
COUNCIL

BULLETIN

Issued Week Ending Friday, 2 October 2020

Epping Forest District Council
www.eppingforestdc.gov.uk

Compiled, designed and produced by
Member Services

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PART A - FORWARD DIARY

Key to abbreviations:

CC	Council Chamber	Cab Off	Cabinet Office
CR1	Committee Room 1	CONF	Conference Room (1st floor)
CR2	Committee Room 2	CH OFF	Chairman of Council's Office
MR	Members' Room	TR RM	Training Room
TBD	To be decided	HEM	Hemnall Street Offices.
TBN	To be noted	HH	Homefield House
TBC	To be confirmed	VM	Virtual Meeting
DPCC	Debden Park Community Centre	NWA	North Weald Airfield

Other venues are shown in full.

Currently meetings are subject to change, postponement or cancellation.

Many meetings will be held virtually but Democratic Services will advise arrangements for individual meetings.

Week One: 5 October 2020 – 11 October 2020

Monday 5 October	7.00pm	Joint Consultative Committee	
Tuesday 6 October	10.00am	Licensing Sub-Committee	
Wednesday 7 October		Area Planning Sub Committee West - Cancelled	
Thursday 8 October	5.30pm	Senior Management Appointments Panel	
Friday 9 October			
Saturday 10 October			
Sunday 11 October			

Week Two: 12 October 2020 – 18 October 2020

Monday 12 October			
Tuesday 13 October	7.00pm	Stronger Council Select Committee	
Wednesday 14 October	6.00pm	Cabinet North Weald Workshop	
Thursday 15 October	7.30pm	Overview and Scrutiny Committee	
Friday 16 October			
Saturday 17 October			
Sunday 18 October			

Week Three: 19 October 2020 – 25 October 2020

Monday 19 October	7.00pm	Cabinet	
Tuesday 20 October	10.00am 7.00pm	Licensing Sub-Committee Constitution Working Group	
Wednesday 21 October	7.00pm	Area Planning Sub Committee South	
Thursday 22 October			
Friday 23 October			
Saturday 24 October			
Sunday 25 October			

Week Four: 26 October 2020 – 1 November 2020

Monday 26 October			
Tuesday 27 October			
Wednesday 28 October	7.00pm	Area Plans Sub-Committee East	
Thursday 29 October	7.30pm	Council	
Friday 30 October			
Saturday 31 October			
Sunday 1 November			

PART B - ESSENTIAL INFORMATION

Committee Management System

The members' extranet facility for the Modern.Gov system is available at:

<https://eppingforestextranet.moderngov.co.uk/extranet>

Members may wish to save this link on their computer or mobile devices. Queries concerning login and password details for the extranet should be addressed to the Democratic Services Manager.

Constitution

The Council's Constitution is available at:

<https://rds.eppingforestdc.gov.uk/ieListMeetings.aspx?CId=638&Info=1>

Queries concerning the Constitution should be addressed to the Democratic Services Manager

ECC Highways Portal

Up to date details of all Highways work is available at:

<https://www.essexhighways.org/Transport-and-Roads.aspx>

Member Contact

Please be aware that all Member queries should be addressed to membercontact@eppingforestdc.gov.uk as this will ensure that your query or question is properly logged and chased up if you have not received a response within 5 days.

PART C - GENERAL INFORMATION

1. JACK COOPER - MEMBER CONTACT AND DIGITAL INCLUSION TEAM MANAGER

Jack Cooper who recently replaced Louise Warren as Member Contact and Digital Inclusion Team Manager can now be contacted directly on 01992 564513.

(Further information: Jack Cooper ext 4513)

2. CONSULTATION ON STATEMENT OF LICENSING POLICY (Pages 13 - 30)

Please find attached this Authority's draft Statement of Licensing Policy.

(Further information: Denise Bastick ext 4334)

3. AREA PLANNING SUB-COMMITTEE WEST 7 OCTOBER MEETING - CANCELLED

The next meeting of the Area Plans West Committee is cancelled as there are no planning applications to be determined.

(Further information: Vivienne Messenger ext 4265)

4. NATIONAL CUSTOMER SERVICE WEEK 2020

National Customer Service Week 2020 starts on Monday 5th October & runs until Friday 9th. EFDC are taking part by celebrating a different theme of Customer Service each day & encouraging everyone to take part in some short daily activities to identify what great Customer Service means to each service department.

The full week plan will be shared with all Councillors on Monday should anyone want to take part / see what we're doing. Check out #NCSW2020 on Social Media to see what's happening across the country also.

(Further information: Jack Cooper ext 4513)

5. CHAIRMAN'S DIARY

None this week

LICENSING ACT 2003

Please be advised that the Licensing Unit has received the following applications for New Premises Licence made under the Licensing Act 2003 for the premises below:

Applicant name: Dello Spirito Limited
Address of Premises: 28 Queens Road, Buckhurst Hill, IG9 5BY
Brief details of the natures of the application: New premises licence application for off sale of alcohol Monday to Sunday 10:00 – 22:00 daily.

Consultation Period From: 24th September 2020 to 21st October 2020

Officer in charge: Peter Jones

Further to the below, unfortunately the published blue notice and newspaper notice did not fully disclose the requested hours of operation. We therefore need to restart the consultation period. There is also an error on the previous members bulletin regarding the days/times.

Applicant name: Ozer Hygiene Ltd.

Address of Premises: Farand Bar & Kitchen, First Floor, 24A Sun Street, Waltham Abbey, Essex, EN9 1EE.

Brief details of the natures of the application:

Restaurant & Bar serving Asian/British cuisine.

Application for the sale of alcohol for consumption on the premises as per the following:

Sunday to Thursday 11:30 hours to 22:45 hours
Friday and Saturday 11:30 hours to 00:45 hours
New Year's Eve 11:00 hours to New Year's Day 02:00 hours

The opening hours of the premises are as follows:

Sunday to Thursday 11:00 hours to 23:00 hours
Friday and Saturday 11:00 hours to 01:00 hours
New Year's Eve 11:00 hours to New Year's Day 02:00 hours

Consultation Period

From: 24th September 2020 To: 21st October 2020

Officer in charge: Hannah Gould

Applicant name: New Breed Bottle Shop Ltd

Address of Premises: New Breed Bottle Shop, 287 High Road Loughton, IG10 1AH

Brief details of the natures of the application:

The application is for a specialist off-licence with a local & UK focus on independent producers of craft beer, wine & spirits. They propose to sell bottles, cans and have 6-8 draft lines for beer and wine . As well as traditional off trade they will offer the opportunity for customers to sample products in store and refill. Main revenue stream is to serve products to be consumed off site not as a bar, although they will provide a small seating area for customers to consume onsite.

The applicant is asking for the following licensable activities:

Supply of Alcohol (both on & off the premises)

Monday to Saturday 12:00-20:00

Sunday 12:00-17:00

Provision of recorded music

Monday to Saturday 12:00-20:00

Sunday 12:00-17:00

Hours Premises will be open to the public

Monday to Saturday 12:00-20:00

Sunday 12:00-17:00

Consultation Period From: 29TH September 2020 to 26th October 2020

Officer in charge: Mrs Handan Ibrahim

Please ensure that any comments/objections are received by the Licensing team on or before the consultation end date.

Manager

Licensing Compliance Officer

Licensing Compliance Officer

Licensing Compliance Officer

Licensing Compliance Officer

Licensing Compliance Officer

Kim Tuckey 01992 564034

Handan Ibrahim 01992 564153

Denise Bastick 01992 564334

Peter Jones 01992 564166

Debbie Houghton 01992 564336

Hannah Gould 01992 5642974

PLANNING

1. Appeals Lodged

EPF/0136/20 – 155 Old Nazeing Road Nazeing EN10 6QU- Proposed ground, first floor, front & side extensions – Householder appeal – Brendan Meade ext. 4078

EPF/2486/20 – 5 Staples Road Loughton IG10 1HP - Ground and lower ground floor rear renovation and extension – Written reps - Non determination – Natalie Price ext. 4718

EPF/2940/19 – The Old Granary Copped Hall Estate, High Road Epping CM16 5HS - Proposed alterations to a single storey rear extension (ref:EPF1163/19 & EPF/1168/19 (LB), as well as the basement underneath the single storey rear extension to add create additional living space – Written reps – Alastair Prince ext. 4462

EPF/2949/19 – The Old Granary Copped Hall Estate High Road Epping CM16 5HS – Grade II listed building application for Proposed alterations to a single storey rear extension (ref:EPF1163/19 & EPF/1168/19 (LB), as well as the basement underneath the single storey rear extension to create additional living space – Written reps – Alastair Prince ext. 4462 (linked with planning appeal)

2. Forthcoming Planning Inquiries/Hearings -

EPF/1649/17 – White Rose Curtis Mill Lane Stapleford Abbots RM3 1HS – Re determination appeal by new Inspector- date to be arranged.

3. Enforcement Appeals

None this week

4. Appeal Decisions

EPF/0953/20 – Manor Garage/Workshop – The Manor House Gravel Lane Chigwell IG7 6DQ - Prior approval for proposed change of use of a light industrial unit to one dwelling (Class C3 – Dismissed

5. Tree Preservation Orders

None this week

6. S106 Agreements

None this week

7. Changes to Planning Systems

None this week

PORTFOLIO HOLDER DECISIONS

The notification of decisions taken by individual Portfolio Holders is no longer included in the Council Bulletin.

All members of the Council receive automatic email notification of the publication of each individual Portfolio Holder decision and the call-in period for each decision commences immediately. Members wishing to call-in a decision should complete the attached call-in form and return it to Democratic Services before the expiry of five working days following the publication date of the decision. Members should refer to the Constitution (Article 6 - Overview and Scrutiny) for the rules of call-in.

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

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

- 1.16 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

- 1.17 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.
- 1.18 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

- 1.19 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.
- 1.20 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.

1.21 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.

1.22 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.

1.23 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.

1.24 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

1.25 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).

1.26 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 repetitive.

- 1.27 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 repetitive. 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.
- 1.28 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

- 1.29 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.
- 1.30 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

- 1.31 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.
- 1.32 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.
- 1.33 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.
- 1.34 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

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

- 1.36 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.
- 1.37 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.
- 1.38 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.
- 1.39 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.
- 1.40 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

- 1.41 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.
- 1.42 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

- 1.43 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.
- 1.44 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.
- 1.45 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.
- 1.46 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.
- 1.47 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.
- 1.48 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.
- 1.49 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

- 1.50 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.
- 1.51 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.
- 1.52 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

Alternatively contact the Licensing Team: 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 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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Date: 28 September 2020

Civic Offices
High Street
Epping
Essex
CM16 4BZ

Our Ref:
Your Ref:

Licensing Act 2003 Consultation Policy (draft)

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 in accordance with the current guidance issued under section 182 of the Licensing Act.

The minor changes are at paragraphs 1.5, 1.6, 1.12, 1.16 to 1.19 and 1.50. These changes are inclusions and updates since the previous policy was published. There have also been some minor changes to the consultees list.

In order for our Council Members to have time to consider your comments, I must ask that I receive them by no later than **16th November 2020**.

Our preferred method of contact is via our email to licensing@eppingforestdc.gov.uk. Alternatively, you can send your comments to: The Licensing Section, Civic Offices, High Street, Epping, Essex CM16 4BZ

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

Yours faithfully,

K Tuckey
Licensing Manager

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EPPING FOREST DISTRICT COUNCIL

Notification of Call-In of Portfolio Holder Decision under Paragraphs 45-52 of Article 6 (Overview & Scrutiny) of the Constitution

This form must be signed and completed and the original returned to the Proper Officer in person no later than the fifth working day following the publication of the decision to be called-in

Decision to be called-in:
Decision reference:
Portfolio:
Description of decision:
Reason for call-in

Members requesting call-in
(3 members of the Overview and Scrutiny Committee or 5 other members)

Members Name:	Signed:
Lead member:	
Office Use Only: Date Received:	

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