

Crawley Borough Council

**Minutes of Licensing Sub-Committee**

Tuesday, 8 October 2019 at 11.20 am

**Councillors Present:**

M G Jones (Chair)

J Hart and J Millar-Smith

**Officers Present:**

Tony Baldock	Environmental Health and Licensing Manager
Jackie Guest	Environmental Health Support Officer (observing)
Mez Matthews	Democratic Services Officer
Kareen Plympton	Health, Safety and Licensing Team Leader
Astrid Williams	Senior Lawyer (Solicitor)
Kate Wilson	Head of Community Services (observing)

**Also in Attendance:**

For the Applicant	Edward Elton (Barrister for Sussex Police)
	Oliver Capildeo (Pupil Barrister for Sussex Police)
	Pauline Giddngs (Sussex Police – Licensing Officer)
	PC Warren Jones (Sussex Police – Police Constable)
	Insp Rob Lovell (Sussex Police – Police Inspector)
For the Premises	Dominic Thomas (Barrister for Déjà Vu Bar)
	David Naeem (staff member of Déjà Vu Bar and witness)
	Noel Samaroo (Director of Déjà Vu Bars Ltd, Premises Licence Holder and Designated Premises Supervisor)
	Ian Smith (Representative for Shield Associates and witness)
	Debby Walkey (General Manager of Déjà Vu Bar and witness)
For the Responsible Authority	Brandon Young (Bar Staff at Déjà Vu Bar and witness)
	Holly Yandall (WSCC Public Health – Public Health Lead for Alcohol and Drugs)

**1. Appointment of Chair**

**RESOLVED**

That Councillor Jones be appointed Chair for the Hearing.

## 2. Disclosures of Interest

No disclosures of interests were made.

## 3. Application to Review the Premises Licence - Deja Vu Bar, 26-32 High Street, Crawley, (Northgate & West Green Ward)

The Sub-Committee considered an application to review the Premises Licence held in respect of Déjà Vu Bar, 26-32 High Street, Crawley (Northgate and West Green Ward).

Following the introduction of those present, the Senior Lawyer outlined the procedure for the hearing. The Senior Lawyer informed all parties that the Sub Committee had requested a pre-meeting with the Senior Lawyer and Democratic Services Officer prior to the commencement of the Sub-Committee, to confirm the procedure that would be followed during the hearing. It was confirmed that the Sub-Committee had not asked for clarification of any aspect of the application or on the representations received from any party.

The Senior Lawyer stated that prior to the start of the hearing the Premises Licence Holder (PLH)'s representative had informed her that the PLH's application to adjourn the hearing, received on 4 October 2019, had been withdrawn. During the pre-meeting the Sub-Committee had also, at the request of all parties, agreed that the commencement time of the Sub-Committee hearing be delayed to allow for negotiations to take place between all relevant parties. The parties present confirmed that, given the negotiations which had taken place immediately prior to the Sub-Committee and the withdrawal of the request for an adjournment, they did not wish to make any applications.

Mr Dominic Thomas, the Barrister representing the Déjà Vu Bar, addressed the Sub-Committee and reiterated that no further adjournment was being sought. Since the adjournment request, the Premises (via Mr Noel Samaroo) had submitted submissions and therefore there would be no merit in seeking an adjournment. Mr Thomas informed the Sub-Committee that both he and Mr Edward Elton, the Barrister representing Sussex Police, were obliged to the Sub-Committee for its patience in allowing negotiations to take place prior to the hearing and he apologised to the Sub-Committee for keeping it waiting. Mr Thomas advised that the negotiations had enabled the parties to establish a precise proposed agreed way forward which satisfied Sussex Police, the Premises and the representative for WSCC Public Health. It was noted that the proposal would be put before the Sub-Committee for its consideration, by Mr Elton, when invited to do so. Mr Thomas informed the Sub-Committee that, should the Sub-Committee be minded to endorse the agreement proposed by all parties, Sussex Police would not object to keeping the establishment open (i.e. not revoking the Premises Licence as per their previous written submissions).

Report [HCS/15](#) of the Council's Head of Community Services was presented by Kareen Plympton, Health, Safety and Licensing Team Leader for Crawley Borough Council. The Committee noted that in addition to the main agenda which had been published on 30 September 2019, two additional supplementary agendas with papers had been published containing submissions on behalf of the PLH by Mr Samaroo.

### **The Application**

The Council's Health, Safety and Licensing Team Leader, Kareen Plympton, informed the Sub-Committee that on 24 July 2019 Sussex Police, a 'Responsible Authority',

had submitted an application to the Council as the Licensing Authority for the borough of Crawley for a review of the Premises Licence in respect of premises known as Déjà Vu Bar, 26-32 High Street, Crawley.

The application was detailed in Appendix A to the report and sought a review on the grounds that the Premises Licence Holder (PLH) was not promoting the statutory licensing objectives of prevention of crime and disorder, public safety and protection of children from harm. Sussex Police contended that the licensing objectives had been undermined by the inability of the Designated Premises Supervisor (DPS), Mr Samaroo, to ensure the licensed premises was run in accordance with the conditions attached to the Premises Licence and the PLH had failed to meet its obligations under the Licensing Act 2003 which had led to a number of incidents which were detailed within the report. A copy of the Premises Licence and a layout plan was attached as Appendix B to the report.

Further to Sussex Police's initial application for a review of the Premises Licence additional evidence had been submitted by Sussex Police (Appendices G-K to the report). Within that additional evidence Sussex Police had submitted a letter (included within Appendix J to the report) which sought a revocation of the Premises Licence based on the failure of the PLH to comply with the licence conditions, which was compounded by Sussex Police's subsequent concerns around the integrity of the staff at the premises. CCTV footage regarding incidents which had taken place on 6 January 2019, 12 January 2019, 5 May 2019, 23 June 2019, 4 July 2019 and 5 May 2019 had been submitted by Sussex Police and had been sent to all relevant interested parties and the Sub-Committee.

It was confirmed that the application had been advertised in accordance with legislation, and as a result of the consultation process, three relevant representations had been received. A representation had been received from the WSCC Public Health Department (Appendix D to the report) which fully supported the application by Sussex Police for a suspension of the Premises Licence, additional conditions including the replacement of Mr Samaroo as DPS and the outsourcing of door supervision to an external Security Industry Authority (SIA)-registered company. A representation had also been received from West Sussex Fire and Rescue Service (Appendix E to the report) which advised that the Fire Authority had no objection to the application for a review of the Premises Licence and gave details of an inspection which had taken place in September 2019. Crawley Borough Council's Planning Department submitted a response stating that there were no planning comments (Appendix F to the report).

Mr Samaroo on behalf of the PLH submitted a response to Sussex Police's application (Appendix C to the report). This information had been issued as supplementary agenda items and had been circulated following publication of report HCS/15. The supplementary agenda items detailed the following:

Supplementary Agenda Item 5:

Representation received from the PLH including:

- Witness statement of Mr Samaroo.
- Copies of the existing policies.
- Witness statements of various staff employed by Déjà Vu Bar.
- Shield Associates compliance visit and impact statement.
- Supporting photographs.
- Information and witness statement relating to the incident on 28 September 2019.
- Information and witness statement relating to the incident on 1 December 2018.

- Information and witness statement relating to the incident on 1 January 2019.
- Information relating to the incident on 6 January 2019.
- Emails and responses between PC Jones and Noel Samaroo relating to Sussex Police evidence 12 January 2019 to 1 February 2019.
- Information and witness statement relating to the incident on 9 March 2019.
- Information relating to the incident on 25 March 2019.
- Information relating to the incident on 5 May 2019.
- Information and witness statements relating to the incident on 6 June 2019.
- Information and witness statement relating to the incident on 15 June 2019.
- CCTV footage, information and witness statement relating to the incident on 19 June 2019.
- CCTV footage, information and witness statement relating to the incident on 23 June 2019.
- Information relating to the incident on 4 July 2019.

Supplementary Agenda Item 6:

Representation received from the PLH including:

- Witness statement relating to the incident on 5 June 2019.
- Email correspondence between Noel Samaroo and PC Josling (Trail 1).
- Email correspondence between Noel Samaroo and PC Josling (Trail 2).

On 5 September 2019 the PLH made an application to adjourn the hearing in respect of the review from 17 September 2019 on the grounds that Mr Samaroo was still awaiting Freedom of Information responses from West Sussex Ambulance Service and Sussex Police and was of the view that his case was highly prejudiced without that information. This application was granted and the Head of Legal, Democracy and HR extended the period within which the hearing must be heard by a further 20 working days. On 29 September 2019 the Premises requested a further adjournment of the hearing due to the amount of information submitted by Sussex Police in support of its application, the escalation of the review to a revocation request and the limited time Mr Samaroo felt he had to collate a defence bundle. Following consideration of the application for an adjournment and submissions received by the PLH and Sussex Police, a decision was taken to refer the adjournment request to the Sub-Committee where the Sub-Committee members could determine whether or not to agree to a further adjournment.

The Sub-Committee was then guided through the remainder of the report which set out the reasons for the hearing and the matters which the Sub-Committee should take into consideration when dealing with the application, including the relevant sections of the Guidance issued by Government pursuant of Section 182 of the Licensing Act 2003, and the Council's current Statement of Licensing Policy and associated policy considerations.

Ms Plympton took this opportunity to remind the Sub-Committee that the Sub-Committee should take into account the submissions given earlier in the hearing by Mr Dominic Thomas, the barrister representing Déjà Vu Bar.

Ms Plympton then proceeded to inform the hearing of the options available to it in respect of the application, and reminded the Sub-Committee that any decision must be appropriate for the promotion of the four licensing objectives. The options were to:

- (i) Modify the conditions of the licence.
- (ii) Exclude a licensable activity from the scope of the premises licence.
- (iii) Remove the Designated Premises Supervisor (DPS).
- (iv) Suspend the licence for a period not exceeding three

- (v) months.  
Revoke the licence.

The Chair confirmed that the Sub-Committee had read all the documents published in relation to the review and had viewed the CCTV footage submitted by both Sussex Police and the PLH.

The Sub-Committee confirmed that it did not have any questions in relation to the report.

### **The Applicant (Sussex Police)**

Mr Edward Elton, the Barrister representing Sussex Police, addressed the Sub-Committee and confirmed that he and his client had been in discussions with Mr Samaroo and the PLH's representative, Mr Thomas, immediately prior to the hearing. He advised that although Sussex Police's application remained an application for revocation, the discussions had enabled a series of measures to be drawn up which was to the satisfaction of Sussex Police, the PLH and WSCC's Public Health Department.

A document including the proposed measures was provided to those present and is attached to these minutes as Appendix 1. The Sub-Committee was reminded that the final decision whether to agree those measures was the responsibility of the Sub-Committee itself. In presenting the proposed measures, Mr Elton advised that should the Sub-Committee be minded to adopt the measures proposed, they would substitute Sussex Police's original request that the licence be revoked. Mr Elton specifically drew the Sub-Committee's attention to certain matters in the document, including:

- Condition 2 which had been revised and related to CCTV requirements which Sussex Police considered pivotal.
- Condition 7 which related to staff training on the existing premises Drugs Policy. Mr Elton advised that the training would cover the areas identified on the last page of WSCC's Public Health Department's representation (Appendix D to the report).
- Condition 8 which requested that the premises ceases licensable activity at 0100hrs, was to be deleted as it was no longer sought by Sussex Police.
- Condition 13 which stipulated that certain members of the current SIA door team would not be permitted onto the premises when licensable activity took place. Mr Elton advised that a list of those people would be agreed by Sussex Police and Déjà Vu Bar and provided to the Sub-Committee for inclusion in the condition should the Sub-Committee be minded to agree that measure.
- Condition 15 now requested a suspension period of no less than two weeks.

### **Questions asked by the Sub-Committee of the Applicant (Sussex Police)**

The Sub-Committee then asked the following questions of the Applicant:

<b>Questions by the Sub-Committee</b>	<b>Response</b> ( <i>respondent in brackets</i> )
If the Sub-Committee agreed to the new measures would Sussex Police withdraw its application to revoke?	Yes ( <i>Mr Elton</i> ).
Would Mr Elton please clarify the purpose of the revised proposed	The new proposed measures refined those included in the original application for a review which had requested a

Questions by the Sub-Committee	Response <i>(respondent in brackets)</i>
measures?	<p>suspension of the Premises Licence. The information and evidence received since the original application had been submitted had led Sussex Police to amend its application to a request for revocation of the Premises Licence. The new proposed measures had been produced to reflect the level of concern Sussex Police had which had led to the request for revocation <i>(Mr Elton)</i>.</p>
Were staff at Déjà Vu Bar not currently undertaking training?	<p>The new proposed conditions would help promote the licensing objectives and would ensure the Premises were compliant with the conditions <i>(Mr Elton)</i>.</p> <p>The new proposed conditions would be subject to quality control and would ensure that any breach was actionable by Sussex Police. Not all the proposed conditions were new and Mr Samaroo (as DPS/PLH) would say that the premises already complied with the conditions relating to the Drugs Policy and training, so he had no objection to them <i>(response provided by Mr Thomas)</i>.</p>
Why had condition 8 of the proposed new conditions (which required that the premises cease licensable activity at 0100hrs) been withdrawn by Sussex Police?	<p>That condition had been drawn up in advance of the discussions which had taken place immediately prior to the hearing and had been based on the fact that the majority of incidents at the premises had taken place beyond 0100hrs. Sussex Police were content that, should a change of SIA door staff and the DPS be agreed by the Sub-Committee alongside the other changes, that condition was no longer necessary <i>(Mr Elton)</i>.</p> <p>It was reflected in the negotiations that the parties, where possible, would like the business kept in operation and viable as well as addressing the concerns of Sussex Police. Onerous conditions had been proposed (including removing Mr Samaroo as DPS). A re-set beyond two weeks would put the premises out of business at this time of year as would introducing a condition which required the premises to cease trading at 0100hrs. The amended suspension period of two weeks, alongside the removal of the new proposed condition 8 would allow</p>

Questions by the Sub-Committee	Response <i>(respondent in brackets)</i>
	continuation of the business <i>(response provided by Mr Thomas)</i> .
<p>How long would it take to introduce a recognised electronic identification scanning system (proposed new condition 10)?</p> <p>Could the system be put in place during the period when licensable activity was suspended so it was ready when the premises re-opened?</p>	<p>The system could be provided within days <i>(PC Jones)</i>.</p> <p>Mr Samaroo was familiar with the system and was confident it could be in place within a week <i>(Mr Thomas)</i>.</p> <p>Yes <i>(response provided by Mr Thomas)</i>.</p>
<p>Was Mr Samaroo happy with proposed new condition 12 (that he would not be allowed on the premises whilst licensable activity was taking place)?</p>	<p>Yes, Mr Samaroo had confirmed he was happy with all the new proposed measures <i>(response provided by Mr Thomas)</i>.</p>
<p>The information contained within the application for review and the supplementary evidence provided by Sussex Police showed that following incidents, despite assurances from Déjà Vu Bar that the staff involved would be removed, those staff members had returned to the employment of Déjà Vu Bar. The Sub-Committee wanted to be satisfied that any new proposed conditions would be enforced rigorously</p>	<p>Mr Thomas recognised the concern of the Sub-Committee. Mr Samaroo had remained loyal to those who had helped establish the business, but the new measures left no place for misplaced loyalty <i>(response provided by Mr Thomas)</i>.</p>
<p>Had the SIA door staff been changed over the Summer?</p>	<p>When Déjà Vu Bar changed its SIA door team it had engaged a third party security firm, however some of the SIA door staff previously employed by Déjà Vu Bar were also employed by the third party company <i>(response provided by Mr Thomas)</i>.</p> <p>Former members of the Déjà Vu Bar SIA door staff who were of concern by Sussex Police would be specifically named under new proposed condition 13 and would therefore not be allowed on the premises whilst licensable activity was taking place <i>(Mr Elton)</i>.</p> <p>Mr Thomas agreed that Mr Slawomir Piatek (known as Slav) would be included on the prescribed list under new proposed condition 13 <i>(response provided by Mr Thomas)</i>.</p>
<p>Following the previous change in SIA door staff to a third party security company, did Sussex Police recommend a further change to the company supplying the SIA door staff to</p>	<p>No. The third party security company currently used by Déjà Vu Bar was accredited. It was specific members of the previously employed SIA door staff who were the issue, not the third party</p>

Questions by the Sub-Committee	Response <i>(respondent in brackets)</i>
Déjà Vu Bar?	company being used. Sussex Police were currently satisfied with the SIA arrangements at the premises <i>(PC Jones)</i> .
Were three SIA door staff enough for the premises?	The premises had a policy for the positioning of SIA door staff. The number of SIA door staff required at a premises was based on a ratio to the capacity of the premises <i>(PC Jones)</i> .
The first bullet point of new proposed condition 2 stated that CCTV would “cover all public areas, including the entrance to the premises and toilets”, should this be amended to read “...and entrance to the toilets”?	Yes <i>(Mr Elton)</i> .
Condition 11 (relating to special events) stated that notification should be submitted “no later than 28 days prior to the date on which the event is to be held”, should this be amended to ensure that any notification was provided in writing?	Notification in writing would include notification via email. The condition could be re-worded to say “formally notified <i>in writing (by email or otherwise)</i> no later than 28 days prior to the date on which the event is to be held” <i>(Council’s Senior Lawyer and agreed by both barristers)</i> .
Did measures need to be put in place to avoid further instances where the barriers blocked the public highway?	<p>Positioning of the barriers was a condition of the current premises licence at Annex 2 (17) but it had not been enforced by previous SIA door staff. Implementation of the condition was the issue and therefore a new condition was not necessary <i>(Mr Elton)</i>.</p> <p>The positioning of the outside area could be included on the layout plan of the Premises Licence to be clear and to assist enforcement <i>(Council’s Health, Safety and Licensing Team Leader)</i>.</p> <p>The Council’s Planning Officers could confirm the outside areas authorised for use by the premises under planning permission <i>(Council’s Legal Clerk)</i>.</p> <p>WSCC were responsible for highways and would enforce any unauthorised encroachment onto the highway <i>(Councillor Jones)</i>.</p>
Would Mr Samaroo remain the PLH even if he was removed as the DPS? <i>(asked by the Council’s Health, Safety and Licensing Team Leader)</i>	<p>That was not a concern as the PLH was responsible for the management of the company <i>(Council’s Legal Clerk)</i>.</p> <p>Sussex Police were happy with the distinction between PLH and DPS <i>(Mr Elton)</i>.</p>

### **Responsible Authority (Public Health Department)**

The representative for West Sussex County Council's Public Health Department, Holly Yandall, addressed the Sub-Committee and advised that she had been involved in the discussions which had taken place immediately prior to the hearing. Ms Yandall confirmed that the measures proposed (attached as Appendix 1 to these minutes) addressed the concerns contained within her representation (Appendix D to the report).

The Sub-Committee did not have any questions for Ms Yandall, acting on behalf of the Public Health Department.

### **Premises Licence Holder (Déjà Vu Bar)**

Mr Thomas addressed the Sub-Committee. Mr Thomas advised that, given the information already provided, he was not sure what level of detail to provide to the Sub-Committee as the information he provided would be dependent on whether the Sub-Committee was in agreement with the new proposed conditions (Appendix 1 to these minutes). In anticipation of the concerns expressed by the Sub-Committee Mr Thomas made the following submissions:

- Mr Thomas and Mr Samaroo were obliged to Sussex Police for the time spent in discussion prior to the hearing.
- There had been a clear evolution by Déjà Vu Bar over time. A change in DPS and SIA door team would complete the evolution to ensure the licensing objectives were met.
- Mr Samaroo had set up the business to benefit the area and staff employed. It was a huge concession and personal sacrifice for Mr Samaroo to step aside as DPS. Mr Samaroo's removal as DPS was a testament to his love for the business and his willingness to comply with the conditions of the Premises Licence and licensing objectives. His removal as DPS would also be of comfort to Sussex Police.
- Mr Samaroo had faith in the licensing process.
- The relationship between Mr Samaroo and Sussex Police should not have been included within Mr Samaroo's submissions to the Sub-Committee. That information had not been helpful and Mr Samaroo acknowledged that the way in which he had been treated by Sussex Police had been fair.
- The removal of Mr Samaroo as DPS would remove the 'toxicity' of the relationship between himself and Sussex Police. It was in the best interest of Déjà Vu Bar and the licensing objectives for him to be removed as DPS.
- The Sub-Committee's questions had been rigorous and it would not be abdicating its responsibilities by adopting the measures put forward by Sussex Police and Déjà Vu Bar.

Mr Thomas confirmed that the witnesses in attendance were not required as they had only been available should the Sub-Committee have deemed it necessary to have questioned them. Ian Smith from Shield Associates, who had provided an independent compliance visit and impact assessment for the premises, was in attendance and had confirmed that he was happy with the measures proposed.

At 12.50pm the Sub-Committee took an adjournment for lunch. The Sub-Committee reconvened at 1.30pm.

**Questions asked by the Sub-Committee of the Premises Licence Holder**

The Sub-Committee then asked the following questions of the PLH:

<b>Questions by the Sub-Committee</b>	<b>Response</b> <i>(respondent in brackets)</i>
<p>How sure were the parties that a two week suspension of licensable activities at the premises was long enough to ensure all necessary measures were put in place?</p>	<p>Sussex Police was satisfied that it was feasible to have the conditions in place by the conclusion of a two week suspension period. Should the conditions not be adhered to it would constitute a breach of conditions and a further review would be sought. All parties were aware of the consequences should the conditions of the licence not be met <i>(Mr Elton)</i>.</p> <p>Mr Thomas had discussed the issue and proposed measures with Mr Samaroo during the adjournment for lunch and Mr Samaroo was confident that the measures could be accomplished within a two week period. However, should all conditions not be in place by that time, Déjà Vu Bar would not re-open until they were. To re-open in breach of conditions would imperil the business <i>(Mr Thomas)</i>.</p>
<p>Would Déjà Vu Bar provide an update to the relevant officers as the re-opening date approached?</p>	<p>Mr Thomas would be surprised if PC Jones was not in place when the premises re-opened. Mr Samaroo would contact PC Jones to advise him of the date and time of re-opening <i>(Mr Thomas)</i>.</p> <p>The Council's Health, Safety and Licensing Team Leader suggested that Mr Samaroo, or the person nominated to have operational control of the premises, could meet with herself and PC Jones ahead of the re-opening to ensure the measures were in place and in accordance with the decision of the Sub-Committee <i>(Health, Safety and Licensing Team Leader)</i>.</p>

**Statement by the Sub-Committee**

The Chair of the Sub-Committee advised that the Sub-Committee had read all the papers published in respect of the review very carefully and had viewed the CCTV footage provided by Sussex Police and the PLH. The Chair advised that the evidence suggested several incidents of concern including intoxication, violence by the SIA door team, off-duty staff entering the building by a rear entrance after 0100hrs, CCTV footage not being provided in a timely manner to Sussex Police, minors being allowed

access to the premises, body worn camera footage detailing an intention to deceive Sussex Police, serious drug issues within the premises, entry/re-entry to the premises being granted after 0100hrs, obstruction of the highway, staff being dismissed and then re-employed at the premises, crimes not being reported, the Premises Licence not being correctly displayed and staff not pressing charges following incidents at the premises.

The Chair stated that all the information contained within the report and supplementary information had been noted by the Sub-Committee. The Chair considered that, given the issues identified, it was within the remit of the Sub-Committee to exercise the rights available to it. The Chair then emphasised that whatever the Sub-Committee decided, Crawley Borough Council was committed to upholding the licensing objectives and would continue to do so.

In response to the Sub-Committee's statement Mr Thomas provided the following submissions:

- He hoped that the proposed measures put before the Sub-Committee for its consideration, if adopted, would reduce the need for litigation.
- Whilst Mr Thomas and Mr Samaroo did not dispute the evidence put forward by Sussex Police, it was important to acknowledge that even though a minor had been admitted access to the premises and was served alcohol, there had only been one instance of this, and that the drug mapping had been conducted with the cooperation of Mr Samaroo.
- A wider and important point was that whatever Mr Samaroo's view had been prior to the hearing, Mr Samaroo's views had been influenced during the course of the hearing, for example Mr Samaroo acknowledged that:
  - His submissions, including his assertion that Sussex Police had 'picked on him' were not helpful and were likely to be wrong.
  - Sussex Police had displayed sensitivity and concern to enable the premises to remain open by agreeing the proposed measures put before the Sub-Committee for its consideration.
  - He had produced his submissions in haste and had he had more time to prepare his submissions it was likely that they would have been more temperate.
- Mr Samaroo, whilst initially opposed to his removal as DPS, was now in agreement which showed his faith in Sussex Police. It also showed Mr Samaroo's understanding of the process necessary to ensure the promotion of the licensing objectives.
- He wished the Sub-Committee to recognise that Mr Samaroo had been subject to some difficult circumstances where his wife had been seriously ill and, as a result, Mr Samaroo had been visiting his wife (who lived some distance away) on a frequent basis which had led to him 'taking his eye off the ball'. The replacement of Mr Samaroo as DPS would benefit Mr Samaroo himself as it would enable him to more effectively tend to his wife.
- The town and those in attendance at the Sub-Committee would be better served by someone other than Mr Samaroo as the DPS.

#### **Questions asked by the parties of each other**

All parties confirmed that they did not wish to ask questions of each other.

#### **Closing Statement by the parties**

Following an invitation from the Chair, each party confirmed that they did not wish to make a closing statement prior to the Sub-Committee deliberations. Mr Elton

provided the Sub-Committee with a revised copy of the proposed new measures agreed by Sussex Police and the PLH for its consideration (Appendix 2 to these minutes).

**4. Exempt Information - Exclusion of the Public**

**RESOLVED**

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub-Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

**5. Application to Review the Premises Licence - Deja Vu Bar, 26-32 High Street, Crawley, (Northgate & West Green Ward)**

The Sub-Committee gave further consideration to the application, to the matters raised at the hearing as well as the proposed new measures agreed during the negotiations between Sussex Police and the premises (Appendices 1 and 2 to these minutes). In formulating its decision, the Sub-Committee took into account the options that were available to it and considered what was appropriate to ensure that the licensing objectives were promoted.

**RESOLVED**

The Sub-Committee, having considered the application and the relevant representations in detail, resolved to take the actions detailed in **Appendix 3** to these minutes for the reasons set out therein.

**Re-admission of the Public**

The Chair declared the hearing re-open for consideration of business in public session.

**6. Application to Review the Premises Licence - Deja Vu Bar, 26-32 High Street, Crawley, (Northgate & West Green Ward)**

The Senior Lawyer informed those present of the legal advice she had provided during the Sub-Committee's deliberations, namely that should Sussex Police have concerns regarding any potential replacement Designated Premises Supervisor they would have the option to object to the application in certain circumstances. The Sub-Committee had also been reminded of the Section 182 Guidance of the Licensing Act 2003 and relevant Guidance which stated that any action taken by the Sub-Committee must be proportionate and appropriate for the promotion of the licensing objectives.

The Chair, on behalf of the Sub-Committee, read out the Sub-Committee's decision and reasons as detailed in **Appendix 3** to these minutes. The Chair advised those present that although the proposed measures put forward by Sussex Police and the PLH had been agreed, several conditions had been amended slightly to provide clarification, such as stipulating that as well as the training being undertaken by new staff, any current staff must also retake the training before the premises re-opened. The Sub-Committee had also amended the condition relating to CCTV footage to require that, as well as the dates and times displayed on the CCTV being checked for accuracy, those checks would also be recorded, and would be carried out every 31

days. The Chair then announced that all parties would receive a copy of the decision within five working days of the hearing.

**Closure of Meeting**

With the business of the Licensing Sub-Committee concluded, the Chair declared the meeting closed at 3.20 pm

**M G Jones (Chair)**

## **Appendix 1: Proposed New Measures Agreed by Sussex Police and Premises Licence Holder**

*Sussex Police have considered the failings encountered at this premises and of the shortcomings of Mr. Samaroo, as the DPS and PLH of Déjà Vu; despite repeated interventions by Sussex Police. It is clear that the current situation cannot continue and that Mr. Samaroo and his reliance upon his in-house door team is, at best, misplaced. Their combined efforts can only be described as inadequate.*

*The conditions attached to this premises licence were placed there in order to promote the licensing objectives and to keep people safe. In this case the repeated breaches have resulted in a failure to promote 'the prevention of crime & disorder', 'the protection of children from harm' and of 'public safety'.*

*Permitting entry to the premises after the lawful time, allows persons, already at their alcohol tolerance level, the opportunity to further purchase alcohol on a licenced premises. The further failure to identify patrons reaching their alcohol tolerance level has allowed intoxication levels to reach a degree whereby fights have occurred resulting in assaults on staff and customers alike. The failure to carry out the appropriate age verification checks has allowed a child of 15 to consume alcohol while on the premises until almost 02:00 hours.*

*The failure of the premises licence holder to properly provide CCTV footage to Sussex Police, either by accident or design, has similarly breached the conditions placed upon this licence. This has potentially concealed criminal offences and has certainly hampered Sussex Police in lawful investigations; necessary to ascertain the truth and to keep members of the public safe and premises staff safe.*

*The door supervisors have failed to recognise the obligations bestowed upon them in their role of responsibility. The premises supervisor has been naïve and provided an inadequate, insufficiently robust supervision of his premises.*

*Sussex Police therefore contend that a number of further measures are necessary 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 whose day to day control of the premises shall focus on ensuring the premises is properly supervised during the hours of the Night Time Economy.***

*Sussex Police consider this necessary to ensure that a strong personal licence holder is able to take control and run the premises in accordance with the licence and the Licensing Act 2003, and is working at the premises for the opening hours during Night Time Economy, as far as is practicable*

2. **Condition 2 of Annex 2 to be replaced with:**
  - ***A single digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises and toilets. The system shall be on and recording at all times the premises licence is in operation.***
  - ***The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.***
  - ***CCTV footage will be stored for a minimum of 31 days.***
  - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
  - Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.
  - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex

Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

*To ensure all request for CCTV are swiftly & efficiently provided.*

**3. The SIA door supervisors for this premises must be employed through an external SIA door company**

*To ensure all appropriate and up to date training is managed and that SIA door staff are supervised by an independent dedicated SIA registered company.*

**4. Each SIA door supervisor on duty shall have functioning Body Worn Video (BWV) cameras which shall be activated during potentially confrontational engagement with patrons, and during every ejection or refusal of entry.**

- **BWV cameras shall be activated during every engagement with patrons who may be considered vulnerable.**
- BWV footage shall be subject to all of the requirements of the premises CCTV condition (Condition 2 of Annex 2) in regards to quality, period of retention, and provision of footage to Sussex Police.

*To ensure all ejections refusals & interactions are properly monitored & recorded. This protects staff and members of the public alike.*

**5. The premises licence holder shall produce and implement a written Duty of Care policy which shall be included in staff training for all members of bar staff and SIA door staff.**

- This shall give specific attention to identifying vulnerable persons, preventing persons reaching alcohol tolerance levels, and the appropriate procedures to be followed to ensure vulnerable persons are kept safe away from other members of the public. It will also include an awareness of identifying and preventing predatory or threatening behaviour.

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

**6. Signage stating that the premises has a zero tolerance towards drugs will be displayed prominently at the entrance to the premises, and the entrance to the toilets.**

*To promote the prevention of Crime & Disorder in relation to illicit drug*

- 7. The existing premises drugs policy (Condition 7 Annex 2) shall be included in staff training for all members of Staff and SIA door staff.**

*To promote the prevention of Crime & Disorder in relation to illicit drugs & to ensure seizure procedure is followed.*

- 8. The premises shall cease licensable activity at 01:00 hours.**

*Sussex Police consider this is necessary to prevent the repeated breaches of the conditions currently attached premises licence pertaining to 'no entry to the premises after 01:00 hours designed to reduce levels of intoxication.*

- 9. Condition 5 of Annex 2 to be replaced with:**

***No children shall be admitted to the premises at any time.***

*To protect children from harm*

- 10. The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated at all times door staff are on duty at the premises.**

*To support the prevention of crime and disorder licensing objective, allowing swift identification of potential suspects and/or victims.*

*To support the protection of children from harm licensing objective; ensuring formal I.D verification is properly made prior to entry.*

*To provide an additional level of engagement between SIA door staff and patrons.*

*To act as a deterrent to persons not wishing to be identified attending the premises.*

- 11. Where a special event is planned to take place on the premises, sussex police licensing unit and crawley borough council licensing department must be formally notified no later than 28 days prior to the date on which the event is to be held. A special event is considered to be an event by which, its nature is different to the usual entertainment at the premises. This would include, but not limited to, all events supported by an external promoter, events advertising named disc jockey 's (other than the resident disc jockey) and events in which it is believed may cause an impact on local police resources. Where an event is planned, the premises management must consult with police and provide a risk assessment and event plan. In the event of a high risk assessment, the police will have the ability to prevent the event from going ahead on the grounds of the prevention of crime and disorder. If the police believe it is necessary and proportionate to prevent the event from taking place,**

**they will submit their reasons, in writing, to the premises management**

To support the prevention of crime and disorder

In addition should condition 9 above not applied:

*(This includes under 18's events. All under 18's events must adhere to the Sussex Police advice in respect of dedicated under 18's events. )*

- 12. The 'former' DPS, Mr Noel Samaroo, shall not be permitted on the premises while licensable activity is taking place.**

Sussex Police consider that Mr Samaroo has failed in his role as the Designated Premises Supervisor. He has failed to robustly deal with breaches of the premises licence and has been unable or unwilling to manage the staff at his premises to ensure members of the public and of the local community are not placed at risk. There are concerns around Mr Samaroos integrity and accounts of events.

- 13. Members of the current SIA door team shall not be permitted onto the premises while licensable activity is taking place.**

Sussex Police consider that the members of the SIA door team have not promoted the licensing objectives, have not adhered to the current conditions attached to the premises licence have not followed the current policies and procedures, and have been instrumental in the failings of this premise. There are serious concerns around their integrity both in dealings with Sussex Police and with the premises supervisor.

- 14. Condition 11 of Annex 2 to be replaced with:**

A minimum of three Security Industry Authority (SIA) trained & licensed door supervisors shall be deployed at the premises from 21:00 hours until all customers are clear from the vicinity of the premises every Tuesday, Thursday, Friday and Saturday night and where deemed necessary under proposed condition at point 11. of this document.

*To promote the licensing objectives of the prevention of Crime & Disorder and of public safety during peak hours of the night time economy.*

- 15. 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 to be appropriate; allowing the premises to benefit from a 'reset' and the PLH sufficient time to achieve the following*

- *To instate a new DPS*
- *To install a new functioning CCTV system (and any other systems required by the licensing committee)*

- *To appoint a new independent SIA door company*
- *To ensure sufficient BWV cameras are available for all SIA door supervisors on duty*
- *To ensure that the new DPS and all the staff (including any new staff), involved in licensable activity are fully trained (retrained) and conversant with the conditions attached to the premises licence. (including any new conditions should they be attached by the licensing committee)*
- *To give the new DPS time to familiarise themselves with the premises, with the concerns held by Sussex Police and to review current management practices.*
- *To allow the PLH time to ensure all policy documents are up to date and fit for purpose.*
- *To ensure that the new SIA door company are aware of the recent drugs readings and to produce an agreed approach to managing these.*
- *Ensure all relevant permissions are in place.*

## Appendix 2: Proposed New Conditions

1. A new Designated Premises Supervisor shall be appointed whose day to day control of the premises shall focus on ensuring the premises is properly supervised during the hours of the Night Time Economy.
2.
  - A single digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises and toilets. The system shall be on recording at all times the premises licence is in operation.
  - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - CCTV footage will be stored for a minimum of 31 days.
  - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
  - Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.
  - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
3. The SIA door supervisors for this premises must be employed through an external SIA door company.
4. Each SIA door supervisor on duty shall have functioning Body Worn Video (BWV) cameras which shall be activated during potentially confrontational engagement with patrons, and during every ejection or refusal of entry.
  - BWV cameras shall be activated during every engagement with patrons who may be considered vulnerable.

- BWV footage shall be subject to all of the requirements of the premises CCTV condition (Condition 2 of Annex 2) in regards to quality, period of retention, and provision of footage to Sussex Police.
5. The premises licence holder shall produce and implement a written Duty of Care policy which shall be included in staff training for all members of bar staff and SIA door staff.
    - This shall give specific attention to identifying vulnerable persons, preventing persons reaching alcohol tolerance levels, and the appropriate procedures to be followed to ensure vulnerable persons are kept safe away from other members of the public. It will also include an awareness of identifying and preventing predatory or threatening behaviour.
  6. Signage stating that the premises has a zero tolerance towards drugs will be displayed prominently at the entrance to the premises, and the entrance to the toilets.
  7. The existing premises drugs policy (Condition 7 Annex 2) shall be included in staff training for all members of Staff and SIA door staff. Training will include:
    - Spotting the signs of drug use;
    - The procedure for logging all suspicions of drug dealing or drug taking on the premises;
    - The importance of regular toilet supervision to discourage crowds from congregating in the toilet area and to remove this as the obvious area to deal drugs;
    - The search policy at the point of entry; and
    - The procedure for the secure keeping of any drugs found and their handover to police.
  8. **Condition 5 of Annex 2 will be replaced with:**

No children shall be admitted to the premises at any time.
  9. The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated at all times door staff are on duty at the premises.
  10. Where a special event is planned to take place on the premises, Sussex Police Licensing Unit and Crawley Borough Council Licensing Department must be notified in writing (by way of email or letter) no later than 28 days prior to the date on which the event is to be held. A special event is considered to be an event by which, its nature is different to the usual entertainment at the premises. This would include, but not limited to, all events supported by an external promoter, events advertising named disc jockeys (other than the resident disc jockey) and events in which it is believed may cause an impact on local police resources. Where an event is planned, the premises management must consult with police and provide a risk assessment and event plan. In the event of a high risk assessment, the police will have the ability to prevent the event from going ahead on the grounds of the prevention of crime and disorder. If the police

believe it is necessary and proportionate to prevent the event from taking place, they will submit their reasons, in writing, to the premises management.

11. The 'former' DPS, Mr Noel Samaroo, shall not be permitted on the premises while licensable activity is taking place.
12. Members of the SIA door team shall not be permitted onto the premises while licensable activity is taking place and are named as follows:
  - Slawomir Piatek;
  - Edward Suszek;
  - Bartlomies Myca;
  - Maciej Wisniewski; and
  - Richard Simmonds.
13. **Condition 11 of Annex 2 to be replaced with:**

A minimum of three Security Industry Authority (SIA) trained & licensed door supervisors shall be deployed at the premises from 21:00 hours until all customers are clear from the vicinity of the premises every Tuesday, Thursday, Friday and Saturday night and where deemed necessary under proposed condition at point 10 of this document
14. Suspension of the licensable activities at the premises, for a period of not less than two weeks.

**Appendix 3: Decision of the Licensing Sub-Committee Sitting at Crawley Borough Council in Relation to the Application for a Review of the Premises Licence Held by Déjà Vu Clubs Limited in Effect for the Premises 26-32 High Street, Crawley**

1. The Sub-Committee listened carefully to the submissions made by counsel for the applicant for the review, Sussex Police, the representative for Public Health and counsel for the Licence Holder.
2. In coming to its determination, the material and documentation the Sub-Committee took into account included:
  - 2.1 the representations made on behalf of all parties and the evidence presented by Sussex Police and the Licence Holder, including CCTV and bodycam footage;
  - 2.2 the requirements of the Licensing Act 2003;
  - 2.3 the Statutory Guidance; and
  - 2.4 Crawley Borough Council Licensing Policy.

Observations by the Sub-Committee:

3. The Sub-Committee noted that a proposed package of new conditions was agreed between Sussex Police, the Licence Holder and Public Health. The Sub-Committee was pleased that the parties were able to agree detailed proposals which the members found helpful in making its decision today.
4. The Sub-Committee noted that the Licence Holder acknowledged many of the breaches of licence and other concerns raised by the Applicant. Given these admissions, the Sub-Committee did not feel that further evidence from the parties was required to establish any matters in dispute.

Decision:

5. The Sub-Committee notes that the agreed proposals by the parties was to effect a fresh start, a re-set, for the premises, and it is the Sub-Committee's view, in light of the breaches of licence admitted by the Licence Holder, that such an approach was needed for the promotion for the licencing objectives.
6. Members decided that the following were appropriate steps which should be taken promote the licensing objectives.
  - 6.1 **To remove** the existing DPS, Noel Sameroo.
  - 6.2 **To vary the conditions of the licence** as set out in Appendix A to this decision.
  - 6.3 **To suspend** the premises licence for 2 weeks to allow the above changes to take effect.
7. The members added a condition to ensure that all staff would be given training or re-training on what the parties acknowledged was necessary (i.e. duty of care and drugs policy) before the premises re-opens. The Sub-Committee agreed that these areas are so important that the venue could not re-open until all staff were trained on these issues.
8. The change to the proposed condition regarding checking CCTV was to ensure that the condition was enforceable.

## Appendix A

**Paragraphs numbered 1 to 8 below are new conditions to be attached to the premises licence:**

1. The Designated Premises Supervisor appointed after the Sub-Committee Hearing on 08/10/2019 (or any other subsequently appointed) shall be responsible for day to day control of the premises and they must focus on ensuring the premises is properly supervised during the hours of the Night Time Economy.
2.
  - A single digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises and entrance to toilets. The system shall be recording at all times the premises licence is in operation.
  - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - CCTV footage will be stored for a minimum of 31 days.
  - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - The CCTV images will record and display dates and times, and these times will be checked and recorded every 31 days to ensure their accuracy.
  - Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
  - Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.
  - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
3. The SIA door supervisors for this premises must be employed through an external SIA door company.
4. Each SIA door supervisor on duty shall have functioning Body Worn Video (BWV) cameras which shall be activated during potentially confrontational engagement with patrons, and during every ejection or refusal of entry.

- BWV cameras shall be activated during every engagement with patrons who may be considered vulnerable.
  - BWV footage shall be subject to all of the requirements of the premises CCTV condition (Condition 2 of Annex 2) in regards to quality, period of retention, and provision of footage to Sussex Police.
5. The premises licence holder shall produce and implement a written Duty of Care policy which shall be included in staff training for all members of bar staff and SIA door staff.
- This shall give specific attention to identifying vulnerable persons, preventing persons reaching alcohol tolerance levels, and the appropriate procedures to be followed to ensure vulnerable persons are kept safe away from other members of the public. It will also include an awareness of identifying and preventing predatory or threatening behaviour.
6. Signage stating that the premises has a zero tolerance towards drugs will be displayed prominently at the entrance to the premises, and the entrance to the toilets.
7. The existing premises drugs policy (Condition 7 Annex 2) shall be included in staff training for all members of Staff and SIA door staff. Training will include:
- Spotting the signs of drug use;
  - The procedure for logging all suspicions of drug dealing or drug taking on the premises;
  - The importance of regular toilet supervision to discourage crowds from congregating in the toilet area and to remove this as the obvious area to deal drugs;
  - The search policy at the point of entry; and
  - The procedure for the secure keeping of any drugs found and their handover to police.
8. All staff must be given training or re-training (as the case may be) in the premises duty of care policy and the premises drugs policy between 08/10/2019 and the end of the period of suspension of the licence (following the decision of the Sub-Committee Hearing on 08/10/2019).
9. **Condition 5 of Annex 2 will be replaced with:**
- No children shall be admitted to the premises at any time.

**Paragraphs numbered 10 to 13 below are new conditions to be attached to the premises licence:**

10. The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated at all times door staff are on duty at the premises.

11. Where a special event is planned to take place on the premises, Sussex Police Licensing Unit and Crawley Borough Council Licensing Department must be notified in writing (by way of email or letter) no later than 28 days prior to the date on which the event is to be held. A special event is considered to be an event by which, its nature is different to the usual entertainment at the premises. This would include, but not limited to, all events supported by an external promoter, events advertising named disc jockeys (other than the resident disc jockey) and events in which it is believed may cause an impact on local police resources. Where an event is planned, the premises management must consult with police and provide a risk assessment and event plan. In the event of a high risk assessment, the police will have the ability to prevent the event from going ahead on the grounds of the prevention of crime and disorder. If the police believe it is necessary and proportionate to prevent the event from taking place, they will submit their reasons, in writing, to the premises management.
12. The 'former' DPS, Mr Noel Samaroo, shall not be permitted on the premises while licensable activity is taking place.
13. Members of the SIA door team shall not be permitted onto the premises while licensable activity is taking place and are named as follows:
  - Slawomir Piatek;
  - Edward Suszek;
  - Bartlomies Myca;
  - Maciej Wisniewski; and
  - Richard Simmonds.
14. **Condition 11 of Annex 2 to be replaced with:**

A minimum of three Security Industry Authority (SIA) trained & licensed door supervisors shall be deployed at the premises from 21:00 hours until all customers are clear from the vicinity of the premises every Tuesday, Thursday, Friday and Saturday night and where deemed necessary under proposed condition at point 10 of this document.