

## 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 11<sup>th</sup> 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 22<sup>nd</sup> 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

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**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 13<sup>th</sup> 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 7<sup>th</sup> 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 19<sup>th</sup> 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

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- 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 14<sup>th</sup> 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 29<sup>th</sup> 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 31<sup>st</sup> 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

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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.