



Application for the review of a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, *(insert name of applicant)*

A/Chief Inspector Starns for and on behalf of the Chief Constable of Sussex Police

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Déjà Vu Bar

Postal address of premises or, if none, ordnance survey map reference or description

26-32 High Street

Post Town

Crawley

Post code

RH10 1BW

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

Déjà Vu Clubs Ltd,


Number of premises licence or club premises certificate (if known)
 16/001916/LAPRE

Part 2 – Applicant details

I am,

Please mark X for yes

- | | |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) A responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
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3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please mark X for yes

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

First names

Please mark X for yes

I am 18 years old or over	<input type="checkbox"/>
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Current postal address if different from premises address	
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Daytime contact telephone number	
E-mail address (optional)	
(B) DETAILS OF OTHER APPLICANT	

Name and address
Telephone number (if any)
Email address (if any)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT
Name and address: C/o Licensing Office Sussex Police West Sussex Division Centenary House Durrington Lane, Worthing West Sussex BN13 2PQ
Telephone number (if any) 01273 404030
(Email address (if any)) WS_licensing_wor@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)	
	Please mark X for yes (one or more boxes)
1) the prevention of crime and disorder	X
2) public safety	X
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	X
Please state the ground(s) for review (please read guidance note 1)	
<p>Sussex Police contend that the licensing objectives of</p> <ul style="list-style-type: none"> i) The prevention of crime & disorder ii) Public safety iii) The protection of children from harm <p>have been undermined by the inability of the Designated Premises Supervisor (DPS) Mr Noel Samaroo, to ensure the licenced premises is run in accordance with the conditions attached to the premises licence and to meet his obligations under the Licēnsing Act 2003.</p> <p>Mr Samaroo is not only the DPS but the sole director and secretary of Dējà Vu Clubs Limited. This company holds the premises licence for Dējà Vu. Mr Samaroo is referred to herein as the premises licence holder (PLH)</p>	

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

Déjà vu is a small late night bar, licensed to provide live music, recorded music, the performance of dance, late night refreshment and the supply of alcohol.

Its standard opening times are between,

08:00 ~ 02:00 hours Monday to Wednesday

08:00 ~ 03:00 hours Thursday to Saturday

10:00 ~ 00:00 hours Sunday.

Located at the bottom of the High Street in a commercial part of Crawley, the premises has a restricted area for smoking and for the consumption of alcohol, located adjacent to the front of the building on the pavement. There is a condition restricting its use to a maximum of 15 customers until 01:00 hours when it closes.

The premises has a dance floor and one bar.

28th September 2018 01:25 hours

At approximately 01:25 hours PC Warren Jones of the Prevention Licensing Team, was on duty in Crawley High Street adjacent to Déjà Vu. He observed the premises for around 10 minutes, during which time, the front doors were open for significant amounts of time; longer than might reasonably be considered necessary to allow access and egress to the premises. The noise escape was significant.

This is a breach of the licence which states at condition 16 of Annex 2 :

16. All forms of entertainment shall be set at a background level, namely 70 dB LAeq, 15 mins, whilst windows and doors are open. When music is played above this level, windows and doors shall be kept shut at all times, save for access and egress.

During this time a male, who was unsteady on his feet, was seen to leave the immediate area by the premises. On returning he was talking on his 'phone when was approached by two other males from the club. It was clear to PC Jones that an altercation was about to take place and he intervened, separating the males. The two males who had come over from the premises, walked back towards it, and were greeted by Mr. Slawomir Piatek, the head door supervisor (known as Slav). Slav was dressed all in black, his usual attire for door supervision. He was heard to speak to the males in their native language, and they walked back towards the club. PC Jones followed them and noted that they were allowed unrestricted re-entry to the premises despite it being after 0100hrs.

This is contrary to condition 9 of Annex 2 of the premises licence, which states:

9. No customers are permitted entry or re-entry to the premises after 01.00 save for smokers using the designated smoking area

The police officer pointed this out to Slav, who then informed him that it was his night off. Slav was wearing a radio clipped to his belt. Later Slav described in detail how he had ejected people that night. It was noted that he was not displaying an SIA licence. PC Jones further noted that there were 22 people in the smoking area, and that drinks were being consumed. The entire pavement was being used and the barriers delineating the area, blocking any access for pedestrians.

This breaches both condition 17 and condition 22 of the premises licence which states at Annex 2 :

17. The Designated Area shall be at the front of the premises, adjacent to the entrance. This shall be clearly defined by way of substantial barriers and shall hold a maximum of 15 people at any one time. No entertainment of any sort will be permitted in the Designated Area.

22. Save for the Designated Smoking Area, the external area shall be closed to patrons from 0100 until 0800 hours.

The door supervisors were then asked to call the duty manager. After approximately 5 minutes, Darrell Damalie joined PC Jones who pointed out the numerous breaches of the premises licence; the obstruction of the highway, the overcrowding of the smoking area and of a member of the door team operating without displaying an SIA badge. Subsequently the barriers were removed and customers and drinks ushered back inside the premises. Whilst PC Jones was present he noted that, the door supervisor's book was completed. No incidents had been recorded. There were four SIA door staff on duty and full details were obtained from their badges. Their details were recorded by PC Jones; Cona Jackson, Richard Simmons, Barteck Myca, and Ivan Sseninde.

Concerned at these breaches and of the behaviour demonstrated by the SIA door staff, a warning letter (attached) was sent to Noel Samaroo to ensure that, as DPS & PLH, he was aware of the situation, and of the breaches of the premises licence for which he is responsible under the licensing Act 2003

1st December 2018 02:40 hours

On 3rd December 2018 a member of the public reported to Sussex Police that a male had been inside Déjà Vu on 1st December when he was assaulted sustaining a serious injury. It was reported that the male was currently at hospital receiving treatment for a broken jaw.

Police officers located the victim who stated that he was unable to remember very much as he had been so drunk. However, he stated that, towards the end of the evening someone had punched him to the face. The following day he had attended hospital where it was established that his jaw had been broken in numerous places and that emergency surgery was necessary.

When the police officers attended the premises, it was ascertained that the suspect was known to the Déjà Vu staff who were in fact able to identify him. Despite this and despite having full awareness of the incident staff, failed to contact Sussex Police or South East Coastal Ambulance (SECAM). This demonstrated a woefully inadequate duty of care to the victim and further meant that any forensic evidence from the crime scene was lost.

This was compounded by the poor response to requests for copies of CCTV footage of the incident, sought by the investigating police officer. The initial CCTV footage could not be viewed. Despite repeated calls, and visits to the premises, a playable copy was never provided to Sussex Police. While endeavoring to obtain the footage of this incident the investigating officer was informed by the manager that it should have been dropped off at the police station and that the assistant manager had now been sacked. Due to the victim's level of intoxication, the CCTV footage was imperative in supporting this investigation. Eventually, the footage was finally made viewable however due to a number of factors, the original suspect was not charged.

1st January 2019 01:12 hours

In the early hours of 1st January 2019, police were called to Deja Vu by a member of SIA door staff. On arrival the officers witnessed a female being restrained. She had been removed from the premises due to her level of intoxication and was reported to have bitten a member of door staff twice to the leg. The female was not compliant and had made violent threats. In view of the information provided, the female was arrested and taken into police custody. It was later that the victim, a member of the SIA door team, decided he did not wish to support police action and the female was consequently released from police custody.

It is difficult to see how, having sought police assistance and provided information which resulted in a person being arrested, a Security Industry Authority door supervisor considers himself to be promoting the prevention of crime and disorder by withdrawing his support.

1st January 2019 02:40 hours

At 02:40 hours on 1st January, uniform Police officers were dealing with an unrelated matter outside Déjà Vu, when they observed, SIA door staff ejecting a number of people from the premises. This appeared to follow an incident which had taken place between 2 males while inside the bar.

One of the males involved, was heard shouting "Come on, let's have it" at the door supervisor while being pushed away. The police officers then intervened removing the male from the immediate area advising him to go home. Whilst the officers were dealing with this male, a second male approached them and was promptly head butted in the face and punched by the first male. The victim appeared to have a cut to his lip which was bleeding. The assailant was arrested and taken to custody where he was given a formal police caution for affray. It was noted by the officers that suspect appeared to be 'highly intoxicated'.

6th January 2019 01:29 hours

At 01:29 hours PC Jones was on duty when he observed three females running along Crawley High Street. Approximately 15 minutes later at 01:45 hours PC Jones conducted a licensing visit at Déjà Vu and noted that the three females were now inside the premises. PC Jones was aware that the premises has a condition attached to the licence which prevents re-entry after 01:00 hours [at Annex 2 condition (9) see 28th September 2018]

This breach was pointed out to the general manager and the relevant CCTV footage requested. PC Jones was informed that it was not possible to assist him. The officer then informed staff that he would return at 03:00 hours to collect it. On his return at 03:00 hours Mr. Samaroo had attended the premises and a DVD of the footage was handed to PC Jones.

When PC Jones viewed the footage it became apparent that this was not footage from the CCTV system but a copy of a mobile 'phone download which had been recorded at double speed.

Mr. Samaroo was emailed advising him of this shortcoming.

12th January 2019 01:18 hours

PC Jones was on duty in uniform in Crawley High Street adjacent to Déjà Vu and when he noted a well-built male, wearing distinctive clothing, approach the premises in the company of a female. They appeared to be refused entry to the premises and continued around the corner. At 01:58 hours PC Jones entered the premises whereby he identified the same male and female inside the premises. A request was made for CCTV for all entrances including the fire escape at the rear of the premises for the period of time in question. As the DPS was not present this request was made via the head door supervisor specifying the breach of the premises licence as the reason.

12th January 2019

PC Jones visited Déjà Vu to collect the CCTV footage for the incidents of both 6th and 12th January 2019. Unfortunately the CCTV footage for 6th January would not play. No footage was provided for 12th January 2019.

13th January 2019

PC Jones again visited Déjà Vu to collect the CCTV footage for both 6th and 12th January 2019. Again despite assurances to the contrary, the CCTV for 6th would not play and again it contained no footage for 12th January 2019.

14th January 2019 at 20:00 hours

PC Jones attended Déjà Vu to collect the CCTV footage for both 6th and 12th January 2019. The member of staff dealing with this stated he had just awoken so had not yet addressed the problem. PC Jones returned to the premises an hour later. The DPS Mr. Samaroo was present and provided a USB stick which apparently held the required data. PC Jones asked for this to be checked prior to him leaving the premises. No video files were present on the stick.

PC Jones informed Mr. Samaroo that if this was not provided by the time the next police officer visited a Closure Notice under Section 19 of Criminal Justice & Police Act 2001 would be issued. Assurances were given that it would be ready by 22:00 hours that day. At 23:25 hours the premises were visited and footage was still being downloaded. An evidence bag was provided for it to be delivered to the Police Station.

18th January 2019

PC Jones checked the footage supplied. While some cameras had been downloaded none of those covering the rear or the outside of the premises had been provided.

29th January 2019

Mr. Samaroo was emailed regarding the missing CCTV. An email reply was received asking for all USB

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sticks to be returned. PC Jones confirmed these had previously been returned and that the one outstanding would be returned the following day.

30th January 2019

On 30th January a member of staff from the premises informed PC Jones that it would take a further 11 hours to download the requested CCTV footage. At 22:39 hours PC Jones received a message from the premises staff requesting he provide any original footage so that it could be converted. PC Jones confirmed that all the footage had been returned to the premises. Mr. Samaroo later called to say that an engineer would be called out and requested PC Jones be present at 3pm the following afternoon. As PC Jones would not be on duty at that time this was not possible, however he agreed to attend in the evening to collect the footage.

1st February 2019

Mr. Samaroo emailed PC Jones. Unfortunately, he was now unable to provide the remaining footage as it had been over written. He apologised for the "inept way that the CCTV was provided" stating that the CCTV system was old and needed to be replaced

9th March 2019 Sub-Judice

This incident relates to person(s) who having been drinking and dancing at the premises and were later involved in an incident concerning an allegation of sexual assault. The concerns for Sussex Police are the intoxication levels of the person(s) while at the premises. Furthermore, while some CCTV footage has been provided, this transpired to be incomplete, and not in a viewable format. This has hampered the investigating officers' enquiries. **(Further details cannot be provided as the case remains sub-judice).**

25th March 2019

A Meeting was held at Horsham Police Station to discuss a number of concerns held by Sussex Police regarding the management of Déjà Vu. The meeting was attended by PC CJ903 Jones and Pauline Giddings, Divisional Licensing Officer, of the Neighbourhood Licensing Team and Mr. Samaroo the DPS and PLH of the premises. Mr. Samaroo agreed that an inordinate amount of police time had been spent endeavouring to secure CCTV footage from the premises. He explained that he had overestimated the capabilities of a staff member but that he anticipated his head door supervisor was better equipped to manage this in future. It was also stated that Mr. Samaroo's sister was to take her BII exam and become the general manager. Mr. Samaroo was at this time reminded of the condition attached to the premises licence pertaining to CCTV which states at Annex 2 condition (2):

- *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. 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 Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police*

Evidently this condition has not been adhered to.

Mr. Samaroo proceeded to say that he was aware that the three females had entered the premises after 01:00 hours on **6th January 2019** but endeavoured to account for this stating that they had popped out to take money from the cash machine to pay for their drinks. He stated this was recorded by one of the SIA door supervisors who then permitted re-admittance. Mr. Samaroo was again reminded of the "no re-entry" condition attached to the premises licence. (Previously documented on page 5).

Mr. Samaroo was then shown the CCTV footage of 6th January. The footage shows 3 females entering the premises after 01:00 hours, unchallenged by the SIA door staff. The females later leave the premises, and on returning are again admitted unchallenged. This is inconsistent with the explanation provided by the DPS.

It was explained to Mr Samaroo that re-admittance after 01:00 is a condition of the licence and as such is not discretionary.

Mr. Samaroo went on to say that he had looked at the CCTV footage of **12th January 2019** and that there was no evidence that a male had entered the premises from the fire exit at the rear of the premises. This CCTV footage was then viewed and the appearance of the distinctive male and his companion from the rear of the premises quite clear.

Mr. Samaroo was incredulous and then admitted that he personally had not actually viewed the CCTV but that his staff had. He stated that he was most disappointed and admitted that having been adamant no entry had been gained through the fire exit, this was evidently not the case.

It was explained that it was of further concern that a number of staff members were present when the couple, having just been refused entry via the front of the club, were subsequently welcomed by a variety of people when appearing from the rear of the premises. PC Jones confirmed that two staff members, including the head door supervisor had confirmed on the night that the male was staff. Mr. Samaroo stated this was not true. He went on to say that the staff member who had allowed the male entry could not remain in his employment; blaming him also for the failure to provide the CCTV efficiently. It was suggested to the DPS that, one staff member could not be held solely responsible for all these failings. He as PLH & DPS was ultimately responsible for the premises and the way that it is run. Furthermore it was unlikely that in a premises the size of Déjà vu, none of the 4 SIA trained door staff on duty would have noticed a well-built male entering the premises. It was also of concern to Sussex Police that these same members of staff were repeatedly unable to supply a copy of CCTV footage and were unable to provide a constant or accurate account of events, either to the police officer or, it seems, to the premises supervisor. It was advised that Body Worn Video cameras (BWV) should be worn by all the SIA door staff and that this should be a condition attached to the premises licence. This would ensure footage was readily available and would provide a record of any verbal exchange taking place. It was also discussed that SIA door supervisors were still difficult to identify and that wearing Hi Viz vests had been previously identified and recommended by Sussex Police. Mr. Samaroo stated that they were worn when outside the premises but he would ensure this was at all times while on duty.

It was explained to Mr. Samaroo that a considerable amount of police time had already been spent trying to assist him so that the licensing objectives are promoted and that he is complying with the conditions on the premises licence. This was not something that could continue. It was made clear that the matters raised should be addressed, as a matter of urgency, in order that staff at the premises, and members of the public were kept safe from harm.

On 5th May 2019 at 01:26hrs Sub-Judice

On 5th May 2019 at 01:26 hrs police officers received a report from member of the public that a male had been assaulted and was unconscious on the floor outside Deja Vu. The male (1) had been inside the premises and, having been asked to leave, was then assaulted outside the club. A second male (2) also sustained some injuries apparently while trying to assist Male (1). Both victims were transported to New East Surrey Hospital. A number of staff from the premises were arrested. The matter remains Sub-Judice.

16th May 2019

Sussex Police received a Late Temporary Event Notice in relation to Déjà vu. It gave notice of the intention to extend the permitted hours for the sale of alcohol (on and off sales) by one hour from

02:00 to 03:00 for three nights over the late May bank holiday weekend, (25th-27th May 2019), also to increase the capacity of the smoking area. Due to the ongoing investigation into the assault of 5th May Sussex Police raised an objection to the Notice under S104 (2) of the Licensing Act 2003. Mr. Samaroo subsequently withdrew the Notice.

6th June 2019 23:30 hours

On Wednesday 6th June at approximately 23:30 hours police officers were called by staff at Deja Vu requesting assistance. Members of staff had detained a male who had been into their stock room and had stolen a bottle of Jack Daniels spirit. The male had been stopped by staff just outside the storeroom door with the one item in his possession. However when the police officers attended they were merely asked to escort the male from the premises, stating that they were not willing to support further action. Having witnessed the theft, and called for police officers to attend, the staff refused to support any further action; failing to promote the licensing objective of the prevention of crime and disorder.

15th June 2019 23:31 hours

Sussex Police received a call from staff requesting assistance due to a group of eight males inside the premises abusing staff. They were reported as being highly intoxicated and becoming "more and more agitated". Staff raised concerns to the police that they believed a fight was about to erupt. At approximately 23:40 hours, the premises staff then cancelled the request for police assistance, having decided to let the males remain on the premises.

19th June 2019 23:28 hours

At 23:30 hours a 15 year old female entered Déjà vu in the company of another female. They proceeded to the bar where alcohol was purchased by the older girl for both of them. They remained on the premises until 01:52 during which time further drinks were purchased for both girls; by the older female and by some male patrons of the bar.

This incident subsequently came to the attention of Sussex Police via a family member concerned about the safety of the young & vulnerable female. (Full details cannot be provided in this document) PC Jones requested, and was provided with, CCTV footage of the incident by the premises staff. However upon viewing, it became apparent this was incomplete; an hour and a half was missing during the time the females remained on the premises. Following a second request the complete footage was provided. It is clear to see that at no time is the child asked to produce I.D. nor is any attempt made to prevent the proxy sale of alcohol for a child. No intervention, nor duty of care is apparent.

23rd June 02:46 hours

The South East Ambulance Service contacted Sussex Police to report of a male who had been involved in a fight within Déjà Vu. The male had been knocked unconscious with a bump to the head. Having regained consciousness the victim then left the scene and no further action was taken by the ambulance service. Police officers were not called to the assault by the premises staff.

Later that day (**23rd June 20:00 hours**) Pc Jones attended the premises and requested to see the CCTV footage from the assault at 02:46 hours. The footage showed people dancing on the dance floor. Following some interaction between the males, the suspect suddenly assaulted the victim, inflicting a number of blows to him, even after he has fallen to the floor. Shortly afterwards door supervisors appear and place the victim in the recovery position. The suspect was not detained and the police are not called; despite the victim losing consciousness. Ultimately the victim did not wish to engage with the police and the incident not progressed by investigating officers.

However Sussex Police are greatly concerned that a patron of the club sustained head injuries which could have been life changing. The impact of which may not have been immediately discernible. Yet no call was made to the police and no attempt was made to detain the suspect.

PC Jones raised these concerns with Mr. Samaroo, who stated that, as the victim did not want to report the matter they did not inform the police. It was explained that it is not appropriate for premises staff to decide which assaults they are going to report to the police.

While on the premises PC Jones explained to the DPS that it was a year since drug mapping was carried out at the club and offered to repeat the process. Mr. Samaroo agreed that this was a good idea.

23rd June 23:42 hours.

PC Jones emailed Mr Samaroo with the results of the earlier drugs mapping. The full set of results are attached separately but those which are considered to be high readings have been included in the body of this document. Last year's were included for ease:-

Mapping results 2018 (May)

Male toilet: cocaine – 5.81
Male toilet door: cocaine – 4.43
Female toilet 1: cocaine – 4.46
Female toilet 1 door: cocaine – 3.53
Female toilet 2: cocaine – 4.17
Disabled toilet: cocaine – 3.64
Disabled toilet door: cocaine – 4.75

Mapping results 2019 (June)

Male toilet: cocaine – 6.49
Male toilet door: cocaine – 5.70
Female toilet 1: cocaine – 4.11
Female toilet 2: cocaine – 4.25
Female toilet 3 shelf: cocaine – 3.99
Disabled toilet: not tested
Disabled toilet door: not tested

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

The results indicate a rise in the number of high readings of cocaine at the premises. This suggests there remains an issue with the use of illegal drugs in the toilets of the premises.

Within the email PC Jones reminded Mr Samaroo that in 2018 the drugs' policy was identified as in need of updating and that SIA door supervisors should undertake searches upon entry. He was therefore asked to provide copies of the following documents:

1. Drugs Policy
2. Dispersal policy
3. List of persons authorised to sell alcohol
4. Full and dated training records for those persons

4th July 2019 23:20 hours

While on duty Pc Jones became aware that the pavement area between Déjà Vu and the road was blocked at the Southern end preventing pedestrians from accessing the pavement. Tables and chairs were positioned adjacent to the front windows of the premises and the barriers along the roadway. PC Jones informed the head door supervisor, Mr. Slawomir Piatek, that these needed removing to allow members of the public to use the pavement. The door supervisor suggested that the officer should speak to the DPS

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first. PC Jones reminded Mr. Piatek that the smoking area is clearly prescribed as a condition of the premises licence and should be adjacent to the premises not across the entire pavement area. Reluctantly he removed the barriers. At the time of this visit 3 members of SIA door supervisors were on duty and 7 customers.

The condition of the premises licence at Annex 2 (17) clearly states that

- *The Designated Area shall be at the front of the premises, adjacent to the entrance. This shall be clearly defined by way of substantial barriers and shall hold a maximum of 15 people at any one time. No entertainment of any sort will be permitted in the Designated Area.*

5th July 2019 00:30 hours

Just over an hour later PC Jones returned to the High Street where it immediately became apparent that the barriers had been returned to the original location. PC Jones reiterated his previous direction to the head door supervisor. Once again he was dismissive of the officer's concerns and suggested he should speak with the DPS, Mr. Samaroo. However he also informed the officer that Mr. Samaroo was not actually present. PC Jones then asked to speak with the duty manager; who confirmed she had instructed the door supervisors to replace the barriers. PC Jones explained that this was in contravention of the conditions placed upon the premises licence. In the interests of clarity the duty manager was asked to go and get the copy of the licence so that she could see clearly what her responsibilities were. The licence could not initially be found but, after a considerable time, was located in a different building along the road. Condition 17 was read out and subsequently the staff removed the barriers. PC Jones then asked if they actually had a licence to place tables & chairs upon the highway. It was clear they did not know.

Condition 12 Annex 2 states:

- *When door supervisors are deployed at the premises, there will be a minimum of one controlling access and egress of the premises at the main front doors, there will be a further member of door staff monitoring the inside of the premises and one member of door staff monitoring the outdoor smoking area*

It is disappointing therefore that the door supervisors, deployed expressly to monitor the smoking area, were apparently unaware of the specific conditions attached to the licence concerning their role and the parameters of the licence.

9th July 2019

PC Jones wrote to Mr Samaroo reminding him of his responsibilities under the Licensing Act 2003 and of the request made of him on **23rd June** to produce documentation, as required by the conditions attached to the premises licence. Mr Samaroo was also made aware that he is not in possession of a Highways permit and that to place furniture on the highway without one is an offence under Section 137 and Section 149 of the Highways Act 1980.

10th July 2019

Mr Samaroo responded to the email of 9th July, attaching copies of the documents requested in June. In it he apologised for the delay but accounted explained that he had been updating the drugs policy, however it was on the premises and could have been produced upon request. The same applied for the premises' dispersal policy. Mr Samaroo stated that most of his staff have obtained a personal licence and have been issued with copies of the operating schedule the dispersal policy and drugs policy.

There were further explanations and queries from Mr Samaroo (email attached) regarding his confusion over the meaning of the conditions attached to the premises licence at (17), (22), (23) and (24) of Annex 2 pertaining to the outside area. The use of this area was extended under a variation application in March 2017.

Condition (16) of Annex 2 is preceded by the sub heading "(Following conditions agreed with environmental Services)". It was therefore suggested to Mr Samaroo that any clarification around this should be made of the Local Authority Environmental Services.

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It should be noted Mr. Samaroo has subsequently re-employed the bar staff and door supervisors who he had previously identified to Sussex Police as those he considered responsible for failings at this premises.

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

Sussex police consider this appropriate to reduce the levels of drunkenness at the premises and support staff in providing a duty of care to patrons. This will also assist to promote the licensing objectives and adherence to the licence conditions

3. A single fully functioning CCTV system shall be installed capable of providing playable copies of footage, in accordance with the Home Office guidance. The DPS or duty manager (personal licence holder) shall be capable of providing copies of footage upon request.
To ensure all request for CCTV are swiftly & efficiently provided.

4. The DPS or duty manager shall be on site at all times.
To ensure all request for CCTV are swiftly & efficiently provided.

5. 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.
6. All SIA door staff shall utilise functioning body worn video cameras at all times when they are on duty
To ensure all ejections refusals & interactions are properly monitored & recorded.
7. The premises licence holder shall implement a Duty of Care policy which shall be included in staff training for all members of bar staff and SIA door staff.
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
8. Signage stating that the premises has a zero tolerance towards drugs
To promote the prevention of Crime & Disorder in relation to illicit drug
9. A drugs policy shall be included in staff training for all members of bar staff (and SIA door staff)
To promote the prevention of Crime & Disorder in relation to illicit drugs & to ensure seizure procedure is adhered to
10. 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.
11. No children shall be admitted to the premises at any time.
To protect children from harm
12. 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
 - 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.

This will also demonstrate that the Local Authority will not tolerate this level of mismanagement. The period of suspension will send a clear message to patrons that management of the premises has changed and that the behaviour previously allowed will no longer be tolerated.

Please mark X for yes

Have you made an application for review relating to this premises before?

If yes, please state the date of that application

/ /

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

Please mark X for yes

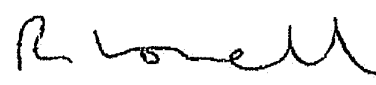
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature (on behalf of the applicant)



R. Lovell.

Date: 24th July 2019

Capacity:
Force Prevention Licensing Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

FAO:

Insp R.Lovell / P. Giddings
Prevention Licensing Team
Centenary House
Durrington Lane

Post town
Worthing

Post code
BN13 2PQ

Telephone number (if any)
01273 404030

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

ws_licensing_wor@sussex.pnn.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.