



Licensing Sub-Committee Tuesday, 7th March, 2017

You are invited to attend the next meeting of **Licensing Sub-Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 7th March, 2017
at 10.00 am.**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall
Governance Directorate
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Surtees (Chairman), A Lion, L Mead and C P Pond

PLEASE NOTE THE START TIME OF THE MEETING

1. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

2. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 8)

(Director of Neighbourhoods) To note the Terms of Reference and Conduct of Business, as attached.

4. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as

amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
5	Hackney Carriage Driver's Licence – Mr A Rowmon	1

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

5. HACKNEY CARRIAGE DRIVER'S LICENCE - MR A ROWMON (Pages 9 - 10)

(Director of Neighbourhoods) To consider the attached restricted report.

6. INCLUSION OF PUBLIC AND PRESS

To invite the public and press back into the meeting for the remaining items of business.

7. STREET TRADING CONSENT - PALM BAY CARIBBEAN, THE BROADWAY, DEBDEN (Pages 11 - 24)

(Director of Neighbourhoods) To consider the attached report.

8. SUMMARY REVIEW OF PREMISES LICENCE - NU BAR, 153 HIGH ROAD, LOUGHTON (Pages 25 - 50)

(Director of Neighbourhoods) To consider the attached report.

Licensing Committee - Terms of Reference

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- (2) For the functions set out in Appendix 1, and the legislation listed in Appendix 2, a Subcommittee consisting of no more than any three Councillors drawn from the members of the full Committee shall be formed. Any such Subcommittee shall include, by rota, one of the six Licensing Subcommittee Chairmen appointed at each Annual Council meeting.
- (3) The Quorum for the Committee is set out in the Rules set out in Part 4 of this Constitution save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Subcommittees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Subcommittees shall be further empowered to determine appeals made against the decisions of the Director of Neighbourhoods taken under delegated authority on licensing applications. (See Council delegation schedule for more details)
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Appendix 3 (Conduct of Business by Licensing Committee and Subcommittees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Appendix 2 to this Article.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Subcommittee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Gambling Act 2005
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Pet Animals Act 1951
Pet Animals Act 1951 (Amendment) Act 1983
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
Scrap Metal Dealers Act 2013
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUBCOMMITTEES

All references to committee in this annex shall be taken to infer a reference to the associated subcommittees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.
- 3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Subcommittee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

- 5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

- 6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:

- (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
- (ii) The Chairman will outline the procedure to be followed.
- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

Document is Restricted

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Report to the Licensing Committee

Date of meeting: 7 March 2017

**Subject: Street Trading Consent - Palm Bay Caribbean,
The Broadway, Loughton**



**Epping Forest
District Council**

Responsible Officer: Lindsey Turner (01992 564182).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To determine the application for a Street Trading Consent under the Local Government Miscellaneous Provisions Act 1982

Report:

Application for Grant of a Street Trading Consent

1. On 12 January 2017 the Authority received an application made by Mr. Lucas Campbell for a street trading consent to trade at Palm Bay Caribbean, Debden Broadway. A copy of the application is attached to this report. The public notice is also attached. The application sets out the relevant licensing activities applied for and times requested.

Caribbean Food and Soft Drinks:

- Tuesday & Friday 10am to 4pm; and
- Saturday 10am to 3pm.

2. The applicant already trades at the location every Thursday as part of the Debden Broadway Market.

Consultation

3. There is no requirement in the Local Government Miscellaneous Provisions Act 1982 Act to carry out any consultation. The Licensing Team notified Essex Police, Environmental Health, Highways Authority & the clerk of Loughton Town Council & the member's bulletin. A public notice was also placed in the local Guardian

4. The authority has received no letters of objection.

5. Essex Police have no objections to the application. There were responses from Loughton Town Council and Essex police stating that they have no observations to make, no other representations were received.

Conditions

6. The Sub-Committee may attach conditions to a street trading consent as it considers reasonably necessary. These can include conditions to prevent:

- (a) obstruction of the street or danger to persons using it; or
- (b) nuisance or annoyance (whether to persons using the street or otherwise).

7. The Consent can include permission to trade:

- (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
8. The Sub-Committee may decide that the Consent is subject to conditions:
- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he or she may so trade.
9. Unless the Sub-Committee decides otherwise the Authority's standard conditions will apply to this consent. A copy of these conditions is attached.
10. The street trading consent may be granted for a period not exceeding 12 months.

Appeal

11. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached Documents:

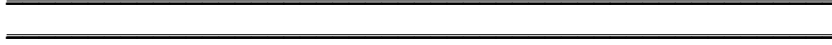
- Application for Street trading consent & Conditions of licence.
- Photograph of location.
- Photo of the trailer.
- Public Notice.
- No objection letter from Loughton Town Council.

Standard Street Trading Consent Conditions

1. This Consent is valid from (date) and no right to its renewal by the Council can be assumed or is implied.
 2. The Consent Holder shall at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.
 3. The Consent Holder shall not cause any nuisance.
 4. No recorded or amplified music or radio, shall be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
 5. No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
 6. The Consent Holder's stall shall be kept in a clean, safe and well maintained condition, to the satisfaction of the Council and its authorised Officers.
 7. The Consent Holder shall provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
 8. A notice stating the name of the Consent Holder and an address for complaints shall be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.
 9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she shall immediately comply with that request.
 10. The Consent Holder shall ensure that disabled people can be served at the stall.
 11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.
 12. The Consent Holder shall take out and maintain at all times third party insurance cover with a maximum liability of at least £1,000,000.
 13. The Consent Holder shall not place on the street or in a public place, any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
 14. No business other than that included in the 'Description' above shall be carried on at the stall.
 15. Litter and trade waste arising from the activities of the consent holder in and around the stall, shall be removed from the site on a daily basis and disposed of in an approved manner
 16. The consent holder shall ensure adequate provision for pest control.
-

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
2. Indicate that planning permission is not required.



Please note:

- That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- That the grant of one or more Street Trading Consents does not give the trader immunity from control.
- Indicate that the unit is exempt from business rates.
- Over ride parking restrictions or any other traffic regulations.
- Imply approval from the Highway Authority or any other person or Authority.

LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982: PART III
APPLICATION FOR CONSENT FOR STREET TRADING
IN A DESIGNATED 'CONSENT' STREET



Corporate Support Services

In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982

SECTION 1

Applicant Details

* First Name

* Family name

* E-mail

Main telephone number Include country code

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organization, including as a sole trader

Applying as an individual

a sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business or Organisation

*Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* Vat Number Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business or organisation

Home country The country where the headquarters of your business is located

Business Address

* Building number or name

[Redacted address fields]

If you have one, this should be your official address - that is an address required of you by law for receiving communications

* Street

District

* City or town

County or administrative area

* Post Code

* Country

United Kingdom

SECTION 2 of 11

Further Details about the Applicant (If applying as an individual)

Former name(s)

[Empty text box for former name(s)]

If currently or previously known by any other name(s), you must record them here.

Home Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

[Empty text box]

* Street

[Empty text box]

District

[Empty text box]

* City or town

[Empty text box]

County or administrative area

[Empty text box]

* Post Code

[Empty text box]

* Country

United Kingdom

Further Details

* Date of Birth

/ /
dd mm yyyy

* Place of birth

National Insurance Number

SECTION 3 of 11

Directors, Partners, Owners and Managers (If Company Club)

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organization, including day-to-day MANAGERS OF THE PREMISES.

* Are there any such people for whom you need to provide details?

Yes No

If so please supply information on a separate sheet.

SECTION 4 of 11

Type of Application

Type of application

New Renewal

Specify the period for which The licence is required (if applicable)
This period cannot exceed one year

SECTION 5 of 11

Application Details

Check guidance notes and conditions before completing this section.

* Trading Name

PALM BAY CARIBBEAN

What You Want to Trade

* List all the goods and services you want to offer for sale

CARIBBEAN FOOD & SOFT DRINKS -

* Does this include selling food or drink?

Yes No

* Where will goods be stored when not on sale?

HOME ADDRESS -

When You Want to Trade

in each week on: -

Mondays	from	<input type="text"/>	to	<input type="text"/>
Tuesdays	from	<input type="text" value="10 AM"/>	to	<input type="text" value="4 PM"/>
Wednesdays	from	<input type="text"/>	to	<input type="text"/>
Thursdays	from	<input type="text"/>	to	<input type="text"/>
Fridays	from	<input type="text" value="10 AM"/>	to	<input type="text" value="4 PM"/>
Saturdays	from	<input type="text" value="10 AM"/>	to	<input type="text" value="3 PM"/>
Sundays	from	<input type="text"/>	to	<input type="text"/>

Where You Want to Trade

* Type of trading

Mobile

Stationary

* Street(s)/location(s) where you wish to trade. (If stationary in one location please supply a plan.)

DEBDEN BROADWAY.

SECTION 6 of 11

Details of vehicle, stall and/or container

* Will you be using a vehicle in connection with your work as a trader?

Yes

No

* Description of unit from which you intend to trade, including dimensions

CATERING TRAILER. 2m x 3m

* Where will the unit be stored when not in use?

GARAGE

* You will be required to produce to the Licensing Officer

- A current MOT and insurance certificate, if you are trading from a vehicle.

SECTION 7 of 11

Public Liability Insurance

You must have third party liability insurance cover for £1,000,000.

A copy of the certificate of insurance must be produced to the Licensing Officer

SECTION 8 of 11

Previous Applications

* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (Check all that apply).

No

Yes – application granted and revoked

Yes – application granted

Yes – application refused

SECTION 9 of 11

Convictions

* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

Yes

No

SECTION 10 of 11

Additional Details

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area).

I CURRENTLY TRADE AT DEBEN BROADWAY ON A THURSDAY.

SECTION 11 of 11

Payments Details

Fee payable when submitting the application - £375.00

Please return this form to:

Licensing
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

DECLARATION

I am over the age of 17 years. I understand that the fee does not include any element in respect of the collection of refuse by the Council; therefore, I undertake to remove refuse and cleanse the street during and on completion of each day's trading and comply with all conditions attached to a Consent.

Full Name: _____

Capacity: _____

Signed: _____ Date _____

"The authority is under a duty to protect public funds it administers, and to this end may use information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes"

Z/BLICENSING/MASTERS/APPLIC FORM - STREET TRADING IN DESIG CONSENT STREET

The Broadway

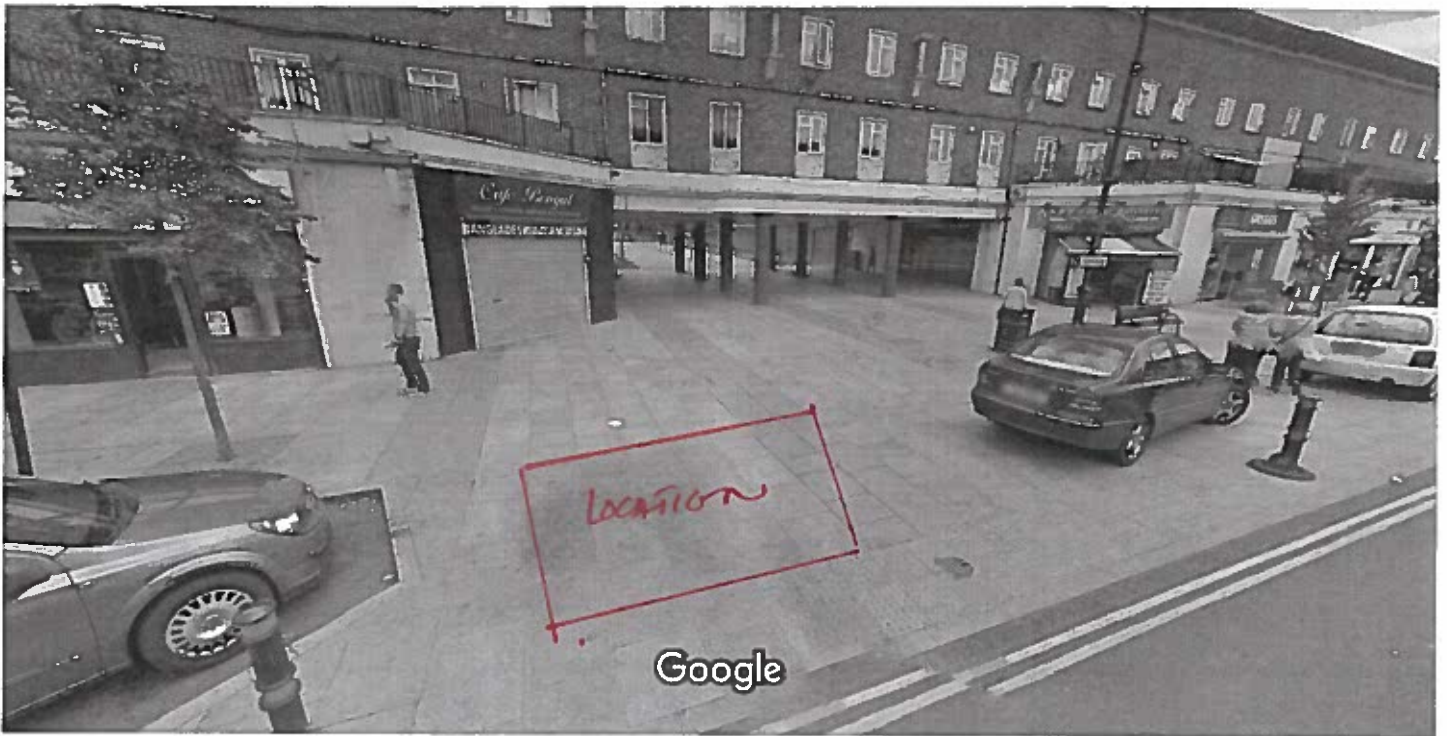


Image capture: Jul 2016 © 2017 Google

Loughton, England

Street View - Jul 2016





PALMBAY
Caribbean

0754 0329 847
www.palmbaycaribbean.co.uk



o.uk

Tutor

FRENCH: Experienced teacher. W levels. W Mobile 07564 602111 (replying)

Chatting



LEARA
Lensed

1% Recycled
s for OAP's
five prices

07564 602111
Internet
DIWaste.me



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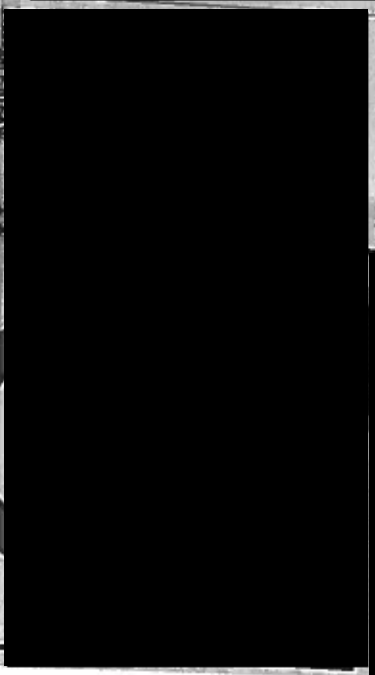
TO ADVERTISE: 01923 210332
Email: classifiedads@barnonnewsquest.co.uk

Public Notice

Announcements
- Public Notices

PUBLIC NOTICE
LOCAL GOVERNMENT
PROPOSING ACT 1982
Street Trading Control

An application has been made by Lucas/Dunlop to Epping Forest District Council for consent to sell Caravan, Hot Food & Hot and Cold Drinks at Robden Broadway on Tuesdays, Thursdays & Fridays between 10am-4pm (subject to any representations regarding this application which be made by January 20th February 2017 to The Licensing Committee Support Services, Epping Forest District Council, Office, 323 High Street, Epping, Essex, CM16 4BZ



Our ref: L.1.1/VRM



LOUGHTON
TOWN COUNCIL

1 Buckingham Court, Rectory Lane
Loughton, Essex IG10 2QZ
Telephone: 020 8508 4200
Facsimile: 020 8508 4400
e-mail: contact@loughton-ic.gov.uk
Web site: www.loughton-ic.gov.uk

Town Clerk: Enid K Walsh

Ms Kim Tuckey
Senior Licensing Compliance Officer
Epping Forest District Council
Civic Offices
Epping CM16 4BZ
(Emailed to: ktuckey@eppingforestdc.gov.uk)

25 January 2017

Dear Ms Tuckey

Re: Local Government (Miscellaneous Provisions) Act 1982 Street Trading Licence – Street Trading Consent – The Broadway – Mr Lucas Campbell

Thank you for your letter of 13 January 2017 notifying the Town Council of the above application, which was considered by the Planning and Licensing Committee at the meeting on 23 January 2017.

The Committee had no objection to this street trading consent for Palm Bay Caribbean for a one-year period.

Yours sincerely

Vivienne Messenger

Vivienne Messenger
Planning Committee Clerk



Report to the Licensing Sub-Committee

Date of meeting: 7 March 2017

**Subject: Summary Review of Premises Licence - Nu Bar, 153 High Road,
Loughton IG10 4LF**

Responsible Officer: Kim Tuckey (01992 564034).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To consider whether the interim step is necessary for the promotion of the licensing objectives;**
- (2) To decide if the interim steps imposed ceases to have effect or the licence should become subject to any steps(s) which the licensing authority considers are appropriate when making its determination on the review;**
- (3) To consider relevant representations as a result of the review application; and**
- (4) To determine whether the interim step should be withdrawn or modified, and/or revoke the licence.**

Report:

1. The report provides details of an application for a summary review of a Premises Licence under Section 53A of the Licensing Act 2003 made by Essex Police, received by the authority on 9 February 2017. It outlines the conditions the Licensing Authority has imposed on the Premises Licence as an interim measure until the matter can be dealt with by way of a full hearing on 7 March 2017.

Introduction

2. An application for a Summary Review of the Premises Licence issued to Nu Bar 153 High Road Loughton under Section 53A of the Licensing Act was made on 9 February 2017.

3. In accordance with Section 53A(3)(a) of the Licensing Act 2003 a copy of the application and 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 Trevor Roe the premises were associated with serious crime and serious disorder.

4. In accordance with Section 53B of the Licensing Act 2003, the Licensing Authority after reading Essex Police review application members determined within the 48 hour statutory time frame to implement the following interim step to take effect immediately on 10 February 2017:

- To suspend the Premises Licence until the full Review hearing.

5. 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 members decision is also attached in appendix D).

6. 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 have to be received by the Licensing Authority by 22 February 2017.

7. A copy of the application for review and the certificate are attached at Appendix A. Also attached at Appendix B is a copy of the Premises Licence and location map showing the premises and surrounding area.

8. Under Section 53(B)(6) of the Licensing Act 2003 the Premises Licence holder may make representations in relation to any interim steps which are imposed.

9. Under Section 53(B)(6) the Licensing Authority must, within 48 hours of the time of receipt of the representations, hold a hearing to consider these representations.

10. In making its decision the Licensing Sub-Committee must:

(a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and

(b) determine whether to withdraw or modify the steps taken;

having regard to the certificate that accompanied the application, any representations made by the Police and any representations made by the holder of the Premises Licence.

11. The four licensing objectives are:

(a) Prevention of Crime and Disorder;

(b) Public Safety;

(c) Prevention of Public Nuisance; and

(d) Protection of Children from Harm.

12. At the full hearing members will need to consider any representation made by all of the responsible authorities and interested parties.

13. The authority received representation from two interested parties, attached at Appendix C.

14. Members may take the following measures:

(a) the modification of the conditions to the premises licence;

(b) the exclusion of a licensable activity from the scope of the licence;

(c) the removal of the designated premises supervisor from the licence;

(d) the suspension of the licence for a period of not exceeding three months; or

(e) the revocation of the licence.

15. Supporting supplementary documents to follow from Essex Police & Green King.

Application for summary licence review



Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4BZ

Licensing Authority premises licence number (optional): LN/210001757

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Peter Jones [on behalf of] the chief officer of police for the Essex Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

NU BAR
153 HIGH ROAD

Post town: LOUGHTON

Post code (if known): IG10 4LF

2. Premises licence details:

Name of premises licence holder (if known): GREENE KING RETAILING LIMITED

Number of premises licence holder (if known): 5265451

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:
[Please read guidance note 2]

On 10th April 2016 a serious incident of crime and disorder took place outside NU Bar where one victim was slashed to the face and a second received a torn ear. In consequence Essex Police applied for a Summary Review of the premises licence on 11th April 2016.

On 12th April 2016 interim steps of a suspension were imposed.

On 3rd May 2016 at a full hearing the licence was amended as follows:

Licensed hours on Friday & Saturday reduced from 0200 to 0000 and Sunday from 0100 to 0000. Opening hours on Friday & Saturday reduced from 0230 to 0030 and Sunday from 0130 to 0030. A number of conditions inserted on the Premises Licence.

Overnight 4th/5th February 2017 despite licensable hours of 0000, patrons were admitted onto the premises after this time and patrons remained there until approximately 0315. Patrons were allowed into the premises after 0000 contrary to a condition listed under 'Last Entry'. Patrons were also required by staff to leave by the rear. Essex Police submit this was in order to hide the illegal operating of the premises.

Between 0300 and 0320 a number of people appear in Old Station Road near where the rear of NU Bar leads to. Essex Police suggest these people exited the bar via the rear; this is captured on council operated CCTV. Moments later the lights inside the premises are turned off.

Witness GOODCHILD together with witness BLUNDELL and witness NEOCLEOUS were in the premises at approximately 0100 hours and at approximately 0115 chose to leave the premises; they were prevented from doing so and instead told to exit via the rear. As they made their way to the rear across the dance floor a fight erupted between two unconnected males and witness GOODCHILD tried to intervene, instead he was pushed or otherwise forced to the floor and when he tried to resume to his feet he was subject to a sustained assault by fist and foot. Witness NEOCLEOUS helped him to his feet and tried to get him out the front door but could not do so.

Instead they were assisted to a side door and shown out by a staff member who put them in a car and drove them to the London Underground station where the staff member dropped them off. Witness BLUNDELL called an ambulance.

Witness GOODCHILD sustained a fractured right eye socket. Witness BLUNDELL also sustained a cracked rib.

Investigations continue and a number of witness statements detailing the assault took place after hours in the premises have already been taken. CCTV footage has been viewed which shows people appear in Old Station Road from the direction of the rear of NU Bar. Essex Police will submit a full bundle of documents in support of the application to all parties in good time ahead of the review hearing.

In applying for a summary review Essex Police would invite the licensing authority to impose interim steps.

Essex Police considers that the background of this premises and the occurrence in April and subsequent outcome of the summary review is relevant to this application and appropriate interim steps as it demonstrates a continual failure in the management of the premises and concerted efforts to hide illegal licensing activity; illegal activity which has led to serious violence and substantial injury.

Given the already strict conditions of the premise licence and the already reduced terminal hours of the premise Essex Police would ask the authority to consider suspension of the licence as appropriate interim steps.

We do not believe there are any alternative interim steps appropriate.

Signature of applicant: P. Jones

Date: 09/02/2017

Capacity: LICENSING OFFICER

5. Contact details for matters concerning this application:

Address: LOUGHTON POLICE STATION
158 HIGH ROAD
LOUGHTON
IG10 4BE

Telephone number(s): 01279625405

Email: licensing.eppingandbrentwood@essex.pnn.police.uk

Notes for guidance:

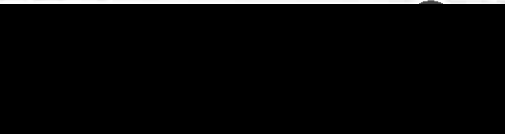
1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Summary Review – Superintendent's certification



Certificate under Section 53A (1)(b) of the Licensing Act 2003

Certifying officers name: **TREVOR ROE**

Rank & PIN: **SUPERINTENDENT 2372** Signature: 

Stationed at: **WEST LPA** Date: **7/2/2017** Time: **15:15.h**

I hereby certify that in my opinion the premises described below are associated with ~~serious crime~~ (~~see note below~~) / ~~serious disorder~~ / both serious crime and serious disorder (delete as applicable)

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are inappropriate because,

On 5th February 2017 at 01:18 Essex Police received a call to a male with serious including a suspected fractured eye socket. The victim states he had been to NU Bar, and witnesses state this is the location of the offence. At the time of the call it is believed NU Bar were still operating outside permitted hours.

In April 2016 an expedited summary review was applied for in relation to this premises and in May 2016 conditions imposed including a reduction of hours; this has not curtailed the serious crime & disorder associated with the premises.

It is my honest held belief that the activity of NU Bar is directly linked to this serious assault.

A brief description of why standard review processes are inappropriate e.g. degree of seriousness of the crime/disorder, past history of non-compliance etc. may be helpful but this is not a legal necessity for the issue of a certificate and will be outlined within any application for review, should one subsequently be applied for. Applications are usually sought when 'interim steps' are considered necessary before a review hearing takes place.

There is no requirement to list all occurrences or provide the detail of each occurrence; the sole requirement is that an honest opinion is held that the premise is associated with serious crime/disorder. A single incident may be the trigger for a certificate if it is serious enough. The issue of a certificate does not mean the police MUST apply for a review.

***NOTE: Serious crime includes any criminal conduct that involves the use of violence; serious disorder is not defined and should be given its ordinary meaning.**

Premises Name: **NU BAR**

Name of Designated Premises Supervisor: **SARAH COLLINS**

Premises address: **153 HIGH ROAD
LOUGHTON
ESSEX
IG104LF**

Premises Licence No. if known: **LN/210001757**

PREMISES LICENCE

Part A



Neighbourhoods
Directorate

Premises licence number:

LN/210001757

Part 1 – Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:

Nu Bar
153 High Road

Post Town: Loughton

Post code: IG10 4LF

Telephone number: 0208 508 6995

Where the licence is time limited the dates: N/A

Licensable activities authorised by the licence:

Live & Recorded Music
Performances of Dance
Provision of Facilities for Making Music
Provision of Facilities for Dancing
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Supply of Alcohol, Live Music, Recorded Music, Performances of Dance and the Provision of Facilities for Making Music & Dancing

Monday – Thursday 1100hrs - 0000hrs

Friday – Saturday 1100hrs – 0000hrs

Sunday 1100hrs - 0000hrs

Seasonal Variations for Activities Listed Above

Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the Sundays and Mondays of all other Bank Holiday weekends plus any other Bank Holidays from 1100hrs 0100hrs

New Year's Eve from the commencement of standard hours to the commencement of standard hours on New Year's Day

Late Night Refreshment

Monday – Thursday 2300hrs - 0000hrs

Friday – Saturday 2300hrs - 0000hrs

Sunday 2300hrs – 0000hrs

The opening hours of the premises:**Monday – Thursday 0800hrs - 0030hrs****Friday – Saturday 0800hrs – 0030hrs****Sunday 0800hrs – 0030hrs****Seasonal Variations for Opening Hours****Christmas Eve, Christmas Day, Boxing Day, New Year's Day and the Sundays and Mondays of all other Bank Holiday weekends plus any other Bank Holidays from 1100hrs - 0130hrs****New Year's Eve from the commencement of standard hours to the commencement of standard hours on New Year's Day****Where the licence authorises supplies of alcohol whether these are on and / or off supplies:****On Only****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:****Greene King Retailing Limited****Abbot House****Westgate Brewery****Bury St Edmunds****Suffolk****IP33 1QT****01284 763 222****Registered number of holder, for example company number, charity number (where applicable):****5265451****Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:****Sarah Collins****48 Roxwell Road****Barking****Essex****IG11 0PT****Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:****41188****Barking & Dagenham Council**

Mandatory Conditions
All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
- (b) an ultraviolet feature
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price
2. For the purposes of the condition set out in paragraph 1 –
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula –
- $$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**If the Premises Licence has conditions in respect of Door Supervision
except theatres, cinemas, bingo halls and casinos**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation

Annex 2 – Conditions consistent with the Operating Schedule:

The Prevention of Crime and Disorder

- There will be responsible management of the premises.
- The premises will keep to capacity levels.
- There will be training and supervision of all staff.
- Best practise guides will be adopted eg adhering to the BBPA, Portman Group on drinks strategy, the National Alcohol Harm Reduction Strategy Tool Kit and other voluntary codes of practise.
- SIA door staff will be employed, toughened glass will be used, litter bins will be provided and other security measures will be utilised eg. lighting outside the premises.

Public Safety

- Risk Management assessment will be checked weekly and there will be responsible management at all times.
- There will be provision of door staff and general staff levels to secure safety of the premises and customers.
- There will be training and supervision of those employed and adoption of best practices eg. National Alcohol Harm Reduction Strategy Tool Kit and other voluntary codes of practise including the BBPA and Portman Group point of sale promotions.
- Toughened glass will be used throughout.
- There will be crown management training and implementation for all door staff.
- There will be regular testing and certification if appropriate of all procedures, appliances and systems pertinent to safety.

Prevention of Public nuisance

- There will be training and supervision to prevent incidents of public nuisance.
- There will be regular visits to all parts of the premises including the exterior and deliveries etc outside opening hours.
- Best practices will be adopted eg control of noise from pubs and clubs, NAHA's Tool Kit and other voluntary codes of practice including the BBPA and Portman Group.
- Air Conditioning installed will be maintained.
- Noise limiter installed will be maintained.
- There will be management of people including staff and traffic arriving and leaving the premises.
- There will be liaison with public and private transport providers.
- There will be collection and management of litter and effective ventilation systems to prevent nuisance from odour.
- The due diligence log will be completed when regulated entertainment takes place.

The Protection of children from harm

- Sufficient staff will be provided to secure the protection of children from harm with appropriate training.
- Children will only be permitted on the premises between 11.00-20.00.
- There will be no children in the bars during entertainment.
- Children must be accompanied by an adult at all times.
- There will be a proof of age scheme in place and/or photo driving licences will be used.

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

Hearing held on 6th September 2007

The Prevention of Crime & Disorder

- Employment of a minimum of four SIA registered door staff to be on duty from 19.00 until 30 minutes after the closure of the premises on Fridays and Saturdays.
- Customers will not be permitted to remove bottles or glasses from the premises.

The Prevention of Public Nuisance

- Noise from the establishment is to be inaudible at the façade of the nearest noise sensitive premises.

Hearing held on 16th September 2013

The Prevention of Crime and Disorder

- A drugs policy will be written and implemented at the premises to ensure that best practice is observed by staff and management to ensure that no drugs are permitted inside the premises and if they are found, the appropriate action is taken. This policy will be reviewed in conjunction with the police licensing officer and all staff/door-staff will be trained as required to ensure proper implementation. All members of staff will sign a record to state that he/she has completed training on the drugs policy within one month of starting employment. The record will be made available to officers of the council upon request
- CCTV covering the internal and external of the premises will be installed and maintained. It will be recording at all times the premises are open to the public and will be kept in an unedited format for a period of not less than 28 days. The images are to be made available to the police, local authority or trading standards for inspection upon lawful request
- Employment of a minimum of 4 SIA registered door staff to be on duty from 1900hrs until 30 minutes after the closure of the premises on Friday, Saturday and Sunday

The Prevention of Public Nuisance

- On nights where a queue is formed by customers waiting to get into the premises, the manager will ensure that it is properly monitored and that those waiting to gain entry behave in an appropriate manner to ensure that they do not disturb residents
- Any complaints from residents will be noted in a dedicated complaints log. This log will include the time and date of the complaint, the names of the person making the complaint and the member of staff dealing with it and any remedial action taken. This log will be made available to the police and responsible authorities on reasonable request
- A dispersal policy will be implemented at the premises to ensure that customers leave as quickly and quietly as possible. Signs will be displayed to this effect. A copy of this policy will be provided to the Licensing department

- The final 15 minutes of regulated entertainment on a Sunday night will be lower in volume and shall be designed to ensure that customers leave in a calm manner. In addition, house lights will be turned up 15 minutes before the terminal hour for the sale and supply of alcohol
- Speakers will not be placed in or facing the entrance at any time

Review Hearing held 3rd May 2016

Modifications of the Premises Licence as follows:

For the purpose of Prevention of Crime and Disorder and Public Nuisance

Hours

- All licensable activities to cease at midnight and the premises to be closed at 00:30 hours
- Seasonal variations for activities listed in the Licence shall be 11:00 – 01:00 hours and the premises closed at 01:30

CCTV

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
- Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale/supply of alcohol occurs.
- Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in good working order, numbered sequentially and kept for a period of 31 days and handed to the Police or authorised officer on demand.
- The premises licence holder must ensure at all times a DPS or appointed member of staff is capable of and competent at downloading CCTV footage in a recordable format either disc or in an appropriate digital format as required by the Police, to the Police or authorised officer. CCTV should be in a native file format with the native player.
- The recording equipment and tapes/disc or other required format shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings, actions are to be recorded
- In the event of Technical failure of the CCTV equipment the Premises Licence holder/DPS must report the failure by email to: licensing.application@essex.pnn.police.uk or such other address as may be notified to the Designated Premises Supervisor from time to time.

Digital ID Scanning

- There shall be installed digital ID scanning equipment which is capable of facial recognition technology

Door Staff

- There shall be a minimum of 6 door supervisors on duty from 19:00 until 45 minutes after cessation of licensable activities if open to the public beyond midnight on any day of the week
- The premises licence holder or DPS shall maintain an accurate and up to date register in respect of all door supervisors working at the premises when open to the public. The register will comprise of (a) the name, badge number, dates and times of commencement and finish of work; (b) the signature of the door supervisor; (c) details of any incident the door supervisor is involved in including details of any calls to the Police and any Police action taken
- The door supervisor register shall be made available to the Police and an authorised officer upon request
- Door supervisors will undertake body searches and bag searches and at least one male and one female door supervisor must be available to undertake body searches of the same gender before gaining entry to the premises
- Any person who refuses to be searched will be refused entry
- Whilst on duty door supervisors shall wear high visibility jackets and identifying logo

Door Control Policy

- There will be a door control policy that outlines clear instruction and understanding of the door supervisors' responsibilities at the premises. The policy will contain (a) how door staff will prevent overcrowding both inside and outside the premises; (b) searching procedures; (c) preventing patrons leaving with alcohol; (d) to provide written statements to the Police of any criminal investigation as and when required

Incident Register

- The premises licence holder or DPS must keep an incident register. Staff are to be trained to complete an incident in the register immediately after the incident has occurred or at least by the end of the shift. The register must be kept on the premises and will detail (a) day, date and time of incident; (b) the nature of the incident; (c) the resolution; (d) each entry is to be checked by the DPS or premises licence holder no later than one week after the entry has been made
- The register is to be made available to Essex Police or an authorised officer on request either electronically or hard copy

Dress Code

- Guests shall not be allowed entry wearing hats or garments with hoods
- Persons refusing to comply with the dress code shall be refused entry
- There shall be clear signage on public display stating the dress code

Last Entry

- There shall be no persons allowed entry or re-entry after midnight on any night of the week
- The premises licence holder shall erect and maintain clear and prominent notices on the exterior of the premises advising patrons of the actual operating hours of the premises including last entry times
- No drinking vessels shall be permitted outside the premises including the smoking area

Dispersal Policy

- The premises shall have a written dispersal policy that outlines the procedure for management, door supervisors and staff. The policy shall contain procedures on (a) supervising queues to avoid any unacceptable behaviour; (b) clear display of notices regarding the start of queuing areas/lanes; (c) phone numbers of taxi firms displayed inside the premises; (d) door supervisors ensuring no loitering outside the premises; (e) procedures on refusing entry or banning those who repeatedly cause a nuisance by noise or rowdy behaviour; (f) a monitoring system to be implemented with regards to re-entry e.g. wrist bands or ultra violet marking
- The dispersal policy shall be submitted to the Police and the Licensing Authority which shall be reviewed annually

Drinking Vessels

- All drinking vessels will be made of a polycarbonate material
- No drinks shall be served in glass bottles save Champagne table service

Smoking Area

- The smoking areas shall be monitored by staff and/or door supervisors to ensure that there are no more than a maximum of 20 persons at any one time using this area
- Clear signage shall be publically displayed regarding maximum numbers in the area

Drugs Policy

- The premises shall have an agreed written drugs policy, this will detail the strategies to minimise the use and supply of illegal substances within the premises, handling, retention and collection/delivery of any article seized to Essex Police for disposal. The drug policy shall include a structured training policy for all staff covering the issued of misuse of drugs in relation to licensed premises. Zero Drugs tolerance posters shall be clearly and prominently on public display within the premises
- The drugs policy shall be agreed and submitted to Essex Police and the Licensing Authority which shall be reviewed annually

Staff Training

- All persons that sell or supply alcohol to customers must have licensing and drug awareness training. Training should take place within six weeks of employment and any new employees will be supervised until training has taken place. Refresher training should be repeated every six months. Training records must be kept on the premises and shall contain the nature, content and frequency of training. Records must be made available for inspection by the Police or an authorised officer on request either electronically or hard copy.
- Training must include (a) avoiding sales of alcohol to persons under the age of 18; (b) recognising customers who appear drunk and refusing sale of alcohol; (c) knows the licensing objectives; (d) have read and understood the licensing conditions; (e) can point out where the licence summary is displayed; (f) understands consequences for breaching legislation that can impact on them and/or the licensee; (g) drug misuse awareness; (h) have relevant contact details of the DPS or the licensee

Protection of Children from Harm

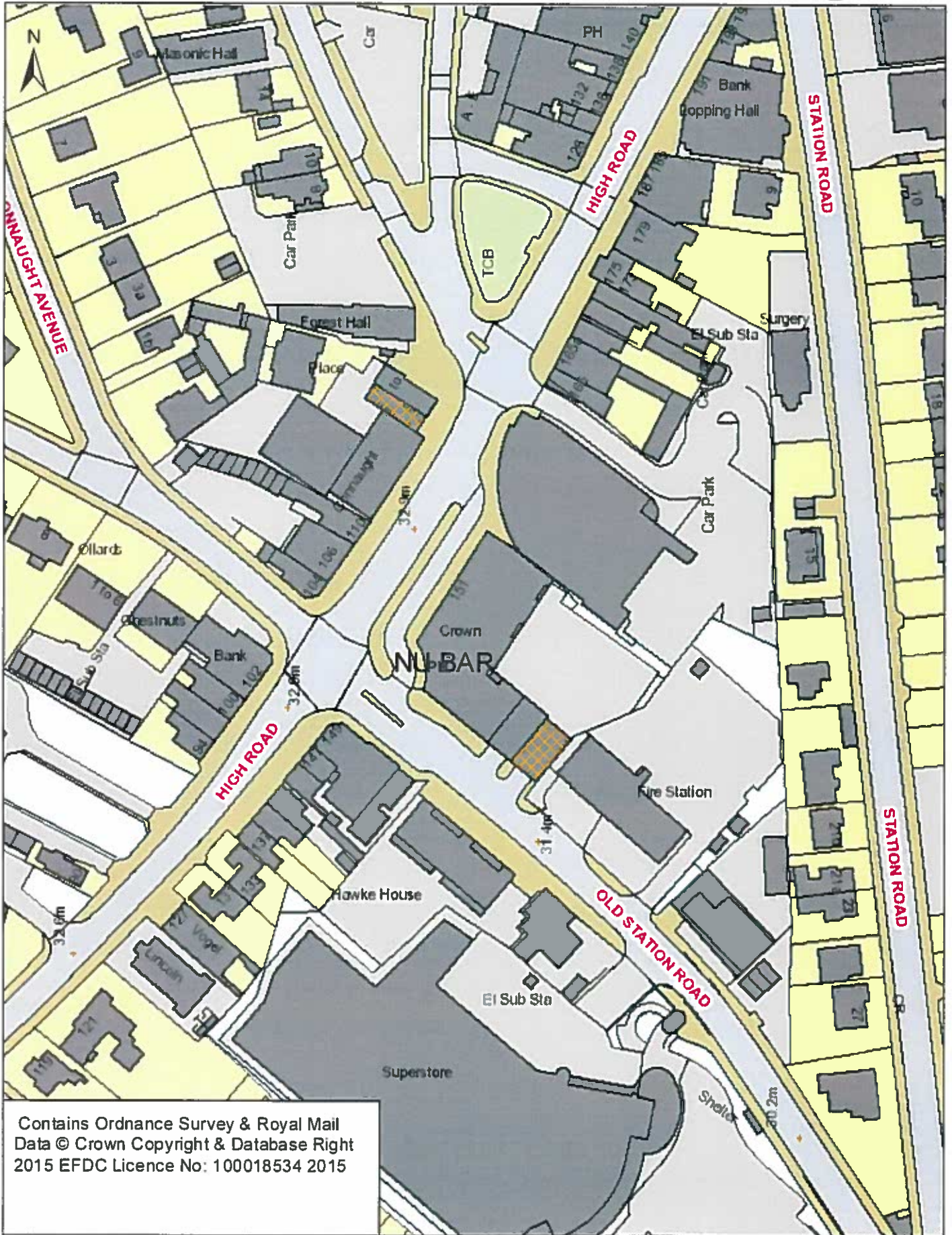
- All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or Police.
- An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears under the age of 25. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
- No children to be permitted on the premises after 21.00 hours. All children are to be accompanied by an adult at all times

Annexe 4 – Plans:

Plans held at Epping Forest District Council

Minor variation 1.9.2015:

Drawing number : 1621-003 dated 23.3.2015



Kim Tuckey

From: Tanya Foster <[REDACTED]>
Sent: 19 February 2017 13:10
To: Licensing
Subject: NU bar Licensing Review representation

Dear Sir/Madam

I wish to add representation to the application for a Expedited Summary Review of Premises License under the Licensing Act 2003 section 53A (1) (b) for NU Bar 153 High Road Loughton IG10 4LF.

Since NU Bar has had it's license altered, we have experienced less crime, disorder and public nuisance in the area, making us feel safer in our home. I would urge the council therefore to either retain the existing license for Nu Bar, alter the conditions to make it tougher for public nuisance to occur or shut the premises altogether.

The noise pollution has been significantly reduced. We do not experience the level of disruption from the music and talking, shouting or fighting between patrons on the street like we used to.

We feel much safer and feel that our children are protected from harm now with Nu Bar's new license. We do not hear or see patrons loitering outside our house in the late hours of night/early hours of the morning. We have also noticed a reduction, although not a complete eradication, of substances such as laughing gas capsules, empty beer bottles and broken glass outside our home and along the street leading down to the High Street.

We understand there is a need for pubs, bars and clubs and we have been satisfied with the conditions of the new license. However if the establishment is not adhering to the licensing conditions and if the safety of the public is at risk, then we will welcome tougher conditions or a closure of the establishment.

Kind regards

T Foster

Sent from my iPhone

Kim Tuckey

From: Todd Crowther <[REDACTED]>
Sent: 19 February 2017 16:47
To: Licensing
Subject: Representation on Nu Bar Licence Review

In relation to the above review please find below the objections I sent in April (these are still valid). Since the licence for the nightclub has been revoked all of these issues have gone away as we now have:

- No noise on our streets
- No disturbed nights sleeps
- No frightened children
- No serious crime incidents
- No rubbish on streets

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Therefore I can only assume that all these problems are caused by Nu Bar having a night club licence so I BEG you not to give it back to them.

IF the licence is given back serious sanctions and guidelines around noise, litter, security, parking need to be put in place in consultation with local residents.

Dear Sir or Madam

Re: Licensing Review – Nu Bar High Road

We are writing to you in regard to the above Licensing Review. We are pleased that this licence is to be reviewed once again as it provides us with an opportunity to list all of the reasons why we think that this licence should be revoked. We raised concerns about this establishment to you in 2013, 2014 and

2015 and looking back on these emails we notice how much more serious the issues have become. For clarity we have listed are headings under the relevant licensing headings:

Prevention of Crime & Disorder

1. The Nu Bar is a hotspot for crime and disorder. In the past twelve months there have been at least two serious criminal events where patrons have either been responsible for or have been at the receiving end of violent criminal acts. We regularly wake up to police cars and police barriers where they are investigating the events of the previous evening. This raises lots of difficult questions from my 2 young daughters. It's only a matter of time before someone is killed.

Public Safety

2. Given the rise in crime as highlighted above, it is only a matter of time until this violence spreads to innocent bystanders and local homeowners. The Nu Bar does nothing to prevent this carnage on our street and absolves themselves of all responsibility once their patrons have left their establishment. These people then become the problem of the local community. Clearly having an establishment like this located in a residential area is a huge mistake.

Public Nuisance

3. In our house we dread Thursday through to Sunday nights because we don't know what level of nuisance we are going to experience. What we know for sure is that we will have cars parked in front of our house and screeching away in the middle of the night. People talking in loud voices in front of our home, often this escalates into fights and arguments and my daughter is often woken up by this and she consequently wakes us up to alert us to the problem. I feel powerless to stop it, as I would never confront them because I fear the repercussions as per point 1. The clientele of the Nu Bar have absolutely no regard whatsoever for the community around them and the bar itself does nothing to encourage better behavior outside of their establishment.

4. The following day there is huge amounts of debris, litter and aerosol canisters (I think these are sniffed). There has been damage to our front hedges – either they are picked or people pushed into them. We also had our front wall knocked down – I can only assume by a car turning around in our road.

5. From the Nu Bar itself, depending on what DJ is playing we also hear loud music playing which wakes us all up or prevents us from getting to sleep. Also if we are sitting in our garden it is clearly audible.

Protection of Children from Harm

5. My daughter now wears earplugs to bed from Thursday to Sunday nights to try prevent her from being woken up. This isn't always successful and very much depends on the night's events which results in regular broken sleep for her.
6. She has become extremely anxious when it is a "Nu Bar" night as she is frightened that she will be woken up, she's frightened by the shouting and she is concerned that those people might hurt her or her family. Obviously lots of the children hear the graphic details of some of the violent crime that is taking place in Loughton and they are quite rightly frightened for their safety. This is unacceptable.

To be honest, the Nu Bar (and Luxe is just as bad) have been given chance after chance to improve this situation and I haven't seen any evidence of either of those bars doing anything to help local residents. Frankly, they just don't care that they are making our lives a misery. In historic correspondence you have pointed out that the establishments can only be held responsible for what happens on their premises but by granting licences to establishments located in residential areas you are exposing all of us to a number of issues that we and you are powerless to tackle. I urge you to revoke their licence permanently to indicate that we are not tolerant of this type of behavior in our town and that this is the wrong location for a bar of this type. I fear that if you don't get a handle of this, an already dreadful situation will get worse over time as we have seen over the past few years.

Yours faithfully

Mrs N Crowther

 Ollards Grove



Application for Summary Licence Review

Application for review of a premises licence under section 53A of the licensing Act 2003 (Premises associated with Crime or Disorder) for NU Bar, 153 High Road, Loughton, IG10 4LF

1. An application from Essex Police (dated 9 February 2017) had been received by the EFDC Licensing section, for a review of the premises licence for the above mention venue.
2. This resulted from an incident that took place on the night of 4/5th February 2017 where there was suspected admittance of patrons after licensable hours of 00.00 hours contrary to their current conditions imposed after incidents that occurred in April 2016.
3. The Police had submitted that patrons as well as being admitted after their licensable hours were obliged to leave via the rear exit to avoid being captured on the external CCTV cameras.
4. As well as the above there appears to have been a fight in the premises starting at around 01.15am resulting in injuries of some patrons. It was alleged that the injured parties were taken to an underground station by staff members and that an ambulance was required for these patrons.
5. In order to consider the police application for a review, three members of the Licensing Committee were consulted on 9th February 2017. They were Councillor B Surtees, R Morgan and M Sartin. They were sent the Police application form, the Superintendent's certification stating Superintendent's T Roe belief that the activity at the NU Bar was directly linked with serious assault, and a copy of the summary review guidance of the Licensing Act 2003 for information.

RESOLVED:

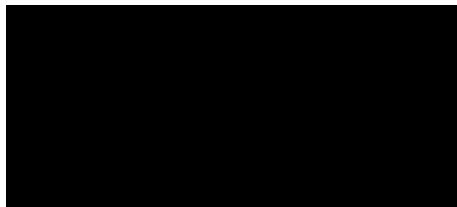
In consultation the three members decided that the NU Bar licence should be suspended with immediate effect until the full review of the premises licence could take place (within 28 days) because they were satisfied that there was serious crime and disorder associated with the Premises.

The reasons given were:

- The incident was disturbing because of the time it had taken place (after conditioned closing hours);

- It was unacceptable that injured patrons were ferried to the underground station by members of staff and this resulted in an ambulance having to be called for the injured patrons;
- The disregard of the licensing conditions by the management of the premises;
- The lack of supervision and apparent disregard for public safety by the management.

Signed:



Councillor B Surtees
Chairman of the EFDC Licensing Committee

10 February 2017