

(b) Presentation of the Applicant's Case

Mr Parker addressed the concerns of the Parish Council saying that his stall would not increase traffic on that road as it was not a cut through or a short cut. There were no objections from the authorities such as the Police or highways. He submitted a sketch and photos of the area involved to the Sub-committee. He added that his stall was situated 38 metres from the main road and would not cause parking problems.

He would agree to reduce his working days to Friday, Saturday and Sundays if that would help his application.

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

Councillor Mrs Sartin asked if his stall was on a permanent site. Mr Parkers said that it was, but it did have wheels. Mrs Sartin then asked where would he store the sea food, was there a freezer? Mr Parker replied that there would be one linked up to the public house.

Councillor Leonard asked about his past criminal record and Mr Parker gave the Sub-committee details of this.

Councillor Angold-Stephens asked why he wanted to give up his application for the Thursday. Mr Parker said that he would like to keep and use the Thursday as a trading day but was willing to give up that day if it would help in gaining his consent.

Councillor Mrs Sartin clarified if he would be running his flower stall alongside the sea food stall; Mr Parker said that he would be running the both stalls together.

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

The Chairman asked Mr Parker to leave the Chamber while they considered his application. They received no advice from officers.

RESOLVED:

That the application for a Street Trading Consent to sell sea food, Warren Wood Public House, Epping New Road, by Mr T Parker be granted.

66. REVIEW OF PREMISES LICENCE - CRYSTAL LOUNGE, 126 HIGH ROAD, LOUGHTON

The members who presided over this application were Councillors Mrs M Sartin, Mrs R Gadsby and J Knapman. Councillor Sartin took over as Chairman for this application.

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 on behalf of the application for review were Mr S Fisher, Licensing Officer Essex Police, Inspector Tom Simons, and PC Paul Christian.

In attendance on behalf of The Crystal Lounge were Mr R Sutherland, representing the applicant and his clerk; also, Mr A Kundra, owner and Designated Premises Supervisor of the Crystal lounge and Ross Parry, the General Manager.

In attendance on behalf of the objectors were Mark Pidgeon, Mrs Clark, Mrs J Woodman and N Tibbott, local residents. County Councillor Chris Pond, representing the Loughton Resident's Association. Councillor C Finn, District Ward Councillor, representing Mrs Woodman. Councillor R Barrett, neighbouring District Ward Councillor. David Baker, Epping Forest District Council Planning Officer.

Councillors Leonard and Angold-Stephens as observers.

(a) The Application before the Sub-Committee

The Assistant Director (Legal), Alison Mitchell, informed the Sub-committee that an application for review of the premises licence had been received for the Crystal Lounge, 126 High Road, Loughton, Essex, on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

(b) Presentation of the Applicants Case

Inspector Tom Simons said that the Police had called the review following a number of disorder issues. They had noticed that there had been fewer instance of disorder when the Lounge had closed earlier. However, they had now come to an agreement with the Crystal Lounge to reduce its hours and to stop serving alcohol at 1.00am and to close at 1.30am Friday and Saturdays. The Police were happy with this arrangement and had withdrawn their review.

The Chairman asked if any of the other objectors would like to set out their case.

Councillor C Pond, spoke on behalf of the Loughton Residents Association and Loughton Town Council. They had noted the new arrangement made with the Police, but were still not happy with it. He drew the attention of the Sub-committee to the written representations sent in by local residents. This, he suggested gave enough reason to revoke their licence entirely under crime and disorder, public safety, public nuisance and protection of children from harm. Underage drinkers have been found on the premises, if need be the sub-committee could add conditions to deal with this; although this would not clear up the disturbances outside.

Mr Pidgeon, a local resident said he still perceived this as being unacceptable. There was loud music and noise from the crowd leaving the premises which meant that he could not get to sleep. Also he noted that rubbish, in the form of cans, bottles and other detritus was thrown into his front garden. This constituted a public nuisance. When people had moved into the area the Crystal Lounge was just a public house. At the very least he thought that it should close at 12 midnight.

Mr D Baker, District Council Planning Officer, welcomed the new hours agreed with the Police. However, the premise occupies a corner site of the High Road and people going there tended to park in the two small public car parks or the neighbouring streets. There tended to be a lot of low level noise emanating from people leaving the premises such as people talking, shouting, slamming of car doors and loud radios, all happening at a time of night when there are already low levels of background noise. The Planning Department considered this to constitute a public nuisance. Although the reduction in the hours were welcomed this would still cause a public nuisance.

They would like to see the Crystal Lounge stop selling alcohol at 12.30 and close at 1.00 am.

Councillor Finn was there on behalf of Mrs Woodman, who was also present at this meeting. He would defer to her to put her own case. He noted that his fellow ward Councillor James Hart had canvassed the neighbourhood and had received a lot of complaints.

Mrs Woodman said she regularly came back from town in the late evenings and did not like going past the Crystal Lounge as she felt threatened by the crowd outside. Loughton was not the place to have late opening bars or clubs; she did not want people like that in the town. People should have the right to walk around their town centre without feeling intimidated. The Licence should stop at midnight.

(c) Questions for the Objectors from the Sub-committee

Councillor Knapman asked Mr Baker why he presumed that people came from outside Loughton. Mr Baker did not know details, but said it was common knowledge that they attend this venue.

Councillor Gadsby said that the Crystal Lounge was different from a public house. Mr Baker agreed and accepted that people did go there after having been somewhere else beforehand.

(d) Questions from the Crystal Lounge to the Objectors

Mr Sutherland asked Mrs Woodman if the proposal by the Crystal Lounge to clean up the area surrounding the premises at the end of the evening would be of help to the neighbourhood. Mrs Woodman said that was a small element of the objections and that they should be doing that anyway. They are already in breach of their licensing conditions so why should they keep to this condition.

Mr Sutherland asked which condition was being breached. Mrs Woodman said they were serving alcohol to persons that already had too much to drink; they did not arrive there drunk as they would not be let in.

Mr Sutherland then asked Mrs Woodman what sort of conditions would she like to see. Mrs Woodman would like to see an end of underage people being served alcohol and also to people who had had too much to drink.

Mr Sutherland said that one of her reasons given was that she did not feel safe walking down that road. Why was that? Mrs Woodman replied that her letter did not say she did not feel safe, it mentioned the rowdy crowd gathered around the Crystal Lounge. She did not care to be caught up in that crowd.

Mr Sutherland said that Mrs Woodman commented that she did not want those types of people in Loughton, who were these people? Mrs Woodman said she was referring to young people who had no respect or were out of control through alcohol.

Mr Sutherland asked if she had the same concern with other premises in Loughton. Mrs Woodman replied not as much as she had for the Crystal Lounge.

She was then asked if no other premises should be open until 2am? She replied that there was only one other open until 2am.

Mr Sutherland then asked Mr Baker if the car parks he referred to were public car parks. Mr Baker said they were.

Mr Sutherland clarified with Mr Pidgeon that he had a lot of rubbish in his garden including cans and bottles. Mr Pidgeon said they were a variety of objects including shoes, plastic cups, cans etc. The noise level was unacceptable and late leavers caused a lot of problems. Three years ago there was a massive brawl; this type of behaviour needed to be addressed. The road at night had an intimidating feel about it after 10.30pm.

Mr Sutherland replied in relation to rubbish in his garden, the company that took over this premises last year did not let bottles and glasses off their premises. These operators are not connected to the previous club owners. He asked if it surprised him that no cans were sold by the Crystal Lounge. Mr Pidgeon replied that it did not, as not all problems were connected to that venue, but it was a contributory factor.

Mr Sutherland then asked if Mr Pidgeon had tried to speak to someone at the Crystal Lounge about the noise nuisance. Mr Pidgeon replied that he had not spoken to the management of the venue as he did not expect it to have any affect.

Mr Sutherland said that a proposed condition was that the venue management have regular (initially) monthly meetings with local residents. Mr Pidgeon responded that that would be helpful, although he was doubtful that it could be enforced.

Mr Sutherland asked if a dedicated telephone number would also be helpful and was told that it would be, although it was sad that it had taken so long for this two way communication to happen.

Mr Sutherland asked if he had made a complaint about the noise to the officers at EFDC; Mr Pidgeon said they all had busy lives and it was unreasonable for them to have to do so.

(e) Additional Objectors statement and questions

County Councillor Pond asked if the Crystal Lounge would mind having the proposed condition 1 and 2 amended so that:

Condition 1 - was phrased so that the phrase 'local residents' was clarified and that the Town Council was added to the list of attendees.

Condition 2 – the Town Council was to take precedent over the LRA.

Condition 4 – the patrolling area to be significantly widened out.

Condition 5 – to reduce licensing hours by 30 minutes.

Mr Sutherland was agreeable to the changes in conditions 1 and 2, they would also like to invite the Police under condition 2; they were trying to set up an inclusive area for condition 4; and the Police had already amended the hours in condition 5 to end sales of alcohol at 1am and closure of premises at 1.30am.

Councillor Pond clarified that the LRA wanted a 12.30 end to sales of alcohol and a 1am close. Also they wanted better control for preventing underage persons entering the venue.

Inspector Simons said they would not recommend that the patrol area be extended (under condition 4) as it could cause other problems. Mr Sutherland said they would keep it as is.

(f) Presentation of Crystal Lounge's Case

Mr Sutherland started by saying that there was only 2 occasions in which underage people were served on the premises and this was mainly due to the restaurant on the first floor. When people go to the bar they were asked for photo-identity, although younger people could consume alcohol with their meal.

It was possible that once finished with their meal, people could go downstairs to the bar. That has now changed, patrons are now required to leave the premises and come back through the main entrance. This problem should not arise again.

As for the allegations of public nuisance, they were not aware of this. Before they opened the Manager went around the streets to check that there was no noise escaping from the venue, causing problems. Had they been aware of any they would have set the noise limiter at a level so as not to disturb local residents. Since they had been made aware they had set the limiter to an appropriate level.

As for glass and other rubbish. They have now changed from glass to plastic, which helps with the crime and disorder issues. Any glass found on the street would not be from their premises. Patrons cannot take drinks out away from the premises. The smoking area is contained within the premises and people cannot get out (on to the streets) from there. However, to be good neighbours they have offered to clear up the local area as a goodwill gesture.

(g) Questions from the Sub-Committee

Councillor Mrs Sartin asked if the internal staircase had now been locked. She was told that it was now locked and used only for staff access.

Councillor Knapman asked about people leaving before 1 and 1.30am, would they then go on to the Nu Bar? Mr Kundra was not aware of the Nu Bar closing times, but the Crystal Lounge had a last admission time. If it became an issue then the Police would have picked it up. One of the ways they had addressed it was by having a last admissions policy (no entry into the establishment after 23:30 or re-entry after 00:55). They were not looking at changing the re-entry times as they had not caused any problems in the past.

Councillor Mrs Gadsby said she had noticed queuing outside, when does that stop; and had there been any noise or fights because of the queuing? She was told the queue finished at around 11.30pm. They had tasked the doormen to search them and check their IDs. They have one member of staff patrolling the queue asking them to keep quiet, if not they did not let them in. The queue was the result of this door policy (searching and checking IDs).

Councillor Mrs Sartin asked about the meeting with local residents how would they be informed? Mr Sutherland said initially by letter and then they would be held on the first Monday of each month. Once the meetings had settled down, it would be once every four months.

Councillor Mrs Sartin asked if they have any communication with the council's noise team. She was told that they had been given guidance to the premises and they had implemented that.

(h) Questions from Objectors

Mr Baker asked if the hours proposed were now 1 and 1.30am. Mr Sutherland agreed that they were and the licence was to reflect this.

County Councillor Pond asked if it could be conditioned that the internal staircase be maintained in a closed and locked position at all times. However, this raised safety concerns and should not be conditioned as such. The doorway was currently operable on a security key lock system, and is to be used as a means of escape in cases of emergency.

(i) Closing Statement

Mr Sutherland commended the agreement agreed with the Police and noted that this would hit the venue significantly on a commercial basis. The Police believed it addressed their concerns of Crime and Disorder. He urged the Sub-committee to agree the Police application to cease licensing by 1.00am and the premises to close by 1.30am.

(j) Consideration of the Review by the Sub-committee

The Sub-committee retired to consider the application for the review in private session. They received no advice from officers.

RESOLVED:

(1) That, the Sub-committee considered the evidence produced for the review of the Crystal Lounge and that with the late agreement of the Police and the management of the Crystal Lounge to reduce their hours to the sale of alcohol on Friday and Saturday to 1.00am and the closure of the premises at 1.30am; that the Crystal Lounge, 126 High Road, Loughton be allowed to continue operating subject to the conditions contained within the application and the additional conditions in relation to:

(a) Prevention of Public Nuisance

- (i) That the licence holder will at their premises hold a meeting for local residents at least once every four months to raise their concerns, with invitations extended to include the Police and the Town Council and local ward councillors. All these parties are to be provided with a telephone number to a dedicated telephone line for use by any persons who may wish to make a complaint during operation hours.
- (ii) The Premises is to keep and maintain a record of all complaints received and make this record available to the police and the licensing authority on request.
- (iii) A minimum of two staff members will patrol outside the near vicinity of the premises (as indicated on plan) for at one hour after the designated closing time of the premises and collect and dispose of any litter discarded by customers associated with the premises.

(b) Protection of Children from harm

- (iv) That patrons would not be able to use the internal staircase except in emergencies.
- (c) **Prevention of Crime and Disorder**
- (v) No glassware or other drinks containers to be taken off the premises by the patrons.

CHAIRMAN