

Application for summary licence review



[Brentwood Borough Council
Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY]

Licensing Authority premises licence number (optional): PRM_0545

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 Gary Burke [on behalf of] the chief officer of police for the Essex 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:

BLOC 40
FIRST FLOOR
40 HIGH STREET
BRENTWOOD
ESSEX CM14 4AJ

Post town: BRENTWOOD

Post code (if known): CM14 4AJ

2. Premises licence details:

Name of premises licence holder (if known): A A TRADING LTD

Number of premises licence holder (if known): 1

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]

On Saturday 29 May, a suspect entered the premises and within a short time, was involved in a large disturbance in the smoking area. During this disturbance, the suspect stabbed a male in the upper leg using an unknown weapon he appeared to have concealed in his belt area. The victim required hospital treatment for his injury.

Within 10 minutes, the suspect leaves the premises via a stairway in the smoking area and engages in another disturbance at the front of the premises, where he then proceeded to stab a male in the buttocks which required hospital treatment. This victim also had head injuries requiring treatment as a result of either having glass smashed on his head or from being stamped on. CCTV appears to show someone being stamped on while on the floor during this disturbance and the victim states he was hit in the face with a glass bottle when trying to leave the premises.

The serious nature of this incident and the apparent lack of searching or intervention from doorstaff indicate that effective steps need to be taken to ensure the safety of customers and the prevention of further serious crime and disorder.

As per paragraph 12.1 of the Licensing Act guidance, summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. As part of this summary review process, the suggested interim conditions to be put in place ahead of a full hearing are as follows;

- Suspension of licence to allow police to work with the licence holder with a view to agree amendments to the licence conditions, terminal hour and training needs ahead of a full hearing. Alternatively, a series of conditions or amendments to the licence including;
- A Clubscan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and have their details recorded on the system;
- Use of metal detector wands from 2300hrs for every customer;
- Increase security in the areas where stabbings took place;
- Terminal hour of midnight (but if no change to terminal hour, that there is no customer entry or reentry to venue after midnight).

Essex Police are mindful of paragraph 12.16 of the guidance where very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps.

This application has been made at the earliest available time that Essex Police considered its representations could withstand the scrutiny to which they would be subject at a hearing (a requirement of the Statutory Guidance, paragraph 9.12), and its application would not undermine any parallel criminal investigation.

The Chief Officer of Police will submit further material and representations to support his initial representation above during the statutory consultation period and his representation will be amplified at the subsequent review hearing.

The Chief Officer of Police confirms that he or his representative will 'attend' any hearing held in regards this application.

IT IS REQUESTED THAT PARTS OF THE HEARING FOLLOWING THIS REVIEW APPLICATION IS HELD IN 'CAMERA' (In accordance with Regulation 14(2) of The Licensing Act 2003 (Hearings) Regulations 2005) – as at the hearing matters not yet heard by a criminal court will be presented and thus may compromise criminal proceedings if disclosed publicly. For similar reasons, subsequent supplementary material may not be suitable for publication on the Authority's website.

Signature of applicant:	GBurke
Date:	03/06/2021
Capacity:	SENIOR LICENSING OFFICER FOR ESSEX POLICE

5. Contact details for matters concerning this application:

Address:	LICENSING TEAM, BRAINTREE POLICE STATION, BLYTHS MEADOW, BRAINTREE, CM7 3DJ
Telephone number(s):	01245452035
Email:	licensing.applications@essex.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.

Summary Review – Superintendent’s certification



Certificate under Section 53A (1)(b) of the Licensing Act 2003

Certifying officers name: <u>NAOMI EDWARDS</u>	
Rank & PIN: <u>SUPERINTENDENT ⁴²⁹ 81331</u>	Signature: <u>Naomi Edwards</u>
Stationed at: <u>HARLOW</u>	Date: <u>2nd JUNE 21</u> Time: <u>14:34</u>

I hereby certify that in my opinion the premises described below are associated with ~~serious crime~~ (*see note below) / serious disorder / both serious crime and serious disorder (delete as applicable)

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are in appropriate because;

On Saturday 29 May, a suspect entered the premises and within a short time, was involved in a large disturbance in the smoking area. During this disturbance, the suspect stabbed a male in the leg who then required hospital treatment for his injury.

Within 10 minutes, the suspect can then be seen on CCTV leave the premises and engage in another disturbance outside, where he then proceeded to stab another male in the buttocks which also required hospital treatment. This victim also had head injuries as a result of either having glass smashed on his head or from being stamped on. CCTV appears to show someone being stamped on while on the floor during this disturbance.

The serious nature of this incident and the apparent lack of searching or intervention from doorstaff indicate that serious steps need to be taken to ensure the safety of customers. The option of interim steps as part of the summary review process would help to reduce the risk of further serious crime and disorder until longer term measures can be agreed and put into effect.

A brief description of why standard review processes are inappropriate e.g. degree of seriousness of the crime/disorder, past history of non-compliance etc. may be helpful but this is not a legal necessity for the issue of a certificate and will be outlined within any application for review, should one subsequently be applied for. Applications are usually sought when 'interim steps' are considered necessary before a review hearing takes place.

There is no requirement to list all occurrences or provide the detail of each occurrence; the sole requirement is that an honest opinion is held that the premise is associated with serious crime/disorder. A single incident may be the trigger for a certificate if it is serious enough. The issue of a certificate does not mean the police MUST apply for a review.

***NOTE: Serious crime includes any criminal conduct that involves the use of violence; serious disorder is not defined and should be given its ordinary meaning.**

Premises Name:	<u>BLOC 40</u>
Name of Designated Premises Supervisor:	<u>DANIEL MARK CAPITANCHIK</u>
Premises address:	<u>FIRST FLOOR 40 HIGH STREET BRENTWOOD ESSEX CM14 4AJ</u>

Premises Licence No. if known

PRM_0545