

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub-Committee **Date:** 16 May 2018

Place: Council Chamber, Civic Offices, **Time:** 10.00 am - 12.45 pm
High Street, Epping

Members Present: P Keska (Chairman), L Hughes, A Lion and R Morgan

Other Councillors: P Stalker

Apologies:

Officers Present: A Mitchell (Assistant Director (Legal Services)), D Bastick (Licensing Compliance Officer), D Houghton (Licensing Compliance Officer), M Richardson (Environment and Neighbourhood Officer), A Hendry (Senior Democratic Services Officer) and V Messenger (Democratic Services Officer)

93. DECLARATIONS OF INTEREST

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

94. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

95. APPLICATION FOR A TEMPORARY EVENT NOTICE - THE SUN INN, COMMON ROAD, NAZEING EN9 2DE

The Licensing Sub-Committee agreed to bring forward this item.

The three Councillors that presided over this item were Councillors P Keska (Chairman), L Hughes and A Lion.

The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed Mr P Gould and Mr K Crunkhurn, the applicant, for the Sun Inn, and M Richardson, the Council's Environment and Neighbourhoods (EN) Officer.

(a) Application before the Sub-Committee

The Licensing Compliance Officer, D Houghton, introduced the application. The application had been made by Mr K Crunkhurn for a Temporary Event Notice (TEN) under the Licensing Act 2003 for the Sun Inn, Common Road, Nazeing EN9 2DE. This was for a temporary event on 2 June 2018 from 14.00 – 22.00 hours with a maximum of 400 people that would be allowed to be present at any one time. The TEN application was also for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The application had been received on 18 April 2018.

The responsible authorities, Essex Police and the Council's Environment and Neighbourhood Team, had been consulted. The Council had received a Counter Notice detailing an objection from the EN Officer, which related to the prevention of public nuisance.

The Legal Officer advised that under the Licensing Act 2003, the Licensing Sub-Committee could not impose any conditions. The EN Officer could ask for conditions to be changed with the applicant but she had no knowledge of any consent to change from Essex Police.

(b) Presentation of the Applicant's Case

The applicant's representative and the Designated Premises Supervisor (DPS), Mr P Gould, said that the applicant, Mr K Crunkhurn, was the manager of the Sun Inn Public House. Last year three summer events were organised at the premises and they were very successful and had helped sustain the pub during the winter. Therefore they wanted to organise three similar events this year. An event had been held on 5 May 2018, which had gone ahead as the Council had not raised an objection.

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

The Sub-Committee asked what had transpired from the site visit that the EN Officer had carried out in April 2018. The DPS replied they had discussed several options and he had implemented some of the suggestions, such as reducing the event hours from 14.00 – 22.00 hours to 15.00 – 20.30 hours and used directional speakers, but the stage had not been re-positioned. This time he would re-site the stage further away from residential properties. The Sun Inn was licensed to play music from the patio and, as the speakers had been positioned to play away from the premises, he had thought the noise level was fine.

The Sub-Committee said that an EN Officer had visited on the night of 5 May 2018 and asked if the stage could be moved to the middle of the field. The DPS said that as there were three cottages on one side and one on the other, if the stage was moved to the middle of the field, directional speakers were used and the noise level kept to 95 decibels (dB) then he thought this would be acceptable to the neighbours. He would be happy to reduce the hours applied for, but was advised by the Legal Officer the Licensing Act 2003 did not allow the Licensing Authority (the Council) to make changes to this application.

The Sub-Committee remarked that the DPS had stated that there had been no problems but the Council had received nine complaints from the event on 5 May 2018. The DPS explained that at last year's event the noise was a nuisance to the three adjacent cottages. The directional speakers were aimed towards the properties to the rear at this year's 5 May event, to which the Sub-Committee replied that there had been complaints then. The DPS said yes there were complaints, but he had used directional speakers so the noise was going towards the direction of Nazeing Common.

The Sub-Committee asked how litter was collected during an event that 400 people could be attending in the field, to which the DPS replied that the staff would do this.

The Sub-Committee asked if the weekend footfall was quite high, to which the DPS replied yes if the weather was good.

The Sub-Committee asked what the on and off sales were served in, to which the DPS replied that plastic glassware was used. Also the security staff on the site would not allow customers to leave the site with alcohol. The Sun Inn did not have an off-licence for the premises.

(d) Questions for the Applicant from the Objector

There were no questions to the applicant.

(e) Presentation of the Objector

The EN Officer said that the Council had objected to this next event in June owing to the amount of disturbance likely to be caused. The Noise Abatement Notice was served after an event last year on the grounds of noise nuisance. The Council had not objected to 5 May 2018 event but he reported that they had received complaints from the Back Lane area. The question in this case was, could these events go ahead in future because of the noise nuisance? A minimum level of 95 dB was quite considerable, and if the wind was blowing then the neighbours might hear up to 10 dB more, depending on the wind direction. The DPS could get written permission from neighbours, but this might be difficult to obtain. The Council's duty noise officer had monitored the noise on 5 May from 450 metres away and reported that the noise was excessive, causing a public nuisance and was breaching the Noise Abatement Notice. Directional speakers pointed to the rear clearly had not worked because of the loud volume of music monitored. The Council used informal guidance which in a rural setting advised using only 65 dB over a 15-minute period. Therefore, the music at the May event was much higher. At the levels that the Sun Inn staff had been playing their music, if this was repeated again at the premises, it could cause a noise nuisance. The Council had suggested increasing the number of speakers around the site so the music could be played at a lower volume. The Sun Inn also wanted to apply for another TEN for an event in July this year. Was the Council willing to authorise this TEN to allow this event to happen which might cause a noise nuisance to the neighbours? If the Council prosecuted on a breach of the Noise Abatement Notice, the applicant could face a hefty fine. It would therefore be better for the Council and the applicant to find a workable solution and 'meet on middle ground'.

(f) Questions for the Objector from Sub-Committee

There were no questions for the objector.

(g) Questions for the Objector from the Applicant

The DPS said to the EN Officer that the Sun Inn was allowed to have three events over the course of a year and that there had been other TENs during last year.

(h) Closing statement from the Objector

The objector had nothing further to add to his original statement.

(i) Closing statement from the Applicant

The DPS offered to reduce the hours applied for on this TEN, but was advised by the Legal Officer the Licensing Act 2003 did not allow the Licensing Authority (the Council) to alter this application. However, the DPS and applicant could discuss any such changes with the Council's EN Officer and Essex Police after this meeting, but would be required to submit another TEN.

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

Members of the Sub-Committee, the Legal Officer and Democratic Services offices withdrew from the Chamber to consider the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

- (1) That the application for a Temporary Event Notice for the Sun Inn, Common Road, Nazeing EN9 2DE be refused.
- (2) That the Sub-Committee had received evidence there was a Noise Abatement Notice after the previous event last year. The Environmental Officer advised about the music volume required for a large event, and to avoid public / statutory nuisance was not possible bearing in mind the close position of a number of neighbouring residential premises to the Sun Inn.

96. APPLICATION FOR A NEW PREMISES LICENCE FOR ABRIDGE VILLAGE HALL GROUNDS, 39 ONGAR ROAD, LAMBOURNE, ROMFORD RM4 1UD

The three Councillors that presided over this item were Councillors P Keska (Chairman), L Hughes and R Morgan.

The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed Mr T Miall, the applicant and Mr L Sennett, an objector.

(a) Application before the Sub-Committee

The Licensing Compliance Officer, D Bastick, introduced the application. The application had been made by Mr T Miall for a new premises licence under the Licensing Act 2003 at Abridge Village Hall and Grounds, 39 Ongar Road, Lambourne, Romford RM4 1UD. This application for a 'Sunday Best Scooterfest' included the provision of regulated entertainment, live music, amplified recorded music or performance of dance. The application did not include the sale of alcohol and was for Sundays only from 10.00 – 18.00 hours. The application had been received on 21 March 2018.

The responsible authorities had been consulted, it was also advertised at the premises and in a local newspaper. All residences and businesses within 150 metres radius of the premises had been individually consulted. The Council had received two representations from local residents, which related to the prevention of public nuisance, crime and disorder and public safety. Responses of no objection had been received from Essex Police and Essex County Fire and Rescue and the Public Health Department. The Licensing Compliance Officer confirmed that Essex Police had agreed the following conditions with the applicant prior to this meeting, which were:

'This licence was for a Scooterfest and was only valid for one Sunday per calendar year. The date of the event would be advised to Essex Police via email (licensing.applications@essex.pnn.police.uk) and the Licensing Authority (licensing@eppingforestdc.gov.uk) a minimum of three months in advance. The Event Management Plan would be sent to Essex Police via email (as above) and the Licensing Authority via email (as above) a minimum of two months in advance'.

(b) Presentation of the Applicant's Case

The applicant, Mr Miall explained that this application was for a Scooterfest, one day a year from 10.00 to 17.00 and that the site would be cleared by 18.00 hours. Five hundred scooters had attended last year. Pedestrian access would only be allowed via a designated gate, therefore no underage people would be able to arrive, as the organisers were mindful of the consumption and availability of alcohol at the venue. There would be two live bands and three DJs that would let people have the opportunity to dance, plus around forty stalls, mostly selling vintage clothes and scooter accessories. The event would be covered by the organiser's public liability insurance. Marshals would be provided and this year, subject to affordability, professional security provided.

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

The Sub-Committee asked if the event was going to be held on 8 July 2018, to which the applicant confirmed.

The Sub-Committee asked about rubbish collection. The applicant replied that there would be a skip on site, the organisers would collect litter throughout the day and this would be monitored by the Abridge Village Hall Committee.

The Sub-Committee asked how five hundred scooters and those travelling by car would be accommodated on the venue site. The applicant explained that marshals would direct the scooters to a designated parking area. There would be no riding display just a static display.

The Sub-Committee asked how many years the Scooterfest had been running and why an indefinite licence was being applied for this year. The applicant replied this was the eighth year it had been running and he was applying for an indefinite licence, as it was both time consuming and costly to apply each year.

The Sub-Committee asked if any noise complaints had been received in the past about the music, to which the applicant replied the only complaint last year was that the Scooterfest entrance signs to Abridge Village Hall had not been large enough. Therefore, this had meant that some scooters / cars that had missed the village hall entrance, had to turn around in driveways nearby to backtrack. The event cost about £3,000 to organise.

The Sub-Committee asked how many Scooterfest events had been held at Abridge Village Hall, to which the applicant replied once before.

The Sub-Committee asked further about applying for an indefinite licence. The Licensing Compliance Officer said that the applicant could agree with the Licensing Authority to have the licence transferred, but it would be for a one day per year event. The applicant said that this licence would probably need to be transferred eventually to another applicant in the Foresters Scooters Club, as it managed the event. It was unlikely to be transferred to a professional company as this event was solely for scooter fans and was a family event.

The Sub-Committee asked if the stage could be moved further down into the field but the applicant replied that the Abridge Village Hall Committee had advised him where to position it.

(d) Questions for the Applicant from the Objector

There were no questions for the applicant.

The Essex Police Licensing Officer, P Jones, stated that he had asked for two conditions to be added to this premises licence as it was intended to be renewed annually, the details of which the Licensing Compliance Officer had confirmed earlier.

(e) Presentation of the Objector

Mr L Sennet, who lived at a neighbouring property, said that one of his original concerns had been that the event would be held every weekend, but it was now clear that this would be once a year, to which he would have no objection. The noise from the event was not that pleasant, but at last year's fireworks display event violence had spilled over into the road. However, if this event was only once a year and was managed properly, this would help.

(f) Questions for the Objector from Sub-Committee

There were no questions for the objector.

(g) Questions for the Objector from the Applicant

There were no questions to the objector.

(h) Closing statement from the Objector

There was no closing statement from the objector.

(i) Closing statement from the Applicant

There was no closing statement from the applicant.

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

Members of the Sub-Committee, the Legal Officer and Democratic Services Officers withdrew from the Chamber to consider the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

That the application for a new premises licence in respect of Abridge Village Hall and Grounds, 39 Ongar Road, Lambourne, Romford RM4 1UD be granted subject to the following conditions which the Council considered were reasonable, proportionate and in the public interest for the promotion of the licensing objectives:

- (1) The conditions which were consistent with the Operating Schedule which this Sub-Committee considered were appropriate for the promotion of the licensing objectives.
 - (a) For this year only, due to the short timescale, the Sub-Committee agreed that the Event Management Plan must be submitted to Essex Police and the Licensing Authority and agreed before 1 June 2018.

- (2) The mandatory conditions contained in Sections 19–21 of the Licensing Act 2003.
- (3) The following conditions which had previously been agreed with Essex Police for the purposes of the licensing objectives:
 - (a) This licence was for Scooterfest, and was valid only for one Sunday per calendar year. The date of the event would be advised to Essex Police and the Licensing Authority via email. The notice must be given a minimum of three months in advance of the event.
 - (b) The Event Management Plan would be sent to Essex Police and the Licensing Authority via email a minimum of two months in advance of the event; and
 - (c) Approved a minimum of six weeks in advance of its event by both parties.

97. APPLICATION FOR A PREMISES LICENCE FOR NEW HOUSE FARM, SHEERING LOWER ROAD, SAWBRIDGEWORTH CM21 9LE

The three Councillors that presided over this item were Councillors P Keska (Chairman), L Hughes and R Morgan.

The Chairman introduced the members and officers present and outlined the procedure that would be followed for the determination of the application. The Chairman welcomed Ms K Bone, the applicant, and Ms M Ray for PX Plus Hospitality Ltd, and Mr O Harding, the venue representative. Also in attendance was the Essex Police Licensing Officer, Mr P Jones.

(a) Application before the Sub-Committee

The Licensing Compliance Officer, D Houghton, introduced the application. The application was made by Ms K Bone of PX Hospitality Plus for a new premises licence under the Licensing Act 2003 at New House Farm, Sheering Lower Road, Sawbridgeworth CM21 9LE. The application was for a four-day event from Friday 24 August 2018 to Monday 27 August 2018 and for the provision of the following:

Live Music

Friday 17.00 to 23.00

Saturday 12.00 to 14.00 then 17.00 to 23.00

Sunday 12.00 to 14.00 then 17.00 to 23.00

Monday 12.00 to 18.00

Recorded Music

Friday 10.00 to 01.00am

Saturday 10.00 to 01.00am

Sunday 10.00 to 01.00am

Monday 10.00 to 23.00

Late night Refreshment

Friday 23.00 to 02.00am

Saturday 23.00 to 02.00am

Sunday 23.00 to 02.00am

Sale of Alcohol
Friday 15.00 to 01.30am
Saturday 10.00 to 01.30am
Sunday 10.00 to 01.30am
Monday 10.00 to 15.00

The application had been received on 26 March 2018. The Operating Schedule in the agenda had set out the conditions which would be attached to the licence if this application was granted.

The responsible authorities had been consulted, it was also advertised at the premises and in a local newspaper. All residences and businesses within 150 metres radius of the premises had been individually consulted. The Council had received three representations from Sheering Parish Council, Essex Police and the Council's Environment and Neighbourhoods (EN) Manager, R Gardiner. The objections related to the prevention of crime and disorder, the prevention of public nuisance and public safety.

(b) Presentation of the Applicant's Case

The applicant, Ms K Bone, said that she was organising a four-day hospitality event which would only be attended by people who worked for companies involved with hospitality businesses, such as, chefs, wine buyers, food producers / suppliers etc. There would be over eighty headline acts from chefs, farmers, bakers and suppliers. There would also be four live music acts a day. This was a food festival with headliners also coming from Europe. The Operations Team were all involved in the hospitality industry with over a 100 years experience between them in that field and they were collectively putting on this event.

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

The Sub-Committee asked if there could be a break between 15.00 – 18.00 hours when non-alcoholic drinks would only be served and to confirm alcoholic drinks would only be served up to 01.30 hours on Friday, Saturday and Sunday. The applicant replied that there would be a gastronomic event for people attending which would cost £100. This would be a long dining event and therefore longer hours had been submitted in this application. Tickets would be sold in advance to cover the whole event, and not as day tickets or sold at the venue. There would be an application process, so applicants would have to state where they worked, their position and her team would check their credentials were valid. The event was aimed at CEOs and heads of relevant businesses. Hopefully there would be around a 1,000 participants, but no more than 2,000. It was anticipated that around 30 per cent would be travelling by car and would park in a designated area on the site. For those arriving by train (60 per cent), a special shuttle bus would be in operation from Harlow Town Station direct to the venue. There should be no people walking to the venue. The event would be providing ten acres on site for free camping, and 'glamping' for those who wanted to hire a mattress bed.

The Sub-Committee asked what experience the applicant had in organising such events. Ms Bone replied that she had not organised an event on this scale on her own before but had previously been part of a managing team that organised the Taste of London event which attracted 20,000 people.

The Sub-Committee asked about security provision, to which the applicant replied that Talent Box, a local recruitment agency for stewarding, would be tasked with

providing security for the whole site throughout the four-day event. There would be a minimum of 16 security personnel and a maximum of 24 for the whole event.

The Sub-Committee queried how possibly up to 300 cars might need access to the site. The applicant said she expecting some 200 cars. However, access to the site had now been switched to Harlow Road, and would not be from Sheering Lower Road. Also the shuttle bus from Harlow Station would reduce the likelihood of pedestrians.

The Sub-Committee asked if press would be attending, to which the applicant replied only industry / speciality press would be covering the event.

(d) Questions for the Applicant from the Objector

The Essex Police Licensing Officer asked why the application was requesting in the Operating Schedule for the premises licence to run from 20 August to 30 August 2018. The applicant replied that her team would be on site from 20 August to set-up but there would be no sale of alcohol until the event commenced.

The Essex Police Licensing Officer asked where the CCTV would be located, to which the applicant replied in the courtyard and around New House Farm only.

(e) Presentation of the Objector

The Essex Police Licensing Officer expanded on his representation detailed in the agenda and said that if the licence was granted, the Police would prefer alcohol was not served between 15.00 and 18.00 hours so there was a break, as currently alcohol could be served continuously for over 15 hours. The applicant agreed to this additional condition for the sale of alcohol to cease between 15.00 and 18.00 hours.

The Event Management Plan made reference to various promises of Essex Police. Any involvement / support would need to be agreed with Essex Police at least six weeks in advance of the event. He also confirmed that the shuttle bus would be operating from Harlow Town Station.

(f) Questions for the Objector from Sub-Committee

The Sub-Committee supported the new site access from Harlow Road and the provision of a shuttle bus to help minimise pedestrians walking to the venue.

(g) Questions for the Objector from the Applicant

There were no questions from the applicant.

(h) Closing statement from the Objector

The objector had nothing further to add to his original statement.

(i) Closing statement from the Applicant

The applicant only added that the break in the sale of alcohol was reasonable.

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

Members of the Sub-Committee, the Legal Officer and Democratic Services Officers withdrew from the Chamber to consider the application in private. During their deliberations the Sub-Committee received no further advice from the officers present.

RESOLVED:

That the application for a new premises licence in respect of New House Farm, Sheering lower Road, Sawbridgeworth CM21 9LE be granted subject to the following conditions which the Council considered were reasonable, proportionate and in the public interest for the promotion of the licensing objectives:

- (1) The conditions which were consistent with the Operating Schedule which this Sub-Committee considered were appropriate for the promotion of the licensing objectives.
- (2) The mandatory conditions contained in Sections 19–21 of the Licensing Act 2003.
- (3) In addition to the following conditions for the licensing objectives:
 - (a) The Risk Management and Operational Event Plan be supplied and agreed by Essex Police and the Licensing Authority six weeks before the date of the event.
 - (b) No sale of alcohol shall take place between 15.00 and 18.00 hours.
 - (c) The noise level limits agreed with the Environmental Officers be adhered to.
 - (d) A shuttle bus shall be available for use of all persons attending the venue between the venue and Harlow Town Station.

CHAIRMAN