

Crawley Borough Council

**Minutes of Licensing Sub Committee**

Wednesday, 7 November 2018 at 10.00 am

**Councillors Present:**

K L Jaggard, C J Mullins and M W Pickett

**Officers Present:**

Tony Baldock	Environmental Health Manager
Heather Girling	Democratic Services Officer (observing)
Mike Lyons	Senior Licensing Officer
Mez Matthews	Democratic Services Officer
Astrid Williams	Legal Clerk – Senior Lawyer (Solicitor)

**Also in Attendance:**

Applicant	Pauline Giddings (Sussex Police – Licensing Officer)
	Warren Jones (Sussex Police – Police Constable)
	Di Lewis (Sussex Police – Inspector)
Premises	Nicholas Hanlon (Ei Group Plc – Regional Manager)
	Richard Taylor (Solicitor for Ei Group Plc)
Interested Party	Holly Yandall (WSCC Public Health – Public Health Lead for Alcohol and Drugs)

**1. Appointment of Chair**

**RESOLVED**

That Councillor Mullins be appointed Chair for the meeting.

**2. Members' Disclosures of Interest**

No disclosures of interests were made.

**3. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley**

The Sub Committee considered an application to review the premises licence held in respect of the 'Moonraker', 199 Three Bridges Road, Three Bridges, Crawley.

Following the introduction of those present at the meeting, the Legal Clerk advised that the Sub Committee would follow the Hearing Procedure, a copy of which had accompanied the letters of invitation.

The Legal Clerk then asked all parties present, if they wished to make any relevant applications, for example additional information or to cross-examine any party. Sussex Police drew the Committee's attention to supplementary agenda item 6 which referred to its intention to bring to the Hearing further CCTV footage relating to the additional supporting evidence regarding the incident which took place on 18 October 2018. Due to the format of the CCTV footage it had not been possible to circulate the video to all parties prior to the Hearing, however Sussex Police were of the opinion that, due to the nature of the incident, it was important that it be viewed by the Sub Committee. In light of this, Sussex Police made an application to present the CCTV footage as additional information.

The Legal Clerk informed all parties that the Sub Committee had requested a pre-meeting with the Legal Clerk and Democratic Services Officers prior to the commencement of the Sub Committee, to confirm the procedure that would be followed during the meeting. At that pre-meeting the Sub Committee had confirmed receipt of the supplementary agenda documents which had been circulated following publication of the main agenda, been briefed regarding the Premises Licence transfer details, been informed of the CCTV footage regarding the incident on 18 October 2018 and the possibility of its submission as additional information, been reminded of the regulations which were relevant to the review before them and the actions available to the Sub Committee.

Report HCS/09 of the Council's Head of Community Services was presented by Mike Lyons, a Senior Licensing Officer for Crawley Borough Council.

### **The Application**

The Senior Licensing Officer, Mr Lyons, informed the Sub Committee that on 20 September 2018, Sussex Police as 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 the 'Moonraker' at 199 Three Bridges Road, Three Bridges, Crawley.

The application was detailed in Appendix A to the report and sought a review on the grounds that the Premises Licence Holder was not promoting the statutory licensing objectives of prevention of crime and disorder and public safety. Sussex Police contended that the licensing objectives had been seriously undermined by the failure of Martin Radmall, the Premises Licence Holder and Designated Premises Supervisor, 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.

Evidence submitted by Sussex Police in respect of the incident which took place on 27 April 2018 was attached as Appendix B to the report and Appendix C detailed the premises licence identifying Martin Radmall as the Premises Licence Holder.

Mr Lyons drew the Sub Committee's attention to the supplementary agenda items which had been circulated following publication of report HCS/09 and which the Sub Committee should take into account during its deliberations. Those supplementary agendas detailed the following:

Supplementary Agenda Item 5:

- Additional evidence submitted by Sussex Police: CCTV footage of the incident which took place on 27 April 2018.
- Additional evidence from Sussex Police regarding a further incident which had taken place on 18 October 2018.

Supplementary Agenda Item 6:

- Additional information provided by the Licensing Authority in respect of the Premises Licence: Transfer of the Licence from Mr Martin Radmall to Ei Group Plc.
- Further supporting evidence from Sussex Police regarding the incident which had taken place on 18 October 2018 (with an intention that CCTV footage of the incident would be presented at the Hearing, subject to the agreement of all parties present).
- In addition to undermining the licensing objectives of prevention of crime and disorder and public safety, Sussex Police, in their additional evidence regarding the incident on 18 October 2018, further contended that the licensing objective of protecting children from harm had been undermined.

Mr Lyons advised the Sub Committee that, during the 14 day notice period in which the relevant responsible authorities had the opportunity to object to the transfer of the premises licence, Ei Group Plc (as the 'new' Premises Licence Holder) held all the responsibilities of a Licence Holder. The Sub Committee noted that it had the option to formally remove Martin Radmall as Designated Premises Supervisor.

It was confirmed that the application had been advertised in accordance with legislation, and as a result of the consultation process, two relevant representations had been received. The representation which had been submitted by Gosschalks Solicitors (on behalf of their client Ei Group Plc) (Appendix D to the report) addressed the issues raised by Sussex Police in their application for the review, and proposed several actions which could be taken as a result. A representation had also been received from the Public Health Department (Appendix E to the report) which fully supported the request by Sussex Police for a suspension of the premises licence and the additional conditions proposed.

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 relevant parts of the Council's policy Statement of Licensing Policy. In particular, Mr Lyons drew the Committee's attention to the conditions and actions suggested by Sussex Police in its application for review (Appendix A).

Mr Lyons then proceeded to inform the Hearing of the steps 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. Mr Lyons confirmed the steps available to the Sub Committee were such as those set out below, if any:

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

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

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

Inspector Di Lewis, Sussex Police, addressed the Sub Committee and stated that the Police had serious concerns regarding Martin Radmall's management of the premises which, she believed, had led to the serious assault on 27 April 2018 and where appropriate action had not been taken by Mr Radmall following the incident. Inspector Lewis advised the Sub Committee that, following the transfer of the licence, Sussex Police had been in regular contact with Ei Group Plc as the new Premises Licence Holder and the premises was now temporarily closed on a voluntary basis.

Inspector Lewis advised that, when Sussex Police had submitted its application for a review of the licence, concerns related to:

- Appropriate action not being taken following the serious assault on 27 April 2018, with Sussex Police and emergency services not being contacted by staff on the premises following the incident.
- The breach of a number of conditions on the premises licence.
- The use of the pool tables, as it was Sussex Police's view that the pool tables were a focal point of many of the problems facing the premises.
- Bar staff not dealing appropriately with incidents taking place at the premises;
- Children being present on the premises after 1900hrs (which breached the conditions of the current licence).
- A lack of respect by Martin Radmall of the conditions of the licence.

Inspector Lewis requested that the Sub Committee consider imposing the measures proposed by Sussex Police in its application for review, which she believed would promote the licensing objectives and allow the new Premises Licence Holder to implement the changes necessary to protect members of the public from harm and ensure that the premises could be run safely to the benefit of the local community. In particular Inspector Lewis requested that the Sub Committee remove Martin Radmall as the Designated Premises Supervisor; impose a suspension of the licensable activities to allow time for training and a change in clientele. Inspector Lewis advised that Sussex Police did not seek revocation of the licence but requested that restrictions be imposed.

As requested earlier in the Hearing, Inspector Lewis referred to the CCTV footage which Sussex Police wished to submit as additional information. Following confirmation from the Legal Clerk that all relevant representatives had been sent the CCTV footage of the incident which took place on 27 April 2018, Inspector Lewis clarified that the CCTV footage which Sussex Police wished to submit as additional information related to the incident which took place on 18 October 2018. The Premises Licence Holder's representative, Mr Taylor, addressed the Committee and, in the spirit of cooperation, raised no objection to the CCTV footage being submitted for consideration.

The Legal Clerk advised those present that the CCTV footage included an image of a child who was, in her opinion, identifiable. As such the CCTV footage was deemed to be exempt information and, with exception of the representatives for Sussex Police, the Public Health Department and the Premises Licence Holder, members of the public and press were asked to leave the room whilst all relevant parties viewed the footage.

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

**RESOLVED**

That under Section 11A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

**5. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley**

Exempt Paragraph 2.

*Information which is likely to reveal the identity of an individual.*

The Sub Committee and the representatives for Sussex Police, the Public Health Department and the Premises Licence Holder viewed the CCTV footage of the incident which took place on 18 October 2018.

**Re-admission of the Public**

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

**6. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley**

**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 (respondent in brackets)</b>
Was the time shown on the CCTV footage for 18 October 2018 correct?	Yes. The CCTV footage for the incident on 27 April 2018 had shown a two hour time difference. The issue had been rectified since then and the time shown on the footage for 18 October 2018 was correct (PC Jones)
Was the child present on the CCTV footage the child of a staff member?	Yes, although the staff member was not working at the time and was drinking at the bar (Inspector Lewis)

Inspector Lewis advised the Sub Committee that the incident on 18 October 2018 provided further evidence of the lack of management at the premises, the culture within the premises and the level of control within the premises some of the patrons appeared to show. The CCTV footage of the incident on 18 October 2018 demonstrated that, although the suspect had been excluded from entering any Crawley and Gatwick Business Watch Pub (of which the Moonraker was a member), he had been served by bar staff on the night in question. Inspector Lewis also highlighted that the child had been on the premises beyond the hours allowed on the

conditions of the licence and had not been removed from the premises when the situation escalated.

### **Interested Party (Public Health Department)**

The representative for West Sussex County Council's Public Health Department, Holly Yandall addressed the Sub Committee in support of Sussex Police's application to review the licence and drew the Sub Committee's attention to the representation she had submitted which was included within the report (Appendix E).

Ms Yandall emphasised the impact an assault had on the public health services and cited research by the Trauma Audit Research Network at the University of Manchester which had established that a serious assault, such as the one on 27 April 2018 would amount to a total cost of £20,269 to the health service, ambulance service, Police and the impact on the victim. Ms Yandall advocated that, had the conditions on the premises licence been adhered to and the licensing objectives promoted, it was unlikely that either of the incidents outlined in the report would have taken place.

In addition, Ms Yandall referred to the evidence of the level of drug use on the premises which Sussex Police had submitted as additional evidence (Appendix B to the report). Specifically, Ms Yandall explained that when alcohol was mixed with cocaine it produced cocaethylene which had been shown to impact an individual's behaviour by reducing inhibitions and increasing reckless and violent behaviour.

Ms Yandall informed the Hearing that she supported the recommended actions and conditions proposed by Sussex Police in its application for review (Appendix A to the report) especially in relation to providing a clear drugs policy, providing the associated training and ensuring that the drugs policy was enforced. Ms Yandall also urged the Sub Committee to remove Martin Radmall as the Designated Premises Supervisor. Ms Yandall was of the view that those actions would create a break in the culture of the premises and the present clientele, and would provide a 'reset' for the new management.

The Council's Senior Licensing Officer took the opportunity to draw the Sub Committee's attention to the statement of PC Jones dated 28 August 2018 (Appendix B to the report) which detailed the swab results for controlled substances taken within the premises. At this point PC Jones provided the Hearing with more information relating to the levels of controlled substances found on various surfaces within the premises. PC Jones highlighted that a significant number of the surfaces had a result of 4 or above which was classed as a 'high' response and was indicative of recent and direct contact with measureable quantities of the narcotic identified by the machine.

### **Questions asked by the Sub Committee of the Interested Party (Public Health Department)**

The Sub Committee then asked the following questions:

<b>Questions by the Sub Committee</b>	<b>Response (respondent in brackets)</b>
The swab results pertaining to the gaming machine and jukebox where above 4 which indicated a 'high' response. PC Jones' statement dated 28 August 2018 (Appendix B to the	Whilst it was a possibility, there was no certainty that was the case (Response provided by PC Jones of Sussex Police)

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
<p>report) stated that the image provided by CCTV Camera 2, which covered those areas, was at that time obscured by a number of patio umbrellas that had been placed there for storage. Was PC Jones of the opinion that the camera had been purposefully covered to hide drug use?</p> <p><i>(Question directed to Sussex Police)</i></p>	
<p>The CCTV footage for 27 April 2018 showed smoking taking place within the premises. Why had neither Sussex Police nor the Public Health Department mentioned that in their submissions?</p>	<p>Smoking within the premises was a matter for the local Public Health Department to pursue and was not a Sussex Police matter. Holding a cigarette in their mouth did not necessarily mean that the cigarette was lit, those individuals might have been holding the cigarette in their mouth on the way to the door where the cigarette would be smoked outside the premises <i>(Response provided by PC Jones of Sussex Police)</i></p> <p>Holly Yandall acknowledged that when viewing the CCTV footage of 18 October 2018, she had noticed that an individual had lit a cigarette within the premises <i>(Holly Yandall)</i></p>

### **Premises Licence Holder (Ei Group Plc)**

Mr Richard Taylor of Gosschalks Solicitors, the representative for Ei Group Plc as the Premises Licence Holder, addressed the Sub Committee and stated that Ei group Plc supported Sussex Police's application for review and the conditions proposed by Sussex Police. Mr Taylor advised the Hearing that he acted on the behalf of Ei group Plc and was not there to represent the former Premises Licence Holder Martin Radmall. Mr Taylor also took the opportunity to remind the Sub Committee that Ei Group Plc had not been the Premises Licence Holder when either of the incidents in question had taken place.

Mr Taylor drew the Sub Committee's attention to the representation submitted on behalf of Ei Group Plc (attached as Appendix D to the report) and he made the following submissions:

- The vast majority of the licensed premises owned by Ei Group Plc were the subject of lease/tenancy agreements and the tenants operated their own business from the premises. Therefore, when both the incidents in question took place, Martin Radmall operated the business.
- Since the application for review had been submitted by Sussex Police, Ei Group Plc had removed Martin Radmall as a tenant and the Premises Licence had been transferred to Ei Group Plc.

- Martin Radmall had vacated the premises on 30 October 2018 and Ei Group Plc had regained possession of the premises. The premises had been closed for business as of 31 October 2018.
- Ei Group Plc were currently seeking to appoint new professional management for the premises, who would operate the premises through the Christmas period.

Mr Taylor advised the Sub Committee that since Martin Radmall's departure from the premises, Mr Taylor had been in discussion with Inspector Lewis regarding Sussex Police's proposed actions and conditions. Ei Group Plc wanted to work in partnership with Sussex Police and uphold the licensing objectives, and in light of this and the discussions that had taken place with Sussex Police, Ei Group Plc:

- Agreed with the conditions proposed by Sussex Police in its application for review (Appendix A to the report).
- Had removed the pool tables from the premises with no intention of reinstating them.

Whilst Ei Group Plc did not object to Sussex Police's proposal that the licence be suspended for a period of time, Mr Taylor was of the opinion that the minimum eight week period of suspension requested by Sussex Police could have an irreversibly negative effect on the business. Mr Taylor therefore requested that, should the Sub Committee be minded to suspend the licence, that any such a suspension cease by the 30 November 2018 therefore allowing the premises to reopen on 1 December 2018. Mr Taylor provided the following reasons for the request:

- An eight week suspension period would result in the premises closing from the end of November 2018 to the end of January 2019. If the premises were closed over the Christmas period, the business might never recover.
- The licensed premises was not a 'bad pub', but that the issues which had resulted in the Hearing were due to the premises being poorly operated. With the right staff and management in place the pub had the potential to be a benefit and not a burden to the local area.
- Should the premises be allowed to open over the Christmas period, new management would be in place and all staff would be fully trained.
- A period of closure until 1 December 2018 would (should the Sub Committee be minded to take the relevant action) be sufficient time to:
  - Remove Martin Radmall as the Designated Premises Supervisor.
  - Identify and appoint a new Designated Premises Supervisor who met the approval of Sussex Police.
  - Impose the conditions on the licence proposed by Sussex Police.

Mr Taylor, directed the Sub Committee to Paragraph 6.2.7 of the report which referenced associated Paragraph 11.20 of the Section 182 Guidance of the Licensing Act 2003 which stated that, in deciding which powers to invoke, licensing authorities should first seek to establish the cause of the concerns identified by the representations and then direct remedial action at those causes, and such action should be no more than an appropriate and proportionate response to address those causes for concern. Mr Taylor proposed that the incidents detailed in Sussex Police's application for review and their additional evidence had been a consequence of Martin Radmall's lack of management, and that had therefore been the cause of the concerns raised by Sussex Police. Mr Taylor reminded the Sub Committee that Martin Radmall had now been removed as the Premises Licence Holder and, in Mr Taylor's opinion, the appropriate and proportionate remedial action would be to also remove him as the Designated Premises Supervisor.



**Questions asked by the Sub Committee of the Premises Licence Holder (Ei Group Plc)**

The Sub Committee then asked the following questions of the Premises Licence Holder:

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
<p>What assurances could Ei Group Plc provide that the premises would be run properly in the future?</p>	<p>Ei Group Plc owned approximately 4,000 public houses in England and Wales. The Plough public house (also along Three Bridges Road) was owned by Ei Group Plc and had good management. When Martin Radmall had been appointed by Ei Group Plc five/six years ago no information had been found which deemed Martin Radmall to not be a 'suitable' appointment. Although Ei Group Plc could not provide the guarantee being sought by the Sub Committee, it would carry out all the necessary checks when making an appointment for new management <i>(Richard Taylor)</i></p>
<p>Would Ei Group Plc review the performance of any new management appointed?</p>	<p>Ei Group Plc would closely monitor the new management of the premises. Ei Group Plc's Regional Manager would liaise with the new Designated Premises Supervisor, the Council's Senior Licensing Officer and Sussex Police to ensure that the premises was being well managed. Any tenancy agreement would be for a minimum period of five years up to a maximum of twenty years – the long term nature of the lease would provide for stability in the new management <i>(Richard Taylor)</i></p>
<p>Were Ei Group Plc aware of any historical incidents (not detailed within report HCS/09) which had taken place at the premises?</p>	<p>Ei Group Plc was only aware of the instances detailed within report HCS/09 <i>(Richard Taylor)</i></p> <p>Ei Group Plc had performed a background check on Martin Radmall before appointing him as management for the premises. Had anything been highlighted when those pre-application checks had been carried out, Ei Group Plc would have refused to appoint Martin Radmall. Apart from the incidents which had taken place on 27 April 2018 and 18 October 2018, Ei Group Plc did not have a record of any historical issues relating to the premises <i>(Nicholas Hanlon)</i></p>

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
	<p>PC Jones informed the Sub Committee that he had been a police officer for 27 years and had worked within Crawley for the past five years. PC Jones confirmed that a violent incident, in addition to those identified in the report, had taken place in the past, but that Ei Group Plc would not have been aware of the incident as it had not been the Premises Licence Holder at that time <i>(PC Jones)</i></p> <p>The Council's Senior Licensing Officer confirmed that, the Licensee prior to Martin Radmall had been removed following an altercation which had taken place. The incident involved personal guests of the then Licence Holder and had occurred out of hours on the premises. A person had been stabbed with a broken pool cue. Although Ei Group Plc owned the business at that time, it was not the Premises Licence Holder, the person named on the lease or an interested party at the time of the incident. The Sub Committee noted that the incident in question was not relevant to the current Hearing <i>(Mike Lyons)</i></p>

**Final Comments made by the Applicant (Sussex Police)**

Sussex Police's Licensing Officer suggested that Ei Group Plc retain the Premises Licence for a minimum of six months which would allow it an increased level of control over the premises. At this point Mr Taylor, the representative for Ei Group Plc, acknowledged that whilst it was not possible to add Sussex Police's request as a condition, should Sussex Police support Ei Group Plc's request that any suspension of the licence be concluded by 1 December 2019, he could provide assurance that Ei Group Plc would remain the Premises Licence Holder for six months. Mr Hanlon, Regional Manager for Ei Group Plc, added that, as was a requirement of the Pub Code etc Regulations 2016, any new Premises Licence Holder would be made fully aware of any enforcement action taken by the Council in connection with the premises during the previous 2 years. Ei Group Plc would also ensure that any individual appointed as the Premises Licence Holder was experienced.

The Council's Senior Licensing Officer took the opportunity to remind the Sub Committee that once Ei Group Plc had appointed a new tenant, Ei Group Plc could apply for a transfer of the Premises Licence. Approval of any such application would be subject to an opportunity for objections being made by Sussex Police and others. Inspector Lewis added that Sussex Police sought assurance that the any new Premises Licence Holder would be a suitable appointment and able to manage the

premises. Inspector Lewis emphasised the need for the premises to employ effective staff and ensure a change in the clientele following any suspension of the licence. Mr Taylor advised that some staff members would be retained under the new management, and that all staff would be fully trained and would have a strong manager.

PC Jones added that Sussex Police would be happy to work with Ei Group Plc and the new management in conducting swab testing for controlled substances within the premises.

**Final Comments made by the Premises Licence Holder (Ei Group Plc)**

Mr Taylor, representative for the Premises Licence Holder, made the following additional comments prior to the Sub Committee's deliberations:

- Ei Group Plc would appoint new management which met the approval of Sussex Police. Such new management would have a proven track record of managing 'difficult' licensed premises.
- To assist the 'resetting' of the premises, a change in the premises' name was also an option.
- Ei Group Plc did not want to own premises which caused problems, as such issues were costly for the business.

**Clarification Sought by the Legal Clerk**

The Legal Clerk addressed the Hearing and sought clarification on a number of the conditions proposed by Sussex Police in the application for review (Appendix A to the report):

<b>Proposed Condition</b>	<b>Clarification Sought</b>	<b>Response (respondent in brackets)</b>
5 (pool tables)	Acknowledged that the pool tables had been removed. Should the Sub Committee be minded to agree proposed condition 5, would the Premises Licence Holder have any objection to the tables being permanently removed?	The pool tables had been removed. Ei Group Plc was happy for that to remain the case ( <i>Richard Taylor</i> )  Sussex Police would like the pool tables to be permanently removed ( <i>Pauline Giddings</i> )  For the avoidance of doubt, the representative for the Department of Health requested that, should the Sub Committee be minded to impose the condition, that the wording be amended to also include snooker tables ( <i>Holly Yandall</i> )
6 (duty of care policy)	Should the Sub Committee impose proposed condition 6, would the relevant parties present be willing to draft wording for the Sub Committee's consideration outlining the type	The representative for Ei Group Plc agreed to draft wording, in consultation with the representatives of Sussex Police and the Department of Health,

Proposed Condition	Clarification Sought	Response ( <i>respondent in brackets</i> )
	of information to be included in the Duty of Care Policy?	for the Sub Committee's consideration ( <i>Richard Taylor</i> )  The Duty of Care Policy would relate to the care vulnerable persons ( <i>Pauline Giddings</i> )
8 (drugs policy)	Did all relevant parties present have any views on whether condition 3 on the existing licencing (which related to an active drugs policy) to be adequate?	The current wording of condition 3 was deemed adequate ( <i>Richard Taylor and Pauline Giddings</i> )
10 (risk assessment)	How frequently did Sussex Police expect the risk assessment to be reviewed?	It was envisaged that the assessment would be reviewed quarterly ( <i>Richard Taylor</i> )  The risk assessment was a 'live' document. It was likely to remain unchanged unless an event was expected to alter the type or level of activity within the premises. In those instances the risk assessment should be reviewed and an additional assessment should be considered ( <i>Pauline Giddings</i> )

## 7. 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.

## 8. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley

The Sub Committee gave further consideration to the application and to the matters raised at the meeting. 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 as detailed in **Appendix 1** to

these minutes, because it was considered appropriate to promote the licensing objectives.

#### **Re-admission of the Public**

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

#### **9. Application to Review the Premises Licence applicable to the MOONRAKER, 199 Three Bridges Road, Three Bridges, Crawley**

The Legal Clerk, on behalf of the Sub Committee, read out the Sub Committee's decision as detailed in **Appendix 1** to these minutes. It was also announced that all parties would receive a copy of the decision notice within five days of the Hearing.

#### **Closure of Meeting**

With the business of the Licensing Sub Committee concluded, the Chair declared the meeting closed at 2.05 pm

**Chair**

**Appendix 1: Decision of the Licensing Sub-Committee sitting at Crawley Borough Council in relation to the application for a review of the premises licence in effect for the premises known as Moonraker at 199 Three Bridges Road, Three Bridges, Crawley**

1. The Sub-Committee listened carefully to the submissions made on behalf of the applicant for the review, Sussex Police, the representative for Public Health and 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 before the meeting and the CCTV evidence presented during the meeting;
  - 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 found the Police submissions and those by the Public Health representative to be informative and helpful.
4. The Sub-Committee welcomed, and was encouraged by, the new Licence Holder's submissions made during the hearing regarding their proposals for tackling and changing the management and culture at the premises; and their confirmation that they do not intend to apply for a transfer of the licence for a period of 6 months, which the Sub-Committee felt was an adequate period of time for the new management to be established. The Sub-Committee noted that the new Licence Holder had taken the responsible step of closing the premises. At the outset, the Sub-Committee wanted to say that it wished to support the Licence Holder's intention to install a new Designated Premises Supervisor (DPS) with strong management skills.
5. The Sub-Committee also welcomed the evidence given during the hearing of the Licence Holder working with the Police.

Findings

6. The Sub-Committee found that the evidence presented by the Police clearly demonstrated that there had been repeated breaches of the existing licence conditions by the former Licence Holder/current DPS, Mr Radmall, resulting in serious incidents on the premises and other matters of concern. The Sub-Committee found that the causes of the current situation on the premises were:
  - 6.1 The failure to adhere to existing licence conditions and the management, or complete lack of management, by former Licence Holder/current DPS, of Mr Radmall; and
  - 6.2 A culture at the premises which had developed due to the serious failings of Mr Radmall which featured an acceptance of violence, drug-taking and concerning behaviour regarding minors.

7. The Sub-Committee concluded that it wished to achieve what was described by the Public Health representative as a 're-set' of these premises, aiming to achieve the following:
  - 7.1 the appointment of a new Designated Premises Supervisor capable of being a strong manager who can foster a different culture in the premises which promotes the 4 licensing objectives and provides a safe, well-run premises for both staff and clientele;
  - 7.2 a hiatus in operation of the premises to allow a period where regular, problem clientele are absent from the premises to assist in the fostering of a new culture when the premises re-opens;
  - 7.3 the undertaking a deep clean of the premises to remove (as much as possible) cocaine and other illicit drug residue.

Measures to address these causes/achieve the 're-set'

8. Members decided that the following were appropriate steps which should be taken to address the causes, achieve a successful 're-set' of the premises and thereby promote the licensing objectives.
9. Remove existing DPS, Martin Radmall.
10. Suspend the premises licence until and including 13 December 2018 (to be clear this allows re-opening on 14 December). The Sub-Committee considered this is was the appropriate period for the above aims to be achieved (installing a new, responsible management, creating a break to the existing undesirable culture, and allowing the premises to be deep cleaned). In particular they felt this was the appropriate period to break the link between the undesirable culture and the premises, and that this period will also act as a deterrent to such undesirable conduct being repeated.
11. Vary the conditions of the licence as follows:
  - 11.1 Existing condition 3 of Annex 2 of the premises licence is to be replaced with this condition:
    - 11.1.1 The premises will be run with a zero tolerance drug policy. The DPS will ensure that all staff are trained with regard to this policy. All persons found to be in possession of drugs or dealing drugs will be reported to the police and banned from the premises, and a report will also be forwarded to the Licensing Authority (Crawley Borough Council).
  - 11.2 Signage stating that the premises has a zero tolerance towards drugs must be prominently displayed and Sussex Police must be consulted on the placement of such signs. The signs must be in situ prior to any licensable activity taking place.
  - 11.3 Toilet checks must be completed at regular intervals. The minimum number of checks must be: every 2 hours Sunday to Thursday and hourly on Fridays and Saturdays.
  - 11.4 Martin Radmall, the former Licence Holder/DPS, is not to be permitted onto the premises for a period of 6 months, that is up to and including 6 May 2019 (to be clear, after this period, Mr Radmall may be permitted onto the premises).

(The Sub-Committee's view was that the above condition would assist in successfully securing a complete change in management and culture on the premises.)

- 11.5 A DPS or a staff member who holds a personal licence must be on the premises, in a working capacity, each day until all members of the public have left the premises and its curtilage.
- 11.6 There shall be no pool tables, snooker tables or similar on the premises.
- 11.7 The DPS must prepare a written duty of care policy which will include ensuring that appropriate first aid/other attention is given by staff when necessary and until such time as medical/other emergency services are in attendance. All staff and any contract SIA door staff must be trained on this policy and this training must be included with the induction training required by condition 8 of Annex 2.
- 11.8 (i) A documented risk assessment for normal trading must be written. This must identify the activities undertaken at the premises and the controls necessary to promote the licensing objectives. The risk assessment for normal trading must be reviewed annually.
- (ii) An additional risk assessment must be conducted and written for events that are anticipated will significantly increase customer numbers, eg. sporting events of national or local interest or funeral events. On occasions when a requirement is identified by the risk assessment or requested by Sussex Police, SIA trained and licensed door supervisors shall be employed and polycarbonate drinking vessels will be used in both internal and external parts of the premises.
- (iii) The risk assessments will be completed by the DPS, retained on site and made available for inspection by the police and licensing authority on request.
- 11.9 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 (Crawley Borough Council) and Sussex Police Licensing Officers.