

(supporting statement), Tracy Thomas (supporting statement), Stewart Bowles (supporting statement) and Paul Coe (supporting statement). In attendance for Epping Forest District Council was Dr Ashley Bowes, Barrister. Objectors to the application attending were Ronan McManus, Essex Police and Councillor Holly Whitbread, Epping Lindsey and Thornwood Common Ward.

(a) Application before the Sub-Committee

The Licensing Manager, K Tuckey informed the Sub-Committee that an application had been made by CK Entertainments Limited, Play House and Essex Roof Garden, 195-199 Cottis Lane. Epping CM16 4BL for a new time limited premises licence until 01 January 2021 at 195-199 Cottis Lane. Epping CM16 4BL. The application was received on the 3 July 2020.

The application was for the following licensing activities:

The Provision of Live Music

Monday to Thursday 11.00 – 22.00, Friday to Saturday 11.30 – 03.00

The Provision of Recorded Music

Monday to Thursday 11.00 – 22.00 Friday to Saturday 11.00 – 03.00

The Performance of Dance

Monday to Thursday 11.00 – 22.00 Friday to Saturday 11.00 – 03.00

Anything of a similar description to that of above

Monday to Thursday 11.00 – 22.00 Friday to Saturday 11.00 – 03.00

Late Night Refreshment

Friday to Saturday 23.00 – 03.00

The Sale by Retail of Alcohol

Monday to Thursday 11.00 – 22.00 Friday to Saturday 11.00 – 03.00
On and Off the premises

Opening Hours of the Premises

Monday to Thursday 11.00 – 22.30 Friday to Saturday 11.00 – 03.30

All licensable activities should be extended from the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day

An additional hour to the standard and non-standard times on the day when British Summertime commences.

The Responsible Authorities had all received a copy of the application, it was also advertised at the premises and in a local newspaper.

All residences and businesses within a 150 meter radius of the premises were individually consulted.

When considering an application for a licence the licensing authority must have regard to the steps that are appropriate to promote the licensing objectives.

These were:

- (a) the prevention of crime and disorder;

- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

The authority had received 6 representations of objections from Essex Police, Epping Town Council, 1 from the local ward Councilor and 3 from local residents. There were also 21 representations from local businesses and residents in support of the application.

(b) Presentation of the Applicant's Case

Mr Robert Sutherland advised that the application was to vary the licence to Fridays and Saturdays and for that purpose the application should be amended to reflect Fridays and Saturdays, the Sunday before the bank holiday, Christmas and New Year only as Sundays – Thursdays are covered by the current licence and it enables the Sub-Committee to focus on the crux of this particular application.

Mr Sutherland referred to page 119 of the agenda, this set out the history of the premises which was subject to a Review of the Premises Licence in January 2019, that resulted in the Premises Licence being revoked, in the run up to that review the premises traded as Club 195, a nightclub that had attracted an undesirable clientele.

Following that Review, a new management team led by Mr James Hoffelner was assembled. Under the new management team, a successful application was made for a new Premises Licence with conditions to the hours of opening to cease at 01:00, with the premises closing at 01:30. The Sub-Committee thought this was a fair balance and was appropriate for the promotion of the licensing objectives, in particular the crime and disorder and public safety objectives. The applicant was encouraged to apply for temporary event notices which would give them an opportunity to test their new model to a later hour and by doing so the applicant could demonstrate that the licensing objectives could be adhered to.

The reason the applicant had applied for a new Premises Licence was because it was time limited and if the Sub-Committee were of the mind to grant this Licence then it would come to an end on 01 January 2021. The applicant had not gone for the temporary events notice route because the Police had made it clear that whatever application was put in they would oppose, and consequently the applicant felt it was appropriate that an application was submitted for a temporary time limited Premises Licence because that would cover all of the days the applicant was looking for, it would enable all of the responsible authorities to become involved and should there be any need to change the conditions that would be the most appropriate way of dealing with a fresh application.

During the period since July 2019 a number of developments have been carried out on the premises to improve conditions and would be ready for the premises to open towards the end of September 2020.

Mr Sutherland referred to the revocation of the licence in January 2019 where the Police made a lot of emphasis on the fact that crime has stopped since then and in essence the decision that was made in January 2019 was very much focused upon the operator, the poor management and the poor practices which were taking place at the premises. In July 2019 when the new application came before the Sub-Committee they were informed that the management had substantially changed and

confidence was given to the Sub-Committee that they decided to grant the licence with conditions.

Mr Richard Bunch, Complete Licensing, advised the Sub-Committee that he was asked to produce a policy document (page 149-173 of the agenda) to support the licensing application and future licensable activities at the premises known as The Play House and Essex Roof Garden, 195-199 Cottis Lane, Epping.

He stated that he had looked at the operating procedures of the previous venue, Club 195, the evidence that was presented at its revocation and how to move forward to operate in a more professional manner to secure the licensing objectives. He stated that he had looked at the crime figures at length in relation to the previous three years leading up to the closure of the club and since the club had been closed. There was a consistent level of crime in Epping and that had remained consistent over the last three years and the new team needed to ensure that they could instil confidence in the local community, the Police and the District Council. Therefore, he had delivered a report that had covered everything from how security would be managed, entry to the club, monitoring of clients inside the venue and as a business recognise that we have a responsibility beyond the closure of the club and we would move into dispersal.

He added that he was confident that the levels CK Entertainments would put in place to deliver tight security, good quality management, to secure a client base that will not cause crime and disorder and to link in with the community and the Police to deliver a package that will instil confidence in the district.

I would like to answer some of the objections supported by the Police, the Police clearly stated that there had been no reported crime or that there was a significant decrease in Epping since the club had been closed, my report will clearly show that crime levels remain consistent in the area. There have been break-ins to McColl's, a fire arm was discharged at the Duke of Wellington Public House and a man was assaulted outside the Speakeasy Bar in 2020 whilst the venue had been closed. This was recorded crime that was received by Essex Police under the Freedom of Information act, detailing offences that had taken place in and around Epping High Street.

Mr Tony Nash, Shield Associates, stated that there were some inaccuracies in the police report which raised concerns that the management and the ownership of the venue was the same people who had previously owned the venue, this clearly was not the case as David King was no longer a shareholder or a person with any significant control.

Mr James Hoffelner was the Designated Premises Supervisor (DPS) and had a history of effectively managing clubs which previously had difficult histories. Mr Hoffelner had dealt with a number of licensed premises and had been highly successful in managing the high footfall and various issues in those venues. Looking at the Police Crime figures from when the venue had been closed over that period of time the level of violence and anti-social behaviour has continued and therefore cannot be attributed to the venue.

The new management structure that had been put in place along with the infrastructure of support to deal with any issues arising at this venue would be successfully run to meet all of the licensing objectives.

Mr Richard Vivian, Big Sky Acoustics Limited, advised that he was present at the last meeting in July 2019 and stated that a lot of work had gone into addressing the

concerns raised at that meeting. He stated that he had worked with Mr Hoffelner on numerous other venues in very sensitive locations and it came down to a question of good practice. It was an expensive process but it was about having the right people, good operational practices and adopting industry best practice to ensure people are effectively managed as they leave a licensed premises.

Mr James Hoffelner, stated that when customers attend the venue that they had a good time, they were entertained, that they spent money in the area and more importantly that they did not disturb the residents of Epping. We will have in place door staff in the high street to stop noise and direct people to minicabs, there will be welfare officers and medics on standby to help people relocate their friends and deal with any emergencies. Usually welfare officers would attend larger venues or events but we are taking our commitment seriously in making sure that noise nuisance was minimal. He advised that he was sure he could manage this venue and operate it successfully and commercially with no adverse impact to the local community.

Mr Robert Sutherland stated that in relation to the premises licence conditions that had currently been put forward and were also currently imposed on the licence, which was granted by the Sub-Committee meeting in July 2019 and the conditions agreed with all parties prior to that meeting, there had been some minor amendments which had also been approved and stated that the last admission to the venue will be one hour before the premises closes to the public and that condition will still be maintained.

He stated that the level of support by residents and businesses in the area should not be underestimated.

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

Councillor Morgan asked what was the maximum number of customers that the venue would hold.

Mr Hoffelner replied that he had consulted with health and safety consultants and the maximum number of customers at the venue would be 700.

Councillor Morgan asked when people attend the club do they have to be a member or sign in and pay a certain amount to enter the premises.

Mr Hoffelner replied that anyone entering the club would be ID scanned on a system that linked in with other clubs which would indicate if they had been banned from other clubs due to acceptable standards, if not we would then ban such person if they did not meet the acceptable standards.

Councillor Pond asked if the garden terrace was going to be in use and how many people would be able to use the terrace at any one time.

Mr Sutherland advised that as agreed with the Environmental Health Officer at the last meeting in July 2019 there would be no change of use.

Councillor Heather asked the applicants to confirm that since the granting of the licence in July 2019 the club has not operated at all,

Mr Sutherland confirmed this to be correct.

Councillor Heather asked if any of the conditions with regard to the licence agreed in July 2019, have actually been put into practice.

Mr Sutherland replied that to be correct as work had been ongoing at the premises to make sure that everything was in the correct place for when it did open.

Councillor Heather advised that the decision from the Sub-Committee dated 29 July 2019, Paragraph 7 (page 97/98 of the agenda) stated:

'By granting a premises licence, we have taken into account the applicant's right to apply for temporary event notices which would give them an opportunity to road test their new model to a later hour and the possibility of making an application to vary the licence we have granted, to extend the hours of operation, if the applicant can demonstrate that doing so would not undermine the licensing objectives.'

This has not been road tested and we have therefore not seen the club operate at all even to 01:00hrs.

Mr Sutherland said as he understood it by the report from the minutes of that meeting that the applicants would be able to apply for a temporary events notice. Whether the club was open or not that licence that was issued in July 2019 stood. It would appear that a consideration was given for a short term trial and the applicants have come back to the Sub-Committee with a time limited application so that they could trial these hours.

(d) Questions for the Applicant from the Objectors

Mr Ronan McManus, Essex Police stated that on the 13 July 2020 the management at top level were Mr King and Mr Scott, so from that perspective the top level management were still in place, was this still the case or had Companies House got it wrong.

Mr Hoffelner in the supplementary agenda the print out from Companies House you will see next to Mr King's name it says resigned. Therefore Mr King has resigned and has nothing to do with the premises, there are new shareholders and new investors in the premises, which was reflected in Companies House as of today but were not reflected previously.

Mr McManus asked who were now the directors of the Playhouse and Essex Roof Garden.

Mr Hoffelner replied that the directors were Mr Cummings and Mr Anderson. He advised that he was the DPS and was legally responsible for the day to day operational management of the premises.

Mr McManus asked about the dispersal policy and potentially 700 people could be leaving the premises at 03:00hrs, what was the policy for 700 people leaving the quiet market town of Epping.

Mr Hoffelner advised that they had completed an extensive dispersal strategy and appreciate that Epping does not have very good public transport links, we would be relying on private transport to get people home. A phased dispersal would operate so we would do fixed light positions, change the tempo of the music and in this way we will gradually encourage people to leave the club. In my experience 700 people would not leave a club at the same time there would be a gradual dispersal policy out into place.

Mr MacManus stated back in January 2019 people gained access to the club by avoiding the security and gaining entry through the smoking areas and fire escapes he asked if this had been taken into account with security and keeping people safe within the premises under the new regime.

Mr Sutherland replied in the 2019 review process it was clearly found by the Sub-Committee that the management and the management practices were not being followed and the management was poor and their operations were poor. In respect of this new management it was much tighter and that they will comply with the various policies that have been put into place.

(e) Presentation of the Objector

There were no objectors present.

(f) Supporting Statements for the Application

Frank Major advised that he had lived in Epping for 30 years and that he had a general understanding of the community and people in the area that he had grown up with. Most of the bars and late night venues in the Epping Forest district that played current music where young people would go to socialise have closed and there isn't anywhere in the district for that generation of people to go.

During the last six months I have noticed the amount of rubbish in the more remote areas of the district where the younger generation are taking it into their own hands to party, we need to give them some sort of venue where they can go and listen to music until the early hours and to meet socially.

Tracey Thomas advised that there had been a nightclub on those premises for over 30 years, over the years there have been some good incidents and bad incidents but I do agree that we need a music venue in this area. The new proposals and the changes in the way the club will be run with the acoustics inside and the new security measures that are being put in place was very forward thinking. I believe this application needs serious consideration for the licence to be granted and people will see that this club was going to be run in a way that was outstanding.

Darren Bowers, Platinum Security stated that from a business perspective I feel that if the club was to open again in Epping it will create much needed employment and boost income to our supply chains, including private car hire. With regard to the security I would just like to highlight the high level of security that was being put in place, the system designed has a very high specification of CCTV and to ensure the system's integrity it will be regularly maintained with engineers on call 24 hours a day.

Paul Coe stated that he worked in a very risk adverse environment, aviation and oil and gas construction. He advised that he had a lot of visitors who come to the UK from all over the world and entertaining those visitors locally was of paramount importance to me by visiting local restaurants followed by a late night facility for my business was absolutely key. I am very keen to support this application.

Stewart Bowles, a local resident stated that he had lived in Epping for 20 years. I see young people night and day hanging around on the streets with nowhere to go. There are regular fights and disturbances and if they had somewhere to go in the evening they would be safe, contained and controlled.

(g) Closing Statement from Essex Police

Ronan McManus stated that the structure that was in place until 03:00hrs has not been tested and in order to continue we would suggest that if you are of a mind to allow the current licence to remain at 01:00hrs finish.

(h) Closing Statement from the Applicant

Mr Sutherland stated in relationship to this application that he had focused on the premises licence application which deals with Friday and Saturday nights only for the nightclub operation. Mr Hoffelner who was the DPS will be responsible for delivering that operation.

The delay in opening the premises has been entirely to ensure that the premises were able to operate in the manner which was required by the licence and to the high standard that we wish to take forward in this club.

If the licence was granted all aspects of the current Covid-19 pandemic will be adhered to and the club would only open if and when it was safe to do so. A Covid-19 risk assessment would be done and this would advise on how the club would operate and the numbers that would be allowed.

The purpose of this application was to enable the club to operate on Friday and Saturday to a later time. If the Sub-Committee was to grant the licence they could stipulate the time the club would close, the Police have advised that they would like it to be 01:00hrs and I would like to point out that the club already has a licence to 01:00hrs. Therefore I would ask the Sub-Committee if they were not happy with the time of 03:00hrs then they could stipulate 02:30 or 02:00hrs.

The Sub-Committee have heard from an experienced team on how the club would run but I would like you to take into account was the high level of support of the 21 representations from the businesses and residents of Epping who were prepared to take time out in support of this application.

Therefore we are asking this Sub-Committee to allow a premises licence until 03:00hrs for Fridays and Saturdays for a time limited period, to prove that the new management could fulfil the promise that they are making to you.

(i) Consideration of the Application by the Sub-Committee

Dr Ashley Bowes, Barrister for the Council stated that he would like to clarify with the Applicants a point, in their opening of the presentation the Applicants advised they were seeking in effect of variation to their existing premises licence but I would like to ask the applicant if they are seeking a formal variation to the current premises licence or are they still seeking the Sub-Committee to determine the premises licence application that was put in in July 2019.

Mr Sutherland advised that there was a premises licence already in existence and will continue, this application was for a time limited licence and what I was seeking to point out that this application was for a variation to Fridays and Saturdays. In relation to Sundays to Thursdays, to avoid confusion this was just to focus on Fridays and Saturdays, I was withdrawing all references to the other days apart from bank holidays over Christmas and New Year.

Dr Ashley Bowes asked if this application should be treated as a variation under Section 34 or to treat this as a standalone application.

Mr Sutherland stated that this should be treated as a standalone application as it was for a fixed period.

Dr Ashely Bowes thanked the applicant for clarifying the legal nature of the application before this Sub-Committee.

The Chairman advised that the Sub-Committee would go into private session to consider the application.

During their deliberations in private session the Sub-Committee received no further advice from the Officers present.

RESOLVED:

That the application for a time limited premises licence in respect of Play House and Essex Roof Garden 195 – 199 Cottis Lane, Epping, Essex CM16 4BL, be refused.

That the decision of the Sub-Committee was that the application for a new time limited premises licence in respect of Play House and Essex Roof Garden, 195-199 Cottis Lane, Epping CM16 4BL be refused.

The Chairman outlined the reasons, to which the Sub-Committee considered were reasonable and proportionate for refusal in relation to the licensing objectives.

- (1) That the Sub-Committee had regard to the reasons for granting of the premises license on 29 July 2019. As explained on that occasion the Sub-Committee were satisfied that ceasing trading at 01:00 was a fair balance to promote the licensing objectives but that the premises had an opportunity to road test trading until 03:00 via a Temporary Event Notice.
- (2) That the Sub-Committee heard today the premises had not traded since that license was granted and that no Temporary Event Notices have been submitted.
- (3) That the Sub-Committee therefore remain of the view that there was inadequate evidence to demonstrate the premises can be satisfactorily operated, in line with the licensing objectives, until 03:00.
- (4) That the Sub-Committee also remained of the view that the premises could seek a Temporary Event Notice to road test the later opening hours.

The applicants and objectors are reminded of their right of appeal to the Magistrates Court within 21 days of the date of the written notification of this decision.

CHAIRMAN