

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 21 October 2009

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 7.27 pm
High Street, Epping

Members Present: K Chana, M Cohen, Mrs M McEwen and Mrs P Smith

Other Councillors:

Apologies:

Officers Present: A Mitchell (Assistant Director (Legal)), K Tuckey (Senior Licensing Officer), A Hendry (Democratic Services Officer), M Jenkins (Democratic Services Assistant), J Kershaw (Assistant Director (Building Control)) and J Nolan (Assistant Director (Environmental Health))

67. 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.

68. APOLOGIES FOR ABSENCE

No apologies were received.

69. DECLARATIONS OF INTEREST

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

However, Councillor Mrs M McEwen did state that she had sat on the first Sub-committee meeting to consider the temporary suspension of Club 195 on 1st October 2009. The Chairman asked the participants present if they wished to let Councillor Mrs M McEwen continue to sit on the Sub-committee or if they wished to have a completely new set of members to consider the case. The representative for the Licencee expressed the wish that a completely new set of members to consider the case. The representative for Essex Police had no objections to this.

RESOLVED:

That Councillor Mrs McEwen step down and Councillor Mrs P Smith replace her on the Sub-committee.

70. PROCEDURE FOR THE CONDUCT OF BUSINESS

The Sub-Committee noted the agreed procedure for the conduct of business, and the Terms of Reference.

71. EXCLUSION OF PUBLIC AND PRESS

On consultation with the Licensee's legal representative and the Police legal representative, the Sub-committee agreed that the public and press not be excluded from the meeting.

However, during the consideration of the CCTV footage and the evidence to be given by Detective Sergeant Carrington it was agreed that the public and Press be excluded on the grounds that information to be given to the Sub-committee would prejudice ongoing criminal investigations.

72. REVIEW OF PREMISES LICENCE - 195 CLUB, COTTIS LANE, EPPING

The Sub-committee comprised of Councillors M Cohen, K Chana and Mrs P Smith.

The Chairman welcomed the participants and introduced the members and officers present and then requested that the participants introduce themselves to the Sub-committee.

In attendance were the premises licence holder, Mr S Cummings, his legal representative Mr D Dadds and Mr D King and Mr N Dermott.

Representing Essex Police who had requested the review of the Premises Licence was Chief Inspector A Ray, Inspector T Simons, DS M Carrington, PC T Dinsdale and Counsel for the Police, Mr N Sykes and solicitor Ms F Philpot.

Also in attendance was R Whittome, Epping Town Council Clerk, Jenny McCullum, Licensing Officer for Harlow Council and D Bins for the local newspaper.

The Chairman outlined the procedure that would be followed for the determination of the review of the Premises Licence for Club 195, Cottis Lane, Epping.

Mr Dadds made an application to defer the opening of the meeting to 12 noon in order to consider late papers ('Storm' reports) submitted by Essex Police and to go through them with his client. He also wished to submit his papers in rebuttal to the Police case papers.

The Chairman decided, in consultation with the sub-committee, that in order for both advocates to consult the new paperwork, the meeting would adjourn until midday in order for the advocates to take a view on the new paperwork. The sub-committee would not have sight of the either set unless and until both advocates agreed on their relevance to the meeting.

The meeting then adjourned and reconvened at 12 noon.

a) The application before the Sub-committee

An application for a Summary Review of the Premises Licence issued to Club 195, Cottis Lane, Epping, Essex under section 53A of the Licensing Act was made on 29 September 2009. This certificate stated that in the opinion of T/Inspector Tom Simons the premises were associated with serious crime and disorder.

On 1st October 2009 a Licensing Sub-Committee agreed to suspend the premises licence with immediate effect until a review hearing.

On 7th October 2009 a hearing was held to consider the representations. The Licensing Authority determined that in the interim step, the Premises Licence would remain suspended until the Review hearing.

The current review hearing was to determine the application for a Summary Review of the Premises Licence and to consider relevant representations as a result of the review application.

It was agreed that the members of the Sub-committee should have access to the late paper submitted by the licensee's representative, Mr Dadds; but not to the Police's paperwork.

b) Presentation of the Applicants' Case

Mr Sykes on behalf of Essex Police began his case by outlining the historical context to the premises and the past incidents, 47 of which had taken place within the last 12 months and were connected to the premises. He drew the Sub-Committee's attention to the certificate, issued under section 53 of the Licensing Act 2003, to suspend Club 195 pending a review hearing. This was based on the senior police officer's opinion that Club 195 was associated with serious crime and disorder over the last twelve months and that he was of the opinion that other procedures under the act were inappropriate, as previous interventions by the Police had failed to stop the escalation in crime and disorder. This indicated that the police were not being heavy handed in asking for the suspension.

He noted that there had been a lack of any incidents over the last two weeks since the club had been suspended. No condition was able to stop individuals from fighting or stop other incidents from occurring.

Mr Sykes indicated the tables compiled by the police and reproduced on the supplementary agenda charting the number of offences outside and in Club 195 since August 2008 and the other table showing the number of crimes occurring along Epping High Street, during the club's opening hours. These indicated that there were more incidents in and around Club 195 (40) than there were in Epping High Street (35) as a whole during the same period.

Mr Sykes then introduced Inspector Simons who took the Sub-committee through the various incidents that had occurred over the last 12 months and were listed in the agenda. The details of these incidents were taken from the police's crime records.

Councillor Cohen asked Inspector Simons what did 'D120' refer to in the crime reference numbers. He was told that it was a 'geo-locus' indicating where an incident had occurred, the next number was the sequential number and then the last number was the year. Councillor Cohen then asked if it referred specifically to Club 195 or the area around it. Inspector Simons replied that it referred to the area around Club 195, mostly Epping High Road.

Inspector Simons then went on to detail the number of Grievous Bodily Harm incidents and the Actual Bodily Harm incidents in chronological order.

Mr Sykes asked what the difference was between a Crime Report and a Storm Report. The inspector replied that a Storm Report was any incident that the Police

were sent out to; while a Crime Report recorded an actual crime and any further investigation carried out.

c) Questions to the Applicant from the Sub-Committee

Councillor Cohen asked if all Crime Reports had an investigation, did it link an incident to the venue. The use of phrases such as “an incident outside Club 195” did not directly link the club to the incident. Inspector Simons said that they took witness statements in evidence, which would link an incident directly to Club 195. Councillor Cohen then remarked that the police had used the word ‘majority’ when linking incidents with Club 195; what did this mean? Inspector Simons replied that all the statements had a causal link with Club 195. Councillor Cohen then asked if any of the incidents had links with another, i.e. a “chain of causation”. Inspector Simons said that there was no obvious link except that a theft in the Club might lead on to a fight outside later.

Councillor Mrs Smith asked if the Club reported incidents independently to the Police. Inspector Simons said he could not recall any incidents being called in by Club 195. Councillor Mrs Smith then asked if any of the incidents were reported by employees of Club 195. Inspector Simons said he did not have that information to hand.

Councillor Chana commented that as there were several incidents in Club 195, were the licensing objectives not being met by the Club, and why were most of the incidents happening between 1 and 2 am. Inspector Simons replied that it was probably due to a lot of the patrons leaving at that time after having drunk too much and thus causing problems. Also a licensing premises was required to keep an orderly house and they were not satisfied that they were doing so; given that a lot of these incidents were occurring.

d) Questions from the Licensee to the Applicant

Mr Dadds asked about the ‘Storm’ system database of caller information. Inspector Simons said that ‘Storm’ was a telephone based system. The other system was based on input by officers from their notes and a variety of other sources.

Mr Dadds then asked if ‘Storm reports’ was taken from callers who located themselves by nearest landmarks. Inspector Simons replied that the operator would ask for a location of the incident and it would be fair to say if Club 195 was the nearest landmark. Mr Dadds added he was trying to make the point that the locator was not always where the incident took place. Inspector Simons said that each call location was identified as best as it could be by the operator at the time.

Mr Dadds then asked the Inspector if he had any of the witness statements with him. Inspector Simons said that with 40 incidents, he could not bring all that paperwork with him. However, it would be fair to say that their reports summed them up.

Mr Dadds asked if the Inspector was responsible for the relationship with the Club and if any action plans had been drawn up. Inspector Simons said it would be the District Commander who was ultimately responsible and that he was not aware of any action plans formulated for the premises.

Mr Dadds asked if the Inspector was aware that any disorder in the town centre was not a relevant licensing matter. Therefore the table linking town centre disturbances with the premises was not relevant. Inspector Simons said he was aware of this relevance. Mr Sykes added that in his opening statements he did not link this table with Club 195. Councillor Cohen asked if this was additional to or inclusive of

incidents at Club 195. Mr Sykes said they were additional to Club 195 incidents; it was a comparison chart.

The meeting adjourned for lunch at 1pm and reconvened again at 1.30pm.

With the indulgence of the meeting Mr Whittome, Town Clerk of Epping Town Council, gave his statement at the start of the afternoon session as he had another meeting to attend. Mr Whittome started by saying that his council had an interest in this matter by virtue of managing Epping's Charter Street Market, which is within yards of the premises. He requested that consideration be given to cancelling any licensed use of premises on Sundays at any time of the year. This was because of the effect that closure of the High Street to investigate violent incidents on Sunday nights or Monday mornings would have on the market operation. There was also the impact of overnight parking on the market area by club users which was already a significant problem for bank holiday markets.

Local residents had also raised concerns about damage to the local community and problems caused by people who were only in Epping because of the licensed premises operation.

The Town Council requested that the club not be allowed to continue operation, but if they were allowed to do so then the opening hours be curtailed to avoid late night disturbances and dangers to local residents living nearby.

There were no subsequent questions for Mr Whittome from the persons present and the meeting continued with Mr Dadds questions to the applicant.

Mr Dadds asked why Mr Fisher the local Licensing Officer was not here. He was informed by Inspector Simons that he had recently returned from two weeks leave and was therefore not that familiar with this case.

Mr Dadds then asked what the follow up actions were for the GBH incidents such as the one reported on 16 August 2009 and were there any records of any discussions held with the premises holder. Inspector Simons said that there was a meeting held on 24 August to discuss the training of the doormen in the use of force. Mr Dadds then asked what resulted after the incident on 25 May 2009. He was informed that there was a meeting held on 4 June, prohibiting bottles and glasses leaving the premises.

Mr Dadds cited the incident on 4 April 2009. The Licensee said that the ear ring was pulled out but the Police say that the ear lobe was bitten. Inspector Simons said that the Crime Reports were more accurate than the Storm reports.

Mr Dadds went on to query the incident on 7 March 2009. This happened away from the premises in the Council car park. Could he clarify this and did he see the CCTV footage of the incident. Inspector Simons replied that the car park was no more than 30 metres from the club but he did not have any of the background papers with him. They would have examined all the CCTV footage of the incident. Mr Dadds said that no footage was requested from their premises. Inspector Simons said that he did not have the background papers with him and so could not comment. Mr Dadds said the same question applied for the incident on 20 September. Was it fair to say that he did not have any of the background papers for any of the incidents? Inspector Simons said he only had what was on the agenda.

Mr Dadds asked the Inspector to give his views on the incidents. The Inspector said that the level of violence happening in or around the club was over and above what

was happening in this area generally. They could not see what extra conditions they could impose that would help.

Mr Dadds said it was a shame that the incidents were not discussed with the club when they occurred over the year. Inspector Simons said there had been meetings with the club over the year and that they had not asked for this action just based on one incident. Mr Dadds believed it was fair to say that no action plan had been in place.

Councillor Mrs Smith asked if someone had made a call to the police from a different location to where an incident had taken place, where would it be logged as coming from. Inspector Simons replied that it would initially be logged from where the call was made from, but follow up inquiries would log the true location of the incident.

Councillor Cohen asked if there had been a request from Club 195 for assistance or advice on how to deal with their problems. The Inspector said that there had not.

Mr Sykes asked Chief Inspector Ray what his responsibilities were in this area. He was told by the Chief Inspector that he was responsible for all policing matters in the district.

Mr Sykes asked the Chief Inspector how an incident location was established. Chief Inspector Ray said that they were initially established by the receipt of a call and then updated by a follow up investigation. It was also confirmed that if two defendants charged for the same incident, they would appear separately on the records.

Mr Sykes then asked how Club 195 compared with the other establishments in Epping. Chief Inspector Ray said it was the cause of most of his officer's work on a Friday and Saturday. Mr Sykes queried if any incidents had occurred since the suspension. Chief Inspector Ray said that since the suspension, there had been no incidents in that area.

Councillor Chana asked if the Police's crime prevention unit had been contacted for advice. He was told that they had not been asked for any advice. Mr Dadds citing the guidance notes said that it was important for the Police to identify causes of concern and give advance warnings to the premises. Chief Inspector Ray agreed. Mr Dadds asked if the Chief Inspector was aware of route maps. The Chief Inspector said that he was not.

Mr Dadds asked about locators and how people used well known landmarks to locate themselves. The Chief Inspector said there were other landmarks there such as a 'Phones 4 U' shop but they have never been called to any of these, but Club 195. It may be that a Storm report was wrong but the follow up crime reports would not be.

Mr Dadds cited some incidents that occurred at the Duke of Wellington and the Speak Easy Bar on 26 September and 16 October and asked why this had not been included on the incidents lists. The Chief Inspector said that these premises were outside the parameters that they were looking at. Mr Dadds said that this was important, as it was said that since the club has been closed nothing had happened. These incidents prove that incidents still occurred. Chief Inspector Ray replied that the Speak Easy had only had two incidents and that this did not make it a trend.

Mr Dadds asked if he expected his licensing officer to go to the 'Speak Easy' to identify any problems. Chief Inspector Ray said only if it was part of a series of incidents. He would also expect his local sergeants to take an interest.

Mr Dadds then asked about his relationship with the club. The Chief Inspector said that last year he had a fruitful relationship with the licensee holder; his issue now was with the management of the club. Mr Dadds replied that given the good attitude of the licensee, measures should have been identified to improve things. Had that been done? Chief Inspector Ray replied that his sergeants had come back saying that they could not get CCTV footage or help from the door staff. Good conditions were imposed on the club but they were not adhered to. He could not see any new conditions helping with this. There could not be any misunderstanding of the conditions on the licence; the door staff should be there 30 minutes after closing time but his officers could not find them.

Mr Dadds asked about the recent missed meeting with the Club. Chief Inspector Ray said that he was called away.

Councillor Mrs Smith asked about the record for providing CCTV footage from the club. Chief Inspector Ray replied that there were no deliberate obstructions reported, but it was not easy to obtain.

Councillor Cohen asked if Mr Fisher (the Licensing Officer) was aware of these proceedings and to what extent was he consulted. Chief Inspector Ray said he was, but was engaged on another case currently and he had been consulted on this case.

Mr Sykes then said that he would like to have DS Carrington give his evidence but would like this to be given in private as he would have to name potential witnesses which would hinder any potential future criminal prosecution.

Taking into consideration Mr Sykes' petition and the views of Mr Dadds and the reporter in attendance, the Sub-committee decided to hold the next part of the proceedings in private and to exclude the public and press in order for DS Carrington to give his evidence and for the CCTV footage to be shown. The press and public would be invited back as soon as the evidence was given.

RESOLVED:

That the press and the public be excluded for the meeting for the duration of the Sub-Committee's discussion concerning witness evidence.

DS Carrington took the Sub-committee through the events on the night of 26 September 2009. He described how on that night there was a disturbance in Club 195 and at Club Edge. At about the same time both parties were ejected from both clubs. They came together outside the clubs in Cottis Lane and a fight erupted. Patrons from Club 195 gathered to watch and were sandwiched between the two parties. At this point about 70 to 80 persons were involved in the fighting in Cottis Lane and the High Street. The fight resulted in 10 people being stabbed and numerous others being injured. Police had so far interviewed about 50 people, about a third of the people they would need to speak to. None of the Club Edge staff assisted and they closed their doors. There was a suggestion that the staff at Club 195 got involved and they kept their door open. Although, at the end of the incident, the walking wounded were allowed onto the premises and offered assistance. The only person arrested that night came from Club 195. It had not been ascertained as yet, where they got their weapons from.

DS Carrington was then questioned by the Sub-committee and Mr Dadds.

The Sub-committee then reviewed the CCTV footage from the night. Mr Nigel Dermott took the meeting through the footage pointing out the various people and events during that night, giving them a timeline.

After consideration of the CCTV footage the public and press were invited back to the meeting.

RESOLVED:

That the press and public be invited to the meeting.

e) Presentation of the Licensee's Case

Mr Dadds started by saying that the incident had arisen outside Club Edge and some of the patrons from Club 195 had then got involved. It was important to note where the incident had started. Licensing law was not for the controlling of individuals outside an establishment's boundary. In Cottis Lane Club 195 only had control of an area immediately outside their door.

The police stated that it had seemed that there may have been an identifiable group who were perpetuating the violence, but the CCTV footage was not of good quality. However a photographer had been present taking pictures through which suspects had been identified. Councillor Cohen asked if there had been knife arches installed at Club 195. The police replied that they were not aware that arches had been installed. Body searches were carried out; however these were dependant on the volume of people coming into the premises. The police confirmed that they had received a telephone call from one of the door-staff of Club 195 concerning the troubles on 26 September 2009.

Councillor Cohen said that there had been criticism that the group was allowed to remain close to the door after they had been ejected. Mr Dadds conceded that they should have been asked to move on. Other people were also out there smoking, but no bottles were taken out.

Councillor Cohen said that they should not have been allowed bottles in the club either, as stipulated in the conditions on the licence. Mr Dadds said that they decanted the bottles when patrons went outside, but Councillor Cohen pointed out that no drink should have been served in bottles on the premises. Mr Dadds accepted that some drinks were. Councillor Cohen also pointed out that drinks should be served in unbreakable glass. Mr Dadds said that they used toughened glass. Councillor Cohen then asked where did the ejected group get bottles from. Mr Dadds said that he did not know.

Mr Dadds continued that in future they would not allow smoking in front of their premises; they would be put at the back of the club. Everyone one going out would be re-searched on entering the premises.

Mr Dadds understood that on 26th September the doormen at Club 195 were overwhelmed by what was happening next door. They welcomed that the police were saying that they were being proactive and gave assistance and first aid. They also made an announcement inside the club to warn people about the incident outside. Their door staff were not responsible for the club next door, but would assist as best as they could if it was safe.

Councillor Cohen said that people had been signing in as Mickey Mouse and Donald Duck; just how seriously were the door staff taking their responsibilities. Mr Dadds

replied that that list was only for marketing purposes. They were also offering to set up and use 'Club Scan', a computerised system that would recognise fake IDs. They were confident that this would deter known offenders. Councillor Cohen asked if the same person would be checking the IDs, he was told that it would be one of the door staff who did this and not as now, one of the receptionists.

Councillor Cohen asked how a search would be carried out. Mr Dadds said they would use wands and a thorough 'pat' down. If it was asked for they would install a knife arch. There would of course, be a female member of staff doing the search on female clients. Only one female member of staff would be on duty for this as it had been established that this would be enough. They would also upgrade their CCTV and install a camera to view all of Cottis Lane and if there was any trouble emanating from next door they would close their doors. Councillor Mrs P Smith asked about the age range of the people involved in the disturbances. Police replied that they were between 22 and 23, it was the case that none of them were below the age of 20.

Councillor Cohen asked what their attitude would be if the sub-committee were to restrict entry after a certain time. Mr Dadds said they would agree to no entry after 1am, he pointed out that local public houses had their last admittance at 1.00a.m. Councillor Cohen said it would be more sensible to stop people from coming in at 11pm, to stop people from drinking at the pubs and moving on to the club. Mr Dadds said that they did not allow intoxicated people into their club and would encourage people to come early. There was also the taxi office at the rear. There were a lot of people coming down Cottis Lane to use to the taxi office; we would be willing to work with them and maybe lend them one of our door staff.

Councillor Cohen asked if there was any connection between Club 195 and any other premises in Epping. Mr Dadds said that there had been a Bar 195, but that was not there anymore and they had no other connection with any other premises in Epping. He added that Club 195 had asked for a meeting with Club Edge to work out their differences and to see how they could work together. As for the historical incidents, the Police should have given the club management a warning and tried to work out a way forward. The club had a good working relationship with the police and their local licensing officer. The club was happy to help the police and agreed to the use of their dog teams. They had signed up to a protocol on this and had agreed to a screening of the premises for drugs (part of the local 'drug safe' initiative). There was also advice on the night time economy. They had meetings about the use of bottles and had agreed that no glasses or bottles would leave the premises. Councillor M Cohen indicated that there was an existing condition regarding bottles not being allowed within the premises.

A meeting with the door team had been called off, although protocols were established that the door staff would remain on after closing for 30 minutes to ensure the club was emptied safely. There had been problems with downloading their CCTV to the police, they might not have a compatible computer to read their files, but the club had always supplied CCTV footage when asked for.

Mr Dadds pointed out to the Panel that under legislation it was stipulated that there was a limit to the level of control exercised by any premises, each person was accountable in their own right. Mr Dadds said that by developing an action plan, common aims could be identified. It was important to remember that the onus was not fully on either group. There were particular problems with premises involved in the night time economy. There should be a graduated approach to enforcement. It should not go from a breach to revocation of the licence; the police should have established a 'route map' for the club to follow.

The Panel discussed an incident on 16 August 2008 where an argument had broken out, the doormen had evicted two individuals, the police were called. Councillor Cohen asked if the incidents as written up by the door staff were kept for a year. Mr Cummings agreed that they should be. Councillor Cohen said that the club had admitted to two breaches of their conditions, one being the serving of alcohol in bottles on the premises and the other not having an incident recording register. Mr Cummings said that they did have an incidents register but not all incidents had been logged. Mr Dadds talked about a fight on 25 May 2009 in the dance hall of the club. The individuals were unknown to each other, both were ejected. The Club was not aware of injuries. Chairman suggested that one person had a broken jaw. Mr Dadds said that the club was not aware of this. They would normally have provided First Aid.

Councillor Mrs Smith asked how recently had the register been in place and how serious did the incidents have to be to be logged. Mr Cummings said it was up to the head of security. Mr Dadds added that clearly not everything had been registered. Mr Cummings added that he had a weekly debrief with his head of security. He would then discard papers of their discussions after a couple of weeks if they were not needed.

Mr Dadds then took the sub-committee through the historical incidents as indicated by the police. He noted that:

- 4th April '09 – an ear ring was pulled from the ear, as recalled by staff;
- 7th March '09 – this happened in the car park and not on their premises;
- 20 September '09 – they had no record of this incident, all they could say was that it did not happen on their premises;
- 16 August '08 – no recollection of this incident.

Any incidents before 26 September 2009 would have been open to discussion by the licensee and the police. There was a need to put conditions in place to help the club and the police.

Mr Dadds then asked Mr Dermott to go through his report with the Sub-committee. Mr Dermott of PBC Consultancy had been engaged by Club 195 to offer a professional opinion in respect of the CCTV recordings of the incident that occurred on 26 September 2009 and to conduct an assessment of working practices, policies and procedures of this premise.

Mr Dermott said he would not refer to the CCTV and that his report was based on a practical guide issued by the home office and the metropolitan police. It was also based on past practice from all over the country.

He noted that the management were open to suggestions for improvement such as a two point check system to ensure glasses do not go outside the premises. He had made several recommendations to Club 195 such as:

- The need to provide documentary proof to present to the police;
- Minutes of regular meetings kept for six years;
- Develop a crime mapping tool to identify problems inside the club;
- Regular checks on the door staff;
- The use of magic wands (arches tend to create congestion at the doorway);
- Use of 'Clubscan' this has been suggested to reduce crime by 80%;
- A 'Challenge 25' Policy;
- Use of high visibility clothing;
- No smoking at the front of the club;
- A need to communicate their policies to their staff; and

- To keep training records.

Councillor Cohen noted that the report mentioned short, medium and long term objectives. What was the time scale for each of these? Mr Dermott said that the short term objectives were to be implemented within two weeks, medium term before Christmas (two months) and the long term in the new year (about six months).

Councillor Mrs Smith asked, when he was engaged by Club 195, what was the state of their incident book. Mr Dermott said they clearly had one in place but it was possible that a lot of incidents were not recorded in it. Their door staff needed to be trained.

Councillor Mrs Smith asked about their duty of care, would they have responsibility for incidents happening directly outside their front door. Mr Dermott replied that immediately outside their front door was their responsibility, but there was another club very near and this was a unique situation.

Councillor Chana asked about the smokers and what happens to them when they leave the club. Mr Dermott said that the smokers got a wristband and plastic glasses.

Mr Sykes asked if it was not possible to say who was responsible for the incident. Mr Dermott replied that it was not possible to say who, but they could surmise it started up the alleyway away from Club 195.

Mr Sykes then asked if Mr Dermott was competent in Fire and Safety. Mr Dermott said he was not professionally qualified in that area but did have some experience.

Mr Sykes asked about the short term objectives shown in the report to be implemented straight away; were they not just a good practice guide? Mr Dermott said that of all the good practices these were his suggestions to improve the club. Mr Sykes said that one of the short term suggestions was to improve the CCTV cameras but one of the medium term suggestions was to improve the lighting outside. Were they not linked; you could not do one without the other. Mr Dermott said that they could use infra red. Mr Sykes replied that if they use infra red they could not have colour. Mr Dermott said ideally they would like to improve the lighting and install colour CCTV. Mr Sykes asked if they could have it all done within two weeks. Mr King, from Club 195, said that they were nearly there; they just had some maintenance work to be carried out.

Mr Sykes commented that the proposed bio-metric reader was only as good as the person using the system. Mr Dermott said that none of the systems were infallible and staff would need training on it. Mr Sykes replied that any formal training would take them into the new year even though the equipment would be installed earlier. Would the training be moved up to the short term objectives? Mr Dermott replied it could be moved up if needed.

Mr Sykes asked if Mr Dermott knew about 'Club Scan' before today. Mr Dermott said he had only found out about it today.

Mr Sykes asked if he had the incident book there with him. Mr King said that the Police currently had the book because of the 26 September incident.

Mr Sykes then asked what level of command Mr Dermott had reached when in the police tactical command. Mr Dermott said he was a tactical advisor.

Councillor Cohen commented that Mr Dermott had said that a metal arch would create a pinch point, but would not the use of club scan produce a similar bottle neck. Mr Dermott said that he had seen it in operation and that it could be operated faster than a knife arch.

Councillor Mrs Smith asked Mr Cummings if he was at the premises on the night of 26 September. Mr Cummings said that he was not there that night although he was normally there every weekend.

(f) Licensee's Closing Remarks

Mr Dadds started by saying that his clients appreciated the gravity of their position and expected to raise the bar on the way the premises was operated and managed. Incidents like the ones listed by the police happen at all night clubs.

The club has a cordial relationship with the licensing officer and they were taking responsibility but it should be a shared responsibility with the police. All they wanted was to make sure that the premises were run safely and well. There has been no discussion with the police in order for the club to make improvements.

It has been a deterrent and a punishment in that the premises had been closed and the loss of money to the business could be seen as a financial penalty; more than any fine that could be imposed. He was confident that any conditions imposed would be useful to the premises.

A gradual improvement by having negotiations with the police has been missing. They should have been working together to achieve a common goal.

Mr Dermott had submitted his report and made his recommendations. It was now a problem solving exercise. This is not about punishment, but a review of the licence. You would need to be confident that the conditions that are put in place would be helpful. The sub-committee could ask that it be closed for the next fourteen days so that the short term objectives as identified by Mr Dermott are put in place.

There was no malice on the part of my clients; they just wanted to achieve their licensing objectives. It should be remembered that on 26th September 2009, the door team did help some of the walking wounded that night.

He asked that the Sub-committee identify the causes of concern and put forward appropriate conditions.

There was always a balance in licensed premises that were a popular destination. Closure was not necessary. They did not have any indication that they were to be served a review.

Councillor Cohen commented that there was a range of options open to them. They had the option to remove and replace the DPS but he said that was something they would not agree to. Mr Dadds said if it was desired then they would remove the DPS. The current one has a financial connection to the business and would be focussed on the gravity of the situation. Currently he is focused and committed that this does not reoccur.

(g) Applicants Closing Remarks

Mr Sykes on behalf of Essex Police, started by saying that they were not asking for the DPS to be removed, his management was not in question, it was the premises itself.

This was about serious crime and serious disorder as stated on the senior officer's certificate. They were looking for full compliance to the licensing conditions. The premises were a hot bed of crime with seventeen serious incidents over a period of thirteen months. No other premises had so many serious incidents.

Mr Dadds had portrayed this incident as being attributed to the wrong location. People know where they are, there are neon signs saying Club Edge or Club 195. These crimes had been investigated and the exact locations had been identified.

Police are objective and had investigated serious crimes inside the club. Why did the management not know about this and what were the door staff doing. How could a wand or knife arch help in a place like this, people come determined to fight. All the persons responsible for the incident were searched at the time. The perpetrators were this group of males who had come from Club 195. The club should have exercised some control outside their premises; they can't just say trouble came from Club Edge.

Mr Dermott had produced a generic report; the objectives were short and mid term ones, but they were not going to have any training until the new year.

It was up to Mr Dadds to come up with some proper draft conditions so that the sub-committee could debate them.

What was required was the revocation of their licence. The police have proved that there was a problem there and there was only one answer, revocation. A door scanner would not have prevented anything that happened on the 26th.

Councillor Cohen asked what was the standard of proof required for these proceedings. Mr Sykes said it was the balance of probability, the burden was on him. The only evidence came from the police. Councillor Cohen said that looking at the guidance; they were not there to judge criminal behaviour. Mr Sykes said that they did not need to prove that they was a GBH or a stabbing incident; they only needed to prove that the club were not complying with their licensing conditions.

(h) Consideration of the application by the Sub-committee

The Sub-committee retired to consider the application in private session. They received advice from officers on article one of the Human Rights Act that any decision be necessary and proportionate.

The Licensing Sub-committee was not satisfied that the management could keep to their licensing conditions. There was now a significant level of violence at the club. They considered that the police had proved on balance of probability, that serious crime had been committed on or in an area controlled by Club 195. There were in breach of their current conditions, which gave the sub-committee no confidence that any other reasonable conditions would prevent breaches in public safety. They noted that the police had not sought and agreed an action plan with the club, but then neither did Club 195. Incidents escalated to such a degree that police action was necessary and proportionate. They also noted that proper and appropriate steps were not taken by Club 195 to prevent serious crime.

They noted that the club would have the provision to appeal within 21 days, but in the meantime it was the decision of the sub-committee that the interim decision remains in force.

RESOLVED:

That the licence for Club 195, Cottis Lane, Epping be revoked on the grounds of:

- i) Prevention of Crime and Disorder;
- ii) Public safety; and
- iii) Prevention of Public Nuisance.

CHAIRMAN