

# ***Supplementary Committee Agenda***



**Epping Forest  
District Council**

---

## ***Licensing Committee Wednesday, 13th October, 2010***

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

**Time:** 2.00 pm

**Democratic Services:** Gary Woodhall (The Office of the Chief Executive)  
Tel: 01992 564470  
Email: gwoodhall@eppingforestdc.gov.uk

---

### **8. STATEMENT OF LICENSING POLICY (Pages 3 - 8)**

(Director of Corporate Support Services) To consider the attached Appendix for the report containing the responses from the consultation on the Statement of Licensing Policy.

### **13.a QUALITY TAXI PARTNERSHIP - 2 SEPTEMBER 2010 (Pages 9 - 12)**

(Director of Corporate Support Services) To consider the attached report (LSC-006-2010/11).

This page is intentionally left blank

21 JUL 2010

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](mailto:contact@loughton-tc.gov.uk)  
Web site: [www.loughton-tc.gov.uk](http://www.loughton-tc.gov.uk)  
Town Clerk: Enid K Walsh

Ms Kim Tuckey  
Licensing Office (Corporate Services)  
Epping Forest District Council  
Civic Offices  
High Street  
Epping CM16 4BZ

20<sup>th</sup> July 2010

e-mail: [vivienne.messenger@loughton-tc.gov.uk](mailto:vivienne.messenger@loughton-tc.gov.uk)  
 extn 207

Dear Ms Tuckey

## Re: Epping Forest District Council's Licensing Policy – Consultation

The Town Council's Planning and Licensing Committee considered this at its meeting on 5<sup>th</sup> July 2010.

The Chairman stated that the new Coalition Government had expressed an intention to revise the Licensing Act 2003 later in the current Session. Consequently members felt that the lifetime of the revision of Epping Forest District Council's Statement of Policy is likely therefore to be strictly temporary. However, the Committee AGREED on the following points below for submission to the District Council before the closure of this consultation on 31<sup>st</sup> July 2010 which are:

- The policy as drafted, both in its language and content, was much too favourable to the unrestricted grant of a licence. The Committee recognised this was partly a matter of law, but did not think the Policy's use of language was sufficiently cautious, particularly of residents' concerns, and went beyond what the Act envisaged.
- In paragraph 1.16, on line 3, omit "*the*" and insert "*any*", to read: "*...will be balanced against any wider benefits to the community.*" Then delete the entire last sentence which reads: "*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.*"
- In paragraph 1.24, where it says: "*A Councillor for the District may also make representations.*" This is ambiguous. Does this mean, "A District Councillor for the ward affected"? If so, it should say so. It would not be within the parameters of the Act if a Councillor for Ongar (say) could have a view on an application in (say) Buckhurst Hill.
- Omit paragraph 1.38, which reads: "*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 recognise 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.*"
- In paragraph 1.39, on line 2, after "*Act*" insert "*may*" to read: "*...premises and events requiring a licence under the Licensing Act may provide and...*"

In paragraph 7, omit the first sentence on the supposed benefits of extended hours, which contention has now generally discounted. This sentence reads: *"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."*

In addition, the Committee welcomed the following mandatory conditions imposed by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (SI 2010/860) which came into force on 6th April 2010 that:

- a. It is a condition of every licence for alcohol consumption that tap water must be freely available on request.
- b. Lap dancing and similar activities are subject to the same licensing regime as sex establishments.

Finally, as regards the desirability of town and parish councils being able to make representations in their own right, this will obviously require further amendment of the Licensing Act. This is being pursued separately by relevant organisations.

Yours sincerely



Vivienne Messenger  
Administrative Assistant

To: [licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk)

## Comments on draft Statement of Licensing Policy

While we are happy with much of the document, there are a number of points where it appears over-favourable to licensees and fails to take proper account of the need to maintain and protect the Quality of Life of local residents.

Our detailed comments are as follows:

- 1.16 It is not clear what “disturbance is likely to be of limited extent” will mean in practice – is it the disturbance, or the number of households, which is “limited”? In other words, is it
- a) severe disturbance to one (or more) household?
  - b) minor disturbance to one or more number of households?

We think that (a) is unacceptable under any circumstances, and that the Statement should make this clear.

- 1.26 The draft states that licence conditions should be imposed unless “other controls/legislation exist to provide sufficient protection” – this should instead read “other controls/legislation exist to provide sufficient *and effective* protection” (emphasis added), as the enforcement of such other controls/legislation may be moribund and – although sufficient if enforced – therefore ineffective.
- 1.32 While the first sentence of this paragraph is unexceptionable, the second sentence suggests that regulated entertainment and the general interests of the community are synonymous – we suggest adding at the end of the second sentence something along the lines of “or the Quality of Life of local residents is being adversely affected by nearby regulated entertainments”.
- 7 This paragraph refers to “stricter conditions with regard to noise control” being imposed “in the case of premises situated in largely residential areas”. We strongly urge an amendment so that it reads

“However, when issuing a licence in the case of premises situated in largely residential areas, stricter conditions are likely to be imposed with regard to noise control, *or opening hours are likely to be restricted to exclude the early hours of the mornings.*” (emphasis added).

In mainly residential areas, residents are disturbed by customers leaving after midnight, even if the customers leave relatively quietly and peacefully, because in the early hours of the morning - when everything else is largely quiet - the sounds of footfalls,

conversations and cars starting and driving off all sound much louder and therefore cause much greater disturbance to residents.

David Linnell

Chairman, Loughton Residents Association.

26 06 10

**About Loughton Residents Association**

Loughton Residents Association is a very active group of local residents who care for Loughton and its environment. Our membership is over 1,000 households, and we have been in existence for nearly 30 years. We are independent of any political party. We seek, and listen to, the views and concerns of Loughton residents and take action in support. We have councillors on the Loughton Town Council, Epping Forest District Council and Essex County Council and volunteers who represent us on many other groups. We have our own regular newsletters to residents and our own website, [www.loughtonresidents.co.uk](http://www.loughtonresidents.co.uk).

**Kim Tuckey - Consultation FAO K Tuckey**

---

**From:** Neil Sjoberg <~~neilsjoberg@eppingforestdc.gov.uk~~>  
**To:** <licensing@eppingforestdc.gov.uk>  
**Date:** 20/05/2010 13:10  
**Subject:** Consultation FAO K Tuckey

---

Dear Mr Tuckey,  
I have read the consultation document you sent me and there is nothing I would query there.

From my experience I found the licensing officer and the magistrate very helpful and the whole process fore me was very straightforward. However The licensing officer recommeneded me to use a solicitor which,frankly ,was a terrible waste of everyones time and my money. The solicitor got everything in a big muddle, went against my understanding and preparation of documents. In the end the magistrate dismissed her and spoke directly to me. Others I know had a similar experience.

I am happy to help in your consultation if it helps you to ask me specific questions I am very happy to try and answer them.

Neil Sjoberg  
Licensee  
The Epping Golf Course  
Flux Lane  
~~0203 600 740~~

----- Neil and ~~Sjoberg~~ Tel: ~~0203 600 740~~ Mobile: ~~079 56 11 11~~  
email: ~~neilsjoberg@hotmail.com~~ Website: ~~www.eppingforestdc.gov.uk~~

---

Get a free e-mail account with Hotmail. Sign-up now.



Ground: Mill Plain  
Epping, Essex



30<sup>th</sup> May 2010

For the attention of: K. Tuckey  
Senior Licensing Officer

With reference to the 'Statement of Licensing Policy', we have no comments on the consultation that you sent to us.

On behalf of Epping Foresters Cricket Club

Sue Petchey  
Club Secretary



## **Report to the Licensing Committee**

**Report reference: LSC-006-2010/11.**

**Date of meeting: 13 October 2010.**



**Epping Forest  
District Council**

**Portfolio: Safer & Greener.**

**Subject: Quality Taxi Partnership Meeting – 2 September 2010.**

**Responsible Officer: Kim Tuckey (01992 564034).**

**Democratic Services: Gary Woodhall (01992 564470).**

---

### **Recommendations**

**To note the outcome of a meeting with the Essex County Quality Taxi Partnership(QTP) and the Taxi trade.**

### **Report:**

1. In October 2009 the Senior Licensing Officer reported to the Licensing Committee that the District Council and Essex County Council had entered into a working joint partnership, known as the Quality Taxi Partnership (QTP). The QTP works with various agencies including the fire service who endorse the partnership aims. The QTP works to the governments National indicators of NI 7 relating to an Environment for a thriving third sector and NI 141 on number of people attaining independent living.

2. On 2 September 2010, one of the first open meetings was convened at Civic Offices with the QTP and the Licenced taxi trade. Attached are the minutes of that meeting for information at Appendix 1.

**MEETING OF EPPING FOREST DISTRICT COUNCIL  
IN PARTNERSHIP WITH ESSEX COUNTY COUNCIL QUALITY TAXI  
PARTNERSHIP AND THE LICENSED TAXI TRADE**

**Date:** 2 September 2010

**Place:** Committee Room 2, Civic Offices, High Street, Epping, Essex.

**Attendees:**

**Epping Forest District Council** – Kim Tuckey (Senior Licensing Officer) (Chairman), Elizabeth Cox (Licensing Officer), Alison Mitchell (Assistant Director (Legal)),  
Richard

**Essex County Council** – Andrew James

**Essex Fire Service** – Gary Hale

**Saddlers Taxis** – Paul Nelson, Philip Saddler, Peter Saddler, Tim Weston

**Mayflower Taxis** – Ken Horlock

**Taxi Association** – Shawkat Ali, Jamie Goodman

**Bassett Cars** Mr Pryor

**Apologies:** Police

---

**1. APOLOGIES FOR ABSENCE**

Apologies received from Essex Police.

**2. INTRODUCTION OF TAXI ASSOCIATION/QUALITY TAXI PARTNERSHIPS**

Kim Tuckey made a brief introduction and set out the aims of the Partnership.

Andrew James from the Essex County Council Quality Taxi Partnership explained Essex County Council's role as the Highways Authority. He wanted to work with the meeting to lay standards which would be identified by the meeting and look at ways of getting funding to improve the taxi service. Any recommendations put forward by this meeting would have a slow response. There would be a need to bid for money, then go out for consultation prior to any decision being made. He warned that putting a new taxi rank in can take up to a year.

The representative from the Taxi Association stated that the Association was a group of independent drivers. There were forty drivers so far and they want the drivers to have a voice. One of the main points they wished to make was that they do not have an easy link with the Police and they would like this improved.

### **3. HACKNEY CARRIAGES OPERATING MAINLY OUTSIDE THE DISTRICT**

The Council have received complaints that Harlow operators are giving work to Epping Hackney Carriage drivers. The Council is awaiting a court ruling which should clarify the legality of this.

### **4. TAXI RANKS AND UNDERGROUND STATIONS**

There has been pressure to put taxi ranks at underground stations. However, London Underground owns the land and this is not a public highway. This means that it is for London Underground to administer the area. At the meeting, it was established that the only station where independents can operate is Buckhurst Hill and there appears to be an informal agreement with London Underground. The only rank in the area is outside Elite Cars which is mainly, if not exclusively, used by Elite Cars.

It was suggested that the meeting identify suitable places for taxi ranks. The Independent Taxi Association produced a list.

AGREED - The list would be attached to the minutes and the operators should be invited to comment and add to the list.

### **5. TAXI METERS PROS AND CONS**

The meeting was divided as to whether taxi meters would be advantageous. The Independent Taxi Association considered that they would be of assistance but those from the companies were mostly against.

### **6. VEHICLE INTERIM TESTS**

The Council reported that these were mostly being undertaken on time or after reminders sent.

### **7. DISABILITY AWARENESS**

Andrew James suggested that better access to taxis by deaf people could be achieved by the use of email and text messaging for booking taxis. The operating companies confirmed that they were looking at ways to introduce text messaging. The operating companies confirmed that they already used email and some were looking at introducing software for text messaging.

AGREED – If an operator consented, the Council would be happy to put the email addresses of those operators who have accepted email bookings on its website. Further information about booking by text could be included when this becomes available.

### **8. INTRODUCTION OF TAXI TESTS**

The meeting was mostly in favour. It was explained that the tests were multiple choice. If the operators or the Taxi Association wish to assist by providing more questions, with one correct and three incorrect answers, the Council would be happy to receive these.

## **9. VERBAL ABUSE AGAINST TAXI OFFICERS**

Kim Tuckey explained that there was a worrying trend in the past year of verbal abuse against Licensing Officers. This was noted.

## **10. WHAT WOULD EPPING FOREST DISTRICT TRADE LIKE TO IMPROVE AND WHAT EXAMPLES CAN BE GIVEN**

- More back-up was required from Essex Police. The meeting was disappointed that the Police representative was not there;
- More enforcement required – the Council will be doing more enforcement in the future. This will be done in two ways, visual and under cover and an operation has been scheduled to take place soon with the Police;
- Further signage on the vehicle. Passengers do not always realise that it is a licensed vehicle. Would like this to be a condition included in the Licence;
- Gary Hale from the Fire Service pointed out that the Fire Service had a need to communicate with vulnerable people. The Fire Service cannot knock on doors but a taxi driver will be taking elderly people, families from disadvantaged backgrounds and others with disabilities from a to b. On those occasions, they could ask if the passengers had working smoke alarms. The Fire Service are willing to visit and carry out a fire assessment for those people and give fire alarms free. They are asking that the taxi drivers give a card to them so that they could phone or send a card to make an appointment.

**ACTION** – Gary Hale will arrange for cards to be sent to the Epping Forest Licensing Service who will give them to new drivers and those renewing their Licence.

- Andrew James stated that he would wish to introduce the Quality Taxi Partnership sticker which could be given to taxi drivers to place in their vehicle. At future meetings, discussion could take place as to why a driver should be awarded the sticker. If there are complaints against the driver, it would be possible to remove the award. Essex County Council want to market the services of taxis who have the Quality Taxi Partnership logo.