

Report to the Licensing Committee



**Epping Forest
District Council**

Date of meeting: 21 October 2009

**Subject: Summary Review of Premises Licence
195 Club, Cottis Lane, Epping, Essex CM16 4BL**

Responsible Officer: Kim Tuckey (01992 564034) – Senior Licensing Officer

Democratic Services Officer: Adrian Hendry (01992-564246)

Decision Required:

- 1. To decide whether to take into account representations made anonymously.**
- 2. To decide whether some of the representations are within the vicinity of the premises and as such can be said to be relevant.**
- 3. To determine an application for a Summary Review of the Premises Licence and to consider relevant representations as a result of the review application.**

Report:

- On 29th September 2009 an application for a Summary Review of a Premises Licence under Section 53A of the Licensing Act 2003 was received from Essex Police in respect of a Premises Licence issued to Club 195, 195-199 Cottis Lane, Epping, Essex CM16 4BL.
- On 1st October 2009, in accordance with Section 53B of the Licensing Act 2003, the Licensing Authority after reading Essex Police's review application determined within the 48 hour statutory time frame to implement the following interim step to take effect immediately:
 - To suspend the Premises Licence until the Review hearing.
- The Sub-Committee found that if the Premises Licence was not suspended there was a danger of further serious crime and serious disorder.
- A copy of the application for a summary review and the certificate under Section 53A(1)(b) was served on the holder of the Premises Licence and all responsible authorities. The certificate stated that in the opinion of Superintendent 2293 Williams, the Premises were associated with both serious crime and disorder.
- The application was advertised in accordance with Section 53(A)(3)(c) of the Licensing Act 2003 and Regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, thereby inviting representations to be made by responsible authorities and interested parties. Any representations had to be received by the Licensing Authority by 13 October 2009.
- A copy of the application for review is attached at Appendix A. Also attached at Appendix B is a location map showing the premises and surrounding area.

7. On 1 and 7 October 2009 the Premises Licence Holder submitted representations against the interim step imposed by the Licensing Authority. A copy of these representations is attached as Appendix C. A hearing was held on 7 October 2009 to consider the representations and having considered them, the Licensing Authority determined that the following interim step would remain in effect:

(a) That the Premises Licence would remain suspended until the Review hearing.

8. Members considered that the interim suspension was still necessary for the promotion of the licensing objectives.

9. A copy of the Determination Letter is attached at Appendix D.

Current Premises Licence

10. A copy of the current Premises Licence which includes conditions is attached at Appendix E.

Grounds for Review

11. The application for review states that, "if emergency measures are not taken such is the serious nature of crime and disorder, that someone may lose their life through an assault at this premises".

12. Essex Police further state that over "the last twelve months a series of incidents culminated in a violent disorder on Saturday 26 September 2009". Also that Club 195 had been directly associated with at least 47 incidents over the last 12 months which meet the criteria of serious crime and disorder. Essex Police are of the opinion that other procedures under the Act are inappropriate as previous interventions by the Police have failed to stop the escalation of crime and disorder.

13. In support of the application Essex Police have supplied a list of incidents, and these are attached with the application form and certificate at Appendix A.

Relevant Representations

14. All responsible authorities have received a copy of the application for review and the Licensing Authority has not received any representations from any Responsible Authority.

15. The Licensing Authority has however received representations from interested parties relating to the following licensing objectives:

(1) The prevention of crime and disorder.

(2) Public Safety.

(3) The prevention of public nuisance.

Representations in support were also received.

16. In making its decision the Licensing Authority must take account of relevant representations from interested parties. Interested parties are defined as:

(1) a person living in the vicinity of the premises,

- (2) a body representing persons who live in that vicinity
- (3) a person involved in a business in that vicinity, and
- (4) a body representing persons involved in such business.

17. The Licensing Authority received representations from a number of persons who appear to live away from the vicinity of the premises and these have not been included with the agenda. However, the addresses will be made available and it will be for the Sub-committee to decide the question of vicinity. Guidance states that in reaching that decision 'the licensing authority should consider whether the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside those premises. In other words, it is the impact of issues relating to the four licensing objectives that is the key consideration'. There are a number of other representations received where no address has been given. Officers are endeavouring to establish whether these objectors are within the vicinity and will report at the hearing.

18. The Licensing Authority should provide the applicant with copies of relevant representations that have been made. However, a number of objectors have asked that their names are not revealed. The guidance states 'In some exceptional and isolated circumstances interested parties may be reluctant to make representations because of fears of intimidation or violence if their personal details, such as name and address are divulged to the applicant.' The Licensing Authority may agree to consider the representations after having withheld some personal details. The Licensing Sub-Committee will have to decide whether it wishes to consider these representations but must be satisfied that there are circumstances which justify the action and that the complaints are not vexatious or frivolous.

19. The representations from persons or businesses in the vicinity and that may be identified are attached at Appendix F.

20. The Premises Licence Holder, the applicant for the review and all interested parties have been invited to attend this hearing and will be given the opportunity to address members

Legal Considerations

21. The decision must be taken following consideration of the representations received with a view to promoting the four licensing objectives which are:

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- Protection of children from harm.

Options

22. In the case of a review of a Premises Licence the Licensing Sub-Committee has the following options:

- (a) To modify the Conditions of the Premises Licence.

- (b) To exclude from the Licence a licensable activity.
- (c) To remove the Designated Premises Supervisor.
- (d) To suspend the Licence for a period not exceeding 3 months.
- (e) To revoke the Licence.
- (f) To leave the Licence in its existing state.

Determination of the Application

22. Members are invited to determine this application following consideration of the evidence presented to them.

Background Papers:

- Application for Review.
- Relevant Representations.
- Licensing Act 2003 (Summary Review of Premises Licences) Regulation 2007.
- Licensing Act 2003.
- Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).
- Expedited/Summary Licence Reviews Guidance – October 2007.
- The Authority's Licensing Policy