

Licensing Compliance Officer H Ibrahim introduced the application for the following licensing activities:

The Sale by Retail of Alcohol

Summer Schedule

These standard timings apply from February – October:
Friday 09.30 – 17.00, Saturday 09.30 – 21.30, Sunday 09.30 – 17.00, for on and off sales.

Winter Schedule

These standard timings apply from November – January:
Wednesday to Friday 16.30 – 21.30, Saturday to Sunday 09.30 – 21.30.

When not covered by the above days:
19 – 23 December 09.30 – 22.00, 24 December 09.30 – 13.00.

Opening Times of the premises:
Friday 09.00 – 17.30, Saturday 09.00 – 22.00, Sunday 09.00 – 17.30.

The application was received on 27 July 2021. The Operating Schedule set out conditions which would be attached to the licence if this application was granted. The Responsible Authorities had all received a copy of the application, it was also advertised at the premises and in a local newspaper. All residences and businesses within 150 meters radius of the premises were individually consulted.

The Licensing Authority received three representations of objection from local residents, and one comment from North Weald Parish Council. The objections related to the prevention of crime and disorder, prevention of public nuisance, and the protection of children from harm.

(b) Presentation of the Applicant's Case

Mr D Walton introduced the two volunteers, Mr Good and Mr Hathaway, who were also at the meeting as they were keen to hear the proceedings. A volunteer since 2011, Mr D Walton had moved to a full-time position in 2014 and was now the General Manager of the Epping-Ongar Railway (EOR). A brief history of the Epping to Ongar railway from 1865 until London Transport closed the Central Line services in 1994 was outlined, including the successes of the Epping Ongar Railway Volunteer Society and that the heritage railway had opened in 2012. A wide range of volunteers helped out and the heritage railway had transported 45,000 passengers in 2019, its last full operational year before the Covid crisis unfolded. EOR had over the years successfully applied for many temporary events notices (TENS) to cover its events but had decided to apply for this premises licence to help streamline the administration of its events. The application was only for the hours applied for, which were geared to its operational times. There was a plan of the site in the agenda report. Also, picnic tables and seating areas were situated around the site. Locally brewed beers would also be sold as souvenirs at the station.

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

The Sub-Committee asked the following questions.

There were two different schedules given in the application so would the alcohol be sold during the stated times the railway was running? Mr D Walton replied that on sales of alcohol would only be sold to passengers on the trains while off sales would be sold to people in the shop, as souvenir bottles that were to be supplied by a local brewery in Brentwood, Essex.

Would these include off-sales to people generally in the surrounding area? Mr Walton stated this would not be the case.

The times were a bit confusing but during the winter schedule the railway would not be open on Mondays and Tuesdays but open on all the other days, to which Mr D Walton replied, yes. The times specified in the premises application had been carefully crafted to the hours of operation, so people could visit the heritage railway and have a festive drink on the trains in the winter.

The Sub-Committee asked about the noise from past festivals that the objectors had complained about and one particular event had resulted in the Council and the police being called. Mr D Walton replied that he could not find any evidence that the Council or the police had closed an event. He had spoken with the Essex Police Licensing Officer and no reference had been made to concerns about previous behaviour at EOR events.

The Sub-Committee queried that residents' complaints seemed to be more about special events rather than the running of the trains? Mr D Walton explained there were thirty evenings that trains were running from mid-November to mid-January, which was two trains an evening. The Santa specials started at the beginning of December until Christmas Eve. On Saturdays and Sundays there were two Santa specials at 09.45 and 17.30 and would finish by 21.30. However, once the last train had left, there would be no more selling at the railway station. The hours being applied for gave some flexibility, if a train was running late for instance.

The Sub-Committee asked about the event that was closed down because of noise complaints that were referred to in the three letters of objection from residents. Mr D Walton replied that the event in May 2019 was in connection with a Channel 5 production where a train was hired and a marquee was installed that was used to hold a wedding reception. Alcohol was provided by the groom and bride and served during the reception. He was alerted around 21.30 about the noisy party but the music was turned off and finished by 22.00. Therefore, EOR had taken a responsible attitude to end the event but he had no record of the police being called.

The Sub-Committee asked who the designated premises supervisor was? Mr D Walton replied that he was the DPS.

(d) Questions for the Applicant from the Objectors

The objectors asked the following questions.

The Council had been contacted numerous times about various issues in relation to noise nuisance and late nights, for example at the murder mystery events. There were also parking issues in the surrounding roads, and now alcohol, on weekdays and not just weekends. Who polices the hours that alcohol is served? Mr D Walton replied that since 2013 an annual real ale festival had been held that 1,500 – 1,800 people usually attended and neither the Council or police had raised any concerns on selling alcohol at this event or others. A Challenge 25 Policy would be in place to address the licensing objective on the protection of children from harm, which was no

different to other licensed premises, and EOR had previously managed to deliver licensed events.

There had been concern about noise at a past wedding event that had been shut down by 22.00 after complaints from residents and those records should be held by the Council's Environmental Enforcement Team. Where were the seating areas located on the site? Mr D Walton replied EOR fully complied with regulations for the heritage railway and was working with Council Enforcement officers, so was law abiding and compliant with regulations. There was seating in front of the catering chalets and covered seating in the two carriages, plus seating on the platforms and down the field in the summer. The main point was to serve alcohol to passengers on the trains.

Why was a licence needed to sell alcohol? Mr D Walton replied that this application for a premises licence was for administrative ease. EOR had previously applied for many TENS to cover its events but there was no intention for a nightclub or to compete with the nearby Kings Head public house.

When a question on insufficient parking was raised by the objectors, the Council's Legal Officer, R Ferreira, advised that parking issues were a matter for the Highway Authority, Essex County Council.

(e) Presentations of the Objectors

The main concerns of the objectors were detailed below:

- This was in relation to noise and safety, as their houses backed onto the area where people would be drinking, on whether people would be able to drink beyond 22.00 and that there was nothing to stop arguments and fights happening in neighbouring residential roads.
- The premises licence could take business away from the Kings Head PH.
- The events over the Christmas period caused a huge amount of noise, which many neighbours had complained about to the Council.
- EOR ran black smoke trains and these fumes entered people's houses.
- The trains did run late but what was not being taken into account was that residents lived next door to the site, and they expected the Council to protect the electorate, as in their opinion EOR could not be trusted to deal with all their complaints.
- EOR should not be allowed to operate during the week as children would be trying to sleep.
- If the licence was granted until 21.30 and to 22.00 from 19 – 23 December, this would create a lot of noise and residents would be complaining about the noise.

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

The Council's Legal Officer asked if the applicant could clarify for the Sub-Committee where on and off sales would be undertaken in relation to the site plan shown on page 37 of the agenda. Mr D Walton advised that the catering chalets would sell snacks, refreshments as well as beer and wine (by the glass). He identified a small,

outdoor seating area away from houses that was sheltered in front of the chalets and static carriages. EOR might add an extra carriage if this was required and there was the marquee, although this was a temporary structure. In the booking hall at previous murder mystery events a temporary bar had been installed but there was no seating. EOR had successfully held temporary events (under TENS) in the past. There was a small space in the shop where EOR could sell souvenir beers, which was a small-scale operation. EOR also planned to erect Christmas chalets and allow the sale of alcohol.

(g) Questions for the Objectors from the Applicant

Mr D Walton asked the objectors how this premises licence would have a detrimental impact on the Kings Head pub given that EOR aimed to serve alcohol to railway passengers and not local people? N Gavens (objector) replied that as far as she was aware the pub had previously been supportive of EOR by allowing people to park in the pub car park, which might also help boost the Kings Head business, but if EOR was serving alcohol surely this would have a detrimental impact on the pub's business and would not happen if EOR did not have a premises licence.

Mr R Good added that he was a retired senior police officer but was a volunteer working as a duty operational manager and took this responsibility seriously, but he did not recognise the trust issues raised by residents. Mr D Walton continued that EOR operated within the legal framework.

(h) Closing Statement from the Objectors

The objectors did not mind about about sales of alcohol in the carriages but raised concerns about off-sales and noise from the marquee area that bordered their houses and from other areas scattered around the site, as these should be sited away from residents' homes. The Council should take a protective attitude to residents' concerns and asked the Sub-Committee to restrict or limit the activities applied for in this premises licence. There were trust issues, as residents had made complaints to EOR but apparently, they were not really there, and this was also denied by the volunteer earlier in this meeting.

(i) Closing statement from the Applicant

Mr D Walton stated that the licence applications set out how EOR would meet the objectives of the licensing regulations. EOR had a strong relationship with Essex Police and would be implementing the Challenge 25 Policy. Notices would be posted around the railway site to remind people to leave quietly at night. EOR complied with regulations as a heritage railway and with the Council. EOR would be entitled to sell alcohol on the train and was simply applying for off sales for its visitors and urged the Sub-Committee to grant this premises licence application.

(j) Consideration of the application by the Sub Committee

The Chairman advised that the Sub-Committee would go into private deliberations to consider the application.

During their deliberations the Sub-Committee received no further advice from the Legal Officer present. The Sub-Committee noted all of the submissions and representations, both oral and written, that had been made in relation to the application and had considered what was appropriate to promote the four licensing objectives and the relevant parts of the Council's Licensing Policy and the Home Office's guidance.

RESOLVED:

That the application, in respect of Epping-Ongar Railway Holdings Ltd, 54 St Marys Lane, Upminster, Essex RM14 2QT for a new premises licence at North Weald Station, Station Road, Epping, Essex CM16 6BT, be **granted** subject to the following conditions:

1. The conditions consistent with the Operating Schedule, as submitted by the applicant on 27 July 2021 and set out on pages 20 – 26 of the agenda, which in the opinion of the Sub-Committee were considered reasonable and proportionate and would not undermine the licensing objectives; and
2. The mandatory conditions contained in Sections 19 – 21 of the Licensing Act 2003.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision. Please also be reminded that licences in general could be reviewed.

CHAIRMAN