

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 5 April 2007

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 1.30 pm
High Street, Epping

Members Present: P House, Mrs M McEwen, R Morgan and Mrs P Smith

Other Councillors:

Apologies: Mrs R Gadsby

Officers Present: A Hendry (Democratic Services Officer), J Nolan (Environmental Health Manager), K Tuckey (Environmental Services), M Witham (Licensing Enforcement Officer) and R Ferriera (Legal Executive)

92. APOLOGIES FOR ABSENCE

Councillor Mrs R Gadsby gave her apologies for this meeting. Councillor Mrs P Smith was kind enough to replace her.

93. 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.

94. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors Mrs P Smith and R Morgan declared a personal interest in item 11 of the agenda (Application for a Premises Licence for Copped Hall, Crown Hill, Epping), by virtue of having known the speaker on this item, John Padfield, when he was a District Councillor. The Councillors had determined that their interests was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon.

95. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

96. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press not be excluded from the meeting for the item of business set out below, except for some evidence that may fall into the

categories below and will be heard in private on the grounds that they would involve the disclosure of exempt information as defined below in the relevant Paragraph of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972:

Agenda Item No	Subject	Exempt Information Paragraph No
6	Mrs T Biscoe	1
7	Mr J Williams	1
8	Mr H Kelali	1

**97. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976
APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE**

The three Councillors that presided over this item were Councillors R Morgan, Mrs M McEwen and Mrs P Smith.

The Sub-Committee considered an application by Mrs T Biscoe for a Hackney Carriage Driver's Licence. Members noted her CRB check had revealed offences that do not allow officers to grant this Licence under delegated authority.

The Chairman welcomed the applicant and introduced the members and officers present. 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 her application before answering a number of questions from members of the Sub-Committee.

The Sub-Committee considered the application in private and subsequently decided to grant her a licence.

RESOLVED:

That the application to issue a Hackney Carriage Driver's Licence to Mrs T Biscoe be granted.

**98. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976
APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE**

The three Councillors that presided over this item were Councillors R Morgan, Mrs M McEwen and Mrs P Smith.

The Sub-Committee considered an application by Mr J Williams for a Hackney Carriage Driver's Licence. Members noted hisr CRB check had revealed offences that do not allow officers to grant this Licence under delegated authority.

The Chairman welcomed the applicant and introduced the members and officers present. 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 Sub-Committee considered the application in private and subsequently decided to grant him a licence.

RESOLVED:

That the application to issue a Hackney Carriage Driver's Licence to Mr J Williams be granted.

**99. LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976
APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE**

The three Councillors that presided over this item were Councillors R Morgan, P House and Mrs M McEwen.

The Sub-Committee considered an application by Mr H Kelali for a Hackney Carriage Driver's Licence. Members noted his CRB check and DVLA licence check had revealed offences that do not allow officers to grant this Licence under delegated authority.

The Chairman welcomed the applicant and introduced the members and officers present. 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 Sub-Committee considered the application in private and subsequently decided to grant him a licence.

RESOLVED:

That the application to issue a Hackney Carriage Driver's Licence to Mr H Kelali be granted.

100. LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE

The three Councillors that presided over this item were Councillors R Morgan, P House and Mrs McEwen. Also present were Mr E Ozdil and Mr G Ozdil the joint applicants, and Mrs P Hall an objector.

The members of the Sub-Committee considered an application to sell alcohol from 1 Farmhill Road, Waltham Abbey, between the hours of 07.00 to 23.00 Monday to Sundays.

It was reported that there were several objections by interested parties and a petition against the application.

Presentation of the Applicants Case

The applicant, Mr E Ozdil explained that their idea was to open a mini-market. Problems had been raised about litter and parking but they were the Council's problem. The police had not objected. Mr Ozdil suggested that the row of shops across the road would prove more of a problem. As they were not open as yet, they were willing to reduce the requested hours for selling alcohol.

Councillor House commented that customers would arrive in cars and that Sewardstone Road was a very busy one. Mr E Ozdil replied that Farmhill Road was just off Sewardstone Road and that it had a single yellow line on it. Mrs P Hall asked what opening times they were planning on using. Mr Ozdil replied that they would settle for 09.00 to 22.00 as the times for the sale of alcohol.

Presentation of the Objectors case

Mrs Hall explained that her objections stemmed from the past when the last shop to occupy 1 Farmhill Road was a sweet/tobacco shop that sold some groceries. They applied for a licence to sell alcohol but was refused. This shop also used to cause problems with vehicles turning left from the traffic lights and parking from yellow lines. The area is predominantly residential, with only the betting office open outside shop hours.

Councillor Morgan asked Mrs Hall if the proposed shop did not intend to sell alcohol would she object to it. She replied that she would not.

Applicants closing remarks

Mr E Ozdil said that there was a kabab shop and a tavern open until late in the area. This was a busy road and there will always be problems with parking. The off licence would not be a major contributor to his business, just a part.

The Environmental Health Manager confirmed that there had been no objections from the Police and Highways authority.

Consideration of the application by the Sub-Committee

The Sub-Committee retired to discuss the application in private. They considered advice from officers on zoning and saturation, which were not relevant issues to be taken into consideration.

RESOLVED:

That the application for a license to supply alcohol from 1 Farmhill Road, Waltham Abbey from 09.00 to 22.00 hours from Monday to Sunday be granted, subject to the provisions derived from the Operating Schedule of the Council.

101. LICENSING ACT 2003 - APPLICATION FOR FOUR GAMING MACHINES

Application deferred.

102. LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE

The three Councillors that presided over this item were Councillors R Morgan, P House and Mrs P Smith. Also present were John Padfield who represented the Copped Hall Trust and Mr Adrian Hutchins, an objector and Mr and Mrs Moss.

The members of the Sub-Committee considered an application for a premises Licence to sell alcohol, put on plays, dance and live music events from 14.00 to 22.00 hours on Mondays, Fridays, Saturdays and Sundays.

It was reported that there were several objections by interested parties.

Presentation of the Applicant's Case

Mr Padfield said that constraints had been put on the Trust on how they operate. The venue is very popular, but they would (and have) reject events that they deemed unsuitable. The Hall needs funds to restore it after the fire of 1917 and these are partly gained from events put on at the Hall. They will not embark on wider and bigger commercial events.

The Trust is dependant on volunteer support.

As the Legislation had changed a few years back they have now deemed it suitable to get a permanent premises licence to cover all their events held over the year.

Mr Padfield drew the Sub-Committees attention to page 56 of the agenda, table on the provision of facilities for making music and the "use of the premises for musical events to hirers". On reflection the Trust had decided to withdraw this bit from the application.

The Sub-Committee noted the Trust worked closely with the City of London who has control of the driveway. They accept that they have problems with the residents and will endeavour to work with them and the City of London and the local Council to sort out any difficulties that may arise.

Councillor House was worried about the staging of pop concerts and such like and sought assurance that nothing like that would take place. Mr Padfield assured Councillor House that there would be no commercial pop concerts, although they were keen to encourage youth to attend the events and these events may entail some pop or jazz.

Councillor House commented that an alcohol licence would make the premise more attractive and bring in more people. Mr Padfield replied that they did not want it to happen and constraints were there to control this.

Councillor Mrs Smith asked if the whole of the area indicated on the map on page 62 of the agenda was the licensable area? Mr Padfield said that were advised that they should do this, as Plays in particular, could be staged around the garden. Asked about the use of amplification outside, Mr Padfield said it would be done by professionals and kept to a minimum. Residents have not been unduly disturbed by noise in the past.

Councillor Mrs Smith asked what the definition was of a summer season was as set out under table 'O' on page 58 of the agenda. Mr Padfield said it was for a small café for public use, run by volunteers.

The Environmental Health Manager commented that the hours open to the public should encompass the hours indicated. That is, if the premises is only open until 5pm then we cannot licence the sale of alcohol until 10pm. The opening and closing times should be brought into line.

Mr Padfield said that the café is to be separate from the events and is for the general public. The Trust is only seeking the alcohol licence for specific events. The Environmental Health Manager said that that could be set as a condition on the licence, maybe to specify that it could only be sold at ticketable events. You could have a licence to sell alcohol between 10.00 to 17.00 hours and this could be extended to 22.00 for ticketable events. Also the 'Summer Season' reference should be removed from the café application.

Councillor Mrs Smith asked that as there was a lot of potential activity over a large piece of land at the Hall, was it the Trusts intention to have another café. Mr Padfield said that it wasn't, but there was a kitchen to cater for other events. Asked what would happen if the designated premise supervisor was not available, Mr Padfield replied that they would have another named supervisor, someone with a personal licence.

Councillor Morgan asked about the numbers of people attending events in the past and predicted for the future. Mr Padfield said that as there were a range of events numbers were difficult to predict, however the Hall was limited by car parking and this would act as a constraint. The maximum numbers have been between 1000 and 1200, an average event would be one to two hundred.

Mr Hutchins asked about vehicular access for concerts and musical performances, there was concern about the numbers attending and asked how the Trust defended its escalation of events over the last few years. Mr Padfield replied that a document was produced 10 to 12 years ago saying that the Trust envisaged such events expanding in a controlled way. Mr Hutchins further commented that therefore in theory there was no limit to the numbers attending, but the main issue was the vehicular access, do you know the numbers for this? Mr Padfield said that to the best of his knowledge no one has complained about that. Mr Hutchins asked if the Corporation of London has expressed concerns over this. Mr Padfield replied that on one occasion they had expressed concern, since then the trust had endeavoured to introduce some control.

Presentation of the Objectors Case

Mr A Hutchins a resident of one of the Gate Lodges drew the Sub-Committee's attention to his letter reproduced in the agenda. He said the driveway was traditionally a walk, but is now unsafe due to cars. It is not a dual carriageway, but just a track. The number of cars using the track tends to cause a logjam, this severely restricts Emergency Vehicle access to the site. To grant them a permanent Licences would be yet another step in the escalating use of the Hall. The Council should keep to its Local Plan (policies GB2, HC6 and HC7). The residents are losing the quietness of the estate, and if the licence was approved it would get worse. At present there are 12 events a year.

At present the bridge used by vehicle is just a single-track bridge, there are no facilities for walkers and cars to use it at the same time. The area is no longer safe for children, there have been near incidents over the last 6 years.

Councillor Mrs Smith asked if Mr Hutchins had anything to say about the licensable activities of the Hall. He replied that if granted a permanent licence there would be a lifting of certain restrictions, which was part of growing concern. Councillor Mrs Smith asked if he had been given prior notice of events Mr Hutchins replied that that only recently had notices been given, with only sketchy details of the events, which shows a lack of regard from the management.

Councillor House asked that due to the success of Copped Hall as a venue, would the granting of a liquor licence increase this. Mr Hutchins said that it would change it from a concert venue to something akin to a pub. Councillor House pointed out that alcohol was already available, Mr Hutchins replied that it was presently restricted to 12 events a year.

Councillor Mrs Smith asked the Environmental Health Manager if the Trust needed a special licence for an event for over 5,000 people. He replied that the licence being applied for was for up to 5,000 people. Councillor Morgan asked if the Sub-Committee could limit the numbers and was told that they could.

Mr Hutchins made a closing statement, he wondered if limiting the numbers would correspond to less vehicles, and if the Trust had to apply for a licence on an event-by-event basis, that it would limit its events.

Applicants closing remarks

Mr Padfield made a final statement saying that everyone entered into this with their eyes open and were aware that Copped Hall would need to raise funds – this is nothing new. You have our assurance that there are no plans for commercialising events and we recognise that we have to live with our neighbours. If it were not the Copped Hall Trust developing the site it would have been a hotel. The trust serves a wider community and it is unfortunate that we have caused upset.

No objections were received from any of the statutory authorities. Some complaints can be justified. The trust had written to them to discuss any ways and means to overcome these problems. We are not unreasonable people, we have spent money to quieten the drive and have installed automatic gates and generally improved facilities.

We are happy to limit events to 15 events a year, if the Sub-Committee thought it was warranted.

Follow up points

Councillor Morgan asked Mr Hutchins if the offer made to meet up with you was correct. Mr Hutchins replied that that yes in response to his emails an offer was made. They have not had a formal meeting as yet, but have met at the gates and spoken.

Councillor Morgan asked about parking at the Hall. Mr Padfield took the Sub-Committee through the various car parks on the site using the map on the agenda. He also said that to the best of his knowledge they did not charge for parking on site.

Consideration of the applications by the Sub-Committee

The Sub-Committee discussed the application in private. They did not ask for any advice from the officers.

RESOLVED:

That the application for a premise licence for Copped Hall, Crown Hill, Epping be granted subject to:

- That table 'I' on page 56 of the Agenda "Provision of facilities for making music – use of the premises for musical events to hirers" be withdrawn;
- That they be limited to a maximum of 18 ticketable events a year;
- That the times for the sale of alcohol be restricted to 10.00 to 17.00 hours, except for ticketable events when it will be from 10.00 to 22.00 hours;
- That local residents be informed in writing of the date, times and the nature of events fourteen days prior to all ticketable events;
- That all conditions derived from the operating schedule be granted;
- And the opening hours to coincide with hours of licensable activities.

CHAIRMAN