

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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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

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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