

# Committee Agenda



## Epping Forest District Council

### **Licensing Committee** **Monday, 30th November, 2020**

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

**Virtual Meeting on Zoom**  
on **Monday, 30th November, 2020**  
at **2.30 pm** .

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer**

Adrian Hendry (Democratic Services)  
Tel: 01992 564243 Email:  
democraticservices@eppingforestdc.gov.uk

#### **Members:**

Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), I Hadley, S Heather, P Keska, A Lion, L Mead, S Neville, C P Pond, B Rolfe, M Sartin, P Stalker, D Stocker, D Sunger and J M Whitehouse

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**PLEASE NOTE THE START TIME OF THE MEETING**

**PLEASE NOTE THAT THIS MEETING WILL BE RUN AS A VIRTUAL MEETING AND IS OPEN TO ALL MEMBERS TO ATTEND REMOTELY.**

#### **WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.**

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**Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.**

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

**1. WEBCASTING ANNOUNCEMENT**

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

**2. APOLOGIES FOR ABSENCE**

**3. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**4. ANY OTHER BUSINESS**

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

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

**5. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 8)**

To confirm the minutes of the Licensing Committee meeting held on 9<sup>th</sup> March 2020.

**6. LICENSING STATISTICS (Pages 9 - 10)**

To consider attached report.

**7. IN VEHICLE CCTV - IN TAXIS (Pages 11 - 14)**

To consider the attached report.

**8. DRAFT STATEMENT OF LICENSING POLICY (Pages 15 - 36)**

To consider and comment on the attached draft Statement of Licensing Policy.

**9. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES**

To review the proceedings of the Licensing Sub-Committees held during the preceding period when virtual meetings have been held for the first time, and to consider any issues of procedure, policy or organisation that have adversely affected the operation or management of meetings.

**10. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE**

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

**11. MATTERS ARISING**

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

**12. DATE OF NEXT MEETING**

The next meeting of the Licensing Committee has been scheduled for 17<sup>th</sup> March 2021 at 2.30pm.

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Licensing Committee	<b>Date:</b>	Monday, 9 March 2020
<b>Place:</b>	Council Chamber - Civic Offices	<b>Time:</b>	2.30 - 3.21 pm
<b>Members Present:</b>	Councillors R Morgan (Chairman), J Jennings (Vice-Chairman), A Lion, L Mead, S Neville, C P Pond, M Sartin, P Stalker, D Stocker and J M Whitehouse		
<b>Other Councillors:</b>	Councillors		
<b>Apologies:</b>	I Hadley, S Heather and D Sunger		
<b>Officers Present:</b>	A Hendry (Democratic Services Officer), K Tuckey (Licensing Team Manager) and S Devine (Service Manager (Regulatory))		

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### 13. **Declarations of Interest**

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

### 14. **Any Other Business**

No other business had been raised.

### 15. **Minutes of the Licensing Committee**

#### **RESOLVED:**

That the minutes of the meeting held on 16 October 2019 be taken as read and signed by the Chairman as a correct record.

### 16. **Minutes of the Licensing Sub-Committees**

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

22 October 2019;  
05 November 2019;  
03 December 2019; and  
07 January 2020.

### 17. **In Vehicle CCTV in Taxis**

The Service Manager (Regulatory), Sally Devine, introduced the report on in vehicle CCTV in Taxis. This was to consider the introduction of CCTV in taxis as a licensing condition, to help address driver vulnerability and safeguarding of passengers. It would also assist in the investigation of complaints and help the Council fulfil its statutory duty to protect public safety and to ensure drivers remain fit and proper to hold a licence.

There have also been a number of high-profile safeguarding cases in other areas of the country which had underlined the need for safeguarding issues to be seriously considered within the Council's hackney carriage/ private hire licensing policy.

The introduction of CCTV could have clear benefits for passengers, drivers and the licensing authority. Evidence drawn from complaints made to the Council demonstrates that complaints are not always easily resolved because it is one person's word against another, and this can sometimes have an unsatisfactory outcome for all parties.

It was noted that a Task and Finish Group commissioned by the Minister of State at the Department for Transport in 2018 recommended the mandatory introduction of cameras in licensed vehicles. However, the information Commissioners Office CCTV Code of Practice recognises that an important balance must be made between privacy and proportionality and that a mandatory policy around CCTV systems in taxis would require strong justification and should be kept under regular review.

There were also issues about the use of audio recordings and the capturing of private conversations.

Officers had started a consultation process with the district's taxi drivers and would be consulting widely with the Police, Members and members of the public. They would also be gathering statistical evidence and other data to help in their deliberations.

Some authorities have allowed taxis to have voluntary CCTV and have added conditions around this.

Councillor Sartin noted the report mentioned complaints; what sort of numbers were you talking about. She was told that it averaged about 20 a year. They were nearly always minor, but every now and again there would be a big one where officers would have to work with the Police and carry out exhaustive investigations. Given the number of complaints a year, Councillor Sartin thought that this may just be a little excessive. Officers noted that a crime could not be underestimated but it was also about proportionality. There were advantages to the Taxi Drivers, for their own safeguard, and it also helped with their insurance. A lot would be about costs.

Councillor Neville asked which other authorities in Essex were doing this and what was the Government Task and Finish now saying. He was told that Colchester were planning to use an outside company, but it came at a heavy cost and so they were now rethinking this. The cost was £750 per unit (to install the camera) and then £10 a month per vehicle. Asked who paid this, the officer said that the taxi driver would. As for the government response they were still consulting and were waiting for feedback from Transport for London.

It was also noted that some drivers had dash cams fitted (some can also look inside the car as well) – the issue here was control of this data. In this case it was up to the drivers, they could turn it off and on when they liked. Should the council have control of the units?

Councillor Stalker noted that the ones that looked inside cars came under different legislation. Customers have to be told when they enter the taxi; the issue was who controlled the data. We should have the Colchester scheme or nothing.

Councillor Whitehouse asked if we needed to alter our conditions if there were currently taxis using recording devices.

Councillor Lion suggested that more information was gathered before any definite decisions were taken. For instance, were we doing this for the protection of the Council or for the taxi drivers? He was told that as an authority we would be doing it to protect public safety and also as part of the broader work to strengthen safeguarding measures within the taxi/PHV service. Also, the Information Commission's advice was to prohibit audio in taxis and only allow for use in emergencies.

Councillor Sartin asked if the consultation paper was anonymous. And what would happen if they say they already have CCTV installed. She was told that officers would need to investigate it and to know they were doing everything correctly. The forms were anonymous as we got a better response that way. But this was just the start of the consultation process. Councillor Sartin asked if a number of taxi drivers had CCTV, would we need to check those taxis. Officers said that this would be picked up at each taxis' four-month check – it would be checked to see if they have cameras and appropriate notices.

Councillor Neville commented that as we did not presently have a policy on this, if a taxi driver used some CCTV footage in evidence, would we accept it? He was told that would depend if it had been properly gathered.

Councillor Lion asked if London Black Cabs had CCTV. Councillor Stalker said that they did, and that a red light came on when audio was being recorded.

Ms Devine noted that, going forward, the Council would be looking at the potential requirement for all licensed taxis and PHV to be electric. This would also add to the financial burden of the trade and whilst the two issues, CCTV and electric vehicles were separate, it was worth being aware, in respect of the consequences to the trade if introduced. Councillor Lion commented that he had been dealing with Essex County Council for over a year on installing electric charging points. It was also something we need to address in our own car parks.

Councillor Sartin asked when were officers looking to get responses back. She was told that they had been given three months to respond so were looking at sometime in June.

Councillor Lion asked if we recorded issues and complaints and could the committee have sight of these statistics. Officers said that they could produce something along those lines.

Councillor Morgan summed up by saying that the Committee needed more information when they next considered this at their October meeting.

**RESOLVED:**

1. The Licensing Committee noted the steps being taken in consideration of in-vehicle CCTV in Hackney Carriage / Private hire Vehicles; and
2. That a further report would be going to the next meeting in October.

**18. Gambling Act 2005: Statement of Licensing Policy**

The Licensing Team Manager, Kim Tuckey, introduced the report on the Gambling Act 2005, statement of Licensing Policy. The Gambling Act 2005 required all

licensing authorities to prepare and publish a Statement of the Principles that they proposed to apply in exercising their functions under the Act. This is incorporated into the Epping Forest Council's Gambling Act 2005: Statement of Licensing Policy.

The statement of Licensing Policy was last reviewed in 2016 and a further review was overdue. A review had now been carried out and amendments have been made following latest guidance from the Gambling Commission. Epping Forest District has very few such establishments that would be affected by an update to the policy.

A consultation letter or email was sent out to all consultees at the beginning of January 2020 and replies were asked to be returned by 19<sup>th</sup> February 2020. Responses were attached with the report.

Members asked for some minor amendment to be made to the draft statement but agreed in principal to draft Gambling Act (2005), Statement of Licensing Policy.

**RESOLVED:**

That the revised Gambling Act 2005: Statement of Licensing policy be approved.

**19. Review of Licensing Sub-Committee Procedures**

Members wished to know where the Licensing Sub-Committee meetings were to be held between June and December 2020 while building work was being undertaken at the Civic Offices. They were told that meeting would be held at Debden Park Community Hall, Willingale Road, Loughton, IG10 2BQ.

**20. Review of Current and Future Training Needs for the Committee**

The meeting noted that James Button would be holding a one day training session at North Weald Airfield on 10<sup>th</sup> June 2020 from 9.30 to 4.00pm.

**21. Matters Arising**

There were no matters arising.

**22. Date of Next Meeting**

The Committee noted the date for their next meeting, 14 October 2020 at the Debden Park Community Centre starting at 2.30pm.

**CHAIRMAN**



## **Report to Full Licensing Committee**

**Date of meeting: 30<sup>th</sup> November 2020**

**Subject: Licensing Statistics**



**Epping Forest  
District Council**

**Officer contact for further information: Kim Tuckey, Licensing Manager (01992 564034)**

**Democratic Services Officer: Adrian Hendry, 01992 564246**

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### **Recommendations:**

**To note the results of the statistics**

### **Purpose of Report:**

To report as required by statute the applications received by the Licensing Section

### **Applications received**

Under the Licensing Act 2003 and the Gambling Act 2005, officers are required to report on numbers of applications received and the determinations of those applications.

The statistical report details the applications received during the last year between 1 October 2019 and 30 September 2020. Included separately, for information and comparison, are the figures for the 6 month period between 1 April and 30 September for 2020 and 2020, which largely reflects the impact of Covid on licensed businesses.

<b>Summary of Licence applications received</b>			
	<b>1/4/2019 to 30/9/2019</b>	<b>1/4/2020 to 30/9/2020</b>	<b>1/10/2019 to 30/9/2020</b>
<b>Premises licence applications/variatio</b>			
Number of new applications	11	6	7
Number of renewals	62	70	251
Change of designated premises supervisor/variation	41	31	24
Number of applications considered by the sub-committee	8	2	5
Number of applications granted subject to conditions	8	2	5
Number of applications refused	0	1	0
Number of appeals to Magistrates	0	0	0
Number of revocations	0	1	0
<b>TENS</b>			
Application received	128	17	139
Late TENS	34	5	35
<b>REVIEWS</b>			
Application	1	1	1
Reviews refused	0	0	0
<b>PERSONAL LICENCE APPLICATIONS</b>			
Number of applications received	64	34	46
Number of applications granted under delegated authority	64	34	46
Number of applications refused	0	0	0
Number of appeals to Magistrates	0	0	0
<b>GAMBLING ACT 2005</b>			
Betting office applications granted	0	0	0
Club gaming permit granted	0	4	2
Notifications for 2 gaming machines	3	2	0

## **Report to Licensing Committee**

**Date of meeting: 30 November 2020**

**Subject: In- Vehicle CCTV in Taxis**

**Officer contact for further information: Sally Devine**

**Committee Secretary: Adrian Hendry, 01992 564246**



**Epping Forest  
District Council**

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### **Recommendations/Decisions Required:**

**Update report for consideration of in- vehicle CCTV in hackney carriage/ private hire vehicles.**

### **Report:**

1. A report for consideration of in-vehicle CCTV in taxis was submitted and discussed by the Licensing Committee on 9 March 2020, as a potential means of addressing driver vulnerability and safeguarding of passengers. This also follows high profile reports in other parts of the country connecting the taxi trade with serious concerns regarding child exploitation, human trafficking, criminal exploitation and drug trafficking.
2. A Task and Finish Group commissioned by the Minister of State at the Department of Transport in 2018 recommends the mandatory introduction of cameras in licensed vehicles.
3. However, the Information Commissioners Office CCTV Code of Practice recognises that an important balance must be made between privacy and proportionality and that a mandatory policy around CCTV systems in taxis will require strong justification and should be kept under regular review.
4. Officers reported in March 2020, that initial enquiries were being made with internal and external partners around systems used and learning points. They would obtain intelligence where possible, around the incidents connecting the local taxi trade with any safeguarding and criminality, that may support the case for CCTV in taxis. Officers were already in the process of consulting with taxi drivers and operators by letter/ questionnaire to establish their level of concern around their own personal safety and to obtain their views about in-vehicle CCTV. The Committee also asked that officers report back on the number and nature of any complaints reported directly to the Licensing team that related to safeguarding issues as this may give an indication of the severity of the problem in our District.
5. The Council are members of the National CCTV User Group and our specialist officer is a member of the National Association of Camera managers (NASCAM). Unfortunately, the National CCTV Conference scheduled for May 2020, where the topic of in-vehicle CCTV was to be discussed, was cancelled as a result of the covid pandemic and further detailed work on this has not been possible. However, it is clear that any CCTV in taxis that are a condition of a licence will need to be managed by the Council in terms of compliance, we will also need to update our code of practice to include taxis, carry out a Data Protection Impact Assessment and update our ICO registration to reflect that the Council manage Taxi CCTV in licensed cabs. The Community Resilience Team that control all CCTV in the council have the capability to manage this work, if mandatory licensing was considered appropriate.

6. We have sense checked with other Essex councils and the four that have responded at the time of writing this report have rejected mandatory in-vehicle CCTV on the basis that - crime data does not justify; the council responsibilities as data controller; concerns regarding audio recording; and the expectation that the trade would expect the Council to fund all costs.

7. Police crime data and our own Councils internal data base does not indicate a significant safety concern, although it is recognised that this may not provide a truly accurate picture. Over the last 2-year period, only one safeguarding case was recorded and this involved an allegation of abusive and racist comments by one driver against another driver.

8. There were 27 responses to the consultation that was sent to all 415 taxi drivers and operators across the District, which are summarised as an appendix to this report. This is clearly a poor response (6.5%) and therefore any interpretation of results must be considered with caution. However, of note is that 12 respondents stated that they had been threatened or verbally abused themselves in the last 2 years; 6 had been physically abused and 7 had been a victim of racial abuse in the same period. 8 were in support of a licence condition being imposed that requires in vehicle CCTV and 19 were against.

9. Members are asked to consider officers findings to date and advise on preferred next steps.

**Appendix : Summary of results following consultation on taxi driver safety**

Questionnaire response to views on in-car CCTV. 27 responses from xx questionnaires sent out			
	yes	No	General comments received
Do you always feel safe whilst working as a licensed driver	14	13	Views vary from a preference for introducing in- house CCTV immediately to compliance within 2 years minimum
Do you feel more vulnerable at night	12	14	Important to ensure the system does not breach invasion of privacy for customers
Have you been threatened or verbally abused in the last 2 years	12	15	A protective screen separating customer and driver is as effective
Have you been physically harmed by a passenger in the last 2 years	6	21	CCTV is a good idea for both passengers and drivers but expensive, and in addition to meter installation
Has a passenger refused to pay a fare in the last 2 years	15	12	3 responses – overall a good idea to protect passenger and driver safety and agree with including as a licence condition
Have you been a victim of racial abuse while driving your vehicle for work	7	20	1 response recommending discretionary introduction
Do you have in vehicle CCTV fitted in your vehicle already	1	26	1 Suggestion for the Council to fund initially to kick start the project
Would you support making CCTV a part of the Council's licensing conditions	16	8	This is very bad timing for the Council to consider imposing further financial commitment on drivers when they are already facing huge financial difficulties
If introduced, do you think a period of time should be allowed for drivers to comply?	21		There will be significant additional cost to drivers in purchasing and installation and moving equipment when changing vehicles
	agreed.		Public should be notified if in house CCTV is introduced
	Range 0		
	to 2		
	years		

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## **Report to Licensing Committee**

**Date of meeting: 30<sup>th</sup> November 2020**

**Subject: Statement of Licensing Policy**

**Officer contact for further information: Kim Tuckey  
Licensing Manager ext 4034**

**Committee Secretary: Adrian Hendry, 01992 564246**

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**Epping Forest  
District Council**

### **Recommendations:**

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

### **Report:**

#### **Background**

1. The licensing authority has a statutory duty to review its licensing policy and as such, a consultation was carried out, beginning on the 22<sup>nd</sup> September 2020. The closing date was the 16<sup>th</sup> November 2020.

2. The new Policy updates the existing, to align with current internal council decision making; informing on current guidance and other publications and updating details of consultees. There is also a section that covers Exchange of Information, not included in the previous Policy document, which recognises the Council's responsibilities under the General Data Protection Regulations. The Policy document will be reviewed again no later than 2025 or such earlier time if deemed necessary.

3. There were some replies to consultation which are summarised on the attached table. Minor amendments have been made to the original draft to reflect the comments received, but no substantive changes have been made. The minor changes are at paragraphs 1.5, 1.6, 1.11, 1.50 and minor changes to the consult list. These changes are inclusions and updates since the previous policy was published.

4. Members are asked to consider the revised Policy document for submission to Full Council, recommending its adoption as the Epping Forest Statement of Licensing Policy

#### **Documents Attached**

Draft Policy (amended for approval)  
Table of replies to the consultation

#### **Resource Implications:**

None

**Legal and Governance Implications:**

Licensing Act 2003 (as amended)

Anti Social Behaviour Act 2003

Equality Act 2010

**Safer, Cleaner and Greener Implications:**

To promote the four licensing objectives:

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

**Consultation Undertaken:**

Specified in the Licensing policy

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

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



# STATEMENT OF LICENSING POLICY

Made under Section 5 of the Licensing Act 2003

DRAFT

*Epping Forest District Council*

This policy shall be reviewed not later than 2025

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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 principles 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 Licensing Act 2003 (referred to in this document as 'the 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 internal and external partners including the Chief Police Officer for Essex, the Fire and Rescue Authority, bodies representing local holders of premises licences, club premises certificates and personal licences, businesses and residents of the area and the Council's Licensing Committee. The policy will be reviewed in not less than 5 years, or in the light of changes to legislation or circumstances, whichever is sooner.
- 1.5 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Committee are not bound by the decisions made by a Planning Committee and vice versa.
- 1.6 There is no legal basis for a Licensing Authority to refuse a licence because the relevant premises does not have planning permission or where there are conditions on the planning permission of a premise. It is a statutory requirement that all applicants provide a copy of their application to the Planning Authority

### **Licensing Objectives**

- 1.7 The Act requires that the Council carry out its various licensing functions 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
- 1.8 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.
- 1.9 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.

- 1.10 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 the licensing objectives. There are many control measures that are available to applicants to achieve this goal. Where appropriate, applicants should consider whether any additional measures are required, in respect of occasional or specific events, that are intended or are likely to attract larger audiences.

### **Consultation, Strategies and Policies**

- 1.11 In developing this Policy Statement, the Council consulted widely. All statutory consultees have been consulted, these being:
- the Chief Police Officer for the District
  - the Essex County Fire and Rescue Service
  - the Director of Public Health for East of England
  - persons/bodies representative of local premises licence holders;
  - persons/bodies representative of local club premises certificate holders;
  - persons/bodies representative of local personal licence holders; and
  - persons/bodies representative of businesses and residents in the area

In addition, the Council consulted with local groups, organisations and individuals, namely:

- Responsible Authorities under the Act;
- Other elements of local government,
- Organisations, including faith groups and voluntary organisations, and the Citizens Advice Bureau;
- Groups which have an influence on the night-time economy
- Made available on the Epping Forest Council website

The full list of external consultees is shown in Appendix 2.

Due consideration was given to the views of all those who responded to that consultation process.

- 1.12 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.
- The Corporate Enforcement Policy
  - The Corporate Plan
  - The Local Plan (Emerging)
  - The Council Safeguarding Policy
  - The Council's CCTV Code of Practice
  - The Council Equality and Diversity Report 2019

#### Other Relevant Legislation

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005

- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006
- The Anti Social Crime & Policing Act 2014

#### 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
- Safer Clubbing Guide - Home Office
- Code of practice: age restricted products and services – Office for Product Safety and Standards (OPSS)
- Security at Events Guidance – Home Office: relating to the Private Security Industry Act 2001 and associated regulations,
- Additional Guidance as may be produced by the Home Office

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)
- Managing Crowds Safely (HSE)
- Steps to Risk Assessment: Case Studies (HSE) ISBN 0716 150804
- The Guide to Safety at Sports Grounds
- Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Outdoor Performances by [Outdoor Arts UK](#) and endorsed by the Institute of Licensing

- 1.13 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 and guidance will be considered for their impact on this Statement of Licensing Policy.
- 1.14 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.
- 1.15 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Area Planning Sub-Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable that Planning Sub-Committee to have regard to such matters when making its decisions.

#### **Exchange of Information**

- 1.16 The Council is under a duty to protect the public funds it administers and to this end may use, for the prevention and detection of fraud, the information provided by applicants. It may also share this information for these purposes with other bodies responsible for auditing and administering public funds.

- 1.17 In accordance with the provisions of the Crime and Disorder Act 1998, the Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.
- 1.18 When undertaking any data sharing exercise, regard shall be had to the relevant provisions contained in data protection laws, including under the General Data Protection Regulations.
- 1.19 The Council publish details of applications on the Councils website <https://www.eppingforestdc.gov.uk/> Details of all licensed premises are available on request and an on line register is being developed.

### **Equality Duty**

- 1.20 The Council recognises its responsibilities under the Equality Act 2010 and associated Regulations to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; 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. This Statement of Licensing Policy has been assessed to take account of equality issues.

### **Regulated Entertainment**

- 1.21 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.
- 1.22 If representations are made concerning the potential for disturbance of an entertainment activity, licensable under the Act, 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**

- 1.23 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits, taking into account:
- the Licensing Act 2003 and the four licensing objectives;
  - Government Guidance issued under Section 182 of the Licensing Act 2003;
  - Supporting regulations;
  - This Statement of Licensing Policy; and
  - the nature and locality of the premises and the Operating Plan submitted by the applicant.

- 1.24 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.
- 1.25 Nothing in this Statement of Licensing 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.
- 1.26 So far as possible, this Statement of Licensing Policy will not duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work etc Act 1974, The Environmental Protection Act 1990, equalities legislation, and the Fire Safety Regulatory Reform Order 2005. Conditions in respect of public safety will only be attached to licences if they are necessary for the promotion of a licensing objective. When considering applications, the provisions of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 will apply.
- 1.27 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 residents or the police, they will be considered fairly by the Committee.
- 1.28 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**

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

The Responsible Authorities are:

- The relevant licensing authority or any other licensing authority in whose area part of the premises is situated.
  - Chief Officer of Police,
  - the Fire and Rescue Authority,
  - the Enforcing Agency for health and safety purposes,
  - the local authority responsible for environmental health,
  - the local planning authority,
  - the authority responsible for minimising or preventing the risk of pollution
  - the Child Protection Authority,
  - the local Clinical Commissioning Group
  - the local weights and measures authority (trading standards).
- 1.30 The Act permits other persons to make representations. This includes any individual, body or business, or their representatives, 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 repetitious.

- 1.31 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 Digital, Culture, Media and Sport (or similar government issued guidance) for assistance as to whether a representation is relevant.
- 1.32 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**

- 1.33 Licence conditions will be tailored to the individual application and those **appropriate** to promote the licensing objectives will be imposed. Licence conditions will not be imposed where other controls/legislation exist to provide sufficient protection to the public. The Council may create its own pool of conditions to assist applicants. Essex Police have created a pool of conditions which may also assist applicants.
- 1.34 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**

- 1.35 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.
- 1.36 Apart from 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.
- 1.37 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.
- 1.38 The Licensing Committee will expect individual applicants to address the licensing objectives in their Operating Plan, having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

### **Cumulative Impact of a Concentration of Licensed Premises**

- 1.39 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.



- 1.40 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Council can consider. 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 Statement of Licensing Policy.
- 1.41 The Council may receive representations from either a Responsible Authority or any party, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases, the issue of cumulative impact may be considered alongside the individual merits of any application.
- 1.42 The Council will not operate a quota of any kind which would predetermine 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.
- 1.43 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;
  - Assess the causes;
  - Adopt a policy about future applications for premises within that area.
- 1.44 The Council recognises however, that as well as the licensing function there are several 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**

- 1.45 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the 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.
- 1.46 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

- 1.47 A Responsible Authority and/or other parties can trigger a review of a premises licence or club premises certificate, but an evidentiary basis would be required to be presented to the Licensing Authority. Representations received must be relevant to the promotion of the licensing objectives and submitted in writing. Representations must not be frivolous or vexatious.
- 1.48 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.
- 1.49 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.
- 1.50 Where an interested party applies for a review, the licensing authority must be satisfied that the grounds are relevant. There is no appeal to the decision of the Authority other than by way of judicial review.
- 1.51 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.
- 1.52 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.
- 1.53 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**

- 1.54 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 its Corporate Enforcement Policy 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 of Better Regulation:
- Proportionate – intervention will only take place when necessary. Remedies shall be appropriate to the risk posed and costs identified and minimised.
  - Accountability – the Licensing Authority shall ensure it is able to justify its decisions and be subject to public scrutiny.
  - Consistent – rules and standards shall be joined up and implemented fairly.
  - Transparent – enforcement shall be open, and regulations kept simple and user friendly.
  - Targeted – enforcement shall be focused on the problems and minimise side effects.
- 1.55 Once licensed, it is essential that premises are maintained and operated 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 monitor premises and take appropriate enforcement action to ensure this.
- 1.56 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises.

## **2. Licensing Objectives**

- 2.1 The following sections set out the Council's Policy relating to the four licensing objectives:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.

## **3. Prevention of Crime and Disorder**

- 3.1 When considering Crime & Disorder applicants should look to include in their Operating Plan measures to control problems associated with this as required:
- Effective training and supervision of staff
  - Adoption of best practice guidance (e.g. Safer Clubbing, The National Alcohol Harm Reduction Strategy Toolkit, Pub Watch schemes, CCTV, Drug Awareness)

#### **4. Public Safety**

- 4.1 When considering Public Safety, the applicant should consider whether it is necessary to address the following in their Operating Plan
- Suitable and sufficient risk assessments;
  - Effective and responsible management of premises;
  - Adoption of best practice guidance (e.g. Guide to Fire Precautions in Licensed Premises).

#### **5. Public Nuisance**

- 5.1 When considering prevention of public nuisance applicants should consider what measures may be necessary and should take account of the following:
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Property, Noise, published by BBPA);
  - Ensuring customers leave quietly;
  - Installation of sound proofing.

#### **6. Protection of Children from Harm**

- 6.1 The Council recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from harm.
- 6.2 When deciding whether to limit access to children or not, the Council will judge each application on its own individual merits. Examples that may give rise to concern in respect of children would include premises where:
- entertainment of an adult or sexual nature is provided;
  - there is a strong element of gambling taking place;
  - there is a known association with drug taking or dealing;
  - there have been convictions of members of the current staff at the premises for serving alcohol to those under 18;
  - there is a reputation for underage drinking;
  - where the supply of alcohol for consumption is the exclusive or primary purpose of the services provided at the Premises.
- 6.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.
- 6.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure the children's safety and their protection from harm.
- 6.5 Venue operators seeking premises licenses and club premises certificates should consider including in their operating schedules particularly where their own risk

assessments have determined that the presence of children is undesirable or in appropriate conditions which could include –

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

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

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

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

## **7. Licensing Hours**

7.1 The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises, whilst ensuring that nuisance is minimised to 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 about 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](http://www.eppingforestdc.gov.uk)

Alternatively contact the Licensing Team: [Licensing@eppingforestdc.gov.uk](mailto:Licensing@eppingforestdc.gov.uk)

Tel: 01992 564034

Licensing Team  
Commercial and Regulatory Services  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
CM16 4BZ

## Delegation of Functions

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

## Consultation

Consultation will be undertaken with those listed below. The majority of those being contacted via email and the remainder by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be 6 weeks.

### List of Consultees

Alex Burghart MP Association of Multiple Licensed Retailers Attwater Jameson Hill Solicitors Bay Restaurant Group Betting Offices British Transport Police Bryan Cave Leighton Paisner Solicitors Campaign to Protect Rural England Chigwell and Hainault Synagogue Child Protection Essex County Council Church of England Citizens Advice Bureau Community Safety Partnership Consumers Association Council for Voluntary Services Curwens Solicitors Director of Public Health Authority EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators Epping Voluntary Action East of England Ambulance Service NHS Trust Essex Coalition for Disabled Group Essex County Council Essex Fire & Rescue Essex Police Service Essex Probation Service Essex Trading Standards Essex Tourist Bodies Federation of Licensed Victuallers Association Federation of Synagogues Foskett Marr Gadsby & Head	Gambling Commission GamCare Greene King Health and Safety Executive Essex HM Customs and Excise HM Revenue & Customs Jarmans Solicitors Lea Valley Regional Park Authority Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Loughton Residents Association (Plans Group) Loughton Residents Association Local Taxi Operators McMullen & Sons Ltd Methodist Church Mitchells & Butlers Brewery Neighbouring Local Authorities Other Faith Groups Parish and Town Councils Princess Alexandra NHS Trust Punch Taverns Robert Halfon MP Roman Catholic Church Rural Community Council of Essex Security Industry Authority Spirit Group Retail Ltd Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Unite West Essex CCG Whiskers & Co Solicitors All current licenced premises in the district
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## Licensing Policy – Replies to Consultation

Name	Representation	Reply
Michael Richardson Environmental health noise team EFDC	<p>In the list of relevant legislation (1.12) you have not included the Anti Social Crime &amp; Policing Act 2014. This deals with Community Protection Notices (CPN)/Public Spaces Protection Orders (PSPOs) as well as amending S.161 and 165 Licencing Act 2003 regarding closure orders on premises, so I think it needs to be included.</p> <p>You also have a bit of a problem with the numbering too.. goes from 1.19 to 1.16 (around the Equality &amp; Duty section</p>	We have added the recommended comments and amended numbering
HMRC	Noted that their address was incorrect	Address amended
Loughton Town Council	Licensing Act 2003 Consultation Policy (draft) The Committee had NO OBJECTION to this proposal.	
Essex County Fire & Rescue Service		Acknowledgment
British Transport Police		Acknowledgment

Environment Agency		Acknowledgment
SIA		Acknowledgment
Epping Sports Club		Acknowledgment
May's Chinese Restaurant, Epping	No comments to make	
Voluntary Action Epping Forest	No comments to make	
Valley Off Licence, Buckhurst Hill	No comments to make	

<p>Loughton Residents (plans group)</p>	<p>We refer to the current review of the council’s licensing policy.  First of all we consider it would have been useful to have done tracked changes on the document or shown the existing policy side by side with the changes.  We are disappointed we were not formally consulted over the changes particularly because the document proposes to remove the Loughton Residents Association (LRA) as a consultee. You say on the council website that you “<i>want to ensure our licensing policy reflects the opinions of both residents and businesses in the Epping Forest district</i>”. We object to being removed from the consultation list and respectfully request the LRA is reinstated in appendix 2.</p>	<p>I am pleased that you have a copy of the document .With regards to you not being on the list, this is a (typo omission) and I will ensure that it is back on the list. I will feed your comments to the members on the full licensing committee meeting. I can assure you that at no point a decision was made to leave you off the list</p> <p>All ward members were consulted with the policy</p> <p>As you know this is a draft and thank you for drawing it to our attention and your comments are duly noted</p>
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