

Minutes of a Meeting of the Licensing Sub-Committee

At 2.00pm on Wednesday 22 February 2023

Held in the Council Chamber, Municipal Offices, Bowling Green Road, Kettering

Present:

Members

Councillors Jonathan Ekins (Chair), Jennie Bone and Anne Lee

Officers

Russ Howell - Health Services Manager

Syma Akhtar - Legal Advisor

Louise Tyers - Senior Democratic Services Officer

Also Present

PC David Bryan – Northamptonshire Police

1 Apologies for absence

There were no apologies for absence.

2 Members' Declarations of Interest

No declarations of interest were made.

3 Licensing Act 2003 - Summary Review of Premises Licence - Interim Measures

The Licensing Sub-Committee considered the report of the Assistant Director of Regulatory Services requesting that the Sub-Committee consider if any interim steps were required following an application by Northamptonshire Police for a summary review of the premises licence for the Brooklyn Bar, Ebenezer Place, Kettering.

An application for summary review of the premises licence by Northamptonshire Police had been received at 11.17am on Tuesday 21 February 2023.

The summary review process was an expedited process within the Licensing Act 2003 where there must be evidence of serious crime or serious violence or both. The process had two stages, an initial interim steps consideration which must be carried out within 48 hours of the application being received followed by a formal review hearing within 28 days of the application.

At the invitation of the Chair, PC David Bryan of Northamptonshire Police, presented his application for a summary review. He advised that since 1 January 2023, there had been nine assaults reported at the premises. PC Bryan explained the background to each of the assaults, one of which resulted in the DPS being under investigation and being on police bail. The DPS also appeared to have been engaged in the activities of a door supervisor without legally holding an SIA licence which would allow him to do so. He also appeared to be acting in a way which breached the police bail conditions that were imposed upon him.

At the invitation of the Chair, the Sub-Committee asked questions of PC Bryan. Councillor Anne Lee advised that she had seen on social media that the premises had been advertised as being open until 11am on 1 January, when the licence stated that the premises would close at 5.30am. PC Bryan advised that the DPS had stated that he believed that he could operate under a 36 hours licence on New Year's Eve, however this was a specific allowance for the Millennium and had since been deregulated by the Licensing Act 2003.

The Chair noted that the assault on 28 January had been reported by Council CCTV operators and enquired whether they had witnessed the actual assault. PC Bryan advised that he would need to confirm what had been witnessed at the full review, however the victim was being uncooperative. He also confirmed that he was not aware whether the door staff were wearing body cams. However, there was a CCTV camera outside of the building which looked directly at the door of the premises.

PC Bryan was invited to sum up his application. He advised that on Monday of this week, eight windows at the premises had been smashed. This, along with the incidents, showed that there was a pattern of behaviour at the premises and he would recommend that the premises licence be suspended for 28 days pending a full review.

The meeting adjourned at 2.25pm and reconvened at 2.50pm.

RESOLVED:

1. To suspend the premises licence for Brooklyn Bar Kettering Limited for 28 days with immediate effect.
2. To suspend Mr Racasan's Designated Premises Supervisor licence for 28 days with immediate effect.
3. To suspend the personal licence for 28 days with immediate effect.

Reasons for decision:

The Sub-Committee has considered an application for the review of a premises licence under section 53A of the Licensing Act 2003.

The application relates to Brooklyn Bar, 10 Ebenezer Place, Kettering, Northamptonshire, NN16 0DE. The application is for an expedited review received on 21.2.2023 at 11.12 hours from PC113 David Bryan, Northamptonshire Police.

The Sub-Committee has heard evidence from Russell Howell, Health Services Manager, North Northamptonshire Council and PC Bryan, Northamptonshire Constabulary.

Mr Racasan failed to the Sub-Committee hearing.

In making its decision, the Sub-Committee has had regard to the North Northamptonshire Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1988 and has considered all the evidence presented to it.

The Sub-Committee has made this decision to promote the four licensing objectives.

1. Prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

An application was made by the Police by virtue of section 53A of the Licensing Act 2003 which was accompanied by a certificate issued by Steve Freeman, a Superintendent of Northamptonshire Constabulary, in accordance with section 53A(1) (b) of the Licensing Act 2003 and served within the correct time period to consider an expedited review.

Findings

Details of previous incidents were put before the Sub-Committee.

A total of nine incidents of crime and disorder took place from the period 1.1.2023 to 17.2.2023.

The representations put forward by the Police is that it has no confidence in the ability of the management of the premises to promote the four licensing objectives.

The Sub-Committee finds that based on the representations made by the Police there has been a failure to promote the licensing objectives. This is due to the premises being involved in crime and disorder and lack of effective control over the management of the premises. The Designated Premises Supervisor, Mr Racasan, does not hold a valid licence to engage in door staff activities. Mr Racasan has breached his police bail conditions on four occasions. The premises have been associated with nine incidents of crime and disorder these include, assaults, and the use of a baseball bat, drug activity, fights outside the premises involving ten individuals. Door staff have also been involved in fights. Door staff are uncooperative and do not assist the police with the investigations.

Mr Racasan is on police bail for assault. Mr Racasan has the following bail conditions:

Not to complete any licensing activities during the opening hours of the premises and not to partake in any door staff duties whilst the premises is open. Mr Racasan breached his bail conditions on three separate occasions.

On 1.1.2023 at 06.30 hours Brooklyn Bar was open outside the permitted hours. The premises should have closed at 05.30 hours. The premises remained open until 11.00 am. A breach of the licence condition.

The Sub-Committee has resolved to take the following interim steps pending the hearing of a full review.

1. Suspend the premises licence for Brooklyn Bar Kettering Limited for 28 days with immediate effect.
2. Suspend Mr Racasan's Designated Premises Supervisor licence for 28 days with immediate effect.
3. Suspend the personal licence for 28 days with immediate effect.

The interim steps will remain in force until the full review is determined or until an appeal is disposed of resulting from the full review determination, whichever is later.

The reason for this decision is as follows;

The Licensing Sub-Committee is satisfied that Northamptonshire Police have produced substantial evidence and information of which item 6.7.1 which states that the licensing authority must carry out its function under the Licensing Act 2003 with a view to promoting the licensing objectives and this Sub-Committee will suspend all licences with immediate effect.

Having taken into account the four licensing objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act 1988, the Sub-Committee was satisfied that one or more of the licensing objectives have been, and in future will be, undermined without this interim step being taken.

Next hearing

The full review will take place at Kettering Borough Council, Bowling Green Road, Kettering, NN15 7QX on 21 March 2023, at 2.00 pm.

4 Close of Sub-Committee meeting

The meeting closed at 2.55pm.

Chair

Date