

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 5 October 2006

Place: Council Chamber, Civic Offices, **Time:** 10.15 am - 1.05 pm
High Street, Epping

Members Present: M Cohen, Mrs R Gadsby and Mrs P K Rush

Other Councillors:

Apologies:

Officers Present: R Ferriera (Legal Executive), S Harcher (Environmental Services) and G J Woodhall (Democratic Services Officer)

43. ELECTION OF CHAIRMAN

RESOLVED:

That, in accordance with the terms of reference for the Licensing Committee, Councillor M Cohen be elected Chairman for the duration of the Sub-Committee meeting.

44. DECLARATIONS OF INTEREST

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

45. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

46. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE

The three Councillors that presided over this item were Councillors M Cohen, Mrs R Gadsby and Mrs K Rush. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee. In attendance on behalf of the application were: Mr S Cummins, the Designated Premises Supervisor; Mr L Hoddinott, the applicant's legal representative; and Mr J Copenhall, the applicant's adviser for the form of entertainment proposed. Mr S Fisher was in attendance on behalf of Essex Police, who had objected to the application. The Chairman then introduced the members and officers present, and outlined the procedure that would be followed for the determination of the application.

(a) The Application before the Sub-Committee

The Principal Team Leader (Consumer Protection) informed the Sub-Committee that an application to vary a Premises Licence had been received in respect of Club 195,

situated in Cottis Lane, Epping, along with representations from interested parties. The application had requested permission for the performance of dance, to include nude or semi-nude professional dancers, from 11.00am to 4.00am on Mondays to Saturdays inclusive.

(b) Presentation of the Applicant's Case

The applicant's legal representative reminded the Sub-Committee that the premises had opened in October 2003, and the current licence had been granted in 2005 with a variation agreed in August 2006. The application was to allow professional dancers to perform at the premises with music provided by a disc jockey from Mondays to Saturdays inclusive. The premises had suffered a loss of business since opening hours had been extended for other establishments in the vicinity, hence the premises were examining various innovative solutions to grow the business and this would be a unique form of entertainment in the local area. The Sub-Committee were requested to disregard the representation made by Mr and Mrs Clarke as their objection had been based upon moral grounds, not matters covered by the Licensing Act 2003.

The applicant's adviser for such entertainment informed the Sub-Committee that this would be more of a adult leisure activity; customers would be greeted, shown to a table, service would be provided by waitresses and the dancers would circulate around the tables. There would only be semi-nude dancers in the main area of the premises, with any nude dancing occurring in the private area, as this would be more secure. The rules would be explained to the customers as they arrived, as the whole evening was intended to be more like a restaurant experience rather than a nightclub. The Sub-Committee's attention was drawn to the Operating Policy and House Rules that had been circulated and were informed that these policies had evolved over the last decade.

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

The fire alarm sounded at 10.30am and the Sub-Committee was adjourned as all participants were requested to leave the building by the Democratic Services Officer and congregate at the rendezvous point. The Sub-Committee reconvened at 11.15am when the building had been declared safe to re-enter.

In response to questions from the Sub-Committee, the applicant's adviser for such entertainment explained that nude dancing would only be permitted in the private area, which was separate to the main area of the club; a plan of the premises was distributed to illustrate this point. There would be security personnel at the entrance to the private area and customers would be escorted through with a dancer. No access would be permitted to an unescorted customer and there would be additional security within the private area to ensure good conduct. The applicant's advisor stated that the private area would have a maximum capacity of 30 dancers plus 30 customers at any one time, although it would more likely average at 15 dancers plus 15 customers. The bar would be an open area but once customers entered the main area then they would be escorted. The dancers could be either male or female, but not both on the same night.

The applicant's adviser informed the Sub-Committee that although the dancers would in close proximity to the customers, no contact would be permitted. The objective was to be erotic rather than explicit, with the girls dancing to create a fantasy for the customer. For nude dances, the dancer's clothes would only be removed in the private area and they would be replaced prior to leaving the private area to escort the customer back to his table.

The applicant reported that there would be between six and eight security staff present on such nights, with at least two of the club's management in attendance as well. There would always be a female member of the security staff on duty. Under the current terms of the licence, nobody under the age of 21 would be permitted to enter the premises. The intention was to hold two such nights per month initially, which if successful would expand to once a week on either a Wednesday or Friday night. The premises would not open on such evenings until 10.00pm, not 10.00am as stated in the agenda, and would close at 4.00am.

The applicant's legal representative reminded the Sub-Committee that the premises could already provide non-nude dancing during the hours requested, but that the management wanted the flexibility to run events on different nights of the week. This was a new form of entertainment that was unique for the area, but a reduction in the number of nights permitted for this activity would be accepted and the management did not want to jeopardise the current hours that had been granted for the premises.

(d) Questions for the Applicant from the Objector

In response to questions from the objector, the applicant advised the Sub-Committee that the proposed entertainment would increase the establishment's revenue on a Friday night, which had fallen to approximately 100 customers. It was felt that eight security staff would be sufficient for such events, and that the events would be advertised as per normal club nights. It was not expected that large numbers of customers would be attracted as not everyone could afford the entertainment. Public disorder outside the premises was not envisaged as the premises could cope with 500 customers on Thursday and Saturday nights, but most customers would stay for approximately two hours before leaving, resulting in a greater turnover of patrons.

The applicant explained that there was a successful search policy in place at the premises for customers who attempted to gain entry in possession of illegal substances; the amount confiscated varied from night to night. The premises was situated on the edge of a residential area but public disorder in the vicinity of the premises was not expected to increase. Similar events operated at premises in Chelmsford, Southend and Benfleet. There were occasional problems outside these premises but due to the different class of clientele and the restaurant style approach to such events, there were generally less problems with this form of entertainment. There would be less queuing outside, as the objective was to have less customers spending more money than on a normal club night. It was intended for the premises to remain as a nightclub on Thursday and Saturday nights, and it was felt that the proposed events would not be successful if they were being held three times a week.

(e) Further Questions for the Applicant from the Sub-Committee

In response to further questions from the Sub-Committee, the applicant's adviser believed that although the prospective customers were likely to have a higher disposable income, there were less likely to be problems with narcotics. There was a very successful drug search policy in operation at the premises, and there would be a 'zero tolerance' policy in respect of drugs for such events. The majority of the clients would be seated, which would make it easier for staff to monitor more closely any suspicious behaviour. A female member of staff would also search the dancers at the beginning of the evening. The applicant added that any confiscated drugs were placed in a drug safe for the police to empty. Any customer found to be in possession of drugs was ejected from the premises, although the Police were not usually called.

The applicant stated that for such events, it was intended to increase the entry fee to the premises and increase all drink prices by an extra £1. The number of customers

permitted entry would be limited to a capacity of approximately 200, based upon the seating floor plan. It was not anticipated that such events would generate significantly more traffic than regular club nights on Thursdays and Saturdays, plus there was ample public parking in the vicinity of the premises. It was intended to run two events initially, one with male dancers and one with female dancers, in order to evaluate the success of such events.

(f) Presentation of the Objector's Case

The representative of Essex Police informed the Sub-Committee that Essex Police had objected to the application on the grounds of prevention of crime and public disorder. It was felt that this entertainment would lead to the capacity of premises being reached, with the possibility of public disorder in the vicinity of the premises as potential patrons were refused admission. In addition, recent collections of confiscated drugs from the premises had increased, not just in the quantity that had been collected, but also a trend towards heroin and amphetamines rather than cannabis.

(g) Questions for the Objector from the Sub-Committee

In response to questions from the Sub-Committee, the representative from Essex Police explained that it was unlikely for an individual caught in possession of a handful of tablets would be prosecuted; they would be cautioned and hence not arrested. However, a bag of fifty tablets had recently been found on the premises as the possessor had discarded them prior to being searched; hence the culprit was not arrested. The proposed form of entertainment would, in the opinion of the Essex Police, increase the numbers attending the premises leading to more drug confiscations and possible confrontations between customers and security staff.

The applicant believed that there would not be large queues of people waiting outside the premises at opening time.

(h) Questions for the Objector from the Applicant

In response to questions from the applicant and his representatives, the representative from Essex Police stated that the premises had been very co-operative with Essex Police in respect of drugs issues. The premises were no worse than many similar clubs within the Harlow Division. However, it was felt that the Police should have been called following the discovery of fifty ecstasy tablets, but it was conceded that no discussions had yet taken place with the management as the incident had only occurred recently.

The representative from Essex Police added that the intention to provide alternative forms of entertainment was to be applauded, however publicity of such events would be likely to attract the wrong type of customer. A reduction in the capacity for such events would not have any effect on the type of customer seeking entry and would only increase the possibility of public disorder outside the premises.

The applicant's legal representative stated that there was a possibility of some initial public disorder with this form of entertainment, however once the events had become established, there was generally less public disorder than occurred on regular club nights.

(i) Applicant's Closing Statement

The applicant's legal representative stated that the proposed events were a stylish form of entertainment that was not targeted at the younger element. This entertainment was very popular with professional clientele, with an average spend per customer in excess of £100 per night, and the entry fee for such evenings would be £10 before 11.00pm and £15 after 11.00pm. The House Rules and Operating Policy that had been circulated at the start of the meeting clearly set out the basis upon which such entertainment was provided. The premises were very well run and co-operated fully with the Police and local authorities. Such events did not usually cause public disorder outside the premises, however staff would patrol the vicinity of the premises up to the Bakers Lane car park at closing time on such nights, as previously agreed with the Council's Environmental Protection Team. The Sub-Committee were reminded that the Licence, if granted, could be reviewed again in twelve months, and the applicant was prepared to accept a variation in the application to 10.00pm to 4.00am on Wednesday and Friday nights only. The premises would also be prepared to revise their narcotics policy if the Sub-Committee so determined.

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

The Sub-Committee considered that such entertainment would not constitute a whole evening's entertainment and that there would be a considerable turnover of patrons throughout the evening. The premises were located in a residential area, not an entertainment district, and that such events would attract the younger element. It was noted that the applicant's legal representative had reported that there would be some initial problems at the premises and as a result, the Sub-Committee felt that such events would likely lead to increased crime and public disorder. Consequently, the Sub-Committee refused the application. The Sub-Committee sought no advice from the officers present in reaching their decision. The Chairman informed the participants of the Sub-Committee's decision.

RESOLVED:

That the application to vary a Premises Licence at Club 195, 195-199 Cottis Lane, Epping be refused on the grounds that it would likely lead to increased crime and public disorder in the vicinity of the premises.

CHAIRMAN