

21 JUL 2010

Our Ref: L.1.1/VRM




**LOUGHTON**  
TOWN COUNCIL

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Ms Kim Tuckey  
Licensing Office (Corporate Services)  
Epping Forest District Council  
Civic Offices  
High Street  
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20<sup>th</sup> July 2010

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 extn 207

Dear Ms Tuckey

**Re: Epping Forest District Council's Licensing Policy – Consultation**

The Town Council's Planning and Licensing Committee considered this at its meeting on 5<sup>th</sup> July 2010.

The Chairman stated that the new Coalition Government had expressed an intention to revise the Licensing Act 2003 later in the current Session. Consequently members felt that the lifetime of the revision of Epping Forest District Council's Statement of Policy is likely therefore to be strictly temporary. However, the Committee AGREED on the following points below for submission to the District Council before the closure of this consultation on 31<sup>st</sup> July 2010 which are:

- The policy as drafted, both in its language and content, was much too favourable to the unrestricted grant of a licence. The Committee recognised this was partly a matter of law, but did not think the Policy's use of language was sufficiently cautious, particularly of residents' concerns, and went beyond what the Act envisaged.
- In paragraph 1.16, on line 3, omit "*the*" and insert "*any*", to read: "*...will be balanced against any wider benefits to the community.*" Then delete the entire last sentence which reads: "*When attaching conditions the Council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.*"
- In paragraph 1.24, where it says: "*A Councillor for the District may also make representations.*" This is ambiguous. Does this mean, "A District Councillor for the ward affected"? If so, it should say so. It would not be within the parameters of the Act if a Councillor for Ongar (say) could have a view on an application in (say) Buckhurst Hill.
- Omit paragraph 1.38, which reads: "*The Council recognises however, that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour that occur away from licensed premises. The Council recognise that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.*"
- In paragraph 1.39, on line 2, after "Act" insert "*may*" to read: "*...premises and events requiring a licence under the Licensing Act may provide and...*"

In paragraph 7, omit the first sentence on the supposed benefits of extended hours, which contention has now generally discounted. This sentence reads: *"The Council recognises that longer licensing hours may be in the interests of the community by avoiding concentrations of disturbance from customers leaving premises whilst ensuring that nuisance is minimised to local residents."*

In addition, the Committee welcomed the following mandatory conditions imposed by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (SI 2010/860) which came into force on 6th April 2010 that:

- a. It is a condition of every licence for alcohol consumption that tap water must be freely available on request.
- b. Lap dancing and similar activities are subject to the same licensing regime as sex establishments.

Finally, as regards the desirability of town and parish councils being able to make representations in their own right, this will obviously require further amendment of the Licensing Act. This is being pursued separately by relevant organisations.

Yours sincerely



Vivienne Messenger  
Administrative Assistant

To: [licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk)

## Comments on draft Statement of Licensing Policy

While we are happy with much of the document, there are a number of points where it appears over-favourable to licensees and fails to take proper account of the need to maintain and protect the Quality of Life of local residents.

Our detailed comments are as follows:

1.16 It is not clear what “disturbance is likely to be of limited extent” will mean in practice – is it the disturbance, or the number of households, which is “limited”? In other words, is it

- a) severe disturbance to one (or more) household?
- b) minor disturbance to one or more number of households?

We think that (a) is unacceptable under any circumstances, and that the Statement should make this clear.

1.26 The draft states that licence conditions should be imposed unless “other controls/legislation exist to provide sufficient protection” – this should instead read “other controls/legislation exist to provide sufficient *and effective* protection” (emphasis added), as the enforcement of such other controls/legislation may be moribund and – although sufficient if enforced – therefore ineffective.

1.32 While the first sentence of this paragraph is unexceptionable, the second sentence suggests that regulated entertainment and the general interests of the community are synonymous – we suggest adding at the end of the second sentence something along the lines of “or the Quality of Life of local residents is being adversely affected by nearby regulated entertainments”.

7 This paragraph refers to “stricter conditions with regard to noise control” being imposed “in the case of premises situated in largely residential areas”. We strongly urge an amendment so that it reads

“However, when issuing a licence in the case of premises situated in largely residential areas, stricter conditions are likely to be imposed with regard to noise control, *or opening hours are likely to be restricted to exclude the early hours of the mornings.*” (emphasis added).

In mainly residential areas, residents are disturbed by customers leaving after midnight, even if the customers leave relatively quietly and peacefully, because in the early hours of the morning - when everything else is largely quiet - the sounds of footfalls,

conversations and cars starting and driving off all sound much louder and therefore cause much greater disturbance to residents.

David Linnell

Chairman, Loughton Residents Association.

26 06 10

**About Loughton Residents Association**

Loughton Residents Association is a very active group of local residents who care for Loughton and its environment. Our membership is over 1,000 households, and we have been in existence for nearly 30 years. We are independent of any political party. We seek, and listen to, the views and concerns of Loughton residents and take action in support. We have councillors on the Loughton Town Council, Epping Forest District Council and Essex County Council and volunteers who represent us on many other groups. We have our own regular newsletters to residents and our own website, [www.loughtonresidents.co.uk](http://www.loughtonresidents.co.uk).

## Kim Tuckey - Consultation FAO K Tuckey

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**From:** Neil Sjoberg <[REDACTED]>  
**To:** <licensing@eppingforestdc.gov.uk>  
**Date:** 20/05/2010 13:10  
**Subject:** Consultation FAO K Tuckey

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Dear Mr Tuckey,  
I have read the consultation document you sent me and there is nothing I would query there.

From my experience I found the licensing officer and the magistrate very helpful and the whole process for me was very straightforward. However the licensing officer recommended me to use a solicitor which, frankly, was a terrible waste of everyone's time and my money. The solicitor got everything in a big muddle, went against my understanding and preparation of documents. In the end the magistrate dismissed her and spoke directly to me. Others I know had a similar experience.

I am happy to help in your consultation if it helps you to ask me specific questions I am very happy to try and answer them.

Neil Sjoberg  
Licensee  
The Epping Golf Course  
Flux Lane  
[REDACTED]

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Get a free e-mail account with Hotmail. Sign-up now.



Ground: Mill Plain  
Epping, Essex



30<sup>th</sup> May 2010

For the attention of:      K. Tuckey  
Senior Licensing Officer

With reference to the 'Statement of Licensing Policy', we have no comments on the consultation that you sent to us.

On behalf of Epping Foresters Cricket Club

Sue Petchey  
Club Secretary