

# LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) ADDENDUM

**10.00AM, MONDAY, 9 DECEMBER 2019**

**HOVE TOWN HALL, ROOM G79 - HOVE TOWN HALL**

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# ADDENDUM

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**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 Chief Supt N May, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Giles York.**

*(Insert name of applicant)*

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Gin Tub 16 Church Road	
<b>Post town</b> Hove	<b>Post code (if known)</b> BN3 2FL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Justine GUILLE 76 Preston Street Brighton East Sussex BN1 2HG
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<b>Number of premises licence or club premises certificate (if known)</b> 1445/3/2018/05795/LAPREN
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**Please tick yes**

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Sussex police, Brighton & Hove licensing, 1 <sup>st</sup> floor, police station, John street, Brighton, Bn2 OLA
Telephone number (if any) 101 Ext 550829
E-mail address (optional) Brighton.licensing@sussex.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please tick yes**

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

If yes please state the date of that application

**Please state the ground(s) for review**

Sussex Police would like to bring the above premises to review following 3 high drug swab readings. Brighton licensing have conducted a stepped approach over 2019 which has seen no improvements in the levels of drug use at the premises and following the 3<sup>rd</sup> high reading we believe the licence needs to go to review for revocation.

**25<sup>th</sup> February 2019**

A licensing police officer conducted a Drugs Swab on the 25<sup>th</sup> February 2019 at 18.30 due to intelligence being received about drug use and drug dealing occurring at the premises.

The results from the drugs swab were as follows:-

MENS TOILET GROUND FLOOR - COCAINE 5.05  
LADIES TOILET GROUND FLOOR - COCAINE 3.80  
GROUND FLOOR BAR - NIL  
MENS TOILET BASEMENT - COCAINE 6.40  
LADIES TOILET BASEMENT - COCAINE 2.84  
BASEMENT BAR - COCAINE 1.58

The Owner was spoken to over the phone, given the results and explanations of what they mean (Appendix A)

PC Bernascone specifically stated that any readings above 3 are unacceptable. Sussex Police were informed that drug checks would be implemented and they would hire a toilet attendant and the toilets downstairs were due for refurbishment. Following this information the owner was advised to look at designs without flat surfaces in order to remove the use of drugs in the toilets.

**10<sup>th</sup> April 2019**

PC Bernascone conducted a second drug swab on the 10<sup>th</sup> April 2019 at 17.00.

The results from this drug swab were as follows:-

MAIN BAR - COCAINE 3.15  
GROUND FLOOR LADIES HAND DRYER - COCAINE 6.02  
GROUND FLOOR LADIES SINK AND SHELF - COCAINE 5.43  
GROUND FLOOR LADIES TOILET - COCAINE 5.54  
GROUND FLOOR MENS HAND DRYER - COCAINE 3.03  
GROUND FLOOR MENS SINK - COCAINE 5.75  
DOWNSTAIRS BAR - COCAINE 1.91  
DOWNSTAIRS LADIES SINK - COCAINE 2.40  
DOWNSTAIRS LADIES RIGHT HAND CUBICLE - 3.17  
DOWNSTAIRS LADIES LEFT HAND CUBICLE - COCAINE 6.43  
DOWNSTAIRS MENS TOILET SEAT - COCAINE 6.66  
DOWNSTAIRS MENS SINK - COCAINE 2.61 HEROIN 1.11  
DOWNSTAIRS MENS HAND DRYER - COCAINE 2.89 HEROIN 2.78

These results are higher and worse than the first drug swab, this clearly highlights the premises has a drugs issue and that the DPS and management are not managing to resolve this problem.

PC Bernascone once again spoke with the owner, advising him of the results.



Police licensing then arranged a meeting to discuss the stepped approach with the Owner, Manager and DPS.

### **26<sup>th</sup> April 2019**

A meeting was held at John Street Police Station on the 26<sup>th</sup> April 2019 at 13:00. The meeting was attended by the DPS, Manager and Director of the Gin Tub, PC Bernascone and licensing officer Hannah Staplehurst.

PC Bernascone led the meeting by explaining why the meeting had been arranged, recalling the drug readings.

PC Bernascone handed out a results guide (Appendix A) that explained the itemiser results and highlighted any results over 4 are classed as a high reading and shows that the tested surface has been in direct contact with a bulk amount of the source narcotic.

We discussed plans in order to prevent drug usage in the premises.

These included refurbishing the toilets over the course of the year and advice was given to prevent drug usage - such as pebble effect ledges, slanted edges, so allowing no flat edges for drug use.

They were also having a meeting with their SIA staff to inform them of the situation, and ask them to do searches as customers come in and do regular premises walk arounds.

PC Bernascone handed out a drug seizure record sheet (Appendix B), this will be held by SIA at the front of the premises in order for customers to see and act as a deterrent but also be used if drugs are found and they confirmed they had a lockable safe to store seized drugs in.

The manager stated he would be asking the BCRP for a 0% tolerance to drugs poster.

To end the meeting we offered assistance in the future but also stated if the 3<sup>rd</sup> drugs reading came back with readings above 4 we would be taking them to review.

### **19<sup>th</sup> September 2019**

PC Bernascone attended the premises on the 19<sup>th</sup> September 2019 at 16:00 to conduct the 3<sup>rd</sup> Drug swab.

The premises was just opening and there was a lone member of staff inside, the results were as follows:-

GROUND FLOOR BAR - 1.01 METH AMPHET  
UPSTAIRS MENS TOILET - COCAINE 5.26 (ALSO OF NOTE FOUND A USED WRAP WITH WHITE POWDER NEXT TO SINK)  
UPSTAIRS LADIES TOILET - COCAINE 5.47  
DOWNSTAIRS BAR - COCAINE 1.08  
MENS DOWNSTAIRS TOILET LOO SEAT - COCAINE 3.41  
MENS DOWNSTAIRS HAIR DRYER - COCAINE 3.95  
LADIES DOWNSTAIRS TOILET LOO SEAT - COCAINE 5.72  
LADIES DOWNSTAIRS TOILET SINK - COCAINE 1.95

It should be noted the downstairs ladies toilets appeared to be in process of decoration and the toilets themselves were in a poor state indicating that they were not currently in use to the public.

PC Bernascone also carried out a licensing check.

Page 1 of part B was in a frame below the table opposite the door. Page 2 could not be found. Part A could not be located in the premises.

CCTV could not be checked as the member of staff did not have access. He didn't know where it was stored and when asked said he didn't think any of the other staff due to work that night would know how to use it. He said [REDACTED] (Manager) was the only person he knew who had access, but he was on holiday and not back for quite a few days.

PC Bernascone asked about security and BCRP. The member of staff said they used Resolve and had a BCRP radio which he located on the floor of the staff room/store behind the bar. He was advised to keep the radio behind the bar in case it was needed.

The security log book was located and noted it had an entry stating that drugs had been seized from a customer. The member of staff recovered a small plastic tub from a fridge in the staff room/store behind the bar. The fridge also contained drinks and apart from the lock on the main door the fridge was not secured in any way and it appeared that all staff would have access to the room.

There was no premises log book and no refusals book. PC Bernascone looked at the till and there didn't appear to be any electronic refusals system, which is a breach of the premises licence.

Further breaches were: no challenge 25 posters around the premises.

The member of staff was asked if he had received any training and he replied that he had received minimal/zero training due to his previous experience. He stated he had never signed for any training and not received any refresher training despite being there for several months. No training records could be located for any of the staff in the premises.

Following this visit an official breach letter was sent to the DPS (Appendix C)

The Gin Tub already has the following conditions on its licence

1. The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. Any illegal drugs seized will be stored in a secure 'drugs box' and periodically the management will request the Police to come and remove all drugs in the 'drugs box' for destruction.
2. In the event that a person is found on the premises actively dealing in drugs, that person will be detained and the Police will be called to the premises. Any person found with any more than a very small quantity of drugs on their possession which they claim is for personal use, will still be treated as 'dealing' and detained until the Police are called and arrive.

In summary, Sussex Police have no confidence in the management of the premises, having seen no improvements in reducing the levels of drug misuse within the premises despite repeated management contact. Alongside these high levels of drug use when taken together with the other licence breaches Sussex Police contend that the licensing objectives of :

- i) The prevention of crime & disorder and
- ii) Public safety

have been significantly undermined.

Due to the presence of conditions that are already aimed at providing a zero tolerance to drugs and the lack of management action to improve things over a significant period of time, it is difficult to see what further conditions or other measures could be adopted. The recommendation of Sussex Police would be the revocation of the premises licence

**If you have made representations before relating to this premises please state what they were and when you made them**

**N/A**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club

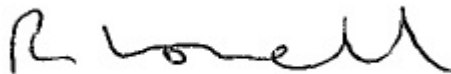
- premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)



R.Lovell

Date 16<sup>th</sup> October 2019

Capacity Force Prevention Licensing Inspector

Force Licensing & Public Safety Manager on behalf of Chief Superintendent,  
Divisional Commander, Brighton & Hove Division

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
FAO Insp R.Lovell/ H. Staplehurst Prevention Licensing Team John Street,	
<b>Post town</b> Brighton	<b>Post Code</b> BN2 0LA
<b>Telephone number (if any)</b> 101 ext 550829	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Brighton.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.
5. This is the address which we shall use to correspond with you about this application.



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN 

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Statement of: Andre BERNASCOE

Age if under 18: (if over 18 insert 'over 18') Occupation: Police Constable CB328

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 anything in it, which I know to be false or do not believe to be true.

Signature: Date 27/11/2019

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

On Monday 25<sup>th</sup> February 2019 at 1830 hrs I attended the Gin Tub, 16 Church Road to conduct drugs swabs after recent intel regarding drug dealing at the premises. On that occasion I spoke to the duty manager [REDACTED] and explained the allegation and reason for my visit and that I would be conducting a drug swabs of the premises. [REDACTED] was present while I conducted the testing. I then returned to the police station where I tested the swabs I had taken and the results were as follows:-

Mens Toilet Ground Floor – Cocaine 5.05

Ladies Toilet Ground Floor – Cocaine 3.80

Ground Floor Bar – Nil

Mens Toilet Basement – Cocaine 6.40

Ladies Toilet Basement – Cocaine 2.84

Basement Bar – Cocaine 1.58.

I called the owner, [REDACTED], and gave him the results and explained that the readings in the Mens toilets both upstairs and downstairs were extremely high and demonstrated that the premises had an issue with drugs use. Any readings between 3 and 4 are classed as high by the manufacturer and would not be attributed to cross contamination, and readings over 4 would indicate microgram amounts of the drug and would not generally be found in areas other than those that have been in direct contact with bulk amount of the drug indicated. [REDACTED] told me that he would immediately implement toilet checks and would hire an attendant for the toilets. He told me that the downstairs toilets were going to be refurbished and would look at designing out drugs use by removing flat surfaces. I advised [REDACTED] that I would be back in approximately 2 weeks to re test and the results would need to show significant improvement.

On Wednesday 10<sup>th</sup> April 2019 at 1700 hrs I attended the premises to conduct the re test. [REDACTED] was at the

Continuation of statement of premises which had just opened. I conducted the drugs swabbing and when I returned to the police station and tested the swabs the results were as follows:-

Ground Floor Bar – Cocaine 3.15

Ground Floor Mens Dryer – Cocaine 3.03

Ground Floor Mens Sink – Cocaine 5.54

Ground Floor Ladies Dryer – Cocaine 6.02

Ground Floor Ladies Toilet – Cocaine 5.43

Downstairs Bar – Cocaine 1.91

Downstairs Ladies Sink – Cocaine 2.40

Downstairs Ladies Right Hand Cubicle – Cocaine 3.17

Downstairs Ladies Left Hand Cubicle – Cocaine 6.43

Downstairs Mens Toilet Seat – Cocaine 6.66

Downstairs Mens Sink – Cocaine 2.61 Heroin 1.11

Downstairs Mens Hand Dryer – Cocaine 2.89 Heroin 2.78

I was disappointed as the results were in fact worse than the first visit. They appeared to have covered some of the surfaces in the downstairs mens with fake grass, but nothing else in the toilets had changed.

I called [REDACTED] on the telephone and advised him of the results and that they were actually worse. He said he was surprised about the results and would do anything needed to rectify the issue.

On Wednesday 26<sup>th</sup> April 2019 I attended a meeting at Brighton Police Station with the Gin Tub. The DPS, Justine GUILLE attended along with [REDACTED] the owner/manager and [REDACTED] who was identified as a director. I was in company with Police Licensing Officer Hannah Staplehurst. During the meeting the readings were discussed and explained, and plans about how the premises would look at reducing the results.

The staff said that they were having a meeting with their security so that they did more searches and walk through's, they also stated that they were looking at refurbishing the downstairs toilets over the course of the year and would look at designing out the drug use (no flat surfaces, textured surfaces etc). A drugs seizure sheet was given and the procedure explained and they confirmed that there was a lockable safe for storage of seized drugs which would be stored and police would collect. The meeting was ended with Gin Tub being told that further testing would be carried out, which if it didn't show improved results would end in the premises being taken to review. The owner and DPS stated that they would do everything to reduce the drug use and reduce the readings.

Signature .....

Signature witnessed by: .....

PTO



Continuation of statement of

I attended the premises on Thursday 19<sup>th</sup> September 2019 at 1600 hrs to conduct the re test. There was a longer than expected delay with the re testing due to the fact that I had an operation and was non-operational for an extended period. As I arrived the premises was in the process of opening. There was a lone member of staff, [REDACTED], and I explained who I was and why I was there. I conducted the drugs swabs and when they were later tested the results were as follows:-

Ground Floor Bar – Meth Amphetamines 1.01

Upstairs Mens Toilet – Cocaine 5.26 (also noted was a used wrap found with trace white powder next to the sink)

Upstairs Ladies Toilets – Cocaine 5.47

Downstairs Bar – Cocaine 1.08

Mens Downstairs Toilet Seat – Cocaine 3.41

Mens Downstairs Toilet Dryer – Cocaine 3.95

Ladies Downstairs Toilet Seat – Cocaine 5.72

Ladies Downstairs Toilet Sink – Cocaine 1.95

I noted that the downstairs ladies was in process of being decorated and the toilets were in a poor state and didn't appear to be in current use to customers.

After swabbing I carried out a licensing check of the premises. Only Page 1 of Part B of the licence was on display in a picture frame under a table opposite the entrance and page 2 could not be located. Part A of the Licence could not be found. I could not check the CCTV as Chris said he didn't have access to the system. He stated that [REDACTED] was the only person he knew could operate the CCTV and he was on holiday and not back for quite a few days. I checked the security log book and it showed seizures of drugs. I asked where the drugs were and [REDACTED] went to a fridge in a cupboard/small storeroom behind the bar and recovered a small plastic tub containing the seizures. I noticed that the fridge also contained bottles of drink which looked like they were for sale to customers. There was no premises refusal book and there didn't appear to be any refusals system on the till so there was no evidence that anyone had ever been refused a sale of alcohol, and although [REDACTED] was knowledgeable about licensing laws he admitted that he had never received any training at the premises despite working there for several months. He also said that he had been working there for the longest amount of time amongst the other staff and that most of the other staff working there were very new. I attempted to call [REDACTED] but as stated by [REDACTED] he was not available.

On the Friday 20<sup>th</sup> September I sent a warning to the premises after the visit detailing what had been found

Signature .....

Signature witnessed by: .....

PTO

Continuation of statement of  
and informing them that enforcement action was being considered. I produce a copy of this as AB/1.

On the Wednesday 13<sup>th</sup> November the DPS, [REDACTED] attended the police station after they made a request for a meeting. I attended with Hannah Staplehurst and during the meeting they stated that [REDACTED] was going to take over as DPS of the premises and showed images of the downstairs toilets as the refurbish had now been completed. They also brought in records showing that staff had been trained and told us that all managers and key holders were trained to use the CCTV. Advice was given about searching, cleaning and good practice with the licensing paperwork.

I have been trained in the use of the itemiser detection machine by the manufacturer. For each of the visits I put on clean gloves prior to testing and used sealed new swabs for each test which were then put in clean testing envelopes for transport back to the police station before being tested in a calibrated itemiser. I also wore fresh clean gloves which I put on prior to testing the samples.

This was made by me at 1200 hrs on Wednesday 27<sup>th</sup> November 2019 using the innkeeper reports made at the time of each incident as my original notes.

Signature .....

Signature witnessed by: .....

PTO



**RESTRICTED - FOR POLICE AND PROSECUTION ONLY**  
(when complete)

**Witness contact details**

Home address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Home telephone no: \_\_\_\_\_ Work telephone no: \_\_\_\_\_

Mobile/Pager no: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Preferred means of contact (*specify details*): \_\_\_\_\_

Best time to contact (*specify details*): \_\_\_\_\_

Male / Female \_\_\_\_\_ Date and place of birth: \_\_\_\_\_

Former name: \_\_\_\_\_ Ethnicity code (16 + 1): \_\_\_\_\_ Religion / Belief : \_\_\_\_\_

**Dates of witness non-availability:** \_\_\_\_\_

**Witness care**

a) Is the witness willing and likely to attend court? Yes  No  If 'No', include reason(s) on form **MG6**

b) What can be done to ensure attendance? \_\_\_\_\_

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
Yes  No  If 'Yes' submit **MG2** with file.

d) Does the witness have any particular needs? Yes  No  If 'Yes', what are they?  
(*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concern?*)

**Witness consent (for witness completion)**

a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes  No

b) I have been given the Victim Personal Statement leaflet: Yes  No

c) I have been given the leaflet "Giving a witness statement to the police - what happens next?" Yes  No

d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes  No  N/A

e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes  No

9) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Signature of parent/guardian/appropriate adult: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Address and telephone number if different from above: \_\_\_\_\_

Statement taken by: (print name) \_\_\_\_\_ Station: \_\_\_\_\_

Time and place statement taken: \_\_\_\_\_



