



### ***Licensing Committee Wednesday, 14th October, 2009***

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

**Time:** 2.00 pm

**Democratic Services Officer** Adrian Hendry (Research and Democratic Services)  
Email: [ahendry@eppingforestdc.gov.uk](mailto:ahendry@eppingforestdc.gov.uk) Tel: 01992 564246

**Members:**

Councillors Mrs P Brooks (Chairman), Mrs P Richardson (Vice-Chairman), K Angold-Stephens, K Chana, Mrs S Clapp, M Cohen, D Dodeja, Mrs R Gadsby, J Hart, Ms J Hedges, Mrs M McEwen, R Morgan, Mrs P Smith and J Wyatt

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<b>PLEASE NOTE THE START TIME OF THE MEETING</b>
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**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**3. ANY OTHER BUSINESS**

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

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

**4. MINUTES OF THE LICENSING COMMITTEE (Pages 5 - 12)**

To confirm the minutes of the Licensing Committee meeting held on 15 April 2009.

**5. MINUTES OF THE LICENSING SUB-COMMITTEES**

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

**6. HONEY LANE STREET TRADING (Pages 13 - 26)**

To consider the attached report.

**7. CONSULTATION UNDERTAKEN WITH TAXIS IN THE DISTRICT AND QUALITY PARTNERSHIP (Pages 27 - 60)**

To consider the attached report.

**8. GAMBLING ACT - STATEMENT OF PRINCIPLES (Pages 61 - 86)**

To consider the attached report and Policy Statement.

**9. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003**

Under the licensing Act 2003, officers are required to report on the numbers of applications received and the determinations of those applications. The following table outlines the applications received from 1st May 2009 for the period up to the 23 September 2009.

Applications received under the licensing act 2003

**PREMISES LICENCE APPLICATIONS/VARIATIONS**

Number of new applications	06
Number of renewals	60
Change of designated premises supervisor	33
Number of applications for variation	01
Number of applications granted under delegated authority	33
Number of applications considered by the sub-committee	01
Number of applications granted subject to conditions	01
Number of applications refused	0
Number of appeals to magistrates	0

**Temporary event notices** 88

**Reviews**

Reviews	01
Reviews refused	0

**Personal licence applications**

Number of applications received	31
Number of applications granted under delegated authority	31
Number of applications refused	0
Number of appeals to Magistrates	0

**Other applications**

Street Trading application- refused	0
Appeal to magistrates	1

**10. APPLICATIONS RECEIVED UNDER THE GAMBLING ACT 2005****Gambling Act 2005**

Betting office applications granted	0
Club gaming permit granted	0
Notifications for 2 gaming machines	6

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

To review the proceedings of the Licensing Sub-Committee held during the preceding period and identify any problems of procedure, policy and organisation that have adversely affected the running of the meetings.

**12. 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.

**13. MATTERS ARISING**

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

**14. DATE OF NEXT MEETING**

The next meeting of the Licensing Committee has been scheduled for 14 April 2010, at 2.00pm in the Council Chamber.

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Licensing Committee **Date:** Wednesday, 15 April 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 2.00 - 3.45 pm

**Members Present:** Mrs P Richardson (Vice-Chairman, in the Chair), Mrs S Clapp, M Cohen, D Dodeja, Mrs R Gadsby, Ms J Hedges, Mrs M McEwen, R Morgan, B Rolfe, Mrs P Smith and J Wyatt

**Other Councillors:**

**Apologies:** - Mrs P Brooks, K Angold-Stephens, R Barrett and J Hart

**Officers Present:** A Mitchell (Assistant Director Legal Services), R Ferriera (Assistant Solicitor), C Wiggins (Safer Communities Manager), K Tuckey (Senior Licensing Officer), S Moran (Licensing Officer) and A Hendry (Democratic Services Officer)

**Also in attendance:** A James and S Fisher

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### 19. APPOINTMENT OF A VICE CHAIRMAN FOR DURATION OF THE MEETING

The Chairman invited nominations from the Committee for the appointment of a Vice-Chairman for the duration of the meeting.

#### RESOLVED:

That Councillor Mrs P Smith be appointed as Vice-Chairman for the duration of the meeting.

### 20. DECLARATIONS OF INTEREST

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

### 21. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Committee.

### 22. MINUTES OF THE LICENSING COMMITTEE

#### RESOLVED:

That the minutes of the meetings held on 15 October and 12 November 2008 be taken as read and signed by the Chairman as a correct record.

### 23. MINUTES OF THE LICENSING SUB-COMMITTEES

**RESOLVED:**

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

- (i) 2 October 2008;
- (ii) 6 November 2008;
- (iii) 4 December 2008;
- (iv) 5 February 2009; and
- (v) 5 March 2009.

**24. QUALITY TAXI PARTNERSHIPS**

The Committee received a presentation from Andrew James, the Transport Strategy Officer at Essex County Council on Quality Taxi Partnerships (QTP). The QTP works with various agencies including the fire and rescue services who endorsed the partnership aims. The QTP also works with a resources consultant, marketing (publicising the work of the Quality Taxi Partnership), the Essex Police, the local councils and of course the Taxi firms and drivers.

The QTP works to the government's National Indicators of NI 7 relating to an 'Environment for a Thriving Third Sector' and NI 141 on 'Number of People attaining independent living'.

The Committee noted that the aims of the QTP were to promote accessibility to everyday facilities for all; to meet the needs of people without access to a car; to reduce crime and the fear of crime on the transport system; to improve the quality and quantity of transport services for all; to support services for people who cannot use conventional services and to reduce road traffic collisions that cause death and serious injury.

The QTP also wanted to improve working relationships and understanding between partners; to provide priority access where possible through the districts; to make taxi journeys as safe as they could be; to improve the customer care skills of drivers and controllers; the improvement of on-street waiting facilities for customers and to assist in the development of locally deliverable training packages.

The QTP were not asking for any money from this council to participate in the partnership as they had access to their own funding. They were looking for our agreement and would help this council with any problems such as environmental issues or putting in taxi waiting shelters. They could ask that all drivers undertake training up to NVQ standards giving a common knowledge background to all drivers. Currently, in Essex, there are over a thousand drivers undertaking this type of training. The Partnership had recently put in a taxi lay-by and shelter for Basildon council at no expense to them. The Partnership has now got about £40,000 left to spend from an initial £50,000 budget at the beginning of the year.

The Chairman then opened the meeting up to questions from the members.

Q: What was the difference between a black taxi cab and a mini cab under QTP?

A: The Council could use the QTP to apply minimum standards if they so wished. They could improve the standard of driving for new or existing drivers if they so wished.

Q: Is the customer of the QTP the taxi driver?

A: The Council is the customer along with the Taxi driver as well as the members of the public who use them. QTP is part of trying to improve public transport. They were also there to reduce crime and the fear of crime. At present they were helping Basildon to install CCTV cameras into taxis; this would help the driver and the customer.

Q: How will this scheme help the person in the street and how will they know it's a QTP cab?

A: The partnership could do marketing on behalf of the taxis that are part of the agreement; they could put information on the website or produce posters. They could produce certificates and put adverts in the papers promoting QTP's taxis. They would also like to put in a "passenger charter" into each vehicle.

Q: Is the QTP for every taxi or is it voluntary?

A: The scheme is voluntary at present. It will help taxis in the long run when QTP is widely publicised. The QTP badge can go onto the taxis to identify them.

Q: Would QTP membership be required for applicants of new licences.

A: It could be made a condition; this could be discussed with the trade bodies. Other authorities have done this.

Q: What about existing taxi drivers?

A: Other authorities have given existing drivers two years to get their NVQs.

Q: Can officers put the number of complaints received about taxi cabs into some sort of context.

A: There are on average about five complaints received per week.

Councillor Cohen said that this duplicates the item further on in the agenda about taxi licensing consultation. Should not the Committee consider this item before it decides about the QTP. This was agreed.

#### **RESOLVED:**

To consider the taxi licensing consultation paper in conjunction with the Quality Taxi Partnership paper.

## **25. EPPING FOREST DISTRICT COUNCIL TAXI LICENSING CONSULTATION**

The Assistant Director Legal Service introduced the report on Taxi Licensing Consultation. Part of this was that they had explored the possibility of hackney carriage or private hire vehicles drivers be required to undertake a knowledge test, but this had largely been superseded by satellite navigations systems. They had looked into ways a test could be set up, either by using a computer based test system or by setting their own test questions. If they did this they would need to employ one person for one day a week to administer the tests. Either way, about £3,500 would be needed, either for a computer test system or to employ a part time worker. It should also be noted that currently there was a recruitment ban imposed.

Councillor Wyatt was sorry to see that the knowledge test was not recommended as it would also help test the driver's communication skills.

Councillor Mrs McEwen asked if the Quality Taxi Partnership covered the knowledge test. She was told that QTP recommended a competency test and not a knowledge test. Asked if this test would cost the Council anything, she was told that it would not.

Councillor Cohen asked how many (approximately) licence renewals were carried out per year. He was told there were about 550 renewals per year.

Councillor Cohen commented that the fee charged for the renewals might cover the cost for a knowledge test. He was told that the service was currently self financing so the cost would have to be put up proportionally to fund a test.

Councillor Mrs Gadsby said that she wanted to have a knowledge and a competency test; she thought that it was important.

Councillor Cohen thought that officers should go and try to fit the consultation report in with the Quality Taxi Partnership proposal and bring a new merged report to the next full meeting of the Committee, in October. The Assistant Director Legal Service asked that they also include disable access and to include information about the QTP on the council's website. The Committee agreed to this proposal.

**RESOLVED:**

1. That officers consider the Consultation report and the Quality Taxi Partnership proposals, taking into account the issues of disable access and deployment of information on the Council's website and merge the two into one report and make recommendations accordingly; and that
2. This report to be submitted to the October 2009 meeting of the Licensing Committee.

**26. DESIGNATED PUBLIC PLACE ORDERS**

The Safer Communities Manager, Caroline Wiggins, introduced the report on Designated Public Place Orders (DPPO). The Committee were looking at using new powers to declare certain areas where restrictions on the public drinking of alcohol would apply. A local authority can make a DPPO in respect of a public place where this is evidence of nuisance or annoyance to members of the public associated with consuming alcohol in that place. In this case the two areas in question were:

- 1) Stonards Hill Recreation Ground, Epping, including the car park, Scout Hut, Jack Silley Pavillion car park, tennis courts, football stand and ground; and
- 2) Lower Swaines playing fields, Epping, including the public footpath running along the boundary of St Johns School from Lower Swaines to Bury Lane, the garages behind 2 Lower Swaines and public land and highway extending from St Johns School outside numbers 2 to 18 and 1 to 43 Lower Swaines.

Both areas were shown highlighted on updated maps that were tabled at the meeting. These differed slightly from the maps printed in the agenda.

The Committee noted that the DPPO did not stop everyone from drinking in the designated areas but only in association with anti-social behaviour. Once in place, the Police can use their confiscation powers to enforce the restriction.

Councillor Cohen commented that the DPPO seemed to be a poor relation to a dispersal order. Mrs Wiggins said that not all young people caused trouble;



sometimes they just met in groups and did not cause any problems. This order gave the Police discretion and was only to be used in relation to any anti-social behaviour.

Councillor Mrs Smith said that the order had just gone through a consultation process, what would happen to it now? Mrs Wiggins said that they had to advertise it in the local press, if there were no responses they would then place a more informative advert in the press identifying the place and date it would come into effect.

Councillor Mrs Smith asked how the order would be reviewed in the coming years. Mrs Wiggins said they would monitor police reports and contact local residents if they had seen any improvements.

It was noted that if any representations were made after the initial consultation process and they could not be resolved, officer would bring a further report to the Committee for a decision as to whether or not to proceed with the DPPO. Councillor Cohen proposed that this be delegated to the next available Sub-committee to save time having to wait for the next full meeting of the committee. This was seconded by Councillor Wyatt and agreed by the Committee.

**RESOLVED:**

1. That Designated Public Place Orders be made in respect of the following areas:
  - i) Stonards Hill Recreation Ground, Epping, including the car park, Scout Hut, Jack Silley Pavilion car park, tennis courts, football stand and ground, as shown edged red on Plan No: 1 (attached).
  - ii) Lower Swaines playing fields, Epping, including the public footpath running along the boundary of St Johns School from Lower Swaines to Bury Lane. Garages behind 2 Lower Swaines and public land and highway extending from St Johns School outside numbers 2 – 18 and 1 – 43 Lower Swaines, as shown edged red on Plan No: 2 (attached)
2. That all necessary public notices be published in accordance with the legislation to enable the Designated Public Place Orders to take effect.
3. That in the event that representations opposing the making of a DPPO are made as a result of publication of the first public notice and officers are unable to resolve the issue such that the objection is withdrawn a further report shall be brought back to the nearest available Sub-Committee before the DPPO is made.
4. That a report be brought to this Committee within two years, for their consideration on the effectiveness of the DPPO's and as to whether to continue with, amend or cancel either of them.

**27. HONEY LANE STREET TRADING**

Assistant Solicitor, Rosaline Ferreira, introduced the report on the Honey Lane Street Trading area. The District Council had been approached by Waltham Abbey Town Council for a decision on changing Honey Lane into a 'non-consent' street. The senior Licensing Officer wrote to the County Highways department and the Police to

seek their views on this. Essex County Council Highways department supported this action but the Police did not.

It was noted that if the Committee agree to this course of action it would involve a full consultation process and adoption. The cost would be around £500 to advertise the proposal and then another £500 to confirm the order.

Councillor Mrs Smith commented that solving this problem depended on solving the parking problem. Councillor Mrs Gadsby said that this measure would make some difference. It was very unsafe at present. Councillor Wyatt agreed that trading on this street did exacerbate the situation. This should help with the parking in the long term.

The Committee agreed that the whole of Honey Lane should be included the 'non-consent' agreement.

**RESOLVED:**

That the Council undertake the necessary consultation with a view to making all of Honey Lane a prohibited street for the purpose of the Local Government (Miscellaneous Provisions) Act 1982.

**28. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003**

The Committee noted the numbers of applications received and the determinations of those applications from 12 November 2008 to 20 March 2009.

**29. APPLICATIONS RECEIVED UNDER THE GAMBLING ACT 2005**

The Committee noted the number of applications received under the Gambling Act 2005 from 12 November 2008 to 20 March 2009.

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

A plea was made to rotate the Chairmanship of the Sub-committees, to enable more members to gain experience.

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

No new training needs were identified.

**32. MATTERS ARISING**

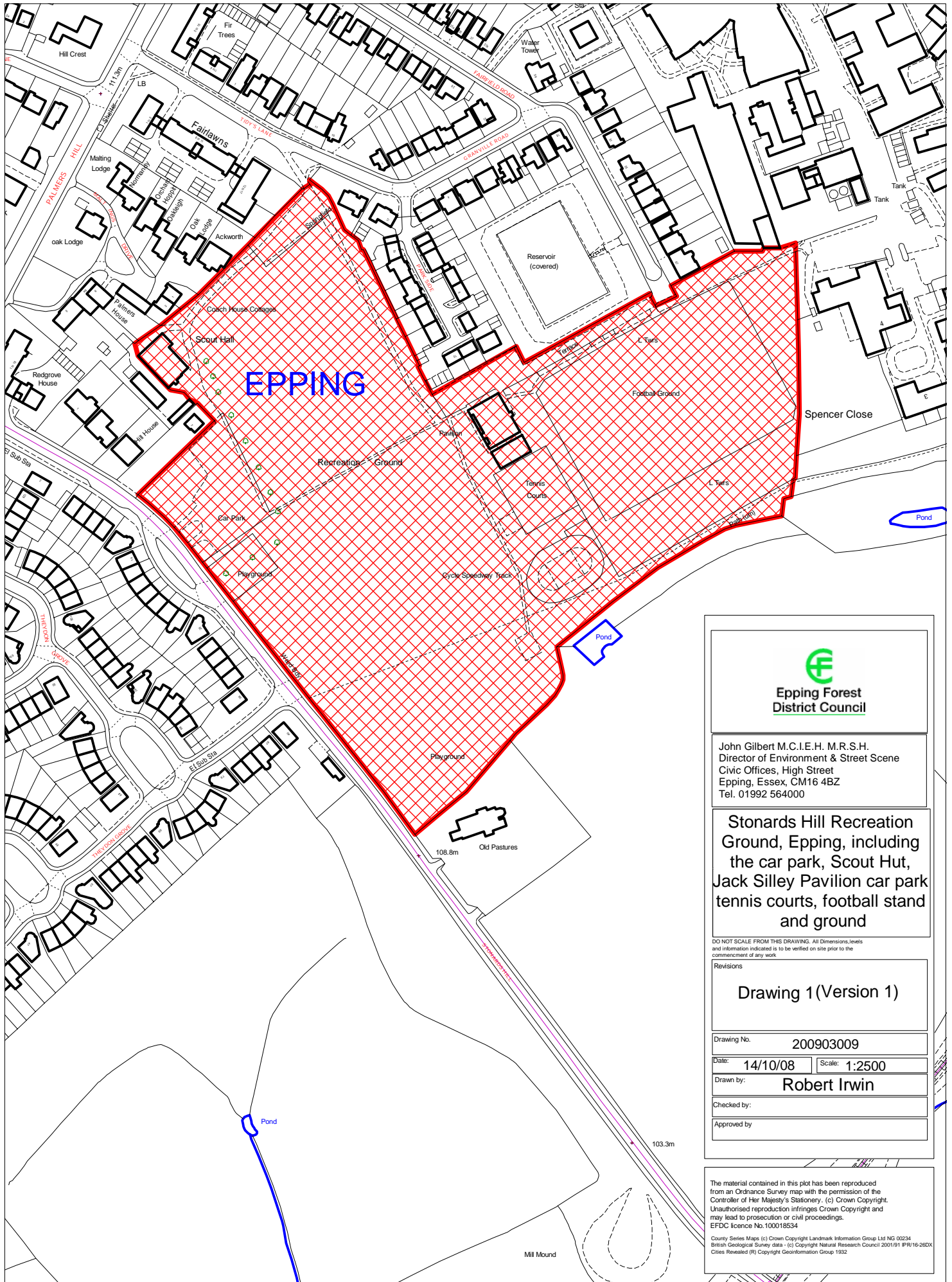
No new matters were raised by the Committee.

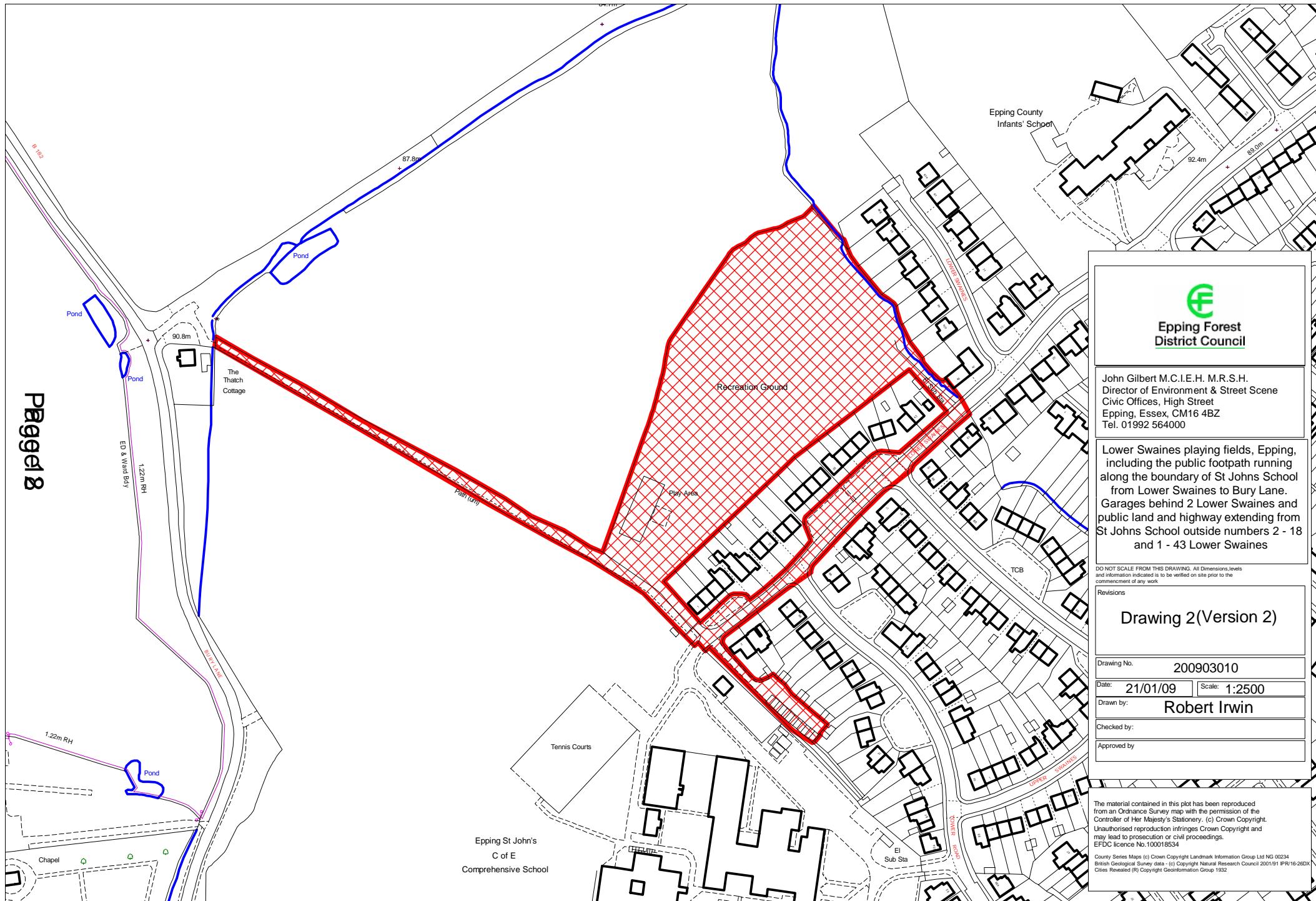
**33. DATE OF NEXT MEETING**

The Committee noted the date of the next meeting.

**CHAIRMAN**

## Minute Item 26





**Epping Forest  
District Council**

John Gilbert M.C.I.E.H. M.R.S.H.  
Director of Environment & Street Scene  
Civic Offices, High Street  
Epping, Essex, CM16 4BZ  
Tel. 01992 564000

Lower Swaines playing fields, Epping,  
including the public footpath running  
along the boundary of St Johns School  
from Lower Swaines to Bury Lane.  
Garages behind 2 Lower Swaines and  
public land and highway extending from  
St Johns School outside numbers 2 - 18  
and 1 - 43 Lower Swaines

DO NOT SCALE FROM THIS DRAWING. All Dimensions, levels  
and information indicated is to be verified on site prior to the  
commencement of any work.

Revisions

**Drawing 2 (Version 2)**

Drawing No. **200903010**

Date: **21/01/09** Scale: **1:2500**

Drawn by: **Robert Irwin**

Checked by:

Approved by:

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## ***Report to the Licensing Committee***

***Date of meeting: 14 October 2009***



**Epping Forest  
District Council**

**Subject: Honey Lane Street Trading**

**Responsible Officer: Rosaline Ferreira (01992 564009)**

**Democratic Services Officer: Adrian Hendry (01992- 564246)**

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### **Decision Required:**

**To determine if the whole of Honey Lane should become a "prohibited street".**

### **Report:**

1. Epping Forest District Council was approached by Waltham Abbey Town Council, for a decision on re-designating that length of Honey Lane, Waltham Abbey, Essex between the motorway access roads as a prohibited street for the purpose of street trading.
2. The Licensing Committee on 15 April 2009 considered the request made by Waltham Abbey Town Council and it was decided that the Council would undertake the necessary consultation with a view to making the whole of Honey Lane, Waltham Abbey, Essex into a prohibited street in accordance with the Local Government (Miscellaneous) Provisions Act 1982 for the purpose of street trading.
3. A Public Notice was placed in the Waltham Forest Guardian on 6 August 2009.
4. The Council also consulted with the Chief Constable of Essex Police, Essex County Council (Highways Authority) and Waltham Abbey Town Council.
5. One e-mail was received from Trevor Baker, District Manager (Epping Forest District) of Essex County Council on 1 September 2009, stating that Essex County Council have no objection to the proposal.
6. No further representation had been received by the time the consultation period ended on 10 September 2009.
7. If members were minded to implement this, a further Public Notice would have to be placed in the Waltham Forest Guardian on 29 October 2009 and 5 November 2009. The effect of passing such a resolution making the whole of Honey Lane, Waltham Abbey, Essex a prohibited street for the purpose of street trading from 30 November 2009, would mean that no street trading of any type could take place in the whole of Honey Lane, Waltham Abbey, Essex.

**Reasons for Proposed Decision:**

8. The Waltham Abbey Town Council's request to the District Council had expressed concerns that there should be maintained a clear and safe route between the motorway access roads.

**Other Options for Action:**

9. To decide to make only that part of the Honey Lane between the motorway access roads a prohibited street. If the members decided to do so it would be necessary to start the consultation period again and re-advertise the proposed order.

10. Not to make the Order.

**Resource Implication:**

Include costs of adverts.

**Legal and Governance Implications:**

No street trading could take place and enforcement action taken in respect of possible breaches.

**Safer and Cleaner and Greener Implications:**

The Town Council have stated it considers that the section of that road would be safer but the Highway Authority did not comment.

**Background Papers:**

1. Letter from Waltham Abbey Town Council.
2. Public Notice advert.
3. Letters to the Chief Constable of Essex Police, Waltham Abbey Town Council and Essex County Council.
4. E-mail response from Mr Trevor Baker of Essex County Council.

**Impact Assessments:**

Not applicable.



R. K. JAMES Cert H. E. (LCA) IPSM  
Town Clerk and  
Chief Financial Officer

## WALTHAM ABBEY TOWN COUNCIL

TOWN HALL, WALTHAM ABBEY, ESSEX, EN9 1DE

E-Mail: [Townclerk@walthamabbey-tc.gov.uk](mailto:Townclerk@walthamabbey-tc.gov.uk)

TEL: 01992 71

FAX: 01992 716234

YOUR REF.

OUR REF.

RKJ/BAH/A16

16<sup>th</sup> December 2008

Dear Kim,

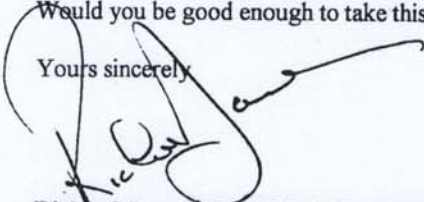
### Honey Lane, Waltham Abbey

At a recent meeting of the Town Council members discussed further the parking situation on a length of Honey Lane between the motorway access roads, I enclose a map highlighting the area.

As you know this has been the subject of considerable discussion in recent months particularly due to the use of the lay-by by a refreshment van. Although the operator of this unit failed to obtain a licence to continue trading in the area Members are concerned that other operators may be successful in the future. In an effort to maintain a clear and safe route between the access roads the Town Council request the Licensing Authority gives consideration to classifying this length of road as a 'non-consent' road.

Would you be good enough to take this request forward.

Yours sincerely

  
Richard James Cert H.E. (LCA) IPSM  
Town Clerk

Epping Forest District Council  
Civic Offices  
Epping  
Essex CM16 4BZ

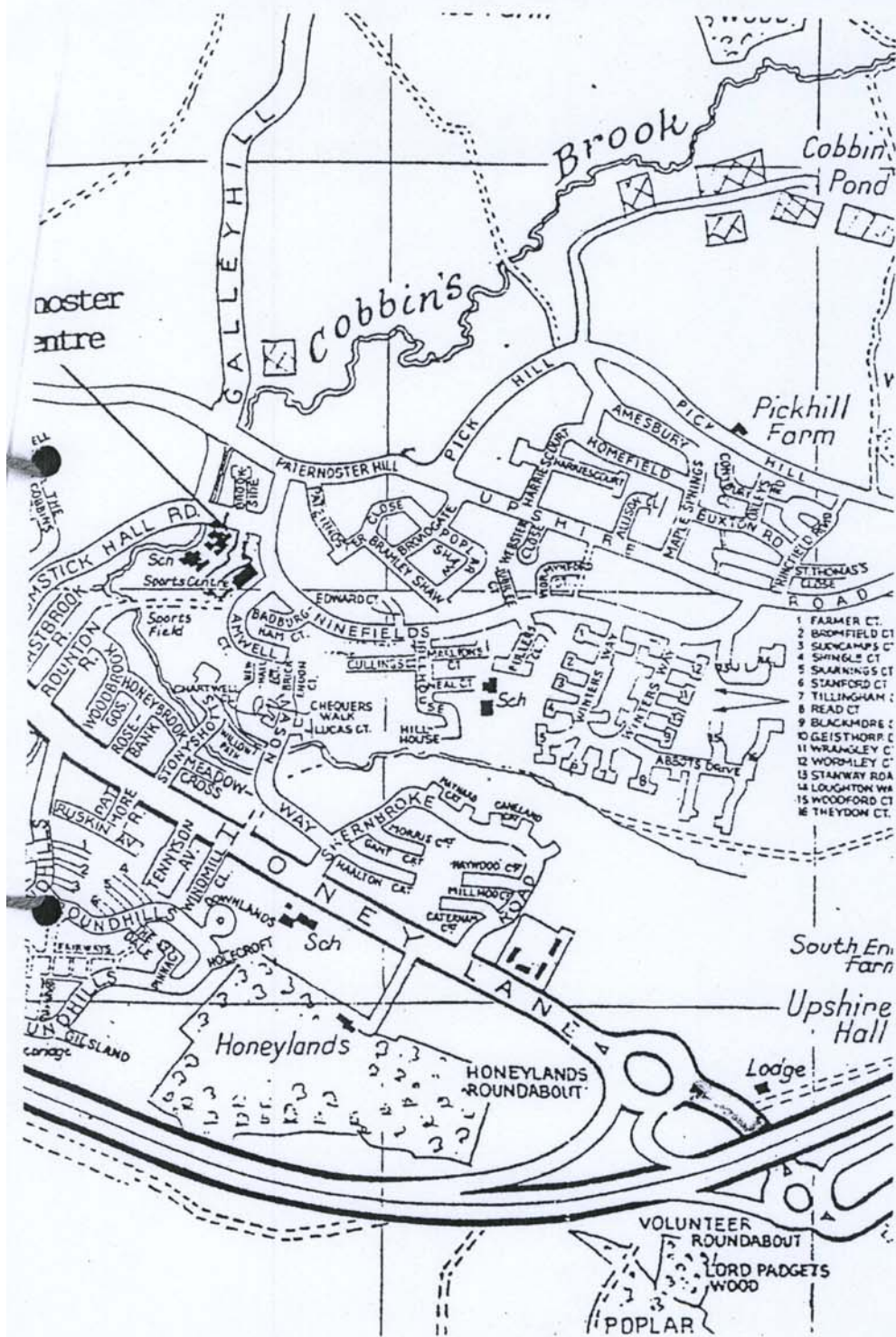
For the Attention of Mrs K Tuckey



sent copy to car books.

Page 5







## Licencing Act 2003

## NOTICE OF AN APPLICATION TO VARY A PREMISES LICENCE

Notice is hereby given that I Mr. Keith Williams have applied to London Borough Of Waltham Forest to vary a Premises Licence in respect of the premises known as Trini Wine Bar 883-887 Leabridge Road, E17 9DS. This will include recorded music, live music, late night refreshments and the sale of alcohol on and off the premises for consumption and also the opening hours: Mon to Thur. 11am to 1.00am Fri to Sat 11am to 3.30 am Sunday 12am to 1.00 am. Persons wishing to make presentation in respect of the above activities may do so in writing to the Licensing Authority London Borough of Waltham Forest. The Licensing Office Sycamore House Forest Road Walthamstow E17 4JF by the 25th August 2009. A copy of the application is kept by the Licensing Authority London Borough of the above address. It is an offence knowing or recklessly to make a false statement in connection with an application. The maximum fine which a person is liable on statement is a level 5 fine on the standard scale which is currently \$5,000.

## NOTICE OF AUDIT AND DEPOSIT OF ACCOUNTS FOR WALTHAM ABBEY TOWN COUNCIL FOR THE YEAR ENDED 31 MARCH 2009

- The Auditor, Gareth Beach, of PKP (UK) LLP at 16 The Havens, Hansomes Europark, Ipswich, Suffolk, IP9 6SJ, has determined that any resident of Waltham Abbey may be present, or be represented, at the Town Hall, Highbridge Street, Waltham Abbey, Essex EN9 1DE from 9.00 am to 4.00 pm on Friday, 25th September 2009, to question the accounts and/or the Auditor.
- The accounts and all associated documentation may be inspected at the Town Hall, on any working day from 27th August 2009 to 24th September 2009. The hours of opening are 9.00 am to 5.00 pm.
- Copies of the accounts may be purchased at \$6.00 per copy.
- Any question to be raised on this day must be received in writing by the Auditor before the 25th September 2009, with a copy also being sent to the Town Clerk, at the addresses specified in paragraph 1.
- After the 25th September 2009 to the conclusion of the audit, objections to the accounts may be raised directly with the Auditor, asking for a report in the public interest, and/or to the Court asking for a declaration that an item in the accounts is contrary to the law. Written notice of the proposed objection must be sent to the Auditor and copied to the Town Clerk.

Dated: 6 August 2009

Kathryn R Richmond BA(Hons) FILCM (Town Clerk & Chief Financial Officer)

The accounts and audit are produced in accordance with the provisions of the Audit Commission Act 1998, the Accounts and Audit Regulations 2003 (as amended) and the Audit Commission's Code of Audit Practice.

## NOTICE

Mr. Sajid Manzoor of 646 Leabridge Road, E10 6AP has applied for license with Waltham Forest's licensing Authority to extend its serving time up till 5 A.M everyday in order to provide Fried Chicken and Ribs to its customers for longer time.

If any person or authorities want to inspect the record or have any objection regarding this application then they may contact the concerned authorities during normal office hours with in 28 days of above mentioned date on following address:

The Licensing Section  
Community Protection Services  
Sycamore House, Town Hall Complex  
Walthamstow, E10 4JF  
Tel: 0208 496 3000  
Fax: 0208 496 6904  
Email:  
Internet:

The above mentioned authority keeps the concerned registers and all records for view and interested people can make only written representations.

It is an offence knowingly or recklessly to make a false statement in connection with an application and maximum fine as per statutory limit and imprisonment of up to 10 years or both applicable if convicted.

IN THE ESTATE OF Barry Leonard CLEEVE deceased Pursuant to the Trustee Act 1925 any person having a CLAIM against or an INTEREST in the estate of Barry Leonard CLEEVE late of 1 Green Lane Cottages, Threshers Bush, Harlow, in the County of Essex who died on the 9th day of July 2009 is required to send particulars thereof in writing to Wade & Davies Solicitors, 28 High Street, Great Dunmow, Essex, CMS 1AH or to the undersigned on or before the 16th day of October 2009 after which date the Executor will proceed to distribute the assets having regard only to valid claims then notified. Dated this 3rd day of August 2009

Solicitor for the said (Executor)  
Wade & Davies Solicitors  
28 High Street

Advertise your business online  
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## PUBLIC NOTICE

## VERA HILDA MADLEY

SPINSTER, LATE OF BUCKHURST HILL, ESSEX, DIED AT LEYTONSTONE, LONDON, DIED THERE ON 14 JANUARY 2009

The kin of the above named are requested to apply to:-

The Treasury Solicitor (BV), One Kemble Street, London WC2B 4TS or visit the website below.

Failing which the Treasury Solicitor may take steps to administer the estate.

www.bonavacantia.gov.uk

**TSol**

ing restrictions into various lengths of the roads shown in Schedules 1 to 4 below. These waiting and loading restrictions will maintain safety by improving sightlines for both pedestrians and motor vehicles and will reduce obstructive parking. For the exact location of the new waiting and loading restrictions please inspect the order and plans.

A copy of the proposed Order, plans of the relevant roads and the Council's statement of reasons for proposing to make the Order can be inspected between 9am and 5pm on Mondays to Fridays (Bank Holidays excepted) at the Information Centre, Lynton House, 255-259 High Road, Ilford, Essex IG1 1NN until Friday 28th August 2009.

Any person who wishes to object or make any other representations to the Order must do so in writing to the above address, specifying the grounds for the objection, before Friday 28th August 2009.

Dated this Thursday 6th August 2009.

Dave Renvoize  
Chief Highway and Engineering Services Officer  
Lynton House  
255 - 259 High Road, Ilford, Essex  
IG1 1NN

## Schedule 1 Roads with new waiting restrictions operative at any time

Audley Gardens, Betchworth Road, Birchdale Gardens, Churchfields, Cobham Road, Elmstead Road, Fernie Close, Guildford Road, Haslemere Road, Holmwood Road, Howell Close, Hursley Road, Oakwood Gardens, Oxford Road, Overton Drive (Chadwell Heath), Ripley Road, Rivenhall Gardens, Sackville Gardens, Stanhope Gardens, Trafalgar Place, Water Lane and Wyndale Road.

Schedule 2 Roads with amended waiting restrictions operative at any time  
Belgrave Road (Ilford), Broad Oak, Cedar Park Gardens, Gordon Road (South Woodford), Green Lane, Hermon Hill, Inverness Drive, Monkhams Drive, New North Road, Prospect Road, Seven Kings Road and Snaresbrook Road.

Schedule 3 Roads with new waiting restrictions operative Monday to Friday 7am - 7pm  
Churchfields

Schedule 4 Roads with new loading restrictions operative Monday to Friday 7am - 7pm  
Churchfields

## EPPING FOREST DISTRICT COUNCIL

## PUBLIC NOTICE

TO RE-DESIGNATE ALL OF HONEY LANE, WALTHAM ABBEY, ESSEX TO A PROHIBITED STREET  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
STREET TRADING RE-DESIGNATION OF STREETS

Epping Forest District Council as the Licensing Authority ("the Council") is to consider, at its meeting on 14 October 2009, the following resolution:

EPPING FOREST DISTRICT COUNCIL resolves that under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 all of Honey Lane, Waltham Abbey, Essex shall be re-designated as a prohibited street for the purpose of street trading from 30 November 2009.

The effect of passing such a resolution would mean that no street trading of any type can take place on Honey Lane, Waltham Abbey, Essex.

Any objections to the Council adopting this resolution should be put, within 28 days of the notice in writing to: Alison Mitchell, Assistant Director of Corporate Support Services (Legal), Epping Forest District Council, Civic Offices, High Street, Epping, Essex CM16 4BZ.

Colleen O'Boyle  
Director of Corporate Support Services/Solicitor to the Council  
Epping Forest District Council  
Civic Offices, High Street, Epping  
Essex CM16 4BZ

Dated: 6 August 2009

Colleen O'Boyle  
Director of Corporate Support Services  
Epping Forest District Council  
Civic Offices  
323 High Street, Epping  
Essex CM16 4BZ  
Dated: 6 August 2009

The Guardian -  
dated 6 August  
2009



- Affecting a Conservation Area or Setting of a listed building**
- Application No:** EPF/1168/09 **Applicant Name:** GUV  
**Location:** Land to rear of, 32 High Street, Roydon, Essex, CM 19 5EA  
**Proposal:** Erection of 14 two storey houses and 4 one storey bungalows.
- Application No:** EPF/1171/09 **Applicant Name:** GUV  
**Location:** Land to rear of, 32 High Street, Roydon, Essex, CM 19 5EA  
**Proposal:** Conservation area consent for the demolition of existing buildings on site.
- Application No:** EPF/1323/09 **Applicant Name:** Mr Gibson  
**Location:** The Fox, Harlow Road, Matching Tye, Harlow, Essex, CM17 0RR  
**Proposal:** Removal of storage containers and replacement permanent storage building and car park lights.
- Application No:** EPF/1331/09 **Applicant Name:** Mrs Peggy Hutchings  
**Location:** The Dales Mobile Home, Perry Hill, Nazeing, Waltham Abbey, Essex, EN9 2LL  
**Proposal:** Retention of one mobile home.
- Application No:** EPF/1344/09 **Applicant Name:** Mr Ken Fox  
**Location:** 21 Woodgreen Road, Waltham Abbey, Essex, EN9 3SD  
**Proposal:** Proposed residential conversion of redundant barn. (Amended application to EPF/0638/09) to include single storey front extension.
- Application No:** EPF/1373/09 **Applicant Name:** Mr & Mrs M Docker  
**Location:** Dryads Hall, Woodbury Hill, Loughton, Essex, IG10 1JB  
**Proposal:** Retrospective application for demolition work and replacement dwelling, restoration of lab block and car court.
- Major Application or of wider concern**
- Application No:** EPF/1168/09 **Applicant Name:** GUV  
**Location:** Land to rear of, 32 High Street, Roydon, Essex, CM19 5EA  
**Proposal:** Erection of 14 two storey houses and 4 one storey bungalows.
- Works to Listed Buildings**
- Application No:** EPF/1243/09 **Applicant Name:** Mrs Hilda Nichols  
**Location:** Elms Farm, Berners Roding, Ongar, Essex, CM5 0TE  
**Proposal:** Grade II listed building application for internal alterations to kitchen, with new window in existing opening and new window to courtyard.
- Application No:** EPF/1336/09 **Applicant Name:** Miss D Hall  
**Location:** 11 & 12, Hill Hall, Mount Road, Theydon Mount, Epping, Essex  
**Proposal:** Listed building consent (Grade I) for the removal of new stair and retention of existing spiral stair with new kitchen layout on first floor and second floor revision to en-suite.

Any representations must be sent to the Director of Planning and Economic Development by:

21/08/2009

Comment online at [www.eppingforestdc.gov.uk/Plan](http://www.eppingforestdc.gov.uk/Plan),

Or by post to: John De Wilton Preston, Epping Forest District Council, Planning Services, Civic Offices, High Street, Epping, Essex CM 16 4BZ

If you are commenting on a householder planning application (e.g. extensions to an existing dwelling, or a building incidental to and within the grounds of such a dwelling) there will be no opportunity to make further representations should this matter go to an appeal. Therefore please make any comments as full and as clear as possible.

## Advertising works

Ring the Classified team on: 0844 477 4590 Guardian

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Date: 13<sup>th</sup> August 2009

Our ref: CSS/RF/SS/MPL/213/19/14/47

Your ref:

Chief Constable  
Essex Police  
c/o Epping Police Station  
High Street  
Epping  
Essex

Rosaline Ferreira 01992 564009  
E Mail: rferreira@eppingforestdc.gov.uk

Dear Sir

**Local Government (Miscellaneous Provisions) Act 1982 -  
Statutory Consultation with the Police**

The Council as the Licensing Authority is to consider, at its meeting on 14 October 2009, the following resolution:

Epping Forest District Council resolves that under the Provisions of the Local Government (Miscellaneous Provisions) Act 1982 all of Honey Lane, Waltham Abbey, Essex shall be re-designated as a prohibited street for the purpose of street trading from 30 November 2009

The effect of passing such a resolution would mean that no street trading of any type can take place in Honey Lane, Waltham Abbey, Essex.

The Council are statutorily obliged to consult with the Police Authority on this matter. If you have any objection to the adoption of this resolution, you should write to the Council within 28 days outlining them.

Yours faithfully



**For Solicitor to the Council**

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Date: 13<sup>th</sup> August 2009

Our ref: CSS/RF/SS/MPL/213/19/14/47

Your ref:

Essex County Council  
Highways and Transportation  
West Area Office  
Warwick House  
Roydon Road  
Harlow  
Essex CM19 5DX

For the attention of David Forkin (Area Highways Manager)

Rosaline Ferreira 01992 564009  
E Mail: rferreira@eppingforestdc.gov.uk

Dear Sir

**Local Government (Miscellaneous Provisions) Act 1982 -  
Statutory Consultation with the Highway Authority**

The Council as the Licensing Authority is to consider, at its meeting on 14 October 2009, the following resolution:

Epping Forest District Council resolves that under the Provisions of the Local Government (Miscellaneous Provisions) Act 1982 all of Honey Lane, Waltham Abbey, Essex shall be re-designated as a prohibited street for the purpose of street trading from 30 November 2009

The effect of passing such a resolution would mean that no street trading of any type can take place in Honey Lane, Waltham Abbey, Essex.

The Council are statutorily obliged to consult with the Highways Authority on this matter. If you have any objection to the adoption of this resolution, you should write to the Council within 28 days outlining them.

Yours faithfully



For Solicitor to the Council

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Date: 13<sup>th</sup> August 2009

Our ref: CSS/RF/SS/MPL/213/19/14/47

Your ref:

Waltham Abbey Town Council  
Town Hall  
Waltham Abbey  
Essex EN9 1DE

Rosaline Ferreira 01992 564009  
E Mail: rferreira@eppingforestdc.gov.uk

Dear Sir

**Local Government (Miscellaneous Provisions) Act 1982 -  
Statutory Consultation**

The Council as the Licensing Authority is to consider, at its meeting on 14 October 2009, the following resolution:

Epping Forest District Council resolves that under the Provisions of the Local Government (Miscellaneous Provisions) Act 1982 all of Honey Lane, Waltham Abbey, Essex shall be re-designated as a prohibited street for the purpose of street trading from 30 November 2009

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Yours faithfully



For Solicitor to the Council

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**TEXT OF EMAIL SENT TO EFDC**

Dear Rosaline

EFDC REF: CSS/RF/SS/MPL/213/19/14/47

With reference to your letter dated 13 August 2009 (scanned copy attached), concerning the above, ECC have no objection to make to the proposal.

Be aware that the section of Honey Lane between the two M25 roundabouts is also known as Skillet Hill, hence if the proposal does get ratified, you would be well advised to advertise any decision along the lines of "..... Honey Lane (Skillet Hill), Waltham Abbey.....".

Please call if you require clarification of the above.

Regards

**Trevor Baker  
District Manager (Epping Forest District)  
Essex County Council  
Highways & Transportation  
West Area Office  
Harlow**

Tel: 01279 642500

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## **Report to Licensing Committee** **Date of meeting: 14 October 2009**

**Subject: Consultation undertaken with regards to  
Taxis in the District and Quality Taxi Partnership**

**Officer contact for further information: Kim Tuckey**

**Committee Secretary: Adrian Hendry**



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### **Recommendation:**

1. That the Council joins the Quality Taxi Partnership which has been set up by Essex County Council.
2. To note that a Knowledge Test be introduced for Hackney Carriage or Private Hire Vehicles Drivers who are to licensed for the first time
3. To note that Taxi companies were asked to allow the Council to put their details on the website if they had a specially adapted vehicle for wheelchairs but only two firms took advantage of this offer.
4. To note that all new taxi drivers will be required to view a DVD issued by Go Skills "This Time Every Time" at the same time as they undertake the Knowledge test.
5. To take no action with regards to imposing conditions on vehicles relating to green issues.

### **Report:**

1. At its meeting on the 15<sup>th</sup> April 2009 the Licensing Committee resolved :
  - That officers consider the Consultation report and the Quality Taxi Partnership proposals, taking into account the issues of disable access and deployment of information on the Council's website and merge the two into one report and make recommendations accordingly; and that
  - The report relating to the consultation regarding taxis be submitted to the October 2009 meeting of the Licensing Committee. A copy of this report is attached.

### **Quality Taxi Partnership**

2. Officers have met with Andrew James the Transport Strategy Officer at Essex County Council to discuss the Partnership and its aims. The County Council wish to assist Districts by sharing good practice and by giving funding for initiatives to improve the service to the public.
3. Andrew James has agreed to meet with the Licensing Officers periodically to review and assist working practices.

### **Knowledge Test**

5. The report that was before the Committee in April 2009 recommended against the

introduction of a Knowledge Test. This was on the grounds of cost of the purchase of the software and computer terminals together with the lack of resources in the licensing team to administer the test. Essex County Council have agreed that if the District joins the Partnership it will fund the cost of the system of £1,950. Mr. James indicated at the last Committee meeting that the County would pay the first years annual maintenance fee which would amount to £300. The continuing maintenance fee would be the responsibility of the District..

6. The Committee indicated that the officers should make further investigations and look at the costs of employing another member of staff whose salary would be funded by the fees to be charged.
7. The Senior Licensing Officer carried out further research and looked at the ways in which other Councils administered the tests and their views as to the success of the tests. Other authorities in Essex use both the paper based tests and computerized tests. Research shows that a package called Diamond is used and recommended.
8. Following discussion with the IT service it was agreed that the IT training room could be made available for holding the tests and that meant that up to eight candidates could take the test at one time helping to reduce costs. After research of other authorities it is likely that the time taken including setting up the test and marking it will be approximately two hours. If the current level of applications continued and with predicted numbers of re-tests it is expected that it would be necessary to employ a new member of staff for two half days a week.
9. It is expected that a temporary member of staff would be employed to cover this work at first because the number of applications may fall once the test requirements become known.
10. Government Guidance does recommend that a topographical test is introduced for taxi drivers but considers that as private hire vehicles are hired in advance this is not required in the same detail. There will be approximately 40 questions and an additional 10 questions for applicants who have applied for a Hackney Carriage Drivers licence. However, some of the respondents to the consultation exercise considered that with the introduction of SAT Naps a topographical test may not seem appropriate. This point is acknowledged and any test will not be detailed but will require a knowledge of this area.
11. The cost of the test will be set at a figure to cover its costs and will be kept under review by the Director of Corporate Support Services. It is estimated to be in the region of £30 per test and £17.50 for re-tests.
12. If the District were mindful to introduce a competency test, Mr Andrews from Essex County Council recommended that the Council considers introducing the PATS test. A PATS test costs £80. There are also other courses, however, they tend to be done on an NVQ level and would take drivers weeks or months to attain.
13. Members may wish to consider whether this would be desirable as it would further add to the cost for the driver of obtaining a licence.

### **Accessibility for Disabled Persons**

14. Since the last meeting of the Committee the Senior Licensing Officer wrote to all 'Operators' who indicated that they operated taxis that were wheelchair accessible

and offered to place details of their service on the Council's website. Only two such operators took up the Council's offer.

15. Go Skills has issued a DVD called "This Time Every Time" that encourages drivers to look at the needs of their passengers especially when dealing with disabled people. It is proposed that this should be shown to the drivers at the same time as they are taking the test

### **Green Vehicles**

16. The results of the consultation exercise were set out in the previous report and no recommendations for change have been made.
17. The Licensing Service have been enforcing against the holders of taxi licences who do not attend to have interim checks carried out on their vehicles ensuring that not only are the vehicles safe but they are running efficiently.

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## **Report to Licensing Committee**

**Date of meeting: 15 April 2009**

**Subject: Consultation undertaken with regards to  
Taxis in the District**

**Officer contact for further information: Kim Tuckey**

**Committee Secretary: Adrian Hendry**



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### **Recommendation:**

- 1. Hackney Carriage or Private Hire Vehicles Drivers are not required to undertake a knowledge test**
- 2. That the drivers are not required to undertake a competency test**
- 3. To look to ways to advertise the availability of taxis that have been specially adapted for use by disabled people and to review whether this has been of assistance after one year.**
- 4. To take no action with regards to imposing conditions on vehicles relating to green issues.**

### **Report:**

1. The Licensing Committee instructed officers to carry out a consultation regarding:

- The imposition of a 'knowledge' test for hackney carriage drivers and private hire vehicle drivers
- Whether drivers should undertake a competency test
- Access for disabled people to taxis, and
- Incentives for Green Vehicles.

2. The results of the consultation are attached as an appendix and this report considers the results of the consultation

### **Knowledge Test**

3. Members will note that the result of the consultation was in favour of requiring new drivers to undertake a test of the driver's knowledge of the area although some respondents pointed out that most drivers now had a Sat Nav system. Most thought that it would only be necessary for a driver to be tested when a driver received their first licence.

4. Officers have made enquiries as to the resources that would be required to introduce a knowledge test. It is possible to use ask a driver to answer questions either by means of a paper test or computer. If a computerized test was used the Council would have to purchase a package at a cost of approximately £3,500.

5. Each test would add up to forty-five minutes to the time currently spent with the driver and further time would be taken in setting the tests, reviewing and updating them and marking

the tests.

6. There will be an estimated two hundred and forty new drivers this year. The current members of staff would not be able to incorporate this additional workload into their work.

7. It is considered that if the Council introduced the tests it would be necessary to employ a new member of staff to supervise these tests for seven hours a week. There is no money in the budget for a computer package or to allow for the employment of another member of staff.

If the Members wished to introduce a knowledge test then additional resources would have to be put into the budget. There are restrictions on recruitment at present.

8. Government Guidance does recommend that a topographical test is introduced for taxi drivers but considers that as private hire vehicles are hired in advance this is not required in the same detail

9. Government guidance asks that local authorities consider carefully the cost and any likely benefit of any competency test. It is possible to take a test through the Driving Standards Agency. The cost of this test is £69.00 and the test is a higher a higher standard to that of the driving test. The test includes some safety questions. The nearest test centres are at Barnet, Enfield, Bishops Stortford and Goodmayes.

10. The survey results were mixed but mainly they replies were against asking the drivers to undertake a test.

11. Members may wish to consider whether this would be desirable as it would add to the cost for the driver of obtaining a licence.

### **Accessibility for Disabled Persons**

12. Disabled persons should be able to have ready access not only to vehicles that they have pre-booked but also those they may wish to hire on the street. The Council should therefore keep the availability of such taxis under review.

13. The cost of a wheelchair accessible taxi can be between £20,000 and £30,000. The cost of a second-hand saloon car is between £6,000 to £8,000. This is based on government figures and it is estimated that most vehicles of this type used as taxis are between three and seven years old.

14. The annual cost of running a wheelchair accessible taxi is £1,000 per year more than a typical saloon car.

15. The result of the survey showed that the majority of people were in favour of more taxis that are specially adapted for disabled people being made available. However, this was not a large majority.

16. The comments made by some taxi drivers who have taxis that are adapted for disabled people that there is no demand. However, feedback from disabled groups indicates an unmet demand. It would appear that there needs to be some mechanism for advertising the disabled taxis so that users know where to find them.

17. Rather than impose extra expenditure on taxi owners at this time it is suggested that the Council look to ways to publicize the disabled taxis without endorsing them. The provision of this service will be kept under review.



## **Environmental Considerations**

18. If the Council sought to impose conditions on vehicles used as taxis then this could adversely affect the numbers and availability of vehicles.

19. At present all taxis under five years old are tested at Langston Road twice a year and those over five years must undergo testing three times a year. These tests includes one on emissions.

20. The survey asked about incentives for providing more taxis. The replies mostly ask for a reduction in the licence fee.

21. As well as hybrid cars some of the newer cars can be very fuel efficient. However, the cost of imposing a requirement that only these newer more efficient cars could be used would outweigh the reduction in the licence fee and may affect the number of licenced vehicles in the District.

22. The vehicles are being inspected regularly and it is not recommended that any further action be taken.

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# Epping Forest District Council Taxi Licensing Consultation

The Council, as Licensing Authority for the area, recognises the very important role that Hackney Carriage and Private Hire Vehicles make to strategies such as Crime and Disorder, transport and the environment and requires a fleet that provides a high standard of safety and comfort for all members of the community

## Hackney Carriage 'Knowledge' Test

It is proposed that a 'Knowledge' test will be given to applicants wishing to become licensed within Epping Forest District Council. This change is to correspond with neighbouring districts that already have this implemented as part of their licensing criteria. The test would be carried out at the Council offices on first application, on a paper test format. The questions would cover issues of how to get around the district using different routes, knowledge of the area and places of interest. There would also be questions relating to the Highway Code and other areas of good practice eg assistance required by disabled people. The Licensing Authority considers that this would improve services that are offered by the trade and encourage good practice.

### **Q1 Should a 'Knowledge' test be undertaken by all persons making their first application?**

84.2% Yes

10.5% No

*Please give your reasons or suggestions as to other questions that should be included in the test?*

61.4%

### **Q2 Do you think that the test should be repeated on renewal?**

14.0% Yes

80.7% No

*Please give your reasons*

61.4%

### **Q3 Do you feel that there should be a competency test or an NVQ qualification for licensed drivers?**

35.1% Yes

57.9% No

*Please give your reasons*

61.4%

## Private Hire

This would be a similar test to the Hackney Carriage 'Knowledge' test. However, as the Private Hire drivers are pre-booked the 'Knowledge' test of routes for the area would be more general.

### **Q4 Should a 'Knowledge' test be undertaken by all persons making their first application?**

66.7% Yes

15.8% No

*Please give your reasons*

52.6%

### **Q5 Do you think that the test should be repeated on renewal?**

8.8% Yes

70.2% No

*Please give your reasons or suggestions as to other areas that should be included in the test?*

45.6%

### **Q6 Do you feel that there should be a competency test or an NVQ qualification for licensed drivers?**

33.3% Yes

43.9% No

*Please give your reasons*

49.1%

## Access for the Disabled

The Licensing Authority recognises the need for disabled people to have the right to travel in comfort, therefore we are proposing the Taxi trade improve access to disabled passengers. The Licensing Authority is considering requiring that a proportion of fleet vehicles should have direct access for passengers to travel in the vehicle without the requirement for passengers to leave their wheelchair. This service would improve travel services for members of the public that have this requirement. We propose that each operator should provide wheelchair access vehicles.

**Q7 Do you consider that there is a need to provide more access for the disabled passengers?**

45.6% *Yes*

42.1% *No*

*Please give your reasons*

64.9%

**Q8 Do you think that all vehicles should be wheelchair accessible?**

10.5% *Yes*

84.2% *No*

*Please give your reasons*

68.4%

**Q9 Should operators with less than 3 vehicles be exempt?**

47.4% *Yes*

40.4% *No*

*Please give your reasons*

63.2%

**Q10 Should chauffeurs be exempt from the requirement to provide wheelchair access?**

49.1% *Yes*

35.1% *No*

*Please give your reasons*

59.6%

**Q11 If you consider that there should be a condition that an operator provide wheelchair accessible cabs, what percentage of the operator's fleet do you consider should be wheelchair accessible?**

77.2%

### **Incentives Green Vehicles**

The Licensing Authority is considering the introduction of conditions that the vehicles being used as Hackney Carriages or Private Hire Vehicles are greener.

**Q12 What improvements could be made that would help the Licensing Authority achieve this aim?**

71.9%

**Q13 Are there any incentives that would encourage fleet operators to provide such vehicles?**

70.2%

### **Your Details?**

**Q14 Name:**

91.2%

**Q15 Address:**

93.0%

**Q16 Telephone:**

82.5%

**Q17 Email:**

52.6%

**Thank you for taking part in this consultation, I look forward to your reply**

***The closing date for this survey is 6 March 2009***

For more information regarding this questionnaire you can contact Epping Forest District Council,  
Licensing or Corporate Support Services, Assistant Director Alison Mitchell.

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# Epping Forest District Council Taxi Licensing Consultation

The Council, as Licensing Authority for the area, recognises the very important role that Hackney Carriage and Private Hire Vehicles make to strategies such as Crime and Disorder, transport and the environment and requires a fleet that provides a high standard of safety and comfort for all members of the community

## Hackney Carriage 'Knowledge' Test

It is proposed that a 'Knowledge' test will be given to applicants wishing to become licensed within Epping Forest District Council. This change is to correspond with neighbouring districts that already have this implemented as part of their licensing criteria. The test would be carried out at the Council offices on first application, on a paper test format. The questions would cover issues of how to get around the district using different routes, knowledge of the area and places of interest. There would also be questions relating to the Highway Code and other areas of good practice eg assistance required by disabled people. The Licensing Authority considers that this would improve services that are offered by the trade and encourage good practice.

### **Q1 Should a 'Knowledge' test be undertaken by all persons making their first application?**

48 Yes

6 No

*Please give your reasons or suggestions as to other questions that should be included in the test?*

35

### **Q2 Do you think that the test should be repeated on renewal?**

8 Yes

46 No

*Please give your reasons*

35

### **Q3 Do you feel that there should be a competency test or an NVQ qualification for licensed drivers?**

20 Yes

33 No

*Please give your reasons*

35

## Private Hire

This would be a similar test to the Hackney Carriage 'Knowledge' test. However, as the Private Hire drivers are pre-booked the 'Knowledge' test of routes for the area would be more general.

**Q4 Should a 'Knowledge' test be undertaken by all persons making their first application?**

38 Yes

9 No

*Please give your reasons*

30

**Q5 Do you think that the test should be repeated on renewal?**

5 Yes

40 No

*Please give your reasons or suggestions as to other areas that should be included in the test?*

26

**Q6 Do you feel that there should be a competency test or an NVQ qualification for licensed drivers?**

19 Yes

25 No

*Please give your reasons*

28

## Access for the Disabled

The Licensing Authority recognises the need for disabled people to have the right to travel in comfort, therefore we are proposing the Taxi trade improve access to disabled passengers. The Licensing Authority is considering requiring that a proportion of fleet vehicles should have direct access for passengers to travel in the vehicle without the requirement for passengers to leave their wheelchair. This service would improve travel services for members of the public that have this requirement. We propose that each operator should provide wheelchair access vehicles.

**Q7 Do you consider that there is a need to provide more access for the disabled passengers?**

26 Yes

24 No

*Please give your reasons*

37

**Q8 Do you think that all vehicles should be wheelchair accessible?**

6 Yes

48 No

*Please give your reasons*

39

**Q9 Should operators with less than 3 vehicles be exempt?**

27 Yes

23 No

*Please give your reasons*

36

**Q10 Should chauffeurs be exempt from the requirement to provide wheelchair access?**

28 Yes

20 No

*Please give your reasons*

34

**Q11 If you consider that there should be a condition that an operator provide wheelchair accessible cabs, what percentage of the operator's fleet do you consider should be wheelchair accessible?**

44

### **Incentives Green Vehicles**

The Licensing Authority is considering the introduction of conditions that the vehicles being used as Hackney Carriages or Private Hire Vehicles are greener.

**Q12 What improvements could be made that would help the Licensing Authority achieve this aim?**

41

**Q13 Are there any incentives that would encourage fleet operators to provide such vehicles?**

40

### **Your Details?**

**Q14 Name:**

52

**Q15 Address:**

53

**Q16 Telephone:**

47

**Q17 Email:**

30

**Thank you for taking part in this consultation, I look forward to your reply**

***The closing date for this survey is 6 March 2009***

For more information regarding this questionnaire you can contact Epping Forest District Council,  
Licensing or Corporate Support Services, Assistant Director Alison Mitchell.

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Q1a

- Most taxi companies use Sat Nav system so a local knowledge test is not so necessary. A basic knowledge test of major roads and locations could be given but not too detailed.
- All taxi drivers has satnavs these days. Perhaps we should have a condition that they should be equipped with a satnav though. Not practical to have a knowledge test except in the most general sense. How wide to you go? Drivers would need to know West Essex and London but in what detail?
- Test should include many questions identifying the shortest route from point A to B, to cover working area of EFDC. Pin pointing various places of interest on a map. i.e., police stations, underground, retailers, pubs, clubs (Golf), community centres and schools.
- proof of area they will be working in
- Also the driver should have been driving at least five years and not have to many points for reckless driving.
- I would fully endorse this idea. The test should be set at a level that takes some effort to pass. At least a month of studying the local network and towns should be required to pass.
- A general knowledge of the area would show a commitment to providing a satisfactory service and provide a barrier to casual drivers. It would also provide more confidence to customers. However, navigation devices are in widespread use. It would be important to avoid increasing the cost of a license, which is already very high (given the level of remuneration), and time consuming to obtain. Would you also introduce maximum driver hours to minimise dangerous incidents of tired drivers?
- modern satellite navigation makes is far superior to any possible knowledge test.
- Clarity of speech
- Mainly places of local interest
- Yes, they should have good knowledge of issues before coming into practise
- A knowledge test is a good idea because many new drivers are unfamiliar with the local area because they live in other district
- A knowledge of the local area is imperative
- To prove their dedication
- As a taxi driver it is expected of the public to know where your going
- Because there are drivers where I work that have no knowledge at all
- It is common to hear complaints about drivers not knowing basic knowledge of area
- To improve quality of service by the licensed trade
- Questions regarding customer relations
- As a protection to the customer, all new drivers should do a knowledge test
- A knowledge of a taxis local area important to all
- Airport journeys
- I feel this would put people off and ultimately have a negative effect on the affordability that can be offered by minicabs.
- So they can operate efficiently from the outset
- There are quite a few drivers who have little or no knowledge of area, this reflects badly on other drivers who do.
- But not retrospectively, there are only a finite amount of fares to go round the Epping Forest District therefore anything that limits the amount of new drivers you register can only be a help to us established drivers
- All knowledge helps
- Just not necessary with the advent of Sat Nav.

- Some drivers only mildly aware of geography the District
- Basic knowledge of area essential
- In Line with other authorities
- Customer satisfaction equable fare charging
- To improve services and encourage good practice.
- Ensures good level of knowledge for beginners. Introduce max no. of licenses in district
- Main road name knowledge, town halls, police/train stations

#### Q2a

- Because Epping Forest District is a small area
- As above
- As above
- In my opinion, this all depends on how difficult the test is. If it is very difficult once on application would be sufficient, however, if test is easy then a yearly or every other year would be fine. But, i think the test should be difficult and taken once on application, this will ensure a good standard of knowledgeable taxi drivers.
- after driving for a year they should already gain knowledge
- possibly every five years to keep the standards high.
- Once passed that should be it, after all knowledge will only increase with experience.
- Likely to increase costs to drivers who would already have gained a knowledge of the area.
- see above
- Why fill in your CV every month
- Because they are already into practise it might discourage license holders to keep this profession. Its an extra burden i.e. expensive and stressful
- I don't think any other local authority including London's PCO renew the knowledge test once its been taken and passed.
- No need to be repeated on yearly basis
- Roads and buildings do not change very much annually. New locations of pubs, clubs, restaurants can be obtained from other drivers.
- As an existing driver you will automatically gain knowledge
- Because if you still cant know your way around by then the company should get rid of you anyway
- I know of no other district that does this, if the first test is stringent enough, further test would be unnecessary
- To allow for new road layout etc
- After a year of working the area it would not be necessary
- No need to re-test once experience is there
- By now the driver would have learnt by doing the job
- It would seem sensible to repeat the test every say 10 years, but not more frequently. The repeat would deal with changes in the road network and would act as a "refresher" on the existing network.
- As above.
- Perhaps every 3/4 years
- Drivers will have already obtained sufficient knowledge of the area
- If the test is stringent enough it will not be necessary
- Once you know the area you know it
- This would seem to be a money making exercise by yourselves we already have to pay out enough yearly without any added expenses we



get precious little back. Where are our taxi ranks in the District apart from Epping?

- Just not necessary.
- No need if passed 1st test
- Not necessary if no problems occur
- With every 12 months additional experience knowledge would automatically improve.
- The Committee feels that as the testing of Hackney Carriage drivers is already quite stringent it therefore suggests a repeat test would only be necessary if there has been a break of more than 3 years in their employment.
- Not time or cost effective
- After 1 year of driving, license holder should know his way around by then!

### Q3a

- Not for existing drivers, but for new drivers
- This would restrict and delay people from becoming a taxi driver when they may need to quickly earn money due to redundancy, etc.
- Should be a condition that drivers should be members of the Institute of Advanced Motorists. Not practical for EFDC to set up its own test because of costs involved and extra administration required.
- I do not think this is a test that would benefit passengers. If the knowledge test is hard enough this will automatically separate competent drivers.
- Having worked as an assessor in other industries I do not see any gain
- It would help the Council to attain a higher level of driver.
- Anything to improve the customers end product would be good, whether it needs to be a formal qualification I'm not sure.
- In an ideal world this may be beneficial. Taxi driving is often viewed as a short term/temporary occupation and examination/qualifications are unlikely to appeal to the majority of drivers. If such requirements were introduced remuneration would need to improve on a par with Black Cabs.
- How many complaints has the council received about the existing system?
- Driving ability is all that is necessary
- English test and advanced driving test
- They are already into practice, it should be for those who are getting complaints against them.
- I can't see any real benefit for this qualification. Most customer service is just common sense.
- Helps in customer relations
- A driver would naturally treat well behaved passengers with civility
- For new drivers yes. For existing drivers no commonsense should tell you when a passenger requires assistance.
- Because it's irrelevant to the job in my opinion
- Maybe for first application
- To keep up the professional standards
- This would add to the ever increasing cost of licensing wither I lost earning whilst training or from being charged for it
- Not for experienced taxi drivers as they have built up their experience
- Experience by doing the job grows

- Passengers are putting their safety in the hands of the driver. It might be preferable to use an existing test (Advanced Motorists or similar) to avoid the costs of setting up and running a new test.
- As above
- Not sure. We want high standards but without cost increases for customers
- So only competent drivers are allowed to operate
- For cost trades and professions this is mandatory licensed drivers should be the same
- Common sense should prevail here and any bad or rude drivers are already dispensed of by firms via customer feedback
- Again this helps and its good to have a qualification
- No, just a way of getting more money off us.
- No need if 1st test is appropriate
- It would be helpful if language problems occur
- Principally passenger safety and satisfaction
- To raise standards.
- Already have high knowledge through experience of working own areas

#### Q4a

- Pre booked customers need to know that the driver knows where he is going
- As above
- As above
- I strongly believe that there should be no difference in the test for hackney carriage and private hire. The majority (if not all) of hackney carriage drivers in EFDC work through an office where the taxis are pre-booked.
- Not necessary - the 'area' can be anywhere, via airports, central London. In my case, the only work 'in the area' is pick-up and drop-off, via where the customer lives/works. All addresses/journeys are easily pre-planned using online street/route websites. A knowledge test is of no practical use.
- as above
- I see no reason why a test for a Private Hire driver should be different to one for a Hackney driver. 99.9% of my work is pre-booked, I've had just one street hire job in the last four weeks, so for the vast majority of the time the areas Taxi's are operating as private hire cars. This will always be the case until the council introduces more taxi ranks, sets the fares and introduces meters. If the council wants to encourage good practice, why is it virtually the only licensing authority in the country not to do this ?
- Many private hire drivers tout for work outside clubs etc
- see answer 1, plus covering such a vast area it would be impossible. Companies already ensure their drivers know the circuit they work, modern despatch systems supply the best route
- Sat Navs are not always working
- English test and advance driving test
- Yes They should have knowledge before they perform
- A good idea
- To prove their dedication
- As a taxi driver it is expected of the public to know where your going
- It is common to hear complaints about drivers not knowing basic knowledge of area
- To improve quality of service by the licensed trade
- As for Hackney carriage
- This is pre booked hire from numerous pick ups and drops

- Although satnavs are a great help, they cannot deal with the effects of roadwork's, accidents etc, and do not cover the sort of local places of interest
- This would be sensible to achieve high standards
- So they can operate efficiently from the outset
- There are quite a few drivers who have little or no knowledge of area this reflects badly on other drivers who do
- Shows the person wants to help the passenger
- Not necessary for Private Hire. The advent of Satellite Navigation has made this a thing of the past. The "Knowledge" test for Black Cabs is just a way of limiting numbers of drivers and safeguarding their jobs.
- Basic knowledge of area essential
- In line with other authorities
- Level of knowledge required is the same as for Hackney Carriage
- For reason of customer service and operator efficiency.
- Ensures good level of knowledge for beginners. Introduce max no. of licenses in district

#### Q5a

- Epping Forest is a small area
- as above
- As above
- My suggestion is the same as for hackney carriages drivers.
- See answer to Q.4
- See Q2
- Increases costs.
- as above
- Why keep proving oneself
- As year go pass quick, I think there is no need for that.
- no other authority/organisation does this
- Roads and buildings do not change very much annually. New locations of pubs, clubs, restaurants can be obtained from other drivers.
- As an existing driver you will automatically gain knowledge
- I know of no other district that does this, if the first test is stringent enough, further test would be unnecessary
- To allow for new road layout etc
- A drivers knowledge will only get better as time goes on, so further test will only be a waste of tax payers money
- As for Hackney carriage
- Virtually all drivers use sat navs
- It would seem sensible to repeat the test every say 10 years, but not more frequently. The repeat would deal with changes in the road network and would act as a "refresher" on the existing network. Airport journeys
- Perhaps every 3/4 years
- Drivers will have already obtained sufficient knowledge of the area
- Just not necessary for Private Hire. We know all our customers and routes are known in advance plus we have Sat Nav and Traffic info.
- No need if passed 1st test
- Knowledge would automatically improve over time
- To take account of any changing circumstances.
- Not time or cost effective

Q6a

- Taxi metres should be a must have, as it stops customers being ripped off! You should set the fares! Customers being picked up in the high street of a night and being charged silly prices
- as above
- As above
- Same as above.
- Not sure what this involves so difficult to comment
- See Q3
- Would be beneficial but needs to be cost effective since driver's remuneration is very low at present. See comments Q3
- Driving ability only
- English test and advanced driving test
- License holders who are performing their duties good enough, don't need any further tests Thanks
- No real benefit, just common sense
- A driver would naturally treat well behaved passengers with civility
- For new drivers yes. For existing drivers no common sense should tell you when a passenger requires assistance.
- Maybe for first application
- To allow for new road layout etc
- As I have been a chauffeur for some 20 years and as you may know I drive the Chairman of EFDC. I feel qualified in assisting with your consultation should you need my help
- As for Hackney carriage
- I can not see what help it would be to drivers or public, a mini cab is not a black cab, a private hire driver has ample time to sort out address' and routes prior to the job
- Passengers are putting their safety in the hands of the driver. It might be preferable to use an existing test (Advanced Motorists or similar) to avoid the costs of setting up and running a new test.
- Not sure. We want high standards but without cost increases for customers
- so only competent drivers are allowed to operate
- For most trades and professions this is mandatory licensed drivers should be the same
- No, just a way of getting more money off us. Do you realise how much it costs to license, tax, and insure a private hire vehicle 6 seater with Epping Forest Council? Plus the fact that i have to have a medical every year (cost £120.00) and 3 MOTs a year. Drivers from other areas laugh when i tell them I have to find nearly £3,000.00
- All this will be too costly and too time consuming as costs will be passed on the drivers in increased license fees. In this present climate its hard enough to make a living as it is.
- No need if 1st test appropriate
- Principally passenger safety and satisfaction
- This would increase customer confidence and respect for licensed drivers, as well as safety for passengers. IN ADDITION TO THE ABOVE: i) All operators should have a First Aid qualification and carry a First Aid kit in their vehicle. ii) The Committee has noticed that quite a lot of private hire drivers break the speed limit and should be reminded to observe speed restrictions.
- Already have high knowledge through experience of working own areas

Q7a

- As there is a need for them
- I think this would be a good idea, however it would depend on the costs to the local taxi companies. It should not be too expensive as companies are run on fairly tight margins already.
- A proportion of taxis in a company with 3 vehicles or more should have disabled access. Proportion to be decided by EFDC but it should be up to the company to decide which vehicles have the facility
- I am not sure if there is a need for more vehicles specially adapted for the disabled because i know that certain operators have many vehicles already in use.
- do not find many disabled people use taxis, cost will be very high for companies
- Maybe the Taxi Companies should have a certain amount of vehicles at each office.
- There is very little demand. I know one driver who has had a Peugeot Euro Taxi for the last 3 years, he has never had to use his wheelchair ramp !!!!
- Unless there is a move towards restricting taxis to custom built vehicles this is impractical.
- Every operator of more than 3 vehicles should have 1 fully accessible vehicle always available for hire
- This should be a community project with qualified carers
- Mainly places of local interest
- If possible yes otherwise its still manageable
- I have driven a wheel chair access taxi for five years and only been asked to carry disabled passengers on two occasions
- We find the vehicles we already have are sufficient
- There are enough wheel chair access in Epping already
- No discrimination
- The London taxis have disabled facilities so should local councils providing this
- At my company we have numerous disabled cars
- I drive a wheel chair accessible vehicle, and there is not the demand you would think this is owing to dial a ride council vehicles
- Disable must not be /feel excluded from any service offered
- I have been a hackney carriage driver in the Epping area for approx 14 years and not once needed wheelchair access
- Black cabs are equipped to deal with requirement
- It is difficult to give a firm answer without knowing the extent of provision at present.
- Yes but only in proportion to the demand otherwise costs will increase too much.
- Very few vehicles currently provide this access
- In my experience this is already well catered for
- I think the work is already being adequately covered
- I have been carrying disabled passengers for the last 2 years if the only people I carry and find their is not a lot of work about
- A suitable percentage of our vehicles can be accessed by disabled passengers
- All transport should be provided for all people
- but only for hackney carriage
- Seems sufficient at present community transport also underused

- Not all public transport has disabled access
- I already carry many disabled people with various disabilities as a normal service. Any more severe would require an ambulance
- To provide greater equality for disabled people.
- Disabled passengers are entitled to taxi travel
- Estate cars are often able to deal with wheelchair facilities

Q8a

- One per company is enough
- impractical
- No but there ought to be a minimum provision within a company above a certain size
- Because, in the five years as a taxi driver only once have i been unable to take a disabled person and this was due to a motorised wheelchair that was not foldable. Otherwise, i have always been able to take the disabled.
- I am a single-car operator, so this is impractical. I have had wheelchair customers in the past - wheelchair has gone in boot. An Audi A8 is an Audi A8, and that's it. If I am unable to transport anyone, for any reason, I would not take the booking.
- to costly and minimal used
- I feel that it would be allot of money paid out by each driver, that would not used.
- Absolutely not for the same reason as Q7. If you did go ahead with this for Taxi's, I and nearly every taxi driver I know would switch to a private hire plate. Also wheelchair accessible vehicles tend to be larger and higher off the ground. Many elderly but able bodied folks find these vehicles harder to get into and much prefers saloon cars. So in an attempt to be inclusive to one section of the community you would exclude another.
- Too expensive. There would need to be considerable investment in new vehicles and currently the returns would not justify this. The majority of drivers are self employed.
- The demand would not cover the extra costs, plus running larger vehicles would increase pollution multiply that over all the licensed vehicles and the increase would be considerable
- Provided by EFDC
- In a company only few vehicles are enough to have that facility
- Its not necessary as demand for such a vehicle would not be that high
- We personally feel that 10 in 10 vehicles is sufficient
- Some customers like comfort on long journeys which cannot be given in a adapted van
- Disabled people have the same rights as everyone else
- Not all drivers can afford to purchase such vehicles
- But a company should be given a minimum requirement
- The cost would be far to much
- No but there should be a good quantity in service perhaps 50% of every fleet operator
- Disabled passengers prefer to sit in the vehicle
- Drivers should have the option
- There are vehicle hire firms specific to this need if required
- This would put an excessive cost on operators
- Far too expensive and restrictive to insist on this.
- Only in proportion to the demand otherwise costs will increase too much

- Would be impractical
- Increased driver costs on an already marginal business
- Depends on the type of vehicle
- Carrying people in wheelchair is a lot more involved than what you think. I went on a training course through Essex County Council. Where we learnt to handle people in wheelchairs and how to get them out of the wheelchair in case of fire.
- This type of vehicle can already be requested
- All transport should be provided for all people
- a ridiculous suggestion.
- In all the times I have had a license. I have never not been able to accommodate a disabled customer and their wheelchair
- Impractical and expensive
- I have had no requests for a wheelchair accessible car. On the contrary all disabled passengers I have carried prefer a normal saloon
- The increased cost to operators won't be commercially viable.
- Unrealistic. Six seat vehicles and saloons can't be.
- Most cab firms have wheelchair adapted vehicles

#### Q9a

- One is enough
- too costly
- Not reasonable if operator has only 1 or 2 vehicles
- See answer to Q.8
- too costly
- Again for financial reasons.
- For a start I can't think of one local operator that has less than three vehicles. But if there were, imposing this regulation would put people out of business.
- I consider your questions do not reflect the nature of how taxi businesses are run - there are very few directly employed drivers. On this basis such vehicles would need to be charged out at a higher rate (to encourage the additional investment in them) which no doubt would infringe discrimination laws.
- see above
- Unless the extra cost is borne by EFDC
- Mainly experience
- Because they might find it very expensive
- I think just one wheel chair access vehicle is reasonable
- They still need to meet certain criteria
- Would not get enough use.
- One rule for everyone
- Again small firms may not be able to afford vehicles
- Would have to be across the board if brought in.
- Cost again
- Compromise dilutes the quality of service offered.
- I find that wheel chair access is really not needed
- I can see no point in this requirement for a very small % requiring it
- Yes - otherwise this would put an excessive cost on operators
- If it were to be brought in, then yes.
- Possibly. We want disabled passenger capability but only in proportion to demand. For example not all Private Hire vehicles have more than 4 seats but

if you have more passengers you will expect to pay more for the larger vehicle

- All operators should comply
- If decision is taken as yes Q8 this would put other drivers at a disadvantage
- Why
- As long as there is a reasonable number of wheelchair vehicles in the area
- N/A
- I have one car that is used in the chauffeur trade only
- N/A
- All or none
- I think all operators should be treated the same if there is sufficient need for an adapted vehicle then they can buy one
- Concerned that unless small operators are exempt they could be faced with a prohibitive financial burden.
- Too restricting for operator

Q10a

- Disabled people want a nice car
- too costly
- If self-employed and owning 2 vehicles or less yes, otherwise no.
- cost again
- The rules can be adapted so it also works for Chauffeurs, without it making it impossible for them to do their job.
- How do you make a top of the range Mercedes or BMW wheelchair accessible ?
- Chauffeur implies a personal service and hence the vehicle would be chosen by the owner/passenger
- lack of suitable vehicles
- I do not know
- Its always good to have more facilities for disabled people
- This is a contradiction in terms. All chauffeur driven vehicles are generally four door saloons which means by their very nature they cannot be wheelchair accessible.
- They still need to meet certain criteria
- Would not get enough use
- One rule for everyone
- Chauffeurs aim at a different market and not everyday transportation
- Would have to be across the board if brought in
- Cost
- None
- All drivers should operate within the same parameters
- From my experience the fold up wheelchair goes into the boot and the person managed with help to car, / the vehicle
- Yes - otherwise this would put an excessive cost on operators
- Probably as this is a slightly different service
- A different client base
- Unless the people can be seated in the car seats it is hard to accommodate a wheelchair in a limousine or saloon unfolded
- N/A
- This would be a need for the employer



- I never need a car with Wheelchair access. If I did I would pass it on to someone qualified to do it.
- N/A
- Hard to get suitable vehicles for this purpose
- Type of car
- All or none
- Again I think all operators drivers should be dealt with in the same way
- This is not practical in a non-adapted vehicle.
- Luxury vehicles cannot carry wheelchairs

#### Q11

- No the drivers own there own cars
- 10%
- 20%
- One vehicle would be sufficient.
- one percent
- Possibly a ratio of one in every five vehicles in their fleet.
- 10% maximum due to lack of demand.
- If there is a requirement then all licensed taxis should be wheelchair accessible. If not providing an "advertised" wheelchair accessible service would be impracticable i.e. if a company had 1 suitable taxi it may not be available 24hrs or if in use elsewhere a wheelchair user may have to wait hours for a service which may then lead to complaints etc. The questions raised in this paper may lead to a wholesale change in the local taxi business. In addition to the questionnaire I consider you should set up a forum and meet with interested parties.
- one vehicle per operator
- I have not considered this suggestion
- Thirty percent
- One wheel chair vehicle per shift would be reasonable e.g. one night shift and day shift
- 20 percent
- 1 in 10
- 1 per 12 cars
- 100%, but with financial help for the operator and tax relief.
- Age limit on vehicles, discount on licensing fees
- 20%
- I would say at least 5 vehicles
- 50% as stated in Q9
- None
- approx 10%
- Not required unless operator wanted acquire such a vehicle
- 20%
- To answer this question needs market research among the relevant disabled groups
- Only in proportion to the demand otherwise costs will increase too much
- 20%
- I have no opinion on this question
- 10%
- One or two cars per fleet max should cover all requirements
- All vehicles that are Hackney carriage

- At least one vehicle
- 10%
- 80%
- Doesn't apply to me
- 75%
- 5%
- 50%
- 10%
- 25%
- N/A
- The same percentage that represents wheelchair users in the Epping Forest District Council area.
- Up to the same percentage as wheelchair users versus non wheelchair users within population. Take in to consideration that not all wheelchair users will use taxis
- No I do not think there should be a condition - If an operator wishes to advertise that he has wheelchair access, then it is to his advantage, more so than a firm that does not!

#### Q12

- Limit the age of the vehicles
- Reduce license fees to greener vehicles (similar to road tax bands)
- Can we vary the licence fee according to published emissions used by the DVLA?
- A new taxi vehicle should not be older than five years on first registration and not more than ten years old. This would ensure newer models of cars thus greener and more economical, because cars are always getting greener.
- Grants to assist the drivers to change their vehicles. Also the Drivers, Fleet Operator's and Council all getting together, and working together. The aim being a higher level of service, so the customer wins.
- I don't believe that by saying you want to make vehicles greener you are providing enough information to get an informed answer. However anything that would increase costs to the drivers would, I'm sure, be vigorously opposed.
- Provide grants to encourage use of newer more fuel efficient vehicles. This would need to be introduced progressively since drivers may already have made investment decisions on vehicles that will last up to 5 years.
- all vehicles currently meet EEC emission standards. HYBRID vehicles are not all that green over whole of life, they have a terrible environmental impact when dismantling. The production & destruction of their batteries particularly. Non are wheelchair accessible
- I don't know
- More economic vehicles
- The authority can give them some discounts who are using these kind of vehicles.
- I think this would be a very unpopular move among the licensed taxi trade and would prove costly in updating to new vehicles.
- Costing towards running and purchasing greener vehicles
- None
- Not technically qualified to answer this question
- Age limit on vehicles, discount on licensing fees
- Get older cabs off the road, some are a disgrace that I've seen on other firms

- No
- The introduction of a discounted license for green vehicles
- None needed because as worn out vehicles are replaced by newer vehicles they will become greener, as newer vehicles are greener
- More direct advertising from licensing authority aimed at the user
- I don't know
- To reduce Licensing cost.
- a differential in the licensing fees. See Q13
- LPG powered vehicles.
- This is a good concept. Most hire vehicles are diesel which creates a lot of pollution with soot particles. Diesel emissions are particularly unpleasant for pedestrians and cyclists. Hire vehicles are used continuously so this increases their pollution effect.
- Ban petrol vehicles with large engines
- Not to license vehicles that have poor emissions
- Gas converted vehicles only or small engine diesels
- Vehicles should not be used if they are over a certain age
- More greener vehicles
- Cut back on licensing staff!!!
- No vehicle with emissions over 140 to be licensed at all. Reduction fees for my ones
- Free Licence
- Do not know
- Cheaper licence fees for greener vehicles
- Please see attached letter
- Encouragement to use hybrid and low-emission vehicles as they get cheaper road licences and insurance, as well as greater mileage.
- Introduce max age of vehicles. Introduce meters in all taxis
- Cheaper plates

#### Q13

- Cost is the only incentive, therefore discounts on green cars or reduced fees to the authority.
- Discount the licence fee as above, or alternatively penalise those with polluting vehicles - possibly not legal though.
- No.
- Again possible Grants or even the Council buying the vehicles and renting them to drivers at each office.
- Grants, subsidies and interest free loans.
- Financial incentives. The introduction of fare metering (depending on the levels set) may provide a better framework to justify investment. At present the sensible way is to run the cheapest vehicle. Current returns to owner drivers is marginal.
- Large Grants
- Yes money
- They should be given time frame and also some funds or loans should be provided to meet this requirement
- Maybe a reduction in annual licensing fees might be an incentive
- Government Grants
- Cheaper licensing for drivers and cabs
- Yes, financial help, discounts and tax relief.

- Discount on fees, green vehicles encourage customers to use companies I know, I drive a Toyota Prius
- Lower licensing fees
- Yes
- Again a discounted operator licence fees
- No
- Some sort of Government grant for conversion of old vehicles
- I suppose money incentives
- Does EFDC provide a list of licensed firms on its website? This would be a good idea in itself. If adopted it could be used to indicate which firms provided greener vehicles.
- Lower or zero duties and fees!
- Yes. The more unpleasant vehicle emissions are for pedestrians, cyclists and the environment the more they should be penalised. Diesel soot emissions is a particular problem. Smaller cubic capacity engines perfectly adequate for our congested roads should be rewarded. Large CC engines penalised.
- Not to license vehicles that have poor emissions
- Lower fees for licensing
- Why should there be any incentives
- Make them more cheaper
- Would help the area
- A hefty grant from the council.
- No vehicle with emissions over 140 to be licensed at all. Reduction fees for my ones
- Free licence
- If they pay less tax
- Cheaper licence fees for greener vehicles
- Matching Parish Council
- A reduction in the licensing fees for such vehicles
- Financial incentives.
- Higher tariff on meter for wheelchair vehicles to reflect extra time taken to load / offload wheelchair
- Discounts on plating large groups of 'green' vehicles

***Report to Licensing Committee***  
***Date of meeting: 14 October 2009***

**Subject: Gambling Act 2005 - Statement of Principles**

**Officer contact for further information: Alison Mitchell**

**Committee Secretary: Adrian Hendry**



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**Recommendation:**

**The Committee approves the amended Statement of Principles**

1. The Gambling Act 2005 ('the Act') makes this authority responsible for issuing various permissions, permits and notices relating to the use of premises for gambling activities within its district. The various types of licence that the Council is responsible to issue are listed in paragraph 8 of the attached draft Statement of Principles.
2. This authority has issued sixteen licences under the Act for Premises Licenses (non Track), Forty seven (two) Gaming machine applications and eleven Club gaming permits
3. The Act requires licensing authorities to make decisions having regards to the three licensing objectives, the Act, regulations, guidance issued by the Gambling Commission and its own policy document which is referred to in the Act as a Statement of Principles.
4. The Statement of Principles sets out the criteria that the Licensing Authority propose to apply when exercising their functions under the Act. Government regulations specify what information must be included in this Statement. The current Statement has been in place for three years and is now the subject of this review.
5. A draft of the proposed amended Statement of Principles went out to consultation and a copy is attached. The amendments made were mainly to update the current policy and take account of the new government guidance.
6. The draft Statement begins by stating the three licensing objectives mentioned in the Act and which the Statement promotes.
7. There is a general introductory section which describes the geographical area over which the Authority exercises its functions under the Act. Details of the consultation exercise which has been undertaken is included in this section. A list of persons consulted is set out in Appendix B.
8. Essex County Council is designated as the body that is competent to advise the authority about the protection of children from harm. The names of the Responsible Authorities who must be consulted with regards to applications are listed in Appendix C of this Statement.

9. Under the Act when an application is made for a premises licence Interested Parties must be consulted and have the right to make representation. Interested Parties are defined by the Act as a person or who lives near to or a business located near to the premises being licensed or their representatives are defined as interested parties for this purpose. Generally a person who seeks to represent an interested party must produce written evidence that they have been authorized to do so. However, a councillor, MP or Parish or Town Council need not produce such proof.
10. The Statement sets out the Authority's policy for enforcement where investigations are carried out into any potential breaches of the provisions of the Act.
11. When deciding various types of applications the Authority will take account of such issues as the proximity of schools, centers' for vulnerable adults, or residential areas with a high concentration of children as well as the Gambling Commission Guidance.
12. A table of delegations is attached for your consideration as Appendix A. The third item mentions fee setting. This should be carried out by Full Council and not Executive Councillor as stated in the draft attached to the Agenda. Members are asked to approve the draft as amended in this way.
13. Part B of the Statement relates to Premises Licences. Premises are defined as "any place" by the Act. Part B expands as to how the Council would seek to address the three licensing objectives.
14. Part C sets out what the Council would take into account when issuing the specific licences mentioned..
15. As a result of the consultation the Council received two replies which are attached.
  - Loughton Town Council's Planning and Licensing Committee considered the Statement of Principles and agreed not to make a response but noted the information, and
  - Epping Town Council did request that the Licensing authority should give consideration to methods of advising appropriate interested parties listed at 5 to meaningfully engage in the process.

## Kim Tuckey - Gambling Act 2005 Consultation on Statement of Principles - Response

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**From:** "Vivienne Messenger" <vivienne.messenger@loughton-tc.gov.uk>  
**To:** <licensing@eppingforestdc.gov.uk>  
**Date:** 23/06/2009 16:37  
**Subject:** Gambling Act 2005 Consultation on Statement of Principles - Response  
**CC:** "Enid Walsh" <Enid.Walsh@loughton-tc.gov.uk>

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Dear Ms Tuckey

Loughton Town Council's Planning and Licensing Committee considered the District Council's Statement of Principles on the Gambling Act 2005 at its meeting on Monday 22nd June 2009 and agreed not to make a response to this consultation but NOTED the information received.

Thank you for sending the information on this consultation.

Regards

Vivienne Messenger

Vivienne Messenger  
Admin/Planning Clerk  
Loughton Town Council, 1 Buckingham Court, Rectory Lane, Loughton, Essex IG10 2QZ  
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**FROM: EPPING TOWN COUNCIL**

**TO:** Head of Planning Services  
Epping Forest District Council  
Civic Offices  
High Street  
EPPING CM16 4BZ

**DATE RECEIVED**

**PLANNING REFERENCE: DESCRIPTION OF PROPOSED  
DEVELOPMENT AND VIEWS OF EPPING TOWN COUNCIL:**

**GAMBLING ACT 2005 – CONSULTATION ON STATEMENT  
OF PRINCIPALS**

Committee considered the consultation document and agreed that the Statement of Principals was appropriate and reasonable. However, Committee did request that the licensing authority should give consideration to methods of advising appropriate interested parties listed at 5 to enable such parties to meaningfully engage with the process.

Signed:  .....

Address: Epping Hall  
St John's Road  
Epping CM16 5JU

Tel: 01992 579444

DATE: 9 September 2009

PLANNING\plan form



DRAFT

# **Gambling Act 2005 Statement of Principles**

*Epping Forest District Council*

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## **PART A**

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, Epping Forest District Council, as the Licensing Authority, must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

This Licensing Authority is aware that, as specified in Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Statement of Principles

### **2. Introduction**

Epping Forest District Council (the Licensing Authority) is situated in the County of Essex, which contains twelve district or borough councils and two unitary authorities. The district has six main centres of population (Buckhurst Hill, Chigwell, Epping, Loughton, Chipping Ongar and Waltham Abbey) and numerous picturesque villages and hamlets, but no natural centre. The majority of the district lies within the Metropolitan Green Belt, designed to restrict the spread of London into the Home Counties.

The district has a population of approximately 121,000. Over 40% of the population live in the southwest of the district (Buckhurst Hill, Chigwell and Loughton). The population is ageing, with the 2001 census profile showing a reduction of under fives and an increase in over seventy fives.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement will be published every three years. The statement will also be reviewed from "time to time" and any amended parts re-consulted upon. The statement will then be then re-published.

The Licensing Authority is required to consult in accordance with the Gambling Act 2005 Code of Practice between 9 June 2009 and 8th September 2009 before finalising and publishing this policy statement. The list of persons this authority consulted is attached as an appendix to this statement. The full list of comments made is available via the Council's website.

The policy was approved at a meeting of the Full Council in \*\*\*\*\*. Copies were placed in the public libraries of the area as well as being available in the Civic Offices and on the website on \*\*\*\*\*

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Senior Licensing Officer  
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ  
E-mail: [Licensing@eppingforestdc.gov.uk](mailto:Licensing@eppingforestdc.gov.uk)

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

In producing the final statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on this Statement of Principles.

### **4. Responsible Authority for Advising on Protection of Children from Harm**

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area, and;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

This authority designates the Essex County Council's Childrens Safeguarding Service for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are listed in this policy which is available via the Council's website at: [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk)

### **5. Interested parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorities activities
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b)"

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14, 8.15 and 8.16 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Persons who are democratically elected such as councillors and MP's may represent Interested Parties. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to represent interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing section.

## **6. Exchange of Information**

The Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information between it and the other persons listed in Schedule 6 to the Act, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **7. Enforcement**

The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities. It will endeavour to be:

- Proportionate: it will only intervene when necessary, appropriate to the risk posed, and costs will be identified and minimised;
- Accountable: it will be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards will be implemented fairly;
- Transparent: it will be open, and keep regulations simple and user friendly.
- Targeted: any regulation will be focused on the problem, and will seek to minimise side effects

In accordance with the Gambling Commission's Guidance for local authorities, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme.

The enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which is authorised. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming

machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission, who will also be responsible for compliance in unlicensed premises.

The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Department at Civic Offices, High Street, Epping Essex CM16 4BZ and email:licensing@eppingforestdc.gov.uk

## **8. Licensing Authority functions**

The Licensing Authority is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

The Licensing Authority are not involved in licensing remote gambling at all. This is regulated by the Gambling Commission via Operating Licences.

## **9. Consideration of applications**

The Licensing Authority will consider each application on its merits. The applicant must show how they propose to meet the requirements of the Gambling Act 2005 and any regulations and guidance issued by the Secretary of State, and that they have taken into account such issues as the proximity of schools, centres for vulnerable adults or residential areas with a high concentration of families with children.

The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including, for example those licences and permits where no representations have been made, will be delegated to Council Officers.

A table of Delegations of Licensing Functions is attached as Appendix A.

## **PART B PREMISES LICENCES**

### **1. General Principles**

1.1 Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.2 The Licensing Authority is required by the Act, in making decisions about premises licences, to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this statement of licensing principles

### **1.3 Definition of Premises**

Premises is defined in the Act as “any place”. The Licensing Authority will have regard to the Guidance issued by the Gambling Commission in deciding whether different parts of a building can be properly regarded as being separate premises. The Licensing Authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, “entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area.” The authority would normally require a defined permanent division of the premises by way of a fixed structure.

The Licensing Authority will also take note of the Gambling Commission’s Guidance to local authorities that: “Licensing authorities should pay particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes”.

### **1.4 Demand**

The Licensing Authority is aware that the issue of demand cannot be considered

### **1.5 Location**

Location will only be material in the context of the Licensing Objectives. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude an application from being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.



## 1.6 Moral Objections

It is appreciated that in accordance with the Gambling Commission's guidance for local authorities moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards to any 'no casino resolution').

## 1.7 Duplication with other Regulatory Regimes

Although the Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, and will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it, it will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

## 1.8 Licensing Objectives

Premises licences granted must be consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to local authorities and would make the following comments:

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. It must be noted however, that issues of nuisance cannot be addressed via the Gambling Act provisions.

**Ensuring that gambling is conducted in a fair and open way** - The Licensing Authority has noted that the Gambling Commission has stated in its Guidance for local authorities, that "Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence." The Licensing Authority also notes, however, that the Gambling Commission also states "in relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable." The Licensing Authority will always have regard to any guidance from the Gambling Commission on this issue.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The Licensing Authority has noted the Gambling Commission Guidance to local authorities states that "The objective refers to protecting children from being "harmed or exploited by gambling." That means preventing them from taking part in gambling ....."

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition, but states that “it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance abuse relating to alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

## **1.9 Conditions**

Premises Licences will be subject to the permissions/restrictions as defined in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Licensing Authority may exclude default conditions and/or attach others, where it is believed to be appropriate. Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, and the Licensing Authority will expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated.
- conditions in relation to stakes, fees, winning or prizes

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds

do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines

This list is not exhaustive.

### **1.10 Category C machines or above”.**

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

### **1.11 Door Supervisors**

The Gambling Commission advises local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. This Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises which are they be trained to the same level as that required by the SIA. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

## **2. Casinos**

2.1 The Licensing Authority has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing

Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

2.2 The Licensing Authority is aware that where an area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State. It should be noted that at the time of this statement of Licensing policy was adopted this area had not been so enabled by the Secretary of State.

2.3 The Licensing Authority will pay particular attention to any Codes of Practice issued by the Gambling Commission as regards this licensing objective in relation to casinos. It is understood that a Code for casinos must:

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person ("the supervisor") who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

### **3. Betting Premises**

The Licensing Authority will seek to ensure that all regulations and guidance issued by the Secretary of State is complied with. In particular, applicants will be expected to show how they will prevent access to under-18s.

### **4. Betting Machines in Casinos and Betting Premises**

The Licensing Authority is aware that, as explained in the Gambling Commission's Guidance for local authorities: "Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons".

### **5. Credit in Casinos and Betting Premises**

The Licensing Authority has noted that the Gambling Commission has stated in its Guidance for Local Authorities that; "section 177 does not prevent the licensee from contracting a third party to install cash dispensers (ATMs) on their premises which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines) does not profit from the arrangement and does not make any payment in connection with the machines. All premises licences

also include a mandatory condition which requires that any ATM made and available for use on the premises must be located in a place that requires any customer who uses it to cease gambling in order to do so.”

## **6. Bingo premises**

This Licensing Authority notes that the Gambling Commission’s draft Guidance states: “Children and young people are allowed to enter bingo premises; however they are not permitted to participate in bingo and if category B or C machines are available for use these must be separated from areas where children are allowed.”

## **7. Tracks**

7.1 The Licensing Authority has taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an Operating licence as there may be several premises licence holders at the track which will need to hold their own Operating licences.

7.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect applicants for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.3 “Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines”.

7.4 The Licensing Authority notes that it is a mandatory condition of premises licences “that clear and accessible information about the terms on which a bet may be placed must be displayed at premises including tracks”. The rules must be prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office”.

## **8. Travelling Fairs**

8.1 It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9. Adult Gaming Centres and Licensed Family Entertainment Centres**

9.1 The Licensing Authority notes the distinction between Adult Gaming Centres, which do not allow entrance to under 18s and Licensed Family Entertainment Centres, which allow entrance to under-18s, but do not permit them to play on category C machines.

9.2 Applicants will be expected to show how they will prevent access to under-18s, or what measures will be taken to prevent them from playing on category C machines as appropriate. The Licensing Authority will seek to ensure that all regulations and guidance is complied with.

## **10. Provisional Statements**

10.1 The Licensing Authority notes the Guidance from the Gambling Commission and will take account of those matters set out in the guidance.

10.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which, in the authority's opinion, reflect a change in the operator's circumstances.
- (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change from the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

10.3 The Licensing Authority has noted in the Gambling Commission's Guidance that licensing authority should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

## **11. Reviews**

11.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the Licensing Authority, however, to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, repetitious, or will certainly not cause this authority to wish to alter, revoke or suspend the licence.

11.2 Reviews will be carried out:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this statement of licensing principles

11.3 The Licensing Authority can also initiate a review of a licence for any reason which it thinks is appropriate.

## **PART C PERMITS/TEMPORARY & OCCASIONAL USE NOTICE**

### **1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)**

1.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it must apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

1.2 This Licensing Authority has adopted a Statement of Principles, as provided for by the Act, which is:

The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but will include wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include

- CRB checks for staff,
- training covering how staff would deal with unsupervised very young children being on the premises, and/or
- children causing perceived problems on and around the premises.

1.3 The Licensing Authority will only grant a permit if it is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and after consultation with the Chief of Police. Issues such as the suitability of the applicant and the suitability of the premises will be taken into account when considering an application.

1.4 Once the permit has been granted, the Licensing Authority may refuse an application for renewal only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

### **2. (Alcohol) Licensed premises gaming machine permits**

2.1 Premises licensed to sell alcohol for consumption on the premises may automatically have two gaming machines, of categories C and/or D. The premises must notify the Licensing Authority of their intention to exercise this right, but they may remove this automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

2.2 If a premises wishes to have more than two machines, then it must apply for a permit. The Licensing Authority will consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters as it thinks relevant. Each case will be considered on its merits, but, generally, it will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy them that there will be sufficient measures to ensure that under 18 year olds do not have access to “adult only” gaming machines. Measures which will satisfy the authority that there will be no access may include:

- Supervision of machine areas
- Physical separation of areas
- Notices / signage
- The location of gaming machines

This list is not exhaustive.

2.3 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

2.4 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

2.6 Where an alcohol licensed premises applies for a premises licence for their non-alcohol licensed areas, any such application would need to be applied for, and will be dealt with, as an Adult Entertainment Centre premises licence.

### **3. Prize Gaming Permits – (Statement of Principles on Permits)**

#### **3.1 Statement of Principals**

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:

- A basic Criminal Records Bureau check or equivalent criminal record check for the applicant and the person having the day to day control of the premises
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training to cover how staff would deal with:
  - Unsupervised and/or very young children on/around the premises, and
  - Suspected truants

3.2 Applicants for a permit must comply with the conditions laid down by the Gambling Act 2005. The conditions in the Act are:



- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

The Licensing Authority may not impose any further conditions.

#### **4. Club Gaming and Club Machines Permits**

4.1 Qualifying members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit, Qualifying members clubs, Miners' welfare institutes and commercial clubs may apply for a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulation. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

4.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations." It is anticipated that this will cover bridge and whist clubs... A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations..

4.3 The Licensing Authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years;
- or
- (e) an objection has been lodged by the Commission or the police.

4.4 Where a premises holds a Club Premises Certificate under the Licensing Act 2003 they may apply using the fast-track procedure, in which case the grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

4.5 Objections will not be lodged by the Commission or the police, as these will have been dealt with under the Licensing Act application procedure.

## **5. Temporary Use Notices**

5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling premises that might be suitable for Temporary Use Notices, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

5.4 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities

## **6. Occasional Use Notices:**

The Licensing Authority has little discretion as regards these Notices, aside from ensuring that the statutory eight days in a calendar year is not exceeded and will grant such notices where statutory requirements are met.

## **7. Small Society Lotteries**

Lottery licence will be issued in accordance with the Gambling Commission's Guidance to Local Authorities

## APPENDIX A

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			(to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## APPENDIX B

### List of Consultees

<p> Association of Licensed Retailers  Attwater &amp; Liell Solicitors  Berwin Leighton Paisner Solicitors  Betting Offices  Bill Rammell MP  British Transport Police  Butler &amp; Mitchells Brewers  Roman Catholic Church  Church of England  Citizens Advice Bureau  Consumers Association  Cooley Partnership  Campaign for the Protection of Rural England  Curwens Solicitors  Council for Voluntary Services  Crime and Disorder Strategy Panel  East Herts DC  EFDC Councillors  EFDC Senior Officers  Eleanor Laing MP  Environment agency  Epping Forest Conservators  Epping Forest PCT  Epping Magistrates  Eric Pickles MP  Essex Ambulance NHS Trust  Essex County Council  Essex Fire &amp; Rescue  Essex Police  Essex Probation Service  Essex Tourist Bodies  Federation Synagogue  Fosket Marr Gadsby &amp; Head  Game Care </p>	<p> Hammonds Solicitors  Health and Safety Executive Essex  HM Customs and Excise  Jarmans Solicitors  Laurel Pub Co  Lea Valley Park Authority  Limes Farm Synagogue  Local Chambers of Commerce  Local Council Liaison Committee  Local Round Tables  Mcmullens Brewery  Parish and Town Councils  Police &amp; Community Consultative Group  Princess Alexandra NHS Trust  Ridleys Breweries  Rural Community Council of Essex  Scottish &amp; Newcastle Retail  Spirit Group Brewery  Transport and General Workers Union  Town Centre Partnerships  Union of Shop, Distributive and Allied Workers  Unison  Licensed Victuallers Association  Whiskers &amp; Co Solicitors </p> <p>All current gambling premises within the district.</p> <p> Disabled Coalition Group  Child Protection Essex County Council  Gambling Commission  HM Revenue &amp; Customs </p>
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