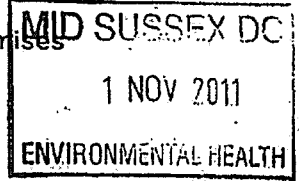


Ref: 11/02267/LAARMC

End date for Representations!

29/11/2011

Application for the review of a premises licence or club premises certificate 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 Inspector De Le Rue for and on behalf of the Chief Constable of Sussex Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description The Crows Nest Mezzanine Floor The Atrium King Street	
Post town East Grinstead	Post code (if known) RH19 3DJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Nafi H. Hassan,  Sarah J Lambert,
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Number of premises licence or club premises certificate (if known) PWA0226
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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

I am 18 years old or over

Please tick yes

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 Chief Inspector De La Rue for and on behalf of the Chief Constable of Sussex Police Haywards Heath Police Station Boinore Road Haywards Heath RH16 4BA
Telephone number (if any)
E-mail address (optional)

**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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 1)**  
Sussex Police contend that the Licensing Objectives of :

- Public Safety
- Prevention of Crime and Disorder

have been undermined.

The Designated Premises Supervisor (DPS) Sarah Lambert failed to promote the licensing objectives and comply with conditions on the Premises Licence.

Staff within the premises have failed to understand their responsibilities under the Licensing Act 2003 and exercise a duty of care to patrons. As a result, a patron became heavily intoxicated within the premises and upon leaving fell to his death.

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

The Atrium Complex is a glass fronted building on the corner of King Street and Little King Street, East Grinstead.

The entrance to the Atrium complex is via Little Kings Street. On entering the foyer, access is gained to the upper levels via a spiral staircase. The Crows Nest is situated on the floor referred to as the mezzanine, from which this is the only public access point to the premises. The first floor is currently vacant with no tenant. The entrance to the cinema is located on the second floor.

Within the Atrium complex the Ounce and Ivy Bush, a Wetherspoons pub, is situated on the right hand side of the foyer and can be accessed from the ground floor by a side door. Tryst nightclub is situated in the basement of the complex with access from Little Kings Street only.

At 1.05am on 9th October 2011 police were called by members of the public who had witnessed a male falling from the upper floor in the Atrium foyer. The police officers found a male on the ground floor who was unconscious and had stopped breathing. A police officer and off-duty nurse proceeded to administer first aid and CPR until paramedics arrived. The male was identified as David Cockerton.

Mr Cockerton was taken to the Royal Sussex and County Hospital in Brighton where he subsequently died from his injuries.

Officers spoke to witnesses at the scene who said that they had left the Crows Nest a few minutes before the incident, following a request by Door Supervisors, who advised them that the venue was closing. Mr Cockerton left the venue very shortly afterwards. A witness described Mr Cockerton as being very drunk, unsteady on his feet and swaying.

One witness stated that she saw Mr Cockerton walking up the stairs and was not prevented from doing so by the Door Supervisors. She stated that he was so drunk he was unable to walk in a straight line, using the handrail to support himself while staggering from one side of the stairs to the other.

The witness said she heard Mr Cockerton calling, and as she turned she saw him holding onto a vertical metal pole which runs from the ground floor to the third floor of the Atrium. Mr Cockerton was waving. She then saw him lose his grip from the supporting pillar and fall backwards to the ground floor.

The witness stated she then knocked on the Crows Nest doors, which were locked, and asked staff for assistance and a member of door supervision to call an ambulance. It is not known if this call was made. In the witness' written statement to police, she advised that she had heard a member of staff making crass and inappropriate comments regarding Mr Cockerton and the accident.

Witnesses confirmed that at the time of the incident no member of door supervision was present on the mezzanine floor or in the foyer area of the Atrium.

Following Mr Cockerton's death, the police investigation was hampered by the CCTV system for the complex not working. This is a breach of a condition on the licence which states:

"A closed circuit television (CCTV) shall be provided to a specification agreed with Sussex Police.

- The precise siting of each camera shall be agreed with the Police.
- All cameras & recording equipment shall be maintained in a good & efficient working order.
- All images created shall be recorded with appropriate media, as agreed with Police and shall be retained for a minimum period of thirty (30) days."

The system failed to record any images from 00:00 hours on Friday 7th October until 01:37 hours on Sunday 9th October when the engineer re-initialised the CCTV. The engineer had been called by a member of staff from the Atrium, following the incident occurring.

The CCTV system for the Atrium and the Crows Nest is situated within the Crows Nest main office. When operational, the monitor displays images from the sixteen cameras sited throughout the building. When the CCTV engineer arrived, he found the monitor to be blank with the word "initialising" displayed on the screen.

At no time had management or staff informed the CCTV engineer that the system was not operational.

On Wednesday 19th October the DPS, Sarah Lambert was interviewed by police and admitted she had not checked if the CCTV was working that day.

When she was asked about the training she gave to her staff, her first response was that she taught them how to pull pints. She then said she trained them on the responsible sale of alcohol. Whilst she said she did conduct training, there were no written records which could be provided to the police.

Ms Lambert was asked what her responsibilities as a Designated Premises Supervisor are under the Licensing Act 2003; she replied that she was not clear on the question and didn't know what it meant. When the officers explained the question, she replied her responsibility was to tell staff to keep the fire exits clear. She was then asked what the Licensing Objectives were and she replied she could not recall them and then said she didn't know what they were. Ms Lambert was asked if an incident log had been completed to which she replied it had, but when officers advised her that their investigations highlighted that it had not been completed, she replied that she had tasked someone else to do it and had not followed this up.

Sussex Police believe that it is both proportionate and necessary to request that the Licensing Committee seriously consider applying the following conditions to the premises licence:

- CCTV to be installed in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. These cameras shall be located both internally and externally in consultation with the police.
- CCTV Images shall be retained for at least 28 days and, except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Sussex Police will be immediately notified of any breakdown or system failure and will be rectified as soon as practicable. A daily log will be kept of the condition of the CCTV system.
- Any request from Sussex Police for a recording to be made for evidential purposes must be actioned immediately.
- Written records to be kept of staff training, with at least one training session to be conducted every 12 weeks. These records will be available upon request by Sussex Police and/or the Local Authority.

- Staff responsible for the sale of alcohol must sign a written document with authorisation from the Designated Premises Supervisor.
- On Thursdays, Fridays and Saturdays, the numbers of licensed door staff will be set as follows, 2 Security Industry Authority licensed door supervisors for the first 100 customers and then 1 Security Industry Authority licensed door supervisor per 100 customers thereafter.
- Security Industry Authority Door Supervision will be on duty from 20:00 hours and will remain on duty until 30 minutes after the closure of the premises and must ensure the Atrium is clear of customers, including the stairwell and lifts.

Sussex Police also request the Licensing Committee require that the following training is undertaken by the Designated Premises Supervisor and completed within one month of the review hearing. This training is to ensure that management and staff involved in the sale of alcohol are aware of their responsibilities under the Licensing Act 2003, and that the Licensing Objectives are promoted.

- Designated Premises Supervisor will receive specific BIIAB approved training for the job role. Proof of attendance must be provided to the Local Authority and Sussex Police.
- Bar Staff to take a BIIAB Level 1 Award in Responsible Alcohol Retailing. Proof of attendance must be provided to the Local Authority and Sussex Police

Have you made an application for review relating to this premises before  **Please tick yes**

If yes please state the date of that application

Day Month Year  

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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 tick yes

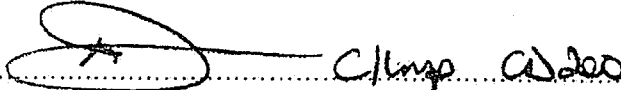
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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



Date

31/10/11

Capacity

Senior Police District Commander

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

Post town

Post Code

Telephone number (if any)

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

#### 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.