

Committee Agenda



**Epping Forest
District Council**

Licensing Sub-Committee Thursday, 5th October, 2006

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

Time: 10.00 am

Democratic Services Officer G J Woodhall (Direct Line 01992 56 4470)
Email: gwoodhall@eppingforestdc.gov.uk

Members:

Councillors M Cohen, Mrs R Gadsby, Mrs P K Rush and Mrs M McEwen

<p>PLEASE NOTE THE START TIME OF THE MEETING</p>

1. ELECTION OF CHAIRMAN

Under the terms of reference for the Licensing Committee each Sub-Committee is required to elect a Chairman on an ad hoc basis for the duration of the meeting.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

4. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 8)

5. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE (Pages 9 - 20)

Decision Required:

To consider the application to vary the Premises Licence for Club 195, 195-199 Cottis Lane, Epping.

(Head of Environmental Services) The application is attached.

Representations have been received from Essex Police and two interested parties.

6. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Agenda Item 4

PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

LICENSING COMMITTEE – TERMS OF REFERENCE

(1) The full Committee shall comprise 11 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.

... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub-Committee shall elect a Chairman on an ad-hoc basis.

(3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.

(4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.

(5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.

... (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).

(7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS
LICENSING COMMITTEE**

Licensing Act 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS
LICENSING COMMITTEE**

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Game Licences Act 1860
Gaming Act 1968
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Lotteries & Amusements Act 1976
Pet Animals Acts 1951 & 1981
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

Part 3(2) – Responsibility for Functions

PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUB-COMMITTEES

All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
 - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
 - (ii) The Chairman will outline the procedure to be followed.

- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

WK1200359115

Application to vary a premises licence 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/We SCOTT ANTHONY CUMMINS

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/210001189
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
"CLUB 195" 195-199 Cottis Lane			
Post town	Epping, Essex	Post code	CM16 4BL

Telephone number at premises (if any)	01992 572195
Non-domestic rateable value of premises	£43250

Part 2 – Applicant details

Daytime contact telephone number	01992 572195		
E-mail address (optional)			
Current postal address if different from premises address	63 Bell Common Epping		
Post Town	Essex	Postcode	CM16 4DZ

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the Licence to allow the following licensable activity to take place:

Performances of Dance to allow nude or semi nude professional dancers
11am to 04.00 : Monday to Saturday inclusive.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11am	04.00	Please give further details here (please read guidance note 3) To permit us to provide Nude or Semi Nude Professional dancers with the purpose of entertaining our customers. We will provide on stage dancing facilities within the Club with the provision of poles at various locations to include some facilities for tableside dancing.	Both	<input type="checkbox"/>
Tue	11am	04.00			
Wed	11am	04.00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	11am	04.00	NONE		
Fri	11am	04.00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11am	04.00			
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri								
Sat								
Sun								

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The Club will continue to be run with our distinctive high-quality standards throughout, which have been prevalent since we opened in October 2003.

b) The prevention of crime and disorder

See attached schedule of Club Management rules and procedures to be adopted when this additional form of entertainment is featured.

c) Public safety

All safety measures to remain as previously stated.

d) The prevention of public nuisance

Our doorstaff are all SIA registered and the one hour winding down time at the end of our daily activity will aid the safe, quiet and orderly exit of our customers.

e) The protection of children from harm

Children will not be permitted at any time.

Our membership terms are strictly over 21's only.

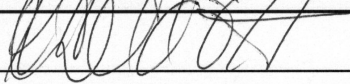
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	 James Motion
Date	KINGSLEY HODDINOTT - 14 TH August 2006
Capacity	AUTHORISED AGENT FOR THE APPLICANT

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

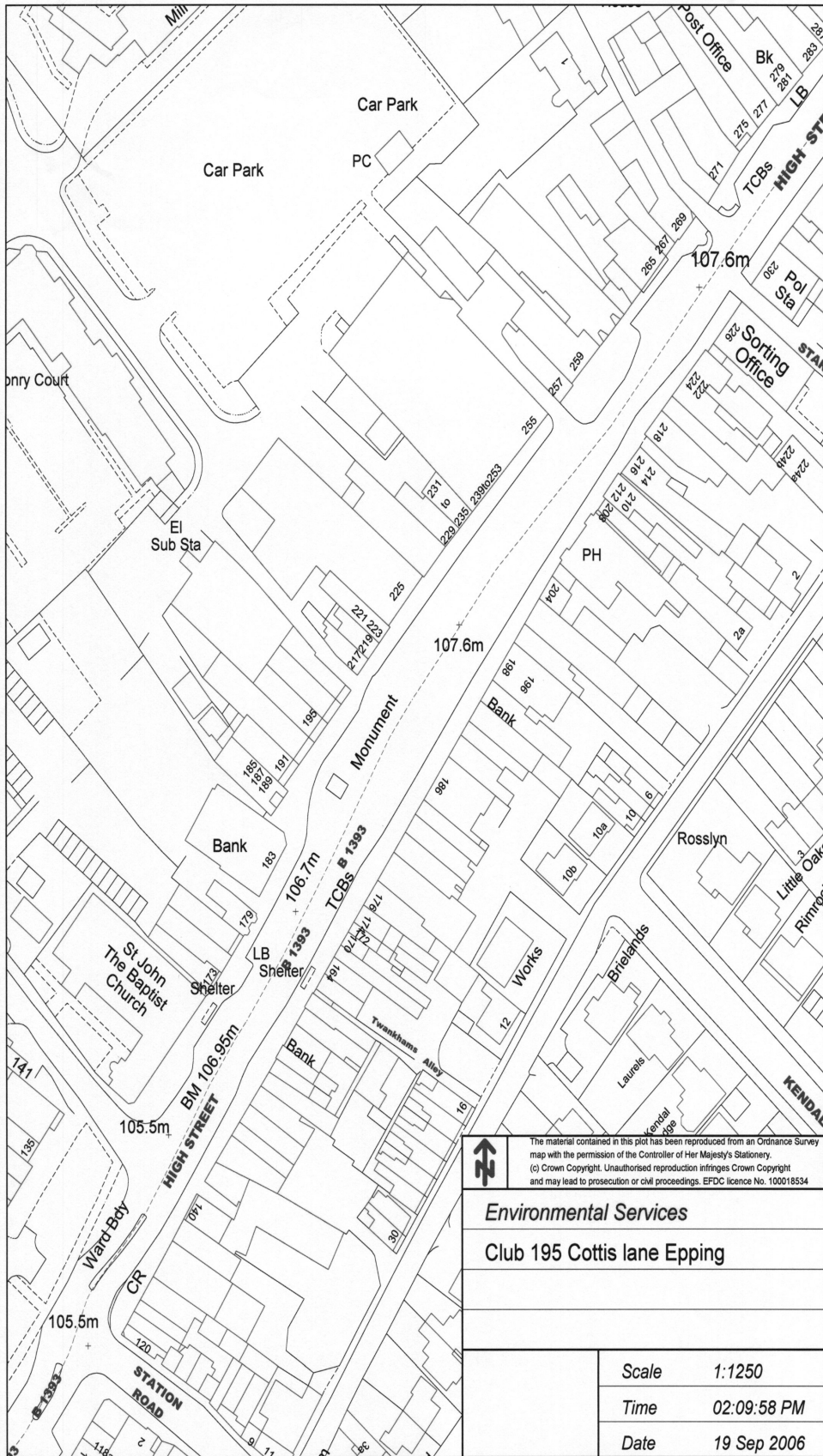
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)


JAMES-MOTION
Suite 1, Essex House
Station Road

Post town Upminster, Essex **Post code** RM14 2SJ

Telephone number (if any) 01708 229955

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



	<small>The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EPDC licence No. 100018534</small>	
	Environmental Services Club 195 Cottis lane Epping	
		Scale 1:1250 Time 02:09:58 PM Date 19 Sep 2006

THE LITTLE HOUSE 3 BUTTERCROSS LANE EPPING ESSEX CM16 5AA

Mrs. Kim Tuckey
Epping Forest District Council
Licensing Section
High Street
Epping Essex

8th September 2006

Dear Mrs. Tuckey

Re: Club 195 - Cottis Lane Epping.

It is with astonishment and deep dismay that we note an application from the above Club to licence lap top dancing etc. from 11pm to 4am albeit for one night per month (FOR NOW)!!!! This is beyond the realms of reason.

The first mistake made by Epping Forest District Council was to allow the siting of a nightclub in the centre of a smallish quiet market town, the second mistake was the licensing hours permitted against the advice of police and the opposition from residents and the Town Council. Now this? Please don't let an affirmative decision be your third mistake.

Lap Dancing and Pole Dancing in Epping - has the world gone mad?!!??

We have the good fortune to live in a conservation area in a delightful lane off the High Street - and the misfortune to have a garden that backs on to the Bakers Lane Car Park and Cottis Lane. We would add that the Bakers Lane Villas housing elderly retired folk also back on to this area. At 1.30pm last night (7th/8th September) we lay awake listening to the shrieking laughter that accompanies people leaving the above establishment - can you imagine 4am in the morning??

As for the type of clientele the Club are now trying to attract - are they considered desirable in this very residential area?

Might we hope that on this occasion the Licensing Panel will use a great deal of common sense when making a decision and this time take notice of the continued objections of the Police, Town Council and local residents.

Yours truly

G. A. Clarke

Anne & Geoff Clarke.

7a Buttercross Lane
Epping
Essex
CM16 5AA
13th Sept 06

Reference 195 CLUB application for Pole Dancing

Dear Mrs Tuckery,

I wish to register my objection to the application of the 195 Club.

When this business applied to the council for an extension to its licensing hours, it described itself as a membership only, for over 25 year old professionals. Sadly this has been allowed to decline to anybody, anytime and seemingly any age. The club continued to describe itself as being considerate to its surroundings, in fact that was one of the reasons it was granted a Taxi license, so it could wisk its customers away quickly, the club went on and stated freely that two "bouncers" would be on the door ensuring those that left, did so quietly and without any trouble.

For a number of years I and the residents of Buttercross Lane have been severely disturbed by the rowdy behaviour from the club. The Bakers Alms House has similarly been disturbed, (This can be confirmed by the head of the wardens at the Alms House).

I came home late one Saturday night less than 3 months ago to be greeted by Epping being awash in blue, blue flashing lights. Several units in attendance, Police and Ambulance. It looked like a war zone! People were lying in the street. The focal point being Cottis Lane. The 195 Club is in Cottis Lane. I am sure both our emergency services have better things to do with their time. This club is attracting the dregs of society into our town and then leaving them hanging around for up to 45 minutes to leave.

The rowdy behaviour has been reported to Environmental Services and more importantly has been witnessed by the team (Richard Gardiner and Susan Stranders can confirm this).

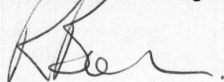
We (The residents of Buttercross Lane and Bakers Alms Houses) meet regularly to discuss the problem at Simon Ford's Police Liaison Meetings.

I feel Epping would be better suited taking away any license the 195 club has rather allowing the club to descend to a more sordid level. I understand that my views are supported by the Epping Neighbourhood Police Team (Sgt Tony Wilson) and they will also be registering their objection.

If it was granted, what would be next? The Entertainer applying to become a Bordello?

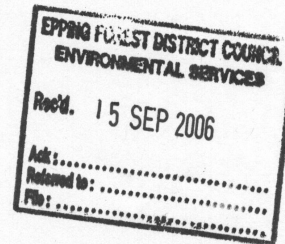
On Friday last LBC News at 10:30, spoke of Epping, how proud I was, it's my town, how sad I became, as its mention, was because a patron of the 195 club had been "glassed".

Sighting a night club in an up to then quiet town has been a mistake. Correct the mistake and let the residents have a decent nights sleep.



Robert Born

CC 1 Buttercross Lane, 3 Buttercross Lane, 4 Buttercross Lane, 5 Buttercross Lane
5a Buttercross Lane, 6 Buttercross Lane, 7 Buttercross Lane, 8 Buttercross Lane
Councillor Janet Whitehouse, Bakers Alms House





Epping Police Station
230 High Street
EPPING
Essex
CM16 4AP

Telephone 01992 561212
Website: www.essex.police.uk
Facsimile: 01279 625440
Simon Fisher
Licensing Unit
Tel No: 01279 625405

24th August 2006

Licensing Unit
Epping Forest District Council
Civic offices
High Street
Epping
Essex CM16 4BL

For the Attention of Miss Elizabeth Cox

Dear Ma'am,

RE: APPLICATION BY "CLUB 195" COTTIS LANE EPPING PERFORMANCES OF DANCE TO ALLOW NUDE OR SEMI NUDE PROFESSIONAL DANCERS 11 AM TO 0400 : MONDAY TO SATURDAY INCLUSIVE

I am in receipt of an application being made by a Mr Scott Anthony CUMMINS on behalf of "Club 195" Cottis Lane, Epping, Essex CM16 4BL, for the Performances of Dance to allow Nude or Semi Nude Professional Dancers 1100 – 0400 Monday to Saturday inclusive.

A meeting was conducted at the premises with the applicant his Licensing Agent, Mr Kingsley Hoddinott of James Motion Licensing Agents of Suite 1, Essex House, Station Road, Upminster RM14 2SJ. Also present was Miss Elizabeth Cox of Epping Forest District Council Environmental Services and Spencer Tregidgo a personal licence holder and management staff of the Club.

During the course of the meeting Mr Cummins showed us where the dancing would take place. It was intended that semi nude dancers would dance different dances to selected CD's and fully nude dancers to perform in the V.I.P.suite for selected customers.

The drive behind the application was to counter act the falling numbers of patrons particularly on a Friday night due to other licenced premises staying open later.

I have considered the application very carefully and I am of the opinion that on behalf of Essex Police Authority that I should object and raise representations to the local authority at a hearing on the grounds of Prevention of Crime and Disorder.

The premises has a condition within the Premises Licence to limit the number of persons to 500 at any given time. It is a real fear that once it becomes publicly known that demonstration of Dance performance by Nude/Naked women a far greater number of persons will be attracted to the premises with inevitable result of capacity being reached other persons will be turned away. This will lead to confrontation with patrons and door supervisors. This potentially I likely to create a serious public order problem leading to a greater demand on police resources. There is likely to be the creation of additional noise to the disturbance of nearby residents and there could be greater risk to public safety.

In all the circumstances I believe police should object on the grounds of Prevention of Crime and Public Disorder.



INVESTOR IN PEOPLE

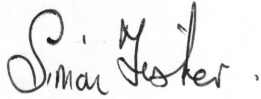
taking a lead in making Essex safer

A196 (rev 11/05)

RESTRICTED

I now ask that this letter with the attached copy application be passed through Acting Inspector Tony Walker for forward transmission to Chief Inspector Hill for information. I would then ask the letter be forwarded to Miss Elisabeth Cox at Epping Forest District Council to note our objections.

Yours sincerely,

A handwritten signature in black ink that reads "Simon Fisher". The signature is written in a cursive style with a large initial 'S'.

Simon FISHER
Divisional Licensing Officer
Epping

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