

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub Committee **Date:** 8 November 2022
Place: Council Chamber - Civic Offices **Time:** 10.15 am
Members Present: P Keska (Chairman), I Hadley, A Lion and D Stocker
Officers Present: R Perrin (Democratic and Electoral Services Officer), D Houghton (Licensing Compliance Officer), D King (Licensing Manager), R Moreton (Corporate Communications Officer) and G Oakley (Principal Litigation Lawyer)

35. WEBCASTING INTRODUCTION

The Chairman made a short address to remind everyone present that the meeting would be broadcast to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

36. DECLARATIONS OF INTEREST

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

37. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

38. LICENSING ACT 2003- APPLICATION FOR A PREMISES LICENCE FOR ONGAR STATION, STATION APPROACH, HIGH STREET, ONGAR, ESSEX, CM5 9BN

The three councillors that presided over this application were Councillors P Keska (Chairman), I Hadley and D Stocker. The Chairman welcomed to the meeting, Dean Walton the General Manager for Epping Ongar Railway and Mr A Manning, Ms D De Ritter and Mr N Maine were present as objectors. The Chairman introduced the Members and officers present and outlined the procedure that would be followed for the determination of the application.

(a) Application before the Sub-Committee

The application had been made by Epping-Ongar Railway Holdings Ltd, for a new premises licence at Ongar Station, Station Approach, High Street, Ongar, Essex, CM5 9BN and was for the following licensing activities:

1. The Sale by Retail of Alcohol

Friday 9.30 – 17.00, Saturday 9.30 – 21.30 and Sunday 9.30 – 17.00, On and Off Sales

Seasonal timings

SUMMER SCHEDULE

The standard timings apply from February to October only.

The timings 09:30-21:30 apply to any Bank Holiday in England falling within these months

Non-Standard WINTER SCHEDULE

In November to January the supply hours were as follows:

Wednesday-Sunday 16:30 – 21:30

When not covered by the above days of the week, the 19,20,21,22,23
December 16:30-21:30

Opening Times were Friday 9.00 – 17.00, Saturday 9.00 – 22.00, Sunday 9.00 – 17.00

Seasonal timings

SUMMER SCHEDULE

The standard timings apply from February to October only.

The timings 09:00-22:00 apply to any Bank Holiday in England falling within these months.

Non-Standard timings

WINTER SCHEDULE

In November to January the premises would be open Wednesday - Sunday
16:30 – 22:00

The application had been received on 16 September 2022 and the Operating Schedule set out the conditions which would be attached to the licence if the application was granted.

All Responsible Authorities had all received a copy of the application and it had been advertised at the premises and in a local newspaper with all residences and businesses within 150 meters radius of the premises being individually consulted.

The authority had received nine representations of objection from local residents and a response from Essex Police. The recommendations from the Police had been agreed with the applicant. The Objections related to the Prevention of Crime and Disorder, the Protection of Children from Harm, Public Safety, and the Prevention of Public Nuisance.

(b) Presentation of the Applicant's case

The applicant gave a brief history of the Epping Ongar-Railway Holdings Ltd and the staff and volunteers that worked across their services. He advised that the schedule of licensing activities had been prescriptive due to the nature of the premises and the events organised throughout the year. The sale of alcohol would be for customers before and after travelling on the trains only and in the designated areas marked on the map included within the agenda. The off-site sales would allow customers to purchase alcoholic gift boxes of local sourced ale and beers. The station at North Weald had a similar licence which had been granted last year.

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

- How would volunteers be trained with regards to the sales of alcohol? The company had a training manual for staff and volunteers.

- What was the typical profile of a customer? Families, older men, and retired couple depending on the event.
- Where did customers park? A bus service was provided from Epping tube station to North Weald and all users were directed to public car parks in Ongar.
- Had any Anti-Social Behavior been experienced at North Weald Station? None.
- What measures were in place for litter? Bins were provided within the site and because most of the licensing activities were either on board of the train or within areas within the station, it was thought that increased litter would not be an issue.
- Could the applicant confirm what the blue and red lines on the map on page 35 indicated. The red lines were the licensable areas, and the blue lines represented the application boundaries. The red area covered several areas to allow for flexibility depending on the weather.
- Was it expected that visitor numbers would increase? It was noted that visitor number were expected to increase with or without the licence.

(d) Questions for the Applicant from the Objector

- Would customers have to purchase an entrance ticket to the station to purchase alcohol off site? The position of the shop would allow for customers to access the shop externally from the site, although there would only be the sale of gift sets. There would be no optics or beer pumps operating.
- What were the white gates on the map? The area would be used for a future real ale festival which was not part of this application. Any temporary structure had been placed facing away from neighbouring properties.
- Concerns were raised about the closeness of these structures to the boundary.
- Could the residents be informed of the events taking place? All events were advertised and placed on the Epping-Ongar Railway website, which published the train schedules.
- When the station was re-opened residents were advised that events would only take place at the weekends and on bank holidays, although the proposed licensing activities were on Fridays as well. What were the applicant's reason for this? The applicant had the right to use the track for the use of passenger and freight trains and previously the track had been used as a commuter service Monday to Friday. Epping-Ongar Railway only sought to provided services that were commercially viable, which would probably mean that services would only be run on a Friday in August. The schedule and times requested for the licensable activities were to allow flexibility and to ensure that the trust did not have to continually apply for period such as the six weeks holidays.

(e) Presentation of the objector

The objectors made the following comments:

- There were concerns that customers were parking in the surrounding streets and were not being respectful and parking dangerously.
- That the licensing areas would encourage visitors to stay longer, which affected parking outside the station.
- Had the impact of noise from both the station and customers exiting the station been considered including the impact it had on residents?
- Customers had been found sitting on benches in a private road near the station.
- Could customers access other areas of track that were not currently used and whether these areas were covered by this application?

The applicant advised that this area was not accessible by the public and if it were to be used, another application would have been provided, which the Licensing Officer confirmed.

It was noted that the Legal Officer advised that parking was not a consideration which the Sub-Committee could consider under the licensing.

(g) Questions for the Objector from the Applicant

- Had the residents considered controlled parking zones? The objector advised that if this was a consideration, then the applicant should pay for the costs involved.
- Did the objectors have evidence of nuisance caused by customers. No, they did not.
- That distance from the picnic area to the residential care home was 25 meters.

(h) Closing statement from the Objector

No closing statement had been made by the objectors.

(i) Closing statement from the Applicant

The applicant advised that the objectors could be assured that the purpose of the licence was to align it with the needs of their customers and commercial passenger operations, not to be run as an independent pub or restaurant. It would supply off sales for gift purposes and customers onsite with a refreshment.

The application included the steps met to ensure the licence complied with the licensing objectives and that a similar application had operated successfully for a year in North Weald.

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

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

During their deliberations, no issues of law or policy arose and so the Sub-Committee was not required to call on its advisory officers for advice. The Sub-Committee noted all the submissions and representations, both oral and written, that had been made in relation to this 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 for a new premises licence in respect of Epping-Ongar Railway Holdings Ltd, Ongar Station, Station Approach, High Street, Ongar, Essex, CM5 9BN be **granted** subject to:

1. The conditions as submitted by the applicant within the application
2. The representations which were previously agreed with the applicant and Essex Police on page 58 of the agenda, in so far as they add to or supersede the applicant's conditions.
3. That the mandatory conditions contained in Sections 19 – 21 of the Licensing Act 2003 be attached.

The applicant and the objector were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision and

of the review mechanism under the Licensing Act 2003 because of any matters arising in the future at the Premise in connection with any of the four licensing objectives

CHAIRMAN