

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 22 October 2019

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 am - 12.15 pm

Members Present: R Morgan (Chairman), I Hadley, S Neville and P Stalker

Other Councillors:

Apologies:

Officers Present: K Tuckey (Licensing Manager), R Ferriera (Assistant Solicitor) and A Hendry (Senior Democratic Services Officer)

33. DECLARATIONS OF INTEREST

No declarations of interest were made by members of the Sub-Committee, pursuant to the Council's Code of Conduct.

34. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

35. APPLICATION FOR NEW PREMISES LICENCE - THE LOUGHTON CLUB, 8 STATION ROAD, LOUGHTON, IG10 4NX

The three Councillors that presided over this item were Councillors R Morgan (Chairman), I Hadley and P Stalker. The Chairman welcomed the participants and requested that they introduce themselves to the Sub-Committee.

In attendance on behalf of the application were T Braniff the applicant and club treasurer and T Griffin the club secretary.

The following objectors were also present: D Elster, J Waughman, R Waitt, S Witts, K Ashworth, S Ashworth, A Ellis, R Waitt and A Regueiro.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed for the determination of the application.

(a) Application before the Sub-Committee

The Licensing Team Manager, K Tuckey, introduced the application for a new premises licence for The Loughton Club, 8 Station Road, Loughton. She began by explaining the difference between a Club Licence and a Premises Licence. The Loughton Club already had a Club Licence and were asking for a Premises Licence

so that they could have members of the public attend any music functions they may arrange without them having to become members of their club.

All responsible authorities had been notified. The application had been advertised at the premises and in the local newspaper. All residences and businesses within 150 meters radius of the premises were individually consulted.

The authority had received ten representations from local residents and responses had been received from Essex Police and from the Council's Environmental Enforcement Officer, who had agreed conditions with the applicant.

(b) Presentation of the Applicant's Case

Ms Braniff advised the meeting that they were looking for a licence to hold music functions, such as having tribute bands, that would allow them to open up to the public. They would also like to keep it as a local members club.

The club had installed a new management Committee as from last December, and were implementing some changes. They had not really changed anything on their licence application except for the ability to open up to members of the public when they held their music functions.

Mr Griffin added that they needed an upgrade to their building and thus needed revenue to finance an upgrade to their premises. The functions would mainly be held on Fridays and Saturdays. They would still carry on running it as a members club, but would also wish to advertise their band nights to the broader community. He noted that they did not really have young members at their club.

Ms Braniff had conversations with the Trustees of the building, who were supportive of this application.

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

The Sub-Committee asked how long the club had been going and how many members did they have. They were told that it had been going since 1910 and had just over 500 members.

The Sub-Committee asked how many people were they expecting to attend their Friday or Saturday night events. They were told they would expect about 80 people. In the past, as a member only club, it had been as few as 10 people there and so they would like more people to attend.

The Sub-Committee asked what numbers could the club accommodate. They were told that they had 4 rooms; the main hall could accommodate 150 people, the main bar 60 people, upstairs about 50 to 60. It was rare to have them all full at any one time.

The Licensing Team Manager noted that the licence had no capacity limit on the licence and this would be down to Health and Safety rules.

The Sub-Committee asked the Licensing Team Manager what were the difference licences. They were told that the new Premise Licence would allow them to open up to the public. There would be no differences in the hours asked for. They could ask for up to fifteen Temporary Event Notice's (TENS) a year, with no requirement for consultation.

The Legal Officer asked for clarification on the four rooms on their license application. Could they have both licences running at the same time in different rooms. She was told that they could have the public in one room and club members in other rooms.

Asked where the smoking area would be, the Sub-Committee were told this it was outside at the side of the premises.

In answer to a question from the Sub-Committee they were told that the car park was only for customers, although some local businesses parked there sometimes. They had 22 spaces, and only members of the public going to their events could park there.

The Sub-Committee noted that the majority of objections were about noise emanating from the club due to doors being left open. The Sub-Committee were looking for reassurance that this would not happen again. They were told that there had been an incident in August when it was really hot; but they had air conditioning in their main hall.

Asked about CCTV the applicant said that they had it in the premises, and in the car park, front and back.

(d) Questions for the Applicant from the Objectors

Asked if the hours would be the same, the applicant said that they were.

An objector noted that the application was to raise more money for the club, a club in Buckhurst Hill had successfully used their club as a community centre and held day time courses there, had they considered this?

Asked at what time their music events would start, the meeting was told that it would vary, normally between 8.30 and 8.45pm and the event would finish at about 11pm.

An objector said that they lived nearby and they have heard loud music up until midnight. The applicants replied that they generally did not have music after 10pm.

In answer to an objector's question the applicant said that they were a community club and had people in during the day and were not looking to have music every weekend.

Asked how many Public Events there would be the applicant said that there would be about two a month. The functions would be a mixture of live bands or parties and weddings. They would make sure that the noise from these events were kept to the right levels.

An objector noted that the fire doors were not always kept closed all the time and that they had cause to complain about this in the past.

The club treasurer was asked if she worked there and what hours did she work. She replied that she worked about 14 hours a week as the treasurer and at other times as and when required.

An objector was worried about the bands having sound checks with the doors open. The applicants said they would look into that.

There had also been excessive noise from children playing in the car park, the applicants noted that they now had CCTV in the car parks and would keep an eye on this.

The applicants were asked if they thought that the character of the club would change to a new, younger membership, as they would be serving cheap alcohol etc. This would change the character of the club to a late night venue for drinking and dancing and thus causing a lot of problems for the local residents. The applicants noted that they were not changing the hours of the club, it would still close at midnight. They did not want to upset anyone and were trying to make a place for the community. They were not trying to change the nature of the club and the type of music they had would not be changed to try and attract a younger audience.

An objector noted that supplying cheap drink between 11 and 12 midnight would inevitably attract younger people. The applicants replied that it would not, as it would not be that cheap and anyway only members could come in at 11pm; members of the public would have to buy tickets for the functions.

Another objector asked if they could work with the community and notify neighbours about upcoming events. The applicants said that they would take this suggestion on board and admitted that they did not do this kind of thing well in the past.

(e) Presentations of the Objectors

Ms D Elster was concerned about the car park when the club was opened out to the public. People made a lot of noise when they left a venue, such as slamming of doors and talking loudly etc. How did they propose to stop this. Ms Braniff conceded that this could not be fully governed, but they would put up notices asking for a quiet exit of the car park area.

Ms Elster went on to say that there were also very early morning deliveries of drinks and this seemed disrespectful to the neighbours.

Mr A Regueiro had lived there since 1995 and had seen other events such as parties for young adults. He had seen people come out of the club making loud noises, crying and fighting. This club was not responsible to the community. He had noted that the doors had been left open, front and back resulting in lots of noise from the music. This was a residential neighbourhood and people needed their sleep, any noise after 10pm disturbed that.

Ms A Ellis commented that she was shocked that events would now be open to the public. She thought that as this was a member / community club where there would be no problems; this application changed things. Already in the area there were lots of examples of late night noise, and this could only make things worse.

The Licensing Manager clarified that this new premises licence was only for the music functions and that members of the public could not just come in.

Ms Ellis noted that a lot of other clubs had closed down in the area. This application would have the potential of having people drinking up to midnight. What was the difference to the other clubs that had closed down. Ms Braniff replied that they had held their licence for a long time and that were not trying to convert it to a drinking club.

Mr A Regueiro said that he had complained to the club but they had said that they had the right to be open until 11pm. But they did not have the right to disturb their neighbours.

Mr J Waughman said that the premises was inappropriate in a residential area and he went on to say because of the problem with noise and the opening of doors, the club should be air conditioned throughout. Ms Braniff replied that they were looking to put in more air conditioning over a period of time.

Mr J Waughman added that the change of status from private to public access was significant and mindful of this, why not have an earlier closing time. Ms Braniff commented that they had considered not changing the licence and would normally turn off the music at 10pm. The Legal Officer noted that the applicants could have live or recorded music until 11pm without having to apply for a licence.

Ms A Ellis was concerned about the car parking; more people would be coming to the venue, and this would encourage more parking in the surrounding area.

(f) Questions for the Objectors from the Sub-Committee

The Sub-Committee members had no questions for the objectors.

(g) Questions for the Objectors from the Applicant

Ms Braniff asked the objectors if there was any reason why they did not go to the club. They were told that it did not look very inviting. That it just looked like a bar, a drink only establishment; perhaps if they had served food it would be more inviting. They could also offer some classes to help the community as it appeared that it was just for drinking, dancing and music at present.

(h) Closing statement from the Objectors

The objectors had nothing further to add to their previous statements.

(i) Closing Statement from the Applicant

The Applicant had nothing further to add.

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

The Chairman advised that the Sub-Committee would withdraw from the Council Chamber to consider the application in private.

During their deliberations the Sub-Committee received advice from the officers present on the options available to them and that any conditions imposed must be appropriate, be capable of being enforceable and must not undermine the licensing objectives and also that each case must be determined on its own merits.

RESOLVED:

That the decision of the Sub-Committee was that the application for a premises licence in respect of The Loughton Club, 8 Station Road, Loughton IG10 4NX be granted, subject to the following conditions, which the Council considered were

reasonable, proportionate and in the public interest for the promotion of the licensing objectives.

- (1) The mandatory conditions contained in Sections 19 – 21 of the Licensing Act 2003.
- (2) The conditions as agreed between the applicant and the police as detailed below:

Prevention of Crime & Disorder

- a. No alcohol may be supplied by an individual unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder. A written record of this consent must be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.
- b. In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.
- c. An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

- d. Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:
 - i. The day and date when door supervisors were deployed;
 - ii. The name and SIA registration number of each door supervisor on duty at the premises; and
 - iii. The start and finish time of each door supervisor's worked duty period.

This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.

Public Safety

- e. At all times no persons shall be permitted to take bottles, glasses or drinking vessels from the premises.

Prevention of Public Nuisance

- f. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- g. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect local residents and use the area quietly.

Protection of Children from Harm

- h. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement **and** is either a:
 - Proof of age card bearing the PASS Hologram;
 - Photocard driving licence;
 - Passport; or
 - Ministry of Defence Identity Card.
- i. The premises shall clearly display signs at the each point of sale advising customers that a 'Challenge 25' policy is in force.
- j. A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall either be electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
- k. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.

(3) The Conditions as agreed between the applicant and the Epping Forest District Council Environmental Enforcement officer as detailed below:

- a. All windows and doors to be closed while regulated entertainment is taking place except for the ingress and egress of customers;
- b. The DPS or his/her representative is to check sound levels outside the premises on a regular basis and adjust the sound accordingly so that it does not cause a nuisance to neighbouring properties; and
- c. Clear and Prominent notices shall be displayed within the car park requesting that customers respect the needs of local residents and leave the premises and area quietly.

- (4) It was noted that if any party was aggrieved with the decision they could appeal to Magistrates Court within 21days of the date of the written notification of this decision.

CHAIRMAN