



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)*

Chief Inspector Ross 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

Moonraker

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

199 Three Bridges Road

Post Town
Crawley

Post code (if known)
RH10 1LE

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

Martin Stephen Radmall

Number of premises licence or club premises certificate (if known)

05/00073/LAPRE

Part 2 – Applicant details

I am,

Please mark X for yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) A responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please mark X for yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please mark X for
yes

I am 18 years old or over

Current postal
address if different
from premises address

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Daytime contact telephone number	
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E-mail address (optional)	
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(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (if any)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: C/o Licensing Office Sussex Police West Sussex Division Centenary House Durrington Lane, Worthing West Sussex BN13 2PQ
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Telephone number (if any) 01273 404030

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

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

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

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

27th April 2018 (23.15hrs)

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

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

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

30th May 2018

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

Annexe 2 condition 3 states:

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

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

Annexe 2 condition 4 states

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

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

Annexe 2 condition 7 states

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

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

Annexe 2 condition 8 states

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

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

Annexe 2 condition 10 states:

- *The premises licence holder shall ensure that the premises actively partake in any local "pub watch" scheme or similar and will ensure that the premises are run in accordance with any initiative adopted by such organisation.*

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

Annexe 2 condition 11 states:

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

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

Annexe 2 condition 14 states:

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

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

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

30th May 2018 20:30 hours

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

Annexe 2 condition 15 states:

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

14th September 2018 23:25 hours

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

Annexe 2 condition 12 states:

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

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

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

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

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

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

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

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

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

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

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

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

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

5. The pool tables shall be removed from the premises

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

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

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

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

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

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

To promote the prevention of Crime & Disorder

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

To promote the prevention of Crime & Disorder

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

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

Please mark X for yes

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

If yes please state the date of that application

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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
- I understand that if I do not comply with the above requirements my application will be rejected

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)



Di Lewis
Insp Lewis DL770

Date: 19th September 2018

Capacity: Force Prevention Licensing Inspector

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

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) ws_licensing_wor@sussex.pnn.police.uk
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Notes for Guidance <ol style="list-style-type: none">1. The ground(s) for review must be based on one of the licensing objectives.2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.3. The application form must be signed.4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so. This is the address which we shall use to correspond with you about this application.
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