

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 7 October 2014

Place: Council Chamber, Civic Offices, **Time:** 10.05 am - 1.26 pm
High Street, Epping

Members Present: A Boyce (Chairman), K Chana, Mrs R Gadsby and R Morgan

Other Councillors:

Apologies: A Lion

Officers Present: K Tuckey (Licensing Manager), N Clarke (Licensing Officer), R Ferriera (Assistant Solicitor) and M Jenkins (Democratic Services Assistant)

31. APOLOGIES FOR ABSENCE

The apologies of Councillor A Lion were noted as indicated above, it was further advised that Councillor R Morgan had kindly agreed to substitute for him.

32. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

33. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

34. STREET TRADING CONSENT - HIGH BEECH

The three Councillors that presided over this item were Councillors A Boyce, K Chana and R Morgan.

The Chairman welcomed the participants and requested that they introduce themselves. In attendance on behalf of the application were the applicant Mr B Melton, the owner of Mins Tea Hut and Mr P Morris, a colleague of Mr Melton's who was acting as the principal advocate for the application. It was noted that there were a number of persons present who were supporting the application a number had made representations and spoke later in the meeting. In attendance objecting to the application were Mr P Thompson, acting on behalf of Epping Conservators and Ms S Rigley, Land Agency and Planning Officer, City of London Corporation.

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

(a) The Application before the Sub-Committee

The Licensing Officer informed the Sub-Committee that an application had been received on 27 August 2014 from Mr B Melton for a street trading consent to trade at 2 sites in Fairmead Road and Manor Road, High Beech, Epping Forest, the applicant intended selling hot/cold food and drinks from a mobile van Mondays to Fridays 9.00a.m. to 6.00p.m. and Saturdays and Sundays 9.00a.m. to 6.30p.m. The application had gone out for consultation although it was noted that there was no legal requirement to carry one out and the responsible authorities had been notified.

The Licensing Team had notified Essex Police, Environmental Health, County Highways, the clerk of Waltham Abbey Town Council and local District Councillor's S Stavrou and R Gadsby. A public notice was also placed in the local newspaper. The District Council had received 7 letters of objection, one of which came from the Corporation of London, the others from members of the public. Also received were 251 letters supporting the application from members of the public. The police and Environment team had no objection to the application and no other responses were received.

(b) Presentation of the Applicant's Case

Mr P Morris described the intended site at Fairmead Road, the mobile diner would be parked by a verge, currently neglected with soil deposited on the road. The road width here was, on average 5.5m, with no obstructions for parking and emergency vehicles. The diner van would serve customers from the rear.

Mr Morris went onto discuss the manor Road site, he suggested that County Highways were not aware of a design scheme for this road. Speed humps along the road slowed down traffic. The diner was a self contained unit holding waste material and as equipped with a generator. Mr Morris claimed that with 2 million visitors to Epping Forest per year, there was ample trading. It was curious as to why objectors were concerned about the effect on trade, a local café had not objected nor had local enforcement agencies. Litter was collected daily at Mr Melton's existing site and he was the sole trader in the area using recyclable cups.

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

The Sub-Committee asked if the applicant was currently operating 2 sites. The applicant replied that he wasn't and that he was operating a current site at Fairmead Road, High Beech and was intending to open another site at Manor Road, High Beech.

The Sub-Committee asked how frequently were his consent applications renewed? The applicant replied renewals took place every 3 years.

The Sub-Committee asked about parking management, Mr P Morris advised that in regard to Manor Road there was a new design for a lay by with 2 parking bays. He was not aware of any problems at the Fairmead Road site.

The applicant was asked about the collection of rubbish, Mr P Morris explained that there was a daily pick up of litter in the area by volunteers and a company also collected the applicant's recycling rubbish. Mr Morris also added that there was a written statement by volunteer litter collectors that Mr B Melton's site area was kept tidy.

The Chairman asked if the applicant considered using chinaware for customers, the applicant replied that he had used these but not currently. There was no provision for washing chinaware, however he was willing to do undertake this.

(d) Questions for the Applicant from Objectors

Mr P Thompson, acting on behalf of Epping Conservators, advised that although impressed by litter collection around the Fairmead Road site he disagreed with the applicant's claim that the parking bay there encroached only on the road rather than the forest. Mr Thompson informed the Sub-Committee that there was an outstanding highway dedication of forest land in exchange for this former highway being given to the forest which was in progress between the City of London and Essex County Council. Mr Thompson posed the question as to whether a United States 1950s style diner was in keeping with the forest background.

Mr P Morris replied that the Fairmead Road was 2.5km long. He tabled a photograph which with the Member's permission was passed to the objectors.

On the issue of the diner's appearance, the applicant stated that he was willing to paint the van exterior green. Mr B Melton also added that he had attempted to locate documentation on the road's ownership but could not.

The Chairman then asked for statements from the applicant's supporters who had made representations.

(i) Mr R Accas, High Beech resident

Mr R Accas advised that he had been resident at High Beech for 30 years and a regular attendee at the Holy Innocent Church where the applicant had consulted the church assembly to obtain support for this application. Mr Accas stated that the church congregation supported this application and there were 40 letters of support from the local village.

The school in Mott Street, Loughton had benefitted from pack lunches made by Mr Melton's establishment and Mr Melton had also supported the church donating food to local events. The local MP was also supporting his application.

(ii) Mr D Tyler – High Beech resident

Mr D Tyler had lived in the area for 40 years and was a Church Warden. He fully supported the application.

(iii) Mr L Hatch, Hillden Avenue, Romford

Mr L Hatch used the current hut of Mr B Melton regularly along with many others.

(iv) Mr B Wolfitt, Chingford

Mr B Wolfitt had been using the forest for 40 years, he told the Sub-Committee that he enjoyed tea and the value for money food sold by Mr Melton.

(e) Presentation of the Objector's Case

Mr P Thompson, representing the Epping Forest Conservators, advised that the conservators managed 5% of forest land and that any trading or changes in the forest must not detract from its overall preservation.

He said that the application before the Sub-Committee would interfere with common law rights of tractors and other vehicles and breach the Highways Act 1980 regarding

obstructions. There was currently sufficient refreshment provision in the area with a public house, tea hut and ice cream van in the vicinity. It was felt that the Fairmead Road proposal could cause customer queues on too narrow a road. The Manor Road site had been re-designed by Essex County Council with the intention of reducing traffic speed and that the parking bays would not be available to the applicant as the County Council and Corporation of London had planned to swap over responsibility for this and another piece of land.

(f) Questions for the Objector from the Applicants

Mr P Morris began by stating that the free market would determine trading. He asked how much control did the City of London have of the roads in the forest? There were 4 million visitors to the forest of which 49% of them visited High Beech.

Mr P Thompson advised that 4.9 million visited the whole forest, but 289,000 visited High Beech. He did agree with the free market principle outlined previously.

Mr P Morris asked if the City of London had a right to widen the road, the bottom section of the road was not connected to the application. Mr P Thompson replied that they did not have an absolute right to alter the width of forest roads, but they could negotiate.

(g) Closing Statement from the Objectors

Mr P Thompson stated that the application was an obstruction to the highway. There was sufficient trading provision for refreshments in the area, it was important to keep vehicles off Fairmead Road as much as possible. The Manor Road site was in transition as a deal was being struck with the County Council.

(h) Closing Statement from the Applicants

Mr P Morris said that the public had a right to enjoy the forest, local people were completely behind the application, there would be seating arrangements inside the van, which would not cause obstructions. He felt that the road measurements were ambiguous.

With the closing statements completed at 11.40a.m., the Chairman advised that a site visit for the Sub-Committee with applicants and objectors present should take place immediately to gain further clarification. The legal and Licensing Officers did not attend the site visit, the committee officer would attend with the Members of the Sub-Committee. The meeting would resume at 12.30p.m.

Following the site visit, at which the three Sub-Committee members determining the application, the committee officer, the applicant's representative, Mr P Morris and the two objectors, Mr P Thompson and Ms S Rigley were present, the meeting was resumed at 12.30p.m.

The Legal Officer present reminded the Sub-Committee that this application was for trading consents at two separate sites in High Beech. The applicant, if successful, had no right to a specific pitch on that site. The Legal Officer then sought confirmation with those present concerning questions understood to have been raised at the site visit as to whether there would be any objections to those questions. The reply was that no objections would be raised regarding those questions.

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

The Sub-Committee withdrew from the meeting so they could consider the application in private. During their deliberation, the Sub-Committee received no further advice from the officers present.

The Chairman reminded those present that the applicant had no exclusive right to trade on Fairmead and Manor Roads and that under the Government Miscellaneous Provisions Act, there was no right of appeal to the decision, but a review could be requested. The decision was considered on the merits of the application, the representations received and made at the meeting and the site visit made during the meeting.

RESOLVED:

That the application for a Street Trading Consent at Fairmead Road and Manor Road, High Beech, Epping Forest be granted for 12 months subject to the Council's standard conditions, relevant Highways and Environmental Health legislation and also, in addition, to the following conditions:

- (1) That the diner vans be given an appropriate colour commensurate with the forest environment; and
- (2) That, where appropriate, china drinking ware is used by customers at the vans.

CHAIRMAN