



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