

Public Document Pack




**North
Northamptonshire
Council**

Meeting: Licensing Sub-Committee
Date: Wednesday 22nd February, 2023
Time: 2.00 pm
Venue: Council Chamber, Municipal Offices, Bowling Green Road, Kettering,
NN15 7QX

To members of the Licensing Sub-Committee

Councillors Jonathan Ekins, Jennie Bone and Anne Lee

Agenda			
Item	Subject	Officer Presenting Report	Page No
01	Apologies for non-attendance		-
02	Members' Declarations of Interests		-
Items requiring a decision			
03	Licensing Act 2003 – Summary Review of Premises Licence – Interim Measures	Russ Howell – Health Services Manager	3 - 30
04	Close of Sub-Committee meeting		
<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer</p>			

This agenda has been published by Democratic Services.

Committee Administrator: Democratic Services

✉ democraticservices@northnorthants.gov.uk

Meetings at the Council Offices

Where there is a need for the Council to discuss exempt or confidential business, the press and public will be excluded from those parts of the meeting only and will have to vacate the room for the duration of that business.

Members' Declarations of Interest

Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

Members are reminded that they should continue to adhere to the Council's approved rules and protocols during the conduct of meetings. These are contained in the Council's approved Constitution.

If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – monitoringofficer@northnorthants.gov.uk

Press & Media Enquiries

Any press or media enquiries should be directed through the Council's Communications Team to NNU-Comms-Team@northnorthants.gov.uk

Public Enquiries

Public enquiries regarding the Authority's meetings can be made to democraticservices@northnorthants.gov.uk

Licensing and Appeals Sub Committee

Report Title	Licensing Act 2003 – Summary Review of Premises Licence – Interim Measures
Report Author	Iain Smith Assistant Director of Regulatory Services iain.smith@northnorthants.gov.uk

List of Appendices

- Appendix A - Licensing Act 2003 Application for Review**
Appendix B - Police Certificate
Appendix C - Current Premises Licence

1. Purpose of Report

- 1.1 To consider if any interim steps are required following application by Northamptonshire Police for summary review of the Premises Licence for Brooklyn Bar, Ebenezer Place, Kettering.

2. Executive Summary

- 2.1 An application for summary review of the premises licence at Brooklyn Bar, Ebenezer Place, Kettering was received from Northamptonshire Police at 11.17 a.m on Tuesday 21 February 2023.
- 2.2 The summary review process is an expedited process within the Licensing Act 2003 where there must be evidence of serious crime or serious violence or both.
- 2.3 The process has 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 being received.
- 2.4 This hearing is to consider the interim steps.

3. Recommendations

- 3.1 The Committee is asked to consider the application from Northamptonshire Police and, if it considers that the application meets the requirements for summary review, to consider what action, if any, to take immediately with regards to the premises licence.
- 3.2 The actions that the Authority may take as interim steps are to modify the licence conditions, exclude the sale of alcohol, remove the DPS or suspend

the licence. Consideration should be given to any recommendation from Northamptonshire Police in this matter.

4. Report Background

- 4.1 An Application for Summary Review of the Premises Licence for Brooklyn Bar, Ebenezer Place, Kettering has been received from Northamptonshire Police. A copy of the certificate and the application required under the legislation are attached.
- 4.2 The application is submitted under the amendments to the Licensing Act 2003 by the Violent Crime Reduction Act 2006. This power provides an expedited review process in certain circumstances.
- 4.3 The Committee must be satisfied that there is evidence of serious crime or serious violence or both. The crime must be sufficiently serious to carry a sentence of imprisonment for 3 years or more for an individual over 18 with no previous convictions. The certificate and application describe this evidence.
- 4.4 The amended legislation gives powers to the Licensing Authority to take interim steps following application prior to a full review hearing being held.
- 4.5 The Authority may consider for these interim steps modifying conditions, excluding the sale of alcohol, removing the DPS or suspending the licence.
- 4.6 The Licensing Authority in its licensing decision must decide when the interim steps will take effect from. Any decision is effective from the hearing.
- 4.7 The Licence holder cannot appeal through the courts against the implementation of interim steps but may make representation to the Licensing Authority against the decision.
- 4.8 A full review hearing must be held within 28 days from the day the review application is received.

5. Issues and Choices

- 5.1 Having considered the information provided by Northamptonshire Police the Committee must consider the options available to it as detailed above and take such action as it considers necessary to address the concerns raised in Northamptonshire Police's application.

6 Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 There are no resource or financial implications in relation to this report

6.2 Legal

6.2.1 The Summary review process is detailed within Section 53A to 53D of the Licensing Act 2003 and Chapter 12 of the Section 182 Guidance issued under the Licensing Act 2003.

6.2.2 There is no right to appeal the decision of the Committee in relation to the interim measures. The Licensee may make representation to the Licensing Authority against any decision at this stage and will have the right to present his case at the review hearing to follow.

6.2.3 A hearing date within 28 days from the date of the application must be set.

6.3 Risk

6.3.1 There are no significant risks arising from the proposed recommendations in this report.

6.4 Consultation

6.4.1 There is no legal consultation process relating to this particular process.

6.5 Consideration by Scrutiny

6.5.1 Not considered

6.6 Climate Impact

6.6.1 No climate impact.

6.7 Community Impact

6.7.1 A licensing authority must carry out its functions under The Licensing Act 2003 with a view to promoting the licensing objectives.

The licensing objectives are—

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

7 Background Papers

Section 182 guidance issued under the Licensing Act 2003

This page is intentionally left blank

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

North Northamptonshire Council
41 Meadow Road
Kettering
NN16 8TL

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Constable 113 D.Bryan [on behalf of] the chief officer of police for the Northamptonshire police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Brooklyn Bar
10 Ebenezer Place**

Post town: Kettering

Post code (if known): **NN16 0DE**

2. Premises licence details:

Name of premises licence holder (if known): Brooklyn Bar Kettering Ltd

Number of premises licence holder (if known): 20/01169/LAMVAR

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Please see attached certificate.

Signature of applicant: 
Date: 20/02/2023
Capacity: Northamptonshire Police Licensing Officer

Contact details for matters concerning this application:

Address:
Wellingborough Police Station
Midland Road
Wellingborough
NN8 1HF

Telephone number(s): 101 EXT 343409

Email: david.bryan@northants.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or

- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



CERTIFICATE

Under section 53a(1)(b) of the Licensing Act 2003

I **Steve FREEMAN** am a Superintendent (or above) in Northamptonshire Police and hereby certify that in my opinion the premises described below are associated with:

Serious crime

*Delete as appropriate

Premises Details:

(Include Business name, Postal address of the premises or if none – Ordnance Survey map reference or description)

Brooklyn Bar

10 Ebenezer Place

Kettering

Northamptonshire

Post Code: NN16 0DE

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are inappropriate in this case because:

(Give brief description of why other procedures such as standard review process are thought to be inappropriate eg the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned etc)

On the 1st of January 2023 at 01:20am Brooklyn Bar, situated in Ebenezer Place in Kettering town centre. Door staff at the venue contacted Council CCTV operators requesting police officer assistance, no other information was passed to the CCTV operators and the CCTV operators could not get back in contact with the venue. On police officer attendance the staff at the venue were obstructive and unhelpful, not answering questions regarding the incident. A male has approached officers and reported that he had been assaulted within the smoking area of the venue, the alleged suspect was still inside the venue. It is reported that the door staff stated that it 'had kicked off' inside the venue and walked off back inside without giving any further information, it is also reported that the door staff were unhelpful when officers have tried to find the suspect inside. It was also reported the owner has come

out of the venue and was argumentative with members of the public and very aggressive, the owner has seemingly tried to cause fights due to his aggressive behaviour.

At approximately 06:30am on the 1st of January 2023 council CCTV operators viewed a commotion outside the front of Brooklyn Bar, they have witnessed the manager Mr RACASAN eject a male out onto the street. Mr RACASAN punched the male in the face causing the male to drop immediately to the floor. The male has then got back up and Mr RACASAN can be seen to assume a boxing stance and inviting the male to have a fight with him door staff have intervened, and the fight was prevented. Police Officers have attended the incident and Mr Racasan was arrested for an assault on the male. Three matters of note Mr Racasan does not hold an SIA (Security Industry Authority) licence to perform the duties of a door supervisor and as such has acted without the authority of the SIA. Mr RACASAN has a non-front SIA licence which only allows him to employ door supervisors 'in house', the incident occurred at 06:30am the premises should have closed to the public at 05:30am a no licensable activity should have been taking place, it was reported that the venue did not close until 11:00am by the council CCTV operators. As part of the investigation police officers spoke with door staff and asked to provide a statement, the door staff member stated that they did not see the incident even though the fight was prevented by them. Mr Racasan is still under investigation and has a bail condition which reads;

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.

At approximately 02:00am on the 22nd of January 2023 a report from Brooklyn Bar stated three females had been assaulted within the venue. The offenders were still inside the venue and door staff required assistance in removing the offenders. On police arrival three males were ejected however the females did not wish to pursue any form of complaint in relation to the assaults. Mr Racasan was also present when the police officers arrived.

At approximately 05:00am on the 28th of January 2023 police officers have attended Brooklyn Bar following a report of a male being assaulted with a baseball bat the report was made by council CCTV operators. Officers spoke to an independent witness and it transpired that an unknown male has assaulted unknown victim by hitting him with a baseball bat causing a lump to his head. The suspect left prior to police arrival in a white van and the injured party refused all details, refused medical attention, denied being assaulted and refused to come out of the bar and engage with officers. No arrests were made due to an unco-operative victim.

On the 11th of February 2023 at approximately 02:09am Officers attend Brooklyn Bar to a report of a male having been ejected by Door staff. A small bag of white powder was discovered in the left trouser pocket of the ejected male, the male was subsequently arrested for possession of Class A, police officers were about to finalise the search when the male tried to run off, he was quickly taken to the ground and in addition further arrested him for assaults on door staff which happened during the initial ejection. The arrested male then tensed up on the floor and wrapped his legs around one of the police officers ankles, bending it and so he was struck twice to his side to release his legs, shortly after officers with a van have arrived. The male has continued to fight with officers as they were trying to get him in the van, eventually he was sprayed with incapacitant spray as he was putting parts of his body in the way preventing the prisoner cage being closed. Following the arrest of this violent male both door staff who were assaulted have declined to make a statement in support of the assault investigation.

On the 11th of February 2023 at approximately 05:30am police officers are on general patrol as part of their night time economy patrols when they are guided in to an incident by a member of the public. He has nodded his head in the direction of the Brooklyn Bar and on the street there has been a brawl of approximately four people with two of them being door supervisors from Brooklyn Bar and the other two being members of the public. Officers have intervened in the incident and have immediately arrested one of the members of public due to him assaulting one of the door staff by grabbing his SIA badge and not letting go. Approximately ten other people have also got involved in the brawl but were quickly separated. Once the male was arrested, an allegation of an assault was disclosed which

occurred inside the Brooklyn Bar dance floor. Although, no one present was able to provide any further details around this allegation. The arrested male has had an unknown friend that was hindering police in their duties and decided to approach a separate group nearby. This unknown friend has had an exchange with the group resulting in the unknown friend being pushed to the floor. A member of this group was then arrested for assault based on what officers have witnessed. Door staff were unwilling to make statements to support the police investigation, they were also reported as being not helpful with the initial dealing of the incident.

On the 17th of February 2023 at approximately 01:24am Council CCTV operators have made police aware of a male outside Brooklyn Bar who was being refused entry. One of the males at the entrance was the manager Mr RACASAN who was seen to separate two males at the door. This would be in contravention of his police bail conditions and the Security Industry Authority legislation as Mr RACASAN does not hold a valid licence to engage in door staff activities.

On the 17th of February 2023 at approximately 21:00 hours Northamptonshire Police control received a bomb threat at with Brooklyn Bar, stating that this was due to a drugs feud and a drug related incident. Officers closed and evacuated Brooklyn Bar the manager Mr RACASAN was happy for officers to conduct a fingertip search of the premises, no explosive device was discovered. During the search it was observed that some food was being prepared on the wrong chopping boards, the freezer contained mould and empty drug deal bags were behind the toilet. It was also reported that Mr RACASAN was in breach of his police bail conditions by being in charge of the premises.

The premises licence is held in the name of Brooklyn Bar Kettering Ltd, the sole active director is Mr Rares RACASAN, the Designated Premises Supervisor for the premises is also Mr Rares RACASAN.

Northamptonshire Police have consulted with the Secretary of States section 182 guidance that accompanies the Licensing Act 2003, and the Home Office guidance specifically regarding the Summary Review process. It is Northamptonshire Police's opinion that the premises is associated with serious disorder. At point 12.6 of the Secretary of States guidance it is stated that there is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgement by the local police. The phrase should be given it's plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used. Section 1 (A) of the act states;


"It may result in serious public disorder, serious damage to property or serious disruption to the life of the community"

It is Northamptonshire Police's assertion that since the 1st of January 2023 there have been nine assaults reported, one of those assaults with the DPS being under investigation the other involving a weapon namely a baseball bat, reports of ten people fighting at the venue, one obstruction of a police officer in the lawful execution of their duty. There is a drugs possession, and the premises has been trading unlawfully and in contravention of the Licensing Act 2003 as detailed on the 1st of January 2023. Mr Racasan has also been engaging in the activities of a door supervisor without legally holding a SIA licence that would allow him to do so and would appear to be acting in a way that breaches his police bail conditions that were imposed after an act of violence committed by him to prevent further instances. Door Staff employed at the venue have been detailed as being unhelpful and have not made supporting statements when requested by the police to assist with investigations.

Northamptonshire Police have considered the conventional Review process however have real concerns that the premises is failing to promote the licensing objectives namely the Prevention of Crime and Disorder due to the emanating pattern of behaviour associated with the premises and the people involved with the running of the business. Northamptonshire Police are asking the licensing authority to consider a suspension of the premises licence for 28 days pending the full Review hearing. This would allow Northamptonshire Police to assess the running of the venue with there being no further risk to the community and

people who use Kettering's NTE through the disorder that Northamptonshire police know is happening at the venue. A conventional Review process would not be appropriate to uphold the licensing objectives in this individual circumstance as it would be a protracted process in comparison and Northamptonshire Police do not wish to risk the potential of further disorder at the venue and harm to the public and community of Kettering.

Signed:



Supt Steve Freeman

Date: 20.02.23



Part A

Premises Licence

**Kettering Borough Council,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
Tel 01536 410333 Fax 01536 410795
www.kettering.gov.uk**

Premises Licence Number	16/01116/LAPNEW
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description:

Brooklyn Bar
10 Ebenezer Place
Kettering
Northamptonshire
NN16 0DE

Telephone Number: 01536 520550

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Alcohol consumed on premises

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:00
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:00
New Year's Eve 11:00 until 10:00 New Year's Day
Additional hour for BST

Performances of Dance

Indoors

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:30
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:30

Late Night Refreshment

Indoors

Thursday	23:00 - 04:00
Friday and Saturday	23:00 - 05:00
Sunday to Wednesday	23:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:00
New Year's Eve 23:00 until 05:00 New Year's Day

Live Music

Indoors

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:00
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:00

Recorded Music

Indoors

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:30
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:30
New Year's Eve 11:00 until 10:00 New Year's Day
Additional hour for BST

The opening hours of the premises

Friday and Saturday	11:00 - 05:30
Sunday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Brooklyn Bar Kettering Limited
Ground Floor
10 Ebenezer Place
Kettering
Northamptonshire
NN16 0DE

Email: Racasan.rares@yahoo.co.uk
Work Phone: 07784 982199

Registered number of holder, for example company number, charity number (where applicable)

11478347

Name, address, and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: 073260
Licensing Authority: Peterborough City Council

If this premises licence authorises the supply of alcohol, the following conditions must be complied with:

1. No supply of alcohol may be made under the premises licence—
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
5. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
6. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

If this premises licence authorises the exhibition of films, the admission of children to the exhibition of any film must be restricted in accordance with this condition

9. Where the film classification body is specified in the licence, unless section b) below applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where—

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

If this premises licence requires the use of door supervisors.

10. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Note: This does not apply to premises with premises licences authorising plays or films, premises exclusively used by a club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence .

Explanatory Notes and Definitions for Mandatory Condition 4.

Definitions

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

“permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

“relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price calculated would not be a whole number of pennies, it shall be taken to be the price calculated rounded **up** to the nearest penny.

NOTE: This note is provided to give assistance in calculating prices, it is not a legal document. If you are unsure on any issue related to permitted prices, seek advice. Further information can be found about mandatory conditions can be found at <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>.

Annex 2 – Conditions consistent with the Operating Schedule

CCTV

1. A fully working and maintained CCTV system capable of recording and storing images is installed on the premises. The system is recording at all times whilst the premises are open to the public and images are stored for a minimum of 28 days with date and time stamping.
2. A person conversant with the retrieval and downloading of CCTV and Body worn footage is present on at times the premises is open. This staff member is available to assist officers to review incidents as soon as practicable after they occur in order to conduct an initial investigation and in line with current Data Protection Legislation.

SIA

3. A minimum of 3 SIA licensed door supervisors will be on duty at the premises from 23:00 hours. A further 1 will be on duty from 02:00 hours. All SIA will remain on the premises after closing to assist with dispersal.
4. From 23:00 hours until closing time there will be at least 1 member of the SIA licensed door supervisors wearing Body worn video. Body worn video will be activated during any verbal altercation with staff where appropriate.
5. Any additional SIA Licensed door supervisors the venue might require will be calculated via a risk assessment conducted by Designated Premises Supervisor.
6. All staff engaged outside the entrance to the premises, or supervising or controlling queues, will wear high visibility yellow jackets or vests.
7. There will not be sales of alcohol for consumption off the premises after 23:00 hours.
8. The licence holder will ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway and that the queue area is covered by the venue's CCTV system.
9. The premises licence holder will ensure that whilst the premises are open no patrons are able to access Ebenezer Place to drink and /or smoke.
10. All bottled drinks will be decanted into plastic drinking vessels after 23:00 hours.
11. No drinks will be removed from the premises by customers or taken outside of the Licensable Area.
12. All security staff will sign in on a register at the commencement of every duty. This register contains the name, date of birth and full 16 digit SIA badge number of each security staff member on duty. The register is fully maintained and kept on the premises at all times and is available to an officer from a responsible authority upon reasonable request. Records will be retained for at least 6 months.

Policies and Procedures

13. Vulnerability - The premises will have a written policy in relation to dealing with vulnerable people associated with the venue. A copy of this policy will remain on the premises and be made available to all staff as they need to refer to it and to an officer from a responsible authority at all times upon reasonable request.
14. The premises will have a documented searching policy. This document will be retained upon the premises and made available to an officer from a responsible authority upon reasonable request. Searches will be carried out where deemed appropriate by SIA licensed door staff. All searches will be monitored by the venue's CCTV system.
15. The premises will have a documented drugs policy. This document will be retained upon the premises and made available to an officer from a responsible authority for inspection upon reasonable request.
16. An incident log will be kept at the premises and be available on request to an authorised Officer of the Council or Police. It will be completed within 24 hours of the incident and will record the following:
 - a) All crimes reported to the venue.
 - b) All ejections of patrons.
 - c) Any complaints received concerning crime and disorder.
 - d) Any incidents of disorder.
 - e) All seized drugs or offensive weapons.
 - f) Any faults in the CCTV system, searching equipment or scanning equipment.
 - g) Any refusal of the sale of alcohol.
 - h) Any visit by a relevant authority or emergency service.
17. In the event that a serious and/or sexual assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the East Midlands Ambulance Service) are called without delay.
 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Training

18. All staff involved in the retail of alcohol to be trained in relation to the law regarding its sale. This training will be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training will be signed to state that they have received and understood the training and this will be dated. Training records will be kept on the premises at all times and made available to an officer from a responsible authority upon reasonable request.

Public Safety

19. First aid and fire equipment easily accessed.
20. Staff health and safety and fire trained.
21. There will be a least 1 personal licence holder on duty and present at all times whilst the premises are open to the public.
22. The premises will have a means of monitoring and controlling its capacity during peak times (clickers head count). A policy in terms of maximum and comfort capacity figures decided upon the venue will be documented in the venues risk assessment and made know to all members of staff employed in the control of entry/exit points.
23. The Police Licensing Unit will be advised 7 days prior to any externally promoted event taking place within the venues nightclub by a member of the venues management team.
24. Food and non intoxicating beverage, including drinking water will be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
25. The last entry time for these premises will be 03:00 hours.

Prevention of Public Nuisance

26. Doors and windows closed to reduce noise.
27. Music will end 15 minutes before venue closes.
28. Signs on the door and windows to ask customers to leave quietly and respect the neighbours.
29. All sales of alcohol for consumption of the premises will be in sealed containers and will not be consumed on the premises.
30. The premises will have a dispersal plan in place which involves staff/door staff encouraging and monitoring the safe and peaceful exit of customers from the venue and immediate area outside.
31. Signs are displayed at the exit point of the venue requesting that customers respect local residents by leaving and dispersing from the premises and immediate area quietly.
32. No live music will be played after midnight Sunday to Thursday or after 01:00 hours on Friday, Saturday and Sundays prior to a Bank Holiday.

Protection of Children

33. A Challenge 25 proof of age scheme will be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the pass hologram.
34. No children under the age of 18 will be allowed to enter or remain on the premises after 21:00 unless for the purposes of attending at a pre- booked private function and in which case the supervision of a person age no less than 24 years old.
35. There will be a defined gap of at least one hour between any specified under 18 event and the commencement of alcohol sales at any later opening of the venue.
36. Any under 18 events will go until no later than 22:30 hours.
37. There will be no under 18 events at the venue on Saturdays.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Drawing no: 4040.05.1 approved by the Licensing Authority 9 June 2016



Part B

Premises Licence Summary

**Kettering Borough Council,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
Tel 01536 410333 Fax 01536 410795
www.kettering.gov.uk**

Premises Licence Number	16/01116/LAPNEW
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description: Brooklyn Bar 10 Ebenezer Place Kettering Northamptonshire NN16 0DE
Telephone Number: 01536 520550

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Alcohol consumed on premises

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:00
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:00

New Year's Eve 11:00 until 10:00 New Year's Day
Additional hour for BST

Performances of Dance

Indoors

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:30
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:30

Late Night Refreshment

Indoors

Thursday	23:00 - 04:00
Friday and Saturday	23:00 - 05:00
Sunday to Wednesday	23:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:00

New Year's Eve 23:00 until 05:00 New Year's Day

Live Music

Indoors

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:00
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:00

Recorded Music

Indoors

Thursday	11:00 - 04:00
Friday and Saturday	11:00 - 05:30
Sunday to Wednesday	11:00 - 02:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:30

New Year's Eve 11:00 until 10:00 New Year's Day
Additional hour for BST

The opening hours of the premises

Friday and Saturday	11:00 - 05:30
Sunday to Wednesday	11:00 - 02:00
Thursday	11:00 - 04:00

Non Standard Timings

All public holiday weekends, Christmas Eve, Valentine's Day, Halloween until 05:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the premises

Part 2

Name, (registered) address of holder of premises licence

Brooklyn Bar Kettering Limited
Ground Floor
10 Ebenezer Place
Kettering
Northamptonshire
NN16 0DE

Registered number of holder, for example company number, charity number (where applicable)

11478347

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Rares Racasan

State whether access to the premises by children is restricted or prohibited

NO

Signed:



Date: 30 September 2020

Name: Russ Howell
Position: Health Services Manager
For and on behalf of the Licensing Authority

This premises licence **16/01116/LAPNEW**
has been issued by Kettering Borough Council,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
Tel 01536 410333 Fax 01536 410795
www.kettering.gov.uk