



**BRENTWOOD
BOROUGH COUNCIL**

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Licensing Act 2003 – Application to Review a Premises Licence
Bloc 40, first Floor, 40 High Street, Brentwood CM14 4AJ

Representation by a Responsible Authority (Licensing)

I wish to make a representation in support of the application by the Chief of Essex Police to review the premises licence at **Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ**.

I make this representation as a Responsible Authority (Licensing) in my capacity as the Brentwood Borough Council Licensing Officer as permitted by virtue of the Licensing Act 2003 (as amended).

On Thursday, 5th March 2015 at 1.05pm, whilst at work in the High Street, I noticed some men taking dismantled snooker tables out of Brentwood Snooker & Poker Club and loading them onto a van. I introduced myself and produced my identification to a man who informed me that he was the new manager and stated that he was working for his business partner and new owner, Alfie Adam (AA Trading Ltd).

I was making a note of this information and asked the male his name and who he was in relation to this. The man challenged why I needed his details and I explained that I was merely noting this as there would need to be further communication relating to the premises licence that had been suspended for non-payment of annual fees. Again, I asked the man's name and he said, "ALI". I asked, "ALI what?" He said, "Just ALI." He clearly did not wish to disclose his details and stated that I didn't need to know them as he was just a friend of the owner. I now know this man, who claimed to be ALI when we first met, as Ahmet Melin.

On Tuesday, 14TH April 2015 at 11.30AM, together with the former Principal Licensing Officer, Gary O'Shea and former Essex Police Licensing Officer, Peter Jones, I attended the premises and met with Ahmet Melin, who now described himself as the manager. During the course of the meeting and inspection of the premises – which had now been converted from a snooker hall to a sports lounge - we were shown out on to the flat roof at the rear of the premises accessible through a fire escape door. Once outside, I noted that there was a fire escape to the rear of the shopping parade and access to residential flats immediately above the snooker club. Mr. Melin stated that it

was their intention to adapt the outside flat roof terrace to become a smoking and café area. I voiced my concerns that this was not a practically sound idea with residential flats immediately above, unsecured access from the rear, no safety assurances that the roof was constructed for such use and if it would be fit for purpose and the surrounding walls at the edge of the roof appeared dangerously low to safeguard customers using that area. He claimed that he was going to fit RSJs across the roof and ensure that additional safety measures were put into place and we all accepted that there was the potential to evolve the project subject to following the correct protocols. During the site visit, I also noticed three poker tables in the middle of the floor. When asked if he was removing them along with the snooker tables, Mr Melin stated that they looked 'nice' and he was going to keep them there as a feature. He stated that he didn't know much about gambling or the processes but was planning to let customers 'play' for free just as a sideline attraction.

On Thursday, 28th May 2015, at 1.20pm, I received a call from Mr. Melin stating that he had been given the safety okay for the smoking area on the roof terrace from Mr. Gary Price in the Building Control Office at the Council. Mr Melin has never produced any written confirmation of approval or consent as to the safety of using the roof terrace as anything other than a fire escape.

On Sunday, 3rd May 2015, The Sports Lounge screened the Floyd Mayweather fight live from America. I subsequently viewed BBC CCTV footage of persons still leaving the Sports Lounge at 6am. No Temporary Event Notice (TEN) had been applied for to cover the additional hours the premises continued to stay open.

On Saturday, 30th May 2015, at 11.40pm, after dealing with a noise complaint against the premises, together with Gary O'Shea, I visited the Sports Lounge and spoke with Mr Melin and the designated premises supervisor, Mr Artan Zefi. During the meeting I asked if there was a CCTV system fitted and operating. Mr. Melin said, "We have 31 days coverage. 24/7." I said, "24/7?" Melin said, "24/7." I said, "Do you care to show me how it works then? For example, can you show me the footage recorded on 4th May, please?" From the confident response and address of the previous question, Mr. Melin appeared a little startled at the request and said, "I can't operate it. Only the technician who fitted it can do that." He then showed me a USB plug and claimed that any coverage request would be downloaded to a USB memory stick and made available. I made a request to see that footage of the date referred to and said to him that I was interested to see at what time they were open to when showing the Mayweather fight. Mr. Melin smiled and said something along the lines of okay I put my hands up it may have gone on a little late but I didn't realize I could apply for an extension. I apologize. I explained that for a premises operating to the hours it does it was all the more reason for having a CCTV system fit for purpose, capable of immediate reviewing and, more importantly, that should be a condition on the premises licence which it currently wasn't. Mr. Melin said, "You're not happy that I gave you that false name when we first met, are you? Can we start again? After all we will be working together." I admitted that I was not impressed with his initial attitude and did not expect to be lied to but conceded that it was time to move on.

I told Mr. Melin that all I was interested in was that he was operating to a set of conditions on a premises licence that were relevant to the business and that he was operating in compliance with the promotion of the four licensing objectives. I told Mr. Melin that if he was prepared and willing to do that then we would get on fine and we shook hands.

On Tuesday, 6th October 2015 at 12.45pm, together with Mr Gary O'Shea and Mr Peter Jones, I met with Mrs. Heidi Hards and Mr. Clive Noblett, officers from the Gambling Commission in a pre-meeting before attending the Sports Lounge. Mr. Noblett had been involved in a previous investigation against Mr. Melin who had applied for, and been granted, a Club Gaming Permit and Club Premise Certificate in 2011 for The Big Bluff Private Members Club in Enfield, the location being a former snooker hall. At 1.30pm, we all went to The Sports Lounge and met with Mr. Melin and Mr. Zefi. Upon seeing Mr. Noblett and Mrs Hards, Mr. Melin immediately became very aggressive and abusive, a side of his character that I had not seen before. The police explained that the Gambling Commission had been invited merely to inspect the premises and advise in their area of expertise. Mr. Melin repeatedly swore, claiming that he had been ambushed and that the Gambling Commission had nothing to do with his licence. He refused to interact with the officers and repeatedly told them to 'fuck off out of his premises'. I did ask if he would kindly refrain from swearing in the presence of a lady but he did not wish to relent and insisted that they leave the premises. In the interests of having a constructive meeting and having seen the premises, the officers consented to leave. Almost immediately, Mr. Melin's demeanour changed and he was apologetic for his outburst claiming that it was Mr. Noblett who was responsible for him going to prison. Mr. Melin admitted that this is why he had been less than candid initially because of his previous reputation. He denied that poker was being played on the premises and showed us a room that had been created by the erecting a partition wall. The poker table had been disassembled and two dart boards put up on the wall for use by the club's dart team. Mr. Melin also stated that he had represented himself at a previous licensing hearing and so I asked him if he did have knowledge of the Licensing Act and procedure to which he replied, "Of course I do."

On Thursday, 2nd June 2016, the Licensing Office received an application from Mr. Stephen Blake, on behalf of the Environmental Health team, seeking a review of the Sports Lounge premises licence citing that the premises licence holding had failed to promote the licensing objectives with regards to the prevention of public nuisance.

I made representation supporting the application to review the premises licence against the Sports Lounge as it was my contention that they failed to adequately promote the licensing objectives relating to the prevention of crime and disorder, prevention of public nuisance and potentially to public safety. From the outset, I have attempted to work with the management of the premises and to assist in improving the position with regards to both the promotion of these objectives and the compliance with conditions attached to the premises licence. Despite repeated requests to meet with the premises licence holder and address the terms and conditions of the current licence over an extended period, he has been unable or unwilling to engage with me.

Prior to April 2015, The Brentwood Snooker Club, First Floor, 40 High Street, Brentwood CM14 4AJ had been dormant and closed for a number of years.

On 23rd April 2015, the current premises licence holder, AA Trading Ltd (company no. 09287224), took transfer of the premises licence and re-opened the venue. At that time Mr Alfie Adam was listed at Companies House as the Director of AA Trading Ltd. Records show that Mr Adam resigned from the company on 11th April 2016 and on 11th April 2016 the new Company Director appointed was Mr Ahmet Melin.

Since AA Trading Ltd acquired the premises licence on 23rd April 2015, the premises has, over time, morphed from a members only snooker club, to a sports bar called The Sports Lounge and finally evolved into a late night bar, BLOC 40, on 11th March 2019.

From that first day of meeting on 5th March 2015, and throughout the transformation process of the last six years, there has been only one constant at First Floor, 40 High Street, Brentwood CM14 4AJ. Ahmet Melin.

As with every visit made to the premises, the staff invariably end up showing us to the manager's office where we are greeted by Mr Melin. I can probably count on one hand the occasions that the DPS has been on premises and/or available to speak with us.

AA Trading Ltd has nominated five designated premises supervisors (DPSs) to manage the premises. Mr Artan Zefi was the first DPS and he did tend to be present and managing at the premises on nearly every occasion I visited but he was clearly answerable to Mr Melin.

On 29th March 2018, an application for a new premises licence at the location was submitted by AA Trading Ltd. Representations against this application were made by Essex Police Licensing Officer, Mr Peter Jones, Environmental Health Officer, Mr Stephen Blake, Principal Environmental Health Officer for Health & Safety, Ms Elaine Higgins and me. We all shared reservations over the proposed use of the outside first floor roof area and asked for further reassurances in the form of structured conditions. On Tuesday, 17th April 2018 at 3.20pm, I visited the Sports Lounge and spoke with the DPS, Mr Zefi after he was called by the member of bar staff & arrived 20 minutes later. Mr Zefi candidly declared that the long-term intention was to remove the snooker and pool tables and become an over 21's wine bar. His experience of the current set up was that the business goes quiet by 1am and the plan was to develop the outside flat roof by reinforcing it with steel RSJs. It was pointed out that this would raise the floor level and lower the safety wall height. I suggested that these proposals, whilst all well and good, should be openly and transparently discussed at a further site meeting with the applicant, his agent and invited responsible authorities to better understand the business plan and set about making the arrangements. On Thursday, 26th April at 12 noon, I attended the Sports Lounge and met with Mr Melin, Mr Zefi & Mr David Dadds. Also invited and present was Environmental Health & Safety Manager, Mr Tony Sprackling, Police Licensing Officer, Mr Peter Jones and Fire Safety Officer, Mr Garry Owles. Environmental Health Officers, Mr David Carter and Mr Stephen Blake were unavailable to attend. After the introductions were made, I began to address the meeting with an explanation as to why I had called it and why I had invited the other responsible authorities who were all experts in their field. We were then joined by Principal Conservation & Urban Design Planning Development Officer, Ms Paulette McAllister, also at my request. She apologised for arriving late but Mr Dadds took immediate exception to her being present. He ranted that she wasn't invited and demanded that she leave. Mr Dadds then instructed Mr Melin, as the owner, to ask Ms McAllister to leave the premises. I explained that I wanted a planning officer's opinion on the outside smoking area and what better opportunity than to consult with an expert to satisfy my concerns over public safety. Mr Dadds refused to relent stating that planning permission was different legislation and that he would deal with it separately. A dignified Ms McAllister left the premises to allow the meeting to continue and Mr Dadds conceded that the inclusion of a DJ booth on the premises plan was the first phase in converting the premises into a late-night bar. I noted that there was no provision for the playing of live or recorded music in the application and, despite challenging that, and then realising that music hadn't been included in the application, he stated "We can play music through the TVs as you are well aware." I suggested

that an open and transparent application that properly addresses the operating schedule, the licensable activities required, an accurate floor plan and the correct address of the premises may stand a far better chance of receiving support. The amended application was submitted and valid representations were received from the Environmental Health Officer, Mr Stephen Blake, myself on behalf of the Licensing Authority and one other interested party. A Licensing Sub-Committee hearing was convened, and the application determined, on 5th July 2018. I have attached the applicant's response, through his agent, to the enquiries made by both officers during the consultation period and I have attached a copy of these communications at **Appendix 1**.

In each response the applicant expresses a wish to promote the licensing objectives and reiterates to the police service and environmental health officer that 'our client will work with you to promote the licensing objectives.' Indeed, at the hearing, the applicant's agent addressed the Committee in support of the application and in response to the concerns outlined by the Responsible Authorities' representatives and made a number of salient points including "it was the wish of the applicant to promote the licensing objectives" and was influential in the decision-making process. A copy of the published decision notice is attached at **Appendix 2**.

I also attach a copy a communication from Mr Melin's agent, dated 22nd February 2019, of the additional voluntary steps that his client intended to take to in order to reassure this office when applying for a minor variation to its existing premises licence This communication is attached at **Appendix 3**.

On 27th March 2019, AA Trading Ltd. applied to vary the DPS and nominated Mr Jamie Steeves. On 27th March 2019, Essex Police made representation against this variation on the grounds of prevention of crime and disorder. AA Trading Ltd did not withdraw their application and a Licensing Sub-Committee hearing was convened for 1st May 2019 to determine the matter. During this period, I was repeatedly frustrated by the lack of availability of Mr Melin and his agent and their inability to return calls in an effort to resolve this matter.

On Friday, 5th April 2019 at 1.50pm I visited the premises in the hope that I may get an update regarding the DPS situation. There were no members of staff on premises just some workmen working on the refurbishment. I spoke to a man working on the fire exit door to the rear flat roof, who also claimed to be a relative of Mr Melin, and asked his opinion of the proposals for the roof terrace. He grinned and looked at the roof membrane covering and scoffed, "Are you joking? No way will this take a crowd. You only need to get a couple of Essex girls in their stiletto heels to step on this and they will go right through the felt." A returned to the premises later that evening at around midnight and met with Mr Melin. I asked to speak with the DPS, Mr Steeves, and Mr Melin claimed that Mr Steeves was upstairs in his flat but was feeling unwell and so could not be seen. Mr Melin did however confirm that he was now replacing the DPS.

The hearing was finally cancelled when the police withdrew their representation when Miss Olivia Francis was nominated as, and became, the DPS between 12th April 2019 and 5th November 2019. During that period, I only ever saw Miss Francis at the premises on one occasion. I did make my observations known to Mr Melin and he advised me that it was difficult for her to always be there as she had another job.

On the evening of Friday, 21st June 2019 I was working with Police Licensing Officer, Mrs Jackie Cooper, and SIA Investigations Officer for Kent & Essex, Mr Jason Dean, conducting door security checks at a number of licensed premises in Brentwood High Street. At 8.40pm we visited BLOC 40. Trojan Security's head door had not yet arrived at the premises and nor had the DPS, Miss Francis. We arranged with Mr Melin to return to the venue later and did so at 11pm. During his investigation, Mr Dean reported that six doormen were signed on in the register but only five of them had front line SIA badges. In Mr Dean's opinion, the 'steward' stationed at the rear fire escape was engaged in a manned guarding activity and, therefore, providing a physical presence that required them to be SIA badged. Mr Dean dealt with this discrepancy by means of an advisory email notification on 27th June 2019. A copy of this notice is attached at **Appendix 4**.

On Monday, 5th August 2019 at 9.35am I spoke with Mrs Cooper who advised me that the police had been called to a stabbing that had occurred in or outside BLOC 40 on Saturday, 3rd August. In this instance, the victim was apparently extremely anti-police and did not wish to substantiate any allegation. Therefore, no further action was taken. In any case, Mrs Cooper and I made an appointment to meet with Mr Melin and discuss the incident at BLOC 40 on Wednesday, 7th August at 9.30am with a specific request for the DPS, Miss Francis, to be present. I arrived at the appointment early and spoke with the manager at Pandora, the jewellers shop underneath BLOC 40. The staff were furious to arrive at the shop on the Monday morning with blood splattered and smeared all over their front display window that had not been cleared away. I was also shown the rear yard which was strewn with empty bottles & waste from BLOC 40. Our meeting with Mr Melin began at 9.30am where he was represented by his agent, Mr David Dadds, who did most of the talking. The DPS, Miss Francis was not present. There had clearly been difficulties arising at the premises on the night of the alleged incident because we were told that the DJ promoter had been dropped and the club would no longer be taking on outside promoters. It was proposed that a risk assessment be completed and sent to the police if any similar events were to be booked in future and Mr Dadds offered up his client's undertaking to use ID Scan as a means of right of entry so long as it wasn't made a condition of the premises licence. So enthusiastic of the positive impact that ID Scan can make to aid the prevention of crime and disorder, Mr Dadds offered to and, indeed, presented the benefits of its use to all the high street licensees at the next meeting of Pubwatch.

On Friday, 25th October 2019 at 10.35pm I conducted a courtesy site visit to BLOC 40. Mr Melin was present but the DPS, Miss Francis, was not. A woman who did appear to be present during most of my visits around this time was Ms Leonora 'Lee' Dunne, a personal licence holder with an apparent wealth of management experience. Mr Melin advised me that he was going to replace Miss Francis and, between 5th November 2019 and 20th January 2020, Ms Dunne was nominated by AA Trading Ltd, and consented to be the DPS. In her first week as DPS, Ms Dunne contacted me five times enquiring about the use of TENS and the possibility of extending the licence to 4am.

On Thursday, 2nd January 2020 at 2.25pm I received a call from Ms Dunne advising me that she had left BLOC 40 and would be withdrawing her consent to be the DPS. She stated that she could not work with Mr Melin or his sisters and that she needed to protect her personal licence. She would not elaborate on matters but stated that she

was going on holiday to Lanzarote until 16th January but had agreed to remain as the consenting DPS during that period under the strict proviso that the premises close its bar at 2am as it was licensed to do. After this call I contacted Essex Police Licensing Officer, Mrs Jackie Cooper, and advised her of my conversation with Ms Dunne.

On Monday, 20th January 2020 (following an email sent by her on Sunday 19th January 2020 at 6.48pm requesting that I contact her) I called Ms Dunne at 10.45am who told me that she had left her job at BLOC 40 and was now working at Stockbrook Manor but, on Saturday 18th January 2020, she had been called back because the director and head doorman of Trojan Security (UK) Ltd, Ivan Mariacher, and his security team currently employed at BLOC 40 had walked out on their job over a pay dispute and had left the premises vulnerable. By the time Ms Dunne arrived at BLOC 40 she stated that Mr Melin had replaced the door team within twenty minutes. However, she was concerned that there would be retribution to follow from the aggrieved Trojan Security team who she also claimed were not 'squeaky clean'.

At 11.02am, Ms Dunne notified this office by email that she wished to withdraw her consent to be the DPS at BLOC 40 with immediate effect and requested confirmation that her withdrawal had been accepted. I responded by asking if she had notified the management at BLOC 40 of her decision and she replied in an email at 12.40pm 'Yes I have notified Ahmet. He has replied as well.' A copy of this email and response is attached at **Appendix 5**.

At 11.05am I contacted Essex Police Licensing Officer, Mrs Jackie Cooper, who confirmed that two calls were made to the police on the weekend of 18th/19th January 2020 in relation to BLOC 40. On 18th January at 2220hrs Trojan Security contacted the police to tell them that there were no doormen working at BLOC 40. The police subsequently arrived at the premises at 2340hrs at which time four door staff were working. On 19th January at 0330hrs police were called to an assault where allegedly drinks had been thrown and a male had been punched. No further action was taken. Having confirmed with both Mr Melin and the police that BLOC 40 no longer had a consenting DPS on 21st, on 22nd January 2020 at 4.08pm I sent Mr Melin an advisory notification regarding the need for a consenting DPS to be nominated in order to satisfy the licensable activity of the sale of alcohol on the premises licence. I also expressed a wish that both I and the Police Licensing Officer wished to meet with the new DPS elect before the weekend. At 4.10pm Mr Melin contacted me to say that he had a new DPS nominated but that he had been rushed to hospital with a leg injury and was on a drip. We arranged to meet on the premises at 2pm the next day with the intention of being introduced to the new DPS and the new door team management.

On Thursday, 23rd January 2020 at 11.10am I received a call from Mr Melin confirming our 2pm meeting with him and the new door team but claimed that the new DPS, was still hospitalised and unavailable. At 12.35pm I received a further call from Mr Melin who handed over to Mr David Dadds, representing him, who then suggested that the meeting be re-scheduled for the following week. I informed him that this was totally unacceptable based on the events of the previous weekend with the door team walking out and a DPS being absent and that both the police and I were not prepared to risk or support the premises operating another weekend without a credible manager and security team in place. Mr Dadds stated that he was happy for his client to meet with us so long as our meeting dealt with nothing else. I stated that we would expect to be

seeing the door supervisors register and incident log to be checked in accordance with the premises licence conditions. Mr Dadds stated that there was no incident with the doormen and that it was merely a civil dispute. As regards to doormen signing on in the register, he stated that the police had apparently checked all their SIA credentials at the time of attending. Suffice to say, the register was not available for inspection when we visited. At 1.40pm, Mrs Cooper and I attended BLOC 40 and met with Mr Melin and Mr Moneer Gul, the director/head doorman of the newly appointed LPS Security. The DPS elect, Mr Daniel Capitanchik was unavailable. During the meeting Mr Melin, who was quite capable and competent of operating the CCTV system, showed us CCTV footage of an incident that occurred the previous weekend on 19th January 2020 at 1.29am when a female (who later complained to the police alleging assault) was ejected for throwing a glass of drink at another female on the dance floor. However, this ejection had not been recorded in the incident log (Annex 2 condition 4). It was also noted that there were no dispersal request notices displayed anywhere on the premises (Annex 2 condition 16). These discrepancies were dealt with by way of a verbal warning.

Following our meeting and as agreed, on 24th January 2020, Mr Gul sent the police copies of the LPS Security protocols and policies together with assurances that body cam footage from his door team will be readily accessible if required. A copy of this email and attached policies is attached at **Appendix 6**.

Since the outbreak of the coronavirus pandemic last year, the enforced closure of many businesses, including the hospitality industry, has resulted in my licensing enforcement role being expanded to include being authorised by the local authority to assist with enquiries relating to coronavirus guidance and investigate alleged breaches of the regulations. The majority of enquiries received were not frivolous or vexatious by nature but merely calls made by a public understandably fearful of the unknown. I received a number of calls enquiring about BLOC 40 ranging from large numbers gathering in and around the premises to social media advertising suggesting they were continuing to operate in defiance of the government regulations.

On Saturday, 15th August 2020 at 11.30pm a call was received stating that there was a large queue outside BLOC 40 waiting to get in and then again on Sunday, 16th August at 6.30pm around 40 people were queueing to get in. SR 20/001517/COVID refers. The licensing office received a number of complaints relating to large crowd gatherings and lack of social distancing in the High Street outside Bloc 40 that weekend. A time-line suggested that a large number of people left a TEN event in Warley on Sunday 16th August at 10pm and arrived on mass at BLOC 40 at 10.30pm. Police were called to deal with the large gatherings but no further action appears to have been taken.

Further complaints included:

“An illegal rave hosted by a group of men who are club promoters called 'rocboysuk' occurred on Sunday with no social distancing or face coverings, there were 100, s of ppl who attended And it was very scary. It was clearly overcrowded & irresponsible especially when we as a country are going through a major pandemic. I found their Instagram And there are videos of the illegal rave which occurred clearly showing ppl with no face coverings or social distancing at all.” 16.08.2020 SR 20/001567/COVID

“reported via website - are Brentwood Council going to address the fact that Nightclub Bloc 40 are holding mass events when they are not even supposed to be open_ I can’t have my parents and my children in my house at the same time and yet these people can hold an indoor event for 100/150 people and everyone thinks it’s funny. You’ve only got to go on their website to see what else they’re planning. Can someone please contact her to discuss.” 18.08.2020 SR 20/001541/COVID refers.

“Everytime this night club is open it breaches social distancing rules, not sticking to Covid rules they say people must where masks where possible and that they must not get up and dance, but sit at their tables and that drinks will be bought to them. People are not staying in bubbles they come with mixing with others, DJs have been booked when in other venues no DJs allowed because of the covid19, sold. Out events Saturday was sold and so was Sunday same with this Saturday 5th September it is sold out it was horrendous weekend last gone everyone was up dancing the DJs were encouraging people to get up and dance and making the room get hyped up and dancing no social distancing it is the same DJs every Saturday n Sunday. People were not staying who there came with or staying at the tables they were dancing. No masks worn by any customers at all, no temperature checks either being done. Drinks were not being bought to the table most people were going up to the bar. Out of all venues I been to so far this is far the worst one! In my mind if they can’t follow rules should not be open or maybe they can change it no DJs allowed starting from this weekend just music in the background and they are not allowed to move around have to stay sat at the table with who they come with! If other clubs that are open and bars are following the rules with no live DJ just music and no dancing allowed this venue should go it was clearly at least 500 people in this small venue no social distance at all.” 29.08.2020 SR 20/001638/COVID refers.

As a result of this complaint, a call was made to Mr Melin on Tuesday, 1st September 2020 at 3.30pm & a site visit appointment was booked to inspect his risk assessment and premises layout plans. On Thursday, 3rd September 2020 at 1.45pm, Mr Paul Adams and I met with Mr Melin at BLOC 40 to relay our concerns. He showed us the dance floor area which currently had tables and chairs on it although they were not fixtures. He claimed that he was abiding by COVID guidance and, uncomfortably, assured that there was no dancing and vertical drinking taking place. A request to view his CCTV coverage to allay these concerns was made (Annex 2 conditions 1 & 2). Mr Melin claimed that the system was currently inactive and was being fixed later that day. A written request to produce CCTV coverage of inside the premises between 2230hrs and midnight on 29th August 2020 and 30th August 2020 was made on Friday, 4th September 2020 at 4.34pm and, following an enquiry call as to the nature of the request from Ms Clare Eames, his agent at that time, at 5pm the following response was provided by Mr Melin at 5.16pm:

“Hello David

Thanks for your time yesterday. I can confirm that the cameras are working again. With regards to the request of the cctv footage can you confirm what camera you would like to see, I’ve got so many there will be hours and hours of footage. I am able to get snap shots of the cameras to show you this might be easier please let me know and i will arrange this for you. Many thanks Ahmet.” A copy of this written request & Mr Melin’s response is attached at **Appendix 7**.

On Friday, 5th September 2020 at 11.15pm, Mr Paul Adams and I, together with BBC Enforcement Officer, Miss Issy Hatton, conducted a site visit to BLOC 40. Upon arrival we introduced ourselves and asked the door staff to call the manager. I then saw a female member of staff bolt up the stairs repeating the word 'Shit!'. We were greeted by Mr Melin and I went into the manager's office with him whilst Mr Adams and Miss Hatton (who was wearing BWV) conducted a sweep of the premises & inspected the door supervisor register. Mr Adams then returned to the manager's office. There was no obvious use of the dancefloor & we viewed the CCTV monitor covering one of the 'private' booths which showed 8 women all of similar age seated (4 each side of a table) and 2 women who were moving/dancing into and crammed into the same area. Mr Melin explained that he understood it to be that his 'private' booths, when hired, were not 'public' areas and, therefore, may allow for dancing by those hiring it within that space. Mr Adams & I challenged that and pointed out that the music should not be at a sufficient level for there to be a need for dancing. All parties should be seated. Mr Melin stated that temperature checks were conducted on all persons upon entry and the name of the party member booking the table is also taken. Before leaving, I repeated my request of 4th September 2020 to Mr Melin for a copy of the CCTV recordings of 29th/30th August. Copies of all written requests for CCTV recordings of 29th/30th August 2020 and any responses are attached at **Appendix 7**.

On Tuesday, 9th September 2020 at 1.22pm I sent a second email to Mr Melin asking to see the recorded CCTV footage as requested on 4th September 2020.

On Thursday, 11th September 2020 at 1.41hrs I received the following email from Mr David Dadds:

"We are instructed on behalf of the premises. Can we ask please on what basis the CCTV is being requested? Notwithstanding there is a condition on the licence, under GDPR we require on what basis is the CCTV being sought. Can you please clarify which licensing offence if any you are investigating as the licensing authority? Thank you for confirming you undertook an inspection/unannounced visit (raid) last weekend and you were satisfied that the premises was operating lawfully and there was no undermining of the licensing objectives and no breach of conditions, i.e. no relevant licensing offences. If there are any concerns that you have regarding the operations, as I indicated in our conversation, please do feel free to raise them with me. We are working with the premises in advising them how they fulfil their obligations and interpret other guidance in relation to their operations, as you will appreciate fall outside the Licensing Act 2003. We look forward to hearing from you." A copy of this response is also attached at **Appendix 7**.

On Monday, 14th September 2020 at 10.37am the following complaint was received: "I don't know if you're aware, but bloc 40 was in full swing at 0100hrs this morning, there were a large amount of cars all blocking the pavements around bloc 40. The door was closed but people were knocking on the door & going in." SR 20/001713/COVID refers.

A further complaint was received on 14th September 2020 at 4.57pm: "Witnessed 50 people or more queuing for Bloc 40 not socially distancing" SR 20/001727/COVID refs.

On Monday, 14th September 2020 at 1.51pm I emailed the following response to Mr Dadds' email enquiry on 11th September 2020 and made a fourth written request for a copy of the CCTV recordings of 29th/30th August:

"On 3rd September, the Licensing Manager, Mr Paul Adams and I met with Mr Melin at Bloc 40 to advise of concerns being reported to us by members of the public and those in the licensing trade, suggesting that there is a recurring failure to comply with, or respect, the social distancing guidance during this current pandemic by the management of the premises. These claims appeared to be supported by Bloc 40s own social media advertising and indicating that they are operating as a nightclub and, therefore, outside of The Health Protection (Coronavirus Restrictions) (England) Regulations 2020. The reason for the request is to ensure compliance with the licensing objectives, and in this instance the crime and disorder objective. The simplest way to dispel these claims, and so allay our concerns, and still remains, is to view the CCTV coverage in accordance with Annex 2 condition 1 of the premises licence: The request for the footage is justified and proportionate and we still expect you to comply.

For the record, I did confirm with you that a licensing visit was made to Bloc 40 on 5th September. This visit was not a "raid" and I did not confirm, nor was I in a position to state, that there was no undermining of the licensing objectives and no breach of conditions, i.e. no relevant licensing offences."

On Thursday, 18th September 2020 at 4.30pm, the Licensing Manager, Mr Paul Adams copied me in on an email sent to Mr Melin headed Bloc 40 – Coronavirus Regulation and Guidance and closed it with the following guidance:

"I would encourage you to familiarise yourself with all the requirements of the regulations and ensure that you are compliant with them before you commence trading to ensure that to do all you can to protect public health and to not commit any offences under the legislation. We have concerns that you have been operating outside of the regulations and have not been fully compliant with the guidance, which is supported by our observations, and the complaints and comments we have received. We are working with colleagues at Essex County Council's Public Health Team and are discussing the use of the Director of Public Health powers to close premises or give other directions to premises that pose a risk to the Public Health around Covid, and only hope that you will ensure that your premises is fully compliant and does not cause any unnecessary risks. Whilst it is your responsibility to ensure compliance, if we can assist with the clarification of any of the guidance or regulations then please do not hesitate to contact us." I have attached a copy of this communication at **Appendix 8.**

On Sunday, 20th September 2020 at 1.15am I conducted a social compliance visit to BLOC 40 together with Mr Paul Adams and members of the Thurrock licensing team in response to continued complaints being received and to ascertain if Mr Melin had prepared a copy of the CCTV recordings for this office following three previous written requests. The venue was not busy and there was no dancing taking place. There were two young women on the outside roof terrace embroiled in an embrace and kissing being watched by a member of the security team. This did not appear to comply with social distancing guidelines. Mr Melin was initially very cooperative but became very excitable and almost aggressive in his office at the conclusion of our visit and was not

prepared to listen to Mr Adams' advice. Mr Melin made reference to an advisory guidance email sent to him on 18th September 2020 claiming that it was threatening and even accused Mr Adams of being racist. He insisted that he had done nothing wrong and was being singled out following a 'raid'. I informed him that no 'raid' had ever taken place and that entry to his venue has always been upon request and with consent given. He said, "I've done everything you've asked". I replied, "You haven't provided the CCTV footage I requested over 2 weeks ago." I asked if he had completed the CCTV recording for collection as requested three times and he stated that the matter was in the hands of his agent Mr Dadds and added "a COVID enquiry is not a licensing matter to require CCTV." The CCTV recording was still not forthcoming. Mr Adams suggested a further meeting with the Health & Safety Officer by appointment next week to discuss acceptable social distancing measures between seating booths. Mr Melin agreed to this but stated that he will no longer conduct any business with the local authority without his agent being present. With Mr Melin still being very excitable and not listening to reason, Mr Adams elected to end the meeting in the absence of any constructive interaction being possible.

On Wednesday, 23rd September 2020 at 3pm I called Melin to arrange a site visit with Principal Environmental Health Officer, Ms Elaine Higgins, to review his risk assessment & seating plans in accordance with Mr Adams' request on 20th September. I reiterated the need to view the CCTV footage as previously requested that would hopefully vindicate him and he replied, "I never denied that dancing took place." He asked that his agent be present for the inspection and at 4.45pm Mr Dadds called to confirm his availability for the meeting planned for the following day, Thursday, 24th September 2020. He first stated that late afternoon would best suit him or very first thing at 8am. I explained that Ms Higgins had childcare responsibilities but that we would both accommodate his 8am request and he confirmed the time with me.

On Thursday, 24th September 2020 at 8am, Ms Higgins and I attended BLOC 40 as arranged in a phone call with Mr Dadds barely 15 hours earlier and to a time to suit his specific request. At 08.24am after a no show I phoned Mr Dadds who was at his office and he stated that he wasn't coming because the appointment hadn't been confirmed by email. The appointment was re-scheduled for 1.15pm and Ms Higgins and I met with Mr Melin and Mr Dadds at BLOC 40. The purpose of the site visit was to review Mr Melin's risk assessment and to ensure social distancing compliance with seating arrangements. Before we started, Mr Dadds challenged our COVID authority status and that of Mr Adams who had requested the inspection. He then refused to allow Ms Higgins to take any photographs of the areas that had been marked with hazard tape to enable social distancing compliance. Mr Dadds claimed that he did not know why or where these pictures would be viewed and instead asked Ms Higgins to point to areas she wanted photographed. Mr Dadds then took the pictures and stated that he would send them to her upon written request. Mr Dadds also confirmed that he was now the agent representing Melin in the application for a new licence seeking extended hours of trading. I pointed out that the premises plan for both this application and the current licence were actually flawed as it does not show the fixed seating features and, before I needed to point anything further out, Mr Dadds stated that he would be submitting a further application for a minor variation to address the premises plan issue. Mr Dadds stated that, in the current pandemic climate and to enable him the opportunity to mediate with those making representation against the current application, he would be seeking a further adjournment until the new year. We discussed the introduction of a

lobby door area from the fire escape onto the 'roof terrace' area to reduce noise escape and I repeated the need for the applicant to produce written confirmation by an approved source that the roof area was safe to support the activities proposed to take place on it. These assurances have never been forthcoming in writing and Mr Dadds stated that this would be completed for the right services. I finished the meeting off by asking if he was going to respond to my repeated written requests for the CCTV recording to which he replied, "I will write to you." I asked, "So you're not going to tell me if you are going to comply to my request?" He repeated, "I will write to you" and abruptly ended the meeting.

Ms Higgins has subsequently made me aware that after, two separate written requests to Mr Dadds, for copies of the images taken during our visit, dated 25th September 2020 and 6th October 2020, she had yet to receive any response back from Mr Dadds. A copy of these two requests is attached at **Appendix 9**.

On Friday 16th October 2020 at 1.25pm, I had occasion to speak with Mr Melin's agent, Mr David Dadds, on another matter but when the BLOC 40 topic was raised I advised him that I'd received information from Principal Environmental Health Officer, Ms Elaine Higgins, that Mr Melin had advised her that he was closing for a while during the 2200hrs curfew and yet I was still receiving complaints about the venue trading with total disregard to the coronavirus guidance and regulations. Mr Dadds stated that this could not be the case as his client was indeed closed but he assured that he would chase the matter up.

On Saturday, 17th October 2020 at 530pm a further complaint was received stating: "Yesterday evening at approx 5:30pm four young girls who were dressed provocatively were seen "dancing and hollering" down the high street, before entering Bloc40. As they approached a bouncer opened the door from inside the venue, let them in, then swiftly shut the door behind them. The Instagram page of Bloc40 says it is closed until further notice because of COVID-19. Whilst I do not know for certain, they very much didn't look like they lived together." SR 20/001973/COVID refers.

Later on Saturday, 17th October 2020 at about 8.50pm, I was engaged in COVID enforcement duty with Mr Paul Adams and Ms Maria Moses in the High Street. I noticed that the light to the first-floor roof terrace at Bloc 40 was on and then saw a group of about five people, a/24yrs, come out of the front door. As we approached the front door it was closed and no door staff present. A light could be seen from the gap under the front door. The door then opened (inwards, and not as recommended by the fire service) and I recognised the doorman opening it to be the former head doorman - Ivan from Trojan Security. From a meeting I had with the police licensing officer, Mrs Jackie Cooper, and Mr Melin over door supervision concerns on 23rd January 2020 (when Trojan Security walked out during the evening leaving the club without security) we were subsequently assured by Mr Melin that a new door team LPS Security was being hired. With this a stream of party goers began piling down the stairs and exiting out of the premises. There was absolutely no social distancing and nobody was wearing masks or personal protection equipment (PPE). I saw one young female, a/20yrs, being carried down the stairs by two other girls of a similar age and a concerned third female. She was extremely the worse for wear, incoherent and appeared to have vomited down her front. She was also carrying a large, opened bottle of vodka. Over the next ten minutes I estimate that over 80-100 revellers of a

similar age exited. All were very boisterous and loud and continued to congregate in groups outside and, again, with no social distancing or adherence to coronavirus guidance. There was no door supervision outside on the street and Ivan wasn't even going to come outside from his door position inside the entrance. I asked if the manager was around and he said that he would fetch Ahmet. The crowd gathering outside was getting louder and most were totally dismissive of any other members of the public on the street. One male, a/22yrs, in particular who appeared to be under the influence of drink or drugs approached us and continued to repeat 'you're scum' and 'covid police scum'. The snarling male continued to get in my face & kept repeating himself totally disrespecting my personal space. The level of his inebriation and disdain in his shouting was causing him to spit in my face. He continued to attempt to provoke a reaction and began pointing his mobile phone at point blank range in Paul Adams' face. I called to the BBC CCTV office to ensure cameras were directed at the venue & made a request for assistance from the police. The male continued to be aggressive and was now trying to incite the gathering crowd to join in. There was still no sign of Mr Melin or any of his security and we made the decision to withdraw for personal safety reasons. The male and a couple of others initially began to follow us and I made a second call to the CCTV controller for police assistance. We sought respite from a safe distance outside the Slug and Lettuce but could still see and hear spread groups hanging around outside BLOC 40 and near the church ruins and milling around the street. I noted that a couple of the girls were even walking away with suitcases on wheels. As the police arrived and we were walking back towards BLOC 40 we were flagged down by two separate taxi drivers who were startled at the riotous behaviour of those leaving BLOC 40. As we approached with police, I saw Mr Melin on the front door with a doorman. He was smiling and shouted 'I heard that you wanted to see me and then ran away. I've been waiting for you to turn up all afternoon.' There were still large numbers of party goers congregated outside the venue with no social distancing taking place, no staff supervision and still highly boisterous and I still sensed an atmosphere that was not comfortable at the front door. I asked Mr Melin what was going on at which point he became highly excitable and aggressive and accused me of disrespecting him. He became louder and more verbally aggressive at this point and was not addressing the immediate concerns in hand. It is my opinion that Mr Melin's erratic and overreacting rant was deliberately designed to incite an already excitable group of exiting patrons who were still in close proximity. This ploy was clearly a tactic to defer from the issue at hand as it was on a previous enforcement visit to the premises on 20th September 2020 at 1.15am where he accused Mr Adams of being a racist. Mr Melin refused to allow me entry but invited Mr Adams and Ms Moses into the premises together with a police officer. In order to diffuse a deteriorating situation, I stepped back and remained outside. In my view what I had witnessed on persons leaving was an appalling and quite shocking disregard to the coronavirus guidance and regulations at the height of a pandemic, with no efforts by the staff or management to control social distancing or safety compliance.

On Friday, 23rd October 2020 at 8.03pm, Mr Melin was sent the following warning letter from the Director of Legal & Assurance Monitoring Officer for Corporate and Customer Services at Essex County Council, Mr Paul Turner:

"I am writing on behalf of the Director of Public Health for Essex County Council. Brentwood Borough Council have informed us of a catalogue of breaches of the coronavirus restrictions. I am aware that Brentwood Borough Council have spent a great deal of time & effort explaining what to do, which has clearly fallen upon deaf ears

On behalf of Essex County Council I am writing to say that we are keeping your premises under review and should there be any evidence that you are allowing the public into your premises in breach of the regulations then it is likely that the County Council will issue a direction requiring your premises to close to the public. It has the power to do this under the Health Protection (Coronavirus) (No 3) (England) Regulations 2020.” A copy of this communication is attached at **Appendix 10**.

On Thursday, 29th October 2020 at 4.39pm, Licensing Manager, Mr Adams, sent a follow up communication to Mr Melin in response to Mr Turner’s memo. A copy of this communication is attached at **Appendix 11**.

On Friday, 18th December 2020 at 1.11pm, following information received from the police, I wrote to Mr Melin advising him that we had seen social media advertising suggesting that an event was taking place at BLOC 40 on Boxing Day that would breach current coronavirus regulations and I attached the online link to the latest information and guidance on the government’s coronavirus website to assist him with reference. Mr Melin responded by email within six minutes stating that he was fully aware of Tier 3 High Alert and that he had not advertised any event for Boxing Day or any other date in December/January. At 1.17pm, Mr Adams, clarified the position by providing Mr Melin with a screen shot of the ‘Boxing Day Special @ Bloc 40 Brentwood’ that was doing the rounds on social media & had been brought to our attention by Essex Police. A copy of this communication is attached at **Appendix 12**.

Over the May bank holiday weekend, I was made aware of a serious assault that had occurred at BLOC 40 on 29th May 2021 and I subsequently attended a Licensing Sub-Committee hearing on Friday, 4th June 2021 in response to an application submitted by the Chief of Essex Police for a summary review of BLOC 40’s premises licence. Prior to the hearing commencing I was able to view a recording of limited CCTV coverage of the two stabbing incidents, one taking place on the roof in the smoking area and the second taking place on the footway outside the front of the premises. The limited recording provided appeared to quite deliberate omit any coverage of the bar area, DJ booth and inside floor space. Once again, there appeared to be serious safety issue concerns relating to the use of the outside roof terrace smoking area. There appeared to be people drinking outside on the terrace after 11pm. This may or may not have been alcohol (Annex 3 condition 3) but the area did not appear to be suitably supervised by staff particularly when a fight breaks out. The number of persons spilling out in the ensuing melee may or may not exceeded the maximum of 30 at any given time (Annex 3 condition 2) but it appeared very close. What does appear clear is that the pedestrian control barriers at the rear by the fire escape were not fixed (and were clipped during the disorder) and did not comply with “the outside licensed area shall have a screen installed along the wall, a minimum height of 2 meters (or height specified by building control) to prevent objects falling off and/or being thrown” (Annex 2 condition 10). I also viewed an aggressive male confront a group at the top of the stairs inside the club holding a bottle upside down by the neck. He was ushered away by a male who appeared to be a door supervisor, dressed in dark clothing but not wearing a high visibility jacket or vest and apparently not displaying his SIA badge. No attempt was made to take the bottle off the male. It appeared that there may also be further breaches of the licence “All staff engaged outside the premises shall wear high visibility jackets or vests” (Annex 2 condition 8) and “The premises is only to serve drinks in polycarbonate, plastic or other safety glass only.” (Annex 2 condition 26).

Therefore, in order to be able to fully investigate alleged offences under the Licensing Act 2003, which would include non-compliance with licence conditions as well as offences under the various coronavirus regulations, on Tuesday, 8th June 2021 at 5.06pm I sent an email to Mr Melin making a lawful request to supply fully recording of all CCTV footage, including any audio files for the period starting at 11.30pm on the 28th May 2021, and ending at 2.00am on the 29th May 2021 as required in Annex 2 condition 2 of the premises licence;

“The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less the 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.”

The request also made reference to the location and direction of CCTV coverage and plan (Annex 2 condition 3), the maintaining of an incident log (Annex 2 condition 4), the bound door supervisors register (Annex 2 condition 6), staff training and training records (Annex 2 conditions 12 & 13) and the dispersal policy (Annex 2 condition 14). A copy of the communication in full, including a request to meet with the DPS, Daniel Capitanchik, within 72hrs is attached at **Appendix 13**.

On Friday, 11th June 2021 at 12.41pm I received acknowledgement when Ms Bailey of Dadds LLP responded with the solitary sentence, ‘We are currently taking instructions on your email of 8th June to Mr Ahmet Melin and will revert to you shortly.’ Finally, on Wednesday, 16th June 2021 at 4.29pm I received a response from Dadds LLP which, instead of assisting with an ongoing enquiry and providing the information that may vindicate his client against the claims being made, he chose to suggest that my request to view CCTV coverage was an unlawful one. The email, the full response and supporting documents, together with my response and repeated lawful request dated 17th June 2021 are also attached at **Appendix 13**.

There has been no response to my request to meet on site with the DPS, Mr Daniel Capitanchik, to take place within 72hrs.

On Tuesday, 8th June 2021, following a telephone conversation at his request and fearful that he would be made a scapegoat, Mr Gul sent me an email containing details of the door supervisors working on the night of the stabbings & their individual account of events. I have attached a copy of this communication at **Appendix 14**.

On Tuesday, 8th June 2021, following the application by Essex Police to review the premises licence, this office conducted a routine personal licence enquiry with Swindon Borough Council, the authority who licensed Daniel Capitanchik, to ensure that their records were current. On 9th June 2021, Swindon Borough Council Licensing Officer, Ashley Peachey confirmed that they had issued a personal licence to Capitanchik but that the address they had for him did not match that on the BLOC 40 premises licence. I have attached a copy of this communication at **Appendix 15**.

On Tuesday, 15th June 2021, I met and spoke with Principal Environmental Health Officer, Ms Elaine Higgins, and sought clarification as to whether she had ever received copies of the images taken during our visit and subject of two separate written requests to Mr Dadds, dated 25th September 2020 and 6th October 2020. Ms Higgins confirmed that she had still not even received an acknowledgement from Mr Dadds.

On Tuesday, 15th June 2021, I met and spoke with Environmental Health Manager, Mr David Carter, who advised me that he has never been contacted by the owner or BLOC 40, or his agent, in relation to the installation and testing of a noise limiter. This appears to be a breach of Annex 2 condition 22 and Annex 3 condition 4.

On Tuesday, 15th June 2021, I spoke with Planning Officer, Miss Brooke Pride, and made the following written request;

“I would like to request confirmation if planning permission has been granted for the premises for the change of use to a nightclub with rear smoking area on the flat roof (fire escape) at First Floor, 40 High Street, Brentwood CM14 4AJ

Since 2015 the first floor premises has been known as Brentwood Snooker Club, Sports Lounge and is currently known as BLOC 40 and operates with a 0200hrs premises licence and closing time of 0230hrs daily.

The premises licence holder is AA Trading Ltd. and the director is Mr Ahmet Melin. Please could you also provide any planning or building regulations history on this site and confirm if you have ever received any written communication from either AA Trading Ltd., Mr Ahmet Melin or his agent, Mr David Dadds from Dadds LLP.”

Later the same day I received the following response from the Planning Officer:

“I can confirm we do not have any recent planning history on the site 40 High Street Brentwood, the latest planning application for this property was received in 1996. No permission has been granted for a change of use, smoking terrace or an extension of opening hours. I can also confirm no recent building notices or building control applications have been received since 2000 for any alterations or changes that may have occurred. Therefore, no correspondence from the owners/applicants have been received by planning or building control.” I have attached a copy of this request and response at **Appendix 16**.

This memo confirms the Planning Development Management Team Leader, Miss Caroline McCaffrey’s communication, dated 7th July 2020, as a responsible authority consulted in BLOC 40’s application for a new premises licence submitted last year: I have attached a copy of this communication at **Appendix 17**.

“Planning permission reference 95/00229/FUL permitted a first floor rear extension. The planning history refers to the premises as being a ‘snooker hall’.

Condition 4 of planning reference 95/00229/FUL states, inter alia, “no balcony enclosure shall be formed on the roof of the extension permitted...”

The plans that you’ve provided clearly shows the flat roof to serve as a ‘smoking area and consumptions of alcohol.

Notwithstanding the change of use of the premises for which permission is required, the use of the flat roof as a balcony would also require specific planning permission. The local planning authority wishes to OBJECT to the granting of an extension to the licence sought, on the basis that the use of the premises, including the balcony, has

not been subject to a wider consultation that would be undertaken as part of a planning application and interested third parties have therefore not been provided opportunity to make comments on such a change of use and the impact that it has on the wider area”

On Tuesday, 15th June 2021, I spoke with Technical Fire Safety Officer South West Area Command, Mr Garry Owles, who advised me that BLOC 40 has yet to conform a Regulatory Reform (Fire Safety) Order 2005 in relation to safe capacity numbers and the size and opening capacity of the ground floor entrance door. I am advised that the Fire Service will now be taking a more pro-active approach to achieve compliance. I have attached a copy of this communication at **Appendix 18**.

It is my contention that the repeated disregard to my lawful requests to Mr Melin and Mr Dadds to be provided with CCTV recordings at times when it had been alleged that the management at BLOC 40 were blatantly breaching coronavirus regulations has been nothing more than a deliberate ploy to prevent me from providing the Licensing Sub-Committee with the compelling evidence needed to revoke the premises licence. Whilst Mr Melin has repeatedly frustrated my attempts to provide the Licensing Sub-Committee with supporting video evidence of his total disregard for compliance with the coronavirus regulations, I do produce a statement completed by PC 79316 Harrison, one of the uniformed Essex Police officers who attended the stabbing incident at BLOC 40 in the early hours of 29th May 2021 and who spoke with Mr Melin. PC Harrison states that Mr Melin introduced himself as the owner, and how he tried to intervene in a scuffle as people tend to listen to the ‘gaffer’. Mr Melin said that in the many years he owned the bar this is the first time something like this has happened and he stressed that in his view his security team had done everything right. Mr Melin then stated that he thought the pandemic had been exaggerated and claimed that “whatever the new rules in June I will be opening and you guys will have to come and arrest me.” PC Harrison’s statement, dated 4th June 2021 is attached at **Appendix 19**.

I will also be producing council CCTV recorded coverage of the area directly outside BLOC 40 on 17th October 2020 and 29th May 2021 which supports the claims that the management have made little or no attempt to comply with the coronavirus regulations. Details of the recorded coverage are attached in **Appendix 20**.

On the majority of occasions that appointments have been arranged with the management to discuss concerns that have been raised, Mr Melin has been present with his agent, Mr Dadds, and no DPS has been in attendance. All requests made to Mr Melin, as the owner, have been done so in response to complaints or enquiries received or observations noted and all have been made, without prejudice, to ensure that the four licensing objectives are being safely and faithfully complied with. Undertakings offered in response to requests made in order to provide policy clarification on matters raised such as sound levels/noise limiter installation (environmental health), roof terrace safety (planning), safe capacity and exit strategy (fire service) coronavirus social distancing images (health & safety) and CCTV recording requests, dispersal policies and DPS attendance have not only been unforthcoming, but they have been blatantly ignored. Despite being provided with ample opportunity to address matters and allay concerns raised, the owner and his advisor have elected to be confrontational, obstructive and dismissive.

In conclusion and summary of my representation, it is clear that Mr Melin, the director of AA Trading Ltd (the licence holder) is the person in control of the licence, and that whoever the DPS is that is named on the licence has no active role in the management of the premises or in relation to the sale of alcohol. It is also evident that Mr Melin has already failed to comply with conditions that are already attached to the licence. Attaching further conditions is only a consideration if the licence holder is willing to comply with them. Not only has Mr Melin not complied with current conditions but demonstrates his disregard for the lawful requests and advice given by Responsible Authorities by not upholding undertakings made previously, particularly in response to previous issues to avert more formal action.

It is my contention that the attachment of conditions, would not be effective in promotion of the Licensing Objectives and I see no point in seeking to ask for further assurances & undertakings that they have no intention of honouring.

I, therefore, respectfully request that the Licensing Sub-Committee give careful consideration into revoking the premises licence at BLOC 40.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312523**.

Yours sincerely,



Dave Leonard | Licensing Officer

T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk



Dave Leonard
Licensing Officer

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

APPENDICES

Supporting Documentation

- 1. Application for a New Premises Licence (Sports Lounge)
Consultation exchanges between Responsible Authorities & Applicant*
- 2. Licensing Sub-Committee hearing 5th July 2018 – Decision Notice*
- 3. Application for a Minor Variation to the Premises Licence 22nd February 2019
Additional voluntary steps to promote the licensing objectives*
- 4. Advisory email from SIA Investigations Officer for Kent & Essex, Mr Jason Dean
to Mr Ivan Mariacher at Trojan Security UK*
- 5. Email to Licensing Office from Ms Leonora Dunne, dated 20th January 2020,
withdrawing her consent to be the DPS at BLOC 40*
- 6. Email to Essex Police dated 24th January 2020 from LPS Security Ltd.
(Director - Mr Moneer Gul)– Protocols & Policies*
- 7. Written requests for recorded CCTV coverage for 29th/30th August 2020, dated
4th September 2021, and email responses from Mr Melin and Dadds LLP.*
- 8. Coronavirus Regulations & Guidance email from Mr Paul Adams, dated 18th
September 2020, to Mr Melin*

9. *Copies of two email requests from Principal Environmental Health Officer, Ms Elaine Higgins, dated 25th September 2020 & 6th October 2020, to Dadds LLP requesting images taken at Health & Safety site visit on 24th September 2020*
10. *Warning letter dated 23rd October 2020, sent by Director of Legal & Assurance Monitoring Officer for Corporate Services, Mr Paul Turner, on behalf of the Director of Public Health for Essex County Council to Mr Melin*
11. *Following up letter, dated 29th October 2020, sent by Licensing Manager, Mr Paul Adams to Mr Melin in response to Mr Turner's letter dated 23rd October*
12. *Advisory email notice, dated 18th December 2020, sent to Mr Melin re- Advertised Boxing Day promotion and responses.*
13. *Email request, dated 8th June 2021, for recording of CCTV coverage and supporting documentation following a serious assault incident at BLOC 40 on 29th May 2021 plus request to meet with the DPS sent to Mr Melin & responses*
14. *Email sent to Licensing from LPS Security Ltd. (Director - Mr Moneer Gul), dated 8th June 2021, with details of door staff working when a serious assault takes place at BLOC 40 on 29th May, 2021 and written individual accounts.
(DOCUMENT NOT FOR PUBLIC DOMAIN)*
15. *Email request to Swindon Borough Council, dated 8th June 2021, requesting status update of personal licence holder, Daniel Capitanchik, and response.*
16. *Email enquiry, dated 15th June 2021, to Planning Officer, Miss Brooke Pride, requesting update on any communication with or application from First Floor, 40 High Street, Brentwood CM14 4AJ or AA Trading Ltd plus response.*
17. *Consultation response, dated 7th July 2020, from Planning Development Management Team Leader, Miss Caroline McCaffrey, following application received for a new premises licence at BLOC 40.*

18. Email from Technical Fire Safety Officer South West Area Command, Mr Garry Owles, dated 16th June 2021, in response to fire safety enquiry.

*19. Statement of Essex Police Constable 79316 Harrison, dated 4th June 2021
(DOCUMENT NOT FOR PUBLIC DOMAIN)*

20. CCTV coverage of incidents occurring outside BLOC 40, High Street, Brentwood on Saturday, 17th October 2020 and Saturday, 29th May 2021 recorded by Brentwood Borough Council CCTV Control.



Date: 7th June 2018
Our Reference:
License Ref.: 18/00021/LAPRE

Dadds LLP Solicitors
Crescent House
51 High Street
Billericay
Essex
CM12 9AX

Dear Mr Dadds,

Application for a New Premises License plus current Premises License

Brentwood Snooker Club trading as The Sports Lounge, First Floor, 40 High Street, Brentwood, Essex,
CM14 4AJ

I refer to the above application received on 14th May 2018 by the Pollution Team of the Council.

The application contains insufficient information to demonstrate that the licensing objectives, namely prevention of public nuisance, will be achieved.

The Sports Lounge is located in the centre of the High Street on the first floor. This is a relatively quiet area of the High Street as most of the licensed premises are located in the west end of the High Street. There are two accesses to the licensed premises, one from the High Street and the other, an emergency access/egress, at the rear of the premises.

Secondly, the acoustic quality between the Licensed premises and the three flats immediately above is very poor. Noise from talking and television within the licensed premises can clearly be heard in these flats and so any form of music being carried out could cause disturbance and or nuisance to any occupants of these said flats.

Additionally, there appears to be some ambiguity as to how the proposed licensable area located on the rear flat roof is going to be used or how the Licensee plans to utilise this area.

Taking the above into account, this authority has concerns regarding the addressing of public nuisance objectives relating to the above.



In particular, this authority requires clarification (relating to potential issues as noise/light/alarms etc) regarding:

- what structural arrangements are going to be made inside and outside the building and where will they be located (i.e. lobbies, double glazing, etc)
- what equipment is going to be installed inside and/or outside the building and where they/it will be located (i.e. Noise limiters, speakers, lighting, Security lights)
- what 'hard'/equipment security provisions are going to be employed inside/outside the building indicating where they will be and how they will operate (i.e. CCTV, Security alarms)
- what management arrangements will be made to control noise issues (i.e. Door staff, management processes/procedures, control of customer numbers etc)

In the spirit of the licensing guidance, I would request that the applicant address this Authorities concerns, particularly the use of the outside rear flat roof area, in writing.

Should you wish to negotiate these matters, or require assistance in drawing up usable License conditions, please contact this Authority.

I look forward to your response concerning this matter.

Yours Sincerely

Mr Steve Blake
EHO
Environmental Health & Licensing
Telephone:
Email: stephen.blake@brentwood.gov.uk

CC

Licensing Authority
Brentwood Borough Council

Mr Steve Blake EHO
Environmental Health & Licensing
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, Essex
CM15 8AY

Our Ref: dd/lb/MEL2-2

Your Ref: 18/00021/LAPRE

11th June 2018

Email: stephen.blake@brentwood.gov.uk

Dear Mr Blake,

**Re: Licensing Act 2003 – Application for a New Premises Licence
First Floor, 40 High Street, Brentwood, Essex CM14 4HA**

Please find enclosed herewith a letter sent to David Leonard. I have enclosed it as a point of reference so as to save duplication.

However, to clarify the particular points raised we will say the following.

1. There is no intention to install a lobby at this time, however in the future should one be required we will consider it.
2. Our client does not intend to propose a noise limiter however our client would not be disagreeable to installation should the need arise.
3. Our client will be installing CCTV and normal alarm systems. Details of which would not normally be enclosed in an application, other than an indication that CCTV would be provide, and the premises is secured by an alarm. Our client's installation of the alarm, locks and CCTV will be in accordance with British Standards and European Standards.
4. In relation to the management arrangements, they will continue in accordance with the current operations of the premises. Door staff will be engaged. Staff will be employed and trained. Our clients will be working with the responsible authorities should any matters arise. As you will be aware, there was a licensing review which was rejected on the grounds that there was no public nuisance. The only complaint that has ever arisen has related to the flats immediately above the licensed premises which are now in and under our client's control. It is only intended to use those flats for those for persons who either work night shift, cannot be disturbed by the premises below, i.e. workers etc, notwithstanding the letting of those dwellings will not be a matter covered by the Licensing Act.

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
W: www.dadds.co.uk DX: 32202 BILLERICAY



5. In relation to the outside rear flat roof area, as reiterated before there will be no licensable activities carried on. This area will be used for smoking and the consumption of alcohol. As we have indicated previously, our client would rather have the three flats not occupied so that the external area can be used. It is likely that the flats will be used by workers or persons that work nights, so therefore they are not troubled by external use. Furthermore, there are no neighbouring residents that in our opinion could be troubled by the use and, notwithstanding that, if the outside area was not used then customers would go to the front and use the front high street to smoke. As has been indicated previously by other responsible authorities, they would prefer that our client had their own designated area, i.e. the roof terrace area.

As reiterated to the police service and to yourself previously, our client will work with you to promote the licensing objectives. Are there any conditions which you wish to suggest? Our client will consider them accordingly.

We believe we have addressed all your concerns in the operating schedule as set out in the application. If there is any further information we can assist you with, please do not hesitate to ask.

Yours faithfully



Dadds LLP

Enc

Mr David Leonard
Licensing Officer
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, Essex
CM15 8AY

Our Ref: dd/lb/MEL2-2

Your Ref: 18/00035/LAPRE

11th June 2018

Email: dave.leonard@brentwood.gov.uk

Dear Mr Leonard,

**Re: Licensing Act 2003 – Application for a New Premises Licence
First Floor, 40 High Street, Brentwood, Essex CM14 4HA**

We write with reference to the above and further to your letter of the 6th June 2018.

For the avoidance of doubt there will be no licensable activities on the external area of the premises as indicated on the plan. The area will be used for smoking and consumption only. It is our client's intention not to have any regulated entertainment or licensable activities in this external roof area.

Under the Licensing Act it is required to note on the plan the areas where consumption of alcohol is to take place and this is duly complied with.

In relation to the matters requiring a response we will say the following.

1. The outside area will be secured so that no customers can exit the fire escape area unless they open a fire exit. Based on the information presently before us we have no evidence to indicate that our customers in any way would leave the outside area to commit crime or theft at the local nearby shops. Access to the rear can be gained by other external areas and not just the roof terrace. It would be perverse for someone to enter into a licensed premise that has cameras to then exit into an area to then perhaps burgle or commit crime to the local shops, whereas they could enter the alleyway and the rear of the premises without detection. Perhaps you can provide evidence on what basis you say that our customers may be involved in crime insofar as your representations allude to them breaking into or entering as a trespass and committing crime.
2. There will be no licensable activities and no intention to install speakers outside.
3. The capacity of those persons outside will be subject to a risk assessment and a competent person undertaking that assessment under the Fire Safety Orders. Based on the information presently before us our client intends to limit the area to no more than 50 persons although it is likely to only be occupied by a lesser sum.

Dadds Solicitors

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T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
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4. Our client does not intend to have a terminal hour for the outside area.
5. If persons were not smoking they would exit via the front door and smoke outside on the public highway. At our meeting on the 26th April 2018 it was indicated by others that this was a preferable option rather than have our customers standing on the public highway, but to be in their own area upstairs appropriately supervised.
6. Our client is intending to provide tables and chairs for seating outside but this roof terrace area is no different to other external areas in pubs or bars in the High Street. Some have seating and some don't.
7. The external area will be covered by CCTV. Our client is happy to seek any reasonable recommendations by the police service; however, our client will be engaging a competent CCTV provider in ensuring the area is covered adequately so as to capture what takes place in the outside external area.
8. Our client intends to use polycarbonate and/or toughened glass. It is not our intention to decanter beer bottles. There are many licensed premises up and down the High Street that do not. Our premises have not done so in the past either under the licence or under a temporary event. Of course, we are happy to keep this under assessment.

In relation to the observation generally, our client will be consulting with a structural engineer regarding the use of the outside area. It is already accessible by exiting the premises. Such use would not be carried out until the appropriate consents and surveys are completed. However, this does not prevent our client seeking permission for the area to be used in accordance with its licensed premises.

Our client wishes to promote the licensing objectives. As you will be aware they have acquired all three flats above and this negates the concern raised by yourself regarding public nuisance.

As you are also aware, the review was undertaken previously which related to a private nuisance and not public. Our client wishes to work with you and the other responsible authorities to promote the licensing objectives. If there are any reasonable conditions you wish to propose, our client will be happy to consider such. Following our meeting on the 26th April 2018 it is our understanding you may consider suggesting conditions and we look forward to hearing from you should the need arise.

Hopefully we have now addressed your concerns by the introduction of the additional steps proposed in the application.

If we can assist you further please do not hesitate to ask.

Yours faithfully


Dadds LLP

Appendix 2

We write further to your application for a premises license made to Brentwood Borough Council.

The application was brought before the Licensing Committee of the Council for determination 5th July 2018 following representations by relevant authorities and representations by a local resident.

The Committee first heard from the licensing officer who presented his report to them in detail.

The Committee were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of licensing policy and the four Licensing objectives.

The Committee were reminded that an authorisation was required in respect of any premises where it was intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

An appropriate authorisation was either a premises licence, a club premises certificate or a Temporary Event Notice.

The application was received on 14th May 2018 from AA Trading Ltd in respect of Sports Lounge, First Floor, 40 High Street, Brentwood CM14 4AJ, A copy of the application was appended to the report in the agenda as Appendix 1.

The premises at this time is a first floor snooker/pool hall and sports bar situated above retail shops in Brentwood High Street, and was licensed for the Sale by Retail of Alcohol and indoor Sporting Events.

A new premises license was sought to conduct the following licensable activity:

- Supply of Alcohol – 11:00 – 02:00 Monday to Sunday
- Indoor Sporting Events – 11:00 to 02:00 Monday to Sunday
- Recorded Music – 11:00 to 02:00 Monday to Sunday

It was brought to the Committees attention that three valid representations had been received from two Responsible Authorities and one interested party (other person).

It was put to the Committee that the first representation was from the Environmental Health Department of the Council, which related to possible public nuisance that was likely to arise with the introduction of recorded music as a licensable activity and opening up an outside area with no acoustic reduction measures being proposed.

It was then brought to the attention of the Committee that the second representation was from the Licensing Authority supporting the public nuisance concerns of the Environmental Health Officer and the increased risk to public safety relating to the use of an outside area and its lack of supervision and other safeguards. A full representation was appended to the report at Appendix 4.

The Licensing Officer then stated that there was a representation from an interested party (other person), Mr Rockall, the proprietor of the Heart of Gold Jewellers shop immediately below the Sports Lounge, and related to increased noise and littering as a public nuisance and security, crime and disorder, concerns relating to the rear of the premises. A copy of the full representation was appended to the report at Appendix 5.

The Committee was reminded that any matters recorded in the Operating Schedule (Section O of the application form) would become conditions on the license if the application was granted.

The following conditions were mutually agreed between the Responsible Authorities and the applicant's agent, Mr Dadds to constitute standard conditions:

1. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.
2. All windows and doors to be kept closed during regulated entertainment, with the exception for access and egress.
3. The External area shall be monitored by a member of staff with the purpose of controlling noise from customers and ensuring public safety.
4. The outside terrace area to be covered by CCTV to the satisfaction of Essex Police.
5. The premises is only to serve drinks in polycarbonate, plastic or other safety glass only.

Following the representations made by the Responsible Authorities, Mr Dadds, the applicant's agent addressed the Committee in support of the application and in response to the concerns outlined by the Responsible Authorities representatives. He confirmed the further conditions agreed as standard conditions. Amongst the salient points made by Mr. Dadds were the following points-

- CCTV and normal alarm systems would be installed.
- Door staff would be employed having been trained to the required standard.
- The flats above the premises would only be used by staff.
- There would be no licensable activities on the external areas of the premises.
- The external area would be secured.
- Tables and chairs were to be provided for the outside area.

- Only polycarbonate and/or toughened glass glasses to be used on the premises.
- It was the wish of the applicant to promote the licensing objectives.

Having put its' questions to Mr. Dadds the Committee then retired to consider the written and oral information provided and advised that having listened to the application and having balanced the written and oral objections received against the licencing objectives to GRANT the application subject to the following additional conditions, being:-

1. The terrace to be monitored by a staff member at intervals of no more than 30 minutes.
2. The maximum capacity for the terrace to be a maximum of 30 people at any given time.
3. No alcohol to be Consumed on the terrace after 11pm.
4. Noise at the premises limited after 11pm to a decibel level to be agreed with Environmental Health Department of the Council. A noise limiter shall be fitted and set to the satisfaction of Environmental Health Services. The level of the noise limiter shall be set with the rear fire exit door open and monitored at the nearest residential noise sensitive premises.
5. Sufficient lighting to be maintained on the terrace during licensable hours and for the lighting to be monitored and agreed with the Environmental Health Department of the Council.

The Committee was of the view that a maximum number of 50 on the terrace was excessive and that by reducing the number to a maximum of 30 it was promoting the prevention of public nuisance and promoting public safety. It was felt that the size of the terrace was insufficient to merit a larger number. In the same vein 30 minute interval checks would go towards promoting both these objectives.

Conditions 3 and 4 above were considered to be required to prevent public nuisance and crime and disorder. The Committee felt the need to keep noise down after 11 a.m. on the terrace to keep noise and nuisance down and to reduce incidents of an anti-social nature. Given the urban nature of the area and the proximity of residential premises to the site these conditions were felt to be required by the Committee.

Condition 5 was considered necessary to promote public safety as it was not sensible to have the terrace in darkness during night time hours.

The Committee would remind all parties that they have a right to appeal against this decision to the Magistrates' Court.

Licensing Department
Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, Essex
CM15 8AY

Our Ref: dd/lb/MEL2-3

Your Ref: 18/00035/LAPRE

22nd February 2019

Email: licensing@brentwood.gov.uk

Dear Sirs,

**Re: Licensing Act 2003 – Application for a Minor Variation of Existing Premises Licence
PRM_0545 - First Floor, 40 High Street, Brentwood, Essex CM14 4HA**

We write with reference to the above and further to our recent meeting and online application for a minor variation of the existing premises licence.

We can confirm our client intends to take the additional steps voluntarily once the premises re-opens to the public, which is anticipated within the next four weeks.

Additional steps include:

1. Voluntary use of Scannet and/or a device of a similar kind will be used to scan identification of those persons entering the premises.
2. All drinking vessels shall either be polycarbonate or toughened glass.
3. When Security Industry Authority door persons are deployed, they shall wear fluorescent clothing so as to be distinguishable and/or identifiable on Closed Circuit Television.

Our client has no intention of increasing capacity and believes the minor variation makes improved offering so far as additional toilets and refurbished premises to a higher standard.

Should you require any additional information or points of clarification, please do not hesitate to ask.

Yours faithfully


DADDS LLP

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex CM12 9AX
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W: www.dadds.co.uk DX: 32202 BILLERICAY



Appendix 4

From: Paul Adams
Sent: 14 June 2021 15:30
To: Dave Leonard
Subject: FW: Bloc 40 - SIA licence requirements

Paul Adams | Licensing Manager
T: 01277 312503 | M: 07768 777100 | www.brentwood.gov.uk |
paul.adams@brentwood.gov.uk

From: Jason Dean <Jason.Dean@sia.gov.uk>
Sent: 27 June 2019 14:33
To: Paul Adams <paul.adams@brentwood.gov.uk>;
'jackie.cooper@essex.pnn.police.uk'
<jackie.cooper@essex.pnn.police.uk>
Subject: FW: Bloc 40 - SIA licence requirements

Hi Paul/Jackie

Thank you for your time on Friday, I appreciate it was a long day for you but we've had some good feedback about the campaign so our efforts look like they've been appreciated.

I just thought I'd send you a copy of the email I've sent to the security company we met at Bloc 40. In short the steward on the rear stairs needs to be SIA licensed but I've included the wording from the Act so Mr Mariacher has a definitive reference point. If there's anything you need me to clarify just give me a call.

Kind Regards

Jason

Our Email addresses are changing
My email address changed on the 29th March 2019 my email address is now jason.dean@sia.gov.uk For information about the change and how our emails continue to be transmitted securely [Click Here](#).

From: Jason Dean
Sent: Thursday, June 27, 2019 2:27 PM
To: [REDACTED]
Subject: Bloc 40 - SIA licence requirements

Dear Mr Mariacher

Thank you for your time on Friday 21st June at Bloc 40 in Brentwood to discuss the SIA's Safer Nights Out campaign. The campaign material can be found on the SIA's website at these links please feel free to use the material at the venues you supply staff to.

<https://www.sia.homeoffice.gov.uk/Pages/publications.aspx?category=Guidance+for+Security+Operatives> Links to various posters and guidance documents from the campaign.
<https://www.sia.homeoffice.gov.uk/Pages/publications.aspx?category=Safer+Nights+Out> Link to the posters encouraging SIA licence holders to report violence.

On the night we also discussed the role of a steward who as I understood it was stationed on the fire escape at the rear of the premises to prevent people accessing Bloc 40 via these stairs and the outside smoking area rather than the main entrance. Unfortunately I could not find a record of your contact with the SIA seeking advice on what constitutes licensable activity and whether this steward position would require an SIA licence.

The Private Security Industry Act states that a door supervisor licence is required when manned guarding activity is taking place in relation to licensed premises. For ease of reference manned guarding is usually referred to as protecting people, property, but for clarity I've reproduced the definition of manned guarding as it appears at Schedule 2 Part 1 paragraphs 2(1), (2), and (3) of the Act.

(1) This paragraph applies (subject to the following provisions of this paragraph) to any of the following activities-

(a) guarding premises* against unauthorised access or occupation, against outbreaks of disorder or against damage;

(b) guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained;

(c) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

* Premises are defined at Section 25 of the Act

(2) In this paragraph references to guarding premises against unauthorised access include references to being wholly or partly responsible for determining the suitability for admission to the premises of persons applying for admission

(3) In this paragraph references to guarding against something happening include references to so

providing a physical presence, or carrying out any form of patrol or surveillance, as-

- (a) to deter or otherwise discourage it from happening; or
- (b) to provide information, if it happens, about what has happened

A door supervisor licence is required when the above manned guarding activity occurs in relation to premises which holds a premises licence under the Licensing Act 2003, the premises is open to the public and either alcohol is available for consumption on the premises or regulated entertainment is taking place.

It is therefore my opinion that the staff member located at the rear fire exit is there to prevent the unauthorised access to the venue, is there as a physical presence to deter unauthorised access from happening, and will provide information if this happens and so is undertaking manned guarding activity and should hold either a door supervisor or close protection licence. Anyone who undertakes this role without either of those licences would be committing an offence under Section 3 of the Private Security Industry Act and whoever deployed them would also be committing an offence under Section 5.

I hope that clarifies the licensing requirements under the Private Security Industry Act 2001 but if you have any questions please don't hesitate to contact me.

Kind Regards

Jason Dean
Investigations Officer Kent and Essex
Partnership and Intervention South East Region

Security Industry Authority
<http://www.sia.homeoffice.gov.uk>

Tel: 020 7025 4343

Mobile: [REDACTED]

Email: Jason.dean@sia.gov.uk

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The information contained in this communication from jason.dean@sia.gov.uk sent at 2019-06-27, 14:33:02 is confidential and may be legally privileged. It is intended solely for use by paul.adams@brentwood.gov.uk and others authorized to receive it. If you are not paul.adams@brentwood.gov.uk you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful.

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Appendix 5

From: Lee Dunne [REDACTED]
Sent: 20 January 2020 12:40
To: Dave Leonard
Subject: Re: Lee DUNNE - Withdrawing Consent to Be DPS at BLOC 40, 40 HIGH STREET, BRENTWOOD CM14 4AJ

Hi Dave
Yes I have notified Ahmet
He has replied as well
X

Sent from my iPhone

> On 20 Jan 2020, at 11:32, Dave Leonard <dave.leonard@brentwood.gov.uk> wrote:
>
> Hi Lee,
>
> The Licensing Office has received your written notification withdrawing your consent to be the designated premises supervisor at Bloc 40 with immediate effect.
>
> Can you please confirm whether or not you have notified the management at Bloc 40 of your decision.
Thank you.
>
> If I can be of any further assistance please do not hesitate to contact me in the Licensing Office at Brentwood Town Hall on 01277 312523.
>
> Kind regards,
>
> Dave Leonard | Licensing Officer
> T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk
>
>
> -----Original Message-----
> From: Lee Dunne [REDACTED]
> Sent: 20 January 2020 11:02
> To: Dave Leonard <dave.leonard@brentwood.gov.uk>
> Subject: Lee dunne
>
>
> Hi Dave
> As from today 20 th January 2020
> I wish to withdraw my personal licence of being the dps at bloc 40 Brentwood With immediate effect
Can you please confirm that this has been accepted as my withdrawal.
> Many thanks
> Leonora dunne
>
>
> _____

>

> Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex.
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>

> We will use your information to provide the service requested. We may
share your personal data
between our services and with partner organisations, such as government
bodies and the police. We will
do so when it is of benefit to you, or required by law, or to prevent or
detect fraud. To find out more, go
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Appendix 6.1

From: Jackie Cooper 42072594 <Jackie.Cooper@essex.police.uk>
Sent: 24 January 2020 11:26
To: Dave Leonard
Subject: FW: LPS Security / Bloc 40
Attachments: BLOC INCIDENTS.docx; BLOC LO.docx; bloc 40 manual.docx;
LPS SECURITY SITE SURVEY
bloc 40.docx; BLOC CP AND SOCO.docx; false ID procedure.docx; sign in
sheet.docx

From: Moneer Gul [REDACTED]
Sent: 24 January 2020 02:48
To: Jackie Cooper 42072594 <Jackie.Cooper@essex.police.uk>
Subject: LPS Security / Bloc 40

Hi Jackie

Great to meet you and Dave earlier and thank you for your time - I hope after the meeting any reservations you had have been alleviated

As agreed please see attached my paperwork, I will also be sending you an invite link that will give you access to my cloud server in where you can view body cam footage (from bloc) that has been stored on it,

I will endeavour to upload every weekends footage by the Monday of the new week, my steward will also be patrolling the vicinity of the premises not only as a deterrent but hopefully this will help you in any investigation you may have in the immediate local area

Please feel free to contact me at any time

The best number to reach me on is the one I gave you earlier [REDACTED]

Kind Regards

Moneer

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Appendix 6.1



SECURITY MANUAL

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SECTION 1

HEALTH AND SAFETY

1.1

2.7 Employees

Employees have duties under this Health and Safety Policy. These duties require them to:

1. Read and understand the Company Health and Safety Policy and to carry out their work in accordance with its requirements.
2. Co-operate with the Supervisor's instructions.
3. Develop a personal concern for health and safety for themselves and others.
4. Report to the Supervisor any defects noted in plant, equipment or any item which has the obvious health risk.
5. Use the correct tools or equipment appropriate for the type of work undertaken.
6. Not use un-tested electrical equipment.
7. Refrain from 'horseplay' or other dangerous activities.
8. Ensure that no unnecessary risk to health and safety is always taken .
9. Warn other employees, particularly new persons to that place of work, of the known hazards.
10. Wear appropriate personal protective equipment at all times including where necessary safety footwear and not to abuse that which is provided. If damaged it is to be returned to the stores for disposal and replacement with other items.
11. Refrain from abusing the welfare facilities provided and keep in a clean condition.
12. Report any personal injury sustained at work, even if the injury does not prevent a person from working.
13. Suggest safe methods of working and ways of eliminating hazards, being aware they can express their view on health and safety matters to their immediate Supervisor, Deputy/Senior or Assistant Manager.
14. Not use new types of equipment unless supervised or have undertaken a training course in the safe use of that equipment.

Employees (Cont'd)

15. Request assistance/information on any unfamiliar work before attempting to commence.
16. Not repair equipment etc. unless trained and competent.
17. Ensure all equipment provided is not abused or mistreated, kept in good condition, and returned to the appropriate storage place on completion of a work operation.
18. Keep all hoist gates and cellar doors/flaps closed except when loading or unloading.
19. Machinery must not be left running when unattended.
20. Not to be under the influence of drugs or alcohol likely to cause drowsiness or otherwise impair their ability to carry out a work operation safely.
21. Carry out works in accordance with Health, Safety and Welfare statute legislation requirements and not to allow their work operation to create situations that cause hazards for themselves or others.
22. Not to make-shift and use equipment that is not designated for that purpose.
23. Keep clean the work activity area from rubbish etc., keep waste bins emptied.
24. Not to manually lift items which are too large to see over or are too heavy. Seek assistance and guidance before commencing the lift.
25. Not to conceal firefighting equipment, signage, egress routes or move safety equipment without prior agreement of the Supervisor.
26. Not to reach up to high level shelving or storage without using step ladder or hop-up.
27. Not to act as a signaler or similar unless trained in the correct safety signals.
28. Refer to Arrangement Section 3 of this Policy for Company Procedures for controlling hazards associated with work operations.

How to Lift objects.

Plan before lifting. Knowing what you're doing and where you're going will prevent you from making awkward movements while holding something heavy. Clear a path, and if lifting something with another person, make sure both of you agree on the plan.

Lift close to your body. You will be a stronger, and more stable lifter if the object is held close to your body rather than at the end of your reach. Make sure you have a firm hold on the object you are lifting, and keep it balanced close to your body.

Feet shoulder width apart. A solid base of support is important while lifting. Holding your feet too close together will be unstable, too far apart will hinder movement. Keep the feet about shoulder width apart and take short steps.

Bend your knees and keep your back straight. Practice the lifting motion before you lift the object and think about your motion before you lift. Focus on keeping your spine straight--raise and lower to the ground by bending your knees.

Tighten your stomach muscles. Tightening your abdominal muscles will hold your back in a good lifting position and will help prevent excessive force on the spine.

Lift with your legs. Your legs are many times stronger than your back muscles--let your strength work in your favor. Again, lower to the ground by bending your knees, not your back. Keeping your eyes focused upwards helps to keep your back straight.

If you're straining, get help. If an object is too heavy, or awkward in shape, make sure you have someone around who can help you lift.

SIGNED

DATED.....

SECTION 2

TERMS OF EMPLOYMENT

2.1

Venue: Bloc 40

General Duties and Obligations.

Description of work: Security.

1- Responsibilities

Comply with all the Venue policies and code of conduct.

Always report any unsafe behavior by staff, customers, colleagues or members of the public to the Head of Security and Management.

Comply with checks from the local borough authority and police.

Assist the police with enquiries and any other assistance required.

Make sure your SIA badge is valid and displayed whenever on duty.

2- What Duty do you have to yourself and others.

You must comply with all instruction given by senior managers

You must comply with the training provided by the SIA.

You must sign and print your name clearly with your badge Number before the start of any night when you are working.

Never carry out any other work on any other area apart from our establishment unless you are specifically instructed by senior management or Head of Security.

Security must wear uniform as specified at the interview at all the time whilst on duty. i.e. Black Suit, white shirt and black tie

Defective or damaged uniform will not be acceptable, you must be presentable at all times.

SIA Badge must be clearly displayed and current. It is your responsibility to make sure you are up to date with all training required.

You have the duty to safeguard the venue, all members of staff, your colleagues, Customers and members of the public who are affected by what we do.

All complaints must be taking seriously and reported accordingly.

3-What is the main requirement.

It has proven, preventing intoxicated customers attending the venue will reduce risk of incidents.

Dress code and membership applies unless you are instructed otherwise by one of the senior managers or head of security.

Always take a friendly approach to any situation unless members of staff, customers, colleagues or members of the public are endangered.

Use of minimum force only is to be administered when ejecting someone from the venue. Force that requires the use of kicking is strictly forbidden.

4-What should you consider when working.

CCTV fully operational in house and local council CCTV covers all Brentwood High st

Any person who you think is under the influence of alcohol or drugs will be refused entry.

Any person known to be a troublemaker, Barred or may pose a risk to anyone cannot attend the venue under any circumstances.

Any person who is under age or suspected of having fake ID will be refused entry.

Under no circumstances should any one accept payment from any persons wishing to attend the venue.

It is forbidden to consume any alcoholic drink during working hours (Immediate dismissal)

Door Staff are not permitted to have guests whilst on duty

5-Control Measures.

Anyone who enters the venue is subject to a search.

During the search look for illegal substance and anything that can be used as a weapon.

Report any findings of any substance or weapons no matter how much or how small

to Head Doorman or Management.

Give advice and give guidance to vulnerable customers who may leave the venue intoxicated. (Guide them to the nearest genuine cab etc)

Ask the customers kindly to be courteous and to minimize the noise when leaving the venue.

Look out for any groups of people who may try to cause crime and disorder and prevent things from escalating outside the venue by defusing and reasoning.

Make sure you have control over the door and the surrounding area till everyone has dispersed.

Be vigilant for customers who leave the venue and cause disturbances and disorder within the vicinity of the venue. (Report any crime and disorder to the local council CCTV).

No One is permitted to leave the venue with a bottle or glass. (Exception to be made for bottled water in plastic).

This document confirms that you have been provided with brief and explained procedures and that you clearly understand the contents of the above terms and condition at place of work. We all must comply with this documents contents and any other reasonable direction provided by the management.

Head of Security.

SECTION 3

DRUGS POLICY

3.1

1 Objective

The objective of this drugs policy is two fold:

1. Prevention of illegal drug dealing and use in the venue
2. The safeguarding of customers attending the venue who may have used illegal drugs

The implementation of the policy is the responsibility of all those involved in the running of the venue including management, staff, promoters and door supervisors.

All employees will be given training as to the application of the policy as appropriate to their role and supervised and supported in the implementation of the policy.

All employees will be taken through the policy by members of the management team and will confirm in writing they have understood its content and agree to its implementation.

External promoters will accept adherence to this policy as a term and condition of their contract with the venue.

1. Prevention of Illegal Drug Dealing and Use

There is a zero-tolerance policy to the dealing and use of illegal drugs at Bloc 40.

Any member of staff or management found to be involved in either activity after the appropriate disciplinary procedures have been adopted will be instantly dismissed and reported to the Police without exception.

Notwithstanding the above, it is likely that any drug dealing and use is more likely to be carried out by customers of the venue.

In order to prevent illegal drugs being brought onto the premises for dealing or use, the LPS Search Policy will be implemented and enforced at the premises. This policy is attached as Annex 1.

(a) Measures in place at the venue to prevent drug dealing and use

- **CCTV** – CCTV cameras and equipment will monitor and record and retain images in accordance with the "UK Police Requirements for Digital CCTV Systems". Cameras are in the venue to cover areas, which are not easily visible to management and staff. CCTV images will be viewed by management on a regular basis to identify any suspicious or illegal activity.

All images are to be securely retained in accordance with the "UK Police Requirements for Digital CCTV Systems". Images are only available for viewing by management, a Police Officer or someone authorised by management in writing.

- **Supervision of customers** – In addition to CCTV, all members of staff are to be vigilant as to suspected activity by customers. This might include a number of customers regularly approaching a certain individual in the course of the night or the visible exchange of money in return for small items.

Supervision by door supervisors is particularly significant as it is their role to monitor customers whereas other members of staff may have other duties to fulfil. It is imperative that door supervisors within the venue are vigilant in looking for signs of drug

dealing and use. Door supervisors should regularly patrol all areas of the venue, especially corridors, toilets or secluded areas where such activities may take place. Door supervisors should also cultivate good relationships with regular customers as experience shows that customers will inform staff about drug dealers particularly where they are acting in an irresponsible or aggressive way.

If members of staff see suspicious activity it is to be reported to a member of the management team immediately. Members of staff are not to approach individuals independently of management.

On report of any suspicious activity witnessed by members of staff, or any activity witnessed by themselves, members of management must make an entry in the premises Drug Incident Book noting the time of any activity/incident, its location and, where known, the identity of the customer concerned and the appropriate action taken.

- **Supervision of toilet areas** - Traditionally, toilets in nightclubs have been a location where drug dealing and use have been prevalent as they are busy areas often beyond normal supervision by staff and CCTV.

To counter this all toilets in the venue will be attended where possible at all times and will also be checked by a member of the management team/security team at half hourly intervals on any night the venue is open.

The duty of the toilet attendant will be as follows:

- To ensure overcrowding does not occur
- To monitor customer behaviour
- To ensure that all toilets are maintained in a clean and working order

Where a toilet attendant has concerns as to the behaviour of customers, for example if two individuals are occupying one cubicle, then a member of the management team should be informed immediately so the appropriate action can be taken.

(b) Action to be taken on suspicion of illegal activity by customers

If management have a reasonable suspicion that a customer is involved in the illegal supply or use of drugs then the following action is to be taken:

- If the individual is suspected of the illegal use of drugs he or she should be asked to accompany a member of the management team/door supervisor to a private area of the club.

- He or she should then be requested to submit to a search. The customer cannot be compelled to agree to a search. If a search is refused then the customer shall be ejected from the venue. A search of a female customer can only be carried out by a female member of the management team or door supervisor.
- If drugs are found on the customer then the customer is to be dealt with as set out in paragraph 1(d) of this Policy.

(c) Action to be taken if a member of staff is found in possession of illegal drugs

Any member of staff, including management, who is found in possession of illegal drugs, unless carrying out their duties in accordance with paragraph 1(d) of this policy, shall be liable to immediate dismissal, subject to the disciplinary procedures in his or her contract of employment.

(d) Discovery of Drugs

If illegal drugs are found on the venue then the below procedure must be followed. All staff are reminded that possession of illegal drugs is an offence and having drugs on your person which had been found on the premises may lead to risk of prosecution if you are found in possession. All staff, including cleaning staff will be given training as to the necessary procedures to be followed:

- Any drugs, or suspected drugs must be brought to a member of the management team immediately on discovery and handed over.
- Management will record the suspected drug find in the Drug Incident Book indicating location, found by whom as well as date and time of the discovery.
- The drugs shall be placed in a plastic bag, sealed and inserted into the premises drugs safe for collection by Police.
- In accordance with the Faces Nightclub Search Policy any discovery of drugs in quantities other than those suitable for personal use shall be immediately reported to the Police and their advice sought.
- In the absence of any advice or instruction from a Police Officer, any suspected drugs found shall be placed in the premises drugs safe.

Police will undertake to monitor deposits in the drug safe and entries in the Faces Nightclub Drug Incident Book. The drug safe will be emptied and the contents taken into possession of the Metropolitan Police for destruction at 3 monthly intervals or on any other occasion at the reasonable request of the management team.

(e) Action to be taken against customers who are discovered with drugs

- If customers are discovered with any amount of illegal drugs then a member of the management team must be immediately notified.
- If management considers the amount of drugs to be for personal use only, then the drugs shall be retained in accordance with paragraph 1(d) of this Policy.

- The customer shall be then ejected from the venue and denied future entry. If the customer is a member then his or her membership shall be immediately rescinded.
- If management considers the amount of drugs to be of a quantity more than for personal use, then the drugs shall be retained in accordance with paragraph 1(d) of this Policy.
- All reasonable steps shall be taken to detain the customer, the Police called immediately and thereafter dealt with in accordance with the direction of the Police.

Reports of drug dealing at the premises

Sometimes information may be given by customers or other third parties unconnected with the venue that drug dealing is taking place at the premises.

If such information is given to any member of staff then it must be reported to a member of the management team immediately.

The information is to be recorded in the Drug Incident Book and reported to Sanjay by a member of the management team as soon as it is reasonably practical so the appropriate action can be taken.

In addition to entries in the Drug Incident Book, any information as to drug dealing at the premises shall be notified by a member of the management team to the Police as soon as reasonably practicable.

(f) Liaison with the Police and other authorities

The venue is committed to working with the Police and any other relevant authority so as to ensure any issues regarding the supply and use of illegal drugs on the premises are dealt with quickly.

SECTION 4

AGE VERIFICATION POLICY

4.1

BLOC 40 AGE VERIFICATION POLICY

BLOC 40 operates a challenge 21 policy.

Any person who appears to be 21 or younger will be challenged to produce a valid form of age identification.

No person under the age of 18 will be permitted entry to the venue or be served alcohol.

The valid forms of identification that are accepted by Infinity are the following

A valid current Passport

A valid current Driving Licence

No other forms of identification will be accepted as proof of age.

Any person wishing to be admitted to the Premises who appears to be 21 or under must be challenged to provide a valid form of age verification.

Whilst This Age Verification Initially Will Take Place On Admittance The Policy Is Equally Applicable To All Members Of Bar Staff.

When checking the identification the following details must be checked.

The photo must be checked carefully to ensure it is the person presenting the ID.

The date of birth must be checked to ensure the age is correct for the night in question.

The holographic mark must be checked with the Ultra violet light to confirm it is valid.

If there is any doubt of any of the details on the Identification you must ask for a second form of identification confirming the name of the person. You must also ask them to confirm their signature on a separate piece of paper and check it against the one on the form of identification.

If there is any doubt of the identification of the person once this has been carried out the person must be refused entry and the sale of alcohol.

Under no circumstances must the person be given the benefit of doubt.

Bar Staff

All Relevant Persons Will Receive Training On Issues Relating To Underage Sales (See Separate Documentation)

When serving customers who appear to be under the age of 21 you are required to ask for a proof of identification. Whilst every effort is made not to allow any person under the age of 18 in to the venue it is your responsibility not to serve them alcohol.

If they fail to produce a valid form of Identification you must refuse to serve them and inform a member of management immediately. As part of their training, all members of staff will have watched the Poppleston Allen age verification DVD TEENAGE KICKS

4.2

AGE VERIFICATION TRAINING CONFIRMATION

I _____ confirm I have viewed a copy of the Poppleston Allen DVD Teenage Kicks and received a copy of Faces Age Verification Policy, which I fully understand.

I also understand that should I have any future worries or concerns I may discuss with Ahmet Melin- Manager.

Name _____

Signed _____

Date _____

Witnessed _____

4.3

REFUSED ENTRY LOG

LPS SECURITY / BLOC 40

Name Of Person Completing
Form.....
Date
Time.....
Reason Given Refused Entry/Removed From Club Tick Correct One
Details.....
.....
.....
.....
.....

Name Of Person Completing
Form.....
Date
Time.....
Reason Given Refused Entry/Removed From Club Tick Correct One
Details.....
.....
.....
.....
.....

Name Of Person Completing
Form.....
Date
Time.....
Reason Given Refused Entry/Removed From Club Tick Correct One
Details.....
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SECTION 5

INTOXICATED CUSTOMER POLICY

5.1

This Policy Is Designed To Ensure Alcohol is Not Served To Anyone Who Appears To Be Intoxicated

Or To Anyone Who Is Trying To Purchase Alcohol On Their Behalf.

Bloc 40 and LPS supports and endorses the principles behind the Industries Social Responsibility Standards for the Production and Sale of Alcoholic Drinks. This policy sets out how Infinity will implement them

We Operate A Proof Of Age Policy And We Only Accept Passport Or Drivers License.

We Operate A Strict NO ID No Sale Policy With All Customers Who Appear To Be Aged 21 Or Under Being Routinely Asked For Proof Of Age.

We Support Challenge 21 Policy As A Means Of Insuring That Under 18s Are Not Served.

The Company's Policy Is Incorporated Into Staff Training And All Staff Are Made Aware Of The Fact They Are Breaking The Law If They Sell To Those Under 18.

Selling To Someone Under The Age Of 18 Is A Disciplinary Offence.

Records Of Refusals To Serve Are Logged In A Record Book Behind Each Bar

We Will Take All Responsible Steps To Ensure That People Who Are Already Intoxicated Cannot Purchase Or Obtain Alcohol

We Operate A Strict Door Policy and Refuse Entry To People Who Are Intoxicated.

We Employ Registered SIA Door Supervisors To Prevent Violent, Aggressive, Dangerous, Or Illegal Behaviour In The Premises.

We Operate A Strict Company Policy Of Refusing To Serve Intoxicated Customers And This Is Included Within The Staff Training.

Records Of Door Entry Refusals Are Logged Along With Refusals To Serve.

Our Employees Are Trained To Continually Assess The State Of Sobriety Of Any Customers Purchasing Or Consuming Alcohol Within The Premises.

As Part Of This Training All Staff Are Obligated To Inform Their Bar Supervisor/Manager And A Member Of Security Who they Have Refused To Serve.

We Will Act Responsible In The Marketing Of Drinks And The Operation Of Any Promotions Within Our Premises.

We Are Continually Looking For New Ways To Ensure That Our Facilities And Promotions Offered In The Club Do Not Encourage The Excessive Consumption Of Alcohol And Unruly Behaviour

5.2

Sales of all alcohol to people who are either Intoxicated or Underage

1. If you consider somebody to be “Intoxicated” you are legally expected to refuse the individual further sales of alcohol.
2. Once you have politely told the person that you think they have had too much to be served anymore you are then obliged to tell both your bar supervisor/person in charge of the bar and also a member of security who the person is that you have refused to serve.
3. If at anytime the customer becomes rude or aggressive it is not for you to get into any sort of argument with them and you are expected to either get a supervisor/ member of management/door supervisor to come and deal with the situation.
4. If at anytime you feel threatened or uncomfortable having to deal with such a situation go to the person in charge of your bar.
5. It is up to you as an individual to decided when you think that a person is “intoxicated”. Common signs are slurred speech, blurry eyed, staggering, aggressiveness, excessive loudness. Generally we would advise that your decision should be based on a combination of these signs.
6. If you come across a customer who you consider to be underage we expect you to ask for photo card ID at the bar. Every genuine form of ID should have a hologram. Just because the premises have door staff do not presume that the customer has already been asked for ID and has got past the doormen therefore they are fine to be in the bar/club. Again it is your responsibility as an individual and could lead to a personal fine.

It is our main concern that all staff and customer remain in a safe environment at all times and lookout for each other. Here are a couple of approaches that should help you deal with a situation safely and responsibly.

Step back (Think first)
Asses the situation
Find help (Door staff/management)
Evaluate your options
Respond (Call who you think will be the best person to deal with)

When dealing with a difficult customer always remember:

Always
Look
Composed
Organised
Professional
Offering
Positive
Solutions

Please can you sign and date here to confirm that you have both read and fully understand this member

Sign: _____ Date: _____

Thank you for your Cooperation

Moneer Gul

LPS SECURITY

5.3

REFUSED SERVICE LOG

DATE AND TIME	BAR NUMBER	STAFF NAME	REASON FOR REFUSAL	REPORTED TO	DESCRIPTION OF REFUSED PERSON	ADDITIONAL COMMENTS

SECTION 6

SEARCH POLICY

6.1

Objective

The prevention of customers and staff bringing illegal drugs onto Infinity premises for either dealing or use is an essential part of the venue's drugs policy.

This Search Policy is an essential Infinity objective to prevent any drugs, illegal weapons or other articles being brought onto the premises.

This Search Policy sets out the procedure for searching customers and staff on both entry to Faces premises and if deemed necessary, in the case of individual customers or staff once on the premises, where there is suspicion that they may either be supplying or using drugs.

The Policy

The policy will apply in all circumstances when the venue is open to the public and when staff enter the premises beforehand.

Procedure for the Conduct of Searches

1. Searches will only be carried out by Security Industry Authority (SIA) registered door supervisors or similarly qualified members of the management team.
2. Customers cannot be compelled to be searched. A search can only be conducted with the individual's consent. However, if a person refuses to be searched, he or she will not be allowed entry to the premises.
3. Signage shall be prominently displayed advising customers of the requirement for searching and the consequences of not agreeing to a search. Staff will be made aware of this requirement as a condition of their employment.
4. All searches must be conducted in a polite and respectful manner and in accordance with training received either from the venue or as part of external qualifications such as that from the SIA. Those conducting the searches must bear in mind that the person being searched is a customer of the venue, or a work colleague.
5. Female customers must only be searched by female door supervisors. If no female door supervisors are available, searches of female customers must only extend to their bags and cigarette boxes.
6. In addition to any searches on entry to the premises, random searches of staff/toilet attendants will periodically be undertaken.

Procedure in the Event of Suspected Drugs Found on a Person

1. If a search reveals suspected illegal drugs of a quantity suggesting they are for personal use then the drugs will be retained and dealt with as per the procedure outlined in paragraph 1(d) of the venue's Drugs Policy and the customer refused entry. The refusal shall be recorded in the Drugs Incident Book.
2. Where the venue refuses a member entry for possession of illegal drugs his or her membership shall be immediately rescinded and future entry to the venue denied indefinitely.
3. If a search of a member of staff reveals suspected illegal drugs in a quantity suggesting they are for personal use, these will be similarly detained and dealt with and recorded as outlined in paragraph 1. Any member of staff will be dealt with under the staff disciplinary procedures at the venue.
4. If any search of staff or customers reveals any suspected illegal drugs of a quantity suggesting these are to be sold, then the drugs shall be retained and all reasonable and lawful steps taken to detain the person concerned, taking into account the health and safety of staff and other customers. Any detention shall be in a private room at the venue pending further Police advice. Police will be immediately notified of the incident and the matter shall be recorded in the Drugs Incident Book.

Procedure in the Event of Weapons or other illegal items Found on a Person

1. If a search reveals any weapon or other suspected illegal article, the item shall be retained and the person either refused entry, or where appropriate in the opinion of the security staff and management, all reasonable steps shall be taken to detain the person concerned, taking into account the health and safety of staff and other customers. Any detention shall be in a private room at the venue pending further Police advice. The Police will be immediately notified of any weapons found on a person and their advice followed as to actions to be taken. The incident shall be recorded in the Incident Book held at the premises.

SECTION 7

DISPERSAL POLICY

7.1

DISPERSAL POLICY

The Dispersal Procedure (around the terminal hour) is dedicated to make the maximum contribution by exercising pro-active measures towards and at the end of trading to move customers away from the venue and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.

Our Dispersal Procedure will be re-evaluated with the licensing officers of the local council and police on an on-going basis

The Dispersal Procedure is subject to review and will address problems and concerns if they are identified in order to establish a permanent reduction or elimination of the problems and concerns.

Liaison with Neighbours

Should there be a need, a committee which comprises of representatives of the venue and residential neighbours, along with other persons as appropriate, will be established

Where requested, local residents will be provided with contact details for the premises and its management and a copy of this dispersal policy.

End of Evening Operational Policies:

The venue will use volume levels, type of music played and variation of lighting levels to encourage the gradual dispersal of patrons during the last part of trading and during the drink-up period.

Announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours.

The door supervisors intelligently encourage patrons to leave in smaller batches to discourage a mass exodus. This also ensures that the outside area is more manageable.

Exit from the front doors have now been restricted in an attempt to discourage congregation out on the main road and once again enables the door supervisors to oversee the activity of the patrons as they leave in a more controlled and focused environment.

No re-entry (for smokers) is permitted 30 minutes before closing time.

Customers are not rushed to finish their drinks at the end of the trading night and a 20-minute drinking up policy is adopted.

Notices at Exit

Highly visible notices are placed in the foyer and on outside walls requesting

exiting customers to leave quietly and to respect neighbours and their property. Which reads

Important notice

Attention all customers, please be reminded that Faces is in a highly populated area and that excess noise, including shouting, revving of car engines or slamming car doors will only alienate our neighbours and jeopardise the future of Faces Nightclub.

Please be responsible and respectful when leaving the club, the outside of the club and main road is covered by CCTV cameras and Faces Security. Anyone found disrespecting this request would be denied further entry to the club.

Door Supervisors

The venue has developed practices which :

- Encourage customers to drink-up and progress to the exit throughout the latter part of drinking-up time;

- Draw the attention of exiting customers to the notices in the foyer and ask them to be considerate;

- Ensure the removal of all bottles and polycarbonate glasses from any customer who attempts to leave the venue carrying one;

- Actively encourage customers not to assemble outside the venue;

- Ask cars or taxis waiting not to sound horns or have car stereos on so that they can be heard outside the car;

- Have been asked to talk to the cab drivers immediately to assist them in finding the patrons that summoned them so as to further alleviate the possibility of requiring to sound their horn.

- Record dispersal numbers during the last 90 minutes of trading

The door supervisors have been made to read and understand the doorman objectives, which highlight the condition of the license and identifies potential problems of the past and how they should be expected to deal with them. They are made to sign that they have read the documentation.

Direct radio contact is made with council CCTV operator to monitor and provide assistance if we consider necessary.

Litter Patrol

Staff will regularly pick up bottles and food wrappings on the frontage and either side of the premises during and at the end of the night. (These are likely to be from sources other than the premises – but will be collected and disposed of.)

Music Noise

The management ensure that all doors are closed and that the appropriate extraction and ventilation is active.

The management assist in the sound checks to ensure that the appropriate sound levels are set.

In approximate hourly intervals, the management carry out sound assessments by patrolling the closest boundary of any neighbouring property along the entire perimeter of the premises.

Any live entertainment is required to plug into a centrally controlled PA system that enables the management to have ultimate control over any amplified apparatus.

Car Park

The car park behind Infinity/Faces has active CCTV recording 24hours a day. Main parking is provided in the council run car park by the library.

Patrons are encouraged to park responsibly by signage and notes on membership cards

SECTION 8

LOST PROPERTY POLICY

8.1

Lost and Found Policy

Whilst Infinity is unable to accept liability for lost or stolen property, it is the policy of Infinity to reunite lost property with its original owner where possible. Items cannot be securely stored indefinitely and will be retained for a maximum period of six months.

Property Retention Periods

- Clothing/misc. - 3 calendar month
- Jewellery/money/other valuable items – 6 calendar months

Reclaiming items

Any person reclaiming property will be asked for information about the item. They must show their id card or other photographic identification prior to the item being returned. When an owner reclaims an item, they need to sign a declaration to show they have received it.

Disposal of unclaimed items

Where it is not possible to return an item to its original owner within the nominated period, it will be disposed of in an environmentally friendly manner where possible. This includes donations to registered charities.

8.2

FACES LOST AND FOUND LOG

DATE AND TIME	ITEM DESCRIPTION	L OR F	CONDITION FOUND IN/ WHERE IT WAS LOST	NAME AND CONTACT NO. OF CUSTOMER	NAME OF FINDER AND CLAIMANT

SECTION 9

FIRE RISK ASSESSMENT

9.1

Fire Risk Assessment

- 1) **Premises Particulars** – Bloc 40, 40 High St Brentwood
Telephone number – 07957902330

Use of Premises – Nightclub/Lounge

Person in control of the workplace – Sanjay Senthurnathan

Date of Assessment 22/01/2020

Date of Review 22/07/2020

Name and Relevant details of who carried out Assessment

Moneer Gul, LPS Security

- 2) **General Statement of Policy**

It is the policy of the Infinity London club to protect all persons including employees, customers, contractors and members of the public from potential injury and damage to their health which may arise from work activities

Bloc 40 will provide and maintain a safe and healthy working state, equipment and systems of work for all employees and to provide such information, training and supervision as they need for this purpose.

Bloc 40 will give a high level of commitment to Health and Safety, and will comply with all statutory requirements

- 3) **Management**

The fire safety management plan is contained within the Health and Safety file and is kept in the office.

The plan confirms that a fire risk assessment will be completed to ensure adequate fire safety and will be reviewed where necessary.

The Fire risk assessment will follow the 5 step narrative method as advocated by the fire safety assessment guide

The significant findings will be recorded, any deficiencies identified by the fire risk assessment process will be prioritised and rectified accordingly. Although having overall responsibility for the fire safety matters, Infinity have made the H&S advisor in future consultation with the fire officer responsible for the fire safety matters, which includes the fire risk assessment and all matters appertaining to it

This person will be responsible for

- Deciding the fire safety protective and preventative measures
- Informing other responsible persons what they are
- Ensuring they are implemented and communicated to other employees
- Ensure co-ordination between other responsible persons

Fire safety will be an agenda item for the bi monthly venue operations meeting, other persons responsible will be shown on the schematic (attached)

The health and safety fire officer will be responsible for monitoring the effectiveness of the fire risk assessment process and its implementation.

4) Venue Plan Drawing

7) Identifying Fire Hazards

Sources of ignition are commensurate with nightclub premises. There are no significant ignition sources other than the electrical equipment within the bar area.

Central DJ consoles located in the club premises. Kitchen area is compartmented behind fire rated doors. Smoking within Infinity is prohibited by law

Sources of fuel –

The sources of fuel are those commensurate with a working nightclub/bar/restaurant. All waste cardboard are emptied every night at the end of trading and placed in the appropriate bins to the rear of the venue. There are two other sources of fuel other than the alcohol store room at the rear of the premises,

- stocks of paper in the office

Structural features that could promote the spread of fire

This is an old building built around 1950 refitted across the year most recently beginning April 2019

It is unknown if fire detection is present within the roof void

8) Identify people at risk

Employees are distributed throughout the floor area during an evening trading. During day time hours visitors and contractors are met by staff at the main door. During trading hours there are employees trained in fire evacuation procedure. All employees will be responsible for the evacuation of customers in the event of a fire.

At present, there are no employees with disabilities that would prejudice their escape in the event of a fire.

9) Means of escape –

There is a fire exit to the rear of the venue accessible via the toilets corridor

Fire Safety signs and Notices –

There are adequate fire safety signs within the venue. All exit routes and fire safety equipment are adequately sign posted

Fire Warning System –

There is a manual/Electric fire warning system comprising of manual call points and automatic smoke detection

LPS SECURITY / BLOC 40

It will warn all persons frequenting the premises upon actuation.

Emergency lighting

There is an adequate non maintained emergency lighting system within the premises

Fire Fighting Equipment

There are a sufficient number of various fire extinguishers correctly located throughout the club including by the toilet areas. They are adequate for the risk within the premises and should have been serviced within the last twelve months although this has not been checked at this time

Method for calling the Fire Service

Any member of staff to call 999

Emergency action plan (EAP)

There is sufficient emergency equipment available

FIRE DRILL

**I THE UNDERSIGNED HAVE TAKEN PART AND
UNDERSTAND THE FIRE DRILL
FOR BLOC 40 Nightclub**

SIGNED

DATE

SECTION 10

SMOKING POLICY

10.1

BLOC 40 SMOKING POLICY

RESPONSIBILITIES

- 1, It will be the responsibility of all staff to ensure that Bloc 40 remains a non-smoking environment.

No Alcoholic drinks outside on terrace after 11pm

No more than 30 customers on the terrace at any one time

15 Min checks on the terrace and a D/S on the terrace door

- 2, During daytime operations it is the duty managers responsibility to ensure that all areas of the nightclub remain non-smoking. This must be done with regular checks in all areas in use. A log of any person caught smoking inside the venue must be filled in. This log will be kept inside the managers' office.
- 3, During nighttime operations it will be the responsibility of all staff to ensure that the venue is no smoking, the bar/pot staff and floor manager will be responsible as well as the security. Any person caught smoking must be asked to stop. If they refuse or are caught more than once they must be reported to the duty manager/head of security immediately.
- 4, It will be the toilet attendant's duty to ensure that the public toilets remain non-smoking, any person caught smoking must be reported to the duty manager/security.
- 5, All areas of the venue that the customers are not permitted into will be the responsibility of the duty manager. He/she must ensure that staff are not using them for smoking. A log of any person caught smoking must be filled out.

ENFORCEMENT GUIDELINES

- 1, Any person found smoking and refusing to stop must be reported to the duty manager/head of security immediately. This person must be asked to leave the club and it must be explained to them why. This must be entered the smoking log.
- 2, Any member of staff who is found to be smoking on the premises must be reported to the duty manager. They will be subject to disciplinary action.
- 3, A log of all smoking incidents must be kept in the manager's office for inspection by the council.

SMOKING AREAS

- 1, The venue will provide an external smoking area to the side of the building. We will provide ashtray and ashbins.
- 2, People wishing to use the smoking area must inform the security and obtain a pass to allow them re-entry into the club.
- 3, Security will be responsible for the managing of the smoking area.
- 4, The pot staff will be responsible for regular cleaning of the area.

STAFF WORKING

THERE ARE NO DESIGNATED CIGARETTE BREAKS, ESPECIALLY AT PEAK TIME, HOWEVER IN THE QUIETER PERIOD OF THE EVENING AND AT THE AGREEMENT OF A BAR LEADER OR A DUTY MANAGER A BRIEF CIGARETTE BREAK WILL BE ALLOWED.

SECTION 11

NOISE AT WORK POLICY

Noise at work

- This report documents noise levels taken during an assessment of Bloc 40 noise exposure. It was carried out on 22/01/2020 at the venue. It includes recommendations of actions to be carried out to ensure that Staff comply with the requirements of “The Control of noise at work regulations 2005 “which became applicable in April 2006.
- All staff, DJ’s, Bar staff, Waitresses, Glass collectors and Security are all exposed upper exposure limit values and exposure limit value.
- Reception and Cloakroom staffs are exposed to noise bellow the lower exposure level.
- When working inside the night club and exposed loud noise hearing protection must always be worn .
- All staff has to have a ten-minute period in a designated quiet zone where noise cancelling head phones must be worn. For the people who smoke their quiet zone is outside of the club and for those that don’t it is in the kitchen.
- All hearing protection is available from the duty manager and the protection provided must always be worn .

6.2



Crime Prevention & Crime Scene Protection Policy

Introduction

LPS and Bloc 40 are committed to reducing crime and disorder including theft in all its forms. Disorder forms a separate policy but within this policy is guidance outlining the considerations in protecting the scene of any crime – including assaults and serious disorder.

Theft by an employee is considered to be gross misconduct and as such, under the terms of the Contract of Employment, would render that employee subject to summary dismissal proceedings. Theft by a customer will not be tolerated and the preferred course of action would be to detect offences, arrest and hand over to Police together with supporting evidence.

Payment cloakrooms are available whereby outer garments and small articles can be deposited and retrieved with unlimited access. This service is widely advertised on the premises.

Effective CCTV monitoring of public areas shall be widely advertised as a deterrent to the commission of criminal offences and assist in their investigation.

All staff - but particularly the glass collectors and security staff - shall be regularly instructed to be especially vigilant with regard to theft, drug offences, disorder and other criminal acts and shall be proactive in advising customers and informing them of vulnerability and the cloakroom service.

Clothing and other items of found property will be collected by staff members and placed in the cloakroom for safekeeping until the property can be recorded in our property system if remaining unclaimed. Items of particular significant value will be handed to the management for safekeeping and the reception will be informed in order to assist with any enquiries. Recording of found property is important in order to repatriate with the owner and prevent allegations against staff.

Toilet attendants are employed to maintain a presence in the toilet areas and are instructed to look for suspicious behaviour, which is to be reported by radio to the door staff. All cubicles to be checked on a regular basis. Any left articles to be immediately reported and processed in accordance with our policy.

At the end of trading the entire premises are checked for lost possessions which will be promptly entered into the lost property system.

In the event of a pattern of thefts of property, the D.J's would be instructed to make regular audio announcements to this effect and other medium's will be used to alert customers and reinforce the presence of the cloakroom service.

Any patterns that develop will be recorded on the crime mapping system that will be reviewed at the regular security meetings and responses put in place to deter future offences. Advice may be taken from the police should any serious crime pattern develop.

Any person found committing offences will be briefly questioned by the Head Doorman who has responsibility for taking the decision to detain that person and considering whether police attendance is necessary. Any supporting evidence will be preserved and handed over along with suspect. Any restraint used to detain a suspect for these purposes must be in line with the current door staff restraint policy and the law.

From time to time LPS may seek a crime prevention survey in order to determine the current best practice in relation to situational crime prevention measures.

In summary, LPS have adopted the following practices (which includes some of the above items) in order to deter theft and other similar crimes:

- Roving security patrols
- Advice notices / signs or other material displaying anti-theft messages / strategies
- use of Cloakrooms
- DJ announcements
- Property patrols
- Regular toilet checks & documented check lists
- Toilet attendants
- CCTV
- Window locks
- 24 hour security system
- Layout designed to ensure effective observations can be carried out by staff at all times

Crime Scene Protection

LPS acknowledges that under certain circumstances, important evidence potentially be lost or destroyed by not adopting certain practices.

In the unfortunate event that a serious incident occurs e.g. an incident whereby a person within the premises has been injured or it is considered necessary to request police attendance, the following considerations should be made by the senior manager, who will have overall responsibility in these circumstances: -

- Is it essential to evacuate the premises? Will witnesses and/or evidence be lost in doing so but primarily is there a risk to life in not doing so?
- Can the area be secured for the police by protecting the scene?
- The police will have primacy in making decisions in respect of the scene of a crime and advice will be taken from them as soon as possible.
- Under the 'Locard's' principle, every contact leaves a trace. Therefore every article will be secured as evidence until deemed or directed otherwise.
- Do not mop up spilt drinks, body fluids or clear floors of glass etc. until the Police have attended and advised.
- Secure any articles suspected to have been brought to the scene by offenders
- Our environment can be difficult to protect, particularly when busy but consider using chairs and furnishings to block thoroughfares.
- Attempt to protect the offenders/victim's route to and from if known.
- Consider obtaining names of witnesses immediately. Doing something often has a calming effect.
- In very serious incidents delegate a staff member to commence an accurate log of events e.g. (exact time of occurrence, time

police called, time scene protected, who has had access etc) who will maintain as far as possible a single route to and from the immediate scene.

- Logs will be passed to the police upon their arrival
- Management should delegate tasks and be able to assume overall charge of the incident and be prepared to meet and brief emergency services whilst security staff will be responsible for the welfare of customers and staff and maintaining order around the immediate scene.
- In the event of suspect terrorist devices or firearms incident leave doors open for the Police and other specialists to have unobstructed access for remote vehicles or dogs.
- Consider the use of 'Scene Tape' to cordon off the relevant area.
- Priority will be given to the protection of life and property with secondary considerations being in respect of the preservation of evidence.



Door Supervisor -	
SIA License Number -	Town -
Trading Day -	Duty Manager -
Date -	Time of Incident -
Location of Incident	Other DS present during incident (initials)
Was the incident captured on CCTV? Yes / No / Maybe	

Type of incident (please circle) Entry Refusal / Drugs / Altercation / Intoxification / Anti-Social / Theft / Complaint / Accident / Illness or Injury / Other (please specify)

Description of person involved (if more than one describe the most prominent person/s)

IC1 – White European	IC4 - Asian
IC2 – Dark European	IC5 - Oriental
IC3 – African/Caribbean	IC6 – Arab

Other –

Describe approx age, build and height below, with any distinguishing marks (tattoo's, piercings, clothing etc)

Please describe what happened below, please include any follow up circumstances that you are aware of

INCIDENT REPORT NUMBER (HEAD OFFICE ONLY) -

PLEASE PHOTOCOPY AND SUBMIT A COPY TO LPS HEAD OFFICE



Licensing Objectives

1) The Prevention of crime and disorder

This objective relates to crimes and disorderly occurrences happening perhaps in the venue and in the local vicinity if linked to the venue

2) Public Safety

As many venues are situated on busy high streets, with a lot of free flow of public people. We must take into consideration not just our customers, but the safety of the public around us that aren't necessarily linked to the venue.

3) The prevention of public nuisance

Public nuisance is given a statutory meaning in many pieces of legislation. It is, however, not narrowly defined in the Licensing Act 2003 and retains its broad common law meaning. The issues mainly concern noise nuisance, light pollution, noxious smells and litter.

4) The protection of children from harm

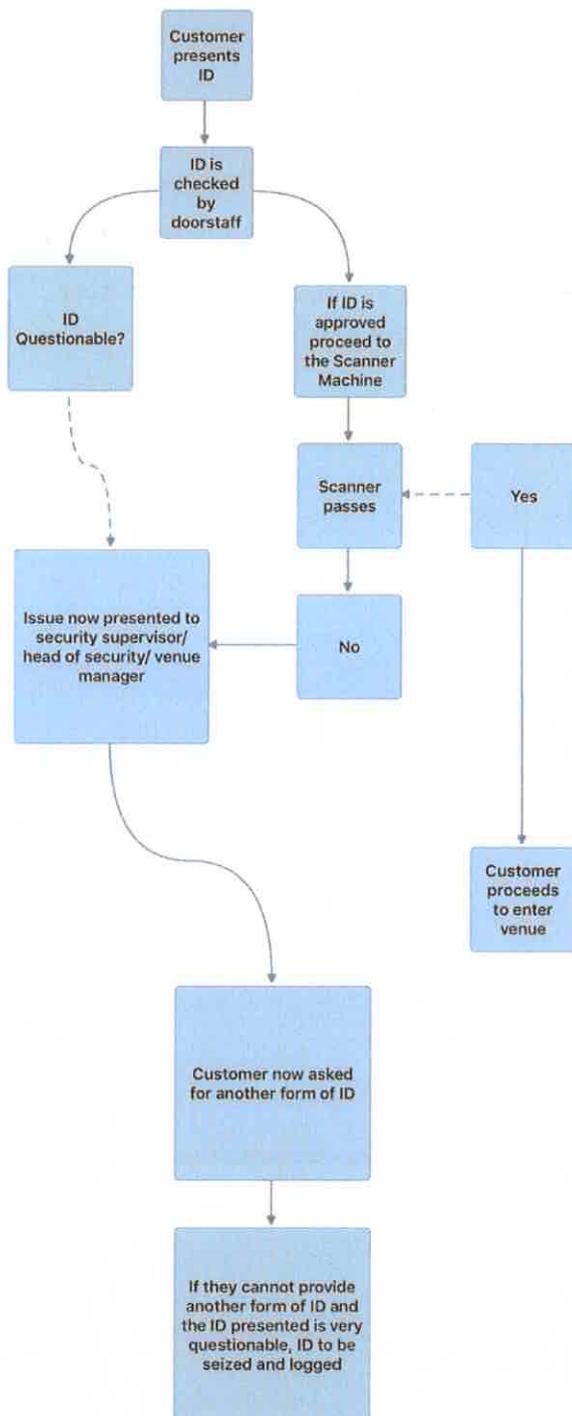
This objective relates to the protection of children from moral, psychological and physical harm. This includes protecting them from early exposure to:

- strong language
- sexual expletives
- adult entertainment
- drinking alcohol
- drug-taking
- gambling
- violence

As a company working within licenced premises', we endeavour to uphold all licensing objectives, stay proactive, and always act in accordance to company policy

FALSE ID PROCEDURE

BLOC 40 NIGHTCLUB



Underage drinking, a violation of the licensing objectives, poses a large threat to both person and venue.

We recently decided to trial and adopt a new scheme in tackling underage drinking and using false identification

Under the Fraud act 2006, sections 1 (2a), (3) & (4) & 2 – Dishonestly making a false representation to make a gain for oneself, or another or to cause loss to another or expose another to a risk, is punishable by law. Figures provided by the home office show that in 2010, 10,658 people were proceeded against for the above offence.

This shows some willingness by a young community to drink and attempt to enter licensed premises under false identification, thus putting a venue at risk

Our security teams have been briefed in a new style system of tackling underage drinking

On attempting to enter a venue (at stage 1 of the entry policy) patrons are asked to show photo identification, only a driving license, provisional, or passport. We choose not to accept PASS logo as a form of ID. If the ID is completely fine, the customer will proceed after taking a search (stage 2) onto stage 3 of the ID Scanner where the machine will vet them across a database of venues in the whole of the UK.

Should an ID be slightly questionable, a security supervisor or head doorman will step in to decide a course of action.

A customer will be asked to show an alternative form of ID, the alternative form must be in date. Other practices we have adopted which proved very useful in the past, is asking friends of the person in question what their name is, we found that when a false ID was being used, persons were confused and reluctant to answer as they did not know the details.

Other means of proving a persons name we found to use by means of Apple Pay. Most people now use iPhones. On settings, your name will be displayed clearly, as when you sign up to it you must enter in your bank details and address, to confirm your ID to apple. We have had cases of customers trying to gain entry, who had a different name on their apple pay, who then turned out to be using a false ID

We have also seen cases where customers have attempted entry using online bought driving licences. Some were of poor quality, with incorrect spelling of licence (it said "license") however some were of an extremely good quality, embossed with biometric data.

In cases where we have proved a person is using false ID, we encourage them to hand over the ID, so that we can practise a Camberley style system where the ID is logged in an incident book, sealed in an evidence bag, and given to the local authorities. Since we have improved our system of suppressing underage ID, we have noticed good results via less ID's being taken



LPS SECURITY SITE SURVEY

SITE SURVEYOR: MONEER GUL
Site name and address – BLOC 40, 40 HIGH STREET BRENTWOOD, CM14 4AJ
Phone Number: [REDACTED]
Email Address: [REDACTED]
Venue DPS – Danny Capitanchik
Venue GM – Ahmet Melin
Venue License conditions – Attached
Venue Policy Restrictions – 18+, ID Scan net, searches
Dress Code for entry – Smart Casual
Venue search policy – Full search including female handbags
Venue capacity –
Number of levels – 1
Number of rooms – 1
Number of bars – 1
Are panic alarms operating? – Yes
Number of fire exits including front door – 2
Are all exits alarmed – Yes
Where is the control panel located – Adjacent to front door from the inside
Does the venue operate a CCTV policy? Yes
Is CCTV fully working at the time of the survey? Yes
Is the venue covered via police, parking, local authority cameras? Yes
Does the venue have a "LINK" radio? No
Does the venue have radio communications for door staff/managers – Yes (Motorola industry standard)
How many radios are present? 6
Does the venue have hand held metal wands? Yes
Does the venue have neighbours? Yes
Are there any residential properties in the vicinity of the venue? Yes
Does the venue have glass vessels? Only premium bottles, all drinking vessels are polycarbonate
Location of first aid boxes? Bar, office and front door
How many pairs of toilets? 2
Location of the toilets? Side of venue
Does the venue have a cloakroom? Yes
Does the venue use strobe lighting? Yes
Location of drugs confiscation box? Office



I confirm that this site survey has been carried out whilst on duty at the venue and checking named apparatus is in a working order

Signed by Surveyor

Signed by Venue Owner

Date – 22/01/2020

DATE:

Appendix 7

From: Ahmet Melin [REDACTED]
Sent: 04 September 2020 17:16
To: Dave Leonard
Subject: Re: BLOC 40 - REQUEST FOR CCTV COVERAGE RECORDINGS - 29th & 30th AUGUST 2020

Hello David

Thanks for your time yesterday.

I can confirm that the cameras are working again.

With regards to the request of the CCTV footage can you confirm what camera you would like to see, I've got so many there will be hours and hours of footage. I am able to get snap shots of the cameras to show you this might be easier please let me know and i will arrange this for you.

Many thanks

Ahmet

Get Outlook for iOS

From: Dave Leonard <dave.leonard@brentwood.gov.uk>
Sent: Friday, September 4, 2020 16:34
To: [REDACTED]
Cc: Paul Adams
Subject: BLOC 40 - REQUEST FOR CCTV COVERAGE RECORDINGS - 29th & 30th AUGUST 2020

Dear Mr Melin,

Licensing Act 2003 - Premises Licence
Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ

On Thursday, 3 September 2020 at 1.45pm, together with Licensing Manager Paul Adams, I met with you to advise of concerns being reported by members of the public suggesting that there is a recurring failure to comply with, or respect, the social distancing guidance during this current pandemic by the management of the premises.

The simplest way to dispel these claims, and so allay our concerns, was to view the CCTV coverage in accordance with Annex 2 condition 1 of the premises licence:

The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all

entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less than 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

You advised us that you are currently experiencing difficulties with the CCTV system and that you were unable to comply with our request at the time. However, you did explain that an engineer was due to visit and resolve the issue later that afternoon.

In accordance with Annex 2, condition 1 of the premises licence, I request a copy of the CCTV coverage inside the premises between 10.30pm and midnight on both Saturday 29 August 2020 and Sunday 30 August 2020.

Please comply with this request within two working days and advise this office when the CCTV recording is ready for collection.

Can you please also confirm that your CCTV system is now back in full working order and operating in compliance with the conditions of the premises licence. Thank you.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Kind regards and stay safe,

Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

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From: Dave Leonard
Sent: 09 September 2020 13:22
To: Ahmet Melin
Cc: Paul Adams
Subject: RE: BLOC 40 - REQUEST FOR CCTV COVERAGE RECORDINGS - 29th & 30th AUGUST 2020

Hi Ahmet,

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No need to worry about all the peripheral and outside camera coverage or bother with snap shots.

I would like to view the camera coverage inside the premises covering;

- * the area that would, in normal times, be described as the dance floor area,
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I look forward to hearing back from you.

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From: Dave Leonard
Sent: 11 September 2020 12:58
To: Ahmet
Cc: Paul Adams
Subject: BLOC 40 - LAST REQUEST FOR CCTV COVERAGE RECORDINGS - 29th & 30th AUGUST 2020

Hi Ahmet,

I have yet to receive your acknowledgement of my repeat request.

I have spoken with Paul Adams and, if it is easier, we can visit you by appointment to view the CCTV coverage. A decision can then be made as to any further action that may be necessary.

I look forward to hearing back from you.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

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From: David Dadds <david.dadds@dadds.co.uk>
Sent: 11 September 2020 13:41
To: Dave Leonard
Subject: Bloc 40 - Request for CCTV recordings 29th and 30 August 2020

Dear Mr Leonard,

We are instructed on behalf of the premises. Can we ask please on what basis the CCTV is being requested? Notwithstanding there is a condition on the licence, under GDPR we require on what basis is the CCTV being sought.

Can you please clarify which licensing offence if any you are investigating as the licensing authority?

Thank you for confirming you undertook an inspection/unannounced visit (raid) last weekend and you were satisfied that the premises was operating lawfully and there was no undermining of the licensing objectives and no breach of conditions, i.e. no relevant licensing offences.

If there are any concerns that you have regarding the operations, as I indicated in our conversation, please do feel free to raise them with me. We are working with the premises in advising them how they fulfil their obligations and interpret other guidance in relation to their operations, as you will appreciate fall outside the Licensing Act 2003.

We look forward to hearing from you.

Kind regards

David Dadds
Dadds LLP Licensing Solicitors
Crescent House, 51 High St, Billericay, Essex CM12 9AX
T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY
E david.dadds@dadds.co.uk
W www.dadds.co.uk
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From: Dave Leonard
Sent: 14 September 2020 13:51
To: David Dadds
Cc: Paul Adams
Subject: RE: Bloc 40 - Request for CCTV recordings 29th and 30 August 2020

Dear Mr Dadds,

On 3rd September, the Licensing Manager, Mr Paul Adams and I met with Mr Melin at Bloc 40 to advise of concerns being reported to us by members of the public and those in the licensing trade, suggesting that there is a recurring failure to comply with, or respect, the social distancing guidance during this current pandemic by the management of the premises. These claims appeared to be supported by Bloc 40s own social media advertising and indicating that they are operating as a nightclub and, therefore, outside of The Health Protection (Coronavirus Restrictions) (England) Regulations 2020.

The reason for the request is to ensure compliance with the licensing objectives, and in this instance the crime and disorder objective.

The simplest way to dispel these claims, and so allay our concerns, and still remains, is to view the CCTV coverage in accordance with Annex 2 condition 1 of the premises licence:

The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less than 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

The request for the footage is justified and proportionate and we still expect you to comply.

For the record, I did confirm with you that a licensing visit was made to Bloc 40 on 5th September. This visit was not a "raid" and I did not confirm, nor was I in a position to state, that there was no undermining of the licensing objectives and no breach of conditions, i.e. no relevant licensing offences.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Kind regards and stay safe,

Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: David Dadds <david.dadds@dadds.co.uk>
Sent: 11 September 2020 13:41
To: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: Bloc 40 - Request for CCTV recordings 29th and 30 August 2020

Dear Mr Leonard,

We are instructed on behalf of the premises. Can we ask please on what basis the CCTV is being requested? Notwithstanding there is a condition on the licence, under GDPR we require on what basis is the CCTV being sought.

Can you please clarify which licensing offence if any you are investigating as the licensing authority?

Thank you for confirming you undertook an inspection/unannounced visit (raid) last weekend and you were satisfied that the premises was operating lawfully and there was no undermining of the licensing objectives and no breach of conditions, i.e. no relevant licensing offences.

If there are any concerns that you have regarding the operations, as I indicated in our conversation, please do feel free to raise them with me. We are working with the premises in advising them how they fulfil their obligations and interpret other guidance in relation to their operations, as you will appreciate fall outside the Licensing Act 2003.

We look forward to hearing from you.

Kind regards

David Dadds
Dadds LLP Licensing Solicitors
Crescent House, 51 High St, Billericay, Essex CM12 9AX
T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY
E david.dadds@dadds.co.uk
W www.dadds.co.uk
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between our services and with partner organisations, such as government
bodies and the police. We will
do so when it is of benefit to you, or required by law, or to prevent or
detect fraud. To find out more, go
to www.brentwood.gov.uk/privacy.

From: Dave Leonard
Sent: 23 September 2020 16:58
To: David Dadds
Cc: Paul Adams
Subject: Bloc 40 - Request for CCTV recordings 29th and 30 August 2020

As requested.

From: Dave Leonard
Sent: 14 September 2020 13:51
To: David Dadds <david.dadds@dadds.co.uk>
Cc: Paul Adams <paul.adams@brentwood.gov.uk>
Subject: RE: Bloc 40 - Request for CCTV recordings 29th and 30 August 2020

Dear Mr Dadds,

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of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

The request for the footage is justified and proportionate and we still expect you to comply.

For the record, I did confirm with you that a licensing visit was made to Bloc 40 on 5th September. This visit was not a "raid" and I did not confirm, nor was I in a position to state, that there was no undermining of the licensing objectives and no breach of conditions, i.e. no relevant licensing offences.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Kind regards and stay safe,

Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: David Dadds <david.dadds@dadds.co.uk>
Sent: 11 September 2020 13:41
To: Dave Leonard <dave.leonard@brentwood.gov.uk>
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We look forward to hearing from you.

Kind regards

David Dadds
Dadds LLP Licensing Solicitors
Crescent House, 51 High St, Billericay, Essex CM12 9AX
T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY
E david.dadds@dadds.co.uk
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From: Dave Leonard
Sent: 28 September 2020 11:00
To: David Dadds
Cc: Paul Adams
Subject: BLOC 40 - Agenda for Licensing Sub-Committee, Friday, 2nd
October, 2020, 10.00 am &
PLUS REPEATED REQUEST FOR CCTV RECORDING

Dear David,

As you requested, please find attached the Agenda for Licensing Sub-Committee, Friday, 2nd October, 2020, 10.00 am.
To see the publicly available information, follow the link: Agenda details on public web site

And, having responded expeditiously to your request, I would be grateful to be afforded the same courtesies in respect of my repeated written requests for recorded CCTV footage (29th & 30th August -see below) on 4th September, 9th September, 14th September and 23rd September and verbal requests on 5th September and 24th September;

On 3rd September, the Licensing Manager, Mr Paul Adams and I met with Mr Melin at Bloc 40 to advise of concerns being reported to us by members of the public and those in the licensing trade, suggesting that there is a recurring failure to comply with, or respect, the social distancing guidance during this current pandemic by the management of the premises. These claims appeared to be supported by Bloc 40s own social media advertising and indicating that they are operating as a nightclub and, therefore, outside of The Health Protection (Coronavirus Restrictions) (England) Regulations 2020.

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If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Kind regards and stay safe,

Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: Dave Leonard
Sent: 29 September 2020 13:04
To: Natasha Nunn
Cc: Jean Sharp; Paul Adams; David Carter; Elaine Higgins; Claire Mayhew
Subject: RE: Re Bloc 40 - Licensing Sub-Committee hearing 2nd October 2020

Dear Natasha,

I hope that all is well with you.

I did have a discussion with David in relation to the above mentioned matter.

I have forwarded your formal request to Committee Services for their consideration and will confirm the outcome at the earliest opportunity.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Kind regards and stay safe,

Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: Natasha Nunn <natasha.nunn@dadds.co.uk>
Sent: 29 September 2020 11:58
To: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: Re Bloc 40 - Licensing Sub-Committee hearing 2nd October 2020

Dear Dave

I understand that David has spoken to you in relation to the above mentioned matter and as such I am sending this email to formally request an adjournment of the licensing sub-committee hearing until the New Year.

You will be aware that this hearing is to determine our clients an application for a new premises licence and as such we do not believe that any prejudice will be caused by such an adjournment.

The reason for the length of the adjournment is that our client would like to try and take steps to address some of the concerns that have been raised in response to the application and due to the

nature of the work required and the current covid-19 restrictions this will take some time.

If you require any further information then please do not hesitate to contact us, otherwise we look forward to hearing from you.

Kind regards

Natasha Nunn

Solicitor

Dadds LLP Licensing Solicitors

Crescent House, 51 High St, Billericay, Essex CM12 9AX

T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY

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Appendix 8

From: Paul Adams
Sent: 18 September 2020 16:30
To: Ahmet
Cc: Dave Leonard; Elaine Higgins
Subject: Block 40 - Coronavirus Regulations and Guidance

Importance: High

Good Afternoon Mr Melin,

I write to you on behalf of Brentwood Council with regards to my responsibilities and delegations under the various coronavirus regulations made under the Public Health (Control of Disease) Act 1984, which have been made in response to the serious and imminent threat to public health from coronavirus. This communication follows on from the engagement that you have had with Colleagues Dave Leonard, licensing officer and Elaine Higgins, Food and H&S Principal EHO. Under The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, Premises should remain closed if they are a Nightclub, or Dance hall, discotheque, and any other venue which-

- (a) opens at night,
- (b) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public);
- (c) provides music, whether live or recorded, for dancing.

As previously advised, we have had complaints that the activities taking place at your premises have included the provision of music, by a DJ, and that dancing is taking place by members of the public, which combined with your premises being open at night would indicate that the business should not be open and you may be committing an offence under the regulations. I must advise you that we are now considering using the prohibition notice powers for prevent further contraventions of the requirements. You may wish to re assess the activities that the venue is undertaking to ensure that you are compliant with the regulations to prevent future action taking place.

In addition to this, I would like to highlight to you the additional regulations that came into effect today, which now makes some of what was previously guidance into regulations and also provides offences for failing to comply.

The Health Protection (Coronavirus, Restriction) (Obligations of Hospitality Undertakings) (England) Regulations 2020 came into force today, 18th September 2020. These Regulations require you to take measures to ensure that your customers follow the rules on social distancing.

They state:

2.-(1) A person responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that-

- (a) no bookings for a table are accepted for a group of more than six persons unless one of the exemptions in regulation 5 of the Principal Regulations applies;
- (b) no persons are admitted to the premises in a group of more than six, unless one of the exemptions applies;
- (c) no person in one qualifying group mingles with any person in another qualifying group where this is not permitted under the Principal Regulations;
- (d) an appropriate distance is maintained between tables occupied by different qualifying groups.

(2) For the purposes of this regulation-

- (a) an "appropriate distance" means a distance between tables of-
 - (i) at least two meters, or
 - (ii) at least one meter, if-
 - (aa) there are barriers or screens between tables;
 - (bb) the tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two meters; or
 - (cc) other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables;
- (b) a "relevant business" is a business which provides food or drink for consumption on its premises.

The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020, came into force today, 18th September 2020, except for regulations relating to the requirement for QR codes, which come into effect on 24th September 2020. The regulations apply to your business and put the responsibility for

obtaining details rests with the 'relevant person' who operates or occupies the premises.

Regulation 7 provides the requirement to request certain details, where an individual seeks to enter relevant premises. This regulation does not apply to individuals who have scanned in a QR code.

The details required are:

- * the name of the individual;
- * a telephone number on which the individual may be contacted;
- * an e-mail address if the individual is unable to provide a telephone number;
- * a postal address if the individual is unable to provide an email address;
- * the date and time that the individual entered the relevant premises;
- * where the individual is a member of a group seeking permission to enter relevant

premises together, the number of people in that group (including any member of the group that has scanned a QR Code when seeking to enter the relevant premises).

Separate rules apply to groups, where the 'relevant person' must either request each member of the group provide those details or that one member provide the details for all members of the group.

The regulations provide that the person providing the service must take all reasonable steps to prevent access to an individual who refuses to provide the requisite details, or where none of the group has done so in accordance with the regulations. This requirement applies where the information collected is incomplete or the relevant person believes it to be inaccurate.

Regulation 6 provides that relevant persons must display and make available a QR code at relevant premises they occupy or operate to enable certain individuals who seek to enter the premises to scan that QR code as, or immediately after, they enter the premises (applies from 24th September 2020).

It is an offence to contravene an obligation imposed by these regulations and regulation 18 provides for the imposition of fixed penalty notices.

There is also Government guidance on Test and Trace.

I have sight of your Covid risk assessment dated 01/06/20 that was provided to Elaine

Higgins upon her request. Could I please request that you make available to me a copy of your most recent Covid risk assessments, that I assume have been updated to accommodate the changes in guidance and regulations. On review of the assessment dated 01/06/20 it would be worth highlighting areas that need further consideration, or we would like to see additional documentation to ensure that you are Covid secure, which are as follows:

1. There are no control measures identified for searching of customers.
2. You use the ID scanner to log customer details, this needs to consider the new requirements for the track and trace records and how you link that to the booking system that is used currently.
3. You say that social distancing of () meters shall be observed at all times, but do not say what the distance is. This point contradicts the other control measure that where possible staff will be expected to follow social distancing rules.
4. Staff wear branded face coverings but the assessment talks about PPE provided and available to those that wish to use it, clarification needs to be given where PPE should be worn and where face covering are expected to be worn.
5. You have previously stated that you as a smaller business struggle to keep up with the guidance, but your risk assessments does provide as a control measure that the Health and Safety Manager keeps up to date with that.
6. One of your control measures is that regular inspections and checks are carried out on areas and equipment, and records are maintained. Could you please make available those records for examination.
7. Could details of the cleaning procedures be provided, along with the details of the disinfectants and sanitisers that are being used for this purpose, along with the records that are kept.
8. How practical is the control measure that staff shall have their work stations and allow social distancing to be observed, they will not share tools or equipment with other persons.
9. The control measures reference the warehouse, could you advise where this is located.
10. We are advised that its pre book only as the booking system was used for track and trace recording, are you allowing walk ups to enter as your risk assessment say that pre booked is encouraged, and not required.

11. How do you manage the control measure that staggered arrival and departure times are in place for customers? It is reported that queues do form outside which may indicate that arrival times are not staggered or not adequately spaced.
12. You will also need to consider the layout and spacing of the tables and chairs and particularly the booths to meet the requirements in the new regulations. This will need to be considered in your risk assessment along with the total capacity for the premises to comply with guidance.
13. The risk assessment does not cover the toilet accommodation and how that is being managed to not allow mingling between groups and to ensure that social distancing is maintained at all times.
14. This is similar for the outside smoking area, the risk assessment needs to address not allowing mingling between groups and to ensure that social distancing is maintained at all times.
15. You have a selfie booth/area in the premises which does encourage people to leave their tables unnecessarily. The use of this needs to be fully risk assessed against the guidance and regulations.
16. There is no mention of entertainment on your risk assessment, or the level of music that is being played or the role of the DJ. This is an area that needs to be assessed and control measures put in place in line with the regulations and guidance. Guidance does provide All venues should ensure that steps are taken to mitigate the increased risk of virus transmission associated with aerosol production from raised voices, such as when speaking loudly or singing loudly, particularly in confined and poorly ventilated spaces. This includes, but is not limited to, lowering the volume of background music, and refraining from playing music or broadcasts that may encourage shouting, particularly if played at a volume that makes normal conversation difficult.
17. Consideration needs to be given to the procedures in place that you have to ensure that customers are following your rules, the guidance and the regulations. Particularly to prevent dancing, unnecessary standing and other typical issues that customers create.

I would encourage you to familiarise yourself with all the requirements of the regulations and ensure that you are compliant with them before you commence trading to ensure that to do all you can to protect public health and to not commit any offences under the legislation.

We have concerns that you have been operating outside of the regulations and have not been fully compliant with the guidance, which is supported by our observations, and the complaints and comments we have received. We are working with colleagues at Essex County Council's Public Health Team and are discussing the use of the Director of Public Health powers to close premises or give other directions to premises that pose a risk to the Public Health around Covid, and only hope that you will ensure that your premises is fully compliant and does not cause any unnecessary risks.

Whilst it is your responsibility to ensure compliance, if we can assist with the clarification of any of the guidance or regulations then please do not hesitate to contact us.

Paul Adams | Licensing Manager
T: 01277 312503 | M: 07768 777100 | www.brentwood.gov.uk |
paul.adams@brentwood.gov.uk

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Appendix 9

From: Elaine Higgins
Sent: 29 September 2020 16:42
To: Dave Leonard
Subject: FW: Bloc 40 meeting

From: Elaine Higgins
Sent: 25 September 2020 14:02
To: david.dadds@dadds.co.uk
Subject: Bloc 40 meeting

Hello Mr Dadds

Thank you for meeting with me yesterday.

As per our discussions please now forward me the photographs that you took of the seating at my request, after you had prevented us from taking photographs in the venue. I note that the some of the seating that is now not to be used has been marked with tape to effect social distancing. I also requested a plan of the premises with the seating laid out to demonstrate the location of this. Mr Mellin explained that the area by the DJ booth and the larger horseshoe seating against the entrance wall will be split into two smaller groupings by barriers or screens, which must be in place or the social distancing managed temporarily in a different way to ensure compliance with the regulations when the premises is open to customers next.

I would appreciate an agreed timescale for this work to be completed, along with the screening discussed between the back to back booths. In the meantime these seats are to be used as discussed, and marked with hazard tape. 2m distance is to be maintained between persons seated, in different groups.

Can you also forward the amended risk assessment, taking into account the changes in legislation since the risk assessment that was previously sent, and the comments made by my manager Paul Adams in his letter from Friday last week and the additional matters identified on my visit which were:

- * Toilet use should be controlled to reduce mingling.
- * Hand towels should be removed and replaced with disposable hand drying materials
- * I would advise that the middle ladies toilet be locked to prevent use and encourage social distancing
- * The men's urinal to be taken out of use
- * The men's toilet door to be propped open to reduce hand contact

- * Increased cleaning regime for hand contact surfaces such as the toilet door plates and handles
- * Supply of sanitiser to toilet entrance/exits.

Could you also please identify what is the seated capacity of the venue is with compliance with the Coronavirus regulations, and what the capacity for the smoking area will be in relation Coronavirus controls.

Please forward the photographs and plan by midday Monday, and the written risk assessment as soon as completed, but by Friday next week at the latest.

The contents of this email will be shared with Essex County Council Public Health Director.

Kind regards

Elaine

Elaine Higgins | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH, CEnvH, Chartered Environmental Health Practitioner I Principal Environmental Health Officer

Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex | CM15 8AY

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do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to www.brentwood.gov.uk/privacy.

From: Elaine Higgins
Sent: 20 October 2020 16:46
To: Dave Leonard
Subject: FW: Bloc 40 meeting

Hi Dave

Please see email sent to Paul as requested.

Elaine

From: Elaine Higgins
Sent: 20 October 2020 11:07
To: Paul Adams <paul.adams@brentwood.gov.uk>
Subject: FW: Bloc 40 meeting

Hi Paul

Please see two emails I sent, I realised I had the wrong email address on the first but haven't had a reply from either.

Elaine

From: Elaine Higgins
Sent: 06 October 2020 10:59
To: david@dadds.co.uk
Subject: Bloc 40 meeting

Hello Mr Dadds

Please see my email below. I have realised you may have not received this.

Your early response would be appreciated.

Kind regards

Elaine

Elaine Higgins | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH, CEnvH, Chartered
Environmental Health Practitioner | Principal Environmental
Health Officer
Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex
| CM15 8AY

T 01277 312667 | M 07809105486 | www.brentwood.gov.uk

From: Elaine Higgins
Sent: 25 September 2020 14:02
To: david.dadds@dadds.co.uk
Subject: Bloc 40 meeting

Hello Mr Dadds

Thank you for meeting with me yesterday.

As per our discussions please now forward me the photographs that you took of the seating at my request, after you had prevented us from taking photographs in the venue. I note that the some of the seating that is now not to be used has been marked with tape to effect social distancing. I also requested a plan of the premises with the seating laid out to demonstrate the location of this. Mr Mellin explained that the area by the DJ booth and the larger horseshoe seating against the entrance wall will be split into two smaller groupings by barriers or screens, which must be in place or the social distancing managed temporarily in a different way to ensure compliance with the regulations when the premises is open to customers next.

I would appreciate an agreed timescale for this work to be completed, along with the screening discussed between the back to back booths. In the meantime these seats are to be used as discussed, and marked with hazard tape. 2m distance is to be maintained between persons seated, in different groups.

Can you also forward the amended risk assessment, taking into account the changes in legislation since the risk assessment that was previously sent, and the comments made by my manager Paul Adams in his letter from Friday last week and the additional matters identified on my visit which were:

- * Toilet use should be controlled to reduce mingling.
- * Hand towels should be removed and replaced with disposable hand drying materials
- * I would advise that the middle ladies toilet be locked to prevent use and encourage social distancing
- * The men's urinal to be taken out of use
- * The men's toilet door to be propped open to reduce hand contact
- * Increased cleaning regime for hand contact surfaces such as the toilet door plates and handles
- * Supply of sanitiser to toilet entrance/exits.

Could you also please identify what is the seated capacity of the venue is with compliance with the Coronavirus regulations, and what the capacity for the smoking area will be in relation Coronavirus controls.

Please forward the photographs and plan by midday Monday, and the written risk assessment as soon as completed, but by Friday next week at the latest.

The contents of this email will be shared with Essex County Council Public Health Director.

Kind regards

Elaine

Elaine Higgins | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH, CEnvH, Chartered Environmental Health Practitioner | Principal Environmental Health Officer
Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex
| CM15 8AY

T 01277 312667 | M 07809105486 | www.brentwood.gov.uk

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Appendix 10

From: Paul Adams
Sent: 24 October 2020 16:23
To: Dave Leonard
Subject: Fwd: Block 40, Brentwood

Get Outlook for iOS

From: Paul Turner - Director, Legal & Assurance <Paul.Turner@essex.gov.uk>
Sent: Friday, October 23, 2020 8:03:15 PM
To: [REDACTED]
Cc: Paul Adams <paul.adams@brentwood.gov.uk>; Daniel Showell - Public Health Consultant <Danny.Showell@essex.gov.uk>
Subject: Block 40, Brentwood

Dear Mr Melin

I am writing on behalf of the Director of Public Health for Essex County Council.

Brentwood Borough Council have informed us of a catalogue of breaches of the coronavirus restrictions.

I am aware that Brentwood Borough Council have spent a great deal of time and effort explaining what to do, which has clearly fallen upon deaf ears.

On behalf of Essex County Council I am writing to say that we are keeping your premises under review and should there be any evidence that you are allowing the public into your premises in breach of the regulations then it is likely that the County Council will issue a direction requiring your premises to close to the public.

It has the power to do this under the Health Protection (Coronavirus) (No 3) (England) Regulations 2020.

Yours sincerely

Paul Turner
Director, Legal and Assurance
Monitoring Officer

Corporate and Customer Services
Essex County Council
paul.turner@essex.gov.uk | 07921 397145 03330 134591

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Appendix 11

From: Paul Adams
Sent: 29 October 2020 16:39
To: Paul Turner - Director, Legal & Assurance; [REDACTED]
Cc: Daniel Showell - Public Health Consultant; Dave Leonard; Licensing
Subject: RE: Block 40, Brentwood

Importance: High

Good afternoon Mr Melin,

I write following this communication from Public Health and our visit to your premises with Essex Police on the 24th October 2020, to provide you with the advice in relation to what was discussed and observed.

At the time of our visit the premises was open and trading but only had approximately 15 - 20 customers inside spread over 3- 4 tables. The customer base did in its appearance look to be of mixed households.

On speaking with you regarding what reasonable steps you are undertaking to ensure that the groups meet the requirements of the regulations, you advised that you are asking them to sign a declaration that they are from the same household, and you provided access to the sheets that had been signed for that day, but you are not challenging the group makeup if the group appearance would give reason to doubt that the information they have provided.

Under The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 you are required to take all reasonable measures to ensure that no bookings for are accepted for a group of two or more persons, where the group is to be located indoors, unless one of the exceptions applies. You are also required to take all reasonable measures to ensure that no persons are admitted to the premises in a group of two or more persons, where the group is to be located indoors, unless one of the exceptions applies.

We would recommend that the reasonable steps to ensure compliance with the regulations may include:

- Asking customers on booking and entry to confirm that all persons attending in their group live in the same household / from a support bubble.

- Advising customers on booking that you may ask for proof of address on entry, and to ask them to have documentation to demonstrate their address available if requested.
- Where you have reason to think that the group may not be from the same household/support bubble, to ask to see some proof of address.

You wasn't sure if the ID scanning system installed at the front of the premises was being used, while it's not a condition of your licence to operate this system, your usual operating policy does see it used on every trading period and would be a easy way of checking the makeup of groups entering the premises.

We did observe two male customers from one table move across and join another group of three females at their table. It was only when the Police officer pointed out what had happened did you intervene, and no other staff present had made any attempt to do so before that.

The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 which requires that you must take all reasonable measures to ensure that, no person in one qualifying group mingles with any person in another qualifying group. You need to ensure that staff and management are taking reasonable steps to ensure that mingling/interacting does not take place.

We could observe that staff were wearing face coverings, although for the relatively short period of time we were there and the limited number of customers, we did not observe any customers wearing any face coverings when moving away from being seated at their tables. Please ensure that customers are require to wear face covering when moving about the premises, unless they are exempt under the regulations.

While our visit to your premises did not assess every aspect of the Regulations, you do have a responsibility to ensure that you are fully compliant at all times with all aspects of them. For the latest information and guidance please visit <https://www.gov.uk/coronavirus>

The regulations do provide powers for an Enforcing Authority to take action against the responsible person for offences of non-compliance, which can be dealt with by way of a Fixed

Penalty Notice, which starts at £1000 per offence and can rise to £10,000 for further offences.

Essex County Council's Director of Public Health also has powers to close premises or give other directions to premises that pose a risk to the Public Health around COVID where necessary.

I hope that the advice and guidance that is provided in this letter will be taken onboard and that your premises does all it can to ensure that it is COVID secure. If you do require any further information or advice please contact us via email at licensing@brentwood.gov.uk .

Paul Adams | Licensing Manager

T: 01277 312503 | www.brentwood.gov.uk | paul.adams@brentwood.gov.uk

From: Paul Turner - Director, Legal & Assurance <Paul.Turner@essex.gov.uk>

Sent: 23 October 2020 20:03

To: [REDACTED]

Cc: Paul Adams <paul.adams@brentwood.gov.uk>; Daniel Showell - Public Health Consultant

<Danny.Showell@essex.gov.uk>

Subject: Block 40, Brentwood

Importance: High

Dear Mr Melin

I am writing on behalf of the Director of Public Health for Essex County Council.

Brentwood Borough Council have informed us of a catalogue of breaches of the coronavirus restrictions.

I am aware that Brentwood Borough Council have spent a great deal of time and effort explaining what to do, which has clearly fallen upon deaf ears.

On behalf of Essex County Council I am writing to say that we are keeping your premises under review and should there be any evidence that you are allowing the public into your premises in breach of the regulations then it is likely that the County Council will issue a direction requiring your premises to close to the public.

It has the power to do this under the Health Protection (Coronavirus) (No 3) (England) Regulations 2020.

Yours sincerely

Paul Turner

Director, Legal and Assurance

Monitoring Officer

Corporate and Customer Services
Essex County Council
paul.turner@essex.gov.uk | 07921 397145 03330 134591

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We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to www.brentwood.gov.uk/privacy.

Appendix 12

From: Paul Adams
Sent: 18 December 2020 13:26
To: Ahmet Melin; Dave Leonard
Subject: RE: BLOC 40 - THE HEALTH PROTECTION (CORONAVIRUS RESTRICTION)
(ALL TIERS)
(ENGLAND) REGULATIONS 2020

Importance: High

Dear Mr Melin

Dave has said that there is advertising for an event and not that you have advertised an event. For information I have provided a screen shot of that advert that has been provided to us by Essex Police.

As the licence holder and person in control of your premises we are reaching out to you to ensure that there is compliance. I would welcome your comments as to the status of the promoted event.

Paul Adams | Licensing Manager
T: 01277 312503 | M: 07768 777100 | www.brentwood.gov.uk |
paul.adams@brentwood.gov.uk

From: Ahmet Melin [REDACTED]
Sent: 18 December 2020 13:17
To: Dave Leonard <dave.leonard@brentwood.gov.uk>
Cc: Paul Adams <paul.adams@brentwood.gov.uk>
Subject: Re: BLOC 40 - THE HEALTH PROTECTION (CORONAVIRUS RESTRICTION)
(ALL TIERS) (ENGLAND)
REGULATIONS 2020

We have not advertised any event what so ever for Boxing Day or anyother date in December/ January. I am fully aware of what tier we are in as it has effected my business and staff lives.

Get Outlook for iOS

From: Dave Leonard <dave.leonard@brentwood.gov.uk>
Sent: Friday, December 18, 2020 1:11:44 PM
To: Ahmet [REDACTED]
Cc: Paul Adams <paul.adams@brentwood.gov.uk>
Subject: BLOC 40 - THE HEALTH PROTECTION (CORONAVIRUS RESTRICTION) (ALL TIERS) (ENGLAND) REGULATIONS 2020

Dear Mr Melin,

Re:- Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ

It has come to the attention of Essex Police and Brentwood Borough Council that there is advertising for a Boxing Day Special Event at Bloc 40 on 26 December 2020.

As you should be aware, Brentwood, along with most of Essex and London, is now in Tier 3 High alert and your premises is currently required to be closed except for takeaway subject to the limitations of the regulations.

Any relaxation restrictions being offered to households over the Christmas period does not extend to the hospitality industry allowing it to open.

We are hopeful that the advertising is historic and the event will not be proceeding while under the current restrictions and we would appreciate confirmation from you that this is the case.

For the latest information and guidance please visit <https://www.gov.uk/coronavirus>

Whilst it is your responsibility to ensure compliance, if we can assist with the clarification of any of the guidance or regulations then please do not hesitate to contact us. Both Essex Police and Brentwood Council will be monitoring over this period for compliance with the regulations and will if required take appropriate action to ensure compliance.

If you require any further assistance please do not hesitate to contact the Licensing Office on 01277 312500.

Yours sincerely,

Dave Leonard | Licensing Officer

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We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to www.brentwood.gov.uk/privacy.

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Mr Dave Leonard
Brentwood Borough Council
Town Hall
Ingrave Road
BRENTWOOD
Essex CM15 8AY

Our Ref: nn/cw/MEL2-7

Your Ref:

16th June 2021

By email only: dave.leonard@brentwood.gov.uk

Dear Mr Leonard

Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ

We write in relation to the above and further to your email to Mr Melin dated 8th June 2021.

We are pleased to note that you have no intention or desire to interfere with the ongoing Police investigation in relation to the incident that took place on 29th May 2021. However, in relation to your request for CCTV, we would suggest that, in its current format, this is not a lawful request. We note that you say you are investigating offences under the Licensing Act 2003, however, we would ask you to be more specific as to what offence it is you say is alleged to have occurred under the Licensing Act 2003 and the time of this offence. Once we have this information, we can then consider a proper request for CCTV for the time of the alleged offence. The request as it currently stands for the release of CCTV footage from 11.30pm on 28th May 2021 until 2.00am on 29th May 2021 for all cameras would equate to the release of 67½ hours' worth of footage which would be an unlawful release of such footage and a breach of data protection.

Furthermore, in any event, the CCTV has been released to Essex Police as part of their investigation into the criminal offences and as a result of our Client's track and trace at the premises, an arrest has been made. We are, however, conscious of the fact that further release of such footage, which could potentially find its way into the public domain, say via appearing within Licensing Sub-Committee papers and therefore appearing online, could jeopardise any criminal investigation and subsequent trial. In this regard, we enclose the case of R v Patrick Lee William Ferneyhough in which it is confirmed in the Crown Court that the release of material into the public domain can amount to an abuse of process with regards to a criminal investigation/trial and that the criminal matter must not be put in jeopardy where there is potential tension between two competing interests.

Dadds Solicitors

Crescent House, 51 High Street, Billericay, Essex, CM12 9AX
T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk
W: www.dadds.co.uk DX: 32202 BILLERICAY

We also note that you say you are investigating offences under the various Coronavirus Regulations. However, we would submit that this is not the responsibility of the Licensing department but rather a criminal matter for the Police or a Health and Safety matter for the Public Health Officers.

Turning to the other requests in your email, we enclose the following:

- 1) The CCTV plan which we believe you have in any event
- 2) A copy of the relevant pages from the bound logbook for 28th and 29th May 2021.
- 3) A copy of the door supervisor's sign-in record for 28th and 29th May 2021
- 4) A copy of the staff training records
- 5) A copy of the disbursal policy

So as to assist, we have enclosed copies of these documents with this letter. However, if you would like to inspect the originals of these documents, then please let us know.

In conclusion, our Client is compliant with his premises licence conditions in that all the lawful information has been produced as required, an opportunity to inspect offered and we await hearing from you with regards to a lawful request for CCTV.

Yours sincerely

Dadds

DADDS LLP

Encs

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H

IN THE CROWN COURT
AT CANTERBURY

T20100514.

The Law Courts,
Chaucer Road,
Canterbury,
Kent CT1 1ZA.

1st March 2011.

Before:

HER HONOUR JUDGE ADELE WILLIAMS

R E G I N A

-v-

PATRICK LEE
WILLIAM FERNEYHOUGH

(Transcribed from tape by Marten Walsh Cherer Ltd., 1st Floor, Quality House, 6-9 Quality Court, Chancery Lane, London, WC2A 1HP. Telephone: 020 7067 2900. Fax: 020 7831 6864. Official Court Reporters and Tape Transcribers).

MR. D. ROSS appeared for the prosecution.

MR. N. JONES appeared for the defendant Lee.

MR. MILLER appeared for Canterbury City Council.

MR. ATKINSON appeared for Kent Police.

TRANSCRIPT OF PROCEEDINGS

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JUDGE ADELE WILLIAMS: Yes, Mr. Ross. You are here on behalf of the Crown Prosecution Service.

MR. ROSS: I am, your Honour.

JUDGE ADELE WILLIAMS: I have received a skeleton argument from Mr. Miller on behalf the City Council. Thank you very much, I have read that, it is very helpful and a statement from Mr. Elder.

MR. ATKINSON: Your Honour, I represent the Kent Police Force.

JUDGE ADELE WILLIAMS: Yes, I have read Mr. Davis's letter with care. Is there anything else you wish to say?

MR. ATKINSON: Your Honour, in due course I would wish to address you on the steps already taken by the police force.

JUDGE ADELE WILLIAMS: I think you had better do so now.

MR. ATKINSON: Your Honour, an email has already been sent out to all the force licensing officers instructing them that in circumstances such as these where there is a review application on foot concurrently with a criminal investigation, that the officer in the case must be informed of the existence of the review application at the earliest opportunity. The officer in the case is also to be informed that this information, the existence of the review application, must be included on the MG6. Also that the application and all evidence in support must be given to the officer in the case for inclusion in the case file under unused material.

In respect of the information which is given, sent, by the force to the city council and, your Honour, I have no (inaudible) with the law as set out in ...

JUDGE ADELE WILLIAMS: No, indeed, not.

A MR. ATKINSON: ... the skeleton. Any additional evidence, and this includes the
potentially prejudicial stuff (what is called the “accompanying documents”, i.e
storm (?) reports, crime reports, statements redacted in pocket notebooks) all of that
B must be submitted to the council in a separate envelope marked “confidential – not for
publication”, so that there can be no doubt that that material should not, in any event,
go onto the website.

C Your Honour, all of the licensing officers, as I say, have already been alerted to
this and instructed that this is what they must do in future.

D The protocol, such as I have outlined it, all of it has been adopted at the next
licensing officers meeting, which is a week today on 8th March.

E There is also a forum called the Kent and Medway Regulatory Licensing Steering
Group, which has licensing officers from throughout the county who will also attend at
that group as well and in that way, your Honour, I hope you will see that we can be
reasonably confident that such an occurrence will not happen again.

F JUDGE ADELE WILLIAMS: Yes, well, thank you very much for helping me. Yes,
Mr. Miller.

G MR. MILLER: Your Honour, I don't want to repeat what is in my skeleton argument, but
can I pass up other documents? This bundle is what went before the council, were
determined, the application so far as the police.

H JUDGE ADELE WILLIAMS: Thank you very much. I think I have received this bundle in
another form from the Crown Prosecution Service because, obviously, in the course of
the criminal proceedings I wanted to be aware of precisely what information had been
given to the city council. On the last occasion Mr. Ross (who appears for the
prosecution in the criminal proceedings) told me, when he was telling me of the

A decision on behalf of the Crown to offer no evidence against two of the defendant, that
B whereas the city council - and I accept entirely - had made strenuous efforts to remove
the material from the internet, it had in fact gone on to a media website called Kent
C People and Mr. Ross himself had been able to access that site the night before he was
telling me about it and sufficient material was still on that to be a very considerable
D cause for concern.

MR. MILLER: Yes, that has been resolved by your Honour.

JUDGE ADELE WILLIAMS: It has. Thank you very much.

MR. MILLER: Your Honour, can I just take you through the documentation very, very
E quickly?

JUDGE ADELE WILLIAMS: No, not unless you really want to because I am very well
D aware of this bundle. I found your skeleton argument very helpful indeed and I can see
from that that the city council have behaved in a very responsible way once the
E problem came to light in taking steps to make sure that such a situation should never
occur in the future.

MR. MILLER: Your Honour, if I might make one point and that is this: what it has all
F shown is, at the actual hearing the council did put all the (inaudible) information in
paper. (Inaudible) members of the public and the press. It is just a shame they did not
do that from the outset in terms of publication, so they knew responsibilities, just made
G an error, as it were.

JUDGE ADELE WILLIAMS: I understand that and such things do occur in the best
H regulated families.

A MR. MILLER: Your Honour, on the bright side, like my learned said, there is a protocol
B between the police and the city council and, hopefully, that will resolve the matters
C now and in the future.

D JUDGE ADELE WILLIAMS: Yes, thank you very much. Mr. Ross, is there anything
E further you wish to say? I have also received your very helpful skeleton, thank you
F very much.

G MR. ROSS: Not unless there is something your Honour is concerned about.

H JUDGE ADELE WILLIAMS: No, I am going to give judgment now on both the abuse of
I process application and generally in this matter.

J MR. ROSS: Can I just indicate, before your Honour does, that there are other people in
K court, there is the police sitting over there who dealt with the licensing matters and so
L they will hear what your Honour has to say. There are also various representatives
M from the council.

N JUDGE ADELE WILLIAMS: Unlike the subject matter of what we are dealing with, I
O hope that what I am about to say will have the very widest possible circulation.

P MR. ROSS: Yes, so be it. Thank you very much.

J U D G M E N T

Q JUDGE ADELE WILLIAMS: On 5th May 2010 an incident occurred outside the Ocakbasi
R Kebab Shop here in Canterbury during which a member of the public, James
S Robinson, was injured. He was a passer-by and received a split lip, broken front tooth,
T a cut to his chin and he had been kicked whilst he was on the ground, so the incident
U itself was not without its seriousness. Six defendants were charged with affray. One
V defendant, William Ferneyhough, was charged with assault occasioning actual bodily
W harm.

A On 18th October 2010 all six defendants appeared at this court for plea and case
management hearing. Two defendants, Ismail Tekagac and Abdullah Tekagac,
B pleaded guilty to affray. The remaining four defendants pleaded not guilty to all the
remaining charges. Directions were given for trial and the case was put into a warned
list for 17th January 2011 and a reserved warned list for 21st February 2011.

C On 12th January 2011 the case was listed for mention and came in front of me.
On behalf of the defendant whom Mr. Jones represents (namely William Lee) the case
was not ready for trial because inadequate disclosure had been made by the Crown. I
gave directions.

D On 20th January 2011 the case was again listed for mention on behalf of the
defendant Lee. Again, full disclosure had not been made. I adjourned the matter to
E 28th January 2011. On 28th January 2011 counsel for the prosecution told me that there
were some serious concerns because the Canterbury City Council had put some
material concerning a licensing application on the internet. He asked for two weeks to
deal with disclosure.

F By that stage I took the view that my orders for disclosure were not being
complied with by the Crown and that there was, further, a potentially serious matter
with regards to material getting onto the internet. I ordered that the officer in the case
G and the disclosure officer, together with the parties, appear before me on 4th February
2011.

H On 4th February 2011 it was confirmed to me by counsel appearing on behalf of
the prosecution that disclosure had been made to two out of the four defendants
awaiting trial. This had occurred, apparently, because different lawyers had been

A involved in dealing with secondary disclosure after the filing of Defence Case Statements.

B I was further told by counsel on behalf of two of the defendants that the case papers had been put on to the internet. Prosecuting counsel indicated that they had been removed from the city council's website on 11th January 2011, but that the material had been on the website since the autumn of 2010.

C The implications of that information were extremely serious and defence counsel indicated that they would have an abuse of process application.

D I gave further directions and adjourned the matter to 21st February of 2011. I told prosecuting counsel that I wanted to know exactly what had been put onto the city council's website.

E On 21st February 2011 the prosecution informed me that whilst the material had been removed from the city council's website, some material had got on to a media site entitled Canterbury People and was still available for viewing on that site.

F In the light of that position the Crown conceded that two of the defendants, Ali Aslan and Mohabat Khan, could not have a fair trial and consequently offered no evidence against them.

G I then heard the abuse of process application on behalf of the other two defendants. I ruled that it would amount to an abuse of process for the Crown to proceed against those two defendants and I stayed the indictment. I will give my reasons for that later.

H From all the material available to me, it is quite apparent that the police disclosed to the Canterbury City Council the case papers in respect of this case, including the witness statements, the police notebooks and crime reports. The names had been

redacted from the witness statements, that is apparent, but the redacted statements can easily be identified as pertaining to this incident by reason of the date of the incident and the content of the statements. Unredacted material in relation to earlier incidents at the kebab shop in question were given to the Canterbury City Council and published on their website.

I have received correspondence from Canterbury City Council, the police and the Crown Prosecution Service and today I have received very helpful skeleton arguments on behalf of the city council and on behalf of the Crown Prosecution Service and I have heard some oral submissions.

The protection of criminal proceedings against interference by the publication of material which might prejudice such proceedings is governed by the Contempt of Court Act 1981. Section 1 states: "In this Act 'the strict liability' rule means the rule of law whereby conduct may be treated as a contempt of court as tending to interfere with the course of justice in particular legal proceedings regardless of intent to do so."

By section 2 the strict liability rule applies only in relation to publication and for this purpose publications include any speech, writing, programme, including a programme service, or other communication in whatsoever form which is available to the public at large or any section of the public.

By subsection (2): "The strict liability rule applies only to a public which creates a substantial risk that the course of justice in the proceedings in question will be seriously impeded or prejudiced."

The rule used to, with good reason, in my judgment, be referred as the sub judice rule.

A The situation which has arisen here is very, very unfortunate indeed. The court
can well appreciate that it is desirable that licensing applications and reviews of
licences should not be held up awaiting the outcome of criminal proceedings. That
B does not mean that criminal proceedings should be put in jeopardy by the police
supplying information which includes all the case papers in the criminal proceedings,
knowing that those papers may get into the public domain.

C It there is a tension between the two competing interests, the criminal trial must
not be put in jeopardy.

D There must have been communication between the officer in the case and the
officer dealing with the licensing application. I have not been told what that
communication was.

E I find the response that I have received on behalf of the Chief Constable, whilst I
appreciate that it is an explanation only, less than satisfactory.

F It is deeply ironic that whilst the police were failing to discharge their obligations
in relation to disclosure in the criminal proceedings so that no less than three mention
hearings were necessary at this court, at the same time they were supplying to the city
council all the case papers and many of the matters of disclosure that were being
sought by the defence.

G The response I have received from the city council is most responsible. It
acknowledges that things went badly wrong and assures me that steps are being put in
place to ensure that the situation does not arise again.

H It is quite apparent from the response that I have received that material stayed on
the city council's website from 13th October 2010 to 20th of January 2011.

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I have heard submissions today on behalf of the Chief Constable which seek to assure me that steps are being put in place by the police which will ensure that the situation does not occur again.

I have received a letter from the Crown Prosecution Service indicating that the error of disclosing some material to some defendants and not to others must never be repeated and steps have been put in place to ensure that that will not be repeated.

The Crown decided to offer no further evidence against Ali Aslam and Mobad Khan because, in my judgment, they recognise the publication of the material on the internet meant that those two defendants could not have a fair trial because (1) the publication of a number of earlier incidents relating to the kebab shop would have had a prejudicial effect upon their defence cases; (2) the publication of the witness statements and officers' notebooks might have led to the publication of inadmissible material and certainly should not have been available for potential jurors to read; and (3) no question could have been asked of potential jurors that would cure the problem that had been created.

In my judgment it is impossible now to say that the other two defendants, William Ferneyhough and Patrick Lee, can have a fair trial. Their defence is that they were acting in lawful self-defence from violence directed at them by the staff of the kebab shop. Once a jury were told that the Crown had offered no evidence against two members of staff at the kebab shop, even if the jury were told that two further members of staff at the kebab shop had pleaded guilty, then that would, in my judgment, prejudice the defences of Lee and Ferneyhough. The jury would have found it impossible to understand why the Crown had offered no evidence against two defendants who were visible on CCTV engaged in fighting and yet the Crown were

A offering no evidence against them, quite apart from the fact that the possibility of inadmissible material and prejudicial material was there for potential jurors to view.

B I consequently stay the indictment against Lee and Ferneyhough as an abuse of process.

C I have taken some time set out this sorry tale in the hope that what has happened in this case will never happen again. The police need to look very carefully indeed at their procedures. I am satisfied that the city council has already taken steps to ensure that their procedures never allow this to occur again. I am satisfied that the Crown Prosecution Service have taken steps to ensure that the evidence in disclosure that took place in this case will never take place again.

D That is all I wish to say about this matter. Thank you all very much for your assistance in this matter.

E Mr. Jones, I am sorry, I was not ignoring you. Thank you very much for being here. I take it you have nothing further to say?

MR. JONES: Absolutely nothing.

F MR. ROSS: As far as the two that have pleaded guilty, will your Honour ...

G JUDGE ADELE WILLIAMS: I reserve the sentencing of them to myself, obviously. I am going to say that it should take place one day next week, if at all possible. If your clerk can liaise with list office and defence counsel, then we can organise it for as soon as possible.

MR. ROSS: Thank you very much.

H JUDGE ADELE WILLIAMS: Thank you all very much.

A

B

C

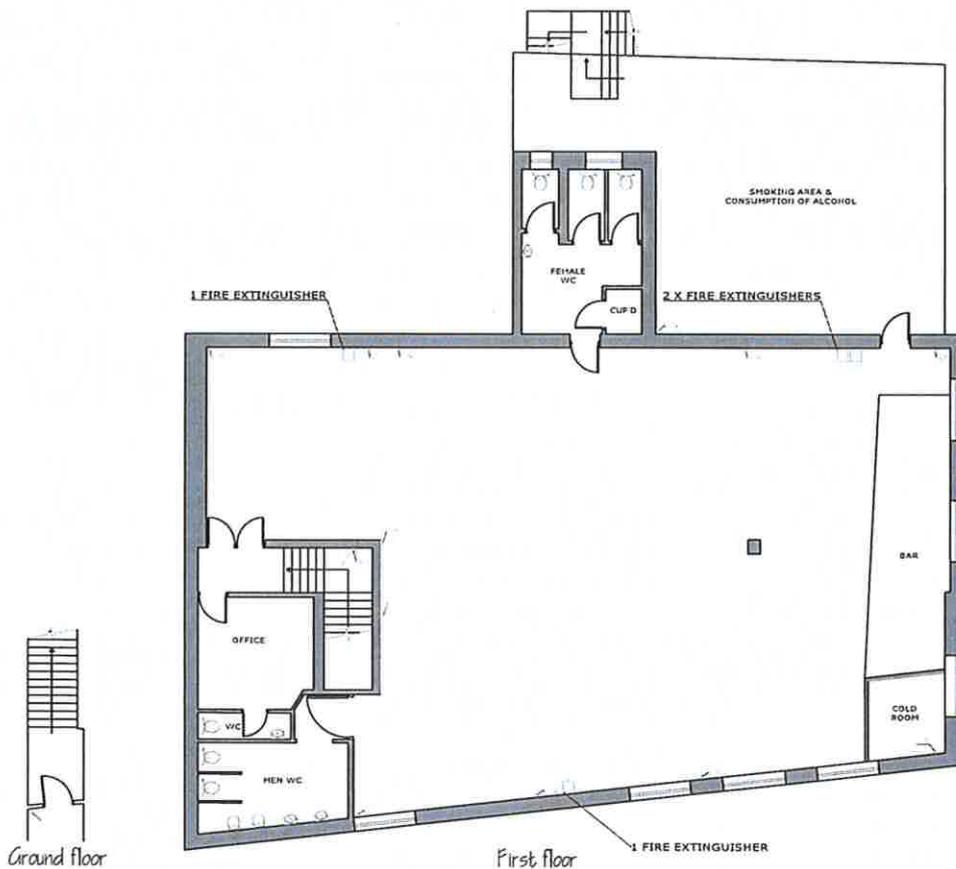
D

E

F

G

H



Ground floor

First floor



40 High Street
Brentwood
CM14 4AJ

Ground floor entrance & first floor plan

Scale: 1:100@A3	Date rev: 30/01/2019
--------------------	-------------------------

do not scale from drawings
Please verify all information on site

TI-ENERGIA LTD
12 Oakwood Park Road, London N14 6QG
Tel: 07751 726 727
email: tienergia@gmail.com

Day Friday

1494770

Date 28/5/21

Door Supervisors on Duty

Name	Badge No.	Expiry Date	Time on	Time off	Signature
Bilal Abdallah	5134	2/11/23	21:00	02:30	<i>[Signature]</i>
Sam Mathias	3651	20/05/24	21:00	02:30	<i>[Signature]</i>
VICTORIA BOSELEY	4725	30/11/23	21:00	02:30	<i>[Signature]</i>
A Guinness	1762	17/04/22	21:00	02:30	<i>[Signature]</i>
A SIMPSON	0812	2/4/23	21:00	02:30	

Fire Exit Check *I confirm that all fire exits are clear and unobstructed by any obstacle*

Time Checked	Initials	Time	Initials	Time	Initials
Start of Shift		22:30		01:30	
20:00		23:00		02:00	
20:30		23:30		02:30	
21:00		00:00		03:00	
21:30		00:30		03:30	
22:00		01:00		04:00	

Capacity Check Log

Time	In	Out	Net	Time	In	Out	Net	Time	In	Out	Net
19:30				22:30				01:30			
20:00				23:00				02:00			
20:30				23:30				02:30			
21:00				00:00				03:00			
21:30				00:30				03:30			
22:00				01:00				04:00			

Floor / Toilet Check Log *Floor & Toilet Areas check for spillages / glass every day at the following times, and any hazards reported to Duty Manager for action.*

Time	Initial	Time	Initial	Time	Initial
19:30		22:30		01:30	
20:00		23:00		02:00	
20:30		23:30		02:30	
21:00		00:00		03:00	
21:30		00:30		03:30	
22:00		01:00		04:00	

Enforcement Visit Log	Time of Visit	Details of Visit / Action Taken	AM Informed

Day Saturday 1494772 Date 29 / 03 / 2024

For Supervisors on Duty

Name	Badge No.	Expiry Date	Time on	Time off	Signature
AK	1762	17/04/22	21:00		<i>[Signature]</i>
ASHLEY	0182	22/4/22	21:00		<i>[Signature]</i>
BROWN	3923	22/6/23	21:00		<i>[Signature]</i>
LEE	5844				
Jordan	1958	6/7/23	21:00		<i>[Signature]</i>

Fire Exit Check *I confirm that all fire exits are clear and unobstructed by any obstacle*

Time Checked	Initials	Time	Initials	Time	Initials
Start of Shift		22:30		01:30	
00:00		23:00		02:00	
01:30		23:30		02:30	
03:00		00:00		03:00	
03:30		00:30		03:30	
04:00		01:00		04:00	

Capacity Check Log

Time	In	Out	Net	Time	In	Out	Net	Time	In	Out	Net
00:30				22:30				01:30			
01:00				23:00				02:00			
01:30				23:30				02:30			
03:00				00:00				03:00			
03:30				00:30				03:30			
04:00				01:00				04:00			

Floor / Toilet Check Log *Floor & Toilet Areas check for spillages / glass every day at the following times, and any hazards reported to Duty Manager for action.*

Time	Initial	Time	Initial	Time	Initial
00:30		22:30		01:30	
01:00		23:00		02:00	
01:30		23:30		02:30	
03:00		00:00		03:00	
03:30		00:30		03:30	
04:00		01:00		04:00	

Enforcement Visit Log	Time of Visit	Details of Visit / Action Taken	AM Informed

Dispersal Procedure

1. Door staff shall periodically patrol the curtilage of the premises throughout the evening and at closing time to encourage patrons to move away from the venue and disperse from the area.
2. The premises shall reduce the volume of music and increase the lighting for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels and the premises is fully illuminated.
3. Staff will be trained to ask customers to leave quietly and respect our neighbours.
4. Signage will be put in place to inform persons that they are required to leave the premises quietly and respect our neighbours; service will be refused to those who do not follow these instructions.
5. Persons who do not behave or adhere to the standards set out in this policy will be refused service in the future.
6. CCTV monitoring is in place outside the premises for the effective monitoring of customers. The Management will regularly review the CCTV images to ensure this procedure is being adhered to.
7. Appropriate lighting levels will be maintained outside the premises to ensure the CCTV is effective.
8. Patrons will be directed to use a designated smoking area at all times when smoking. Failure to do so will result in service being refused.
9. There will be encouragement of gradual dispersal during the last period of trading and during the drinking-up period with staff reminding customers of the need to leave quietly and consider local residents when leaving the premises and the surrounding area.

Staff Training

Name	Topics	Date-Sign
Kayleigh Southern	Alcohol sales	22/10/20 
Kayleigh Southern	Alcohol sales	19/10/21 

All incidents must be recorded. Where an incident may lead to further action, for example an accident or injury to a customer or team member it is crucial that any Company incident reporting procedure is followed in full, that all relevant details are recorded, and CCTV retained at site to assist investigation.

Where there are no incidents on any date please ensure that the log clearly shows that this is the case and that it is not left blank

Time	Type of Incident	Details & Action Taken <small>(Note if police / ambulance called)</small>	Name / Badge No.	Signature	Reported
0170	Fight	A fight kicked off outside in the smoking area. A massive group of boys started fighting. We tried to separate the group and get them to leave the venue.	1088 6248 4662 5134		

Refusals at door:

Drunk:

No I.D:

Daily Sign off - "I confirm all incidents have been recorded and all information is correct"	✓	Signature	Date
Head Doorman (if door team on duty)			
Duty Manager			

From: Dave Leonard
Sent: 08 June 2021 17:06
To: Ahmet
Subject: BLOC 40, FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ -
LAWFUL REQUEST
FOR CCTV RECORDING & TO VIEW OTHER DATA

Mr Melin,

Licensing Act 2003 - Premises Licence
Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ

On Saturday, 29 May 2021 at about 1.15am, a serious disturbance took place in Bloc 40 that resulted a member of the public being stabbed whilst on your premises and further incidents continuing direct outside. Since this incident, Essex Police have applied to review the premises licence. Whilst I have no intention, or desire, to interfere with any ongoing Police investigation into those matters, I am investigating offences under the Licensing Act 2003, which would include noncompliance with licence conditions as well as offences under the various Coronavirus Regulations.

In order for us to investigate fully I would like to undertake a check of compliance with the licence conditions for the period leading up to and at the time of the incident.

Annex 2 Condition 2 states:

The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises which is of evidential quality. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less than 31 days with correct time and date stamping. Recording shall be made available immediately upon lawful request of Essex Police or other Responsible Authority. Download or export of CCTV should be in the native file format with the native player.

Please supply fully recording of all CCTV footage, including any audio files for the period starting at 11.30pm on the 28th May 2021, and ending at 2.00am on the 29th May 2021.

Annex 2 Condition 3 States:

A plan of the premises identifying the location and direction of CCTV coverage shall be served on Essex Police & the Licensing Authority each time it is altered.

Please can you provide the latest plan of the above or confirm that there is no change to the CCTV on the Plan attached in Annex 4 of the licence.

Annex 2 Condition 4 States:

The premises will maintain a bound log book for all incidents, accidents and emergencies which shall include the following information; and will be available to Essex Police or other

Responsible Authority immediately upon lawful request.

- All crimes reported to the venue.
- All ejections of patrons.
- All refusals of service.
- Any complaints received.
- Seizures of drugs or offensive weapons.
- The full name of any person who has been involved in dealing with any of the above matters.

Please make available for inspection the log book as in the above condition that would cover the period of both the 28th and 29th May 2021.

Annex 2 Condition 6 States:

A bound Door Supervisors register shall be kept. Door Supervisors shall sign to record their start and finish times along with their full name & SIA badge number.

Please make available for inspection the register as in the above condition that would cover the period of both the 28th and 29th May 2021 to demonstrate compliance with this condition.

Annex 2 Condition 12 States:

Reasonable and adequate staff training to be carried out and properly documented in relation

to:

- Dealing with incidents and prevention of crime and disorder.
 - Sale of alcohol (to underage, persons over 18 purchasing for underage, drunks, etc.)
- prior to being allowed to sell alcohol.

Annex 2 Condition 13 States:

All training records will be retained for 12 months and made available to Essex Police or other

Responsible Authority upon reasonable request.

Please make available for inspection any training records for all staff as in the above condition for the last 12 months to demonstrate compliance with the above conditions.

Annex 2 Condition 13 States:

The Premises Licence Holder shall have a Dispersal Policy. A copy of which will be made available to Essex Police and Responsible Authority upon request.

Please make available for inspection the Dispersal Policy.

In order for us to investigate these matters in a timely manner we would request that the above is provided to us or where relevant made available for inspection within 24hrs of the time of this email. This would satisfy us on this occasion of any requirement for provision to be immediately upon request.

I am happy to attend the premises at a pre-arranged time or, alternatively, arrangements can be made to receive the above at the Council Offices by emailing licensing@brentwood.gov.uk.

Further to the above I would like to make arrangements meet on site the DPS, and to inspect the premises for compliance with the Licensing Act 2003. Again in order to facilitate an effective and timely investigation I would request that this meeting and visit is to take place within 72 hrs.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Yours sincerely,

Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: Louise Bailey <louise.bailey@dadds.co.uk>
Sent: 11 June 2021 12:41
To: Dave Leonard
Subject: Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ

Good afternoon,

We are currently taking instructions on your email of 8th June to Mr Ahmet Melin and will revert to you shortly.

Kind regards

Louise Bailey
Dadds LLP Licensing Solicitors
Crescent House, 51 High St, Billericay, Essex CM12 9AX
T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY
E louise.bailey@dadds.co.uk
W www.dadds.co.uk
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From: Joanne Hall <joanne.hall@dadds.co.uk>
Sent: 16 June 2021 16:28
To: Dave Leonard
Subject: Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ
Attachments: 2106_16 Letter Council.pdf; doc05133220210616153003.pdf

Please find attached correspondence and supporting documents with regard to Block 40, First Floor, 40 High Street, Brentwood, CM14 4AJ

Kind regards

Jo Hall

Dadds LLP Solicitors

Crescent House, 51 High St, Billericay, Essex CM12 9AX

T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY

E joanne.hall@dadds.co.uk

W www.dadds.co.uk

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From: Dave Leonard
Sent: 17 June 2021 12:29
To: Joanne Hall
Subject: RE: Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ
Attachments: 2106_16 Letter Council.pdf; doc05133220210616153003.pdf;
Dave Leonard Brentwood
Authorisation 23MAR20-01SEP20.pdf; Dave Leonard Brentwood Authorisation
01SEP20-01SEP21.pdf

Dear Mrs Hall,

Thank you for your response and the attached supporting documents.

Firstly, and for clarification, I am an officer authorized since 23rd March 2020 by Brentwood Borough Council, signed by the Director of Law and Governance and Monitoring Officer;
To enter premises at any reasonable time subject to relevant statutory provisions.
To collect verbal, visual, photographic and video evidence of suspected contraventions of any relevant Public Health legislation through questioning and observation of people.
And specifically to exercise powers under the following legislation: The Health Protection(Coronavirus, Business Closure)(England) Regulations 2020, or any subsequent similar regulations.
I have previously advised Mr Dadds of my authorisation when challenged at our meeting at BLOC 40 on 24th September 2020, but I have attached copies of my Authorisation for confirmation.

While we still maintain that the request for CCTV already provided is lawful and meets the requirement of the licence condition, I can advise further that we are investigating a Section 136, Licensing Act 2003 offence of Unauthorised Licensable Activities, during the dates and times already provided.

We are well aware of our responsibilities with regards to the handling of evidence and any release into the public domain. This is not a matter that should prevent its release to us, particularly when a Licensing Hearing can be put into private session when it's in the public interest to do so if such evidence was used in that forum. This request has been made in consultation with Essex Police to ensure it will not be of any detriment to any criminal investigation into the assaults that is ongoing.

While it is my view that the conditions of the licence have already been breached by not supplying everything as requested, I would again ask that if the CCTV could be made available by 12.00hrs tomorrow, Friday, 18th June 2021 for collection at the premises, or from your office, it would be appreciated.

I would like to attend the premises at 2pm on the Tuesday, 22nd June 2021 so that I can view the original documents as supplied. I would also like to meet with the DPS, Mr damiel Capitanchik, at this time as per my original request.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523.

Kind regards and stay safe,

Dave Leonard | Licensing Officer
T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

From: Joanne Hall <joanne.hall@dadds.co.uk>
Sent: 16 June 2021 16:28
To: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: Bloc 40, First Floor, 40 High Street, Brentwood, CM14 4AJ

Please find attached correspondence and supporting documents with regard to Block 40, First Floor, 40 High Street, Brentwood, CM14 4AJ

Kind regards
Jo Hall
Dadds LLP Solicitors
Crescent House, 51 High St, Billericay, Essex CM12 9AX
T 01277 631 811 F 01277 631 055 DX 32202 BILLERICAY
E joanne.hall@dadds.co.uk
W www.dadds.co.uk

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The name of the authorised officer : **Dave Leonard**

The date of commencement of the officer's authorisation : **01/09/2020**

The date of termination of the officers authorisation : **01/09/2021**

List of powers and legislation for which the above named officer is authorized:

To enter premises at any reasonable time subject to relevant statutory provisions.
To collect verbal, visual, photographic and video evidence of suspected contraventions of any relevant Public Health legislation through questioning and observation of people.

And specifically to exercise powers under the following legislation:

The Health Protection(Coronavirus, Restrictions)(England) Regulations 2020, or any subsequent similar regulations.

Signed On Behalf Of Brentwood Borough Council

Amanda Julian

Director of Law and Governance and Monitoring Officer



The name of the authorised officer : **Dave Leonard**

The date of commencement of the officer's authorisation : **23/03/2020**

The date of termination of the officers authorisation : **01/09/2020**

List of powers and legislation for which the above named officer is authorized:

To enter premises at any reasonable time subject to relevant statutory provisions.
To collect verbal, visual, photographic and video evidence of suspected contraventions of any relevant Public Health legislation through questioning and observation of people.

And specifically to exercise powers under the following legislation:

The Health Protection(Coronavirus, Business Closure)(England) Regulations 2020

Signed On Behalf Of Brentwood Borough Council

Amanda Julian

Director of Law and Governance and Monitoring Officer

Appendix 15

From: Paul Adams
Sent: 09 June 2021 08:43
To: Dave Leonard
Subject: Fwd: Personal Licence Check

Get Outlook for iOS

From: E & P Licensing [REDACTED]
Sent: Wednesday, June 9, 2021 8:07:12 AM
To: Paul Adams <paul.adams@brentwood.gov.uk>
Subject: RE: Personal Licence Check

Good Morning Paul,

I can confirm that we are the issuing Authority for Mr Capitanchik's personal licence.

The address we have for him, however does not match the one you've supplied. The last known address we have is a Cornwall address.

Kind Regards

Ashley Peachey
Licensing Officer

Licensing & Events
Swindon Borough Council

Direct line: 01793 466114
www.swindon.gov.uk

From: Paul Adams <paul.adams@brentwood.gov.uk>
Sent: 08 June 2021 15:19
To: E & P Licensing <E&PLicensing@swindon.gov.uk>
Cc: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: Personal Licence Check

Afternoon,

Could I please confirm the details of one of your personal licence holders Daniel Mark Capitanchik Licence number 881060391, who has provided the address being [REDACTED]
[REDACTED]

If you are able to confirm that the licence is still valid and that this is the address that he has for the licence we would be most grateful.

Many Thanks

Paul Adams | Licensing Manager

T: 01277 312503 | M: 07768 777100 | www.brentwood.gov.uk |

paul.adams@brentwood.gov.uk

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ensure that appropriate measures are in place to check for software viruses.

We will use your information to provide the service requested. We may share your personal data

between our services and with partner organisations, such as government bodies and the police.

We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To

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....

Appendix 16

From: Brooke Pride
Sent: 15 June 2021 22:49
To: Dave Leonard
Subject: RE: BRENTWOOD SNOOKER CLUB / SPORTS LOUNGE / BLOC 40 - FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ - PLANNING/BUILDING REGS. REQUEST

Dear Mr Leonard,

Thank you for your email.

I can confirm we do not have any recent planning history on the site 40 High Street Brentwood, the latest planning application for this property was received in 1996. No permission has been granted for a change of use, smoking terrace or an extension of opening hours.

I can also confirm no recent building notices or building control applications have been received since 2000 for any alterations or changes that may have occurred. Therefore, no correspondence from the owners/applicants have been received by planning or building control.

Please do email me if you have any further queries or information required.

Kind Regards,

Brooke Pride | Planning Officer | Brentwood Borough Council

From: Dave Leonard <dave.leonard@brentwood.gov.uk>
Sent: 15 June 2021 15:12
To: Brooke Pride <brooke.pride@brentwood.gov.uk>
Subject: BRENTWOOD SNOOKER CLUB / SPORTS LOUNGE / BLOC 40 - FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ - PLANNING/BUILDING REGS. REQUEST

Dear Miss Pride,

I would like to request confirmation if planning permission has been granted for the premises for the change of use to a nightclub with rear smoking area on the flat roof (fire escape) at

FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ

Since 2015 the first floor premises has been known as BRENTWOOD SNOOKER CLUB, SPORTS LOUNGE and is currently known as

BLOC 40

And operates with a 0200hrs premises licence and closing time of 0230hrs daily.

The premises licence holder is AA TRADING LTD. and the director is Mr AHMET MELIN.

Please could you also provide any planning or building regulations history on this site and confirm if you have ever received any written communication from either

AA TRADING LTD, MR AHMET MELIN or his agent MR DAVID DADDS from DADDS LLP .

Many thanks

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on 01277 312523 or on my mobile number 07809 105428.

Kind regards and stay safe,

Dave Leonard | Licensing Officer

T: 01277 312523 | www.brentwood.gov.uk | dave.leonard@brentwood.gov.uk

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15 8AY. This email

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Appendix 17

Tue 07/07/2020 10:56

RE: BLOC 40, FIRST FLOOR, 40 HIGH STREET, BRENTWOOD CM14 4AJ -
APPLICATION FOR A NEW PREMISES LICENCE - FIRE SAFETY COMMENTS
ON CAPACITY & ESCAPE ROUTES

Thanks Dave.

Planning permission reference 95/00229/FUL permitted a first floor rear extension. The planning history refers to the premises as being a 'snooker hall'.

Condition 4 of planning reference 95/00229/FUL states, inter alia, "no balcony enclosure shall be formed on the roof of the extension permitted..."

The plans that you've provided clearly shows the flat roof to serve as a 'smoking area and consumptions of alcohol.

Notwithstanding the change of use of the premises for which permission is required, the use of the flat roof as a balcony would also require specific planning permission.

On that basis, the local planning authority wishes to OBJECT to the granting of an extension to the licence sought, on the basis that the use of the premises, including the balcony, has not been subject to a wider consultation that would be undertaken as part of a planning application and interested third parties have therefore not been provided opportunity to make comments on such a change of use and the impact that it has on the wider area.

Best wishes,

Caroline

Caroline McCaffrey | Development Management Team Leader | Brentwood Borough Council



Essex County
Fire & Rescue Service

Jo Turton
Chief Fire Officer / Chief Executive

Mr David Leonard
Brentwood Borough Council
Licensing Department
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

South West Group Service Delivery Point
Basildon Fire Station
Broadmayne
Basildon
SS14 1EH

Enquiries to: Garry Owles Fire Safety Officer
T: +44(0) 1376 576700
southwestgroupsdp@essex-fire.gov.uk

Our Ref: 72733
Your Ref: N/a
Date: 16th June 2021

Dear Dave

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Re: 'Bloc 40' First Floor 40 High Street Brentwood Essex CM14 4AJ

Further to your recent enquiry as the Licensing Authority for an overview of any outstanding Fire Safety matters at the above-named premises, which as a result and in the interest of the Licensing Objective 'Public Safety' the following summary to date is given below.

As you will be aware the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") has reservations regarding the proposed safe occupancy level for Bloc 40, this was discussed at length during the initial licensing application meeting held at the premises attended by several representatives of other Responsible Authorities along with Mr Melin and his representatives. Basically, it was and still is the view of this Authority that the Means of Escape arrangements are inadequate for the numbers discussed at that meeting.

This Authority's principal aim is to support businesses in complying with Fire Safety legislation (The Regulatory Reform (Fire Safety) Order 2005, here after called The Order) as opposed to enforcement only approach and as such goodwill advice was given at the time of how the escape arrangements could be improved to increase the occupancy numbers and interim measures that could be adopted so as not to delay opening works that were in progress and help Mr Merlin start to develop his business.

Mr Melin was however eager to take the occupancy to the maximum, beyond my assessment, however as this Authority is also open to interpretation of the legislation which centres around a fire risk assessment being completed Mr Melin was advised to employ the services of a competent fire risk assessor not only to ensure compliance with all the requirements of The Order, but to obtain independent advice on occupancy numbers. This was duly undertaken, and a copy of the subsequent assessment was forwarded to me for comment, unfortunately the assessment fell short of expectation and was deemed by myself as not being suitable and sufficient failing amongst other matters to justify the now declared maximum occupancy of 250 persons was arrived at, but also made recommendations that were in my view not considered necessary.

The content of the assessment, or lack of it was then subject to a later telephone conversation between Mr Melin and myself during which it was agreed to bring forward a previously suggested audit date for a full fire safety audit of the premises (the original intention being to allow time for the business to become establish and records to be accrued) so that a formal comment could be made of the assessment and also to revisit the occupancy issue where further guidance / support could be given. Unfortunately, the audit did not take place due to Covid restriction at the time as this Authority had temporary ceased physical audits of premises which to date has only recently been partially rescinded.

During subsequent consultations with yourself and Mr Melin over the past months the opportunity has been taken to remind Mr Melin of the need to address the issue so occupancy levels can be safely addressed.

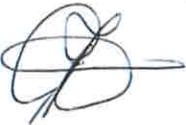
The following extract is from one of those correspondences which gives a good overview of the concern and advised solution.

It is also considered appropriate whilst writing to remind you of the matter discussed during our initial site meeting May 2018 and as mentioned in previous licensing correspondence since regarding your safe occupancy levels for Bloc 40. Unless otherwise justified to the satisfaction of this Authority in your fire risk assessment referred to above, your current door configuration appears to still only allow for a maximum of 60 persons in total to be in the building at any one time. You will hopefully recall the advice given at the time should you wish to increase this number. In which case the ground floor entrance door would need to be widened and re-hung to open in the direction of escape. Then using your current licence application drawing and based up the understanding that the 1st floor external escape stair width is 900mm at narrowest point (1st floor escape door also being no less than 900mm), the ground floor entrance door widened, ideally to a standard 1050mm to reduce bottleneck affect with the wider main staircase and re-hung as described, the capacity can be raised to 130 persons (Normal Risk Level applied). If however you are satisfied that the number of persons (including staff) will not exceed 60 at any one time you need take no further action with regard the door configuration.*

Based upon the measurement of 900mm taken during the site meeting, this appears to differ from the submitted licence drawing suggesting external escape stair has clear exit width of 2.2 metres.*

The position to date is that although the works required in this Authority's opinion remain outstanding, with current covid restrictions on occupancy numbers within licensed premises significantly reduced and that an anticipated responsible approach would be taken by Mr Melin the current / interim escape arrangements would be expected to remain adequate.

Yours sincerely



G. Owles
Protection