

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Thursday, 4th February, 2010

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 10.00 am

Democratic Services: Gary Woodhall (Office of the Chief Executive)
Tel: 01992 564470
Email: gwoodhall@eppingforestdc.gov.uk

6. APPLICATIONS FOR A HACKNEY CARRIAGE DRIVER'S LICENCE (Pages 3 - 4)

The following appeal statement from Mr Ahmed has been received following publication of the agenda.

9. REQUEST TO REVIEW A PREMISES LICENCE - THE MINX, 126 HIGH ROAD, LOUGHTON (Pages 5 - 36)

The following additional documents have been received following the publication of the agenda.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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- Key
- 1 = Minx, 126 High Road
 - 2 = Hollybush, 140 High Road
 - 3 = BBQ, 171 High Road
 - 4 = Nu Bar, 153 High Road

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Door Policy

Introduction

The employment of door staff at Minx is an essential and important part of the operation of the premises. Door staff are normally the first and the last person that a customer sees when visiting Minx or Sheesha and consequently their impression can be long lasting in that customers mind, so the standards of their appearance and behaviour are critically important.

A considerable amount of legislation now effects the employment of Door Supervisors. The principle Acts of Parliament are as follows:

- The Fire Precautions Act 1971
- The Health & Safety At Work Act 1974
- The Crime and Disorder Act 1998
- The Private Security Industry Act 2001
- The Criminal Justice and Police Act 2002
- The Licensing Act 2003

As well as all this legislation, there are now various codes of practice and training handbooks, all of which lay down various standards. Consequently it is now essential for a modern bar operator to lay down clear procedures and requirements for the employment of door staff, which are outlined in the rest of this document.

Door Staff Duties

All Door Supervisors working at Minx must hold a currently valid Door Supervisors SIA Licence issued by the Security Industry Authority.

It is the Managers responsibility to check licence badges are current and not out of date. In the event that a door supervisor does not have his badge or the badge is out of date, then that person is not allowed to start work. The badge must be clearly worn on the outside of the jacket or coat and must be clearly visible.

All door supervisors working at the premises are required to sign on duty before starting work and sign off duty at the end of their shift. This is a requirement of the Fire Precautions Act.

Induction Process

Before being allowed to start work for the first time at Minx, new door staff should carry out a basic induction programme with the Manager. As part of this training they will need to bring proof of their identification (passport or driving licence) and their SIA Door Supervisors licence. A colour photocopy of the SIA licence must be provided and this is to be attached to the personal details form. They will also need to submit their personal details including home address and contact telephone numbers. This information will be held in confidence by the Manager.

This door policy document forms a part of the induction and the personal details form must be signed to confirm that the contents of the Door Policy have been read and understood.

Code of Conduct

All door supervisors at Minx must comply with the following requirements:-

Wear smart clothes at all times.

During the winter this will normally consist of a black suit with a collared white or black shirt. Any overcoats are to be consistent with formal wear and black or dark blue in colour.

During the summer Door Supervisors are required to wear smart black trousers combined with a collared white or black shirt.

Hats are not permitted unless at the discretion of the Manager and this should only be in cases of extreme cold weather.

Always wear clean polished shoes

Make sure that you are cleanly shaven

You may not smoke, eat, drink, or chew while on duty unless on a break.

Never consume alcohol while on duty or before commencing work.

You must not wear any jewellery other than a wedding band.

Always be polite to customers, calling them Sir or Madam, and greet them by saying Good Evening.

Do not use your mobile telephone for personal calls while on duty.

Never discriminate or be offensive in any way.

Ensure that any complaint is referred to the Manager

Say Goodnight to customers leaving the premises and encourage them to depart quietly, keeping disturbance to a minimum

Make use of clickers to ensure that the premises are not overcrowded.

Admissions Policy

It is the policy of Minx to admit customers, guests, visitors and any member of the public irrespective of their colour, race, religion, sex or disability provided that:

- 1 They are not considered to be underage for the night in question
- 2 They meet the dress standards
- 3 They meet any local licensing requirements
- 4 They abide by the house rules
- 5 They don't refuse to be searched, where appropriate
- 6 They are not under the influence of drugs or alcohol
- 7 They have not previously been banned
- 8 They are not subject to an exclusion order
- 9 Their behaviour at the time of admission is not likely to cause a disturbance, create disorder or be offensive to any customer or employee

If a Door Supervisor is required to turn a person away from Minx, their admission must always be politely refused. Door staff should not engage in arguments with customers and if necessary to talk to a person about their behaviour, then diplomacy and tact are the key words.

Under no circumstances may door staff take the initiative to use force or offer violence.

Where refusing entry, explain courteously the reason for refusal. For example:

“I am sorry Sir you do not meet our age policy”.

“We are at capacity at the moment you are more than welcome to queue”.

“Sorry the doors closed at 10.30pm”.

Whenever appropriate Door Supervisors should ensure that the customer recognises that refusal is just for that particular night, the reasons for the refusal and that they are welcome on another occasion subject to the usual Door Policy.

Even customers who are turned away on the basis of age should be treated with respect and advised of an appropriate age when they will be able to frequent the establishment.

In order to promote good business, there are instances where discretion on entry is required. These instances will normally centre around the dress code and the time of entry. For example:

A 30 plus year old man and 25 years old female companion turn up at 11.00pm. The man is wearing trainers, however he looks fashionable rather than scruffy. The venue is not at capacity
Entry should be allowed to these people.

Drugs Policy

Minx operates a policy of zero tolerance with regards to drugs.

The Management, Door Supervisors and Bar staff are instructed to be vigilant in this area and provide each other with support to maintain this initiative

Admission must be refused to anyone suspected of dealing in illegal drugs on the premises.

It is a requirement of the Door Supervisors role that the men's toilets are checked on a half-hourly basis to discourage the use or dealing of drugs.

Where necessary Door Supervisors should receive training on how to deal with drug related situations through the Door Supervisors National Certificate (DSNC) qualification.

All drug related incidents must be reported by way of an incident Report.

Searches

It is not normal company policy to carry out searches. However at the Managers discretion Door Supervisors may be instructed to adopt a search policy. For example, to avoid customers smuggling alcohol into an 18th birthday party. Where a search is required the following guidelines must be observed:

- Consent must be asked before a search can be carried out
- If a search is carried out without consent then it is viewed as assault.
- Refusal to consent to a search is a justifiable reason to refuse admission.
- Searches must be restricted to non-intimate areas only.
- If a male Door Supervisor must search a woman, then the search must be restricted to bags and outside pockets.
- Door Supervisors are not allowed to put their hands in a handbag or empty it themselves, this must be done by the person who owns the bag.

Seizure

In the event of items being seized and incident form must be filled in detailing a description of items seized and where found. Also included should be details of any action taken (person detained, police called, etc) and the signature of the person who seized the item/s.

Weapons

An offensive weapon is legally defined as “anything which has been made, adapted or is intended to cause injury”

Door Supervisors are trained through the Door Supervisors National Certificate Scheme to be vigilant for weapons and the ways of dealing with them if the situation arises.

An example of how to deal with offensive weapons is to: Seize the weapon; refuse entry to the person; fill in Incident Log.

If a person refuses to hand over an offensive weapon, a Door Supervisors first priority is to ensure that the person is not on the premises. Once outside, Door Supervisors should avoid engaging with person and call for police assistance if necessary. Immediately the person has left the police should be notified of the event in case the person attempts re-entry or visits another local licensed premises.

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Inspector Morrissey,
Loughton Police Station
158 High Road
Loughton
IG10 4BE

9th October 2006

Dear Inspector Morrissey,

Re – High Road Loughton

I am writing to express my concerns regarding the lack of a visible police presence after the closing times of the bars/pubs on the High Road in Loughton. I have already voiced these concerns to Simon Fisher in a letter dated 15/09/06 and wanted to appraise you of the situation.

Since the licensing reform of November 2005, Minx, Hollybush, and NuBar have operated until 1am on every Friday and Saturday. To my knowledge, from that date until approximately April 2006, there have been only a few minor incidents of disorder and violent behaviour.

However, since the grant of a 2am licence to the new kebab shop, Loughton BBQ, on the High Road, there has been a marked increase in unsocial behaviour. There is an obvious concern, as patrons from at least three different establishments are congregating around the shop.

From a business perspective there is a risk that due to the location of Loughton BBQ incidents will be attributed to patrons of my premises.

I have spoken to police officers on a number of occasions, when they have been called to incidents and have expressed my concerns with regards to the reactionary nature of the policing.

I have the utmost respect for the work that is carried out by the police in Loughton and have always been impressed by their professionalism and conduct. However, I do believe that it is imperative that there is a stationary police presence within the immediate vicinity of the Kebab shop.

It would in my opinion be a great benefit if your department is able to allocate two officers for at least the hour between 1am and 2am on Fridays and Saturdays.

I look forward to hearing from you with your views on this matter.

Yours sincerely

Ravin Maharajah
Designated Premises Supervisor

Edward Davis,
Environmental Health Technical Officer
Epping Forest District Council
Environmental Services
Civic Offices
High Street
Epping
CM16 4BZ

18th November 2007

Dear Mr Davis,

Re: Representation against Licence Variation – Minx, 126 High Road, Loughton

Further to your letter to Whiskers Solicitors dated 6th November and our subsequent telephone conversation on 15th November 2007, I am writing to provide details of additional information to be included in the premises operating schedule.

Noise Control Management:

The venue has in place a noise restricting device which is connected to all elements of the amplified system. This prevents music and bass levels from going beyond a level which is audible outside the premises.

There is no noise from amplified music at the nearest noise sensitive premises and this is monitored weekly for any changes.

There are a total of 8 loudspeakers spaced evenly around the room to ensure a good spread of music without the need for louder levels. Speakers are mounted on vibration dampened fixings.

The premises are insulated with sound insulation plasterboard, sound breaker bars, dense soundproofing mats and acoustic mineral insulation.

All windows are fixed and permanently closed. The windows are constructed of a suitable thickness to prevent amplified music from leaking.

The door team and all other staff have been instructed and monitored, to ensure that the door for entry is open only for minimal periods, on entry and exit of patrons.

The entrance and exit has a lobby whereby one internal door is closed as the other external door is opened, thus preventing noise spillage.

Prevention of Public Nuisance

There is in place a number of crowd control measures to ensure that patrons exit the premises in an orderly fashion:

From 1.30am music levels will be adjusted to 75% of their previous levels, to enable customers to re-assimilate their hearing to normal levels. This should help in the prevention of raised voices on leaving the venue.

From 1.30am, "chilled" music will be played to lower the tempo and possible excitement levels of patrons

On closure and at regular intervals throughout the night, the DJ will announce to patrons the need to leave quietly and quickly without causing disturbance.

There will be appropriate signage displayed in prominent places around the building including the entrance, toilets, garden.

Signage will also be displayed on the exterior of the building and with the permission of the council the premises will sponsor signage in the two adjacent car parks.

The premise's has a garden which is solely for smoking use. This garden is walled on three sides and has only one small opening facing the green, which is screened to prevent airborne noise.

Roving security patrols will ensure that patrons leave responsibly and with a minimum of disturbance.

All staff will have appropriate instruction, training and supervision to prevent incidents of public nuisance on dispersal.

There will be a total of four CCTV cameras placed on the exterior of the building.

Two local taxi services are used to collect patrons from the premises and staff arrange calls on behalf of patrons. Drivers pull up only on the High Road outside the premises and they communicate name/s of patrons to door security.

Deliveries and services are carried out between the hours of 9am – 7pm

To prevent glass noise, waste bags containing bottles are stored in garden and bins are filled during day hours the following day.

I hope that the inclusion of the preceding information in the operating schedule is satisfactory and will allow you to withdraw the representation made. However if you feel there are any other measures that have been missed and would be appropriate for the venue, please do not hesitate to contact me.

In addition, it has been observed during the past, that when the additional hour has been used that it has lead to the staggered dispersal of patrons, thus helping reduce potential noise nuisance rather than contributing to it.

I am also in possession of a sound study report that was conducted at the boundaries of the property throughout the trading hours of a Saturday Night, a few months ago. If it would be beneficial for you to have a copy of this report, please let me know and I will forward immediately.

I look forward to hearing from you shortly.

Yours sincerely

Ravin Maharajah
Designated Premises Supervisor

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Bar lounge restaurant

Recorded Post

Chief Inspector Alan Ray
Epping Police Station
230 High Street
Epping
Essex
CM16 4QJ

15 December 2009

Dear Chief Inspector Ray

Licence Review of Minx Bar in Loughton High Road, Essex

I am writing to ask for your help in resolving a situation that has arisen due to the actions taken by one of your Acting Inspectors, Tom Simons. Since I first came into contact with Mr Simons in October 2009, the relationship between him and our premises has seriously deteriorated to the extent that he has issued a licence review, without proper consultation or communication.

I have held the licence (with my business partner) for the Minx bar since 2004 and have a successful record of fully cooperating with health and safety regulatory bodies and other agencies such as Epping Forest District Council (Kim Tucky) and the licensing body for Essex Police (Simon Fisher). I have never experienced any problems or difficulties as I believe, we work in partnership and actively resolve any issues or suggested changes recommended to us by the above parties.

Mr Simons insisted I attended a meeting at Loughton Police Station on 26 October 2009. This was the first time I would meet Mr Simons in person and he would not give me any prior indication of the content of this meeting. The opening gambit from Mr Simons was to immediately inform me that he had solely been responsible for closing down a licensed premises Club 195 in Epping. This immediately made me feel pressurised as to his intentions. He stated to me that he could close my bar down at any time. I felt his tone to be instantly aggressive and confrontational. I can state that I have never in my personal or professional capacity ever experienced this type of behaviour from the Police service. At this meeting I was presented with an action plan which I agreed to as it did not appear that I had any other option but to sign there and then. Mr Simons insisted that I formalised these amendments to the actual Licence within fourteen days. As the licensed premise belongs to Trust Inns, I am not in a position to have the changes on the action plan added to the licence without consulting them first. However, I implemented these changes at the premises by 30 October 2009 and were waiting to consult with Trust Inns about having them formally added to the

Minx is the trading name of NRG (UK) Limited.

Registered in England & Wales Registered No. 04916496

Registered Office: 126 High Road, Loughton, Essex, SS21 4BE. TEL: 020 8923 6319, Fax 0870 762 273



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licence. Please see our email to Mr Simons outlining the above and a formal request for disclosure of the numerous incidences he relates to the Minx Bar and Mr Simons' subsequent reply which I found to be terse and hostile (appendix A).

The only point of contention was that no glassware should be allowed on the premises. I raised this during the meeting with Mr Simons on 26 October and he agreed that it did not apply to champagne and wines.

On Saturday 28 November 2009, I was visited by three Police officers from Loughton Police station, who came to the Minx bar, to conduct a licence check just prior to midnight. From the outset, the officers' attitude was hostile and confrontational and I was immediately told that they could close my bar down. They completed the licence check and found no evidence of any breaches in the licensing regulations. This was the second time, I have heard this threat of closure from Loughton Police officers and I found it alarming that this should even be mentioned when we are fully cooperative. As far as we are aware (myself and the venue manager Anthony Hales) and from the conversations with the officers, at the time, they agreed that the beer bottles were being served in non glass containers etc. The only items being served in glasses were the wines and champagne which was agreed with Mr Simons at the meeting on 26 October. Mr Simons states in his Application for the review of the licence (copy attached for your convenience) that we have not implemented these changes. This is incorrect as his own Police officers have witnessed these changes to the licence were being complied with on their visit of 28 November 2009.

Also in this application, Mr Simons compares us to other venues, within the local area and lists incidents of crime and disorder solely attributable to us. Please note that this is the first we have heard of these incidents. At the meeting with Mr Simons he just mentioned specifically the incident on 24 October 2009. It would seem rational that we should have been notified of the rest of the incidences in writing, prior to having the licence review thereby, giving us the opportunity to discuss and respond. If Mr Simons is relying on the volume of crime and disorder allegations that have been reported to the Police and is indicating that it is the Minx Bar that is solely responsible for these, which is the basis of his licence review, surely I should be in a position of having advanced notice of disclosure of all of these reports. This will give me an opportunity to rebut.

Please note that the Minx Bar is situated on the corner next to two car parks, directly opposite a late night kebab shop, in between two late licensed venues, close to a taxi office and London underground station. Therefore incidences nearby the venue do not necessarily mean that they are related to patrons of Minx as stated in Mr Simons' licence review.

We note Mr Simons comments regarding a member of the door staff who appears not to have waited to provide a statement for the Police. We agree, if this was the case, it is unacceptable and expect all our agency staff to cooperate fully. If Mr Simons had asked me to obtain a statement by this doorman on the 24 October 2009, I would have ensured it would have been done immediately. Minx Bar have always employed SIA licensed doorman (from a local company) who are also used by other venues on Loughton High Road. We have the systems



Bar lounge restaurant

in place to take this up with the agency direct and for the relevant person to be disciplined. If Mr Simons had called me I would have been able to rectify the situation very quickly.

Mr Simons states in the Application for review that he had invited me to attend a meeting on 2 December 2009 at 10am and that no representative was able to attend. This is my recollection - Mr Simons telephoned me on Sunday 29 November in the afternoon and asked if I could attend this meeting. I stated that I could not make that time due to prior commitments but was happy to reschedule to later in afternoon. I also asked if I could call him back later as I was in hospital at the time. Mr Simons replied that it was a 24 hour business and implied that I should be able to speak to him there and then. He then stated that his phone would be off later and would not be contactable. I also asked if the meeting was important to which he replied it was "nothing too serious". It did not make sense to me why Mr Simons was being so hostile. This type of behaviour is inflexible and is proving to be impossible to have a reasonable working relationship.

I have always sought to resolve any issues that may arise within the business and fully co-operate and have a good working relationship with all our partners but feel greatly disturbed as to how this matter with Mr Simons has deteriorated within the space of four weeks. Minx Bar has always been a responsible employer for five years and during this time, I have invested and contributed within the local community. I would value your guidance in helping to resolve this issue and seek your support in mediating as an independent third party. I feel this would be beneficial for all stakeholders concerned. Your early response would be greatly appreciated and I look forward to hearing from you.

Yours sincerely

M Nadeem Din

CC: Tom Simons (Thomas.Simons@essex.pnn.police.uk), Kim Tucky (ktucky@eppingforestdc.gov.uk), Simon Fisher (simon.fisher@essex.pnn.police.uk)

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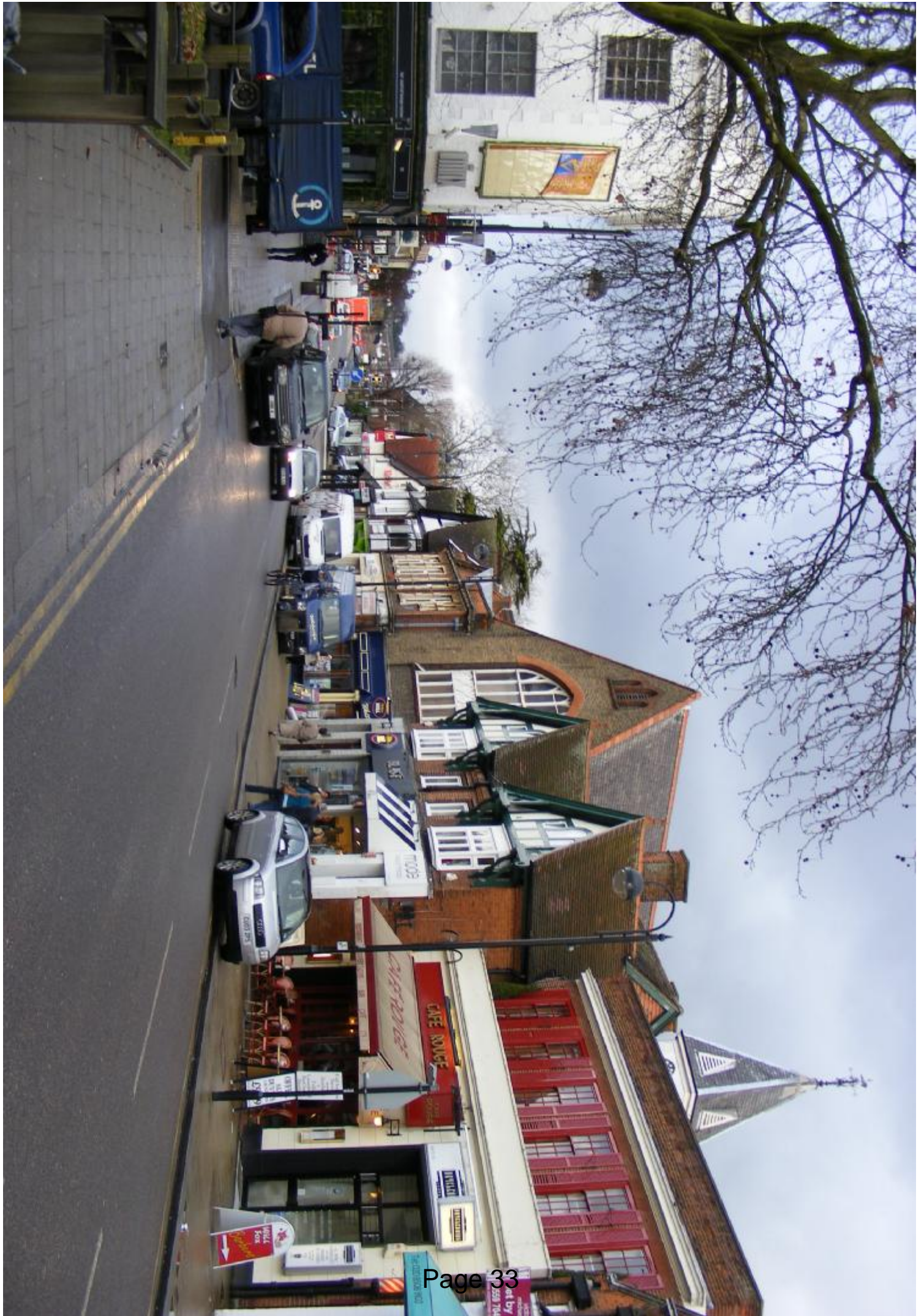
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