

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** Thursday, 6 August 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 am - 1.05 pm

Members Present: K Angold-Stephens, R Morgan, Mrs P Richardson and J Wyatt

Other Councillors: K Chana

Apologies: B Rolfe

Officers Present: R Ferriera (Assistant Solicitor), K Tuckey (Senior Licensing Officer), S Moran (Licensing Officer) and R Perrin (Democratic Services Assistant)

26. Apologies for Absence

Councillor B Rolfe gave his apologies for this meeting. Councillor K Angold-Stephens attended in his place for this meeting.

27. Election of Chairman

RESOLVED:

That, in accordance with the terms of reference for the Licensing Committee, Councillor J Wyatt be elected Chairman for items 6 – 9 and Councillor R Morgan be elected Chairman for item 11 of the Sub-Committee meeting.

28. Declarations of Interest

(a) Pursuant to the Council’s Code of Member Conduct, Councillor J Wyatt declared a personal interest in the following item of the agenda by virtue of a member of the public contacting him. He gave no advice other than to contact the District Council’s Licensing Department. The Councillor had determined that his interest was not prejudicial and he would stay in the meeting for the consideration of the application and voting thereon:

- Licensing Act 2003 – Premises Licence – Skillet Hill Farm Waltham Abbey

29. Procedure for the Conduct of Business

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

30. Exclusion of Public and Press**RESOLVED:**

That, in accordance with Section 100(A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

Agenda Item No	Subject	Exempt Information Paragraph Number
6	Hackney Carriage Driver's Licence – Mr Morse	1
7	Hackney Carriage Driver's Licence – Mr. Paul Hutton	1
8	Hackney Carriage Driver's Licence – Mr. Barry John Winstone	1
9	Hackney Carriage Driver's Licence – Mr. John Paul Lewis	1

31. Local Government (Miscellaneous Provision) Act 1976 & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence - Mr Morse

The Sub-Committee considered an application by Mr Morse for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors J Wyatt, Mrs P Richardson and K Angold-Stephens. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Sub-Committee. The Chairman welcomed the applicant, and introduced the members and officers present. The Assistant Solicitor 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 Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

RESOLVED:

That a Hackney Carriage Driver's Licence be granted to Mr Morse, subject to the Council's standard terms and conditions.

32. Local Government (Miscellaneous Provision) Act 1976 & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence - Mr. Hutton

The Sub-Committee considered an application by Mr Hutton for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors J Wyatt, Mrs P Richardson and K Angold-Stephens. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Sub-Committee. The Chairman welcomed the applicant, and introduced the members and officers present. The Assistant Solicitor 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 Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

RESOLVED:

That the application by Mr Hutton for a Hackney Carriage Driver's License be refused as he did not meet the Council's Licensing Criteria in that his record from the Criminal Records Bureau revealed relevant offence under the conviction criteria and he did not have a confirmed job offer in the District.

33. Local Government (Miscellaneous Provision) Act 1976 & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence - Mr. Winstone

The Sub-Committee considered an application by Mr Winstone for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors J Wyatt, Mrs P Richardson and K Angold-Stephens. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Sub-Committee. The Chairman welcomed the applicant, and introduced the members and officers present. The Assistant Solicitor 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 Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

RESOLVED:

That a Hackney Carriage Driver's Licence be granted to Mr Winstone, subject to the Council's standard terms and conditions.

34. Local Government (Miscellaneous Provision) Act 1976 & Town & Police Clauses Act 1847 - Application for a Hackney Carriage Driver's Licence - Mr. Lewis

The Sub-Committee considered an application by Mr Lewis for a Hackney Carriage Driver's Licence. The three Councillors that presided over this item were Councillors J Wyatt, Mrs P Richardson and K Angold-Stephens. Members noted that officers did not have delegated powers to grant this application and, as a result, the application had to be considered by the Sub-Committee. The Chairman welcomed the applicant, and introduced the members and officers present. The Assistant Solicitor 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 Chairman requested that the applicant leave the Chamber whilst the Sub-Committee debated his application in private. The Chairman invited the applicant back into the Chamber and informed him of the Sub-Committee's decision.

RESOLVED:

That a Hackney Carriage Driver's Licence be granted to Mr Lewis, subject to the Council's standard terms and conditions.

35. Inclusion of Press and Public

RESOLVED:

That the public and press be invited back into the meeting for the remaining items of business.

36. Licensing Act 2003 -Premises Licence- Skillet Hill Farm Waltham Abbey Essex EN9 3QU

The three Councillors that presided over this item were Councillors R Morgan, J Wyatt and Mrs Richardson. The Chairman welcomed the participants and introduced the members and officers present and then requested that the participants introduce themselves to the Sub-committee.

In attendance on behalf of the application was Mr Rogerson, from GBN Charters Ltd. Mr Simon Fisher was there to represent Essex Police who had objected to the application.

The Chairman outlined the procedure that would be followed for the determination of the application.

Councillor Wyatt mentioned that a member of the public had contacted him on this matter and he gave no other advice, other than to contact the Licensing Authority. The Chairman asked if anyone objected to Councillor Wyatt sitting on the panel, no objections were received from the attendees.

(a) The Application before the Sub-Committee

The Assistant Solicitor informed the Sub-committee that an application for a premise license for Skillet Hill Farm Lorry Park Truckstop at Honey Lane, Waltham Abbey. Representations had been made by Essex Police and a local resident.

(b) Presentation of the Applicant's Case

Mr Rogerson gave the Sub-committee an outline of the application. In February 2009 the truckstop had been given planning permission for 25 Lorries and 10 car parking spaces and the owners planned to spend around £150,000 on improvements in and around the truckstop.

Mr Rogerson explained that the premises licence should be allowed because the premises would be classified as a truckstop and not a Motorway Service Area nor a Motorway Rest Area, where the sale of alcohol was prohibited. For that reason in accordance with the Department for Transport Circular (dft.01/2008) the sale of alcohol is not prohibited. Mr Rogerson handed the panel information he had collated about truckstops across the country with premises licenses and newspaper advertisements.

Mr Rogerson explained that the truckstop would not allow under 18 year olds onto the premises and if an under 18 year old travelled with a driver, they would be required to remain in the cab. Mr Rogerson stated that the premises would only accept accredited proof of age cards/photo card driving licences.

He advised that HGV drivers are professionals, who abided by the rules and regulations set by both their employees and law. According to drivers who currently use the truckstop facilities, drivers frequent the local pubs and hotel across the road to purchase and drink alcohol. Mr Rogerson informed the panel that the premise licence would enable the licensee to restrict the sale of alcohol to users of the truckstop if they felt necessary.

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

Councillor Morgan asked whether the applicant had any intention to increase the size of the truckstop and what the percentage of drivers used the parking facility for over night. Mr Rogerson advised that the owners would possible look to increase the capacity to 40 lorries and that on average the truckstop had full capacity Monday to Thursday.

Councillor Mrs Richardson asked how the preventions of under 18's would be enforced. Mr Rogerson explained that anyone travelling with the driver under the age of 18 would have to remain in the drivers cab and use the facilities within the cab, since the premises would not serve or allow anyone under the age of 18 in to the premises. Mr Rogerson explained that people who driver HGV vehicles are required to be 21 and over and should carry identification.

Councillor Wyatt asked whether the unit supplied sleep accommodation and whether Mr Rogerson thought that the alcohol license would attract more drivers to the truckstop. Mr Rogerson advised that no sleeping accommodation would be provided by the truckstop as normally drivers sleep within their cabs and that the sale of alcohol may possible attract drivers.

(d) Questions for the Applicant from the Objector

Mr Fisher asked what type of vehicles used the truckstop and what the majority were. He had been informed that the truckstop currently had spaces for 25 Lorries and 10 car parking spaces and the majority of users had been HGV vehicles. Mr Rogerson advised that in accordance with Essex County Council, the signs for the truckstops now had restrictions. The signs for truckstops were now required to illustrate the parking sign for lorries only and not refreshments or toilets.

Mr Fisher asked whether Mr Rogerson had any experience in selling alcohol, knowledge of the Licensing Act 2003 and whether he had ever held a licence. Mr Rogerson advised that he had no experience selling alcohol and no prior knowledge of the Licensing Act 2003 and had not held a license himself, although the licensee would be provided with the relevant training and by the time the business had been set up they would know about the Licensing Laws.

Mr Fisher enquired whether Mr Rogerson had any knowledge of how the human body breaks down alcohol and whether he was surprised that it could take several hours for the alcohol to be absorbed by the body. Mr Fisher questioned whether the application would be responsible. Mr Rogerson replied that he had no knowledge of how the human body breaks down alcohol, only personal knowledge. It would be driver's choice, if that person stopped at the truckstop because of the sale of alcohol and that the application had been responsible.

Mr Fisher then asked what Mr Rogerson expected the majority of drivers nationalities would be and whether the language barrier could cause problems. Mr Rogerson explained that the majority would be British drivers and a few international drivers. Mr Fisher enquired that if the premises licence were to be granted, that signs in all European languages would be displayed providing the relevant laws and regulations. Mr Rogerson agreed with Mr Fisher's suggestion.

Councillor Mrs Richardson asked whether the alcohol would accelerate the risk of drivers breaking the law. Mr Fisher informed the panel that had been why Essex Police had objected, on the grounds of prevention of crime and disorder and public safety.

Mr Fisher had researched truckstops in the Essex area, finding that only two other truckstops existed, one in Colchester (not licensed) and the other in Grays (licensed) and that Skillet Hill Farm truckstop would be near the M25. He questioned if drivers needed the temptation of alcohol whilst visiting the truckstop, with potential problems caused by alcohol possible still in the blood stream and the rest periods that the drivers are required to take.

Mr Fisher also raised concerns that with the changing economic climate more drivers from European countries could use the truckstop, with potential of confusion over the law in relation to drink driving.

Councillor Wyatt asked if spot checks were carried out to breathalyse HGV drivers. Mr Fisher explained that the laws were the same for all drivers irrespective of the vehicle driven and drink drivers expected a minimum of one years driving ban and a fine. If a HGV driver had been caught the normal procedure would be to advise the drivers company to collect the vehicle and the driver would be charged.

(e) Objectors Closing Statement

Mr Fisher stressed that the Police objected to the application on the grounds of Prevention of Crime and disorder and Public Safety.

(f) Applicants Closing Statement

The applicant advised that signs would be provided to comply with Essex County Council, that lorry drivers were responsible professionals and since the truckstop already exists, the licence could control the sale of alcohol instead of drivers attending local pubs or the hotel across the road.

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

The Sub-committee retired to consider the application in private session. They did not receive any advice from officers.

RESOLVED:

That the application for a premises license for Skillet Hill Farm, Waltham Abbey be refused on the grounds of;

- i) Prevention of Crime and Disorder - potential of driving with excess alcohol; and
- ii) Public Safety - on the highways with the potential of misjudgement under the influence of alcohol.

CHAIRMAN