

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Licensing Sub-Committee                      **Date:** 23 June 2005  
**Place:** Civic Offices, High Street, Epping              **Time:** 10.15 am - 12.45 pm  
**Members Present:** R Morgan, Mrs P K Rush, Mrs M Sartin and Mrs P Smith  
**Other Councillors:** (none)  
**Apologies:** (none)  
**Officers Present:** J Nolan (Environmental Services), K Tuckey (Environmental Services), L Cole (Legal Services Officer), J Kershaw (Building Control Manager) and G J Woodhall (Democratic Services Assistant)

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### **19. ELECTION OF CHAIRMAN**

#### **RESOLVED:**

That, in accordance with the terms of reference for the Licensing Committee, Councillor R Morgan be elected Chairman for the duration of the Sub-Committee meeting.

### **20. DECLARATIONS OF INTEREST**

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

### **21. PROCEDURE FOR THE CONDUCT OF BUSINESS**

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

### **22. EXCLUSION OF PUBLIC AND PRESS**

#### **RESOLVED:**

That the public and press be excluded from the meeting for the items of business set out below on the grounds that they will involve the disclosure of exempt information as defined below in the relevant Paragraph of Part 1 of Schedule 12A of the Local Government Act 1972:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph No</b>
7	Private Hire Driver's Licence Application – Mr T Smith	4

**23. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - MR T SMITH**

The Sub-Committee, consisting of Councillors Morgan, Mrs Rush and Mrs Sartin with Councillor Mrs Smith as an observer, considered an application from Mr T Smith for a Private Hire Driver's Licence. Members noted that Mr Smith did not meet the Council's Licensing criteria in that his Criminal Records Bureau details had revealed relevant offences under the conviction criteria and, as a result, the Head of Environmental Services could not issue the Licence under delegated authority. The Chairman welcomed the applicant, introduced the members and officers present, and explained the procedure that would be followed for the determination of this application. The Environmental Health Manager informed the Sub-Committee of the circumstances under which the licence could not be issued under delegated authority.

The applicant made a short statement to the Sub-Committee in support of his application, before answering a number of questions from members of the Sub-Committee. The applicant made a short final statement in support of his application before the Sub-Committee retired to the Members' Room to debate the application in private. The Sub-Committee returned to the Committee Room and informed the applicant of their decision.

**RESOLVED:**

That a Private Hire Driver's Licence be granted to Mr T Smith, subject to:

- (a) the Council's standard terms and conditions; and
- (b) that, should the applicant attain a position with another company, the Council be informed.

**24. ADMITTANCE OF PUBLIC AND PRESS**

The public and press were admitted to the meeting for a further public session.

**25. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR A SINGLE EVENT PUBLIC ENTERTAINMENT LICENCE**

The three Councillors that presided over this item were Councillors Morgan, Mrs Rush and Mrs Sartin; Councillor Mrs Smith acted as an observer. The Chairman welcomed the participants, and requested that they introduce themselves to the Sub-Committee and officers. In attendance was the applicant, Mr D Williams; Inspector P Thomson, Essex Police; Mr J Holtom, Corporation of London; Mr H Smith, local resident; Mr S Bunce, Epping Forest Field Centre; and Mr J Collins, representing other local residents. The Chairman then introduced the members and officers present, and explained the procedure that would be followed for the determination of this application.

**(a) The Application before the Panel**

The Environmental Health Manager informed the Sub-Committee that an application for a Single Event Public Entertainment Licence had been received from Mr D Williams. This was in respect of an event to be held at the Kings Oak in High Beech on 28 August 2005, between 12.00pm and 10.00pm for approximately 500 people. Objections to the proposed event had been received from Essex Police, Corporation of London, Epping Forest Field Centre, the ward Councillor Mrs S Stavrou, and a

number of local residents. In addition, Essex Fire Authority, Waltham Abbey Town Council and other local residents had made late representations.

Officers had received complaints regarding noise from the premises, which had led to a Noise Abatement Notice being served on 5 May 2005. The Sub-Committee were informed that officers were proceeding with a prosecution under the Environmental Protection Act 1990 following an alleged breach on 15 May 2005. Officers believed that the noise generated from the proposed event could not be adequately controlled and would be very likely to cause a statutory nuisance.

The Sub-Committee were informed that the applicant had supplied a risk assessment for the proposed event, however Building Control officers felt that it was inadequate and showed a lack of awareness of the potential dangers that such an event could generate. A smaller event had been held in May 2005 without the benefit of a Licence, for which officers were considering a possible prosecution.

#### **(b) Presentation of the Applicant's Case**

Mr D Williams stated that he was the co-organiser of the events that had been, and was proposed to be, held at the Kings Oak. The applicant apologised for the event that was held on 1 May 2005 as he had not realised that a separate licence, in addition to the King's Oak's own licence, was required. The applicant stated that the event would not have taken place if he had known that a separate had to be applied for.

However, the applicant further added that the customers that had attended the event in May had enjoyed themselves, and that he was speaking on behalf of the local residents who wanted to enjoy themselves and socialise. The applicant reiterated that the application was for the proposed event to be held on 28 August 2005, as the proposed event for 26 June 2005 had been postponed.

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

The applicant confirmed that the event proposed for 28 June had been postponed despite the website proclaiming otherwise. There had been no radio advertising, an email would be sent to all the registered users informing them of the cancellation, and the website would be updated accordingly. The applicant also reassured the Sub-Committee that no posters had been put up for the June event and the distribution of leaflets had been stopped. The applicant was also contacting all the distribution companies to stop further advertising of the event.

#### **(d) Questions for the Applicant from the Objectors**

The applicant reiterated that the event planned for 26 June 2005 had been cancelled and, despite still being advertised on the website, marketing of the event had ceased. Only four tickets had been sold, which would be refunded, and there were no further tickets for sale for the event. No event would take place on 26 June and there would only be normal public house trading on that day.

The applicant confirmed that he had applied for the Licence as the co-organiser of the event and that the Kings Oak was simply the venue for the event. The applicant accepted that there was no parking for an event of this size at the Kings Oak, and stated that all customers would be encouraged to use London Underground trains to travel to the area, with shuttle buses laid on to bring customers to the Kings Oak. However, the applicant cautioned that people could not be prevented from driving into the area around High Beech.

The applicant apologised for the reported incidents from the May event, and assured the Sub-Committee that extra security and toilet facilities would be put in place to prevent further occurrences. In order to prevent the noise disturbance experienced by neighbours during the May event, the applicant stated that a less powerful music system would be used for the August event. The applicant repeated his assertion that he had not been aware of a separate licence being required for the May event as the Kings Oak had already been granted a Public Entertainment Licence.

**(e) Questions for the Applicant from the Officers**

The applicant stated that he had been of the opinion that the Kings Oak had the necessary Public Entertainment Licence to hold such events, and that he did not have any knowledge of the stipulations. The applicant reassured the Sub-Committee that he would be happy to accept conditions placed upon the noise emanating from the event in respect of the music, and also accepted the officer's assertion that there would be an increase in traffic noise in the locality due to the event.

**(f) Presentation of the Objectors' Case**

Inspector P Thomson stated that Essex Police had a number of concerns regarding public safety and the prevention of public nuisance, crime and disorder in the area. The previous event held in May saw traffic congestion, underage drinking, criminal damage, problems with parking, as well as a fatal road traffic accident. There were reports that it took an hour to drive through the area, which would naturally have a detrimental effect upon the effectiveness of emergency services to reach a possible incident, and door staff on duty at the Kings Oak had concerns about the number of people in attendance.

Inspector Thomson then outlined the circumstances of the fatal road traffic accident that had occurred that evening at approximately 11.50pm. The deceased was only 17 years of age, and had earlier been seen serving behind the bar in the Kings Oak. A large fight had also broken out that evening in the vicinity, which had led to seven juveniles arrested for criminal damage. All the juveniles arrested had admitted being present at the event and drinking at the Kings Oak. The Sub-Committee were informed that such tragic incidents were inevitable when large numbers of people were walking along unlit roads at night with no pavements. It was also felt that another event would see comparable conditions and raise similar concerns for public safety. Families in the locality had felt intimidated by the behaviour of attendees and further events would result in similar incidents.

The Sub-Committee were advised that a further four incidents had taken place at the Kings Oak during May and June of this year, involving juveniles and criminal assaults. None of these incidents had been reported to the Police by the management of the Kings Oak. Thus, it was felt that the Kings Oak was poorly managed and a totally unsuitable venue for such an event.

Mr J Holtom from the Corporation of London reminded the Sub-Committee that Epping Forest was a Conservation Area and a Site of Special Scientific Interest. An event such as that proposed would bring traffic congestion and parking problems, as well as noise and light pollution to the locality. An event of such a size would also cause problems with the attendees travelling to and from the event, plus litter problems for which the clear-up work would have to be performed by the Corporation. The Sub-Committee were further informed that there was a Visitor Centre behind the Kings Oak with associated residential units, and that the perimeter of the Kings Oak was not wholly secure. The Corporation of London had informed the

tenants Greene King that such an event would be a breach of tenancy, and Greene King had stated that no such event would be permitted on the premises on 28 August.

Mr S Bunce from the Epping Forest Field Centre strongly objected to the application. The Field Centre was located adjacent to the Kings Oak and had residential units attached for staff. Mr Bunce had concerns over breaches to the existing Public Entertainment Licence at the Kings Oak, and that there was a perceived lack of control from the management over the venue and the events held there. The noise from the premises had caused a disturbance to staff that had led to some reconsidering their position at the Centre, as well as having an adverse effect upon visitor levels. The levels of traffic at the Kings Oak was disrupting the work of the Centre and posed serious safety or security issues to the Centre if the emergency services were unable to attend an incident.

The Sub-Committee noted the letter that had been received from the ward Councillor, Mrs S A Stavrou, which objected to the proposed event being held in August in light of the disturbances that had occurred at the previous event held in May.

Mr H Smith, a local resident of Beach House, stated that his house was to the south of the Kings Oak. The Sub-Committee were informed that the music started at 11.30am for the previous event held in May, and was extremely loud. Mr Smith had phoned the landlord to complain about the noise, but the music continued until 10.30pm. There were further concerns expressed about the traffic congestion during events, and the access for emergency services to residences in the area. It was explained that even on a normal Sunday, traffic was heavy in the locality of High Beech, and Mr Smith had witnessed instances of "road rage" when the traffic was at a standstill. The Sub-Committee were further informed that during events, numerous items of litter would be thrown in the gardens of nearby residences as well as instances of public urination by the attendees.

Mr Smith felt that the proposed event was wholly inappropriate to the surrounding area and voiced concerns over the management of the Kings Oak. A number of conditions of the original Public Entertainment Licence had not been complied with, and the events that had taken place appeared focused upon popular music rather than the original plan to host multi-cultural weddings. He urged the Sub-Committee to refuse the application.

Mr J Collins, representing fifty local residents, stated that there were concerns over the congestion that would befall local roads as well as the potential obstruction to emergency services, should a further event take place in August. During the May event, the Sub-Committee were informed that the overspill from customers at the Kings Oak had caused the nearby Duke of Wellington public house to shut at 6.00pm. Mr Collins was frustrated that the Council had taken no action over the previous event, and felt that the Public Entertainment Licence of the Kings Oak should be revoked.

**(g) Questions for the Objectors from the Sub-Committee**

The objectors confirmed that the boundary fence of the King's Oak was not secure and that Greene King had been asked to resolve this issue.

**(h) Questions for the Objectors from the Applicant**

In response to questions from the applicant, the Police reaffirmed their belief that there was a link between the event held in May 2005 and the fatal road traffic

accident that had occurred during the evening, as the driver had attended the event. The Police stated that there were concerns for the safety of pedestrians if a further event was held.

**(i) Questions for the Objectors from the Officers**

There were no questions for the objectors from the officers present.

**(j) Questions for the Officers from the Sub-Committee**

In response to questions from the Sub-Committee, the Building Control Manager stated that the Risk Assessment supplied by the applicant was inadequate and the proposed event could not be considered safe, as there were problems with access for emergency vehicles. The Sub-Committee were informed that the Risk Assessment had shown a degree of naivety in that the Fire Brigade would not be present throughout the whole day, and that further information was required especially in respect of the proposed arrangements for first aid.

**(k) Closing Statement by the Applicant**

The applicant stated that he was representing the local residents who enjoyed socialising and, following the previous event in May, there was clearly a demand from the public for another event to take place at the Kings Oak. On that basis, the applicant urged the Sub-Committee to grant the application.

**(l) Consideration of the Application by the Sub-Committee**

The Sub-Committee considered carefully the points that had been made by the applicant, the statutory consultees and the objectors. The Sub-Committee also considered the submissions that had been made by the Environmental Health and Building Control officers. The Environmental Health Manager confirmed, for the benefit of the Sub-Committee, the terms and conditions of the existing Public Entertainment Licence at the Kings Oak, and that the application had been revised to encompass a single event to be held on 28 August 2005. Following a lengthy and detailed discussion, the Sub-Committee felt that it could not grant the licence on the grounds of public safety, possible crime and disorder, the associated public nuisance, and the effect that the proposed event would have upon the environment of the Forest.

**RESOLVED:**

That a single Event Public Entertainment Licence for the Kings Oak Public House, High Beech be refused on the following grounds:

(a) Public Safety as the Risk Assessment supplied by the applicant was inadequate to meet the needs of such an event, especially in respect of:

- (i) The Emergency Plan;
- (ii) The Transport Plan;
- (iii) First Aid Facilities;
- (iv) Toilet Facilities; and
- (v) Access for Emergency Services;

(b) Prevention of Crime and Disorder in the vicinity of the Kings Oak Public House during the course of such an event;

(c) Public nuisance in respect of the inability of the applicant to control the volume of noise at the event and the resultant disturbance to local residents; and

(d) The adverse effect upon the forest environment and its wildlife in relation to its status as a Special Site of Scientific Interest and Conservation Area, due to:

(i) Litter;

(ii) Light pollution; and

(iii) Noise.

**CHAIRMAN**