

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Sub Committee **Date:** 14 April 2021
Place: Virtual Meeting on Zoom **Time:** 10.00 am - 12.20 pm
Members Present: P Keska (Chairman), M Sartin, J Jennings and R Morgan

Other Councillors:

Apologies:

Officers Present: K Tuckey (Licensing Team Manager), H Ibrahim (Licensing Compliance Officer), D Bastick (Licensing Compliance Officer), R Ferreira (Assistant Solicitor), A Hendry (Democratic Services Officer), L Kirman (Democratic Services Officer) and S Mitchell (PR Website Editor)

102. WEBCAST ANNOUNCEMENT

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

103. DECLARATIONS OF INTEREST

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

104. PROCEDURES FOR THE CONDUCT OF A VIRTUAL MEETING

The Sub-Committee noted the procedure for the conduct of business for this virtual meeting.

105. PROCEDURE FOR THE CONDUCT OF BUSINESS

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

106. TEMPORARY EVENT - JUNCTION 26 DINER, SKILLET HILL FARM, HONEY LANE, WALTHAM ABBEY

The three Councillors that presided over this application were Councillors P Keska (Chairman), J Jennings and R Morgan.

The Chairman welcomed Andy Grimsey, the Applicant's Agent and Haley Rogerson the Applicant. Also, in attendance was Ronan McManus, Essex Police Licensing Officer. 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 Licensing Compliance Officer, H Ibrahim, informed the Sub-Committee that an application had been made by Haley Rogerson for a Temporary Event Notice, for a music event outside to include live music, food and drink on Saturday 26th June 2021 at Junction 26 Diner, Skillet Hill Farm, Honey Lane, Waltham Abbey, EN9 3QU. The application was for the sale by retail of alcohol. The application was received on the 31st March 2021.

The authority had received a representation from Essex Police objecting to the application.

A Safety Advisory Group (SAG) meeting had taken place on 12 April, where officers expressed their concern about the event management plan and the risk assessment; the applicant was given advice on areas of concern and advised to produce a draft events management plan and risk assessment ahead of today's meeting. A follow up SAG meeting will be arranged to review and discuss the amendments.

(b) Presentation of the Application

Mr Grimsey noted that the most important thing was the documentation that was sent yesterday following the SAG meeting. The events management plan showed that it was to be a well-staffed event, with up to 50 staff, with a ratio of 1 – 50 of door staff to attendees (industry standard was 1 – 100).

There was also the risk assessment which was more of a Health and Safety document. There were also the site plans. Site Plan 1 showed an overall view of the site, with access and exits for vehicles. There was only one entrance/exit for both HGVs and customers cars, with the cars having a dedicated parking area separate from the HGV parking area. It also showed a dedicated pedestrian area with fencing going around the site for the event. There was also the dedicated emergency access route. It was noted that very few HGVs attended J26 over the weekend period. The events plan also showed the dining area and the safe space, which was similarly fenced off. There were also a series of self-explanatory photos.

He asked Haley Rogerson to take the Sub-Committee members through the day's events. She noted that individual tickets would have to be bought online. Information of the event would then be sent to them. When they arrived, they would be shown where to park if driving or on foot they would be checked in, and have their IDs checked, by passport or driving licence; their tickets would be scanned, and they would undergo a search for drugs or weapons by 'wands'. They would be let into the table, dance area. A DJ would be playing throughout the day. There was a no re-entry policy, and they had a pick-up point for taxis. At the end of the night they would be let out gradually, not all at once.

Mr Grimsey then addressed some of the points raised by the Police. He had not had time to speak with Mr McManus since they had published their latest set of documents yesterday. One of the main points raised was the unlicensed music event held last August. This was a mistake by the applicant, as they thought they could have 100 people there not 40. There was a variation going through at present to try and resolve this. The event had been peaceful, and they were not aware of any drug abuse, but they had learnt from this, which was reflected in the current event management plan, and had introduced new layers of protection. They were always willing to speak to the Police and address their concerns. Another major concern from the Police was HGV access, and the issues of only having one access point; this was just inevitable but they have tried their best to minimise any problems with parking attendants, customers being fenced off completely and the site would be made very secure on the day. There was car parking facilities and taxi drop off and

pick up points, they would not be showing the Euro '21 game and no one could turn up on the day if they had not pre-purchased a ticket.

One of the reasons they were doing this was to try and generate business as they had been badly affected by the Covid lockdowns and hoped to generate some income for the business, but not above the safety of the public. He hoped he had addressed all the main concerns at this stage, and he hoped to have another SAG meeting soon and would listen to any advice given.

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

Councillor Keska referred to site plan 1 that shows something called the 'true' parking area, what was that? He was told it was the 'truck' parking area.

The legal officer, R Ferreira noted that this application was only for 499 people and that included staff. If they were planning for 450 guests and 50 staff and DJ etc. that would be too many. H Rogerson said they would not go above 500 and would have 49 staff at the maximum.

Councillor Morgan asked about parking spaces, how many spaces did they have? He was told it would hold between 80 to 100 cars which should be enough.

Councillor Morgan then asked if the 10 security staff were enough and how many first aiders were there? He was told there would be two first aiders, one Paramedic and 10 SIA staff along with their car parking staff, which would be sufficient.

Councillor Jennings asked if visitors on foot and the cars would use the same area to arrive. She was told that the entrance was wide enough at 9 meters to accommodate pedestrians and cars. People usually came in by taxis and private cars, very few on foot.

Councillor Keska asked if they were going to restrict HGVs arriving or leaving during the event. He was told that that HGVs usually work Monday to Friday and Saturday mornings. They normally had drivers camped up over a weekend until Monday. Any arrivals would be moved on and not let in.

Councillor Keska asked if more than 450 turned up what would they do. He was told that they would be turned away.

Councillor Keska then asked how they would stop drunk and disorderly people leaving late at night? He was told that most could not depart without a taxi, they could be held in a safe area while they waited for their transport.

Councillor Keska asked if the Fire Service had commented on this application. He was told that they had been more worried on how they could access the site, so our new site plan had an emergency exit, they only had one very large site access and the main entrance was big enough for fire vehicles.

Councillor Morgan asked officers if they had received anything from the Environmental Health department. He was told that they had, but it was too late so it could not be considered.

Councillor Keska noted the weapons policy they had and that they would confiscate the weapons but asked was it not also a duty to detain that person until the police arrived. He was not sure of the legal requirement for this. He was told that they would

confiscate them and call the police. But they were not anticipating any problems over this.

(d) Presentation from the Objector

Mr R McManus, Essex Police Licensing Officer, noted that he had only 3 working days to respond on receipt of the TENS application. So, his initial notice was based solely on their initial plan which had a lot of gaps in it. The issues raised were on crime and disorder, public nuisance and public safety and the main thing was having pedestrians and HGVs on the same site, mixed with alcohol. However, at the meeting the applicants said they would move on any trucks that turned up. But it had not been established how many trucks they would have parked up over the weekend and would it be a working truck stop for these drivers parked up. Would these drivers on site also be subjected to the same searches and standards? He also noted that some of the loads the trucks hauled could contain some nasty chemicals, would we know if there was to be any hazardous substances in the vicinity of the event.

As for car parking for 80-100, was that enough for 450 people? He was also concerned that people under the influence of alcohol were to be within striking distance of the M25. There was no public transport after 10pm, but he accepted that it would be mostly private cars and taxis used and hoped the local taxi firms could cope with this amount of people.

This would also be the first weekend that all restrictions would be removed but noted that the football would not be shown. He would like to know who would be the event manager? He was told it would be Alison Taylor.

Mr McManus noted that the post event procedures had not been considered, how would that look? He also accepted that they could not change the layout for the site and noted that they had clarified that there would be a no re-entry process, which was good to see.

He asked if it would be a glass free event? He was told that it would only be plastic with no bottles.

How would there be safeguarding for someone not medically unwell but under the influence and needing to be safeguarded. He was told that they would use the inside of the café as a quiet area.

He then asked if the first aiders would have any other duties. He was told that maybe one of the first aiders would be used elsewhere but the other one will be on first aid duties and they would have a paramedic there as well.

He then asked about their drugs policy and their process if anything was found on a guest. H Rogerson said that the SIA person would confiscate the drugs and inform the police, the same would true for any weapons found. The police would be called at the end of the event. Mr McManus asked about the individual with the drugs, would they still be able to gain access. He was told that they would, once the drugs had been confiscated. Mr McManus then asked what if it had been a sizeable quantity of drugs. Would that matter. He was told that their protocol was no conflict with the guests, but they would have their IDs. Mr Grimsey added that the operator understood what exactly the police wanted in this situation, which was why they would be having conversations with Mr McManus on exactly these matters. They were the experts.

Mr McManus said that he wanted all events to go ahead safely but equally normal policing had got to take place and he wanted them to be in a position to have processes in place in order to minimise the impact on emergency services.

(e) Question for the Objector from the Applicants

There were no questions from the applicants.

(f) Questions for the objector from the Licensing Sub-Committee

Councillor Morgan wanted to know if no trucks were allowed in, would that be of help to the police in withdrawing their objections. Mr McManus said that was only one strand to this, he would be happier with that, but the applicants had still to run a business and it was not his call. H Rogerson said that on a Saturday there would be approximately 30 lorries parked for the weekend, they would stop any new ones from arriving on the Saturday afternoon. The lorry drivers would not count as part of the 450 as they were separate.

Councillor Jennings was concerned about having hazardous substances in the area; what about emergency evacuations in the event of an incident happening. Mr McManus said that these issues were raised at the SAG but they were concerns for the Fire and Ambulance services and he could not comment on this.

(g) Closing Statement from the Applicant

Mr Grimsey said that they had dealt with all the issues raised that they could attend to. They could not promise a risk free event, but that was why there was a risk management plan and why it was a dynamic document, but there would be another SAG to clarify matters and help us.

If the Fire service had any concerns, they could stop the event themselves. We had done all we can, had learned from previous events and from the Safety Advisor Groups and he hoped the Sub-Committee would give them the go ahead to hold this event.

Councillor Keska asked if they were the people who ran the truck stop. They said they were.

Councillor Morgan asked if the Covid 19 restrictions were not lifted would the event still go ahead. He was told that it would not. They may have to take their numbers down if the rule of six changed and change the nature of the event.

(h) Closing statement from the Objector

Mr R MacManus had nothing further to add.

(i) Consideration of the Application by the Sub-Committee

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

During their deliberations the Sub-Committee received no further advice from the Legal Officer present. The Sub-Committee 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 TEN for Saturday 26th June 2021 in respect of Junction 26 Diner, Skillet Hill Farm, Honey Lane, Waltham Abbey, Essex, EN9 3QU **be refused**.

The Chairman outlined, in summary, the reasons which the Sub-Committee considered were reasonable and proportionate for refusal in relation to the licensing objectives.

The Sub-Committee had taken into account the four licensing objectives, the relevant written and oral representations, the Council's Licensing Policy and the Secretary of State's Guidance and resolved to refuse the application to serve a counter notice as they consider it appropriate to promote the licensing objectives in particular:

- Public Safety.

The Sub-Committee appreciated the efforts of the applicant to satisfy concerns of the attendees at the SAG meeting, however their formal decision was that the application for a Temporary Event Notice for the land adjacent to the Junction 26 Diner, Skillet Hill Farm, Honey Lane, Waltham Abbey, EN9 3QU be refused.

The reasons were as follows:

- The busy motorway or link road - if granted the licensing objective for the prevention of public safety would be undermined.
- This Sub-Committee was aware that this site was currently being used by large goods vehicles which would mean both pedestrians and vehicles including cars sharing the same entrance and exit. Given the number of people expected to attend the event (450 plus staff) the manoeuvring of such vehicles (HGV, private vehicles and vehicles for hire) and also the presence of pedestrians could put those attending at risk of injury.
- The site was located adjacent to Junction 26 of the M25 motorway and from the evidence received from the police, attendees under the influence of alcohol, may wander onto roads.

During their deliberations in private session the advisory officers gave them no further advice.

The applicants and the objectors were reminded of their right of appeal to the Magistrates Court within 21 days of date of the written notification of this decision. No appeal may be brought later than five working days before the day upon which the event period specified in the TEN begins.

CHAIRMAN