

# Committee Agenda



**Epping Forest  
District Council**

## **Licensing Sub-Committee Thursday, 7th August, 2008**

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 10.00 am

**Democratic Services Officer** Gary Woodhall (Direct Line 01992 564470)  
Email: gwoodhall@eppingforestdc.gov.uk

**Members:**

Councillors K Angold-Stephens, Mrs P Brooks, Mrs R Gadsby and R Morgan

**PLEASE NOTE THE START TIME OF THE MEETING**

**1. ELECTION OF CHAIRMAN**

Under the terms of reference for the Licensing Committee each Sub-Committee is required to elect a Chairman on an ad hoc basis for the duration of the meeting.

**2. APOLOGIES FOR ABSENCE**

**3. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**4. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 5 - 10)**

**5. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Paragraph Number</b>	<b>Information</b>
6	Hackney Carriage Driver's Licence – Mr Mohamed	1	

7	Hackney Carriage Driver's Licence – Mr Dagdelen	1
8	Hackney Carriage Driver's Licence – Mr Fekir	1
9	Hackney Carriage Driver's Licence – Mr Spiliopoulos	1
10	Hackney Carriage Driver's Licence – Mr Uddin	1

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

**6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR D MOHAMED (Pages 11 - 14)**

(Director of Corporate Support Services) To consider the attached application.

**7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -**

**APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR M DAGDELEN (Pages 15 - 18)**

(Director of Corporate Support Services) To consider the attached application.

**8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR Y FEKIR (Pages 19 - 22)**

(Director of Corporate Support Services) To consider the attached application.

**9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR H SPILIOPOULOS (Pages 23 - 28)**

(Director of Corporate Support Services) To consider the attached application.

**10. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - MR A UDDIN (Pages 29 - 34)**

(Director of Corporate Support Services) To consider the attached application.

**11. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR A STREET TRADING CONSENT - MR R HOLLAND (Pages 35 - 42)**

(Director of Corporate Support Services) To consider the attached application.

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# Agenda Item 4

## PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

### LICENSING COMMITTEE – TERMS OF REFERENCE

(1) The full Committee shall comprise 11 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.

... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub-Committee shall elect a Chairman on an ad-hoc basis.

(3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.

(4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.

(5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.

... (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).

(7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.

**PART 3(2) – RESPONSIBILITY  
FOR FUNCTIONS  
LICENSING COMMITTEE**

**Licensing Act 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PART 3(2) – RESPONSIBILITY  
FOR FUNCTIONS  
LICENSING COMMITTEE**

**LIST OF STATUTORY POWERS**

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963  
Breeding & Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Caravan Sites & Control of Development Act 1960  
Caravan Sites Act 1968  
Dangerous Wild Animals Act 1976  
Game Licences Act 1860  
Gaming Act 1968  
Guard Dogs Act 1975  
House to House Collections Act 1939  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Lotteries & Amusements Act 1976  
Pet Animals Acts 1951 & 1981  
Riding Establishments Acts 1964 & 1970  
Scrap Metal Dealers Act 1964  
The Game Act 1831  
Town Police Clauses Act 1847  
Town Police Clauses Act 1889  
Zoo Licensing Act 1981

## **Part 3(2) – Responsibility for Functions**

### **PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUB-COMMITTEES**

**All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.**

#### **1. General Conduct**

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

#### **2. Declarations of Interest**

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

#### **3. Participation in the Hearing**

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

#### **4. Attendance of the Public**

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.



## **5. Natural Justice**

5.1 There are two elements to natural justice:

### **(a) Fairness**

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

### **(b) Prevention of Bias**

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

## **6. General Procedures for Hearings**

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
  - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
  - (ii) The Chairman will outline the procedure to be followed.

- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

**Report to Licensing Sub-Committee**  
**Date of meeting: 7 August 2008**

**Subject: Local Government (Miscellaneous Provision) Act 1976 - Application for a Hackney Carriage Driver's Licence - Mr. D Mohamed.**

**Responsible Officer: Kim Tuckey.**

**Democratic Services: Gary Woodhall.**



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**Decision Required:**

To consider an application for a Hackney Carriage Driver's Licence.

**Report:**

The above-mentioned application for a Hackney Carriage Driver's Licence has been received. The application cannot be determined under delegated authority rules because the applicant's DVLA licence revealed offences that do not allow officers to grant this Licence under delegated authority. Further details will be given at the meeting.

**Background Papers:**

List of papers attached:

1. Copy of Applicants Driving Licence; and
2. Application form.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Report to Licensing Sub-Committee**  
**Date of meeting: 7 August 2008**

**Subject: Local Government (Miscellaneous Provision) Act 1976 - Application for a Hackney Carriage Driver's Licence – Mr M Dagdelen**

**Responsible Officer: Kim Tuckey.**

**Democratic Services: Gary Woodhall.**



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**Decision Required:**

To consider an application for a Hackney Carriage Driver's Licence.

**Report:**

The above-mentioned application for a Hackney Carriage Driver's Licence has been received. The application cannot be determined under delegated authority rules because the applicant's DVLA licence revealed offences that do not allow officers to grant this Licence under delegated authority. Further details will be given at the meeting.

**Background Papers:**

List of papers attached:

1. Copy of Applicants Driving Licence; and
2. Application form.

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**Report to Licensing Sub-Committee**  
**Date of meeting: 7 August 2008**

**Subject: Local Government (Miscellaneous Provision) Act 1976 - Application for a Hackney Carriage Driver's Licence – Mr. Fekir**

**Responsible Officer: Kim Tuckey.**

**Democratic Services: Gary Woodhall.**



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**Decision Required:**

To consider an application for a Hackney Carriage Driver's Licence.

**Report:**

The above-mentioned application for a Hackney Carriage Driver's Licence has been received. The application cannot be determined under delegated authority rules because the applicant's DVLA licence and CRB check revealed offences that do not allow officers to grant this Licence under delegated authority. Further details will be given at the meeting.

**Background Papers:**

List of papers attached:

1. Copy of Applicants Driving Licence; and
2. Application form.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Report to Licensing Sub-Committee**  
**Date of meeting: 7 August 2008**

**Subject: Local Government (Miscellaneous Provision) Act 1976 - Application for a Hackney Carriage Driver's Licence – Mr. H Spiliopoulos**

**Responsible Officer: Kim Tuckey.**

**Democratic Services: Gary Woodhall.**



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**Decision Required:**

To consider an application for a Hackney Carriage Driver's Licence.

**Report:**

The above-mentioned application for a Hackney Carriage Driver's Licence has been received. The application cannot be determined under delegated authority rules because the applicant's DVLA licence revealed an offence that do not allow officers to grant this Licence under delegated authority. Further details will be given at the meeting.

**Background Papers:**

List of papers attached:

1. Statement of Appeal made by Applicant;
2. Copy of Applicants Driving Licence; and
3. Application form.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Report to Licensing Sub-Committee**  
**Date of meeting: 7 August 2008**

**Subject: Local Government (Miscellaneous Provision) Act 1976 - Application for a Hackney Carriage Driver's Licence –Mr. A Uddin**

**Responsible Officer: Kim Tuckey.**

**Democratic Services: Gary Woodhall.**



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**Decision Required:**

To consider an application for a Hackney Carriage Driver's Licence.

**Report:**

The above-mentioned application for a Hackney Carriage Driver's Licence has been received. The application cannot be determined under delegated authority rules because the applicant's CRB check has revealed an offence that do not allow officers to grant this Licence under delegated authority. Further details will be given at the meeting.

**Background Papers:**

List of papers attached:

1. Statement of Appeal made by Applicant; and
2. Application form.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Report to Licensing Sub-Committee**  
**Date of meeting: 7 August 2008**

**Subject:** Mr. R Holland  
**Responsible Officer:** Kim Tuckey.  
**Democratic Services:** Gary Woodhall.



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**Decision Required:**

**To consider an application for a Street Trading Consent.**

**Report:**

Mr. R Holland has made an application to this authority for a Street Trading Consent to be granted under the Local Government (Miscellaneous Provisions Act) 1982. Officers have received objections from Essex County Council's Highways department and Waltham Abbey Town Council.

Attached documents below:

1. Application;
2. Map of site;
3. Objection letter from Highways Department; and
4. Objection letter from Waltham Abbey Town Council.

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LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1982: PART III

**APPLICATION FOR STREET TRADING**  
IN A DESIGNATED 'CONSENT' STREET



Environmental  
Health

In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982

I ROGER ANTHONY HOLLAND  
(Please give full name):

of: FLAT 5 CONNEMARA COURT  
GROOM ROAD TURNFOL Post Code: EN10 6BA

hereby apply for a Street Trading Consent to sell: FAST FOOD Burgers etc  
(Description of goods):

At: (Location): HONEY LAKE WALTHAM ABBEY  
in each week on: -

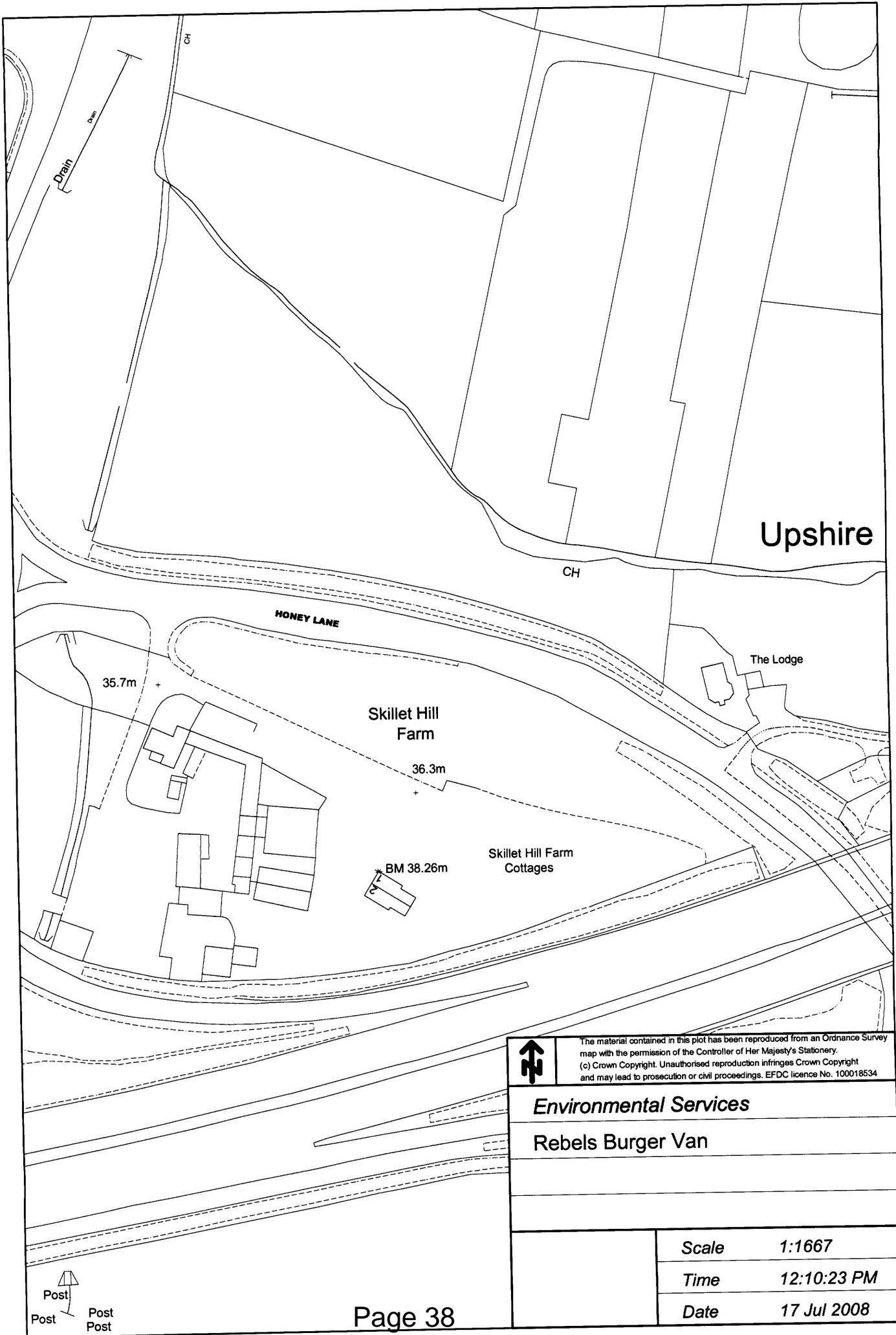
Mondays	from	<u>7 PM</u>	to	<u>5 AM</u>
Tuesdays	from	<u>11</u>	to	<u>11</u>
Wednesdays	from	<u>11</u>	to	<u>11</u>
Thursdays	from	<u>11</u>	to	<u>11</u>
Fridays	from	<u>11</u>	to	<u>11</u>
Saturdays	from	<u>11</u>	to	<u>11</u>
Sundays	from	<u>11</u>	to	<u>11</u>


I wish to trade from a stationary:  
(Delete as applicable):

TYPE of VEHICLE	SIZE
VAN	
CART	
BARROW	
OTHER	<u>Towed Burger van</u>

I am over the age of 17 years. I understand that the fee does not include any element in respect of the collection of refuse by the Council; therefore, I undertake to remove refuse and cleanse the street during and on completion of each day's trading and comply with all conditions attached to a Consent

Signed: [Signature] Date: 26/6/08



	<small>The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery.                  (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No. 100018534</small>	
	<b>Environmental Services</b>	
<b>Rebels Burger Van</b>		
	<b>Scale</b>	1:1667
	<b>Time</b>	12:10:23 PM
	<b>Date</b>	17 Jul 2008



# WALTHAM ABBEY TOWN COUNCIL

End  
29/7/08

TOWN HALL, WALTHAM ABBEY, ESSEX, EN9 1DE

E-Mail: [Townclerk@walthamabbey-tc.gov.uk](mailto:Townclerk@walthamabbey-tc.gov.uk)

TEL: 01992 714949

FAX: 01992 716234

R. K. JAMES Cert H. E. (LCA) IPSM  
Town Clerk and  
Chief Financial Officer

YOUR REF.

OUR REF.

RKJ/BAH/P2e

*Alison M  
Coyne*

7<sup>th</sup> July 2008

Dear Ms O'Boyle,

**Local Government (Miscellaneous Provisions) Act 1982 Street Trading**  
**Honey Lane, Waltham Abbey**

The application made by Mr R A Holland for a Street Trading Licence in Honey Lane to sell fast food from a mobile burger van has now been considered by Members of the Town Council.

I am instructed to inform you that the Town Council is strongly opposed to the application for the following reasons;

- Heavy goods vehicles parking on both sides of the road will create a traffic hazard on this busy stretch of road
- Waste food will attract rats and other vermin
- The proposal would have a detrimental environmental impact on the surrounding area, particularly in the area of the residential dwelling adjacent to the road.

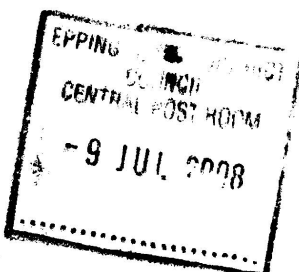
Members trust these comments will be taken into consideration.

Yours sincerely,

**Richard James Cert H.E. (LCA) IPSM**  
**Town Clerk**

Epping Forest District Council  
Civic Offices  
Epping  
Essex CM16 4BZ

For the attention of Ms C O'Boyle – Director of Corporate Support Services





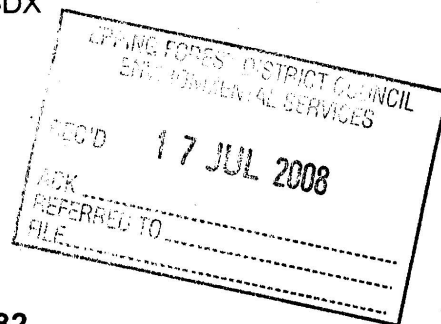
Your Ref:  
Our Ref: JS/GH/PC.25 (D6) 1726263/1727544  
Date: 15 July 2008

Kim Tuckey  
Environment & Street Scene  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
CM16 4BZ

Tony Ciaburro  
Director for Development, Highways &  
Transportation

David Forkin  
Area Highways Manager  
West Area Office  
Warwick House  
Roydon Road  
Harlow CM19 5DX

By e-mail: ktuckey@eppingforestdc.gov.uk and post



Dear Mrs Tuckey

**Local Government (Miscellaneous Provisions) Act 1982  
Street Trading – Honey Lane, Waltham Abbey, Essex**

Thank you for the notification of a new application for Street Trading Consent dated 1<sup>st</sup> July 2008, by Roger Anthony Holland for a site at Honey Lane, Waltham Abbey.

Essex County Council, as the Highway Authority, would like to raise an objection to the granting of the consent at this location on the following grounds;

- (1) A facility of this type would attract indiscriminate parking of vehicles, especially Heavy Goods Vehicles, which would impede the safe passage of other traffic in its immediate vicinity.
- (2) The lawful use of private accesses on to the public highway in the vicinity of the proposed site would be severely restricted in both terms of physical obstruction and sight lines.
- (3) There should be no encouragement for pedestrians to cross the road at this location as there is no safe provision for them to do so. The proposed location is on a busy stretch of principal road where driver attention is distracted by parking on both sides of the road, oncoming vehicles and other vehicles manoeuvring.
- (4) There is an ongoing problem with vehicular damage to footways caused by the parking of vehicles upon them.

Cont/d.....



- (5) Anything placed upon the public highway by the trader such as picnic tables, litter bins etc would constitute an obstruction to the free passage of highway users.

We hope that our objection to this specific Street Trading consent is noted and should you need any further elaboration on our comments do not hesitate in contacting us again.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jon Simmons', written over a horizontal line.

Engineer - NRSWA/Enforcement

**Please reply to Jon Simmons**

Telephone: 01279 642522 Fax: 01279 642600

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [highways.westarea@essex.gov.uk](mailto:highways.westarea@essex.gov.uk)

