

PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX

APPENDIX A

Application to Review the Premises Licence

Received 29 September 2023

*Mr Simon Barnes, Essex Police Licensing Officer
on behalf of the Chief Officer of Police*

plus

Supplementary Bundle

Received 27 October 2023

Dave Leonard

From: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>
Sent: 29 September 2023 11:49
To: Licensing
Subject: Review - Pink
Attachments: Standard Review - Pink.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

Please see attached a review application for Pink on Brentwood High Street.

A copy of this application shall be emailed to Mr Latham and a copy served physically to the premises.

Kind Regards



Simon Barnes (82011)

Licensing Officer – Brentwood & Thurrock

101 (Ext: 42082011)

07773 935612

licensing.epping.and.brentwood@essex.police.uk

licensing.thurrock@essex.police.uk

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Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood CM15 8AY

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Simon Barnes on behalf of the Chief Office of Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Pink
111 High Street

Post town Brentwood

Post code (if known) CM14 4RX

Name of premises licence holder or club holding club premises certificate (if known)

Mr Conor Latham

Number of premises licence or club premises certificate (if known)

PRM_0599

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Chief Officer of Police for the county of Essex and the non-metropolitan districts of Southend-on-Sea and Thurrock.

c/o Braintree Police Station

Licensing Team (Alcohol)

Blyths Meadow, Braintree, CM7 3DJ

Telephone number (if any) **01245 452035**

E-mail address (optional) **licensing.applications@essex.police.uk**

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The premises has been under investigation by Essex Police regarding apparent failures in management of the premises and disorder/incidents linked to the premises.

Essex Police has made multiple requests for information and CCTV records of the premises under the licence which have not been received and recent communications have received late replies with explanations why they have lost the footage.

It has also been shown in the investigation that the premises has operated outside of its licensable hours.

All taken together, these issues undermine the prevention of crime and disorder objective.

Please provide as much information as possible to support the application (please read guidance note 2)

Essex Police received a report of a fight outside the premises in the early hours of 12th August 2023. On police attendance security have advised that the persons fighting were asked to leave on allegations of the supply of drugs and have become aggressive regarding their ejection. Checks of Brentwood Council's CCTV gave little information to confirm if a fight occurred outside the premises or inside, as such Essex Police Licensing Officer Mr Simon Barnes put a request to the PLH and DPS on the 17th August requesting copies of the internal and external CCTV for the periods around the time of the call to police.

Police received a report of a fight outside of the premises in the early hours of the 20th August where the initial call was received regarding a large-scale fight in the high street from the CCTV control room. On police attendance officers were told that all is ok as it was not a major incident and had been resolved. With officers content the area was under control, they have left soon after. It was noted that the timing of the call was significantly after the closing time of the premises and was initially considered to potentially not be linked to the premises until a full investigation was completed showing that the premises was the source of the fight and appeared to still be operating long after its hours were concluded.

An email was sent to the DPS/PLH on the 1st September chasing a response and a copy posted into the premises by hand of Mr Barnes additionally requesting a formal meeting to discuss the incident. The DPS has called later on that day and agreed to contact again next Monday to set a meeting date and time.

In the early hours of the 2nd September Essex Police received a call regarding a fight in progress outside the premises, officers have attended at 00:15 and found no fight, when speaking to a member of the public they have been informed that there was a fight but they have left the area when they heard police sirens in the distance. Content that the area was now secure and no victims had made themselves known officers departed, only to be called back to the premises after further reports of fighting outside the premises. On their return they have located an injured person who has required ambulance assistance and was taken to hospital on their advice due to the injuries sustained.

On the 4th September a full investigation into the events of both the 20th August and 2nd September was undertaken with reviews of BWV of attending officers and the council's CCTV, as highlighted above it was discovered that the 20th August incident was linked to the premises and that the premises can be heard playing recorded music to a loud level over the BWV of the attending officers. Given all available information Mr Barnes has called the DPS to both note the recent incident and to confirm a time for a meeting which was agreed for the next day.

On the 5th September a meeting was held at the premises between Mr Latham, Mr Barnes and Mr Paul Adams, licensing manager for Brentwood Borough Council. All three incidents were put to Mr Latham, the first incident was known to Mr Latham and confirmed that there was an ejection due to allegations of drugs but could not recall a fight in the premises, no record of this in the incident log contrary to what is required. Regarding the second incident, the fights were acknowledged by the DPS and records were kept in the incident log. The third incident was also known to the DPS but had not been recorded into the incident log but instead, an email was sent from the head doorkeeper.

A request for the CCTV for all three events was made in person, Mr Latham has explained that the system has been locked out, possibly by multiple incorrect passwords, and that he has requested to regain access to the system but the security firm has, so far, not been forthcoming.

Several other conditions were found to be in breach by the premises and the DPS was warned regarding this and, after some discussion, Mr Latham also admitted that they have been trading beyond their hours on 20th August and potentially for 15 minutes for regulated entertainment due to a misunderstanding of the licence. Checks with Police and Council records show a number of

TENs have been applied for by the premises too late and been rejected but no TEN was requested for the 20th August.

Mr Latham was at this time warned regarding potential offences under the licensing Act and an interim warning was issued by Essex Police requesting sight of the CCTV recordings. These were not supplied and a follow up message was sent on 19th September with a deadline of 12noon on the 25th September. No reply was received by this deadline but an email was received at 16:25 explaining that all CCTV records have been erased trying to regain access to the system.

Mr Latham has previous experience of managing a licensed premises prior to taking over this premises and is aware of the expectations on a licence holder and DPS. In addition prior to the current investigation, this premises was also warned before regarding its compliance with conditions.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature SJBarnes
.....

Date 29/09/2023
.....

Capacity **Police Licensing Officer, holding the delegated authority of the Chief Officer of Police to commence proceedings/make representations under the Licensing Act 2003**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Chief Officer of Police for the county of Essex and the non-metropolitan districts of Southend-on-Sea and Thurrock.
c/o Braintree Police Station
Licensing Team (Alcohol)
Blyths Meadow,

Post town

Braintree

Post Code

CM7 3DJ

Telephone number (if any) 01245 452035

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensing.applications@essex.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Dave Leonard

From: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>
Sent: 27 October 2023 17:28
To: Licensing
Subject: Pink
Attachments: Pink - Police Supplemental Bundle (Police & Councillors Version).pdf; Pink - Police Supplemental Bundle (Public Version).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon,

Please find attached our bundle. There are very few redactions mainly removal of personal email address and the like from the appendixes.

Kind Regards



Simon Barnes (82011)

Licensing Officer – Brentwood & Thurrock

📠 101 (Ext: 42082011)

☎ 07773 935612

✉ licensing.epping.and.brentwood@essex.police.uk

✉ licensing.thurrock@essex.police.uk

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Premises Licence Review

Pink
111 High Street, Brentwood

Police bundle in support of review.

PUBLIC VERSION

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1.0 Background Details

- 1.1 Pink is a licensed premises situated on Brentwood High Street with a post code of CM14 4RX. The Premises Licence Holder (PLH) is Mr Conor LATHAM who is also the Designated Premises Supervisor (DPS).
- 1.2 The premises has been in the control of Mr LATHAM since February 2023.
- 1.3 The premises is a Prosecco bar operating currently on Friday and Saturday nights hosting evening events and occasionally private parties.
- 1.4 The current licence allows for the licensable activities of the Retail Sale of Alcohol, Regulated Entertainment of recorded and live music during the hours of 10:00 until midnight Monday to Thursday, 10:00 until 00:45 Friday and Saturday and 10:00 until 23:00 on Sunday
- 1.5 In addition the premises is allowed the provision of late night refreshments between 23:00 to midnight Monday to Thursday and 23:00 to 00:45 Friday and Saturday only.

2.0 Outline of police interactions with the premises.

- 2.1 The premises has come to Essex Police's attention early into the new ownerships management of the premises, on Monday 5th June 2023 district licensing officer Simon Barnes was made aware by officers from the Brentwood Community Policing Team of a recording purporting to be from the premises where by a member of staff is seen pouring alcohol from a bottle directly into a female's mouth.
- 2.2 As this is a breach of mandatory conditions, this information was passed to the Licensing Authority and a request was made of the licence holder for a meeting to be held. This meeting was held on Friday 9th June between Mr Latham, Mr Dave Leonard (Brentwood Licensing Officer) and Mr Garry Owles (Essex Fire & Rescue Service).
- 2.3 During this meeting confirmation was received that the events in the recording had occurred which would constitute an offence under s131 Licensing Act 2003, it was also noted that the premises layout did not agree with the premises plan on the licence and other concerns were raised by those present regarding premises numbers and lack of toilet facilities causing issues with complaints from neighbouring premises.
- 2.4 A formal written warning was issued by the Licensing Authority on the 14th June in response to this meeting, this being the second warning noted on file against this premises owner. A copy of this warning is attached as appendix A.
- 2.5 Essex Police received a report of a fight outside the premises in the early hours of 12th August 2023. On police attendance security have advised that the persons fighting were asked to leave on allegations of the supply of drugs and have become aggressive regarding their ejection. Checks of Brentwood Council's CCTV gave little information to confirm if a fight occurred outside the premises or inside, as such Essex Police Licensing Officer Mr Simon Barnes put a request to the PLH and DPS on the 17th August requesting copies of the internal and external CCTV for the periods around the time of the call to police.
- 2.6 Police received a report of a fight outside of the premises in the early hours of the 20th August where the initial call was received regarding a large-scale fight in the high street from the CCTV control room. On police attendance officers were told that all is ok as it was not a major incident and had been resolved. With officers content the area was under control, they have left soon after. It was noted that the timing of the call was significantly after the closing time of the premises and was initially considered to potentially not be linked to the premises until a full investigation was completed showing that the premises was the source of the fight and appeared to still be operating long after its hours were concluded.

- 2.7 An email was sent to the DPS/PLH on the 1st September chasing a response and a letter posted into the premises by hand of Mr Barnes additionally requesting a formal meeting to discuss the incident. The DPS has called later that day and agreed to contact again next Monday to set a meeting date and time.
- 2.8 In the early hours of the 2nd September Essex Police received a call regarding a fight in progress outside the premises, officers have attended at 00:15 and found no fight, when speaking to a member of the public they have been informed that there was a fight but they have left the area when they heard police sirens in the distance. Content that the area was now secure and no victims had made themselves known officers departed, only to be called back to the premises after further reports of fighting outside the premises. On their return they have located an injured person who has required ambulance assistance and was taken to hospital on their advice due to the injuries sustained.
- 2.9 On the 4th September a full investigation into the events of both the 20th August and 2nd September was undertaken with reviews of BWV of attending officers and the council's CCTV, as highlighted above it was discovered that the 20th August incident was linked to the premises and that the premises can be heard playing recorded music to a loud level over the BWV of the attending officers. Given all available information Mr Barnes has called the DPS to both note the recent incident and to confirm a time for a meeting which was agreed for the next day.
- 2.10 CCTV held by the council was viewed for all three incidents, whilst some disturbance was seen for the first two incidents there was limited view points and as such these were noted for needing the internal CCTV to confirm what had happened. The final incident was clearly shown to occur outside with a small fight starting just after midnight with officers seen arriving when people have separated, likely due to the sounds of police sirens. After officers leave the fight resumes but on this occasion those involved have started pulling at the security barriers and one individual becomes injured during the scuffle.
- 2.11 On the 5th September a meeting was held at the premises between Mr Latham, Mr Barnes and Mr Paul Adams, licensing manager for Brentwood Borough Council. All three incidents were put to Mr Latham, the first incident was known to Mr Latham and confirmed that there was an ejection due to allegations of drugs but could not recall a fight in the premises, no record of this in the incident log contrary to what is required. Regarding the second incident, the fights were acknowledged by the DPS and records were kept in the incident log. The third incident was also known to the DPS but had not been recorded into the incident log but instead, an email was sent from the head doorkeeper.

- 2.12 A request for the CCTV for all three events was made in person, Mr Latham has explained that the system has been locked out, possibly by multiple incorrect passwords, and that he has requested to regain access to the system but the security firm has, so far, not been forthcoming.
- 2.13 Several other conditions were found to be in breach by the premises and the DPS was warned regarding this and, after some discussion, Mr Latham also admitted that they have been trading beyond their hours on 20th August and potentially for 15 minutes for regulated entertainment due to a misunderstanding of the licence. Checks with Police and Council records show a number of TENs have been applied for by the premises too late and been rejected but no TEN was requested for the 20th August.
- 2.14 Mr Latham was at this time warned regarding potential offences under the licensing Act and an interim warning was issued by Essex Police requesting sight of the CCTV recordings. A copy of this request is attached as appendix B.
- 2.15 On 19th September it was noted that no CCTV or other details requested were supplied, given the lack of response a follow up request with a deadline of 12noon on the 25th September. No reply was received by this deadline but an email was received at 16:25 explaining that all CCTV records have been erased whilst trying to regain access to the system. A copy of this chain is attached at appendix C.
- 2.16 Mr Latham has previously controlled premises and is a personal licence holder and should be very aware of the expectations of a licence holder and given the lack of response and the eventual failure to comply with a lawful request for CCTV to be surrendered to undertake an investigation has left Essex Police in the position of calling for a review of the licence.

3.0 Outcome Sought

3.1 In considering our recommendation to the Sub Committee, Essex Police have drawn on the guidance issued by the Secretary of State under section 182, paragraph 11.19 which outlines the options available to the licensing authority as:

“Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence”*

3.2 Paragraph 11.20 gives advice regarding seeking only to invoke powers necessary to uphold the licencing objectives and linked to the concerns raised as part of this review.

“In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review”

3.3 It is Essex Police's position that its concerns relate to issues regarding disorder linked to the premises, the ineffectual actions of security and the failures in management that have hindered our ability to further investigate the disorder to understand in full what has happened and what areas for improvement.

3.4 Essex Police has also had concerns regarding the management of the premises prior to these events in regards to the failure to comply with the mandatory conditions.

3.5 In considering options it is Essex Police's position that action is needed to promote the licensing objectives and it is our proposal that the following changes should be made:

- The deletion of condition three of annex two and replace with the following:

“On Friday and Saturdays at least three SIA licensed door supervisor shall be on duty at the premises from 2100hrs whilst the premises is open and for at least 30 minutes after the premises has closed. At all other times the Designated Premises Supervisor shall risk assess the need for door supervisors, a copy of this risk assessment shall be retained on the premises, or accessible from the premises, for a period of 3 months.”

- The reduction of hours of all licensable activities for Friday and Saturday from 10:00-00:45 to 10:00-00:00 with an equivalent reduction in opening hours.

- 3.6 The amendment of licensable activities will reduce the risk of further disorder, the three incidents are all after midnight and the removal of the last 45 minutes of the licence reflects the concerns that we have regarding the premises late night operations.
- 3.7 The change of the SIA door supervisor condition reflects the need for additional security to manage the premises, currently the condition reads for only one being required by the conditions, but as shown in this bundle 3 incidents have occurred with one clearly showing that security was lacking at the premises to manage the numbers being admitted to the premises.
- 3.8 Essex Police have considered other options but have concluded that all other options have either been attempted, or would not be targeted enough at the issues raised and would likely be considered excessive for the issues raised for us to recommend other options available to the subcommittee which is in line with paragraph 11.23 of the guidance:

“Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives ...”

- 3.9 Essex Police would draw the sub committee’s attention to case law that we consider will assist the committee in its deliberations. The case of Hope & Glory highlights that when considering any licensed premises and its activities exist in dynamic environment and should not be looked at entirely in isolation and that what action is taken should be both necessary and proportionate to the promotion of the licensing objectives.
- 3.10 In addition, we would draw the committee to the case of Thwaites which emphasises the role of Responsible Authorities have in providing information to the committee to contextualise the issues that they must make a decision over. The case also reminds that decisions do not always need to be based on

'real evidence' but on using local knowledge and the evidence provided to reach a well informed common sense position.

4.0 Case Law

- 4.1 R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312

Lord Justice Toulson said:

"Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.

Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact."

- 4.2 R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)

The Honourable Mrs Justice Black said:

"Drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police."

Appendix A

From: Dave Leonard <[REDACTED]>
Sent: 14 June 2023 17:47
To: Pink Brentwood; [REDACTED]
Subject: EXTERNAL - PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX - BREACH OF MANDATORY CONDITION - WRITTEN WARNING

Categories: [REDACTED]

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Dear Mr Latham,

This letter is sent in confirmation of our meeting together with the Essex Police Licensing Officer, Mr Simon Barnes, and Mr Garry Owles from the Essex Fire & Rescue Service at **PINK, 111 HIGH STREET, BRENTWOOD CM14 4RX** on Friday, 9th June 2023. The meeting was called because a video that appeared to have been filmed on your premises on Friday 2nd June, an event known as Pink Fridays, and posted on social media, had come to the attention of the police and local authority. We viewed the video posted on Instagram in your presence and you confirmed that these events had indeed taken place on your premises. The video shows some of your patrons being given large sparklers whilst others were having alcohol dispensed directly into their mouths from bottles poured by persons who appeared to be your bar staff.

The dispensing of alcohol directly into the mouth is currently banned in England & Wales under the Licensing Act 2003 and is reflected in the mandatory conditions required to be imposed by all Licensing Authorities by Parliament.

Annex 1 Condition 3e states:

"dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)."

It doesn't not appear in this situation that this activity would fall under the exception of this condition.

This is a criminal offence under s131 Licensing Act 2003

In respect of the sparklers being supplied, I invited the Fire Safety Officer, Mr Garry Owles, along to the meeting to check and advise you on your Fire Safety Policy. It was noted during our conversation that, due to the current premises layout, Mr Owles determined that the maximum capacity for customer safety should not exceed sixty (60) persons. Mr Owles then went on to show you how, with minor adjustments to the bar servery counter and doorway access to the rear exit, you could adapt the venue to accommodate the capacity you are seeking to achieve.

Whilst dealing with safe capacity numbers, I am concerned that you only have two toilets (one toilet plus one toilet for the disabled) available to cater for all your patrons. Mr Barnes informed you that the police have received complaints from several of the other High Street bars claiming that your customers have been attempting to enter their venues merely to use the toilet facilities. My concerns have been heightened by the fact that, as accredited identification does not appear to be enforced at your venue, these patrons are quite rightly being refused entry to the other bars for being unable to present acceptable ID. This leads me to question where these people are then attempting to relieve themselves in a public place. I am copying this warning letter into Brentwood Council's Lead Health & Safety Officer, Mr James Talbot, for his information.

This brings me back to our original meeting and licence inspection on 23rd May 2023, and the subsequent advisory letter that I sent you on 26th May 2023, where it was noted that the premises plan attached at Annex 4 of your premises licence did not match that of the current floor layout. I informed you that the change to the floor plan, however insignificant that you may feel it is, requires an application for a minor variation to the floor plan to be submitted to the Licensing Office for consideration and consultation with the relevant responsible authorities. I also advised you that a failure to do this will result in you breaching conditions of your premises licence and may lead to further enforcement action being taken. I accept that you finally responded to me on 6th June and indicated that you will be submitting your application to vary the premises licence to amend the floor layout plan and change the business name as necessary. You have been aware of this requirement since 23rd May 2023 and this office now needs to be reassured that you are taking the matter seriously. The police have issued you with an official warning regarding your breach of a mandatory condition (Annex 1 condition 3e) and this office has warned you of the premises licence breach in respect of the Annex 4 floor layout plan.

Please submit the application as a matter of priority and by the end of this month. A failure to do so may see this office take further action which may include prosecution and or seeking a review of your licence.

Please acknowledge receipt of this warning letter.

To conduct any licensable activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.

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

Kind regards,



Dave Leonard | Licensing Officer

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Find out more about [cost of living support | Rochford Council](#)



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Appendix B



Conor Latham
Pink
111 High Street
Brentwood CM14 4RX

5th September 2023

Interim Report – Incidents of 12th/20th August and 2nd September 2023

Dear Conor

I write this letter in regard to a meeting held today between yourself, Mr Paul Adams (Brentwood Licensing Manager) and myself at your premises in regard to the above incidents.

We have discussed the issues that have been raised with either myself or with the council in regards to the premises management of its patrons outside the premises and the three incidents that have occurred. I have requested sight of the CCTV in compliance with Condition 1 of Annex 2 of the licence but due to a technical issue this has not been possible.

On the information available it has been possible to confirm that:

- On 20th August 2023, without the coverage of a temporary event notice, the premises remained trading after its licenced hours by at least 1 hour and 30 minutes.
- On 2nd September 2023, the premises continued to maintain regulated entertainment for a period of 35 minutes after the end time of the licence, but should be noted that 15 minutes of this was whilst managing the incident

These are offences under s136 Licensing Act 2003, this will be matters for consideration by the council regarding potential prosecution which, at this time, the council will consider your future actions in response to this letter and future considerations after the CCTV is surrendered prior to making any decision, considering the public interests.

A number of conditions were found to be not being complied with by the premises including:

1. Annex 2 Condition 1(vi) – Daily log not being maintained
2. Condition 6 – Incident log, whilst being maintained at times, was not always completed nor completed within the 4 hours required
3. Condition 9 – Notices are not in place for customers at the exit requesting customers to respect your neighbours and leave the area quietly
4. Condition 13 – No clear signage regarding a Challenge 25 policy in place

Essex Police Licensing Unit, Blyths Meadow Braintree, Essex CM7 3DJ

Email: licensing.applications@essex.police.uk Tel: 01245 452035

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www.essex.police.uk



In addition to this, whilst discussing the security arrangements for the premises you have indicated that you currently hire your lead door supervisor who then hires on additional persons as needed. This could potentially be an offence under the Security Industries Act and further investigation is needed, potentially including the SIA.

Given the above and the concerns noted by myself regarding the management of the external area when reviewing the incidents, it was agreed that there are significant concerns that the Prevention of Crime and Disorder licensing objective is being undermined.

Action Plan

At the meeting we agreed an interim action plan to be put into place as soon as possible to help reduce the concerns we have and to promote the licensing objectives:

1. DPS to arrange for the upload of the CCTV to Essex Police's DAMS system
2. DPS to review all conditions and ensure full compliance going forward before trading on Friday
3. DPS to email copies of invoices for security to Paul Adams (licensing@brentwood.gov.uk) and to Essex Police (epping.and.brentwood@essex.police.uk)
4. DPS to ensure all licensable activity to end by the authorised times on the licence
5. To reduce the size of the smoking area, limiting numbers in this area to around 10 persons
6. Review the door supervisor risk assessments for the premises considering the advice given
7. Create a written policy for how ejections, smoking area and dispersal will be managed

Once we have received your CCTV we shall review these and the interim action plan and consider if any further actions are needed.

Yours faithfully,

Simon Barnes
Essex Police Licensing Officer
Brentwood & Thurrock

Appendix C

From: Pink Brentwood <enquiries@pinkbrentwood.com>
Sent: 25 September 2023 16:25
To: Licensing Epping and Brentwood
Subject: EXTERNAL - Re: Pink - CCTV and Invoice requests
Attachments: image001.jpg
Categories: Ongoing

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Hi Simon,

Apologies for the delayed response but I had ongoing issues regarding the CCTV.

I have now been able to regain access to the system, however unfortunately in doing so it has reset the system and the storage has been wiped so I do not have access to any recordings at all. I fully understand there will be some action on this especially given the request for footage and our failure to provide the footage as per the licence, but it was physically taken out of my hands in this case.

And with regard to payment of security, I apologise but I made a mistake during our meeting as it is David (my business partner) who deals with the financials and all payments. Security are not paid via an invoice from Laura, this was discussed when we began hiring but was not needed, as they are paid directly as advised was acceptable by the SIA at the time. David rang them to double check at the time and they said it would be fine. I have since called the SIA to confirm this and when I asked them would I need my qualification in order to employ and use SIA registered door supervisors and they confirmed that it was not needed.

I hope you can understand that this is very confusing for us as the SIA are telling us one thing, and you are telling us another. If however it is needed, then we will of course act to comply with this, but given current advice from the SIA we were under the impression that we were following the rules set by the SIA.

Apologies again for the delayed response, but I have been chasing almost everyday for the CCTV issue to be resolved.

Thanks
Conor

On Tue, 19 Sept 2023, 12:45 Licensing Epping and Brentwood, <licensing.epping.and.brentwood@essex.police.uk> wrote:

Good Afternoon Mr Latham,

We have previously spoken regarding the outstanding CCTV and Invoice requests given to you on 5 September, these remain outstanding.

As per Annex 2 Condition 1(iv) "At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request" a request was made on the 5th September for the surrender of CCTV recordings for three separate incidents that have been linked to your premises, to date this has not been complied with despite being open for licensable activities in the interim.

I must now insist on the surrender of the CCTV requested and additionally CCTV for a period of 0030 to 0200 on 16th September as I have reasonable grounds to believe that the premises may have operated outside of its licence on this occasion and must ask to see this footage to confirm or deny.

Please respond to this email by 1200 Monday 25th September with either a full explanation as to the significant delay in complying, or alternatively passing of the requested CCTV and invoices. Otherwise I will be forced to consider using enforcement action.

If you wish to discuss this further please contact me urgently.

Kind Regards

Simon Barnes (82011)

Licensing Officer – Brentwood & Thurrock



 [Redacted]

 [Redacted]

 [Redacted]

 [Redacted]

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