written using my original notes from Inn Keeper.

Signature:

[Redacted] CH672

Signature witnessed by:

MG11 5/2007



**24. Saturday 21st September 2013 00:30**

Uniformed police officers conducted a licensing visit to the premises, only 26 persons present.

**25. Friday 27<sup>th</sup> September 2013**

Premises no-longer opening on Friday nights.

**26. Friday 18<sup>th</sup> October 2013 01:51hrs**

Police Officers outside the premises became aware of an extremely volatile female leaving the nightclub. Her behaviour was such that it resulted in her being arrested for drunk and disorderly behaviour. Once in custody she attempted to self harm and claimed that she had not had any alcohol that evening. The female's father reported to Sussex Police that he had been in the premises with his daughter and had witnessed a male drop something into her lemonade. This male was apparently identified to door staff who proceeded to eject him but failed to obtain any details or to identify him to police. As there was insufficient evidence to proceed, no further action was taken.



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: O18 (if over 18 insert 'over 18') Occupation: Police Officer

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 willfully stated anything in it, which I know to be false or do not believe to be true.

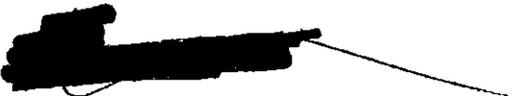
Signature: [Redacted] Date 05/01/13

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

On Friday 18/10/13 I was on duty in full police uniform with PC WOOD CW195. At roughly 0115hrs I was on mobile patrol driving on the HIGH STREET, CRAWLEY passing JJ WHISPERS nightclub on my left hand side when I saw a female around 15m from the door. I can't remember what exactly about her attracted my attention but I remember thinking she was either very drunk or had taken drugs. She was struggling to stand and was using a nearby fencing to stable herself. Myself and PC Wood got out of the vehicle to speak with her. The female became aggressive towards us and both of us took hold of her wrists as she was flailing them around.

I would definitely say the female was drunk from her slurred, almost inaudible speech and the inability to stand up without moving her feet to retain balance. However weather or not she was also under the influence of drugs I cannot say.

Once back at Custody I remember the female becoming non-compliant and aggressive to the point she was restrained by officers. She kept acting frightened or scared and cowering in a corner. She looked terrified by officers around her like we were trying to attack her or something. I left the cell block for around 10 minutes and on return to my surprise there was a male in the cell with her who PS Phillip identified to me as the females father. I could see he was under the influence of alcohol from his glazed eyes and slightly slurred speech but I certainly wouldn't describe him as drunk. A conversation had clearly taken place whilst I was away from the cell and PS PHILLIP informed me that the male within the cell had informed me that the female had "had her drink spiked". From what was being said the female father had been a witness to this however the opportunity never presented itself to discuss this at any more length. It did become clear however that the female had indeed been within JJ Whispers with family to celebrate some sort of occasion.



## 28. Friday 22nd November 2013 23:45 hours

Plain clothed members of Sussex Police attended the premises as part of an Operation to visit licensed premises in the Crawley area. There were approximately 60 -70 customers within the club. An entry fee was not being charged for persons possessing wrist bands apparently obtained from other venues. The possession of a wrist band also entitled the customer to any free drink from the bar.

There appeared to be only one member of bar staff on at this time which was causing one customer to get angry due to the delay in getting served. Three SIA door supervisors seemed to be working, mainly by the entrance doors and hanging up coats. The SIA door supervisor scanning ID was seen to be engaging with customers.

A drunk male was seen asleep on the sofa with his feet up. After a while a door supervisor approached the male and asked him to sit up. It was clear that the male was about to return to sleep as the door supervisor left. He then returned and indicated that he could not sleep in the premises at which point the male requested assistance in leaving the premises. It was necessary for the member of door staff to escort the male down stairs due to his high levels of intoxication. A female customer in the VIP area then vomited all over the floor, requiring a member of staff to clear up the mess.

The plain clothed Officers noted that there were three extremely drunk males at the bar, two of whom were lifting the other onto the bar itself. The male was sitting on the bar with his legs dangling the staff side. One of the males had been verbally abusive to staff earlier regarding slow service. Despite this behaviour and obvious intoxication, bar staff continued to serve the three males with drinks which appeared to be Jäger bombs. The male was so drunk he was unable to provide the correct money staring continually at his open palm. None of the males were challenged by staff regarding their behaviour or their level of drunkenness. On leaving the club, a male (part of a group of three) was being ejected for being drunk. An ambulance was seen to attend the premises to tend to the female who had earlier vomited and had to be carried out on a stretcher. Uniformed members of the Neighbourhood Licensing Team were outside the premises as the female was removed. PS Jarred raised his concerns regarding the seriously high levels of intoxication occurring within the night club, with Peter Phillips who was in charge that evening. Mr Phillips stated that the female's condition was a one-off incident. However during this conversation members of the Licensing Team entered the premises and located a further male in the premises toilets who was very drunk. SIA door supervisors were notified. They proceeded to eject the vulnerable male onto the street. At this point PS Jarred pointed out their duty of care to the male and Mr Phillips eventually directed a member of staff attend to him. The male was seen to vomit all over the floor.

Incidents which require Sussex Ambulance Service to attend to assist drunken customers are not reported to Sussex Police by members of the premises management team.



**WITNESS STATEMENT**

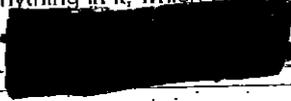
(CJ Act 1967, s9; MC Act 1980, ss.FA(3) (a) and 5B; MC Rules 1981, r.70)

URN 

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Statement of: Juliette Michelle SWIETLIK  
Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation: Police Constable DS925

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:  DS925 Date 08/01/2014

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

Since November 2008, I have been based at Centenary House, Durrington working as a qualified Police Licensing Officer covering West Sussex Division on the Neighbourhood Licensing Team.

My role is to ensure that all licensed premises on the Division abide by the conditions set out on their licences as well as promoting primary licensing objectives legislation.

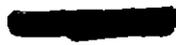
On Friday 22<sup>nd</sup> November 2013, I was deployed on a plain clothes licensing operation, visiting a number of late night economy licensed premises in Crawley, West Sussex.

At 23:45 hours, together with Licensing Officer , we attended a premises known as JJ Whispers, situated at 107 High Street, Crawley, West Sussex, RH10 1DD.

On approaching JJ Whispers, I could see that there was a queue of approximately 8 persons standing outside to the left of the main entrance doors with customers at the front of the queue having identification checked by an SIA Door Supervisor. I would describe this Door supervisor as a white male, aged approximately mid fifties with a South African accent. He appeared very 'chatty' and was engaging in conversation with all customers entering the premises.

After approximately 5 minutes of waiting outside,  and I entered JJ Whispers.

On entering the nightclub, we approached the payment booth on the ground floor and handed over two wrists bands to a young female who was taking payment from customers. The wrists bands had been given to us by a member of staff from another licensed venue we had attended previously that evening.

Whilst checking the two wrist bands we were informed that we had to remove our coats and place them into the cloakroom for the duration of our visit to the club. Both  and I removed our jackets and paid £1 each in order for the club to store our coats.

Signature  DS925 Signature witnessed by: \_\_\_\_\_  
mg11 salient 7/2003

Continuation of statement of Juliette Michelle SWIETLIK

On accepting a cloakroom-ticket we were handed back the wrists bands and informed by the female member of staff that we could go upstairs to the club and get a free drink.

Both [REDACTED] and I made our way up the stairs.

On entering the main area of the club, I would estimate there were approximately 60-70 persons within the entire nightclub. This included the bar area, dance floor and VIP areas of JJ Whispers and it was noted that there was a younger clientele with a mixture of both males and females.

On approaching the bar situated directly at the top of the stairs as you enter the club, after waiting a couple of minutes to be served, we ordered two vodka and cokes which were purchased using the free offer included with the two wrists bands. It appeared we could have chosen any drink with the wrist band offer.

The alcohol beverages purchased were not consumed by either [REDACTED] or myself.

As I stood at the bar, I noted that there was only one member of bar staff working. It quickly became apparent that this was an insufficient number of staff as there were a number of customers waiting to be served. One male customer in particular was becoming increasingly impatient about how long he had been waiting and was shouting at the member of bar staff. At no point was he challenged about his loud and aggressive behaviour. The member of staff just continued to serve him and others waiting.

As we stood at the end of the bar, I observed a female member of staff approach the bar and request someone attend the VIP area with a bucket to clear up after a female customer had vomited through drunkenness.

Although we witnessed a member of staff attend the VIP area, we did not witness the female being sick or ejected.

On walking around the nightclub, only three SIA Door Supervisors were seen by [REDACTED] and I. These had mainly been by the entrance doors, checking customers entering the club, with one SIA Door supervisor working in the payment booth, hanging up coats within the cloak room.

On returning to the seated area, next to the bar at the top of the stairs, I noticed a male asleep on the sofa with his feet up on the seats. After a couple of minutes of observing the male, a door supervisor approached the male to wake him up. The male customer sat up and asked the door supervisor for help getting to his feet. As the male stood up, it was clear that he was intoxicated. He was unsteady on his feet and was clearly

Signature [REDACTED]

Signature witnessed by: [REDACTED]

PTO

B 88

Continuation of statement of Juliette Michelle SWIETLIK  
 swaying as he stood talking to the door supervisor. A few moments later the drunken male was assisted down the stairs, where I believe he left the club.

My attention was then drawn to three extremely drunk males at the bar. One of these three males included the male who I had previously witnessed being extremely vocal to staff for their slow service. As I watched these three males at the opposite side of the bar to where we were sat, I observed two of them lifting the other up onto the bar itself. The male being held up had his legs dangling over the wrong side of the counter.

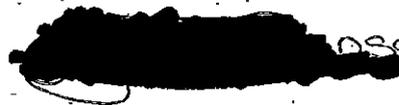
After taking the male back off the counter and whilst standing on the correct side of the bar, to my amazement, the male member of bar staff continued to serve the three males with drinks which I believed were jäger bombs. On asking for the money, the male customer paying for the drinks was so intoxicated that it took him ages to sort out his money as he just stood at the counter, staring at his hand.

At no point did any member of bar staff or Door supervisor challenge the three males about their drunken behaviour or high levels of intoxication.

On leaving the nightclub and re attending the cloakroom to retrieve our coats, my attention was drawn to three drunk males, who I believe were Polish, who were loitering within the entrance / exit lobby. One of these males was extremely vocal and it was clear that door staff were attempting to eject him from the club. His two friends were trying to calm the situation down by reasoning with door supervisors, however door staff eventually managed to eject the drunk male from the club. After obtaining their jackets from the cloakroom the other two other males left the club.

On leaving JJ Whispers just after midnight on Saturday 23<sup>rd</sup> November 2014, we noticed an Ambulance with its blue lights displayed outside the front of JJ Whispers. I was unsure as to why the ambulance was in attendance, I suspected it may have been for the female who had been sick within the VIP area of the club.

This statement was made at 11:00 hours on Wednesday 8<sup>th</sup> January 2014 Centenary House, Worthing.

 059125

Signature \_\_\_\_\_

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

PTO

B 89

**29. Monday 25th November 2013 10:00 hours**

Marc Simpson the DPS telephoned the Neighbourhood Licensing Team to say he was unhappy with the Licensing Team's visit of the 22<sup>nd</sup> November 2013. PS Jarred explained that he had raised serious concerns over the levels of drunkenness with Mr Phillips on Friday night. He reminded Mr Simpson, that as the DPS and a PLH he is responsible for the premises and should be taking steps to address the issues.

### 30. Saturday 30<sup>th</sup> November 2013 23:30 hours

PC Heasman of the Neighbourhood Licensing Team attended the premises in plain clothes to conduct a licensing visit. He identified himself to the head of the Door Supervisor Team who then notified all his staff that a police officer was on the premises. While being escorted around the premises by the door supervisor a male was seen carrying a female from the premises. It was only when the Police Officer raised this with the door supervisor that he took action to ensure that she was taken safely down the stairs. PC Heasman then asked about the use of the VIP booths which can be hired for private use for a minimum spend. (Mr Stuart Simpson had previously explained during the meeting of 4<sup>th</sup> July 2013, that bottles of Vodka could be purchased for £95.00 which were for consumption in the VIP booths. No minimum occupancy for the booth was required) PC Heasman was assured that mixers are provided and that the rooms are monitored by SIA Supervisors. However the Officer noted that all the SIA staff located near the booths were facing away from the booths and overlooking the dance floor. PC Heasman asked how this allowed the consumption of alcohol to be supervised. No response was provided.

PC Heasman then asked to speak to the manager Peter Phillips and asked to see the premises incident book. This was provided but the most recent entry was 5 months old, dated 7<sup>th</sup> July 2013. When this was queried he was told there must be another book in the office. PC Heasman asked to see this second book which, when produced, contained an entry dated 1<sup>st</sup> August 2013. This was again queried and a third book for 'accidents' was suggested as a 'back up'. However, the most recent entry in this was 29<sup>th</sup> November of the previous year. The premises register of refusals and ejections was then requested. The head of security stated that he recorded these on his 'phone. He started to show PC Heasman a list which concluded with an entry on 28<sup>th</sup> September 2013. This breaches condition 28 of the premises licence.

PC Heasman then asked where the premises had recorded the incident from 22<sup>nd</sup> November relating to the excessively drunk female and of the necessity to call an ambulance. No answer was provided.

Pc Heasman enquired about the implementing of condition 26 on the premises licence which relates to the use of the metal detector. He was informed that it was hung up and not often used as they used 'hands-on' searching. They stated that their ID scanner was linked up to other venues but that they did not use it to ban people, more as an in-house banning device. This failed to exchange useful information with other local premises. Mr Phillips stated that he had only been in role for 4 weeks and was still learning but he would address paperwork issues. He later mentioned that he had in fact previously worked at the premises, prior to the last manager.

On leaving the premises PC Heasman recognised a male he had previously seen in JJ Whispers. He was standing in the road so drunk he was nearly knocked over.

It has since been confirmed that the ID scan is not linked to the local premises and that Mr Phillips has been involved in the premises since it opened and runs the security company employed at the premises. PC Selwyn has confirmed that he has attended meetings with Sussex Police in relation to the premises over a prolonged period of time.



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: James HEASMAN

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer CH672

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 in it anything which I know to be false or do not believe to be true.

Signature: [Redacted] CH672 Date 7/1/2014

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

I am a uniformed Sussex Police Licensing officer based at WORTHING Police Station, where I perform a role of a Licensing Officer in respect of West Sussex in accordance with the Licensing Act 2003.

On Saturday 30th November 2013, I was on duty in CRAWLEY wearing plain clothes completing licensing checks working alone. At 23:30 hours I attended JJ WHISPERS and showed my ID to the head of door staff a male called GARY [Redacted] and explained my purpose for visiting, he then proceeded to tell all the staff via their radios that police were on the premises. I was told they had 7 SIA Security on duty, with 244 customers inside the premises.

I got escorted around the premises by the head of security GARY [Redacted] and we walked up the main stairs into the club, as we walked to the top of the stairs I noticed a female who had to be physically carried by an unknown male. I showed this female to GARY [Redacted], who then called up on the radio to have some other door staff help to make sure she was escorted safely down the stairs. He looked embarrassed that this had happened right in front of him.

I started to ask GARY [Redacted] about the VIP booths, he explained that you hire the booth and all the pitchers on the table were of soft drinks which added as mixers to the bottle of spirits the group has pre brought. GARY [Redacted] went on to explain that each booth area had its own dedicated security officer positioned by them to make sure they were under control and monitoring levels of drunkenness. I did then point out to him the security at these points were standing facing outwards and not actually looking at the customers in the booths, and more importantly what's going on behind them. I had witnessed their actions for about 5 minutes whilst also monitoring other customer's behaviour at the bar. GARY [Redacted] didn't say anything to this comment. I walked around and headed downstairs to the smoking area, where they had positioned 1 female SIA officer, who explained the cold weather had reduced the levels of people going out for a smoke.

I went to the "holding room / first aid area" near the front of the club by the stairs, and asked to see the duty manager. A male then introduced himself as PETER PHILIPS, we had previously passed on the stairs and he came and said hello, when he was present with GARY [Redacted] I asked to see the signing in book with regards to the SIA on duty. They produced a signing in book which had all the information present, and all was true to the amount of security I had seen in the venue and they were complying with their premise licence conditions.

I then asked to see their incident book and they produced a very professional looking bound book from a drawer in the first aid area. I remember even commenting that it was very positive to see something professional like this and not just a scrap of paper with limited information on it, however when I started looking through this book I noticed the last incident recorded in there was dated 07 JULY 2012. I immediately questioned this, and they both replied there must be another in the office being used which I

Signature: [Redacted] CH672 Signature witnessed by: \_\_\_\_\_ MG11 5/2007





requested they went and got. They produced another book which looked exactly the same as the previous one which I looked through, this time the last record was input on 01 AUGUST 2013. They then looked a bit confused by this and produced another book this time it was an accident book, which they said they tended to record things in there instead if they couldn't find the other books. I looked in this one and found the last record was shown as 29 NOVEMBER 2012. GARY [REDACTED] then said the current incident book must be at their head office after a meeting they had with JJ WHISPERS, I questioned why the book was taken off site when they could simply photocopy the incidents. They were unable to explain why it had been taken off site, and agreed it shouldn't happen.

I then requested the details of people who had been ejected, as per their conditions on the premises licence. GARY [REDACTED] got out his mobile phone and started to scroll through a list of people that had been ejected, he was confident when he was telling me all refusals and rejections were recorded as it was easier and then he can transfer them across to the incident book, which couldn't be confirmed as this wasn't on site. He started to show me the list as he was scrolling down when it stopped at 28 Sept 2013. I questioned why the female who was ejected the previous weekend, and an ambulance being called was not recorded in any of the information he was showing me. When I asked this question both GARY STANDING and PETER PHILIPS went very quiet at this point.

I then started to ask about the location and use of the metal detector as per another condition on their licence, to which they explained it was behind the door at the front door but then tended to use more hands on searching so it wasn't used that much. They didn't have any records to show how many people had been searched, and if or what had been found on people.

I went onto ask about how they used their ID scanner, and they said that they used it but it wasn't linked up to others in the town or area. They said they tended to use it more for in house bans rather than putting information on for other venues as it was easier to control. I expressed my disappointment in this practice as it didn't really help them or other venues. The management gave the impression that's how the system had always been used and why change it, even though the benefits had been explained.

I explained to both GARY [REDACTED] AND PETER PHILIPS the importance of making sure the incident books where up to date, recorded as much information as possible and they aren't to leave the venue. I even remember saying they would be able to help them justify situations when people come back and questioned things months on from the date it had happened. PETER PHILIPS then explained he has only been in the job for the past 4 weeks and was still learning about everything that was happening with the business, however he did later say that he had come back to the business as the previous manager had left and he had been brought back into bring the business back up to full strength. I was slightly confused by this comment as if he had already had experience in running the venue why would he then say he was getting to learn the business.

I left the premises and remember seeing a male leaving who was wearing a red jumper and beige trousers, he was so drunk he was staggering around in the road, and when I turned my unmarked police vehicle into THE BOULEVARD he was standing in the middle of the road and refused to move out the way. He was drunk and disorientated and it took me sounding my horn and flashing my lights for him to realise I was a car and he was in the road and he then slowly staggered off.

I was in the premises for about an hour observing the customers, and viewing all the practices and procedures. The premises was not as busy as it had been previously due to other late night venues attracting the business.

This statement was written using my original notes from Inn Keeper.

 CH672



mg11 5/2007

### **31. Sunday 8<sup>th</sup> December 2013 01:11 hours**

PC King of the Neighbourhood Licensing Team attended the premises to conduct a licensing visit. The head door supervisor stated that they have a new sheet for ejections that do not require police interventions. The premises were not particularly busy with approximately 285 customers present. On leaving the premises PC King witnessed a male who had been ejected due to his high level of intoxication. He was having difficulty standing and was slurring his words and was clearly very drunk.

Heading towards the town centre PC King saw two females one of whom was very distressed. Her friend explained that she had been ejected from JJ Whispers. She was clearly drunk and emotional and stated that a third party who was also drunk had accidentally pulled her to the floor in the nightclub but that the other girl had disappeared into the crowd and remained on the premises.



### 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: Philip Charles KING

Age if under 18: OV18 (if over 18 insert 'over 18')

Occupation: Police Officer CK171

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 6<sup>th</sup> January 2014

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

I am currently posted to the Neighbourhood Licensing Team based at Horsham Police Station and principality cover the Horsham, Crawley and Mid Sussex area.

As part of my duties I conduct regular licensing checks at licensed premises to ensure premises are being run in accordance with their premises licence and promoting the licensing objectives.

Within the last four to five weeks I have conducted two licensing checks at JJ Whispers in Crawley, West Sussex.

On the 8<sup>th</sup> December 2013 at 01:11 I attended the premises to conduct a licensing check, I checked all door supervisors SIA badge's and crossed checked these against the incident book, the head door supervisor then explained that they had started a new recording system for ejections which did not require any police intervention. The premises had approximately 285 patrons present, whilst at the location I did not observe any issues inside however upon leaving the premises I witnessed a male being ejected due to his high level of intoxication, he was having difficulty standing and slurring his words, he was clearly drunk. I then proceeded towards the town centre, a short distance away I found two females and one female appeared to be in some distress.

I said "ARE YOU OK"

Her friend the answered stating that she had been ejected from the club for being to drunk. The female who was clearly drunk and very emotional. She admitted she was drunk however stated that the girl who slipped and knocked her over in the club was also drunk and that the premises hadn't kicked her out as well.

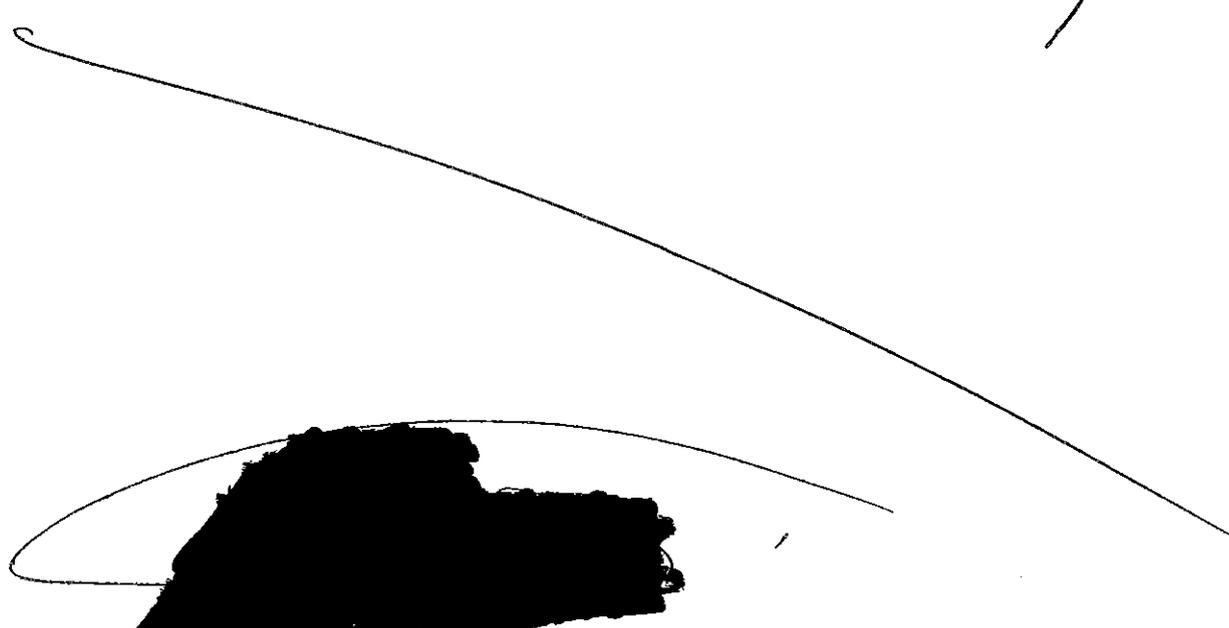
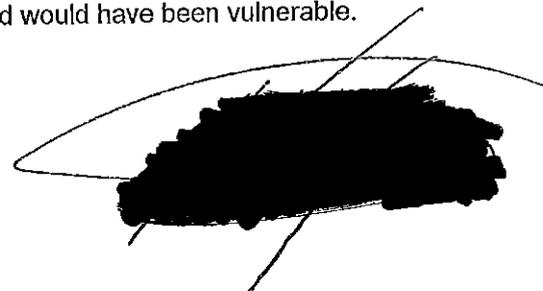
Continuation of statement of Philip Charles KING

On the 5<sup>th</sup> January 2014 at approximately 01:00 hours I visited the premises to conduct a further licensing check, there where approximately 115 patrons inside at the time of my visit I found no issues inside however again on exiting the premises a short distance away I found two males picking a female up. All three had been inside the premises for a friend's birthday party. The female looked quite dishevelled, on speaking with her; she was slurring her words and required support from her boyfriend to remain standing. She stated she had been dinking inside the club and was drunk.

I then continued to complete further licensing checks around Crawley Town Centre at approximately 02:00 hours I driving down the High Street when I pulled over to speak with the duty sergeant, at 02:10 I observed a female staggering along the road towards the taxi office, a male was supporting her as she walked.

I then exit my vehicle and walked over to have a chat with her, she was finding it difficult to stand and require assistance from the male, her words where slurred and it was obvious she was drunk. During our conversation she stated the she had been drinking in JJ Whispers and she was drunk.

In conclusion to these two licensing checks it is my opinion that had any of the females detailed above been on their own they would have required police assistance to get home and would have been vulnerable.



Signature

Signature witnessed by:

B.96

PTO

**32. Friday 13th December 2013 after 01:00 hours (Sub judice)**

Following a night out with friends a female was subject to a serious sexual assault while on her way home. Police investigations revealed that she had been in JJ Whispers with a female friend until closing time where they had been drinking alcohol.

As this is under current investigation, further details cannot at this stage be provided.

### **33. Saturday 14<sup>th</sup> December 2013 0305 hours**

A male was ejected from the premises having been removed by SIA door staff and as a result became angry and remonstrated with door staff. He was arrested for failing to comply with a Section 27 Notice however he resisted arrest and was captor sprayed.

The custody detention log states that the male was incapable of signing the custody record because he was too drunk.

The following day, when he was fit, the male was charged with failing to comply with the Section 27 Notice and Resisting Arrest. He has been bailed to appear before Magistrates on 8/1/14



### 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: Louise Suzanne GILES

Age if under 18: 0 18 (if over 18 Insert 'over 18') Occupation: Police constable DG659

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 in it, anything which I know to be false or do not believe to be true.

Signature: \_\_\_\_\_ Date 14/12/2013

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

I am a police constable at Crawley police station. On 13<sup>th</sup> December 2013 at approximately 0240 I was on duty at JJ whispers, High street, Crawley when I saw a disturbance within the reception area of the building. I was in company with PS LEE DL191, PS Methven CM546, PC Johnson CJ287, PC Rogers CR005 and SC Harris 2457.

One male who I know now to be [REDACTED] 31/08/1989 be ejected from the club by one of the doorstaff. I ran up to him and shouted at him "STOP, CALM DOWN" and he stood to the side with myself and PS LEE and PC ROGERS. I said to [REDACTED] "RIGHT, WHY DON'T YOU TELL ME WHAT HAS GONE ON?" He said "I BOUGHT A BEER IN THE CLUB AND I WANTED TO TAKE IT HOME SO I HAD IT IN MY BACK POCKET AND I WAS WALKING OUT THE CLUB AND THE BOUNCER SNATCHED IT OUT AND THEN THREW ME OUT THE CLUB AND I BOUGHT THAT BEER SO THAT WAS MY PROPERTY" His speech was slurred and his eyes were glazed and he smelt of intoxicating liquor. He was drunk. I said "IT'S A CIVIL DISPUTE, YOU NEED TO TAKE IT UP WITH CLUB MANAGEMENT IN THE MORNING IF YOU ARE UNHAPPY WITH THE WAY YOU WERE DEALT WITH. YOU CANT HAVE THE BEER TONIGHT"

He then said "I WANT TO TALK TO MY FRIEND [REDACTED] and I said "WELL I NEED YOUR DETAILS FIRST AND THEN YOU CAN SPEAK TO YOUR FRIEND, SO WHAT ARE YOUR DETAILS?" [REDACTED] then said "WELL WHAT IF I DON'T GIVE YOU MY DETAILS" I said "WELL I CAN REQUIRE THEM UNDER SECTION 50 OF THE POLICE REFORM ACT AND IF YOU DON'T GIVE THEM TO ME THEN I CANT ARREST YOU" [REDACTED] then said "WELL WHAT IF YOU ARREST ME AND THEN I GIVE THEM IN CUSTODY" and I said "WELL THAT WILL NOT WORK BUT IF YOU LIKE IF YOU WONT GIVE ME YOUR DETAILS THEN I WILL ARREST YOU AND WE CAN GO TO CUSTODY"

[REDACTED] eventually after persuasion provided ID but refused to let me hold it and provided his details but was still shouting he wanted to speak with his friend. He was aggrieved that the bouncer was not from Crawley. After he has provided details I allowed him to go speak with his friend who was standing with PC Johnson and SC Harris. His friend was arguing that his coat was still in the club and [REDACTED] said "NO ITS IN MY CAR, COME ON MATE" eventually he persuaded his friend to walk up the high street but he himself stayed behind. He said "BUT I WANT MY BEER, IM NOT LEAVING UNTIL I GET IT, ITS MY BEER ITS MY PROPERTY, I WANT MY BEER OR I WANT THE MONEY FOR IT" I then said to him "IT'S A CIVIL DISPUTE, IF YOU ARE UNHAPPY WITH THE WAY THAT THE CLUB DEALT WITH IT THEN LIKE I SAID BEFORE YOU ARE NOT GETTING YOUR BEER AND YOU ARE GOING TO HAVE TO LEAVE" He said "NO IM NOT LEAVING, I WANT MY BEER AND I WANT TO GET IT" I said "YOU ARE GOING TO LEAVE AND IM GOING TO ISSUE YOU A SECTION 27 TICKET SO YOU HAVE TO LEAVE - IT IS A DIRECTION TO LEAVE THE AREA IMMEDIATELY AND IN THE DIRECTION I DESCRIBE" I then said "HOW ARE YOU LEAVING TO GO HOME" He said " IM WALKING UP THERE" and pointed up the high street towards Troys Kebab shop at the top of the high street towards the railway crossing. He said "IM WALKING THAT WAY AND IM GETTING A KEBAB AND THEN I WILL GO HOME" I said "NO, YOU CAN NOT GET A KEBAB IN THE HIGH STREET, YOU HAVE TO LEAVE IMMEDIATELY" He said "WELL I WANT A KEBAB, IM GOING TO GET A KEBAB" I said "NO, YOU CANNOT HAVE A KEBAB, IT IS A DIRECTION TO LEAVE

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





TICKET, NOT A DIRECTION TO STAY IN THE AREA AND POP INTO A FEW SHOPS TICKET" He said "WELL IM GOING TO HAVE A KEBAB" I said " YOU CAN HAVE A KEBAB OUT OF THE HIGH STREET SOMEWHERE OUT OF THE TOWN CENTRE BUT YOU CANNOT HAVE A KEBAB ON THE HIGH STREET, IF YOU DO SO YOU WILL BE ARRESTED, I ABSOLUTELY CANNOT MAKE IT CLEARER THAN THAT FOR YOU"

I then finished completing the section 27 ticket which I can exhibit as LG/01 - sec 27 police copy and handed [REDACTED] his copy which he had refused to sign. I then said to M [REDACTED] "NOW IS THE TIME FOR YOU TO LEAVE" and I left him walking up the high street and we continued our patrol in the marked police van.

Afterwards at approximately 0305 to 0310 hours we drove past Troys Kebabs on the high street and I could see [REDACTED] inside Troys Kebab shop at the counter. We stopped the van and I walked into the Kebab shop and said "D [REDACTED] CAN YOU PLEASE COME OUT?" He said "WHAT?! IM GETTING MY KEBAB AND THEN IM GOING TO GO HOME" I said "D [REDACTED], COME OUT NOW" he then walked out the kebab shop and stood outside to the right of the entrance.

I took hold of his right arm and SC Harris took hold of his left arm at approximately 0305 - 0310, the time is recorded on body worn footage and I witness footage, as I said to him "YOU ARE UNDER ARREST FOR BREACHING YOUR SECTION 27 NOTICE" Immediately [REDACTED] said "WHAT!" and tensed his arm where I was holding it and tensed the arm that SC Harris was holding I said "PUT YOUR ARM BEHIND YOUR BACK" and he refused to put his arm behind, keeping it tensed up and in front of his body with enough strength that I could not move his arm behind his back. It was at that point he started moving around and getting agitated and his friends were getting involved and to gain control SC Harris used a takedown move to get him down to the floor where [REDACTED] still had his right arm curled in front off him and flat against the floor and was refusing pressure to get it placed behind his back. SC Harris had hold of his left arm and had it behind his back. I shouted at M [REDACTED] "STOP RESISTING US AND PUT YOUR ARM BEHIND YOUR BACK NOW" He carried on resisting a while longer and I managed to get enough force on his arm to move it behind his back where PS Lee managed to apply handcuffs to the rear.

We then picked him up so he was in a standing position and walked him to the van with him still pulling his body away from us. SC HARRIS further arrested him for resist arrest. When we got to the van door he started shouting "I WANT TO SPEAK TO MY FRIEND, I WANT TO SPEAK TO MY FRIEND" to which we said "NO YOU CANT, YOU CANT SPEAK WITH HIM YOU NEED TO GET IN THE VAN" He carried on saying "NO, IM NOT GETTING IN THE VAN UNTIL YOU LET ME SPEAK TO MY FRIEND" I said again "NO YOU NEED TO GET IN THE VAN YOU ARE IN CUSTODY" He then told us he had a problem with his shoulder and I said to him "IF YOU STAY CALM AND DON'T RESIST YOU WONT NEED TO HAVE YOUR SHOULDER TOUCHED AT ALL, NOW GET IN THE VAN" he still refused to get in the van and myself and SC Harris and PC Rogers then began to pull him into the van whilst he continued to pull away from us and struggle, I managed to get up into the van to pull him in and we got him on the step into the van when suddenly he shouted "COME ON THEN FUCKING HAVE IT CUNTS" and started bucking wildly and throwing himself around as much as he could which pulled us totally off balance and threw us towards the door, both myself and SC Harris let go of him in order not to be pulled to the floor and [REDACTED] then fell and landed on his bottom on the floor, at that point other officers including PC Rogers and PC Johnson assisted in restraining him and PS Lee sprayed him with captor spray in his face with assisted in regaining control whilst I dealt with bystanders who were his friends who were trying to get to him. [REDACTED] was put into leg restraints and taken to Crawley custody where his detention was authorised by the custody sergeant.

I can exhibit LG/02 as the copy of the section 27 which was given to [REDACTED] which was on his person when arrested and seized from custody at 0330.

I can exhibit LG/03 as the copy of body worn video footage downloaded at 0500 which details the original issue of the section 27 and the arrest.

I can exhibit LG/04 as the copy of I witness CCTV downloaded at 0600 which details the arrest.

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### WITNESS STATEMENT

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

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Statement of: Louise Suzanne GILES

Age if under 18: 0 18 (if over 18 insert 'over 18')

Occupation: Police Constable DG659

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 in it, anything which I know to be false or do not believe to be true.

Signature: \_\_\_\_\_

Date 14/12/2013

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

In reference to my statement regarding the arrest of [REDACTED] on 14<sup>th</sup> December 2013 I wish to make two corrections as below:

In the following paragraph : On 13<sup>th</sup> December 2013 at approximately 0240 I was on duty at JJ whispers, High street, Crawley when I saw a disturbance within the reception area of the building.

This should read: On 14<sup>th</sup> December 2013 at approximately 0240 I was on duty at JJ whispers, High street, Crawley when I saw a disturbance within the reception area of the building.

This is because it was past midnight therefore in fact the 14<sup>th</sup> and not the 13<sup>th</sup>.

I would also like to correct the following paragraph: He then said "I WANT TO TALK TO MY FRIEND [REDACTED] and I said "WELL I NEED YOUR DETAILS FIRST AND THEN YOU CAN SPEAK TO YOUR FRIEND, SO WHAT ARE YOUR DETAILS?" [REDACTED] then said "WELL WHAT IF I DON'T GIVE YOU MY DETAILS" I said "WELL I CAN REQUIRE THEM UNDER SECTION 50 OF THE POLICE REFORM ACT AND IF YOU DON'T GIVE THEM TO ME THEN I CANT ARREST YOU" [REDACTED] then said "WELL WHAT IF YOU ARREST ME AND THEN I GIVE THEM IN CUSTODY" and I said "WELL THAT WILL NOT WORK BUT IF YOU LIKE IF YOU WONT GIVE ME YOUR DETAILS THEN I WILL ARREST YOU AND WE CAN GO TO CUSTODY"

This should read : He then said "I WANT TO TALK TO MY FRIEND [REDACTED] and I said "WELL I NEED YOUR DETAILS FIRST AND THEN YOU CAN SPEAK TO YOUR FRIEND, SO WHAT ARE YOUR DETAILS?" [REDACTED] then said "WELL WHAT IF I DON'T GIVE YOU MY DETAILS" I said "WELL I CAN REQUIRE THEM UNDER SECTION 50 OF THE POLICE REFORM ACT AND IF YOU DON'T GIVE THEM TO ME THEN I **CAN** ARREST YOU" [REDACTED] then said "WELL WHAT IF YOU ARREST ME AND THEN I GIVE THEM IN CUSTODY" and I said "WELL THAT WILL NOT WORK BUT IF YOU LIKE IF YOU WONT GIVE ME YOUR DETAILS THEN I WILL ARREST YOU AND WE CAN GO TO CUSTODY"

The correction in that paragraph is to 5 lines down, to the word "CANT" and correcting it to CAN, this was a typographical error. To clarify I was telling [REDACTED] that should he refuse to provide details I could arrest him.

These points clarify two errors on the statement written on 14<sup>th</sup> December 2013 regarding the arrest of [REDACTED]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

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





### 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: Claire Louise Selwyn

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

Date 30/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

In relation to the incident on Saturday 14<sup>th</sup> December 2013 at 03:05 hours a male was arrested outside JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex for Resist arrest and Failing to comply with Section 27 Direction to leave notice. He was later charged to court with both offences.

I can confirm that on Thursday 30<sup>th</sup> January 2014 I contact the criminal justice unit at Sussex Police to find out the outcome of the males court appearance which took place on Wednesday 8<sup>th</sup> January 2014. I was informed that the male had pleaded guilty to Resist arrest and Failing to comply with Section 27 Notice. The court ordered the male to pay £25 court costs, £85 prosecution costs and a £250 fine.

I can confirm this information was taken directly from Police records.

#### 34. Saturday 15<sup>th</sup> December 2013 00:25 hours

PC King of the Neighbourhood Licensing Team attended the venue with PC Hayward to conduct drug swabbing at the premises. Whilst the majority of the readings were quite low, the results for the male toilets revealed evidence of cocaine at a level of 5.14 which is significantly higher than readings taken from other local premises.

As outlined below this is a very high reading and indicates a recent and high presence of the drug.

##### *Readings levels from the ION Tracker drugs technology*

- *Alarms of between 1 and 2 times the alarm threshold can be classed as a 'low' response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.*
- *Alarms of between 2 and 3 times the alarm threshold can be classed as a 'medium' response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.*
- *Alarms of between 3 and 4 times the alarm threshold would be classed as a 'high' response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.*
- *Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the swab. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, in this case cocaine. This level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.*



### 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: Philip Charles KING

Age if under 18: OV18 (if over 18 insert 'over 18')

Occupation: Police Constable CK171

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:

Date 8<sup>th</sup> January 2014

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

I am currently posted to the Neighbourhood Licensing Team and as part of my duties I conduct drugs mapping within licensed premises to establish the potential level of drug usage at the location.

On the 15<sup>th</sup> December 2013 at approximately 00:25 hours I was on duty with PC HAYWARD DH203 when we attended JJ Whispers to conduct a drugs mapping exercise.

This entails taking individual swabs from various surfaces within the male and female toilets these are then analysed using and Itemiser 3 drugs testing machine to return a numerical value. The results of these swabs are listed below.

Male door handle of cubicle - no alarm

Male door handle of cubicle - cocaine 1.18

Male cubicle - cocaine 1.64

Male cubicle - cocaine 5.14

Female door handle - no alarm

Female cubicle - no alarm

Female cubicle - no alarm

When compared with other similar sized premises within the area the male toilets returned a higher numerical value.

### **35. 17<sup>th</sup> December 2013 Objection to TEN**

Due to their ongoing concerns Sussex Police raised an objection to a Temporary Event Notice for an extension of hours submitted by the premises for 27<sup>th</sup> December 2013. This was a late submission received Tuesday 17<sup>th</sup> December 2013 a Counter Notice was issued by Crawley Borough Council on 19<sup>th</sup> December 2013.

**36. 27<sup>th</sup> December 2013 between 01:00 & 02:30 hours**

A female was in the premises when an ex boyfriend approached her, a verbal altercation followed which resulted in him biting her ear. Following continued disturbance the male was ejected. Later, on leaving the premises, she asked the SIA door supervisor to walk her to her vehicle around the corner. He refused but stated that he would watch her. On reaching her car the female was threatened by the male wielding a house brick. He ran off and was unsuccessfully pursued by SIA.

The SIA door supervisor denied witnessing an assault but told officers that he recalled that a female was crying and had requested a unit to attend.

This was not reported to the police by the premises



**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: Claire Louise Selwyn

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

This statement (consisting 2 page(s) each signed by me) is true to the best of my knowledge of 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 22/01/2014

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

I am a uniformed Sussex Police Licensing Officer based at Horsham Police Station, where I perform the role of a Licensing Officer.

I can confirm that on Friday 27<sup>th</sup> December 2013 Sussex Police received a report by the father of a female who turned up at their home address stating she had been assaulted by her ex-boyfriend by him biting her ear. I can confirm that the female reported to police that she had been at JJ Whispers Nightclub, 107 High Street, Crawley, West Sussex where the incident took place and shortly afterwards the male was ejected by door staff. However I can also confirm that Sussex Police have not been informed of the incident by the premises.

I can also confirm that the female reported to police the following line of events. She was out with friends that night and was on her way to the club when she received a text from her friend advising her that her ex-boyfriend was in the nightclub. Despite this she still went in and stated she got to the club just before 01:00 hours. Whilst in JJ Whispers Nightclub the female stated that her ex-boyfriend approached her on the main part of the dance floor and pushed her against the wall. The female stated that her ex-boyfriend was telling her that he had photographs of her on his phone and was threatening to put them on the internet, and that he had called her a slut. She then went on to report to police that her ex-boyfriend motioned for her to come closer to him and when she

Continuation of statement of \_\_\_\_\_  
did this he bit her right ear. She stated that he bit her hard and it hurt. The female stated that her friends then saw her crying and came over to her and began shouting at the ex-boyfriend. With this the door staff then witnessed this and went over and ejected the ex-boyfriend from the club. The female reported to police that she was driving home that night and when she left the club she asked for the door staff to escort her to her car which was parked in the car park to the left of the club near to the road. Door staff stated they could not do this but stated they would keep an eye on her. As the female approached her car the ex-boyfriend appeared from behind the wall and was holding a brick, she screamed and as the door staff came to assist the ex-boyfriend dropped the brick and was trying to put his arm around her mentioning about the internet photographs again and telling the door staff that he was her boyfriend. He then ran off and the door staff ran after him but they did not catch him.

A member of door staff advised police he did not witness any assault at the incident but that he did see the female crying and requested a unit to attend. This incident was not reported to police by the premises.

Signature \_\_\_\_\_

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

**37. 5<sup>th</sup> January 2014- between 01:00 & 02:10 hours**

PC King of the Neighbourhood Licensing Team was on duty conducting licensing visits in Crawley Town Centre. He entered JJ Whispers at approximately 01:00 hours at which time there were only there were around 115 customers. On leaving the premises he saw two males attempting to pick up a dishevelled female, who was so drunk she required assistance to stand and slurred her words while speaking. All three friends had been drinking in JJ Whispers.

Later that night at 02:10 hours PC King was in the High Street when he noticed a female staggering along the road being supported by a male. He approached them to check on her welfare and to ensure that she knew the male accompanying her. The female found it difficult to stand and was slurring her words. They confirmed they had been drinking in JJ Whispers

In the officer's opinion, both of the women he had seen had been made vulnerable through alcohol consumed at the nightclub.

**Premises Licence**

(Licensing Act 2003 – Part A)

**CRAWLEY BOROUGH COUNCIL**Licensing Section, Town Hall, The Boulevard, Crawley,  
West Sussex. RH10 1UZ  
01293 438289**PREMISES LICENCE NUMBER****08/500/LAPRE****Part 1 - Premises details****Postal address of premises, or if none, ordnance survey map reference or description:**

107 High Street

**Post town**

Crawley

**Post code:**

RH10 1DD

**Telephone number:**

Not Known

**Where the licence is time limited the dates:**

Not Applicable

**Licensable activities authorised by the licence:**Plays, Films; Indoor Sporting Events; Late Night Refreshment; Supply of Alcohol;  
Live Music, Recorded Music, Performances of Dance and anything of a similar description;**The times the licence authorises the carrying out of licensable activities:**

<b>Plays</b>	<u>Standard days &amp; timings</u>	Monday – Sunday	09.00 – 00.00
<u>Non-standard days &amp; timings</u> Plays will finish at Midnight with the exception of 10 days notice and agreement of Sussex Police and the Licensing Authority.			
<b>Indoor Sporting Events;</b>	<u>Standard days &amp; timings:</u>	Monday – Sunday	09.00 – 01.00
<b>Films; recorded music;</b>	<u>Standard days &amp; timings:</u>	Monday – Sunday:	09.00 – 03.00
<b><u>Live music; performance of dance; anything of a similar description;</u></b>			
	<u>Standard days &amp; timings:</u>	Monday – Sunday	09.00 – 02.30
<b><u>Late night refreshment;</u></b>	<u>Standard days &amp; timings:</u>	Monday - Sunday	23.00 – 03.00
<b><u>Supply of alcohol;</u></b>	<u>Standard days &amp; timings:</u>	Monday – Sunday	11.00 – 02.30

**The opening hours of the premises:** Standard days & timings Monday – Sunday 09.00 – 03.00**Where the licence authorises supplies of alcohol whether these are on and/or off supplies:**For Consumption On The Premises**Part 2****Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence:**Southern Leisure Corporation  
39-41 Church Street  
Reigate  
Surrey  
RH2 OAD**Registered number of holder, for example company number, charity number (where applicable):**

7440953

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Marc Warren Simpson  
Linden 14 Wembury Park  
Newchapel  
Lingfield  
Surrey  
RH7 6HH

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Tandridge District Council TAND/PERS/08/029

**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 a 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 premises 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.

*(Conditions 4 to 6 effective from 6<sup>th</sup> April 2010 – Sch 4 Policing & Crime Act 2010)*

- 4 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply Alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or

in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- 5 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 6 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.  
*(Conditions 7 & 8 effective from 1<sup>st</sup> October 2010 – Sch 4 Policing & Crime Act 2010)*
- 7 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 8 The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measure
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

## **Annex 2 – Conditions consistent with the Operating Schedule**

- (1) The rear fire doors will only be open in case of emergency and will also be sound proofed.
- (2) The windows on the main dance floor area (1<sup>st</sup> floor) will be blocked up and with 7kn concrete blocks with insulation between the blocks and a plasterboard finish.
- (3) The speakers will be angled down onto the dance floor and shall be at a background noise level at the bars and no speakers shall be positioned by any exit doors..
- (4) The smoking area is located on the ground floor to the side of the building. This area will be clearly marked and signs asking the patrons to be quiet will also be clearly displayed, an SIA door member will be present in the smoking area while customers are present.
- (5) The smoking area is behind gates; only patrons may use this area. Patrons are not to smoke in the area directly next to the gates (in the underpass) and this area shall be roped off and only utilised in case of an emergency.
- (6) Persons under the age of 18 shall only be admitted to the first and mezzanine floors of occasions that are specially organised events for the youth market to take place. No alcohol shall be present. When an event is planned for persons under the age of 18, the DPS will inform Sussex Police and Crawley Borough Council at least two weeks in advance thus allowing both parties to have further discussions and put in place the necessary safety precautions.
- (7) Risk assessments with regards to management folders shall be carried out annually and shall be amended if so required more than once a year.
- (8) A fully qualified first aid person will always be on site whilst the club is open.
- (9) All staff are to be trained in fire safety and evacuation.

- (10) When being operated as a night club from opening time to thirty minutes after closing SIA door staff will be situated outside the premises to assist with the arrival / dispersal of customers when SIA door staff are required as a condition of the licence.
- (11) All amplified sound (including music and speech) from events covered by the licence shall be inaudible within any nearby residential property, with or without one or more windows open. The test for compliance will be that amplified sound should be no more than barely audible outside nearby residential properties.
- (12) All doors and windows must be kept closed except for ingress and egress, when there is regulated entertainment in progress.
- (13) Prior to the commencement of regulated entertainment, an automatic AVC (Automatic volume controller) must be fitted to the in house sound system to the night club. The level on the AVC must be set in agreement with the environmental health team at Crawley Borough Council and be in compliance with Clause 11 of the terms and conditions.
- (14) Any external drinking areas must be closed to patrons from 23:00 Monday to Sunday, except for a Designated Smoking Area, the size and location of which must be agreed with the Environmental Health Pollution Team.
- (15) Locate clear and visible signs identifying the Designated Smoking Area and also to request that customers use the area quietly.
- (16) No drinks or food must be consumed in the Designated Smoking Area after 23:00pm.
- (17) Provide suitable sized receptacle(s) for the disposal of cigarette butts.
- (18) The Designated Smoking Area is only to be used by patrons for the purpose of smoking after 23:00.
- (19) Access to the smoking area shall be from the first floor staircase (situated between the club room and initial bar area) down to the agreed smoking area as referred to in point number 4.
- (20) All CCTV cameras will be fitted, operated and maintained within the premises, to the requirements and satisfaction of Sussex Police. All such recordings shall be in a clear, presentable footage, stored in a safe, secure area for at least 30 consecutive days and made available forthwith to Sussex Police upon request or, if that is not immediately practicable, a written statement of the reason(s) for the failure to provide such records. Any faults with the system will be reported to Sussex Police Licensing Unit and Crawley Borough Council within 48 hours. The CCTV recording system will be kept in a locked cabinet that only senior management of the premises will have access to. Failure of the system will be reported to Sussex Police Licensing as soon as possible and repaired as soon as possible.
- (21) When being operated as a night club, numbers of licensed door staff will be set as follows:-  
2x SIA door staff for the first 100 customers and then 1 per 100 customers when any area is open to the public excluding the ground floor restaurant. There will be a minimum of 2 SIA door staff on the first floor and a further 1 on the mezzanine floor when open to the public.
- (22) All licensed door staff will use radios to contact each other and will wear hi-visibility arm bands with their SIA badge on show.
- (23) After 01:00hrs there will be no entry or re-entry to the premises.
- (24) Poly-carb glasses will be used on the first and mezzanine floors at all times and after midnight in the ground floor restaurant with the exception of champagne bottles

- (25) A recognised ID scanning system will be used to check at least one in five customers on entry or re-entry to the first floor and mezzanine level.
- (26) A metal detector will be used to check customers on entry. At least one in five customers will be searched on entry.
- (27) There will be a dedicated security room maintained and manned by appropriate SIA registered staff whilst a person is being detained by premises staff for Police action.
- (28) All ejections from the premises will be performed by at least two licensed door staff and where possible supervised by a senior member of management. Such activities to be recorded in writing /electronically or by visible means and made available to Sussex Police upon request.
- (29) Be an active member of the Crawley Pub Watch or equivalent.  
*(The following conditions were agreed with the CBC Pollution Team, 26.01.11)*
- (30) Employ a suitable qualified person to prepare a scheme on the control of amplified noise emanating from the premises. It shall be submitted to and approved by the Environmental Health Team prior to the commencement of any regulated entertainment. The scheme shall demonstrate, by measurement or calculation (all raw data must be included), how the design and management of the premises will ensure that the following prevention of public nuisance conditions will be complied with.
- (31) A management plan on the control of noise emanating from patrons using the premises shall be submitted to and approved by the Environmental Health Team prior to the commencement of any licensable activity. The scheme shall demonstrate how the management of patrons arriving at the premises, using the external designated smoking area and departing from the premises will not create noise which is more than barely audible outside any nearby noise sensitive premises.

### **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).*

### **IMPORTANT;**

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.

