

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 30 March 2015

Place: Council Chamber, Civic Offices, **Time:** 10.05 - 11.45 am
High Street, Epping

Members Present: K Angold-Stephens (Chairman), K Adams and A Boyce

Other Councillors: R Morgan and G Waller

Apologies:

Officers Present: A Hendry (Democratic Services Officer), A Mitchell (Assistant Director (Legal Services)), K Tuckey (Licensing Manager), N Clarke (Licensing Officer) and J Nolan (Assistant Director (Neighbourhood Services))

97. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

98. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business and the terms of reference.

99. SUMMARY REVIEW OF THE VILLA, COTTIS LANE, EPPING

The three Councillors that presided over this item were Councillors Angold-Stephens, Adams and Boyce.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the summary review. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the applicant were counsel for the Police, Ms Jung, Licensing Officer P Jones, Inspector Thomas and Sergeant Alcock . On behalf of the objectors were Mr B Singh the new owner of the premises in question and his legal representative Mr G Grant. Also in attendance were five other interested parties.

(a) The Application before the Sub-Committee

The Assistant Director, Neighbourhood Services, introduced the application. This application for a summary review was brought by the Police for The Villa, Cottis Lane, Epping and was made on 3rd March 2015. In accordance with Section 53A (3) (a) of the Licensing Act 2003 a copy of the application and certificate under Section 53A (1)(b) was served on the holder of the Premises Licence and all Responsible Authorities. The Police stated in their opinion the premises was associated with serious crime and disorder and requested that the Licensing Authority suspend the

licence pending a full review. Subsequently the applicant appealed the interim steps and this appeal was heard and was disallowed.

The application for the full review was advertised in accordance with the legislation inviting representations from Responsible Authorities and Interested Parties.

He noted that on 25 March the premises supervisor along with a change in ownership changed to a Mr B Singh.

He also noted that they had received an email from the solicitors for Club 195 saying that they had received correspondence confirming the change in closing times for the new premises to 2am, together with agreed conditions proposed by the police. They confirmed that their client would be happy to withdraw their representation based on the proposed hours and conditions being imposed along with the removal of facilities for dancing.

They also believed that it would be beneficial for the premises manager to meet with the Police once a month, perhaps for the first three months, to discuss any concerns. They would also be happy to attend the meeting if requested.

Also tabled was a draft prospectus with proposals for the development of the premises into a Sushi and cocktail bar.

He asked that the members of the Sub-committee consider what steps were necessary for this review.

(b) Presentation of the Applicant's Case

Ms Jung, on behalf of the Police said that they had made the application for The Villa nightclub due to its history of violence as listed in their summary attached to the agenda. She went through the incidents listed, highlighting the stabbing that occurred on 6th September 2014 and this latest incident on 1st March 2015 of a large scale disorder, when a number of people returned to the club brandishing weapons. Pictures of this incident were also attached to the agenda. They showed that there were a number of people involved, at least 20 to 30 and a number were taken to hospital.

The Police had spent in the region of £6,000 in the last 6 months in respect to this nightclub. Patrons seem to have come in from North London and were associated with gangs. The Villa had brought in promoters to promote the event on the 1st March, but had not investigated them.

The Villa had since been bought up by Mr Singh and the Police were satisfied with his credentials and noted that he had a similar club elsewhere.

The Police had recommended four measures they would like to see imposed on this premises. They were:

1. Removal of 'Provision of Facilities for Dancing' as a licensable activity;
2. Curtailment of licensed hours to 01.30 each day with 02.00 closure;
3. Removal of the off sales supply of alcohol; and
4. Amendment to the Conditions of the Premises Licence as indicated.

Ms Jung then went on to refer to the current conditions and the amendments that would like to see made to them. These were listed in the agenda.

(c) Questions for the Applicant from the Premises Holder

There were no questions for the applicant.

(d) Questions for the Applicant from the Sub-Committee

Councillor Adams noted that there were detailed conditions outlined; in their opinion how would these conditions have stopped trouble happening. Inspector Thomas said it would have enabled everyone to be searched including the females, looking for Class A drugs and weapons. Ms Jung added that there would also have been CCTV to capture full face pictures, this could put people off from starting trouble, acting as a deterrent. Councillor Adams added that this would not prevent violence from happening but would be useful after the event.

The Chairman asked if those present wanted to see the CCTV footage of the events of 1 March 2015. It was agreed that there was no need to review the footage.

(e) Presentation of the Premises Holder's case

Mr Grant opened by saying that they agreed with the Police's proposals. He noted that the previous regime had serious management issues, hours of opening caused problems and there was insufficient management at the club during its operating hours. This could be resolved by cutting back on the hours. Mr Singh had now bought the company; he has a wealth of experience in running these types of premises. They were happy to remove the facility for dancing and would like to convert it into a sushi, cocktail bar as he has elsewhere. This would solve all the underlying issues at a stroke, with a new licence holder and new stringent conditions.

The Police have investigated this take over and were satisfied with it.

The problems identified by the other objectors have now been addressed by the change in use and should satisfy them.

(f) Questions for the Premises Holder from the Sub-Committee

Councillor Boyce asked if the premises had already changed its name from the Villa to something else although that seemed irrelevant to what was being discussed. Mr Grant replied that it was not irrelevant as it was indicative of what they were proposing, a restaurant and a cocktail bar.

Councillor Adam asked what would be the size and capacity of the new venue compared to the current business. Mr Singh said it would be larger, he had experience with other restaurants on various sites in Wanstead. His qualifications were in development. He wanted to bring sushi to Epping, create around it a lounge bar/cocktail concept. It would be a complete change and not a nightclub. This location would provide good footfall and parking.

No incidents have been reported to the Police from any of his other premises.

He would bring a new brand to the high street without it bringing trouble to the area.

Councillor Adams asked what kind of people would use this new venue? Mr Singh said that in Wanstead, it varied. Children came in after school to eat; later on the 20 to 37 age group came in; they also had families coming in. Word of mouth was how they survived as well as their high quality of food. He had 12 chefs working for him. He was trying to bring a lifestyle brand to Epping.

Councillor Adams asked why he would recommend so much improved security. Mr Singh said that it would be used to keep everyone safe in his restaurant and to ensure no overspill from Club 195. To ensure people flowed past them and did not disturb his customers. He would rather nip it in the bud at the front door.

Councillor Adams said that there was no comparable security like this at his current restaurants, so this would be new to him. Mr Singh replied that he catered corporate events that had thousands of people and so needed security. This was mainly to tell people that this was no longer a nightclub, it was not The Villa. Councillor Adams said that it seemed a bit over the top for a sushi bar. Mr Singh replied that he never had any complaints from his other establishments. He understood his business and would address any concerns at the beginning, like security, as there was also a nightclub next door.

Councillor Angold-Stephens noted that 4 out of 10 persons would be searched before coming in; would this be a deterrent to your investors? Mr Singh replied that there was a professional way to do this, especially as this would happen after 10pm, as there was the nightclub next door. He wanted to resolve any concerns that the public or the police would have.

Councillor Angold-Stephens asked if it would be a 7 days a week operation. He was told that it would be a 7 days a week operation but would not serve sushi on a Monday.

(g) Questions from the Applicant to the Premises Holder

There were no questions from the applicant.

(h) Closing statement from the Premises Holder

Mr Grant had nothing more to add to his statement.

(i) Closing Statement from the Applicant

Ms Jung had nothing more to add to her statement.

(j) Consideration of the Summary Review by the Sub-Committee

The Sub-committee withdrew from the meeting to consider the application in private. During their deliberations the Sub-committee received no further advice from the officers present.

RESOLVED:

That the application of the Expedited Summary Review of the premises licence for The Villa, Cottis Lane, Epping, Essex be upheld and that the following amending measures be agreed:

1. Removal of 'Provision of Facilities for Dancing' as a licensable activity.
2. Curtailment of licensed hours to 01.30 each day with 02.00 closure.
3. Removal of the off sales supply of alcohol.
4. Amendment to the conditions of the Premises Licence as follows:

Prevention of Crime and Disorder

- The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises. 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 28 days with time and date stamping. Recording shall be made available immediately upon lawful request of Police, Local Authority or Trading Standards. Download or export of CCTV should be in the native file format with the native player.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Police, Local Authority or Trading Standards recent data or footage with the absolute minimum of delay.
- Reasonable and adequate staff training is to be carried out and properly documented in relation to: Dealing with incident of Crime and Disorder; Sale of alcohol to (to underage persons, persons over 18 purchasing for underage) prior to being allowed to sell alcohol.
- All training records will be retained for 12 months and made available to Police and Local Licensing Officers upon reasonable request.
- A minimum of 2 SIA door staff (one male and one female) or one per 60 customers or part thereof, whichever is the greater, to be deployed from 2100 hours and until 30 minutes after closing of the establishment. A register of door staff employed will be kept and door staff will sign in and out when coming on duty and off duty. This register shall be made available immediately upon lawful request of Police, Local Authority or Trading Standards.
- All door staff will wear SIA registration badges and those engaged outside the premises will wear high visibility jackets vests.
- The head doorman will complete an incident log which shall include the following information and will be available to the police upon request:
 - a) All crimes reported to the venue.
 - b) All ejections of patrons.
 - c) Any complaints received.
 - d) Seizures of drugs or offensive weapons.
 - e) The full name and registration number of any SIA door person who has been involved in dealing with any of the above matters (a to d).
- From 2200 a minimum of four out of ten persons entering or re-entering the premises including those using the smoking area will be subject to a search by a SIA trained staff member during the times they are on duty. Any person who refuses to be searched will be refused entry. All searches must be carried out in full view of a CCTV camera. No person found with, or using a weapon or illegal drugs may enter or remain on the premises.
- No sales shall be made to anyone who appears intoxicated.

Public Safety

- No drinks will be permitted outside at any time.

- Suitable air conditioning shall be provided within the premises so as to prevent the need for doors and windows to be opened.

Prevention of Public Nuisance

- Notices shall be prominently displayed at all exits requesting patrons to leave quietly.
- No entry or re-entry after **01:00** save for bona fide customers who have used the designated smoking area.
- An appropriate automatic noise control device shall be used for all amplified sound produced as a result of any public entertainment events at the premises. The device shall be set so that the power to the equipment used for playing amplified music/sound shall be automatically cut-off if the volume of music/sound reaches a level audible at the façade of any noise sensitive premises. The device shall be connected to all external doors and windows that are not normally used for ventilation, entry or exit and shall be set to automatically cut-off any amplified sound if such doors or windows are opened. The device should be set to a level to be agreed by the Council.
- The Designated Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Designated Premises Supervisor (or representative) can ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

Protection of Children from Harm

- The Premises will operate a Challenge 25 Policy. Only photographic forms of identification are acceptable. These are:
 - i. Passport.
 - ii. Driving Licence.
 - iii. Accredited proof of age card bearing the PASS hologram or other nationally approved proof of age card.

Addition of the following conditions:

1. All persons entering the premises after 2100 hours will have their photographic ID scanned and recorded with a real-time image of them. This data shall be provided to Police upon lawful request. Failure to provide ID will result in refused entry.
2. A written security and searching policy shall be in operation at all times.
3. There shall be a personal licence holder on duty and on the premises at all times alcohol is available for sale.
4. The number of smokers permitted outside after 23:00 will be limited to 15.
5. Only polycarbonate drinking vessels shall be used on the premises with the exception of where they are not produced / available for purchase by the operator.

This does not include champagne glasses or other such glassware as agreed in writing with Essex Police.

6. All bottled drinks will be decanted. This does not include champagne bottles or other such bottles as agreed in writing with Essex Police.
7. No entertainment with full or partial nudity shall be offered.
8. All events will have risk assessments carried out and held on the premises for a minimum of 12 months. Risk assessments shall be made available to Police, Local Authority or Trading Standards with the absolute minimum of delay.
9. No external promoters shall be used.
10. No permanent or temporary dance floors or areas shall be installed or permitted.
11. From 2100 hours persons under the age of 18 are not permitted on the premises at any time unless they are part of a pre-booked table with responsible adults.
12. A suitable and sufficient fire risk assessment shall be undertaken prior to the premises opening and the capacity figure identified, this shall be referenced through the fire service as meeting their fire regulations. This shall be given to the Police and Licensing Authority.
13. It would be required that the manager or other appropriate representative of the premises meet with the Police once a month in conjunction with EFDC representatives to discuss any concerns, teething issues and advisory comments for the first 6 months of operation (if appropriate to ask the manager of Club 195 to attend these meetings); and to review the incident logs for the prevention of crime and disorder.

CHAIRMAN