

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Safer, Cleaner, Greener Scrutiny **Date:** Tuesday, 8 March 2011  
Standing Panel

**Place:** St Mary's Church - 201 High Road, **Time:** 7.30 - 8.35 pm  
Lloughton

**Members Present:** Councillors Ms C Edwards (Chairman), W Breare-Hall, A Boyce,  
Mrs T Cochrane, D Jacobs, G Mohindra, Mrs C Pond and P Spencer

**Other Councillors:** Councillors Mrs P Smith, R Barrett and D Wixley

**Apologies:** - Ms J Hedges and B Judd

**Officers Present:** J Gilbert (Director of Environment and Street Scene), K Tuckey (Senior  
Licensing Officer), J Nolan (Assistant Director (Environment &  
Neighbourhoods)) and A Hendry (Democratic Services Officer)

**Also in attendance:** C Wiggins, A Petty, P Southgate, G Cootes, C Wheatherburn and  
Insp T Simons

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### **45. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

The Panel noted there were no substitute members.

### **46. DECLARATIONS OF INTEREST**

No declarations of interest were made.

### **47. MINUTES OF THE LAST MEETING**

The notes from the 6 January 2011 meeting were agreed as a correct record.

### **48. LICENSING AND THE NIGHT TIME ECONOMY - MANAGING EXPECTATIONS**

The Chairman welcomed the various officers from the Safer Communities Partnership, Inspector Tom Simons, Essex Police and Kim Tuckey from the Council's licensing section. They were there to discuss the processes of monitoring and enforcement of the Licensing conditions in the various premises throughout the district and to answer any questions that may arise.

Inspector Tom Simons gave a short presentation on the role of the Police in the local night time economy. He noted that they have to keep the four licensing objectives, set out by the Licensing Act, in mind. The objectives were:

- The prevention of Crime and Disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The Police were the most concerned about the first objective, prevention of crime and disorder for which they relied on a constructive relationship with the Council and the Safer Communities Partnership (SCP).

They used:

- Section 51 of the Licensing Act, 2003 which allowed interested parties or responsible authorities to apply for a review of a premises licence. This was a long term approach and not a quick fix.
- Section 53 of the Licensing Act which allowed chief officers at Superintendant level, to apply for an expedited review of a licensed premise. This must be heard within 28 days.
- Section 161 which allowed the Police to close a premise for up to 24 hours and the application must be made by an inspector or above. This power was not used very often.

The Police were currently running 'Operation Teutonic' which enabled them to put in extra resources, as it was partly funded by the Safer Communities Partnership, into policing licensed premises in Loughton. It allowed proactive measures to be deployed such as knife arches, drug dogs, PCSOs etc. where needed.

They have also launched 'Pub Link' where the licensed premises in Loughton High Road are linked by two way radio to each other and to the Police. This way, they can share information in real time about any problems or problem customers around that night.

Councillor Wixley asked how the recent announcement on the reduction of Police Officers, was affecting Police moral. Inspector Simons noted that about 14,000 frontline Police Officers nationwide, would be removed from their role, so there would be reductions in Essex but he was unsure how that would play out. It was concerning.

Councillor Barrett said that people were concerned about the noise disturbance created by customers of the Crystal Lounge and the Nu Bar when they leave the premises. They were pleased to have the police patrolling the area but wondered if this could be tightened up. Inspector Simons replied that there were other responsible bodies, such as Environmental Health who could help with disturbances like this. He noted that the Council had not received any complaints about noise from the public and they needed engagement from the public, the legislation was there to help in these matters. Councillor Barrett replied that he thought that it needed a responsible authority like to the Police to make the complaint for it to have any validity.

Councillor Spencer asked how many times the Police were called out to night time disturbances. Inspector Simons replied that they were called out to the main late night venues usually on Friday and Saturday nights, sometimes they were called to other venues and house parties as well. This was a big district and it was not especially the Loughton area that had problems.

A member of the public noted that although some residents had rung up about noise disruption they got no replies. Also, were bouncers or door staff as they are known now, part of the problem and do they have female door staff. Inspector Simons said that door staff were of great interest to the Police, they are all SIA accredited, the police monitor their behaviour and look for their co-operation as it was important to get information from them about any incident. There are female door staff that prove to be very valuable in defusing some situations and searching female clients.

Councillor Mrs Smith asked about the Loughton 'Pub Link' scheme. How would this be evaluated and would it be taken elsewhere? She was told that although it was a Police led scheme it was voluntary and any participants could pull out whenever they wanted to. This scheme was difficult to transfer to other areas, such as Epping, as the premises needed to be close to a transmitter, usually located at a Police station. Also it needed enough premises for it to be viable and Loughton seems to be the only place where there were enough premises sufficiently close together (10 were needed).

Councillor Mrs Smith then asked what the Police did behind the scenes; did they have a specialist Licensing Officer etc? Inspector Simons said that they tended to check problem premises every Friday and Saturdays. They have a Licensing Officer, based at Epping, who goes around checking various premises.

Jim Nolan, Assistant Director (Environment and Neighbourhood) informed the meeting that the Council had a 365 day, 24 hour service to handle any noise complaints. All the member of the public had to do was telephone the Council at any time and they would be referred to the 'on call officer'. If it was before midnight, then the complaint would be looked into within an hour. If it was after midnight, then the address of the premises in question would be checked against a list, if the address was on that list then they would be visited immediately, if they were not on the list then it would be investigated within a week.

Kim Tuckey, the Senior Licensing Officer for Epping Forest District Council explained that the Licensing Section sat as an administration section, ensuring that proper procedures were followed such as consultation with the responsible authorities.

The licensing officers offer advice and guidance to the public and applicants; they would also mediate between the public and an applicant. They must remain neutral when dealing with an application.

The Licensing section was separate from Environmental Health who investigates complaints and carries out random checks and reports back to the licensing section, who, in turn report back to the licensing sub-committee.

Any member of the public was classed as an interested party and could seek a review of a premises licence as long as they had appropriate grounds for doing so and they were not frivolous, vexatious or repetitious. They would need to keep a diary of any incidents that they wish to base their review on. Ward members could also be interested parties and / or represent their constituents.

Councillor Barrett asked if the Licensing Sub-committee was under any legal obligation to allow lawyers or solicitors to cross examine other people at the hearing. He was concerned at how lawyers treated residents and sometimes asked for their address, part of which was blacked out on the agenda. Ms Tuckey replied that in the interests of fairness, they were allowed to ask questions on behalf of their client. In ten years doing this job she had not heard of any repercussions. Residents did not have to give their house number when asked.

Mr Nolan said it was up to the Chairman to control the meetings, but they had to be seen to be fair to all parties. Residents could ask their local member to represent them at the meeting. In order to minimise the possibility of an appeal the sub-committee must make sure that they cover all necessary procedures.

Asked if there was a time limit to reviews, Ms Tuckey said that any application must be supported by evidence, but there was no set time scale. It was governed by the

concept of reasonableness, and it was up to the members of the sub-committee to define reasonableness for any application.

Councillor Pond asked how vicinity was interpreted in the Licensing Act. Ms Tuckey said that the Act did not define it; but it had to be compliant with reasonableness. Members would have to decide by their address what weight they would apply to any complaint.

Caroline Wiggins, the Safer Communities Manager, said that the SCP was not classed as a responsible authority, although it can ensure that premises do work to a set standard and work with the anti-social behaviour officer to tackle any relevant issues.

Councillor Mohindra asked how the Council could stop licence holders changing the named licence holder and carrying on as before. He was told that the Council could not, but the law would be changing to help in this.

Councillor Barrett asked if the Nu Bar and the Crystal Lounge was under CCTV surveillance. He was told that they were; it was a new improved system that gave very detailed pictures that helped the Police in their investigations. The Council's CCTV officers also provided advice and guidance to premises on what CCTV they should have and how best to use it. There were six cameras along Loughton High Street and one or two at the back. These were not used for traffic enforcement.

The Chairman thanked all the attendees for coming to answer questions at this meeting and hoped that the public attendance could be increased the next time they hold such a meeting.

#### **49. FUTURE MEETINGS**

The date of the next meeting of the Panel was noted.

**CHAIRMAN**