



Licensing Committee **Wednesday, 11th April, 2012**

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

Time: 2.00 pm

Democratic Services Officer Adrian Hendry (The Office of the Chief Executive)
Tel: 01992 564246 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), A Lion (Vice-Chairman), K Angold-Stephens, A Boyce, K Chana, D Dodeja, Mrs R Gadsby, L Leonard, Mrs M McEwen, W Pryor, Mrs M Sartin, Mrs P Smith, Mrs J Sutcliffe, D Wixley and G Waller

PLEASE NOTE THE START TIME OF THE MEETING

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order (6) (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks notice of non-urgent items is required.

4. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 12)

To confirm the minutes of the Licensing Committee meeting held on 12 October 2011.

5. MINUTES OF THE LICENSING SUB-COMMITTEES

Copies of the minutes from the Sub-Committee's meetings will be available for the relevant Chairmen to sign off.

6. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT (Pages 13 - 14)

(Director of Corporate Support Services) To consider the attached report

7. INSTALLATION OF METERS IN HACKNEY CARRIAGES AND THE SETTING OF FARES (Pages 15 - 16)

(Director of Corporate Support Services) To consider the attached report

8. HONEY LANE STREET TRADING (Pages 17 - 58)

(Director of Corporate Support Services) To consider the attached report

9. POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 (Pages 59 - 62)

(Director of Corporate Support Services) To consider the attached report

10. PROPOSAL FOR TAXI RANKS WITHIN EPPING FOREST DISTRICT (Pages 63 - 66)

(Director of Corporate Support Services) To consider the attached report

11. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (Pages 67 - 100)

(Director of Corporate Support Services) To consider the attached report

12. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

To review the proceedings of the Licensing Sub-Committee held during the preceding period and identify any problems of procedure, policy and organisation that have adversely affected the running of the meetings.

13. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

To highlight any further training considered necessary for the members tasked with discharging the Council's Licensing function.

14. MATTERS ARISING

To consider any further matters arising in respect of the Council's Licensing function, not covered elsewhere on the agenda.

15. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for 10 October 2012 at 2.00pm in the Council Chamber.

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31. MINUTES OF THE LICENSING SUB-COMMITTEES**Resolved:**

(1) That the minutes of the following meetings of the Licensing Sub-Committee be taken as read and signed by their Chairmen as a correct record:

- (a) 5 April 2011;
- (b) 9 May 2011;
- (c) 7 June 2011;
- (d) 5 July 2011;
- (e) 2 August 2011; and
- (f) 6 September 2011.

32. LICENSING APPLICATIONS - LICENSING ACT 2003 AND GAMBLING ACT 2005

The Assistant Director (Legal Services) reported that in respect of Premises License Applications or Variations, there had been 6 new applications, 299 renewals, 33 Change of Designated Premises Supervisor or variation applications received. Of these, 6 applications had been considered by the Sub-Committee and granted subject to conditions. 191 Temporary Event Notices had also been granted, and 55 Personal Licence applications had been received and granted under delegated authority. There had been no appeals to the Magistrates Court during the period.

In respect of the Gambling Act 2005, 1 club gaming permit had been granted, whilst 5 notifications had been received for two gaming machines. Of these applications, 8 of the Temporary Events Notice applications had been received on-line, but no applications for a Riding School.

Resolved:

(1) That the report to the Licensing Committee regarding the applications received under both the Licensing Act 2003 and the Gambling Act 2005 be noted.

33. HONEY LANE STREET TRADING CONSENT

The Assistant Director (Legal Services) presented a report concerning street trading consents in Honey Lane, Waltham Abbey.

The Assistant Director stated that in 2009, the Licensing Committee had passed a resolution designating the whole of Honey Lane as a prohibited street, for the purposes of street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982. This was made at the request of Waltham Abbey Town Council because of safety concerns between the two motorway access roads. Since then, a burger van had started to trade from the car park of a public house and was not causing any obstruction, but the prohibited street status also applied to those areas which the public could access on the street. Therefore, the Council could not grant consent for the burger van to continue trading in its current location and enforcement action was being considered. It was felt that only the section of Honey Lane between the two motorway accesses should be designated as a prohibited street and that the

rest of Honey Lane should be designated as a consent street This would enable each application for a street trading consent to be considered on its merits.

Recommended:

(1) That, provided no representations opposing the designation be received during the statutory consultation period, the designation of the parts of Honey Lane which were not between the two motorway accesses as a consent street for street trading be recommended to the Council for approval; and

Resolved:

(2) That the proposed designation be referred back to the Licensing Committee for further consideration if any representations opposing the designation be received during the statutory consultation period.

34. REVIEW OF LICENSING CONDITIONS FOR TAXIS

The Assistant Director (Legal Services) presented a report on the results of a consultation on the proposed changes to Hackney Carriage and Private Hire Driver's Licences, Hackney Carriage Vehicle Proprietor's Licences, and Private Hire Vehicle Licences agreed at the Committee's previous meeting.

In respect of Hackney Carriage Vehicle Licence conditions, the Committee felt that the current proposed condition regarding window signs covered the points made by the consultees, and that any advertising on the rear of roof signs should be restricted to the name of the taxi firm and its phone number. With regard to condition 7(b) about centralised locking, the Committee noted that passengers were usually locked in when travelling in a London Taxi, and that the proposed condition should be removed as it would improve passenger safety to have the doors locked whilst the vehicle was moving.

The Committee noted that most wheelchairs folded up, and for those that did not it was understood that a special vehicle had to be ordered to transport these people. Therefore, it was felt that the words "...folded or in the vehicle." should be added to the proposed wording for condition 7(e). The Committee was agreed that condition 7(f), requiring a minimum headroom of five feet in the vehicle, should be removed. For condition 7(i), the Committee believed that the spare tyre should be in line with the manufacturer's specification, with facilities to change the wheel.

The Committee was concerned that some vehicles were doing excessive mileage after failing their vehicle inspections; cases of almost 2,000 miles being travelled between tests had been noticed. It was felt that an appointment for a re-test should be made immediately upon failure, and that the vehicle should only travel a minimal distance of 100 miles between inspections. The Committee noted that condition 9 referred to a vehicle less than five years old, and condition 10 referred to a vehicle over five years old; it was decided that condition 10 should read "...five years old or over...". For condition 16, it was felt that the requirements to carry both a fire extinguisher and a first aid kit should be removed, whilst the use of tinted windows in vehicles should be as per current legal requirements.

The Committee then considered the conditions for Hackney Carriage Driver's Licences. For condition 21, the conveying of assistance dogs with their owners, it had been highlighted by the Quality Taxi Partnership that only guide dogs had yellow jackets and that other types of assistance dogs had different coloured jackets. Therefore, it had been suggested that the specific reference to yellow jackets should

be removed from the condition. The Committee believed that this was a sensible amendment and concurred. The current condition 27 stated that a driver should not leave his Hackney Carriage unattended in a public place, which precluded the taking of toilet breaks, coffee breaks and lunch breaks by drivers. The Committee was informed that the condition had originally been implemented to stop drivers causing an obstruction, but the Committee felt that the condition should be removed as it was the personal responsibility of the driver not to cause an obstruction. The Assistant Director (Legal Services) commented that conditions 30, 31 and 32, the notification of offences committed by drivers to the Council, had been amended to meet the concerns previously expressed by Members.

In respect of the additional conditions, the Quality Taxi Partnership had raised the issue of not charging for the carriage of a wheelchair. The Committee considered that specially adapted cars should be allowed to charge for transporting powered wheelchairs, but the Assistant Director (Legal Services) felt that there might be equality issues involved, so it was agreed to defer consideration of this issue until the Committee's next meeting. The Committee discussed the Licence conditions for Roof Boxes and Trailers. It was suggested that any trailers should also be routinely tested, with the taxi plate to be displayed at the rear of the trailer. Roof Boxes were not currently permitted, and if this condition was disposed with, the Taxi sign should still be visible at all times. The Committee agreed to defer further discussion on this condition until its next meeting in April 2012, pending further information.

The Committee agreed both the revised Private Hire Vehicle Licence conditions and Private Hire Driver's Licence conditions, subject to the inclusion of the amendments previously made in the meeting for Hackney Carriage Vehicle Licences and Hackney Carriage Driver's Licences. In relation to the other issues raised by the Consultees, the Assistant Director (Legal Services) emphasised that Criminal Records Bureau checks were already made for all applicants of Hackney Carriage and Private Hire Driver's Licences. A separate report had been prepared regarding the implementation of Taxi Ranks within the District, and this would be considered by the Committee later in the meeting. The issue of Fare Tariffs and Fare Meters had also been raised. The Committee was informed that this should be consulted upon first, with a report prepared for the next meeting of the Licensing Committee. The Committee requested that this consultation be undertaken with the Hackney Carriage and Private Hire Drivers of the District.

Recommended:

- (1) That the proposed and revised Hackney Carriage Vehicle Licence conditions be recommended to the Council for adoption, subject to the following amendments:
 - (a) amending condition 5 such that advertising on the rear of any roof signs to be restricted to the name of the Taxi firm and its phone number;
 - (b) removing condition 7(b) preventing the centralised locking system being activated whilst carrying adult passengers in the interests of passenger safety;
 - (c) adding to condition 7(e) to be capable of carrying a wheelchair either folded or in the vehicle;
 - (d) removing condition 7(f) requiring a minimum headroom of 5 feet;
 - (e) adding to condition 7(i) the spare tyre to be carried should be in line with the manufacturer's specification, with facilities to change the wheel;

- (f) adding a new condition for vehicle inspections such that any vehicle failing an inspection must immediately make an appointment for a re-test, or only travel a minimal distance of 100 miles between tests;
 - (g) amending condition 10 to state "If the vehicle is five years old or over...";
 - (h) removing the requirement to carry a fire extinguisher and first aid kit from condition 16; and
 - (i) amending condition 16 to permit tinted windows on vehicles as per the current legal requirements;
- (2) That the proposed and revised Hackney Carriage Driver's Licence conditions be recommended to the Council for adoption, subject to the following amendments:
- (a) removing the reference to assistance dogs with yellow coloured jackets from condition 21;
 - (b) removing condition 27 regarding a driver not leaving their Hackney Carriage;
 - (c) deferring consideration of charging for the carriage of wheelchairs until the Committee's next meeting in April 2012;
 - (d) deferring consideration of Trailers and Roof Boxes pending further information until the Committee's next meeting in April 2012;
- (3) That the proposed and revised Private Hire Vehicle Licence conditions be recommended to the Council for adoption, subject to the inclusion of the amendments previously made for Hackney Carriage Vehicle Licences;
- (4) That the proposed and revised Private Hire Driver's Licence conditions be recommended to the Council for adoption, subject to the inclusion of the amendments previously made for Hackney Carriage Driver's Licences; and

Resolved:

- (5) That the responses from the consultation on the proposed changes to the various different Hackney Carriage and Private Hire Licences be noted;
- (6) That a consultation exercise be undertaken with the Hackney Carriage and Private Hire Drivers of the District regarding the implementation of Fare Tariffs and Fare Meters within the District, with the results being reported back to the next meeting of the Licensing Committee in April 2012.

35. PROPOSAL FOR TAXI RANKS WITHIN THE EPPING FOREST DISTRICT

The Senior Licensing Officer presented a report regarding the proposal for taxi ranks within the Epping Forest District.

The Senior Licensing Officer reported that there had been a growing demand for taxi ranks within the District, both from individual taxi firms and the Epping Forest Taxi Association. The provision of taxi ranks had previously been discussed with Essex County Council but it had not been pursued further due to a lack of funding. The North Essex Parking Partnership now had authority over parking related issues and taxi ranks within the District. It had indicated that funding would be provided for agreed taxi ranks, and that the Partnership would carry out the necessary adoption

and advertising required. Seven potential taxi rank sites had been identified but a full public consultation was required to determine whether these sites would find favour with the public or whether there were alternative sites that should be considered. Although there were queries over some of the suggested sites, it was felt that the consultation should proceed to determine the need for a taxi rank in any particular area.

Resolved:

(1) That, following consideration of the need for taxi ranks within the District, a public consultation should be performed to determine the need for a taxi rank in any particular area of the District.

36. TAXI WARDENS

The Senior Licensing Officer introduced a report on Taxi Wardens.

The Committee was informed that the Epping Forest Taxi Association had requested the installation of a taxi rank at Loughton Station, to be patrolled by Taxi Wardens accredited by the Security Industry Association (SIA). If taxi ranks were installed throughout the District then consideration should also be given to the use of Taxi Wardens, but it was felt that it would be premature to embark upon any work at the current time.

The Committee was informed that there were Taxi Wardens within the East Herts District at night for the benefit of their night-time economy, although these Wardens were not funded by the District Council. The possibility of employing Taxi Wardens was an issue that might be raised in the consultation upon Taxi Ranks within the District, and that consideration of their introduction should be deferred until then.

Resolved:

(1) That consideration of the introduction of Taxi Wardens be deferred until such time as there were taxi ranks installed within the District.

37. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Committee reviewed the proceedings of the Licensing Sub-Committees held during the preceding six-month period and considered whether the procedure, policy and organisation of the Sub-Committees required review. The Chairman advised the Committee that Members with a broad experience of Licensing matters were nominated by their Group Leaders for membership of the pool of Chairmen for the Sub-Committee meetings.

38. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

The Committee considered whether any further training was necessary for those Members tasked with discharging the Council's Licensing function. It was agreed that attending meetings in an observational capacity assisted new Members in understanding their role. The Assistant Director (Legal Services) confirmed her willingness to provide further training to Members if another appeal against a Premises Licence was received. The Committee was advised that further changes to the provisions of the Licensing Act 2003 were coming into force in April 2012, and that further Member training would be provided.

39. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Committee.

40. DATE OF NEXT MEETING

The Committee noted that the next meeting had been scheduled for 11 April 2012 at 2.00pm in the Council Chamber.

CHAIRMAN

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Report to Full Licensing Committee

Date of meeting: 11 April 2012
Licensing Committee



Epping Forest
District Council

Portfolio: Corporate Support

Subject: Licensing statistics

Officer contact for further information: Kim Tuckey Senior Licensing Officer

Democratic Services Officer: Adrian Hendry (01992 – 564246).

Recommendations

1) That members note the report of licensing applications received by the Council

Purpose of Report: To report as required by statute the applications received by the licensing section

Applications received

Under the Licensing Act 2003 and the Gambling Act 2005, officers are required to report on numbers of applications received and the determinations of those applications. The following table outlines the applications received from 27th September 2011 to 12 March 2012

Applications received under the Licensing Act 2003

Premises licence applications/variations

Number of new applications	4
Number of renewals	313
Change of designated premises supervisor/variation	41
Number of applications considered by the sub-committee	4
Number of applications granted subject to conditions	4
Number of applications refused	0
Number of appeals to magistrates	0
Number of revocations	0
Temporary Events applications	113

Application received online- EU directive

Application received for Temporary Events	5 (EU)
-	
Temporary event notices	191

Reviews

Application	0
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Reviews refused	0
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Personal licence applications

Number if applications received	62
Number of applications granted under delegated authority	62
Number of applications refused	0
Number of appeals to Magistrates	0

Gambling Act 2005

Betting office applications granted	0
Club gaming permit granted	2
Notifications for 2 gaming machines	9

Report to the Licensing Committee

Date of meeting: 11th April 2012

Subject: The installation of Meters in Hackney Carriages and the setting of Fares



Officer contact for further information: Alison Mitchell

Committee Secretary: Adrian Hendry (01992 564246)

Recommendation/Decisions Required:

- 1. To agree that the Senior Licensing Officer carries out a consultation with a view to recommending a fare tariff in respect of journeys undertaken in Hackney Carriages in the District.**
- 2. To require that meters are fixed into Hackney Carriages licensed in this area and that they are inspected at regular intervals.**
- 3. To appoint a person or company to carry out this work at the cost of the Hackney Carriage Proprietor.**

Report:

Background

1. The Authority was requested by the Epping Forest Taxi Association which represents some independent taxi drivers in the district to consider fixing a fare tariff and requiring all hackney carriages to have a taximeter installed. A consultation on the setting of a tariff was carried out at the same time as the consultation on siting taxi ranks. 131 respondents agreed that the Authority should set the fares 51 were against the proposition.

Authorities Power to fix fares

2. The Local Government (Miscellaneous Provisions) Act 1976 provides that the Authority may fix the rate of fares within the district. A tariff fixed by the Authority may permit different rates to be charged at different times of the day and on bank holidays or other specified days.

3. Notice of the fares must then be published in a local newspaper and deposited at the Council's Offices for inspection. Any objections must be considered. The original or amended fare tariff would then come into effect.

4. Setting a tariff does not prevent a driver agreeing to charge a lower fare than that set by the Authority and charges will only apply to journeys that take place within the district.

Fixing a Tariff

5. The first step would be to survey each of the taxi companies located in the district, obtain their

pricing structure, collate the data and compare this against the rates charged in the neighbouring districts. The suggested charges would be referred back to the Licensing Committee.

6. If the tariffs are agreed they would have to be advertised in a local newspaper.

Meters

7. The taximeters can be fitted through a garage or an independent dealer. It is suggested that to obtain value for money for the proprietors and to reassure the Authority that the calibration work has been carried out satisfactorily, that the Council put out to tender fitting and calibrating the meters. The cost of the work on the individual vehicles will be paid for by the vehicle proprietors.

8. There are several manufacturers and models of taximeters available. Only approved dealers have access to programming equipment and the taximeters should not be tampered with by the driver/operator. Inspections will be carried out at intervals to ensure that this does not happen.

9. Once a taximeter is fitted it is calibrated and a certificate is issued and retained by the Authority.

Reasons for Proposed Decision:

10. Fixing a tariff means that there is consistent charging in the district. Taximeters are an accurate way of ensuring that the tariff is correctly applied.

11. This should reduce complaints over fares charged. However, the Licensing section does not receive many complaints in a year.

Other Options for Action:

12. Not to fix a tariff. Not all hackney carriage proprietors will be happy to install a meter and pay the cost of doing so. Indications are that a basic model of meter could cost the proprietor between £200-£245 to have purchased and fitted or by choice a more expensive model could cost up to £450 fitted

Resource Implication:

There will be a cost of advertising the tariff. This should be able to be covered from within the existing budget.

Legal and Governance Implications:

The Local Government (Miscellaneous Provisions) Act 1976

Safer and Cleaner and Greener Implications:

The reduction in complaints about overcharging

Background Papers:

The consultation documents

Impact Assessments:

It is not envisaged that any equalities issues will arise.

Report to the Licensing Committee

Date of meeting: 11th April 2012

Subject: Honey Lane Street Trading



**Epping Forest
District Council**

Officer contact for further information: Alison Mitchell - Assistant Director (Legal)

Committee Secretary: Adrian Hendry (01992 564246)

Recommendation/Decisions Required:

1. That the Committee agree to either:

- **re-designate the whole of Honey Lane as a Consent Street other than the part between the two accessways to the M11; or**
- **re-designate the part of Honey Lane shown on the plan submitted by the Waltham Abbey Town Council as a Consent Street; or**
- **refuse to designate any part of Honey Lane as a Consent Street; or**
- **If all or any part of Honey Lane is re-designated as a consent street that the Committee recommends to the Council that the Authority adopt a policy against issuing a consent on any part of Honey Lane which is adopted Highway and that any application for a consent on adopted highway be referred to the Licensing Sub-committee.**

Report:

1. Epping Forest District Council was approached by Waltham Abbey Town Council, requesting that Honey lane was designated as a prohibited street for the purpose of street trading. The Town Council expressly mentioned parking in the length of Honey Lane between the two access roads.

2. A report was made to the Licensing Committee on 15 April 2009 and it was decided that the Council would undertake the necessary consultation with a view to making the whole of Honey Lane, Waltham Abbey, Essex into a prohibited street in accordance with the Local Government (Miscellaneous) Provisions Act 1982 for the purpose of street trading.

3. On the 14th October 2009, a resolution was passed making the whole of Honey Lane a Prohibited Street.

4. A public house has allowed a burger van to trade from its car park which constitutes street trading for the purposes of the 1982 Act and enforcement action is being considered. The public house is not situated on an area between the two access roads to the M11 and the burger van does not cause any obstructions. However, because Honey Lane is not a consent street the Council cannot give consent for it to be placed there. There may be similar businesses which are being prevented from trading in this way.

5. The owner of the burger van asked the Council to consider designating Honey Lane as a consent Street which would allow him to trade. A report was made to the last Licensing Committee and it was agreed that the matter go out to consultation to allow street trading other than between the two motorway accesses.

6. Replies have been received from the following:

- Waltham Abbey Town Council has objected on the grounds of Road Safety and Public Nuisance. The Town Council have agreed that the stretch of roadway from the cemetery to past the Woodbine would be acceptable for street trading and have marked the roadway concerned in red.
- Trevor Baker Group Manager (Maintenance West) – Essex County Council – supported the retention of the area between the two roundabouts remaining a prohibited street.
- Mrs. I. B. Barron – Head teacher of The Leverton Infants and Nursery School – has written on behalf of the governors of the school objecting to this proposal.
- Alan Quintin – a resident of Honey Lane - Traffic congestion would be increased unacceptably
- A Tuck – a resident of Honey Lane – points out the lack of parking space and it is very busy around the schools
- Dr F Pymont, Mrs F Pymont and Mr R Pymont who are residents of Honey Lane object and again point out the restricted width of the roadway and the schools. There are also calming measures in Honey Lane and they have concerns that street trading would attract parking.
- L Thurlow objects as Honey Lane is a very busy and dangerous road.
- Mr. W Wooster and Mrs. W Wooster residents of Honey Lane have objected to allowing trading along Honey Lane.
- J O'Reilly – a resident of Honey Lane has objected as this is a busy residential road and has again mentioned the school and potential danger to children.
- Mr and Mrs Perryman – residents of Honey Lane objected on the grounds of traffic problems and litter.
- Julie Tysterman – a resident of Honey Lane objected on the grounds of road safety and that by letting street trading happen here it would be taking away trade from the town centre of Waltham Abbey
- A number of residents of Honey Lane sent in individual letters objecting on the grounds of
 1. The safety of children,
 2. Noise and Disturbance,
 3. Smells,
 4. Hazardous Parking,
 5. Residents Driveways being blocked,
 6. Litter and Waste,
 7. Road Safety,
 8. Night time work,
 9. Vermin,
 10. Privacy, and Diminution of Property Value.

Copies of the letters and emails are attached. Some objectors have requested that this matter be held in abeyance until a further consultation has taken place. The consultation has been held in accordance with the statutory requirements and a number of informative

objections have been received.

7. If the Committee decide to re-designate the whole or part of Honey Lane it does not mean that any person can start trading there. It is necessary for a consent to be applied for and, if granted, conditions can be placed on the consent specifying the place where any van or stall can be sited, what can be sold, the requirement for litter picking etc. The consent can be revoked and must be renewed each year

8. Many of the objections are made on the grounds of road safety as Honey Lane is narrow, well used and there are schools in the area. The Committee may consider that if it agrees to any part of Honey Lane being re-designated a consent street there would remain safety issues which do not apply to any trading that takes place on an adjoining car park. It would be possible for the Council to adopt a policy in those areas against granting a consent on the grounds of road safety to allow trading on any area that is publically adopted highway. Any such application would have to be referred to the sub-committee for a decision who would have to take account of the policy and reasons for it when deciding any application.

9. The Licensing Committee is therefore asked to decide whether the Council should

- re-designate the whole of Honey Lane as a Consent Street other than the part between the two accessways to the M11.
- re-designate the the part of Honey Lane shown on the plan submitted by the Waltham Abbey Town Council as a Consent Street, or
- refuse to designate any part of Honey Lane as a Consent Street.

Reasons for Proposed Decision:

10. To properly regulate street trading in Honey Lane.

Other Options for Action:

11 None.

Resource Implication:

It will be necessary to pay for the notices to be placed in the local papers. The cost will depend upon the size of the notice.

Legal and Governance Implications:

Local Government (Miscellaneous) Provisions Act 1982 - Street trading could be permitted in parts of Honey Lane where currently they are not.

Safer and Cleaner and Greener Implications:

None

Background Papers:

Agenda and Minutes of the Licensing Committee of 14th October 2009

Impact Assessments:

Not Applicable

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WALTHAM ABBEY TOWN COUNCIL



TOWN HALL, HIGHBRIDGE STREET, WALTHAM ABBEY, ESSEX EN9 1DE

K R RICHMOND BA (Hons) FILCM
Town Clerk & Chief Financial Officer

E-MAIL: townclerk@walthamabbey-tc.gov.uk

TEL: 01992 714949
FAX: 01992 716234

YOUR REF:

OUR REF: KRR/BH

17th February 2012

Dear Mrs Mitchell

Honey Lane, Waltham Abbey – Street Trading

We are writing to thank you for the opportunity to make representations on the proposed re-designating part of Honey Lane from a prohibited Street to a consent street.

This matter was discussed at the most recent meeting of the council, and I am instructed to object strongly to the proposal as it stands. Councillors negotiated long and hard to get this restriction in place, and it has been working well.

It is, however, understood why this proposal has come forward regarding the two public house entrances on the eastern side of the M25 junction on Honey Lane. It is suggested that the proposal be changed to encompass just this short stretch of Honey Lane as a consent street, from the Cemetery entrance (eastern side) to the Woodbine Estate access road (western side). This would capture both entrances to the two public houses, thereby solving the problem of street trading here, whilst not creating another problem elsewhere on the western side of Honey Lane.

We hope that this change to the proposal can be made before it proceeds any further.

Yours sincerely

Mrs. K R Richmond BA (Hons) FILCM ACIB
Town Clerk

Mrs A Mitchell
Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ



WALTHAM ABBEY TOWN COUNCIL



TOWN HALL, HIGHBRIDGE STREET, WALTHAM ABBEY, ESSEX EN9 1DE

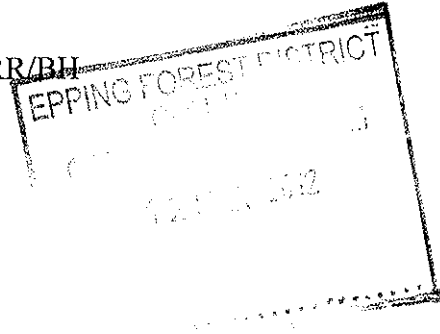
K R RICHMOND BA (Hons) FILCM
Town Clerk & Chief Financial Officer

E-MAIL: townclerk@walthamabbey-tc.gov.uk

TEL: 01992 714949
FAX: 01992 716234

YOUR REF:

OUR REF: KRR/BH



8th March 2012

Dear Mrs Mitchell

Honey Lane, Waltham Abbey - Street Trading

We are writing to thank you for the opportunity to make representations on the proposed re-designating part of Honey Lane from a prohibited Street to a consent street.

This matter was discussed at the most recent meeting of the council, and I am instructed to object strongly to the proposal as it stands. Councillors negotiated long and hard to get this restriction in place, and it has been working well. The reasons for objecting to the proposal as it stands are:

Road safety: As Honey Lane is one of the major entrances to the town; it is a busy road with thousands of traffic movements along its length in both directions. Whilst this may not be a problem in itself, it is exacerbated by the amount of on-street parking, especially in the section from the Shernbroke Road junction to the Farm Hill Road junction. Also, half way along this section of road there is an infant and primary school, with its associated pedestrian traffic. Any increase in the risk to pedestrians, especially young children should be avoided.

Public Nuisance: As previously mentioned, Honey Lane is one of the major entrances to the town. The whole community is behind plans and initiatives to enhance and improve the town to become a tourist destination, and the potential for litter on this road would just negate much of the hard work being done. Any street trading almost always creates a litter problem, no matter the steps taken to avoid it.


Mrs A Mitchell
Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
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CM16 4BZ

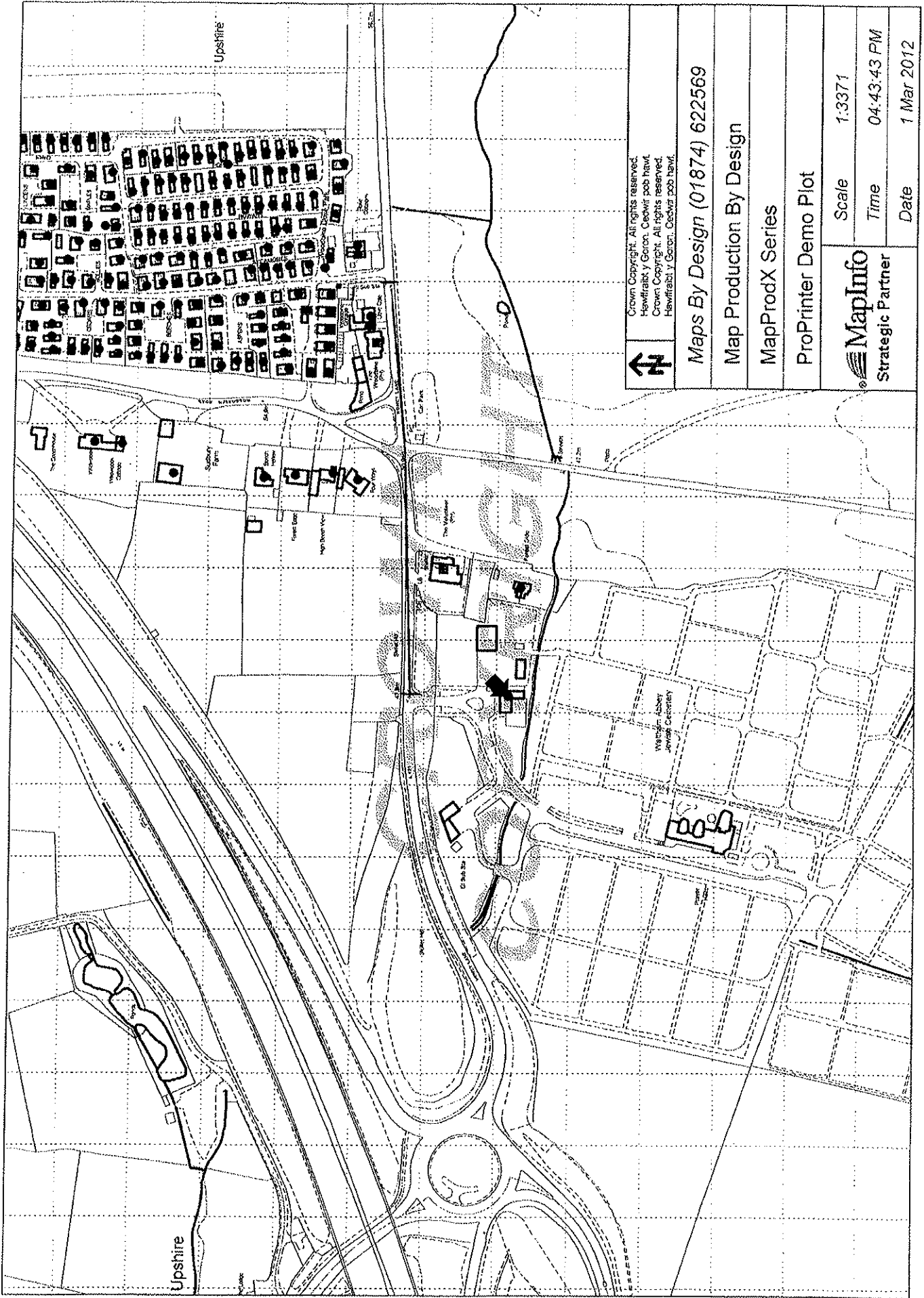
The town council is not in a position to continuously tidy up this area, and would suggest that EFDC is not either. One of the major problems with street trading is the late night culture surrounding it, and as this road is primarily residential, the town council objects to the potential introduction of further late night traffic in this residential area. The additional consequence of this is the noise nuisance that would also be created. In light of these concerns, the town council would not like to see the change in status of this road from a prohibited road to a consent road.

It is, however, understood why this proposal has come forward regarding the two public house entrances on the eastern side of the M25 junction on Honey Lane. It is suggested that the proposal be changed to encompass just this short stretch of Honey Lane as a consent street, from the Cemetery entrance (eastern side) to the Woodbine Estate access road (western side). This would capture both entrances to the two public houses, thereby solving the problem of street trading here, whilst not creating another problem elsewhere on the western side of Honey Lane. A map is attached with the section outlined in red for ease of reference.

We hope that this change to the proposal can be made before it proceeds any further.

Yours sincerely


Mrs. K R Richmond BA (Hons) FILCM ACIB
Town Clerk



Rosaline Ferreira

From: Trevor Baker Group Manager (Maintenance West) <Trevor.Baker@essex.gov.uk>
Sent: 27 February 2012 15:44
To: Rosaline Ferreira
Cc: Elizabeth Webster Member CC; Gail Harvey Highways Technical Advisor; Jo Carrington Engineer; Andy Ruffell Senior Engineer; Highway Enquiries West; Chris Stoneham Senior Customer Officer
Subject: FW: Consultation - EFDC is considering re-designating part of Honey Lane, Waltham Abbey, Essex from a prohibited street to a consent street
Attachments: Mr. Trevor Baker.pdf
Importance: High

Dear Rosie

Thank you for the letter/information. I don't expressly deal with this sort of thing anymore, but have forwarded to others here who will have an interest including our's and yours Cllr Mrs Webster.

Personally I am glad to see that EFDC will still have the section between the two M25 roundabouts as a prohibited street. I believe that ECC Traffic are due to place a "no parking at any time" Traffic Regulation Order on Honey Lane between the two roundabouts soon. This was funded from S106 monies from the lorry park adjacent.

Andy, Jo, Chris -- where are we with this?

Regards

Trevor Baker

Group Manager (Maintenance) - West Essex Area

Highways & Transportation

Essex County Council

West Area Highways Office

Harlow

telephone: 01279 404660 | extension: 49660 | email: Trevor.baker@essex.gov.uk

From: Rosaline Ferreira [mailto:RFerreira@eppingforestdc.gov.uk]
Sent: 23 February 2012 10:50
To: Trevor Baker Group Manager (Maintenance West)
Subject: Consultation - EFDC is considering re-designating part of Honey Lane, Waltham Abbey, Essex from a prohibited street to a consent street
Importance: High

Dear Trevor

Please find attached copy letter dated 23rd February which has also been sent by DX to you today.

Yours sincerely

Assistant Solicitor
(Legal - CSS)
Epping Forest District Council
Tel: 01992 564009
Fax: 01992 578018

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Epping Forest District Council
Postmaster@Eppingforestdc.gov.uk

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Date: 23rd February 2012

Our ref: CSS/RF/VMC/MPL/213/19/14/47

Your ref:



Corporate Support Services

Civic Offices High Street
Epping Essex CM16 4BZ

Telephone: 01992 564000
Facsimile: 01992 578018
DX: 40409 Epping

Director of Corporate Support
Services Colleen O'Boyle
Solicitor to the Council

Enquiries to:

Mr Trevor Baker
Essex County Council
West Area Office
Goodman House
Station Road
Harlow
Essex CM20 2ET

Sent by Post and E-mail

Rosaline Ferreira 01992 564009
E Mail: rferreira@eppingforestdc.gov.uk

Dear Trevor

Re: Honey Lane, Waltham Abbey, Essex – Street Trading

The Council is considering re-designating part of Honey Lane, Waltham Abbey, Essex from a prohibited street to a consent street.

In accordance with the Local Government (Miscellaneous Provisions) Act 1982 as part of the consultation process please find attached a copy of the advert which has been placed in the Epping Forest Guardian today.

If you have any observations please send same to the person named in the advert.

Yours sincerely

For Solicitor to the Council

PUBLIC NOTICE

EPPING FOREST DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

TAKE NOTICE that pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions Act) 1982 Epping Forest District Council ("the Council") hereby gives notice of its intentions to pass a resolution at a meeting of its Licensing Committee on 11 April 2012 the draft of which is set out below:

With effect from Monday, 28 May 2012 the current designation of Honey Lane, Waltham Abbey, Essex (excluding the section between the two M25 motorway accesses which is to remain a prohibited street) being a street within the district of Epping Forest, shall be varied from its current designation of a "prohibited street" to a "consent street".

If passed, the effect of the resolution will be that from Monday, 28 May 2012 street trading will be permitted on Honey Lane, Waltham Abbey, Essex (excluding the section between the two M25 motorway accesses which is to remain a prohibited street) subject to a person first obtaining the prior written consent from Epping Forest District Council.

Any person wishing to make a representation relating to the Council's intention to pass this resolution must do so in writing by no later than 4.00 p.m. on Monday, 26 March 2012.

Representations should be sent to Epping Forest District Council for the attention of Ms Alison Mitchell, Assistant Director of Corporate Support Services (Legal), Epping Forest District Council, Civic Offices, High Street, Epping, Essex CM16 4BZ. A copy of this notice and the plan can be viewed at the Council's Civic Offices.

Any representation received by 4.00 p.m. on Monday, 26 March 2012 will be considered at the meeting on 11 April 2012 after which a decision will be made whether to proceed to pass the resolution.

Colleen O'Boyle

Director of Corporate Support Services/Solicitor to the Council

Epping Forest District Council

Civic Offices

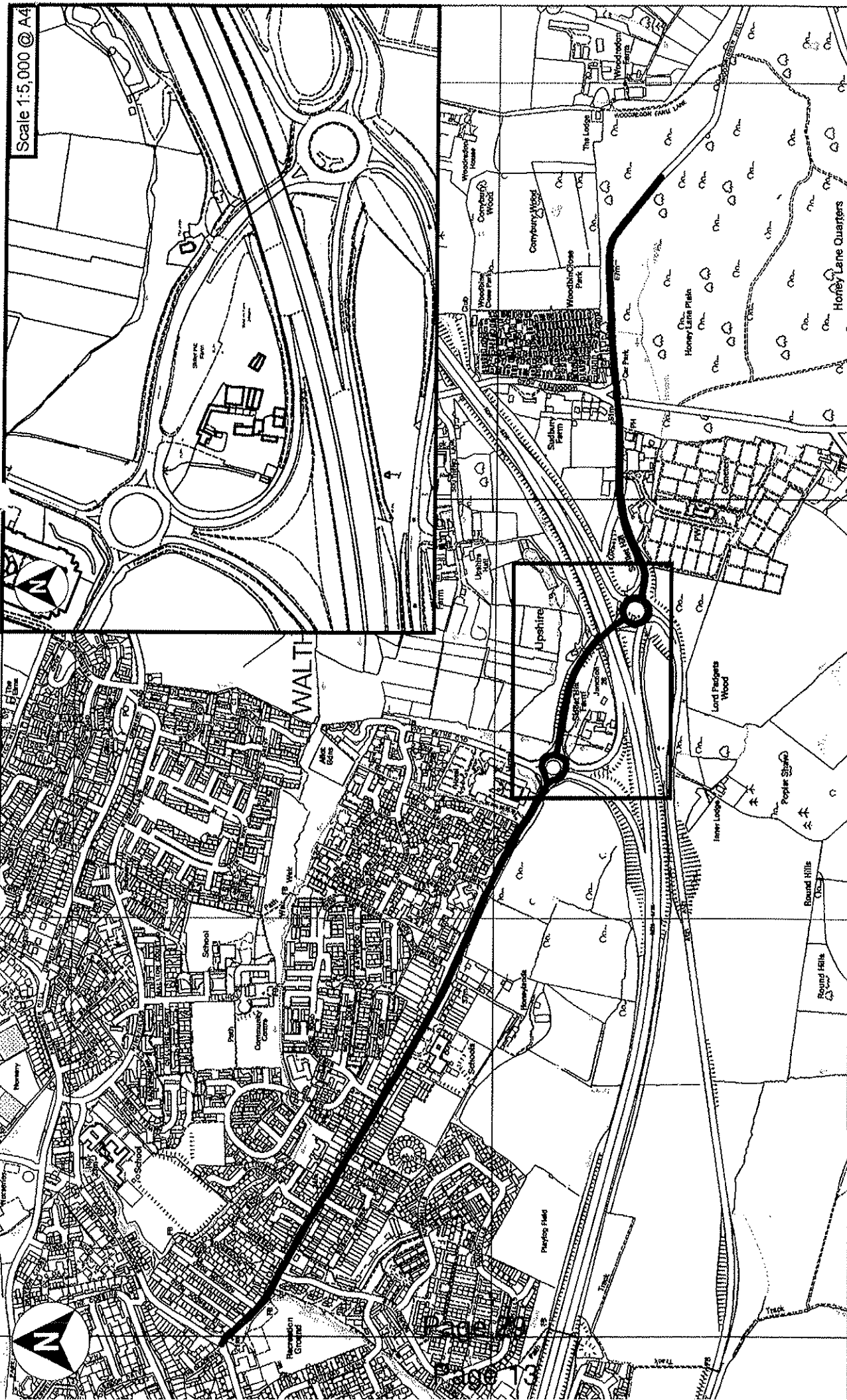
High Street

Epping

Essex CM16 4BZ

Dated: 23 February 2012

Page 28



Scale 1:5,000 @ A4

This Map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes on Crown Copyright and may lead to prosecution or civil proceedings. EFDC License No: 100018534 2011

Date 27/09/11
 Scale 1:12,000 @ A4
 Drawn By Robert Irwin

Content
 Honey Lane
 Waltham Abbey

Drawing No.
 201109019

Directorate of Environment & Street Scene Project
 Civic Offices
 High Street
 Epping, Essex,
 CM16 4BZ
 Tel. 01992 564000

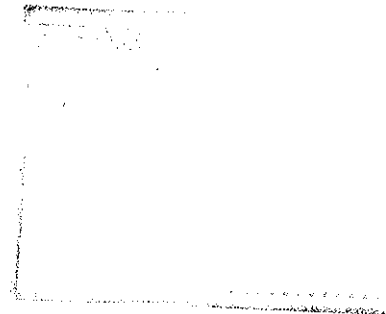
Epping Forest District Council

Honey Lane,
Waltham Abbey,
Essex
EN9 3BE



Head Teacher:
Mrs Isobel Barron
Telephone: (01992) 715922
(01992) 769826
Fax: (01992) 651667

Ms Alison Mitchell
Assistant Director of Corporate Support Services/
Solicitor to the Council
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ



16th March 2012

Dear Ms Mitchell,

Re: proposal to change Honey Lane from the current destination of 'prohibited Street' to 'consent street' (with the exception of a section between the two motorway accesses)

on behalf of the governors of our school I wish to raise our objection to the proposed change of the current destination of Honey Lane from 'prohibited street' to 'consent street' from 28.5.12, thus allowing street trading to take place along this already exceedingly busy road.

We object for several reasons:

as a school we already suffer from severe congestion, particularly at peak times, our local residents are also inconvenienced by this as there is inadequate parking (e.g. lay-bys) to enable safe and easy access when dropping off or collecting children from school and with many dropped curbs to private drive ways, these also become blocked by parked cars on occasions, frequently cars are double parked on the pavement and road side thus reducing visibility to pedestrians many of whom are young children who are just beginning to learn about the high way code and safe self-management practices, these width restrictions also affect mothers with buggies and prams and again cause a safety hazard, the speed at which vehicles travel, even in the 30 mile per hour restricted zone is of concern and our partner junior school have worked alongside the police in order to raise the profile of this in the local community.

Allowing traders along Honey Lane, particularly alongside the schools site would be an unacceptable change and would only cause further disruption and significant hazards to our children and families whom we continue to encourage to walk to school as far as possible. Equally, for those that drive we encourage to park safely along Honey Lane and walk up to school.

We would ask for your support to consider the wider community and local issues when considering the change of use as to our mind a change to a 'consent street' would be of



significant detriment to our children and families and could pose significant additional health & safety hazards-which after all could be prevented by maintaining this area as a 'protected street'.

Yours sincerely

Mrs I B Barron
Head teacher

139 Honey Lane
Waltham Abbey
Essex EN9 3AX

27 February 2012

Ms Alison Mitchell, Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

Dear Ms Mitchell,

Re the Public Notice regarding the proposed re-designation of Honey Lane.

I refer to the recent notice published in the Guardian Newspaper and would wish it to be known that I strongly object to the idea of allowing licensed traders to operate anywhere within the designated area shown on the plan.

Honey Lane suffers enough traffic congestion during the week when irresponsible persons cause traffic havoc when dropping off their children three times a day at Leverton Junior and Infant schools.

I would also like to ask the question as to where any traders would indeed be able to "set up stall" and trade? Where would any of their customers be able to park whilst waiting to be served?

I trust that the council will reconsider this ill conceived suggestion and concentrate on more important matters i.e. the unacceptable number of pot holes in the highways around Waltham Abbey etc etc.....

Yours sincerely,



Alan Quintin
Honey Lane Resident

162 Honey Lane
Waltham Abbey
Essex EN9 3BE

7th March 2012

Re: Proposal to vary the current designation of Honey Lane, Waltham Abbey, Essex from a "prohibited street" to a "consent street".

We are writing to express our concern about the intention of Epping Forest District Council to pass a resolution at the Licensing Committee meeting on 11th April 2012 to vary the designation of Honey Lane from a "prohibited street" to a "consent street" and to allow street trading in the road.

We feel that Honey Lane is totally unsuitable for such a designation. The road is residential, a motorway approach and egress road, of restricted width and houses the Leverton Junior, Infant and Nursery Schools. Nowhere along the length of the street would be a safe, suitable site for street trading.

Over the years, Honey Lane has been the scene of many serious accidents, including three fatalities. Since at least 1986, residents, the schools, Neighbourhood Watch Scheme and councillors have campaigned for traffic calming measures. We have personally been involved in these endeavours.

Traffic calming measures **have** been implemented - we now have a speed limit of 30 m.p.h. past the schools, zig-zag warning lines and parking restrictions outside the schools, bollards, hatched areas, double yellow lines and pedestrian refuges. There is also a ban on heavy lorries, which is frequently flouted and we understand that this ban does **not** apply to foreign vehicles. Vehicles, especially those leaving the motorway, exceed the 30 m.p.h. limit.

Any street trading would inevitably attract irregular parking and would endanger residents, pupils attending the schools and passing motorists alike.

We most strongly urge the members of the Licensing Committee not to pass a resolution which would be a retrograde step and would cause such danger to all.

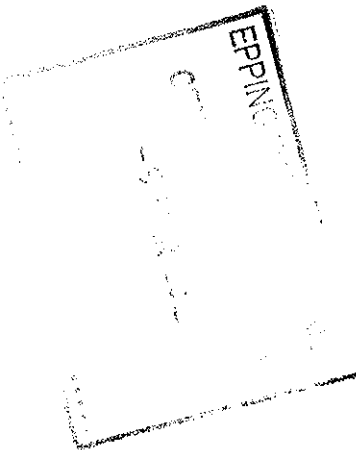
Yours faithfully,

Dr. Frederick Pymont

Mrs. Frances Pymont

Mr. Richard Pymont

Ms. Alison Mitchell, Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ



Honey Lane
Waltham Abbey

3 March 2012

Ms Alison Mitchell
Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

Dear Ms Mitchell,

**RE: DESIGNATION OF HONEY LANE
FROM "PROHIBITED STREET" TO "CONSENT STREET"**

It has been brought to my attention that the Council intend to change "the current designation of Honey Lane, Waltham Abbey, Essex (excluding the section between the two M25 motorway accesses which is to remain a prohibited street) being a street within the district of Epping Forest, shall be varied from its current designation of a "prohibited street" to a "consent street"."

I hereby write to wholeheartedly object to this intention 100%.

Honey Lane is a very busy and dangerous road:

- Large lorries both foreign and local do not adhere to the driving restrictions in place to stop their access to the M25 via Honey Lane. They continually use this route causing, danger to both smaller traffic, pedestrians, homes and homeowners alike.
- Parents of children attending The Leverton Infant & Nursery School are also a concern. They park in dangerous places all along Honey Lane – on pavements, on corners of roads, across driveways. They congregate wherever they see fit, causing issues for passing vehicles and other pedestrians alike. I have two driveway accesses to my property and they are both blocked simultaneously on a daily basis !!!!
- Honey Lane supports the Public Transport networks which already causes issues in places where there are legally parked cars and narrow sections of road.

I RE-ITERATE THAT THIS NOTION IS ABSOLUTELY AND COMPLETELY LUDICROUS AND SHOULD BE DISMISSED IMMEDIATELY !!!

Yours sincerely,

Lisa Thurlow.

Colleen O'Boyle
Director of Corporate Support Services/Solicitor to the Council
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ

Honey Lane
Waltham Abbey
Essex.

17th March 2012

Dear Ms O'Boyle

Z/CSS/BUREAU/LICENSING PUBLIC NOTICE – PUBLIC NOTICE 1 – LOCAL GOV ACT – HONEY LANE

I am writing to express my very real concerns regarding the proposed change of designation to Honey Lane.

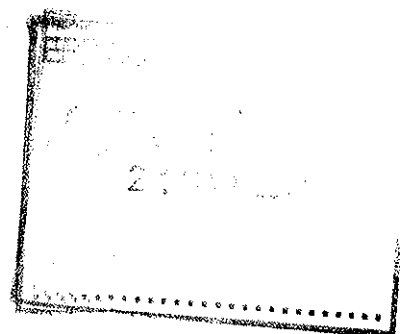
First and foremost, I was unaware of the proposals until the matter was brought to my attention by a neighbour. The lack of proper consultation, resident awareness and general publicity on this matter is unacceptable. Nothing appears to have been published and circulated to explain the reasons behind the proposed changes.

As I understand matters, the change in designation will allow trading to take place along Honey Lane which is already a busy residential road, with a popular community school. Indeed, at peak school times, many cars are already parked on pavements and in the lay-bys and the prospect of traders – selling foodstuffs – is not only going to cause traffic disruption, but also a danger to school children seeking to cross the busy road to purchase food.

I have spoken to a number of residents in Honey Lane who are similarly concerned by the proposals and request firstly that matters are held in abeyance in order that proper consultation with the residents can take place. We need to have a full explanation as to the perceived benefits of the change; what it will mean to residents and also the 'rules of engagement' that will permit traders to operate in Honey Lane.

I await your response at your earliest convenience.

Yours faithfully



Colleen O'Boyle
Director of Corporate Support Services/Solicitor to the Council
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ

Honey Lane
Waltham Abbey

17th March 2012

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I await your response at your earliest convenience.

Yours faithfully

Mr and Mrs Perryman

Honey Lane

Watham Abbey

Essex

22nd March 2012

Dear Ms Alison Mitchell, Asst Director of Corporate Support Services

I am writing to you regarding the change of usage of the road Honey Lane, Waltham Abbey. I would not want the road changed from a prohibited street to a consent street for the purpose of trading.

We already have severe traffic problems from 8.15am to 9.30am and again at 2.00pm till 3.45pm with people parking for Leverton school. The road is narrowed considerably and parking on both sides, over pavements and driveways, is dangerous for pedestrians, pushchairs and mobility scooters. During the school term we have litter, ash trays emptied and even disposable nappies thrown over our gardens and driveways.

If the road was also used for trading eg; Burger or ice cream vans or any other trader, then the litter and traffic congestion would be even worse, and a further danger /problem to residents and pedestrians.

I also disagree to this matter because i am constantly using my drive way and if a van or lorry came along and parked near or over my drive it will be hard for my husband and I to use our driveway safely.

Thank your for taking the time to consider my objection to this change and please keep me informed of developments.

Yours faithfully,



Mr J Perryman

Mrs L Perryman



Comment on Planning Application
Reference: PL35969E

Comment on a Planning Application

Your Details

Title Mr Mrs Miss Ms Other

First name *

Telephone number

Mobile number

Email address *

Surname *

Your Address

Address *

Street *

Town *

Postcode *

County

Your Comments

Application reference (Must be in the format EPF/nnnn/nn)

Application site location *

Do you want to

Your comments *

I want Honey Lane to stay a "prohibited street"
 There is no need to have street trading in Honey Lane. It is a main style road and is totally unsuitable and unsafe for selling at the side of the road. There is already problems with parking at the beginning and end of the school day and this would add to the problem. Trading would distract people from the road and could cause accidents. There are no inlets for safe stopping and parking and people would have to overtake which would cause accidents. I would like to know why this has even been considered.

Who is trying to get this changed and for what purpose. Previously the whole of Honey Lane was blocked from street trading so why is this again happening? Why haven't we, the residents been informed by the council by letter and not had to find out by well meaning neighbours? I certainly do not wish to have vans or traders making noise outside my home and to once again have difficulty overtaking parked cars/vans/lorries when trying to leave or return to my own home. Waltham Abbey town centre already have a lovely market and we want to encourage the use of that with traders as, with the shops closing it is starting to become a ghost town, which the Council should be addressing rather than trying to encourage trade away from its heart.

Ms Alison Mitchell
Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
High Street
Epping
Essex. CM16 4BZ

1 Honey Lane
Waltham Abbey
Essex.

22nd March 2012

Dear Ms Mitchell,

**RE: PUBLIC NOTICE (EFDC) – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
HONEY LANE, WALTHAM ABBEY, ESSEX**

Further to the above Public Notice issued on 23rd February 2012 outlining the intention to change Honey Lane from a “prohibited street” into a “consent street” with the effect from Monday 28th May 2012, I am writing to express my objection with regards to this proposed change of use.

My property is one of 8 houses just off the main road of Honey Lane. There is a slip road from Honey Lane which leads to the driveway of our houses and there is a potential that this will become a car park for visitors if street traders were to use this slip road.

Therefore, I strongly object to this proposal, as not only would this have an adverse effect on all the local residents and school within the area but the dangers it could cause for pedestrian and road safety. The reasons I object are as follows:

1. The safety of children & residents:

The increase in traffic movement and parking will become more dangerous to pedestrians, residents and children.

2. Noise & disturbance:

There will be substantial noise and disturbance from stall holders and visitors.

3. Smells:

Potential smells from food stall holders and alike.

4. Hazardous parking:

By customers and deliveries to traders creating a potential danger.

5. Residents Driveways:

The blocking of entrances to residents driveways by traders and their customers.

6. Litter and Waste:

From traders and food outlets this could be potentially hazardous.

7. Road Safety:

Blocked sight lanes, blocked crossovers and slip road for residents. Difficulties in road crossing with customers of consent street traders showing lack of care and consideration.

8. Night time work:

Disturbance by commercial traders and their visitors.

9. Vermin

From food waste and litter from traders and visitors this could attract rats, foxes and alike.

10. Privacy

Reduction of residents' privacy and enjoyment of land.

11. Diminution of Property Value

This would have an adverse effect on Property Value in Honey Lane.

Again, I would like to reiterate my objections towards this proposal and hope you will give these objections due consideration at your meeting on 11th April 2012.

Yours sincerely,



Ms Alison Mitchell
Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
High Street
Epping
Essex. CM16 4BZ

Honey Lane
Waltham Abbey
Essex

22nd March 2012

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Epping Forest District Council
Civic Offices
High Street
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Essex. CM16 4BZ

Honey Lane
Waltham Abbey
Essex.

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Ms Alison Mitchell
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Epping Forest District Council
Civic Offices
High Street
Epping
Essex. CM16 4BZ

Honey Lane
Waltham Abbey
Essex

22nd March 2012

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Yours sincerely,





Ms Alison Mitchell
Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
Civic Offices
High Street
Epping
Essex. CM16 4BZ

Honey Lane
Waltham Abbey
Essex.

22nd March 2012

Dear Ms Mitchell,

**RE: PUBLIC NOTICE (EFDC) – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
HONEY LANE, WALTHAM ABBEY, ESSEX**

Further to the above Public Notice issued on 23rd February 2012 outlining the intention to change Honey Lane from a “prohibited street” into a “consent street” with the effect from Monday 28th May 2012, I am writing to express my objection with regards to this proposed change of use.

My property is one of 8 houses just off the main road of Honey Lane. There is a slip road from Honey Lane which leads to the driveway of our houses and there is a potential that this will become a car park for visitors if street traders were to use this slip road.

Therefore, I strongly object to this proposal, as not only would this have an adverse effect on all the local residents and school within the area but the dangers it could cause for pedestrian and road safety. The reasons I object are as follows:

1. The safety of children & residents:

The increase in traffic movement and parking will become more dangerous to pedestrians, residents and children.

2. Noise & disturbance:

There will be substantial noise and disturbance from stall holders and visitors.

3. Smells:

Potential smells from food stall holders and alike.

4. Hazardous parking:

By customers and deliveries to traders creating a potential danger.

5. Residents Driveways:

The blocking of entrances to residents driveways by traders and their customers.

6. Litter and Waste:

From traders and food outlets this could be potentially hazardous.

7. Road Safety:

Blocked sight lanes, blocked crossovers and slip road for residents. Difficulties in road crossing with customers of consent street traders showing lack of care and consideration.

8. Night time work:

Disturbance by commercial traders and their visitors.

9. Vermin

From food waste and litter from traders and visitors this could attract rats, foxes and alike.

10. Privacy







Reduction of residents' privacy and enjoyment of land.

11. Diminution of Property Value

This would have an adverse effect on Property Value in Honey Lane.

Again, I would like to reiterate my objections towards this proposal and hope you will give these objections due consideration at your meeting on 11th April 2012.

Yours sincerely,

  | 
  | 



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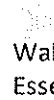
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Mrs. Smith

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Assistant Director of Corporate Support Services (Legal)
Epping Forest District Council
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Essex. CM16 4BZ

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Yours sincerely,



PUBLIC NOTICE

EPPING FOREST DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

TAKE NOTICE that pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions Act) 1982 Epping Forest District Council ("the Council") hereby gives notice of its intentions to pass a resolution at a meeting of its Licensing Committee on 11 April 2012 the draft of which is set out below:

With effect from Monday, 28 May 2012 the current designation of Honey Lane, Waltham Abbey, Essex (excluding the section between the two M25 motorway accesses which is to remain a prohibited street) being a street within the district of Epping Forest, shall be varied from its current designation of a "prohibited street" to a "consent street".

If passed, the effect of the resolution will be that from Monday, 28 May 2012 street trading will be permitted on Honey Lane, Waltham Abbey, Essex (excluding the section between the two M25 motorway accesses which is to remain a prohibited street) subject to a person first obtaining the prior written consent from Epping Forest District Council.

Any person wishing to make a representation relating to the Council's intention to pass this resolution must do so in writing by no later than 4.00 p.m. on Monday, 26 March 2012.

Representations should be sent to Epping Forest District Council for the attention of Ms Alison Mitchell, Assistant Director of Corporate Support Services (Legal), Epping Forest District Council, Civic Offices, High Street, Epping, Essex CM16 4BZ. A copy of this notice and the plan can be viewed at the Council's Civic Offices.

Any representation received by 4.00 p.m. on Monday, 26 March 2012 will be considered at the meeting on 11 April 2012 after which a decision will be made whether to proceed to pass the resolution.

Colleen O'Boyle

Director of Corporate Support Services/Solicitor to the Council

Epping Forest District Council

Civic Offices

High Street

Epping

Essex CM16 4BZ

Dated: 23 February 2012

Page 56

Honey Lane, Waltham Abbey. [REDACTED]
Telephone: [REDACTED]

1st March 2012

To whom it may concern

I have taken notice re your proposal
to make Honey Lane a "consent street"
I am amazed that who ever proposed
this has no idea of Honey Lane to even
think of such a ridiculous proposal.
Honey Lane has no lay-byes for parking,
there are cars constantly parked either
side of the street restricting space
already. The school is shelter hinged,
children running across a very busy
road to buy from traders.
I would request you take a look at
Honey Lane to see the problems that
could occur also what an introduction
to the town of Waltham Abbey
Yours faithfully

Report to the Licensing Committee

Date of meeting: 11th April 2012

Subject: Police Reform and Social Responsibility Act 2011



**Epping Forest
District Council**

Officer contact for further information: Alison Mitchell (Assistant Director (Legal))

Committee Secretary: Adrian Hendry (01992 564246)

Recommendation/Decisions Required:

- 1. To inform members on the passing of the Police Reform and Social Responsibility Act 2011 and the changes that this will bring in relation to the Licensing Act 2003**
- 2. To recommend to Council that the role of the Council as a Responsible Authority is delegated to the Director of Corporate Support Services and the Senior Licensing Officer**

Report:

The Police Reform and Social Responsibility Act 2011 has received royal assent. The Act will amend and make changes to the Licensing Act 2003. Parts of the Act relating to licensing have recently been brought into force the remainder is expected in about October.

A Summary of the Main Changes

Responsible Authorities/Interested Parties

- The Licensing Authority will become a responsible authority in its own right in relation to premises and club applications. The Council will be able to object to applications, initiate reviews of premises licences without have to wait to receive a request for review
- Primary Care Trusts and Local Health Boards also join the list of Responsible Authorities. They will only be able to object on the grounds of the four licensing objectives.
- "Any other Person" has replaced "interested Parties" This is one of the provisions now in force

Advertisement of Applications

The Licensing department must advertise applications in a way that it comes to the attention of all persons it may affect. At the moment it appears that advertising on the Council's web site will satisfy this requirement.

Vicinity Test

The vicinity test has been removed.

Determination of Application

When a Licensing Authority is considering attaching conditions to a licence. Members will have to decide whether they are "appropriate" rather than "necessary". This is intended to reduce the evidential burden on Local Authorities.

Temporary Event Notices (TENS)

- Environmental Health Officers (EHO's) will now be able to object to an application for a TENS where they consider that the proposed activities are likely to undermine a licensing objectives. Prior to this only the Police could object.
- Conditions may be applied to TENS if the authority considers it appropriate to do so and the conditions are already on a premises licence/club premises certificate for the premises and it would not be inconsistent with carrying out licensing activities under the TENS
- Provision has been made for a late TENS which can be submitted between 5 – 9 working days before the proposed event.
- TENS are extended allowing them to last up to 168 hours as opposed to the previous 98 hours permitted
- This also increases the number of days in a calendar year single premises can be used for licensable activities from 15 days to 21 days. (The number of applications that can be made by premises remains 12 per year).

This is now in force

Alcohol Sales to Children

- The fine for persistently selling alcohol to children will be doubled from £10,000 to £20,000.
- The effect of a closure notice for persistently selling alcohol to children has been increased from 'up to 48 hours' to 'from 48 hours and up to 336 hours'

This is now in force

Early Morning Alcohol Restriction Orders (EMROs)

The licensing authority may make an order prohibiting the supply of alcohol from premises in all or part of their area for any duration beginning at midnight and ending before 6am. The licensing authority must follow the statutory procedure, it can only be made by full Council and for the purposes of one of the four licensing objectives, Some types of premises will be exempted.

Late Night Levy

The Act introduces a "late night levy" which would be intended to cover the costs of policing and other arrangements for the reduction of crime and disorder in connection with the supply of alcohol between midnight and 6am. A licensing Authority may decide that a late night levy will apply to only part of its area. At least 70% of the fees collected must be paid to the police. Again some types of premises will be exempted.

Alcohol Disorder Zones

Alcohol Disorder Zones have been abolished.

Licensing Fees

- Premises licences and club premises certificates will be suspended for failure to pay the annual licence fee. Although exceptions are built in for administrative error and a 'grace period'.
- Subject to ministerial approval, authorities will have the power to set certain fees on the basis of cost recovery. The costs may include the cost of acting as responsible authority.

Licensing Policy Statements

These will now be renewable every five years rather than the current three years.

Reasons for Proposed Decision:

Members are requested to authorize officers to make decisions when acting as a responsible authority. The applications must be processed within statutory time limits and it may not be possible to obtain member's authority in time. Further members of the Licensing Committee will also be sitting on the Licensing Sub-Committee which will be hearing an appeal which could give the appearance of bias.

Resource Implications:

Not known until the regulations are made

Legal and Governance Implications:

Changes to the legislation will require further delegations

Safer and Cleaner and Greener Implications:

This Act would allow the Licensing Authority to use the additional powers mentioned above to promote the prevention of crime and disorder.

Background Papers:

The Police Reform and Social Responsibility Act 2011

Impact Assessments:

None

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Report to the Licensing Committee

Date of meeting: 11th April 2012

Subject: Proposal for Taxi Ranks within the Epping Forest District



Officer contact for further information: Alison Mitchell

Committee Secretary: Adrian Hendry (01992 564246)

Recommendation/Decisions Required:

The Committee is requested:

- 1. To specify which areas, if any, that it considers appropriate for a Hackney Carriage Stand (rank)**
- 2. To authorise the Senior Licensing Officer, or an officer acting on her behalf, to seek consent of the landowner if on private land or the Highways Authority of on Highways Land.**
- 3. To authorise the Director of Corporate Support Services or an officer acting on her behalf to place a notice of the proposals in a local newspaper.**
- 4. To approve, if that no objections or representations are received within the statutory consultation period, the appointment of the hackney carriage stands will come into effect on the day after the last day of the consultation period.**
- 5. To note that if objections or representations are received within the statutory consultation period, these will be reported to the next Licensing Committee for consideration.**

Report:

Background

1. At its meeting on 12th October 2011, the Licensing Committee decided that a public consultation exercise should be undertaken to determine the need for a taxi rank in any particular area of the District.
2. There is a spreadsheet showing the results of the survey and this will be tabled at the meeting.

Creating a Taxi Rank

3. The Authority has powers under the Local Government (Miscellaneous Provisions) Act 1976 to create Hackney Carriage Stands (ranks) on either private land or public highway.

Private Stands

4. If the Authority seeks to create a rank on private land it must first obtain the consent of the owner of the land and agreement that it would permit the stand to be used by all hackney carriage drivers..

The main areas of private land identified in the survey as being required for use as ranks are the areas outside the stations or supermarkets.

5. The Senior Licensing Officer wrote to the Station Masters at the stations in the area and had one reply from Transport for London opposing the installation of a rank at Theydon Bois station. She contacted Transport for London again to ask about the remaining stations but received no reply. The roadway outside Loughton Station is public highway.

6. If members were minded to request permission from any of the supermarkets for the creation of a rank then this could mean the loss of parking spaces and the terms of any planning permission for the supermarket and any contract for the management of the parking would have to be investigated.

Public Highway Stands

7. If a stand is to be on a public highway the consent of Essex County Council, the Highways Authority, is required. It may be necessary for the County to make a traffic order depending upon the location.

Making an Order

8. It will be necessary for the Senior Licensing Officer to assess the number of taxis who that would be able to be parked safely at any location identified by the Committee as suitable locations for a Stand. The consent of the owner of the land, if private or the highways authority must be obtained. The Authority must then give notice to the Chief Officer of the Police and a public notice must also be placed in a local newspaper for twenty eight days. Any objections received within that period must be taken into account.

9. If no objections or representations are received to the designation of a particular area as a taxi rank then the appointment of the Hackney Carriage Stand for that area will come into effect the day after the advertisement period. If an objection is received or representation is made in respect of a particular area then a report will be made to the next Committee meeting giving full detail.

10. It will be necessary to review the location of the taxi stands from time to time as the character of a neighbourhood will changes over time.

Reasons for Proposed Decision:

11. The Committee at its last meeting decided that the consultation exercise should be undertaken. It would make the finding of a taxi more convenient for members of the public and assist drivers by giving them an area to park.

Other Options for Action:

12. The Committee may decide that no taxi ranks are required in the district

Resource Implication:

13. There will be a requirement to advertise each rank and the advertisements will be in excess of £1000 but it is hoped that it may be possible to combine some. There is a cost to marking out any taxi stand but the highways authority have indicated that they may be willing to pay for this to be done. Otherwise a budget will be required. Indications are that the cost will be £1,500 for each area. If the taxi stand is to be on private land a further report will be made setting out the comments of the owners and any costs.

14. Current staffing resources would not allow the ranks to be actively managed. The officers would respond to complaints and make occasional inspections.

Legal and Governance Implications:

15. It will be possible to monitor the ranks.

Safer and Cleaner and Greener Implications:

15. The regulation of where taxis may park may assist in the regulation of taxis.

Background Papers:

A spreadsheet with fuller details of the replies to consultation
Copies of the replies to the consultation

Impact Assessments:

An impact assessment will be carried out, if required, before the next report is made on this matter.

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Report to the Licensing Committee

Date of meeting: 11th April 2012

Subject: Gambling Act 2005 – Statement of Principles



**Epping Forest
District Council**

Officer contact for further information: Alison Mitchell

Committee Secretary: Adrian Hendry

Recommended/Decisions Required:

- 1. To consider the amendments to the Statement of Principles and to make any changes the Committee consider to be desirable, and**
- 2. To agree to consultation being undertaken with the view to a report being made to the next Licensing Committee.**

Report:

Background

1. The Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of the Principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The Authority is required to review the policy at least every three years. This purpose of this report is to ask the Committee to consider amendments which have been made to the current statement of Principles which are shown in bold. These take account of amended guidance issued by the Secretary of State and LACORS. If the Committee approves a consultation will then be undertaken with interested parties a list is attached to the draft. A report will then be made to this Committee, and a report made to Full Council with a view to adoption in January 2013.
2. Regulations made by the Secretary of State set out the requirements as to the form and publication of the Licensing Authority's Statement of Principals. This draft takes account of the last Guidance issued to Local Authorities by the Gambling Commission and follows the recommended format by Lacors.

Format of the Statement of Principles.

Part A

3. Part A begins by stating the three licensing objectives which the policy will promote. The aim of the Authority must be to permit the use of premises for gambling so far as they comply with the requirements of the Act.
4. The Statement then states the geographical area that it covers.
5. All Statements must contain a section which designates a body that is competent to advise the authority about the protection of children from harm. Essex County Council's Safeguarding Children Service has been designated for this purpose.
6. An indication is included in the Statement as to who can be regarded as interested parties. Unlike the Licensing Act 2003, Town and Parish Councillors, District Councillors representing the ward and MPs may be objectors without having to provide evidence that

they are representing a specific interested party.

7. The Statement includes a section of principles to be applied when asked to exchange information with those bodies listed in the Act. The Authority has not established any protocols with any of those bodies and so general details are included in the Statement.

8. The Statement must contain a section that sets out the principles that will be adopted by the Authority for inspection and where necessary, prosecutions. Paragraph 7 of Section A has been expanded in accordance with the guidance.

Part B - Premises Licences – Consideration Of Applications

9. Part B concerns the Consideration of Applications in respect of Licensed Premises.

10. It is only possible for one premises licence to be issued for any place. However, different areas in a property can have their own licence. The Statement sets out factors which the Authority will consider when deciding whether an area could be granted a separate licence. Having a separate access is a good indication and the Gambling Commission's guidance is reproduced in the Statement as to what should be considered for the different types of licensed premises when deciding whether premises have a separate access.

11. Where a premises is located can be taken into account when deciding whether a licence should be granted. This section explains what types of areas that would be of particular concern to the Authority but each case must be decided on its merits.

12. The Statement sets out in relation to the three licensing principles what the Authority will take account of when reaching a decision, The section with regards to the Protection of Children from harm has been expanded to take account of the Gambling Commission's guidance.

13. When making a decision, the Authority can attach conditions to a licence. It is helpful for the Authority to inform applicants of the types of issues that it will have regards to when making a decision and what conditions will be considered. A further section has been added to this part of the Statement to strengthen the requirements in respect of children and vulnerable adults.

14. Part B then goes on to set out what the Authority will wish to take account of when deciding applications in respect of the different types of licensed premises.

Part C - Permits/Temporary & Occasional Use Notice

15. There is a greater emphasis in the section upon the applicant being able to demonstrate that he knows the legislative requirements and how he intends to meet these.

Delegation

16. The Statement sets out how the functions are to be delegated and a table of delegations is attached. This has not been changed from that set out in the current Statement of Principles.

Consultation

17. If the Committee agrees this Statement of Policy will be the subject to a consultation taking account of any amendments required by it. A report will then be made back to the next Licensing Committee meeting. If it is accepted the policy must be approved by Full Council as only Full Council has the authority to make policy.

Reasons for Proposed Decision:

The Statement of Principles must be reviewed every three years.

Other Options for Action:

None

Resource Implication:

There will be a cost to carrying out the consultation which will be met from existing budget

Legal and Governance Implications:

Gambling Act 2005

Safer and Cleaner and Greener Implications:

Better Regulation of Gambling

Background Papers:

Current Licensing Statement of Policy

Gambling Commission – Guidance to Local Authorities – Third Edition

LACORS – Draft Statement of Principles

Impact Assessments:

An impact assessment will be carried out when the consultation results have been received prior to the next report.

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Gambling Act 2005 Statement of Principles

Draft

Epping Forest District Council

This Policy Statement is effective from 31st January 2013 until 31st January 2016

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This Statement of Licensing Principles was approved by Epping Forest District Council on

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 3rd Edition, published May 2009

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Epping Forest District Council, as the Licensing Authority, must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This Licensing Authority is aware that, as specified in Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Statement of Principles

2. Introduction

Epping Forest District Council (the Licensing Authority) is situated in the County of Essex, which contains twelve district or borough councils and two unitary authorities. The district has six main centres of population (Buckhurst Hill, Chigwell, Epping, Loughton, Chipping Ongar and Waltham Abbey) and numerous picturesque villages and hamlets, but no natural centre. The majority of the district lies within the Metropolitan Green Belt, designed to restrict the spread of London into the Home Counties.

The district has a population of approximately 123,900. Approximately half of the population live in the southwest of the district (Buckhurst Hill, Chigwell and Loughton). Most of the rest of the population live in a mixture of market towns, villages and rural hamlets. The local population is set to grow in the coming years. The population is ageing, with the 2001 census profile showing a reduction of under fives and an increase in over seventy fives.

Unemployment in the district is generally low and many residents enjoy a very high standard of living. However, there are also areas of significant disadvantage and the district has four of the wards amongst the ten most deprived in Essex.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement will be published every

three years. The statement will also be reviewed from "time to time" and any amended parts re-consulted upon. The statement will then be re-published.

Epping Forest Council consulted widely upon this statement before finalising and publishing.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- **The Chief Officer of Police;**
- **One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;**
- **One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.**

The list of persons this authority consulted is attached as Appendix B to this statement. The full list of comments made is available via the Council's website.

The policy was approved at a meeting of the Full Council on **xxx 2012**. Copies were placed in the public libraries of the area as well as being available in the Civic Offices and on the website on **xxx 2012**

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Senior Licensing Officer

Address: Civic Offices, High Street, Epping, Essex CM16 4BZ

E-mail: Licensing@eppingforestdc.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on this Statement of Principles.

4. Responsible Authorities

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area, and;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

This authority designates the Essex County Council's Safeguarding Children Service for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are listed in this policy which is available via the Council's website at: www.eppingforestdc.gov.uk

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b)."

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Persons who are democratically elected such as councillors and MP's may be Interested Parties. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing section.

Telephone 01992 564034

Email: licensing@eppingforestdc.gov.uk

Fax: 01992 56016

Address: Licensing Section, Epping Forest District Council, Civic Offices, High Street
Epping, Essex CM16 4BZ

DX: 40409 Epping

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

In accordance with the Gambling Commission's Guidance for local authorities, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36

- **The principles set out in this statement of licensing policy**

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the Operating and Personal Licences. **It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.**

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Department at Civic Offices, High Street, Epping Essex CM16 4BZ and email:licensing@eppingforestdc.gov.uk .

8. Licensing Authority functions

The Licensing Authority is required under the Gambling Act 2005 to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange);
- Maintain registers of the permits and licences that are issued under these functions

The Licensing Authority is not involved in licensing remote gambling at all. This is regulated by the Gambling Commission via Operating Licences.

PART B PREMISES LICENCES – CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.1 Decision-making

The Licensing Authority is required by the Act, in making decisions about premises licences, to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing principles.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

1.2 Definition of Premises

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates;
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

"7.25:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance);
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- **No customer must be able to access the premises directly from any other licensed gambling premises**

Betting Shops

- **Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence**
- **No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.**

Tracks

- **No customer should be able to access the premises directly from:**
 - a casino
 - an adult gaming centre

Bingo Premises

- **No customer must be able to access the premise directly from:**
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- **No customer must be able to access the premises directly from:**
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track”

Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

1.3 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- **First, whether the premises ought to be permitted to be used for gambling;**
- **Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.**

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

1.4 Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As required by the Gambling Commission’s Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The applicant must show that they have taken into account such issues as the proximity of schools, centres for venerable adults or residential areas with a high concentration of families with children. Should any other specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1.5 Planning:

The Gambling Commission Guidance to Licensing Authorities states:

“7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. “

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

“7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence.”

Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

1.6 Duplication with other Regulatory Regimes

Although the Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, and will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. It will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.7 Licensing Objectives

Premises licences granted must be consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to local authorities and would make the following comments:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section).
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

1.8 Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, **although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.**

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- **all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;**
- **only adults are admitted to the area where these machines are located;**
- **access to the area where the machines are located is supervised;**
- **the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and**
- **at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.**

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, winning or prizes.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- The location of gaming machines.

This list is not exhaustive.

1.9 Category C machines or above.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.10 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- **Proof of age schemes;**
- **CCTV;**
- **Supervision of entrances / machine areas;**
- **Physical separation of areas;**

- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

4.1 The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. **Any such resolution will be made by Full Council.**

5. Bingo premises

This Licensing Authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed to enter bingo premises; however they are not permitted to participate in bingo and if category B or C machines are available for use these must be separated from areas where children and young people are allowed."

6. Betting Premises

***Betting machines* - This licensing authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.**

In particular, applicants will be expected to show how they will prevent access to under-18s.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines -Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

(See Guidance to Licensing Authorities, para 20.32).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8. Travelling Fairs

8.1 It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;**
- expects to be altered; or**
- expects to acquire a right to occupy.**

9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms

of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- **they concern matters which could not have been addressed at the provisional statement stage, or**
- **they reflect a change in the applicant's circumstances.**

9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which, in the authority's opinion, reflect a change in the operator's circumstances.
- (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change from the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

9.7 The Licensing Authority has noted in the Gambling Commission's Guidance that the licensing authority should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the Licensing Authority, however, to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, repetitious, or will certainly not cause this authority to wish to alter, revoke or suspend the licence.

10.2 Reviews will be carried out:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing principles.

10.3 The Licensing Authority can also initiate a review of a licence for any reason which it thinks is appropriate.

10.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a)** add, remove or amend a licence condition imposed by the licensing authority;
- (b)** exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c)** suspend the premises licence for a period not exceeding three months; and
- (d)** revoke the premises licence.

10.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

10.7 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

10.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C
PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)

1.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it must apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (**Section 238**).

1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7).

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that:

- there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises, CRB checks for staff.
- This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and

- **that staff are trained to have a full understanding of the maximum stakes and prizes.**

2. (Alcohol) Licensed premises gaming machine permits

2.1 Automatic Entitlement: 2 machines

Premises licensed to sell alcohol for consumption on the premises may automatically have two gaming machines, of categories C and/or D. The premises must notify the Licensing Authority of their intention to exercise this right, but they may remove this automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

2.2 Permit: 3 or more machines

If a premises wishes to have more than two machines, then it must apply for a permit. The Licensing Authority will consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters as it thinks relevant.

Each case will be considered on its merits, but, generally, it will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy them that there will be sufficient measures to ensure that under 18 year olds do not have access to “adult only” gaming machines. Measures which will satisfy the authority that there will be no access may include:

- Supervision of machine areas;
- Physical separation of areas;
- Notices / signage;
- The location of gaming machines

This list is not exhaustive.

2.3 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

2.4 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

2.6 Where an alcohol licensed premises applies for a premises licence for their non-alcohol licensed areas, any such application would need to be applied for, and will be dealt with, as an Adult Entertainment Centre premises licence.

3. Prize Gaming Permits

3.1 Statement of Principals

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- **that they understand the limits to stakes and prizes that are set out in Regulations;**
- **that the gaming offered is within the law;**
- **Clear policies that outline the steps to be taken to protect children from harm**
- Training to cover how staff would deal with:
 - Unsupervised and/or very young children on/around the premises, and
 - Suspected truants

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

3.2 Applicants for a permit must comply with the conditions laid down by the Gambling Act 2005. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

The Licensing Authority may not impose any further conditions.

4. Club Gaming and Club Machines Permits

4.1 Qualifying members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit, The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). **NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.**

4.2 Gambling Commission Guidance states: "Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations." It is anticipated that this will cover bridge and whist clubs... A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations...

4.3 The Licensing Authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years;
- or
- (e) an objection has been lodged by the Commission or the police.

4.4 Where a premises holds a Club Premises Certificate under the Licensing Act 2003 they may apply using the fast-track procedure. **As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police,** and the grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

4.5 Objections will not be lodged by the Commission or the police, as these will have been dealt with under the Licensing Act application procedure.

4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for Temporary Use Notices, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

5.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

5.5 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

6. Occasional Use Notices

The Licensing Authority has little discretion as regards these Notices, aside from ensuring that the statutory eight days in a calendar year is not exceeded and will grant such notices where statutory requirements are met.

7. Small Society Lotteries

Lottery licences will be issued in accordance with the Gambling Commission's Guidance to Local Authorities.

LOTTERIES

A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on www.gamblingcommission.gov.uk

The Gambling Act 2005 defines 4 categories of lottery that are exempt from needing an operating licence: -

- **Incidental non-commercial lottery**
- **Private lottery**
- **Customer lottery**
- **Small society lottery**

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the Licensing Authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- **the purposes for which the society is established**
- **that they represent a bona fide non-commercial society, and**
- **that they have no relevant convictions**

The Licensing Authority may refuse an application if: -

- **it considers the applicant is not a non-commercial society**
- **any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or**
- **information provided in or with an application is false or misleading**

An application shall be refused if an Operating Licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intends to refuse or revoke the registration application it will give the society: -

- **details of the reasons,**
- **evidence upon which it reached the decision, and**
- **the opportunity to make written and/or oral representations.**

APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			(to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX B

LIST OF CONSULTEES

<p>Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors Betting Offices British Transport Police Butler & Mitchells Brewers Roman Catholic Church Church of England Citizens Advice Bureau Consumers Association Cooley Partnership Campaign for the Protection of Rural England Curwens Solicitors Council for Voluntary Services Crime and Disorder Strategy Panel East Herts DC EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators Epping Forest PCT Epping Magistrates Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Service Essex Probation Service Essex Tourist Bodies Federation Synagogue Fosket Marr Gadsby & Head GamCare</p>	<p>Hammonds Solicitors Health and Safety Executive Essex HM Customs and Excise Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Mcmullens Brewery Methodist Church Other Faith Groups Parish and Town Councils Police & Community Consultative Group Princess Alexandra NHS Trust Ridleys Breweries Robert Halfon MP Rural Community Council of Essex Scottish & Newcastle Retail Spirit Group Brewery Transport and General Workers Union Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Licensed Victuallers Association Whiskers & Co Solicitors</p> <p>All current gambling premises within the district.</p> <p>Disabled Coalition Group Child Protection Essex County Council Gambling Commission HM Revenue & Customs</p>
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APPENDIX C

RESPONSIBLE AUTHORITY'S FOR GAMBLING ACT 2005 APPLICATIONS

<p>Epping Forest District Council Civic Offices High Street Epping Essex CM16 4BZ Att; Mrs K Tuckey- Licensing Unit Tel: 01992 564034 Email: ktuckey@eppingforestdc.gov.uk</p>	<p>Head of Child Protection (Licensing Applications) Essex County Council PO Box 297 County Hall Chelmsford Essex CM1 1YS licensingapplications@essexcc.gov.uk</p>
<p>Harlow Police Station The High Harlow Essex CM20 1HG Att: Peter Jones Tel:01279 625405 Email: peter.jones@essex.pnn.police.uk</p>	<p>Gambling Commission Victoria House Victoria Square Birmingham B2 4BP info@gamblingcommision.gov.uk</p>
<p>Essex Fire & Rescue Service Harlow & Epping Community Command Harlow Service Delivery Point Fourth Avenue Harlow Essex CM20 1DU Att : Community Commander Tel : 01279 420841 Email: he.command@essex-fire.gov.uk</p>	<p>HM Revenue & Customs National Registration Unit Portcullis House Glasgow G2 4PZ nrubetting&gaming@hmrc.gsi.gov.uk</p>
<p>Director of Planning Civic Offices High street Epping Essex CM16 4BZ Tel: 01992 564514 Email: dbaker@eppingforestdc.gov.uk</p>	<p>Pollution & Public Health Unit Civic Offices High Street Epping Essex CM16 4BZ Steve Harcher Tel:01992 564058 Email: sharcher@eppingforestdc.gov.uk</p>