

To: Corporate Support Services  
Licensing Section  
Nichola Glasscock

From: Environment & Street Scene Directorate  
Richard Gardiner  
Environment and Neighbourhoods Manager



Date: Date: 6 January 2009

Your ref:

Our ref: WK/200923128

## **Epping Forest District Council**

### **Licensing Act 2003 Minx, 126 High Road, Loughton Essex, IG10 4BE**

I refer to an application for a review of the premises licence made under the Licensing Act 2003 regarding the above mentioned premises.

I would like to make the following representation with regard to the Licensing objective – prevention of public nuisance on behalf of the Council Environment & Street Scene Directorate as responsible authority.

#### **Grounds of representation**

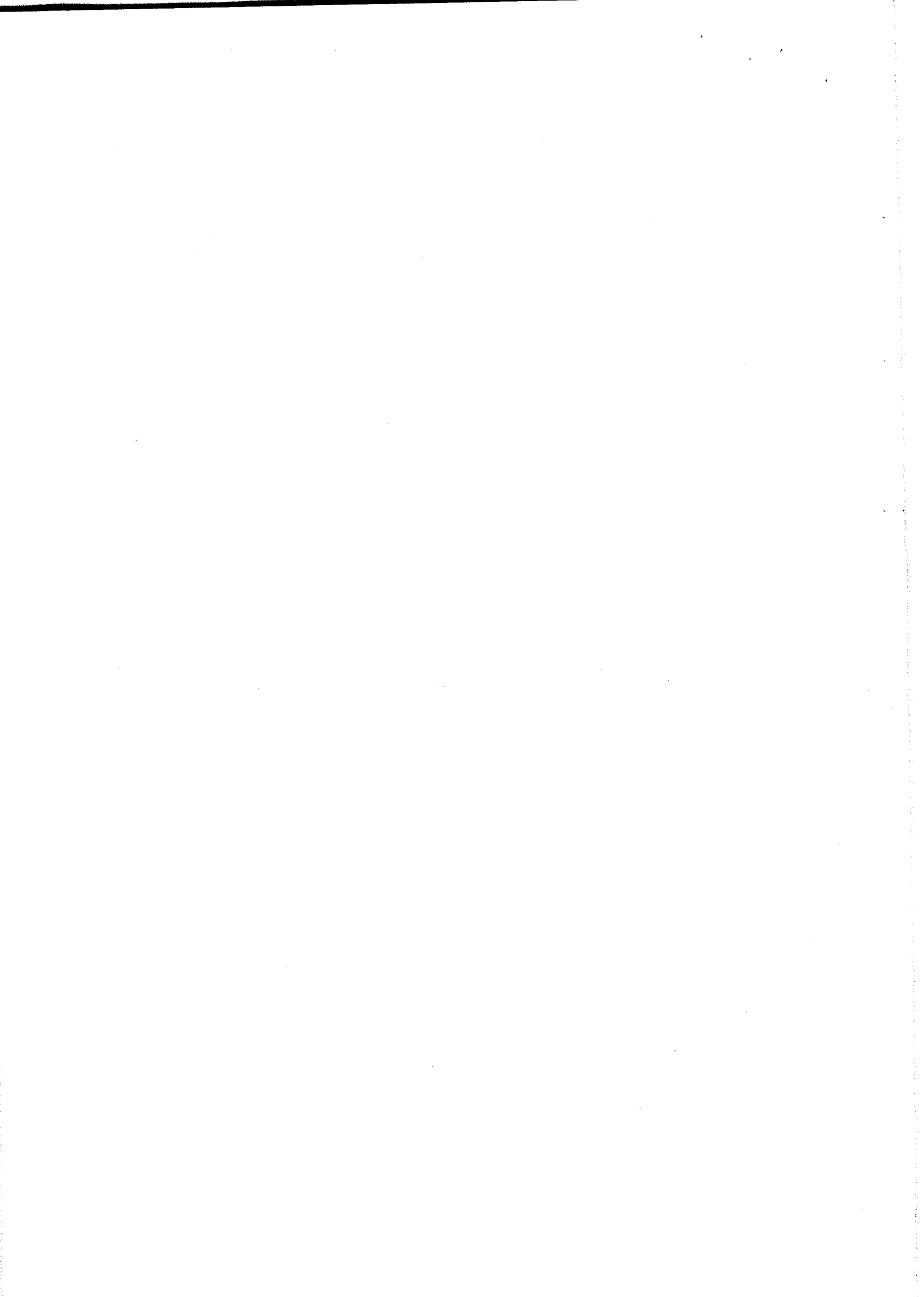
The Environment & Neighbourhoods team have received approximately 32 complaints from at least 9 different residents, in relation to noise and public nuisance in the past 3 years (see attached appendix A for list of complaints). The complaints refer to loud music, anti-social behaviour from customers, litter (cigarettes and bottles), parking problems, fights in the street and similar behaviour allegedly associated with the Minx.

The Environment & Neighbourhoods team have in the past considered instigating a review of the premises licence on the grounds of the licensing objective – prevention of public nuisance, however most of the complainants do not want their details revealed, some previous complainants have moved away from the area from rented accommodation nearby and a lot of the evidence from residents relating to The Minx is circumstantial with no direct link to the property. For example, a fight in the street in the near vicinity of the Minx may have been reported as attributable to customers of the Minx, however, the complainant has no direct evidence that the customers attended the Minx or indeed any licensed premises in the area.

In May 2009 The Environment & Neighbourhoods team concluded that we had insufficient evidence to call for a review of the licence on the grounds of public nuisance. However, 32 complaints in a 3 year period is a substantial number of allegations.

The Environment & Neighbourhoods team have been in contact with the premises licence holder and designated premises supervisor on a number of occasions in the past regarding issues in relation to public nuisance (see attached appendix B for copies of correspondence to the Minx from 2008 to date). Appendix C contains letters in response from the Minx from 2008.

On a number of occasions the duty noise officer has visited the vicinity and a neighbouring residential property. A statutory noise nuisance has not been established, however, noise levels have at times caused concern and there have been occasions when complaints have been received and the duty noise officer has not been able to attend in time to witness the alleged nuisance. We have also been informed that tenants of neighbouring flats have moved out rather than continue to experience the noise and make complaints to the Council.



The Environment & Neighbourhoods team are concerned that the premises has potential to cause a public nuisance in the future and it is evident that tight controls need to be in place to control the level of disturbance and avoid causing a public nuisance.

The existing licence (LN 210002365) has a number of existing conditions attached as "consistent with the operating schedule" at Annex 2 and "Conditions attached after a hearing by the licensing authority" at Annex 3. Whilst many of these conditions are welcome and the intention of the conditions are clear in many cases, the Environment & Neighbourhoods team would like to see the existing conditions consolidated and corrected to ensure they are correct, clear and enforceable.

For example condition 6 Annex 3 refers to "Roaming door supervisors" e.g.

"Roaming door supervisors registered with the SIA will patrol up to and including 38 Smarts Lane and up to and including 32 High Beech Road outside the premises for at least 30 minutes after the designated closing time of the premises".

It is accepted that the intention of this condition is clear; however a map showing the patrol area would be of benefit, so it is clear to the door supervisors and anybody else monitoring compliance with this condition.

The Environment & Neighbourhoods team also believe that the large area suggested for patrols is an unrealistic expectation on the door supervisors (see attached map showing the area in question) and requires them to patrol an area beyond the near vicinity of the Minx, where they have no powers of control over customers, who are also likely to be mixing with other members of the public who may not have attended the Minx. Noise officers visiting the area have seen little evidence of this condition being complied with in Smarts Lane or Beech Road.

If the licensing panel consider that the current licence is only appropriate because this condition is being complied with and the assumption that this condition is controlling behaviour in this area, it is recommended that the panel consider removing or amending the condition and reducing/restricting the authorised activities accordingly e.g. reducing the authorised licensed hours.

It is recommend that the review of the licence is taken as an opportunity to remove all the existing conditions in Annex 2 and 3, review and amend them according, removing any duplication or inconsistency and adding a new up to date set of conditions to the licence.

Appendix D provides recommended changes to the conditions.



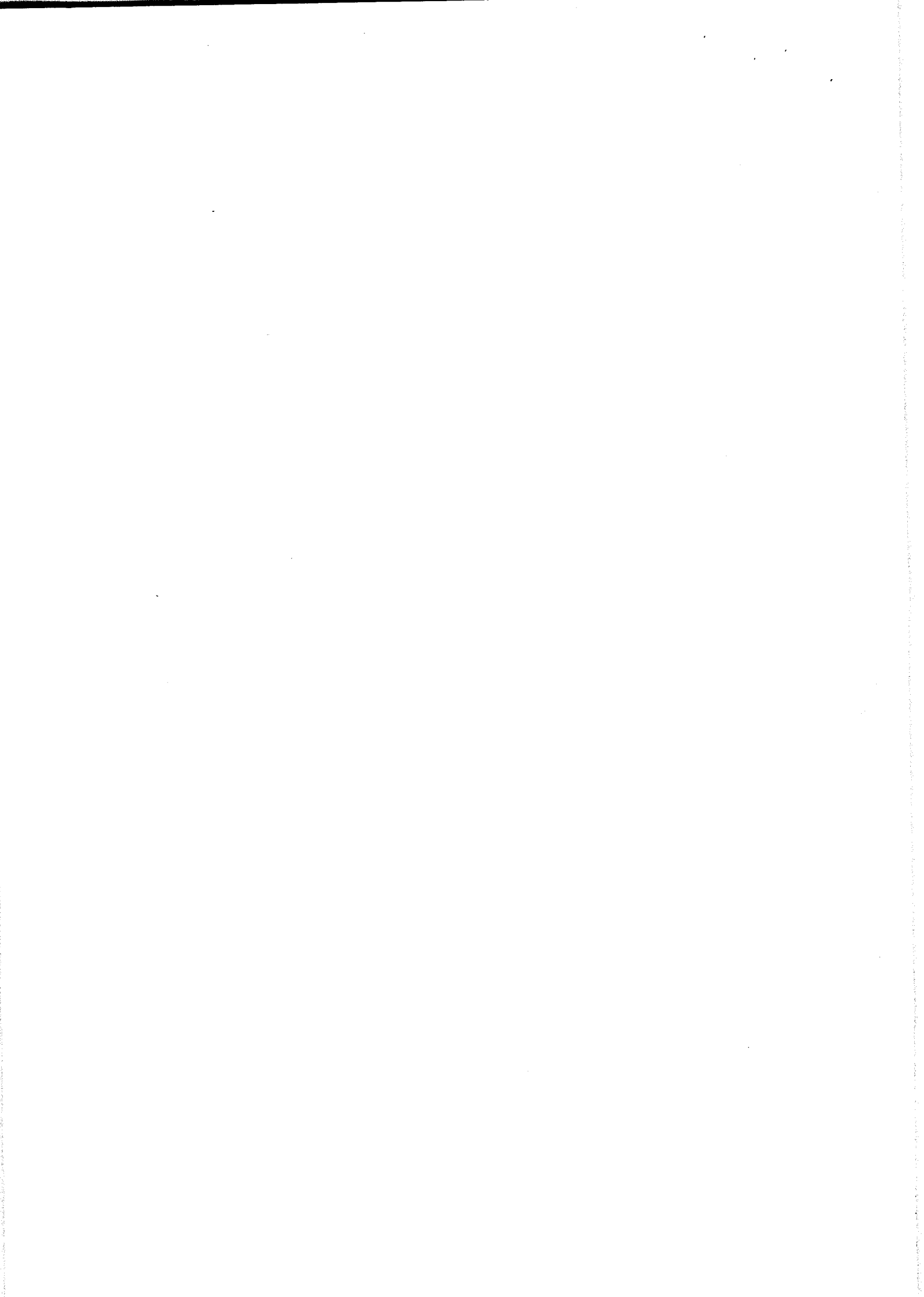
Richard Gardiner  
**Environment and Neighbourhoods Manager**



**Appendix A: The Minx, High Road, Loughton, Essex**

Environment & Street Scene: Complaints received between - 29/07/09 to 29/07/06.

Date received	Information	Ref - WK	Received by E = email, T = Telephone, L = Letter.
19/05/09	Noise and Antisocial Behaviour (ASB)	200911800	E
7/5/09	Noise, litter, ASB late at night, parking problems	200911430	T
16/04/09	Loud music	200911439	E
05/4/09	Loud music when front doors open	200910248	T
25/3/09	Loud music	200817300	T
18/3/09	Loud music	200817111	T
22/2/09	Loud music - bass	200816138	T
21/2/09	Music	200816168	T
19/2/09	Noise - music and bass	200816011	E
15/2/09	Loud music most weekends	200815888	T
5/2/09	Loud music and customers leaving area, leaving doors open	200815655	E
29/1/09	Noise, underage customers, glasses/bottle outside, leafleting cars, cigarette butts.	200816049	T
19/01/09	Noise nuisance music	200815023	T
12/10/08	Bass music, customer urinating, alleged drug dealing	200811444	T
10/10/08	Loud music	200811445	T
04/10/08	Noise - customers and music	200811191	T
18/9/08	Noise - people in street	200810639	L
13/9/08	Letting customer in after 23.30 hours, noise, music	200810356	T
27/8/08	Loud music, customer noise	200809701	L
07/7/08	Loud music, banging noise when emptying bins, drunk and disorderly, regular fights, urinating outside	200806909	T
6/5/08	Loud music - doors open	200804636	T
28/3/08	Loud music	200803273	L
20/3/08	Noise from customers, large gathering outside Minx causing disturbance	200802872	T
24/09/07	Noise, traffic, broken glass, obscene language, shouting, car stereos, ASB.	200707771	T
11/06/07	Music noise until 3am	200701018	T
29/5/07	Noise - Bass music Sat/Sun	200700441	T
27/5/07	Loud music	200700412	T
14/4/07	Loud music	200369190	T
5/3/07	Noise/swearing	200367676	T
4/10/06	Customer noise	200361649	E
27/9/06	Loud music - Is terrible at weekends	200361144	T
15/09/06	Loud music	200360634	T



**Appendix B – Letters to The Minx**

Letter to Mr Din (DPS) dated 7 May 2009 with copy of letter to Mr Din (DPS) dated 27 October 2008.

Letter to Mr Din (DPS) dated 19 February 2009

Letters to Ms L Falconer (Manageress), Mr R Maharajah (DPS) & Trust Inns (Designated Premises Licence Holder) dated 19 February 2009.

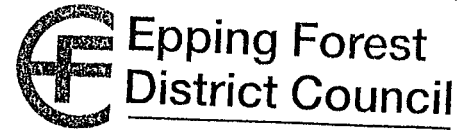
Letter to Mr Din (DPS) dated 27 October 2008

Letter to Mr Maharajah dated 14 July 2008





File



Directorate of Environment & Street Scene

Civic Offices High Street  
Epping Essex CM16 4BZ

Telephone: 01992 564000  
Facsimile: 01992 561016  
DX: 40409 Epping

Director:  
John Gilbert

Enquiries to:

Date: 7 May 2009

Our Ref: WK/200810639

Your Ref:

Mr N Din  
Minx  
126 High Road  
Loughton Essex  
IG10 4BE

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Mr Din

**Environmental Protection Act 1990  
Minx, 126 High Road, Loughton Essex, IG10 4BE**

I refer to your letters dated 2 March & 24 April 2009 regarding the above mentioned premises in response to my letter dated 19 February 2009 regarding the control of noise and other disturbance from the Minx.

Please find enclosed copy of the letter that I referred to dated 27 October 2008, which you said you have not seen.

I am grateful for the steps you have taken or are introducing as detailed in your letters. However, I have received further unsubstantiated complaints regarding loud music on 18, 25 and 29 March 2009, and letters suggesting that a number of tenants have moved out of the residential properties at the rear of the Minx due to noise directly from your property and/or behaviour of your customers.

It has been alleged that residents are being disturbed by music, noise from the smoking area, banging from the rear gate (prominent at clearing up time) and other antisocial behaviour related to or directly from the Minx. Some improvement has been reported but others have alleged that disturbance related to the Minx continues unabated.

Most of the complainants do not wish to provide evidence that could be used in a review of your licence for various reasons, and a number of complaints have been made when we have been unable to visit in time to witness the alleged incident. There is evidence to suggest that some residents who are tenants have simply moved away to avoid the disturbance being caused, rather than continue to complain and ask us to visit at the time of the alleged nuisance.

If the complainants' allegations are true, it would appear that the current operation is causing a public nuisance and a review of the premises licence would be justified if we had sufficient evidence to substantiate the allegations. I am still considering this option based on any evidence that is provided by residents or that we gather directly.



INVESTOR IN PEOPLE

On the 22 February 2009 I witnessed noise from music audible in a neighbouring residential property at a borderline statutory nuisance level. The complainant alleged that the music is often louder than I witnessed.

I also observed a distinct lack of patrolling by door staff. I note from your letter dated 24 April 2009 that you have now taken steps to improve this situation.

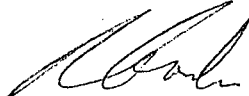
It is clear from the number of conditions imposed by the licensing panel that your hours of opening were granted with the expectation that the property would be tightly controlled to avoid causing a public nuisance in the vicinity of your property. Clearly the expectation is that conditions imposed by the licensing panel will be complied with, or the benefits provided by the licence should be withdrawn or reduced.

I would urge you to ensure that your existing conditions are complied with and particular attention paid to the control of noise from customers as they leave your property. I am concerned that the use of any smoking area to the rear of the property may be allowing noise to escape when customers leave and enter the building, as the noise level appeared to fluctuate when I visited a neighbouring residential property on 22 February 2009. Please ensure that any music is set at a volume to take in account the worse case scenario for noise control. Particular attention should be given to the bass content on any music.

If it transpires that you are unable to impose any significant control on the noise/behaviour of your customers, despite your best endeavours to control the situation, a review of your licence and reduction in your licensed hours may be the only option.

I should be grateful to receive any comments that you wish to provide.

Yours sincerely



Richard Gardiner  
**Environment and Neighbourhoods Manager**

c.c. Mr S Fisher (Licensing Officer)  
Mr R Maharajah (DPS) ✓  
Trust Inns (Premises Licence Holder)

Date: 27 October 2008

Our Ref: WK/200810639

Your Ref:

Mr N Din  
Minx  
126 High Road  
Loughton Essex  
IG10 4BE

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Mr Din

**Environmental Protection Act 1990**  
**Minx, 126 High Road, Loughton Essex, IG10 4BE**

I refer to our telephone conversation on 24 October 2008 regarding the above mentioned premises. I confirm that the Council's Environment & Street Scene Directorate has received further allegations regarding noise and disturbance associated with your property. The allegations refer to:

1. Loud music - particularly the bass beat
2. Glass bottles being deposited in the street
3. Customer's urinating/dealing/taking drugs at the rear of your property (outside the front of the Triangle, Smarts Lane) within the area that your door supervisors are suppose to patrol to "police the behaviour of patrons".
4. Customers being allowed to enter the property after 11:30 pm contrary to the condition on your licence that prohibits entry after 11.30 pm or re-entry after 00:55 hours.
5. Customer leaving the property and near vicinity in a drunk and disorderly state

From our conversation I note that you employ three door staff rather than four as recommended as a minimum by Mr Fisher (Police Licensing Officer) and I, at our meeting on the 5 September 2008.

Your licence requires you to have "Roaming doorman ... (minimum of 2) to police the behaviour of patrons", in a defined area outside your property. Assuming that you always have to have at least one member of the door staff permanently on the door, this only leaves you with two door staff to police the outside area and the whole of the inside at the same time.

If your two roaming door staff are outside patrolling the defined areas as required by the licence, this appears to leave you understaffed inside the property if an incident occurs? I should be grateful if you would explain how you are able to comply with this condition and provide adequate cover for the door and inside the property, with three door staff.

Your licence requires "No entry into the establishment after 11.30 pm or re-entry after 00:55." It has been alleged that customers have been gaining entry after 11.30 pm. From our conversation, you explained that this is not the case but some customers do leave the property and are then allowed to re-enter. However, you explained that you have no means of actually monitoring who is re-entering the property other than relying on the door staff remembering who has already been in property and should therefore be allowed re-entry. It appears that the lack of any system after 11.30 pm to monitor re-entry is likely to make a difficult situation for the door staff to manage and increase the chance of this condition not being complied with. I recommend that you introduce some method of monitoring re-entry to ensure that you comply with this condition and no new customers enter the property after 11.30 pm.

If it appears to you that your activities may be the cause for justifiable complaint, you may wish to take appropriate steps to prevent further disturbance. If you consider that there is no case for justifiable complaint, I hope you will appreciate that the Council is obliged to investigate complaints of this nature. I am aware that your property is only one a number of licensed properties in the area and that it is likely that any disturbance in the street is from a number of different sources. However, specific allegations have been made against your property from local residents.

If complaints continue to be received, monitoring will be instigated to establish if a statutory nuisance exists or if any requirements of your premises licence are being complied with. The Council is obliged to serve a noise abatement notice if it is established that a statutory nuisance exists or is likely to occur.

If you have any comments regarding the allegation, I should be grateful if you would telephone me on (01992) 564089 or write to me at the above address.

Yours sincerely

Richard Gardiner  
**Environment and Neighbourhoods Manager**

c.c. Mr S Fisher (Licensing Officer)  
Ms L Falconer  
Mr R Maharajah (DPS)

Date: 19 February 2009

Our Ref: WK/200810639

Your Ref:

Mr N Din  
Minx  
126 High Road  
Loughton Essex  
IG10 4BE

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Mr Din

**Environmental Protection Act 1990**  
**Minx, 126 High Road, Loughton Essex, IG10 4BE**

I refer to my letter dated 27 October 2008 regarding the above mentioned premises.

The Council's Environment & Street Scene Directorate has recently received further allegations regarding noise and disturbance associated with the above mentioned property.

Complaints have been recently been received from five different resident who live in the locality of The Minx.

The allegations refer to:

1. Loud music - particularly the bass beat (four separate complaints)
2. Glass bottles and glasses being deposited in the street
3. Anti-social behaviour from customer's within the area that your door supervisors are suppose to patrol to "police the behaviour of patrons" and customers leaving the property and near vicinity in a drunk and disorderly state in the early hours of the morning
4. Cars being leafleted advertising the Minx
5. Customers depositing cigarette butts in the street immediately outside the Minx
6. Underage drinking

I note that I received no response to my letter dated 27 October 2008. I should be grateful if you would provide me with your written comments on these allegations.

Previously you informed me that you employ three door staff rather than four as recommended as a minimum by Mr Fisher (Police Licensing Officer) and I, at our meeting on the 5 September 2008. Is this still the case? Your licence requires you to have "Roaming doorman ... (minimum of 2) to police the behaviour of patrons", in a defined area outside your property.

Assuming that you always have to have at least one member of the door staff permanently on the door, this only leaves you with two door staff to police the outside area and the whole of the inside at the same time. If your two roaming door staff are outside patrolling the defined areas as required by the licence, this appears to leave you understaffed inside the property if an incident occurs? I should be grateful if you would explain how you are able to comply with this condition and provide adequate cover for the door and inside the property, with three door staff.

Your licence requires "No entry into the establishment after 11.30 pm or re-entry after 00:55." It has been alleged that customers have been gaining entry after 11.30 pm. From our conversation, you explained that this is not the case but some customers do leave the property and are then allowed to re-enter. However, you explained that you have no means of actually monitoring who is re-entering the property other than relying on the door staff remembering who has already been in property and should therefore be allowed re-entry. It appears that the lack of any system after 11.30 pm to monitor re-entry is likely to make a difficult situation for the door staff to manage and increase the chance of this condition not being complied with. I recommend that you introduce some method of monitoring re-entry to ensure that you comply with this condition. I should be grateful if you would provide me with your comments.

If the complainants' allegations are true, it would appear that the current operation is causing a public nuisance and a review of the premises licence is justified, with a view to imposing additional controls such as reducing the hours of opening, etc, or other sanctions that are available to the licensing panel. I am currently gathering evidence to assess the validity of the allegations and decide if a review of the licence is warranted.

If it appears to you that your activities may be the cause for justifiable complaint, you may wish to take appropriate steps to prevent further disturbance. If you consider that there is no case for justifiable complaint, I hope you will appreciate that the Council is obliged to investigate complaints of this nature. I am aware that your property is only one of a number of licensed properties in the area. However, specific allegations have been made against your property from local residents.

If complaints continue to be received, monitoring will be instigated to establish if a statutory nuisance exists or if any requirements of your premises licence are being complied with. The Council is obliged to serve a noise abatement notice if it is established that a statutory nuisance exists or is likely to occur.

Please provide me with your written comments regarding the allegations.

Yours sincerely



Richard Gardiner  
**Environment and Neighbourhoods Manager**

c.c. Mr S Fisher (Licensing Officer)  
Mr R Maharajah (DPS)  
Trust Inns, (Premises Licence Holder)

Date: 19 February 2009

Our Ref: WK/200810639

Your Ref:

Ms L Falconer  
Minx  
126 High Road  
Loughton Essex  
IG10 4BE

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Ms Falconer

**Environmental Protection Act 1990**  
**Minx, 126 High Road, Loughton Essex, IG10 4BE**

I refer to our telephone conversation 19 February 2009 regarding the above mentioned premises. Please see attached copy of my letter to Mr Din dated 19 February 2009, which is hopefully self-explanatory.

Please note that as one of the people responsible for the property, you may also be held responsible for any noise nuisance if a statutory noise nuisance is established.

Please contact me if you have any further comments.

Yours sincerely



Richard Gardiner  
**Environment and Neighbourhoods Manager**





Date: 27 October 2008

Our Ref: WK/200810639

Your Ref:

Mr N Din  
Minx  
126 High Road  
Loughton Essex  
IG10 4BE

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Mr Din

**Environmental Protection Act 1990**  
**Minx, 126 High Road, Loughton Essex, IG10 4BE**

I refer to our telephone conversation on 24 October 2008 regarding the above mentioned premises. I confirm that the Council's Environment & Street Scene Directorate has received further allegations regarding noise and disturbance associated with your property. The allegations refer to:

1. Loud music - particularly the bass beat
2. Glass bottles being deposited in the street
3. Customer's urinating/dealing/taking drugs at the rear of your property (outside the front of the Triangle, Smarts Lane) within the area that your door supervisors are suppose to patrol to "police the behaviour of patrons".
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Your licence requires you to have "Roaming doorman ... (minimum of 2) to police the behaviour of patrons", in a defined area outside your property. Assuming that you always have to have at least one member of the door staff permanently on the door, this only leaves you with two door staff to police the outside area and the whole of the inside at the same time.

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If it appears to you that your activities may be the cause for justifiable complaint, you may wish to take appropriate steps to prevent further disturbance. If you consider that there is no case for justifiable complaint, I hope you will appreciate that the Council is obliged to investigate complaints of this nature. I am aware that your property is only one a number of licensed properties in the area and that it is likely that any disturbance in the street is from a number of different sources. However, specific allegations have been made against your property from local residents.

If complaints continue to be received, monitoring will be instigated to establish if a statutory nuisance exists or if any requirements of your premises licence are being complied with. The Council is obliged to serve a noise abatement notice if it is established that a statutory nuisance exists or is likely to occur.

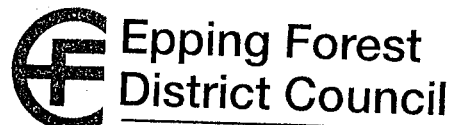
If you have any comments regarding the allegation, I should be grateful if you would telephone me on (01992) 564089 or write to me at the above address.

Yours sincerely

Richard Gardiner  
**Environment and Neighbourhoods Manager**

c.c. Mr S Fisher (Licensing Officer) ✓  
Ms L Falconer ✓  
Mr R Maharajah (DPS) ✓

File



**Directorate of Environment & Street Scene**

Civic Offices High Street  
Epping Essex CM16 4BZ

Telephone: 01992 564000

Facsimile: 01992 561016

DX: 40409 Epping

Director:  
John Gilbert

Enquiries to:

Date: 14 July 2008

Our Ref: WK/200806909

Your Ref:

Mr R Maharajah  
Minx  
126 High Road  
Loughton Essex  
IG10 4BE

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Mr Maharajah

**Environmental Protection Act 1990**  
**Minx, 126 High Road, Loughton Essex, IG10 4BE**

The Council's Environment & Street Scene Directorate has received a complaint alleging that a nuisance is arising from the above mentioned property due to loud music, banging noise while emptying bins between 2 am to 2.30 am, and noise/disturbance from customers (drunk and disorderly in the street, regular fights, urinating outside). It has been alleged that the tenants of a neighbouring property have moved out because of the disturbance.

The Council has a responsibility to investigate all complaints of this nature. If complaints continue to be received, monitoring will be instigated to establish if a statutory nuisance exists or if any requirements of your premises licence are being complied with.

The Council is obliged to serve a noise abatement notice if it is established that a statutory nuisance exists or is likely to occur. In addition, the Council's Environment & Street Scene Directorate, as a responsible authority with regard to the licensing objective the prevention of public nuisance, can at any time, apply to the licensing authority (Epping Forest District Council) for a review of a premises licence on grounds relating to one or more of the licensing objectives.

If you have any comments regarding the allegation, I should be grateful if you would telephone me on (01992) 564089 or write to me at the above address.

Yours sincerely

Richard Gardiner  
**Environment and Neighbourhoods Manager**



INVESTOR IN PEOPLE

c.c.

Trust Inns  
Blenheim House  
Foxhole Road  
Ackhurst Park  
Chorley  
PR7 1NY

Ravin Maharajah  
75 Alexandra Park Road  
Muswell Hill  
London  
N10 2DG

**Appendix C – Letters from The Minx**

Letter from Mr Din (DPS) dated 24 April 2009.

Letter from Mr Din dated 9 April 2009.

Letter from Mr Din dated 2 March April 2009.

Copy of letter from Mr Din (DPS) dated 19 September 2008.

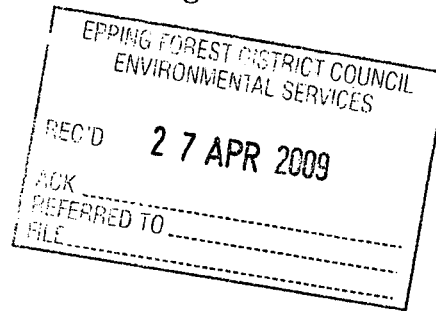




Bar lounge restaurant

**POST AND EMAIL: rgardiner@eppingforestdc.gov.uk**

Richard Gardiner Esq  
Epping Forest District Council  
Civic office  
High Street Epping  
Essex CM16 4BZ



24 April 2009

Dear Mr Gardiner

Further to my letter dated 2 March 2009, I am writing to update you on some of the points raised and to present our proposed policy regarding patrolling the designated area.

**1. Cars leafleted**

All DJ's will have signed a contract by this weekend which limit them from the following:

1. Leafleting cars
2. Putting up posters which contravene any regulations
3. Leafleting residential properties

Anyone found in breach of this will be dismissed immediately.

**2. Patrolling of the designated area**

Please find enclosed our internal policy document

I would appreciate if you would provide details of any other complaints you may have had recently so that I can appraise our procedures effectively. Please feel free to call me on 07961 343 860 if you would like to discuss further or to provide any feedback.

Kind regards

Yours sincerely

  
Nadeem Din

Enclosures

cc: Simon Fisher' cc: Trust Inns



Bar lounge restaurant

### **Minx internal policy regarding patrolling of the designated area**

- 1. The general manager will select a member of staff ("Patroller") who will be responsible for patrolling the designated area. Where practicable this position should be shared by a number of staff as it will be difficult to keep someone motivated whose role is solely to patrol**
  
- 2. Training to be provided by the general manager to ensure that the Patroller is aware of the requirements. In particular the following points should be emphasised to the door team and the Patroller:**
  - a. Clarify where the designated area is.**
  - b. Clarify the role of the Patroller is that of a silent observer.**
  - c. Clarify that the Patroller has no authority to confront any members of the public who may be behaving in an anti-social manner and may pose a physical threat.**
  - d. The Patroller will collect all bottles or glass left in the designated area, whether belonging to Minx or not.**
  - e. Any public disorder or anti-social behaviour should be communicated to the general manager and the door team, who will decide on how to deal with the situation.**
  - f. Where people are loitering outside residential houses and not walking to their cars or homes for more than a few minutes, the Patroller should call the door team and general manager. The door team should use tact and ask them to quieten down and to move on. This will apply to all people whether they are patrons of Minx or not.**
  - g. Caution should be exercised where there is potential for further escalation of a problem and the door team should retreat and call the police.**
  - h. The Minx team should provide full co-operation and be proactive in assisting the police where required.**





EPPING FOREST DISTRICT COUNCIL	
ENVIRONMENTAL SERVICES	
REC'D	- 9 APR 2009
ACK	.....
REFERRED TO	.....
FILE	.....

Bar lounge restaurant

**POST AND FAX: 01992 561 016**

Richard Gardiner Esq  
Epping Forest District Council  
Civic office  
High Street Epping  
Essex CM16 4BZ

7 April 2009

Dear Mr Gardiner

Further to my letter dated 2 March 2009, I apologise for the delay in providing a response to the follow up points.

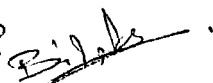
I have prepared a draft proposal but have forwarded this to some colleagues to provide their feedback which has caused a delay.

I will be in a position to forward this to you in the next 14 days.

In the meantime please feel free to call me if you have any queries.

Kind regards

Yours sincerely

P.P.   
Nadeem Din



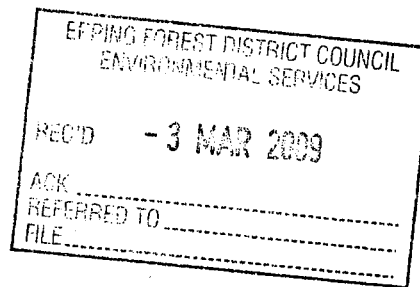


Bar lounge restaurant

**POST AND FAX: 01992 561 016**

Richard Gardiner Esq  
Epping Forest District Council  
Civic office  
High Street Epping  
Essex CM16 4BZ

2 March 2009



Dear Mr Gardiner

Further to your letter dated 19 February 2009, please find below our response to the points raised. Please note that I do not appear to have seen your letter of 27 October 2008 and would appreciate if you would kindly forward this to me again for comments.

As mentioned in our previous meeting and correspondence we are eager to cooperate fully with all parties in addressing any issues raised.

**1. Loud music**

As far as we are aware the music is within the limit allowed. I have now asked our general manager to plan to work on all nights (apart from special circumstances) when Minx is open and to do a sound check by standing outside the building at the start of the night and to document this (see appendix A). Also we will now review the bass level and adjust this to a lower setting.

**2. Glasses and bottles deposited in street**

Please see attached appendix A. A member of staff will now be required to sign off at the end of the night. The responsible staff member will be required to walk around the building at the end of the night, ensuring that bottles and cigarette butts are cleared. This sheet will then be checked by me at the end of the week to ensure this policy is being adhered to.

**3. Anti social behaviour**

As far as I am aware our door staff are patrolling the area. The members of public roaming the streets are not just from our premises but from other establishments too. I have been there on many occasions when I have seen people leave another establishment and have tried to enter our premises. We have refused entry and they have made a nuisance. However, I would like to do more to assist, please see point B below.



Bar lounge restaurant

#### 4. Cars leafleted

I do not believe that cars should have leaflets left on them. This type of advertising is counterproductive. We have identified the promoter who may have done this and have made our policy clear to him. We have verbally informed all our DJs and will ask them to sign a contract to confirm that they will not leaflet cars going forward.

#### 5. Cigarette butts

Please see point 2 above

#### 6. Underage drinking

I would like to understand who made this complaint and would appreciate if you would provide the relevant details if you have them to hand. Previously a local competitor made a similar complaint and it was investigated and no evidence was seen. You can confirm this with Simon Fisher. Our door staff check identification for almost everyone except if they look obviously over the age. They usually require sight of a passport or driving licence and exercise reasonable scepticism to ensure that fake identification is not being used. We have seen people leave other establishments and we have refused entry since they had no identification. I am a strong believer that people under age should not be allowed to drink and will do whatever is necessary where there is evidence that such a breach has occurred.

#### Other points raised

##### A. Entry and re-entry after hours specified in licence

I will re-iterate this to all the staff and try and phone in to check around the cut off time to remind staff. We are also looking at a system to assist us with this. I will review the position over the coming months and keep you informed of the progress.

##### B. You expressed some concerns over number of door staff and their effectiveness to patrol the area.

We will introduce a street patrol in the next 28 days. A member of staff will be provided with a radio and be responsible for walking around the desired area throughout the night, (initially on Friday and Saturday). They will be required to collect the bottles and clear up any mess left by patrons. If there is a situation where the member of staff feels that the door staff are required he/she will radio in to the door staff. I can already think of various issues that will arise including distinguishing where the patrons have come from etc. I will nevertheless write up a detailed brief and share it with you and Simon Fisher for input. For the greater good



Bar lounge restaurant

we may decide to clear the mess (within reason) left by someone who is not from our premises. I believe if we work together on this we can come to a satisfactory conclusion. Also please remember that there are two car parks near our venue and many people walk home past our premises so although it may appear they are our patrons, they may not necessarily be.

Please feel free to call me on 07961 343 860 if you would like to discuss further or to provide any feedback.

Kind regards

Yours sincerely



Nadeem Din

*Enclosures*

cc: Simon Fisher

cc: Trust Inns



Bar lounge restaurant

## APPENDIX A

Sheet number .....

Date	Sound checked by and times (See note 1)	Defined area around venue checked by and note time (see note 2)	Sheet reviewed by and date

### Notes:

1. Check sound when DJ starts and once during the evening by standing at the designated points
2. At the end of the shift two people must walk around the designated area and ensure any relevant mess such as bottles and cigarettes butts have been cleared
3. Number sheets sequentially and store onsite for review at any time after obtaining signature from N Din



Bar lounge restaurant

Simon Fisher Esq.  
Epping Police Station  
230 High Street  
Epping  
Essex  
CM16 4AP

19 September 2008

Dear Mr Fisher

I would like to take this opportunity to thank you for convening the meeting at Minx on the 5 September 2008 with Richard Gardiner.

It is always useful for us to understand the nature of complaints levelled against us so that we may respond in a constructive manner. We always endeavour to address all issues brought to our attention and we do our utmost to ensure that the local residents and the wider community in Loughton receive our full support in tackling any issues of civil disorder or unsociable activity.

With this in mind we will address the following issues as a result of our discussions.

**Noise Level:** We have had noise limiters attached to our music systems for over a year now and they are not accessible to anyone other than the managers on the premises. We have implemented a lower music setting as a result of our meeting and we have checked these by listening to the level of noise around the premises and we find this noise level suitable as to not cause disturbance to our neighbours. We have also reiterated the company policy of reducing the sound level further in the last hour of operation to our supervisors and managers.

**Waste Bins:** We have implemented a policy of not emptying bottles into the waste bins late at night so our neighbours are not disturbed. We have also emphasised strongly the need to our employees to not leave the waste bins on the road other than the times where they are emptied by the cleaning company.

**Violence and disorder:** We believe that over the last six months the number of incidents involving violence and disorder have been minimised due to the new door supervisors. We believe our door team are now courteous and professional in dealing with all incidents. We have also reiterated the importance of carrying out regular patrols to ensure that there is minimal disturbance in the surrounding areas.

We hope the measures highlighted above show our commitment to ensuring that all issues brought to our attention are dealt with efficiently and fully so that there is minimal disruption to the lives of our local residents and neighbours.



Bar lounge restaurant

Thank you again for your useful insights and suggestions on tackling issues arising from the operation of this establishment and please feel free to call me (mobile 07961 343 860) if you have any further comments.

Kind regards

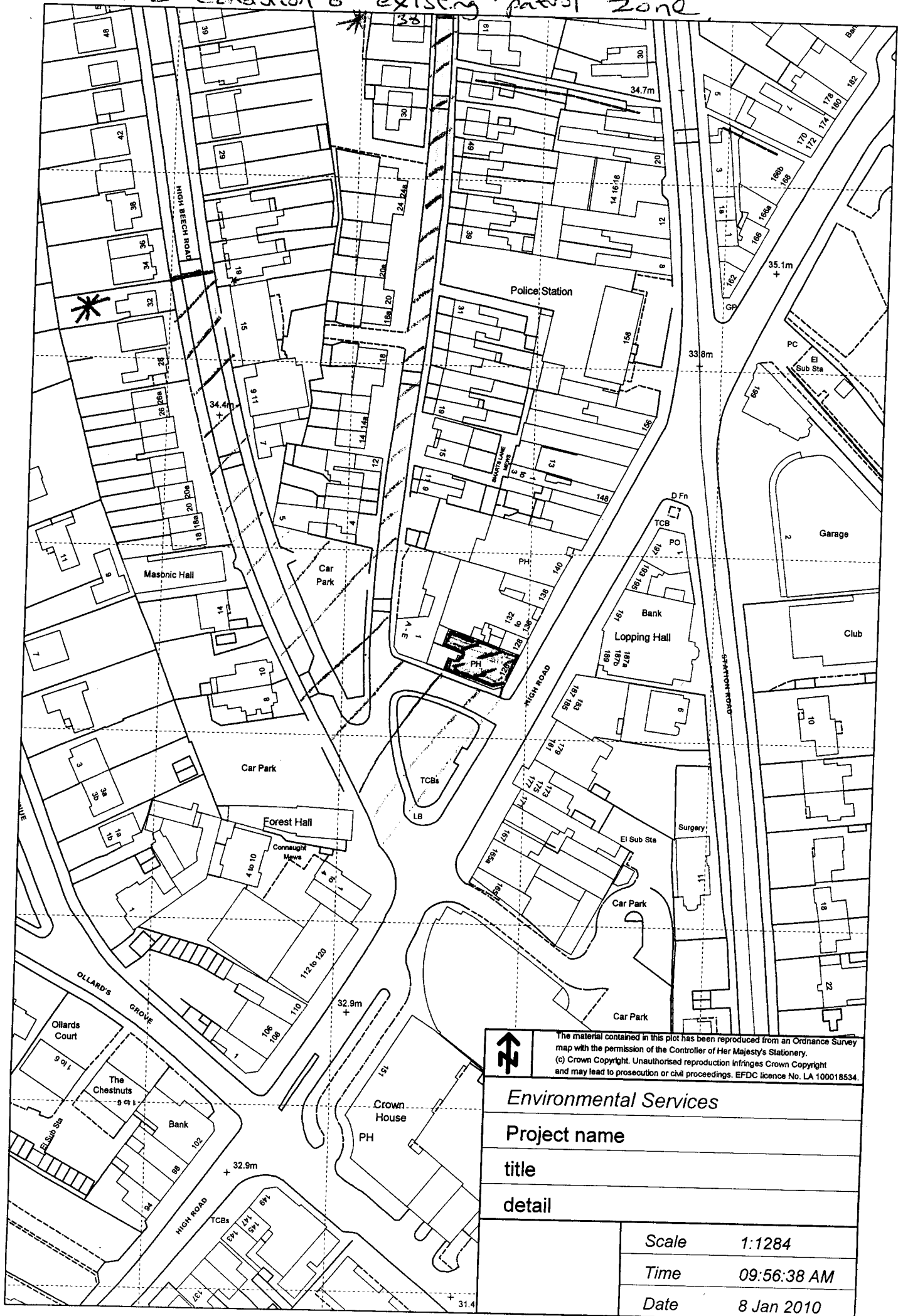
Yours sincerely


Mr Nadeem Din

cc: Richard Gardiner, Epping Forest District Council, Civic office, High Street Epping, Essex CM16 4BZ



Annex 3 Condition 6 - existing "patrol" zone

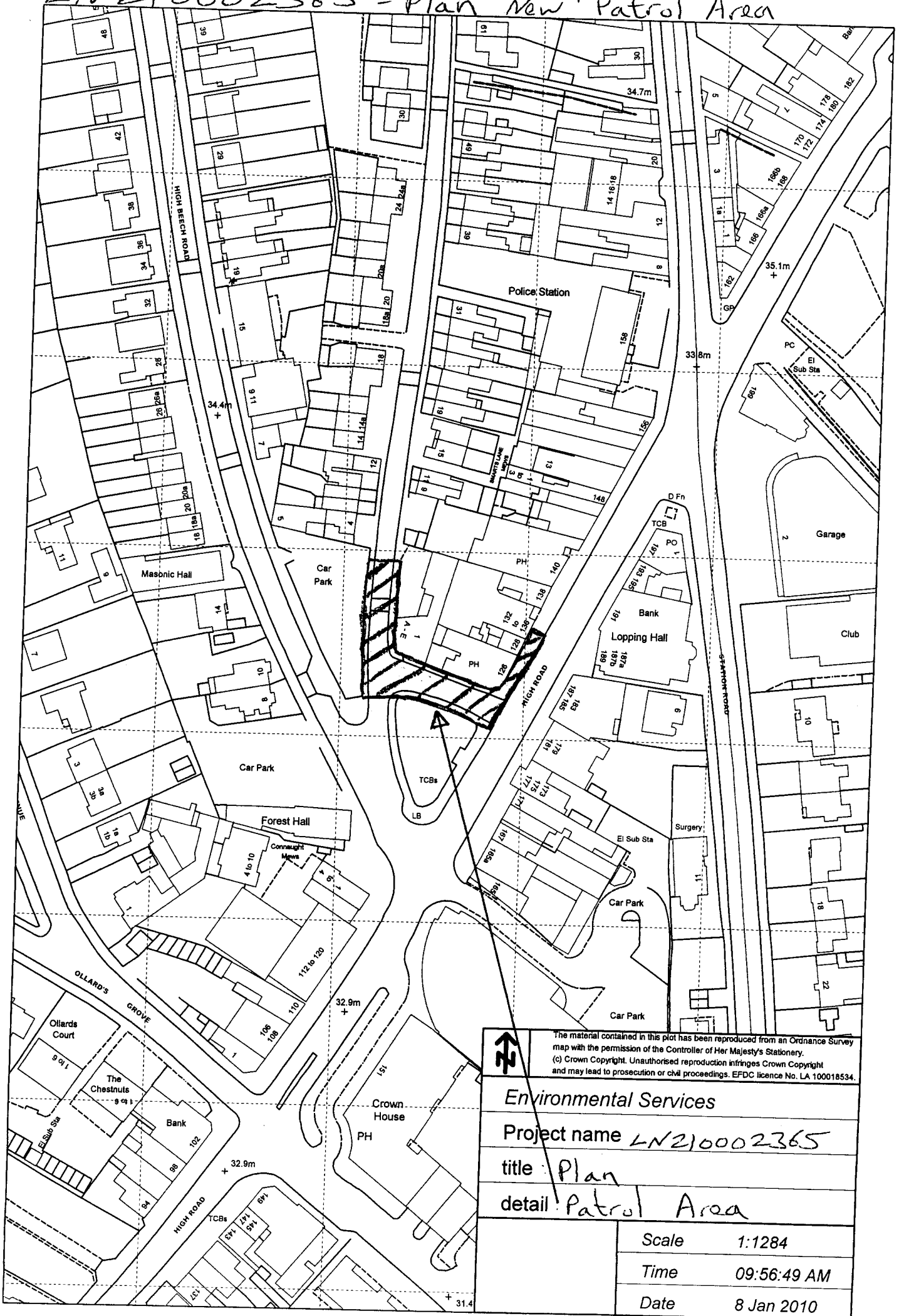



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<i>Environmental Services</i>	
Project name	
title	
detail	
Scale	1:1284
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Date	8 Jan 2010

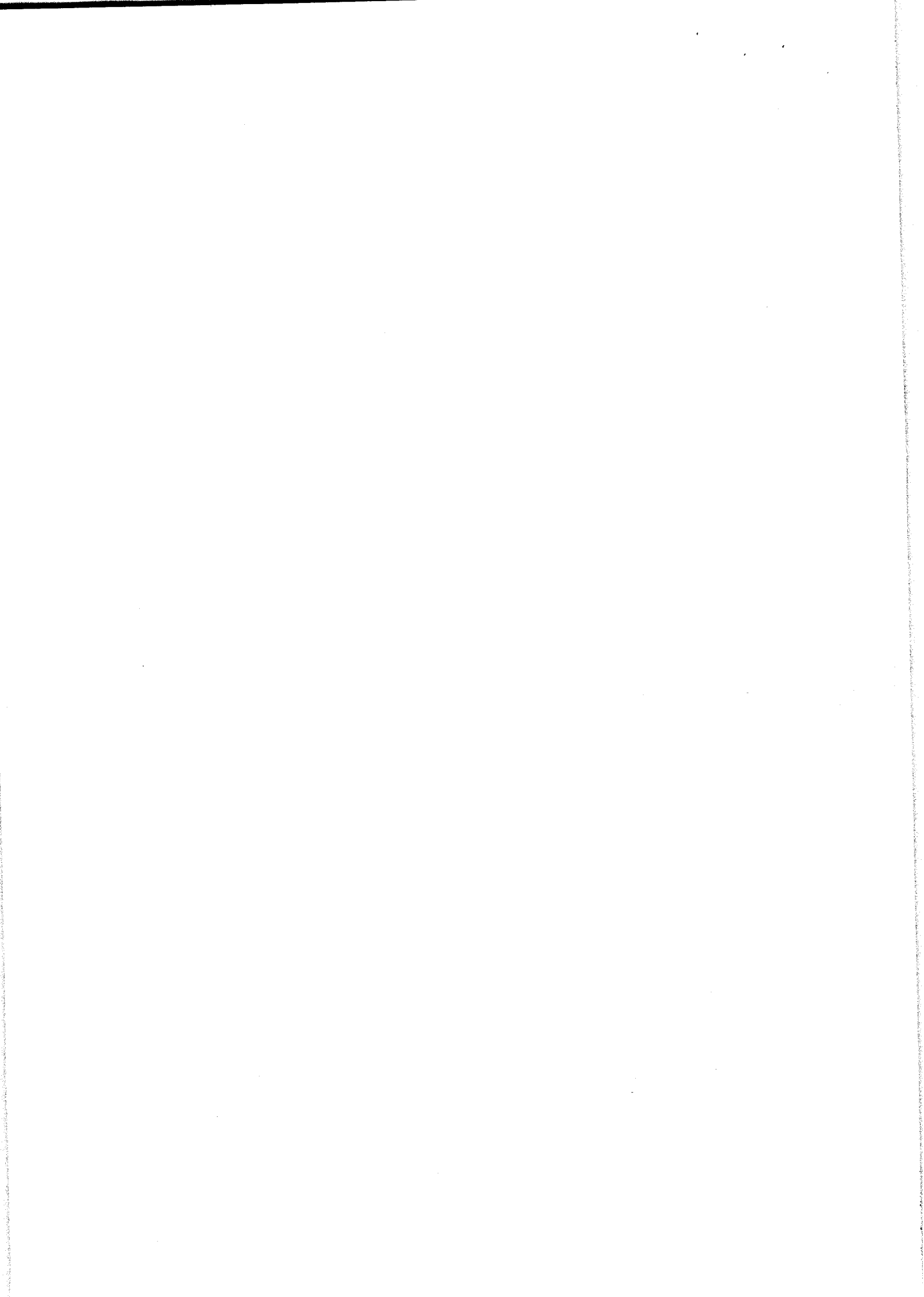


LN210002365 - Plan "New" Patrol Area



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Environmental Services	
Project name LN210002365	
title Plan	
detail Patrol Area	
Scale	1:1284
Time	09:56:49 AM
Date	8 Jan 2010



**Appendix D: Proposed clarified & corrected conditions for the Minx.**

Note – on completion of any changes, all conditions to be numbered for future reference. Existing conditions in bold.

**Annex 2 – Conditions consistent with the Operating schedule:**

**The Prevention of Crime & Disorder**

**Encourage customers to leave quietly.**

*(Is this realistic? If so, who his doing the encouraging? Is it enforceable? Alternative wording – “The Designated Premises Supervisor or door super-visors will ask a minimum of 4 in 10 customers leaving the property to do so quietly after 22.00 hours, whilst the premises remain open for licensable activities and during all times that customers remain on the property.”)*

**Internal and external CCTV in operation.** (DELETE repetition of condition 4 Annex 3.)

**Current Levels of lighting outside the premises to continue during additional hours of trading.**

*(Are current levels of lighting known? What should be continuing? What additional hours are being referred to? DELETE and replace e.g. “Suitable and sufficient external lighting shall be installed to adequately light the façade and immediate footpath adjacent the façade of the premises as agreed and approved by the Police (within 3 months of the date of this condition being imposed). The approved lighting shall be maintained and used after 21.00 hours”.*

**Radio pagers on EMR frequency to be used by door supervisors.**

**No entry granted to persons who appear to be intoxicated.**

**No pricing or promotions that encourage excessive drinking.**

**Staff trained on drug awareness, under age drinking and other issues regarding crime and disorder on induction and at regular staff meetings.**

**Queue management approved policy in operation** (ADD Policy to be approved by the Police within 3 months of the date of this condition being imposed).

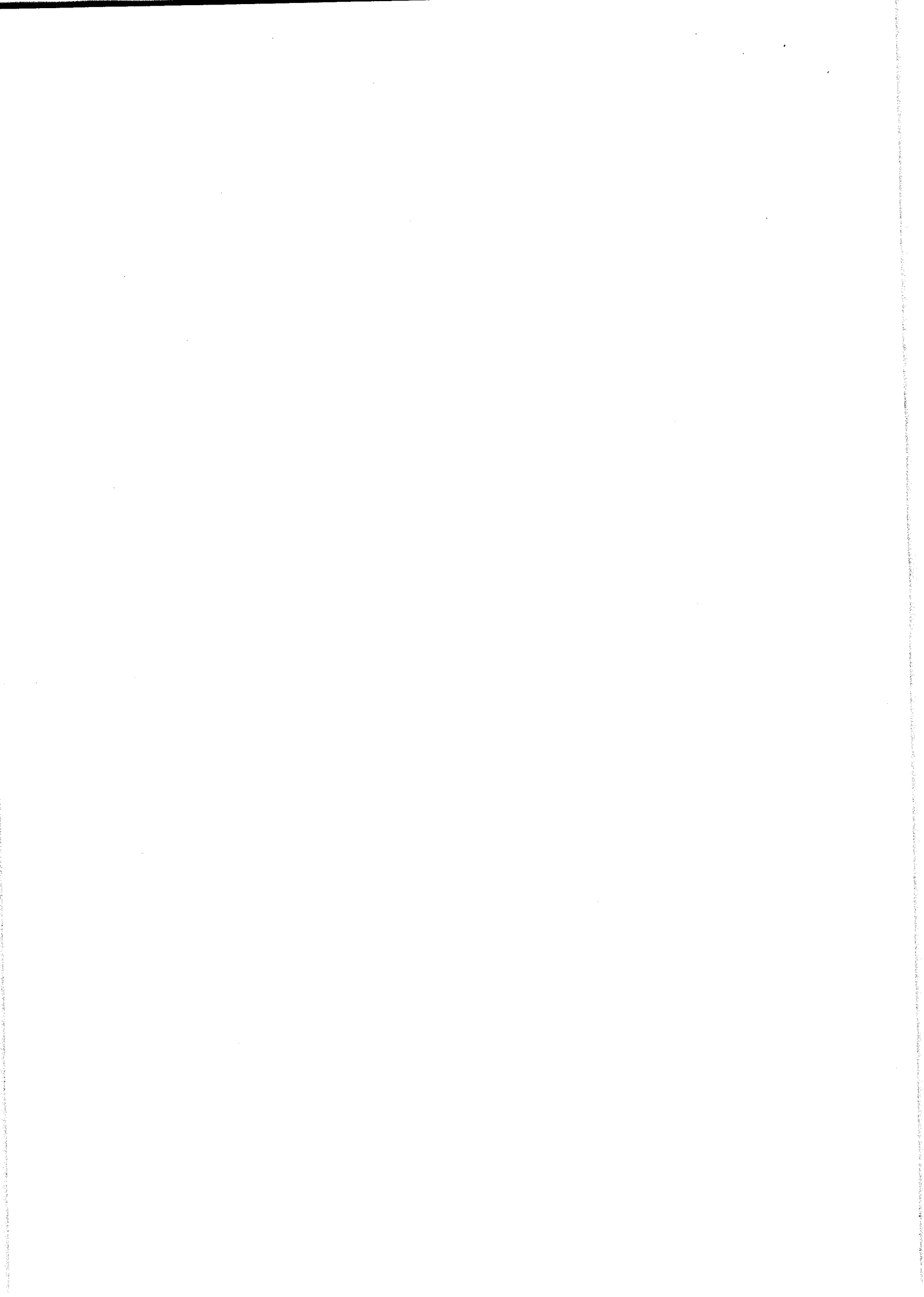
**The premises will participate in the local pub watch or equivalent scheme.**

**Regular contact to be maintained with the Police** *(Specify in more detail what regular contact is and who should be maintaining the contact ? e.g. ADD “The DPS shall contact the Police Licensing officers every 4 months to review compliance with conditions and discuss any incidents that have been recorded”.*

**Public Safety (No changes proposed)**

**Capacity of 150 as calculated by the Fire Authority.**

**Premises to have a Fire Certificate.**



**Fire Action Notices to be displayed and fire evacuation procedure in place.**

**Emergency lighting system maintained and in operation.**

**Staff trained fully in all safety issues.**

**Weekly alarm, fire risk and health and safety checks carried out.**

**Escape routes are monitored and maintained and fire action notices on display.**

### **The Prevention of Public nuisance**

**PA announcement made to encourage customers to leave quietly ADD at the end of the licensed hours.**

**Regular checks carried out on perimeter of premises. (What for and who by? DELETE and ADD**

The Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Premises Supervisor (or representative) can ensure that music from the premises does not cause a public nuisance by ensuring that the music is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

**ADD** The Premises Supervisor (or representative) shall carry out a daily check of the near vicinity of the premises (shown as the patrol area on the attached plan marked LN210002365 - plan) and arrange for clearance of any litter including any glass bottles discarded by customers or associated with the Minx.

**Customers are requested to wait inside for taxis. This statement is not really worded as a condition. Delete/Amend?**

### **Protection of Children from Harm**

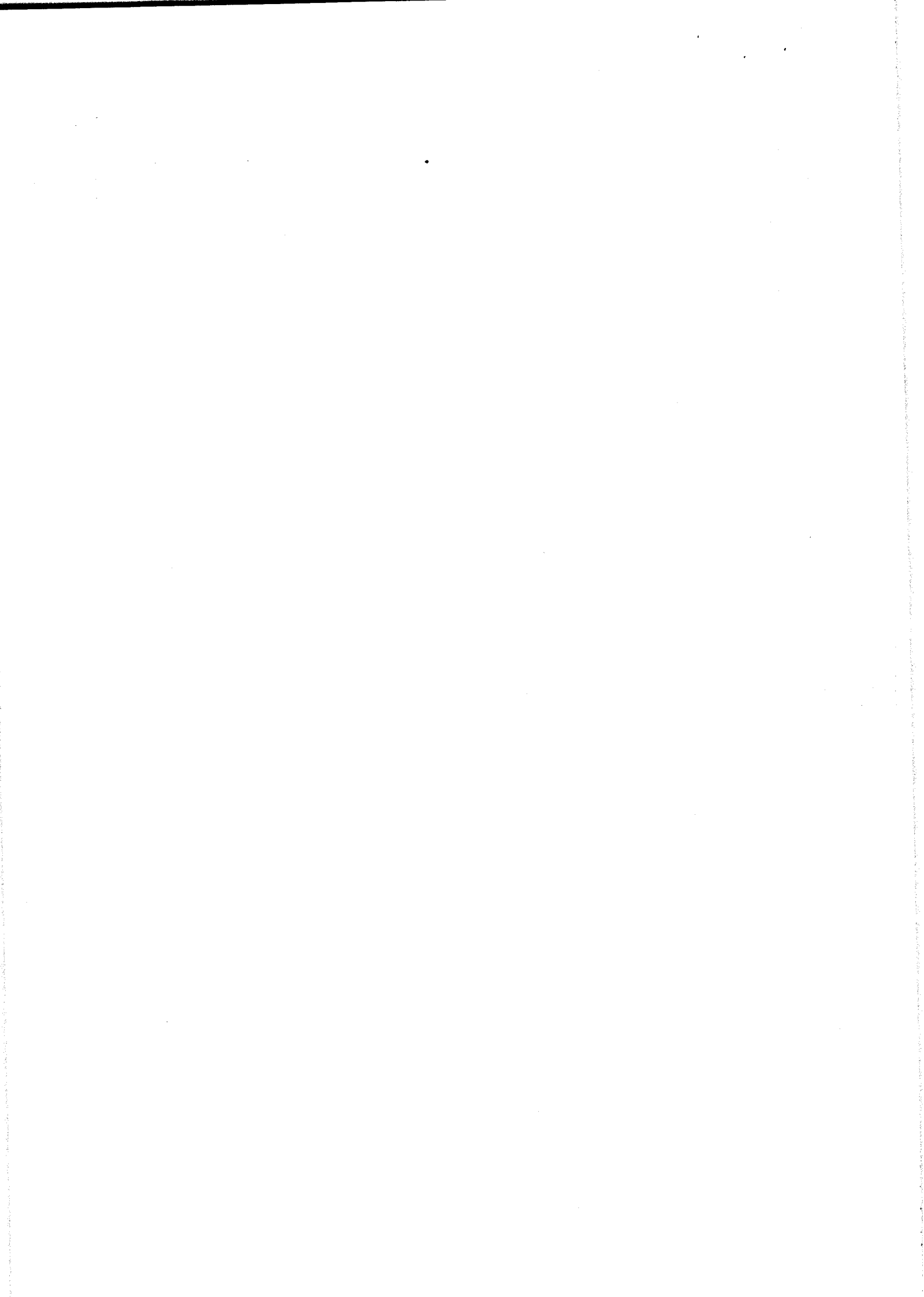
**Proof of age scheme in operation. ADD** Scheme to be submitted and approved by the Police within 3 months.

**Children are welcome provided they supervised at all times and do not approach the bar area.**

*(AMEND. Children must be supervised at all times and must not approach the bar area. Is the current use suitable for any children? CONSIDER removing and prohibiting children on the premises after 19.00 hours?)*

### **Annexe 3 – Conditions attached after a hearing by the licensing authority:**

**DELETE** Additional hour refused on 1<sup>st</sup> January, Valentines Night, Burns Night, St David's Day, Halloween, Boxing Day, 27<sup>th</sup> December, 28<sup>th</sup> December and 30<sup>th</sup> December. – *(This is not a condition – does it need to say this? i.e. the existing hours on the licence apply, so this statement is not required?)*





1. **AMEND. No entry into the establishment after 23.30 hours or re-entry after 00.55 hours. All customers intending to re-enter the property must be provided with a pass or other means of proving that they are re-entering the property.**

2. **Notices to be placed at all exits and around the premises in places where they can be easily seen and read requiring customers to leave the premises and the area quietly.**

3. **AMEND. A specific taxi operator/s will nominated for staff and customers use. The company's telephone number will be advertised to customers.**

4. **AMEND To install a total of four video surveillance cameras, to be placed on the exterior of the building. The CCTV cameras shall be installed, maintained and operated at the location marked on a plan of the premises as approved by the Police within 3 months. All images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. The images are to be made available to the Police or Local Authority for inspection on request.**

*ADD* The CCTV system shall continually record whilst the premises remain open for licensable activities and during all times that customers remain on the property.

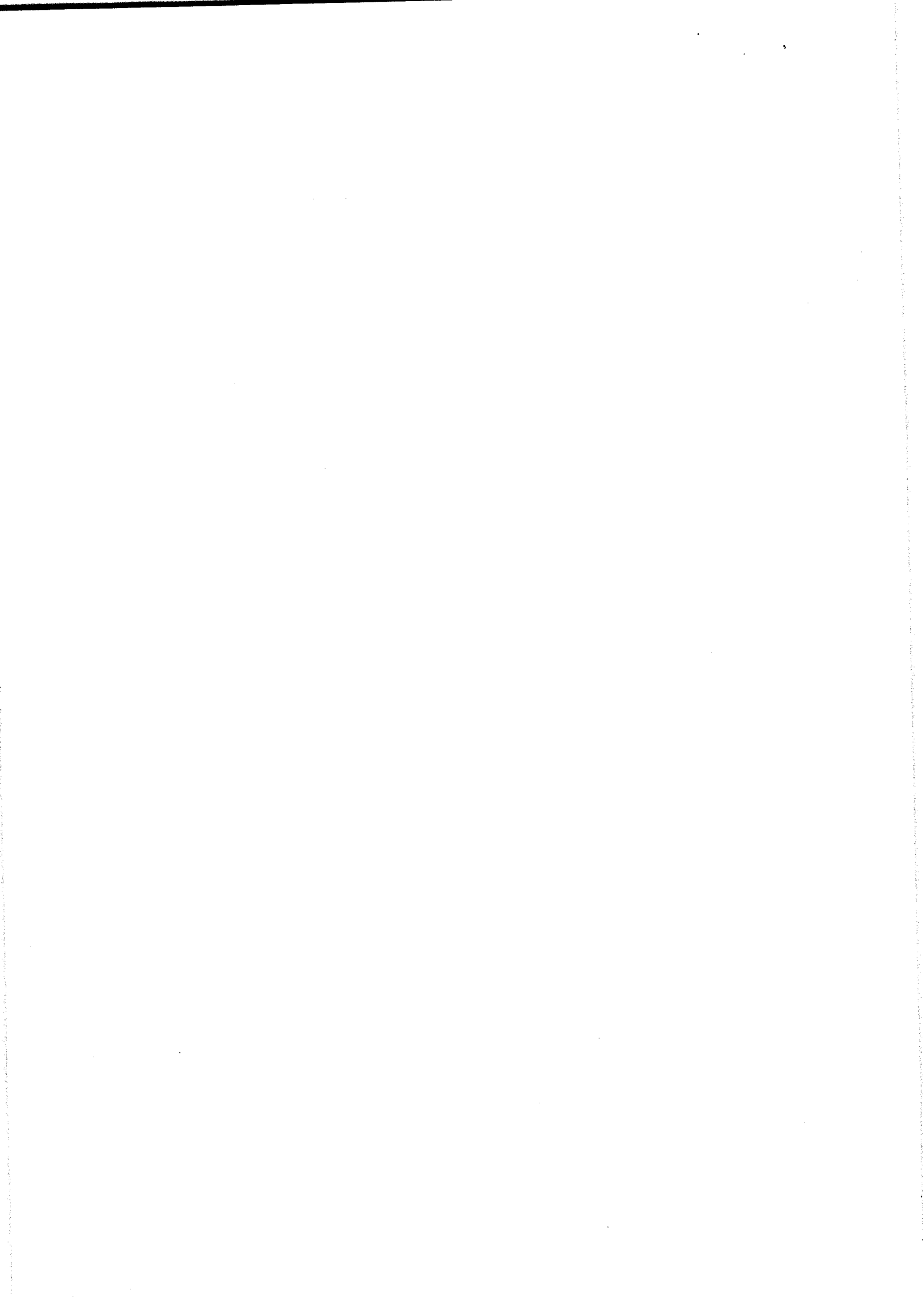
5. **A minimum of three SIA registered security guards to patrol the premises to ensure that patrons leave responsibly and with a minimum of disturbance**  
(*ADD* between the hours of 21.00 to closing or whilst the premises remain open for licensable activities and during all times that customers remain on the property?)

6. **Roaming door supervisors registered with the SIA will patrol up to and including 38 Smarts Lane and up to and including 32 High Beech Road outside the premises for at least 30 minutes after the designated closing time of the premises.**

*CONSIDER if this condition is realistic? Is the area too large? AMEND* "A minimum of two roaming door supervisors registered with the SIA will patrol outside in the near vicinity of the premises, shown as the patrol area on the attached plan marked LN210002365 – plan) for a minimum of 1 hour before closing and at least 30 minutes after the designated closing time of the premises. The patrolling supervisors shall wear high visibility jackets or vests. The patrolling supervisors shall cooperate with the police and any other enforcement agencies and will ask patrons of the Minx to leave the area quietly.

8. **From 01.30 hours music level out to 75% of previous level to enable customers to re-assimilate their hearing to normal levels. This should help in the prevention of raised voices on leaving.**

The general idea of this condition is fine i.e. the volume of any music shall be reduced from 01:30 hours, as customers prepare to leave the property, so that customers hearing can re-adjust and in general patrons calm down before leaving the property. It is very difficult to write an enforceable condition to require this. I believe the current condition is unenforceable and should be removed in this format.



Condition could be replaced by a requirement for an automatic noise limiter set at an appropriate level and/or by stopping all music for a 30 minute period prior to closing

e.g.

"All music to cease by 01.30 hours Friday and Saturday evenings, 00.30 hours on Sunday evenings and 23.30 hours Monday to Thursday".

"An appropriate automatic noise control device must be used for any amplified sound. The device should be set so that the volume of any amplified sound emanating from the premises does not cause a public nuisance. The Premises Supervisor can ensure that any amplified music from the premises does not cause a public nuisance by ensuring that amplified sound is inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise".

**8. Named unpeelable stickers or other indelible mark to be put on all disposable containers to enable identification of the source of the container.**

**9. Deliveries and services are carried out between the hours of 9:00am to 7:00pm.**

**10. To prevent glass noise, waste bags containing bottles to be stored in garden and bins are to be filled during daylight hours during the following day.**

*ADD –New conditions in line with police action plan (not already included above):*

11. An incident book is to be kept detailing all occurrences of

- i. All crimes reported to the police
- ii. All ejections of patrons
- iii. All complaints received
- iv. Seizure of drugs or offensive weapons
- v. Any visit by a relevant authority or emergency service

12. Drinks to be served in plastic containers after 19.00 hours.



Date: 19 February 2009

Our Ref: WK/200810639

Mr R Maharajah  
75 Alexandra Park Road  
Muswell Hill  
London  
N10 2DG

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Mr R Maharajah

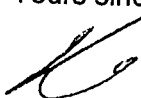
**Environmental Protection Act 1990**  
**Minx, 126 High Road, Loughton Essex, IG10 4BE**

Please see attached copy of my letter to Mr Din dated 19 February 2009, which is hopefully self-explanatory.

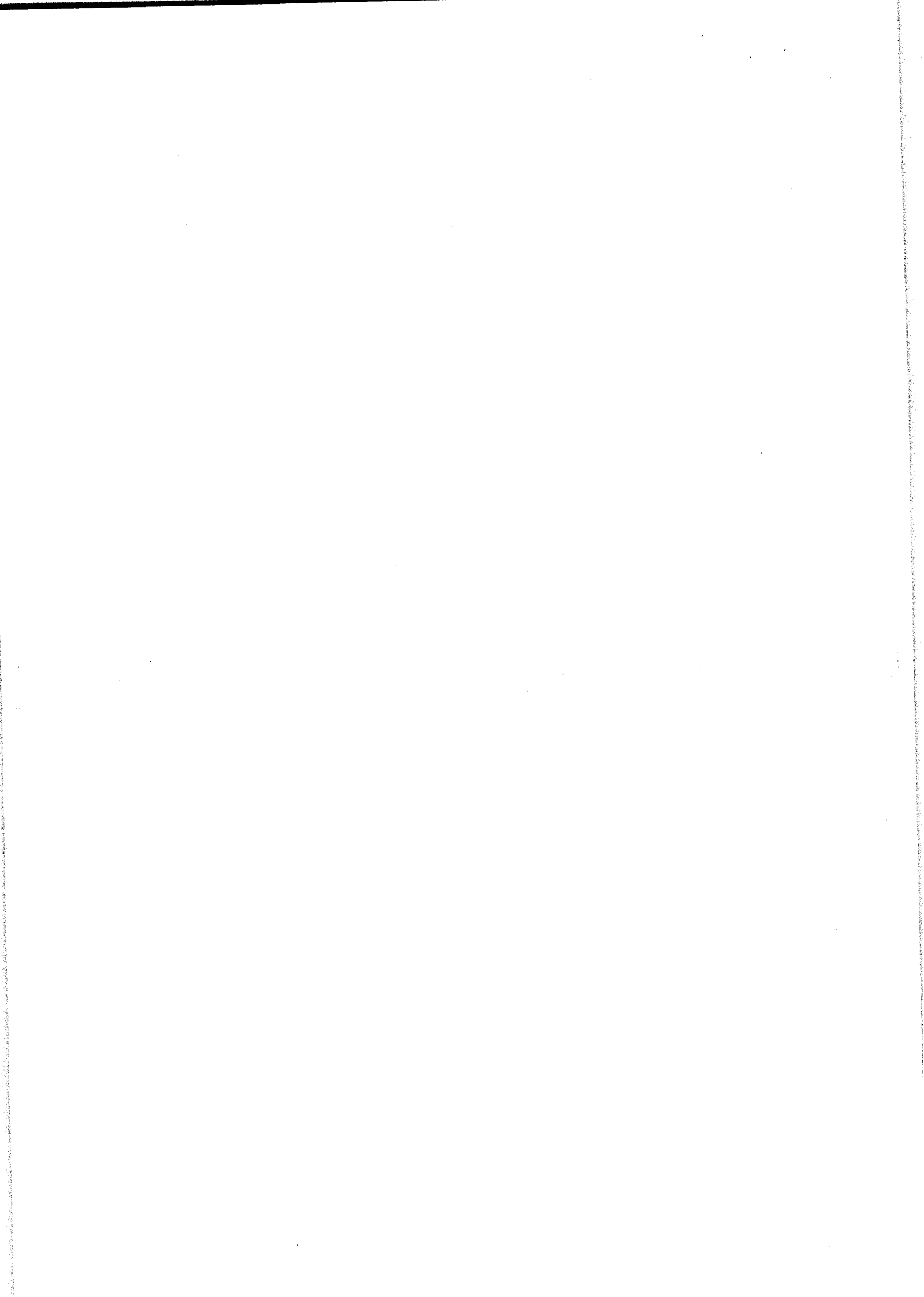
Please note that as one of the people responsible for the property and Designated Premises Supervisor, you may also be held responsible for any noise nuisance if a statutory noise nuisance is established.

Please contact me if you have comments.

Yours sincerely



Richard Gardiner  
**Environment and Neighbourhoods Manager**



Date: 19 February 2009

Our Ref: WK/200810639

The Secretary  
Trust Inns  
Blenheim House  
Foxhole Road  
Ackhurst Park  
Chorley PR7 1NY

Richard Gardiner (01992) 564089  
email:rgardiner@eppingforestdc.gov.uk

Dear Sir or Madam

**Environmental Protection Act 1990**  
**Minx, 126 High Road, Loughton Essex, IG10 4BE**

Please see attached copy of my letter to Mr Din dated the 19 February 2009, which is hopefully self-explanatory.

As the premises licence holder please note my comments regarding a potential review of the licence. Please contact me if you have any comments.

Yours sincerely



Richard Gardiner  
**Environment and Neighbourhoods Manager**

