

Crawley Borough Council

Licensing Sub Committee

Agenda for the **Licensing Sub Committee** which will be held in
Committee Room B - Town Hall, on **7 November 2018** at **10.00 am**

Nightline Telephone No. 07881 500 227



Head of Legal and Democratic Services

Membership:

Councillors

K L Jaggard, C J Mullins and M W Pickett
T G Belben (Deputy)

From:

Councillors

M L Ayling, T G Belben, N Boxall, B J Burgess, R Fiveash,
K L Jaggard, M G Jones, K McCarthy, C J Mullins, D Peck, C Portal
Castro, B J Quinn, T Rana, R Sharma and J Tarrant

Please contact Democratic Services if you have any queries regarding this agenda.
democratic.services@crawley.gov.uk

Published 30 October 2018

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The order of business may change at the Chair's discretion

Part A Business (Open to the Public)

	Pages
1. Appointment of Chair	
2. Apologies for Absence	
3. Members' Disclosures of Interest	
In accordance with the Council's Code of Conduct, members of the Council are reminded that it is a requirement to declare interests where appropriate.	
4. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley	3 - 56
To consider report HCS/09 of the Head of Community Services.	
Councillors are asked to bring the Licensing Handbook to the meeting, which has been circulated with the agenda.	

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Crawley Borough Council

Report to Licensing Sub-Committee Wednesday 07th November 2018

Application to Review the premises licence applicable to the

MOONRAKER 199 Three Bridges Road Three Bridges Crawley

Report of the Head of Community Services –HCS/09

1. Purpose

- 1.1 On the 20th September 2018, 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 the above mentioned premises licence. **Appendix A**
Copy of the Review Applicat
- 1.2 Sussex Police has requested a review on the grounds that the licence holder is not promoting the statutory licensing objective(s) of:- (I) Prevention of Crime and Disorder
(II) Public Safety s.51
Licensing Act 2003
(LA03)
- 1.3 It is contended the above mentioned licensing objectives have been seriously undermined by the failure of Martin Radmall, the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), following a particularly serious assault upon a patron which went unreported, also that he failed to adhere to the conditions attached to the premises licence and to appropriately deal with the management of the premises.
- 1.4 On Weds 24th October 2018 Sussex Police submitted an additional evidential bundle. **Appendix B**
Additional Bundle

2. Recommendations

- 2.1 The Sub-Committee must, having regard to the application and any relevant representations take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.
- 2.2 The steps are: S 52(4) of the
Licensing Act 2003
- (i) to modify the conditions of the licence
- (ii) to exclude a licensable activity from the scope of the licence

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- (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 are altered or omitted or any new condition is added.

3. Reasons for the Recommendations

- 3.1 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. The Act provides that the Council must take certain steps, which are those specified above in paragraph 2.2. Section 51(1), LA03

4. Background

- 4.1 Crawley Borough Council ("the Council") is the relevant licensing authority in relation to any premises within the Borough of Crawley which is to be used for one or more licensable/qualifying activities in accordance with the Licensing Act 2003 "the Act".
- 4.2 The MOONRAKER is a licensed premises subject to the stated terms and conditions under the Act with Martin Stephen Radmall named as both premises licence holder and designated premises supervisor (DPS). Appendix C
Copy of the
premises licence
- 4.3 Government guidance states that the proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. S182 Guidance
Para 11.1 (Edition:
April 2018)

5. Details of the Review Application

- 5.1 Sussex Police state that they have deliberated upon the most appropriate resolution to the alleged failings of Mr Radmall the DPS of this premises, and initially it was felt that it would be proportionate to request revocation of the premises licence given that he is also the PLH. However, Sussex Police contend that a number of measures could be put in place which it is believed would promote the licensing objectives, ultimately allowing Ei Group Plc who own the building and have leased it to Mr Radmall, the opportunity to implement appropriate changes to protect members of the public from harm and to ensure the licensed premises can be run safely and to the benefit, rather than to the detriment, of the local community. The proposed measures are as follows in 5.1.1. to 5.1.11 and the text in *italics* are

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the reasons given by Sussex Police as to why they have proposed them.

- 5.1.1 A new Designated Premises Supervisor shall be appointed who currently has no involvement with the licenced premises nor with the premises licence holder Appendix A
Copy of the
Review Applicat
- 5.1.2 The current DPS (Mr Radmall) shall not be permitted on the premises at any time licensable activity is taking place. Appendix A
Copy of the
Review Applicat
- Sussex Police consider these (2.1.1& 2.1.2) necessary to ensure that a new strong personal licence holder is able to take control and run the premises in accordance with the licence and the Licensing Act 2003.*
- 5.1.3 The DPS or a Personal Licence Holder will be on the premises, in a working capacity, each day until all members of the public have left the premises and its curtilage. Appendix A
Copy of the
Review Applicat
- Sussex police consider this appropriate to reduce the levels of drunkenness at the premises and support staff in providing a duty of care to patrons.*
- 5.1.4 Suspension of the licensable activities at the premises, for a period of not less than eight weeks Appendix A
Copy of the
Review Applicat
- Sussex police consider a suspension of this length is appropriate acting as a deterrent to management of this premises and other premises in the area. They assert that this will also demonstrate that the Local Authority will not tolerate this level of mismanagement. The period of suspension will send a clear message to those patrons who attend the premises, that the behaviour previously allowed will no longer be tolerated. This period of suspension will also allow time for the appointment of a new DPS and the reorganisation and/or retraining of the management and staff at the premises.*
- 5.1.5 The pool tables shall be removed from the premises Appendix A
Copy of the
Review Application
- To remove the focal point of many of the problems arising at the premises.*
- 5.1.6 Duty of Care policy which shall be included in staff training for all members of bar staff (and where relevant SIA door staff) Appendix A
Copy of the
Review Application
- Sussex police consider this appropriate to reduce the levels of drunkenness at the premises and support staff in providing a duty of care to patrons.*
- 5.1.7 Signage stating that the premises has a zero tolerance towards drugs. Appendix A
Copy of the
Review Application
- 5.1.8 Drugs policy which shall be included in staff training for all members of bar staff (and where relevant SIA door staff).
- 5.1.9 Toilet checks to be completed at regular and frequent intervals. (a minimum of every 2 hours Monday-Thursday but increased to hourly checks on Friday and Saturdays) Appendix A
Copy of the
Review Application
- To promote the prevention of Crime & Disorder.*
- 5.1.10 A documented risk assessment must be written which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. On occasions when a requirement Appendix A
Copy of the
Review Application

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is identified by the licence holder's risk assessment or requested by Sussex Police, SIA trained and licensed door supervisors shall be employed and polycarbonate drinking vessels will be used both externally and internally. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.

To promote the prevention of Crime & Disorder.

- 5.1.11 A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
- Appendix A
Copy of the
Review Applicat

Sussex police consider this appropriate to further monitor sales of alcohol & reduce the levels of drunkenness and anti-social and behaviour at the premises.

6. Information & Analysis Supporting Recommendation

6.1 Relevant Representations

- 6.1.1 The application was advertised in accordance with legislation which resulted in the following relevant representations being submitted (7.1.2 and 7.1.3). The Sub-Committee must have regard to these when deciding what steps to take in respect of the review application.

- 6.1.2 GOSSCHALKS – On behalf of their client Ei Group Plc
Copy attached as appendix D

Appendix D

- 6.1.3 WSCC – Director of Public Health
Copy attached as appendix E.

Appendix E

6.2 Statutory Guidance (s182)

- 6.2.1 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.

S182 Guidance
Para 11.2

- 6.2.2 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holder's early warning of their concerns and the need for improvement, and where possible they should advise the licence 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.

S182 Guidance
Para 11.10

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- 6.2.3 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. S182 Guidance Para 11.16
- 6.2.4 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 objectives are effectively promoted. S182 Guidance Para 11.17
- 6.2.5 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. S182 Guidance Para 11.18
- 6.2.6 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps: Section 52 of the Licensing Act
- (a) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - (b) to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music (where it is not within the incidental live music exemption);
 - (c) to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence.
- 6.2.7 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 to address the cause(s) of concern that instigated the review. S182 Guidance Para 11.20
- 6.2.8 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
- 6.2.9 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the S.182 Guidance Para 11.22

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designated premises supervisor maybe an inadequate response to the problems presented.

- 6.2.10 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
- 6.3 **Policy Considerations**
- 6.3.1 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. Some of the relevant sections are summarised below.
- 6.3.2 The aim of the policy is to promote the licensing objectives set out in the Act whilst securing the safety and amenity of residential communities and facilitating a sustainable entertainment and cultural industry. CBC Alcohol Licensing Policy 1.2
- 6.3.3 The Council recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run premises providing entertainment to the local economy and vibrancy of the borough. CBC Alcohol Licensing Policy 1.7
- 6.3.4 The Council recognises that licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act. The terms and conditions attached to various permissions will be focused on matters which are within the reasonable control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. CBC Alcohol Licensing Policy 2.4
- 6.3.5 The Policy states that the Council will primarily focus on the direct impact the activities taking place at licensed premises may have on members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the reasonable control of the individual, club or business holding a licence, certificate or relevant permission. CBC Alcohol Licensing Policy 2.5

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|--------|--|-----------------------------------|
| 6.3.6 | The policy states the key controls in respect of preventing crime and disorder arise from good operational planning and good management of activities at the premises. | CBC Alcohol Licensing Policy 2.10 |
| 6.3.7 | The essential purpose of the licence is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. The Council will not, therefore, seek to use, conditions attached to licenses to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. | CBC Alcohol Licensing Policy 2.11 |
| 6.3.8 | The Policy states that no conditions relating to the management competency of designated premises supervisors will be attached to premises licences, unless it could be demonstrated that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and/or disorder and public safety. | CBC Alcohol Licensing Policy 2.12 |
| 6.3.9 | The 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 Alcohol Licensing Policy 2.14 |
| 6.3.10 | The Policy states that it will look to the Police as the main source of advice on matters relating to the reduction of crime and disorder objective and this advice will be given considerable weight. | CBC Alcohol Licensing Policy 2.14 |
| 6.3.11 | The Council will ensure that representations made by the statutory bodies and the police in respect of individual applications should be given considerable weight. | CBC Alcohol Licensing Policy 2.49 |
| 6.3.12 | Once a premises licence is issued, it remains in place for the life of the business: there is no "annual renewal" of the licence, but applications are required to pay an annual fee to cover the Council's costs concerning the exercise of its statutory obligations under the Act as set out in the statute. However, should problems arise, it is possible for representations to be made to the Council, to review the licence. | CBC Alcohol Licensing Policy 7.1 |
| 6.3.13 | The Policy states that the Council intends to use the review procedures effectively to deter crime. Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, we will seriously consider that revocation of the licence/certificate, even in the first instance. | CBC Alcohol Licensing Policy 7.6 |
| 6.3.14 | 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 Alcohol Licensing Policy 8.2 |

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7. Implications

- 7.1 There are no extra staffing or financial implications to the Council, save for those in respect of possible appeal(s).
- 7.2 The Council is required to consider the impact any decision may have on an individual's Human Rights.
- 7.3 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.

8. Background Papers

- Premises licence
- Sussex Police Review Application
- Letter of representation from Ei Group
- Letter of representation from WSCC Director of Public Health
- Copy of the s182 Guidance (April 2018)
- Current Statement of Licensing Policy

Report author and contact officer: *Mike Lyons, Senior Licensing Officer*
01293 438698
mike.lyons@crawley.gov.uk



Application for the review of a premises licence 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, <i>(insert name of applicant)</i>	Chief Inspector Ross for and on behalf of the Chief Constable of Sussex Police
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Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details	
Moonraker	
Postal address of premises or, if none, ordnance survey map reference or description 199 Three Bridges Road	
Post Town Crawley	Post code (if known) RH10 1LE

Name of premises licence holder or club holding club premises certificate (if known) Martin Stephen Radmall

Number of premises licence or club premises certificate (if known) 05/00073/LAPRE

Part 2 – Applicant details

I am,

Please mark X for yes

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"/>
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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please mark X for yes

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	
-----------	--------------------------	------------	--------------------------	-------------	--------------------------	-----------	--------------------------	--	--

Surname

First names

Please mark X for yes

I am 18 years old or over	<input type="checkbox"/>
---------------------------	--------------------------

Current postal address if different from premises address	
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Daytime contact telephone number	
---	--

E-mail address (optional)	
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(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (if any)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address:
C/o Licensing Office Sussex Police West Sussex Division Centenary House Durrington Lane, Worthing West Sussex BN13 2PQ

Telephone number (if any)
01273 404030

(Email address (if any))
WS_licensing_wor@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)	
Please mark X for yes (one or more boxes)	
1) the prevention of crime and disorder	X
2) public safety	X
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review (please read guidance note 1)	
<p>Sussex Police contend that the licensing objectives of</p> <ul style="list-style-type: none"> i) The prevention of crime & disorder ii) Public safety <p>have been seriously undermined by the failure of Martin Radmall, the Premises Licence Holder (PLH) and Designated Supervisor (DPS), to adhere to the conditions attached to the premises licence and to appropriately deal with the management of the premises.</p> <p>Sussex Police seek this Review following a particularly nasty assault upon a patron which went unreported either to South East Coast Ambulance Service or to the Police; the male required hospital treatment for substantial facial injuries. Despite being on the premises throughout the incident, the Designated Premises Supervisor failed to deal with the situation and failed to properly support Sussex Police in the investigation of the criminal offence. The crime scene was wiped clean and Mr Radmall's statement was vague and contained little evidential value.</p> <p>The DPS has, by his own admission, repeatedly failed to adhere to the conditions attached to this premises licence specifically pertaining to running of pool league matches. Numerous further breaches of the licence were also identified by PC Jones during a licensing visit to The Moonraker. Furthermore, drugs readings at the premises indicated a high level of cocaine, not only in the toilet areas but within the open public area of the bar.</p> <p>E.I. as owners of the building, have officially registered an interest in the premises via Crawley Borough Council and are aware of the police concerns.</p> <p>Sussex Police believe it is necessary to instigate review proceedings to allow the licensing committee the opportunity to consider the concerns raised surrounding Mr Radmall; the management of the premises, measures which may be required to protect members of the public from harm, and to prevent further incidents of crime and disorder at these licensed premises.</p>	

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

The Moonraker public house is located in a mixed residential area proximate to Three Bridges railway station. It is a relatively small premises, with a smoking area to the rear and "picnic" style benches at the front adjacent to the road. There are two pool tables at each end of an 'L' shaped bar.

The premises licence is held by Mr Martin Radmall who is also the Designated Premises Supervisor (DPS). The premises is open to the public 09:00 ~ 00:00 hours Monday to Thursday (until 00:30 Friday/Saturday). The premises licence permits the sale of alcohol Monday to Thursday between 11:00 ~ 23:30 hours and Friday to Saturday 11:00 ~ 00:00 hours. (Seasonal variations for Bank holidays) A number of conditions are attached to the licence, some of which were attached by the licensing authority after a hearing.

27th April 2018 (23.15hrs)

Sussex Police Officers attended a private address following a call from the ambulance service to attend a male who had been assaulted. The male, *M*, was bleeding profusely from a facial injury, whereby the left side of his nose had become detached from his face. He provided officers with a vague account of how he had sustained the injuries while playing pool at The Moonraker Pub, Three Bridges. The ambulance service arrived and immediately advised that *M* needed to go to hospital. On arrival at the hospital however it was determined that to treat the level of injury sustained, *M* needed to be transferred to St George's hospital. It should be noted that 'M' provided an account to police on Body Worn Video. However he was unable to provide a statement due to his level of intoxication.

While some police officers escorted the victim to hospital, other uniformed officers attended The Moonraker public house. The premises was closed and in darkness. The officers eventually located Mr Radmall at his home address, who then returned to the pub. He showed the officers a broken pool cue which he retrieved from a bin.

Mr Radmall did provide Sussex Police with CCTV footage of the incident, albeit restricted due to obscuring of camera 2. He also provided officers with a statement of his account of the evening. However, Mr Radmall had not made any effort to report this serious incident to Sussex Police. He failed to provide any duty of care to a male who had sustained serious injuries while on this licenced premises; failing to assess his condition, call an ambulance or arrange safe transportation. The crime scene was completely destroyed, bar stools wiped clean, the bar wiped clean and a pool cue thrown away having been handled by many and varied persons. Mr Radmall's recollection of the incident, which had taken place some hours earlier, was vague and he was able to provide the police with little information. His recollection of events was incompatible with the CCTV footage.

30th May 2018

PC Jones, a prevention licensing officer for Sussex Police attended the premises to conduct a compliance visit. During the visit a number of breaches of the licence were identified:-

Annexe 2 condition 3 states:

- *Active drug policy shall be in place, all persons caught dealing or using drugs will be reported to the Local Authorities and banned from the premises.*

PC Jones requested to see the Drug Policy; but it was not available.

Annexe 2 condition 4 states

- *Fire drill records shall be on the premises at all times.*

PC Jones requested to see the fire drill records; there were none available.

Annexe 2 condition 7 states

- *CCTV to be installed in accordance with Home Office guidelines relating to UK Police requirements for digital CCTV system. Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the Police where it is necessary to do so for the prevention or detection of crime; for the prosecution or apprehension of offenders; or where the disclosure is required by law. Any breakdown or failure of the system shall be reported to the Police as soon as is practicable and repaired as soon as possible.*

PC Jones noted that 'camera 2' was still obscured by the storage of outdoor parasols. This camera, which had been obscured on the 27 April 2018, covers the area where the assault took place. The lack of footage has been a considerable hindrance to the criminal investigation.

Annexe 2 condition 8 states

- *All new members of staff (including any member of staff who is re-employed having previously worked at the premises) will receive induction training regarding the responsible sale of alcohol before being permitted to sell alcohol. All staff involved in the sale of alcohol shall be reminded of their obligations under the Licensing Act (and in particular not to sell alcohol to persons under 18 or to persons who are drunk) at least once every twelve weeks. All staff training shall be fully documented and copies of the training records made available to the local authority and Sussex Police on reasonable request.*

PC Jones requested to see the training records. None were available. A member of staff admitted that she had not received any training other than when obtaining her personal licence in 2016. She had not received any refresher training since then.

Annexe 2 condition 10 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.*

PC Jones has subsequently checked with Crawley & Gatwick Business Watch, for pubwatch attendance for the Moonraker including the number of nominations and the level of involvement with the scheme. It was established that attendance was infrequent; once in February 2018 and once in May 2018. Logging on to the system had not been made since October 2017 and prior to that February 2017. No reports/nominations had been received from the premises. The incident of 27th April 2018 was not reported.

Annexe 2 condition 11 states:

- *A written log shall be kept of all refusals to serve alcohol, refusals of entry to the premises and ejections from the premises. The premises licence holder shall have responsibility for making sure that this log is properly maintained and available for inspection upon request to Sussex Police and the Local Authority.*

PC Jones noted that the most recent entry in the log was dated 19th August 2016. Prior to that there were no entries since 2014

Annexe 2 condition 14 states:

- *Sussex Police Neighbourhood Licensing Team will be notified of any planned pool league events no less than 14 days prior to the event.*

Sussex Police have never been notified of any pool league events.

While at the premises PC Jones suggested that he conduct drugs mapping at the premises. The results of the drugs mapping conducted on 30th May are attached. Readings of 4.00 and above indicate that there has been direct contact with a bulk source of narcotic; these levels are not associated with cross contamination, nor background contamination. Cocaine readings were found consistently throughout the premises. They were not restricted to the enclosed toilet areas; and high readings were recorded within the open, public bar area, specifically on the games machine located adjacent to the rear pool table, and the fruit machine located roughly half-way through the premises, and opposite the main bar.

30th May 2018 20:30 hours

Uniformed officers attended the Moonraker pub. A pool league event was taking place at the premises on two separate pool tables. Local teams were participating in what was described as the Crawley Summer Pool League. Details of those playing were provided. There were no SIA door supervisors present. Mr Radmall informed the officers that in his five years they had never had SIA doorstaff.

Annexe 2 condition 15 states:

- *A member of SIA registered staff to be on duty and a register of all pool team members both home and away to be maintained on pool league evenings. The register is to be available to the Local Authority and Sussex Police upon request.*

14th September 2018 23:25 hours

A multiagency visit was conducted at the premises. PC Bernascone a uniformed officer from the Brighton licensing team and Mr Lyons Crawley Borough Council Licensing officer attended the premises. On arrival there were 4 persons outside the premises at the front and four patrons within the premises. When the officers arrived the four patrons inside the premises left. It was noted that two of the males seemed to be intoxicated and were talking in overly loud voices. The DPS was not on site and only one member of staff was working. She confirmed that although she has sat and passed her licensing exam she has not yet obtained her personal licence.

Annexe 2 condition 12 states:

- *Whenever the premises are open to the public, either the designated premises supervisor or another personal licence holder shall be present within the licensed premises.*

The CCTV was checked and it was noted that the timing was ten minutes out. The member of staff could not operate the system so was unable to correct this or to allow officers to check that

recordings were being stored on the system. The refusals log was checked and the police officer commented upon how few entries had been made, the most recent being on 29th July 2018.

.....

It is the opinion of Sussex Police that the presence of the pool tables are a contributory factor to the problems arising at this premises.

As demonstrated on the CCTV footage of this incident, Mr Radmall cannot be relied upon to take control of events within the licensed premises, for which he is not only the premises licence holder but the DPS. He has failed to train his staff appropriately and has allowed customers on his premises to consume alcohol until beyond their alcohol tolerance levels. He has failed to prevent an incident escalating into a serious fight on the premises and subsequently failed to provide any duty of care to the victim of a violent assault. He failed to report the incident either to the ambulance service or the police. The levels of cocaine throughout the premises indicate that patrons have openly used controlled drugs at the Moonraker. There can be little question that Mr Radmall has failed to promote the licensing objectives of, the prevention of crime and disorder and promoting public safety. By his own admission he has consistently failed to adhere to the conditions attached to the premises licence. Sussex Police, therefore can have little confidence in his ability to remain as the DPS, with day to day responsibility for the safe running of the premises. Sussex Police contend that to allow him to do so would place members of the public at further risk.

Sussex Police have deliberated upon the most appropriate resolution to the overt failings of Mr Radmall the DPS of this premises, and initially it was felt that it would be proportionate to request revocation of the premises licence given that he is also the PLH. However, Sussex Police contend that a number of measures could be put in place which it is believed would promote the licensing objectives, ultimately allowing E.I who own the building and have leased the licence to Mr Radmall, the opportunity to implement appropriate changes to protect members of the public from harm and to ensure the licensed premises can be run safely and to the benefit, rather than to the detriment, of the local community.

1. A new Designated Premises Supervisor shall be appointed who currently has no involvement with the licenced premises nor with the premises licence holder.
2. The current DPS (Mr Radmall) shall not be permitted on the premises at any time licensable activity is taking place.

Sussex Police consider these (1& 2) necessary to ensure that a new strong personal licence holder is able to take control and run the premises in accordance with the licence and the Licensing Act 2003.

3. The DPS or a Personal Licence Holder will be on the premises, in a working capacity, each day until all members of the public have left the premises and its curtilage.

Sussex police consider this appropriate to reduce the levels of drunkenness at the premises and support staff in providing a duty of care to patrons.

4. Suspension of the licensable activities at the premises, for a period of not less than eight weeks

Sussex police consider a suspension of this length is appropriate acting as a deterrent to management of this premises and other premises in the area. This will also demonstrate that the Local Authority will not tolerate this

level of mismanagement. The period of suspension will send a clear message to those patrons who attend the premises, that the behaviour previously allowed will no longer be tolerated. This period of suspension will also allow time for the appointment of a new DPS and the reorganisation and/or retraining of the management and staff at the premises.

5. The pool tables shall be removed from the premises

To remove the focal point of many of the problems arising at the premises

6. Duty of Care policy which shall be included in staff training for all members of bar staff (and where relevant SIA door staff)

Sussex police consider this appropriate to reduce the levels of drunkenness at the premises and support staff in providing a duty of care to patrons.

7. Signage stating that the premises has a zero tolerance towards drugs

8. Drugs policy which shall be included in staff training for all members of bar staff (and where relevant SIA door staff)

9. Toilet checks to be completed at regular and frequent intervals. (a minimum of every 2 hours Monday-Thursday but increased to hourly checks on Friday and Saturdays)

To promote the prevention of Crime & Disorder

10. A documented risk assessment must be written which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. On occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police, SIA trained and licensed door supervisors shall be employed and polycarbonate drinking vessels will be used both externally and internally. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.

To promote the prevention of Crime & Disorder

11. A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers

Sussex police consider this appropriate to further monitor sales of alcohol & reduce the levels of drunkenness and anti-social and behaviour at the premises.

Please mark X for yes
Have you made an application for review relating to this premises before <input style="float: right;" type="checkbox"/>

If yes please state the date of that application	<input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
--	---

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

Please mark X for yes
<ul style="list-style-type: none"> • 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 X • I understand that if I do not comply with the above requirements my application will be rejected X
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 (on behalf of the applicant)

<i>Di Lewis</i> Insp Lewis DL770

Date: 19th September 2018

Capacity: Force Prevention Licensing Inspector

--

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) FAO: P.Giddings Prevention Licensing Team Centenary House Durrington Lane	
Post town Worthing	Post code BN13 2PQ
Telephone number (if any) 01273 404030	

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) ws_licensing_wor@sussex.pnn.police.uk
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Notes for Guidance <ol style="list-style-type: none"> 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. <p style="margin-top: 10px;">This is the address which we shall use to correspond with you about this application.</p>
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MOONRAKER CRAWLEY

Evidence

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SUSSEX POLICE (when complete)

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

URN [] [] [] []

Statement of: Martin RADMALL

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Landlord

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] Date: 28/4/2018

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

I am the above person and I reside at the address shown overleaf.

I am currently the landlord of THE WOOD-RAKER PUBLIC HOUSE in CRAWLEY on THREE BRIDGES ROAD. I have been the landlord for approximately four and a half years.

On Friday the 27th of April 2018 I started work at my above pub at approximately 15:30 hours. The pub had already been opened up at 12:00 hours by one of my staff members.

At approximately 22:30 hours I was out on the main pub floor on the other side of the bar where all the customers drink and play pool. At this time I was sat down at a table by the front entrance of the pub playing poker. I was playing poker with about nine other people. This is something I do every Friday pretty much. These tables I sit at I have described are on the right hand side as you walk into the pub from the main road front entrance.

While I was sat down as I have described at the time I have stated, all of a sudden I could hear a commotion coming

Signature: [Redacted] Signature witnessed by: PC CURTIS CC193

PTO

MG 11 (cont) 12/97

Page no: 2 of 4

Continuation of statement of: Martin RADMALL

From the other end of the pub, next to the pool table at the far end, I immediately got up and rushed to go to where I could hear it coming from. As I walked up to the far end pool table I could then see a male lying on his back next to the bar. There were lots of people hanging by the pool table and by the male lying on the floor, but I didn't see how he got there or what had happened. I could see one of my regular drinkers I knew as 'R' near by and my immediate instinct was to hold him back. I don't know why as I don't know if he had been involved or not. I can't remember what he said. I also can't remember what any of the other customers were saying while this was happening. I could see one or two stools lying on the floor near to the male on the floor. I looked down to the male on the floor and I could see he had a bloody nose. I don't know how he got this and nobody told me how it happened.

I continued to stay where I was to try and calm the situation down. Several people got the male up off the floor and started walking him to the front entrance of the pub. I couldn't tell you who these people who helped up the male. I can't remember. It was all a haze in my mind. There was too much going on. I let go of the drinker I knew as 'R' at that point and followed the male who had been on the floor out of the pub. I could see he had a bloody nose. I told the male to just make his way home. He didn't say anything to me at all. As soon as he was

Signature: [Redacted] Signature witnessed by: PC (WTS). CC107

Continuation of statement of: Martin RADMALL

outside I then locked the door. This was to stop the male from coming back in or anyone else using that entrance to cause more trouble from inside.

Once the male had gone outside and the door locked I went back up towards the bar pool table area. I could hear people talking about what had happened and mention of a broken pool cue. However, I can't remember any specific detail. I heard someone say 'B' had been threatened with a pool cue. I think maybe B then hit the male who was on the floor. I don't know his for certain though. In my eyes it had all just been a storm in a teacup and the problem had now calmed down. I then went back to playing poker on the table I described. B also came and played with us.

At about 23:45 I then began shutting the pub and everyone had gone. At this time I noticed a broken pool cue in the bin behind the bar. I left it there. I then closed up the pub and made my way home. I didn't see any blood from the male anywhere in the pub.

I would describe the male with the bloody nose as a white male in his 30s, of a medium build. He had short lightish hair. I can't remember what he was wearing. I don't know his name and I couldn't recognise him again.

The male I know as 'B' I have known as a regular drinker in the pub since I have worked here. He is also known as 'B' or 'B'. All I know is he lives with his

Signature: x [redacted] Signature witnessed by: PC CURTIS 00195

MG 11 (cont) 12/97

Page no: 4 of 4

Continuation of statement of: Martin RAOUNALL

man in the local THREE BRIDGES area. I don't know his surname or his address. I would describe 'B...' as a white male, approximately 6'0" in height and of a stocky build. He is approximately late 20s to early 30s. He has short dark hair. He has tattoos on his arms but I don't know what of. He was wearing a dark top and jeans. I would remember him again as he always drinks in my pub.

I am willing to assist the police how I can and attend court if required, although as I've stated - I don't remember a great deal about the incident and did not see how it happened. Only what I heard others mention at the time. x M. [redacted]

Signature: x M. [redacted]

Signature witnessed by: PC CURTIS, 00103

[Redacted] (when complete)

MG11

WITNESS STATEMENT

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


URN

Occurrence Number: 47180061529

Statement of: TIMOTHY WAINWRIGHT

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:  #CW162 WAINWRIGHT, T. Date: 28/04/2018 03:20

Tick if witness evidence is visually recorded

On Friday 28th APRIL 2018 I was on duty in full uniform crewed with PC JANMAN CJ390. At approximately 23:00hrs we were asked to attend [Redacted] CRAWLEY. Police had received a call from SECAMB stating that a male at this address had been a victim of an assault. When we arrived on scene a male a now know to be [Redacted] answered the door and let us in. It was dark but I immediately saw that M [Redacted] had blood round his face and in particular his nose. When we went into the address I could see that a large area of M [Redacted] nose had split and was hanging down. M [Redacted] told me that this evening he had been drinking in the MOONRAKER, CRAWLEY and playing pool. A group he was playing pool with began to get rowdy. The next thing he recalls after this was walking home and having a large amount of blood coming from his nose. Ambulance attended and a decision was made to take M [Redacted] to ST GEORGES HOSPITAL. Whilst at the address I have taken a number of photographs of M [Redacted]'s injuries which I can exhibit to the court as follows;

- 23:28hrs TSW/01 () PHOTOGRAPH OF LEFT SIDE OF FACE L [Redacted] M [Redacted] S.
- 23:28hrs TSW/02 () PHOTOGRAPH OF FRONT OF FACE L [Redacted] M [Redacted] S.
- 23:29hrs TSW/03 () PHOTOGRAPH OF RIGHT SIDE OF FACE L [Redacted] M [Redacted] S.
- 23:29hrs TSW/04 () PHOTOGRAPH FULL LENGTH L [Redacted] M [Redacted]

Once at hospital I have at 00:58hrs seized clothing items from M [Redacted] S which I can exhibit to the court as follows;

10/2017

[Redacted] (when complete) v1.0

[REDACTED] (when complete)

MG11

TSW/05 () BLUE T-SHIRT IN WHITE PLASTIC BAG.

TSW/06 () BLUE PAIR OF JEAN IN WHITE PLASTIC BAG.


During this incident I was recording using my personal issue body worn video camera. Once back at Crawley Police Station at 03:33hrs I have burnt a copy of this footage which I can exhibit to the court as TSW/07 ().

10/2017

[REDACTED] (when complete) v1.0

[Redacted] (when complete)

MG11

WITNESS STATEMENT	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
URN	47NC1228518
Occurrence Number: 47180061529	
Statement of: ELLIOTT WHITEHEAD	
Age if under 18: Over 18 <i>(if over 18 insert 'over 18')</i> Occupation: Trainee Detective 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 in it anything which I know to be false, or do not believe to be true.	
Signature:  #CW191 WHITEHEAD, E.	Date: 28/04/2018 16:30
Tick if witness evidence is visually recorded <input type="checkbox"/>	

On Saturday the 28th April 2018 at 11:15 hours I spoke to a Martin RADMILL who is the landlord of the Moonraker Public House. I made enquiries about CCTV cameras within the pub itself. RADMILL stated that I was allowed to attend the pub and gather any footage that I needed in relation to an assault which took place the night before. 11:30 hours I attended the Moonraker Public House on Three Bridges Road. I spoke to the bar staff who showed me to the CCTV system. The system had 8 cameras attached

Camera 1 showed the pool area to the rear of the pub

Camera 2 was off line

Camera 3 was of the entrance area and pool table to the front of the pub

Camera 4 was of the outside to the front of the pub

Camera 5 was of the outside to the front of the pub

Camera 6 was of the rear garden

Camera 7 covered the bar area to the rear of the pub

Camera 8 covered the side alleyway

I looked at the time on the CCTV system which read 09:30 hours. The whole system was 2 hours show.

10/2017

[Redacted] (when complete) v1.0

[REDACTED] (when complete)

MG11

I was aware that at around 22:30 the previous night an assault had taken place. I had viewed footage on exhibit RSS/01 prior to attending the pub and knew that the assault took place at 20:36 (22:36).

I therefore backed up footage from camera 1, 3, 4, 5, 6, 7 from 20:00 – 22:00 (22:00 – 00:00) on the 27th April 2018. This backed up onto a USB stick as AVI video files. I took the USB stick and copied the files from it onto a DVD. I can exhibit this as ETW/280418/1317.

I watched the footage. In the footage on camera 1 you can see L [REDACTED] M [REDACTED] playing pool with a group of young males. I estimate these males are between 19 – 21 years old. There appears to be an argument between M [REDACTED] and the male who he is playing and his friend. M [REDACTED] gets pushed by the male who is watching the pool game. M [REDACTED] reacts by raising the snooker cue above his head. At this point the male who is playing pool puts down his cue and walks towards M [REDACTED]. At this point you see a male appear from the front of the pub. This male is wearing a pink shirt. He approaches the males and appears to try to calm the situation down. He is followed by another male who is wearing a two tone top. He stands near to M [REDACTED] but slightly out of sight of the camera. The last male comes marching over to the pool table is wearing a purple top and has tattoos on his arms. As he stands in front of M [REDACTED], M [REDACTED] hits the snooker cue on the pool table breaking it in half. Upon the cue being broken the purple shirt, two tone shirt and pink shirt males push M [REDACTED] down the pub to in front of the bar. At this stage they are in the back ground of the CCTV camera. You can see an object swing through the air however it is not clear what it is or what it hits.

Switching to camera 3 you can see two other customers eject M [REDACTED] from the pub. The male in the purple shirt eventually comes back to sit at the table next to the front door. It would appear that the people on this table are playing a game. I note that in the statement of RADMILL he states he was sat by the front door playing poker.

On Camera 7 you can see a young male hand a broken snooker cue to the bar staff. The member of bar staff puts the snooker cue behind the bar area.

I created some still images which I can exhibit as ETW/280418/1540.

10/2017

[REDACTED] (when complete) v1.0

[REDACTED] (when complete)

MG11

WITNESS STATEMENT

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


URN

Occurrence Number: 47180061529


Statement of: ROSS SANDIFORD

Age if under 18: Over 18 *(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 wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #CS623 SANDIFORD, R. Date: 28/04/2018 04:17

Tick if witness evidence is visually recorded

On Saturday 28th April 2018 I was on duty in full uniform crewed in a marked Police car (call sign WR104). At approximately 03:00hrs I was tasked to attend a Crime scene at The Moonraker Public House, Crawley in order to download the CCTV at the location which covered a serious assault. (CAD /27APR18 refers). I attended the location and downloaded the footage of the incident. The CCTV system had a -2 hour time difference. I downloaded the footage onto a USB stick which I placed into an evidence bag and exhibited as RSS/01.

10/2017

[REDACTED] (when complete) v1.0



MG 11(T)

[Redacted] ONLY
(when complete)

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 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: [Redacted] Date: 28th August 2018

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

At about 1115 hours on Wednesday 30th May 2018, I was on duty in plain clothes, when I attended the Moonraker public house, at 199 Three Bridges Road, Crawley, West Sussex, RH10 1LE.

This 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.

At the time of my visit, the premises was permitted to conduct licensable activities, but had not yet been opened up to the public.

I was aware of a member of staff being on site, and after raising their attention, I identified myself to them, and they subsequently allowed me to enter the premises.

I recognised the member of staff from previous visits to the premises, and they too acknowledged recognising me. The member of staff produced her personal licence or inspection, and I now know her to be K B [Redacted] - personal licence 16/01877/LAPER.

The Designated Premises Supervisor, and Premises Licence Holder, Mr Marlin Randmall, was not on site, but B [Redacted] agreed to assist me on his behalf, in checking for compliance with the conditions attached to the above premises licence.

Condition 3 of Annex 2 of the premises licence states, "Active drug policy shall be in place, all persons caught dealing or using drugs will be reported to the local authorities and banned from the premises" [Redacted] was unaware of such a policy document, and was therefore unable to produce it for inspection.

Condition 4 of Annex 3 of the premises licence states, "Fire drill records shall be on the premises at all times."



[Redacted] mg11(t) 9/2007



MG 11(T)

[REDACTED] ONLY
(when complete)

B [REDACTED] was able to produce for me, a Fire Risk Assessment document, dated 13th February 2018, and a Fire Safety Log Book. The latter had no entries in it, and B [REDACTED] was unable to locate any separate records of any Fire Drills. I took photographs of these documents, which I produce as my exhibits marked WMJ/01, WMJ/02, and WMJ/03.

Condition 7 of Annex 2 of the premises licence relates to the provision of CCTV at the premises. B [REDACTED] was unable to access the system to demonstrate it was retaining images for 28 days as required, but was able to show me the monitor screen. I noted that Camera 2 was not displaying a visible image. B [REDACTED] immediately recognised that this was the camera directly behind the entrance lobby, and was angled to view the main bar area through to the rear of the premises. She went over to that location, and moved a number of patio umbrellas that had been placed there for storage. The image on the CCTV monitor was immediately restored, and from this image could see that it would have captured footage of an assault that took place on 17th April 2018, had an obstruction not been present on that date.

Condition 8 of Annex 2 of the premises licence states, "All new members of staff (including any member of staff who is re-employed having previously worked at the premises) will receive induction training regarding the responsible sale of alcohol before being permitted to sell alcohol. All staff involved in the sale of alcohol shall be reminded of their obligations under the Licensing Act (and in particular not to sell alcohol to persons under 18 or to persons who are drunk) at least once every twelve weeks. All staff training shall be fully documented and copies of the training records made available to the local authority and Sussex Police on reasonable request." B [REDACTED] was unable to locate and produce any such training records, and confirmed to me that other than the training she had received on her Personal Licence course, she had never received any such training at the premises.

Condition 11 of Annex 2 of the premises licence states, "A written log shall be kept of all refusals to serve alcohol, refusals of entry to the premises and ejections from the premises. The premises licence holder shall have responsibility for making sure that this log is properly maintained and available for inspection upon request to Sussex Police and the Local Authority." B [REDACTED] was able to produce a clipboard with a single sheet of A4 paper on it, which was titled "ASK: Alcohol Refusals Police & Log". There were 13 entries on the log in regards to refusals of service. The most recent was dated 19/8/16, with the one prior having been entered on



[REDACTED] *PLS*

mg11(t) 9/2007



MG 11(T)

CONFIDENTIAL ONLY
(when complete)

to the sheet in 2014. There was no record of any incidents of refusal of entry, or of ejection from the premises, and no entries dated 17th April 2018. I took two photographs of this sheet, which I produce as my exhibits WMJ/04 and WMJ/05.

B [redacted] allowed me to take a number of swabs from within the premises, which I later tested for the presence of illegal narcotics. The results of these swabs are detailed in a separate statement [redacted]

[redacted] 15/03



mg11(l) 9/2007


URN

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Statement of: Warren Matthew JONES


Age If under 18: Over 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:  *W. Jones*

Date 28th August 2018

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

At approximately 1115 hours on Wednesday 30th May 2018 I was on duty in plain clothes at the Moonraker, 199 Three Bridges Road, Crawley, RH10 1LE. A member of staff, Mrs K-B  was present, and with her permission, 22 swab samples were taken by myself, from various surfaces around the premises. These swabs are Teflon coated fibreglass strips which pick up microscopic amounts of whatever substance is on a surface, such as controlled substances. The samples obtained were all placed individually into separate, fresh, and unused envelopes. The sample traps were subsequently tested by myself, in the Ion Track Itemiser machine which is situated in the licensing office at Horsham Police Station. I have received training from the manufacturers of the Ion Track machine which enables me to use the machine to test swabs taken and to interpret the results obtained. I ensured that the machine was working correctly prior to the testing of the swabs. The Itemiser is programmed to detect and identify microscopic amounts of many different types of narcotics and will correctly identify contamination down to nanogram (billionth of a gram) levels. Cocaine is one of the most reactive and easy to detect substances in the Itemiser's library. Responses are reported to the user by a simple and clear computer interface. An 'alarm' strength number gives the intensity of the response. This strength is an indication of the amount of narcotic contamination that was collected on the swab taken. The results of those 22 swabs are listed below, indicating where the sample was obtained, followed by the strength of any Narcotic substance detected:

MALE TOILET SEAT AND CISTERN: COCAINE – 5.76

MALE TOILET WINDOW: COCAINE – 6.69

MALE TOILET DOOR: COCAINE – 4.67; MDMA – 1.62

MALE TOILET PUBLIC AREA: COCAINE – 4.46; MDMA – 1.00

FEMALE TOILET 1 PAPER DISPENSER AND CISTERN: COCAINE – 5.17

FEMALE TOILET 1 WINDOW: COCAINE – 5.85

 *W. Jones*

- FEMALE TOILET 1 DOOR: COCAINE – 2.60
- FEMALE TOILET 2 CISTERN: COCAINE – 4.17
- FEMALE TOILET 2 WINDOW: COCAINE – 2.97
- FEMALE TOILET 2 DOOR: COCAINE – 4.59
- FEMALE TOILET PUBLIC AREA: COCAINE – 3.52
- BAR RIGHT HAND END: COCAINE – 2.82
- BAR LEFT HAND END: COCAINE – 4.15
- FRUIT MACHINE: COCAINE – 4.30
- POOL TABLE (FRONT): COCAINE – 4.24
- POOL TABLE (REAR): COCAINE – 4.13
- GAMING MACHINE: COCAINE – 4.85
- JUKEBOX: COCAINE – 4.54
- TABLE UNDER REAR TV: COCAINE – 2.57
- TWO TALL TABLES BY SIDE TV: COCAINE – 2.65
- TABLE BY FRONT DOOR: COCAINE – 2.93
- TABLE UNDER FRONT WINDOW: COCAINE – 1.62; MDA – 1.62

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.

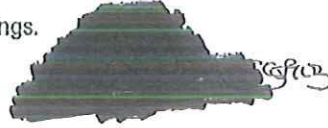
Alarms of between 2 and 3 times the alarm threshold can be classed as a 'medium' response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

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.



This statement and the enclosed results cannot be used in any Criminal investigations, and are provided on the understanding that they will only be used in civil proceedings.



Date and Time 30/05/2018 20:30

OFFICERS ATTENDED MOONRAKER PUB THREE BRIDGES ROAD AT APPROXIMATELY 20:30 ON WEDNESDAY 30/05/2018.

WE WERE TO SEE IF ANY SIA DOOR SUPERVISORS WERE EMPLOYED BY THE PUB.
ALSO TO SEE IF A POOL LEAGUE WAS TAKING PLACE AT THE PUB WHICH POLICE HADN'T BEEN MADE AWARE OF.

NO SIA SUPERVISORS ARE EMPLOYED BY THE PUB, AND THE LICENSEE STATED THAT IN HIS 5 YEARS OF BEING MANAGER, THEY HAVE NEVER HAD SIA STAFF.

THE LICENCE HOLDER IS MARTIN RADMALL DOB: **/**/****

OFFICERS CAN CONFIRM THAT THERE WAS A POOL LEAGUE EVENT TAKING PLACE AT THE PUB ON TWO SEPARATE TABLES. THESE ARE APPARENTLY LOCAL TEAMS AND NAME'S HAVE BEEN TAKEN FROM THOSE INVOLVED. THE NAME FOR THE LEAGUE IS CRAWLEY SUMMER POOL LEAGUE.

EMAIL ADDRESS IS: *****

THE HOME TEAM DETAILS ARE -

NAME: 8 BALL BANDITS

PLAYERS: J, P, M., S, G

THE AWAY TEAM DETAILS ARE -

NAME: INTER LEAGUE REJECTS

PLAYERS: A., S., W., S., N..

THE SECOND GAME UNDER WAY AT THE OPPOSITE END OF THE PUB HAD TWO MORE TEAMS.

HOME TEAM DETAILS ARE -

NAME: CUNNING STUNTZ

PLAYERS: S., A., C. J, R. P, A..

THE AWAY TEAM DETAILS ARE -

NAME: GRASSHOPPER

PLAYERS: T. P, G. H, N. A, P. S, L. B.

THE LICENSEE WAS WORKING ALONE, AND STATED THAT HE RARELY HAS OTHER STAFF WORKING AT THE PUB.

Innkeeper entry,
copied & redacted.

B. J. O'Leary
16/10/18

GE Security Technology Statement

The Itemiser is programmed to detect and identify microscopic amounts of many different types of narcotics. Cocaine is one of the most reactive and easy to detect substances in the Itemiser's library. Responses are reported to the user by a simple and clear computer interface. An "alarm Strength" number gives intensity of the response. This strength is an indication of the amount of narcotic contamination that was collected on the sampling media used, in the case of Itemiser Mk 2, a cotton – paper disk and with the Itemiser 3 a Teflon coated fibreglass strip. These traps are cleaned and packed by GEIT in Boston, USA to ensure they are not contaminated before use. They should also be checked before use on site in a customs or police application.

Samples are taken from areas likely to contain fingerprints from the target subject but not necessarily directly from the person themselves. The machine will correctly identify contamination down to nanogram (billionth of a gram) levels.

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 can 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 sample media. 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, i.e. 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.

It should be noted that the presence of any response to drugs using the Itemiser could be used as grounds for furthering an investigation depending on the SOP of the enforcement agency using the device.

A full technical introduction to the Itemiser detection principals follows.

Technology Notes - Trace Detection Technologies

The three most prevalent technologies available for trace detection of narcotics and explosives include Ion Mobility Spectrometry (IMS), Combination Gas Chromatography-Chemiluminescence (GC-CLD), and enhanced IMS, or Ion Trap Mobility Spectrometry (*ITIMS*). A fourth combination gas chromatography and mass spectrometry (GC-MS) is also available, but it is used mostly in lab-related equipment.

IMS separates ionized molecular compounds on the basis of their transit times (sometimes called "time of flight" or "drift time") when subjected to an electric field in a tube. This time is then compared to stored transit times of known compounds making it possible to distinguish the target material (explosives or narcotics) from other molecules. This technique is fast and makes a compact device possible.

Gaseous samples enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase. A gating mechanism allows the ions of the correct polarity to pass through the shutter grid and enter the ion drift region where an applied electric field mobilizes the ions. Less than 1% of the ions created

in the ionization chamber actually reach the drift tube as more than 99% of the ions are discharged on the shutter grid. The rate at which these ions traverse the ion drift region is inversely proportional to the size of the ion. This correlation allows for the identification of the analyte of interest[3]

GC-Chemiluminescence uses quantitative measurements of the optical emission from excited molecules to determine analyte concentration. Although GC-CLD technology has good sensitivity and selectivity, its range of detection is fairly limited. The GC-CLD technology employed in explosive detectors can only detect nitro compounds. Today, with the ever-increasing threat of non-nitro substances such as HMTD and TATP that are outside the detection range of this technology, the practical application of GC-CLD as an option for security outside the structured controls of a laboratory is limited. In addition, there are practical concerns about the expense of maintenance, instrument complexity, high consumable gas costs, and containment of potentially harmful materials, such as ozone, from the operator.

ITMS, like IMS, separates ionized vapours and then measures the mobility of the ions in an electric field. In the typical implementation of ITMS, the gaseous sample passes through a semi-permeable membrane prior to ionization. Also like IMS, the gaseous samples then enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase.

Unlike IMS, however, the ionization in ITMS is allowed to reach equilibrium in a field free region and then pulsed into the drift tube where an electric field accelerates the ions to the collector. Note that in the ITMS detector, the shutter grid does not exist, resulting in a much greater portion of the ions entering the drift tube.

Performance Requirements of Trace Detection

When comparing these technologies, there are important performance requirements that we can use to evaluate their application for checkpoint, facility, or event security. The requirements include sensitivity, selectivity, and range of compounds detected, logistics, and reliability/maintenance.

Sensitivity (detection effectiveness) is the degree of response of an instrument to an introduced concentration. In other words, how much of an explosive or narcotic material is required to detect it. In real world application of these devices, we must realize that there is a time limit to complete the analysis in order to process sample targets through the unit, typically in the 3- to 10-second range.

Assuming this is a realistic range; GC-CLD technology will have a loss in selectivity, as the GC column will not provide enough separation of the nitro compounds over this analysis time.

Traditional IMS loses sensitivity with the loss of ions to the shutter grid with its non-equilibrium ionization. ITMS enhances the sensitivity through many methods.

Selectivity is the ability to distinguish between compounds. Typically when sampling for explosives or narcotics, other materials are present and the threat signals need to be selected by the technology. All three technologies are able to accurately select the threat compound if it is present above the sensitivity level of that detector, although there are significant operational differences.

Range of compounds detected is quite simply the spectrum of material that the device can detect simultaneously. GC-CLD concentrates on distinguishing between nitro compounds, but detects *only* nitro substances. IMS detects *either* negative or positive

ions, but not both at the same time. ITMS simultaneously detects negative and positive ions, including both nitro and non-nitro target substances.

Logistics incorporate practical application issues present with each technology. This could include regulatory issues for ozone, radioactive sources, bottled gases, etc. IMS and ITMS contain radioactive sources. GCCLD requires handling of sensitive gases such as hydrogen, ozone, or helium.

Reliability/Maintenance.

Looking at the real world application of this technology in areas outside the controlled laboratory environment, reliability of operation and the ability to maintain peak performance in dusty, high-traffic, or humid conditions become a concern. Downtimes due to maintenance or excessive maintenance costs become other factors of concern. Both GC-CLD and IMS are unprotected from dust, dirt, and water vapour entering the system. This is a serious problem for traditional IMS, as the dryer or desiccant requires frequent changing and leads to downtime. In addition, the contamination material can lead to a loss of sensitivity over time if it is not installed in a very clean environment. The latest ITMS systems have regenerating dryers that do not require changing and a semi-permeable membrane to protect them from dirt, dust, and humidity. GC-CLD systems require replacement of the chemical modules approximately every 3-6 months if usage is high, which can be almost as expensive as a new bench-top ITMS or IMS detector. While all three require similar sampling consumables, the GC-CLD requires gas bottle replacement on top of the consumables. The ITMS and IMS devices require dopant depending on the application.

ITMS vs. IMS Technology

Enhancements to IMS analysis through ITMS technology allow for vast improvements to ionization efficiency, and therefore sensitivity of the detector. ITMS enables extremely low concentrations of electrophillic vapours, such as explosive vapours, to be detected—impossible with traditional IMS.

The ionization chamber in the ITMS detector is a field-free region where the ion population, both negative and positive ions, is allowed to build up by the action of the beta particles on the dopant gas. With IMS and ITMS, the high density of electrons produce a high probability of ionization of the dopant gas molecules, which in turn collide with the target molecules. Electric charge is then transferred to the target molecules because of their extremely high charge affinity, and the overall result is high ionization efficiency.

Since the ITMS detector does not incorporate a shutter grid as in traditional IMS, there is no loss of ions by discharge onto the shutter grid, which could account for a loss of up to 99% of the ions. With ITMS, ions are accumulated over a 20mS interval and then compressed into a pulse of 0.2mS, increasing the density and collected current by a factor of 100 [4,5,6]. Further enhancement is made with the addition of a semi-permeable membrane that excludes dust and dirt.

This enhancement makes the system more sensitive to the materials of concern and allows continued operation and sensitivity in environments outside the lab that are high-traffic, humid, or dusty. In addition to providing a charge medium, the chemical dopant that is added into the analysis in the detector region to reduce the chances of ionizing unwanted analyte. Ammonia is the primary dopant for positive ions used in the ITMS detector, while methylene chloride is used as the dopant for negative ions. The dopants accept charge from the low-energy beta particles thereby reducing the chance of analytes with charge affinities lower than

that of the dopant to accept charge. The target contraband molecules will accept the charge more readily than the dopants due to their higher affinity for the charge. This process reduces the amount of possible interferences due to the other analytes because the detector recognizes only charged species [4,5,6]. Finally, recent advancements in ITMS technology incorporate engineered high speed switching systems that allow for millisecond alternating from positive to negative ion mode, thereby allowing for simultaneous detection and analysis of target positive and negative ions. Most narcotics have a positive ion affinity, while most explosives have a negative ion affinity; however, there are some important exceptions. TATP, for example, is an explosive that is seen as a positive affinity molecule, which would not be detected in a traditional IMS in single-mode operation for explosives. Detection limits for real world samples in ITMS in vapour sampling mode is in the picogram range.

Summary

As we look to implement a total solution for security, trace detection technologies become an integral component of that solution. Complementing x-ray scanners and metal detection, trace detection closes security loopholes by detecting microscopic particles that remain on clothing, luggage, ID cards, and more after explosives or narcotics are handled. Because it can sniff out vapours that build up in confined spaces, trace detection is especially effective for finding contraband hidden in compartments, suitcases, and lockers. ITMS technology offers the advantage of detecting a wider range of targeted substances in a more flexible detector design. Therefore it is ideal for practical applications such as checkpoint security, and screening vehicles, personnel, shipside, sea craft, packages, luggage, and cargo.

References [1] J. Brokenshire, N. Pay, "Ion mobility spectrometry" in International Laboratory, Graseby Analytical Ltd, Warford, Herts, England, 1989, p4 [2] P. Z. Jankowski, A. G. Mercado, S. F. Hallowell, "FAA Explosive Vapor/Particle Detection Technology" Proceedings "Applications of Signal and Image Processing in Explosives Detection Systems", Boston, Massachusetts, 16-17 Nov. 1992 Volume 1824, pp13-27 [3] Eiceman, G.A., Karpas, Z., "Ion Mobility Spectrometry" CRC Press 1994. [4] ITMS (U.S. Patent No. 5,200,614). [5] McGann, W.J., Jenkins, A., Ribiero, K., Napoli, J., *SPIE on Substance Detection* Vol. 2092, 1993. [6] McGann, W.J., *SPIE on Chemistry and Biology-based Technologies For Contraband Detection*. Vol. 2937, 1996. [7] Haigh, P.B., "Dual Mode Detection" technical presentation, GE Ion Track, Wilmington, MA, 2003. **T E C H N I C A L P A P E R** For more information on ITMS products call, email or consult our website. 1 . 9 7 8 . 6 5 8 . 3 7 6 7 / s a l e s @ i o n t r a c k . c o m / w w w . i o n t r a c k . c o m GE Ion Track Limited



Incident / Crime No.
Major Incident Item No.
Laboratory ref.
C58 4/97



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

05/00073/LAPRE

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description:			
Moonraker 199 Three Bridges Road Three Bridges			
Post town	CRAWLEY	Post code	RH10 1LE
Telephone number	01293 540338		

Where the licence is time limited the dates:	NOT APPLICABLE
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Licensable activities authorised by the licence:
THE SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES; INDOOR SPORTING EVENTS

The times the licence authorises the carrying out of licensable activities:	
<u>Supply of alcohol</u>	
Standard days and timings:	Monday – Thursday 11:00 to 23:30 Friday & Saturday 11:00 to 00:00 Sunday 12:00 to 23:30
Non-standard timings:	17 th March & 23 rd April 11:00 to 00:30 (only when they fall on a Fri or Sat) Christmas Eve, Boxing Day, Good Friday Sunday prior to bank holiday Mondays 11:00 to 00:30
<u>Indoor Sporting Events</u>	
Standard days and timings:	Monday – Thursday 11:00 to 23:30 Friday & Saturday 11:00 to 00:00 Sunday 12:00 to 23:30

The opening hours of the premises:	
Standard days and timings:	Sunday - Thursday 09:00 to 00:00 Friday & Saturday 09:00 to 00:30
Non-standard timings:	Christmas Eve, Boxing Day, Good Friday 09:00 to 01:00 Sunday prior to bank holiday Mondays 09:00 to 01:00 17 th March & 23 rd April 09:00 to 01:00 (only when they fall on a Fri or Sat)

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:	Martin Stephen Radmall 67 Moat Road East Grinstead West Sussex RH19 3LJ
---	---

Registered number of holder, for example company number, charity number (where applicable):
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
 Martin Stephen Radmall
 67 Moat Road
 East Grinstead
 West Sussex
 RH19 3LJ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
 Malvern Hills District Council 05/00161/LATRP

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.
(Condition 4 effective from 6th April 2014)

4. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - (i) P - is the permitted price,
 - (ii) D - is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V - is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3). Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4). (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
(Conditions 5 to 8 effective from 1st October 2014)
5. (1) The responsible person must 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—
- (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 in a manner which carries a significant risk of undermining a licensing objective;
- (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 in a manner which carries a significant risk of undermining a licensing objective;
- (d) 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;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available
7. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
- (a) a holographic mark, or
- (b) an ultraviolet feature.

8. The responsible person must 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 measures—
 - (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;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Annex 2 – Conditions consistent with the Operating Schedule

- 1 Children between the ages of 16 and 18 must be accompanied by an adult over the age of 18 at all times.
- 2 When door staff are used they will be Security Industry Authority (SIA) approved and operate in accordance with the security industry guidelines.
- 3 Active drug policy shall be in place, all persons caught dealing or using drugs will be reported to the Local Authorities and banned from the premises.
- 4 Fire drill records shall be on the premises at all times.
- 5 Children under the age of 16 must at all times be accompanied by an adult.
- 6 Children are not permitted on the premises after 19:00 hours.
Additional conditions agreed by the applicant and Sussex Police (nos 7 – 17)
7. CCTV to be installed in accordance with Home Office guidelines relating to UK Police requirements for digital CCTV system. Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the Police where it is necessary to do so for the prevention or detection of crime; for the prosecution or apprehension of offenders; or where the disclosure is required by law. Any breakdown or failure of the system shall be reported to the Police as soon as is practicable and repaired as soon as possible.
8. All new members of staff (including any member of staff who is re-employed having previously worked at the premises) will receive induction training regarding the responsible sale of alcohol before being permitted to sell alcohol. All staff involved in the sale of alcohol shall be reminded of their obligations under the Licensing Act (and in particular not to sell alcohol to persons under 18 or to persons who are drunk) at least once every twelve weeks. All staff training shall be fully documented and copies of the training records made available to the local authority and Sussex Police on reasonable request.
9. The premises will adopt a ‘Challenge 25’ policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licences with photograph or proof of age cards bearing the ‘PASS’ mark hologram. The list of approved ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.
10. 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.

11. A written log shall be kept of all refusals to serve alcohol, refusals of entry to the premises and ejections from the premises. The premises licence holder shall have responsibility for making sure that this log is properly maintained and available for inspection upon request to Sussex Police and the Local Authority.
12. Whenever the premises are open to the public, either the designated premises supervisor or another personal licence holder shall be present within the licensed premises.
13. Sussex Police Neighbourhood Licensing Team will be notified of any pre planned events/parties no less than 48 hours prior to the event.
14. Sussex Police Neighbourhood Licensing Team will be notified of any planned pool league events no less than 14 days prior to the event.
15. A member of SIA registered staff to be on duty and a register of all pool team members both home and away to be maintained on pool league evenings. The register is to be available to the Local Authority and Sussex Police upon request.
16. Shatterproof or plastic drinking vessels to be used if required, after prior notification by a member of Sussex Police.

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

1. A prominent, clear and legible sign shall be displayed within the premises stating that the premises supervisor will ban from the premises any persons who regularly leave in a noisy fashion.
2. At all times during which any form of regulated entertainment is being provided, all doors and windows shall be kept closed other than to allow for ingress and egress.
3. Prominent, clear and legible signage shall be displayed at all exits requesting patrons to respect the right of local residents to a peaceful night and to leave the premises and the area quietly. Announcements to the same effect shall be made to the patrons within the premises at appropriate times.
4. The use of the beer garden shall cease at 23:00hours,
5. A member of staff will check noises levels at the boundary of nearby noise sensitive premises, several times during the course of the provision of any regulated entertainment to ensure that noise emanating from the licensed premises is no more than barely audible

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

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

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

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

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

14/01449/LAPRE/dpsv/05.02.14

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GOSSCHALKS
SOLICITORS

BY FIRST CLASS POST AND EMAIL

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

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 098454.25199
#GS2222903
Your ref:
Date: 15 October 2018

Dear Sirs,

Re: Licensing Act 2003 – Review Proceedings
Moonraker, 199 Three Bridges Road, Crawley RH10 1LE.

We act on behalf of Ei Group Plc. Our client is the freeholder owner of these premises and was forwarded a copy of the application for review of the premises licence by Hampshire Police.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Plc owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Moonraker is currently the subject of a tenancy agreement in favour of Marlyn Pub Co Ltd of which Martin Radmall is the sole director. Martin Radmall is the current premises licence holder and designated premises supervisor.

Following the issue of the review proceedings, Ei Group Plc has agreed to release its tenant (the premises licence holder) early and asked the premises to stop trading and Mr Radmall leave the premises. He has agreed to exit the premises on 30th November 2018 but not before as he has nowhere to live in the meantime.

Ei Group Plc fully supports the Police application for review and the imposition of conditions on the premises licence will promote the licensing objectives moving forward. The proposal for these premises is to seek transfer of the premises licence immediately that Ei Group Plc recovers possession of the premises. At that point, a professional management company will be appointed to operate these premises through the Christmas period.

In addition to the imposition of conditions, we respectfully submit that the Licensing Authority considers the formal removal of Martin Radmall as designated premises supervisor and considers the suspension of the premises licence whilst he is still in occupation of the premises.

We would be grateful if you could acknowledge receipt of this representation and advise as to the date on which this application for review will be considered by the Licensing Committee in order that we may make arrangements to attend the hearing and amply matters raised within this letter of representation.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS

Holly Yandall

Public Health Lead for Alcohol and Drugs
Public Health Department
0330 222 8683
PublicHealth.Licensing@westsussex.gov.uk
www.westsussex.gov.uk

First Floor, The Grange
Tower Street
Chichester
West Sussex
PO19 1RQ



Alcohol & Premises Licensing
Planning & Environmental Services
Department
Town Hall
The Boulevard
Crawley
RH10 1UZ

18th October 2018

Dear Sir or Madam,

Re: Application for Review of Premises Licence: Moonraker, 199 Three Bridges Road, Crawley, RH10 1LE.

West Sussex County Council (WSCC) Public Health Department wishes to support the application by Sussex Police to review the licence of Moonraker, 199 Three Bridges Road, Crawley, RH10 1LE.

WSCC Public Health concurs that the licensing objectives of The Prevention of Crime and Disorder and Public Safety have been undermined.

Serious questions have been raised over whether the current Designated Premises Supervisor (DPS), (who is also the Premises Licence Holder) is fit and proper to be trusted with the responsibility of being the DPS and of selling alcohol.

Based on the information available and after consideration, Public Health fully supports the request by Sussex Police for the Licensing Committee to impose an eight week suspension of the licence and apply additional conditions to the premises licence.

Supporting information

It seems clear that there has been a consistent and sustained failure on the part of the PLH/DPS, Mr Martin Radmall, to actively promote the licensing objectives in relation to the Prevention of Crime and Disorder and Public Safety.

Assault 27th April 2018

The evidence from Sussex Police evidence regarding the assault of 'M' on 27th April 2018 is of particular concern. The assault occurred during a pool league match, which should not have been taking place as no prior notification had been made to police, and no member of SIA staff was on duty. Had these two conditions been adhered to, the assault may have been prevented.

The assault itself was sufficiently serious to require Mr to be transferred to St Georges Hospital, London, for specialist treatment.

New Economy Manchester unit costs estimate that in 2015/16 the average cost *per incident* of serious wounding is £20,269.00¹. This incorporates fiscal, economic and social costs and includes a range of costs such as ambulance call-out, hospital treatment, police time and the impact on the victim.

Drug testing 30th May 2018

The evidence provided by Sussex Police, of high readings for cocaine throughout the public areas of the premises (30th May 2-18) concern, particularly when combined with the examples of intoxication of the patrons.

Cocaine is a highly addictive drug which has adverse effects on the heart and circulatory system. This is exacerbated when combined with alcohol as it produces a toxic substance called Cocaethylene. Even for healthy people, the increase in heart rate and blood pressure can increase the chance of seizure, heart attack and stroke. Cocaethylene also puts a strain on the liver and, over time, can cause serious damage².

Cocaine’s stimulant effect is reported to reduce a drinker’s feelings of intoxication allowing greater quantities of alcohol to be consumed. The combination of the disinhibiting effect of alcohol and confidence inducing cocaine with the addition of Cocaethylene, leads to a heightened possibility of impulsive or reckless behaviour and violence³.

Not adhering to conditions

The lack of drug policy is of concern, particularly given the evidence of cocaine use throughout the public areas of the premises.

The admission by Mr Radmall that they have ‘never used door staff’ is very worrying, especially as the presence of an SIA registered member of staff may have prevented the assault of 27th April.

In conclusion, WSCC Public Health Department support the assertion by Sussex Police that the licensing objectives of The Prevention of Crime and Disorder and Public Safety are not being promoted by the DPS of Moonraker.

Public Health therefore concurs with the view of Sussex Police that applying the proposed additional conditions to the premises licence and imposing an eight week suspension of the licence would be a reasonable and necessary course of action in this instance.

¹ New Economy Manchester (2015). Unit Cost Database. Available online at: <http://www.neweconomymanchester.com/our-work/research-evaluation-cost-benefit-analysis/cost-benefit-analysis>

² Alcohol Education Research Council. (2010). *Cocaethylene: Responding to combined alcohol and cocaine use*. Available online at: https://ranzetta.typepad.com/files/cocaethylene_academy-briefing-paper-april-2010-8.pdf

³ Pennings, J.M., Leccese, A., de Wolff, F.A. (2002). *Effects of concurrent use of alcohol and cocaine*. *Addiction*, Volume 97, Issue 7, July : 773-783.

Yours sincerely,

A handwritten signature in cursive script that reads "M. Yandall".

Holly Yandall
Public Health Lead for Alcohol and Drugs

On behalf of the Director of Public Health

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