

From: Holly Yandall [<mailto:holly.yandall@westsussex.gov.uk>] **On Behalf Of** Public Health Licensing

Sent: 15 August 2019 12:46

To: Guest, Jackie <Jackie.Guest@crawlley.gov.uk>; CPU Team <cputeam@westsussex.gov.uk>; Cox, Brian <Brian.Cox@crawlley.gov.uk>; Democratic Services Helpline <Democratic.Services@crawlley.gov.uk>; Environmental Services <EnvironmentalServices@crawlley.gov.uk>; Business Fire Safety <BusinessFireSafety@westsussex.gov.uk>; Public Health Licensing <PublicHealth.Licensing@westsussex.gov.uk>; Home Office (Alcohol@homeoffice.gsi.gov.uk) <Alcohol@homeoffice.gsi.gov.uk>; Lyons, Michael <Michael.Lyons@crawlley.gov.uk>; McPherson, Jean <Jean.McPherson@crawlley.gov.uk>; Plympton, Kareen <Kareen.Plympton@crawlley.gov.uk>; Pocknell, Iain <Iain.Pocknell@crawlley.gov.uk>; Sussex Police (WS Licensing WOR@sussex.pnn.police.uk) <WS_Licensing_WOR@sussex.pnn.police.uk>; Trading Standards (intel@westsussex.gcsx.gov.uk) <intel@westsussex.gcsx.gov.uk>

Cc: Gomez, Deborah <Deborah.Gomez@crawlley.gov.uk>

Subject: RE: Review Application - Deja Vu Bar 26-32 High Street Crawley RH10 1BW

Dear Jackie,

Please find attached representation from WSCC Public Health .

Best wishes,

Holly Yandall

Public Health Lead for Substance Misuse – Public Health
West Sussex County Council

Public Health Licensing

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12th August 2019

Dear Sir or Madam,

Re: Application for Review of Premises Licence: Déjà Vu Bar, 26-32 High Street, Crawley, RH10 1BW

West Sussex County Council (WSCC) Public Health Department wishes to support the application by Sussex Police to review the licence of Déjà Vu Bar, 26-32 High Street, Crawley, RH10 1BW.

WSCC Public Health concurs that the licensing objectives of The Prevention of Crime and Disorder, Public Safety and The Protection of Children from Harm have been undermined.

Serious questions have been raised over the ability of the current premises management – specifically the Designated Premises Supervisor (DPS) and the in-house door supervisor team – to run a safe and well-managed licensed venue.

Based on the information available and after consideration Public Health fully supports the request by Sussex Police for the Licensing Committee to impose an eight week suspension of the licence and apply additional conditions to the premises licence, including replacing the current DPS and outsourcing the door supervision to an external SIA-registered company.

Supporting information

It seems clear that there has been a consistent failure on the part of the PLH/DPS, Mr Noel Samaroo, to actively promote the licensing objectives in relation to the Prevention of Crime and Disorder, Public Safety and The Protection of Children from Harm.

Child on the premises

The evidence from Sussex Police highlights the failure to promote the licensing objective of The Protection of Children from Harm. The police evidence states that at approximately 23:30 on 19th June 2019, a 15 year-old girl entered the premises in the company of another female; they both proceeded to the bar where alcohol was purchased for both of them by the second female. They both remained in the venue until 01:52, during which time further drinks were purchased for both girls. At no time was the 15 year-old asked for identification to verify her age, and no attempt was made to prevent the proxy sales of alcohol to a child.

The Chief Medical Officer guidance for England is that an alcohol-free childhood is the healthiest and best option. However, if children drink alcohol underage, it should not be until at least the age of 15 years.

If young people aged 15 to 17 years consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment.

Drinking, even at age 15 or older, can be hazardous to health and not drinking is the healthiest option for young people.

It has been found that the younger people are when they drink the more likely they are to be a victim of violence.

It can also make them more vulnerable to:

- Injuries from accidents, for example falls and road accidents;
- Using other drugs or solvents;
- Unwanted sexual activity;
- Unsafe sexual activity, which can lead to sexually transmitted infections (STI) or unplanned pregnancy;
- Problems at school, such as poorer school performance or truancy;
- Having difficulties in relationships with family or friends.

For this reason:

- It is illegal for an adult to buy or try to buy alcohol for someone under 18.
- It is illegal for someone aged under 18 to drink alcohol in licensed premises

The current premises licence for Déjà Vu has a condition specifying that the premises will operate an age verification policy set at a minimum of 25 years. This is clearly not being adhered to. Door staff should be verifying the age of people before permitting entry and bar staff should prevent the obvious proxy purchasing of alcohol for a child.

It is clear that the licensing objective of The Protection of Children from Harm is not being promoted at this venue.

Violence on the premises

The evidence from Sussex Police suggests that violence is a regular occurrence at Déjà Vu, with incidents on:

- 1st December 2018 – in which a male was seriously injured and required hospital treatment for a broken jaw
- Two separate incidents on 1st January 2019, which included a male being headbutted in the face and punched.
- 5th May 2019 – in which a male was assaulted and knocked unconscious and required hospital treatment, and number of premises staff were arrested.
- 23rd June 2019 – in which a male was knocked unconscious and an ambulance was called.

These incidents demonstrate that the Public Safety licensing objective is not being promoted.

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

It is very disappointing to note that, despite police being called to the premises on numerous occasions, staff have been reluctant to support police action which could help to prevent further violence at the venue in the future, indicating that the Public Safety and The Prevention of Crime and Disorder licensing objectives are not being promoted.

On 5th May 2019, police evidence states that a number of premises staff were arrested, underlining the fact that the licensing objective of The Prevention of Crime and Disorder is being undermined.

The violence on the premises could, in part, be explained by the high levels of intoxication reported on the premises and the very high readings for cocaine in the toilets.

Intoxication of customers

The evidence from Sussex Police highlights the high level of intoxication of patrons of Déjà Vu, with specific reference to this contained within the police incidents on:

- 28th September 2018 in which a male was seen to be unsteady on his feet
- 1st December 2019, in conjunction with the serious injury
- Two separate incidents on 1st January 2019
- 9th March 2019 relating to the allegation of sexual assault
- 15th June 2019 in relation to an incident in which police were called to deal with 8 'highly intoxicated' males

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

Section 141 of the Licensing Act makes it an offence to knowingly sell or attempt to sell alcohol to a person who is drunk.

Drug use on the premises

The evidence provided by Sussex Police, of high readings for cocaine throughout the premises toilets (June 2019) is of great concern, particularly when combined with the examples of intoxication of the patrons.

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

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

The very high readings for cocaine use on the Déjà Vu premises suggests that the current drug policy is ineffective or that staff are not sufficiently trained in how to implement the policy.

The high levels of intoxication on the premises and the very high readings for cocaine underline the fact that the Prevention of Crime and Disorder is not being promoted at Déjà Vu.

Conclusion

In conclusion, WSCC Public Health supports the assertion by Sussex Police that the licensing objectives of The Prevention of Crime and Disorder, Public Safety and The Protection of Children from Harm are not being promoted at Déjà Vu.

The evidence provided highlights that there have been failings by the DPS and premises management, by the door supervisors, and by the premises staff to promote the licensing objectives.

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

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

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

In addition to the conditions proposed by Sussex Police, we would suggest:

That the following text be added to proposed condition 9 (A drugs policy shall be included in staff training for all members of bar staff (and SIA door staff) :

This will include training in:

- *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*
- *the procedure for the secure keeping of any drugs found and their handover to police.*

That the ratio of tables and chairs to customers, as well as the maximum venue capacity be reviewed by premises management:

Drinking behaviour depends on three different factors:

1. The drink - the amount and strength of alcohol
2. The drinker - the characteristics of the person drinking the alcohol and his or her state of mind and personal circumstances
3. The environment - the atmosphere and prevailing rules of the establishment where the drinking is taking place

Premises management and staff are in a position to control or influence the drinking environment through the layout of the premises, whether there are more people sitting or standing, the lighting and the music. These factors influence whether the customer is more likely to drink in a relaxed, social way or in an aggressive or competitive way⁴.

There is evidence to suggest that vertical drinking (i.e., where people stand) promotes more rapid drinking than when people are seated. Furthermore, overcrowding can lead to increased risk of violence and can risk the safety of people on the premises.

Yours sincerely,



Holly Yandall
Public Health Lead for Alcohol and Drugs

On behalf of the Director of Public Health

⁴ International Center for Alcohol Policies (ICAP) & European Forum for Responsible Drinking (EFRD). (2008). *Responsible service of alcohol: A server's guide*. Washington, DC: International Center for Alcohol Policies.