

Minutes

**Licensing Sub-Committee
Wednesday, 30th August, 2023**

Attendance

Cllr Mrs N Cuthbert
Cllr Gorton

Cllr Gelderbloem

Apologies

Substitute Present

Also Present

Officers Present

Dave Leonard	- Licensing Officer
Paul Adams	- Licensing Manager
Zoe Borman	- Governance and Member Support Officer
David Carter	- Environmental Health Manager

LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

121. Appointment of Chair

Members resolved that Cllr Gelderbloem would Chair the meeting.

122. Administrative Function

Members were respectfully reminded that, in determining the matter listed below, they are exercising an administrative function with the civil burden of

proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

**123. BLOC 40, FIRST FLOOR 40 HIGH ST, BRENTWOOD CM14 4AJ
Application to Review a Premises Licence - Licensing Act 2003**

Essex Police ("the Police") had submitted an application for a review of the premises licence for Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ ("the Premises"). The premises licence is held by AA Trading Ltd ("the PLH").

The director of the PLH company is Mr Ahmet Melin. The Premises trades as a nightclub and is authorised for licensable activities (sale by retail of alcohol and regulated entertainment) between 11:00-02:00 seven days per week, with a closing time of 02:30. The Sub-Committee was told that the Premises is mostly used for private events.

Relevant representations were received from two responsible authorities: the Environmental Health team and the Licensing Authority. Two other persons – residents on Alfred Road – submitted relevant representations.

The Sub-Committee held a hearing on 30 August 2023 to consider the application and representations.

In making its decision, the Sub-Committee has taken into account all of the papers in the reports pack, CCTV footage of incidents on 16 June 2023 and 23 July 2023, and the evidence and submissions made by the parties at the hearing. It has also taken into account the Council's statement of licensing policy, the Home Office's statutory guidance and the sub-committee's local knowledge of the area surrounding the Premises.

The Sub-Committee's decision is to revoke the licence. Its reasons are as follows.

In 2021, there was a serious stabbing incident at the Premises which, following a summary review, resulted in a series of tough conditions being added to the premises licence.

A little over two years later, there was another serious incident of violence at the Premises. The Sub-Committee was shown footage of a mass brawl which broke out during a 14th birthday party being hosted at the Premises on 16 June 2023. The Sub-Committee was told by the PLH's legal representative that there was one SIA-registered door supervisor on duty that evening (although this has not been verified by the security log, which the PLH has failed to provide to the Police despite requests) and one parent present in the Premises (who is not visible in the footage shown to the Sub-Committee). The PLH did not challenge the Police's evidence that the PLH's staff had allowed intoxicated children into the venue, many without proper searches, and it is possible that these failings contributed to the violence which later occurred. The PLH's legal representative stated that this was a private event

which was due to finish at 9pm. However, the CCTV footage shows that the event was still well underway after 9pm, when the incident occurred. During the melee, Mr Melin was knocked to the floor and broke his shoulder. It is apparent from the footage that there were insufficient staff present to manage the situation and it is clear that the PLH completely lost control of the incident, with teenage boys jumping over the bar and grabbing spirit bottles (which were on display and unsecured, despite this being an event for children) to use as weapons. The fight then spilled out of the Premises and into the High Street, with no visible attempt by the PLH to restore order or, at least, to safeguard the children not directly involved in the brawl. The Sub-Committee saw at least one boy falling to the ground and being set upon by others and another using a bottle apparently taken from the Premises to batter another child. The Sub-Committee was told that the incident required Police units from other boroughs to break up, which took around 40 minutes, and the intervention of two teachers who were in the high street at the time of the incident taking place. Whether or not any licensable activities were being carried out on this occasion, this was a shocking and horrific incident of violence, which clearly demonstrated serious management failings. It is surprising and fortunate that there appear to have been no serious injuries. This incident seriously undermined the Sub-Committee's confidence in the ability of the PLH to promote the licensing objectives of preventing crime and disorder and protecting children from harm.

Shortly after this incident, the Police requested a meeting with the PLH and access to the Premises' CCTV recordings and security log. However, the PLH did not respond to this request. Almost three weeks later, the PLH's legal representative contacted the Police and agreed to a meeting. Two CCTV recordings were supplied but, even by the date of the hearing, the security log had not been provided. The Sub-Committee noted that Mr Melin may have been recovering from his injury during this period but considered that there was no excuse for the PLH's failure to co-operate promptly with the Police's enquiries. The Sub-Committee also noted that this was not the first time that the PLH had been less than co-operative with the responsible authorities (the Licensing Authority provided evidence of similar requests being ignored or put off during investigations in 2020 and 2021). It appeared to the Sub-Committee that the responsible authorities were having to liaise with the PLH's legal representative rather than the PLH itself, whereas the engagement should be coming directly from the PLH. This was evident from the hearing: Mr Melin did not address the Sub-Committee himself which showed little indication that he had any remorse for what had happened or insight into why things had gone wrong. The PLH is responsible for promoting the licensing objectives and, as its sole director, Mr Melin is personally responsible for the way in which the PLH carries on its business. This obstructive attitude also seriously undermined the Sub-Committee's confidence in the ability of the PLH (and Mr Melin) to promote the licensing objectives when operating the Premises.

The Sub-Committee was also shown footage of a shocking incident of violence which occurred on the High Street in the early hours of 23 July 2023, in which a pedestrian (who appeared to have been a customer of the

Premises) was deliberately run over by a car which mounted the pavement. The Sub-Committee accepted that there was no causative link between anything going on at the Premises (which had hosted another private birthday party) and this incident. The Police detectives investigating this serious criminal offence subsequently requested CCTV footage from the Premises on 2 August 2023 to assist their enquiries. The Sub-Committee was told that this footage had still not been provided, almost one month later. The PLH's legal representative said that he would "resolve" this request after the hearing. Again, this failure to co-operate with a responsible authority undermines confidence in the PLH.

The Council's Environmental Health manager told the Sub-Committee that, in his professional opinion, noise breakout from the rear terrace of the Premises was likely to be causing a noise nuisance. This opinion was supported by Dr Millwood who had made a relevant representation and attended the hearing to describe his experience of living near the Premises. The Environmental Health manager confirmed that, since 2021, he had received complaints from just one household and acknowledged that a public nuisance is one which affects a section of the public. Dr Millwood also acknowledged that problems with noise had significantly reduced in the past two years. Given the small number of complaints received, and the reduction in incidents of noise breakout since 2021, the Sub-Committee could only attach limited weight to the relevant representations concerning public nuisance. However, the Sub-Committee noted that the PLH had agreed with the Environmental Health team that a lobby door would be installed on the rear terrace to limit noise break out but had failed to do so, despite noise complaints continuing to be made.

On a review, the Sub-Committee is not required to decide whether specific licence conditions have been breached (or whether, as the PLH argued, the licence was "engaged" at all during the incidents in question); it must have regard to the relevant representations and decide on steps that are appropriate for the promotion of the licensing objectives. It was clear from both the Police's and the Licensing Authority's evidence that they had found it very difficult to work co-operatively with the PLH and that it was only when forced to – and, even then, only with the intervention of its legal representative – that the PLH would engage with the responsible authorities. The Sub-Committee noted that, at the summary review in 2021, a series of tough conditions were added to the licence and it was difficult to see how these could be meaningfully improved to prevent future problems.

It appeared to the Sub-Committee that the key question was whether it had confidence in the PLH's ability to abide by the existing licence conditions and to promote the licensing objectives. The Sub-Committee's answer to that question, in light of the evidence set out above, was no. Revocation must be a last resort. However, bearing in mind the evidence of management failings – both in the handling of the violent incident on 16 June and in the subsequent lack of openness with the responsible authorities – the Sub-Committee considered that the PLH could no longer be trusted to operate the Premises

consistently with the licensing objectives. Therefore revocation was the only appropriate option.

There is a right of appeal against this decision. Any appeal should be made to the magistrates' court within 21 days beginning with the day on which the appellant was notified of this decision.