

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'; 'cldr.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'; cldr.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; cldr.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; cldr.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](mailto:w 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

This policy shall come into force on
not later than 2017

2012 and will be reviewed

Epping Forest District Council

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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.
- 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

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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.

Deleted: appraised

- 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.

Deleted: extent,

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 [GC5]: 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;
 - 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.

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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;

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(d) ~~The~~ suspension of the licence.

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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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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; Kassandra 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'; 'neeve.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; 'cldr.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

STATEMENT OF LICENSING POLICY

Made under section 5 of the Licensing Act 2003

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

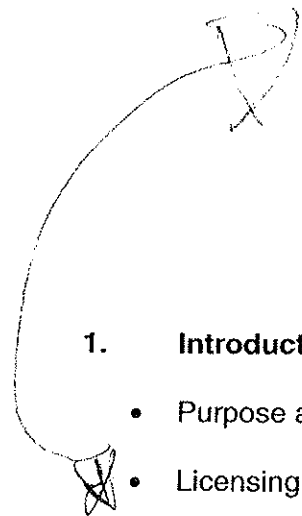
The Spring Golf Course

This policy shall come into force on
not later than 2017

2012 and will be reviewed

Epping Forest District Council

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) from ...
 ③



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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 **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 licensing 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 Para 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 applicant is.

← could be helpful to refer.

*app. location
for what is
needed 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 time*

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" who
before "one" 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
 Haven't seen where
 Make representation if he doesn't know about it -
 What is mechanism for that problem?

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 to explain
some other sections
could do with
succinct
explanation
for local
representative 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.

premises should nominate a Child Welfare Officer responsible for seeing 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 what?*

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'; 'cldr.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'; cldr.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; cldr.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; cldr.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