



Licensing Committee Wednesday, 17th October, 2018

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, 17th October, 2018**
at **2.30 pm** .

Derek Macnab
Acting Chief Executive

**Democratic Services
Officer**

Adrian Hendry (Directorate of Governance)
Tel: 01992 564243 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), N Bedford, K Chana, I Hadley, S Heather, L Hughes, P Keska, L Mead, S Neville, C P Pond, B Rolfe, M Sartin, D Stocker and J M Whitehouse

PLEASE NOTE THE START TIME OF THE MEETING

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

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 - 8)**

To confirm the minutes of the Licensing Committee meeting held on 18th April 2018.

5. MINUTES OF THE LICENSING SUB-COMMITTEES

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

6. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 (Pages 9 - 10)

To consider the attached report.

7. LICENSING ACT 2003 STATEMENT OF POLICY - PERIODIC REVIEW (Pages 11 - 46)

Recommendation:

That Members recommend the adoption of the revised Licensing Act Statement of Policy to Cabinet.

Report:

The Licensing Act 2003 requires that Licensing Authorities revise their Policy Statements made under the Act at defined intervals.

A new draft policy was prepared and consultation was undertaken with interested parties and the trade. A list of consultees is attached at appendix 1.

The responses to the consultation and the associated comments by officers are attached below.

Responder	Response	Officer Comment
Essex Police.	That the policy signpost applicants to the pool of model conditions which have been produced by the police.	Accepted and incorporated.
The Village Halls and Community Buildings Advisor, The Rural Communities Council of Essex	That the provisions of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009, be referenced in the policy. This, in effect, allows a village hall or church committee to act as a Designated Premises Supervisor.	Accepted and incorporated.

Nazeing Parish Council	That Town and Parish Councils be included under the list of Responsible Authorities	The list of Responsible Authorities is defined in the legislation and the Council does not have the power to alter it.
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The policy revision process also gives officers the opportunity to update or change the policy, however, apart from some minor typographical error corrections no significant changes are proposed.

8. JOINT MEETING OF LICENSING SUB-COMMITTEE CHAIRMEN

The Chairman to give any relevant feedback on the discussions of the Licensing Sub-Committee Chairs meeting held on 3rd September 2018.

9. 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.

10. 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.

11. MATTERS ARISING

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

12. DATE OF NEXT MEETING

The next meeting of the Licensing Committee has been scheduled for Wednesday, 24th April 2019 at 2.30pm in the Council Chamber.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Licensing Committee **Date:** Wednesday, 18 April 2018

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 2.35 - 3.05 pm

Members Present: Councillors R Morgan (Vice-Chairman), D Dorrell, J Jennings, P Keska, C P Pond, B Rolfe, M Sartin and D Sunger

Other Councillors: Councillors

Apologies: K Chana, L Mead and S Neville

Officers Present: J Nolan (Assistant Director (Neighbourhood Services)), K Tuckey (Licensing Manager) and A Hendry (Senior Democratic Services Officer)

12. Councillor Brian Surtees

The Vice Chairman, Councillor Richard Morgan gave a short tribute to the late Councillor Surtees, the former chairman of this Committee. He reminded members of Councillor Surtees dedication, keenness and excellence in his role as chairman, noting that he would be greatly missed. These thoughts were echoed by the Committee.

13. Declarations of Interest

There were no declarations of interest pursuant to the Member Code of Conduct.

14. Minutes of the Licensing Committee

RESOLVED:

That the minutes of the meeting held on 18 October 2018 be taken as read and signed by the Chairman as a correct record.

Matters arising from the minutes

The Assistant Director of Neighbourhoods (Neighbourhood Services) noting minute item 4 and the second and third resolved points updated the Committee on the feasibility of including the Council logo on the roof signs of licensed vehicles and this was used in other authorities. Asked if the sign would be illuminated he replied that it would be, and it would be wired into the car. However the sign itself would be detachable.

Councillor Keska said that he had initially raised this issue as there was the problem of taxis from other authorities plying for trade here. He asked if it would be sensible as an alternative to roof signs to have a sticker on the back window saying 'Epping Forest Taxi'. The Assistant Director said that size would be a problem as it would have to be bigger than any standard size used and therefore more expensive.

Councillor Sartin suggested that no decision should be made now and that the situation should be monitored for the time being. This was agreed by the Committee.

15. Minutes of the Licensing Sub-Committees

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

- a) 19th September 2017;
- b) 07th November 2017;
- c) 20th November 2017;
- d) 09th January 2018;
- e) 06th February 2018; and
- f) 06th March 2018.

16. Applications Received under the Licensing Act 2003

The Committee noted the number of applications received and determinations of those applications from 29 September 2017 to 4 April 2018. It was noted that there was a recent appeal to the magistrates and that this would be reported on later in the agenda.

Councillor Sartin asked how the statistics compared with previous years figures. Ms Tuckey the Licensing Manager noted that these varied for different times of the year. For example, summer months had different events and applications to other months, but on the whole there were no big changes.

Councillor Sartin asked if it were possible to have annual comparison figures. Officers said that they could supply this.

RESOLVED:

- (1) That the report on Licensing applications received by this Council be noted; and
- (2) That annual comparative figures be produced for the previous year go to the next meeting.

17. Taxi Parking in Epping

The Assistant Director Neighbourhood Services introduced the report asking the Committee their opinions on the problems posed by taxis parking on public roads waiting for calls from Epping Station. In recent months transport for London (TfL) have changed their policy of allowing Lawlors car services exclusive rights to park at Epping Station.

Since this change, public hire vehicles working for Lawlors have been parking in the side streets of Epping waiting to be called to the station.

Officers had received a number of calls from residents complaining of disturbance late at night and alleged illegal parking. However, as they were not really committing any crimes the Council could not take any action. Letters have now been sent to the North Essex Parking Partnership (NEPP) and TfL regarding this problem.

Councillor Rolfe noted that there was something similar happening on the High Road. This may yet die down given time and as they were not breaking the law we could

not intervene. How many complaints have we received so far? The Licensing manager replied about 4 or 5 from members of the public.

Councillor Sartin suggested that the public contacted Lawlors directly to complain; this may cause them to do something about it. It was Lawlors that had a contract with TfL and they should have looked to that to remedy this.

Councillor Sunger noted that letters had been sent to TfL and NEPP. Perhaps we should reconsider this when we receive responses. Officers said that they would chase them up.

RESOLVED:

- 1) That the problems of parking on side streets in Epping by Lawlor's taxi drivers were noted; and
- 2) That this would be reconsidered when the council had received responses from TfL and NEPP.

18. Amendment to Public Hire Regulations - Medical Conditions

On consideration of the new public hire licensing regulations, members agreed to bring into line the medical check for both Hackney carriage drivers and for Private Hire drivers.

RESOLVED:

That the medical check for both Hackney Carriage drivers and for Private Hire drivers be brought into line, that is: on initial application and then on the ages of 50, 55, 60 and 65 and annually thereafter.

19. Amendment to Public Hire Regulations - DVLA Licence Check

Members considered the recent changes made by the Driver Vehicle Licensing Authority (DVLA) so that DVLA licences could be checked on line. The Committee noted that in order for officers to do this the driver would have to supply an access code obtained from the DVLA. In order for this to happen the council's public hire regulations would have to be altered.

RESOLVED:

That an amendment be approved to the Public Hire Regulations to enable officers to request drivers to supply an access code obtained from the DVLA so that they could check their licenses online.

20. Review of Licensing Sub-Committee Procedures

There were no matters to be discussed under this item.

21. Review of Current and Future Training Needs for the Committee

The Committee noted that a Licensing Training Course will be held on 14 June 2018, to be taken by Roger Butterfield, an experienced trainer.

22. Matters Arising

The Licensing Manager in response to an enquiry made at a licensing sub-committee meeting, informed the Committee that there was only one taxi driver appeal happening at present and that this would be going to the magistrates court on 3rd July 2018. Officers would report back on the outcome.

Members asked that it be published in the Council Bulletin. This was agreed by officers.

23. Any Other Business

The Senior Democratic Services Officer made a plea for two more members to volunteer for the extra licensing-sub committee meeting to be held on 16 May 2018. As a result two members volunteered to sit on the sub-committee.

24. Date of Next Meeting

The meeting dates for the coming year was noted by the Committee.

CHAIRMAN

Report to Licensing Committee

Date of meeting: 17th October 2018

Subject: Licensing statistics

**Officer contact for further information Kim Tuckey
Licensing Manager**

Democratic Services Officer: Adrian Hendry ext. 4246



Recommendations:

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

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 4th April 2018 to 3rd October 2018

Applications received under the Licensing Act 2003

Number of new applications	15
Number of renewals	56
Change of designated premises supervisor/variation	63
Number of applications considered by the sub-committee	10
Number of applications granted subject to conditions	10
Number of applications refused	0
Number of appeals to Magistrates	0
Number of revocations	0
Temporary event notices	120
Late Temporary event notices	35

Application received online - EU directive

Temporary event notices	79
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Reviews

Application	0
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Personal licence applications

Number of applications received	30
Number of applications granted under delegated authority	30
Number of applications refused	0
Number of appeals to Magistrates	0

Gambling Act 2005

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

Debbie Houghton

From: Gordon Ashford 42076878 <Gordon.Ashford@essex.pnn.police.uk>
Sent: 15 August 2018 10:37
To: Licensing
Subject: Statement of Licensing Policy - Consultation

Dear Sir/Madam

Thank you for the opportunity to comment on your intended statement of licensing policy (Licensing Act 2003).

On behalf of Essex Police, my sole observation relates to paragraph 1.26.

For the ease of applicants in developing an operating schedule and to speed the process of negotiation where police have queries about an individual application, Essex Police has created a pool of model conditions applicable to licensed premises. It represents those conditions which Essex Police consider may be appropriate to a range of premises types and modes of operation and is referred to when Essex Police is assessing whether to make representations on an individual application or when liaising with an existing licence holder. Essex Police does not seek to apply these conditions universally and they should not be treated as standard conditions. Each application will be treated on its merits by Essex Police. This pool of model conditions is not an exhaustive list of conditions that an applicant, Essex Police or another responsible authority may propose.

I wonder whether the Council's policy might signpost applicants to the police pool of model conditions, perhaps with a statement similar to "Essex Police has independently created a pool of model conditions that an applicant may find it useful to consult in drawing up an operating schedule".

Yours faithfully,

Gordon Ashford

Licensing Manager &
Substance Misuse Coordinator – Essex Police

Licensing Department (Alcohol & Gambling)
Essex Police
Blyths Meadow
Braintree
Essex
CM7 3DJ

Please visit our website at: www.essex.police.uk/licensing

Alcohol (and gambling) licensing applications/enquiries should be sent to: licensing.applications@essex.pnn.police.uk

General alcohol and gambling licensing enquiries can be made by phoning 01245 452035

Debbie Houghton

From: Gordon Ashford 42076878 <Gordon.Ashford@essex.pnn.police.uk>
Sent: 15 August 2018 10:47
To: Licensing
Subject: Essex Police Standard Conditions (Version 2018.08.14)
Attachments: Essex Police Standard Conditions (Version 2018.08.14).docx; ATT00001.txt

Dear Sir/Madam

In reference to my comments on the Council's licensing policy – I attach, for reference, the latest version of the police model conditions document. I would not be suggesting your policy should document our conditions, merely make a reference to their existence if that was acceptable to the Licensing Committee.

Yours faithfully

Gordon Ashford

Licensing Manager &
Substance Misuse Coordinator – Essex Police

Licensing Department (Alcohol & Gambling)
Essex Police
Blyths Meadow
Braintree
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CM7 3DJ

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Pool of Model Conditions

This pool of model conditions has been produced to assist prospective licence holders in developing an operating schedule. It represents those conditions which Essex Police consider may be appropriate to a range of premises types and modes of operation and is referred to when Essex Police is assessing whether to comment on an individual application or when liaising with an existing licence holder.

Essex Police does not seek to apply these conditions universally and they should not be treated as standard conditions. Each application will be treated on its merits.

This pool of model conditions is not an exhaustive list of conditions that an applicant, Essex Police or another responsible authority may propose.

Where a condition includes {text in brackets} this indicates a choice of wording may be applicable.

For ease, the conditions have been split into themes as below:

- General – all four licensing objectives
- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm; and
- Conditions applicable only to events/festivals or the dis-applying of the exemptions related to (otherwise) regulated entertainment upon review.
-

Furthermore, the third column in the tables that follow indicates the types of premises to which the relevant condition may be of most relevance.

A	Pubs, wine bars etc. in urban settings (sales after midnight)
B	Pubs, wine bars etc. in urban settings (<u>no</u> sales after midnight)
C	Pubs, wine bars etc. in rural settings
D	Qualifying clubs (Club Premises Certificate)
E	Night-clubs
F	Café bars
G	Hotels (premises operated exclusively as such)
H	Off-sales only premises
I	Restaurants (primarily operated as such)
J	Other entertainment venues (e.g. cinemas, bowling alleys, leisure complexes, licensed function rooms)
K	Take-away outlets
L	Festivals and music events
M	Any premises following review, warning or incidents of cause for concern
ALL	A condition that may be of relevance to any premises that sells or supplies alcohol

General – all four licensing objectives

Number	Condition	Application to premises type
1	There shall be a personal licence holder on duty on the premises at all times when alcohol is offered for sale.	A, E
2	After (HH:MM) on {every day/specified days) there shall be a personal licence holder on duty on the premises when alcohol is offered for sale.	A, E
3	A Clubscan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and have their details recorded on the system.	E
4	<p>No alcohol may be supplied by an individual unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder.</p> <p>A written record of this consent must be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.</p>	ALL
5	<p>Essex Police shall be provided with 21 days' notice where an event is to be held which is either organised by an external promoter or is promoted/advertised to the public by an external promoter.</p> <p>This notice shall include full details of the nature of the event and the promoter and be e-mailed to the central police licensing team (the address of which appears on the Essex Police website).</p>	E, J, L
6	There shall be no events at the premises that are organised, promoted or advertised by an external promoter (i.e. by an individual/organisation not directly related to the management of the premises).	E, J
7	In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.	ALL

Prevention of Crime and Disorder

Number	Condition	Application to premises type
8	<p>The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:</p> <ul style="list-style-type: none"> i. CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition; ii. CCTV cameras shall cover {all public areas including} all entrances and exits and all areas where the sale of alcohol takes place; iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of {31} days; iv. At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request; v. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with; vi. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure this will be recorded immediately. 	A, B, E
9	<p>In addition to any local storage of CCTV images; CCTV images shall be (at the close of opening hours or contemporaneously) uploaded to an {off-site CCTV storage facility or to an off-site cloud based storage system} and remain accessible for a period of 31 days.</p> <p>These images must be capable of being made available in accordance with paragraph IV above in the event of an on-site system failure or access issue.</p>	M
10	<p>Any failure of the CCTV system which cannot be rectified within {24} hours of discovery must be reported to the central Essex Police Licensing Team by phone or e-mail (contact details as per Essex Police website).</p>	E
11	<p>The premises shall have installed and maintain a closed</p>	C, F, H

Number	Condition	Application to premises type
	<p>circuit television surveillance (CCTV) system which at all times complies with the below requirements:</p> <ul style="list-style-type: none"> i. CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition; ii. CCTV cameras shall cover all entrances {and exits} and the areas where alcohol sales take place; iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of {31} days; iv. Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided. 	
12	<p>Signs must be displayed at all entrances {and exits} advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.</p>	All (where CCTV in use)
13	<p>An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.</p> <p>The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:</p> <ul style="list-style-type: none"> (a) {all crimes reported to the venue} (b) {all ejections of patrons} (c) {any complaints received concerning crime and disorder} (d) {any incidents of disorder} (e) {all seizures of drugs or offensive weapons} (f) {any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence} <p>The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least {12} months from the date of the last entry.</p>	All
14	Where SIA licensed door supervisors are used at the	All

Number	Condition	Application to premises type
	<p>premises a record shall be maintained (on the premises) which is legible and details:</p> <ul style="list-style-type: none"> i. The day and date when door supervisors were deployed; ii. The name and SIA registration number of each door supervisor on duty at the premises; and iii. The start and finish time of each door supervisor's worked duty period. <p>This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.</p>	
15	<p>Where SIA licensed door supervisors are employed at the premises (either directly or via a third party) a check of the current validity of each door supervisor's licence shall be conducted via the SIA website at the commencement of employment at the premises and monthly thereafter and recorded in a log.</p> <p>This log shall be retained for at least {6} months after the last recorded check.</p>	A, E
16	<p>Door supervision by SIA licensed door supervisors must be provided {every day/on (specify days)}.</p> <p>On these days, door supervisors must be on duty {at all times/from (HH:MM)} whilst the premises is open and for at least {30} minutes after the premises has closed.</p>	A, B, E, K, L
17	<p>On {all days/specify days} at least {insert number} SIA licensed door supervisors shall be on duty at the {premises/location at the premises} {at all times/from (HH:MM)} whilst the premises is open and for at least {30} minutes after the premises has closed.</p>	A, B, E, K, L
18	<p>On any occasion where the premises conducts licensable activities past (HH:MM) hours, at least {insert number} SIA licensed door supervisors must be on duty from (HH:MM) hours until at least {30} minutes after the premises closes.</p>	A, B, E, K, L
19	<p>All persons entering or re-entering the premises shall {at all times/after (HH:MM)} be searched by a SIA licensed door supervisor for drugs and concealed weapons.</p> <p>Prominent signs (minimum size 200 x 148 mm) to this effect shall be displayed at all entrances and be legible to prospective patrons whilst the premises is open for</p>	A, E

Number	Condition	Application to premises type
	licensable activities.	
20	<p>No persons shall be admitted or re-admitted to the premises {at any time/after (HH:MM)} unless they have passed through a metal detecting search arch and, if the search arch is activated, physically searched by a SIA licensed door supervisor.</p> <p>Prominent signs (minimum size 200 x 148 mm) to this effect shall be displayed at all entrances and be legible to prospective patrons whilst the premises is open for licensable activities.</p>	M
21	{At all times/ after (HH:MM) each day/ on specified days} SIA licensed door supervisors shall supervise any queue to enter the premises that forms outside the premises.	A, E, J, L
22	All SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear high visibility {jackets/vests/ armbands}	ALL
23	<p>At all times, admission to the premises shall remain under the exclusive control of the premises' management and staff and any SIA licensed door supervisors deployed shall be hired (directly or indirectly) by the premises licence holder, designated premises manager or some other responsible person directly involved in the management of the premises.</p> <p>This requirement exists even where:</p> <ul style="list-style-type: none"> i. The premises is hired/used by independent promoters; or ii. An arrangement exists with an independent promoter who arranges an event that includes admission to the premises. 	E, J
24	<p>The premises shall have in place, and operate, a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means.</p> <p>This policy shall specifically include but not be limited to:</p> <ul style="list-style-type: none"> i. Searching practices upon entry; ii. Dealing with patrons suspected of using drugs on the premises; iii. Scrutiny of spaces including toilets or outside areas; 	A, B, E, J, L

Number	Condition	Application to premises type
	<ul style="list-style-type: none"> iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors); v. Staff training regarding identification of suspicious activity and what action to take; vi. The handling of items suspected to be illegal drugs or psychoactive substances vii. Steps taken to discourage and disrupt drug use on the premises viii. Steps to be taken to inform patrons of the premises drug policy/practices <p>A copy of this policy document shall be lodged with the police {and licensing authority}.</p>	
25	<p>During the period in which the premises is open for licensable activities, toilets shall be checked on at least an hourly basis for the purpose:</p> <ul style="list-style-type: none"> a) of detecting and deterring the use of controlled drugs and psychoactive substances; and b) maintaining public safety. <p>A record of these checks shall be maintained with the date, time, and condition of the toilets and staff member conducting the check.</p> <p>These records shall be made contemporaneously, retained at the premises for at least {3} months and made available immediately upon demand to police or licensing authority staff.</p>	A, E
26	<p>A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe shall be installed at the {main entrance/location} and only the police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe.</p>	E, J
27	<p>Between (HH:MM) and (HH:MM) no sales of alcohol for consumption off the premises may take place.</p>	ALL
28	<p>Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises {at all times/up to (HH:MM) hours}.</p>	F, I

Public Safety

Number	Condition	Application to premises type
29	<p>{At all times/after (HH:MM) hours} no persons shall be permitted to take bottles, glasses or drinking vessels {from the premises/into (specified area)}.</p> <p>Conspicuous signage (of a minimum size of 200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.</p>	ALL
30	{At all times/after (HH:MM) hours on all/specified days} drinks must only be served in {polycarbonate/plastic and/or toughened glass} containers.	ALL
31	<p>Drinks must only be served in {polycarbonate/plastic and/or toughened glass} containers; save with the exception of bottles of champagne (or similar) or spirits supplied by waiter/waitress service to tables.</p> <p>Customers shall not be permitted to leave their table carrying any such glass bottles.</p>	E, J
32	No more than (X) customers will be permitted on the premises at any one time.	E, J, L
33	<p>A qualified first-aider shall be on the premises after (HH:MM) each day when the premises is open for the sale of alcohol.</p> <p>The first aider must have a valid (non-expired) qualification in Emergency First Aid at Work or higher.</p>	E, L

Prevention of Public Nuisance

Number	Condition	Application to premises type
34	Other than wine or spirits, no alcohol with an alcohol by volume content above {insert percentage} will be sold or offered for sale.	H
35	No alcohol with an alcohol by volume content above {insert percentage} will be sold or offered for sale.	H
36	No beers, lagers or ciders over {insert figure} % ABV shall be sold by retail in plastic or metal containers.	H
37	All alcoholic drinks offered for sale for consumption off the premises must be clearly labelled with the name and postcode of the premises.	H
38	Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect local residents and use the area quietly. {These signs shall be a minimum size of 200 x 148 mm}.	ALL + K
39	Between (HH:MM) and (HH:MM) no use shall be made of {specified external areas such as smoking area/beer garden etc.}	ALL + K
40	Customers shall not enter or leave the premises by (insert specific entrances or exits) {at any time/after (HH:MM)}, except in the event of an emergency.	ALL + K
41	{All external emergency exit doors or other specified exit/entry doors} shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened. Applicable only when condition 38 applies.	ALL + K
42	Between (HH:MM) and (HH:MM) no persons shall be admitted or re-admitted to the premises {except for persons who have temporarily left the premises to smoke}. Notices to that effect (of a minimum size of 200mm x 148mm) will be displayed at the premises' exits.	A, E
43	Between (HH:MM) and (HH:MM) patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. Notices to that effect (of a minimum size of 200mm x 148mm) will be displayed at the premises' exits.	ALL

Number	Condition	Application to premises type
44	Between (HH:MM) and (HH:MM) no persons shall be re-admitted unless from a designated smoking area. Notices to that effect (of a minimum size of 200mm x 148mm) will be displayed at the premises' exits.	ALL
45	Customers must not be permitted to remove from the premises late night refreshment provided at the premises between {(HH:MM) and (HH:MM)} hours.	I, F
46	Between (HH:MM) and (HH:MM) alcohol shall be sold or supplied only to residents and their bona fide guests.	G
47	Customers will not be permitted to remove from the premises any drinks supplied by the premises in open containers.	ALL
48	Outside tables and chairs {specify location as necessary} shall be rendered unusable and immovable by (HH:MM) hours each day.	ALL + K
49	There shall be a {specify} minute period where music volume is reduced and lighting increased before the end of the provision of live or recorded music.	A, E, L
50	Except when being used for entry or egress by a patron, all external windows and doors shall be kept shut {at all times when music is being played} and/or {after (HH:MM) hours at any other time}.	ALL
51	Queuing outside the premises shall be restricted to a designated area located at (specify location)	ALL + K
52	A written dispersal policy will be formulated and provided to the police and licensing authority which amongst other things details: <ul style="list-style-type: none"> • How patrons leaving the premises shall be directed away from the premises; • How patrons will be informed of the services of taxi and private hire operators; • What staff will be responsible for supervising those leaving the premises and how they will supervise such persons; • Any 'wind' down periods; • Methods to prevent re-entry to the premises; • How bottles and glasses will be prevented from being removed from the premises at closing time. 	A, E, K, L
53	The premises shall comply with the Portman Group's Retailer Alert Bulletins (RABs) as they relate to Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.	H

Number	Condition	Application to premises type
54	The premises must operate as a restaurant: i. In which customers must be seated at a table; ii. Which provides substantial table meals that are prepared on the premises and are served and consumed at the table; iii. Which do not provide any take away service of food or drink for immediate consumption; and iv. Where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.	I
55	Service of alcohol shall be by waiter/waitress only to patrons seated at a table and who have or intend to have a substantial meal.	I
56	No persons shall be supplied with alcohol at a bar or place of similar description within or outside the premises.	I
57	Between (HH:MM) and (HH:MM) there will be provided a minimum of {insert number} 'covers' where table meals may be consumed.	F, I

Protection of Children from Harm

Number	Condition	Application to premises type
58	There shall be no striptease or nudity except when the premises are operating under the authority of a Sexual Entertainment Venue licence.	M
59	The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence: {for a person under the age of 18 to buy or attempt to buy alcohol}; or {buy, or attempt to buy, alcohol for a person under the age of 18}.	ALL
60	A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a: <ul style="list-style-type: none"> • Proof of age card bearing the PASS Hologram; • Photocard driving licence; • Passport; or • Ministry of Defence Identity Card. 	ALL

Number	Condition	Application to premises type
61	<p>The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.</p> <p>At the point of sale, such signs shall be a minimum size of 200 x 148mm.</p>	ALL
62	<p>A refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.</p> <p>All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p> <p>The refusals record shall either be electronic or maintained in a bound document and retained for at least {12} months from the date of the last entry.</p>	ALL
63	Each till at the premises shall incorporate a system that shall immediately identify that an age restricted product is the subject of the proposed sale and produce an appropriate age prompt to the operator.	M
64	<p>All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.</p> <p>Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p>	ALL
65	<p>Persons under the age of 18 years shall not be allowed entry to the premises save on occasions when either:</p> <ul style="list-style-type: none"> • An 'under 18' event is held without the sale or supply of alcohol, or • The premises are exclusively used for a private function, for example wedding reception, engagement party employers Christmas party etc. and any person under 18 is accompanied by a responsible adult. 	E, L
66	No person under the age of 18 years of age shall be	ALL

Number	Condition	Application to premises type
	permitted to enter or remain on the premises {unless they are accompanied by an adult} when the sale or supply of alcohol takes place; save to enter/exit residential parts of the building.	
67	At all times when entertainment, activity or services of an adult nature takes place (which is not subject to a sexual entertainment licence) no persons under the age of 18 shall be permitted to be present.	ALL
68	<p>All staff employed in licensed areas of the premises shall have received training in the recognition of child sexual exploitation and the steps to be taken when such activity is suspected. Refresher training shall be carried out at least annually.</p> <p>Written training records shall be kept on the premises for a minimum of 12 months and made immediately available to police or licensing authority staff upon request.</p>	ALL
69	No events solely for those under the age of 18 will be permitted on the premises.	M
70	<p>Where the premises is used to hold an event advertised primarily for persons under the age of 18 years of age:</p> <ul style="list-style-type: none"> i. At least 1 male and 1 female SIA licensed door supervisor shall be on duty; ii. No person shall be admitted without being searched for alcohol, controlled drugs, psychoactive substances or weapons; iii. No person aged 18 years of age or older shall be admitted – except for staff or event organisers; iv. No sale or supply of alcohol shall take place in any part of the premises until all persons at that event have been cleared from the premises; v. At least one person will be made available throughout the event who has been subject of an enhanced DBS (including child barred list) check. 	

Special Events

Number	Condition	Application to premises type
71	<p>The premises licence operator or their agent shall complete an Event Management Plan in respect of the {time limited event/licensed event}.</p> <p>This EMP must be first submitted to the licensing authority no later than {insert number of weeks} weeks before the event.</p> <p>No later than {insert number of} weeks before the intended first day of the event, the licensing authority or Safety Advisory Group shall be provided with a final version of the EMP for consideration.</p> <p>{Where the licensing authority or a Safety Advisory Group declares the final version of the EMP as unsatisfactory and specifies that it considers that one or more of the licensing objectives is likely to be undermined the {sale/supply of alcohol and/or the provision of regulated entertainment{ shall not be permitted under the licence.}</p> <p>{Where the licensing authority or a Safety Advisory Group states it cannot approve the final version of the EMP specifies that it considers that one or more of the licensing objectives is likely to be undermined the {sale/supply of alcohol and/or the provision of regulated entertainment{ shall not be permitted under the licence.}</p> <p>{Where the final version of the EMP is not rejected, this must be complied with and no changes may be made to it without the prior written consent of the licensing authority.}</p>	L .

Dis-application of Deregulation of Music etc.

Number	Condition	Application to premises type
72	<p>Section 177A (2) of the Licensing Act 2003 is to have no effect and both live and recorded music are to be treated as regulated entertainment.</p> <p>This condition specifically exempts the premises from the deregulation of music.</p>	M only
73	<p>No live music will be played at the premises, with the exception of non-amplified live music.</p> <p>Can only be imposed where condition 72 applies.</p>	M only
74	<p>There shall be no playing of recorded music, other than as incidental background music.</p> <p>Can only be imposed where condition 72 applies</p>	M only

Debbie Houghton

From: Sue Sheppard <sue.sheppard@essexrcc.org.uk>
Sent: 22 August 2018 09:30
To: Debbie Houghton
Cc: Nick Shuttleworth
Subject: RCCE EFDC draft Licensing Policy

Hi Debbie

Thanks for sending through the draft EFDC Licensing Policy and my apologies for being a little late with a response as I've only just got back from holiday.

I've read the policy and just wonder if it would be appropriate to include the **The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009**? As you are probably aware, this allows a Village Hall or Church committee to disapply the requirement for a DPS and the committee as a whole becomes responsible for the sale of alcohol. Would this be best mentioned under the section 'Applications' and in the delegation of functions?

Kind regards

Sue

Sue Sheppard

Village Halls & Community Buildings Adviser
Rural Community Council of Essex
Threshelfords Business Park
Inworth Road
Feering
CO5 9SE
Tel: 01376 574330
Website: www.essexrcc.org.uk
Please note: my normal working week is Tuesday to Thursday.

Debbie Houghton

From: Nazeing Clerk <nazeingpc@btconnect.com>
Sent: 27 September 2018 07:42
To: Licensing
Cc: Debbie Houghton
Subject: RE: Licensing act consult 2018
Attachments: Licensing Policy 2018 (Draft).docx

Dear Sir

Apologises for the slightly late reply. The Council have reviewed the policy and it was proposed that on page 6 under section 1.23 the paragraph "The Responsible Authorities are:" that Town Councils and Parish Councils are include on the list.

Regards,

Mrs Lorraine Ellis - Nazeing Parish Clerk
Unit 6 Harold's Park Farm
Bumbles Green
Nazeing
Essex EN9 2SF
01992 893012
Office hours Tuesday & Friday 9am to 5pm
nazeingpc@btconnect.com

From: Debbie Houghton [<mailto:dhoughton@eppingforestdc.gov.uk>]
Sent: 17 August 2018 15:08
To: 'Nazeing Clerk' <nazeingpc@btconnect.com>
Subject: RE: Licensing act consult 2018

Hi Lorraine,

I am sorry about the date on the enclosed letter with the consultation report, the date should have said 21st September 2018 as the end of the consultation, that was a typing error that was not checked before the email was sent, I can only apologise for this mistake,

Hopefully this will give the councillors more time to consider if they want to make any comments or not,

Regards

Debbie

Miss Debbie Houghton
Licensing Officer
Neighbourhoods Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk

From: Nazeing Clerk [<mailto:nazeingpc@btconnect.com>]
Sent: 17 August 2018 13:52
To: Debbie Houghton
Subject: FW: Licensing act consult 2018

Dear Debbie

I am afraid the date of 21/8/18 was insufficient to allow Cllrs time to review and comment on the policy. They have asked that an extension is given until 24/8/18, so that the document can be considered at the Council meeting on 23/8/18. Please let me know if this is possible.

Thank you,

Mrs Lorraine Ellis - Nazeing Parish Clerk
Unit 6 Harold's Park Farm
Bumbles Green
Nazeing
Essex EN9 2SF
01992 893012
Office hours Tuesday & Friday 9am to 5pm
nazeingpc@btconnect.com

From: Debbie Houghton [<mailto:dhoughton@eppingforestdc.gov.uk>]

Sent: 07 August 2018 14:39

Subject: FW: Licensing act consult 2018

Hi,

Please find attached the Licensing Act Consultation 2018,

Regards
Debbie

Miss Debbie Houghton
Licensing Officer
Neighbourhoods Directorate
Tel: 01992 564336
E-mail: dhoughton@eppingforestdc.gov.uk

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Epping Forest District Council
Postmaster@Eppingforestdc.gov.uk

STATEMENT OF LICENSING POLICY

Made under section 5 of the Licensing Act 2003

This policy shall be reviewed not later than 2021

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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 3 years, or in the light of 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
- 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.

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 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.
- 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. 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;
 - 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.

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. When considering applications the provisions of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 will apply.

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 local Clinical Commissioning Group
- the local weights and measures authority (trading standards).

1.24 The Act permits other persons to make representations. 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. 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.
- 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. Essex Police have created a pool of conditions which may also 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 ~~an interested~~ any Party applies for a review, the Licensing Authority has to be satisfied 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 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 (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:

- 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.

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
Commercial and Regulatory Services Directorate
Epping Forest DC
Civic Offices
High St
Epping 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		

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 6 weeks.

Alex Burghart MP 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 Magistrates Equity 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 Riddleys Brewery's 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 West Essex CCG Whiskers & Co Solicitors Whipps Cross NHS Trust
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