



Licensing Committee **Wednesday, 10th April, 2013**

You are invited to attend the next meeting of **Licensing Committee**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 10th April, 2013**
at **2.00 pm** .

Glen Chipp
Chief Executive

Democratic Services
Officer

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

Members:

Councillors K Angold-Stephens (Chairman), A Lion (Vice-Chairman), A Boyce, K Chana, Mrs R Gadsby, L Leonard, A Mitchell MBE, R Morgan, Mrs M Sartin, Ms G Shiell, Mrs P Smith, P Spencer, Mrs T Thomas, D Wixley and N Wright

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 10 October 2012.

5. INFORMAL MEETING MINUTES (Pages 13 - 18)

To note the:

- 1) Minutes of the meeting with representatives of the Taxi Trade held on 22 January 2013; and
- 2) Minutes of an informal meeting of this committee held on 4 March 2013.

6. 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.

7. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMING ACT 2005 (Pages 19 - 20)

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

8. HACKNEY CARRIAGE FARE TARIFF (Pages 21 - 28)

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

9. TAXI POLICIES (Pages 29 - 76)

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

10. LICENSING POLICY (Pages 77 - 156)

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

11. REVIEW OF LICENSING SERVICES TASK AND FINISH PANEL - FINAL REPORT (Pages 157 - 176)

To consider the attached report.

12. CUMULATIVE IMPACT REPORT (Pages 177 - 180)

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

13. 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.

14. 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.

15. MATTERS ARISING

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

16. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for 9 October 2013 at 2.00pm in the Council Chamber.

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- (c) 8 May 2012;
- (d) 12 June 2012;
- (e) 10 July 2012;
- (f) 7 August 2012; and
- (g) 4 September 2012.

11. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005

The Senior Licensing Officer reported that in respect of Premises License Applications or Variations, there had been 12 new applications, 363 renewals, 46 Change of Designated Premises Supervisor or variation applications received. Of these, 12 applications had been considered by the Sub-Committee and granted subject to conditions. Six (EU) Temporary Event Notices, 126 Temporary Event Notices and six late Temporary Event Notices had also been granted, and 62 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, the Senior Licensing Officer stated that 4 club gaming permits had been granted, whilst 14 notifications had been received for two gaming machines.

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.

12. CUMULATIVE IMPACT POLICY

The Assistant Director of Corporate Support Services (Legal) presented a report as to whether an assessment should be conducted into the Cumulative Impact of licensed premises on the four Licensing Objectives in some areas of the District.

The Assistant Director explained that Cumulative Impact related to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The Secretary of State had issued guidance under Section 182 of the Licensing Act 2003. The Council had to gather evidence to support the implementation of a Cumulative Impact Policy within its Statement of Licensing Policy, and the public also had to be consulted. If there was not sufficient evidence then the Council could not implement such a policy. If implemented, each application still had to be judged on its merits and any application that was unlikely to add to the cumulative impact of an area had to be granted. Such a policy could not be used for revoking an existing licence, it could only be considered when deciding to grant a new licence or varying an existing licence. The Council had to have proper regard for the differences between the different establishments that could sell alcohol and the differing impact that they could have on the promotion of the licensing objectives.

The Committee acknowledged that the introduction of such a Policy would create additional work for the Council's Licensing Officers. The Assistant Director reported

that the Licensing section was currently very busy, and that the Council would have to employ a consultant to collect the necessary evidence. Additional finance from the District Development Fund would need to be sought to pay any potential consultancy fees.

In response to further questions from the Committee, the Assistant Director stated that this was a policy for adoption by the Council, but any application received in breach of the Policy would be referred to the next available Sub-Committee meeting for a decision. The Council had to follow the guidance issued to adopt the Policy otherwise the Policy would be open to legal challenge. The public could invoke the Policy when responding to an application to grant a new licence or vary an existing licence, and no guidance was yet available on the setting of fees.

The Chairman commented that such a Policy could be useful in Loughton, but not necessarily in other areas of the District. There had been a spread of late-night venues in Loughton High Road, which adversely affected the quality of life for local residents; the problem being more of an anti-social nature rather than criminal. Residents in Loughton had given up reporting problems as they never seemed to get resolved. It was believed that the Street Pastors who patrolled Loughton High Road in the evenings were having a positive impact.

The Committee believed that this was a complex policy and the Council should not proceed with it at the current time but review the situation in the future. The Council should be proactive with local residents and encourage them to report problems with licensed premises. This could be advertised via the Council's own Forester magazine, as well as with Town and Parish Councils and the Council's website. It was highlighted that the Council's Safer Communities Teams had expertise and experience in dealing with anti-social behaviour, whilst the Portfolio Holder for Safer, Greener and Highways advised the Committee that further CCTV cameras were due to be installed in Loughton pending Cabinet approval in December.

Resolved:

- (1) That consideration of whether to conduct an assessment into the cumulative impact of licensed premises on the four licensing objectives in certain parts of the District be deferred until the next meeting of the Committee on 10 April 2013; and
- (2) That, in the meantime, residents be encouraged to report problems with licensed premises in the District to both Essex Police and the Council's Safer Communities teams.

13. LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

The Assistant Director of Corporate Support Services (Legal) presented a report on the introduction of Late Night Levy and Early Morning Restriction Orders.

The Assistant Director reported that the Late Night Levy would enable licensing authorities to seek a contribution from late-opening alcohol suppliers towards the costs of policing the night-time economy. It was a local power that a licensing authority could choose whether or not to exercise, and it had to cover the whole of the licensing authority's area. The Levy would be set at a national level, based upon the Premises' rateable value; the Police would receive 70% of the net Levy revenue, whilst the licensing authority could retain up to 30% to fund other activities besides policing.

The Assistant Director added that an Early Morning Restriction Order enabled licensing authorities to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 6.00am, if this was considered appropriate for the promotion of the licensing objectives. It was a local power that a licensing authority could choose whether or not to exercise, and the licensing authority would have to demonstrate that they had evidence to justify the introduction of such an Order. It was highlighted that retail units with a Late Night Refreshment licence would also be affected by such an Order, even if they did not sell alcohol.

In response to questions from the Members present, the Assistant Director stated that the Late Night Levy would also be applicable for the period from midnight to 6.00am. It was unknown at the moment whether additional staff would be required to collect the Levy. It would depend upon the volume to be collected, but this could always be a part-time post. The Licensing team would be responsible for collecting the Levy, and any premises that did not pay would have their licence suspended. The Council would need to speak to Essex Police about the Levy, as there was no compulsion for the Police to spend the monies collected within the District. This discussion could be deferred until after the new Police & Crime Commissioner was elected and in post. The Senior Licensing Officer added that, at a recent Essex Licensing meeting, only two Councils in the county were considering implementing the Levy.

In view of the issues highlighted to the Committee, it was felt that no further action in respect of the Late Night Levy and Early Morning Restriction Orders should be taken until after discussions with the new Police & Crime Commissioner for Essex, and that the situation should be reviewed in the future.

Resolved:

(1) That the provisions of the Police and Social Reform Act 2011 relating to Late night Levy and Early Morning Restriction Orders had now come into force be noted; and

(2) That no further action be taken in respect of Late Night Levy and Early Morning Restriction Orders at the current time pending discussions with the new Police and Crime Commissioner for Essex but that the situation be reviewed in the future.

14. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

The Assistant Director of Corporate Support Services (Legal) presented a report concerning the review of the Statement of Principles for the Gambling Act 2005.

The Assistant Director reported that the Gambling Act 2005 required all licensing authorities to publish a Statement of Principles to be applied when exercising their functions, and that this Statement should be reviewed every three years. An amended statement was discussed at the last meeting of the Committee, and a consultation exercise had subsequently been undertaken. A number of responses had been received, and the comments had been incorporated within the Statement where possible. The Committee was requested to recommend the adoption of the revised Statement of Principles to the Council.

The Chairman highlighted that the definition of interested parties now included democratically elected representatives, provided they represented the ward concerned.

Resolved:

- (1) That the responses received for the consultation on the revised Statement of Principles for the Gambling Act 2005 be noted; and
- (2) That the revised Statement of Principles for the Gambling Act 2005 be recommended to the Council for adoption.

15. LIVE MUSIC ACT 2012

The Assistant Director of Corporate Support Services (Legal) introduced a report on the Live Music Act 2012.

The Assistant Director reported that the Live Music Act 2012 removed the licensing requirements for the following:

- (i) amplified live music between 8pm and 11pm before audiences not in excess of 200 people on premises authorised to sell alcohol for consumption;
- (ii) amplified live music between 8pm and 11pm before an audience not in excess of 200 people in workplaces not otherwise licensed under the 2003 Act;
- (iii) unamplified live music between 8am and 11pm in all venues; and
- (iv) the provision of entertainment facilities.

Where there were public nuisance implications, i.e. audiences in excess of 200 people or the performance continuing after 11pm, then there was no exemption and the current licensing regime remained in force. Even if the performance was exempt under the Live Music Act 2012 but created a public nuisance, then responsible authorities and 'other persons' could still seek a review of the premises licence as was currently the situation. Furthermore, if the premises created a statutory noise nuisance then the Council's Environment & Neighbourhood Team could still take enforcement action.

Resolved:

- (1) That the changes to the Licensing Act 2003 brought about by the Live Music Act 2012, which came into force on 1 October 2012, be noted.

16. DRAFT STATEMENT OF LICENSING POLICY

The Assistant Director of Corporate Support Services (Legal) presented a report on the draft Statement of Licensing Policy.

The Assistant Director reminded the Committee the current Statement of Licensing Policy had been adopted in 2011 and did not require a review until February 2014. However, the Police Reform and Social Responsibility Act 2011 had made a number of amendments to the Licensing Act 2003, and it was felt appropriate to review the Council's Statement of Licensing Policy now rather than later. The Government had issued guidance in April 2012 and the following changes had been made to the current Statement of Licensing Policy:

- (i) recognition of the Council's equality duty and an explanation of how this duty would be complied with;
- (ii) the addition of the Licensing Authority and Primary Care Trusts to the list of responsible bodies to be consulted on for any particular application;
- (iii) the removal of the vicinity test for any person or business making a representation upon a particular application, although the representation now had to be related to one of the four licensing objectives;
- (iv) conditions that were considered 'appropriate' rather than 'necessary' could now be imposed upon any premises licence or club certificate;
- (v) additional issues for applicants to take into account in respect of the 'Protection of Children from Harm' licensing objective; and
- (vi) the Council, when exercising its environmental functions, could now object to an application for a Temporary Event Notice.

The Assistant Director emphasised that the Council had to conduct a public consultation exercise on the revised draft Statement of Licensing Policy.

Resolved:

- (1) That the current draft Statement of Licensing Policy be noted; and
- (2) That Officers be instructed to conduct a public consultation on the draft Statement of Licensing Policy.

17. 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 commented that there was currently no provision for members of the public to address meetings of the full Licensing Committee. This had been very apparent when the Committee had considered the installation of meters in Hackney Carriages and the setting of fare tariffs for journeys within the District by all vehicles licensed by the Council at its meeting in April 2012. The Chairman proposed that the Constitution & Member Services Scrutiny Panel be requested to investigate the implementation of a procedure for members of the public to address meetings of the Licensing Committee.

The Committee noted that the Senior Licensing Officer would inform Operators and independent Drivers if there were any items of interest on the agenda for a Licensing Committee meeting.

Resolved:

- (1) That the Constitution & Member Services Scrutiny Panel be requested to investigate the implementation of a procedure to allow members of the public to address meetings of the Licensing Committee.

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

The Committee considered the current and future training needs for the members tasked with discharging the Council's Licensing function.

The Chairman reminded the Committee that new members currently received a standard training package from the Assistant Director of Corporate Support Services (Legal). The Committee was requested to consider whether some form of refresher training should be organised for the existing members of the Committee.

The Committee noted that very few Betting Shop applications received any objections, which suggested that further training on the Gambling Act 2005 was not a priority. The Assistant Director stated that forthcoming Licensing issues were included on the agenda for Licensing Committee meetings, for which the Government guidance usually gave more detail. Currently, there was the possibility that an extra objective concerning health issues would be added to the four already included in the Licensing Act 2003.

The Committee felt that there was currently no urgent need for further new training for the members, but consideration should be given to organising some refresher training for existing members of the Committee.

Resolved:

(1) That consideration be given by Officers to the organisation of refresher training sessions for existing members of the Licensing Committee.

19. MATTERS ARISING

The Committee considered further matters arising in respect of the Council's Licensing function, that had not been covered elsewhere on the agenda for this meeting.

The Committee questioned why there were not more representations received from Essex Police for applications under the Licensing Act 2003. The Senior Licensing Officer stated that all the Police Licensing Officers were having to re-apply for their positions, and this could result in the current Police Licensing Officer for Epping Forest covering more than one area. However, if there were no objections raised by the Police then the Police Licensing Officer would not attend the meeting.

The Committee requested clarification about whether District Councillors could attend and speak at Licensing Sub-Committee meetings. The Assistant Director of Corporate Support Services (Legal) stated that District Councillors could speak at a Sub-Committee meeting, but only for those residents that had made a written representation, although the District Councillor could make their own written representation to any application and thereby attend and speak at the meeting in their right. It would be useful if the resident could put this in writing at the bottom of their representation. For Town or Parish Councillors, the resident had to request in writing for the local Councillor to speak on their behalf at a Sub-Committee meeting.

The Assistant Director also stated that it was preferable for a ward member not to sit on the Sub-Committee if an application was located in their ward, although it was acknowledged that the Localism Act 2011 actively encouraged this practice.

20. DATE OF NEXT MEETING

The Committee noted that the next meeting had been scheduled for 10 April 2013, at 2.00pm.

CHAIRMAN

Special Meeting of the Licensing Committee with Representatives of the Taxi Trade

Date: 22 January 2013

Venue: Council Chamber

Start Time: 14.00

End Time: 15 .16

Members attending: Councillors K Angold-Stephens (Chairman), A Lion (Vice-Chairman), A Boyce, K Chana, R Gadsby, L Leonard, R Morgan, M Sartin, P Spencer, D Wixley.

Also in Attendance: G Waller (Portfolio Holder for Safer Greener and Highways)

Officers in attendance: Alison Mitchell, Kim Tuckey, Mike Hobbs, Nula Clark, Sarah Kitts and Adrian Hendry

Approximately 32 Members of the Licensed Taxi Trade were also in attendance

The meeting was convened to discuss the application of a fixed fare and metre system. The independent drivers and operators were circulated with draft tariffs, which compared current fares charged within the district by local firms and had also considered other neighbouring local authorities charges. The local taxi trade were invited to this meeting to comment on the proposed tariff.

The Licensing Committee had already decided:

- meters should be fitted; and
- it would be down to individual drivers and/or firms to arrange for the installation of their own metres.

The main purpose of today's meeting was to discuss the detail of the tariff (table attached) and the fitting of the meters.

It was noted that the rates were gleamed from research across Essex;

The taxi drivers made the following comments:

- 1) Drivers would like tariff 2 to start at 10pm and not 11pm;
- 2) They thought that the tariff was too low – most other areas started at £3.70 up to £4.00 before 10pm;

- 3) There were fewer people out after 10pm so the higher rate should start at 8pm;
- 4) A firm now charges £4 for the first 2 miles – the proposed minimum charge would mean a massive increase and their regulars would stop using them;
- 5) Another firm said they charged per mile and did not increase their rate for different times of the day. They could earn a decent living using one rate but the new tariff 2 would mean a 50% increase on a 5 mile journey;
- 6) An independent driver noted that drivers who worked for a firm could still maintain their present rates (if it was lower than the agreed rate);
- 7) Companies could under charge but not charge over the metre price;
- 8) It was better for independents to have set charges;
- 9) Firms get their rent from their drivers who did not need to increase their fares;
- 10) If fares were put up too much they would frighten customers away;
- 11) The minimum fare in Harlow was £4, most towns have a minimum fare of £4. The proposed minimum of £3.50 was too low;
- 12) The starting rate was too low, but the increment rate was fine;
- 13) The Inland Revenue had the power to examine the metres and base charges and tax them on their metre rates;
- 14) Hackney Carriage Drivers could undertake private hire work;
- 15) If a Hackney Carriage Driver was doing private hire work then they should be allowed not to have their metre on;
- 16) A lot of firms have set prices for Airports and Theatres etc. which was cheaper than the proposed rates;
- 17) It was noted that for a pre-agreed run firms could come to a pre-arranged charge for journeys outside the district, but not inside the district;
- 18) Officers to look into the situation about Tax and metres and report back;
- 19) People working for firms should be issued with 'P' plates (for private hire), there would be no need for metres then;

- 20) Currently drivers working for a firm are Hackney Carriage drivers who can also undertake private hire work, although they rarely do;
- 21) Independent drivers should work with a metre;
- 22) There was at least one driver that worked for a firm and also worked independently as a Hackney Carriage Driver;
- 23) One driver who undertook contract work during the week asked if he had to use a metre for that type of work. He was a Hackney Carriage Driver, but if he used a metre he would be more expensive for his contract work;
- 24) £3.50 was a little cheap, drivers took risks working at night;
- 25) Firms were happy with the way things worked at present;
- 26) The firms did mostly private hire work and would like to have the option not to put metres in their cabs;
- 27) The Chairman noted that the Council was limited by legislation, although they could look at having different rates for companies and independents – they would look at the legislation;
- 28) There was a need to clarify if a private hire vehicle needed to use a metre;
- 29) Tariff 4 for use at Christmas time should start at £5;
- 30) It was noted that the quoted tariffs included VAT; and
- 31) If the driver was not VAT registered would it cause problems – would it be overcharging?

Taxi Ranks - Comments were:

- a) There were no ranks for the use of the independent drivers;
- b) They would like temporary ranks from 11pm to 6am in the urban areas. This would make it safer for them;
- c) As Hackney Carriage Drivers they should be allowed to use all ranks;
- d) Other areas have a percentage of the total number licences taxis places in various ranks in their district, usually about 40%, would it possible to have this amount in the district; and
- e) Parking spaces can be used during the night as rank spaces.

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Informal Meeting of the Licensing Committee

Date: 04 March 2013

Venue: Committee Room 1

Start Time: 14.30

End Time: 15.45

Members attending: Councillors K Angold-Stephens (Chairman), R Morgan, G Shiell, P Smith, D Wixley.

Apologies: P Spencer and T Thomas

Officers in attendance: Alison Mitchell, Kim Tuckey and Adrian Hendry

1. There were no declarations of interest.
2. It was noted that there was no other business.
3. The minutes of the meeting held on 22 January 2013 was noted.

It was noted that the comments on taxi ranks fell outside the subject matter for this meeting and should be deferred to another meeting once further information was available.

4. It was noted that the meeting was convened to further discuss the application of a fixed fare and metre system.

The Committee looked at the table of tariffs set out in paragraph 1.4 of the report. They raised concerns that the 5 mile tariff set at £11.50 would penalise the rural residents of the District who have to travel further. Currently it was noted that a notional five mile journey came in at about £8. Officers commented that the tariffs, if agreed, would be reviewed again in a year's time, taking into account any complaints received. It was also noted that this was the maximum that could be charged and that individual drivers could always charge less than the tariff stated. This should be made more prominent in the report to Council and it should also be emphasised to the Taxi drivers that they could charge less than the tariff indicated.

If the £11.50 tariff was lowered then the 20p for a tenth of a mile charge would also have to be correspondingly lowered.

AGREED: The Committee agreed that the tariffs listed were about right except for the higher 5 mile rate. An updated report taking this into account should go to the next Licensing Committee in April for their consideration.

Councillor Smith asked that the consultation on the tariffs be advertised on the Council's website and that it be added to the report. She also wanted to know if Langston Road, who would test the meters, had existing equipment to test them or would they have to purchase it. She was told that they had been asked but had still not replied. However, it had been made clear that they could handle the testing and that they would have to levy a small charge for testing the meters.

The Committee then looked at the rates for different times of the day, noting that almost all authorities changed tariffs after 10pm and at Christmas.

AGREED: That the rates suggested in the report be agreed and be reviewed again in a year's time.

AGREED: It was also agreed that the word 'should' be deleted from recommendation one and that it should read: "The Authority set the fares charged for Hackney Carriages."

It was also noted that the taxi drivers and companies would be notified when the consultation was about to begin.

Report to Full Licensing Committee

**Date of meeting: 10th April 2013
Licensing Committee**



**Epping Forest
District Council**

Portfolio: Safer Greener and Highways

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 19th September 2012 to 22 March 2013

Applications received under the Licensing Act 2003

Premises licence applications/variatio

Number of new applications	7
Number of renewals	324
Change of designated premises supervisor/variation	48
Number of applications considered by the sub-committee	5
Number of applications granted subject to conditions	12
Number of applications refused	0
Number of appeals to magistrates	0
Number of revocations	0
Application received online- EU directive	
Application received for Temporary Events	8 (EU)
-	
Temporary event notices	84
Late TENS	12

Reviews

Application	0
Reviews refused	0

Personal licence applications

Number if applications received	186
Number of applications granted under delegated authority	186
Number of applications refused	0
Number of appeals to Magistrates	0

Gambling Act 2005

Betting office applications granted	0
Club gaming permit granted	1
Notifications for 2 gaming machines	2

Report to Licensing Sub-committee **Date of meeting: 10th April 2013**

Subject: Local Government (Miscellaneous Provisions) Act 1976 as amended and Town & Police Clauses Act 1847 – Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976



Officer contact for further information: Kim Tuckey

Committee Secretary: Adrian Hendry

Decision Required:

To recommend to Council that:

- (1) The Authority should set fares charged for Hackney Carriages.**
- (2) To recommend which tariff should be recommended to full Council and to recommend which tariff be advertised and if no objections received then shall be adopted.**
- (3) That it is a condition of the vehicle licence that meters must be installed in Hackney Carriages.**

Report:

Hackney Carriage Proposed Tariff

Proposals and Supporting Information

1. The Licensing Section and members were requested by the taxi trade to introduce a tariff to regulate fares charged for journeys by Hackney Carriage. They had also received complaints of over charging usually in respect of journeys undertaken at night time which had led to problems outside clubs. This was reported to the meeting of the Licensing Committee held on the 11 April 2012.

2. Members decided:

(a) That the Senior Licensing Officer carries out a consultation with a view to recommending a fare tariff for journeys within the District for EFDC licensed Hackney Carriages;

(b) That meters are fixed to Hackney Carriages licensed in this area and that they are inspected on a regular basis;

(c) That a company is appointed through the Council's tendering process to carry out this work; and

(d) That a further report be brought back to the next Licensing Committee reporting on progress made.

3. The Senior Licensing Officer contacted a number of neighbouring authorities and obtained details of the fares set by them.

4. A table showing the proposed fare in comparison to a number of neighbouring authorities is shown below: These comparisons were discussed with the taxi trade on the 22nd January 2013

Distance	Chelmsford	Colchester	Braintree	Thurrock	Basildon	Epping (Proposed)
1 Mile	£3.90	£4.70	£3.30	£3.81	£3.40	£3.50
2 Miles	£5.80	£6.80	£5.40	£5.44	£5.00	£5.50
5 Miles	£11.30	£10.70	10.00	£10.33	£10.00	£11.50

5. It should be noted that the figures shown in the above table can vary slightly as distances journeyed rarely work out to the exact mile. There may also be increases in the pipeline for other authorities that we are unaware of or have not been approved by their Members yet. (Since undertaking the comparisons there may have been some changes to the above tariffs).

6. The Senior Licensing Officer also requested tariffs that are currently set locally by the taxi trade and the independent drivers. Again there was a broad difference in how each operator implemented their tariff. During her research it was found that some of the fares that are currently set locally have not changed within the last eight years, this may be due to the competitive market between different operators. This has made the task difficult, to make a comparison between these fees and the neighbouring authorities tariffs.

7. Some examples of local operators and independent fares for Tariff 1:

£4.00 up to 2288 yds (1.3 miles)
£4.00 for 1.5 miles
£3.80 up to 2 miles
£3.80 first 2 miles

8. There are two proposed tariffs which are set out at the end of this report (annex 1 & 2). It is a maximum fare/tariff only and it would be up to each individual Hackney Carriage vehicle proprietor as to whether or not they wished to charge their customers the maximum fare. There is no legal obligation on them to do so and they can negotiate and accept a fare lower than the maximum fare shown on the taximeter if they wish to do so.

9. When preparing the proposed tariff the Senior Licensing Officer took account of the tariffs for neighbouring authorities, the consultations with the taxi trade and took into consideration the rising cost of fuel, and substantial increases in vehicle insurance and general motoring maintenance and running costs.

Meeting with the Taxi Trade

10 The proposed tariff was discussed at a special meeting on 22 January 2013, where the taxi trade and independent drivers were invited to the meeting. Opinion was mixed at the meeting and the minutes of which are attached.

11. A number of questions arose as a result of that meeting:

- **Drivers considered that if they had agreed a price prior to the start of a journey they did not need to use the meter.** If members agree to set a tariff it will be necessary to change the vehicle licensing conditions to require meters to be installed and for them to be used at all times for journeys within the District. If they are not used then it would be difficult for the passenger to know if they were receiving value for money.
- **Objection was made where a vehicle owner had won a school contract or similar.** The Council may agree to make an exception where the price fixed by the contract is equal to or less than the table of fares.
- **The suggestion was put forward that HMRC check the meters when deciding the level of tax to be charged.** In some areas discounting is prevalent and HMRC will be aware of this. It is possible to impose a condition requiring that meters are calibrated to the Authority's table of fares or such other tariff not exceeding that as the proprietor intends to charge.
- **There were concerns that some of the proprietors were not registered for VAT and some were.** Fares are deemed to include VAT where the driver is VAT registered. It is possible to have two sets of tariffs but this would not be usual.

12. Following the meeting further enquiries and comparisons of fare tariffs were undertaken. A second tariff has been prepared to take account of members' concerns and is attached as Annex 2 & 3

Consultation, Financial and Legal Implications

13. If the Committee decides to adopt a tariff of fares it must first publish a table of the fares in a local newspaper giving at least 14 days for objections. A copy must be deposited at the local Council Offices for at least 14 days from the date of publication and it must be available to be inspected at any reasonable time.

14. If no objections are received by the date mentioned in the advertisement the fares take effect.

15. If any written objections to the proposed tariffs are received by the Council within the 14 day objection period then the Council will need to consider these objections. In this case the objections will be considered by the Licensing Committee and a report made to full Council.

16. In the light of those objections (although the Council must consider them, it does not have to vary the proposed fare as a result of them) the Council then sets a second date which cannot be more than two months after the first date specified, when the new fares come into force.

17. There is no right of appeal against the Council's decision and once set the only remedy is judicial review.

18. Consideration has been made of the cost of advertising and in dealing with any other matters that might arise from the proposed increase, including the cost of printing new maximum fare charts and provision for this can be found from the existing Hackney Carriage vehicle licence budget. There should therefore be no additional or hidden costs relating to this matter.

Meters

19. The original decision of the Licensing Committee upon the recommendation of officers was that the Council went out to tender for meters as it was thought that some economies could be obtained this way. However, further research has shown that licensed proprietors should arrange for a meter to be installed and calibrated by a provider as long as the meter that is installed is in accordance with the BS EN 50148 and must be capable of being set and sealed.
20. The Authority at any time may on request require the meter to be audited to ensure that all seals and tariffs are correct.
21. The Council's facilities at Langston Road will periodically test the meter.

Timetable for conditions & Meters

22. The amended conditions specify the requirement for a meter to be installed in a taxi to enable the fare tariff to be implemented.
23. Any amendment to the conditions will have to be advertized and the government recommends that consultation should be three months.
24. The time table for the implementation is as follows:
 - 1 May 2013- Start consultation
 - 1 August 2013 consultation ends
 - 9 October report to Licensing committee
 - 5 Novembers 2013 Recommend to full Council
25. It is reasonable to give three months notice from the date adopted. 3rd February 2014 meters to be fitted in vehicles.
25. A minimum of fourteen days notice to advertise the fare tariff ending 3rd February 2014. If there are no representations it shall be adopted:
 - a. If representations are received a special meeting will be convened by the end of February 2014
 - b. Report to Council meeting 22nd April 2014. If agree this will come into effect on the 23rd April 2014
 - c. If no agreement is made it shall be reported back to the Licensing Committee.

**TABLE OF FARES FOR HACKNEY CARRIAGES
FROM**

Annex 1

Rates 1, 2 and 3 apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for Rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) part thereof 400 seconds	Each additional unit of 176 yds (160.9m) or part thereof or period of 40 seconds
<p style="text-align: center;">Rate 1</p> <p>For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive</p>	£3.50	£0.20
<p style="text-align: center;">Rate 2</p> <p>For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays</p>	£3.70	£0.30
<p style="text-align: center;">Rate 3</p> <p>For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve</p>	£4.10	£0.40
<p style="text-align: center;">Rate 4</p> <p>For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve</p>	£5.50	£0.50

Assistance Dogs – No Charge

All other dogs, carried at driver's discretion – No Charge

Fouling of the vehicle at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

**Complaints should be made to the Taxi Licensing Officer (01992 564034)
Quoting the vehicle registration mark/licence number or the driver's badge number.**

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter charged at a rate of £2.00 per mile in 20p increments. Waiting time is £18 per hour, in 20p increments
- Rate 2 Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime
- Rate 3 Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour.

**TABLE OF FARES FOR HACKNEY CARRIAGES
FROM**

Annex 2

Rates 1, 2 and 3 apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) or part thereof or period of 360 seconds	Each additional unit of 195.6yds (160.9m) or part thereof or period of 40 seconds
<p style="text-align: center;">Rate 1</p> <p>For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive</p>	£3.50	£0.20
<p style="text-align: center;">Rate 2</p> <p>For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays</p>	£3.70	£0.30
<p style="text-align: center;">Rate 3</p> <p>For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve</p>	£4.10	£0.40
<p style="text-align: center;">Rate 4</p> <p>For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve</p>	£5.50	£0.50

Assistance Dogs – No Charge

All other dogs, carried at driver's discretion – No Charge

Fouling of the vehicle at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

**Complaints should be made to the Taxi Licensing Officer (01992 564034)
Quoting the vehicle registration mark/licence number or the driver's badge number.**

Summary of above charges

- Rate 1 Up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter charged at a rate of £2.00 per mile in 20p increments. Waiting time is £18 per hour, in 20p increments
- Rate 2 Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime
- Rate 3 Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour
- Rate 4 To be used only by vehicles carrying 6/8 passengers on public holidays, Christmas & New Year.

EPPING FOREST

ANNEX ONE

NEW TARIFF

<p>Name : TARIFF 1 Date: _____</p> <p>Soiling charge: <input type="text" value="70.00"/> Wait: <input type="text" value="36.00"/> (secs)</p> <p>Flag fall: <input type="text" value="3.50"/> A</p> <p>Initial yardage: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="176.00"/> C</p> <p>Price unit : <input type="text" value="0.20"/> D</p> <p>Initial Waiting Time (secs): 360</p>	<p>Name : TARIFF 2 Date: _____</p> <p>Soiling charge: <input type="text" value="70.00"/> Wait: <input type="text" value="36.00"/> (secs)</p> <p>Flag fall: <input type="text" value="3.70"/> A</p> <p>Initial yardage: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="176.00"/> C</p> <p>Price unit : <input type="text" value="0.30"/> D</p> <p>Initial Waiting Time (secs): 360</p>	<p>Name : TARIFF 3 Date: _____</p> <p>Soiling charge: <input type="text" value="70.00"/> Wait: <input type="text" value="36.00"/> (secs)</p> <p>Flag fall: <input type="text" value="4.10"/> A</p> <p>Initial yardage: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="176.00"/> C</p> <p>Price unit : <input type="text" value="0.40"/> D</p> <p>Initial Waiting Time (secs): 360</p>	<p>Name : TARIFF 4 Date: _____</p> <p>Soiling ch: <input type="text" value="70.00"/> Wait: <input type="text" value="36.00"/> (secs)</p> <p>Flag fall: <input type="text" value="5.50"/> A</p> <p>Initial yard: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="176.00"/> C</p> <p>Price unit <input type="text" value="0.50"/> D</p> <p>Initial Waiting Time : 360</p>
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Distance (miles)	TARIFF 1 Fare	TARIFF 2 Fare	TARIFF 3 Fare	TARIFF 3 Fare
Flag	3.50	3.70	4.10	5.50
1	3.50	3.70	4.10	5.50
2	5.50	6.70	8.10	10.50
3	7.50	9.70	12.10	15.50
4	9.50	12.70	16.10	20.50
5	11.50	15.70	20.10	25.50
6	13.50	18.70	24.10	30.50
7	15.50	21.70	28.10	35.50
8	17.50	24.70	32.10	40.50
9	19.50	27.70	36.10	45.50
10	21.50	30.70	40.10	50.50
Running	2.00	3.00	4.00	5.00

EPPING FOREST

ANNEX TWO

NEW TARIFF

<p>Name : TARIFF 1</p> <p>Date: <input type="text"/></p> <p>Soiling charge: <input type="text" value="70.00"/> (secs)</p> <p>Wait: <input type="text" value="40.00"/> (secs)</p> <p>Flag fall: <input type="text" value="3.50"/> A</p> <p>Initial yardage: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="195.60"/> C</p> <p>Price unit : <input type="text" value="0.20"/> D</p> <p>Initial Waiting Time (secs): 360</p>	<p>Name : TARIFF 2</p> <p>Date: <input type="text"/></p> <p>Soiling charge: <input type="text" value="70.00"/> (secs)</p> <p>Wait: <input type="text" value="40.00"/> (secs)</p> <p>Flag fall: <input type="text" value="3.70"/> A</p> <p>Initial yardage: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="195.60"/> C</p> <p>Price unit : <input type="text" value="0.30"/> D</p> <p>Initial Waiting Time (secs): 360</p>	<p>Name : TARIFF 3</p> <p>Date: <input type="text"/></p> <p>Soiling charge: <input type="text" value="70.00"/> (secs)</p> <p>Wait: <input type="text" value="40.00"/> (secs)</p> <p>Flag fall: <input type="text" value="4.10"/> A</p> <p>Initial yardage: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="195.60"/> C</p> <p>Price unit : <input type="text" value="0.40"/> D</p> <p>Initial Waiting Time (secs): 360</p>	<p>Name : TARIFF 4</p> <p>Date: <input type="text"/></p> <p>Soiling ch: <input type="text" value="70.00"/> (secs)</p> <p>Wait: <input type="text" value="40.00"/> (secs)</p> <p>Flag fall: <input type="text" value="5.50"/> A</p> <p>Initial yard: <input type="text" value="1760.00"/> B</p> <p>Unit thereafter: <input type="text" value="195.60"/> C</p> <p>Price unit: <input type="text" value="0.50"/> D</p> <p>Initial Waiting Time: 360</p>
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Distance (miles)	TARIFF 1 Fare	TARIFF 2 Fare	TARIFF 3 Fare	Tariff 4 Fare
Flag	3.50	3.70	4.10	5.50
1	3.50	3.70	4.10	5.50
2	5.30	6.40	7.70	10.50
3	7.10	9.10	11.30	15.50
4	8.90	11.80	14.90	20.50
5	10.70	14.50	18.50	25.50
6	12.50	17.20	22.10	30.50
7	14.30	19.90	25.70	35.50
8	16.10	22.60	29.30	40.50
9	17.90	25.30	32.90	45.50
10	19.70	28.00	36.50	50.50
Running	1.80	2.70	3.60	4.50

Report to Licensing Committee

Date of meeting: 10th April 2013



**Epping Forest
District Council**

Subject: Hackney Carriage and Private Hire Licensing Policy

Officer contact for further information: Alison Mitchell ext 4017

Committee Secretary: Adrian Hendry

Decisions Required:

That, subject to any amendments agreed by the Committee, the attached Hackney Carriage and Private Hire Licensing Policy should go out to consultation.

Report:

BACKGROUND

1. At its meeting held on the 11 April 2012 Licensing Committee members decided the Council should set a fare tariff for journeys undertaken within the district in a Hackney Carriage and that meters should be fixed into the vehicles. The current licensing conditions need to be amended to take this change into account.
2. The Department of Transport has issued a "Taxi and Private Hire Vehicle Licensing - Best Practice Guide" The Guidance recommends that the Council adopts a policy in respect of taxi meters and other matters mentioned in the Guidance which will inform its decision making.
3. Members have from time to time specified requirements and agreed policies but these have not been included in one policy document. There is attached a draft policy document for members consideration

DRAFT POLICY

Need for the Policy

4. The Guidance states that "The aim of the local authority licensing of the taxi and PHV trades is to protect the public. Local Licensing Authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision". The purpose of the draft policy is to set out and inform the trade of the Council's requirements. It will also allow members of the public to know what it may expect of the trade.

Consultation

5. The Guidance states that it is good practice to consult on any changes in licensing rules. The draft policy brings together in one document the current member approved regulations and the approach which has been taken over the years in respect to the application for and making of a decision upon an application. The draft policy also includes changes to the Licensing conditions. A list of consultees is set out in Appendix I of the draft policy.

Licensing Objectives

6. There are suggested licensing objectives set out in paragraph 3 of the draft policy. There are no formal licensing objectives in taxi licensing legislation as there is with the Licensing Act 2003 or the Gambling Act 2005. The licensing objectives have been selected by considering what would be important to consider to achieve requirements of the taxi licensing legislation. Members are requested to consider these objectives as the policy and decisions relating to applications must be made taking the objectives into account.

Criminal Records Policy

7. The Guidance recognises that a criminal record check is an important measure especially for those working with the young and the vulnerable. It recommends that in order to achieve consistency and thus avoid legal challenge local authorities should have a clear policy for the consideration of criminal records. A draft policy has been included as appendix 8.

8. This draft policy will be particularly relevant when an application in respect of a licence is being decided. Members of the sub-committee will be required to have regard to the criminal records policy and must be guided by it, unless there are good reasons not to.

9. The draft policy distinguishes minor traffic offences and major traffic offences. There is annexed to this report information issued by the Department of Transport which sets out the various types of traffic offences, the penalty points which are attached to each and how long the endorsement stays on the licences. This information is attached to assist members in considering the types of offences which members consider to be in either category and whether they consider the time limits mentioned in the draft policy are reasonable.

10. The Rehabilitation of Offenders Act 1974 and the associated regulations permit members to take account of criminal convictions when making a decision as to whether a person is a fit and proper person to hold a driver's licence after the period when a conviction is otherwise regarded as 'spent'.

11. The information below as to the periods after which an offence may be considered 'spent' under the Rehabilitation of Offenders Act is included so that members can consider the seriousness attached to these offences under other legislation and assist in deciding whether the time limits specified in the draft policy is reasonable.

12. Members are requested to comment on this part of the policy and whether they agree the time limits proposed.

Hackney Carriage Vehicles/Private Hire Vehicles, Drivers and Operators.

13. This section sets out the procedure and matters which licensing staff take into account when assessing the applications. The matters have been approved in the past by members either as part of the licensing conditions or committee decisions.

LICENCE CONDITIONS

Hackney Carriage Proprietor's Licence

14. The licence conditions have been amended to add the requirement for a taxi meter to be fitted. This condition can be removed if the members decide not to fix a tariff.

Private Hire Vehicle Licence

12. These have been updated but not substantially changed.

Hackney Carriage Driver's Licence

13. These conditions refer to the introduction of a fare tariff and meters and require the drivers to use the meters in respect of journeys undertaken in the district. These provisions can be deleted if the members decide not to introduce the tariff. There are other Minor amendments.

Private Hire Driver's Licence and Operator's Licence.

14. Again these have been amended but the amendments are minor or reflect the current practice.

Conclusion

15. Members are requested to review the draft policy and agree to the consultation subject to amendments they require.

Resource Implications:

Legal and Governance Implications:

Town and Police Clauses Act 1847 and 1889
Local Government (Miscellaneous Provisions) Act 1976
Human Rights Act – Article 6 - right to a fair hearing

Safer, Cleaner and Greener Implications:

The aim of the local authority licensing of the taxi and PHV trades is to protect the public.

Consultation Undertaken:

It is proposed that the draft policy be put out to consultation

Background Papers:

The existing licence conditions

Impact Assessments:

Risk Management

To be assessed on the outcome of the consultations and reported to the Committee

Equality and Diversity

To be assessed on the outcome of the consultations and reported to the Committee



Penalty points (endorsements) from GOV.UK

Part 2 Endorsement codes and penalty points

Each endorsement has a special code and is given 'penalty points' on a scale from 1 to 11. You get more points for more serious offences.

The table shows the offence codes that can be put on your driving licence. It also shows how many penalty points you can get for them. Some offences may also involve a disqualification.

Offence codes and penalty points must stay on your driving licence for 4 or 11 years depending on the offence.

Accident offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Careless driving

Codes CD10 to CD30 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9

Code	Offence	Penalty points
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving licence for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc	3

Reckless/dangerous driving

These codes must stay on a driving licence for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink or drugs

Codes DR10 to DR30 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11

Codes DR40 to DR70 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Code DR80 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

Code DR90 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway offences

Code MW10 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3

Code	Offence	Penalty points
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special code

Code TT99 must stay on a driving licence for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

'Mutual recognition' codes

You'll get an 'MR' code on your licence if you're disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. Your disqualification period will also be valid in GB and will stay on your licence for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified

Code	Offence
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Last updated: 14 February 2013

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Penalty points (endorsements) from GOV.UK

Part 3 How long endorsements stay on your driving licence

An endorsement must stay on your driving licence for the following periods of time:

4 years from date of conviction

If the offence is for:

- reckless/dangerous driving - shown on the licence as DD40, DD60 and DD80
- offences resulting in disqualification
- disqualification from holding a full driving licence until a driving test has been passed

Example Date of conviction 28 May 2004 – the endorsement must stay on the licence until 28 May 2008.

4 years from the date of offence

In **all other cases** endorsements stay on your licence for 4 years from the date of offence.

Example Date of offence 10 June 2005 – the endorsement must stay on the licence until 10 June 2009.

11 years from date of conviction

If the offence is:

- drink driving or drug driving - shown on the licence as DR10, DR20, DR30, DR80 and DR90
- causing death by careless driving while under the influence of drink or drugs – shown on the licence as CD40, CD50 and CD60
- causing death by careless driving, then failing to provide a specimen for analysis – shown on the licence as CD70

Example Date of conviction 3 December 2002 - the endorsement must stay on the licence until 3 December 2013.

How long will it take before my caution or conviction becomes spent?

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. It is calculated from the date of conviction or the date the caution is administered. The rehabilitation periods are shown in the table below.

Sentence Disposal	Rehabilitation period for adults (18 or over at the time of conviction or time the disposal is administered)	Rehabilitation period for young people (under 18 at time of conviction or time the disposal is administered)
Imprisonment or detention in a young offender institution for over 30 months (2 ½ years)	Never spent	Never spent
Imprisonment or detention in a young offender institution over 6 months but not exceeding 30 months (2 ½ years)	10 years	5 years
Imprisonment up to 6 months	7 years	3 ½ years
Fine	5 years	2½ years
Community Sentence	5 years	2½ years
Conditional discharge	3 months	3 months
Simple Caution, Reprimand Final Warning	Spent immediately	Spent immediately
<i>Some sentences carry variable rehabilitation periods. The main ones are as follows:</i>		
Compensation Order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Bind Over	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Attendance Centre Order	A period ending one year after the order expires	A period ending one year after the order expires
Hospital Order	Five years, or a period ending two years after the order expires (whichever is the longer)	Five years, or a period ending two years after the order expires (whichever is the longer)

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

(including Licence Conditions)

CONTENT

1.	Introduction	2
2.	Consultation	2
3.	Hackney Carriage/Private Hire Vehicle Licences	3
4.	Taxi Fares	3
5.	Drivers	3
6.	Operators	5

Appendices

Appendix 1 – List of Consultees	6
Appendix 2 – Hackney Carriage Proprietor’s Licence Conditions	7
Appendix 3 – Private Hire Vehicle Licence Conditions	10
Appendix 4 – Exceptions to delegations to decide Driver’s licences	13
Appendix 5 – Hackney Carriage Driver’s Licence	14
Appendix 6 – Private Hire Vehicle Driver’s Licence	18
Appendix 7 – Operators Licence Conditions	22
Appendix 8 – Criminal Records Policy	25

1. INTRODUCTION

1.1 The purpose of licensing of the Hackney Carriage and Private Hire Vehicle ('PVH') trades is to protect the public. Epping Forest District Council ('the Council') is also aware that the public should have access to Hackney Carriages and PVH because of the part they play in local transport provision and the economy of the District.

1.2 In preparation of this policy the Council has had regard to:

- The Department of Transport Best Practice Guide, and
- Existing legislation
- The Provision of Services Regulations 2009 ,to ensure requirements are:
 - (i) non-discriminatory;
 - (ii) justified by an overriding reason relating to the public interest;
 - (iii) proportionate to that public interest objective;
 - (iv) clear and unambiguous;
 - (v) objective;
 - (vi) made public in advance, and
 - (vii) transparent and accessible

2. CONSULTATION

2.1 The Council is keen to hear the views of persons who may be affected by this policy and has identified people and organisations who they consider may be interested in commenting on this policy before finalising and publishing this policy statement. The list of persons this authority consulted is attached as appendix 1 to this statement.

2.2 The policy was approved at a meeting of the Full Council on ?????. are available in the Civic Offices and on the website.

2.3 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

2.4 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.

3. LICENSING OBJECTIVES

3.1 The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to protecting the public by promoting the following objectives:

- To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them

- To ensure that all licensed drivers and private hire operators are fit and proper persons
- To provide clarity for licensees with respect to the Council's requirements and the decision making process
- To promote a professional and respected hackney carriage and private hire trade

3.2 These objectives will be taken into account by the Council when making decisions.

4. DECISION MAKING IN RESPECT OF APPLICATIONS

4.1 The decision making powers of the Council may be carried out either by the Licensing sub-committee or by one or more officers acting under delegated authority. An indication of which applications will be heard by the sub-committee is shown in Appendix 4. The Council will in deciding these cases give priority to the safety of the public and their property.

4.2 When making a decision in respect of an application for a licence to drive a hackney carriage and/or a private hire vehicle or to operate a private hire vehicle the Council will take account of its Criminal Records Policy set out in Appendix 8.

4.3 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.

5. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

Legislative background

5.1 Section 47(2) of the Town Police Clauses Act 1847 permits a District Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and
- Comfortable;

- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Licence Conditions

5.2 The conditions of the Hackney Carriage Proprietors licence is attached as appendix 2 and the Private Hire Vehicle licence as appendix 3. If there is a breach of these licence conditions the matter may be referred to the Council's Licensing sub-committee for consideration or in the case of a serious or urgent breach the appropriate officers have delegated authority to decide whether to suspend or revoke a licence.

Vehicle Testing

5.3 Prior to the grant of a new vehicle licence the vehicle must have been tested by the Council's authorised testing station.

Age Limits

5.4 Vehicles under the age of five years then will require six monthly testing at the Council's authorised testing station, whereas those over five years must be tested quarterly.

5.5 Failure to have interim tests carried out in accordance with this policy is likely to result in the suspension of the licence and repeated offenders may be prosecuted in the magistrates court

Vehicle Identification

5.6 The requirement for roof and other signs are specified in the licensing conditions.

Insurance

5.7 The Council requires proof that the vehicle is insured prior to the issue of a new licence or on renewal and may require the Proprietor to provide it with details of insurance at any time whilst there is a current licence.

Duration

5.8 Licences for vehicles can be granted by the Authority for up to one year.

Executive Status – For Private Hire Vehicles only

5.9 The Authority has a duty of care to ensure that all residents, professional clients and general customers travelling in private hire vehicles are safe and secure at all times and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and forbid the use of tinted windows.

5.10 The Council is prepared to recognise a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be permitted.

5.11 The vehicle must be a high quality, executive or prestigious vehicle and must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

5.12 The applicant must satisfy the Council that they intend to operate the vehicle for work of an executive or corporate nature and that they are required not to display plates. Two letters of reference not more than one month old are required when making the application and on each renewal of the licence.

6. TAXI FARES

6.1 All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company prior to the grant of the licence.

6.2 If a hackney carriage is used under a contract for private hire, the driver cannot charge more than the fixed rate in the authorised fare table. As a result the driver must have the meter running at the correct tariff whenever they have passengers in the vehicle. The produced tariffs are for maximum fares and drivers have the discretion to charge less than the displayed price.

7. DRIVERS

Legislative background

7.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”

Council’s requirements

7.2 Prior to issuing a new licence the Council requires:

- A Medical Certificate;
- A search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- The applicant must have passed the Council’s Knowledge Test;
- For those not holding an EU passport, evidence will need to be provided of the applicant’s right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council’s website.

Driving Experience

7.3 The Council requires that an applicant must have passed his or her driving test at least three years prior to the application. This is to ensure that the driver has the necessary skills and experience to be a licensed driver.

7.4 If an applicant considers that an exception should be made then the sub-committee will consider the application taking account of the driving history of the applicant, whether the applicant has been employed as a driver, the type of work to be undertaken and any other matter which the applicant considers relevant to demonstrate his or her experience.

Duration

7.5 The Council usually issues a licence for a period of one year.

Renewals

7.6 When an application is made to renew the Council will require:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- a current doctor's certificate every five years for applicants of 45 years and over and every year at renewal for those applicants of 65 years and over;
- a copy of the driver's current driving licence;
- For those not holding an EU passport, evidence will need to be provided of the applicants right to work in the United Kingdom which will include a relevant VISA or letter from the appropriate Embassy/Authority.

Further guidance and application forms are on the Council's website.

7.7 Serious or frequent complaints about a driver will be taken into account when considering any renewal of a driver's licence.

8. PHV OPERATORS

Legislative Background

8.1 Section 55 of the Local Government (Miscellaneous) Provisions Act 1976 states that the Council shall grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

Application

8.2. In order for an operator to prove that they are fit and proper they must provide evidence of:

- a new search made at the Disclosure and Barring Service and/or a certificate of good conduct provided from the relevant embassy of an applicant from overseas;
- references

8.3 Proof of Public Liability Insurance must also be provided.

Insurance

8.4 The Council may require the Proprietor to provide it with details of public liability insurance at any time whilst there is a current licence.

Premises

8.5 In order to ensure that accurate regulation and realistic enforcement is undertaken by the Council, a licence shall not be granted to any applicant whose operating centre or

intended operating centre is outside of Epping Forest district unless that applicant is renewing a licence which was previously granted by the Council at a time when their operating centre was located outside the district. A landline telephone number will be required to which bookings can be made. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings

9. LICENSING CONDITIONS

9.1 All Hackney Carriage Vehicle licences will be issued subject to the conditions specified in Schedule 5, those for Private Hire Vehicle Drivers licences those set out in Schedule 6 and those for Private hire Vehicle Operators in Schedule 7.

9.2 The Council will take into account any failure to comply with these conditions when deciding whether a licence should be revoked, suspended or renewed.

10. ENFORCEMENT

10.1 Officers from the Licensing Service and Environment and Street Scene will aim to undertake enforcement fairly, providing advice where appropriate to ensure that drivers and proprietors fully understand the relevant legislation and conditions. Enforcement may be carried out in conjunction with other authorised bodies such as VOSA and police officers

10.2 Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently. Complaints received and warnings issued in relation to existing drivers and operators will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued or complaint received during this period, the original warning / complaint will be kept on file from the date of the most recent warning.

APPENDIX 1

LIST OF CONSULTEES

Association of Licensed Retailers	Paul Keska
	John Knapman
	Yolonda Knight
Solicitors	Jeane Lea
Attwater & Liell Solicitors	Lance Leonard
Berwin Leighton Paisner Solicitors	Alan Lion
Curwens Solicitors	Harvey Mann
Foskett Marr Gadsby & Head	John Markham
Whiskers LLP	Maggie Mcewen
Hammonds solicitors	Ann Mitchell
Jarmans Solicitors	Gagan Mohindra
	Richard Morgan
British Transport Police	Stephen Murray
	John Philip
Breweries	Caroline Pond
Mitchells & Butlers	Brian Rolfe
McMullen & Sons	Brian Sandler
Star pubs & bars (was scottish & newcastle retail)	Mary Sartin
Greene King	Glynis Shiell
Spirit group brewery	Penny Smith
	Peter Spencer
Citizens Advice Bureau	David Stallan
	Syd Stavrou
Campaign for the protection of rural England	Tracey Thomas
Council for Voluntary Services	Haluk Ulkun
	Gary Waller
East Herts District Council (Licensing)	Lesley Wagland
	Sylvia Watson
EFDC Councillors	Antony Watts
Kenneth Angold-Stephens	Elizabeth Webster
Ken Avey	Chris Whitbread
Richard Bassett	Janet H Whitehouse
Anthony Boyce	Jon Whitehouse
Heather Brady	David Wixley
Will Breare-Hall	Neville Wright
Gavin Chambers	John Wyatt
Kewal Chana	
Tony Church	Chief Exec/Deputy
Tessa Cochrane	Glen Chipp
Richard Cohen	Derek MacNab
Colin Finn	
Ricki Gadsby	EDFC Senior Officers
Leon Girling	<u>Mike Tipping</u>
Peter Gode	<u>Nigel Richardson</u>
Anne Grigg	<u>John Preston</u>
James Hart	<u>Kassandra Polyzoides</u>
Derek Jacobs	<u>Paul Pledger</u>
Sue Jones	<u>Bob Palmer</u>
Helen Kane	

<u>Coleen O'Boyle</u>	
<u>Jim Nolan</u>	Parish Councils
<u>David Newton</u>	Abbess, Beauchamp and Berners Roding
<u>Alison Mitchell</u>	Willingale - Mr E Fenwick
<u>Paula Maginnis</u>	Theydon Mount - Anne Brewitt
<u>Peter Maddock</u>	Theydon Garnon - Mrs D Corsi
<u>Laura MacNeill</u>	Theydon Bois - Sally Crone
<u>Graham Lunnun</u>	Stapleford Tawney - Wendy Heard
<u>John Kershaw</u>	Stapleford Abbots - Mr Jeffrey Blatt
<u>Alan Hall</u>	Stanford Rivers - Mrs K Hayden
<u>John Gilbert</u>	Sheering - Mr D Harris
<u>Qasim Durrani</u>	Roydon - Mrs J Ballard
<u>Mike Chapman</u>	North Weald - Clerk
<u>Janet Twinn</u>	Nazeing - Mr B Blunden
<u>Roger Wilson</u>	Moreton, Bobbingworth & Lavers - L. Peters
<u>Julie Chandler</u>	Matching - Mr Ernie Fenwick
	Lambourne - Mrs R Spiller
MP'S	High Ongar - Deborah Tonkiss
MP- Eric Pickles	Fyfield - Louise Vandermark
MP- Elanor Laing	Epping Upland - Mrs V Evans
MP - Robert Halfon	Chigwell - Kay Canning
	Buckhurst Hill - Clerk
Equity	
Environment Agency	Princess Alexandra NHS Trust
Epping Forest Conservators	Rural Community Council of Essex
Epping Forest PCT	Transport and General Works Union
Essex Ambulance NHS Trust	
Essex County Council	Town Centre Partnerships
	Loughton High Road - Doreen Corsi
Essex Police Service	- Peter Sheen
Essex Probation Service	Buckhurst Hill - Peter Angel
(West Essex Local Delivery Unit)	Epping - Barbara Ford
	- Barry Seager
	Loughton Broadway - Dave Stannard
Essex Tourist Bodies	Ongar Town Forum - Martyn Pattie
General Municipal & Boilermakers union	Waltham Abbey - Norma Green
Health & Safety Exec Essex	
Lea Valley Park Authority	Union of Shop Distributive and Allied workers
HM Revenues and Customs	Unison
Local Chambers of Commerce	Licensed Victuallers Association
Local Council Liaison Committee	Disabled Coalition Group
Local Round Table	Transport and general workers union
Loughton Residents Association	Whipps Cross NHS Trust
LUL Transport for London	
Musicians Union	Other Responsible Authorities
Harlow Magistrates Court	Epping police station - Peter Jones
	Pollution & Public health – Richard Gardiner
Town Councils	Public Health - Steven Harcher
Loughton - Mrs Enid Walsh -	Head of Child Protection ECC
Ongar - Aimi Middlehurst	Health and safety executive
Waltham Abbey - Kathryn Richmond	Trading Standards
Epping - Ash Tadjrishi	Essex Fire and Rescue

Planning - David Baker	All Saints & St Giles Church
Environment Agency	Loughton Synagogue
Licensing Administration, public health NHS	Theydon Bois Baptist Church
Consumers association	Epping Green Chapel
Stephen Carpenter- Mc Donalds	Epping District Team Ministry
	Epping Methodist Church
Epping Voluntary Action	St. Paul's Church
	St. Johns Church
City of London	Waltham Abbey, Holy Cross and St Lawrence
West Essex PCT	St Thomas Upshire
	All Saints
Churches	Federation of Synagogues
St Stephen's Church	Chigwell & Hainault Synagogue
St. Thomas More & St Edward Catholic Church	Kingdom Hall Of Jehovah's Witnesses
Church of the Immaculate Conception RC	St Martin's Chipping Ongar & St Peter's Shelley
Church Of The Assumption	Greensted Church
St. Michael's Church	St Martins C Of E Church
Epping Forest Youth for Christ	<u>St Helens Catholic Church</u>
St. Nicholas Church	The Parish Church of Saint Margaret
St. Thomas More Church	Arriva Bus Company
Trinity Church	
Restore Community Church	Taxi Operators
St. John's Church	Ongar Cars
St. Edmund's Church	Sadlers Taxi's
St. Mary's Church	Bassett Cars
Loughton Baptist Church	VIP Cars
Holy Trinity Church	Abbey Cars
St John the Baptist Church, Epping	Elite cars
St Elizabeth Church, Buckhurst Hill	Chigwell Cars
St. Winifreds Church of England	Lawlor Cars Services
St. Mary's Church Chigwell	Mayflower Cars
Restore Community Church	Sadlers Taxi
The Salvation Army	Advance Cars
Lea Valley Church A.O.G	Olympic Taxis
Life Church Epping - Pastor Lee Carmichael	
Epping Forest Community Church	All Licensed Premises
Chigwell & Hainault Synagogue	
St Mary's Church	Epping Forest Safety Strategy Panel
Waltham Abbey Church	
St Mary the virgin	Local Strategic Partnership
Holy Innocents	
St Michael and All Angels	
All Saints Church	
Epping Elim Church	
Buckhurst Hill Baptist Church	
St James' Church	
Fyfield Benefice Essex	
St. James United Reformed Church	
St. Mary the Virgin	
St. Peters Church	
The Forest Hill Evangelical Church	
St. Helens Catholic Church	

APPENDIX 2

HACKNEY CARRIAGE VEHICLE LICENCE

CONDITIONS OF LICENCE

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. The Council considers that the following conditions are reasonably necessary for the regulation of hackney carriages in its district. These conditions may be amended or varied by the Council at any time.

The proprietor of the vehicle must ensure that the vehicle complies with the following conditions at all times:

VEHICLE LICENCE

Term of Licence

1. A Hackney Carriage Vehicle Licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned to the Council on termination of the licence.

3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.

4. The licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Hackney Carriage plate. The plate must be kept clean.

5. A Hackney Carriage shall display a roof sign which shall be illuminated, and showing to the front and rear the word "TAXI", except when the vehicle is under hire.

6. The trade name, address and telephone number may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.

7. Only licensing plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

7. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:

- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) The centralised locking system should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre, jacking equipment and wheel brace. Where a vehicle is manufactured not to carry a spare wheel then subject to the vehicle being fitted with suitable run flat tyres or it carries a manufacturer's approved temporary repair kit then the requirement for a spare wheel to be carried shall not apply.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment which shall be kept in position at all times. This condition shall not apply to people carriers or multi purposes vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) The vehicle should not be driven unless the driver's badge is clearly displayed.

Vehicle Inspections

8. The proprietor shall submit the vehicle for inspection on first application for a licence and for every renewal.

9. If the vehicle is less than five years old the proprietor of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date when the licence is issued at premises that are approved by the Council.

10. If the vehicle is over five years old at four monthly intervals.

11. The Council may require a vehicle to be inspected at any other time.

12. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

13. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Hackney Carriage, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

14. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

15. The inside and outside of a Hackney Carriage vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

16. A Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Taximeter

After (Date to be decided)

17. The vehicle shall be fitted with a taximeter visibly recording the passenger fare payable in conformity with such table of fares as may from time to time be approved by the Council or (where lower) the table of fares charged by the driver.

18. The position of the taximeter shall be agreed by the Council's inspecting officer and shall be maintained at all times so that the fare displayed can readily be seen by passengers.

19. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required.

Convictions

20. The Proprietor shall notify the Senior Licensing Officer in writing of any conviction or police caution recorded against him or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Change of Address

21. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Failure to comply with any of the conditions will result in a referral to Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Knowledge of these conditions will form part of the Knowledge Test

APPENDIX 3

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles. The following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district will apply to all licences. These conditions may be amended or varied by the Council at any time.

The Proprietor of the Vehicle must ensure that the vehicle complies with the following conditions at all times.

VEHICLE LICENCE

Term of Licence

1. A Private Hire Vehicle licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned on the termination of the licence.

3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.

4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Private Hire Vehicle plate. The plate must be kept clean.

5. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.

6. There shall be **no** display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or part of another word nor the word "FOR HIRE" in any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up passengers wishing to hire it or would be available if not already hired.

7. Only Licensing Plates issued by Epping Forest District Council shall be displayed on the vehicle

Vehicle Specification

7. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:

- (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
- (b) Centralised locking of the doors should not be applied when carrying adult passengers.
- (c) Seats with a minimum width of not less than 43cm per person.
- (d) Accommodation for not less than four passengers.
- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have a minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre or run flat type of tyre, jacking equipment and wheel brace.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment shall be kept in position at all times. This condition shall not apply to people carriers or multi-purpose vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) Vehicles should not be driven unless the Driver's Badge is clearly displayed.

Vehicle Inspections

- 8. The licence holder shall submit their vehicle for inspection on first application and on every renewal.
- 9. If the vehicle is less than five years old the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date that the licence is issued at premises that are approved by the Council.
- 10. If the vehicle is over five years old it must be submitted for inspection at six monthly intervals.
- 11. The Council may require a vehicle to be inspected at any other time.
- 12. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

- 13. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event

that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Private Hire Vehicle, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

14. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered to be offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

15. The inside and outside of a Private Hire Vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

16. A Non Halon Fire Extinguisher conforming to BS EN3 shall be carried and be readily available for use.

Change of Address

17. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Convictions

18. The Proprietor must inform the Senior Licensing Officer in writing of any convictions or police caution recorded against him, or if the Proprietor is a company against any of its directors during the period of the licence within seven days of such conviction or caution.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 4

Exceptions to delegations to decide Driver's licences

In the following circumstances application for a Hackney Carriage or Private Hire Driver's Licence will be decided by the Licensing Sub-Committee:

1. If the application is contested
2. Where there are breaches of condition or related law in the preceding 12 months
3. An applicant fails to comply with the Council's licensing procedure, pass the Knowledge Test, or meet the age, experience, or medical fitness requirements
4. Where in the opinion of the Council's medical adviser (or a doctor nominated by him) an applicant is not medically fit to hold a licence to drive a Hackney Carriage or Private Hire Vehicle.
5. An applicant for a driver's licence has a criminal conviction relating to the following:
 - Any unspent conviction for theft or similar offence, or
 - A conviction for violence against the person,, or
 - Any unspent drug related offence, or
 - An offence relating to indecency or sexual offence, or
 - Any unspent conviction for drunkenness
6. An applicant has motoring convictions contained in the list below:
 - Disqualification for driving by a court for any reason within the preceding five years, or
 - An accumulation of 10 or more penalty points from endorsable motoring offences in the last five years, or
 - Any motoring offences that the Authority considers the sub-committee should consider.
7. Where the Director of Corporate Support Services considers it appropriate to exercise her discretion because of her concern about the suitability of the applicant which is the subject of the licensing application.

APPENDIX 5

HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The driver must:

(a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;

(b) not smoke in the vehicle at any time even when the vehicle has no passengers;

(c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles;

(d) not apply the centralised locking system when carrying adult passengers.

2. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.

3. The driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.

4. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.

5. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

6. The driver shall not drive a vehicle that is a Hackney Carriage unless it is properly displaying the licence plate and it is clear and legible and all times.

7. not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

Badges

8. A driver shall, at all times, display his/her badge so that it is clearly visible.
9. The driver will return his/her badge to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.

Change of Address

10. A Licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Hackney Carriage shall produce his/her Licence on request for inspection by an authorised officer of the Council, or any police officer

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate.
15. Once a Hackney Carriage has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person;
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also to ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Hackney Carriage shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 24 hours, to his/her operator. If the driver has no operator then the matter must be reported to the nearest Police Station as soon as possible and in any case within 24 hours of the finding.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.

20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-

- (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
- (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity.

21. A driver shall only be exempt from condition 21 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position.

Fares

22. The driver shall not demand from the hirer a fare in excess of that indicated on the taximeter

23. The taximeter must be used at all times for all journeys and must be visible to the hirer.

24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Hackney Carriage

25. No driver, licensed or otherwise, shall act as a Hackney Carriage driver without the consent of the owner of the Hackney Carriage.

26. A driver shall not leave his Hackney Carriage unattended in a public place, the Police being authorised to tow it away under such circumstances.

27. A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

Medical Conditions

28. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

29. In the event that a Licence holder is charged or summoned for any alleged criminal offence, then he/she shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

30. In the event that a licence holder is convicted of any criminal offence, or has an official caution administered, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**

31. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the Licence holder's DVLA driving licence, that Licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 6

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles in the district. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. These conditions may be amended or varied by the Council at any time.

Conduct of Driver

1. The holder of a Private Hire Vehicle licence shall also produce his/her licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.

2. The driver must:

(a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.

(b) not smoke in the vehicle at any time even when the vehicle has no passengers;

(c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles.;

(d) not to apply the centralised locking system when carrying adult passengers.

3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.

4. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.

5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.

6. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

7. The driver shall not drive a vehicle that is a Private Hire Vehicle unless it is displaying a licence plate and it is clear and legible at all times.

Badges

8. A driver shall, at all times, display his badge so that it is clearly visible.
9. The driver will return their badges to the Licensing Section immediately upon the expiry, revocation or suspension of their licence.
10. A licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

11. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Private Hire Vehicle.
12. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
13. The driver of a Private Hire Vehicle shall produce his/her licence on request for inspection by an authorised officer of the Council, or any police officer.

Passengers and Luggage

14. A driver shall not carry or permit to be carried in his/her vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate
15. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
16. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person.
17. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

18. The driver of a Private Hire Vehicle shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 48 hours, to his/her operator.

Animals

19. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.

20. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-

- (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
- (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity or has some other form.

21. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position

Fares

22. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.

23. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as is plainly visible to persons travelling in the vehicle.

24. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Private Hire Vehicle

25. No driver, licensed or otherwise, shall act as a Private Hire Vehicle driver without the consent of the owner of the Private Hire Vehicle.

26. A driver shall not leave his Private Hire Vehicle unattended in a public place, the Police being authorised to tow it away under such circumstances.

27. A driver shall not obstruct or hinder another Private Hire Vehicle driver in any way.

28. Private Hire Vehicles may not wait on any stand designated for the use of Hackney Carriages.

Medical Conditions

29. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

30. In the event that a licence holder is charged or summoned for any alleged criminal offence, then he shall within seven days of being charged or on receipt of the summons (as

the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.

31. In the event that a licence holder is convicted of any criminal offence or has an official caution administered to them, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**

32. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, that licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Enforcement

33. The Council may suspend, revoke or refuse to renew on application a driver's licence if any of the above conditions are not complied with.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

NOTE: Questions on these conditions will form part of the Knowledge Test

APPENDIX 7

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Epping Forest District Council ('the Council') is the licensing authority in respect of Private Hire Operator Licences. The following conditions are reasonably necessary for the regulation of Private Hire Operators in its district. These conditions may be amended or varied by the Council at any time.

The operator of the private hire vehicle must ensure that he or she complies with the following conditions at all times.

Records

1. The operator must keep records of private hire bookings and of drivers and vehicles available to the operator and these shall be kept as follows:-

(a) Records must be kept in a form which gives easy access for inspection, e.g., in a bound book or if a booking is made by computer, a print out of each day's bookings, or bookings kept in computerised form so that the records can easily be made available for inspection by an authorised officer of the Council or Police Officer. Records must be kept for at least one year;

(b) The operator shall keep at each Operating Centre, records of the Private Hire Vehicle drivers and vehicles (including a copy of their licence) available to the operator for carrying out bookings accepted at that centre.

(c) All records must be made and retained in written or electronic form and securely stored.

(d) Records of each hiring must contain the following details:

- Date and time booking made
- Name of hirer
- Name of principal passenger (if different from above)
- Agreed time of pick-up
- Agreed place of pick up
- Destination(s) specified at time of hiring by the hirer(s)
- Identity of vehicle undertaking the hiring (vehicle registration or Private Hire Vehicle licence number)
- Name and licence number of the driver undertaking the hiring
- Fare quoted to hirer (if requested when hired)
- Time and date of journey (if different from date of booking)
- Whether the booking was sub-contracted; if so, the name of the sub-contractor, the Licensing Authority and the operator licence number.

(e) Records of the Private Hire Vehicle driver(s) used by the operator must contain the following details:

- Full name of driver
- Date of birth

- Address (normal place of residence)
- Date driver became available to operator
- Category of vehicle for which eligible to drive
- Private Hire Drivers licence number
- Date driver ceased to be available to the operator

(f) Records of the Private Hire Vehicle used by the operator must contain the following details:

- Manufacturer, model and colour
- Registration number
- Private Hire licence/plate number
- Registered owner name and address (on registration document)
- Date when vehicle became available to operator
- Copy of current valid certificate of insurance
- Date vehicle ceased to be available to the operator.
- Service history of each vehicle including details of any modifications thereto and details of all accident repairs.

Operation Centre

2. The operator shall notify the Council of any changes to the information supplied on the application form, e.g., change of address or telephone number, must be notified to the Council within two weeks of the change.
3. Operators will be required to notify the Council of the name of the person responsible for the day-to-day running of each Operating Centre named on the licence, and of any changes.
4. Operators shall display a copy of their licence at the Operating Centre in a position that is accessible to members of the public
5. Operators must display on public view, at Operating Centres with public access, evidence of their public liability insurance and must provide the Council with copies on request.
6. Operators must indicate clearly at the Operating Centre or within any letter head, advertising or promotion of their service, that the service provided is in respect of pre-booked journeys only.
7. Operators must ensure that any telephone facilities and radio equipment provided are maintained in sound condition and that any defects are repaired promptly.

Waiting Areas

8. To ensure that any waiting area for members of the public is kept clean, adequately heated, ventilated and lit.
9. To ensure that there is public liability insurance for any area open to the public for at least 2 million pound and the Operator shall produce evidence of insurance to the Council when requested.

Fares

10. Details of fare tariffs should be available to members of the public and displayed on public view at the Operating Centre or made available upon request.
11. Fares will be in accordance with the operator's advertised table of fares, unless otherwise agreed with the hirer at the time of booking.
12. The operator should give details of the fare for a particular hiring to the hirer when the booking is being made, If requested by the hirer.

General

13. Operators shall not employ or otherwise engage, whether directly or indirectly, any vehicle that has not been licensed by the Council or a driver who does not have a valid licence, for any bookings.
14. Operators shall only accept booking at an authorised Operating Centre.
15. Operators shall only sub-contract bookings to a licensed operator.
16. Operators must establish a complaints procedure, ensuring that all complaint records include the driver's name, nature of complaint, details of complainant and action taken.
17. Operators must establish a procedure for dealing with client's property lost or found in a Private Hire Vehicle operated by them or under contract to them. This should include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing lost property.
18. Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to a breach of the licence conditions.
19. Details of any conviction incurred by the licensee during the currency of the licence must be reported in writing to the Council within two weeks of the date of the conviction.
20. Lost property should be returned to the operator, then at the earliest convenience given to the customer. If this is not possible it shall be handed into the nearest police station

Failure to comply with the conditions will result in a referral to the appropriate officer of the Council or the Licensing Sub Committee for consideration of suspension or revocation of licence.

APPENDIX 8

CRIMINAL RECORDS POLICY GUIDELINES FOR THE ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND OPERATOR LICENCES

Introduction

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle or to operate a private hire vehicle the applicant is requested to declare any pending prosecutions, cautions or convictions you may have, even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974. Failure to declare such information or giving false information to obtain a licence is an offence and will be treated very seriously. The information that is given is treated in the strictest confidence and will only be taken into consideration in relation to the application.

The applicant is required to consent to the Council carrying out a check with the Disclosure and Barring Service, which will disclose any cautions or convictions that he or she may have. Information received from the Disclosure and Barring is treated in the strictest confidence while the application is processed, and will be retained on manual and computer records for no longer than is deemed necessary.

The existence of a criminal record or disclosure of other information will not necessarily preclude the applicant from gaining a licence unless the Council considers that any conviction or convictions renders him or her unfit to hold such a position of trust. In making this decision the Council will take into consideration the nature of the offence, the time period since it was committed, what age the applicant was when the offence was committed, and any other factors the applicant brings to the Council's attention or the Council feel are relevant.

Any applicant refused a licence on the grounds that they are not a fit and proper person to hold a licence has a statutory right of appeal to a magistrates' court.

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for a serious crime need not necessarily be permanently barred from obtaining a licence, but should be expected to remain free from conviction for a period of three to five years, depending on the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances, although persons with convictions for offences of a violent, sexual, child-related nature, a racially aggravated offence or other very serious crime will not normally be issued with a licence. The overriding consideration will always be the protection of the public.
3. In this policy, the time periods mentioned in each case refer to the time that has elapsed since the date of conviction. Where a custodial sentence has been imposed, however, the time period runs from the date of release from prison. Where several offences are being considered together, the pattern of offending will be taken into consideration and the Council will normally expect a person to have been free from conviction for a period of three to five years from the last conviction.
4. The Council reserves its right to take into consideration spent convictions and relevant cautions.

5. The Council reserves its right to require an applicant to undergo a substance abuse (illegal drugs) test where there is evidence to suggest that the applicant may have a drugs problem or there is a history of drug use. This would be at the expense of the applicant and would normally be required where two or more convictions or cautions under the Misuse of Drugs Act within the last ten years have been revealed.

6. Should the Council be minded to refuse an application or have concerns over convictions or driving endorsements the applicant will be invited to attend the Licensing Sub-Committee before making a determination. If an applicant does not attend, a decision will be made based on the information available.

The following examples afford a general, but not exhaustive indication as to the action likely to be taken where convictions are declared and/or revealed.

Types of Convictions

(a) Minor traffic offences

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have accrued the applicant should be warned as to future conduct and the warning recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his or her DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification

Minor Traffic offences not declared by driver

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the Council shall determine whether to issue the licence subject to a warning regarding future conduct or to refuse to grant the licence. A key consideration in reaching this determination will be whether there was a premeditated intent to deceive.

Existing drivers are under a legal obligation to declare to the Council all offences committed. Failure to do so may result in the revocation of the licence.

(b) Major traffic offences

An isolated, spent conviction for offences including dangerous driving or driving without due care and attention should normally merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

More than one conviction for this type of offence or a combination with other convictions within the last two years should merit refusal and no further application will then be considered until a period of at least five years free from conviction has elapsed.

(c) Drunkenness - With a motor vehicle

A serious view should be taken of convictions for driving or being in charge of a vehicle under the influence of drink.

An isolated incident in the past should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least five years should elapse after the restoration of the DVLA driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic then a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(d) Drugs

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions. If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

(e) Indecency offences

Hackney carriage and Private Hire Vehicle drivers often carry unaccompanied and/or vulnerable passengers. If an applicant has a conviction for any sexual offence the application will be refused.

(f) Violence

As Hackney Carriage and/or Private Hire Vehicle drivers and operators are in close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 should be used to justify the issue or refusal of a licence.

(g) Dishonesty

Hackney Carriage and/or Private Hire Vehicle drivers and operators are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver.

Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any property left in the vehicle being kept by unscrupulous drivers.

For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of at least three to five years free from conviction should be demonstrated before an application is considered.

If an applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

(h) Insurance offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance.

An isolated incident in the past will not necessarily debar an applicant but the sub-committee will require evidence as to the facts of the case.

More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Licence, unless there are exceptional circumstances. A driver found guilty of driving passengers for hire and reward whilst without valid insurance will have their Hackney Carriage and/or Private Hire Driver's Licence revoked immediately and no further application for such a licence will be considered by the Council for a minimum period of five years.

A Private Hire operator similarly convicted of operating a vehicle without valid insurance will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of five years

(i) Use of Hackney Carriage or Private Hire Vehicles

Unlicensed drivers who have convictions for any offences relating to the use of a licensed vehicle will not be considered for a licence by the Council for a minimum period of three years. More than one conviction for this type of offence in the last five years will raise grave doubts as to an applicant's fitness to hold a Hackney Carriage and/or Private Hire Driver's licence, unless there are exceptional circumstances.

Licensed drivers who are convicted of plying for hire (or touting) or other offences relating to the use of licensed vehicles will have their licence revoked and will not normally be considered for a licence by the Council for a minimum period of three years from the date of conviction. Private Hire Operators found guilty of operating a vehicle where no private hire vehicle Licence is in place will have their licence revoked and no further application for such a licence will be considered by the Council for a minimum period of three years.

(k) Failure to respond to interview request

The Council considers failure to respond to officer's request for an interview whether formal or informal to be serious as it prevents the Council from investigating issues and complaints and shows a disregard for the safety of the travelling public. In these circumstances the Council shall consider suspension of a driver's licence pending the outcome of the investigation.

(l) Failure to report an accident

A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning. Subsequent offences may be dealt with by way of revocation of the licence and/or prosecution

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Report to Licensing Committee

Date of meeting: 10th April 2013



**Epping Forest
District Council**

Subject: Statement of Licensing Policy

**Officer contact for further information: Alison Mitchell
Assistant Director (Legal) ext 4017**

Committee Secretary: Adrian Hendry

Recommendations:

That the Committee recommends that the Council adopts the Statement of Licensing Policy with any amendments agreed at the Committee meeting.

Report:

Background

1. At its meeting on 10th October 2013 the Licensing Committee, it was reported that because of amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 which has recently come into force, it was recommended that the policy was reviewed. The Committee instructed officers conduct a public consultation on the proposed new draft policy.
2. There were a number of replies to consultation which are summarized on the attached table and a reply has also been added. Copies of all the replies to the consultation are attached.
3. The proposed new Licensing Policy is attached. It has been amended to take account of some of the amendments suggested to clarify the document but no issues of substance have been included.
4. Members are requested to consider the Draft Policy and the replies to the consultation and specify any proposed changes that members require. The Committee is then requested to recommend to full Council that the policy is adopted.

Documents Attached

Draft Policy
Table of replies to the consultation
Replies to the consultation

Resource Implications:

None

Legal and Governance Implications:

Licensing Act 2003 (as amended)

Anti Social Behaviour Act 2003

Equality Act 2010

Safer, Cleaner and Greener Implications:

- To promote the four licensing objectives:
The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Consultation Undertaken:

Specified in the Licensing policy

Background Papers:

Report to the Licensing Committee 10th October 2012

Impact Assessments:**Risk Management****Equality and Diversity**

Licensing raises equalities issues which the Statement of Licensing Policy addresses.

Licensing Policy – Replies to Consultation

Name	Representation	Reply
City of London	Confirmed that they were happy with the changes and do not wish to make any further comment.	
Environment Agency	Acknowledged receipt of consultation	
Richard Gardiner – Environment and Neighbourhood Team	Replied that he was happy with the amendments	
Marc Jordan – Neighbourhood Policing Team Inspector	No comments	
Andy Hodges Fire Safety Officer – Essex Fire and Rescue Team	No observations or comments	
Cllr Richard Morgan	Replied that he was quite happy with the amendments.	
Ongar Town Council	Ongar Town Council have no major comments and regards many of the changes as being beneficial and welcome the Council’s willingness to inform local, town and parish councils of applications in their area.	
Note:	Feedback which is grammatical has been incorporated into the new draft attached and no comments are made on these.	
Cllr Angold-Stephens	<p>Para 1.24. – suggested clarification of when an objection could be considered repetitious. .</p> <p>Para 1.44 (now 1.43) –</p>	<p>Para 1.24 - The Guidance on this subject has been added to this</p> <p>Para 1.44 - further amendments have been made to clarify it.</p>
Glen Chipp – Chief Executive		All comments incorporated into the new draft

Julie Chandler - Lead Child Protection Officer	Raised concerns that the policy should contain child protection measures	One of the objectives of the Act is the protection of children from harm. Essex County Council were included in the consultation process. The policy was prepared taking account of the statutory guidance relating to the protection of children.
Nina Coultard	Para 1.24 – confusing Pointed out issues with numbering	Para 1.24 – This paragraph has been amended This has been amended.
Jerry Drewett Office of the Police and Crime Commissioner	Pointed out changes to consultees in the police	This will be taken into account in future consultations
Loughton Town Council	<p>1. Amended 1.1</p> <p>2. Suggested amendments to 1.2</p> <p>3. Suggested addition that the Development Committee should provide information as to the compliance of applicants with planning permissions etc.</p> <p>4. - 1. 16 – Now 1.15</p> <p>Deletion of the word ‘the’ in the 4th line and replacing with ‘any’</p> <p>Delete the last sentence</p> <p>5. Insert suggested 1.22A . This requires the Council to publish a list of newspapers in which it will advertise applications in.</p>	<p>1. Accepted</p> <p>2. Mostly accepted.</p> <p>3. Planning is not a matter that the sub-committees can take account of when making a decision.</p> <p>4. The last sentence sets out the Council’s current policy of matters that it will take into account when attaching conditions.</p> <p>5. Whether a newspaper circulates in an area is a matter of fact. It would place unnecessary burden on the licensing team to have to keep such a list updated.</p>

	<p>6. The insertion of the Health and Wellbeing Board as a responsible authority</p> <p>7. 1.24 now 1.23 – asks for the insertion of ‘county or a parish’</p> <p>8. The Town Council has asked that at the end of para 1.25 a proviso that a licence would not be granted if an advert had not been placed in a local paper.</p>	<p>6. The list of responsible authorities are set out in the legislation.</p> <p>7. This refers to the right of Councillors to make representations. The specific reference to Councillors had already been deleted as any person can object and it is not now relevant to mention Councillors separately</p> <p>8. This is unnecessary as the application would not be valid without complying with legal requirement to advertise..</p>
<p>MacDonalds</p>	<p>Note:</p> <p>This letter was a general letter sent to the Authority prior to the consultation but has been included for completeness.</p> <p>1. Police representations – MacDonalds require the Statement of Policy to require the police to be transparent.</p> <p>2. Vicinity – The removal of the vicinity test requires the Council to consider all representations. There is a suggestion that the Council may wish to include in the policy some apportionment on weight between those immediately impacted by the premises and its</p>	<p>Any representation made by the police would need to be based on evidence. The Sub-committee would require this information before a decision is made and that would be available to the applicants.</p> <p>2. Members may wish to consider this. However, there is little guidance and members will take into account the evidence upon which a representation based.</p>

	<p>operation and with a more generic view and lack of personal experience</p> <p>Other observations are set out in the letter attached.</p>	
<p>Neil Sjoberg – Sec Man Prop – Epping Golf Club Course</p>	<p>Mr. Sjoberg stated as follows:</p> <ol style="list-style-type: none"> 1. He considers the policy to be one sided and that it should state what he gets for his licence fee. 2. Asks for additional wording stating that the objectives are defined in detail in 2.1 3. The ‘applicant’ and ‘applications’ should be defined in more detail – planning applications, licensing applications etc. 4. What is the process for advertising applications 5. Further conditions relating to child safety should be added. Storage areas giving children access to alcohol <p>He has also suggested a nominated child welfare</p>	<ol style="list-style-type: none"> 2. The licensing objectives mentioned in more detail in 2. This has been added to the draft. 3. This policy relates only to licensing under the Licensing Act 2003 and applies to the different types of applications that can be made under that Act. The policy will apply to each of those applications and the definitions are not considered necessary. 4. Presently the Council follows the process set out in the Act and regulations. The application is advertised in the local paper and posted outside the premises. I have incorporated a suggested amendment to 6.2 This would add a cost to premises but

	<p>officer for each premises</p> <p>6. 'How about standard hours for information'.</p>	<p>members may consider this useful</p> <p>6. There are no standard hours specified in the Licensing Act.</p>
Molly Waite – Secretary of the Buckhurst Hill Sports and Social Club	She raises a similar point on the 'vicinity' test as MacDonalds.	
Waltham Abbey Town Council	Waltham Abbey states that they have difficulty in knowing when a licensing application is made and have asked for a weekly list of applications to be sent out.	<p>The Licensing Act 2003 and the regulations made under it specify how the applications must be publicised – advert in local paper, notice on the premises and on the Council's website. There is a danger in advertising outside these mediums as it could be argued in any appeal that the Council is encouraging representations when it should be neutral.</p> <p>However, the Task and Finish Panel has recommended that information relating to applications should be given to neighbouring properties and if that is agreed, giving notice to the town and parish councils is unlikely to further increase the risk that members have agreed.</p> <p>However, Parish and Town Councils have been informed that notices are on the website and their officers could check once a week.</p>
Cllr David Wixley	1. Could the term "other parties" be defined	1. This is the terminology used in the Act for everyone other than a Responsible Authority or an Authorised Person.

	<p>2. Asked if details of the Hampton Principles mentioned in 1.49 could be include as Appendix</p> <p>3. Requested that the Portman Code requested is included as an Appendix.</p> <p>4. Has asked that 'Staggered' replace the word 'longer'</p> <p>5. Appendix 2 – outdated list of consultees.</p>	<p>2.This has been included in the draft for consideration.</p> <p>3.This is a large document and can be found on the internet.</p> <p>4. This does give a different meaning and the closing times should be considered on the basis of the 4 licensing objectives. Other initiatives such as a Cumulative impact policy may be more appropriate to achieve this.</p> <p>5. We will update our list for next time</p>
--	--	---

Sarah Kits

From: French, Keith <Keith.French@cityoflondon.gov.uk>
Sent: 11 February 2013 15:58
To: Sarah Kits
Subject: Draft licencing policy

I have read the "draft licencing policy" and asked colleagues for comment. I can confirm that I am happy with the changes and do not wish to make any further comment.

Regards
K French
Head Forest Keeper
Epping Forest
02085321010
Keith.french@cityoflondon.gov.uk
www.cityoflondon.gov.uk/epping
www.twitter.com/coleppingforest
The Warren
Loughton
Essex
IG10 4RW

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Sarah Kits

From: Enquiries, Unit <enquiries@environment-agency.gov.uk>
Sent: 12 February 2013 13:28
To: Sarah Kits (GCSX)
Subject: 130212/MB12 RE: Licensing Act 2003 Consultation
Attachments: LICENSING POLICY 2012.doc

Dear Sarah

Thank you for your enquiry regarding your Licensing Consultation.

For your information, I have passed your query to our local External Relations Team (Planning and Corporate Services) for advice. They will check whether we hold this information and they will be in touch with you shortly. The External Relations team have 20 working days from the date we receive your enquiry to provide a response, and they will get this to you as soon as possible.

Should you wish to contact them in the meantime, their details are below. Please quote your Enquiry Ref 130212/MB12 in your correspondence with us.

External Relations
Planning and Corporate Services
Environment Agency
South East Region, North East Thames Area
Apollo Court
2 Bishops Square Business Park
St Albans Road West
HATFIELD
AL10 9EX

Tel: 03708 506506

Kind Regards

Matthew Bembridge
Customer Service Advisor
Email Enquiries Unit
National Customer Contact Centre
Part of National Operations
Environment Agency
Tel: 03708 506506
Website: www.environment-agency.gov.uk/

Follow us on



We would really like to know what you think of our customer service. Please can you spare five minutes to complete our short survey; your feedback will help us identify where we need to improve.

The survey is completely anonymous.

<http://feedback.environmentagency.uk.com/s/HZwQiDVgYzGSx3Z>

From: Sarah Kits (GCSX) [mailto:skits@eppingforestdc.gcsx.gov.uk]
Sent: 07 February 2013 16:23
To: 'eric@ericpickles.com'; 'lainge@parliament.uk'; 'halfon4harlow@roberthalfon.com'; 'info@equity.org.uk'; Enquiries, Unit; 'enquiry@efct.info'; 'aiden.thomas@eppingpct.nhs.uk'; 'anthony.marsh@essexamb.nhs.uk';

Sarah Kits

From: Richard Gardiner
Sent: 08 February 2013 09:10
To: Sarah Kits (GCSX)
Subject: RE: Licensing Act 2003 Consultation

Dear Sarah

Thank you for your email. I have no comments on the proposed changes.

Regards

Richard Gardiner
Environment & Neighbourhood Manager

Email: rgardiner@eppingforestdc.gov.uk
Tel. (Direct): 01992 564089
Contact Centre: 01992 564608
Epping Forest District Council
Civic Offices, High Street, Epping, Essex, CM16 4BZ

For more information on the Environment & Neighbourhood Team, click on the following link:

www.eppingforestdc.gov.uk/environment-and-neighbourhoods-team

From: Sarah Kits (GCSX)
Sent: 07 February 2013 16:22
To: 'communications@bartshealth.nhs.uk'; 'peter.jones@essex.pnn.police.uk'; Richard Gardiner; Steven Harcher; 'licenceapplications@essexcc.gov.uk'; 'Richard.Bulmer@hse.gov.uk'; 'TSInformationAndBusinessSupportTeam@essexcc.gov.uk'; 'he.command@essex-fire.gov.uk'; David Baker; 'jenny.sampson@environment-agency.gov.uk'; helen.madden@northeastessex.nhs.uk; 'stephen.carpenter@uk.mcd.com'; 'forest-vbadmin@vaef.org.uk'; 'paul.lawry@dft.gsi.gov.uk'; 'eppingforest@cityoflondon.gov.uk'; 'mail@westessexpct.nhs.uk'; contact@loughton-tc.gov.uk; 'richard.james@walthamabbey-tc-gov.uk'; epping@dioceseofbrentwood.org; richard@loughtonchurches.org.uk
Subject: Licensing Act 2003 Consultation

Dear Sir/Madam

As a requirement of the Licensing Act 2003, licensing authorities are required to consult on their licensing policies every five years. This also incorporates any changes to the Act. Please note all changes are in bold or have been crossed through.

You will find attached a copy of this Councils' draft licensing policy. I would be grateful if you would read it and let me have your thoughts and comments.

In order for me to allow Council Members enough time to consider your comments I must ask that I receive them by **20 March 2013**.

You can either send your comments by post to: The Licensing Section, Civic Offices, High Street, Epping, Essex CM16 4BZ or alternatively you can email your comments to skits@eppingforestdc.gov.uk

Thank you for spending the time to consider this matter and if I can be of any assistance please contact me.

Yours faithfully,

Sarah Kits

From: Caroline Wiggins (GCSX)
Sent: 13 March 2013 15:21
To: Sarah Kits
Subject: FW: Licencing Policy

Sarah please note the comments re the Licencing Consultation

regards
Caroline Wiggins
01992 564122

From: Marc Jordan [mailto:Marc.Jordan@essex.pnn.police.uk]
Sent: 07 March 2013 13:00
To: Caroline Wiggins (GCSX)
Subject: Licencing Policy

Caroline,
I was today asked to review the EFDC Licencing strategy for 2012 – 2017.
I see no issues with the policy and raise no objections or concerns.

In regards to us meeting and you buying biscuits,
I have a meeting tomorrow morning with councillors from Waltham Abbey so I don't know what time I will be free,
are you and your team free Next Monday or Friday?

Regards

Marc Jordan

Inspector 70392 Jordan
Loughton, Epping, Waltham Abbey & Ongar
Neighbourhood Policing Team Inspector
Loughton Police Station
ext 313120

'01 'Essex Police new non-emergency telephone number'

follow @InspMarcJordan on twitter for latest news and stories

If you are calling from outside Essex Police please dial 0300 333 4444 or 101 and key in the above extension number when asked.

My Neighbourhood Constable is Pc 71045 Leigh Munden, who's yours?? To find out and also know what is happening in your neighbourhood and all about your local neighbourhood policing team visit www.essex.police.uk/my_neighbourhood.aspx and enter your postcode

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Sarah Kits

From: Andy Hodges (Watch Man B, WFS, HECC) <andy.hodges@essex-fire.gov.uk>
Sent: 08 March 2013 11:21
To: Sarah Kits (GCSX)
Subject: Licensing Policy 2013

Hello Sarah, sorry for the delay in replying to your email regarding consultation.

At present we have no observations or comments to make.

Kind regards

Andy Hodges

Station Officer

Workplace fire safety officer
Essex County Fire and Rescue Service
West Area Command - Service Delivery
Tel: 01279 420841
Mobile: 07979 640010
E-mail: andy.hodges@essex-fire.gov.uk

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Sarah Kits

From: Richard Morgan <richard@littlefaggoters.wanadoo.co.uk>
Sent: 10 February 2013 20:37
To: Sarah Kits
Subject: Re: Licensing Act 2003 Consultation

Dear Sarah

Thank you for your e-mail regarding the Council' draft Licensing policy.

I have read this through and am quite happy with the amendments stated in bold capitals.

Kind regards

Cllr Richard Morgan

Sarah Kits

From: Assistant Ongar <Assistant.Ongar@ongartowncouncil.gov.uk>
Sent: 07 March 2013 14:41
To: Licensing
Cc: Brian Surtees
Subject: EFDC DRAFT STATEMENT OF LICENSING POLICY

Having reviewed the above document, Ongar Town Council have no major comments to make on the policy and regards many of the changes as being beneficial and welcome the Council's willingness to inform local, town and parish councils of applications relevant to their specific area.

Regards.

Eileen Gough
Administration Assistant
Ongar Town Council
Bansons Way
Ongar
Essex CM5 9AS

Email: assistant@ongartowncouncil.gov.uk

Telephone: 01277 365348

Fax: 01277 362315

Website: www.essexinfo.net/ongartowncouncil

Sarah Kits

From: Ken Angold-Stephens <ken.angold-stephens1@ntlworld.com>
Sent: 08 February 2013 15:32
To: Sarah Kits (GCSX)
Subject: RE: Licensing Act 2003 Consultation

Dear Sarah
Just a few minor points.

Should paragraph 1.24 make it clear that using the same objection but under different licensing objectives is not repetitious and that the arbiter of whether an objection is repetitious is the Council (either the licensing officer or legal advisor)?

1.44 Should this read 'the grounds on which a renewal is requested' rather than the 'grounds for renewal'?

And

6.5 There needs to be a comma after 'schedule' and again after 'inappropriate' and inappropriate is one word.

That is all I can find.

Thanks
Ken

From: Sarah Kits (GCSX) [<mailto:skits@eppingforestdc.gcsx.gov.uk>]

Sent: 07 February 2013 16:22

To: 'community.protection@eastherts.gov.uk'; ken@angold-stephens.co.uk; 'kfcavey@btinternet.com'; 'richard.d.bassett@ntlworld.com'; 'tonyboyce@aol.com'; 'heatherbrady@hotmail.co.uk'; 'wsbh@hotmail.co.uk'; 'cllr.g.chambers@gmail.com'; 'kewalchana@yahoo.co.uk'; 'tony@churchspires.com'; 'rcohenefdc@hotmail.com'; 'finns@live.co.uk'; 'leongirling@gmail.com'; 'annegrigg@live.co.uk'; 'hartjmh@bloomberg.net'; 'jennie.hart@loughtonresidents.co.uk'; 'derek-eliane@d-e-jacobs.fsnet.co.uk'; david.john5on@virgin.net; sue.jones193@ntlworld.com; 'helen@samkane.co.uk'; cllr.ps.keska@hotmail.co.uk; jknepman@msn.com; yogard@hotmail.co.uk; tleonard@aol.com; al.lion@btinternet.com; 'professormann@sky.com'; heath.lands@btinternet.com; lillianmitchell@sky.com; gagan.mohindra@chromexgroup.com; spackford@hotmail.com; john.philip1@ntlworld.com; caroline_pond@hotmail.com; cllr.brianrolfe@hotmail.co.uk; bpsandler@aol.com; marysartin@yahoo.com; peterjspencer@hotmail.com; dave.stallan@tesco.net; sydstavrou@yahoo.com; 'traceythomas210@msn.com'; hal-7@hotmail.co.uk; gary.waller@which.net; 'lwebber@live.co.uk'; sylvia_watson@btconnect.com; antonywatts@googlemail.com; cllr.elizabeth.webster@essex.gov.uk; Chris Whitbread; 'janet.whitehouse@eflibdems.org.uk'; jon@jonwhitehouse.org.uk; david.wixley@talktalk.net; 'nevillewright64@hotmail.com'; wyatt_john1@sky.com

Subject: Licensing Act 2003 Consultation

Dear Sir/Madam

As a requirement of the Licensing Act 2003, licensing authorities are required to consult on their licensing policies every five years. This also incorporates any changes to the Act. Please note all changes are in bold or have been crossed through.

You will find attached a copy of this Councils' draft licensing policy. I would be grateful if you would read it a let me have your thoughts and comments.

In order for me allow Council Members enough time to consider your comments I must ask that I receive them by **20 March 2013**.

Sarah Kits

From: Glen Chipp
Sent: 01 March 2013 10:57
To: Sarah Kits
Subject: Licensing Policy
Attachments: LICENSING POLICY 2012.doc

Sarah,

Some suggested amendments in tracked changes

Glen Chipp

Chief Executive

Epping Forest District Council

Telephone: 01992 564758

Email: gchipp@eppingforestdc.gov.uk

**STATEMENT OF
LICENSING POLICY**
Made under section 5 of the Licensing Act 2003

Epping Forest District Council

This policy shall come into force on
not later than 2017

2012 and will be reviewed

Contents

	Page
1. Introduction	
• Purpose and Scope	3
• Licensing Objectives.....	3
• Consultation, Strategies and Policies.....	4
• Equality Duty	4
• Regulated Entertainment.....	5
• Applications.....	5
• Representations.....	6
• Conditions	7
• Administration, Exercise and Delegation of Functions.....	7
• Cumulative Impact of a Concentration of Licensed Premises.....	8
• Advice and Guidance.....	8
• Reviews.....	9
• Enforcement.....	10
2. Licensing Objectives.....	10
3. Prevention of Crime and Disorder.....	10
4. Public Safety.....	11
5. Public Nuisance	11
6. Protection of Children from Harm.....	11
7. Licensing Hours.....	12
Contact Details.....	12
Appendix 1 Delegation of Functions.....	13
Appendix 2 Consultation.....	14

1. Purpose and Scope

- 1.1 Epping Forest District Council ('the Council') is the licensing authority under the Licensing Act 2003 ('the Act'). This policy relates to all those licensing activities identified as falling within the provisions of the Act, including granting premises licences, club premises certificates, temporary events and personal licences in the district in respect of the sale and/or supply of alcohol and/or the provision of regulated entertainment and late night refreshment.
- 1.2 The Act requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act and to regulate licensable activities on, and in the vicinity of, licensed premises.
- 1.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act.
- 1.4 This Statement of Licensing Policy has been produced in consultation with the Chief Police Officer for Essex, the Fire and Rescue Authority and bodies representing local holders of premises licences, club premises certificates and personal licences, businesses and residents of the area. The policy will be reviewed in not less than five years, or in the light of significant changes to legislation or circumstances, whichever is sooner.

Comment [GC1]: Duplicates 1.3

Deleted: This

Deleted: 'Statement of Licensing Policy' has been prepared in accordance with the Act.

Comment [GC2]: Don't want to be tied into reviews for minor changes

Licensing Objectives

- 1.5 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 1.6 To achieve these objectives the Council will, where appropriate, use the full range of measures available to it, including relevant legislation. The Council will work closely with the police, the fire authority, businesses, community representatives and local people in meeting these objectives.

Comment [GC3]: Good to retain the discretion to decide what of the range of options available is most appropriate.

- 1.7 There are a number of other Council and Government policies, strategies, responsibilities, and guidance documents that have been considered in the formulation of this licensing policy and which will be taken into account in its implementation.

- 1.8 Applicants must be able to demonstrate that they have considered the four licensing objectives within their operating schedule. Applicants know their premises best and will be expected to address all aspects relevant to the individual style of their premises. Consideration must be given to all of the licensing objectives. There are many control measures that are available to applicants to achieve this goal. Applicants should consider whether or not any additional measures are required in respect of occasional or specific events that are intended or are likely to attract larger audiences.

Deleted: Where appropriate applicants

Comment [GC4]: Shouldn't they consider this for every event? If they conclude a larger audience is unlikely they can conclude no additional measures are necessary.

Consultation, Strategies and Policies

- 1.9 In developing this Policy Statement, the Council consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

Details of the consultation on this policy are attached as Appendix 2.

- 1.10 The Council will take account of the guidance and strategies listed below (or any replacement guidance or strategy) when preparing its policies and in its decision making.

- Environmental Health Enforcement Policy
- Enforcement Concordat
- The Corporate Plan

Other Responsibilities

- Responsibilities under Anti Social Behaviour Act 2003
- Equality Act 2010

Guidance Documents

- Guidance issued under S182 of the Licensing Act 2003
- A practical guide for dealing with Alcohol related problems issued by the Home Office
- Home Office - Safer Clubbing Guide
- LACORS – A Practical Guide to Test Purchasing
- Any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols

Any documentation relating specifically to temporary events such as:

- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999)
- Managing Crowds Safely
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0716 150804
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Outdoor Performances Independent Street Arts Network copies of which may be obtained through www.streetartsnetwork.org.uk/pages/publications.htm

- 1.11 The Council will have regard to, and consult with those involved with, local crime prevention, planning, transport, tourism, race equality and cultural strategies. Review or amendment to the documents listed in 1.10 will be considered for any impact on this Statement of Licensing Policy.

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- 1.12 Furthermore, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.

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- 1.13 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Development Control Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.

Equality Duty

- 1.14 The Council recognises its responsibilities under the Equality Act 2012 to **have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity; and foster good relations between persons with the characteristics mentioned in the Act. These characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.** The impact of this policy on its services will be monitored through the Council's Equality scheme 2012-2016. **This Statement of Licensing Policy has been assessed to take account of equality issues.**

Regulated Entertainment

- 1.15 As part of implementing local cultural strategies, proper account/consultation will be taken of the need to encourage and promote in suitable locations, a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of communities.
- 1.16 If representations are made concerning the potential for disturbance in a particular neighbourhood, the Council's consideration where disturbance is likely to be of limited ~~extent~~ will be balanced against the wider benefits to the community. When attaching conditions the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

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Applications

- 1.17 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits, taking into account:

- ~~The Licensing Act 2003 and the four licensing objectives;~~
- Government Guidance issued under Section 182 of the Licensing Act 2003;
- Supporting regulations;
- This statement of Licensing Policy; and
- ~~The nature and locality of the premises and the Operating Plan submitted by the applicant.~~

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- 1.18 The Council requires the applicants to satisfactorily address the licensing objectives, from the design of the premises through to the daily operation of the business, in their Operating Plans, which must be submitted with their application.

1.19 Nothing in this Statement of Policy will:

- Undermine the rights of any person to apply under the Act for a variation of permissions and have the application considered on its individual merits;
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act;
- Prevent any person from applying for a variety of permissions under the Act.

1.20 So far as possible, this policy will not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, equalities legislation, and the Fire Safety Regulatory Reform Order 2005. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of a licensing objective.

1.21 When one part of the Council seeks a premises licence from the Licensing Committee, the application will be considered from an entirely impartial standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee.

Deleted: neutral

Comment [GCS]: We might be pro or against a particular type of application and this should not change if the council is the applicant.

1.22 In all cases, the applicants and those making representations have a right to appeal to the magistrates' court against any decision made by the Council.

Representations

1.23 Responsible Authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted. Representations must be evidentially based.

The Responsible Authorities are:

- **The relevant licensing authority or any other licensing authority in whose area part of the premises is situated.**
- Chief Officer of Police,
- The Fire and Rescue Authority,
- The Enforcing Agency for health and safety purposes, the local authority responsible for environmental health,
- The local planning authority, the authority responsible for minimising or preventing the risk of pollution
- the Child Protection Authority,
- **The Primary Care Trusts** (when the relevant provisions of the new Health and Social Care Act 2012 are brought into force, their replacement)
- The local weights and measures authority (trading standards).

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1.24 **The Act permits other persons to make representations. This includes local residents any individual, body or business, in the vicinity of the premises subject to the application, or their representatives are known as 'interested parties' and are free to raise relevant representations regardless of their geographical proximity to the premises. Any representations must be 'relevant' in that the objection relates to one or more of the four licensing objectives. In the case of a review the ground must not be considered to be repetitious.**

- 1.25 A Councillor for the District may also make representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. Any representation must not be frivolous or vexatious, and in addition, in the case of reviews, not be repetitious. Parties intending to make a representation are directed to the guidance issued by the Department for Culture, Media and Sport (or similar government issued guidance) for assistance as to whether a representation is relevant.

Comment [GC6]: Why are the conditions different for Councillors and "other persons"?

- 1.25 In the absence of any representations the licence must be granted and any representations must be heard at a hearing of the Licensing Sub-committee.

Conditions

- 1.26 Licence conditions will be tailored to the individual application and ~~only those necessary~~ **appropriate** to meet promote the licensing objectives will be imposed. Licence conditions will not be imposed where other controls/legislation exist to provide sufficient protection to the public. ~~There are pools of conditions set out in the Guidance issued under Section 182 of the Licensing Act 2003 which an applicant for a licence may wish to draw on as appropriate.~~ The Council may create its own pool of conditions to assist applicants.
- 1.27 Any conditions arising from the operating schedule or as a result of representations will be focused on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned and which are within the control of the individual licensees and others with relevant authorisations.

Administration, Exercise and Delegation of Functions

- 1.28 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 1.29 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how we will approach this is attached at Appendix 1.
- 1.30 The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.
- 1.31 The Licensing Committee will expect individual applicants to address the licensing objectives in their Operating Plan, having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- ~~1.32 The Council recognises the advice of the Department of Culture Media and Sport that the views of vocal minorities should not be allowed to predominate over the general interests of the community. The Council will revisit this~~

~~policy if there is any indication that regulated entertainment is being deterred by its provisions.~~

Cumulative Impact of a Concentration of Licensed Premises

- 1.33 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.34 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Council can take into account. This will not be confused with 'need', which relates more to the commercial demand for a particular type of premises, and is therefore a matter for planning consideration and does not form part of this Licensing Policy Statement.
- 1.35 The Council may receive representations from either a Responsible Authority or any interested party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact may be taken into account when considering the individual merits of any application.
- 1.36 The Council will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 1.37 In determining whether to adopt a 'cumulative impact' policy for a particular area the Council may, amongst other things:
- **Gather evidence of local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;** Deleted: gather
 - **Gather evidence of environmental health complaints particularly in relation to litter and noise;** Deleted: gather
 - **Gather evidence of health-related statistics such as alcohol-related emergency attendances and hospital admissions** Deleted: gather
 - Identify the area from which problems are arising and the boundaries of that area;
 - Make an assessment of the causes;
 - Adopt a policy about future applications for premises within that area.
- 1.38 The Council recognises however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. The Council recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.

Advice and Guidance

- 1.39 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.40 The Council will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Reviews

- 1.41 A Responsible Authority and/or interested other parties can trigger a review of a premises licence or club premises certificate but an evidentiary basis would be required to be presented to the Licensing Authority. Representations received must be relevant to the promotion of the licensing objectives and submitted in writing. Representations must not be frivolous or vexatious.
- 1.42 The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the Licensing Objectives occur. However, no more than one review from an interested party will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.
- 1.43 In addition where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of the premises licence which may result in :-

- (a) ~~The~~ modification of the conditions of the premises licence; Deleted: the
- (b) ~~The~~ exclusion of the sale of alcohol by retail from the scope of the licence; Deleted: the
- (c) ~~The~~ removal of the designated premises supervisor from the licence; Deleted: the
- (d) ~~The~~ suspension of the licence. Deleted: the

The initial decision may be determined in the absence of the premises licence holder. A review hearing must then take place within 28 days.

- 1.44 Where an interested any Party applies for a review, the Licensing Authority has to be satisfied that ~~the person making it qualifies as an Interested Party~~ and that the grounds are relevant. There is no appeal to the decision of the Authority other than by way of judicial review.

- 1.45 ~~As the Licensing Authority can generally only determine whether a person is an Interested Party by reference to the name and address of the person making the application, this Authority will not consider any application that fails to provide those details.~~
- 1.45 The Licensing Authority accepts that in exceptional circumstances, an Interested Party may not wish to provide his/her personal details to the licence or certificate holder. In those circumstances an Interested Party might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.
- 1.47 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.48 No more than one review from interested parties will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

- 1.49 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to the principles of good inspection and enforcement practice and recognises the Hampton principles by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.50 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives, and compliance with the specific conditions of their licence and their Operating Plan. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 1.51 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises.

2. Licensing Objectives

- 2.1 The following sections set out the Council's Policy relating to the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

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3. **Prevention of Crime and Disorder**

3.1 When considering Crime & Disorder applicants should look to include in their Operating Plan measures to control problems associated with this as required:

- Effective training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, The National Alcohol Harm Reduction Strategy Toolkit, Pub watch schemes, CCTV, Drug Awareness)

4. **Public Safety**

4.1 When considering Public Safety the applicant should consider whether it is necessary to address the following in their Operating Plan:

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Licensed Premises).

5. **Public Nuisance**

5.1 When considering prevention of public nuisance applicants should consider what measures may be necessary and should take account of the following:

- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Property, Noise, published by BBPA);
- Ensuring customers leave quietly;
- Installation of sound proofing.

6. **Protection of Children from Harm**

6.1 The Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.

6.2 When deciding whether to limit access to children or not, the Council will judge each application on its own individual merits. Examples that may give rise to concern in respect of children would include premises where:

- Entertainment of an adult or sexual nature is provided;
- There is a strong element of gambling taking place;
- There is a known association with drug taking or dealing;
- There have been convictions of members of the current staff at the premises for serving alcohol to those under 18;
- There is a reputation for underage drinking;
- The supply of alcohol for consumption is the exclusive or primary purpose of the services provided at the Premises.

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6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in

line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.

- 6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure the children's safety and their protection from harm.
- 6.5 **Venue operators seeking premises licenses and club premises certificates should consider including in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or in appropriate conditions which could include –**
- A limit on the hours when children may be present;
 - A limitation or exclusion when certain activities may take place;
 - The requirement to be accompanied by an adult;
 - Limiting access to parts of the premises;
 - An age limitation.
- 6.6 The Council will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club. In all cases, it is expected that the applicant will have considered the protection of children in their Operating Plan. The Council commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and would expect applicants to consider the Code in their Operating Plan.
- 6.7 In the case of premises giving film exhibitions the Council would expect licensees or clubs to include in their operating schedules arrangements for restricting children from age-restricted films as classified according to the recommendations of the British Board of Film Classification.
- 6.8 The competent responsible authority in relation to the protection of children from harm is the Essex County Council's Children's Safeguarding Service.
- 7. Licensing Hours**
- 7.1 The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents. Premises will generally be able to sell alcohol during the hours they are permitted to open. Entertainment providers may provide a range of entertainment during their operating hours. When issuing a licence, however, stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in largely residential areas.

Contact Details

Further information concerning all aspects of licensing can be obtained from our website: www.eppingforestdc.gov.uk

or

Licensing Section
Corporate Support Services

Epping Forest DC
 Civic Offices
 High St
 Epping Essex CM16 4BZ

Tel: 01992 564034
 Fax: 01992 578018
 Email: licensing@eppingforestdc.gov.uk

Delegation of Functions

Appendix 1

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Decision to object when local authority is acting as a Responsible Authority			All cases
Determination of an police objection to a temporary event notice		All cases	
Decision whether to consult other responsible authorities on minor variation			All cases
Determination of minor variation			All cases

All policy matters except the formulation of the statement of licensing policy	All cases		
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Consultation

Consultation will be undertaken with those listed below. The majority of those being contacted via email and the remainder by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be three months.

Arriva Bus Company Arts Council England Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors British Transport Police Butler & Mitchells Brewers Churches and Religious Groups 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 Equity Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Essex Probation Service Essex Tourist Bodies Fosket Marr Gadsby & Head	General Municipal and Boilermakers Union Hammonds Solicitors Health and Safety Executive Essex Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Local Taxi Operators Loughton Residents Association LUL Transport for London McMullens Brewery Musicians Union Parish and Town Councils Police & Community Consultative Group Princess Alexandra NHS Trust Ridleys Brewerys Robert Halfon MP Rural Community Council of Essex Scottish & Newcastle Retail Somerfield Supermarkets 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 Whipps Cross NHS Trust All current holders of liquor, public entertainment, private places of entertainment, cinemas, theatre and late night refreshment houses licences within the district.
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Z/CSS/BUREAU/LICENSING/WEBSITE/LICENSING ACT 2003 FORMS/LICENSING POLICY 2012

Sarah Kits

From: Sarah Kits
Sent: 15 March 2013 09:59
To: Julie Chandler
Cc: Derek MacNab; Kim Tuckey
Subject: RE: Licensing Act 2003 Consultation

Hello Julie,

My apologies, I did indeed mean the Head of Child Protection at Essex County Council.

With regard to the Licensing Committee and Premises Licences, members of the Authority would consider any representations made by Child protection; they are able to stipulate conditions independently of Members and these are always attached to the Licence when granted. So, through this, Members are advised by the Responsible Authorities if a representation is made.

Should the application receive any representations from any of the Responsible Authorities or members of the public, it is automatically referred to Licensing Sub-Committee.

Thank you for your further comments, I will make sure that both emails are forwarded on and taken into consideration.

Kind regards

Sarah Kits
Licensing Compliance Officer

☎ 01992 564403
✉ skits@eppingforestdc.gov.uk
www.eppingforestdc.gov.uk

From: Julie Chandler
Sent: 15 March 2013 09:19
To: Sarah Kits
Cc: Derek MacNab; Kim Tuckey
Subject: RE: Licensing Act 2003 Consultation

Hi Sarah,

Thanks for your prompt response.

Just checking -are you referring to the 'Head of Child Protection' at Essex County Council in your email?

Also, if the Licensing Committee are responsible for taking a decision on whether someone with a conviction should be granted a licence, I would suggest that they all need to have undertaken at least the first level Child Protection training to enable them to make an informed decision (and vulnerable adult training preferably).

Regarding training for taxi drivers, I will double check with colleagues at the other LA's when we have our child and adult safeguarding meeting next month as to whether they encourage/require this.

Thanks and regards

Julie

From: Sarah Kits
Sent: 15 March 2013 09:05
To: Julie Chandler
Cc: Derek MacNab; Kim Tuckey
Subject: RE: Licensing Act 2003 Consultation

Dear Julie,

Thank you for your email, I will ensure that your comments are considered when the consultation is over.

Under the Licensing Act policy the responsible authorities are consulted on all premises applications, one of the consultees is the Head of Child Protection. They are sent copies of the application by the applicant and are sent notification from the Licensing Unit when we receive the applications. They consider the safeguarding of children and may make objections if they feel it necessary, should this happen, the application is referred to Licensing Sub-Committee for consideration before the licence is issued.

With regard to taxis, our drivers don't have any specific training on Child Protection awareness or Adult Safeguarding but they are subject to our Licensing conditions and these state that an enhanced criminal record bureau check is essential. We specify when completing the CRB paperwork that all checks are to be carried out with the assumption that the driver will be working with children and vulnerable adults. If the driver has any convictions that involve any of the above they would also be referred to Licensing Sub-committee for the members consideration prior to the issue of any licence with Epping Forest District Council.

If you have any further questions, please don't hesitate to contact us.

Kind regards

Sarah Kits
Licensing Compliance Officer

☎ 01992 564403
✉ skits@eppingforestdc.gov.uk
www.eppingforestdc.gov.uk

From: Julie Chandler
Sent: 14 March 2013 11:37
To: Sarah Kits (GCSX)
Cc: Derek MacNab
Subject: RE: Licensing Act 2003 Consultation

Hi Sarah,

I am really sorry for taking so long to respond to your request for comments but have been, and still are really snowed under with work.

As Lead Child Protection Officer for the Council, my main interest in the policy is that Safeguarding Children and Vulnerable adults is appropriately addressed within the policy and that for example, Taxi drivers are required to undertake Child Protection awareness training (and ideally Adult Safeguarding training) and have current CRB checks. I have not had a chance to go through the document but hope that this is covered? I believe that this is what happens elsewhere in Essex.

Many thanks
Julie

From: Sarah Kits (GCSX)
Sent: 07 February 2013 16:23
To: Mike Tipping; Nigel Richardson; John Preston; Cassandra Polyzoides; Paul Pledger; Bob Palmer; Colleen O'Boyle; Jim Nolan; David Newton; Alison Mitchell; Paula Maginnis; Peter Maddock; 'ImacNeill@eppingforestdc.gov.uk'; Graham Lunnun; John Kershaw; Alan Hall; John Gilbert; Qasim Durrani; Mike Chapman; Janet Twinn; Roger Wilson; Julie Chandler
Subject: Licensing Act 2003 Consultation

Dear Sir/Madam

As a requirement of the Licensing Act 2003, licensing authorities are required to consult on their licensing policies every five years. This also incorporates any changes to the Act. Please note all changes are in bold or have been crossed through.

You will find attached a copy of this Councils' draft licensing policy. I would be grateful if you would read it and let me have your thoughts and comments.

In order for me to allow Council Members enough time to consider your comments I must ask that I receive them by **20 March 2013**.

You can either send your comments by post to: The Licensing Section, Civic Offices, High Street, Epping, Essex CM16 4BZ or alternatively you can email your comments to skits@eppingforestdc.gov.uk

Thank you for spending the time to consider this matter and if I can be of any assistance please contact me.

Yours faithfully,

Sarah Kits
Licensing Compliance Officer

skits@eppingforestdc.gov.uk
www.eppingforestdc.gov.uk

Sarah Kits

From: Nina Coulthard <nina@revnc.wanadoo.co.uk>
Sent: 10 March 2013 18:07
To: Sarah Kits
Subject: Licensing Policy consultation

Dear Miss Kits

Thank you for sending the Licensing Policy consultation document. Having looked through it I have no issues to raise concerning the policy itself, which seems very comprehensive and fair. I was particularly pleased to see the inclusions in para 1.37.

I found para 1.24 made for confusing reading, however, as the second sentence does not really make sense. It seems as if, in the amending of the wording, two sentences have been amalgamated. It now reads *This includes any individual, body or business, or their representatives are known as 'interested parties' and are free to raise relevant representations regardless of their geographical proximity to the premises.*

Perhaps this could be made clearer and more grammatical? On a lesser point, there are 2 paras 1.25 and no para 1.46. It may seem nit-picking but could perhaps be confusing if people raise points by paragraph numbers?

Yours faithfully

Nina M Coulthard (Revd)
St Michael and All Angels Church, Loughton.

Sarah Kits

From: Jerry Drewett <Jerry.Drewett@essex.pnn.police.uk>
Sent: 13 February 2013 11:12
To: Sarah Kits (GCSX)
Subject: RE: Licensing Act 2003 Consultation

Dear Ms Kits,

Thank you for your email.

We will review the policy as requested and respond to you should we have any remarks to make.

After a cursory perusal, I would point out that in appendix 2 you may wish to add the Police and Crime Commissioner for Essex and note that Police and Community Consultative Groups no longer exist.

Yours sincerely,

Jerry Drewett

Jerry Drewett
Operating Manager
Office of the Police and Crime Commissioner for Essex
01245 291605
Int: 161605
Jerry.drewett@essex.pnn.police.uk

<http://www.essex.pcc.police.uk>

From: Sarah Kits (GCSX) [mailto:skits@eppingforestdc.gcsx.gov.uk]
Sent: 07 February 2013 16:20
To: 'penny.smith@btinternet.com'; 'crowell@vaef.org.uk'; 'alison.bennett@hmcourts-service.gsi.gov.uk'; 'neve.bishop@essex.probation.gsi.gov.uk'; Luke Collison; Jerry Drewett; 'richie.farrant@essex-fire.gov.uk'; 'epping.forest@cityoflondon.gov.uk'; 'jfoile@vaef.org.uk'; 'jgreen@leevalleypark.org.uk'; John Houston; 'cllr.anthony.jackson@essex.gov.uk'; 'derrick.louison@essex.gov.uk'; 'richard@littlefaggoters.wanadoo.cop.uk'; 'gwyn.owen@essex.gov.uk'; Ed Wells; Caroline Wiggins; 'community.protection@eastherts.gov.uk'; 'first_contact@btp.pnn.police.uk'
Subject: Licensing Act 2003 Consultation

Dear Sir/Madam

As a requirement of the Licensing Act 2003, licensing authorities are required to consult on their licensing policies every five years. This also incorporates any changes to the Act. Please note all changes are in bold or have been crossed through.

You will find attached a copy of this Councils' draft licensing policy. I would be grateful if you would read it a let me have your thoughts and comments.

In order for me allow Council Members enough time to consider your comments I must ask that I receive them by **20 March 2013**.

You can either send your comments by post to: The Licensing Section, Civic Offices, High Street, Epping, Essex CM16 4BZ or alternatively you can email your comments to skits@eppingforestdc.gov.uk

Our ref: L.1.1/VRM



LOUGHTON
TOWN COUNCIL

1 Buckingham Court, Rectory Lane
Loughton, Essex IG10 2QZ
Telephone: 020 8508 4200
Facsimile: 020 8508 4400
e-mail: contact@loughton-tc.gov.uk
Web site: www.loughton-tc.gov.uk

Town Clerk: Enid K Walsh

e-mail: vivienne.messenger@loughton-tc.gov.uk
ext 207

Ms Sarah Kits
Licensing Section
Epping Forest District Council
Civic Offices
Epping
CM16 4BZ

7 March 2013

Dear Ms Kits

Re: Epping Forest District Council's Licensing Policy

The Committee agreed at the Planning and Licensing Committee meeting on 4 March 2013, to respond to the consultation, recommending the following additional changes be made to the Statement of Licensing Policy draft document:

Section no:

1.1 Add the words "as amended" so that it reads:

Epping Forest District Council ('the Council') is the licensing authority under the Licensing Act 2003 as *amended* ('the Act').

1.11 Delete the word "race" as all equalities are now equal with sex, age, disability, etc., just as important as race, so it reads:

The Council will have regard to, and consult with those involved with, local crime prevention, planning, transport, tourism, equality and cultural strategies.

1.12 Add the following sentence at the end of this section:

The Development Committee will conversely provide to the Licensing Committee relevant information as to the compliance of applicants with planning permissions, etc.

1.16 In the fourth line, delete "the" and replace with "any", and delete the final sentence beginning "When attaching conditions" so to read:

If representations are made concerning the potential for disturbance in a particular neighbourhood, the Council's consideration where disturbance is likely to be of limited extent, will be balanced against *any* wider benefits to the community.

Enter a new section no 1.22A as follows:

1.22A *The Council will publish a list, available to applicants, of newspapers circulating in the District or parts thereof which it considers meet the requirements of Regulation 25 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, a dated page from any of which containing the advertisement shall be deemed to be sufficient advertisement for the purposes of the above instrument.*

1.23 To the list of Responsible Authorities consider adding:

- The Health and Wellbeing Board

1.24 Insert "which" in line 3 so it reads:

The Act permits other persons to make representations. This includes ~~Local residents~~ any individual, body or business, in the vicinity of the premises subject to the application, or their representatives, which are known as 'interested parties' and are free to raise relevant representations regardless of their geographical proximity to the premises.

1.25 Insert "county or a parish" in line 1 so it reads:

A Councillor for the District, County, or a parish may also make representations.

1.25 Insert "unless there are reasons to believe the advertising requirements of the Instrument quoted in para 1.22A above have not been carried out." At the end of this paragraph so it read:

in the absence of any representations the licence must be granted and any representations must be heard at a hearing of the Licensing Sub-committee, unless there are reasons to believe the advertising requirements of the Instrument quoted in para 1.22A above have not been carried out."

Delete section 1.38 in its entirety.

7.1 Delete the word "longer" and replace with "staggered" and insert a new sentence "This factor will be considered in setting conditions relating to hours." so it reads:

The Council recognises that *staggered* licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents. *This factor will be considered in setting conditions relating to hours.* Premises will generally be able to sell alcohol during the hours they are permitted to open. Entertainment providers may provide a range of entertainment during their operating hours. When issuing a licence, however, stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in largely residential areas.

Please do not hesitate to contact me if anything is unclear.

I would be grateful if you could inform the Town Council when the Statement of Licensing Policy has been finalised and published on the District Council's website.

Yours sincerely

Vivienne Messenger
Planning Committee Clerk

The Licensing Officer
Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4BZ

15th November 2012

Dear Sir/Madam,

**Amended Guidance Issued Under Section 182 Licensing Act 2003
Review of Statement of Licensing Policy**

McDonald's Restaurants Limited trades through centrally owned and franchised restaurants; together with our franchisees, we operate over 700 late night refreshment premises throughout the UK. We operate a range of restaurants from shopping malls, high streets and retail parks through to main roads and transport hubs. Of our 700 restaurants licensed for late night refreshment, 73% of these are Drive Thru restaurants located out of the town. The locality of these restaurants means that we interact regularly with nearly every licensing authority in the UK.

As a predominantly franchised organisation, our franchisees are local business men and women who live and work in the localities in which they operate. They sign long-term leases for 20 years so invest great amounts of time in engaging with their local communities and consult widely prior to any changes in their business which may impact the local community, such as late night trading.

Together with our franchisees, we are keen supporters of the late night economy and over the last few years have noticed this area providing significant growth and job development at our various locations. We write to you as a business that represents the interests of hundreds of late night premises. As you will be aware, Late Night Refreshment applications are dealt with under the same umbrella as alcohol applications which places a significant burden on our business as we do not serve alcohol. While we appreciate and support the Government's commitment to tackling problems caused by alcohol in town centres, the majority of our restaurants are Drive-Thru and in motorway service stations where alcohol is not a problem. However, as stated, we consult with local residents and the relevant authorities prior to any formal applications in these locations to address any local concerns.

We are keen to support the development of licensing policy in any way that we can to ensure that the late night economy is secured for the future.

The Police Reform and Social Responsibility Act 2011 made the most significant changes to the Licensing Act 2003 since its inception. In response to these widespread changes the Home Office issued amended guidance under Section 182 Licensing Act 2003 ("Guidance")

The Guidance, which deals with Statements of Licensing Policy states:

1.12 ...determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to the Secretary of State's Guidance...

It further states at section 13:



13.3 – Where revisions to the section 182 Guidance are made by the Secretary of State, it will be for the licensing authority to determine whether revisions to its own licensing policy.

Our understanding of the above sections when interpreted against the entirety of the Guidance and its significant changes suggest that as a local authority responsible for producing and maintaining a Statement of Licensing Policy you will be reviewing your policy to ensure that it continues to have regard to the Guidance, including that relating to the late night levy and Early Morning Restriction Orders.

Therefore, if you consider that a full consultation is required we respectfully request that we are consulted as a body representative of local premises licence holders. In particular, we would ask that when you review your Statement of Licensing Policy, you please take the following points into consideration.

589) **Powers of the Police.** Responsible retailers such as McDonald's work hard to forge and maintain good working relationships with the police. The Guidance states, at 9.12 'The Licensing Authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing'.

Greater weight on police representations should be matched by greater transparency in relation to police representations and, in particular, any "crime statistics". The evidence provided should be of a sufficient quantity to allow all parties, and the sub-committee, to make informed decisions especially when attaching greater weight to the police representation itself. A statement of licensing policy should make clear that the police are expected to be as transparent as they reasonably can in order that applicants are given the opportunity to scrutinise police representations.

590) **Vicinity.** The removal of the vicinity test will require licensing sub-committees to consider all representations. We would encourage any licensing policy to state that whilst all representations will be considered clearly there must be some apportionment of weight between those immediately impacted by the premises and its operation and those with a more generic view and lack of personal experience. Again, this should reflect the locality and localism that is promoted within the Guidance.

591) **From necessary to appropriate.** The Guidance has removed the requirement for conditions placed on a premises licence to be necessary and replaced this with the need for conditions to be appropriate. Whilst it would seem that licensing sub-committees have a lower standard of evidence to meet in order to add conditions onto a premises licence, they should be encouraged to consider all factors in relation to appropriateness, including the extent of the licensable activity, whether the conditions are going to have any effect on the licensing objectives that are said to be undermined or whether the conditions sought or being applied are too generic to address the concerns that have been raised in representations.



- 592) **Consideration of the local area.** It would be useful for the statement of licensing policy to address the particular issues and/or locality areas that they consider of importance and what their licensing sub-committees will take into account. For example, whether thought will be given to transport links and service provision for communities as well as the proximity of residential areas and perhaps schools etc.
- 593) **Divisional transparency of power.** The local authority licensing team is also now a Responsible Authority; there should be a clear division and transparency between those who deal with the applications and those who make representations. It would be of use to include some structure diagrams within the licensing policy so that potential applicants can see where this division lies and be comforted that the local authority will not in any way be acting ultra vires.
- 594) **Early Morning Restriction Orders and Late Night Levies.** We appreciate that it may be some months before you consult on the implementation of EMROs and Late Night Levies but we would encourage the local authority to consult widely in relation to these policies as they are both likely to have a substantial impact upon the late night economy, an economy to which McDonald's contributes greatly and wishes to continue to do so.

We would be happy to provide you with more detailed explanations of the points raised above if you require this to assist in your policy review.

In the event that you are planning to undertake a full consultation on the redrafted 182 guidance or any other licensing policy consultations; or require any further information, please contact my colleague, Stephen Carpenter on 020 8700 7467, or via email at stephen.carpenter@uk.mcd.com.

We look forward to hearing from you.

Yours faithfully

Jason Clark
Director of National Operations
McDonald's Restaurants Ltd



Quality golf without the price tag
EPPING GOLF CLUB FLUX LANE, EPPING ESSEX CM16 7NJ 01992 572282

Licensing policy statement

①

I enclose my comments-hope its what you want.

Mighty Masters FREE golf day

②

Hope council staff can make use of this- Its set up for local people-poster enclosed.

**Traffic problems at Netherhall Road
Roydon CM19 5JW**

③

There are problems of which EFDC should be aware. I enclose my letter.

Best wishes

Neil Sjöberg
Sec Man Prop The Epping Golf Course

Golf Course Management Team: Peter Sjöberg, Neil Sjöberg

STATEMENT OF LICENSING POLICY

Made under section 5 of the Licensing Act 2003

I hope my
comments are the
sort of things you
want.

The Spring Golf Course

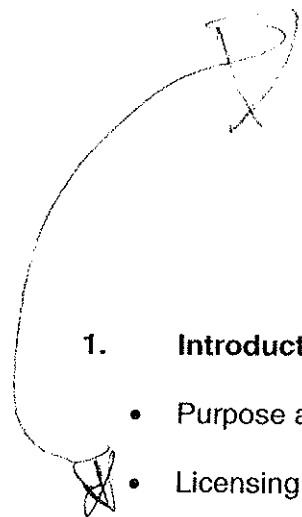
This policy shall come into force on
not later than 2017

2012 and will be reviewed

This is all one sided !! It should also include what we licensees get for our license fee:

- ① Right to sell etc etc
- ② Right to Support (partic in emergency)
- ③

Contents



1. Introduction	Page
• Purpose and Scope	3
• Licensing Objectives.....	3
• Consultation, Strategies and Policies.....	4
• Equality Duty	4
• Regulated Entertainment.....	5
• Applications.....	5
• Representations.....	6
• Conditions	7
• Administration, Exercise and Delegation of Functions.....	7
• Cumulative Impact of a Concentration of Licensed Premises.....	8
• Advice and Guidance.....	8
• Reviews.....	9
• Enforcement.....	10
2. Licensing Objectives.....	10
3. Prevention of Crime and Disorder.....	10
4. Public Safety.....	11
5. Public Nuisance	11
6. Protection of Children from Harm.....	11
7. Licensing Hours.....	12
Contact Details.....	12
Appendix 1 Delegation of Functions.....	13
Appendix 2 Consultation.....	14

1. Purpose and Scope

- 1.1 Epping Forest District Council ('the Council') is the licensing authority under the Licensing Act 2003 ('the Act'). This policy relates to all those licensing activities identified as falling within the provisions of the Act, including granting premises licences, club premises certificates, temporary events and personal licences in the district in respect of the sale and/or supply of alcohol and/or the provision of regulated entertainment and late night refreshment.
- 1.2 The Act requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act and to regulate licensable activities on, and in the vicinity of, licensed premises. This 'Statement of Licensing Policy' has been prepared in accordance with the Act.
- 1.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act.
- 1.4 This Statement of Licensing Policy has been produced in consultation with the Chief Police Officer for Essex, the Fire and Rescue Authority and bodies representing local holders of premises licences, club premises certificates and personal licences, businesses and residents of the area. The policy will be reviewed in not less than **five** years, or in the light of changes to legislation or circumstances, whichever is sooner.

← Duplicate

Licensing Objectives

- 1.5 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

These objectives are defined in more detail in 2:1.

- 1.6 To achieve these objectives the Council will use the full range of measures available to it, including relevant legislation. The Council will work closely with the police, the fire authority, businesses, community representatives and local people in meeting these objectives.

- 1.7 There are a number of other Council and Government policies, strategies, responsibilities, and guidance documents that have been considered in the formulation of this licensing policy and which will be taken into account in its implementation.

- 1.8 ^{*} Applicants must be able to demonstrate that they have considered the four licensing objectives within their operating schedule. Applicants know their premises best and will be expected to address all aspects relevant to the individual style of their premises. Consideration must be given to all of the licensing objectives. There are many control measures that are available to applicants to achieve this goal. Where appropriate applicants should consider whether or not any additional measures are required in respect of occasional or specific events that are intended or are likely to attract larger audiences.

Add? :

Define "applicant" at least in first sentence of policy
Planning applications?
Applications for licences etc etc

Consultation, Strategies and Policies

- 1.9 In developing this Policy Statement, the Council consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

*Call
later*

Details of the consultation on this policy are attached as Appendix 2.

- 1.10 The Council will take account of the guidance and strategies listed or any replacement guidance or strategy when preparing its policies and in its decision making.

- Environmental Health Enforcement Policy
- Enforcement Concordat
- The Corporate Plan

Other Responsibilities

- Responsibilities under Anti Social Behaviour Act 2003
- Equality Act 2010

Guidance Documents

- Guidance issued under S182 of the Licensing Act 2003
- A practical guide for dealing with Alcohol related problems issued by the Home Office
- Home Office - Safer Clubbing Guide
- LACORS – A Practical Guide to Test Purchasing
- Any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols

Any documentation relating specifically to temporary events such as:

- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999)
- Managing Crowds Safely'
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0716 150804
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Outdoor Performances Independent Street Arts Network copies of which may be obtained through www.streetartsnetwork.org.uk/pages/publications.htm

- 1.11 The Council will have regard to, and consult with those involved with, local crime prevention, planning, transport, tourism, race equality and cultural strategies. Review or amendment to these strategies will be considered for their impact on this Statement of Licensing Policy.

Duplication again

- 1.12 Furthermore, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will

also be appraised of the local employment situation and the need for new investment and employment, where appropriate.

- 1.13 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Development Control Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.

Equality Duty

- 1.14 The Council recognises its responsibilities under the Equality Act 2012 to **have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity; and foster good relations between persons with the characteristics mentioned in the Act. These characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.** The impact of this policy on its services will be monitored through the Council's Equality scheme 2012-2016. **This Statement of Licensing Policy has been assessed to take account of equality issues.**

Regulated Entertainment

- 1.15 As part of implementing local cultural strategies, proper account/consultation will be taken of the need to encourage and promote in suitable locations, a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of communities.
- 1.16 If representations are made concerning the potential for disturbance in a particular neighbourhood, the Council's consideration where disturbance is likely to be of limited extent, will be balanced against the wider benefits to the community. When attaching conditions the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

Applications

- 1.17 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits, taking into account:

- the Licensing Act 2003 and the four licensing objectives; (see page 1.5)
- Government Guidance issued under Section 182 of the Licensing Act 2003;
- Supporting regulations;
- This statement of Licensing Policy; and
- the nature and locality of the premises and the Operating Plan submitted by the applicant.

- 1.18 The Council requires the applicants to satisfactorily address the licensing objectives, from the design of the premises through to the daily operation of the business, in their Operating Plans, which must be submitted with their application.

** again importance of knowing who the applicants are.*

← would be helpful to refer to.

*app. location
for what
needs to be
defined somewhere*

- 1.19 Nothing in this Statement of Policy will:
- Undermine the rights of any person to apply under the Act for a variation of permissions and have the application considered on its individual merits;
 - Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act;
 - Prevent any person from applying for a variety of permissions under the Act.

1.20 So far as possible, this policy will not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, equalities legislation, and the Fire Safety Regulatory Reform Order 2005. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of a licensing objective.

*ah ha
13 4 at the end of
the sentence*

1.21 When one part of the Council seeks a premises licence from the Licensing Committee, the application will be considered from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee.

1.22 In all cases, the applicants and those making representations have a right to appeal to the magistrates' court against any decision made by the Council.

Representations

1.23 Responsible Authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted. Representations must be evidentially based.

The Responsible Authorities are:

- **The relevant licensing authority or any other licensing authority in whose area part of the premises is situated.**
- Chief Officer of Police,
- the Fire and Rescue Authority,
- the Enforcing Agency for health and safety purposes, the local authority responsible for environmental health,
- the local planning authority, the authority responsible for minimising or preventing the risk of pollution
- the Child Protection Authority,
- **the Primary Care Trusts** (when the relevant provisions of the new Health and Social Care Act 2012 are brought into force, their replacement)
- the local weights and measures authority (trading standards).

1.24 **The Act permits other persons to make representations. This includes Local residents any individual, body or business, in the vicinity of the premises subject to the application, or their representatives are known as 'interested parties' and are free to raise relevant representations regardless of their geographical proximity to the premises. Any representations must be 'relevant' in that the objection relates to one or more of the four licensing objectives. In the case of a review the ground must not be considered to be repetitious.**

help "interested parties" to make sense

- 1.25 A Councillor for the District may also make representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. Any representation must not be frivolous or vexatious, and in addition, in the case of reviews, not be repetitious. Parties intending to make a representation are directed to the guidance issued by the Department for Culture, Media and Sport (or similar government issued guidance) for assistance as to whether a representation is relevant.
- 1.25 In the absence of any representations the licence must be granted and any representations must be heard at a hearing of the Licensing Sub-committee.

V. Important would be able to read of decisions. " Joe public " account
 Haven't seen who
 Make representation if he doesn't know about it -
 What is mechanism for that process?

Conditions

- 1.26 Licence conditions will be tailored to the individual application and only those necessary **appropriate** to meet promote the licensing objectives will be imposed. Licence conditions will not be imposed where other controls/legislation exist to provide sufficient protection to the public. There are pools of conditions set out in the Guidance issued under Section 182 of the Licensing Act 2003 which an applicant for a licence may wish to draw on as appropriate. The Council may create its own pool of conditions to assist applicants.
- 1.27 Any conditions arising from the operating schedule or as a result of representations will be focused on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned and which are within the control of the individual licensees and others with relevant authorisations.

Administration, Exercise and Delegation of Functions

- 1.28 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 1.29 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how we will approach this is attached at Appendix 1.
- 1.30 The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.
- 1.31 The Licensing Committee will expect individual applicants to address the licensing objectives in their Operating Plan, having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- ~~1.32 The Council recognises the advice of the Department of Culture Media and Sport that the views of vocal minorities should not be allowed to predominate over the general interests of the community. The Council will revisit this policy if there is any indication that regulated entertainment is being deterred by its provisions.~~

Start of section - some other sections could do well. Sure can't explain it by law. Readers like me!

Cumulative Impact of a Concentration of Licensed Premises

- 1.33 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.34 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Council can take into account. This will not be confused with 'need', which relates more to the commercial demand for a particular type of premises, and is therefore a matter for planning consideration and does not form part of this Licensing Policy Statement.
- 1.35 The Council may receive representations from either a Responsible Authority or any interested party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact may be taken into account when considering the individual merits of any application.
- 1.36 The Council will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 1.37 In determining whether to adopt a 'cumulative impact' policy for a particular area the Council may, amongst other things:
- **gather evidence of local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;**
 - **gather evidence of environmental health complaints particularly in relation to litter and noise;**
 - **gather evidence of health-related statistics such as alcohol-related emergency attendances and hospital admissions**
 - Identify the area from which problems are arising and the boundaries of that area;
 - Make an assessment of the causes;
 - Adopt a policy about future applications for premises within that area.
- 1.38 The Council recognises however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. The Council recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.

Advice and Guidance

- 1.39 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.40 The Council will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Reviews

- 1.41 A Responsible Authority and/or interested other parties can trigger a review of a premises licence or club premises certificate but an evidentiary basis would be required to be presented to the Licensing Authority. Representations received must be relevant to the promotion of the licensing objectives and submitted in writing. Representations must not be frivolous or vexatious.
- 1.42 The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the Licensing Objectives occur. However, no more than one review from an interested party will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.
- 1.43 In addition where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of the premises licence which may result in :-
- (a) the modification of the conditions of the premises licence;
 - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) the removal of the designated premises supervisor from the licence;
 - (d) the suspension of the licence.

The initial decision may be determined in the absence of the premises licence holder. A review hearing must then take place within 28 days.

- 1.44 Where an interested any Party applies for a review, the Licensing Authority has to be satisfied that ~~the person making it qualifies as an Interested Party~~ and **that the grounds** are relevant. There is no appeal to the decision of the Authority other than by way of judicial review.

~~1.45 As the Licensing Authority can generally only determine whether a person is an Interested Party by reference to the name and address of the person making the application, this Authority will not consider any application that fails to provide those details.~~

1.45 The Licensing Authority accepts that in exceptional circumstances, an Interested Party may not wish to provide his/her personal details to the licence or certificate holder. In those circumstances an Interested Party might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.

1.47 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

1.48 No more than one review from interested parties will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

1.49 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to the principles of good inspection and enforcement practice and recognises the Hampton principles by carrying out its regulatory functions in a fair, open and consistent manner.

1.50 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives, and compliance with the specific conditions of their licence and their Operating Plan. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

1.51 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises.

2. Licensing Objectives

2.1 The following sections set out the Council's Policy relating to the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

3. Prevention of Crime and Disorder

3.1 When considering Crime & Disorder applicants should look to include in their Operating Plan measures to control problems associated with this as required:

- Effective training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, The National Alcohol Harm Reduction Strategy Toolkit, Pub watch schemes, CCTV, Drug Awareness)

4. Public Safety

4.1 When considering Public Safety the applicant should consider whether it is necessary to address the following in their Operating Plan:

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Licensed Premises).

5. Public Nuisance

5.1 When considering prevention of public nuisance applicants should consider what measures may be necessary and should take account of the following:

- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Property, Noise, published by BBPA);
- Ensuring customers leave quietly;
- Installation of sound proofing.

6. Protection of Children from Harm

6.1 The Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.

6.2 When deciding whether to limit access to children or not, the Council will judge each application on its own individual merits. Examples that may give rise to concern in respect of children would include premises where:

- Add? →*
- *Storage or arrangements give children potential access to alcohol, tobacco or gaming machines*
 - entertainment of an adult or sexual nature is provided;
 - there is a strong element of gambling taking place;
 - there is a known association with drug taking or dealing;
 - there have been convictions **of members of the current staff at the premises** for serving alcohol to those under 18;
 - there is a reputation for underage drinking;
 - **where the supply of alcohol for consumption is the exclusive or primary purpose of the services provided at the Premises.**

Add? →

6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.

Such matters are adhered to

6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure the children's safety and their protection from harm.

6.5 **Venue operators seeking premises licenses and club premises certificates should consider including in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or in appropriate conditions which could include –**

- A limit on the hours when children may be present;
- A limitation or exclusion when certain activities may take place;
- The requirement to be accompanied by an adult;
- Limiting access to parts of the premises;
- An age limitation.

6.6 The Council will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club. In all cases, it is expected that the applicant will have considered the protection of children in their Operating Plan. The Council commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and would expect applicants to consider the Code in their Operating Plan.

6.7 In the case of premises giving film exhibitions the Council would expect licensees or clubs to include in their operating schedules arrangements for restricting children from age-restricted films as classified according to the recommendations of the British Board of Film Classification.

6.8 The competent responsible authority in relation to the protection of children from harm is the Essex County Council's Children's Safeguarding Service.

7. Licensing Hours

*How about stating standard hours for information?
than later?*

7.1 The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents. Premises will generally be able to sell alcohol during the hours they are permitted to open. Entertainment providers may provide a range of entertainment during their operating hours. When issuing a licence, however, stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in largely residential areas.

Contact Details

Further information concerning all aspects of licensing can be obtained from our website: www.eppingforestdc.gov.uk

or

Licensing Section
Corporate Support Services
Epping Forest DC
Civic Offices

Tel: 01992 564034

Delegation of Functions

Appendix 1

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

licensing policy			
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Consultation

Consultation will be undertaken with those listed below. The majority of those being contacted via email and the remainder by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be three months.

Arriva Bus Company Arts Council England Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors British Transport Police Butler & Mitchells Brewers Churches and Religious Groups 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 Equity Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Essex Probation Service Essex Tourist Bodies Fosket Marr Gadsby & Head <i>The Epping Golf Course*</i>	General Municipal and Boilermakers Union Hammonds Solicitors Health and Safety Executive Essex Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Local Taxi Operators Loughton Residents Association LUL Transport for London McMullens Brewery Musicians Union 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 Somerfield Supermarkets 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 Whipps Cross NHS Trust All current holders of liquor, public entertainment, private places of entertainment, cinemas, theatre and late night refreshment houses licences within the district.
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* First holder of
 Golf Mark award in
 Essex - child protection

Z/CSS/BUREAU/LICENSING/WEBSITE/LICENSING ACT 2003 FORMS/LICENSING POLICY 2012

Buckhurst Hill Sports & Social Club
50a Queens Road
Buckhurst Hill
Essex IG9 5BY
Tel.No. 0208 504 6368

Kim Tuckey
The Licensing Section
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

Dear Kim

Statement of Licensing Act 2003
Consultation on policy

We agree with the policy with the exception of paragraph 1.24. We note that any objections are opened up to "interested parties regardless of their geographical proximity to the premises". We would prefer this to remain as it was previously, but this is an observation rather than an objection.

Yours sincerely

Molly waites
Secretary.

Alison Mitchell

From: Kim Tuckey
Sent: 26 March 2013 13:15
To: Alison Mitchell
Subject: FW: Statement of Licensing Policy - Consultation

for info

From: Kathryn Richmond [mailto:kathryn.richmond@walthamabbey-tc.gov.uk]
Sent: 26 March 2013 12:24
To: Licensing
Subject: Statement of Licensing Policy - Consultation

Good afternoon,

We would like to thank you for the opportunity to comment on the above document.

We are pleased to note that Para 1.24 of the enclosed document describes other persons the Act permits to make representations. Previously there was a condition that any individual, body or business had to be in the vicinity of the premises subject to the application. This has now been removed, so that the town council, as a body, has the right to make representations.

The difficulty is that town and parish councils are no longer advised of any applications in their area, so it is only by chance, or word of mouth, that local councils become aware of any applications. We would like to make the comment that we would like to ask the Licensing Authority to send out a list of applications on a weekly basis to the relevant town and parish council. Whilst this is not within the bounds of the Statement of Licensing Policy itself, it would enable town and parish councils to become more active and responsive in what could be an important change within their parish boundary.

Regards

Kathryn Richmond
Town Clerk

Sarah Kits

From: David Wixley <david.wixley@talktalk.net>
Sent: 20 March 2013 12:33
To: Sarah Kits (GCSX)
Subject: RE: Licensing Act 2003 Consultation

Dear Sarah,
My comments as follows:

- 1.41-could "other parties" be defined, possibly with examples given, to aid clarity?
- 1.49-suggest an Appendix 3 to give a brief definition of "Hampton principles".
- 1.51-suggest "(Essex County Council)" is placed after "Trading Standards" rather than before.
- 5.1-as for 1.49 suggest an explanation of "BBPA" goes into the proposed Appendix 3.
- 6.6-same comment as above for "Portman Group Code".
- 7.1-Prefer "staggered" to "longer" in first line.

Top of page 14-could those two words not be included on page 13 with page 15 becoming page 14?

Appendix 2-needs updating as several consultees have changed their names. This may not be a comprehensive list but I believe the following may need updating:

Attwater and Liell which I do know is now Attwaters Jameson Hill Solicitors

Somerfield Supermarkets-which I think are no longer trading, but why in any case was that supermarket listed and others not?

Other name changes affecting the Transport and General Workers Union, and Whipps Cross NHS Trust.

Should relevant County Councillors be added to the list and neighbouring Authorities in case of applications close to the borders of such Authorities?

Regards,

David Wixley

Licensing Committee Member

From: Sarah Kits (GCSX) [mailto:skits@eppingforestdc.gcsx.gov.uk]
Sent: 07 February 2013 16:22
To: 'community.protection@eastherts.gov.uk'; ken@angold-stephens.co.uk; 'kfcavey@btinternet.com'; 'richard.d.bassett@ntlworld.com'; 'tonyboyce@aol.com'; 'heatherbrady@hotmail.co.uk'; 'wsbh@hotmail.co.uk'; 'cllr.g.chambers@gmail.com'; 'kewalchana@yahoo.co.uk'; 'tony@churchspires.com'; 'rcohenefdc@hotmail.com'; 'finns@live.co.uk'; 'leongirling@gmail.com'; 'annegrigg@live.co.uk'; 'hartjmh@bloomberg.net'; 'jennie.hart@loughtonresidents.co.uk'; 'derek-eliane@d-e-jacobs.fsnet.co.uk'; david.john5on@virgin.net; sue.jones193@ntlworld.com; 'helen@samkane.co.uk'; cllr.ps.keska@hotmail.co.uk; jknapman@msn.com; yogard@hotmail.co.uk; lleonard@aol.com; al.lion@btinternet.com; 'professormann@sky.com'; heath.lands@btinternet.com; lillianmitchell@sky.com; gagan.mohindra@chromexgroup.com; spackford@hotmail.com; john.philip1@ntlworld.com; caroline_pond@hotmail.com; clrbrianrolfe@hotmail.co.uk; bpsandler@aol.com; marysartin@yahoo.com; peterjspencer@hotmail.com; dave.stallan@tesco.net; sydstavrou@yahoo.com; 'traceythomas210@msn.com'; hal-7@hotmail.co.uk; gary.waller@which.net; 'lwebber@live.co.uk'; sylvia_watson@btconnect.com; antonywatts@googlemail.com; cllr.elizabeth.webster@essex.gov.uk; Chris Whitbread; 'janet.whitehouse@efflibdems.org.uk'; jon@jonwhitehouse.org.uk; david.wixley@talktalk.net; 'nevillewright64@hotmail.com'; wyatt_john1@sky.com
Subject: Licensing Act 2003 Consultation

Dear Sir/Madam

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STATEMENT OF LICENSING POLICY

Made under section 5 of the Licensing Act 2003

**This policy shall come into force on
not later than 2017**

2012 and will be reviewed

Contents

1. Introduction	Page
• Purpose and Scope	3
• Licensing Objectives.....	3
• Consultation, Strategies and Policies.....	4
• Equality Duty	4
• Regulated Entertainment.....	5
• Applications.....	5
• Representations.....	6
• Conditions	7
• Administration, Exercise and Delegation of Functions.....	7
• Cumulative Impact of a Concentration of Licensed Premises.....	8
• Advice and Guidance.....	8
• Reviews.....	9
• Enforcement.....	10
2. Licensing Objectives.....	10
3. Prevention of Crime and Disorder.....	10
4. Public Safety.....	11
5. Public Nuisance	11
6. Protection of Children from Harm.....	11
7. Licensing Hours.....	12
Contact Details.....	12
Appendix 1 Delegation of Functions.....	13
Appendix 2 Consultation.....	14
Appendix 3 Hampton Principles.....	15

1. Purpose and Scope

- 1.1 Epping Forest District Council ('the Council') is the licensing authority under the Licensing Act 2003 as amended ('the Act'). This policy relates to all those licensing activities identified as falling within the provisions of the Act, including granting premises licences, club premises certificates, temporary events and personal licences in the district in respect of the sale and/or supply of alcohol and/or the provision of regulated entertainment and late night refreshment.
- 1.2 The Act requires that the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act and to regulate licensable activities on, and in the vicinity of, licensed premises.
- 1.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act.
- 1.4 This Statement of Licensing Policy has been produced in consultation with the Chief Police Officer for Essex, the Fire and Rescue Authority and bodies representing local holders of premises licences, club premises certificates and personal licences, businesses and residents of the area. The policy will be reviewed in not less than **five** years, or in the light of significant changes to legislation or circumstances, whichever is sooner.

Licensing Objectives

- 1.5 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

These objectives are defined in more detail in section 2

- 1.6 To achieve these objectives the Council will, where appropriate, use the full range of measures available to it, including relevant legislation. The Council will work closely with the police, the fire authority, businesses, community representatives and local people in meeting these objectives.
- 1.7 There are a number of other Council and Government policies, strategies, responsibilities, and guidance documents that have been considered in the formulation of this licensing policy and which will be taken into account in its implementation.
- 1.8 Applicants must be able to demonstrate that they have considered the four licensing objectives within their operating schedule. Applicants know their premises best and will be expected to address all aspects relevant to the individual style of their premises. Consideration must be given to all of the licensing objectives. There are many control measures that are available to applicants to achieve this goal. Applicants should consider whether or not any additional measures are required in respect of occasional or specific events that are intended or are likely to attract larger audiences.

Consultation, Strategies and Policies

- 1.9 In developing this Policy Statement, the Council consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups, residents and those involved in local crime prevention, transport, tourism, equality issues and cultural strategies were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

Details of the consultation on this policy are attached as Appendix 2.

- 1.10 The Council will take account of the guidance and strategies listed below (or any replacement guidance or strategy) when preparing its policies and in its decision making. Whilst not exhaustive these include:

- Environmental Health Enforcement Policy
- Enforcement Concordat
- The Corporate Plan

Other Responsibilities

- Responsibilities under Anti Social Behaviour Act 2003
- Equality Act 2010

Guidance Documents

- Guidance issued under S182 of the Licensing Act 2003
- A practical guide for dealing with Alcohol related problems issued by the Home Office
- Home Office - Safer Clubbing Guide
- LACORS – A Practical Guide to Test Purchasing
- Any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols

Any documentation relating specifically to temporary events such as:

- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events (HSE 1999)
- Managing Crowds Safely'
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0716 150804
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Outdoor Performances Independent Street Arts Network copies of which may be obtained through www.streetartsnetwork.org.uk/pages/publications.htm

- 1.11 Furthermore, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be apprised of the local employment situation and the need for new investment and employment, where appropriate.

- 1.12 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Development Control Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.

Equality Duty

- 1.13 The Council recognises its responsibilities under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity; and foster good relations between persons with the characteristics mentioned in the Act. These characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The impact of this policy on its services will be monitored through the Council's Equality scheme 2012-2016. This Statement of Licensing Policy has been assessed to take account of equality issues.

Regulated Entertainment

- 1.14 As part of implementing local cultural strategies, proper account/consultation will be taken of the need to encourage and promote in suitable locations, a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of communities.
- 1.15 If representations are made concerning the potential for disturbance in a particular neighbourhood, the Council's consideration where disturbance is likely to be of limited extent will be balanced against the wider benefits to the community. When attaching conditions the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

Applications

- 1.16 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits, taking into account:
- The Licensing Act 2003 and the four licensing objectives;
 - Government Guidance issued under Section 182 of the Licensing Act 2003;
 - Supporting regulations;
 - This statement of Licensing Policy; and
 - The nature and locality of the premises and the Operating Plan submitted by the applicant.
- 1.17 The Council requires the applicants to satisfactorily address the licensing objectives, from the design of the premises through to the daily operation of the business, in their Operating Plans, which must be submitted with their application.

1.18 Nothing in this Statement of Policy will:

- Undermine the rights of any person to apply under the Act for a variation of permissions and have the application considered on its individual merits;
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act;
- Prevent any person from applying for a variety of permissions under the Act.

1.19 So far as possible, this policy will not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, equalities legislation, and the Fire Safety Regulatory Reform Order 2005. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of a licensing objective.

1.20 When one part of the Council seeks a premises licence from the Licensing Committee, the application will be considered from an entirely impartial standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee.

1.21 In all cases, the applicants and those making representations have a right to appeal to the magistrates' court against any decision made by the Council.

Representations

1.22 Responsible Authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted. Representations must be evidentially based.

The Responsible Authorities are:

- The relevant licensing authority or any other licensing authority in whose area part of the premises is situated.
- Chief Officer of Police,
- The Fire and Rescue Authority,
- The Enforcing Agency for health and safety purposes, the local authority responsible for environmental health,
- The local planning authority, the authority responsible for minimising or preventing the risk of pollution
- The Child Protection Authority,
- The Primary Care Trusts (when the relevant provisions of the new Health and Social Care Act 2012 are brought into force, their replacement)
- The local weights and measures authority (trading standards).

1.23 The Act permits other persons to make representations. This includes any individual, body or business, or their representatives which are known as 'interested parties' and are free to raise relevant representations regardless of their geographical proximity to the premises. Any representations must be 'relevant' in that the objection relates to one or more of the four licensing objectives. In the case of a review the ground must not be considered to be repetitious.

- 1.24 A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. Any representation must not be frivolous or vexatious, and in addition, in the case of reviews, not be repetitious. A ground for review is considered to be repetitious if:
- A ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - Representations considered by the licensing authority when the premises licence or certificate was granted; or
 - Representations which would have been made when the application for premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

Parties intending to make a representation are directed to the guidance issued by the Home Office (or similar government issued guidance) for assistance as to whether a representation is relevant.

- 1.25 In the absence of any representations the licence must be granted and any representations must be heard at a hearing of the Licensing Sub-committee.

Conditions

- 1.26 Licence conditions will be tailored to the individual application and those appropriate to promote the licensing objectives will be imposed. Licence conditions will not be imposed where other controls/legislation exist to provide sufficient protection to the public. The Council may create its own pool of conditions to assist applicants.
- 1.27 Any conditions arising from the operating schedule or as a result of representations will be focused on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned and which are within the control of the individual licensees and others with relevant authorisations.

Administration, Exercise and Delegation of Functions

- 1.28 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 1.29 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how we will approach this is attached at Appendix 1.
- 1.30 The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

- 1.31 The Licensing Committee will expect individual applicants to address the licensing objectives in their Operating Plan, having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

Cumulative Impact of a Concentration of Licensed Premises

- 1.32 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.33 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Council can take into account. This will not be confused with 'need', which relates more to the commercial demand for a particular type of premises, and is therefore a matter for planning consideration and does not form part of this Licensing Policy Statement.
- 1.34 The Council may receive representations from either a Responsible Authority or any party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact may be taken into account when considering the individual merits of any application.
- 1.35 The Council will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 1.36 In determining whether to adopt a 'cumulative impact' policy for a particular area the Council may, amongst other things:
- Gather evidence of local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - Gather evidence of environmental health complaints particularly in relation to litter and noise;
 - Gather evidence of health-related statistics such as alcohol-related emergency attendances and hospital admissions
 - Identify the area from which problems are arising and the boundaries of that area;
 - Make an assessment of the causes;
 - Adopt a policy about future applications for premises within that area.
- 1.37 The Council recognises however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. The Council recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals

once they are away from the premises and beyond the direct control of the licence holder.

Advice and Guidance

- 1.38 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.39 The Council will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing department/section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Reviews

- 1.40 A Responsible Authority and/or other parties can trigger a review of a premises licence or club premises certificate but an evidentiary basis would be required to be presented to the Licensing Authority. Representations received must be relevant to the promotion of the licensing objectives and submitted in writing. Representations must not be frivolous or vexatious.
- 1.41 The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the Licensing Objectives occur. However, no more than one review from an interested party will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.
- 1.42 In addition where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of the premises licence which may result in :-
- (a) The modification of the conditions of the premises licence;
 - (b) The exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) The removal of the designated premises supervisor from the licence;
 - (d) The suspension of the licence.

The initial decision may be determined in the absence of the premises licence holder. A review hearing must then take place within 28 days.

- 1.43 Where any Party applies for a review, the Licensing Authority has to be satisfied that that the grounds are relevant. There is no appeal to the decision of the Authority other than by way of judicial review.
- 1.44 The Licensing Authority accepts that in exceptional circumstances, an Interested Party may not wish to provide his/her personal details to the licence or certificate holder. In those circumstances an Interested Party might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can apply for a review.
- 1.45 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.46 No more than one review from interested parties will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

- 1.47 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to the principles of good inspection and enforcement practice and recognises the Hampton principles (Appendix 3) by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.48 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives, and compliance with the specific conditions of their licence and their Operating Plan. The Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 1.49 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and Trading Standards (Essex County Council) on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises.

2. Licensing Objectives

- 2.1 The following sections set out the Council's Policy relating to the four licensing objectives:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.

3. Prevention of Crime and Disorder

3.1 When considering Crime & Disorder applicants should look to include in their Operating Plan measures to control problems associated with this as required:

- Effective training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, The National Alcohol Harm Reduction Strategy Toolkit, Pub watch schemes, CCTV, Drug Awareness)

4. Public Safety

4.1 When considering Public Safety the applicant should consider whether it is necessary to address the following in their Operating Plan:

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Licensed Premises).

5. Public Nuisance

5.1 When considering prevention of public nuisance applicants should consider what measures may be necessary and should take account of the following:

- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Property, Noise, published by the British Beer and Pub Association);
- Ensuring customers leave quietly;
- Installation of sound proofing.

6. Protection of Children from Harm

6.1 The Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.

6.2 When deciding whether to limit access to children or not, the Council will judge each application on its own individual merits. Examples that may give rise to concern in respect of children would include premises where:

- Entertainment of an adult or sexual nature is provided.
- There is a strong element of gambling taking place.
- There is a known association with drug taking or dealing.
- There have been convictions of members of the current staff at the premises for serving alcohol to those under 18.
- There is a reputation for underage drinking.
- The supply of alcohol for consumption is the exclusive or primary purpose of the services provided at the Premises.
- Storage arrangements give children potential access to alcohol.

- 6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.
- 6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure the children's safety and their protection from harm.
- 6.5 Venue operators seeking premises licenses and club premises certificates should consider including in their operating schedules, particularly where their own risk assessments have determined that the presence of children is undesirable or in appropriate conditions which could include –
- A limit on the hours when children may be present;
 - A limitation or exclusion when certain activities may take place;
 - The requirement to be accompanied by an adult;
 - Limiting access to parts of the premises;
 - An age limitation.
- 6.6 The Council will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club. In all cases, it is expected that the applicant will have considered the protection of children in their Operating Plan. The Council commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and would expect applicants to consider the Code in their Operating Plan.
- 6.7 In the case of premises giving film exhibitions the Council would expect licensees or clubs to include in their operating schedules arrangements for restricting children from age-restricted films as classified according to the recommendations of the British Board of Film Classification.
- 6.8 The competent responsible authority in relation to the protection of children from harm is the Essex County Council's Children's Safeguarding Service.

7. Licensing Hours

- 7.1 The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents. Premises will generally be able to sell alcohol during the hours they are permitted to open. Entertainment providers may provide a range of entertainment during their operating hours. When issuing a licence, however, stricter conditions are likely to be imposed with regard to noise control in the case of premises situated in largely residential areas.

Contact Details

Further information concerning all aspects of licensing can be obtained from our website: www.eppingforestdc.gov.uk

or

Licensing Section

Corporate Support Services
Epping Forest DC
Civic Offices
High St
Epping Essex CM16 4BZ

Tel: 01992 564034
Fax: 01992 578018
Email: licensing@eppingforestdc.gov.uk

Appendix 1

Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Decision to object when local authority is acting as a Responsible Authority			All cases
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary licence at community premises to include alternative licence conditions.		If a police objection	All other cases

Matter to be dealt with	Full Committee	Sub Committee	Officers
Decision whether to consult other responsible authorities on minor variation			All cases
Determination of minor variation			All cases
All policy matters except the formulation of the statement of licensing policy	All cases		

Appendix 2

Consultation

Consultation will be undertaken with those listed below. The majority of those being contacted via email and the remainder by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be three months.

<p>Arriva Bus Company Arts Council England Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors British Transport Police Butler & Mitchells Brewers Churches and Religious Groups 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 Equity Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Essex Probation Service Essex Tourist Bodies Fosket Marr Gadsby & Head</p>	<p>General Municipal and Boilermakers Union Hammonds Solicitors Health and Safety Executive Essex Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Local Taxi Operators Loughton Residents Association LUL Transport for London McMullens Brewery Musicians Union Parish and Town Councils Police and Crime Commissioner for Essex Princess Alexandra NHS Trust Ridleys Breweries Robert Halfon MP Rural Community Council of Essex Scottish & Newcastle Retail Somerfield Supermarkets 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 Whipps Cross NHS Trust</p> <p>All current holders of liquor, public entertainment, private places of entertainment, cinemas, theatre and late night refreshment houses licences within the district.</p>
---	---

Appendix 3 Hampton Principles

The Hampton Principles are:

- regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most
- no inspection should take place without a reason
- regulators should provide authoritative, accessible advice easily and cheaply
- all regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all interested parties should be consulted when they are being drafted
 - businesses should not have to give unnecessary information, nor give the same piece of information twice
 - the few businesses that persistently break regulations should be identified quickly, and face proportionate and meaningful sanctions
 - regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection
 - regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take
 - regulators should be of the right size and scope, and no new regulator should be created where an existing one can do the work
- when new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed

4. The full Hampton Implementation Review Report can be found on the Department for Business, Innovation and Skills website:
www.berr.gov.uk/files/file52319.pdf

Z/CSS/BUREAU/LICENSING/WEBSITE/LICENSING ACT 2003 FORMS/LICENSING POLICY 2012

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Report to Licensing Committee

Date of meeting: 10th April 2013



**Epping Forest
District Council**

Subject: Report of the Licensing Services Task and Finish Panel

Officer contact for further information: Alison Mitchell ext 4017

Committee Secretary: Adrian Hendry

Recommendations:

To consider the recommendations of the Licensing Services Task and Finish Report

Report:

1. The Licensing Services Task and Finish Panel was established by the Council's Overview and Scrutiny Committee in September 2012. Its primary objective was to undertake a review of the proposal that licensing applications were considered in a similar way to planning applications.
2. The Overview and Scrutiny Committee considered the report yesterday and any changes to the recommendations will be reported to the Licensing Committee tonight.
3. The report makes a recommendation that Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000 as detailed in the Resource Requirement. This will be the subject of a report to the next Cabinet meeting which will take place on 10th June 2013.
4. The Committee is asked to note the recommended changes. The Committee is not in a position to agree the report but members comments will be included in a report to Cabinet.

Resource Implications:

The Cabinet would need to agree a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000

Legal and Governance Implications:

Licensing Act 2003 as amended, The Licensing Act 2003 (Hearings) Regulations 2005
The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007
Gambling Act 2005
The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees)(Premises Licences and Provisional Statement)(England and Wales) Regulations 2007.
Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
Town and Police Clauses Act 1847 and 1889
Local Government (Miscellaneous Provisions) Act 1976
Human Rights Act – Article 6 - right to a fair hearing

Safer, Cleaner and Greener Implications:

Consultation Undertaken:

- Members of the Public Law Partnership's Licensing Special Interest Group
- Members of the Solicitors in Local Government Group ;
- Local Government Association
- Licensing Manager fro Westminster City Council

Background Papers:

Agenda and minutes of the Task and Finish Panel

Impact Assessments:**Risk Management****Equality and Diversity**

This will affect the ease with which some members of the public can attend but also may adversely affect those who do not wish to travel at night. This will be monitored during the trial period proposed.



SCRUTINY

REPORT OF THE LICENSING SERVICES TASK AND FINISH PANEL

MARCH 2013

Contact for enquiries:
Alison Mitchell, Lead Officer
Epping Forest District Council, Civic Offices
Epping, CM16 4BZ
amitchell@eppingforestdc.gov.uk
01992 564017

CONTENTS

	Page
1. Chairman's Foreword	3
2. Introduction or Overview	4
3. Context	5
4. Summary of Recommendations	6
5. Report	7-12
6. Conclusions	12
7. Members of the Panel	13
8. Acknowledgements	13
9. Appendix 1 – The Request by Member for Scrutiny Review	14
Appendix 2 -Draft Consultation letter for premises licensed under the Licensing Act 2003	15-17

1. Chairman's Foreword



The Licensing Function at Epping Forest District Council, as the Licensing Authority, plays an important part in the general well being of the residents and businesses in the District, by making sure Licensable activities are properly registered, assessed and where granted, operate within the terms of the Licence.

The Licensing Committee have Statutory Powers across twenty two Acts pertaining to Licensing ranging from Animal Boarding Establishments Acts 1963 to Zoo Licensing Act 1981

The business of the Task and Finish Panel, has been to look at our local arrangements under the Licensing Act 2003, Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982 in relation to premises licences and whether or not a more flexible approach could be undertaken to accommodate members and members of the public who experience difficulties in attending day time meetings and to look at ways to inform the occupiers of neighbouring properties of applications that are under consideration.

We have looked at the original Task and Finish request in great detail over, initially three meetings and the Licensing Officers have supplied very detailed analyses and general information to the many questions that have been asked of the Panel.

It is possible, there may be a requirement for this Panel to remain operative during the forthcoming municipal year to deal with genuine side issues that have arisen because of the very nature of the changes that the original request was seeking.

Our Task and Finish Panel has been greatly assisted by the Licensing Officers, Legal Officers and Democratic Services Officers whom we thank very much for the work they have done to inform the Panel.

Councillor Penny Smith
Chairman - Review of Licensing Services Task and Finish Panel

2. Introduction

Summary of issues scrutinised

The Licensing Services Task and Finish Panel was established by the Council's Overview and Scrutiny Committee in September 2012.

Our primary objective was to undertake a review of the proposal that licensing applications were considered in a similar way to planning applications –

- (i) Move the meetings to the evening so that Councillors with full time jobs could join the committee;
- (ii) Create south, east and west licensing sub-committees, so local councillors with local knowledge could decide the cases; and
- (iii) In cases where nightclubs, pubs or shops applied for changes to the hours in which they were licensed to sell alcohol, the relevant parish/town, district and county councillors and the nearest 50 residential properties to the application premises should be informed by letter to make them aware that an application had been submitted.

The Public Interest Justification presented as part of the original proposal forms are attached as Appendix 1.

Terms of Reference

At our initial meeting, the panel developed and agreed the following Terms of Reference. These were kept under review throughout the period of our work, to ensure their continued relevance.

1. To review the operation and effectiveness of the Licensing Sub-Committees structure.
2. To have regard of the Licensing Act 2003 on consultations.
3. To review the feasibility of moving some meetings to the evening.
4. To review the feasibility of creating a new Licensing Sub-Committee structure to enable local councillors and interested persons to have more input.
5. To review the most appropriate methods of informing people of their rights to make representations in respect of Licensing Applications and review hearings.

Methodology

The Panel agreed the matters which should be taken into consideration and instructed officers to provide statistical and other information.

This information was considered at our meetings and further reports required.

3. Context

The Authority has a statutory duty to issue and enforce conditions in respect a number of different licences. The types of applications that our Panel are considering are those which relate to premises licences. The reason is that the uses proposed in the applications may adversely affect the enjoyment of neighbouring properties.

Examples of the types of licence are:

- Licence for the retail sale of alcohol which includes alcohol consumed on and off the premises,
- Licence for late night music,
- Licence for sale of hot food after 11pm,
- Licence for street trading
- Gambling Act licences.

The Licensing Act 2003 specifies the composition of a Licensing Committee. Although it is not necessary to follow these requirements for licences issued under other legislation, such as gambling and street trading, this Authority does so and has only one licensing committee for all licensing. Regulations have been made under the different Acts specifying time limits for consultations and setting dates for the application hearings etc.

The statutory requirements and the Authority's own policies require that notices giving details of the applications are displayed on or near premises and advertised in a newspaper circulating in the area. The Panel has concerns that occupiers of neighbouring properties are not always aware of consultations.

We acknowledged that these proposals would lead to additional work for the sub-committees because of evening meetings and additional representations. The Panel considered that the residents' concerns mainly related to Premises Licences however not all concerns will be relevant when making a decision in respect of an application. The various licensing regimes set out the what issues the sub-committee can take account of for example the Licensing Act 2003 specifies that members may only take account of the four licensing objectives mentioned in the Act and there are only three objectives specified in the Gambling Act. Representations on other grounds such as planning cannot be taken into account.

We considered that the majority of Taxi licensing applications should continue to be heard at a daytime meeting.

4. Summary of Recommendations

The Task and Finish Panel recommended:

Composition of Licensing Committees and sub-committees

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.
- 2) That one calendared meeting be included in a time table to be held during the day per month to consider applications relating to taxi licences.
- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;
- 4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;
- 5) That these new procedures be reviewed after 12 months of operation;
- 6) That the Constitution and Member Services Standing Panel be asked to carry out the review;

Notification of Premises Applications

- 7) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 8) The envelopes should state that "Important – Notice of Licensing Consultation"
- 9) That the draft sample letter informing the occupiers of the application which was considered by the Panel and as annexed be used when notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and
- 10) An interim 6 month report be submitted to the full Licensing Sub Committee.

Financial Implications

- 11) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000 as detailed in the Resource Requirements on page 13.

5. Report

COMPOSITION OF LICENSING COMMITTEES

The Licensing Committee currently comprises fifteen members who are not selected on the basis of the location of their wards. Where the Authority receives objections to applications or the applicant does not meet set criteria the sub-committee hears the case and makes a decision.

The hearings take place during the day. The sub-committee may hear more than one premises licence application in a day together with applications relating to taxi vehicle and driver's licence.

The hearings are attended by the applicants, their legal and other advisors, members of the public, authorised persons which includes the Council's own environmental officers and responsible authorities such as police, trading standards officers from County and Epping Forest's planning officers.

A Request by Members for Scrutiny Review was made on the grounds for consideration that this be altered so that:

- applications should be heard by members who represent wards in the area where the Premises are located, and
- meetings should take place in the evenings so that members with day time jobs could take part in the sub-committee hearings

We instructed officers to provide a statistical review of the Licensing Sub-Committee meetings over the last two years to ascertain:

- how many applications there had been,
- how many applications received representations and were decided by the sub-committee,
- the length of the meetings,
- the types of applications considered,
- whether the applicants had been legally represented, and
- the indicative costs of hiring outside premises.

Officers also consulted with other officers from Councils who held evening meetings.

At our meetings we noted that last year that approximately two thirds of the hearings which took place related to premises in the south of the district. We considered that only one application should be heard in one evening.



The frequency of hearings could not be ascertained in advance as there was sometimes an application for more than one premises in an area in a month and in other months there may not be any. If a local hall for the south was booked for the year then it would not always be used. There may be difficulties in booking suitable additional accommodation if more than one hearing was to take place in a month. In the north, it would not be economic to book a year ahead and it may be difficult to book suitable accommodation at short notice.

The officer's consultations had also highlighted concerns about health and safety. We therefore decided that meetings should take place in the Council's Civic offices

Consideration was given to splitting the Licensing Committee into north/south areas but this was rejected at present but the Appointments Panel be asked to consider geographic representation of the Licensing Committee.

This Panel decided that:

- 1) That a Licensing Committee of 15 members continues as it is currently set up at present.**
- 2) That one calendared meeting is included in a time table to be held during the day per month to consider applications relating to taxi licences.**

The Panel acknowledged that the Premises Licences hearings and the additional notifications of the consultations may lead to pressure being put on members if all applications were heard in the evening. Members considered delegating these decisions to the Director of Corporate Support Services and the Assistant Director (Legal) but decided that members should continue to make the decisions. Daytime meetings allow for a number of applications to be heard in one meeting.

- 3) That one calendared meeting be included in a time table to be held per month, with a 6.30pm start (with a 3pm early start for exceptional meetings) to consider all other applications regarding licences;**

The Panel agreed that the Committee Service should book the Council chamber for one meeting a month. It was noted that in a two year period there were ten months with two hearings and one month when there would be three hearings. The rooms in the Civic Offices for those additional hearing would be booked within statutory time limits.

We are proposing that the occupiers of every property within 150 metres of the application premises receive notification of the application. The panel considers that this will lead to an increase the involvement of the local residents in the licensing decisions and we understand from the experience of Westminster Council that representations are received on all applications and it receives a large number of representations in some of the cases. If our proposals meet with a similar response we would expect that there will be two meetings a month and increase in the time members of the sub-committees and legal officers will have to prepare for the meetings.

Most licensing hearings will be booked to start at 6.30pm. We heard evidence that in some cases, especially reviews, these have taken a full day. In cases where it is likely that the hearing and decision in a case will exceed three and a half hours then the case will start earlier in the day. It was noted that if it is expected that the time for the hearing is likely to continue to the next day it is a statutory requirement that the hearing takes place on consecutive days.

In addition to the extra licensing meetings, Democratic Services have been asked to cover:

- (a) a new Cabinet House Building Committee, and

(b) a Portfolio Holder Advisory Group on the Waste contract.

There has been additional pressure from the Constitution Panel and it is likely that the OS Review Panel will not complete its review in the one remaining programmed meeting.

To cover the evening meetings in addition to the requirement of day time meetings a new post would be required (c. £21,000 including on costs full time) to provide support.

4) If there were more than one application relating to a premises licence a month additional meetings be organised for each application;

We noted that officers may be required to give evidence in two hearings for applications within one month. This would cause problems if the hearings took place on the same night.

It was reported to us that the committee rooms are also more likely to be booked in an evening. The Council chamber is more easily booked for the additional meetings.

5) That these new procedures be reviewed after 12 months of operation;

6) That the Constitution and Member Services Standing Panel be asked to carry out the review;

We recognise the need to review the procedures. One concern was that elderly people may not wish to travel in an evening. However, it was considered that this should be balanced against allowing people who are in work to attend.

NOTIFICATION OF PREMISES APPLICATIONS



There are varying requirements in the legislation for consulting with members of the public. We noted that the procedure usually followed is that a public notice is published in a local newspaper and a notice of a type prescribed by statute is displayed on or near the premises.

Members had concerns that the occupiers of neighbouring properties do not always see these notices and considered that applications should be specifically brought to their attention.

The panel considered whether the notices should be sent addressed individually to named residents as it would be possible to identify occupiers from various data bases held by the Council. However, we received advice that if has obtained information for one purpose the Council cannot legally use it for another purpose e.g. Council tax information cannot be used for licensing purposes. It was agreed that any notifications sent should be addressed to 'The Occupier'.

We were informed that the Senior Licensing Enforcement Officer had consulted with Westminster Council who similarly notifies occupiers of neighbouring properties and we understand that this is a very effective way of communicating knowledge of the application and, in Westminster; representations are received in respect of every application. There is also a high level of representations received.

We decided that:

- 1) That notification of an application should be sent to the occupiers of neighbouring properties within a radius of 150 metres of the application premises;
- 2) The envelopes should state that “Important – Notice of Licensing Consultation”
- 3) That the draft sample letter informing the occupiers of the application which was considered by the Panel which is annexed be used when notifying residents provided that it is updated when required (similar letters will be prepared for other types of licences); and
- 4) An interim 6 month report be submitted to the full Licensing Committee.

FINANCIAL IMPLICATIONS

- 1) That Cabinet agree a bid for a supplementary estimate in the sum of £58,770.72 annually together with a single payment of £5,000 as detailed in the Resource Requirements on page 12.

Attendance at Sub-committee meetings

There are usually four officers who attend these meetings - the Committee Officer, Legal Advisor, the Licensing Enforcement Officer, and, the Senior Licensing Enforcement Officer. If the evening meetings finishes before 10pm the cost for officer's time will be £234.52 for an evening.

Last year there were 41 applications for premises licences but only 28 were referred to the sub-committee. It is likely that the specific notifications to neighbouring occupiers will lead to an increase in the number of hearings as well as the volume of representations received. If every application receives representations in the same way as Westminster, then there would have been 41 hearings the cost of officer's time in attendance would be £9,615.32.

The taxi licensing would continue during the day time and so these meetings would be additional to those currently attended by committee officers. The additional input from Democratic Services is recognised and a new post be created c. £21,000.

Notification of Consultations

There were 41 premises applications last year which would require notification in this way. It is intended that the Council's GIS officer would identify the properties within 150 metres of the premises concerned. He will prepare a spreadsheet that will be suitable for using with mail merge. His charges are £38.61 per hour. On average it will take about 30 minutes for an application.

The licensing officers will send the spreadsheet, a standard notification letter and a copy of the notice to Reprographics. Their charges below are based on 180 properties which would be the average in an urban area. Most applications are in an urban area.

Reprographics would print out the letters and be able to put them automatically in an envelope with the copy notice. Their costs would amount to:

Recharges from Reprographics	£1,435.00	
Envelopes with alert.	£ 217.30	
Postage	<u>£3,394.80</u>	
Total		£5,047.10

The Licensing officers will have to check the notices and input information onto their licensing software M3 to record that this has been done.

There is expected to be an increase in the numbers of telephone calls, correspondence and the need for mediation. This is work is time consuming but is an important part of the Licensing Enforcement Officer's work. Last year 28 cases went to the sub-committee out of a possible 41. Consultation suggests that representations and/or enquiries will be received in respect of all properties if notifications are sent out.

The increased workload will have to be carried out by one of the Licensing Enforcement Officers as they will have the knowledge to advise members of the public regarding the relevance of their objections and procedure at the meetings. They will also act as mediators in these types of cases. If there are 30 replies the following is the likely time taken.

- Preparing the draft letter, sending to Reprographics, checking and sending out the notification = 82 hours
- Acknowledgment sent to all respondents and saving original communication and acknowledgement on M3 (assumed 30 letters x 15 min x 41) = 307.5 hours
- Email replies to respondents – assumed required clarifications etc on 5 – 1 hour each =205 hours
- Telephone enquiries - 205 hours
- Sending out invite to sub-committee- to all making representations and responsible authorities = 307.5 hours
- The reports to sub-committee will have to make reference to all letters received and comment on whether the representations are legally correct - additional 1 ½ hours = 63 hours
- Redacting of documents – (30 letters x 15mins x 41) = 307.5 hours
- Entering all documents on M3 - saving and entering documents onto M3 = 41 hours

The total would be for routine applications 1518.5 hours. This would require another full time member of staff. However, this is an estimate of time. There are clearly likely to be cases where there will be many more representations and others where there will be very few or none. Until the notification process is introduced it will not be possible to estimate this and a temporary member of staff should be employed for one year and the workload reviewed after that time. The cost of this member of staff will be £22,317 pa.

Additional Costs

It will be necessary to add further accommodation to Licensing. It has not been possible to obtain specific costing but it is likely to be in the range of £5,000.

Draft Letter

A draft letter in respect of the Licensing Act Applications is attached as Appendix 2. If this is approved in this format a similar letter will be prepared for Gambling, Street Trading and Sex Establishments.



RESOURCE RECOMMENDATIONS.

We recommend that the following resources are made available each year to ensure that these initiatives can be introduced. The amount of additional work is unknown at present and these figures will be kept under review

Annual Costs:

Committee and Sub-committees

Officer's Time for evening attendance - £9,615.32

Notification of Application

GIS	791.30	
Reprographics	5,047.10	
Licensing Officer	<u>22,317.00</u>	
		28,155.40

Committee

Committee Officer	<u>21,000.00</u>
	£58,770.72

Additional costs

Accommodation Costs (First Year) - £5,000.

The Licensing Service must process many of the licences within statutory time limits or the licence is deemed to have been granted. There have been new statutory obligations under scrap metal licensing which have led to an increase in work as well as the introduction of changes in the charging regime for licensing fees and if taxi metering is introduced. The additional work will adversely affect other licensing work unless additional staffing resources are agreed to.

6. Conclusions

The Task and Finish Panel was set up to investigate whether there were ways in which Licensing Applications in respect of premises licences could be decided more locally and give the occupiers of neighbouring properties greater opportunities to participate in the hearings. Members who have work commitments during the daytime also wished to be involved in Licensing decisions.

We decided that the most appropriate way to do this was to hold evening meetings for applications which related to premises licences. This would allow members and those who wished to make personal representations at the hearings but who work during the day an opportunity to attend. To ensure that the occupiers of neighbouring properties were aware of the applications we further agreed to recommend that specific notifications be sent to occupiers of properties within 150 metres of the property.

The Panel considered that the applications relating to taxis should continue to be heard during the day.

We acknowledged that this would increase the number of hearings and that the implementing of these proposals will lead to additional costs. It is difficult to estimate at this stage the increase of work and this will be kept under review. It is recommended that the additional resources be approved so that the Panel's decisions can be implemented.

7. Members of the Panel

Councillors Mrs (P) Smith (Chairman), K Angold-Stephens, J Hart, R Morgan, J Philip. Mrs C Pond, D Stallan and Mrs S Watson

8. Acknowledgements

Consultations

- Members of the Public Law Partnership's Licensing Special Interest Group
- Members of the Solicitors in Local Government Group ;
- Local Government Association
- Licensing Manager fro Westminster City Council

Officers;

Rob Irwin – GIS Officer, Rob Purse – Systems Manager

Ann Hickman – Reprographics Assistant

Adrian Hendry Democratic Services Officer, Graham Lunnun – Assistant Director,

Ian Willett – Assistant to the Chief Executive

Kim Tuckey – Senior Licensing Enforcement Officer

Rosaline Ferreira – Assistant Solicitor

Alison Mitchell – Assistant Director (Legal)

Experts;

Websites; Local Government Association

Laws;

Licensing Act 2003 as amended, The Licensing Act 2003 (Hearings) Regulations 2005

The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007

Gambling Act 2005

The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees)(Premises Licences and Provisional Statement)(England and Wales) Regulations 2007.

Local Government (Miscellaneous Provisions) Act 1982

Local Government and Housing Act 1989

Town and Police Clauses Act 1847 and 1889

Local Government (Miscellaneous Provisions) Act 1976

Human Rights Act – Article 6 - right to a fair hearing

Background papers:

Agenda and Minutes of the Task and Finish Panel

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Council policies etc.

Current list of delegations and the Council's Constitutio

**Request by Member for Scrutiny Review
2012/13 Work Programme**



Please complete the form below to request consideration of your issue by the Overview and Scrutiny Committee

Proposers Name: James Hart	Date of Request 17.8.12
Supporting Councillors (if any): Sylvia Watson	
Summary of Issue you wish to be scrutinised: I would like to propose that the ONS committee set up a task and finish panel to look into restructuring the running of the council's licensing committee on a trial basis for the 2013/14 council year. Specifically, the proposal is to consider licensing applications in a very similar way to the way in which planning applications are decided by the council:- <ol style="list-style-type: none"> 1) Move the meetings to the evening so that councillors with full time jobs can join the committee. 2) Create south, east and west licensing sub-committees so that local councillors with essential local knowledge can decide the cases. 3) In cases involving nightclubs, pubs or shops applying for changes to the hours in which they are licensed to sell alcohol, the relevant town, district and county councillors, and the nearest 50 residential properties to the application premises, should be informed by letter to make them aware that an application has been submitted. 	
NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS. PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER INFORMATION	
Public Interest Justification: The current system is far from satisfactory given the size and diversity of the district. Under the current system it is not unusual for councillors drawn from the rural north of the district to be called upon to decide upon licencing applications that have a very big impact upon the lives of residents living in towns such as Loughton or Buckhurst Hill. The councillors deciding these cases may never even have visited Loughton or Buckhurst Hill late on a Friday or Saturday night and therefore lack the essential local knowledge to decide these cases. Many of the council's 58 councillors have full-time jobs and their working commitments prevent them from joining committees, like the licensing committee, that meet during working hours. The licensing of nightclubs and pubs, and the knock-on effect on our high streets on Friday and Saturday nights, is too big an issue to effectively dis-enfranchise working age councillors from attending these meetings and representing their ward members when these cases are decided by the council. The vast majority of local residents don't even know that a local nightclub or pub has submitted an application for extensions to their licensing hours until they read about the decision of the licensing committee in the local press. Many residents feel	

APPENDIX 2 – Draft Consultation letter for premises licensed under the Licensing Act 2003

Our Ref:

Name

Date:
If Telephoning please ask for:
(01992)

Dear Occupier,

NOTIFICATION OF CONSULTATION – AN APPLICATION IN RESPECT OF PREMISES LICENCES WHICH MAY AFFECT YOU

GUIDE TO MAKING REPRESENTATIONS UNDER THE LICENSING ACT 2003

Epping Forest District Council is undertaking a public consultation details of which are set out in the notice enclosed. The consultation involves advertising in the local newspaper, site notices and advertisement on the Council's website. We encourage members of the public and local businesses to be involved in the licensing process and so we are notifying occupiers of nearby properties of this consultation.

This letter explains how you can make representations either for or against the application and how you can take part in any meeting where you have submitted a written representation.

WHAT CAN I SAY?

The Act limits the grounds upon which you may make a representation in respect of an application. These are:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

You should state which of the above grounds you are making a representation on, the reasons for each representation and send any evidence you may have. **Please do not include representations on any other issues such as planning, as the Authority is prohibited by statute from taking these into account.**

It is important that your written representation makes the points which you wish to raise as the Council cannot hear new issues at the hearing.

Please note that if you submit a representation the Authority will inform the Applicant of your name and address. If you have concerns about this you must let the Senior Licensing Officer know your reasons for not disclosing your details or withdraw any representation.

DEADLINE FOR MAKING A REPRESENTATION

The closing date for submitting a representation is shown on the attached notice.

ATTENDING THE MEETING OF THE SUB-COMMITTEE

If you make a representation you will be informed of the date of the hearing. A copy of the agenda of the Licensing Sub-Committee will be placed on the Council's website.

If you have submitted a written representation you will be allowed to have your say about the representation. However, if you have not made any representation in writing or it has been received after the closing date mentioned on the attached notice the Authority cannot hear your representation.

If the representations are valid, i.e. relate to one of the four licensing objectives you may explain the issues to the sub-committee but not introduce new representations.

It is a good idea to arrive a few minutes earlier to collect papers and speak to the Licensing Officers who can answer any questions you may have.

If there are a number of people raising the same issues you are encouraged to appoint a spokesman. The members of the sub-committee will have read all the representations prior to the meeting and it is only necessary to clarify issues or reply to issues raised during the hearing.

SUB-COMMITTEE

The sub-committee consists of three District Councillors.

WHAT HAPPENS AT THE SUB-COMMITTEE

- Firstly, the Chairman of the sub-committee will introduce the application and explain the procedure
- Then the applicant or their representative will present their application. The sub-committee members will then ask questions and those who have made written representations will be invited to ask questions.
- Those who have submitted written representations will then have an opportunity to put their case. The members of the sub-committee and the applicant or their representative can then ask questions. Those who made written representations will then be asked to sum up to clarify any issues that have been raised.
- The applicant will then be asked to sum up again clarifying any points raised.
- Following the speeches, the items will be discussed by the Councillors who are the members of the sub-committee.

SUGGESTIONS ON HOW TO SPEAK

- If you have the right to speak please keep your comments to the points raised in your written representations.
- If you are one of a number of people who made similar representations you should consider appointing a representative to speak on behalf of the group.
- You can ask a person to represent you at a sub-committee but if you do not attend you must write a letter authorising them to speak on your behalf unless they are an Epping Forest District Councillor.
- However strongly you may feel about an issue, keep in mind the need to be polite and to respect the views of others. Avoid personal insults.

HOW MATTERS ARE DECIDED

All items are decided by a simple majority by the members of the sub-committee after the end of the discussion on each item. The decision is usually announced at that time.

The address to send any representation or to make enquiries is:

The Licensing Team,
Epping Forest District Council,
Civic Offices,
High Street,
Epping,
Essex CM16 4BZ

Or email

Yours faithfully,

K Tuckey,

Senior Licensing Officer

Report to Licensing Committee

Date of meeting: 10th April 2013



**Epping Forest
District Council**

Subject: Cumulative Impact Policy

**Responsible Officer: Alison Mitchell - Assistant Director (Legal)
(01992 564017)**

Committee Secretary: Adrian Hendry

Decisions Required:

The Committee is asked to decide whether an assessment should be conducted into the cumulative impact of licensed premises on the four licensing objectives in some areas in the district.

Report:

1. The Chairman asked for a report with regards to the introduction of a cumulative impact policy in respect of appropriate areas in the district. The guidance issued by the Secretary of State under S182 of the Licensing Act 2003 sets out the procedure which the Authority would be expected to follow.

What is cumulative impact?

2. 'Cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The objectives are:

- the prevention of crime and disorder;
- the prevention of public nuisance;
- public safety; and
- the protection of children from harm

3. The guidance issued under S182 advises on those matters that should be considered as giving rise to a cumulative impact of licensed premises in an area.

“13.20 In some areas, where the number, type or density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

13.21 Queuing in itself may lead to conflict, disorder and anti social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street

robbery. Local services such as public transport services, public toilet provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

13.22 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises”

Evidence of Cumulative Impact

4. The Authority must gather evidence that a special policy is required prior to including a special policy with regards to cumulative impact within its Statement of Licensing Policy. The guidance recommends that

“Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement.”

The public should also be consulted.

5. The information which the Authority may use as evidence of the cumulative impact of licensed premises in the area on the four licensing objectives are:

- “Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- Statistics on local anti-social behaviour offences;
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- Environmental health complaints, particularly in relation to litter and noise;
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;
- Residents’ questionnaires;
- Evidence from local councillors; and
- Evidence obtained through local consultation.

6. The Guidance recommends that if there is not sufficient evidence, the Authority should consider conducting or commissioning a specific study to assess the position.

7. When the information has been obtained a report will be submitted to the next Licensing Committee. The need for a special policy must be considered alongside the local planning policy and other factors which may mitigate cumulative impact.

Steps to a Special Policy

8. The S182 guidance sets out the steps that the Authority must take prior to deciding whether a special policy should be adopted. The Authority must:

- “identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.”

9. If the Licensing Committee decides that a special policy should be adopted, the special policy would then be subject to the same consultation procedure as that set out in the report regarding the amendment of the Statement of Licensing Policy. The Committee must then take account of the consultation prior to adopting the special policy.

Limitations on Special Policies relating to Cumulative impact.

10. The special policy must always allow for the circumstances of each application to be decided on their merits and for applications that are unlikely to add to the cumulative impact to be granted. In reaching a decision the Authority must decide whether or not it is justified in departing from its special policy.

11. The introduction of a special policy cannot be used as a ground for revoking an existing licence or certificate when it receives representations about problems in those premises. The special policy can only be considered when deciding to grant a new licence or certificate or the variation of an existing one.

12. If there is an application to vary an existing licence or certificate the special policy can only be taken into account if relevant to the application that has been submitted.

13. The guidance states “Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics.” The authority must have proper regard to those differences when reaching a decision and the differing impact they will have on the promotion of the licensing objectives.

Resource Implications: The Committee may decide that the evidence collected is not in sufficient detail to allow it to make a decision and may consider commissioning a report as mentioned in the S182 guidance.

Legal and Governance Implications:
Licensing Act 2003

Safer, Cleaner and Greener Implications:

If cumulative impact is identified as a problem in an area a special policy may assist in the reduction of crime and disorder and nuisance

Consultation Undertaken:

Consultation is proposed if the Committee recommends that consultation should be undertaken.

Background Papers:

Licensing Act 2003

Impact Assessments:**Risk Management****Equality and Diversity**

None at present