

1<sup>st</sup> June 2017

Luxe Essex  
126 High Road  
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Essex  
IG10 4BE

Civic Offices High Street  
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Director of Neighbourhoods  
and Deputy Chief Executive  
Derek Macnab

Enquiries to:

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Dear Mr Iyapah

**Luxe Essex- 126 High Road Loughton Essex IG10 4BE- Expedited Summary Review-  
Decision**

I am writing to formally inform you of the decision of the Licensing Sub-Committee held on 30<sup>th</sup> May 2017

The application has been treated on its own merits, and this Sub-Committee has taken its decision based upon:

- The application for a summary licence review
  - The certificate under S53A of the Licensing Act 2003
  - The policy of the Licensing Authority
  - Guidance issued
  - Relevant representations received
  - The licensing objectives
1. The decision that the current licence of the premises be suspended for a period of three months and to amend and replace the non –mandatory conditions in annex 2 of the premises licence as set out in the supplementary agenda subject to the modifications made by the licensing sub-committee and agreed by the licensee
  - 2 And that the Sub-Committee decided that the interim steps imposed on 5<sup>th</sup> May 2017 will remain in full force and effect until 21 days from the date of this decision or the determination of the appeal against it lodged within that period.

**Reasons for the decision**

There has been a history of incidents leading to serious violence and disorder at or outside the premises. The sub-committee considered the steps that it could have taken including the revocation of the licence. The police have agreed a way forward with the licensee. The sub-committee took into account the representations made at the hearing as well as the written representations. The conditions imposed were considered to be reasonable appropriate and proportionate to achieve the licensing objectives

## Appeal

Parties to hearings have the right to appeal against decisions of the Licensing Authority to the Magistrates Court within 21 days beginning with the date when the appellant is notified by the Licensing Authority of its decision.

Please see attached conditions.

Yours Sincerely

  
Mrs K Tuckey

cc. Essex Police- Gordon Ashford  
cc. Sarah Le Ferve- co Poppleston Allen

Licensing Conditions modified:

For the prevention of Crime and Disorder and Public Nuisance

(i) New licensable activity hours established consisting of:

Sunday to Thursday – 10.00 hours – 23.00 hours;  
Friday & Saturday – 10.00 hours – 00.00 hours.

(ii) The following seasonal variations are established;

Christmas Eve (24<sup>th</sup> December), Christmas Day (25<sup>th</sup> December), Boxing Day (26<sup>th</sup> December) licensable activities to be extended until 01.00 hours

(iii) New non licensable hours (opening hours) established consisting of:

Sunday to Thursday – 09.00 hours – 23:30 hours;  
Friday & Saturday – 09.00 hours – 00:30 hours.

(iv) The following non- standard times are established:

New Year's Eve (31<sup>st</sup> December – 1<sup>st</sup> January) annually only to extend licensable activity to 01.00 hours.

Licensable activities modified to remove:

- Exhibition of Films
- Performance of dance
- Provision of entertainment facilities for making music and dancing.

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## PREVENTION OF CRIME AND DISORDER

- 1 The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
  - i CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;
  - ii CCTV cameras shall cover {all public areas including all entrances and exits};
  - iii Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;
  - iv At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;

- v The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;
  - vi 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 these are to be recorded immediately.
- 2 Signs must be displayed at all entrances and exits advising customers that CCTV is operating at the premises and shall be minimum size of 200 x 150 mm.
- 3 An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon 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
  - (f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence.
- 4 Toilets shall be checked on at least an hourly basis for the purpose a) of detecting and deterring the use of controlled drugs and psychoactive substances; and b) maintaining public safety.  
A record of these checks shall be maintained with the date, time, and condition of the toilets and staff member conducting the check.  
These records shall be made contemporaneously, retained at the premises for 31 days and made available immediately upon demand to police or local authority staff.
- 5 The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means.  
This policy shall specifically include but not be limited to:
- i. Searching practices upon entry;
  - ii Dealing with patrons suspected of using drugs on the premises;

- iii Scrutiny of spaces including toilets or outside areas;
  - iv Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
  - v Staff training regarding identification of suspicious activity and what action to take;
  - vi The handling of items suspected to be illegal drugs or psychoactive substances
  - vii Steps taken to discourage and disrupt drug use on the premises
  - viii Steps to be taken to inform patrons of the premises drug policy/practices
- A copy of this policy document shall be lodged with the police and licensing authority.

- 6 There shall be no events at the premises that are organised or promoted/advertised by an external promoter.
- 7 Door supervision by SIA licensed door supervisors must be provided each Friday and Saturday where licensable activity takes place. A minimum of 2 door supervisors must be on duty from 21:00 hours whilst the premises is open and for 60 minutes after the premises has closed.
- 8 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;
  - iii The duty start and end time for each door supervisor.
- This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.
- 9 SIA licensed door supervisors shall supervise any queue to enter the premises which forms outside the premises.
- 10 All SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear high visibility jackets.
- 11 Section 177A (2) of the Licensing Act 2003 is to have no effect and both live and recorded music are to be treated as regulated entertainment.

\*This condition specifically exempts the premises from the deregulation of music.\*

12 There shall be no playing of recorded music, other than as incidental background music.

12a No live amplified music shall be played after 2200 hours on any day.

## **PREVENTION OF PUBLIC NUISANCE**

13 Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. These signs shall be a minimum size of 200 x 150 mm.

14 No use shall be made of the terraced area other than for access.

15 All external windows and doors shall be kept shut all times when music is being played and 23:00 hours at any other time. Doors may be opened for the normal entrance and egress of persons but must be shut immediately after.

16 The smoking area is to be positioned at the rear of the premises and patrons and patrons are not to be allowed to smoke outside the front of the premises. Any patron failing to comply with this direction may not be re-admitted.

17 After 23:00 hours no persons shall be admitted or re-admitted to the premises, save for persons who have temporarily left the premises (e.g. to smoke).

18 An automatic sound control device(s) must be installed and used for amplified music. The device(s) must be set so that the volume of any amplified sound emanating from the premises does not cause nuisance to residents nearby.

19 The Licensee to provide a contact number for the manager of the Premises for the residents; and to establish regular community liaison meetings

## **PUBLIC SAFETY**

- 20 After 21:00 hours on any day, drinks must only be served only in polycarbonate/plastic and/or toughened glass containers save for drinks consumed at a table with a substantial meal.
- 20a Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises up until at least 22:00 hours.
- 20b At all times whilst licensable activity is undertaken, at least 40 'covers' will be provided for table meals.

## **PROTECTION OF CHILDREN FROM HARM**

- 21 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:
- Passport;
  - European Union photocard driving licence;
  - Ministry of Defence Identity Card;
  - Proof of age card bearing the PASS Hologram;
  - National identity card issued by a member of the European Economic Area or Switzerland;
  - Biometric immigration document.
- 22 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 or licensing authority staff upon reasonable request.