



Licensing Committee Wednesday, 13th April, 2011

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

Time: 2.00 pm

Democratic Services Officer Adrian Hendry (The Office of the Chief Executive)
Tel: 01992 564246 Email: ahendry@eppingforestdc.gov.uk

Members:

Councillors Mrs P Brooks (Chairman), A Lion (Vice-Chairman), K Angold-Stephens, K Chana, D Dodeja, Mrs R Gadsby, Ms J Hedges, J Knapman, L Leonard, Mrs M McEwen, R Morgan, B Rolfe, Mrs M Sartin, Mrs P Smith and D Wixley

PLEASE NOTE THE START TIME OF THE MEETING

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

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

To confirm the minutes of the Licensing Committee meeting held on 13 October 2010.

4. 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:

- (i) 5 October 2010;
- (ii) 2 November 2010;
- (iii) 7 December 2010;
- (iv) 17 January 2011;
- (v) 1 February 2011; and
- (vi) 1 March 2011.

5. APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 (Pages 13 - 14)

(Director of Corporate Support Services) To consider the attached report (LSC-007-2010/11).

6. LICENSING - TAXI KNOWLEDGE PROCEDURE (Pages 15 - 16)

(Director of Corporate Support Services) To consider the attached report (LSC-008-2010/11).

7. LICENSING PAVEMENT LICENCES (Pages 17 - 22)

(Director of Corporate Support Services) To consider the attached report (LSC-009-2010/11).

8. SEXUAL ENTERTAINMENT VENUES AND SEX ESTABLISHMENT LICENSING POLICY (Pages 23 - 48)

(Director of Corporate Support Services) To consider the attached report (LSC-010-2010/11).

9. TAXI QUALITY PARTNERSHIP MEETING (Pages 49 - 50)

(Director of Corporate Support Services) To consider the attached report (LSC-011-2010/11).

10. REVIEW OF LICENSING CONDITIONS FOR TAXIS (Pages 51 - 74)

(Director of Corporate Support Services) To consider the attached report (LSC-012-2010/11).

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 meetings of the Licensing Committee has been scheduled for 12 October 2011 and 11 April 2012 at 2.00pm in the Council Chamber.

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- (b) 10 May 2010;
- (c) 1 June 2010;
- (d) 7 July 2010;
- (e) 3 August 2010; and
- (f) 7 September 2010.

5. LICENSING APPLICATIONS - LICENSING ACT 2003 & GAMBLING ACT 2005

The Assistant Director (Legal Services) reported that in respect of Premises License Applications or Variations, there had been 10 new applications, 60 renewals, 3 Change of Designated Premises Supervisor applications, and 45 applications for variation received. Of these, 7 applications had been granted under delegated authority, whilst 3 had been considered by the Sub-Committee and granted subject to conditions. One application had been revoked, 172 Temporary Event Notices had also been granted, and 145 Personal Licence applications had been received and granted under delegated authority. There had been no appeals to the Magistrates Court during the period.

In respect of the Gambling Act 2005, 4 club gaming permits had been granted, whilst 10 notifications had been received for two gaming machines. Of these applications, 4 of the Temporary Events Notice applications had been received on-line, along with one application for a Riding School.

RESOLVED:

- (1) That the report to the Licensing Committee regarding the applications received under both the Licensing Act 2003 and the Gambling Act 2005 be noted.

6. LICENSING OF SEX ENTERTAINMENT VENUES

The Assistant Director (Legal Services) presented a report regarding the adoption of a draft policy for the regulation of sex cinemas, sex shops and sexual entertainment venues.

The Assistant Director reported that the Council had adopted the Local Government (Miscellaneous Provisions) Act 1982 so that sex cinemas and sex shops had to be licensed. The Policing and Crime Act 2010 had amended the Local Government (Miscellaneous Provisions) 1982 Act to allow the Authority to license sexual entertainment venues where relevant entertainment was provided before a live audience for financial gain of the organiser or entertainer. This matter had been reported to the previous meeting of the Licensing Committee but the adoption of the powers needed to be made by full Council. The Council had not adopted a formal policy or standard conditions for the regulation of sex establishments within the District and the new draft policy would regulate sex cinemas, sex shops and sexual entertainment venues. It was highlighted to the Committee that cases would be referred to the Sub-Committee if Officers felt that it was necessary, even if no objections had been received for the application.

In response to questions from the Committee, the Assistant Director added that the conditions within the draft policy were standard but also very comprehensive. Teaching trade unions would be added to the list of consultees in Appendix 3 of the

draft policy. There were no applications for these types of establishments currently in progress.

The Committee was concerned about further protection for rural areas. The Committee was informed that Parish and Town Councils would be notified of any such applications and thus would be able to comment during the consultation period. However, the Committee requested that a comment be added to the draft policy regarding the protection of rural areas. The Committee also suggested that any CCTV installed by such establishments should comply with the Council's newly adopted CCTV Code of Practice. It was also felt that the amendment to the Local Government Act 1982, allowing the Council to license sexual entertainment venues, should come into force on 14 December 2010 after its adoption by the Council, and that the consultation period on the draft policy and standard conditions should last for a period of three months with a report at the next meeting of the Committee in April 2011.

The Assistant Director was asked if the level of fees stipulated within the report, i.e. £1,500 for the licence application and £750 per renewal, could be set at a higher level. The Committee was informed that the fees could only be set at a level to process the application and undertake inspections. The Assistant Director acknowledged that the cost of undertaking possible undercover inspections had not been considered and undertook to have further discussions with the Environmental Health Inspection Team, before recommending the appropriate level to the Council.

RESOLVED:

- (1) That the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 made by Section 27 of the Policing and Crime Act 2009 to licence sexual entertainment venues be adopted and come into force on 14 December 2010;
- (2) That the following amendments be made to the draft policy and conditions for the regulation of sex shops, sex cinemas and sexual entertainment venues:
 - (a) the concern of the Council to provide further protection for rural areas when considering applications for such establishments; and
 - (b) all CCTV systems installed by such establishments to comply with the Council's adopted CCTV Code of Practice;
- (3) That the draft policy and standard conditions to regulate sex shops, sex cinemas and sexual entertainment venues be consulted upon for a period of three months with a further report submitted to the Licensing Committee at its next meeting on 13 April 2011 to consider any representations prior to adoption by the Council;
- (4) That the schedule of delegations attached to the draft policy be adopted by the Council in a timely manner; and
- (5) That the fees in respect of the issue of a Sexual Entertainment Venue licence be recommended to the Council for adoption pending further discussions with the Environmental Health Inspection Team.

7. TEMPORARY ROAD CLOSURE ORDERS

The Assistant Director (Legal Services) introduced a report upon the adoption of the schedule of delegation and fees for the Council's powers to make Temporary Road Closure Orders.

The Committee was informed that the provisions of the Town Police Clauses Act 1847 was used by District Councils to make temporary road closures for street parties, fetes, processions and the such like. The Secretary of State for Communities and Local Government had recently issued guidance to make it easier for communities to hold street parties and fetes. The guidance directed members of the public to the District Council to make this application. The Council had not had occasion to make road closures before but it was considered that the new guidance would make applications more likely. The Committee was requested to put in place the necessary delegations and other matters required to permit the Licensing Section to undertake this type of licensing work for road closures to place within the District.

The Assistant Director added that advertising such orders in a suitable local newspaper had been suggested by the County Council, which would be expensive; Officers felt that this was probably unnecessary for a street party in a cul-de-sac for example, but would be required for larger events that possibly involved the temporary closure of more than one street. The Committee was reminded that the County Council could insist on public notices and consultation for road signage changes before assenting to any such application. The Guidance included as part of the report would be published on the Council's website along with the required notice period, most likely three months. The Council would insist on public indemnity insurance being taken out by the organisers of all such events.

RESOLVED:

- (1) That the Council's powers under Section 21 of the Town Police Clauses Act 1847 to make temporary road closure orders be noted;
- (2) That the schedule of delegation, whereby applications for road closure orders would be determined by the Licensing Sub-Committee if an objection was received but otherwise delegated to Officers, be recommended to the Council for adoption; and
- (3) That the level of fees, £150 for each event but increased to £400 plus the costs of advertising the order in a local newspaper for larger events, be recommended to the Council for adoption.

8. STATEMENT OF LICENSING POLICY

The Assistant Director (Legal Services) presented a report upon the public consultation undertaken in respect of the Council's Statement of Licensing Policy.

The Committee were reminded that at its previous meeting, it agreed that the draft Statement of Licensing Policy should go out to consultation and the responses be reported back. Four replies to the consultation had been received from Loughton Town Council, Loughton Residents Association, Epping Golf Club, and Epping Foresters Cricket Club. The Committee was requested to consider the responses received and whether any amendments should be made to the draft Statement before its adoption by the Council. The Assistant Director added that Officers were inclined to agree with one of the comments from the Loughton Residents' Association regarding paragraph 1.16 of the Draft Policy, in that each case should be judged on its own merits. The Statement of Licensing Policy had to be adopted by 7 January 2011.

RESOLVED:

- (1) That the representations made by Loughton Town Council, Loughton Residents Association, Epping Golf Club and Epping Foresters Cricket Club be noted; and
- (2) That the draft Statement of Licensing Policy be recommended to the Council for adoption without amendment.

9. PAVEMENT LICENCES

The Senior Licensing Officer presented a report upon pavement licences.

The Committee was informed that there had been an increase in the number of tables and chairs being placed on pavements within the District. The Highways Act 1980 gave the District Council the power to grant consents for objects and obstructions to be placed on the public highway. It was highlighted that consent would be only be required for items placed on the public highway; if the street furniture was kept within the premises' curtilage then consent would not be required. Display boards would also require consent if placed upon the public highway. The Assistant Director (Legal Services) added that Essex Police had requested an extra condition stating that any glasses taken out to furniture on the public highway should be made of toughened glass. The Committee was requested to recommend that the Council adopted the scheme of delegations whereby Officers could grant permission if no objections were received for the application, the standard conditions to be imposed on consents and the fees to be charged when issuing a consent - £125 per annum for five or more tables and associated chairs; £75 for less than five.

The Assistant Director (Legal Services) added that the County Council had requested the District Council to issue such licences so that enforcement action could be taken against obstructions on the public highway. The District Council was the licensing authority, but enforcement action could be taken by either Council, as the County Council was the Highways Authority. The local Town Centre Officers had also requested that the District Council take on this function, although it was highlighted that the Council had never received a complaint in relation to a Pavement Licence.

The Committee was informed that there was currently no plan to do formal periodic inspections of premises, but to rely upon reports from the public and Neighbourhood Officers. Although a licence would not be required for tables within a Premises' curtilage, planning consent could be required; if both a licence and planning consent was required then it would be a valid reason to refuse the licence until planning consent had been granted. It was intended to perform an initial inspection of all establishments within the District by the summer of 2011.

The Committee agreed the additional condition requested by Essex Police, and queried the level of fees being recommended by the report. It was felt that this should be reconsidered and the fees for such licences should be double the amount recommended by the Officers.

RESOLVED:

- (1) That the issue of Pavement Licences by the Council under Section 115E of the Highways Act 1980 be noted;

(2) That the schedule of delegation, whereby applications for Pavement Licences would be determined by the Licensing Sub-Committee if an objection was received but otherwise delegated to Officers, be recommended to the Council for adoption;

(3) That the standard conditions to be attached to the Pavement Licences issued, with the additional condition from Essex Police for glasses taken out on to the Pavement to be made of toughened glass, be recommended to the Council for approval; and

(4) That the level of fees, £250 per annum for premises with five or more tables on the pavement and £150 per annum for premises with less than five tables, be recommended to the Council for adoption.

10. REVIEW OF LICENSING SUB-COMMITTEE PROCEDURES

The Committee reviewed the proceedings of the Licensing Sub-Committees held during the preceding six-month period and considered whether the procedure, policy and organisation of the Licensing Sub-Committees required review. The Vice-Chairman commented that the issuing of guidance sheets before the meeting was helpful. The Committee was informed that the feedback from applicants was usually supportive, and that there was a low proportion of appeals against the Sub-Committee's decision. There were no problems of policy, procedure or organisation identified by the Committee that had adversely affected the running of the Sub-Committee meetings.

11. REVIEW OF CURRENT AND FUTURE TRAINING NEEDS FOR THE COMMITTEE

The Committee considered whether any further training was necessary for those members tasked with discharging the Council's Licensing function. The Assistant Director (Legal Services) confirmed that further training would be organised for the Committee if any of the current regulations were amended. Some of the Members present felt that the training sessions from Officers would be better organised as workshops rather than more formal lecture style events.

12. MATTERS ARISING

There were no further matters arising for the Committee to consider in respect of the Council's Licensing function.

13. ANY OTHER URGENT BUSINESS

In accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the Chairman had permitted the following item of urgent business to be considered following the publication of the agenda:

(i) Quality Taxi Partnership Meeting – 2 September 2010.

14. QUALITY TAXI PARTNERSHIP - 2 SEPTEMBER 2010

The Senior Licensing Officer presented a report concerning the meeting of the Quality Taxi Partnership held on 2 September 2010. The Council had entered into the partnership with various different agencies, including the County Council, Essex Fire Service, Essex Police and the Licensed Taxi Trade. It was confirmed that anyone with a Hackney Carriage Driver's Licence issued by the Council, could operate as a Private Hire Driver outside of the District.

The Committee was disappointed that Essex Police had given its apologies and not attended the meeting. It was felt that the Chairman of the Licensing Committee, along with the Safer & Greener Portfolio Holder, should be invited to the next meeting of the Partnership.

RESOLVED:

(1) That the minutes of the meeting of the Quality Taxi Partnership, held on 2 September 2010, be noted.

15. DATE OF NEXT MEETING

The Committee noted that the next meeting had been scheduled for 13 April 2011 at 2.00pm in the Council Chamber.

The Committee requested that the Divisional Licensing Officer from Essex Police be invited to the next meeting to comment upon Licensing issues within the District.

CHAIRMAN

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Report to Full Licensing Committee

Report reference: LSC-007-2010/11

Date of meeting: 13th April 011



**Epping Forest
District Council**

Portfolio: Corporate Support

Subject: Licensing – Licensing statistics

Officer contact for further information: Kim Tuckey, Senior Licensing Officer

Democratic Services Officer: Adrian Hendry (01992 – 564246).

Recommendations

1) That the report be noted by members

Report: Licensing applications

Purpose of Report: To report applications received by the licensing section and that they are noted by members

Applications received

Under the licensing Act 2003 and the Gambling Act 2005, officers are required to report on numbers of applications received and the determinations of those applications. The following table outlines the applications received from 13/10/2011 to 29/03/2011.

Applications received under the licensing Act 2003

Premises licence applications/variations

Number of new applications	6
Number of renewals	286
Change of designated premises supervisor/variation	39
Number of applications granted under delegated authority	6
Number of applications considered by the sub-committee	1
Number of applications granted subject to conditions	1
Number of applications refused	0
Number of appeals to magistrates	0
Number of revocations	0

Application received online- EU directive

Application received for Temporary Events	3
Application for a riding school	0
Temporary event notices	115

Reviews	1
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Reviews refused	0
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Personal licence applications

Number if applications received	35
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Number of applications granted under delegated authority	35
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Number of applications refused	0
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Number of appeals to Magistrates	0
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Gambling Act 2005

Betting office applications granted	1
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Club gaming permit granted	3
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Notifications for 2 gaming machines	1
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Street Trading	2
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Report to Licensing Committee

Report reference: LSC-008-2010/11

Date of meeting: 13th April 2011



**Epping Forest
District Council**

Portfolio: Safer and Greener

Subject: Licensing – Taxi Knowledge Procedure

Officer contact for further information: Kim Tuckey, Senior Licensing Officer

Democratic Services Officer: Adrian Hendry (01992 – 564246).

Recommendations:

That the report is noted by members and the change in procedure agreed.

Report:

At the meeting of the licensing committee in April 2010 it was agreed by members that the new applicants for a hackney carriage or private hire vehicle driver's licence would take the taxi knowledge test before they attended the Licensing Sub-committee.

Since then, an applicant sat the test four times and was then referred to the sub-committee as he had offences on his Criminal Records Bureau check. The applicant was refused a licence. The applicant was extremely aggrieved by the decision as he had had to pay four times to take the test and was refused. The Senior Licensing Officer would ask members to permit her to refer applicants directly to panel if they have a criminal record or endorsements. If members granted the licence it would be subject to the driver passing the test.

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Report to the Licensing Committee

Report reference: LSC-009-2010/11

Date of meeting: 13th April 2011

Portfolio: Safer and Greener

Subject: Licensing Pavement Licences

**Officer contact for further information: Alison Mitchell – Assistant Director (Legal)
(01992 564017)**

Democratic Services Officer: Adrian Hendry (01992 – 564246).



**Epping Forest
District Council**

Recommendations

- (1) To note the decision of the Council and to further consider the report.**
- (2) To recommend that the Council decides not to issue pavement licences**

Executive Summary:

1. At the last meeting of the Licensing Committee it resolved.
 - (a) That the issue of Pavement Licences by the Council under Section 115E of the Highways Act 1980 be noted;
 - (b) That the schedule of delegation, whereby applications for Pavement Licences would be determined by the Licensing Sub-Committee if an objection was received but otherwise delegated to Officers, be recommended to the Council for adoption;
 - (c) That the standard conditions to be attached to the Pavement Licences issued, with the additional condition from Essex Police for glasses taken out on to the Pavement to be made of toughened glass, be recommended to the Council for approval; and
 - (d) That the level of fees, £250 per annum for premises with five or more tables on the pavement and £150 per annum for premises with less than five tables, be recommended to the Council for adoption.
2. The Council discussed this recommendation and some concerns were raised as to the proposed levels of the fees and the report was referred back to the Licensing Committee.

Reason for Proposed Decision

3. The Licensing Committee have been asked to consider the report with particular regards to the licence fees that it was proposed should be charged.
4. That the Committee notes that there are likely to be a large number of premises in the

district that would be required to apply for a licence and that the procedure set out in the Act with regards to the granting of a licence and appeal procedures which are time consuming. For that reason it would not be possible to accommodate this work within the licensing section without further assistance and the previous report recommended a fee level that would cover staff and other costs.

Other Options for Action

5. The Licensing Committee could recommend that the Council issues these Pavement Licences and that the fees charged should cover the Council's costs of administration and enforcement of conditions. This would have the advantage of the Council being able to specify where tables and chairs were placed on the pavements and regulate the placing of A Boards. Further, the Council and the Highways Authority may find it easier to prosecute where an obstruction is occurring as the defendant could raise as a defence other unregulated tables etc. which the Council do not consider are causing an obstruction.

6. The Highways Act 1980 does require the Council to make a decision if an application is made and if a member of the public requires the Council makes a decision, the application would have to be referred to full Council. The Council did consider that the costs were too high and as there are no specific difficulties at present it is recommended that the Council adopts a policy not to grant licences.

Report:

7. The Highways Act 1980 allows applications to be made to this Authority for permission to place tables, chairs, portable advertising boards and similar objects on the pavements which are adopted as highways. Over recent years there have been an increasing number of such objects being placed outside cafes, restaurants, bars etc.

8. Essex County Council and the Council's own Town Centre manager approached the licensing section and asked if it would take action to regulate the placing of tables and chairs on the pavement as this practice was causing obstruction in some cases.

9. The County Council was concerned that if the District failed to issue such licences any court proceedings for obstruction taken by themselves or the District Council could be prejudiced as the defendant could claim that there would be no mechanism for the person concerned to apply for a licence in place.

10. The Highways Acts 1980 sets out the procedure to be followed when an application for a licence is made. It provides that once an application is made the licensing officer:

- must undertake consultations,
- prepare a notice and place this outside the premises, and
- serve notice on neighbouring properties that are affected
- consult with the highways authority,
- consult with the planning authority

11. The consent of the owner of any property adjoining the area of pavement must be obtained. The consent of the adjoining owner must not be unreasonably withheld. The question as to whether consent has been unreasonably withheld must be referred to an arbitrator and the procedure in the Act followed. If there were any objections then the application would have to be referred to the Licensing Sub-committee for decision.

12. When the licence is granted it will be made subject to a number of conditions and it

will be necessary to monitor compliance and enforce against any breaches of conditions.
 13 The suggested fee in respect of a consent of £125 per annum for 5 or more tables (and associated chairs) and £75 per annum for 5 and under. If only chairs, boards or other items are placed on the footpath a fee of £75 will be applicable

14. A list of suggested delegations are set out below.

DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for permission to place objects on the highway		If an objection	If no objection made
All policy matters except the formulation of the policy relating to these permits	All cases		

15. Attached to this report below are the proposed conditions of the consent recommended by the Senior Licensing Officer

Resource Implications:

None...

Legal and Governance Implications:

Section 115E of the Highways Act 1980 gives local authorities the power to grant permission to erect and use a facility on the highway (e.g. tables and chairs and portable advertising board)

Section 115F of the Highways 1980 Act gives the local Authority power to require a payment of such reasonable charges for the grant of a permission issued under section 115E of the 1980 Act and, section 115F gives the authority power to impose conditions

Safer, Cleaner and Greener Implications:

The Council Plan 2006 – 2010 – As Safe Community

Consultation Undertaken:

None.

Background Papers:

None

Impact Assessments:

Risk Management

N/A

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

No

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

None

Standard Consent Conditions – Highways Act 1980

1. Except with the previous written consent of the Council, only the amenities detailed on the consent are to be placed on the public highway, and the amenities are only to be placed on the public highway between the times detailed on the consent on the permitted area specified in the consent.
2. Any heaters must be to BS Standards (BS EN 60529:1992 (Electric heaters) and BS EN 14543:2005 (Gas heaters)). Access to the controls/pipe/cylinder on the heaters must be restricted to authorised employees of the premises only. .
3. The Council may require the boundary of the permitted area to be defined by shall be a fixed barrier system that is suitably stable not to be easily blown or knocked over.
4. Clear access to the entrance of the adjoining premises must be maintained at all times.
5. The permit holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval of the Council.
6. The permit holder is not permitted to erect the amenities other than in accordance with the provisions of the permit.
7. The permit holder is not to make or cause to be made any claim against the Council in the event of any property of the permit holders becoming lost or damaged in any way from whatever cause.
8. The permit holder is to indemnify and keep indemnified the Council from and against all actions, costs, claims, proceedings, demands and liability, which may at any time arise or be incurred in consequence of the placing and maintaining the amenities on the highway or their removal from the highway.
9. The permit holder will hold a Public Liability Insurance indemnity policy throughout the term of the permit up to the value of £5 million against any liability, loss or damage, claim of proceeding whatsoever arising under Statute or Common Law in respect of the placing and maintaining the Street Furniture on the highway or their removal. The applicant is required to submit proof of this insurance prior to the licence being issued.
10. At the instruction of the Council to remove the Street Furniture during the permit period for the purpose of:
 - (a) Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required by Epping Forest District Council, the local highways authority or any statutory undertaker or other person authorized by the Council.
 - (b) Use by emergency services.

(c) Any other reasonable cause.

11. Not to cause a nuisance to persons using the highway or any adjacent land or premises. The permit holder is responsible for the keeping of good order within the boundary of the permitted area.
12. To remove the amenities immediately at the end of the permit period or on any sooner revocation of the licence.
13. To reinstate the highway in the event of a breach of the permit. To reimburse Epping Forest District Council if, as a result of a breach of the permit conditions, it is required to carry out any reinstatement works itself.
14. To keep the permitted area free of litter and rubbish, including staining from food and drink spillages.
15. The permitted area must be washed down thoroughly, at the end of every day, using a method sufficient to remove food debris, grease and other spillages that may occur.
16. To make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the amenities, for a distance of up to 10 metres from the boundary of the permitted area.
17. The footway must not be obstructed by patrons standing between tables and between tables and chairs and the curb.
18. The amenities must be removed from the public highway at the end of the permitted period each day and in any event they must be removed when the business is not trading.

Note: Permission to place tables and chairs on the highway does not exempt the applicant from complying with any other legislation applying to the premises. In particular, where the premises are licensed for the sale of alcohol, an extension to the liquor licence must be obtained. Planning permission may also be required.

Report to the Licensing Committee

Report Reference: LSC-010-2010/11

Date of meeting: 13th April 2011



**Epping Forest
District Council**

Portfolio: Safer and Greener

Subject: Sexual Entertainment Venues and Sex Establishment Licensing Policy

**Responsible Officer: Alison Mitchell
Assistant Director (Legal) (01992 564017)**

Democratic Services: Adrian Hendry (01992 564470)

Recommendation:

The Committee recommends to Council that:

- 1. it adopts the draft Sexual Entertainment Venues and Sex Establishment Licensing Policy attached to the Agenda with any appropriate amendments after consideration of representations received, and**
- 2. it agrees to the standard conditions set out in Policy being imposed on the relevant licences unless the Licensing Sub-committee agree that they may be waived or varied in whole or in part.**

Report:

1. At its last meeting on 13th October 2010, the Committee considered the draft policy for the regulation of sex cinemas, sex shops and sexual entertainment venues ('Sex Establishments') and agreed that the draft policy should go out to consultation. A list of the consultees is attached to the draft policy and a copy was placed upon the Council's website. Three replies were received which are attached.

Reasons for Proposed Decision:

2. The policy will assist applicants for a licence and any person wishing to make a representation with respect to an application to understand Authority's requirements and concerns and enable them to address these in their applications or representations.

3. If the Council approves the standard conditions they will be imposed on all licences granted under delegated authority and only amendments approved by the Sub-committee will be allowed.

Other Options for Action:

4. The Authority could decide that it will not have a Policy. The advantages of having a policy are that it guides both applicants and objectors as to the types of application that the Authority is likely to grant and what issues they should address.

5. Not to adopt any standard conditions and impose conditions as each case is decided, if necessary.

6. To recommend that the Licensing Sub-committee decides all applications for this type of licence.

Licensing Policy and Conditions

7. A draft policy The purpose of this policy to inform both applicants and objectors as to which establishments are required to be licensed, the application process, how objections should be made, the conduct of the hearing and some of the issues relating to locality that the Authority will take into account when reaching a decision.

8. The Local Government Miscellaneous Provisions) Act 1982 ('the Act') allows the Authority to adopt standard conditions that will apply to every licence granted unless expressly excluded.

9. Each Application must be decided on its own merits and there may be occasions when the policy or conditions may not be appropriate in whole or part. When considering the conditions to be imposed the Council must ensure that these are necessary, non-discriminatory and proportionate.

Definition of Sex Establishments – Paragraph 3 of the Policy

10. This paragraph sets out what is considered to be a Sex Shop, Sex Cinema and Sexual Entertainment Venue and require licensing under the 1982 Act (as amended). There are some exceptions which are stated in the policy. In particular premises where 'relevant entertainment' is provided on an infrequent basis are not required to have a Sexual Entertainment Licence. The policy gives more details.

Application and Consideration of the Applications – Paragraphs 4, 5 and 6. of the Policy

11 Paragraphs 4, 5 and 6 describe the application process and the obligation imposed on the applicant to carry out consultations. There are detailed time limits specified in the Act which are set out in the policy.

12. The Act also specifies time limits for the receipt of objections. Paragraph 7 sets out the reasons that the Authority must refuse a licence or has a discretion to refuse and it is only those issues that the Authority should consider when making its decision. The Authority does not have the right to refuse on moral grounds or values.

13. An application will be referred to the Licensing Sub-committee for determination if objections are received or officers consider that it would be appropriate.

Refusal of a Licence- paragraph 7 of the Policy

14. The policy sets out the statutory reasons when the Authority must refuse to grant a licence.

15. The policy next sets out the statutory reasons when the Authority has discretion as to whether it will refuse the licence application. One of these reasons the Authority is that the grant or renewal of the licence would be inappropriate, having regard—

- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

"the relevant locality" means —

- (a) in relation to premises, the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment

Relevant Locality - Paragraph 8 of the Policy

16. Paragraph 8 of the Policy lists a number of areas where there would be a presumption against granting a licence and also the routes to and from these premises. However, each application will have to be considered on its own merit.

Appeals – paragraph 11 of the Policy

17. There are limited rights of appeal against the authority's decision to the magistrates' court. The alternative right of appeal would be by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Enforcement – paragraph 12 of the Policy

18. This paragraph makes reference to the Council's enforcement policy

Licensing Conditions – standard for all Sex Establishments – Appendix 1.Part 1

19. These conditions apply to all premises and relate to the management, the requirement to display a licence and the requirement to enforce an age policy.

Licensing Conditions – standard for Sex Shops – Appendix 1 Part 2

20. The conditions seek to restrict the hours when the shops are permitted to be open and exclude Christmas Day and Good Friday.

21. The external appearance of the shops is regulated. The applicants for a licence will have to apply to the Council if they wish to have a window display. The interior of the shop must not be visible

22. .There is a requirement for the shop to have close circuit television.

Licensing Conditions – standard for Sexual Entertainment Venues

23. The purpose of these conditions is to ensure that the staff are able to work in and the customers enjoy a safe environment.

Replies to the Consultation

24. Moreton, Bobbingworth & the Lavers Parish Council, Epping Town Council and Loughton Town Council replied to the consultation. Only Loughton Town Council suggested any amendments.

25. The first observation from the Town Council refers to the advertising requirements for the notice and the fact that it appears that a time limit has been omitted. In fact some additional words had been inserted and so paragraph 4.2 second sentence should read:
"The notice shall be displayed for a period of 21 days beginning with the date the application was made".

26. The Town Council has suggested an amendment to paragraph 8.1 of the policy so that the Authority when considering the application will not only look at the locality at the time of the application but should have regard to any outstanding/unexecuted planning application; for instance a for a school.

27. The Town Council have pointed out that paragraph 8.2 (c) and (f) are a duplication of the same point.

General

28. There are no specific conditions relating to Sex Cinemas.

29. The Sub-committee is asked to consider the policy and the consultation letters received and make any further amendments which members consider necessary and recommend to the Council that the policy is adopted.

Resource Implications:

Within existing budgets.

Legal and Governance Implications:

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 Section 27 of the Policing and Crime Act 2009.

Safer, Cleaner and Greener Implications:

To create safe communities in Epping Forest District

Consultation Undertaken:

None but consultation on the draft policy and conditions recommended.

Background Papers:

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 Section 27 of the Policing and Crime Act 2009.

Impact Assessments:

Risk Management

N/A

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

No

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

None

Our Ref: L.1.1/VRM



LOUGHTON
TOWN COUNCIL

1 Buckingham Court, Rectory Lane
Loughton, Essex IG10 2QZ
Telephone: 020 8508 4200
Facsimile: 020 8508 4400
e-mail: contact@loughton-tc.gov.uk
Web site: www.loughton-tc.gov.uk
Town Clerk: Enid K Walsh

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

10th February 2011

e-mail: vivienne.messenger@loughton-tc.gov.uk
extn 207

Dear Ms Tuckey

Re: Epping Forest District Council's proposed Sexual Entertainment Venue and Sex Establishment Licensing Policy – Consultation

Further to my email of 12th January 2011 stating that *"the District Council's draft licensing policy was reasonable, and that no comment from Loughton Town Council was necessary"*, the Council's Planning and Licensing Committee reconsidered this at its meeting on 7th February 2011 and AGREED to submit these additional points to the Licensing Authority for consideration:

- In paragraph 4.2, 2nd sentence where a space has been left, it has been proposed that: "The notice shall be display for a period of '21 days'..."
- In paragraph 8.1 regarding the character of the locality, 2nd sentence where it says: "When determining an application, the Authority will have regard to the character of the relevant locality at the time the application is determined, the use of the premises in the vicinity and the layout, character, condition or location of premises." The Town Council is of the opinion the Licensing Authority should take into account whether there are any outstanding/unexecuted planning applications; for instance, for a school.
- Paragraph 8.2 (c) & (f) – these are a duplication of the same points

I would be grateful if you could advise the Town Council when this becomes Council policy.

Yours sincerely



Vivienne Messenger
Planning Clerk

FROM: EPPING TOWN COUNCIL

**TO: Licensing Office
Epping Forest District Council
Civic Offices
High Street
EPPING CM16 4BZ**

31 JAN 2011


DATE RECEIVED

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

CONSULTATION

**DRAFT - SEXUAL ENTERTAINMENT VENUE AND SEX
ESTABLISHMENT LICENSING POLICY**

Committee reviewed the proposed policy as above and considered the policy contained sufficient safeguards to ensure inappropriate establishments are not generated in Epping.

Signed: 

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

Tel: 01992 579444

DATE: 26 January 2011

Moreton, Bobbingworth & the Lavers Parish Council

2, Landview Cottages, Moreton, Chipping Ongar, Essex, CM5 OLE 01277 890394

8 December, 2010

Our Ref. CNT 1360

Kim Tuckey
Licensing Department
Epping Forest District Council
323 High Street
Epping, Essex
CM16 4BZ

Dear Kim,

**Consultation – Draft Licensing Policy relating to Sex Shops, Sex Cinemas and Sexual
Entertainment Venues**

We have reviewed the consultation document and have not found any issues that require modification or change.

While we doubt that our parishes will be affected directly – it is considered unlikely that any of our four public houses would wish to provide sexual entertainment – however, we recognise the importance of controlling such establishments in our towns.

Yours sincerely,

Colin Thompson
Clerk to the Parish Council.

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Proposed

**SEXUAL ENTERTAINMENT
VENUE AND SEX
ESTABLISHMENT
LICENSING POLICY**

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Appendix 1

Standard Licence Conditions for Sex Shops and Sexual Encounter Venues.....

Appendix 2

Delegation of Functions

Appendix 3

Consultation.....

1. Introduction

- 1.1 Epping Forest District Council ('the Council') has adopted Schedule 3 schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. In this policy, we refer to these as "sex establishments" unless we say otherwise.
- 1.2 It is our role as licensing authority to administer the licensing regime in accordance with the law. The 1982 Act and the 2009 Act can be viewed at "<http://www.opsi.gov.uk>".
- 1.3 We consulted on this policy between November 2010 and February 2011 it was approved by our Licensing Committee on ??
- 1.3.1 This Statement of licensing policy has been produced in consultation with the Chief Police Officer for Essex, the Fire Authority and bodies representing local holders of premises licenses, the holders of premises, businesses and residents of the area. A list of those consulted is attached as Appendix 1.
- 1.3.2 When preparing this policy the Authority will take account the legal requirements of the 1982 Act as amended and our duties under:
- Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
 - The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
 - the Provision of Services Regulations 2009 to ensure requirements are:
 - (i) non-discriminatory;
 - (ii) justified by an overriding reason relating to the public interest;
 - (iii) proportionate to that public interest objective;
 - (iv) clear and unambiguous;
 - (v) objective;
 - (vi) made public in advance, and
 - (vii) transparent and accessible.

The Council's policies

- Environmental Health Enforcement Policy
- Enforcement Concordat

Guidance Documents

- Home Office – Sexual Entertainment Venues – Guidance for England and Wales

2. Epping Forest District

- 2.1 Epping Forest is a contrasting mixture of urban and rural life, covering 34,500 hectares. 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.
- 2.2 In the Council Plan 2006 -2010 states that the Council's vision and overall aim is that we want the Epping Forest District to be a safe, healthy and attractive place in which to live and work. We have identified the following themes where we have specific responsibilities:
- **Green and Unique** – Ensuring the protection of the unique, green and sustainable environment of the district;
 - **Homes and Neighbourhoods** - Ensuring that the district has decent housing and clean and attractive neighbourhoods;
 - **A Safe Community** - Ensuring that residents of the district can enjoy local amenities with little fear of being a victim of crime;
 - **Fit for Life** - Ensuring that residents of the district lead a healthy lifestyle by having access to effective, high quality leisure and cultural services;
 - **Economic Prosperity** - Ensuring that the district has a thriving and sustainable economy.

The District currently has two licensed sex shops but no other premises licensed as sex establishments

3. Definition of Sex Establishments

This Policy applies to sex shops, sex cinemas and sexual entertainment venues

Sex Shop

- 3.1 Sex shops are premises whose business consists of, to a significant degree, the selling, hiring, exchanging, lending, displaying or demonstrating of sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity.

Sex Cinema

- 3.2 Sex cinemas are premises (except dwelling houses) which, to a significant degree are used for the exhibition of moving pictures concerned primarily with:
- (a) the portrayal of/primarily deal with/relate to/intend to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity; or

- (b) the portrayal of/primarily deal with/relate to genital organs or urinary or excretory functions.

A premises shall not be treated as a sex cinema if the premises are used for the exhibition of films under the use and authorization of the Licensing Act 2003.

Sexual Entertainment Venue

- 3.3 A Sexual Entertainment Venue (SEV) is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organizer or the entertainer”.
- 3.4 Relevant entertainment is “any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 3.5 The authority considers that the definition of relevant entertainment applies to, although not exclusively, the following forms of entertainment:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows

Premises that are not Sexual Entertainment Venues

- 3.6 Paragraph 2A(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out those premises that are not sexual entertainment venues. These are:
- Sex shops and sex cinemas
 - Premises which provide relevant entertainment on an infrequent basis

These are defined as premises where –

- (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
- (b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- (c) no such occasion has lasted longer than 24 hours
- Other premises or types of performances or displays exempted by an order of the Secretary of State.

Waiver of the need for a Sexual Entertainment Licence

- 3.7 The Authority can grant a waiver for the requirement to hold a sexual entertainment licence if it considers that to require a licence would be unreasonable or inappropriate. Where a waiver is granted, this may last for such a period the Authority thinks fit, but can be terminated by the Authority at any time with 28 days notice.

4. Application Process

- 4.1 Applicants for the grant, renewal or transfer of a Sex Establishment Licence must complete the prescribed form, giving the full address of the premises, the name, permanent address and age of the Applicant or, where the Applicant is a business, the name and registered or principal office address of the company and the names and private addresses of its directors or others responsible for the management of the company;
- 4.2 In addition to completing the prescribed form, Applicants for a licence must also give public notice of the application by publishing an advertisement in a local newspaper that is circulated within the locality of the premises to be licensed no later than 7 days after the application is made, together with displaying a notice on the premises where it can be conveniently read by members of the public. The notice shall be displayed for a period of must give public notice by 21 days beginning with the date the application was made. The Authority will prescribe the Notice, which will be size A3.
- 4.3 Where an application is submitted electronically, the Authority will serve the Chief Officer of Police a copy of the application within 7 days of the application being submitted, where the application is not submitted electronically, the Applicant must serve notice on the Police no later than 7 days after the date of application.

5. Representations

- 5.1 Objections can be made, in writing, within 28 days from the date of the application. Any person is entitled to object. The objection should be relevant to the grounds set out in paragraph 8.2 below for refusing a licence. Moral grounds or values will not be considered relevant as the Authority does not have the right to refuse on those grounds.
- 5.2 The Authority shall notify the Applicant in writing of the general terms of the objections received within 28 days, though shall not, without the express consent of the objector make public the personal details of the objector
- 5.3 No objection will be considered if they are frivolous or vexatious. Where objections are rejected the objector will be notified of the reasons in writing.

6. Hearings

- 6.1 Where objections are received, the application shall be referred to the Licensing Sub-Committee for determination, except where the objections received are frivolous or vexatious. However, officers may decide to refer an application to the Sub-Committee even if no objections are received. Each application will be determined on its individual merit.
- 6.2 Where the Sub-Committee decides to refuse an application, the Applicant will be provided with reasons for the decision in writing.
- 6.3 The Sub Committee has the power to attach conditions to any grant which it deems necessary, non-discriminatory and proportionate.

7. Refusal of a Licence

7.1 A licence **must not** be granted:

- (a) To a person under the age of 18;
- (b) To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) To a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) To a body corporate which is not incorporated in an EEA State; or
- (e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.2 A licence **may be** refused on one or more of the following grounds:

- (a) The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time of application is determined is equal to, or exceeds the number which the authority consider is appropriate for that locality;
- (d) That the grant or renewal of the licence would be inappropriate, having regard:
 - (i) To the character of the relevant locality; or
 - (ii) To the use to which any premises in the vicinity are put; or
 - (iii) To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Relevant Locality

8.1 The Authority acknowledge that the character of a locality is not something that remains static, but which can alter at any time or over a period of time. When determining an application, the Authority will have regard to the character of the relevant locality at the time the application is determined, the use of the premises in the vicinity and the layout, character, condition or location of premises.

8.2 The Authority shall have a general policy presumption against the granting of licences which are;

- (a) Adjacent to, or in the vicinity of places of worship; or
- (b) Adjacent to, or in the vicinity of schools, nurseries or other educational establishments; or
- (c) Adjacent to, or in the vicinity of public buildings or community facilities; or
- (d) Adjacent to, or in the vicinity of family residential areas; or
- (e) Adjacent to, or in the vicinity of a family leisure or shopping areas
- (f) Adjacent to, or in the vicinity of public buildings or community facilities; or
- (g) In an area earmarked for regeneration of a particular kind;

and access routes to and from the same.

8.3 In considering applications for the grant or renewal of a licence, the Authority will also take account of the potential impact of the licensed activity on crime and disorder, and where there are already one or more sex establishments in the locality, the cumulative impact of an additional sex establishment premises.

8.4 Each application will be considered on its own merit taking into consideration the above as the Authority consider there may be some suitable locations for sex establishment licences within the District.

9. Licence Conditions

9.1 Should the Authority decide to grant an application, conditions will be imposed on the licence, such conditions may seek to restrict:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

9.2 The Authority has adopted standard conditions for sex shops and sexual entertainment venues and these are set out as Appendix 1.

10. Duration of Licences

10.1 Licences for sex establishments can be granted for up to one year.

11. Appeals

11.1 In the event that the Authority refuses an application for the grant, renewal or transfer of sex establishment licence, the Applicant may appeal the decision to the magistrate's court, unless the application was refused under either of the reasons as paragraph 8.2 c) or d) above, in which case the Applicant can only challenge the refusal by way of judicial review. An Appeal can also be made against the imposition of conditions.

11.2 Appeals must be made within 21 days from the date of written notification of the decision.

12. Enforcement

- 12.1 The Authority delivers a wide range of enforcement services, aimed at safeguarding the environment and the community and at providing a consistent licensing regime so that businesses can fairly trade. The Authority has adopted the Environmental Health Enforcement Policy to ensure consistency transparency and proportionality. The policy is available on request.

Contact Details

Further information concerning all aspects of licensing can be obtained from our website:

<http://www.eppingforestdc.gov.uk>

or

The Licensing Team
Corporate Support Services
Epping Forest DC
Civic Offices
High St
Epping
Essex CM16 4BZ

Tel: 01992 564034
Fax: 01992 561016

Email: licensing@eppingforestdc.gov.uk

General Enquiry Line: 01992 564000

**APPENDIX 1
LICENSING CONDITIONS**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY
THE POLICE AND CRIME ACT 2009**

PART 1

Standard Conditions for all Sex Establishments

Management of the Premises

1. The Licensee or some responsible person nominated by him over the age of 18 and approved in writing by the Council for the purpose of managing the sex establishment ("the manager") shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
4. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
5. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
6. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
7. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee. This shall not apply to any Performers.

Display of Licence

8. A copy of the Sex Establishment Licence and the Conditions of the Licence made by the authority must be kept exhibited in the public area of the premises.

Age Policy

9. No person under 18 years of age to enter the premises.
10. All customers appearing to be under the age of 25 to be required to provide photographic proof of their age before being allowed access to the shop.

11. No person under 18 years of age is to be employed in the business of the establishment.
12. At all entrances there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age.
13. The Licensee of the premises shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
14. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.

Breach of Licensing Conditions

15. Any breach of legislation or failure to comply with the conditions attached to the Licence may result in prosecution or in the revocation of the Licence.

General

16. The Council may substitute, delete, vary or amend these conditions at any time.

PART 2

STANDARD CONDITIONS FOR SEX SHOPS

Opening of the Premises

1. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday – Saturday 9 am – 6 pm
Sunday 11 am – 4 pm

2. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day or Good Friday.

External Appearance

3. The holder of a sex establishment licence may exhibit on the outside of the Premises the name of the business and a notice, capable of being enclosed by a rectangle one square metre in area or such other size as agreed with the Council, consisting of the words 'Licensed Adult Establishment'.
4. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in condition 16 or otherwise approved by the Council in writing; and
(b) No external loudspeakers may be installed.
5. The windows, doors and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.

State, Condition and Layout of the Premises

6. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to for their automatic closure and such devices shall be maintained in good working order.
7. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the Premises shall be visible when persons are entering or leaving the Premises.
8. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
9. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
10. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
11. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time.

Safety and Security

12. The Licensee shall ensure a suitable closed-circuit television system is installed and maintained to the satisfaction of the Council and police complaint with the codes of practices issued under the Data Protection Act 1998.

Goods Available in Sex Establishments

13. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
14. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

PART 3
STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

1. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
2. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") whilst performances are being given under this licence.
3. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks, and that they are legally entitled to work.
4. (a) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.

(b) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

(c) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises and which may be offensive.

(d) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from outside of the Premises.
5. The Licensee shall ensure that the number of persons on the premises shall not exceed that as stated by the Fire Officer or where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder. Such a figure will include staff and performers.
6. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.

The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
7. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
8. Performers must dress fully at the end of each performance.

9. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
10. Performers must never be alone in the company of a customer except in an area open to the public within the Premises.
11. The Licensee is to ensure a sufficient number of floor supervisors are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers.
12. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
13. The Licensee must ensure that during the performance of a table dance:
 - (1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) Customers must remain seated during the entire performance of the dance;
 - (3) For the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
 - (4) Performers must not sit or straddle the customer;
 - (5) Performers must not place their feet on the seats.
14. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
 - (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (6) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

The Licensee must ensure that during performances to which this Licence relates:

- (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
- (2) Customers must remain appropriately clothed at all times.

15. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Essex Police, and that any images are (a) retained for a period of at least 31 days and (b) made available on request to a police officer or authorised officer of the Council.
16. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

**APPENDIX 2
DELEGATION OF FUNCTIONS**

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for Licence		If an objection	If no objection made
Application for Variation of a Licence		If an objection	All other cases
Application for renewal of a Licence		If an objection	All other cases
Application to revoke a Licence		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
All policy matters except the formulation of the licensing policy	All cases		

CONSULTATION

Consultation will be undertaken with those listed below. The majority of those being contacted via e-mail and the rest by post. A copy of the draft policy will be available on the EFDC website. All comments received will be considered and the results of the consultation published on the EFDC website. The consultation period will be three months.

<p>Arriva Bus Company Arts Council England Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors Bill Rammell MP British Transport Police Butler & 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 Equity Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire and Rescue Essex Police Essex Probation Service Essex Tourist Bodies Federation Synagogue Foskett Marr Gadsby and Head</p>	<p>General Municipal and Boilermakers Union Hammonds Solicitors Health and Safety Executive Essex Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Local Taxi Operators LUL Transport for London McMullens Brewery Musicians Union Parish and Town Councils Police and Community Consultative Group Princess Alexandra NHS Trust Ridleys Breweries Rural Community Council of Essex Scottish and Newcastle Retail Somerfield Supermarkets Spirit Group Brewery Transport and General Workers Union Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Licensed Victuallers' Association Whiskers and Co Solicitors Whipps Cross NHS Trust</p> <p>All current holders of liquor, public entertainment, private places of entertainment, cinemas, theatre and late night refreshment houses licences within the district.</p>
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Report to Licensing Committee

Report reference: LSC-011-2010/11

Date of meeting: 13th April 2011



**Epping Forest
District Council**

Portfolio: Safer and Greener

Subject: Licensing – Taxi Quality Partnership Meeting

Officer contact for further information: Kim Tuckey Senior Licensing Officer

Democratic Services Officer: Adrian Hendry (01992 – 564246).

Recommendations

That the report be noted by members

Report:

1. In October 2009, the Senior Licensing Officer reported to full licensing committee that EFDC and Essex County Council had entered into a working joint partnership, known as the Quality Taxi Partnership ('QTP'). The QTP works with various agencies including the fire service who endorse the partnership aims. The QTP works to the governments National Indicators of NI 7 promoting an Environment for a thriving third sector and NI 141 on number of people attaining independent living.
2. On the 2nd September 2010 one of the first open meetings was convened at Civic Offices with the QTP and the Licensed taxi trade.
3. The partnership will meet on the 4th April 2011. The team discuss taxi issues and a report of the outcome will be given at the meeting
4. The Licensing Service has been funded again this year with the amount of £1,000 which was given to EFDC by Essex County Council QTP to supply booklets and maps for licensed drivers

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Report to Full Licensing Committee

Report reference: LSC-012-2010/11

Date of meeting: 13th April 2011



**Epping Forest
District Council**

Portfolio: Safer and Greener

Subject: Review of the Licensing Conditions for Taxis

Officer contact for further information: Alison Mitchell – Assistant Director (Legal)

Democratic Services Officer: Adrian Hendry (01992 – 564246).

Recommendations/Decisions Required

- 1. To consider the proposed changes to the Licensing Conditions, and**
- 2. Agree for a consultation to be carried out.**

Report

1. Officers have reviewed the licensing conditions for taxis and would wish to propose a number of minor amendments. If members of the Committee agree to this then a consultation exercise will be carried out with members of the trade and interested parties.

Reason for Proposed Decision

2. This is part of a periodic review of licence conditions.

Report:

4. There are five types of licence conditions which are the subject of the review:
 - Hackney Carriage Drivers Licence
 - Hackney Carriage Vehicle Proprietors licence
 - Private Hire Vehicle Driver's Licence
 - Private Hire Vehicle Licence
 - Private Hire Vehicle Operators Licence
5. The changes to the main licence conditions are set out below:

Hackney Carriage Drivers Licence and Private Hire Vehicle Driver's Licence

6. The following new conditions have been added:
 - A prohibition against using the central door locking system whilst carrying only adults
 - The driver must not drive a vehicle unless the licence plate is displayed and is legible
 - The driver must not drive a vehicle unless he/she is satisfied that there is a current insurance policy.
 - The driver must take reasonable precautions for the safety of passengers entering

- and leaving the vehicle and ensure that seat belts and child restraints are used.
- If requested the driver must provide a receipt for a fare
- A driver must notify the Council of any medical condition that arises during the term of the licence which affects his/her ability to drive

Hackney Carriage Vehicle Proprietors Licence and Private Hire Vehicle Licence

There have been some changes to these conditions. The main changes are:

- A condition that the driver must submit his/her vehicle for inspection before the grant and renewal of the licence. This would happen in any event but it is included for the information of the applicants.
- The Advertising condition has been changed to allow advertising on the headrests as well as the side of the cars and to expand on the categories of advertising that the Council can ask to be removed.
- A requirement has been added that the licence holder must notify the Council of any change of address

Private Hire Vehicle Operators Licence

There have been no substantive changes made to the Private Hire Operators Licence.

Resource Implications:

None...

Legal and Governance Implications:

Safer, Cleaner and Greener Implications:

The Council Plan 2006 – 2010 – As Safe Community

Consultation Undertaken:

None.

Background Papers:

None

Impact Assessments:

Risk Management

N/A

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

No

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

None

HACKNEY CARRIAGE DRIVER'S LICENCE CONDITIONS (These will form part of the Knowledge Test)

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages and drivers in its district. All applications that fall outside these conditions will be referred to the licensing sub-committee for determination and may incur additional costs to be paid by the applicant.

Conduct of Driver

1. The licence holder shall not permit any person to drive a vehicle licensed as a Hackney Carriage without a Hackney Carriage Driver's Licence. The license holder shall require the driver to produce that Licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.
2. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;
 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles;
 - (d) not apply the centralised locking system when carrying adult passengers.
3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
4. The driver of a Hackney Carriage who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
6. The driver of a Hackney Carriage, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
7. The driver shall not drive a vehicle that is a Hackney Carriage unless it is properly displaying the licence plate and it is clear and legible and all times.

Badges

8. A driver shall, at all times, display his/her badge so that it is clearly visible.

9. The driver will return their badges to the Licensing Section upon the expiry, revocation or suspension of their licence.
10. After the expiry date shown on any drivers licence that is no longer valid any badge must be returned to the Licensing Section immediately.
11. A Licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

12. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Hackney Carriage.
13. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
14. The driver of a Hackney Carriage shall produce his/her Licence on request for inspection by an authorised officer of the Council, or any police officer

Passengers and Luggage

15. A driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate.
16. Once a Hackney Carriage has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
17. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person;
18. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also to ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

19. The driver of a Hackney Carriage shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 24 hours, to his/her operator. If the driver has no operator then the matter must be reported to the nearest Police Station as soon as possible and in any case within 24 hours of the finding.

Animals

20. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.

21. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity.

22. A driver shall only be exempt from condition 21 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position.

Fares

23. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.
24. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle.
25. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Hackney Carriage

26. No driver, licensed or otherwise, shall act as a Hackney Carriage driver without the consent of the owner of the Hackney Carriage.
27. A driver shall not leave his Hackney Carriage unattended in a public place, the Police being authorised to tow it away under such circumstances.
28. A driver shall not obstruct or hinder another Hackney Carriage driver in any way.

Medical Conditions

29. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

30. In the event that a Licence holder is charged or summoned for any alleged criminal offence, then he/she shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.
31. In the event that a licence holder is convicted of any criminal offence, or has an official caution administered, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**

32. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the Licence holder's DVLA driving licence, that Licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

LICENSING/WEBSITE/NEW TAXI LICENCE FORMS 2011/HACKNEY CARRIAGE DRIVERS LICENCE CONDITIONS

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS (Will form part of the Knowledge Test)

Epping Forest District Council is the licensing authority in respect of Hackney Carriages. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of hackney carriages in its district. All applications that fall outside these conditions will be referred to the Licensing Sub-Committee for determination and may incur additional costs to be paid by the applicant.

VEHICLE LICENCE

Term of Licence

1. A Hackney Carriage Vehicle Licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned to the Council on termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Hackney Carriage plate. The plate must be kept clean.
5. A Hackney Carriage shall display a roof sign capable of being illuminated, and showing to the front and rear the word "TAXI", the light for which can be extinguished when the vehicle is under hire. London style taxis with signs forming an integral part of the roof are exempt from the regulation.
6. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.

Vehicle Specification

7. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:
 - (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
 - (b) The centralised locking system should not be applied when carrying adult passengers.
 - (c) Seats with a minimum width of not less than 43cm per person.
 - (d) Accommodation for not less than four passengers.
 - (e) Be capable of carrying a wheelchair in a reasonable manner.

- (f) The vehicle shall have a minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre or run flat type of tyre, jacking equipment and wheel brace.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment which shall be kept in position at all times. This condition shall not apply to people carriers or multi purposes vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) The vehicle should not be driven unless the driver's badge is clearly displayed.

Vehicle Inspections

- 8. The proprietor shall submit the vehicle for inspection on first application for a licence and for every renewal.
- 9. If the vehicle is less than five years old the proprietor of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date when the licence is issued at premises that are approved by the Council.
- 10. If the vehicle is over five years old the driver of a Hackney Carriage vehicle shall submit the vehicle for mechanical and/or such other inspection every four months after the date that the licence was issued at premises that are approved by the Council.
- 11. The Council may require a vehicle to be inspected at any other time.
- 12. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

- 13. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Hackney Carriage, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

14. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

15. The inside and outside of a Hackney Carriage vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

16. A Non Halon Fire Extinguisher conforming to BS5423 shall be carried and be readily available for use.

Change of Address

17. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Failure to comply with any of the conditions will result in a referral to Licensing Sub Committee for consideration of suspension or revocation of licence.

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PRIVATE HIRE DRIVER'S LICENCE CONDITIONS (Will form part of the Knowledge Test)

Epping Forest District Council is the licensing authority in respect of Private Hire Driver's licences. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district. All applications that fall outside these conditions will be referred to the Licensing Sub-Committee for determination and may incur additional costs to be paid by the applicant.

Conduct of Driver

1. No person shall drive a vehicle licensed as a Private Hire Vehicle without a Private Hire Vehicle Driver's Licence which must be renewed annually. The holder shall also produce that licence for examination by the proprietor of the vehicle, both at the commencement of his/her employment and immediately after its renewal.
2. The driver must:
 - (a) be clean, respectable and act with civility towards every person travelling in the vehicle and shall comply with their reasonable requirements;

NB. Minimum standards of dress prohibit the wearing of vests or singlets. Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.

 - (b) not smoke in the vehicle at any time even when the vehicle has no passengers;
 - (c) take all reasonable precautions to ensure the safety of persons travelling in or alighting from such vehicles.;
 - (d) not to apply the centralised locking system when carrying adult passengers.
3. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his/her fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
4. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
5. When picking up the hirer, the driver shall make his/her presence known in person and shall not attract the hirer's attention by sounding the car horn, shouting or making any other disturbing noise.
6. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
7. The driver shall not drive a vehicle that is a Private Hire Vehicle unless it is displaying a licence plate and it is clear and legible at all times.

Badges

8. A driver shall, at all times, display his badge so that it is clearly visible.
9. The driver will return their badges to the Licensing Section upon the expiry, revocation or suspension of their licence.
10. After the expiry date shown on any drivers licence that is no longer valid any badge must be returned to the Licensing Section immediately.

11. A licence holder, on changing his/her address shall notify the Council of such a change within seven days.

Insurance /MOT/ Licence.

12. The driver is responsible for ensuring that any vehicle in his/her charge is insured for use as a Private Hire Vehicle.
13. The appropriate MOT Certificate and insurance documents covering the use of that vehicle and driver shall be produced within seven days when required by the Council. A copy of these documents shall also be carried on the vehicle and must be produced on request by an authorised officer of the Council or a police officer.
14. The driver of a Private Hire Vehicle shall produce his/her licence on request for inspection by an authorised officer of the Council, or any police officer.

Passengers and Luggage

15. A driver shall not carry or permit to be carried in his/her vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle and must not refuse to carry fewer persons than the number marked on the plate
16. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the CONSENT of the first hirer.
17. Adequate luggage facilities must be provided, ensuring its safety and the driver shall, when requested by the hirer:
 - (a) afford reasonable assistance in loading and unloading such luggage;
 - (b) afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he/she may take up or set down such person.
18. A driver must take reasonable precautions to ensure the safety of persons entering or alighting from the vehicle and also ensure that the relevant legislation regarding seat belts and child restraints are complied with.

Lost Property

19. The driver of a Private Hire Vehicle shall immediately after the termination of the hiring search the vehicle for any property, which may have been accidentally left therein. The driver shall on finding such property, carry it as soon as possible and in any case within 48 hours, to his/her operator.

Animals

20. Any animal belonging to or in the custody of any passenger can be conveyed in a licensed vehicle at the driver's discretion.
21. Any driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a person to accompany him or her in the vehicle will have a duty to:-
 - (a) convey the disabled passenger's dog and allow it to remain with the passenger; and
 - (b) not make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with physical impairment and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of a charity or has some other form.

22. A driver shall only be exempt from condition 20 on medical grounds and on having obtained an exemption notice from the Council. The notice of exemption shall be displayed in a prominent position

Fares

23. The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring.
24. Where a tariff is enforced, a tariff card shall be displayed on the inside of the vehicle in such a position as is plainly visible to persons travelling in the vehicle.
25. If requested, the driver shall provide the hirer with a written receipt for the fare paid.

Use of Private Hire Vehicle

26. No driver, licensed or otherwise, shall act as a Private Hire Vehicle driver without the consent of the owner of the Private Hire Vehicle.
27. A driver shall not leave his Private Hire Vehicle unattended in a public place, the Police being authorised to tow it away under such circumstances.
28. A driver shall not obstruct or hinder another Private Hire Vehicle driver in any way.
29. Private Hire Vehicles may not wait on any stand designated for the use of Hackney Carriages.

Medical Conditions

30. The driver shall notify the Council in writing of any medical condition that arises after the issue of the licence that may affect their ability to drive safely.

Criminal Convictions

31. In the event that a licence holder is charged or summoned for any alleged criminal offence, then he shall within seven days of being charged or on receipt of the summons (as the case may be) report the fact, in writing, to the Licensing authority, giving particulars of each alleged offence and in which court the proceedings are pending.
32. In the event that a licence holder is convicted of any criminal offence or has an official caution administered to them, he/she shall within seven days of such conviction report such conviction in writing to the Council, and give particulars of each conviction and any penalty points imposed in respect of it. **All driving offences shall be reported to the Council (this also includes a totting up of points.)**
33. Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA driving licence, that licence must be produced to the Council within seven working days of its return from the DVLA or a Court or a Fixed Penalty Office, following the endorsement of the offence thereon.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

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PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Epping Forest District Council is the licensing authority in respect of Private Hire Vehicles. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of Private Hire Vehicles in its district. All applications that fall outside these conditions will be referred to the Licensing Sub-Committee for determination and may incur additional costs to be paid by the applicant.

VEHICLE LICENCE

Term of Licence

1. A Private Hire Vehicle licence shall be renewed annually unless the Council has agreed a shorter term.

Signs

2. A plate, bearing the number of the licence and the number of passengers for which the vehicle is licensed, shall be displayed in a vertical position, and fixed firmly to the outside of the vehicle close to the rear number plate. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence. The plate must be returned on the termination of the licence.
3. Window signs, as supplied by the Council, shall be displayed on each passenger window of the vehicle.
4. A licence holder shall not, and must ensure that the driver does not conceal from public view or deface the Private Hire Vehicle plate. The plate must be kept clean.
5. The trade name, address and telephone number of the operator may be displayed on the doors of the vehicle and/or on a maximum three inches depth advertisement panel in the rear window in a position not restricting rearward vision.
6. There shall be **no** display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in the singular or plural and whether alone or part of another word nor the word "FOR HIRE" in any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up passengers wishing to hire it or would be available if not already hired.

Vehicle Specification

7. All vehicles shall be in satisfactory mechanical order and body condition and in operational order in every respect. Vehicles shall have:
 - (a) A minimum of four doors, each adjacent to a seat and capable of being opened from the inside of the vehicle. All vehicle doors must be either front hinged or sliding.
 - (b) Centralised locking of the doors should not be applied when carrying adult passengers.
 - (c) Seats with a minimum width of not less than 43cm per person.
 - (d) Accommodation for not less than four passengers.

- (e) Be capable of carrying a wheelchair in a reasonable manner.
- (f) The vehicle shall have a minimum headroom of five feet.
- (g) An adequate heating system for the passengers.
- (h) Internal panelling or trimmed with such materials as would be suitable for passenger comfort and sound insulation.
- (i) A serviceable spare tyre or run flat type of tyre, jacking equipment and wheel brace.
- (j) Adequate luggage facilities and either have a separate luggage compartment or a fixed screen (of sufficient construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment shall be kept in position at all times. This condition shall not apply to people carriers or multi-purpose vehicles.
- (k) Be equipped with fully functional nearside and offside exterior rear view mirrors.
- (l) Vehicles should not be driven unless the Driver's Badge is clearly displayed.

Vehicle Inspections

- 8. The licence holder shall submit their vehicle for inspection on first application and on every renewal.
- 9. If the vehicle is less than five years old the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection six months after the date that the licence is issued at premises that are approved by the Council.
- 10. If the vehicle is over five years the driver of a Private Hire Vehicle shall submit the vehicle for mechanical and/or such other inspection every four months from the date when the licence is issued at premises that are approved by the Council.
- 11. The Council may require a vehicle to be inspected at any other time.
- 12. The interim inspection reports must be submitted when renewing the vehicle licence.

Accidents

- 13. Without prejudice to any statutory duty imposed under the Road Traffic Acts, the proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within seventy two hours of the occurrence of any accident causing damage which materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried in the vehicle. The licence holder must present the vehicle for inspection immediately if required by the Council. In the event that the vehicle fails an examination for serious body damage or mechanical defects it shall be subject to prohibition by written notice for use as a Private Hire Vehicle, until such time as the defect has been corrected to the satisfaction of the Council.

Advertising

14. Third party advertising is permitted on the doors and internally on the back of the seat headrests subject to the Council retaining the right to request removal of any particular advertisement that is considered to be offensive, harmful to health or considered unsuitable.

Condition of the Vehicle

15. The inside and outside of a Private Hire Vehicle shall be kept clean and free from damage, well maintained and in every way fit for public service.

Safety Equipment.

16. A Non Halon Fire Extinguisher conforming to BS5423 shall be carried and be readily available for use.

Change of Address

17. The proprietor shall notify the Senior Licensing Officer in writing of any change of address during the licensing period within seven days of such change taking place.

Failure to comply with any of the conditions will result in a referral to the appropriate officer of the Council or to the Licensing Sub Committee for consideration of suspension or revocation of licence.

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Epping Forest District Council

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Epping Forest District Council ('the Council') is the licensing authority in respect of Private Hire Operator Licences. On granting a licence it will impose the following conditions which it considers are reasonably necessary for the regulation of Private Hire Operators in its district. All applications that fall outside these conditions will be referred to the licensing sub-committee for determination and may incur additional costs to be paid by the applicant.

Records

1. The operator must keep records of private hire bookings and of drivers and vehicles available to the operator and these shall be kept as follows:-
 - (a) Records must be kept in a form which gives easy access for inspection, e.g., in a bound book or if a booking is made by computer, a print out of each day's bookings, or bookings kept in computerised form so that the records can easily be made available for inspection by an authorised officer of the Council or Police Officer. Records must be kept for at least one year;
 - (b) The operator shall keep at each Operating Centre, records of the Private Hire Vehicle drivers and vehicles (including a copy of their licence) available to the operator for carrying out bookings accepted at that centre.
 - (c) All records must be made and retained in written or electronic form and securely stored.
 - (d) Records of each hiring must contain the following details:
 - Date and time booking made
 - Name of hirer
 - Name of principal passenger (if different from above)
 - Agreed time of pick-up
 - Agreed place of pick up
 - Destination(s) specified at time of hiring by the hirer(s)
 - Identity of vehicle undertaking the hiring (vehicle registration or Private Hire Vehicle licence number)
 - Name and licence number of the driver undertaking the hiring
 - Fare quoted to hirer (if requested when hired)
 - Time and date of journey (if different from date of booking)
 - Whether the booking was sub-contracted; if so, the name of the sub-contractor, the Licensing Authority and the operator licence number.
 - (e) Records of the Private Hire Vehicle driver(s) used by the operator must contain the following details:
 - Full name of driver
 - Date of birth
 - Address (normal place of residence)
 - Date driver became available to operator
 - Category of vehicle for which eligible to drive

- Private Hire Drivers licence number
- Date driver ceased to be available to the operator

(f) Records of the Private Hire Vehicle used by the operator must contain the following details:

- Manufacturer, model and colour
- Registration number
- Private Hire licence/plate number
- Registered owner name and address (on registration document)
- Date when vehicle became available to operator
- Copy of current valid certificate of insurance
- Date vehicle ceased to be available to the operator.
- Service history of each vehicle including details of any modifications thereto and details of all accident repairs.

Operation Centre

2. The operator shall notify the Council of any changes to the information supplied on the application form, eg change of address or telephone number, must be notified to the Council within two weeks of the change.
3. Operators will be required to notify the Council of the name of the person responsible for the day-to-day running of each Operating Centre named on the licence, and of any changes.
4. Operators shall display a copy of their licence at the Operating Centre in a position that is accessible to members of the public
5. Operators must display on public view, at Operating Centres with public access, evidence of their public liability insurance and must provide the Council with copies on request.
6. Operators must indicate clearly at the Operating Centre or within any letter head, advertising or promotion of their service, that the service provided is in respect of pre-booked journeys only.

Fares

7. Details of fare tariffs should be available to members of the public and displayed on public view at the Operating Centre or made available upon request.
8. Fares will be in accordance with the operator's advertised table of fares, unless otherwise agreed with the hirer at the time of booking.
9. The operator should give details of the fare for a particular hiring to the hirer when the booking is being made, If requested by the hirer.

General

10. Operators shall not employ or otherwise engage, whether directly or indirectly, any vehicle that has not been licensed by the Council or a driver who does not have a valid licence, for any bookings.
11. Operators shall only accept booking at an authorised Operating Centre.
12. Operators shall only sub-contract bookings to a licensed operator.

13. Operators must establish a complaints procedure, ensuring that all complaint records include the driver's name, nature of complaint, details of complainant and action taken.
14. Operators must establish a procedure for dealing with client's property lost or found in a Private Hire Vehicle operated by them or under contract to them. This should include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing lost property.
15. Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to a breach of the licence conditions.
16. Details of any conviction incurred by the licensee during the currency of the licence must be reported in writing to the Council within two weeks of the date of the conviction.

Failure to comply with the conditions will result in a referral to the appropriate officer of the Council or the Licensing Sub Committee for consideration of suspension or revocation of licence.

LICENSING/WEBSITE/NEW TAXI LICENCE FORMS 2011/PRIVATE HIRE OPERATORS LICENCE CONDITIONS

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