

Crawley Borough Council
Licensing Sub Committee
Supplementary Agenda
Wednesday, 7 November 2018

Anne Maria Brown

Head of Legal and Democratic Services

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6 Additional Information and Further Supporting Evidence relating to Item 4	
<ul style="list-style-type: none">• Additional Information provided by the Licensing Authority in respect of Premises Licence - Transfer (received on 02.11.18)	3 – 4
<ul style="list-style-type: none">• Further Supporting Evidence from Sussex Police (Submitted 05.11.18)	5 – 14
<p><i>N.B. – Sussex Police has informed the Council that they are intending to bring to the hearing further CCTV Footage relating to the above submission.</i></p> <p><i>This further CCTV Footage will be presented at the Hearing, subject to the Sub Committee and all parties being in agreement.</i></p>	



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Agenda Item 6

Premises Licence - Transfer

Consultation with the Chief officer of Police

In accordance with Section 42 of the licensing act 2003, the applicant must give notice by supplying a copy of the application for the transfer of the premises licence to the chief officer of police for this area.

Applicant	Ei Group Plc
Name of premises	Moonraker
Address	199 Three Bridges Road Three Bridges Crawley West Sussex RH10 1LJ
Premises Licence No.	18/02257/LAPRE
Current Licence Holder	Martin Stephen Radmall

Where the chief officer of police is so satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a written notice stating the reasons why he is so satisfied, this notice must be given within 14 days of receipt of the application.

Police notice due (14 days)	14 November 2018
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Responsible authority;

Sussex Police WS_Licensing_WOR@sussex.pnn.police.uk;

Home Office Alcohol@homeoffice.gsi.gov.uk;

Michael.Lyons@Crawley.gov.uk;

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Moonraker

199 Three Bridges Road Crawley

Further supporting evidence

Statement from member of Bar staff	1 – 4
Statement from PC Hendy arresting officer	5 – 6
Statement from PC Jones* Licensing officer (account of CCTV & breaches of licence)	7 – 8
CCTV footage	

NB. On Friday 2nd November 2018, the suspect pleaded guilty at Magistrate's Court where he was convicted and sentenced. (Criminal Damage and Section 5 Public Order Act offence. The Sentence details not available at time of writing). It is therefore now possible to disclose more detailed information pertaining to this incident which was briefly outlined in the additional information provided on 30th October 2018.

In short on 18th October the Designated Premises Supervisor (DPS) and two members of the bar staff were on the premises and allowed a child of 12 years of age to be present and using one of the pub's pool tables; contrary to the conditions of the licence as previously outlined. The child was then manhandled by the intoxicated suspect preceding the ongoing hostility and aggression ultimately leading to the male's arrest. It is most fortunate that he was not caught up in a serious incident.

The male found guilty at court on 2nd November 2018 has been subject of a pub watch ban since April 2008. This excluded him from entering any Crawley & Gatwick Business Watch Pub members' premises. It is a condition of the licence that Moonraker is an active member of the CGBW. None of the staff members present acted in accordance with the condition of the premises licence which would have required them to prohibit the male remaining on the premises.

It should be noted that, in PC Jones' statement he references the CCTV footage which shows a patron, un-related to this incident, standing watching events unfold. He can be seen removing & replacing what appears to be a weapon from his back trouser pocket.

- Page (1) paragraph (7) PC Jones' statement contains a typing error Martin Randall should read Martin Radmall. This name is correctly referenced in paragraph (9)

SUSSEX POLICE
(When complete)

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

URN

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Statement of: [Redacted Name]

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Bar staff

This statement (consisting of 4 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: [Redacted Signature] Date: 18/10/18

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

I am the above named person and I work at the Mooraker pub as bar staff. I have worked here for around three years. I arrived at the Mooraker at around 1920hrs on 18th October 2018 to begin my shift at 1930hrs. When I got behind the bar at around 1930hrs I noticed a male in the bar who was being very animated and excitable. He has a lot of regulars and I had never seen this male before, which is unusual.

I served him a double whisky and then I noticed him getting in the faces of the other punters, who seemed to be getting annoyed by him as they were rolling their eyes. I believe he was at the pub on his own as I didn't see him with anyone specific. He was being irritating.

My colleague's son was playing pool, who is twelve years old. The male kept putting his arm round him, which seemed to be making him uncomfortable as he was shrinking away from him. This went on for around ten minutes, on and off. At this point my colleague, the boy's mother, [Redacted Name] went over to the male. I could hear her tell the male to leave her son alone so he could play pool.

The male seemed to get a bit offended. I couldn't hear exactly what he was saying, but I saw him throw something on the ground as though in a scarp. He then went back to pick it up and went towards the door. He began shaking back at everyone in the bar, but I don't remember what he

Signature: [Redacted Signature] Signature witnessed by:

PTO

Continuation of statement of: [redacted]

was saying. Another male who was in the bar, who I know as [redacted] though being a punter in the pub, told him to calm down. The male walked over to [redacted] really aggressively. There was a heated discussion and the male was yelling in [redacted]'s face. [redacted] was shaking back and kept telling him to calm down. I leant over the bar and told [redacted] to stop as I didn't think he was helping the situation. I then tried to get the male's attention by saying something to the effect of "EXCUSE ME". He ignored me and seemed completely in the zone with [redacted]. I then said "OI" two or three times to try to get his attention. My voice got louder each time, but the male continued to ignore me. I think he went to leave at that point, but I don't remember exactly what happened because it all happened so fast. Eventually, I went round the bar to speak to him, as I thought as I was female it might calm the situation. I said words to the effect of "YOU NEED TO LEAVE NOW". I then said "GO OUT". The male said "I'M NOT A DOG". I tried to guide him out and he started walking with me. The male then stopped and I said "COME ON, IT'S TIME TO GO". The male replied "NO, CAUSE YOU'RE TELLING ME TO". I told him I wasn't leaving him anymore, so he might as well leave. He refused, but I don't remember what he said. I said "YOU EITHER LEAVE NOW OR I'LL CALL THE POLICE AND THEY'LL MAKE YOU LEAVE". The male became quite defensive and said "CALL THE POLICE, I DON'T CARE, THEY WON'T HELP". I walked round to get the phone and then walked back into the bar. I called the Police and the male came over and said "GO ON, CALL THE POLICE, LOOK AT YOU, YOU'RE SHAKING". He said this aggressively with disgust, as though he was talking down to me and trying to intimidate me. I then saw the male pick up a glass from the bar and I said "PUT THAT GLASS DOWN". He then flung the glass across the bar and it smashed against the wall. I don't believe he was aiming it at anyone, but he definitely meant it to throw it. I then walked to the back of the bar so I could hear the

Signature: [redacted]

Signature witnessed by:

Continuation of statement of: [Redacted Name]

operator. The male was shouting, but I don't remember what he was saying. I was watching what was happening on the bus on the CCTV. I saw on the CCTV that someone had picked up a chair, so I went back into the bar. I shouted "PUT THE CHAIR DOWN". At this point I didn't really register who was holding the chair. We were stood at the pool table and I saw the male pick up two pool balls. He threw one towards the dart board and I ducked, however I don't think it would have hit me. I heard the ball hit the wall. I tried to take the other pool ball out of his hand to stop him from throwing it. I can't remember if I managed to take it from him.

I then went back to the back of the bar so I could speak to the ~~RECU~~ operator, and was looking at the CCTV again. I could see other people in the bar trying to engage with the male calmly. When I finished my call with the Police operator when I was informed that the Police had arrived, I went back into the bar and was told by one of the punters that the male had gone.

I would describe the male as around 5ft 9", black, short black shaggy hair. He was wearing a blue bomber jacket with a white pattern on it, he had something blue on underneath, blue jeans, and was wearing black loafers with buckles on.

This incident was around twenty minutes long, at the closest point ~~the male was around 8 foot away from me~~ 6 inches away from me. The room was well lit and there was nothing blocking my view of the male when I was in the bar. As I was on the phone the male identified himself as A [Redacted] but I don't remember what he said his surname was. I would recognise him again if I saw him.

The glass the male smashed was a Corning pint glass and would cost around a pound to replace. I noticed the pool ball has left a dent in the wall. That wall has just been painted and will need filling in and painting. I don't know how much this will cost to do.

When the male was engaging with me I felt intimidated and ~~was shaking~~ shaking. I knew there was a child in the bar and I was worried for his safety as I didn't know what the male was going

Signature: [Redacted Signature]

Signature witnessed by:

Continuation of statement of:

[Redacted Name]

to do. I did not give this male permission to damage anything in the bar.
I saw Police speaking to the male and can confirm it was the same male who had been getting aggressive in the bar that night.

[Redacted]

Signature:

[Redacted Signature]

Signature witnessed by:

[Redacted] (When completed)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

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Occurrence Number: 47180158909

Statement of: ROBERT HENDY

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

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: [Signature] #CH014 HENDY, R.

Date: 18/10/2018 22:53

Tick if witness evidence is visually recorded

On Thursday 18/10/2018 I was on duty in full uniform, working with PC STENNER DS568, under call sign WR107. Whilst out on mobile patrol, we were asked to attend the MOONRAKER PUB, THREE BRIDGES ROAD, CRAWLEY to a report of a male being aggressive within the address location.

On arrival members of staff and customers drinking in the pub have pointed out a male that I now know to be A [Redacted] Q [Redacted] - [Redacted] (19 [Redacted]), walking away from the pub. I have immediatley called to Q [Redacted] to stay where he is as we need to speak to him, he has stopped and engaged with me.

I immediatley noticed that Q [Redacted] was slurring his speech, kept repeating himself, his eyes were glazed and was unsteady on his feet. I would say that Q [Redacted] was drunk.

I have remained outside of the pub with Q [Redacted] whilst PC STENNER has gone in to speak to the informant.

Shortly after PC STENNER has returned and informed me that Q [Redacted] had thrown a pint glass against the wall and also thrown pool balls against an interior wall causing minor damage.

Due to this I have said to Q [Redacted] 'I AM ARRESTING YOU ON SUSPICION OF CRIMINAL DAMAGE', I have then cautioned Q [Redacted], to which he made no significant reply. The time of my arrest was 20:10 hours and the necessity was to prevent any further damage to property or any harm to another person.

Due to Q [Redacted]'s demeanour and the fact he had been drinking, he was placed in handcuffs to the rear and transported to CRAWLEY CUSTODY where his detention was authorised.

On arrest Q [Redacted] was wearing a dark coloured jacket with white print all over, blue jeans and black shoes with a silver buckle across the middle.

I have taken pictures of the damage caused by Q [Redacted] in the MOONRAKER PUB and can exhibit these as evidence for court as exhibit reference RH/01 ([Redacted]), I have exhibited BWV of my arrest, this is exhibit reference RH/02 and due to the

10/2017

[Redacted] (When completed)

[REDACTED] (When completed)

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pub being unable to burn a copy of the CCTV, I have recorded this on my BWV and can also exhibit this as evidence for court as RH/03.

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[REDACTED] (When completed)

SUSSEX POLICE

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(when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN [] [] [] []

Statement of: Warren Matthew JONES

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CJ903

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] Date 2nd November 2018

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

At about 2255 hours on Tuesday 23rd October 2018, I was on duty in uniform, when I attended the Moonraker public house, 199 Three Bridges Road, Crawley, RH10 1LE.

The premises has been issued Premises Licence 05/00073/LAPRE by Crawley Borough Council, permitting it to conduct certain licensable activities under the Licensing Act 2003. The premises licence contains a number of conditions that must be adhered to in order to conduct those licensable activities.

At the time of my visit, the premises was permitted to conduct licensable activity, and was open to the public. A number of patrons were present, and were consuming alcoholic drinks.

On entering the premises, I spoke to a member of staff who was standing behind the bar, who I now know to be T [Redacted] R [Redacted]. R [Redacted] subsequently produced her personal licence for inspection - personal licence 18/0 [Redacted] LAPER, issued by Crawley Borough Council on 1st October 2018.

I was aware that on 18th October 2018 an incident of Crime and Disorder had occurred in the Moonraker, which had resulted in the arrest of a male called A [Redacted] Q [Redacted]. At the time of his arrest, police officers in attendance were unable to receive a copy of the premises CCTV as the premises did not have any media to download it to. Instead they had filmed a short portion of the footage, as displayed on the CCTV monitor using their body-worn camera.

The day before my visit, I had telephoned R [Redacted], who had been the member of staff on duty when Q [Redacted] was arrested, and requested a download of the CCTV. She offered that she could select the footage on the CCTV system, if I could attend to download it on to a USB.

I was aware that in R [Redacted] statement to police on the 18th October 2018, she stated that she had arrived at the premises at about 1920 hours to start her shift at 1930 hours. I asked her to select CCTV footage from before the time she entered the premises, and we were able to identify that Q [Redacted] was already in the premises at 1900 hours. As we watched the footage, R [Redacted] confirmed that the person serving behind the bar, before she started work, was the then Premises Licence Holder, and Designated Premises Supervisor, Martin Randall. She also said that Randall had served Q [Redacted] with a double brandy, and a half of lager, prior to her shift. She confirmed that during her shift, she served Q [Redacted] with a double brandy.

I am aware that the Moonraker is a member of the Crawley and Gatwick Business Watch pubwatch group, and that Condition 10 of Annex 2 states: "The premises licence holder shall ensure that the premises actively partake in any local "pub watch" scheme or similar and will ensure that the premises are run in accordance with any initiative adopted by such organisation."

Q [Redacted] is excluded from entering any of the CGBW pubwatch premises, and has been excluded since April 2008. Radmall, as a member of the pubwatch scheme should have been aware of Q [Redacted].

I downloaded the CCTV footage to a USB stick, which I later reviewed and transferred footage to a DVD

Signature: [Redacted] Signature witnessed by: [Redacted]

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(when complete)



which I produce as my exhibit marked WMJ/2.

On the footage I saw a child dressed in school uniform, who was roaming freely around the premises, and at times playing pool with other patrons. The child is present on the footage, within the premises, whilst Radmall is behind the bar, until around 1950 hours. From R [redacted] statement of 18th October 2018, I am aware that the child was 12 years old.

The child's presence on the premises was a clear breach of condition 6 of Annex 2 of the above premises licence which states: "Children are not permitted on the premises after 1900 hours."

Reviewing the footage from camera 2, which is above the main front door, the footage shows Q [redacted], who is unsteady on his feet, physically interacting with the child at the pool table, trying to hug him. The child appears unsure, and keeps looking over to an adult female who is sat at the bar, and shortly afterwards walks over to her.

When the child walks back to the pool table, Q [redacted] continues to try and hug him. The adult female then gets up from the bar, and can be seen to engage in a heated discussion with Q [redacted]. Shortly afterwards, Q [redacted] appears to stride towards the exit, waving his arms about, before quickly returning and engaging in what appears to be a heated discussion with a male sat at the end of the bar. R [redacted] intervenes, and appears to ask Q [redacted] to leave, but he does not do so. During this, the male sat at the end of the bar exits the premises, and Q [redacted] diverts his attention to other patrons, and is clearly arguing with them in an animated state.

Q [redacted] appears to be getting more agitated, as he can be seen slamming his hand on the bar, and moving a bar stool around aggressively. While this is occurring, the first male he had argued with returns to the bar, and Q [redacted] returns his attention to him.

Tempers are clearly rising, and Q [redacted] can be seen goading the male to fight him. The male moves out to an open space by the pool table, and Q [redacted] takes a fighting stance in front of him. Other patrons intervene, and they move back to the end of the bar, where the argument continues, with Q [redacted] being the apparent aggressor.

Q [redacted] slams his hand on the bar several more times, and then throws two bar stools over. As other patrons try to stand these back up, Q [redacted] swings a punch at the male he is arguing with but appears to miss, and forcibly pushes the male over the fallen stools and on to the floor.

As Q [redacted] is restrained by patrons, the other male gets back to his feet, picks up a stool, and approaches, Q [redacted] with the stool above his head as a weapon. Other patrons keep the pair separated as R [redacted] can be seen on the telephone, presumably making the 999 call to police.

For the next few minutes, Q [redacted] continues to try to get to the other male, but is prevented by other patrons. However during this time, he can be seen taking balls from the pool table, and throwing at least one of these at the other male. Q [redacted] eventually leaves the premises a few seconds before 2000 hours, just as the police are arriving.

Reviewing the footage from camera 3, which is above the secondary front door, it covers the front pool table, and shows the 12 year old child referred to earlier, playing pool with a young adult male, who is wearing a light hooded top, jeans, and light trainers.

During the periods of heightened tension or disorder, this male can be seen to produce an item from his rear right pocket. Although unclear as to what it is, it is apparent that it is either a weapon in its own right, or from his actions and apparent intentions, an item that he intended to use as a weapon if required.

[Redacted signature]



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