



**Licensing and General Purposes Committee -
General Licensing Panel**

Date and Time - **Friday 13 November 2020 - 10.00am**

Venue - **Remote Meeting**

Councillors appointed to the Committee:

Councillor G.C. Curtis, K.M. Field and A.S. Mier.

AGENDA

1. APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the Panel hearing.

2. MINUTES

To authorise the Chairman to sign the Minutes of the meeting, at a later date, of the General Licensing Panel held on 21 August 2020 as a correct record of the proceedings.

3. APOLOGIES FOR ABSENCE

4. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal interests in matters on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

5. *REPORT OF THE HEAD OF SERVICE ENVIRONMENTAL SERVICES, LICENSING AND COMMUNITY SAFETY - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE (Pages 1 - 148)

Devonshire Bar and Lounge, 4-5 Devonshire Square, Bexhill-on-Sea, East Sussex, TN40 1AB (WK202008380)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 29 October 2020

*Please note that Appendix E (representations) to this report is not available on the website - if you would like a copy please contact Democratic Services on 01424 787815.

This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request. For all enquiries – please contact louise.hollingsworth@rother.gov.uk (Tel: 01424 787815)

**Rother District Council's aspiring to deliver
an Efficient, Flexible and Effective Council; Sustainable Economic Prosperity;
Stronger, Safer Communities; and a Quality Physical Environment.**

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Rother District Council

Report to: General Licensing Panel

Date: 13 November 2020

Title: Application for the review of a Premises Licence –
The Devonshire Bar and Lounge, Devonshire Square,
Bexhill-on-Sea, East Sussex, TN40 1AB
WK202008380

Report of: Head of Service Environmental Services, Licensing and
Community Safety

Ward(s): Central, Bexhill-on-Sea

Purpose of Report: To determine the Review application made under Section
51 of the Licensing Act 2003 for The Devonshire Bar and
Lounge, Devonshire Square, Bexhill-on-Sea, East
Sussex, TN40 1AB

**Officer
Recommendation(s):** It be **RESOLVED:** That the Review application made
under Section 51 of the Licensing Act 2003, be
determined.

1. Introduction

An application has been made by Sussex Police for a Review of the Premises Licence.

The application relates to the failure to uphold the 'prevention of crime and disorder' and 'public safety' licensing objectives.

The proceedings set out in the 2003 Act for 'reviewing' premises licences represent a key protection for the community where alleged problems associated with the licensing objectives occur after the grant of a premises licence.

1.1 Applicant Details:

Name: Sussex Police.

Address: Bexhill Police Station, Terminus Road, Bexhill-on-Sea, East Sussex
TN39 3NR.

1.2 The Premises:

Details of the premises are as follows:-

The Devonshire Bar and Lounge, Devonshire Square, Bexhill-on-Sea, East Sussex, TN40 1AB.

Location:

The premises is situated on the corner of Devonshire Road and Devonshire Square in the town centre. There are residential properties above the premises.

(Please see the location plan and photographs in Appendices A and B).

Description:

A town centre licensed premises with late hours.

Existing Licence:

Premises licence number 05/02065/LAPRE

The Premises Licence (correct at time the review application was received) is reproduced in Appendix H, licence plan Appendix I.

The premises has the benefit of a Premises Licence which authorises the sale/supply of alcohol (on and off sales), regulated entertainment and late-night refreshment.

The Premises Licence Holder is 'F. Forte Developments Ltd', 23 St Leonards Road, Bexhill, East Sussex, TN40 1HH.

The Designated Premises Supervisor (DPS) is Mr Sokol Kapllani (*see update below*).

(F. Forte Developments Ltd. - the directors listed on 20/10/2020 are Francesco Forte, Gino Forte).

Post review application update:

On 19/10/2020, Mr Gino Forte emailed the Council with the following message:
"With immediate effect I can confirm that THE DEVONSHIRE BAR AND LOUNGE has been forced to cease trading by F. FORTE DEVELOPMENTS LTD.

We also give notice of immediate removal of SOKOL KAPLLANI as the designated premises supervisor.

The premises will remain closed until further notice."

An application has been submitted to remove Mr S Kapllani as the DPS. Without a designated premises supervisor, the premises cannot sell alcohol.

Mr Gino Forte has also indicated that the premises will undergo a refurbishment. Please see Appendix J for an update dated 23/10/2020 from Mr Forte's legal advisor.

For the avoidance of doubt, the premises licence has not been surrendered.

[*Post review application update 26/10/20: the premises licence holder has formally removed Mr S Kapllani from the premises licence and he is no longer the DPS. Without a DPS, the premises cannot sell alcohol*].

Licensing history:

The premises licence was granted in November 2005 following a General Licensing Panel hearing.

An application to vary the premises licence was granted in May 2008 following a General Licensing Panel hearing; additional conditions were added.

An application to vary the premises licence was granted in November 2008 following a General Licensing Panel hearing; additional conditions were added.

F. Forte Developments Ltd first held the premises licence in September 2011.

The premises licence was varied in January 2016 to add Mr S Kapllani as the DPS.

[*Post review application update 26/10/20: the premises licence holder has formally removed Mr S Kapllani from the premises licence and he is no longer the DPS. Without a DPS, the premises cannot sell alcohol*].

2. The application for Review

On the 23 September 2020, Sussex Police made an application (under Section 51 Licensing Act 2003) for a Review of the Premises Licence on the grounds that the 'prevention of crime & disorder' and 'public safety' licensing objectives are not being met.

The application is reproduced in Appendix C, with evidence exhibits in Appendices D to D15. In summary, the grounds for Review are the "*continued disorder, assaults and ongoing drug use within the premises*".

Sussex Police licensing team has stated that they have conducted a stepped approach over the past few years and on several occasions they have raised concerns around the management of the premises to both the DPS and also the Premises Licence Holder, Gino Forte. This approach has not resulted in any sustained improvements in the levels of drug use at the premises. Following several recent incidents of assaults, Sussex Police has determined that there is no other proportionate course of action other than a review of the premises licence.

Sussex Police contend that the problems seen at this premises cannot be allowed to continue any longer and that public safety is continually being put at risk by those that operate the premises.

Sussex Police state that due to the high number of incidents documented, together with the persistent evidence of high drug use within the premises and a failure of the premises management to bring about improvements over several years, Sussex Police invite the General Licensing Panel to seriously consider taking the following measures (i) to (iv) listed below.

Sussex Police contend this is appropriate, necessary and proportionate and will help ensure that the licensing objectives are promoted, and the public are kept safe.

(i): Removal of the Designated Premises Supervisor (DPS)

Sussex Police have no confidence in the ability of the DPS to promote the licensing objectives. Sussex Police therefore request that Mr. Sokol KAPPLANI is removed as the DPS, with a replacement being subject to Sussex Police approval. It is believed that this is an essential measure to halt the undermining of the licensing objectives and to re-establish effective day-to-day control of the premises, especially at key times of operation.

[Post review application update 26/10/20: the premises licence holder has formally removed Mr S Kapllani from the premises licence and he is no longer the DPS. Without a DPS, the premises cannot sell alcohol].

(ii): Suspension of the Premises Licence

Sussex Police request that the premises licence is suspended for a period of no less than eight weeks. They state that this is in order to break the cycle from the current management and to implement changes that would be brought about by the requested conditions, the change in DPS and the subsequent implementation of new policies and procedures. A period of suspension would also send a strong deterrent to the owner of this premises and to other Premises Licence Holders in the area that the undermining of licensing objectives will not be tolerated by the Licensing Authority.

(iii): Reduction of late-night authorised hours for licensable activities

Sussex Police state that they have provided evidence which highlights increased incidents regarding crime and disorder after 23:00hrs, particularly on Friday, Saturday and Sunday evenings. Sussex Police state that closing earlier will help reduce intoxication levels and in turn reduce the number of incidents attributable to the premises. Sussex Police recommended reduced hours (*in bold*) as below:

Current authorised hours	REDUCED HOURS
Retail sale of alcohol	
Monday – Thursday 10:00 – 00:00*	10:00-23:00hrs*
Friday – Saturday 10:00 - 02:00*	10:00-00:00hrs*
Sunday 10:00 – 00:00*	10:00-23:00hrs*
Performance of live music	
Monday – Thursday 11:00 – 23:00*	
Friday – Saturday 11:00 – 00:00*	
Sunday 12:00 – 00:00*	12:00-23:00hrs*
Any playing of recorded music	
Monday – Thursday 11:00 – 00:00*	11:00-23:00hrs*
Friday – Saturday 11:00 – 02:00*	11:00-00:00hrs*
Sunday 12:00 – 00:00*	12:00-23:00hrs*
Entertainment of a similar description	
Monday – Thursday 11:00 – 23:00*	
Friday – Saturday 11:00 – 00:00*	
Sunday 12:00 – 00:00*	12:00-23:00hrs*

Provision of facilities for making music

Monday – Thursday 11:00 – 23:00*

Friday – Saturday 11:00 – 00:00*

Sunday 12:00 – 00:00*

12:00-23:00hrs*

Provision of facilities for dancing

Monday – Thursday 11:00 – 00:00*

11:00-23:00hrs*

Friday – Saturday 11:00 – 02:00*

11:00-00:00hrs*

Sunday 12:00 – 00:00*

12:00-23:00hrs*

Provision of entertainment facilities of a similar description

Monday – Thursday 11:00 – 23:00*

Friday – Saturday 11:00 – 00:00*

Sunday 12:00 – 22:30*

Provision of late night refreshment

Monday – Thursday 23:00 – 00:00*

Sunday 23:00-00:00*

Report author - If authorised hours are reduced to 23:00hrs Monday to Thursday and Sunday, late night refreshment hours are not required on these days because authorisation is only required after 23:00hrs.

Friday and Saturday 23:00 – 02:00*

23:00-00:00hrs*

Report author – the asterisk next to the hours above refers to non-standard hours on the premises licence - “*On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for Saturdays (i.e. 02:00). The retail sale of alcohol is permitted between the finish time on New Year’s Eve and the start time on New Year’s Day.”*

Report author – the applicant has used the word ‘closing time’ in the reduction of hours section but there is no reference to opening hours in the review application. The current opening hours on the licence are:

*Monday – Thursday 10:00 – 00:30**

*Friday – Saturday 10:00 – 02:30**

*Sunday 10:00 – 00:30**

The opening hours shown on a licence generally have no force at law, with a single exception – where they are imposed by a General Licensing Panel/Licensing Sub-Committee following an application for review of the licence.

The report author on behalf of the Licensing Authority has requested the applicant to formally clarify their intentions regarding opening hours. This could include a request for the General Licensing Panel to consider imposing reduced opening hours and appropriate conditions if necessary.

(iv): Premises licence ‘Conditions’ to be added

Sussex Police also invite the Panel to strongly consider the addition of conditions to the premises licence, some of which will replace current conditions which require updating. The proposed full wording for each condition is listed in the review application.

In summary, the conditions relate to:

- Management
- CCTV
- Training
- Age verification
- Incident reporting and refusals
- Drug policy
- SIA door persons
- ‘ID’ scan

Sussex Police exhibits

Please see the exhibits which are reproduced in Appendices D to D15.

2.1 Environmental health/licensing records

The following recent licensing related (other matters apart from music and noise) complaints are recorded on the Council’s licensing database.

WK202007309, August 2020. **Swearing and fighting**, noise from patrons leaving late. Allegations of **out of hours opening**.

WK202005535, July 2020. Consistent noise (shouting from customers, **arguing and fighting, glasses breaking**).

3. Relevant representations from ‘interested parties’

The application has been subject to the usual public advertisement.

Interested parties	Relevant licensing ‘objective’
Two	‘Prevention of crime and disorder’ and ‘prevention of public nuisance’.

The representations are reproduced in Appendix E.

4. Representations from responsible authorities

The Licensing Act 2003 requires that a copy of the review application is sent to the responsible authorities.

Rother DC Planning	No representation
Rother DC Env Health Pollution Team	Representation
Rother DC Env Health Food & Safety Team	Representation
East Sussex Fire & Rescue Service	No representation
Sussex Police	'Review' applicant
ESCC Child Protection	No representation
ESCC Public Health	No representation
ESCC Trading Standards	No representation
Home Office Immigration Enforcement	No representation

Rother DC Environmental Health (Food & Safety Team)

The Environmental Health Team (Food and Safety), Rother District Council, as the enforcing authority for this premises within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974, made a representation regarding the 'public safety' licensing objective. The representation is reproduced in Appendix F.

Rother DC Environmental Health (Pollution)

The Environmental Health Team (Pollution), Rother District Council, made a representation regarding the 'prevention of public nuisance' licensing objective. The representation is reproduced in Appendix G.

5. Summary

The Review application relates to failures to uphold the 'prevention of crime and disorder' and 'public safety' licensing objectives. Representations have also been made regarding failures to uphold the 'prevention of public nuisance' licensing objective.

The applicant invites the Panel to consider reviewing the Premises Licence leading to:

- ~~Removal of the Designated Premises Supervisor (DPS).~~
- Suspension of the Premises Licence.
- Reduction in late night authorised hours for licensable activities.
- The addition of Premises Licence conditions related to: Management, CCTV, Training, Age verification, Incident reporting and refusals, Drug policy, SIA door persons, 'ID' scan.

6. Legislation

The Licensing Act 2003 requires that the Council, as the local Licensing Authority, carry out its functions with a view to promoting the four Licensing Objectives:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm

In exercising those functions, the Licensing Authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

Under Section 181 and Schedule 5 (Part 3) of the Licensing Act 2003, rights of appeal exist, to the Magistrates' Court, against the decision of the Licensing Authority. Such appeal may be made on behalf of:

- a) the applicant;
- b) the holder of the Premises Licence; or
- c) any other person who made relevant representations in relation to the application.

7. Consideration

When considering this Review application, under Section 52 Licensing Act 2003, the following options (if any) are available to the Panel:

- a) to modify the conditions of the Licence;
- b) to exclude a licensable activity from the scope of the Licence;
- c) ~~remove the designated premises supervisor;~~
- d) to suspend the Licence for a period not exceeding three months; or
- e) to revoke the Licence,

and for this purpose, the conditions of the Licence are modified if any of them is altered or omitted, or any new condition is added.

Option c) is not applicable because on the 26/10/2020 there is not a DPS stated on the premises licence.

Legal Implications

- 8. The applicant and others who are party to the application have a right of appeal to the Magistrates' Court.

Human Rights

9. Article 1 of the first protocol, Part II of the Act refers to the peaceful enjoyment of possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. The Council's actions must therefore be necessary and proportionate and be in the public interest. In the interests of a fair trial under Article 6, the premises licence holder or his/her legal representative should be given an opportunity to address the Panel.

The Panel's decision making is guided by the principles of proportionality which require, amongst other things, the Panel to strike the appropriate balance between the competing interests of the applicant, the premises licence holder, the interested parties and the wider community. This balance is achieved by having regard to the provisions of the Licensing Act 2003; the Regulations and Guidance made thereunder, the Council's Statement of Licensing Policy and the Council's obligation to act in a way that is consistent with the provisions of the Human Rights Act 1998.

Crime and Disorder

10. The Prevention of Crime and Disorder is a specific licensing objective and the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its district.

Conclusion

11. Having considered the Review application, representations, written and oral submissions made at the hearing, the Panel shall determine the application.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive	Malcolm Johnston
Proper Officer:	Richard Parker-Harding
Report Contact Officer:	Mark Randolph, SEHO, Senior Licensing Officer
e-mail address:	licensing@rother.gov.uk
Appendices:	Appendix A: Location Plan Appendix B: Photographs Appendix C: Review application Appendix D: Sussex Police Schedule of Evidence (exhibits 1 to 15)

Appendix D1: Sussex Police Exhibit 1 - Insp Carroll statement dated 15 09 2020

Appendix D2: Sussex Police Exhibit 2 - Insp Hartley statement dated 16 09 2020

Appendix D3: Sussex Police Exhibit 3 – PC Buck statement dated 13 08 2020

Appendix D4: Sussex Police Exhibit 4 - GE Security Statement

Appendix D5: Sussex Police Exhibit 5 – Warning Letter to PLH dated 26 01 2017

Appendix D6: Sussex Police Exhibit 6 – Warning Letter to DPS dated 23 11 2019

Appendix D7: Sussex Police Exhibit 7 – DPS response dated 25 11 2019 to Warning Letter dated 23 11 2019

Appendix D8: Sussex Police Exhibit 8 – Advisory Letter to DPS dated 07 02 2020

Appendix D9: Sussex Police Exhibit 9 – PC Stacey statement dated 14 09 2020

Appendix D10: Sussex Police Exhibit 10 – PCSO Scott statement dated 22 09 2020

Appendix D11: Sussex Police Exhibit 11 – PC Beazer statement dated 17 09 2020

Appendix D12: Sussex Police Exhibit 12 – SIA Manager statement

Appendix D13: Sussex Police Exhibit 13 – SIA guard (1) statement

Appendix D14: Sussex Police Exhibit 14 – SIA guard (2) statement

Appendix D15: Sussex Police Exhibit 15 – Resident’s statement dated 16 09 2020

Appendix E: Representations from ‘interested parties’

Appendix F: Representation from Env.Health Team (Food and Health & Safety)

Appendix G: Representation from Env.Health Team (Pollution)

Appendix H: A copy of the premises licence (issued January 2016)

Appendix I: Premises licence plan

Appendix J: Update from Premises Licence Holder 26 10 2020

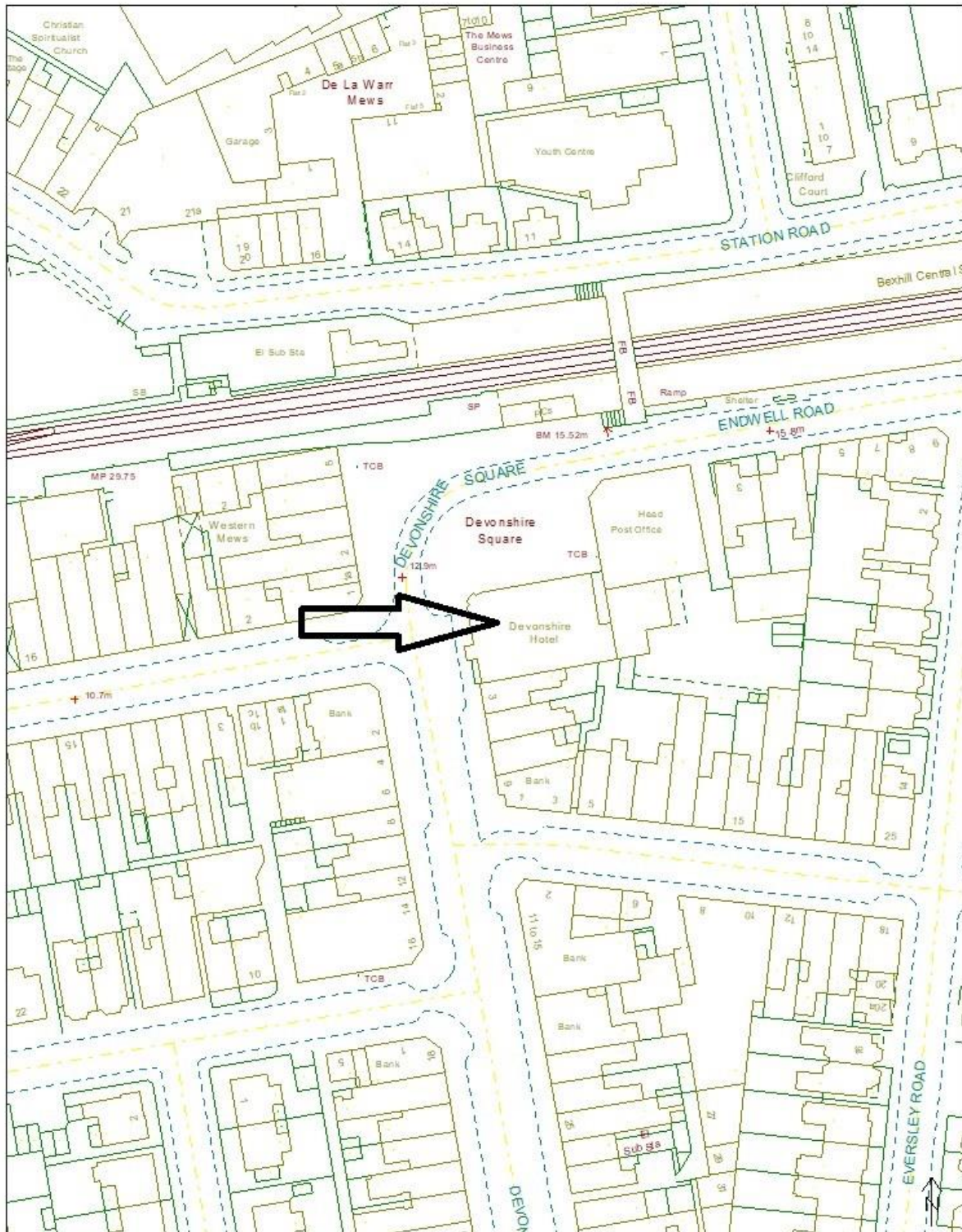
Relevant Previous Minutes: N/A

Background Papers: NONE

Reference Documents: Revised guidance issued under Section 182 of Licensing Act 2003
(Chapter 11 – Reviews)
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Rother District Council – Licensing Policy
<https://www.rother.gov.uk/licences-and-permits/licensing-act-2003/beer-and-entertainment-additional-information/>

Location plan



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Photographs

External views of the premises



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Copy of the review application



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, <i>(insert name of applicant)</i>	Chief Inspector Sarah Godley, Hastings and Rother District Commander, for and on behalf of the Chief Constable of Sussex Police
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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	
The Devonshire Bar and Lounge	
Postal address of premises or, if none, ordnance survey map reference or description	
Devonshire Square	
Post Town	Post code (if known)
Bexhill On sea	TN40 1AB

Name of premises licence holder or club holding club premises certificate (if known)
F Forte Developments LTD

Number of premises licence or club premises certificate (if known)
05/02065/LAPRE

Part 2 – Applicant details
I am,

Sussex Police
 Application for review of a premises licence
 07/2015

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	<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)	X
--	----------

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"/>

Current postal address if different from premises address	
--	--

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: Chief Inspector Sarah Godley - c/o Kirstie Rolfe Police Licensing Officer Bexhill Police Station Terminus Road Bexhill East Sussex TN39 3NR
Telephone number (if any)
(Email address (if any)) EastSussex.Licensing@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"/>

Sussex Police
 Application for review of a premises licence
 07/2015

4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the following licensing objectives have been seriously undermined at the Devonshire Bar and Lounge, Bexhill.

- The Prevention of crime and disorder
- Public Safety

This application is submitted following concerns over continued disorder, assaults and ongoing drug use within the premises.

Sussex Police licensing have conducted a stepped approach over the past few years and on several occasions have raised concerns around the management of the premises to both the Designated Premises Supervisor and also the Premises Licence Holder, Gino Forte. This has seen no sustained improvements in the levels of drug use at the premises and following several recent incidents of assaults, we believe there is no other proportionate course of action other than a review of the premises licence.

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

Thursday 11th January 2018 13:50

Licensing visit by PC Buck and Cathie Wolfe (CW)

There were around 12 customers in the premises. The DPS was not present but his brother Artur Kapllani (AK), the daytime manager was. During a discussion with AK it became apparent that he was not promoting the Licensing objectives. The SIA register was correctly completed including two names of persons found with drugs; one of whom was given a 3 month ban. When questioned AK said that the door staff (provided by Marc One from mid November 2017), decided how long a person should be banned. CW checked with the company area manager – they don't. CW asked for the scan net to be switched on and then conducted some research into the name of one of the banned males. His ID was absent and when she checked the SIA register, again saw that the ID scanner had not been used on that evening because it was raining. AK said the scanner was never used in inclement weather because it was positioned outside the entrance and he feared the rain might damage it. It was pointed out that there was little point in having the scan net if it was not used every time the premises was open. Again, reluctance from AK. AK produced an incident book, the last entry being on the 22nd Dec 2017. The overall, impression was that, neither the DPS or AK are capable of running/managing the premises. The drug swab readings (below), whilst lower than previously recorded, were still high in the disabled toilet. Just before leaving AK handed PC Buck x 5 packets of drugs that he said had been confiscated from customers. All contained white powder.

Sussex Police
Application for review of a premises licence
07/2015

ION Track readings:

Ladies toilet lid - clear
Shelf, men's - clear
Toilet seat, men's – clear
Basin edges, men's - clear
Urinal edge - clear
Basin edges, men's - clear
Ladies hand dryer - clear
Soap dispenser, disabled toilet - 4.60 cocaine
Hand dryer, disabled toilet - 3.32 cocaine
Disabled toilet, toilet roll holder - 3.21 cocaine
Cistern lid, disabled toilet - 2.76 cocaine
Function room ledges - 3.83 cocaine
Function room, fruit machine - 4.05 cocaine
Bar 2.26 - cocaine
Female staff toilets, toilet lid - 2.35 cocaine
Ladies toilet shelf - 1.49 - cocaine
Ladies right cubicle windowsill - 3.64 cocaine
Male toilet lid - 4.88 cocaine & THC - 1.10
Men's hand dryer - 1.97 cocaine

Readings of between 1 & 2 can be classed as 'low' attributed to cross contamination of the surface tested, background contamination or greatly degraded historic contamination.

Between 2 & 3 can be classed as a 'medium' response 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.

Between 3 & 4 can be classed as 'high' that 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 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.'

These readings indicate that cocaine use is a problem throughout the premises.

Saturday 13th January 2018 23:45

Licensing visit:

23:45 PC Buck attended the premises. The premises was very quiet and police were met by Artur Kapplani, brother of the DPS. He was very aggressive initially, refusing entry to the rear of the premises. A large number of drug swabs were taken from all areas of the premises. Door staff were spoken to and the reason for the visit explained. At the time of the visit, the ID scanner was in use.

Swab results;

Female toilet right cubicle windowsill	1.02 Cocaine
Female toilet right cubicle cistern	1.60 Heroin
Male toilets cubicle cistern and lid	1.19 Cocaine
Male toilets urinal edges	Clear
Male toilets	Clear
Male toilets cubicle toilet roll holder	Clear

Male toilets soap dispenser	Clear
Male toilets hand drier	1.65 Heroin
Male toilets basin edges	Clear
Bar	Clear
Function room fruit machine	Clear
Function room ledges	Clear
Disabled toilet cistern lid	Clear
Disabled toilet baby changing unit	4.08 cocaine
Disabled toilet hand drier	Clear
Disabled toilet soap dispenser	Clear
Disabled toilet roll holder	1.89 Cocaine
Female staff toilet roll holder	Clear
Female staff toilet cistern lid	Clear
Male toilet roll holder	Clear
Male staff toilet cistern lid	Clear
Female toilet soap dispenser	Clear
Female toilet wash basin	Clear
Female toilet right cubicle toilet roll hold	2.58 Heroin
Female toilet hand drier	Clear

Between 3 & 4 can be classed as 'high' that 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

These readings were generally lower than the previous occasion but the reading from the disabled toilet still indicated that cocaine use remained a problem.

Tuesday 23rd January 2018

Meeting was held at Bexhill Police station with PLH Gino Forte to discuss Sussex Police concerns about the way the premises was being operated by the DPS and his brother.

Licensing Officer Cathie Wolfe (CW) discussed the ID machine not being used on her visit on the 11th November 2017. The DPS had stated it was because it was raining. Gino Forte said he would swap the ID machine for a smaller one which would be easier to use. He was asked about staff using drugs and whether a staff handbook had been completed. Gino Forte offered copies of letters that had been sent to staff, handbook and policy.

Cathie Wolfe told Mr Forte that his managers were putting the licence in jeopardy and that they had, had two months to improve things since their last visit. She said that these issues could lead to a review of the licence.

Mr Forte was asked if it would be possible to have door staff every evening for eight weeks as the drug issues appeared to be happening in the week. Mark Poulton (Mr Forte advisor) said they couldn't force that to happen.

Insp Lewis reiterated that the issue needed to be turned around and it was crucial to get it sorted out.

MP confirmed that they would make it clear to the tenants that if there was no improvement in the next eight weeks, they would be out.

Friday 26th January 2018

Formal Warning letter was issued by Sussex Police, covering the points discussed above.

Wednesday 7th February 2018 12:05

Action Plan Check:

PC Buck visited the premises to check compliance with their action plan. Some progress had been made, in that measures had been taken in the toilets to discourage drug use. There was a register of banned people with a photo of each person taken from the ID scanner, which correlated with the incident book. The DPS was present and despite his limited English, seemed to understand what needed to be done, far better than his brother (Manager) Artur. The DPS set up the ID scanner, which Cathie Wolfe (Licensing Officer) interrogated for various names of customers as per the SIA register. All those searched for had their details on the scanner. Further drug swabs were taken by PC Buck (results below). Artur Kapllani arrived during the visit. The swab readings were still high in the gent's toilets.

Drug swab readings:

Male staff toilet, cistern lid - clear
Toilet roll holder - clear
Female staff toilet cistern lid - clear
Toilet roll holder - clear
Disabled toilet, soap dispenser – clear
Hand dryer - 1.93 THC
Toilet roll holder clear
Baby changing unit - 1.80 cocaine
Cistern lid - clear
Function room ledges - 2.79 cocaine
Fruit machine - 2.97 cocaine
Bar - 1.56 COCAINE
Male toilets basin edges clear
Hand dryer - clear
Soap dispenser - 3.53 cocaine
Cubicle toilet roll holder - **3.19 cocaine**
Shelf - **4.34 cocaine**
Urinal edges - 1.68 cocaine
Cubicle cistern & Lid - **4.18 cocaine**
Female toilets, right cubicle cistern – clear
Windowsill - 2.03 cocaine
Toilet roll holder - clear
Basin 1 - 1.28 cocaine
Basin 2 - clear
Soap dispenser - 2.11 cocaine
Hand dryer - 1.55 cocaine

Between 3 & 4 can be classed as 'high' that 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

High drug readings are still evident

Saturday 7th April 2018 02:23hrs serial 0127

Police were called to the Devonshire pub, to reports of a fight between twenty males and females. Door staff were struggling to contain the involved parties. The individuals involved left the scene prior to Police attendance.

Ten minutes later a call was received from one of the parties involved in the fight. He was reporting that he had been chased by five males. He was eventually located by police at a bus stop nearby with his dad and one of his friends in attendance.

Both males were very intoxicated and despite allegations of receiving a violent beating by a large group of males, neither of them could describe a single thing about any of it. The victim admitted to throwing punches during the altercation and had come off worse than any of the others by sustaining a bleeding nose and fat lip.

This incident provides evidence of high intoxication levels and crime and disorder within the premises.

Thursday 19th April 2018

Drug swabs taken

Ion Track Results:

Men's toilet shelf - 4.74 cocaine
Men's toilet basin edges - 3.35 cocaine
Men's toilet urinal edges - 2.90 cocaine
Female toilet windowsill - 2.64 cocaine
Female toilet right cubicle - 2.57 cocaine
Fruit machine - 2.38 cocaine
Men's toilet cistern lid - 1.76 cocaine
Disabled toilet cistern lid - clear
Baby changing mat - clear
Disable toilet, toilet roll holder - clear
Disabled toilet, hand dryer - clear
Disabled toilet, soap dispenser - clear
Function room ledges - clear
Female toilet, toilet roll holder – clear
Female toilet, basins - clear
Female toilet, soap dispenser - clear
Female toilet, hand dryer - clear
Men's toilet, toilet roll holder - clear
Men's toilet, soap dispenser – clear
Men's toilet, hand dryer - clear
Female toilet, staff, toilet roll holder - clear
Female toilet, staff, cistern lid - clear
Male toilet, staff, toilet roll holder - clear
Male toilet, staff, cistern – clear

Between 3 & 4 can be classed as 'high' that 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

High cocaine readings were still evident in the male toilets

Saturday 1st December 2018 02:01hrs serial 117

A staff member called police stating he had seen a male with a machete. The male had been ejected from the premises via the back door but was now outside the front. The male was making threats to stab someone with a knife. There had been a fight inside the building between two groups. Both groups then came round the front of the premises and started fighting, the knife appeared. Police attended and searched the area – no knife was found. They spoke to customers one of which they described as being highly intoxicated, but no one was making any allegations.

Tuesday 1st January 2019 02:10hrs serial 0302

A member of the public called police reporting 3 males fighting outside and door staff requesting police. The Police call taker noted a very loud disturbance could be heard in background. A further call was made from door staff to say someone had a knife and that a group were trying to get in the premises to threaten the owner and smash the windows. The males were trying to start a fight and talking very violently stating they were going to come into the pub. Police arrived and it was all calm. Officers stated that the door staff were very vague about what had happened and that they witnessed the males come back to shake hands with door staff before going on their way.

This demonstrates a clear lack of cooperation from the door staff employed by the premises despite making a call to police for emergency assistance and undermines the prevention of crime and disorder, licensing objective.

Saturday 9th March 2019 19:28hrs serial 1092

Report of a stabbing the previous night on a footbridge close to the premises. The 3 males had been drinking in the Devonshire bar, where an argument started. The victim returned to the pub injured and The Devonshire refused to call Police and the ambulance, eventually the bar maid took the victim to hospital in a car. Police were only notified about this by hospital staff when he arrived at A&E. The caller to police believed it was a drugs related argument. The caller stated the pub owners were bleaching the pavement instead of helping the victim.

The actions of the pub clearly undermine the crime and disorder licensing objective as they have failed to report the matter and cleaned up potential evidence. The failure to report meant an early opportunity to locate any offenders and the weapon were lost.

Tuesday 23rd July 2019 18:38hrs serial 1346

Police were called to the Devonshire PH to report of a fight in progress. CCTV showed a group of males outside the pub. One male appeared irate and was trying to go back in but was being restrained by some of his group.

The group was stopped by two police officers whilst another went to the pub. The Police officer who attended the pub was met by the manager, Artur. Artur had been upstairs at the time of the incident and came down due to the noise.

The barman explained that a group of 4 males had come in and the older male seemed to make a bee line for a female sat on her own drinking. The bar man looked at her and silently mouthed to ask if she was ok and she said yes. The female got up to go to the toilet and after a while the male was seen by the bar man to follow.

The bar man went to check that the female was ok and witnessed her leave the toilet. The older male continued to loiter. The barman directed the older male to leave the toilet area. When they were both back in the bar area the older male verbally confronted the barman and pushed him in the chest. Then the older male punched the barman once to the head causing his glasses to fall off which caused a small scratch to the bridge of his nose. The bar man then punched the older man back to the face and the other 3 males' friends become verbally involved.

At this the female from earlier comes to the aid of the bar man to defuse the situation and the males are ejected.

The barman did not want to support any further action by the police.

The owner of the Devonshire informed a police officer that he had been punched to the back and side by unknown person during ejecting the group. He also did not wish to support a prosecution.

This group of 4 males had earlier in the evening been ejected from a nearby premises due to being rowdy. They then attend the Devonshire and caused issues resulting in them assaulting the bar man and the DPS but neither of them take action. The DPS has failed to promote the licensing objective of the prevention of crime and disorder by not providing evidence and supporting police.

Sunday 10th November 2019 23:47hrs serial 1380

On Sunday 10th November 2019 a call was received from a bartender at the Devonshire Pub who was reporting that the landlord of the pub had been head butted by a member of the public who was still outside of the pub.

The suspect had started urinating up the outside of the building, the DPS went outside and asked the male to stop. The suspect then picked up an ashtray in the smoking area and threw the contents over the floor and began knocking over the advertisement board outside. The suspect started shouting at the DPS about why he had been kicked out feeling that he was being targeted. The DPS moved towards the pub door in an attempt to back away. The suspect then moved towards the DPS and attempted to push him in the chest, the DPS has attempted to hold him back to protect himself. The suspect has then lifted his head back and head butted the DPS straight in the mouth.

The suspect was still attempting to fight with the DPS. A female member of the public who had spent the evening inside of the pub had witnessed this happening and moved towards to attempt to diffuse the situation. The female told the suspect to walk away and leave the area, to which he has pushed her in the chest with two hands causing her to move backwards. The female has then used one arm to attempt to move the suspect away. The suspect did initially walk away but then returned outside of the pub and was being verbally aggressive.

The DPS informed police that his top lip felt swollen from the incident and had a cut to his little finger from the altercation.

When police arrived the suspect was a short distance away from the pub with two other males, they were speaking loudly in the street but started to move further down the road when seeing officers. The DPS identified the suspect to police as the male who had head butted him and causing the disturbance inside the pub. When officers approached the males they attempted to walk away. The suspect was arrested for an ABH and common assault. The suspect attempted to resist officers but was controlled and handcuffed to the rear.

The suspect was charged and found guilty at court of common assault x 2

The DPS complied with police although would not provide a victim personal statement for court as he stated this type of issue comes with the job and it hadn't affected him personally. He hadn't considered the effects it might have had on his customers or residents nearby.

Thursday 14th November 2019

At 12:00 PC Buck entered the premises and was met by the brother of the DPS. He was informed that the DPS was not available. He questioned the reasons behind the recent peak in crime connected to the premises, which appeared to come as a surprise. Checking the incident book it revealed a number of entries but nothing of a serious nature and the book was up to date. PC Buck also examined the security book which again was in order. It was established that the ID scanner was not working and had not been working for 2 weeks. PC Buck recalled this being implemented when he dealt with the premises this time last year. He explained that it should be working. He asked to see part A of the licence which was produced. He then checked the CCTV which was working correctly. However, on further inspection he established that the retention was only for 28 days when it should have been for 31 days.

Current condition:

A CCTV system shall be installed at the premises in liaison with and to the satisfaction of Sussex Police and shall be used to record during all hours that a licensable activity takes place on the premises including external areas used for the consumption of alcohol. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. Recordings shall be available to an authorised Council officer or a police officer. A sign advising customers that they are on CCTV shall be positioned in a prominent position

This condition was found to have been breached

PC Buck asked to be shown the written authorisation from DPS for the sale of alcohol to staff but this could not be produced.

Drug swabs taken:

- Fruit machine near dance floor – 4.19 cocaine
- Disabled toilet, cistern - 4.06 cocaine
- Disabled toilet, baby changing unit - 5.02 cocaine 1.17 Heroin
- Disabled toilet, cistern - 4.06 cocaine
- Disabled toilet, sanitary bin - 3.11 cocaine
- Disabled toilet, sink - 1.09 cocaine
- Disabled toilet, hand dryer - 2.07 cocaine
- Door plate to toilets - 3.06 cocaine 1.14 Heroin 1.01 Ephedrine
- Men's toilet, sink - 2.91 cocaine
- Cistern - 5.19 cocaine
- Female toilet, sink - 3.06 cocaine
- Female toilet, sink right cubicle - 2.17 cocaine
- Sanitary bin - 4.11 cocaine 1.17 Heroin
- Cubicle, cistern L - 4.01 cocaine 1.91 Heroin
- Cubicle, cistern R - 5.07 cocaine
- Bar - 1.13 cocaine
- Table next to dance floor - 2.11 cocaine
- Games machine near main door - 1.07 cocaine

Between 3 & 4 can be classed as 'high' that 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 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.'

At 12:55 the DPS arrived and the above results were disclosed. His immediate reaction was to place his head in his hands.

These results show that drug usage in the premises had become widespread again with a number of high readings in different areas

Thursday 21st November 2019

Formal Final Warning letter was sent to the DPS following the visit and high drug readings taken on 14th November 2019.

The letter explained that the drug readings were unacceptably high and immediate action was required to significantly reduce the illegal use of narcotics within the premises. They were given ten days to email Cathie Wolfe with details of the measures they would be taking to do this.

The DPS was also reminded that the CCTV system was only recording for 28 days instead of the 31 days specified in the licence. This was a breach of the licence and they were advised to investigate the possibility of increasing the number of days for recording.

The letter stated that during PC Bucks visit he noticed that the ID scanner was not working and had not been for the past two weeks. The DPS was strongly advised to get the machine repaired as soon as possible.

They were reminded of the four licensing objectives and their obligation to promote them. He, as the DPS was in day to day control of the business but the high drug readings indicated that neither he nor his staff had control of the premises and were therefore failing to promote the four licensing objectives.

Monday 25th November 2019: Response to formal warning letter, from the DPS Sokol Kapllani

Mr Sokol Kapllani was shocked at the high drug readings as he felt they had worked incredibly hard with PC Buck to reduce them.

He stated that they would now:

Increase staff toilet checks during serving hours.

Increase the number of times that surfaces are treated with anti-drug use substance.

Ask the service contractors for CCTV, to review the backup capability of the current system.

Fit a lock to the disabled toilet so customers have to request access.

He explained that they already:

Have a list of employees who have signed and are authorised to sell alcohol under the DPS. Copy will be sent.

Have requested a new ID scanner.

Friday 6th December 2019 19:47hrs serial 1305

This was the report of a drunk and/or drugged female in The Devonshire in Bexhill, who became aggressive when asked to leave and assaulted a member of staff.

Officers attended and spoke with the female member bar staff and victim. She stated that the suspect became quite rowdy and aggressive quickly in the pub and was asked to leave. Staff were escorting the female suspect out of the bar when she broke free and ran back to her and grabbed her by the head and pulled her hair.

The victim had never seen the female suspect before and didn't think she would see her again. The victim said she would call police should the suspect return. The victim did not wish to take this matter any further.

This incident highlights evidence of intoxication and lack of support from the staff member/victim in supporting any investigation

Wednesday 5th February 2020 12:15

Full Licensing check/swabs

The DPS was present as was his brother Artur Kapllani. They stated they had had a few issues but only one recently that necessitated police attendance. This was not taken further as Artur did not want to support police action,

The ID scanner was now working properly although Artur complained that it didn't work in the cold weather. He had complained to the company who have blamed it on the internet which Artur believes is just an excuse. Drug swabs were taken, results below:

Disabled toilet, cistern and sanitary bin - **3.29 cocaine**
Gents cistern and toilet roll holder - 2.19 cocaine
Ladies, cubicle 1, cistern and sanitary bin - 1.84 cocaine
Ladies, cubicle 2 cistern and sanitary bin - 1.70 cocaine
Fruit machine and adjacent ledge - 1.00 cocaine
Ladies hand dryer - clear
Gents hand dryer – clear
Bar - clear
Disabled hand dryer and toilet roll holder - clear

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Disabled baby changing mat - clear
Table in alcove next to disabled toilet – clear

Between 3 & 4 can be classed as 'high' that 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.

These results showed some improvement from previous but still high in the disabled toilet area

Friday 7th February 2020

An advisory letter with the results of the drug swabs taken on 5th February 2020, was sent to the DPS Sokol Kapllani (results above).

The letter also stated that there had been a big improvement on readings taken on 14th November 2019. However, Mr Kapllani was advised that he may wish to pay attention to the five areas where there were positive readings, albeit they were lower readings, than previous swabbing results.

The premises was checked against the licence and found to be compliant with all the conditions on this occasion.

Friday 21st February 2020 21:48hrs serial 1448

Police were called to The Devonshire bar and lounge by a male victim who had called to report that his wife had just hit him around his head with a glass and he was bleeding from his head.

Police arrived shortly after the initial call and the victim and his friend were waiting together outside. Both appeared intoxicated but were able to communicate well and explain what had happened.

The next day Police received a call from victim's wife. She said last night was a result of alcohol, and she had said that she had spoken to her husband that morning and she would like to sit with an officer and sort this out. The victim then stated he did not want to take this any further at this stage and did not want to press charges.

Although the assault took place outside of the premises it is clear that alcohol played a large part in this incident. The victim was standing outside the premises with a glass, which the suspect removed from him and used as a weapon to hit him with. This is a clear breach of the licence condition:

**** No drinks, with the exception of teas and coffees, shall be sold from a bar or by bar staff service for consumption outside other than in a container made from non-splintering plastic or toughened drinking glass. No glass bottles shall be taken outside.***

Sunday 5th July 2020 serial 0552

Report to Police for an incident that happened the previous day. The caller reported that the pub was breaching social distancing rules. Patrons were very intoxicated and rowdy to the point that the caller thought a fight might break out. The informant reported that staff did not appear to be in control.

Saturday 11th July 2020

Police attended the premises at 00:15 after witnessing groups of customers 'squaring' up to each other. It is stated that the premises was packed with customers as was the outside area. Artur Kapplani was present and he had no control over access or egress. No ID checks were being made and customers were free to walk in and out as they pleased. Officers asked to see the track and trace book which had 10 names in it. Artur Kapplani was asked what his capacity was and he stated 75 but it is stated that this was exceeded with groups congregating throughout the premises. Police witnessed staff continually serving customers who were already drunk. In the presence of police, there were a number of further incidents which resulted in the need for four Police units to be on scene to deal with it.

Wednesday 26th July 2020 00:23hrs serial 0028

Report to Police – caller reporting again about the noise level from the pub. Excessive noise from outside the pub. Details were passed to the Local Authority for their awareness due to it being a noise complaint.

Wednesday 26th July 00:59hrs serial 0059

A member of public asked for police to drive by as the bar was not adhering to social distancing measures. The caller stated they were all very drunk and noisy and that the pub security had confirmed they had over 200 people in that evening to make as much money as possible.

Details passed to the Local authority for their awareness. Police did not attend.

Wednesday 26th July serial 0373

The Conquest hospital called police to say that a patient came in after being at the pub Friday evening/early hours of Saturday. He was attacked by security who flung him to the ground causing a fracture to his radius and ulna and bruising. They stated he would need surgery as a result.

The victim was in hospital having just had an operation when he spoke to the police. The victim clarified that the date he was injured was on Saturday 18th July 2020. He didn't have much recollection of the incident other than he was drunk. He recalls leaving the Devonshire but was refused re-entry when he attempted to get back in. He didn't remember what happened and just assumed he was assaulted.

CCTV was provided from the Devonshire which showed the victim try to get into the queue for the bar but was told to leave. The victim attempts to step over the rope barrier but catches his foot and falls landing on his arm. There was no footage of any assault and the injury caused was likely to be due the fall.

The victim was extremely drunk having been in the premises so much so he couldn't recall how his serious injury was caused. Intoxication issue.

Monday 27th July 2020 01:47hrs serial 0078

Police were contacted by a female bar maid at the Devonshire pub stating that a female had come to the pub and was trying to smash the window with a hammer.

Officers attended the premises and located the female on Devonshire Square, who was in the presence of two barmaids. They had followed the female and witnessed her discard the hammer which one of the barmaids subsequently recovered and provided to officers. Also in attendance was the pub manager/DPS who had grabbed the female to ensure she did not escape.

All three members of staff stated that the suspect, had been in the pub earlier that evening but had returned around 00:30-01:00 hours to enquire about a stolen phone which was unsuccessful. The suspect had then returned around 01:45 with the hammer and began trying to smash windows.

Officers arrested the female on suspicion of Criminal Damage.

The suspect was interviewed at custody. She stated she was very drunk and upset following a relationship break up. She left the premises but returned when she noticed that her phone was missing. She didn't like how she was spoken to by a male member of staff which made her angry. So she re-attended and started banging on the windows. She confirmed the hammer was hers and that she had no reasonable excuse to have it on her at the time of the incident. She admitted the offence and was subsequently given a Police caution.

This incident again highlights intoxication concerns.

29th July 2020

PC Buck attended premises and spoke with both the DPS and his brother. The security book was checked and found to be in order as was the refusals register. Swabs were taken, results below:

Ladies toilet, left, sanitary bin - THC 1.61 cocaine 4.77

Ladies toilet, right, sanitary bin - **4.14 cocaine**

Ladies, left, cistern - clear

Ladies right, cistern - clear

Men's toilets, cistern - **5.22 cocaine** 2.58 MDMA

Disabled toilet, hand dryer - clear

Disabled toilet, toilet roll holder - 2.33 cocaine

Disabled toilet, cistern - **3.71 cocaine**

Baby changing mat unit - **4.55 cocaine**

Fruit machine - **4.08 cocaine**

Door plates to toilets - 1.74 cocaine

Random tables – clear

Between 3 & 4 can be classed as 'high' that 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 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.'

The readings are sufficient to confirm that the premises continue to have an issue with drug use on the premises. The fact that there had been no seizures by door staff would further suggest that there has been little attempt if any to identify those in possession of controlled substances.

Wednesday 29th July 2020 00:05hrs

Police called to 12-15 people fighting outside the pub. Three males pulled victim to the floor and started kicking him. A crowd has then gathered and were kicking the male on the floor. Staff tried to split them up but failed. Victim was noticeably intoxicated, and had swelling to his face, bloody nose and cut lip. Victim mentioned they had been drinking in the pub that night. Victim taken to the hospital and had scans which confirmed no breaks, so he was discharged. Staff said suspects had been in the pub earlier that night. One of the witnesses was also very drunk and had been drinking in the same pub.

The victim of assault was intoxicated but reportedly had been drinking at a nearby premises. Victim went to the Devonshire and engaged with the suspect which quickly led to the altercation. The victim was attacked and although became unconscious briefly, didn't sustain serious injury. The suspects could not be identified due to the poor quality of the Devonshire's CCTV and being unknown to the victim and witnesses. Staff stated the suspects had been in the pub that evening. Intoxication issues from witnesses coming from the Devonshire pub were noted from officers.

Thursday 30th July 2020 18:38hrs

Police called to fight between customers. Upon arrival the 'proprietor' stated that they were drunk and he wanted them to leave. 3 males described as drunk were in the outside seating area with glasses. These males were described as drunk by Police and it took 25 minutes to diffuse the situation. Whilst Police were in attendance there was further disorder from another group who were dispersed.

Another incident where high intoxication appears to have played a part

Friday 31st July 2020

Police called to fight at the premises, upon arrival staff stated they wanted 3 males sat in the outside area removed as they were drunk. Males spoken to who were clearly intoxicated and seated within the boundaries

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of the premises. It is stated that it was apparent that the males would have been drunk when served by the premises and they were sat with pint glasses. It is stated that it was a volatile situation and whilst dealing with this incident there was a further altercation between customers which Police diffused.

Further concerns of high intoxication levels

Friday 31st July 2020 23:28hrs serials 1905 & 1907

Police were called by the ambulance to a report of a male that had been bottled but had refused treatment. Police attended. The victim had been standing outside the bar near the smoking area. He was approached by the suspect who head butted the victim and then hit him on the head with a glass bottle. The victim had an inch laceration to skin but refused to go to hospital. The suspect was still in the bar and was arrested for GBH. The glass bottle used was retrieved after staff had swept it up and thrown it away.

Sussex Police licensing officer, PC Daren Buck attended the scene and established the manager, Artur Kapplani was responsible for cleaning what was effectively the crime scene prior to police arrival. A number of persons were witnessed within the outside area who were in possession of glass bottles and glasses.

Conditions amended (at hearing 23/05/08) to:

** No drinks, with the exception of teas and coffees, shall be sold from a bar or by bar staff service for consumption outside other than in a container made from non-splintering plastic or toughened drinking glass. No glass bottles shall be taken outside.*

*** The consumption of drinks and food outside shall be restricted to (a) between 10:00 and 23:00 and (b) to two metres measured from the wall of the building in Devonshire Square.*

Tables, chairs and windbreaks etc. shall be removed if required by a Police Constable or authorised Council Officer.

Due to the fact that a serious assault had occurred involving a customer who had used a bottle from within the premises, a section 19 closure notice was issued and the external area was required to be closed immediately. The reaction of the manager was that it was all unnecessary and he showed a total disregard to what had occurred.

Sunday 2nd August 2020 01:19hrs serial 0138

Victim called Police after alleging she had been sexually assaulted in The Devonshire Pub twice. The victim appeared very drunk and stated that a male had been trying to kiss her when she went to the toilet and then he touched her bottom twice.

Door staff were made aware and located the male and ejected him. Due to the fracas this caused the establishment closed early.

After Officers spoke with the victim she did not want to support any prosecution. Officers did attend The Devonshire and checked the CCTV however were unable to identify the suspect.

Thursday 6th August 2020 00:28hrs Serial 0042

Local resident called to say that they had numerous glass bottles left out the front of their communal door by customers of The Devonshire Pub, some of which had been smashed.

Saturday 8th August 2020 00:13hrs Serial 0022

Male victim called stating that his partner had head butted him and knocked his tooth out and that she was inside the pub.

Both parties had been drinking in The Devonshire prior to the assault and that one of the parties was ordering "trays" of Jagerbombs.

The victim later asked to go home which caused a disagreement and as they were walking over the footbridge outside the Devonshire, the female party has head butted her partner before going back into the Devonshire Pub.

Saturday 8th August 2020 02:05hrs Serial 0171 and 0203

Informant called stating that although the pub license finished at 0200hrs there were still approximately 50 people within the pub/garden area. The informant was angry and stated they would take a knife out and deal with it.

Officers attended approx. 30 minutes later and stated there were still 40 persons present and that at that point the bar seemed to be closing up. It was not until around 0250hrs that Police were able to move everyone on and the pub was closed.

Friday 28th August 2020 21:39hrs Serial 1417

Informant stating that as her boyfriend was coming through the communal door to their flat someone standing on the balcony of The Devonshire Pub has thrown a can towards him however it did miss him.

Monday 31st August 2020 00:35hrs Serial 0032

Informant calling to state that they believed The Devonshire Pub was again breaching its licence as it is meant to shut at 0000hrs and that there was still shouting and activity coming from the premises.

Sunday 13th September 2020 Serial 0054

CCTV operator reported that there was a fight outside the Devonshire. Initially a person had been knocked to the ground, kicks and punches being thrown. Police attended and spoke with people involved.

Wednesday 16th September 2020

Licensing visit by PC Tom Beazer and drugs swabs taken. Results below show an unacceptable level of cocaine being detected on the baby changing unit and the Games machine. The baby changing unit has been identified previously to the management as a serious risk and yet, despite assurances that changes in access to the location where the changing unit is located would be implemented, it is apparent that this has not occurred.

Games Machine – 3.53 cocaine

Tills – Clear

Disabled Toilet Roll Holder – Clear

Disabled Toilet Hand dryer – 1.79 Cocaine

Disabled Toilet Cistern – 2.58 Cocaine

Baby Changing Unit – 3.06 Cocaine

Mens Toilet Cistern – 2.81 Cocaine

Ladies Cistern Right – Clear

Ladies Cistern Left – 1.18 Cocaine

Ladies Sanitary Bin Right – Clear

Ladies Sanitary Bin Left – Clear

Random Tables – Clear

Fruit Machine Clear

Door Plates to Toilets – 2.77 Cocaine

Between 2 & 3 can be classed as a 'medium' response 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.

Between 3 & 4 can be classed as 'high' that 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.

Sussex Police contend that the problems seen at this premises cannot be allowed to continue any longer and that public safety is continually being put at risk by those that operate the premises. Due to the high number of incidents documented together with the persistent evidence of high drug use within the premises, together with a failure of the premises management to bring about improvements over several years, Sussex Police invite the sub-committee to seriously consider taking the following measures and also add the listed conditions

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below. These, we contend, are appropriate, necessary and proportionate and will help ensure that the licensing objectives are promoted and the public are kept safe.

- **Removal of the Designated Premises Supervisor**

Sussex Police have no confidence in the ability of the Designated Premises Supervisor (DPS) to promote the licensing objectives. We therefore request that Mr. Sokol KAPPLANI is removed as the DPS, with a replacement being subject to Sussex Police approval. It is believed that this is an essential measure to halt the undermining of the licensing objectives and to re-establish effective day-to-day control of the premises, especially at key times of operation.

- **Suspension of the Premises Licence**

Sussex Police request that the premises licence is suspended for a period of no less than eight weeks. This is in order to break the cycle from the current management and to implement changes that would be brought about by the requested conditions, the change in Designated Premises Supervisor and the subsequent implementation of new policies and procedures. A period of suspension would also send a strong deterrent to the owner of this premises and to other Premises Licence Holders in the area that the undermining of licensing objectives will not be tolerated by the Licensing Authority.

- **Reduction of hours**

Evidence provided highlights, increased incidents regarding crime and disorder after 2300hrs, particularly on Friday, Saturday and Sunday evenings. Closing earlier will help reduce intoxication levels and in turn reduce the number of incidents attributable to the premises. Our recommended hours (in green) as below:-

CURRENT HOURS

REDUCE TO HOURS

Retail sale of alcohol

Monday – Thursday 10:00 – 00:00*	1000-2300*
Friday – Saturday 10:00 - 02:00*	1000-0000*
Sunday 10:00 – 00:00*	1000-2300*

Performance of live music

Monday – Thursday 11:00 – 23:00*	
Friday – Saturday 11:00 – 00:00*	
Sunday 12:00 – 00:00*	1200-2300*

Any playing of recorded music

Monday – Thursday 11:00 – 00:00*	1100-2300*
Friday – Saturday 11:00 – 02:00*	1100-0000*
Sunday 12:00 – 00:00*	1200-2300*

Entertainment of a similar description

Monday – Thursday 11:00 – 23:00*	
Friday – Saturday 11:00 – 00:00*	
Sunday 12:00 – 00:00*	1200-2300*

Provision of facilities for making music

Monday – Thursday 11:00 – 23:00*	
Friday – Saturday 11:00 – 00:00*	
Sunday 12:00 – 00:00*	1200-2300*

Provision of facilities for dancing

Monday – Thursday 11:00 – 00:00* 1100-2300*
Friday – Saturday 11:00 – 02:00* 1100-0000*
Sunday 12:00 – 00:00* 1200-2300*

Provision of entertainment facilities of a similar description

Monday – Thursday 11:00 – 23:00*
Friday – Saturday 11:00 – 00:00*
Sunday 12:00 – 22:30*

Provision of late night refreshment

Monday – Thursday 23:00 – 00:00* closing at 2300hrs (not required between 2300-0000)
Friday & Saturday 23:00 – 02:00* 2300-0000*
Sunday 23:00-00:00* closing at 2300hrs (not required between 2300-0000)

Conditions to be added

Sussex Police also invite the sub-committee to strongly consider the addition of the following conditions to the premises licence, some of which will replace current conditions that require updating:-

Management

Sussex police consider the below condition appropriate to reduce the levels of drunkenness at the premises and support staff in providing a duty of care to patrons, ensuring someone appropriately trained is on the premises. This will also assist to promote the licensing objectives and adherence to the licence conditions

1. 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 the condition below is necessary and appropriate as it is clear that there has been a failure in management for several years and both parties have been responsible at the premises during that time. It is necessary to prevent either party remaining as a management influence at the premises and to allow for a completely fresh management team.

2. The 'former' DPS Mr Sokol Kapplani and his brother Mr Artur Kapplani will not be permitted on the premises while licensable activity is taking place.

CCTV (to replace current CCTV condition)

The condition below is appropriate to ensure that CCTV is maintained at the premises in accordance with the Home Office Guidelines. CCTV is a good deterrent, helps support criminal investigations, provides protection to staff and could help reduce drug use within.

3. **CCTV:**
 - a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (current PSDB Publication), 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.
 - b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - c) CCTV footage will be stored for a minimum of 31 days.

- d) 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.
- e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
- g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.
- h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

Training

Sussex Police believe the condition below is appropriate and proportionate to ensure that staff are regularly trained in relation to the sale of alcohol and the refusal of those who are intoxicated. It is also important they are trained on vigilance to drug misuse and reporting procedures

4. Training/Authorisation:

- a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products: *The lawful selling of age restricted products *Refusing the sale of alcohol to a person who is drunk
- b) All staff must be trained in the drugs prevention policy and being vigilant to drug use within the premises
- c) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- d) All such training undertaken by staff members shall be fully documented and recorded at the time and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- e) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

Age Verification

In order to protect children from harm through alcohol and exposure to drugs misuse, Sussex Police contend that the premises should operate a bona fide age verification policy.

5. Challenge 25:

- a) The premises will operate an **age verification** policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
- b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

Incident Reporting and refusals

Due to the number of incidents at the premises, Sussex Police believe the condition below is appropriate to ensure that all incidents are recorded in sufficient detail. This condition will also allow the DPS and the Premises Licence Holder to be made aware of all incidents at the premises.

6. Incident/refusal Log:

- a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises, noting the date and time that they occur. The log will be inspected and signed off by the DPS at least once a month.
- b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- d) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

Drugs Policy

Sussex Police consider the conditions below to be appropriate and proportionate as to ensure that there is zero tolerance towards drug use within the premises. The premises have experienced high drug readings since 2017.

7. Drugs Policy

The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. The premises must have a written drugs prevention policy that includes how staff will be trained, spotting the signs of drug use, the procedures for logging and reporting all suspicions of drug dealing / drug taking at the premises and the procedure for the logging and secure keeping of any drugs found and their handover to police.

- a) Any illegal drugs seized will be stored in a secure place such as a safe and periodically the management will request the police to come and remove all drugs for destruction.
 - b) Individuals found to have drugs in their possession will be banned from the premises.
 - c) The management will permit the police to use drugs detection process e.g. an ION Track machine or similar device inside the premises to detect the illegal use of drugs and will sign a police consent form.
 - d) Any seized drugs will be documented using a clear bagging and numbering system and this documentation will be provided to police when drugs are collected for destruction.
 - e) Signage stating that the premises has a zero tolerance towards drugs will be displayed prominently at all entrances to the premises and the entrances to all toilets.
 - f) There will be a written search policy in place when door supervisors are on duty with the number of searches to be carried out set on a risk assessment basis.
8. There shall be regular (at least once during every hour) patrols of the customer trading areas, smoking area and WCs to ensure that customer behaviour is not in breach of the law or venue policies or harming the licensing objectives. These patrols will be recorded in writing in the incident book. Door supervisors will be instructed to have particular regard to the care of vulnerable persons particularly anyone who appears to be drunk, incapacitated and potentially vulnerable due to excessive alcohol consumption and/or drug misuse. If it is necessary to eject them, they will be peaceably ejected from the premises as long as an on the spot risk assessment is clear that the person will not be vulnerable and at risk when placed outside. If necessary a taxi will be called and the person escorted to and put

into the taxi to be taken home. Door supervisors will be aware of the need to call the emergency services if necessary.

SIA (replace current SIA condition)

Due to the lay out of the premises, consistently high drug readings within the toilets and disorder that occurs after 2300hrs, Sussex Police considers the requirement to have the following SIA door persons employed at the premises for the safety of all patrons and staff members;

9. SIA registered door staff will be employed by an external company

- Friday and Saturday nights minimum of 2 door staff from 19:00hrs and 1 additional door staff member from 2100hrs until the premises has closed to the public, licensable activity has ceased and the venue is completely clear of patrons.
- Christmas Eve, Christmas Day, Boxing Day, New Year's Eve & Day, Good Friday, Easter Saturday, Sunday & Monday and all other bank holidays – 3 door staff from 1900 until licensable activity has ceased and the venue is completely clear of patrons.
- All major sporting and non-sporting events shown live, day and or night time. – 3 door staff until licensable activity has ceased and the venue is completely clear of patrons.

ID SCAN

Sussex Police are aware that the premises has previously installed an electronic scanning system. However, it has been seen that this has not always been used and is not currently a licence condition. We believe that the use of an electronic scanning system would have a deterrent effect to those who frequent the premises and cause crime and disorder inside.

Therefore, Sussex Police recommend that the following condition is added to the licence:

10. The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated at all times door staff are on duty and all persons entering the premises will be scanned. The system should have the ability to share alerts with other venues using similar ID scanning equipment, identify the hologram of an ID and read both Passports and ID cards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioners good practice guidance for ID scanning in clubs and bars.

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Please mark X for yes

Have you made an application for review relating to this premises before	<input type="checkbox"/>
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If yes please state the date of that application	<input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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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 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)

Inspector Rob Lovell CL740

Sussex Police Licensing Lead

Sussex Police
Application for review of a premises licence
07/2015

Date:
17th September 2020

Capacity:
Sussex Police Licensing Inspector

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

Kirstie Rolfe
Bexhill Police Station
Terminus Road

Post town
Bexhill

Post code
TN39 3NR

Telephone number (if any)

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

EastSussex.Licensing@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.

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Sussex Police schedule of evidence

Schedule of evidence

- 1- Impact statement Inspector Carroll – East Sussex Licensing Lead
- 2- Impact statement Inspector Hartley
- 3- PC Buck statement
- 4- GE Security Statement
- 5- Formal warning letter dated 26/01/18
- 6- Formal warning letter dated 21/11/19
- 7- Email response to the formal letter dated 21/11/19
- 8- Advisory letter dated 07/02/2020
- 9- Statement PC Bracey
- 10-Statement PCSO Scott
- 11-Statement PC Beazer
- 12-Statement Owner Marc One Security
- 13-Statement SIA guard
- 14-Statement SIA guard
- 15-Statement from a local resident

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Sussex Police Exhibit 1 - Insp Carroll statement 15/09/2020

SUSSEX POLICE

MG11

RESTRICTED (when complete)

WITNESS STATEMENT



Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

JRN [] [] [] []

Statement of: Olivia Carroll

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: O.CARROLL Date 15/09/2020

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a police inspector with Sussex Police and currently the lead for licensing on East Sussex Division.

This statement forms part of a schedule of evidence which demonstrates the continued impact the Devonshire Bar and Lounge is having on the police demand and importantly the community in Bexhill.

The Devonshire is located in Bexhill Town centre and is one of the main night time venues in Bexhill. Sussex Police have continued to express concerns to the designated premises supervisor for a number of years about his and his staff's inability to control the patrons that use his premises and the associated anti-social behaviour, public place violent crime and sexual offences linked to his premises.

Issues have been ongoing at the Devonshire for a long period of time. Since 1st January 2019, Police have recorded, 51 incidents linked to this premises, these have been for offences including serious assaults, including Grievous Bodily Harm, serious sexual offences, including stranger rape where both parties had been drinking at the premises, drugs offences, robbery and domestic incidents.

This does not account for the amount of calls received related to the premises. Since January 1st 2019, Sussex Police has received 110 calls relating to the Devonshire.

The latest report is from the early hours of Sunday 13th September 2020 when officers were called to the pub to reports of numerous people fighting which was captured and reported by our CCTV control room. Officers spent 45 minutes at the scene dealing with the incident and remaining in the area to ensure that there were no further issues. This does not account the time officers will have spent dealing with the paperwork for the incident or any ongoing enquires to progress the investigation.

Most of the incidents reported to Sussex Police and comments from attending officers demonstrate the high levels of intoxication of individuals at the pub. In February 2020, an altercation took place between a husband and wife at the premises, whereby she has hit him over the head with a glass. Comments from officers on the investigation report, state, that both parties had consumed alcohol, the victim and his friend appeared intoxicated and during interviews the victim's level of awareness dropped and his intoxication increased.

In August 2020, an assault was reported where a males states that his girlfriend has head-butted him and broken his tooth. The victim states that the suspect began to drink excessively and was ordering trays of Jagerbombs. Again indicating that such high levels of intoxication relate directly to crime at this premises.

Sussex Police also has serious concerns about the level of drugs being used on the premises and there is

Signature: O.CARROLL Signature witnessed by:

MG11 5/2007

RESTRICTED (when complete)

intelligence to support these concerns. In November 2019 Licensing officers conducted drug swabs at the premises and the results were alarmingly high.

Along with the normal areas expected to have trace of drug use (i.e toilet lids and cisterns), high levels of cocaine were found on the disabled toilet baby changing unit at 5.02, along with Heroin at 1.17. Away from the toilets, positive drug swabs were located at the table next to the dance floor (2.11), the fruit machine next to the dance floor (4.19) and on the bar itself (1.13).

The DPS was provided with an action plan in relation to the drugs use in his premises.

On the 29th July 2020, following the re-opening of the pub on the 4th July, further drug swabs were undertaken following continued concerns about the drug issue linked to this premises. Disappointingly again readings were incredibly high for cocaine in number of areas, including toilet cisterns in the males (5.22), ladies toilet sanitary bin (4.77), baby changing unit (4.55) and the fruit machine (4.08).

The readings are substantially high bearing in mind these were taken midweek and there was presumed to be enhanced cleaning of high touch point areas in the pub to ensure that they were minimising the spread of Covid-19.

All procedures to reduce drug use appear to have stopped and on this visit by licensing officer PC Buck there had been no seizures of drugs by door staff, which would further suggest that there is very little attempt to identify those in possession of controlled substances entering the premises.

When reviewing the drugs results produced by the Ion Track machine any reading between 3 and 4 can be classed as high and could not be attributed to cross contamination and is indicative of recent or direct contact with measurable quantities of drugs. Readings of 4 and above relate to microgram amounts of contamination, being transferred directly to the swab and this indicates that the swab has been in direct contact with bulk amount of the source of the drug.

On the 4th July 2020, the premises re-opened following restrictions being lifted by the government. That weekend saw a number of issues at the premises. When officers attended at 21:10 hours on the 4th July, they were met with a large crowd of 100+ people inside the premises and people were seen to be vertical drinking which was against the legislation at the time. There were no social distancing measures in place and on speaking with PC Buck the DPS closed the premises voluntarily.

This was an extremely busy weekend for Sussex Police due to the re-opening of pubs and this took a large proportion of officer's time.

The following weekend on the 10th July, the bar was visited again by officers, which noted that although the bar was providing seated service, there was no control over entry and exit which was still being done through one door, again not in compliance with government advice on re-opening.

On the 11th July, officers reported concerns to PC Buck, following their attendance at the premises. At 00:15 hours on the 11th, officers witnessed groups of people squaring up to each other. The bar was described as being packed and there was no control over entry or exit of the premises. No ID checks were being made for people entering the premises and officers describe massive groups all over the bar and the dance floor. To manage this and a series of incidents which occurred of the back of the poor control and management, the duty Sgt for the night had to keep 4 units on scene to prevent further issues.

A visit by licensing officer PC Wilkes on the following weekend, 17th and 18th July, appeared to show that the DPS had implemented some changes to control those entering and exiting the premises and manage

Continuation of statement of Olivia Carroll

the number of people inside.

However, Sussex Police continues to receive calls relating to excessive noise, breaches of Covid-19 legislation, no social distancing and general anti-social behaviour linked to the premises.

Residents who live above the pub have continued to complain to both Sussex Police and Rother Environmental Health about the excessive noise coming from the premises. On the 28th August 2020, a resident who lives in the flats above the premises had a can thrown at him from someone in the pub as he was entering his front door, during the call he stated that the ongoing issues is making him feel anxious and he doesn't feel comfortable leaving his own address and is impacting on his mental health.

As licensing lead for East Sussex, I would always prefer for premises licence holders and designated premises supervisors to work with us to identify any areas where they feel they are not adhering to the licensing objectives and we will always look to support them in partnership to overcome issues identified.

However I am confident in saying that the DPS of the Devonshire Bar and Lounge has had numerous opportunities to improve the situation around his licenced premises and even with the support of local licensing officers, advice given to him and previous stepped approaches to managing the issues associated with this venue, he has been unable to make sufficient improvements which satisfy achieving the licensing objectives and therefore the only option which is proportionate and necessary is to seek a review of the licence altogether.

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Sussex Police Exhibit 2 - MG11 Insp Hartley dated 16/09/2020

SUSSEX POLICE

MG 11(T)

RESTRICTED (when complete)**WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

JRN

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Statement of: Jonathan HARTLEY

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Inspector CH862

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: _____ Date 16th September 2020Tick if witness evidence is visually recorded (supply witness details on rear)

My current role is Prevention Inspector for Sussex police and I have primacy over matters in relation to Neighbourhood Policing in Rother, East Sussex, I have been in this role for 22 months.

As part of my responsibilities, I get notified of anti-social behaviour and crime and disorder that occurs within the district that may require further intervention from the Police Prevention teams or from partners in statutory and other organisations. Over the last year I have been notified of problems being reported at the Devonshire Public House which is situated at Devonshire Square, Bexhill on Sea, East Sussex.

To document some of the incidents that have occurred a search of Police logs has been completed and the following incidents have been highlighted since 2019, the following is a copy of text recorded when calls are made to Sussex Police and do not form my original notes or words, the inclusion in this statement is to demonstrate the impact incidents at the Devonshire Public House have had on policing.

- 10/11/2019 23:47 common assault. Call from staff reporting that three drunken males had thrown an ashtray at the head of the dps before head-butting him. When officers attended the offender was identified to them and arrested for common assault.
- 06/12/2019 19:47 drunk & disorderly / high intox. Report of a drunk/drugged female who became aggressive and then asked to leave. She became quite rowdy and as staff were escorting her out of the premises she broke free, ran back to victim, grabbed her head and pulled her hair.
- 07/12/2019 22:13 Report of 2 large groups of males fighting outside the pub. They are using belts to hit one another. They were all in the pub and have gone outside to fight. Second call stating it all kicked off after the boxing. Police attended, all standing down, people have been sent on their way. Nfa.
- 21/12/2019 02:17 Drunk & disorderly/high intox. Report of an altercation involving a male who is very intoxicated. Victim has bruised eye and bloody nose.
- 21/12/2019 02:19 Caller reporting his customer has been assaulted (poss linked to above). Victim has learning difficulties, bleeding from nose and eye. Suspect still in pub. Police attended and have taken victim to hospital aio, no lines of enquiry.
- 02/02/2020 23:31 Suspect was in the bar the previous evening, heavily intoxicated so was ejected

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Continuation of statement of

and barred. He has returned this evening and when told he is barred, he has started to shout and swear at staff.

- 21/02/2020 21:48 drunk & disorderly / high intox. An altercation between a husband and wife spilled outside and she has then hit him on the head with a glass. Both had consumed alcohol. Victim and his friend appeared intoxicated and during interview victim's level of awareness dropped and his intoxication increased. Victim does not want to pursue so bail for suspect cancelled.
- 21/03/2020 01:25 Victim reporting he was punched in the face by another male. Bouncers intervened and brought caller to the ground.
- 04/07/2020 Intelligence/information. Caller has seen on post on social media showing a relative and 13 friends sitting round a table in bar, not social distancing.
- 04/07/2020 21:29 intelligence/information. Caller's son sat outside with girlfriend. Stating that inside the pub table full and packed with people standing at bar, staff not wearing masks, no guidelines in place, no sanitiser in ladies toilet.
- 05/07/2020 12:00 intelligence/information. Incident happened yesterday evening. Caller reporting pub was breaching social distancing rules. Patrons were very intoxicated and rowdy, to the point that caller thought a fight might break out. Staff did not appear to be in control. Spreadsheet / storm & passed to trading standards.
- 08/07/2020 10:53 aggressive, hate crime customer has been thrown out but won't leave. Customer is screaming at the manager and other customers screaming and making racist comments. Male has now left. Allocated to ri.
- 08/07/2020 11:21 aggressive linked to above. Caller reporting her son has been assaulted at the pub (suspect from above link). Landlord saying male was removed from pub for being abusive. Caller saying her son recently lost a friend and is drinking a lot, suffers with mental health.
- 08/07/2020 00:20 intelligence/information anon caller reporting a lot of rowdy people outside the pub. About 30 people earlier but only one now.
- 10/07/2020 00:38 antisocial behaviour, noise complaint since the pub opened, every night there are people leaving, being loud and congregating outside the pub. Op that is running tonight have been made aware. They will deal with later.
- 19/07/2020 23:58 common assault: regular customer verbally abused staff because he was asked to leave. Another customer stuck up for caller and the male spat at him. Male has now left.
- 26/07/2020 09:20 assault ABH / GBH conquest hospital calling to say a patient came in after being at the pub Friday evening/early hours of Saturday. He was attacked by security who flung him to the ground causing fracture to radius and ulna & bruising. He will need surgery today.
- 26/07/2020 00:23 noise complaint. Caller reporting again about the noise level from the pub. Excessive noise from outside the pub. Caller advised to keep a log. spreadsheet/storm and passed to trading standards
- 26/07/2020 00:44 Noise complaint different caller to above asking for a drive by as the bar is not adhering to social distancing measures. Caller stating they're all very drunk and noisy. Security have confirmed they have had over 200 people in this evening to make as much money as possible. Only licenced to have 75. Cad has been emailed to licensing pc. Spreadsheet/storm and passed to trading standards
- 27/07/2020 01:47 criminal damage, public order, weapon staff called re a female who had been in the pub earlier and now returned with a hammer and trying to smash windows (over a stolen phone). Female arrested for criminal damage, public order act and possession of offensive weapon. spreadsheet/storm and passed to trading standards
- 29/07/2020 00:05 assault ABH / GBH, drunk & disorderly/high intox: police called to 12-15 people fighting outside pub. Three males pulled victim to floor and started kicking him. A crowd has then

Signature

Signature witnessed by:

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Continuation of statement of

gathered and were kicking the male on the floor. Staff tried to split them up but failed. Victim was noticeably intoxicated, had swelling to face, bloody nose and cut lip. Victim made mention that they had been drinking in the pub that night. He had lost consciousness at some point. Victim taken to hospital, scans confirmed no breaks, male discharged. Staff said suspects had been in pub earlier that night. One of the witnesses was also very drunk and had been drinking in the same pub. Not clear if they had been drinking elsewhere after being in Devonshire. Photos were taken from ledger where customers are meant to write their names but this is not a ledger that was kept by staff so likely suspects name is not in there. spreadsheet/storm and passed to trading standards

- 29/07/2020 13:41 antisocial behaviour caller asking to be contacted by licensing team about the ongoing asb issues with the pub. Email sent to licensing pc. spreadsheet/storm and passed to trading standards
- 30/07/2020 18:38 aggressive report of a group of travellers outside fighting and being aggro to staff who want them to leave. Police attended, they are going to move on, finishing drinks, all in good spirits, just too much drink possibly. They then started to fight but are now moving on. licensing aware
- 30/07/2020 03:49. Caller reporting an incident on the 8.7.20 which has already been recorded. Not clear why reporting again. Customer swearing and escorted off the premises. spreadsheet/storm and passed to trading standards
- 31/07/2020 13:34 antisocial behaviour. Caller reporting ASB due to pub and pub has no regards for government restrictions. Has reported this to police station and advised licensing officer would contact him but no contact made as yet.
- 31/07/2020 23:28 assault abh/gbh : police called by ambulance to report of a male that had been bottled but refused treatment. Police attended, victim had been standing outside the bar near the smoking area. He was approached by suspect who head butted victim and then hit him on the head with a glass bottle. Victim has inch laceration to skin but refused to go to hospital. Suspect was still in the bar and arrested for gbh. Glass bottle retrieved after staff had swept it up and threw it away. bailed to 24.8.20
- 01/08/2020 sexual offence. cad 0138 01/08 refers to a sexual assault. the circs are unclear at this time and at the time of writing this the victim is still to be visited by police but from the cad it appears that a female was sexually assaulted (by touching) by a male within the premises. The police were not called by the premises. It is assumed that the fight and the sexual assault are all one incident but this needs to be confirmed.
- 02/08/2020 01:19 sexual offence. Female has approached caller to say she has been sexually assaulted (caller very drunk). Victim told call taker a male was trying to kiss her and slapped her bottom twice. Security aware and have spoken to suspect. She is very upset and crying. This has caused quite a disturbance and ensuing chaos has caused pub to close early. Victim will make her way home. Police have tried to contact victim without success
- 04/08/2020 aggressive 01/08 00:50 call received from ops manager stating that there had been a fight and had directed that the premises be closed. I was also informed that following my visit the previous evening had been instructed to supply a 3rd door supervisor and had stated that the door staff being provided were useless and not doing what they were told.
- 06/08/2020 00:28 intelligence/information caller reporting he has noticed glass bottles of alcoholic drinks left by his communal door. He assumes they are left there by people going in to the Devonshire pub. Caller has reported issues with the pub before. Some of the bottles are smashed. spreadsheet/storm and passed to trading standards
- 08/08/2020 00:13 assault abh/gbh, drug possession. Male reporting that his girlfriend has head-butted him and broken his tooth. They had been for meal and then ended up in Devonshire. Suspect began to drink excessively and was ordering trays of jagerbombs. Victim wanted to go home and did not want to drink anymore but suspect wanted to stay and drink more. As they left to go home she has head-butted him causing broken tooth. suspect arrested for abh and possession of class b.

Signature Signature witnessed by:

PTO

Continuation of statement of
spreadsheet/storm and passed to trading standards

- 08/08/2020 02:05 caller lives above pub. Reporting that there are approx. 50 people in private area outside pub. Thinks pub should shut at 0200. Licence states 0230. Caller threatening to deal with it himself, has a knife. Police report at 02:39 there are around 40 people still on scene, they appear to be closing up but there re still people around. moving everyone on now, pub now closed spreadsheet/storm and passed to trading standards
- 16/08/2020 03:21 aggressive report of a fight outside premises. Security not out there but there are staff on scene. Not clear if they had been in premises or if premises was still open? spreadsheet/storm and passed to trading standards
- 16/08/2020 22:55: female saying male asked her for sexual favours. She went out to get something to eat and sat around the corner Devonshire pub near factory store. She had a kebab and beer. Not clear if she had come out of premises? Kept repeating herself. Male left. spreadsheet/storm and passed to trading standards

The volume of calls detailed is significant and the range of allegations include serious violence, drug supply, anti-social behaviour and the use of bottles / glasses from the premises as weapons. During the outbreak of the pandemic, there has been a clear identified lack of control in relation to the Covid 19 regulations with the risk that this poses to trying to control the spread of this virus.

In addition to this, I am aware of a number of complaints that local residents have made regarding the Devonshire Public House to partners at Rother District Council. I have been contacted by local Councillors who have raised concerns made by their constituents, these include residents being kept awake at night, rubbish being left and the fear of violence. In my professional view this premises is causing a significant impact on crime, disorder and anti-social behaviour in Bexhill. The demand that this has impacts our emergency response team, our local policing teams and our investigation teams. Without intervention I believe that the likelihood of someone suffering a serious injury as a result of intoxication and lack of management at this premises as being high. There is not one other premises in Rother that has the impact on the community that the Devonshire Public House is currently having.

Sussex Police Exhibit 3 – PC Buck statement 13/08/2020

SUSSEX POLICE

MG11

RESTRICTED (when complete)**WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

JRN

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Statement of: Daren Buck

Age if under 18: _____ (if over 18 insert 'over 18')

Occupation: Police officer

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: _____ Date 13/08/2020Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person, a Police licensing officer within Sussex Police licensing, East Sussex Division. I am the holder of the ABII qualification for licensing practitioners. One of my many roles is to visit and inspect premises to ensure compliance within licensing law and that the individual premises are operating within the conditions of their premises licence and ensuring they are achieving the for licensing objectives being the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

This statement is in relation to a premises known as THE DEVONSHIRE BAR & LOUNGE, DEVONSHIRE SQUARE, BEXHILL-ON-SEA, EAST SUSSEX, TN40 1AB.

The premises has been problematic for some time and has required a number of police interventions from a licensing point of view and on a number of occasions and I have been the officer responsible for attending the premises to follow up enquiries as well as carrying out proactive licensing checks on the premises.

What follows is an account in chronological order of visits and interactions I have personally had with the premises management.

On the 11th of January 2018 A licensing visit was conducted at the above premises by myself and Cathie Wolfe following intelligence that drug use was ongoing within the premises.

Upon arrival the DPS was not present and the brother of the DPS/manager was spoken to.

It was explained to him that Sussex Police had concerns in relation the use of drugs on the premises and explained that the readings taken in October of 2017 were higher than some of the readings taken in August 2017.

He offered no real explanation and the change in the door staff provider was discussed and he stated that he was under the impression that things had improved with less disorder and drug seizures and prevention of drug use being reduced.

It was noted that there was no incidents recorded in the incident book since 22nd of December but was disclosed that there had been incidents of ejections and disorder which were not recorded. The same applied to the refusals book.

The SIA register seen and the locating and the positioning of the 3 door supervisors was discussed. It was ascertained that there are two on the front door and one positioned at the rear of the premises near the door giving access to the toilets.

Toilet checks were discussed the checks had been recorded on both the SIA register and a dedicated 'toilet check' log.

The premises has an ID scanner but it was established that the scanner is not used if it is raining and further discovered that those involved in incidents were not being placed on the ID scanner.

Upon checking the ID scanner and cross referencing it with the incident book it was discovered that those persons that had been recorded within the incident/refusals book had not been entered onto the ID scanner database thus making it incapable of identifying individuals.

Whilst discussing the policy around the exclusion of customers it was disclosed that they were of the mind-set that should a person be found on the premises involved in the taking of drugs they were barred for a period of

Signature: _____ Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

3 months and then permitted back in and this was confirmed by an entry in December in the incident book. This particular incident was discussed and advice was given that when it comes to incidents such as this that there should be a permanent exclusion. This was met with disagreement and it very much appeared that licensing objectives and safeguarding would be sacrificed for the sake of profit.

Whilst within the premises there were 3 males sat at the bar, I was requested to intervene when the staff had asked them to leave and upon doing so had become verbally aggressive. Upon speaking with the group they were extremely aggrieved at being asked to leave and it transpired that one had been asked to leave for making a comment about the Police and been told they had been barred. This appeared to be a total overreaction which took place for the benefit of myself in what I believe was an attempt to portray a professional responsibility and approach to the business.

Drug swabs were taken and the results are below.

• Bar	Clear
• Function room fruit machine	Clear
• Function room ledges	Clear
• Disabled toilet cistern lid	Clear
• Disabled toilet baby changing unit	4.08 cocaine
• Disabled toilet hand drier	Clear
• Disabled toilet soap dispenser	Clear
• Disabled toilet roll holder	1.89 Cocaine
• Female staff toilet roll holder	Clear
• Female staff toilet cistern lid	Clear
• Male toilet roll holder	Clear
• Male staff toilet cistern lid	Clear
• Female toilet soap dispenser	Clear
• Female toilet wash basin	Clear
• Female toilet right cubicle toilet roll hold	2.58 Heroin
• Female toilet hand drier	Clear

On the 13th of January 2018, accompanied by officers from the Neighborhood Response Team attended the premises and a large number of drugs swabs taken. The results are below.

• Female toilet right cubicle windowsill	1.02 Cocaine
• Female toilet right cubicle cistern	1.60 Heroin
• Male toilets cubicle cistern and lid	1.19 Cocaine
• Male toilets urinal edges	Clear
• Male toilets	Clear
• Male toilets cubicle toilet roll holder	Clear
• Male toilets soap dispenser	Clear
• Male toilets hand drier	1.65 Heroin
• Male toilets basin edges	Clear
• Bar	Clear
• Function room fruit machine	Clear
• Function room ledges	Clear
• Disabled toilet cistern lid	Clear
• Disabled toilet baby changing unit	4.08 cocaine
• Disabled toilet hand drier	Clear
• Disabled toilet soap dispenser	Clear
• Disabled toilet roll holder	1.89 Cocaine
• Female staff toilet roll holder	Clear
• Female staff toilet cistern lid	Clear
• Male toilet roll holder	Clear
• Male staff toilet cistern lid	Clear
• Female toilet soap dispenser	Clear
• Female toilet wash basin	Clear

Continuation of statement of

- Female toilet right cubicle toilet roll hold 2.58 Heroin
- Female toilet hand drier Clear

On the 7th of February 2018 the premises was visited by myself and Cathie Daniels. It was apparent that the premises had taken significant steps to reduce the opportunity to use controlled drugs within the premises. The premises had made significant efforts to remove the opportunity for the use of drugs.

This could be evidenced by the sharp decrease in the detection of controlled drugs within the premises. The results are below.

- Male staff toilet, cistern lid - clear
- Toilet roll holder - clear
- Female staff toilet cistern lid - clear
- Toilet roll holder - clear
- Disabled toilet, soap dispenser – clear
- Hand dryer - 1.93 THC
- Toilet roll holder clear
- Baby changing unit - 1.80 cocaine
- Cistern lid - clear
- Function room ledges - 2.79 cocaine
- Fruit machine - 2.97 cocaine
- Bar - 1.56 COCAINE
- Male toilets basin edges clear
- Hand dryer - clear
- Soap dispenser - 3.53 cocaine
- Cubicle toilet roll holder - 3.19 cocaine
- Shelf - 4.34 cocaine
- Urinal edges - 1.68 cocaine
- Cubicle cistern & Lid - 4.18 cocaine
- Female toilets, right cubicle cistern – clear
- Windowsill - 2.03 cocaine
- Toilet roll holder - clear
- Basin 1 - 1.28 cocaine
- Basin 2 - clear
- Soap dispenser - 2.11 cocaine
- Hand dryer - 1.55 cocaine

On the 19th April 2018 a licensing visit was conducted to check on the progress of the premises and the swab results are as below.

- Men's toilet shelf - 4.74 cocaine
- Men's toilet basin edges - 3.35 cocaine
- Men's toilet urinal edges - 2.90 cocaine
- Female toilet windowsill - 2.64 cocaine
- Female toilet right cubicle - 2.57 cocaine
- Fruit machine - 2.38 cocaine
- Men's toilet cistern lid - 1.76 cocaine
- Disabled toilet cistern lid - clear
- Baby changing mat - clear
- Disable toilet, toilet roll holder - clear
- Disabled toilet, hand dryer - clear
- Disabled toilet, soap dispenser - clear
- Function room ledges - clear
- Female toilet, toilet roll holder – clear
- Female toilet, basins - clear
- Female toilet, soap dispenser - clear
- Female toilet, hand dryer - clear
- Men's toilet, toilet roll holder - clear

Signature

Signature witnessed by:

PTO

- Men's toilet, soap dispenser – clear
- Men's toilet, hand dryer - clear
- Female toilet, staff, toilet roll holder - clear
- Female toilet, staff, cistern lid - clear
- Male toilet, staff, toilet roll holder - clear
- Male toilet, staff, cistern – clear

On the 14th November 2019 I carried out a licensing visit to the premises following an increase in anti social behavior and crime directly connected to the premises. I entered The Devonshire Hotel and was met by Sokol Kapllani, I was informed the DPS was not available which was odd as Sokol Kapllani is the DPS.

I questioned the reasons behind the recent peak in crime connected to the premises which appeared to come as a surprise. Checking the incident book revealed a number of entries but nothing of a serious nature and the book was up to date. I also examined the security book which again was in order. It was established that the ID scanner was not working and had not been working for two weeks, I recall this being implemented when I dealt with the premises this time last year and explained that it should be working. I asked to see the part A licence which was produced as required and then checked the CCTV which was found to working correctly however on further inspection I established that the retention was only for 28 days when in accordance with the licence should 31 so technically this is a breach of the premises licence.

I requested that I be shown the written authorisation from the DPS for the sale of alcohol to staff but this could not be produced.

I carried out drugs swabs of the premises and the results are below.

- Fruit machine near dance floor – 4.19 cocaine
- Disabled toilet, cistern - 4.06 cocaine
- Disabled toilet, baby changing unit - 5.02 cocaine 1.17 Heroin
- Disabled toilet, cistern - 4.06 cocaine
- Disabled toilet, sanitary bin - 3.11 cocaine
- Disabled toilet, sink - 1.09 cocaine
- Disabled toilet, hand dryer - 2.07 cocaine
- Door plate to toilets - 3.06 cocaine 1.14 Heroin 1.01 Ephedrine
- Men's toilet, sink - 2.91 cocaine
- Cistern - 5.19 cocaine
- Female toilet, sink - 3.06 cocaine
- Female toilet, sink right cubicle - 2.17 cocaine
- Sanitary bin - 4.11 cocaine 1.17 Heroin
- Cubicle, cistern L - 4.01 cocaine 1.91 Heroin
- Cubicle, cistern R - 5.07 cocaine
- Bar - 1.13 cocaine
- Table next to dance floor - 2.11 cocaine
- Games machine near main door - 1.07 cocaine

The brother of the DPS arrived, Artur Kapllani and the results of the drugs swabs were disclosed. His immediate reaction was to place his head in his hands.

On the 29th of July 2020 following reports of anti-social behavior I attended the premises. Below is the report taken directly from the Sussex police intelligence system known as 'innkeeper' and is a copy of the entry entered by myself;

I ATTENDED THE PREMISES THIS AFTERNOON AND SPOKE WITH BOTH HE DPS AND HIS BROTHER. THE CCTV WAS APPARENTLY SENT BUT IN ANY CASE, I HAVE ASKED INVESTIGATIONS TO RESEND THE NICE LINK FOR IT TO BE DONE IMMEDIATELY.

THE SECURITY BOOK WAS CHECKED AND FOUND TO BE IN ORDER AS WAS THE REFUSALS REGISTER.

SWABS WERE TAKEN AND THE RESULTS ARE AS BELOW;

Continuation of statement of

Ladies toilet, left, sanitary bin - THC 1.61 cocaine 4.77
 Ladies toilet, right, sanitary bin - 4.14 cocaine
 Ladies, left, cistern - clear
 Ladies right, cistern - clear
 Men's toilets, cistern - 5.22 cocaine 2.58 MDMA
 Disabled toilet, hand dryer - clear
 Disabled toilet, toilet roll holder - 2.33 cocaine
 Disabled toilet, cistern - 3.71 cocaine
 Baby changing mat unit - 4.55 cocaine
 Fruit machine - 4.08 cocaine
 Door plates to toilets - 1.74 cocaine
 Random tables – clear

THE ABOVE READING, BEARING IN MIND IT IS MID-WEEK ARE RELATIVELY HIGH. THERE WAS AN EXTENSIVE AMOUNT OF WORK CARRIED OUT FOLLOWING THE LAST ACTION PLAN I IMPLEMENTED BUT THE PROCEDURES TO REDUCE DRUG USE APPEAR TO HAVE SLIPPED SOMEWHAT. THE READINGS ABOVE ARE SUFFICIENT TO CONFIRM THE PREMISES CONTINUES TO HAVE AN ISSUE WITH DRUG USE ON THE PREMISES AND THE FACT THERE HAVE BEEN NO SEIZURES BY DOOR STAFF WOULD FURTHER SUGGEST THAT THERE IS LITTLE ATTEMPT IF ANY TO IDENTIFY THOSE IN POSSESSION OF CONTROLLED SUBSTANCES

On the 31st of September 2020 I attended the premises following a report of someone being 'bottled' at the premises. As above, the following is the report taken directly from the Sussex police intelligence system known as 'innkeeper' and is a direct copy of the entry entered by myself;

POLICE RECEIVED A REPORT OF A 'GLASSING' AT THE PREMISES. I WAS SECOND ON SCENE ARRIVING IMMEDIATELY AFTER THE NRT UNIT. THE SCENE WAS QUICKLY ESTABLISHED HOWEVER THE WEAPON, WHICH TURNED OUT TO BE A BOTTLE HAD BEEN CLEANED UP. ARTUR KAPPLANI, MANAGER AND BROTHER OF THE DPS WAS IMMEDIATELY SPOKEN TO IN RELATION TO THIS AND STATED THAT HE HAD CLEANED IT UP BECAUSE IT WAS DANGEROUS. THE VICTIM SUSTAINED A HEAD INJURY CAUSED AND THE SUSPECT ARRESTED.
 OUTSIDE THE PREMISES IS A ROPED AREA WITH SEATING WHICH IS CONTROLLED BY THE PREMISES AND FORMS PART OF THE PREMISES. THERE HAD BEEN NO ATTEMPT TO REMOVE PEOPLE FROM THE AREA AND ON ENTERING THE PREMISES THERE WERE HIGH LEVELS OF INTOXICATION AND GROUPS OF PEOPLE STANDING TOGETHER. THE MUSIC WAS AT A LEVEL THAT I WAS UNABLE TO HEAR MY RADIO.
 IT WAS FURTHER OBSERVED THAT PEOPLE WERE ENTERING AND LEAVING VIA THE SAME DOOR AND A QUEUE HAD FORMED OF APPROXIMATELY 30 TO 40 PEOPLE ALL OF WHICH WERE STOOD DIRECTLY BEHIND EACH OTHER WITH NO CONSIDERATION FOR SOCIAL DISTANCING.
 ALL THESE MATTERS WERE ADDRESSED WITH KAPPLANI WHO SHOWED LITTLE REGARD FOR WHAT WAS GOING ON AND WHILST SPEAKING WITH HIM I WATCHED DOORSTAFF ATTEMPT TO CONTROL ACCESS AND EGRESS, MONITOR THE SEATED AREA/SMOKING AREA AND THE QUEUE AS WELL AS DEALING WITH A DRUNK MALE WHO LEFT THE PREMISES AND THEN STARTED AN ALTERCATION WITH POLICE. I PERSONALLY WITNESSED CUSTOMERS LEAVING THE PREMISES ENTERING THE OUTSIDE AREA CARRYING BOTTLES AND THERE WERE EMPTY GLASSES ON THE TABLES.
 ON SPEAKING DOOR STAFF THEY STATED THAT THEY HAD ENOUGH, THEY WERE DOING THEIR BEST BUT COULD NOT COPE AND HAD RAISED THIS WITH THE PREMISES ONLY TO BE TOLD TO GET ON WITH THEIR JOBS. THEY STATED THAT THEY HAD NOT BEEN INFORMED THAT GLASS BOTTLES WERE NOT PERMITTED OUTSIDE AS PER THE PREMISES LICENCE AND DESPITE MY BRINGING THIS TO THE ATTENTION OF BOTH THE DPS AND KAPPLANI ON THE 12TH JULY DURING WHICH I WAS INFORMED THAT NO BOTTLES LEAVE THE PREMISES, A CONCERN RAISED BY RESPONSE OFFICERS AND THESE BOTTLES SEEN BY POLICE HAD NOT COME FROM WITHIN HIS PREMISES AND THEY WOULD USE PLASTIC VESSELS FROM THAT POINT ONWARDS.

AT THIS POINT KAPPLANI STATED THAT THIS WAS ALL UNNECESSARY AND DIRECTED STAFF TO CLEAR THE AREA. KAPPLANI WAS CAUTIONED AND IN THE PRESENCE OF PS MOSLEY (NRT) I ISSUED A SECTION 19 CLOSURE NOTICE TO KAPPLANI IN RELATION TO THE BREACH OF PREMISES

Signature Signature witnessed by:

PTO

LICENCE AND PERMITTING GLASS BOTTLES TO LEAVE THE PREMISES.

During this incident I spoke with security staff at the premises and they informed me that they do their best to operate the premises safely but are over ruled by the management, they are prevented from ensuring the capacity is at a safe level and often they are told to let people in despite it being a risk to others. This followed my observing the appalling operations of the premises in relation to COVID19 legislation and resulted in my reporting the premises to environmental health with the following legislation not being adhered to:

- Track and trace not current
- No PPE for staff
- Excessively loud music to the point I could not hear my police radio over the noise
- Groups of people everywhere within the premises
- People entering and exiting through the same door at the same time
- Numerous people huddled together in the roped off area outside the premises
- No control of the queue outside the premises with people stood directly behind each other and in very close proximity

From my personal experiences of dealing with the premises management, it is apparent that they are not capable of sustaining a licensed premises that is able to operate effectively and in accordance with the premises licence and the licensing objectives. There have been reoccurring issues over time which have been brought directly to the attention of the management but despite this and after formal action being taken against the premises in the past, it is very apparent that the premises will disregard matters quickly and return to an operating state that places the welfare of its customers and the local community at risk. The premises has in the past taken extensive action to rectify issues identified in relation to the use of controlled drugs but areas that have been identified could be easily rectified, are not and this is despite providing advice on a number of occasions.

The actions of the management and how they operate the premises results in a drain on Police resourcing that are required to respond to incidents of violent crime which could be reduced, if not alleviated by effective management. The comments from the security door supervisors that work at the premises expressing their concerns in relation to how the premises is managed in relation to capacity, overcrowding etc speaks volumes in relation to how the premises is currently run especially at this time and with the imposed restrictions and guidance upon licensed premises due to Covid19, there to protect people, leads me to form the opinion that the premises is willing to place the safety of its customers at risk in order to achieve profit and there is no consideration in relation to the consequences this premises has on the lives of the local residents or potential risk to their patrons.

Sussex Police Exhibit 4 - GE Security Statement

GE Security Technology Statement

The Itemiser is programmed to detect and identify microscopic amounts of many different types of narcotics. Cocaine is one of the most reactive and easy to detect substances in the Itemiser's library. Responses are reported to the user by a simple and clear computer interface. An "alarm Strength" number gives intensity of the response. This strength is an indication of the amount of narcotic contamination that was collected on the sampling media used, in the case of Itemiser Mk 2, a cotton – paper disk and with the Itemiser 3 a Teflon coated fibreglass strip. These traps are cleaned and packed by GEIT in Boston, USA to ensure they are not contaminated before use. They should also be checked before use on site in a customs or police application.

Samples are taken from areas likely to contain fingerprints from the target subject but not necessarily directly from the person themselves. The machine will correctly identify contamination down to nanogram (billionth of a gram) levels.

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 can 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 sample media. 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, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

It should be noted that the presence of any response to drugs using the Itemiser could be used as grounds for furthering an investigation depending on the SOP of the enforcement agency using the device.

A full technical introduction to the Itemiser detection principals follows.

Technology Notes - Trace Detection Technologies

The three most prevalent technologies available for trace detection of narcotics and explosives include Ion Mobility Spectrometry (IMS), Combination Gas Chromatography-Chemiluminescence (GC-CLD), and enhanced IMS, or Ion Trap Mobility Spectrometry (*ITMS*). A fourth combination gas chromatography and mass spectrometry (GC-MS) is also available, but it is used mostly in lab-related equipment.

IMS separates ionized molecular compounds on the basis of their transit times (sometimes called "time of flight" or "drift time") when subjected to an electric field in a tube. This time is then compared to stored transit times of known compounds making it possible to distinguish the target material (explosives or narcotics) from other molecules. This technique is fast and makes a compact device possible.

Gaseous samples enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase. A gating mechanism allows the ions of the correct polarity to pass through the shutter grid and enter the ion drift

region where an applied electric field mobilizes the ions. Less than 1% of the ions created in the ionization chamber actually reach the drift tube as more than 99% of the ions are discharged on the shutter grid. The rate at which these ions traverse the ion drift region is inversely proportional to the size of the ion. This correlation allows for the identification of the analyte of interest[3]

GC-Chemiluminescence uses quantitative measurements of the optical emission from excited molecules to determine analyte concentration. Although GC-CLD technology has good sensitivity and selectivity, its range of detection is fairly limited. The GC-CLD technology employed in explosive detectors can only detect nitro compounds. Today, with the ever-increasing threat of non-nitro substances such as HMTD and TATP that are outside the detection range of this technology, the practical application of GC-CLD as an option for security outside the structured controls of a laboratory is limited. In addition, there are practical concerns about the expense of maintenance, instrument complexity, high consumable gas costs, and containment of potentially harmful materials, such as ozone, from the operator.

ITMS, like IMS, separates ionized vapours and then measures the mobility of the ions in an electric field. In the typical implementation of ITMS, the gaseous sample passes through a semi-permeable membrane prior to ionization. Also like IMS, the gaseous samples then enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase.

Unlike IMS, however, the ionization in ITMS is allowed to reach equilibrium in a field free region and then pulsed into the drift tube where an electric field accelerates the ions to the collector. Note that in the ITMS detector, the shutter grid does not exist, resulting in a much greater portion of the ions entering the drift tube.

Performance Requirements of Trace Detection

When comparing these technologies, there are important performance requirements that we can use to evaluate their application for checkpoint, facility, or event security. The requirements include sensitivity, selectivity, and range of compounds detected, logistics, and reliability/maintenance.

Sensitivity (detection effectiveness) is the degree of response of an instrument to an introduced concentration. In other words, how much of an explosive or narcotic material is required to detect it. In real world application of these devices, we must realize that there is a time limit to complete the analysis in order to process sample targets through the unit, typically in the 3- to 10-second range.

Assuming this is a realistic range; GC-CLD technology will have a loss in selectivity, as the GC column will not provide enough separation of the nitro compounds over this analysis time.

Traditional IMS loses sensitivity with the loss of ions to the shutter grid with its non-equilibrium ionization. ITMS enhances the sensitivity through many methods.

Selectivity is the ability to distinguish between compounds. Typically when sampling for explosives or narcotics, other materials are present and the threat signals need to be selected by the technology. All three technologies are able to accurately select the threat compound if it is present above the sensitivity level of that detector, although there are significant operational differences.

Range of compounds detected is quite simply the spectrum of material that the device can detect simultaneously. GC-CLD concentrates on distinguishing between nitro compounds, but detects *only* nitro substances. IMS detects *either* negative or positive ions, but not both at the same time. ITMS simultaneously detects negative and positive ions, including both nitro and non-nitro target substances.

Logistics incorporate practical application issues present with each technology. This could include regulatory issues for ozone, radioactive sources, bottled gases, etc. IMS and ITMS contain radioactive sources. GCCLD requires handling of sensitive gases such as hydrogen, ozone, or helium.

Reliability/Maintenance.

Looking at the real world application of this technology in areas outside the controlled laboratory environment, reliability of operation and the ability to maintain peak performance in dusty, high-traffic, or humid conditions become a concern. Downtimes due to maintenance or excessive maintenance costs become other factors of concern. Both GC-CLD and IMS are unprotected from dust, dirt, and water vapour entering the system. This is a serious problem for traditional IMS, as the dryer or desiccant requires frequent changing and leads to downtime. In addition, the contamination material can lead to a loss of sensitivity over time if it is not installed in a very clean environment. The latest ITMS systems have regenerating dryers that do not require changing and a semi-permeable membrane to protect them from dirt, dust, and humidity. GC-CLD systems require replacement of the chemical modules approximately every 3-6 months if usage is high, which can be almost as expensive as a new bench-top ITMS or IMS detector. While all three require similar sampling consumables, the GC-CLD requires gas bottle replacement on top of the consumables. The ITMS and IMS devices require dopant depending on the application.

ITMS vs. IMS Technology

Enhancements to IMS analysis through ITMS technology allow for vast improvements to ionization efficiency, and therefore sensitivity of the detector.

ITMS enables extremely low concentrations of electrophilic vapours, such as explosive vapours, to be detected— impossible with traditional IMS.

The ionization chamber in the ITMS detector is a field-free region where the ion population, both negative and positive ions, is allowed to build up by the action of the beta particles on the dopant gas. With IMS and ITMS, the high density of electrons produce a high probability of ionization of the dopant gas molecules, which in turn collide with the target molecules. Electric charge is then transferred to the target molecules because of their extremely high charge affinity, and the overall result is high ionization efficiency.

Since the ITMS detector does not incorporate a shutter grid as in traditional IMS, there is no loss of ions by discharge onto the shutter grid, which could account for a loss of up to 99% of the ions. With ITMS, ions are accumulated over a 20mS interval and then compressed into a pulse of 0.2mS, increasing the density and collected current by a factor of 100 [4,5,6]. Further enhancement is made with the addition of a semi-permeable membrane that excludes dust and dirt.

This enhancement makes the system more sensitive to the materials of concern and allows continued operation and sensitivity in environments outside the lab that are high-traffic, humid, or dusty. In addition to providing a charge medium, the chemical dopant that is added into the analysis in the detector region to reduce the chances of ionizing unwanted analyte. Ammonia is the primary dopant for positive ions used in the ITMS detector, while methylene chloride is used as the dopant for negative ions. The dopants accept charge from the low-energy beta particles thereby reducing the chance of analytes with charge affinities lower than that of the dopant to accept charge. The target contraband molecules will accept the charge more readily than the dopants due to their higher affinity for the charge. This process reduces the amount of possible interferences due to the other analytes because the detector recognizes only charged species [4,5,6].

Finally, recent advancements in ITMS technology incorporate engineered high speed

switching systems that allow for millisecond alternating from positive to negative ion mode, thereby allowing for simultaneous detection and analysis of target positive and negative ions. Most narcotics have a positive ion affinity, while most explosives have a negative ion affinity; however, there are some important exceptions. TATP, for example, is an explosive that is seen as a positive affinity molecule, which would not be detected in a traditional IMS in single-mode operation for explosives. Detection limits for real world samples in ITMS in vapour sampling mode is in the picogram range.

Summary

As we look to implement a total solution for security, trace detection technologies become an integral component of that solution. Complementing x-ray scanners and metal detection, trace detection closes security loopholes by detecting microscopic particles that remain on clothing, luggage, ID cards, and more after explosives or narcotics are handled. Because it can sniff out vapours that build up in confined spaces, trace detection is especially effective for finding contraband hidden in compartments, suitcases, and lockers. ITMS technology offers the advantage of detecting a wider range of targeted substances in a more flexible detector design. Therefore it is ideal for practical applications such as checkpoint security, and screening vehicles, personnel, shipside, sea craft, packages, luggage, and cargo.

References [1] J. Brokenshire, N. Pay, "Ion mobility spectrometry" in International Laboratory, Graseby Analytical Ltd, Warford, Herts, England, **1989**, p4 [2] P. Z. Jankowski, A. G. Mercado, S. F. Hallowell, "FAA Explosive Vapor/Particle Detection Technology" Proceedings "Applications of Signal and Image Processing in Explosives Detection Systems", Boston, Massachusetts, 16-17 Nov. **1992** Volume 1824, pp13-27 [3] Eiceman, G.A., Karpas, Z., Ion Mobility Spectrometry" CRC Press **1994**. [4] ITMS (*U.S. Patent No. 5,200,614*). [5] McGann, W.J., Jenkins, A., Ribiero, K., Napoli, J., *SPIE on Substance Detection* Vol. 2092, **1993**. [6] McGann, W.J., *SPIE on Chemistry and Biology-based Technologies For Contraband Detection*. Vol. 2937, **1996**. [7] Haigh, P.B., "Dual Mode Detection" technical presentation, GE Ion Track, Wilmington, MA, **2003**. **T E C H N I C A L P A P E R** *For more information on ITMS products call, email or consult our website. 1 . 9 7 8 . 6 5 8 . 3 7 6 7 / s a l e s @ i o n t r a c k . c o m / w w w . i o n t r a c k . c o m* GE Ion Track Limited

Sussex Police Exhibit 5 – Warning Letter dated 26/01/2017



Local Policing Support Team

26th January 2017

C/O F. Forte Developments Ltd

Dear Forte,

RE: The Devonshire Bar & Lounge, Devonshire Square, Bexhill-on-Sea, East Sussex TN40 1AB

FORMAL WRITTEN WARNING LETTER

Thank you for attending the meeting at Bexhill Police Station on Tuesday 23rd January 2018 the purpose of which was to discuss Sussex Police significant concerns about the way the premises, for which you hold the premises licence, is being managed and operated by your Designated Premises Supervisor Sokol Kapllani and his brother Artur Kapllani who we understand is the premises daytime manager.

As you are aware drug swabs have been taken at the premises on a number of occasions in 2017 and the results of these were consistently high. Due to this you attended a meeting at Bexhill Police Station with PS Vokins (DV), PC Wilkes and I on 31st October 2017. Mr. Mark Poulton (MP) from Stephen Rimmer Solicitors accompanied you. Artur Kapllani (AK) was also present, represented by Dan Harrison (solicitor) as was Sokol Kapllani (SK) who joined the meeting later.

For your ease of reference I have reproduced the relevant parts of notes taken by me at that meeting:-

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Telephone: 101 | 01273470101

At the start of the meeting MP pointed out that Mr. Forte had leased the premises to the Kapllani brothers and therefore was not in day-to-day control of the premises. DV pointed out that in fact Mr. Forte was the premises licence holder (F. Forte Developments Ltd) and therefore had a responsibility for the management/performance of the premises. Mr. Forte said he was changing his security provider from Samurai to Marc One and had already informed Samurai that their services were no longer required. Mr. Forte also said that he would be installing an ID scanner at the premises. When asked about searching customers on entry AK said the ratio was 1:5 for events but was unsure of the ratio on normal trading nights. He said that when SIA were present one was positioned by the toilets and two on the front door. He said he had told one of the doorman about the high drug results and asked him to search more people which he agreed to do. However, the next day a new door team from Samurai appeared and it would seem that AK did not pursue the matter of an increased searching ratio. When asked about the drug readings in the staff toilets (downstairs and therefore not in the licensed area), AK said they were sometimes used by customers. When asked whether these were customers or staff off duty AK said that staff used the premises socially and when they did this they used the staff toilets. When asked whether any staff had been caught using drugs AK said they had not. He was told that his practice of permitting off-duty staff to use the staff toilets would have to stop. AK insisted he was experienced in running licensed premises (4 years in a restaurant and 2 years at this premises). He produced an incident book which contained some entries but none were signed – advice given.

Mr. Forte then talked about the way forward: search policy/new door team/ID scanner/warning letter to all staff about not using drugs in the premises either when working there or socialising and a new staff handbook. The DPS Sokol Kapllani who had by then joined the meeting, asserted that, when people were searched no drugs were ever found. When asked whether he thought this was unusual, he could not provide an answer. It was then put to him that, given the high drug results, did he not think it odd? He agreed it was. It was suggested that Mr. Forte consider changing the DPS to AK as communication with SK had proved difficult due to English not being his first language. The meeting concluded by Mr. Forte and Mr. Sokol Kapllani being told they were now on an action plan for this premises.

On Thursday 9th November 2017 I received a letter and an action plan from Mr. Hamed Ovaisi (solicitor for Artur Kapllani and Aleks Gjoni). I am forwarding these documents to you for your perusal. You will note the contents of the action plan, all of which you assured me at our meeting on 23rd January 2018, have been completed. I have not yet seen the new staff handbook or the written search policy which you have said you will send me.

At our meeting on 23rd January 2018 we discussed the following:-

On Thursday 11th January 2018 I visited the premises with PC Buck; the purpose being to review the action plan and take further drug swabs. The DPS was not present but Artur Kapllani was. We explained why we were there and asked to see the incident book and door staff register. The incident book did have some entries, the last being on 22nd December 2017 but again, despite advice given on 31st October 2017, the entries were unsigned.

The door staff register was completed correctly with a number of incident entered therein including the names of two males who had been ejected from the premises having been caught with drugs (white powder). I asked Mr. Artur Kapllani if he would demonstrate the ID Scanner for me.

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I searched for one of the ejected people but neither their details nor their ID was registered on the scanner. When I looked at the door staff register again I saw an entry at the top of the page that said something like, 'No ID Scanner – Raining'. Hence no IDs were scanned that evening. When I asked Mr. Kapllani about this he explained that, when in operation, the scanner was situated outside the premises and he did not want it to be damaged by rain. Various options were discussed as to where the scanner could be situated inside the premises including the removal of a cupboard to the right of the entrance but Mr. Kapllani seemed not to want to do this. He showed us a rain cover he had purchased of the type used to cover a child's pram/pushchair. He attempted to demonstrate how this would work but was unsuccessful. It was pointed out to him that the weather is often inclement and reiterated that the scanner should be positioned inside the premises.

If the ID scanner is not being used due to rain or wind the benefit of it is significantly undermined and the information contained therein is I would suggest, compromised. Further, it is my view that this element of the action plan is not being complied with which is disappointing. Whilst I was searching the ID Scanner I became aware of one of the customers, who was standing at the bar with two other males, was causing a commotion. It would seem that he had been asked to leave due to making unfortunate remarks about the presence of police in the premises. He took exception to this and refused to do so. I asked PC Buck who was at the rear of the premises, to assist which he did. The male was ejected but remained outside protesting to such an extent that another police unit was called for. Eventually the male left the area with one of his friends, also a customer.

PC Buck and I continued with our inspection taking drug swabs as we went round the premises. The results of these are listed below.

LADIES TOILET LID CLEAR

SHELF - MENS CLEAR

TOILET SEAT - MENS CLEAR

BASIN EDGES - MENS CLEAR

URINAL EDGE CLEAR

BASIN EDGES - MENS CLEAR

LADIES HAND DRYER CLEAR

SOAP DISPENSER - DISABLED TOILET 4.60 COCAINE

HAND DRYER - DISABLED TOILET 3.32 COCAINE

DISABLED TOILET - TOILET ROLL HOLDER 3.21 COCAINE

CISTERN LID - DISABLED TOILET 2.76 COCAINE

FUNCTION ROOM - LEDGES 3.83 COCAINE

FUNCTION ROOM - FRUIT MACHINE 4.05 COCAINE

BAR 2.26 COCAINE

FEMALE STAFF TOILETS - TOILET LID 2.35 COCAINE

LADIES TOILET SHELF 1.49 COCAINE

LADIES RIGHT CUBICLE WINDOWSILL 3.64 COCAINE

MALE TOILET LID 4.88 COCAINE THC (Cannabis) - 1.10

HAND DRYER - MENS 1.97 COCAINE

The results highlighted in red are of serious concern, particularly those obtained from the male cubicle toilet lid, the disabled toilet, and the fruit machine and ledges situated in the function room. The latter indicates that cocaine is being used in plain sight of staff and is a strong indication that management and staff are not being vigilant which is wholly unacceptable. With regard to the reading obtained from the female staff toilet, this is of extreme concern As you are aware, high drug readings obtained from the staff toilets previously was discussed at the meeting on 31st October – see above. On that occasion the matter of staff either using drugs whilst working at the premises or when using the staff toilets whilst in the premises socialising was discussed. Part of your action plan was that all staff were to be given a letter in relation to this, a new staff handbook was to be issued together with new staff contracts. Clearly, that which was set out in all three documents has been ignored and therefore this is another breach of the action plan.

Morpho Detection (UK) Ltd (the Ion Trak Itemiser manufacturer in which drug swabs are tested to obtain readings) states in their Technology Statement the following guidance about interpreting swab results.

Readings of between 1 & 2 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.

Readings of between 2 & 3 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.

*Readings of between 3 & 4 can 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 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.***

Despite the action plan there are still areas within your premises that have readings that are 3 and above. Given that both you and the DPS are aware that the premises have had consistently high drug readings over the previous 12 months and that these readings are still high, I draw your attention to S. 8 of the Misuse of Drugs Act 1971.

A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say—

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- (a) producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;
- (b) supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);
- (c) preparing opium for smoking;
- (d) smoking cannabis, cannabis resin or prepared opium.

It may be that there are customers frequenting your premises who are supplying drugs to other customers and therefore (b) above would apply to both you and your DPS. Whilst Sussex Police have no direct evidence in this regard there are indicators, such as the high drug readings, that this may be the case.

In conclusion Sussex Police have no confidence in the ability of the DPS Mr. Sokol Kapllani to effectively manage and operate the premises in accordance with the four licensing objectives.

In light of the above issues, this letter serves as your **WRITTEN WARNING**. The premises and the performance of the DPS will be closely monitored for the foreseeable future, and failure to run the premises effectively may result in an application by Sussex Police for a Review of the premises licence.

Yours sincerely,

Cathie Wolfe – Local Policing Support Unit

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Sussex Police Exhibit 6 – Warning Letter to DPS dated 23/11/2019



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Local Policing Support Team

21st November 2019

Mr. Sokol Kapllani,
Devonshire Bar & Lounge
Devonshire Square
Bexhill-on-Sea
East Sussex TN40 1AB

Dear Mr. Kapllani,

Devonshire Bar & Lounge, Devonshire Square, Bexhill-on-Sea TN40 1AB

FORMAL WARNING LETTER

I am writing to you in your capacity as the Designated Premises Supervisor (DPS) of the above premises. The premises licence has been issued, Premises licence number 05/02065/LAPRE, by Rother District Council, authorising the licensable activities, Live Music, Recorded Music, Entertainment of a Similar Description, Facilities for Making Music, Facilities for Dancing, Entertainment Facilities of a Similar Description, Late Night Refreshment and the Sale by Retail of Alcohol.

On Thursday 14th November 2019 your premises was visited by PC Buck a Prevention Licensing Officer, who took a number of Ion Trak drug swabs from various areas within the premises.

The results of these drug swabs are as follows:-

Mens Cistern = 5.19 Cocaine
Right Female Toilet Cistern = 5.07 Cocaine
Disabled Toilet Baby Changing Unit = 5.02 Cocaine & 1.17 Heroin
Fruit Machine Near Dance Floor = 4.19 Cocaine
Ladies Sanitary Bin = 4.11 Cocaine & 1.17 Heroin
Disabled Toilet Cistern = 4.06 Cocaine
Left Female Cubicle Cistern = 4.01 Cocaine & 1.91 Heroin
Disabled Toilet Sanitary Bin = 3.11 Cocaine
Door Plate to Toilets = 3.06 Cocaine, 1.14 Heroin & 1.01 Ephedrine
Left Female Toilet Cubicle Sink = 3.06 Cocaine
Mens Toilet Sink = 2.91 Cocaine
Right Female Toilet Cubicle Sink = 2.17 Cocaine
Table Next to Dance Floor = 2.11 Cocaine
Disabled Toilet Hand Dryer = 2.07 Cocaine
Bar = 1.13 Cocaine
Disabled Toilet Sink = 1.09 Cocaine
Games Machine Near Main Door = 1.07 Cocaine

East Sussex Local Policing Support team
Police Station, Terminus Road, Bexhill-on-Sea,
East Sussex TN39 3NR

Telephone: 101: 564241 / 564605

GE Security, the Ion Trak Itemiser manufacturer, in their Technology Statement gives the following guidance about interpreting swab results.

Readings of between 1 & 2 can be classed as 'low' attributed to cross contamination of the surface tested, background contamination or greatly degraded historic contamination.

Between 2 & 3 can be classed as a 'medium' response 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.

Between 3 & 4 can be classed as 'high' that 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 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.'

There were three readings above 5, four readings above 4 and three above 3 out of the seventeen drug swabs taken; therefore the only conclusion that can be drawn from these results is that there habitual use of illegal substances within your premises.

Overall these drug swab results are unacceptably high and therefore immediate action is required to significantly reduce the illegal use of narcotics within your premises. You are expected to send an email to: catherine.daniel@sussex.pnn.police.uk no later than 10 days from the date of this letter giving details of the measures you will be taking to combat the use of illegal substances within your premises.

Whilst PC Buck was at your premises he carried out a full licensing check and noted that, whilst your CCTV system was in full working order, the system only records for 28 days rather than the 31 days specified on the premises licence. This is a breach of your premises licence and I would advise that you investigate the possibility of increasing the number of days that your CCTV system can record images for.

PC Buck asked to see the written list of those authorised by you to sell alcohol; this could not be produced and therefore, whilst not written in law it is best practice, I ask that you prepare such a list to be made available to police or local authority officers on request.

Finally, PC Buck also noted that your ID Scanner was not working and had not been so for the past two weeks. You are strongly advised to have this repaired as soon as possible, particularly in light of the high drug readings at your premises.

As the DPS you will be fully aware of the following licensing objectives under the Licensing Act 2003 and your obligation to promote them:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

I must point out that as the Designated Premises Supervisor you are in day-to-day control of this business. The high results from the drug swabs indicate that neither you nor your staff have control of the premises and are therefore failing to promote the four licensing objectives.

This letter should be treated as a warning. Further high drug readings may place the premises licence at risk. Further observations of the premises will be carried out by officers of Sussex Police.

East Sussex Local Policing Support team
Police Station, Terminus Road, Bexhill-on-Sea,
East Sussex TN39 3NR

Telephone: 101: 564241 / 564805

Yours sincerely,

|



Inspector Rob Lovell CL740

Force Licensing & Response | Local Policing Support Team

Sussex Police HQ | Lewes | BN7 2DZ

Tel No: 01273 404535 ext 544169

Mobile No: 07912896012

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Sussex Police Exhibit 7 – DPS response to Warning Letter dated 23/11/2019

From: [Artur Kapllani](#)
To: [Daniel Catherine 14049](#)
Cc: [Gino Forte](#)
Subject: Letter 21-11-19
Date: 25 November 2019 12:36:49

External Email-Do not click any links or open any attachments unless you trust the sender and know the content is safe. Further information can be found at

<http://jointintranet.shdc.police.uk/OurForces/Teams/ICT/Pages/sussex-20190513-spam-emails.aspx>

Dear Catherine,

Further to the letter received dated the 21st November and PC Bucks visit to the premises, I wish to update you with the immediate measures taken and the proposed course of action going forward.

We were shocked to receive such high readings as we have worked incredibly hard with PC Buck to reduce them.

So we will

- 1) increase the staff toilet checks during the serving hours
- 2) increase the number of times all surfaces are treated with anti drug use substance
- 3) the Cctv system is under a service contract with a company from London and we will ask them to review the back up capability of the current system.
- 4) Fit a lock to the disabled toilet so customers have to request access.

We have

- 1) We already have a list of employees who have signed and are authorised to sell alcohol under the DPS. (A copy will be sent in the following email)
- 2) Already requested a new ID scanner from the service provider. Delivery is imminent.

We trust you will find the above to be acceptable but please let us know if you feel any further measures are required.

We look forward to receiving acknowledgement of this email and to working with you to eliminate the high readings.

Regards

Sokol Kapllani
DPS

Sent from my iPhone

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Sussex Police Exhibit 8 – Advisory Letter to DPS dated 07/02/2020



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Local Policing Support Team

7th February 2020

Mr. Sokol Kapllani
Devonshire Bar & Lounge
Devonshire Square
Bexhill-on-Sea
East Sussex
TN40 1AB

Dear Mr. Kapllani,

Devonshire Bar & Lounge, Devonshire Square, Bexhill-on-Sea TN40 1AB

ADVISORY LETTER

I am writing to you in your capacity as the Designated Premises Supervisor (DPS) of the above premises. The premises licence has been issued, Premises licence number 05/02085/LAPRE, by Rother District Council, authorising licensable activities, including the sale by retail of alcohol for consumption on and off the premises. These activities are subject to a number of Conditions, all of which are attached to the premises licence.

On Wednesday 5th February 2020 your premises was visited by PC Wilkes and Licensing Officer Cathie Daniel from the East Sussex Licensing Team. The purpose of the visit was to conduct a full licensing check and take Ion Trak drug swabs, the results of which are as follows:-

Disabled Toilet Cistern & Sanitary Bin = 3.29 Cocaine
Gents Cistern & Toilet Roll Holder = 2.19 Cocaine
Ladies Cubicle 1 Cistern & Sanitary Bin = 1.84 Cocaine
Ladies Cubicle 2 Cistern & Sanitary Bin = 1.70 Clear
Fruit Machine & Adjacent Ledge = 1.00 Cocaine
Ladies Hand dryer = Clear
Gents Hand dryer = Clear
Bar = Clear
Disabled Toilet Hand dryer & Toilet Roll Holder = Clear
Disabled Toilet Baby Changing Unit = Clear
Table in Alcove next to Disabled Toilet – Clear

GE Security, the Ion Trak Itemiser manufacturer, in their Technology Statement gives the following guidance about interpreting swab results.

Readings of between 1 & 2 can be classed as 'low' attributed to cross contamination of the surface tested, background contamination or greatly degraded historic contamination.

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Police Station, Terminus Road, Bexhill-on-Sea,
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Between 2 & 3 can be classed as a 'medium' response 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.

Between 3 & 4 can be classed as 'high' that 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 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.'

The results are very pleasing and a big improvement on those taken on 14th November 2019. However, you may wish to pay some attention to the five areas in your premises where there were positive, albeit low readings.

During the visit the premises was checked against your premises licence and you were found to be compliant with all the conditions.

This letter should be treated as advisory. Further observations of the premises may be carried out by officers of Rother District Council and Sussex Police.

Yours sincerely,

|

Insp Rob Lovell
Force Licensing Inspector
Sussex Police

catherine.daniel@sussex.pnn.police.uk

cc Mark Randolph – Rother District Council



East Sussex Local Policing Support team
Police Station, Terminus Road, Bexhill-on-Sea,
East Sussex TN39 3NR

Telephone: 101: 584241 / 584605

Sussex Police Exhibit 9 – PC Stacey statement 14/09/2020

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MG11

WITNESS STATEMENT	
Criminal Procedure Rules, r 16.2; Crim  Justice Act 1967, s.9	
URN	
Occurrence Number: 47200114690	
Statement of: KIERON BRACEY	
Age if under 18: Over 18 <small>(if over 18 insert over 18)</small>	Occupation: Police Officer
This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature:  #CB421 BRACEY, K.	Date: 14/09/2020 09:15
Tick if witness evidence is visually recorded <input type="checkbox"/>	

I am making this statement in relation to the Devonshire bar on the 11th of July 2020.

The reason for making this statement is how the Devonshire bar was firstly breaching Covid-19 legislation under the Emergency Covid-19 legislation and the general poor management of the venue. I was asked by the duty police sergeant Mosley CM617 and my own sergeant APS Williams CW297, after significant resources were drained by the customers who were becoming violent and not abiding emergency legislation risking public health.

I passed the Devonshire bar at around 0015 hours on the 11th after witnessing multiple groups of people arguing and getting in each other's personal space with some people starting to become physical which was stopped prior to it escalating. This was in full view of the Devonshire bar to which the Devonshire staff did not report to Police, after dispersing the drunken crowds which multiple mentioned drinking in the Devonshire bar.

The Devonshire bar had a significant amount of people inside the venue and in the outside drinking area which had no social distancing protocols in place nor anything in attempt to protect customers, staff and general public health.

Artur KAPLANI who identified himself as the licence holder and owner had no control over the entire venue and at first he did not see the issue with his venue being over capacity. Artur had two door staff on the entry and exit of the venue which had no one way system to prevent people pass and due to the venue doorway the social distancing guidance would not be possible.

The door supervisors were walking in and out of the venue without monitoring who is coming in and out of the venue. In particular whilst at the location I noted that not a single person had their identification checked ensuring firstly that customers were legal to drink in the venue and secondly that door staff were turning away anyone who potentially had been dealt with earlier in the night. Whilst Police were in attendance door staff were told by Police that the entry point

18/2017

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must be manned at all times. However Door staff have then again gone inside and were socially talking to customers without any facemasks or social distancing consideration. And in my opinion dealing with door staff they were very unprofessional and little understanding of the basic role which again Artur was not managing his staff.

Whilst the scene developed and the venue was in chaos due to Police trying to enforce the Covid-19 legislation people became frustrated and sudden restriction as they had to line up by direction of the door supervisor. This again made matters worse as there was a long line down Devonshire square next to customers of the venue drinking in the outside area. The line had no social distancing measures and again all items. APS Williams requested to see the track and trace book of all names and contact details of customers who attended the venue in the case of a confirmed case of Covid-19. In this book which was situated at the front of the venue had 10 names in the book. This was a massive discrepancy as there was over 100 people in and around the venue at the initial point when Police became involved with the venue.

Artur was asked what his maximum capacity was, he stated it was 75, I would say he had more than 75 as there was massive groups congregating all over the bar and dance floor. This was concerning as the close proximity of all parties meant that there was multiple people within 1 meter of each other, which was a detriment to public health and the safety of all parties. Nobody within the premises had any face masks in absence of social distancing. At the tables around the room was parties packed into tight spaces. In particular on one of the large tablets was 10 plus people as people were coming and going. Door staff had no counting system to monitor how many people were coming in and out. Door staff seemed to be having a jolly and not really listening to what Police had to say. As they had the defence of how are they meant to manage this meant people. To which Police stated that it was their responsibility to stop this matter getting out of hand in the first place.

It was just a shambles and due to Artur staff continually serving drunk who were so drunk that they began fighting hence the initial Police contact and made no attempt to disperse or call Police. There was a large majority of customers who were very drunk and some of which were abusive to Police as officers were enforcing Covid legislation. While at scene multiple people had to be dealt with due to their level of drunkenness. Firstly there was a very drunk female who struggled to stand and approached Police explaining that she had lost her bag in the Devonshire. The female was directed to the door staff where door staff have turned her back to Police. The female had been allowed to get so drunk and miles away from home due to her living in a rural area. No care was taken to assist this female who was stranded in Bexhill. And due to her drunken state Police had concerns she would come to harm therefore a unit had to be removed from dealing with 999 calls and proactively preventing crime to take her home to ensure her safety which the Devonshire management had no care about.

As officers dispersed crowds a female who again was with a large group of friends were all in a drunken state. One female

18/2017

OFFICIAL Sensitive (When completed)

in particular was becoming abusive to members of the public and then to Police telling officers to "FUCK OFF". The female has then had to be arrested for drunk and disorderly due to her poor behaviour and drunken state as a direct result of drinking in the Devonshire. And as details were gathered the female turned out to be 17 years of age. Again another direct failing of the Devonshire bar stopping minors drinking in the bar.

On return to the location to finalize some business with management, then one of the original males who attracted Police attention was walking in the road in his drunken state. The male was borderline incoherent due to his drunken state. Although he was no longer violent his behaviour was still of a disorderly conduct. Therefore the male was ticketed and removed from the area. Again later that night the male has then caused a domestic argument draining further police resources.

While at scene Artur was raving that he was going to make some changes including making clear social distancing bubbles in areas to prevent people filling the pub. However did not manage to identify their door staffs own failing. Artur struggled to understand his responsibility of a licensee holder.

In my experience and opinion the Devonshire has always been known to cause issues however this particular night cause major concerns for the safety of customers due to them being allowed to get more intoxicated to a point they are capable of looking after themselves, then neglected ensuring the safety of their customers. The Covid risk to the public could have caused a spike whereby a high number of cases could have happened with no ability to trace the customers.

Artur had no ability to control his staff of venue and took no responsibility for the unfolding event putting the blame down to his customers, despite him making a large amount of money at the expense of safety and public health. All of these issues could have been prevented by not serving customers who were already intoxicated, having proper social distancing measures in place to manage customers and numbers and doing basic bag searches/ Identification checks to ensure all customers were of age.

These actions of the Devonshire management alone drained significant resources including four double crewed Police units (eight officers) and one Police sergeant. This caused no resilience should any 999 calls come in across East Sussex.

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Sussex Police Exhibit 10 – PCSO Scott statement 22/09/2020

SUSSEX POLICE

MG 11(T)

RESTRICTED (when complete)**WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

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Statement of: Rachael Scott

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police Community Support Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature: [REDACTED]Date 22nd September 2020Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Sussex Police Community Support Officer (PCSO) and I am based at Battle Police Station. On Thursday 30th July 2020. I was in full uniform working a 1500hrs to 0000hrs shift.

On this day I was on duty with another colleague, PCSO ARON SMITH 39814. He was being tutored by me as he is a new recruit. At approximately 1838hrs. I was contacted by our control room via my airwaves radio and was asked to attend a grade 1 emergency call to 'travellers fighting' at the DEVONSHIRE PUB, DEVONSHIRE ROAD, BEXHILL-ON-SEA, EAST SUSSEX. I wasn't happy to attend this call as I know this pub well from my experience as a PCSO. It is notorious for problems with violence and fighting. I understand their alcohol license is currently under review. I did not feel this was appropriate for us to attend as it was likely to end in an incident we would not be able to deal with such as a violent criminal offence. I stated to control room that I was not happy to attend but unfortunately another colleague, PCSO ROY COLLINS, then called control room and offered to go to the job. I felt he should not alone so I reluctantly agreed to go with him and take my tutor as well.

I was first on scene with my tutee PCSO SMITH, a male who I now recognise as a member of staff approached us pointing at one female and two males who were now sat outside the front of the DEVONSHIRE on a table and chairs. The member of staff was quite irate stating that he did not want 'those' people in his pub and that they had been fighting with each other within the DEVONSHIRE.

I went outside to speak with the people who had been fighting and causing 'aggro' inside the premises. I could see they were behaving in a very lively in a manner that made me feel very anxious. Both males were bare chested. The female was barefooted. They were all together around a Devonshire table. She was slurring her words and smelt strongly of intoxicating liquor. The males were staggering about and were unsteady on their feet. The males seemed quite wound up complaining that they had been thrown out because they were 'travellers'. They were still drinking alcohol out of Devonshire glasses even though they were clearly drunk. The bar staff had obviously still served them. However, they agreed with my requests to finish their drinks and go on their way. It took a long time for PCSO SMITH and I to calm them down using our communication skills. I managed to persuade them to leave the outside of the premise. They were clearly in no hurry and were still loud and boisterous. When I asked them what they were doing in the pub they explained to us that they were 'play fighting' between themselves within the pub and it was not serious. [REDACTED]

Continuation of statement of

After about 25 minutes of gentle coaxing and chatting between myself, PCSO SMITH and the three people in the drunk party, we managed to talk them in to actually leaving and going home. At this point a male who I do not know came out of the DEVONSHIRE. He was shouting and swearing at the 'travellers'. I heard him shouting 'PIKEYS' at them. This enraged the two drunk males and instead of walking away, they turned around and walked back towards this male. The two males and the further male squared up to each other. They were face-to-face and I thought they were all going to start brawling with each other. I managed to calm the situation and split apart the males. The two males then left again and walked away. I called up on my radio for assistance as I was sure it was not going to end well. It was an uneasy and tense situation. The threat of harm was very high.

I was surprised and disappointed at the attitude of the staff this night as they were very angry towards myself and my colleague. I felt this was unnecessary. They served the group with alcohol whilst they were already clearly drunk within their pub making the problem much worse. I explained that we would get them to move on, which we did. After the incident, PCSO COLLINS spoke to the member of staff to update them regarding this matter and we all left.

I do not feel confident in the staffs' ability to manage a safe environment in the Devonshire. I believe this will happen again as they are only interested in profit and seem to not care about public safety. I am aware of several complaints from neighbours about the continued noise and shouting from this premises. I mentioned earlier that the DEVONSHIRE is notorious for complaints and fighting. GINO FORTE, who owns the pub, constantly double parks outside the pub and this annoys the local residents as he does not seem to care about the community in which he works. My personal opinion is that I would confidently say that Gino is not liked locally and the pub has a bad reputation in BEXHILL for drugs and seasoned troublesome drinkers.

When we first attended the scene at the DEVONSHIRE there was paperwork being completed at the door for track and trace. I did note that there appeared to be a lot of people inside the pub and they were not wearing masks.

On this night there were no security at the door and there were many people drinking outside on the tables just outside the entrance. [REDACTED]


Signature

[REDACTED]

Signature witnessed by: _____

PTO

Sussex Police Exhibit 11 – PC Beazer statement 17/09/2020

POLICE STATEMENT	
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9	
NICHE Ref No: Statement of: CB410, PC THOMAS BEAZER	
Age (if under 18): N/A	
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature of Witness: 	Date: 17-09-2020
<p>On Wednesday 16th September 2020 I was on duty in full uniform in call sign LO101.</p> <p>At approx. 1145hrs I conducted a routine Licensing visit to The Devonshire Bar and Lounge, Devonshire Road, Bexhill on Sea, East Sussex.</p> <p>Whilst at the premises I conducted some Iron Track drug swabs on various places within the premises with the results coming back as the following:</p> <p>Games Machine - 3.53 Cocaine Tills - Clear Disabled Toilet Roll Holder - Clear Disabled Toilet Hand Dryer - 1.79 Cocaine Disabled Toilet Cistern - 2.58 Cocaine Baby Changing Unit - 3.06 Cocaine Mens Toilet Cistern - 2.81 Cocaine Ladies Cistern Right Cubicle - Clear Ladies Cistern Left Cubicle - 1.18 Cocaine Ladies Sanitary Bin Right - Clear Ladies Sanitary Bin Left - Clear Random Tables - Clear Fruit Machine - Clear Door Plates to Toilets - 2.77 Cocaine</p> <p>GE Security, the Ion Trak Itemiser manufacturer, in their Technology Statement gives the following guidance about interpreting swab results. Readings of between 1 & 2 can be classed as 'low' attributed to cross contamination of the surface tested, background contamination or greatly degraded historic contamination.</p> <p>Between 2 & 3 can be classed as a 'medium' response 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.</p> <p>Between 3 & 4 can be classed as 'high' that 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.</p>	

Witness name: CB410, PC THOMAS BEAZER
Statement started: 17-09-2020 14:04:20 Statement completed: 17-09-2020 15:13:14
Form ID: Doc1600347860945-2-BJNQLDIAAAAWZYWKSRYA722R

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RESTRICTED (when complete)

Readings of 4 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.

From the drug swabs taken on the 29th July 2020 it does show a reduction in the levels of the results however still displays a high reading especially on the games machine and baby changing unit.

These readings are between 3 and 4 and so would suggest that there has been recent and direct contact with Cocaine.

I believe these results still show that cocaine use is high, even during the period in midweek, and that the management and License holders are still doing little to prevent the use of narcotics in the premises including on a baby changing unit.

I believe that even though the readings are high on the games machine the trace of cocaine on these could be explained by people potentially using outside of the premises and then using the games machine once they are inside however this does not mean the same for the baby changing unit.

The area of the baby changing unit that was tested was the flat area where you would lay a child and so in my opinion the only way that this would have such a high level reading of cocaine would be that it would have come into direct contact with the narcotic. Also due to the position of the baby changing unit being at the rear of the premises, this reading would have come from someone using cocaine directly within the premises. This is concerning not just due to the nature of the drug being used however it has been used on the only location within the premises suitable for a child to have their nappy changed which means that children are potentially coming into direct contact with cocaine.

Signature of Witness:  Date: 17-09-2020

Sussex Police Exhibit 12 – SIA Manager’s statement

SUSSEX POLICE

MG11

RESTRICTED (when complete)**WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

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Statement of: [REDACTED]Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Area Manager

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: _____ Date _____

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the Area Manager for Marc-One Security. I have worked for this company on and off for the last 18 years. I returned in June 2019.

Part of my role is to ensure a venue has Security and that it runs smoothly. I ensure that the correct staff are used for the type of venue and change the staff if necessary.

The company has staff currently working at The Devonshire, Bexhill on sea. I am aware from our staff at this venue that they are being overruled by the manager called Artur. For example customers are queueing outside of the venue waiting to be allowed in. People entering after 11 pm are searched. Certain people arrive and make a phone call, Artur then comes outside and allows these persons inside and no searches of them takes place. This causes issues for my staff as it annoys the people outside queueing. My staff have also removed a drunken male from inside The Devonshire, but overruled by Artur who allows the drunken male back in again. I am aware that the premise should only be allowing 75 persons inside. My staff are informing me that Artur is allowing in 150 to 200 persons.

My staff are trying to do their job correctly but seem to be undermined by Artur.

Myself and Marc-One security owner have had a meeting with Artur and explained that 3 door staff are required as 2 cannot cope with the number of entrances and exits he is currently using. Artur claimed that he could not afford this.

Since another violent incident where Artur closed the venue that evening. He has now requested 3 door staff.

I have decided to change the staff we currently use at The Devonshire and I will place an older and more experienced team who will not be undermined by Artur.

Signature: _____ Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

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Sussex Police Exhibit 13 – SIA guard (1) statement

SUSSEX POLICE

MG11

RESTRICTED (when complete)**WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Statement of:

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Door Supervisor

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: _____ Date: _____

Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed by Marc-One Security as a door supervisor. I have worked for this company since New Year's Eve 2018 and a door supervisor at The Devonshire, Bexhill on sea from then.

The Manager of The Devonshire I know as Artur allows only certain friends in, queue jumping those who had been waiting outside. He makes more room inside the bar area even when it is already full. The customers outside get angry about this and we have to deal with them. The guests that Artur let in are not searched and I am told that he will deal with them. Artur makes sure that we have no involvement with these guest who I would say are from the same country as Artur either Albania or Lithuania as they have the same accent as him. Artur is are extremely close to these guest and seem like family.

Artur allows locals to jump the queue who he knows and comes to the door to allow people in even though the premise is full. I have pointed this out to him multiple times and explained how he could lose his Licence.

Another time when I was undermined was when I refused the entry of a drunk male who I knew spends a lot of money at The Devonshire. Artur shut us down allowing this male in. This male was already aggressive holding a bottle of champagne and calling anyone coming near to him a 'CUNT'. I warned this male but was told by his friends to leave him alone. The friends of this male are known to Artur.

During an incident where there was glass and blood on the floor, Artur was found by Police clearing this crime scene up. I and a colleague were later told we were to blame and that he would stop using our company to provide door security.

Signature: _____ Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

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Sussex Police Exhibit 14 – SIA guard (2) statement

SUSSEX POLICE

MG11

RESTRICTED (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

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Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Door Supervisor

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: _____ Date _____

Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed by Maro-One Security as a door supervisor. I have worked for this company since November 2019. I have been a door supervisor at The Devonshire, Bexhill on sea since 28th February 2020. The owner of The Devonshire is Artur KAPLLANI. Since the COVID 19 restrictions, I and my colleague try to limit the numbers of person inside to the new maximum of 75. Artur over rules this when he hears and sees people asking for him and tells us to let them in. Artur also brings in tables from outside to up the seat capacity inside and brings in extra chairs from the disabled toilet which is used more as a store room. Artur intervenes and always tells us to allow more in and this happens all the time with the numbers inside being over 75 to about 110. We do search persons entering with bags, rucksacks etc. and put the rucksacks in storage for collection when leaving. Persons who are invited in at the request of Artur are not ever searched. I have stopped a really drunk male outside who was very loud and I did not want him to be allowed in. This male has called for Artur who after telling the male 'NO' he eventually lets him in. During a recent incident where glass was smashed and a male was cut in a fight with another male. Artur blamed us the door security as he had been criticised by Police for clearing the scene up. My colleague and I had been dealing with everyone else and was not aware that it was our responsibility. I believe this was cleaned up by a member of Artur's staff.

Signature: _____ Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

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Sussex Police Exhibit 15 – Resident’s statement 16/09/2020

WITNESS STATEMENT			
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9			
Statement of: [REDACTED]	URN		
Age (if under 18): N/A	Occupation: [REDACTED]		
<p>I am making this statement about the issues caused by the Devonshire Bar and Lounge, Devonshire Road, Bexhill on Sea.</p> <p>I have been a resident for 8 years in the local vicinity of the Devonshire Bar and Lounge. There have always been issues however I am a reasonable person and understand that you have to accept some noise and disturbance if you choose to live near a pub, especially one that has a late night license. I have always given them a chance and at points have defended them when other residents have made complaints. Since the Covid-19 lockdown ended at the beginning of July the establishment has progressively got worse and is now at a point where I feel can't be defended any longer.</p> <p>I am aware that the premises has to be shut by 0200hrs on a Friday and Saturday night and this is the only place that stays open in Bexhill until this time therefore attracts all the drunk people and is not managed correctly.</p> <p>On Saturday 15th August 2020 at approx. 0230hrs there was a large fight outside the entrance to the pub between 5 to 6 males. All of these were extremely intoxicated and there was no intervention by anyone associated to the pub including the door staff. Police were called and attended the incident.</p> <p>On Sunday 16th August 2020 at approx. 0245hrs I was woken by the noise caused from the pub even though they should have been shut for 45 minutes. I went onto my balcony and could still see people drinking alcohol mainly drinking from glasses which they would have got from the pub. There were still groups of 6-8 people loitering around near the bench areas in the square.</p> <p>On Sunday 23rd August 2020 I was again woken by the noise outside the front of the pub at between 0145hrs and 0200hrs. I again looked outside and could see large groups still loitering outside the pub, drinking even though they appeared highly intoxicated and with no members of staff or door staff doing anything to reduce the public nuisance.</p> <p>On Saturday 12th September 2020 I arrived home by taxi after being out at approx. 0045hrs. As I walked past the Devonshire Bar and Lounge the premises appeared overcrowded and spilling onto the square. There was no regard for social distancing and all of the customers appeared intoxicated. Again no members of staff, management or door staff appeared to have any control. I was even asked by the door staff if I wanted to go in for a drink, which astounded me as they were already too busy for them to control.</p> <p>On Sunday 13th September 2020 at approx. 0140hrs the noise emanating from the pub was extremely loud and continued to wake me up. The Police were again called.</p> <p>As I have previously mentioned I have been more reasonable than some people with the business as I am aware it is a difficult time for them however their inability to provide any measures to control the social distancing, reduce crime and disorder including drug related activity and reduce public nuisance has made me need to take action.</p> <p>[REDACTED] residents association of where we live and all the residents have</p>			
Witness name: [REDACTED]			
2010/11	RESTRICTED (when complete)		

started to complain of the Devonshire Bar and Lounge. We are unable to get any sleep on a Friday or Saturday night due to the constant disruption caused by the patrons of the pub.

I am fearful of retaliation if I try and bring up any of the issues with the management and believe that they encourage drug use within and around the premises.

The current management and owners have no regard for the residents or the law.

The freeholder of the property, GINO FORTE, has been seen in the premises whilst these incidents have taken place and so must also be held accountable.

I feel that the only way to improve the situation is to remove the current License holder and any management from having anything to do with the Devonshire Bar and Lounge. They have shown they are unable to care for the local community or for the welfare of their patrons and so should be unable to carry on running this business.

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature Witness 

Date: 16-09-2020

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Representation from Environmental Health (Food and Health & Safety)

From: Philip Wright

Sent: 14 October 2020 09:55

To: Environmental Health - Licensing <EnvironmentalHealth-Licensing@rother.gov.uk>;

Subject: Devonshire License Review - Covid 19 Risk Assessment

Dear Sir/Madam,

I am making a representation on behalf of the Food/Health & Safety Team, Env Health, Rother DC.

I recently contacted the license holder and DPS to request a copy of the current COVID risk assessment in use at the premises, I have attached a copy of the risk assessment returned by Mr Kapllani.

I have reviewed the risk assessment and note that the document originates from GPS food services, to help review the document I have considered the current HSE advice and guidance freely available on their website, the risk assessment provided follows many of the key points to consider highlighted by the HSE. However the risk assessment provided by Mr Kapllani appears to simply repeat generic steps that should be taken or considered rather than actually carrying out the steps to determine what is required at his premises.

For example the risk assessment states that the number of customers permitted inside the public house will be 75, having reviewed the bar and seating area plan for the Devonshire in light of current social distancing regulations this is not a feasible figure.

Phil Wright

Senior Environmental Health Officer
Environmental Health Service
for Rother and Wealden Councils

www.rother.gov.uk

www.wealden.gov.uk

Environmental Health - a shared service for:



My working days are Monday to Friday

THE DEVONSHIRE BAR & LOUNGE

COVID-19 Restaurant Risk Assessment

Assessor/s	Organisation	Assessment Date	Review Dates
Simon Gordon	GPS Food Service Solutions	29 September 2020	
Artur Kapplani Sokol Kapplani	Bar/Restaurant Proprietor	29 September 2020	

Assessment Location

Retail Catering Staff, Admin Staff, Customers, Delivery Personnel

Persons at Risk

The risk assessment and controls/measures below have been put in place to evaluate the risk to staff, customers and delivery personnel in respect of the Coronavirus and to eliminate/reduce the potential for infected persons entering the premises, contamination of surfaces. Key changes are as follows ;

- **Businesses selling food or drink (including cafes, bars, pubs and restaurants, must be closed between 10pm and 5am. This will include takeaways, but delivery services can continue after 10pm (from 24 September).**
- **It is a compulsory requirement to prominently display the NHS Test and Trace QR Code poster in A4 size or larger. Customers should be encouraged to use it.**
- **Customers in hospitality venues must wear face coverings, except when seated at a table to eat or drink**
- **In licensed premises, food and drink must be ordered from, and served at, a table.**
- **Customers must eat and drink at a table in any premises selling food and drink to consume on site (from 24 September).**
- **Whether indoors or outdoors people from different households must not meet in groups of larger than 6. This limit does not apply to meetings of a single household group or support bubble where it consists of more than 6 people.**
- **It is now compulsory for retail, leisure and hospitality staff to wear a face covering**

Where the social distancing guidelines cannot be followed in full, in relation to a particular activity, the business has considered whether that activity needs to continue for the business to operate, and if so, have taken all the mitigating actions possible to reduce the risk of transmission between their staff and customers.

Further mitigating actions include:

- Increasing the frequency of hand washing and surface cleaning.
- Keeping the work or task activity time involved as short as possible.
- Using screens or barriers to separate workers from each other and workers from customers at points of service.
- Table configuration done to enable 2m distances between tables or 1m with mitigation, with a capacity limit not to be exceeded
- Using back-to-back or side-to-side working (rather than face-to-face) whenever possible.
- Reducing the number of people each person has contact with by using 'fixed teams or partnering' (so each person works with only a few others).
- Finally, if people must work face-to-face for a sustained period with more than a small group of fixed partners, then the business will assess whether the activity can safely go ahead. No one is obliged to work in an unsafe work environment.

Factors Causing Spread of Virus	Existing Controls/Government Guidance	Further Control Measures
<p>Contact with infected persons</p>	<p>All staff must provide each day before entering the premises/location, their confirmation of the COVID-19 Health Check Declaration.</p> <p>Ensure staff are fit to work and do not have a temperature over 37.5oC</p> <p>PPE is currently provided for food safety and health and safety purposes.</p> <p><i>It is now compulsory for retail, leisure and hospitality staff to wear a face covering in areas that are open to the public and where they come or are likely to come within close contact of a member of the public. This includes shops, supermarkets, bars, pubs, restaurants, cafes, banks, estate agents, post offices and the public areas of hotels and hostels.</i></p> <p>A face covering should:</p> <ul style="list-style-type: none"> • cover your nose and mouth while allowing you to breathe comfortably • fit comfortably but securely against the side of the face • be secured to the head with ties or ear loops • be made of a material that you find to be comfortable and breathable, such as cotton • ideally include at least two layers of fabric (the World Health Organisation recommends three depending on the fabric used) • unless disposable, it should be able to be washed with other items of laundry according to fabric washing instructions and dried without causing the face covering to be damaged 	<p>The Manager/Supervisor will check each staff member has completed the Declaration before they enter the premises and keep records of arrivals.</p> <p>The Manager/Supervisor will check individual staff temperatures on arrival for work at the premises. Staff will sign each day and manager/supervisor will ensure records are kept securely.</p> <p>Staff must now use a face covering, but must ensure they are continuing following the current guidance below</p> <ul style="list-style-type: none"> • Washing hands thoroughly with soap and water for 20 seconds or use hand sanitiser before putting a face covering on, and before and after removing it. • When wearing a face covering, avoid touching your face or face covering, as you could contaminate them with germs from your hands. • Change your face covering if it becomes damp or if you've touched it. • Continue to wash your hands regularly. • Change and wash your face covering daily. • If the material is washable, wash in line with manufacturer's instructions. If it's not washable, dispose of it carefully in your usual waste. • Practise social distancing wherever possible.
(Personal, Protective Equipment) PPE and face coverings		
Overcrowding and congestion	<p>Number of customers will be limited to 75 to provide for 2m or (1m with mitigation) social distancing throughout the</p>	<p>The maximum number of customers dining together that can be admitted to the restaurant is 75 internal seating area and 24</p>

Factors Causing Spread of Virus	Existing Controls/Government Guidance	Further Control Measures
	restaurant (and outdoor selling areas)	external seating area, where applicable.
Proximity of Customers to Staff and other Customers	Social distancing measures of 2m or (1m with mitigation), should be maintained in all parts of the restaurant wherever possible. Customers who are accompanied by children will be reminded that they are responsible for supervising them at all times and should follow social distancing guidelines.	Information, signs and markings will be distributed where practical at the entrance and throughout the premises/location to promote social distancing and hygiene. Queue management measures have been established for those parts of the restaurant that are likely to get congested.
Proximity of Staff to other Staff	Social distancing measures of 2m (or 1m with mitigation), should be maintained in all parts of the restaurant and kitchen wherever possible.	Staff rotas agreed to ensure staffing levels are sufficient to manage customer traffic and enabling safe distancing for staff. Staff arrival and departure times should be staggered to reduce close contact in changing areas.
Contaminated and potential contaminated surfaces	The premises have been deep cleaned applying approved sanitisation and disinfectant products.	The premises will continue to be cleaned daily. Specific parts of the restaurant and kitchen will need further cleaning during working hours.
Contamination and potential contamination of surfaces	Hand sanitiser will be placed at various suitable locations in the workplace, as well as at the entrance. Customers will be encouraged to use them.	At intervals during the working day the availability of hand sanitiser will be checked and replenished. Staff should report any shortage of hand sanitisers to the Manager/Supervisor.
Action Required		
All measures to be reviewed in 2 weeks to ensure that staffing levels and social distance controls have been sufficient to manage customer numbers and customer flow through the shop, particularly in respect of congestion points.		Actioned By The Assessor Date
Workplace Premises	Controls/Guidance/Regulations	Further Measures
Entrance - Staff	Planning for the minimum number of people needed at the venue to operate safely and effectively.	Staff Rota's will be planned to ensure the minimum number of staff are on-duty at the premises at anyone time. Staff will be asked to arrive and leave at scheduled intervals and not to visit the premises unless required to be there.

Workplace Premises	Controls/Guidance/Regulations	Further Measures
	<p>Staff should arrive in 10-15 minute intervals where practical and will be admitted individually to the Premises by the Manager/Supervisor. If staff do arrive together, they must enter changing areas one at a time.</p>	<p>The Manager/Supervisor will control entry whilst checking staff have completed the COVID-19 Health Check Declaration.</p> <p>Hand sanitisers are available by the entrance.</p>
Entrance/Exit - Customers	<p>Providing clear guidance on social distancing and hygiene to people on arrival, for example, signage, visual aids and before arrival, such as by phone, on the website or by email.</p> <p>It is a compulsory requirement to prominently display the NHS Test and Trace QR Code poster in A4 size or larger. Customers should be encouraged to use it.</p> <ol style="list-style-type: none"> 1. Ask 1 member of every party who visits your premises to provide their contact details to assist NHS Test and Trace. Refuse entry to those who refuse to provide contact details. 2. Have a system in place to ensure that you can collect that information from your customers and visitors, and provide this data to NHS Test and Trace, if it is requested. 3. Keep a record of all staff working on your premises and shift times on a given day and their contact details. 4. Display an official NHS QR code poster from 24 September 2020, so that customers and visitors can 'check-in' using this option as an alternative to providing their contact details. <p>A single staff member will set-up the external waiting boundary and check the floor-pavement social distance markings before restaurant opening.</p> <p>A staff member will be responsible for managing the flow of customers into the restaurant per the maximum 20 above.</p> <p>Ensure any changes to entrances, exits and queue management take into account reasonable adjustments for</p>	<p>Display in a prominent position signs and capacity limit information at entrance points where appropriate/if applicable at peak times.</p> <p>Encourage customers to book in advance. Keep a record of all customer names and where they are seated. Keep data secure to comply with GDPR regulations. (Further government guidance and/or regulations about the design of a system in line with data protection legislation, is expected shortly)</p> <p>Gloves should be used when handling the boundary props.</p> <p>Customers should be encouraged to use the hand sanitisers made available at the entrance.</p> <p>Once the maximum number of customers have entered the restaurant at 2m intervals a new customer(s) will only be admitted once a departing customer(s) has exited the premises by at least 2m.</p>

Workplace Premises	Controls/Guidance/Regulations	Further Measures
	<p>those who need them, including disabled customers. For example, maintaining pedestrian and parking access for disabled customers.</p> <p>Agreement with neighbouring restaurants/businesses to prevent overlapping of outside queues.</p>	
Restaurant walk through	<p>Customers in hospitality venues must wear face coverings, except when seated at a table to eat or drink.</p>	<p>Staff members will remind customers of social distancing, wearing a mask and to maintain social distancing as customers move through the restaurant where applicable.</p>
Restaurant Seating configuration and capacity limits	<p>The restaurant seating configuration will be based on the maximum number of customers that can reasonably follow social distancing guidelines 2m, (or 1m with mitigation where 2m is not viable, is acceptable).</p> <p>This configuration will take into account total indoor and outdoor space, specific venue characteristics such as furniture as well as likely pinch points and busy areas.</p> <p>To prevent the spread of the virus, from 14 September there are legal limits on how many people someone can spend time within a social group at any one time. Whether indoors or outdoors people from different households must not meet in groups of larger than 6. This limit does not apply to meetings of a single household group or support bubble where it consists of more than 6 people.</p>	<p>The maximum number will be displayed at entrance points to reassure customers entering and queuing to enter the premises.</p> <p>Manager/Supervisor will ensure limits are not exceeded and the agreed table configuration is adhered to at all time.</p> <p>When taking bookings ask customers for confirmation as such.</p> <p>When taking bookings ask customers for confirmation as such.</p>
Restaurant Service	<p>Maintaining social distancing (2m, or 1m with mitigation where 2m is not viable, is acceptable) from customers when taking orders from customers.</p> <p>Adjust service approaches to minimise staff contact with customers.</p> <p>Minimising customer self-service of food, cutlery and condiments to reduce risk of transmission.</p>	<p>Staff should be provided with a mask when taking orders if a 2m social distance cannot be adhered to. Alternative methods for taking orders will be considered.</p> <p>Where practical assigning a single staff member per table, if not ensure the number of staff serving a particular table is a minimal as possible.</p> <p>Unless already laid up on tables, cutlery and single service condiments will be provided only when food is served.</p>

Workplace Premises	Controls/Guidance/Regulations	Further Measures
	<p>Single use printed menus will be considered. Use the same menu at each table so not passed between multiple customers.</p> <p>Contact between kitchen workers and front of house workers will be minimised.</p> <p>Establish a routine for the cleaning and sanitising of each table/chairs and table items between use.</p> <p>Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).</p>	<p>After use, single use menu's will be discarded. Re-useable menu's to be sanitised between use.</p> <p>Collection of food at the service area will be limited to one server at a time. Front of house staff will not be permitted to pass through the kitchen. If there is a need to pass through the kitchen, FOH staff must wear a mask or face covering.</p> <p>Nominate only one person on shift to routinely clean tables between use. This person must wear a disposable apron, gloves and optional face covering.</p> <p>Ensure card readers are handled by as few people as possible and ensure they are sanitised between use. Offer customers hand sanitiser to use after using card readers.</p>
Backroom Office	<p>A maximum of only one person can use the backroom office at any one time to maintain social distancing.</p>	<p>Communal equipment such as keyboards, mouse, printers, photo copiers will be cleaned immediately after use by the user.</p> <p>Hand sanitisers will be available by the door.</p>
Storeroom	<p>With limited open space in the storeroom access should be restricted to only one member of staff at any one time unless for safety and manual handling considerations a second member of staff is required.</p>	<p>Where 2 staff members are necessary, they should try to work side by side rather than face on, and consistent work partnerships should be established for any shared tasks.</p>
Kitchen	<p>Only authorised kitchen personnel can use the kitchen at any one time.</p> <ul style="list-style-type: none"> • Allow kitchen access to as few people as possible. • Minimising interaction between kitchen staff and other workers, including when on breaks. • Putting teams into shifts to restrict the number of workers interacting with each other. 	<p>Meal breaks will be staggered to avoid possible overcrowding.</p> <p>Staff should wash and clear away all utensils they use when they have finished with these.</p> <p>Kitchen surfaces to be cleaned regularly during use. A rota will be agreed to ensure this procedure</p>

Workplace Premises	Controls/Guidance/Regulations	Further Measures
	<ul style="list-style-type: none"> • <i>Spacing working areas to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) as much as possible, recognising the difficulty of moving equipment such as sinks, hobs and ovens. Consider cleanable panels to separate working areas in larger kitchens.</i> • <i>Providing floor marking to signal social distancing (2m, or 1m with risk mitigation where 2m is not viable).</i> • <i>Using 'one way' traffic flows to minimise contact.</i> • <i>Minimising access to walk-in pantries, fridges and freezers, for example, with only one person being able to access these areas at one point in time.</i> • <i>Minimising contact at 'handover' points with other staff, such as when presenting food to serving staff and delivery drivers.</i> 	
Staff Toilets	<p>No more than one person can use the toilet facilities at any one time.</p> <p>Anyone waiting should stay 2m from the toilet facilities doors.</p> <p>Toilet facilities surfaces including door and flush handles to be cleaned regularly.</p>	<p>All staff must maintain hygiene standards per government guidelines in hand washing.</p> <p>Hand dryers or disposable hand towels to be available, as well as hand sanitisers.</p> <p>A visible cleaning schedule will be displayed and signed off at regular intervals can kept up to date.</p>
Customer Toilets	<p>No more than one person can use the toilet facilities at any one time.</p> <p>Anyone waiting should stay 2m from the toilet facilities doors.</p> <p>Toilet facilities surfaces including door and flush handles to be cleaned regularly.</p> <p>Signs and posters to build awareness of good handwashing</p>	<p>Hand dryers or disposable hand towels to be available, as well as hand sanitisers.</p> <p>A visible cleaning schedule will be displayed and signed off at regular intervals can kept up to date.</p> <p>Customer toilets will be routinely cleaned and checked approximately every 30 minutes</p>

Workplace Premises	Controls/Guidance/Regulations	Further Measures
	technique, the need to increase handwashing frequency and to avoid touching your face, and to cough or sneeze into a tissue which is binned safely, or into your arm if a tissue is not available.	
Action Required		Actioned By Date
	Congestion points, particularly the entrance and counter queue areas to be constantly reviewed.	The Assessor
Workplace Tasks	Controls	Further Measures
Deliveries to Restaurant	Deliveries will not be signed for (unless required for legal continuity) and will only be delivered to the Entrance. 2m social distancing should be maintained as far as practical.	If delivery must be signed for the signor should use their own pen and wear gloves when handling the signature sheet. Gloves are available for handling deliveries if requested by staff. If more than one member of staff is required to move the delivery to the storeroom, gloves & masks must be used by both staff members. This pair of staff should also continue to work together for any tasks that require more than one person in the storeroom. Any lifting or carrying equipment such as a trolley must be cleaned at the start and end of every day, as well as after use.
Processing payment at P.O.S.	Counter/till staff will wear gloves when handling and processing purchases.	
Stocking shelves and racks	As far as practical re-stocking should be carried out without working in pairs/teams.	Any lifting or carrying equipment such as a trolley must be cleaned at the start and end of every day, as well as after use.
Regular cleaning duties	Parts of the premises will be cleaned regularly throughout the day; counter, kitchen, toilets.	A daily rota will be put in place so that this responsibility is shared by all staff.
Accidents, security and other incidents	Incident and emergency procedures have been reviewed to ensure where practical social distancing principles can be maintained.	

Workplace Tasks	Controls	Further Measures
No other tasks which involve necessary sharing and/or proximity have been identified.	Staff are requested to bring to the Assessor's attention any such tasks they consider should be included in this risk assessment.	
Action Required		
	Actioned By	Date

This report has been prepared for the account of The Devonshire Bar & Lounge. The above observations and recommendations reflect the assessor's best judgement in light of the information available at the time of preparation. Any use that a third party makes of this report, or reliance on, or any decisions to be made based on it, is the responsibility of the third party.

Assessor's Signature		Date
Approved by		Approver's Job Title
Approver's Signature:		Date:

Representation from Environmental Health (Pollution)

From: Steve Biggs

20 October 2020 16:36

To: licensing

Subject: Licensing Review - The Devonshire Bar and Lounge , 7 Devonshire Square , Bexhill TN40 1AB

Dear Sir/Madam

I refer to the application from Sussex Police to review the licence for the above premises. I note that the police are calling the review on breaches of two of the licensing objectives Public Safety and the Prevention of Crime .

I will limit my comments to a third objective – namely the prevention of public nuisance – and the areas of nuisance that environmental health (Pollution Team) are typically called upon to tackle. This relates primarily to noise from the premises which may impact on the occupiers of neighbouring properties.

There have been two types of regular noise complaint received about the Devonshire since 2015. These being from amplified music and voice being played in the premises and secondly the noise from the behaviour of customers using the outside areas and congregating in Devonshire Square. Primarily arising from shouting and swearing, smashing of glasses, and general anti-social behaviour.

The amplified music impacted directly on the occupiers of the flats above the bar. Most of the street noise complaints have arisen from residents living in flats surrounding Devonshire Square and the northern end of Devonshire Road.

Since March 2015 the Pollution team has received 15 complaints from local residents about noise, the majority of these to September 2019 relating to amplified music and voice from within the premises impacting upon the occupiers of the upper flats. Since the easing of lockdown in early July 2020 all complaints have related to the behaviour of customers outside of the premises through general anti social behaviour. I outline below the noise history and actions taken by Environmental Health Officers since 1 March 2015 throughout which the same management have been responsible.

WK 201409763 Received 11th March 2015 – via Sussex Police – Amplified music / bass frequencies disturbing occupier of flat over the bar until at least 02:00 hrs every Friday and Saturday . Customers also prone to bang on their door and wake occupiers up when leaving at closing time

Following a number of monitoring visits, protracted discussions with the owner and management of the bar and the use of noise nuisance recording equipment evidence was obtained of a statutory noise nuisance. Noise abatement notices were served on the Kapllani brothers and their management company Arthurk Ltd on 3rd June 2016 under S 80 of the Environmental Protection Act 1990 and required the nuisance to be abated.

As a result a noise action plan was agreed on 18th August 2016 and a noise limiting device was set at a level by environmental health officers which was aimed at preventing the amplified music noise from the bar from impacting on the residents of the flats over. There were subsequent occasions when it was alleged that the noise levels started to rise again and a final reset of the noise limiter was made with a 12 dB reduction by officers on 28th February 2017. Case was closed after further installation of the noise nuisance recording equipment in April 2017 provided no further evidence of a music noise problem.

WK201502167 - Received 27th April 2015 – from a resident of Devonshire Square related to doors being left wide open contrary to the licence conditions and amplified music disturbing them. A petition was also submitted from aggrieved residents. This complaint was investigated along with WK 201409763 above.

WK 201613996 – Received 9th January 2017 received form residents of the flats over the bar relating to late night amplified music noise . An evening visit was again made on 27th January 2017 by an Environmental Health Officer to witness the music noise levels. They were still perceived as a problem so the sound limiter was scheduled for a reset on 28th February 2017 (see WK 201409763 above). By 30th March 2017 complainant was of the opinion that the noise levels were starting to creep up again so a prosecution was considered for non-compliance with the earlier noise abatement notice. However further monitoring using noise nuisance recorder in a residents flat was undertaken but this did not provide sufficient evidence to support prosecution. Case closed on 25th April 2017

WK 201709947 – Received 30th October 2017 from occupier of one of the flats above The Devonshire related to amplified music until the early hours, customers shouting and brawling, taxis refusing to take away intoxicated customers. These aspects reported to the Police by the complainant.

WK 201711827 - Received 11th December 2017 from an occupier of one of the flats over. Amplified music continuing to be a problem from about 21.30 hrs until after midnight. Residents are being prevented from sleeping. The management blamed a new DJ who was trying to find the “levels” . The owner and management were reminded the noise abatement notices were still in place. A subsequent Community Protection Warning (a prerequisite of the service of a Community Protection Notice under S 43 of the Anti Social Behaviour Crime and Policing Act 2014) was served on all parties controlling the Devonshire Bar on 26th February 2018 . The warning required that any noise from regulated entertainment was not to be audible in any residential premises. The sound limiter in the bar was again reset by environmental health officers on 7th March 2018 . A further complaint about music noise was then received on 10th April 2018. See next case.

WK 201801632 – Received 10th April 2018 from an occupier of a flat above the bar. Complainant was of the opinion that following the recent resetting of the sound limiting device the music noise issues were becoming a problem again. Further complaints received from two separate complainants alleging that Saturday 11th April 2018 was particularly bad. Formal warning letters were sent to the management and owner on the 18th April 2018. There were no further incidents witnessed to the 1st June 2018 so the case was closed.

WK 201808938 – Complaints from two households about failure of door staff to control behaviour of customers outside the bar. Received 28th September 2018 . Noise from intoxicated customers who were standing outside nearby shops drinking from pint glasses and definitely associated with the Devonshire according to complainants . No attempt to control the customers by the door staff. Another meeting held on 16th October 2018 with Artuk Kapllani and a second Action plan was agreed regarding control of noise from amplified music and customers outside the premises. No further complaints received by January 2019 so case closed.

WK 201907220 – Received 6th September 2019 from an occupier of one of the flats above the bar . Complaint related to noise from amplified music, people shouting and screaming and also fighting outside the bar. On the 11th September 2019 officers were advised that the premises was no longer having DJs as the sound levels on the limiter had been so drastically reduced that it was not worth providing any entertainment. Two further noise patrol visits were undertaken to 11th October 2019 by officers in an attempt to witness the problem. The complaint was subsequently closed.

WK 202005410 – Received 19th July 2020

WK 202005758 – Received 26th July 2020

WK 202007308 – Received 26th August 2020

WK 202007650 – Received 5th September 2020

WK 202007651 – Received 5th September 2020

WK 202007919 – Received 13th September 2020

The above 6 complaints had been received since the easing of lockdown in early July 2020. They all relate variously to shouting, swearing and screaming from customers outside, fighting and general anti-social behaviour, threats of violence and altercations, noise from customers leaving, allegations of out of hours opening, intoxicated customers hanging around after closing time, smashing of bottles or glasses and general intimidatory behaviour.

The complaints have been made by residents in Devonshire Square and Devonshire Road. Following consultation with Safer Community Partnership colleagues these cases were all referred to Sussex Police for information and action since these behaviours would fall outside of the environmental health remit .

Comment and Conclusions

For over five years environmental health officers from the RDC pollution team have spent countless hours investigating and attempting to resolve issues arising from noise and nuisance and more recently anti-social behaviour associated with the Devonshire.

This has resulted in the service of statutory notices and warnings under the Environmental Protection Act 1990 and the 2014 Anti-Social Behaviour Crime and Policing Act on the owner and managers of the bar. The night time noise patrol has made 17 evening visits to the premises in order to attempt to witness the problems – this number has been increasing with only 2 in 2015 and this year 7 to 13th September.

Officers have monitored noise levels in the affected residential properties on numerous occasions , have reset the sound limiter at the Devonshire on at least three occasions and prepared and agreed two action plans with the premises management. Despite this there still appears to be a complete disregard for local residents and for officers who have attempted to bring the matter to a satisfactory conclusion for all parties.

This has placed a heavy burden on the councils resources and caused alarm and distress and disturbance to people living nearby. The problem appears to be that there has been a continued and ongoing failure by the licence holders to provide effective and responsible management of staff, door staff and customers leading to a dramatic increase in complaints again this summer.

In view of the past history i would therefore agree that restrictions on the hours of opening, changes to the day to day management of the premises and a limitation on the hours of regulated entertainment are considered as part of this review .

See attached action plans for 2016 and 2018

Please Note To Follow – copies of statutory notices and warning letters

Regards

Steve Biggs

Senior Environmental Health Officer

Environmental Health Service for Rother and Wealden Councils

Action Plan – October 2018 – Devonshire Lounge Bar, Bexhill On Sea, East Sussex

Issues

- (1) Loud amplified music; predominantly the bass.
- (2) Noise from patrons outside the premises.

Suggested Actions

- (1) Noise level set by agreement with EHO and residents. Noise limiter to be sealed and agreed levels not to be exceeded.

Note - licence conditions:

The noise from regulated entertainment should not be audible inside noise sensitive properties between 23:00 and 07:00.

All doors and windows shall be kept closed, except for the immediate access and egress of the public and staff, whilst regulated entertainment is in progress and adequate mechanical ventilation shall be provided. All entrance doors shall be fitted with self-closers for this purpose.

Note - Prevention of nuisance:

The statutory abatement notice requires measures to prevent noise nuisance from amplified music at any time.

- (2) Door supervisors to control patrons outside the premises. The number of patrons outside the premises after 11pm shall be restricted to TEN. Patrons to be encouraged to go back into the premises when they have finished smoking/drinking.

A dispersal policy should be in place. This policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels. Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.

The outside smoking platform not to be used after 23.00 hrs

External tables and chairs to be made unavailable for use after 23.00 hrs.

Note licence conditions:

Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The consumption of drinks and food outside shall be restricted to (a) between 10:00 and 23:00 and (b) to two metres measured from the wall of the building in Devonshire Square.

OUR REF: WK/201801632
ASK FOR: Greg Minns 01424 787560
DATE: 18 April 2018
YOUR REF:

Environmental Health - a shared service for:



Mr S Kapllani



Richard Parker-Harding
Head of Environmental Health

Dear Mr S Kapllani,

**Environmental Protection Act 1990
Anti-Social Behaviour Crime and Policing Act 2014**

**The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill,
East Sussex, TN40 1AB**

Since setting the limiter in the Devonshire Bar, on Wednesday 7th March 2018, we have now received a further complaint about the night of 7th April 2018. It is alleged that after several weeks of quiet, music noise from the Devonshire was audible in every room of the complainants flat. Additionally, music noise was then heard the following weekend, including in the bedroom. The complainants feel that it is beginning to 'creep up' again.

Please note that this complaint has not been confirmed. However, please ensure that the limiter is consistently being used and the noise is fully managed. Having briefly looked at the history of complaints relating to the Devonshire, I can confirm that over the past two years, Environmental Health have: spent a minimum of 62 hours working on such complaints; have served several notices and warnings; reset the limiter at least twice and have responded to at least 3 separate sets of complainants about music noise from the bar.

Therefore I urge you to ensure the music noise is tightly controlled. The Council is not obliged to help you with the re-setting of the limiter again. We shall respond to complaints and undertake out of hours visits when required. Please be mindful that the Abatement Notice is still in force and several Community Protection Warnings were recently served. Therefore, if music noise is not controlled, you run the risk of further formal action. This might include the issuing of a Community Protection Notice and/or Prosecution for a breach of the Abatement Notice.

Environmental Health, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX

T 01424 787550 F 01424 787547 E envhealth@rother.gov.uk W www.rother.gov.uk W www.wealden.gov.uk



Additionally, if a breach of the Abatement Notice is witnessed, or the need to progress to a Community Protection Notice is determined, you run the risk that the premises licence will be reviewed. Further problems about music noise would provide additional proof that the Devonshire cannot be operated under its current licence conditions without causing a Public Nuisance. It may then be concluded that additional controls for noise may be needed. If ever the licence was taken to review, the Councillors hearing the case may decide that to prevent a Public Nuisance, the operating hours should be reduced and the ability to play recorded or live music should be removed.

I hope that this matter can be resolved without the need for any further intervention. If you have any queries or wish to discuss this matter then please contact me on 01424 787560 or email me at greg.minns@rother.gov.uk.

Yours sincerely,

A rectangular box with a thick black border, used to redact the signature of Greg Minns.

Greg Minns
Senior Environmental Health Officer

CC: Licensing, Rother District Council, Bexhill-on-Sea

CC: F.Forte Developments Ltd, Premises Licence Holder

Community Protection Warnings 26th February 2018

Ref :WK/201714414

Environmental Health - a shared service for:



COMMUNITY PROTECTION WARNING ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 – Section 43

To: Sokol Kapllani

Of :

Rother District Council ('the council'), is satisfied that your conduct is having a detrimental effect on the quality of life of those in the locality and that this conduct is unreasonable at:

The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB

The conduct having this effect is: **allowing noise from regulated entertainment to be audible in residential premises**

This is a written warning regarding this conduct and to notify you that, if it persists, the Council will issue you with a Community Protection Notice.

Failing to comply with a Community Protection Notice is an offence under Section 48 of the Anti-social Behaviour, Crime and Policing Act 2014, for which you could be prosecuted. Other action could also be taken to enforce the notice. To avoid this being necessary it is your responsibility to ensure that any conduct causing the detrimental effect is ceased.

In order to achieve this you should:

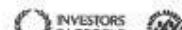
Ensure that noise from regulated entertainment is not audible in residential premises.

Signed: Senior Environmental Health Officer

Date: 26th February 2018

Contact : 01424 787560 / greg.minns@rother.gov.uk

Rother District Council, Town Hall, London Road, Bexhill TN39 3JX



OUR REF: WK/201714414
ASK FOR: GREG MINNS
Tel: 01424 787560
Email: greg.minns@rother.gov.uk
DATE: 26th February 2018

Environmental Health - a shared service for:



Mr Sokol Kapllani



Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Anti-social Behaviour, Crime and Policing Act 2014

Re: complaints about amplified music from the Devonshire Bar, Devonshire Rd, Bexhill on Sea, TN40 1AB.

Unfortunately, complaints have continued to be made to Environmental Health about noise from amplified music, arising from the premises above, causing a nuisance to local residents.

Therefore please find enclosed a written warning requiring you as one of the persons responsible for controlling this noise to:

Ensure that noise from regulated entertainment is not audible in residential premises.

Please note that failure to comply with the enclosed written warning may result in service of a notice under the above legislation. The noise complaint will also continue to be investigated under the Environmental Protection Act 1990, following service of a Section 80 Abatement Notice for the abatement of a Statutory Nuisance caused by noise from amplified music.

Yours sincerely,



Greg Minns
Senior Environmental Health Officer

Environmental Health, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX

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**COMMUNITY PROTECTION WARNING
ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 – Section 43**

To: **Arthur Kapilani**

Of : **The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB**

Rother District Council ('the council'), is satisfied that your conduct is having a detrimental effect on the quality of life of those in the locality and that this conduct is unreasonable at:

The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB

The conduct having this effect is: **allowing noise from regulated entertainment to be audible in residential premises**

This is a written warning regarding this conduct and to notify you that, if it persists, the Council will issue you with a Community Protection Notice.

Failing to comply with a Community Protection Notice is an offence under Section 48 of the Anti-social Behaviour, Crime and Policing Act 2014, for which you could be prosecuted. Other action could also be taken to enforce the notice. To avoid this being necessary it is your responsibility to ensure that any conduct causing the detrimental effect is ceased.

In order to achieve this you should:

Ensure that noise from regulated entertainment is not audible in residential premises.

Signed  Senior Environmental Health Officer

Date: **26th February 2018**

Contact : 01424 787560 / greg.minns@rother.gov.uk

Rother District Council, Town Hall, London Road, Bexhill TN39 3JX

OUR REF: WK/201714414
ASK FOR: GREG MINNS
Tel: 01424 787560
Email: greg.minns@rother.gov.uk
DATE: 26th February 2018

Environmental Health - a shared service for:



Mr Arthur Kapllani
The Devonshire Bar,
Devonshire Road,
Bexhill on Sea
TN40 1AB

Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Anti-social Behaviour, Crime and Policing Act 2014

Re: Complaints about amplified music from the Devonshire Bar, Devonshire Rd, Bexhill on Sea, TN40 1AB.

Unfortunately, complaints have continued to be made to Environmental Health about noise from amplified music, arising from the premises above, causing a nuisance to local residents.

Therefore please find enclosed a written warning requiring you as one of the persons responsible for controlling this noise to:

Ensure that noise from regulated entertainment is not audible in residential premises.

Please note that failure to comply with the enclosed written warning may result in service of a notice under the above legislation. The noise complaint will continue to be investigated under Statutory Nuisance legislation.

For information, I enclose a copy of the licence which outlines a condition that noise arising from regulated entertainment shall not be audible within any residential premises. I also enclose copies of the S80 Abatement Notice that was served for noise from amplified music.

Yours sincerely,



Greg Minns
Senior Environmental Health Officer

Ref :WK/201714414

Environmental Health - a shared service for:



**COMMUNITY PROTECTION WARNING
ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 – Section 43**

To: **Company Secretary**

Of : **Arthurk Ltd, The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB**

Rother District Council ('the council'), is satisfied that your conduct is having a detrimental effect on the quality of life of those in the locality and that this conduct is unreasonable at:

The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB


The conduct having this effect is: **allowing noise from regulated entertainment to be audible in residential premises**

This is a written warning regarding this conduct and to notify you that, if it persists, the Council will issue you with a Community Protection Notice.

Failing to comply with a Community Protection Notice is an offence under Section 48 of the Anti-social Behaviour, Crime and Policing Act 2014, for which you could be prosecuted. Other action could also be taken to enforce the notice. To avoid this being necessary it is your responsibility to ensure that any conduct causing the detrimental effect is ceased.

In order to achieve this you should:

Ensure that noise from regulated entertainment is not audible in residential premises.

Signed  **Senior Environmental Health Officer**

Date: **26th February 2018**

Contact : 01424 787560 / greg.minns@rother.gov.uk

Rother District Council, Town Hall, London Road, Bexhill TN39 3JX

OUR REF: WK/201714414
ASK FOR: GREG MINNS
Tel: 01424 787560
Email: greg.minns@rother.gov.uk
DATE: 26th February 2018

Environmental Health - a shared service for:



Company Secretary
Arthurk Ltd
The Devonshire Bar,
Devonshire Road,
Bexhill on Sea
TN40 1AB

Richard Parker-Harding
Head of Environmental Health

Dear Sir/Madam,

Anti-social Behaviour, Crime and Policing Act 2014

Re: Complaints about amplified music from the Devonshire Bar, Devonshire Rd, Bexhill on Sea, TN40 1AB.

Unfortunately, complaints have continued to be made to Environmental Health about amplified music from the premises causing a nuisance to local residents.

Therefore please find enclosed a written warning requiring you as one of the persons responsible for controlling this noise to:

Ensure that noise from regulated entertainment is not audible in residential premises.

Please note that failure to comply with the enclosed written warning may result in service of a notice under the above legislation. The noise complaint will also continue to be investigated under Statutory Nuisance legislation.

For information, I enclose a copy of the licence which outlines a condition that noise arising from regulated entertainment shall not be audible within any residential premises. I also enclose copies of the S80 Abatement Notice that was served for noise from amplified music.

Yours sincerely



Greg Minns
Senior Environmental Health Officer

Letter to A Kapllani dated 01/10/2017

OUR REF: WK/201409763
ASK FOR: **Greg Minns 01424 787560**
DATE: 10th January 2017
YOUR REF:

Mr A Kapllani
The Devonshire Bar and Lounge
The Devonshire
Devonshire Square
Bexhill
East Sussex

Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Environmental Protection Act 1990
The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill, East Sussex, TN40 1AB

First, I'd like to thank you and your dj for meeting with my colleague Marion Lowther and I on 21st December 2016.

As discussed, I wanted to confirm in writing that we have recently been receiving noise complaints about loud music (bass) coming from The Devonshire. These complaints were made before Christmas and I can confirm that after talking to the complainants, they state they experienced loud noise during the Christmas Holidays too.

As you are aware, our checks on the 21st December 2016 didn't reveal that the music played by your dj, when set with the limiter, caused a problem in the complainants' flat. Therefore it is confusing as to why we are still receiving complaints.

Consequently and as discussed I am writing to let you know that we shall be undertaking some unannounced checks at the complainant's premises over the next few months. If bass is heard, then I shall ask the officers to go to the bar in order to understand what is occurring and what the noise levels are like.

However, I must make you aware that should any site visits reveal a breach of the Abatement Notice that was served to prevent amplified music from disturbing neighbours, then depending on the reasons as to why such a breach occurs, the Council may consider undertaking a prosecution for such a breach.

If you have any queries then please contact me on 01424 787560 or email greg.minns@rother.gov.uk

Yours faithfully,

Greg Minns
Senior Environmental Health Officer

Letter to Artur Kapllani dated 19/12/2016

OUR REF: WK/201409763
ASK FOR: **Greg Minns 01424 787560**
DATE: 19th December 2016
YOUR REF:

Mr Arthur Kapllani
The Devonshire Bar and Lounge
The Devonshire
Devonshire Square
Bexhill
East Sussex

Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Environmental Protection Act 1990
The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill, East Sussex, TN40 1AB

As discussed, I wanted to confirm in writing that we have recently received since my previous letter on (date) relating to an alleged nuisance from, I have now received further complaints. It would appear that any steps you have taken to resolve the matter have not been successful.

While the validity of the complaint has not been assessed, I would ask you once again to consider whether you are disturbing others in the vicinity and to take any necessary corrective action.

If I receive further complaints the law requires me to investigate. This investigation may include the use of monitoring equipment, visits to the neighbourhood, and an examination of any written records of incidents kept by people affected.

Should investigations reveal a statutory nuisance the Council is required to serve an Abatement Notice on the person responsible. Any contravention of the Abatement Notice would be an offence. Any person who commits an offence is liable on conviction to a fine not exceeding £5000, together with further fines of up to £500 for each day the offence continues after conviction.

If investigations reveal there is no statutory nuisance, the complainant will be advised of this and the Council will take no further action.

I hope this matter can be resolved without the need for any further intervention. If you have any queries please contact me on 01424 787560 or email greg.minns@rother.gov.uk

Yours faithfully,

August 2016 Action Plan

Licensing Act 2003 - Action Plan – Devonshire Lounge Bar, Devonshire Road, Bexhill On Sea

Issues

- (1) Loud amplified music; predominantly the bass.
- (2) Noise from patrons outside the premises.
- (3) Odour and noise from the extraction unit.
- (4) Noise from air conditioning units

Suggested Actions

- (1) Noise level to be set by agreement with EHO and residents. Noise limiter to be sealed and agreed levels not to be exceeded. Any alterations to system to be carried out under supervision of Showtek and approved by EHO

Note - licence conditions:

The noise from regulated entertainment should not be audible inside noise sensitive properties between 23:00 and 07:00.

All doors and windows shall be kept closed, except for the immediate access and egress of the public and staff, whilst regulated entertainment is in progress and adequate mechanical ventilation shall be provided. All entrance doors shall be fitted with self-closers for this purpose.

Note - Prevention of nuisance:

The statutory abatement notice requires measures to prevent noise nuisance from amplified music at any time.

- (2) Door supervisors control patrons outside the premises. Patrons to be encouraged to go back into the premises when they have finished smoking/drinking.

Bar staff to be available to make taxi bookings.

A dispersal policy should be in place. This policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels. Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.

It may be appropriate to enter discussion with a taxi provider to ensure sufficient taxis are available at peak times to prevent the need for customer to wait outside the premises for excessive periods whilst taxis arrive. Reminders/announcements to be issued to customers to book cabs well before closing time.

The outside smoking platform not to be used after 23.00 hrs

S80 Noise Abatement Notices dated 03/06/2016

WITHDRAWN

Reference Number: WK/201409763

Environmental Health - a shared service for:



Rother District Council

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

To: Mr Gino Forte

Address:



Take notice that, under the provisions of the above-mentioned legislation, Rother District Council 'the council', being satisfied of the existence and likely recurrence of a statutory nuisance within the area of the council under Section 79(1) (g) of the act from:

The Devonshire Bar, Devonshire Road, Bexhill on Sea.

arising from noise from amplified music

As one of the persons responsible for the premises, the council requires you

Forthwith

from the service of this notice to abate the same and also prohibits the recurrence of the same.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall not be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale together with a further fine of an amount equal to one-tenth of the greater of £5000 or level 4 on the standard scale for each day on which the offence continues after

Reference Number: WK/201409763

conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine. The council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

You may appeal against the notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Signature:

A large rectangular box with a thick black border, used to redact the signature of Paul Unsworth.

Name in capitals: PAUL UNSWORTH

Designation: Environmental Health Officer

Date: 3rd June 2016

Contact address:
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

Email: pollution@rother.gov.uk
Telephone: 01424 787550



Rother District Council

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

To: Mr Arthur Kapllani

Address: The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB]

Take notice that, under the provisions of the above-mentioned legislation, Rother District Council 'the council', being satisfied of the existence and likely recurrence of a statutory nuisance within the area of the council under Section 79(1)(g) of the act from: The Devonshire bar, Devonshire Road, Bexhill on Sea TN40 1AB

arising from

Noise from amplified music

As one of the person(s) responsible for the said nuisance, the council requires you

Forthwith

from the service of this notice to abate the same and also prohibits the recurrence of the same.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall not be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale together with a

Reference Number: WK/201409763

further fine of an amount equal to one-tenth of the greater of £5000 or level 4 on the standard scale for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine. The council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

You may appeal against the notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Signature:

A rectangular box with a thick black border, used to redact the signature of Paul Unsworth.

Name in capitals: PAUL UNSWORTH

Designation: Environmental Health Officer

Date: 3rd June 2016

Contact address:
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

Email: pollution@rother.gov.uk
Telephone: 01424 787550



Rother District Council

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

To: The Secretary, Arthurk Ltd

Address: The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB]

Take notice that, under the provisions of the above-mentioned legislation, Rother District Council 'the council', being satisfied of the existence and likely recurrence of a statutory nuisance within the area of the council under Section 79(1)(g) of the act from: The Devonshire Bar, Devonshire Road, Bexhill on Sea TN40 1AB

arising from

Noise from amplified music

As one of the person(s) responsible for the said nuisance and the occupier of the premises, the council requires you

Forthwith

from the service of this notice to abate the same and also prohibits the recurrence of the same.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall not be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale together with a further fine of an amount equal to one-tenth of the greater of £5000 or level 4

Reference Number WK/201409763

on the standard scale for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine. The council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

You may appeal against the notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Signature

A rectangular box with a thick black border, used to redact the signature of the Environmental Health Officer.

Name in capitals: PAUL UNSWORTH

Designation: Environmental Health Officer

Date: 3rd June 2016

Contact address:
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

Email: pollution@rother.gov.uk
Telephone: 01424 787550

Letter to Devonshire Bar & Lounge dated 10/02/2016

OUR REF: WK/201409763
ASK FOR: **Wai Lau 01424 787574**
DATE: 10th February 2016
YOUR REF:

The Devonshire Bar and Lounge
The Devonshire
Devonshire Square
Bexhill
East Sussex

Richard Parker-Harding
Head of Environmental Health

Dear Sir or Madam,

Environmental Protection Act 1990
The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill, East Sussex, TN40 1AB

Since my previous letter on (date) relating to an alleged nuisance from, I have now received further complaints. It would appear that any steps you have taken to resolve the matter have not been successful.

While the validity of the complaint has not been assessed, I would ask you once again to consider whether you are disturbing others in the vicinity and to take any necessary corrective action.

If I receive further complaints the law requires me to investigate. This investigation may include the use of monitoring equipment, visits to the neighbourhood, and an examination of any written records of incidents kept by people affected.

Should investigations reveal a statutory nuisance the Council is required to serve an Abatement Notice on the person responsible. Any contravention of the Abatement Notice would be an offence. Any person who commits an offence is liable on conviction to a fine not exceeding £5000, together with further fines of up to £500 for each day the offence continues after conviction.

If investigations reveal there is no statutory nuisance, the complainant will be advised of this and the Council will take no further action.

I hope this matter can be resolved without the need for any further intervention. If you have any queries please contact me on 01424 787550 or email pollution@rother.gov.uk

Yours faithfully,

OUR REF: 210409763
ASK FOR: Mr S Mills 01424 787560
DATE: 31 March 2015
YOUR REF:

Environmental Health - a shared service for:



Gino Forte



Dear Mr Forte,

ENVIRONMENTAL PROTECTION ACT 1990 / LICENSING ACT 2003
Complaint of noise disturbance

I have recently received a complaint about an alleged statutory noise nuisance caused by the banging of doors (external fire doors) and loud amplified bass notes from amplified music on This allegation has not been substantiated and I accept that you may not be aware of the problem.

I would like to take this opportunity of drawing your attention to the allegation and advising you of the obligations on us all not to cause nuisance to our neighbours.

Your attention is drawn to the conditions attached to your premises license in respect of noise control / hours of operation. Paragraphs 6 and 7 are to annexe 3 are relevant. Please ensure that these license conditions are complied with. You should be aware that a local resident can apply to review your licence.

Council Officers also have powers to issued fixed penalty notices of £500 if noise from licensed premises above the permitted level exists in residential dwellings and the power to close noisy premises for up to 24 hours (Noise Act 1996 & Anti-Social Behaviour Act 2003).

I have asked the complainant to keep a written record of any future problems in order that we can assess the degree of severity of the alleged nuisance. The Council may also carry out observations or surveillance of your premises.

However, I hope that by drawing the matter to your attention at this early stage the need for any further involvement by this Council can be avoided.

Under the Local Government (Access to Information) Act 1972, Schedule 12A, the Council is not able to divulge the identity of complainant(s). The information is persona therefore section 40 of the Freedom of Information Act 2000 applies.



Environmental Health, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX
T 01424 787550 F 01424 787547 E envhealth@rother.gov.uk W www.rother.gov.uk



Please do not hesitate to contact this Department if you wish to discuss the matter in more detail.

Yours sincerely,

A rectangular box with a thick black border, used to redact the signature of Mr S Mills.

Mr S Mills
Senior Environmental Health Officer
Pollution Control Team
Rother and Wealden Environmental Health Service

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Copy of Part A premises licence

LICENSING ACT 2003

PREMISES LICENCE

Part A

Premises Licence No. **05/02065/LAPRE****Part 1 – Premises details**

The Devonshire Bar and Lounge, Devonshire Square, Bexhill, East Sussex, TN40 1AB
Telephone number:
Where the licence is time limited the permitted dates are: n/a
<p>Licensable activities:</p> <p>Sale by retail of alcohol for consumption on and off the premises Performance of live music Any playing of recorded music Entertainment of a similar description Provision of facilities for making music Provision of facilities for dancing Provision of entertainment facilities of a similar description Provision of late night refreshment All to take place indoors.</p>

Authorised times:

Retail sale of alcohol

Monday – Thursday 10:00 – 00:00*

Friday – Saturday 10:00 - 02:00*

Sunday 10:00 – 00:00*

Performance of live music

Monday – Thursday 11:00 – 23:00*

Friday – Saturday 11:00 – 00:00*

Sunday 12:00 – 00:00*

Any playing of recorded music

Monday – Thursday 11:00 – 00:00*

Friday – Saturday 11:00 – 02:00*

Sunday 12:00 – 00:00*

Entertainment of a similar description

Monday – Thursday 11:00 – 23:00*

Friday – Saturday 11:00 – 00:00*

Sunday 12:00 – 00:00*

Provision of facilities for making music

Monday – Thursday 11:00 – 23:00*

Friday – Saturday 11:00 – 00:00*

Sunday 12:00 – 00:00*

Provision of facilities for dancing

Monday – Thursday 11:00 – 00:00*

Friday – Saturday 11:00 – 02:00*

Sunday 12:00 – 00:00*

Provision of entertainment facilities of a similar description

Monday – Thursday 11:00 – 23:00*

Friday – Saturday 11:00 – 00:00*

Sunday 12:00 – 22:30*

Provision of late night refreshment

Monday – Thursday 23:00 – 00:00*

Friday & Saturday 23:00 – 02:00*

Sunday 23:00-00:00*

*On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for Saturdays (i.e. 02:00). The retail sale of alcohol is permitted between the finish time on New Years Eve and the start time on New Years Day.

The opening hours of the premises (if applicable):

Monday – Thursday 10:00 – 00:30*

Friday – Saturday 10:00 – 02:30*
Sunday 10:00 – 00:30*

*On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for Saturdays.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies: **On and Off**

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

F.Forte Developments Ltd
23 St Leonards Road, Bexhill, East Sussex, TN40 1HH

Registered number of holder, for example company number, charity number (where applicable):

1229598

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Sokol Kapllani

Telephone number:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Personal licence number: **HO31085**

Issuing Authority: **Hastings BC**

22nd January 2016

Rother District Council
Town Hall
Bexhill-on-Sea
East Sussex
TN39 3JX Tel: 01424 787550

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence –
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a personal licence or his/ her personal licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a personal licence.
3. (1) The Responsible Person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the Responsible Person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The Responsible Person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. The Responsible Person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied

having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml.

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. (1) The Relevant Person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph (1)

a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where

- i. P is the permitted price;
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and,
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.
- c) “relevant person” means in relation to premises in respect of which there is in force a premises licence –
- i. The holder of the premises licence;
 - ii. The designated premises supervisor (if any) in respect of such a licence; or,
 - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence.
- d) ‘relevant person’ means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies which take place before the expiry of the period of 14 days beginning on the second day.

7. (1) The Premises Licence holder or Club Premises Certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the Responsible Person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark, or

(b) an ultraviolet feature.

Note:

In section 153(4) of the Licensing Act 2003, “Responsible Person” means:

(a) In relation to licensed premises:

(i) the holder of a Premises Licence in respect of the premises;

(ii) the Designated Premises Supervisor (if any) under such a licence;

or,

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.

(b) In relation to premises in respect of which there is in force a Club Premises Certificate, any Member or Officer of the Club present on the premises in a capacity which enables him to prevent the supply in question.

1. Each and every Door Supervisor, or individual concerned with a security activity at the premises, must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

A risk assessment shall be prepared for the premises, incorporating the means of escape for customers and staff from the external terrace.

~~No consumption of alcoholic drinks shall take place outside after 23:00hrs.**
(Condition added with application 07/01039/LAPRE 09/01/2008)~~

~~Consumption of alcoholic drinks shall be permitted on the outside raised terrace on the west side of the building.**
(Condition added with application 07/01039/LAPRE 09/01/2008)~~

Application 09/00304/LAPRE issued 13/05/09 – Amended Plan

Annex 3 – Conditions attached after a hearing by the licensing authority

Conditions added at a hearing 15/11/2005

A notice shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

~~No drink shall be sold from a bar or by staff service, for consumption outside of the premises other than in a container made from non-splintering plastic.*~~

~~The consumption of alcoholic drinks outside shall be restricted to a 2-metre strip area from the wall of the premises.**~~

Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly

Tables and chairs used by the premises shall not be more than two metres from the wall of the building.

All doors and windows shall be kept closed, except for the immediate access and egress of the public and staff, whilst regulated entertainment is in progress and adequate mechanical ventilation shall be provided. All entrance doors shall be fitted with self-closers for this purpose.

The noise from regulated entertainment should not be audible inside noise sensitive properties between 23:00 and 07:00.

Conditions added at a hearing 23/05/2008

There shall be a minimum of one door supervisor on duty at the premises after 21:00 on Friday and Saturday until closing time. Door supervisors must be registered with the Security Industry Authority or any other future enforcing authority. Door supervisors shall display name badges and carry proof of registration. One female door supervisor should be available if female customers are to be the subject of body searches.

A CCTV system shall be installed at the premises in liaison with and to the satisfaction of Sussex Police and shall be used to record during all hours that a licensable activity takes place on the premises including external areas used for the consumption of alcohol. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. Recordings shall be available to an authorised Council officer or a police officer. A sign advising customers that they are on CCTV shall be positioned in a prominent position.

The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend the meetings of the pubwatch or similar scheme for the area within which the premises is located. Persons barred from licensed premises by pubwatch or similar scheme shall not be permitted to enter the premises.

Conditions amended (at hearing 23/05/08) to:

* No drinks, with the exception of teas and coffees, shall be sold from a bar or by bar staff service for consumption outside other than in a container made from non-splintering plastic or toughened drinking glass. No glass bottles shall be taken outside.

** The consumption of drinks and food outside shall be restricted to (a) between 10:00 and 23:00 and (b) to two metres measured from the wall of the building in Devonshire Square.

Tables, chairs and windbreaks etc. shall be removed if required by a Police Constable or authorised Council Officer.

Conditions added at a hearing 25/11/2008 –

These conditions relate to regulated entertainment in the basement area only

Subject to the report findings of the sound insulation test, the structure of the building shall be upgraded as required to comply as a minimum with the Building Regulations 2000. To achieve compliance with the condition below additional sound insulation measures shall be provided in combination with a noise limiting device fitted to the musical amplification system. Any sound insulation works shall be as agreed by the Head of Environmental Health and shall be installed correctly in accordance with manufacturer's / suppliers guidance. The setting of the noise limiting device shall be in agreement with and to the satisfaction of an authorised officer of the Council. The operational panel shall then be secured and the noise limiter shall not be altered without the prior agreement of an authorised officer of the Council.

Noise arising from regulated entertainment shall not be audible within any residential premises.

Regulated entertainment shall not take place in the basement function room until the sound insulation works and noise limiting device have been installed to the satisfaction of an authorised Officer of the Council.

Capacity limit of 60 persons in the basement.

The existing CCTV system to be extended to the basement area with the provision of additional cameras. The additional cameras shall monitor the function room (basement) and staircase to the basement. The precise positioning of the cameras to be agreed with Sussex Police. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. Recording shall be available to an authorised Council officer or Police Officer on request and a sign advising customers that they are on CCTV shall be positioned in a prominent position.

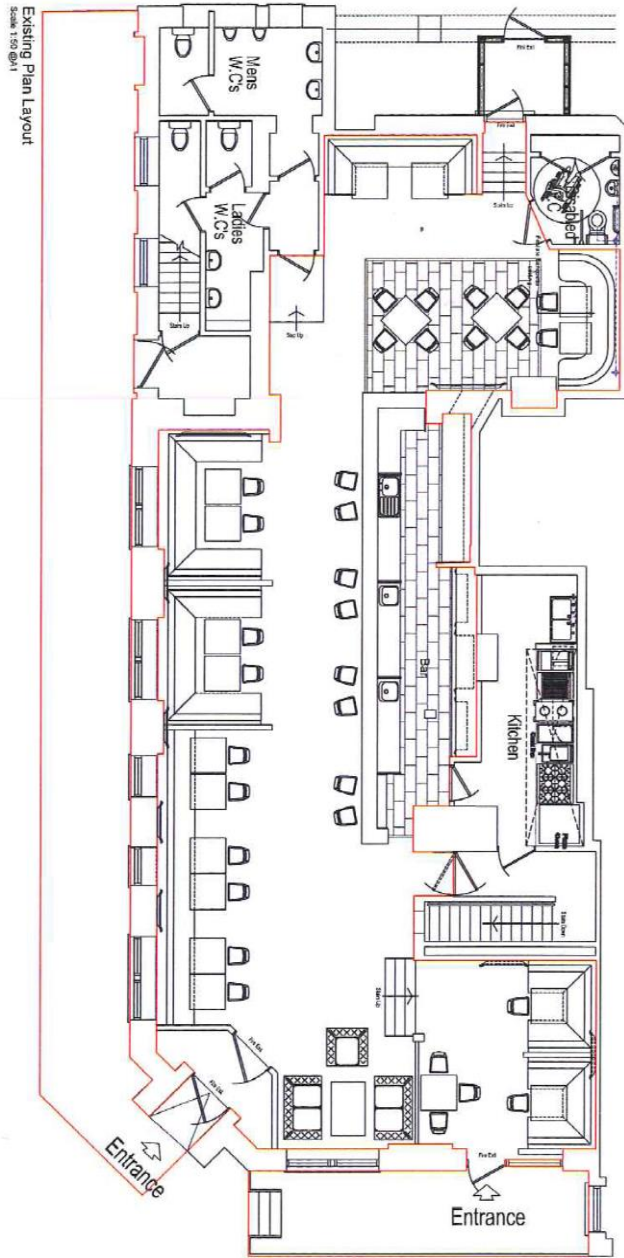
At anytime when the function room is used for any licensable activities including dancing, but excluding pre arranged bona fide functions, wedding receptions, birthday parties etc, an additional member of door staff is utilised at the top of the stairs leading to the function room. This is to ensure that the capacity of the function room is not exceeded and to prevent crime and disorder within the function room and on the staircase. This additional member of door staff shall conduct voluntary searches as a provision of entry into the function room.

There shall be a strict over 18 policy within the basement with photographic documentary proof of age, apart from pre arranged bona fide functions not open to the general public.

Annex 4 - Plans

See plan provided in the report appendices

Premises Licence Plan



Existing Plan Layout
Scale: 1:50 @A1

1m 2m 3m 4m 5m
1:50 Scale Bar (@A1)

Ground Floor Plan

The Devonshire Bar and Lounge
Devonshire Square
Bexhill-on-sea
East Sussex
TN40 1AB

JAN 2012

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Update from the Premises Licence Holder 23 10 2020

From: Mark Poulton

Sent: 23 October 2020 15:40

To: licensing

Cc: 'Gino Forte

Subject: Matter Ref: 0482340042 Re: Licence Review: Devonshire Bar & Lounge (1 Document Attached)

Dear all,

By way of update:

The venue will stay closed until March 2021 pending a £100,000 refurbishment and rebranding.

Policies: Attached are new/updated drug, outdoor management and dispersal policies (within the one PDF). If there are any comments/suggestions/criticisms please let us know.

Door Staff: Apex security to be awarded the security contract. Apex currently have the contract for Embassy in Eastbourne.

DPS: Gino will be the DPS.

CCTV: a new system is currently being installed with 48 cameras, 32 of which are internal and 16 are external.

Kind regards

Mark Poulton
Partner

[Stephen Rimmer LLP Solicitors]



ZERO TOLERANCE DRUG POLICY

APPENDIX C - DRUGS POLICY, THE DEVONSHIRE

This policy on drugs shall be ratified in consultation with Sussex Police and other responsible authorities and is based on the following core messages:

- ✦ Prevention
- ✦ Drug dealers and users
- ✦ Training
- ✦ Venue

PREVENTION

The Devonshire does not condone the use of, or the dealing in, illegal drugs on site. The message, to actively discourage dealers and users, is to be published in the following ways:

- ✦ Policy distilled on The Devonshire website and social media.
- ✦ Other forms of media may be used for individual campaigns
- ✦ Prominent signage at entrances and in the toilet area's
- ✦ During peak periods security will prominently check the toilets every 30 minutes and a record will be kept noting any actions or findings.

DRUG DEALERS AND USERS

Security shall take an active role monitoring for drug dealing and shall work in full co-operation with Police.

☛ Security may conduct targeted searches for drugs and shall record details of ongoing activity with regards to searching and the number of people that are stopped as a result.

☛ Security shall seize any drugs which may be required for evidential purposes, shall provide a suitable receptacle for the safe retention of illegal substances and shall inform the local Police so that appropriate collection/disposal can be arranged.

☛ When there is a strong suspicion of drug dealing, security shall inform and assist the local Police in every way possible.

TRAINING

Staff shall be trained in Drug awareness and training will be refreshed quarterly in line with The Devonshire's compliance training policy.

☛ Staff will be trained in up-to-date information about drugs, drug trends. They will be trained in how to spot the signs of drug use and drug dealing.

☛ Staff will have a good understanding of the steps taken if a person is discovered to be dealing drugs, taking drugs or under the influence of drugs.

☛ Security personnel and some of the staff are trained in emergency first aid and are fully informed about drugs policy and welfare. Welfare provision has a focus on harm reduction and minimisation. A key element is in preventative work and guidance and educational information about drugs, including alcohol, is given as appropriate.

This policy should be read alongside our eviction policy

Venue

- ☛The venue will be designed in such a way as to discourage drug use. The venue will be well lit as to avoid blind spots for staff and CCTV.
- ☛Toilet areas will be designed in a way as to discourage the use of drugs in the toilets.
- ☛The toilets will have prominent signage as to the zero tolerance policy.
- ☛CCTV will be stored for the minimum of 31 days and will record for a 24 hour period.
- ☛Information in relation to particular incidents of drugs relating to patrons will be recorded on the ID scan as appropriate.

Summary

- ☛Drugs will not, under any circumstances, be tolerated at The Devonshire.
- ☛Any one found in possession of drugs will be handed over to the police in accordance with the agreed policy with Sussex police.
- ☛Any drugs found on the premises will be given to a manager and sealed in an official evidence bag accompanied by an incident report number then put in the drop drug safe. All relevant information will then need to be filled in on an incident report. This should list what and where was found along with who found and collected it. The Sussex police agreed contact will then be called to collect the confiscated drugs.
- ☛Anyone under the influence of drugs will be refused access to the building.
- ☛Any member of staff under the influence of drugs will be dismissed.
- ☛Staff training in drug awareness will be carried out on a three monthly basis and on induction.
- ☛CCTV and video recording equipment has been installed in the building. The tapes are kept for 31 days in locked cabinets and run for a full 24 hour period.

The venue management will take a pro-active and collaborative approach to their relationship with the police. They will work closely alongside Sussex police to promote the licensing objectives and aim to run a clean safe venue to be enjoyed by customers and staff alike.

The Devonshire



OUTDOOR MANAGEMENT POLICY

Appendix B - OUTDOOR MANAGEMENT AND SMOKING POLICY

This smoking policy has been created to assist in promoting the four licensing objectives. This smoking policy can be changed from time to time following best practice improvements and any recommendations that are approved by the operators of The Devonshire. All members of staff must make sure that they are familiar with the terms of this policy.

- ✿ Smoking is not permitted within any part of indoor area of The Devonshire.
- ✿ Customers who come from within the premises and wish to smoke should be directed to the agreed designated smoking area. This area is to be known as the designated smoking area for the premises.
- ✿ The door attendant(s)/ door supervisor(s) or daytime staff on duty shall be in charge of monitoring the designated smoking area and any external area in general.
- ✿ After 11pm, if the designated area is full, a member of staff should ask the customer to wait within the premises until a space becomes available.
- ✿ The smoking area should be cleaned regularly and ashtrays emptied. A log will be kept to ensure the smoking area is checked and cleaned every 30 minutes during peak periods.
- ✿ Customers should be reminded to respect our neighbours and to keep conversations to a minimum.
- ✿ The door attendant(s)/ door supervisor(s) on duty shall keep a log of any person causing any disturbance or nuisance whether or not that person is a customer.
- ✿ The door attendant(s)/ door supervisor(s) on duty shall assist in trying to keep any noise disturbances/incidents from the designated smoking area as well as in the immediate vicinity of the premises to a minimum.

The Devonshire



DISPERSAL POLICY

APPENDIX A - DISPERSAL POLICY, THE DEVONSHIRE

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives, in particular crime and disorder, public nuisance and public safety. This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

🍷 Management are aware of the potential for neighbourhood noise and disturbance at the time that customers leave at closing time. Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

Winding-down Period

🍷 Management have put into place an effective “wind-down” procedure in order to facilitate prompt closure of the premises and orderly dispersal pattern by customers.

🍷 At closing additional staff are directed to work in the customer areas near the front/rear entrance. Customers are informed that the premises are about to close and are directed towards the exit.

🍷 Given the style of the business there is a gradual departure of customers and the premises are frequently not at capacity at closing time.

🍷 Internal lighting levels will be increased, music tempo will be slowed and volume levels to be lowered during the last 30 minutes of trading.

🍷 The winding down period outlined above ensures that customers disperse gradually prior to cessation of trade.

🍷 We are proud of our building and the area we work in. We will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris outside our frontage that may have nothing to do with us but in the interests of maintaining good standards in the area we will still clear it up.

Door Supervisor

- ✿ When applicable, a door supervisor shall be maintained until 30 minutes after the premises are closed and shall be in position early enough in the evening to ensure that procedures for promoting public safety and preventing public nuisance are effective
- ✿ The doorman is trained to know:-
 - (a) where the nearest mode of public transport is
 - (b) details of taxis and a number is available at the reception
 - (c) general local knowledge so that if customers decide to move on the doorstaff can help them with directions.
- ✿ The doorman's duties are split between supervising the dispersal and general control of the vicinity.
- ✿ He is easily identifiable, and shall wear his SIA badge at all times.
- ✿ There is an end of night team meeting to discuss any ways that the premises may improve the dispersal of patrons and any actions points are communicated to the doorman.

Notices

- ✿ Notices shall be displayed at the exit and in prominent positions requesting that patrons respect the needs of local residents and leave the premises and area quietly.
- ✿ All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

Incident Reports

- ✿ All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.
- ✿ The licence holder shall ensure that the details of all complaints are recorded in an occurrence book.
- ✿ When required, The Devonshire staff shall be in place at the exit to wish customers farewell and ask them to leave quietly and shall answer any questions regarding transport availability.
- ✿ The Devonshire does not tolerate departing customers congregating outside of the premises.
- ✿ The doorman should at all times be aware of activity outside of the premises and endeavour by his presence to minimise bad behaviour. He should be aware of potential areas of difficulty (nearby residences) and provide a presence in those places to minimise potential problems.

Training

17. Staff will be trained in this dispersal policy and a record will be kept

18. Training will be refreshed every 3 months in line with The Devonshire's 'compliance' training plan.

19. Staff will be encouraged to communicate with the local taxi firms to advise on closing times especially during peak periods to ensure there is a good supply. An agreed pick-up/drop off location to be communicated to customers.

20. Staff will be trained to understand their general responsibilities towards the safety of all categories of customers.

21. Staff will be trained to minimise noise from rubbish disposal after 11pm.

22. Whilst carrying out their legitimate duties outside of the premises all staff are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter is discouraged.

The Devonshire