



Licensing Sub-Committee Tuesday, 1st August, 2017

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

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 1st August, 2017
at 10.00 am .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

J Leither (Direct Line 01992 564756)
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors R Morgan (Chairman), K Chana, J Jennings and C P Pond

PLEASE NOTE THE START TIME OF THE MEETING

1. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

2. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 8)

(Director of Governance) To note the Procedure for the Conduct of Business, as attached.

4. VARIATION OF AN EXISTING PREMISES LICENCE FOR EIGHT ROCKS DELI AND WINE, 238 HIGH ROAD, LOUGHTON IG10 1HA (Pages 9 - 48)

(Director of Neighbourhoods) To consider the attached report and documents.

5. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt

information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Licensing Committee - Terms of Reference

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- (2) For the functions set out in Appendix 1, and the legislation listed in Appendix 2, a Subcommittee consisting of no more than any three Councillors drawn from the members of the full Committee shall be formed. Any such Subcommittee shall include, by rota, one of the six Licensing Subcommittee Chairmen appointed at each Annual Council meeting.
- (3) The Quorum for the Committee is set out in the Rules set out in Part 4 of this Constitution save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Subcommittees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Subcommittees shall be further empowered to determine appeals made against the decisions of the Director of Neighbourhoods taken under delegated authority on licensing applications. (See Council delegation schedule for more details)
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Appendix 3 (Conduct of Business by Licensing Committee and Subcommittees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Appendix 2 to this Article.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

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

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Gambling Act 2005
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Pet Animals Act 1951
Pet Animals Act 1951 (Amendment) Act 1983
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
Scrap Metal Dealers Act 2013
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUBCOMMITTEES

All references to committee in this annex shall be taken to infer a reference to the associated subcommittees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.
- 3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Subcommittee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

4. Attendance of the Public

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

- 5.1 There are two elements to natural justice:

(a) Fairness

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

- 6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:

- (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
- (ii) The Chairman will outline the procedure to be followed.
- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

Report to the Licensing Committee

Date of meeting: 1st August 2017

Subject: Application to vary a premises Licence for Eight Rocks Deli And Wine, 238 High Road, IG10 1HA

**Responsible Officer: Handan Ibrahim
Licensing Compliance Officer**

Democratic Services: Jackie Leither



**Epping Forest
District Council**

Recommendations/Decisions Required:

To determine the application for a variation of an existing Premises Licence under the Licensing Act 2003

Report:

Application

1. An application has been made by Eight Rocks LTD, the Premises Licence Holder for a variation to the premises licence for the above premises. The authority received the application on 16TH June 2017. The application sets out [the varied licensing activities applied for and times requested]. A copy of the present licence for the premises, detailed plans, the application for variation; public notice and newspaper advertisement are attached.
2. The applicant is requesting the following Licensable Activities:

Recorded Music -	Monday - Sunday	07:00-23:00
Supply of alcohol -	Monday - Sunday	09:00-23:00
3. Section [E, F& J] of the application for variation amends the Operating Schedule of the premises licence [and sets out some new conditions which will be attached to the licence if this application is granted.

Licensing Act 2003

4. When considering an application for a licence the licensing authority must have regard to the promotion of the licensing objectives.
These are—
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
5. It must also have regard to its Statement of Licensing Policy and any guidance issued by the Secretary of State.

Consultation

6. The Responsible Authorities have received a copy of the application, it was properly advertised at the premises and in a local newspaper
7. The authority has received two representations one from Loughton Town Council and one from a local resident. Mr Peter Jones (Epping & Brentwood Local Police Licensing Officer) has requested conditions to be added to the licence which has been agreed by the applicant, this is attached.
8. The representations relate to: The prevention of Crime and Disorder, The prevention of Public Nuisance and The protection of children from harm.

Guidance Issued by the Secretary of State

9. The Licensing Act 2003 provides that the licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182.
10. Sections 2.1-2.6, 2.15-2.21 and 2.22-2.31 of the Guidance are relevant to this application.

Options

11. In determining this application the Sub-Committee may take any of the following steps as it considers necessary for the promotion of the licensing objectives, namely:
 - to modify the conditions of the licence; or
 - to reject the whole or part of the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

Determination

The Sub-committee is asked to determine the application having regard to

- (a) the content of this report and representations;
- (b) any additional information obtained from the hearing;
- (c) the Council's statement of licensing policy;
- (d) Guidance issued by the Secretary of State; and
- (e) the steps appropriate to promote the licensing objectives.

Appeal

If any party is aggrieved with the decision they can appeal to Magistrates court. The appeal period is 21 days from notification of the decision.

Background Papers Used In Preparing This Report:

- The Licensing Act 2003
<http://www.legislation.gov.uk/ukpga/2003/17/contents?view=plain>
- The Secretary of State's Guidance issued under Section 182 Licensing Act 2003
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>
- Epping Forest District Council's statement of licensing policy.
<http://www.eppingforestdc.gov.uk>

Attached documents

- A copy of the premises Licence
- Application for premises licence
- Detailed Plans
- Copy of the notice
- Newspaper advert
- Representation from Loughton Town Council and local resident
- Agreed conditions from Mr Peter Jones (police licensing officer)
- Map showing the area

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PREMISES LICENCE

Part A



Premises licence number:

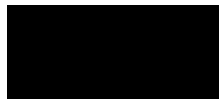
LN/000001759

Part 1 – Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:	
Eight Rocks Deli And Wine 238 High Road	
Post Town: Loughton	Post code: IG10 1RB
Telephone number: 0208 5087838	
Where the licence is time limited the dates: N/A	
Licensable activities authorised by the licence: The sale of alcohol	
The times the licence authorises the carrying out of licensable activities: Monday – Saturday 12:00hrs – 20:00hrs Sunday 12:00hrs – 19:30hrs	
The opening hours of the premises: Monday – Saturday 07:30hrs – 20:00hrs Sunday 07:30hrs – 19:30hrs	
Where the licence authorises supplies of alcohol whether these are on and / or off supplies: On	
Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence: Eight Rocks LTD [REDACTED]	
Registered number of holder, for example company number, charity number (where applicable): 10597564	

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Jana Chetaru



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:



Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule:

The Prevention of Crime and Disorder

- The premises shall install and maintain a comprehensive CCTV system covering the internal and external of the premises. It will also cover all entry and exit points enabling full frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public and during all times when customers remain on the premises. All recordings will be kept in an unedited format for a period of not less the 28 days with time and date stamping. Recording shall be made available immediately upon lawful request of Police, Local Authority or Trading Standards. Download or export of CCTV should be in the native file format with the native player
- A staff member from the premises who is conversant with the operation of the CCTV system shall be available at all times when the premises are open to the public. This staff member must be able to show Police, Local Authority or Trading Standards recent data or footage with the absolute minimum of delay
- No spirits shall be available for sale or consumption on the premises
- Staff will not sell alcohol to intoxicated customers
- Staff will be trained to monitor anti social behaviour
- Licensing Hours will be clearly displayed on the premises

Public Safety

- Fire escapes, electrical and all installations will be in good working order and maintained to that effect

Prevention of Public nuisance

- Customers will be reminded to be respectful of residents and notices will be displayed to this effect
- Noise levels will be monitored by staff
- There will be no late deliveries

The Protection of children from harm

- The premises shall operate a Challenge 25 age verification policy. Any person who appears to be under the age of 25 shall be asked to produce photographic identification to prove they are 18 or over. Failure to produce will result in service being refused. Acceptable forms of photographic identification include:
 - i. Passport,
 - ii. Photo-card Driving Licence,
 - iii. Photographic ID bearing the 'PASS' hologram
- A record of alcohol refusals will be kept in a log book
- Challenge 25 verification policy signs will be displayed

Annexe 3 – Conditions attached after a hearing by the licensing authority:

N/A

Annexe 4 – Plans:

Plans held at Epping Forest District Council



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We EIGHT ROCKS LTD
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under Section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/000001759

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>EIGHT ROCKS DELI AND WINE</u> <u>238 HIGH ROAD</u>			
Post town	<u>Loughton</u>	Postcode	<u>IG10 1HA</u>
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	<u>£29,500</u>		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

Part 3 – Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

WE WILL BE OPERATING AS A DELI/COFFEE SHOP IN THE MORNING AND DAYTIME AND AS A RESTAURANT/CAFE IN THE EVENING. WE HAVE ABOUT 40 COVERS INSIDE RESTAURANT AND ANOTHER 12 OUTSIDE TERRACE.

WE WILL MAINLY SELL ALCOHOL TO BE CONSUMED WITH MEAL BUT IF SOMEBODY LIKES OUR WINE, BEER OR CIDER, WE WOULD LIKE TO SELL IT FOR CONSUMPTION OFF PREMISES AS WELL. WE WOULD NOT OPERATE AS OFF LICENCE, BUT THAT WOULD BE AS AN EXTRA SERVICE FOR OUR REGULAR CUSTOMERS, AS WE WILL SELL SELECTED WINES WHICH ARE NOT AVAILABLE FROM HIGH STREET STOPS.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- (a) Plays (if ticking yes, fill in box A)
- (b) Films (if ticking yes, fill in box B)
- (c) Indoor sporting events (if ticking yes, fill in box C)
- (d) Boxing or wrestling entertainment (if ticking yes, fill in box D)
- (e) Live music (if ticking yes, fill in box E)
- (f) Recorded music (if ticking yes, fill in box F)
- (g) Performances of dance (if ticking yes, fill in box G)
- (h) Anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			<i>N/A</i>	Both	<input type="checkbox"/>	
				Please give further details here (please read guidance note 4)		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 5)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon			N/A		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details here</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<i>N/A</i>
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur			
Fri			<u>Non standard timings. you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 4)</u>	Both	<input type="checkbox"/>
Tue			N/A		
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
			N/A		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	7:00 7:00	23:00	RECORDED MUSIC TO PLAY ON BACKGROUND OF CAFE.		
Tue	7:00	23:00			
Wed	7:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	7:00	23:00	N/A		
Fri	7:00	23:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	7:00	23:00	N/A		
Sun	7:00	23:00			

G

Performance of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon			N/A		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed			<i>N/A</i>		
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both</u> ✓ <u>please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	9 ⁰⁰	23 ⁰⁰	<p>State any seasonal variations for the supply of alcohol (please read guidance note 5)</p> <p>WE WILL MAINLY SELL ALCOHOL TO BE CONSUMED WITH MEAL BUT IF SOMEBODY LIKES OUR WINE, BEER OR CIDER, WE WOULD LIKE TO SELL IT FOR CONSUMPTION OFF PREMISES AS WELL. WE WOULD NOT OPERATE AS OFF LICENCE, BUT THAT WOULD BE AS AN EXTRA SERVICE FOR OUR REGULAR CUSTOMERS, AS WE WILL SELL SELECTED WINES WHICH ARE NOT AVAILABLE FROM HIGH STREET STOPS.</p>		
Tue	9 ⁰⁰	23 ⁰⁰			
Wed	9 ⁰⁰	23 ⁰⁰			
Thur	9 ⁰⁰	23 ⁰⁰			
Fri	9 ⁰⁰	23 ⁰⁰			
Sat	9 ⁰⁰	23 ⁰⁰			
Sun	9 ⁰⁰	23 ⁰⁰			
			<p>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)</p> <p>N/A</p>		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	7:00	23:00	N/A
Tue	7:00	23:00	
Wed	7:00	23:00	
Thur	7:00	23:00	
Fri	7:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 6) N/A
Sat	7:00	23:00	
Sun	7:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence

N/A

M – Describe the steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

(a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

*Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behaviour on the premises area
- c/ no violent and anti-social behaviour e/ no any harm to children

(b) The prevention of crime and disorder

- A CCTV system with recorded facility already installed
- no selling of alcohol to underage people
- Strong management controls and effective training of all staff
- Excellent interior and exterior lighting
- Ensure fire escapes in good working order
- Refuse to serve to intoxicated customers
- A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted
- Prevention and vigilance in illegal drug use at the retail unit area.

(c) Public safety

- Noise levels will be kept down
- Customers will be reminded to respect residents through the display of notices
- Internal and external lighting fixed to promote the public safety objective.
- Well trained staff adherence to environmental health requirements.
- Training and implementation of underage ID checks.
- All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

at all times in good order and in a safe condition.

(d) The prevention of public nuisance

- Noise levels will be kept down
- Customers will be reminded to respect residents through the display of notices
- The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- Customers will be asked not to stand around loudly talking in the street outside the premises.
- Customers will not be admitted to premises above opening hours.
- The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
- Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents

(e) The protection of children from harm

- "Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
- Well trained staff about requirement for persons' identification, age establishment etc.
- All the details provided in Training Record Book available the retail unit.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities And others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity

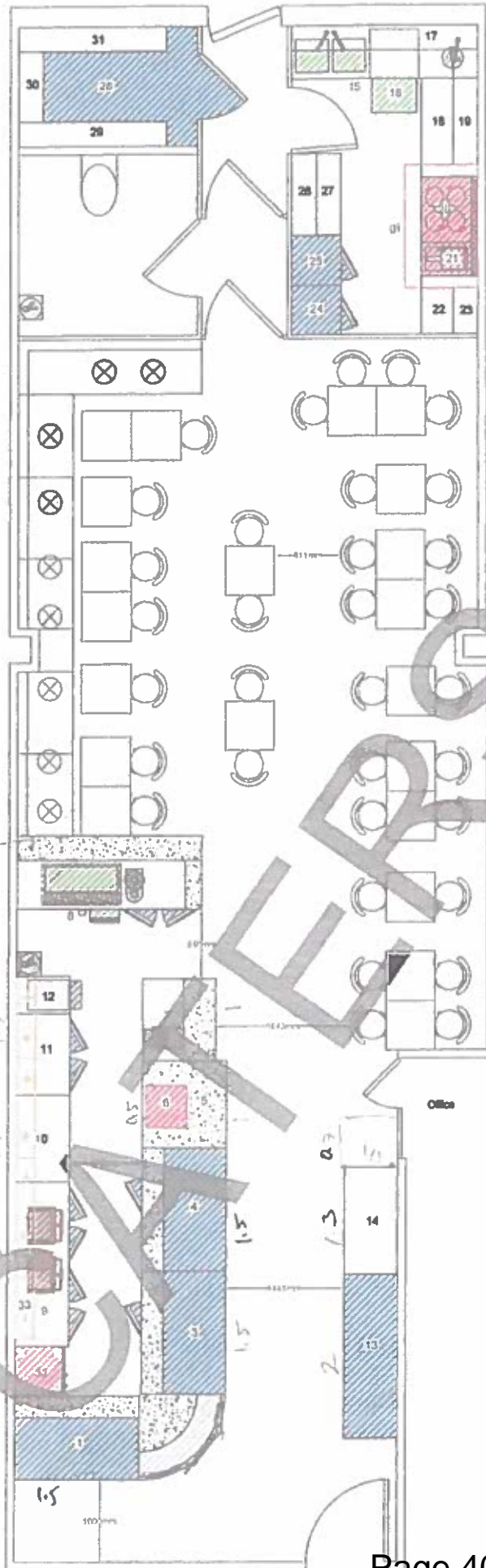
Signature	
Date	15/06/2017
Capacity	DIRECTOR

Where the premises licence is jointly held, signature of second applicant (the current premises licence holder) or second applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by email, your email address (optional)			



Client: Aron Motor, Ltd
Company: CAPEVILLE AS
Drawn By: Eran Hosen
Date: 31/05/13

FOR THIS PROJECT CAPEVILLE AS IS PROVIDING LEGAL PROTECTION
 AGAINST THE UNLAWFUL REPRODUCTION, DISTRIBUTION AND SALE OF THIS
 DRAWING. THIS DRAWING IS TO BE USED BY THE CLIENT FOR THE PROJECT
 ONLY. ANY REPRODUCTION OR SALE OF THIS DRAWING WITHOUT THE
 WRITTEN CONSENT OF CAPEVILLE AS IS STRICTLY PROHIBITED.

THIS DRAWING IS NOT A CONTRACT. THE CONTRACT IS SET OUT IN THE
 EQUIPMENT LIST.

Equipment:

- 1) 1.5m Servoover display Fridge
- 2) 90° External Corner Table with Perspex Screen
- 3) 1.5m Servoover display Fridge
- 4) 1.5m Servoover Display Fridge
- 5) 1m Low Service Counter
- 6) 500mm wide Electric Hot Plate
- 7) 1m High Bar Counter
- 8) 1.5m High Bar Counter with coffee knockout drawer, 2 door fridge and cup dispenser
- 9) 2 Stainless Steel 3.6 door back bar refrigerator
- 10) 1.5m Stainless Steel Back Bar Counter with 2 adjustable shelves
- 11) 1.5m Back Bar Counter with 2 door freezer on the left and space for an undercounter ice machine
- 12) Stainless Steel Ice Maker Machine
- 13) 2m Dairy Cabinet
- 14) 1.3m Stainless Steel Display with 6 ambient shelves
- 15) 2.3m Washing Up Station
- 16) Stainless Steel Dishwasher
- 17) 2.3m 2 Tier Wall Shelf
- 18) 1.4m Stainless Steel Prep Table
- 19) 1.7m 2 Tier Wall Shelf
- 20) 4 Hob Cooker with electric oven
- 21) Single Electric Fryer
- 22) 750mm Stainless Steel Prep Table
- 23) 500mm 2 Tier Wall Shelf
- 24) Stainless Steel Upright Freezer
- 25) Stainless Steel Upright Freezer
- 26) 1m 2 Tier Wall Shelf
- 27) 1m Stainless Steel Prep Table
- 28) Cold Room
- 29) 1.8m Shelving Unit
- 30) 750mm Shelving Unit
- 31) 1.8m Shelving Unit
- 32) Oven on racking
- 33) Wall Displays

Notice of Application for a Variation Premises Licence under the Licensing Act 2003

Notice is given this day **15/08/2017** that **Eight Rocks Ltd** of **Stallion Cottage, Epping Road, EN9 2DH** has applied to the Licensing office of **Epping Forest District Council** for a Premises Licence in respect of **Eight Rocks Deli and Wine, 238 High road, Loughton, IG10 1HA**

The proposed licence is for **change of opening hours: Monday-Sunday 7:00 until 23:00, change of hours for sale of alcohol: Monday-Sunday 9:00 - 23:00 and Recorded Music: Monday - Sunday 7:00-23:00**

The register of licensed premises is maintained at the Licensing Office of Epping Forest District Council, Civic Offices, High Street, Epping, Essex, CM16 4BZ. Applications for premises licences may be inspected at this office during office hours. Anyone wishing to oppose this application must give written notice to the Licensing Office within 28 days of this notice.

It is an offence knowingly or recklessly to make a false statement in connection with an application which could lead to a fine on summary conviction (maximum £5,000)

Notice of Application for a Variation
Premises Licence under the Licensing Act 2003

Notice is given this day 15/06/2017 that *Eight Rocks Ltd* of *Stallion Cottage, Epping Road, EN9 2DH* has applied to the Licensing office of Epping Forest District Council for a Premises Licence in respect of *Eight Rocks Deli and Wine, 238 High road, Loughton, IG10 1HA*.

The proposed licence is for a *change of opening hours: 07.00 until 23.00 Monday to Sunday, change of hours for the sale of alcohol: 09.00 until 23.00 Monday to Sunday and Recorded Music: Monday-Sunday 07:00-23:00.*

The register of licensed premises is maintained at the Licensing Office of Epping Forest District Council, Civic Offices, High Street, Epping, Essex, CM16 4BZ. Applications for premises licences may be inspected at this office during office hours. Anyone wishing to oppose this application must give written notice to the Licensing Office within 28 days of this notice.

It is an offence knowingly or recklessly to make a false statement in connection with an application which could lead to a fine on summary conviction (maximum £5000)



Epping Forest
District Council

Our ref: L.1.1/EKW



LOUGHTON
TOWN COUNCIL

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

Licensing Compliance Officer
Epping Forest District Council
Civic Offices
Epping CM16 4BZ
(Emailed to: licensing@eppingforestdc.gov.uk)

5 July 2017

Dear Sir/Madam

Notice of application to vary a premises licence under the Licensing Act 2003 in respect of Eight Rocks Deli & Wine, 238 High Road, Loughton IG10 1RB

I write to advise that the Planning and Licensing Committee considered this application at its meeting on 3 July 2017.

The Committee **OBJECTED** to this application on the grounds of the prevention of public nuisance. Members considered that a music licence from 7am to 11pm would be detrimental to the lives of the families in the flats above and nearby residential properties.

With regard to the supply of alcohol, members requested that a condition was imposed to ensure that this should only be served with meals to be drunk at tables inside the premises to prevent public nuisance.

Yours sincerely


Enid K Walsh
Town Clerk

Scott Crawford (Mr)

Loughton

25 June 2017

The Licensing Team
Epping Forest District Council
Civic Offices, High Street
Epping, Essex
CM16 4BZ

Dear sir or madam,

I write to object to the recent license application from Eight Rocks Ltd at 238 High Road in Loughton. I have several grounds for objection to the proposal:

- Prevention of crime and disorder,
- Prevention of public nuisance, and
- Protection of children from harm

Please note this location is closely surrounded by many residential properties, including several families such as mine, with young children. We know that evening drinking of the sort proposed will inevitably cause significant noise and disturbance to the residential neighbours as inebriated patrons leave the premises.

In this case we have the exacerbating circumstance of a request for recorded music as well. This will obviously cause a direct nuisance to the neighbours, but also is likely to change the character of the premises from a genuine deli/café into what is actually a pub or nightclub in disguise.

It is worth noting the many recent criminal acts of violence which forced police to take action against Luxe, further down the high road. There is clearly a violent criminal population which is within reach of Loughton and it makes no sense to invite them in with alcohol licensing and music into the late evening, which inevitably results in a rowdy, evening drinking establishment, rather than a café.

Please reject this proposal outright and stick to a policy which rejects any such music request or opening after 10 pm.

Thank you

Handan Ibrahim

From: Jana Chetraru <[REDACTED]>
Sent: 26 June 2017 11:56
To: Licensing Epping and Brentwood; Handan Ibrahim
Cc: Licensing
Subject: Re: Application to vary Premises Licence

Hello,

thanks for your e-mail. We are happy with these conditions.

On Mon, Jun 26, 2017 at 11:50 AM, Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.pnn.police.uk> wrote:

Good morning,

Further to your application I note the application states the premises will operate as a deli / coffee shop / restaurant / café. As such in order to control alcohol I request the following condition be added to your premises licence by consent:

- 1. For alcohol to be sold for consumption on the premises; the premises must operate as a restaurant:**
 - i. In which customers must be seated at a table;**
 - ii. Which provides substantial table meals that are prepared on the premises and are served and consumed at the table;**
 - iii. Where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.**
- 2. Service of alcohol shall be by waiter/waitress only.**
- 3. Alcohol sold for consumption off the premises must be sealed and wrapped.**

If you are happy for this to be added to the licence, please reply to myself and Epping Forest District Council.

Regards,

Peter

Peter Jones MIOL, ABII (7706)

Epping & Brentwood Licensing Officer

Epping Forest & Brentwood Local Policing Hub

West LPA

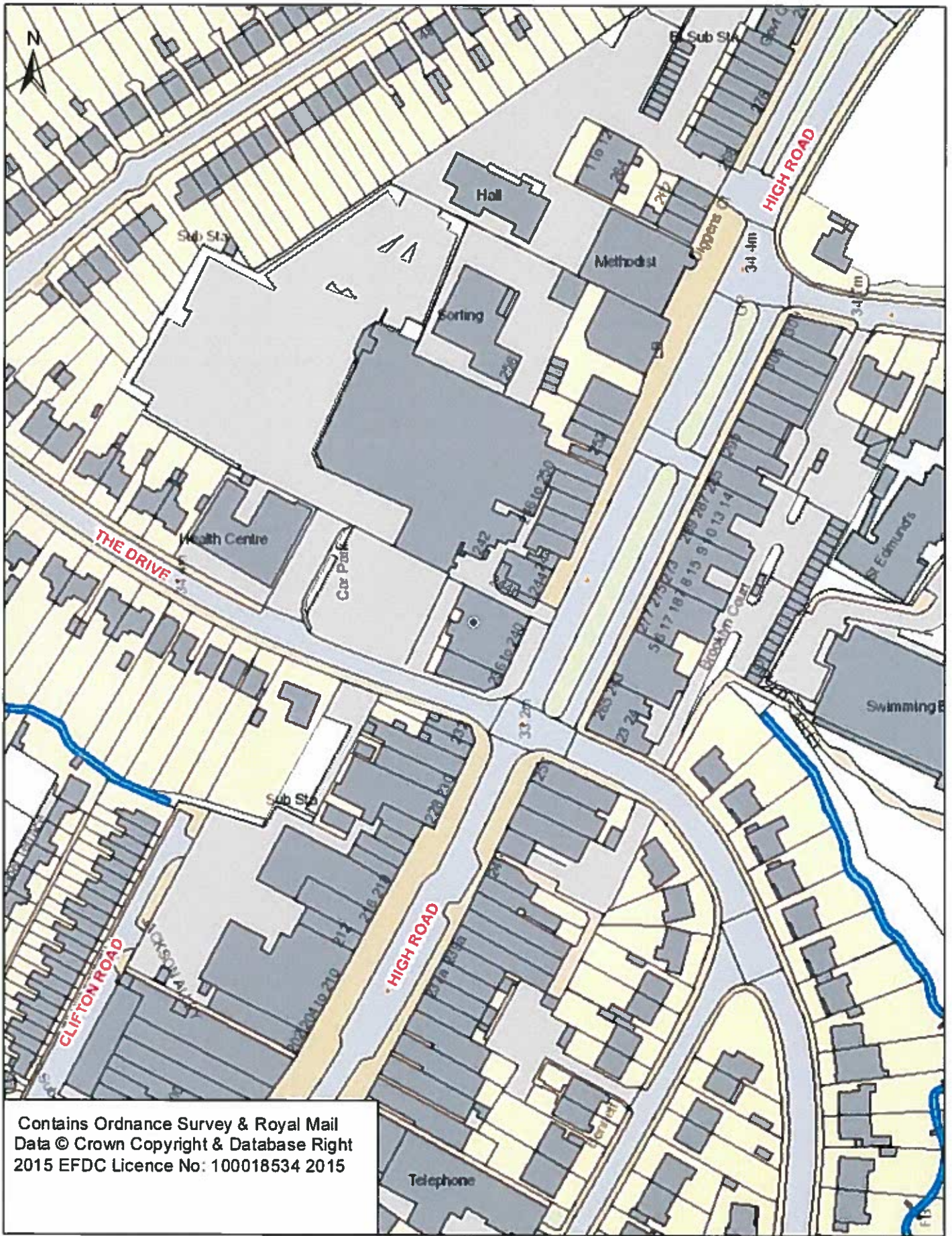
<http://www.essex.police.uk>

Loughton Police Station, 158 High Road, Loughton, Essex, IG10 4BE

To find out what is happening in your neighbourhood and all about your local neighbourhood policing team visit www.essex.police.uk/yourarea and enter your postcode.



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