

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Licensing Committee

The meeting will be held at **7.00 pm** on **28 September 2021**

Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.

Membership:

Councillors Gary Collins (Chair), Tony Fish (Vice-Chair), Qaisar Abbas, Chris Baker, Daniel Chukwu, Ben Maney, Fraser Massey, Augustine Ononaji, Shane Ralph, Kairen Raper, Sue Sammons, Graham Snell and David Van Day

Substitutes:

Councillors Abbie Akinbohun, Robert Gledhill, Tom Kelly and Steve Liddiard

Agenda

Open to Public and Press

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1. Apologies for Absence	
2. Minutes	5 - 8
To approve as a correct record the minutes of the Licensing Committee meeting held on 3 February 2021.	
3. Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972	
4. Declaration of Interests	

5.	Applications Received	9 - 18
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Queries regarding this Agenda or notification of apologies:

Please contact Kenna Victoria Healey, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **20 September 2021**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Licensing Committee held on 3 February 2021 at 7.00 pm

Present: Councillors Gary Collins (Chair), John Allen, Alex Anderson, Chris Baker, Tony Fish, Steve Liddiard, Ben Maney, Fraser Massey, David Potter, Shane Ralph, Joycelyn Redsell, Sue Sammons and David Van Day

Apologies: Councillors Qaisar Abbas (Vice-Chair) and Sue Shinnick

In attendance: Paul Adams, Licensing Manager
Simon Scowther, Legal Adviser
Kenna-Victoria Healey, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting was being live streamed to the Council's online webcast channel.

At the start of the meeting the Chair of the Committee asked those present to give a minute silent for Captain Sir Tom Moore.

22. Minutes

The Minutes of the Licensing Committee meeting held on 01 July 2020 were approved as a true and correct record.

23. Items of Urgent Business

There were no items of urgent business.

24. Declaration of Interests

There were no declarations of interest.

25. Setting of Licensing Fees

The Licensing Manager presented the report and in doing so, explained the report set out the process and methodology for setting the licence fees associated with licenced applications under the remit of the Licensing Committee. He continued to explain there had been no changes to the fees however, would propose the licensing fees for consultation where necessary for the 2021/2022 financial year.

It was highlighted that with the exception of the statutory fees, any fees charged must be based on cost recovery, meaning no profit could be made on the license fee income.

Members heard how Officers deemed it unfair on the trades such as taxi operators to increase their fees when they had already been heavily impacted on due to the current pandemic of COVID-19. The Licensing Manager advised the Committee there would be a full review into licensing fees next year and if necessary, any losses could be looked at and rectified.

The Committee thanked the Licensing Manager for his report and commented they felt the appendix within the agenda, needed to be printed or at least emailed to Members in a bigger font. The Licensing Manager explained the appendix was an extract from the full fees and charges and if Members wished, it could be re-circulated after the meeting.

RESOLVED that Members agreed the fees and charges as set out in Appendix A for the 2021- 2022 financial year.

26. National Taxi Standards and Taxi Policy

The Licensing Manager addressed Members advising them the Department of Transport had published the statutory taxi and private hire vehicles standards which set out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. He continued to explain the report considered the standards and brought them together with the Councils policies and procedures into one policy document reviewing areas of existing policy to ensure that the minimum standards were met with the Councils policies and procedures into one policy document reviewing areas of existing policy to ensure that the minimum standards were met and ready for consultation with the taxi trade and stakeholders.

Continued by talking to committee through the appendices attached to the report and explaining the main aspects of the standards which were:

- Administering the licensing regime including a local licensing policy.
- Decision making including training of decision makers.
- Gathering and sharing information. Including the use of the Disclosure and Barring Service (DBS) checking process, and sharing of information with other licensing authorities
- Fit and proper test including relevance of criminal convictions
- Minimum requirements for driver licensing.
- Criminality checks for vehicle licence holders
- CCTV in vehicles
- Criminality checks for operator licences
- Operator record keeping requirements

Councillor Collins Chair of the Committee queried if the application process had been amended, so that applicants were no longer paying for the required tests such as medical and knowledge before Officers had a chance to carry out the DBS and DVLA checks. The Licensing Manager confirmed this was the case and when applying for a licence applicants were advised there were additional costs such as for a medical check.

Councillor Allen enquired as to how Officers ensured checks made on applicants who were not British Nationals, where fit and proper people to have a licence. It was explained that within the Council's policy, should an applicant spend more than six months of the year outside of the UK a certificate of good character was required, this was usually completed by the relevant embassy. During the discussion it was explained that Officers had no way of checking the documents received, however if for any reason they felt they were unable to grant a licence; it would be presented to a Licensing Sub-Committee for a decision. Members further heard this would also be the same process for a British National who spent six months of the year outside of the UK.

The Committee raised concerns around the use of CCTV within licenced vehicles and queried who had the responsibility in line with data protection and GDPR, when it came to holding the video. The Licensing Manager explained at present it was not mandatory for CCTV to be included within a licenced vehicle, if this was to become the case then the local authority would become the data controller. He continued by explaining that any taxi who currently had a license with the authority and had the use of CCTV in their vehicle, would be the data controller and therefore had to follow all regulations in line with the Data Commissioner.

Following Members comments on CCTV in licenced vehicles, it was agreed that the Licensing Manager would bring a report to the Committee outlining how other local licensing authorities, where handling CCTV in licenced vehicles and a possible consultation with the taxi trade to get their views.

Councillor Ralph questioned as to the safeguarding training level which was mentioned within the policy. Officers explained there was currently in house CSE training given which had been in place for a number of years. There were also developments in updating online training and guidance. The Licensing Manager continued by commenting a number of organisations gave online training, however he felt face-to-face training when possible was better for applicants.

Councillor Potter quizzed Officers regarding the fit and proper person test in when asking themselves the fit and proper person question, if they felt the answer was no were the Sub-Committee right to refuse a licence. The Licensing Manager commented that if a Sub-Committee had valid reasoning for refusing a licence then they should refuse an application, and that it was up to the Licensing Authority to prove as to whether a person was a fit and proper person to hold a licence.

RESOLVED that Members:

- 1. Noted the Statutory Taxi and Private Hire Vehicle Standards.**
- 2. Considered the revised policy and any changes that the Statutory Taxi and Private Hire Vehicle Standards have required.**

The meeting finished at 8.16 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

28 September 2021	ITEM: 5
Licensing Committee	
Applications Received	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams –Licensing Manager	
Accountable Assistant Director: Leigh Nicholson – Assistant Director Planning, Transport and Public Protection	
Accountable Director Julie Rogers, Director of Public Realm	
This report is: Public	

Executive Summary

This is a summary of applications received under the Licensing Act 2003 and Gambling Act 2005 for the period of the 1 January 2020 to August 2021.

1. Recommendation(s)

1.1 To note the contents of the report.

2. Introduction and Background

2.1 Under the Licensing Act 2003 or the Gambling Act 2005 an application for a New/Variation/Minor Variation for a Premises Licence or Club Premises Certificate will be granted under officer delegation unless there is relevant representation received, from either a Responsible Authority or from Other Persons (Interested Party). Where a representation is made the application will be referred to the Licensing Sub Committee for determination. The same is for Temporary Event Notices.

3. Issues, Options and Analysis of Options

3.1 This report provides details at **Appendix A** of all applications received for any New, Variation, Minor Variation for a Premises Licence/Club Premises Certificate or a Temporary Event Notice; or any type of Gambling Premises Licence for the period of the 1 January 2020 to 31 August 2021.

3.2 There have been no appeals to any decisions made during this period.

4. Reasons for Recommendation

4.1 This report is for information only.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 There is no consultation required in relation to the contents of this report.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no financial implications in relation to this report.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Solicitor, Litigation & Employment

This report is for information only and there are no legal implications.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

There are no diversity or equality implications in relation to this report.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix A – Applications Received Report.

Report Author:

Paul Adams

Licensing Manager

Licensing Team, Public Protection

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Details	Result
Application to vary the premises licence to increase the times for supply of alcohol	Granted
Application to vary the licence to increase the hours for sale of alcohol, and update the plan	Granted
Application to vary the hours for supply of alcohol for consumption off the premises to 06:00 - 23:00	Granted
Application to vary the premises licence to include additional fixed seating and bar outside, and to open at 8:00 for provision of non-licensable activities (e.g. sale of breakfasts etc.)	Granted
Application to extend the premises into 29 and 31 Gardner Avenue. No changes to hours	Granted
Application to vary a premises licence to extend the hours for the supply of alcohol on the premises only	Granted
Application for Minor Variation to amend the internal layout to include an Argos concession	Granted
Application for a minor variation to add an additional half bay of alcohol (spirits) behind the till area	Granted
Application to add conditions to the premises licence	Granted
Application to update the plans to include foyer area and outside areas.	Granted
Application for a minor variation to include the outside area on the plan	Granted
Application to change the store plan to change layout of self service tills	Granted
Application for a minor variation to modify the opening hours, licensable activity times, add conditions and update the plan	Granted
Application for a minor variation to reduce the size of the premises	Granted
Minor variation to amend the date to 25th July 2021 for a time limited premises licence to authorise supply of alcohol and regulated entertainment	Granted
Application to change the store plan to include additional self service tills	Granted
Application for a minor variation to add a covering to outside area	Granted
Application for a Minor Variation to allow the premises to open at 08:00 each day for non-licensable activity	Granted
Minor Variation to amend condition to "After 22:00hours on a Friday or Saturday, drinks must only be served in polycarbonate/plastic and/or toughened glass containers	Granted
Application for a minor variation to alter the internal layout of the premises	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises	Granted
Application for a new premises licence for a Christmas event including sale of alcohol and regulated entertainment	Granted
Application for a time limited premises licence to authorise supply of alcohol and regulated entertainment	Granted

Application for a new premises licence to authorise the supply of alcohol for consumption off the premises	Granted
Application for a new premises licence to authorise films, music and supply of alcohol	Granted
Application for new premises licence to authorise the supply of alcohol	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises only	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises (distribution centre for online supermarket)	Granted
Application to provide Late Night Refreshment from a mobile unit	Granted
Application for a premises licence to authorise the sale of alcohol for consumption off the premises	Granted
Application for a new premises licence to authorise the supply of alcohol off the premises. No public access to premises	Granted
Application for a new premises licence to authorise regulated entertainment and supply of alcohol	Granted
Application for a new premises licence to authorise regulated entertainment and the supply of alcohol	Granted
Application for a new premises licence to authorise late night refreshment	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises	Granted
Application for a new premises licence to authorise supply of alcohol, late night refreshment and regulated entertainment	Granted
Application for a new premises licence to authorise the sale of alcohol for consumption off the premises	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption on and off the premises	Granted
Application for a new Premises Licence to authorise the supply of alcohol and late night refreshment	Granted
Application for a premises licence to authorise the supply of alcohol on the premises only	Granted
Application for a new premises licence to authorise the sale of alcohol for consumption off the premises only	Granted
Application for a new Premises Licence to authorise the supply of alcohol and regulated entertainment	Granted
Application for a new premises licence to authorise the sale of alcohol	Granted
Application for a Summary Review of the Premises Licence	Granted
Application for a new premises licence to authorise live and recorded music, late night refreshment and supply of alcohol	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises	Granted
Application for a premises licence for sale of alcohol	Granted
Application for a new premises licence to authorise regulated entertainment and the supply of alcohol for consumption on and off the premises	Granted
Application for a premises licence to authorise the supply of alcohol for consumption on the premises	Granted
Application for a premises licence to authorise the sale of alcohol for consumption off the premises. No public access to building.	Granted
Application for a new Premises Licence to authorise the supply of alcohol for consumption on the premises	Granted
Application for a time limited premises licence to authorise regulated entertainment, late night refreshment and supply of alcohol	Granted
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises only	Granted

Application for a new Premises Licence to authorise Late Night Refreshment	Granted
Application for a new Club Premises Certificate	Granted
Birthday party at Thames RFC Clubhouse with sale of alcohol.	Granted
Family Friendly Wrestling Show at Drake Community Centre.	Granted
Wedding Elopement Party with sale of alcohol.	Granted
Sale of Mead - Retail of Alcohol off sales. Items either to be socially distanced collected pre-purchased or pre-purchased delivered	Granted
Wedding Reception at High House Barn with mobile bar.	Granted
School Summer Fayre with sale of alcohol at Warren Primary School.	Granted
Birthday party at Thames RFC Clubhouse with sale of alcohol.	Granted
Wedding Party at Royal British Legion with sale of alcohol.	Granted
Dinner & dance party celebrating Women's Day with sale of alcohol at Chadwell Village Hall.	Granted
Extension to the current licensing hours to allow trade in excess of the currently permitted hours under the premises licence to help with COVID social distancing. During periods when the sales of alcohol are authorised under this Temporary Event Notice,	Granted
Supply of alcohol in retail shop for consumption off the premises	Granted
The event will comprise of five Christmas market huts situated in the car park outside of Thurrock Garden Centre. Only one of the two huts will be offering festive winter drinks alongside take-away German sausages. The alcoholic drinks will only be: small	Granted
Extended hours for Christmas	Granted
Year 6 Leavers Party, outdoor inflatable nightclub and garden games. Event to run from 5.30pm-7.30pm, and food and drink to be provided and alcohol may be available on the premises for adult volunteers to include provision of regulated entertainment and t	Granted
Cider and Sausages Evening	Granted
Sale of alcohol in retail shop for consumption off the premises	Granted
Sale of alcohol in shop for consumption off the premises	Granted
Provision of late night refreshment by way of drive through service	Granted
I would like to apply for a late tens license for a kiosk 3 metres x 2.5 metres to sell take away beer, mulled wine & mulled cider	Granted
ANNUAL ORSETT CLASSIC CAR AND FAMILY FESTIVAL TO INCLUDE SALE OF ALCOHOL	Granted
Private party to include sale of alcohol, supply of alcohol to a club and regulated entertainment	Granted
This year, we wanted to do our yearly September praise concert again (Titled- Praise Party on the High Street) at GraysTown Centre high street (We have done these events in previous years on the high street but unable to do it last year due to COVID-19 P	Granted
Gazebo pitch with frontage space at a Farmers Market to include sale of alcohol	Granted
A St Patrick's Day celebration with sale of alcohol at the Lightship Cafe.	Granted

Beverages and food takeaway to include Late Night Refreshment	Granted
Race night at Woodside Academy with sale of alcohol.	Granted
Provision of late night refreshment drive through service	Granted
Beverages and food takeaway to include Late Night Refreshment	Granted
Two days of open-air cinema screenings to include provision of regulated entertainment	Granted
Football presentation for Orsett Park Royal Football Club to include sale by retail of alcohol	Granted
A free open air outdoor cinema with 6m x 3m LED screen on a trailer with generator to include regulated entertainment	Granted
Supply of alcohol for staff training etc prior to Premises Licence grant	Granted
Provision of Late Night Refreshment by way of Drive Through Service	Granted
Extension to the current licensing hours to allow trade in excess of the currently permitted hours under the premises licence to help with COVID social distancing. During periods when the sale of alcohol is authorised under this Temporary Event Notice, the	Granted
An Arts & Creativity fun day for the whole family. Arts, Crafts, music, singing, dance and film to include regulated entertainment.	Granted
Private Party to include Sale of Alcohol, Supply of Alcohol for a Club and Regulated Entertainment	Granted
Charity dinner in the Pavilion Building to include sale of alcohol, regulated entertainment and late night refreshment	Granted
Provision of late night refreshment by way of drive through service	Granted
Application for a Late TEN for 18th Birthday party - INSUFFICIENT NOTICE GIVEN	Granted
This is a fully inclusive live music event to include regulated entertainment.	Granted
COMMUNITY FUND RAISING EVENT, OUTSIDE PITCH ALLOCATION ON THE DAY - SEALED BOTTLES FOR OFFSITE CONSUMPTION, ENTERED BOTH DUE TO SAMPLING ONLY - TO INCLUDE THE SALE BY RETAIL OF ALCOHOL.	Granted
Birthday Parties and weddings in the Jaguar Bar, Whitmore Suite, Gold and Blue room to include sale of alcohol, regulated entertainment and late night refreshment	Granted
Birthday Parties, Conference dinners and weddings to include sale of alcohol, regulated entertainment and late night refreshment	Granted
Birthday Party and Wedding to include sale of alcohol, regulated entertainment and late night refreshment	Granted
Wedding to include sale of alcohol, regulated entertainment and late night refreshment	Granted
ANNUAL ORSETT CLASSIC CAR AND FAMILY FESTIVAL TO INCLUDE SALE BY RETAIL OF ALCOHOL	Granted
Invalid TEN as insufficient notice	Granted
DJ Night/Charity Night at New Courthouse with sale of alcohol.	Granted
Football Youth Presentation Awards at Thames RFC with sale of alcohol.	Granted
The Church will like to do a songfest type event in the town centre. No restriction of any area. The space needed is anywhere in the Grays town centre with access to power, as the last 2 times we had a similar event. If we can also have 2 gazebos please in	Granted
Application for a TEN to supply alcohol at the Miss Cameroon UK pageant	Granted
Supply of alcohol for staff training etc prior to Premises Licence grant	Granted

Birthday Party	Granted
Birthday Parties, Conference dinners, Weddings and Tribute night to include sale of alcohol, regulated entertainment and late night refreshment	Granted
We intend to hold a summer BBQ in our garden area/car park. We have a live band performing between 3pm until 5.30pm and also have a singer who will sing until 7pm and music playing until 10.30pm - to include sale of alcohol and regulated entertainment.	Granted
The event will be the end of year graduation for 3rd Year Students. following the graduation we would like to offer staff and students some food and refreshments. We will be asking an external company to supply & sell us alcoholic and soft drinks. To in	Granted
Our community music well-being workshops consist of live DJ & MC/Host tuition, music history & education and live performances from current Eazee Learning students and staff. Connecting the community through music creating equal opportunity and chance for	Granted
Beverages and food takeaway for Late Night Refreshment	Granted
The event will comprise of five Christmas market huts situated in the car park outside of Thurrock Garden Centre. Only one of the two huts will be offering festive winter drinks alongside take-away German sausages. The alcoholic drinks will only be: small	Granted
Opening to serve breakfast to boost our income with BOGOF full english breakfast to include sale of alcohol	Granted
Opening to serve breakfast to boost our income with BOGOF full english breakfast to include sale of alcohol	Granted
Opening to serve breakfast to boost our income with BOGOF full english breakfast	Granted
Annual Football Club Presentation Day to include Sale of Alcohol and Regulated Entertainment	Granted
Hut selling alcoholic drinks at Christmas Market	Granted
Opening to serve breakfast to boost our income with BOGOF full english breakfast to include sale of alcohol	Granted
Aveley Football Club Drive-In Cinema Screenings across two days - regulated entertainment.	Granted
Supply of alcohol for staff training etc prior to Premises Licence grant	Granted
Indian Dancing event	Granted

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28 September 2021	ITEM: 6
Licensing Committee	
Setting of Licensing Fees	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Licensing Manager	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
Accountable Director: Julie Rogers, Director of Public Realm	
This report is: Public	

Executive Summary

This report sets out the process and methodology for the setting of Licence Fees associated with licence applications under the remit of the Licensing Committee, and proposes the licencing fees for consultation where necessary for the 2022-2023 financial year.

1. Recommendation(s)

1.1 Agree the fees and charges as set out in Appendix A for the 2022- 2023 financial year.

2. Introduction and Background

2.1 Most licence applications attract a fee, different licensing regimes have different ways in which the fees are set, which generally is by one of three ways:

- A statutory set fee.
- A locally set reasonable fee that has by statute, a capped maximum amount.
- A locally set reasonable fee with no maximum cap.

2.2 With the exception of the statutory set fees, any fee charged must be based on cost recovery, no profit can be made on the licence fee income.

2.3 Fees that are set by statute, cannot be varied and must be charges as they are set within the legislation, this relates to all licences under the Licensing Act 2003 (Alcohol and Entertainment).

- 2.4 Fees that can be set locally with a capped maximum must be set on a cost recovery basis up to the cap. If the cost recovery is less than the capped amount then less than the cap should be charged, if it is higher than the cap then a loss will need to be made. This relates to fees under the Gambling Act 2005.
- 2.5 Fees that can be set locally without a cap, must be set on a cost recovery basis only, they cannot be used to generate an income to perform other functions of the Council. This relates to Taxis, Sex Establishments, Scrap Metal Dealers, Street Trading, MST and all Animal Welfare Licences.
- 2.6 Guidance does exist in relation to fee setting in the form of:
- Home Office Guidance on setting Scrap Metal Dealers Act 2013 Fees.
 - Draft LGA Guidance on Locally Set Fees, issued September 2013.
 - DEFRA Guidance, Animal Welfare Licence Fees - A Practical Guide to Fee Setting
 - Welsh Technical Panel Templates
 - Case law.
- 2.7 Cost recovery is considered as the covering the full cost of administering and ensuring compliance with the licensing regime. Each licensing regime has some slight differences but generally the costs that could be included calculations and apportioned appropriately are:
- Administration - processing of the licence, officer time, printing, postage and licensing software, etc.
 - Visits - Officer time for initial visits, renewal inspections, etc.
 - Third Party Costs – Veterinary visits, vehicle inspections etc.
 - Consultation and liaison with third parties – engaging with Responsible Authorities and other stake holders.
 - Management Costs – apportioned cost of the management involvement in any process.
 - Democracy costs – Committee costs for determining applications
 - On Costs – Payroll, Accommodation, finance, legal, travel
 - Training – For officers and Members
 - Policies – Development, consultation, publishing and review.
 - Web material – compliance with EU Directive, on line applications.
 - Compliance work – ensuring licence holders are compliant with the licence.
 - Fees – Setting and reviewing of fees
 - Appeals - legal costs of appeals
 - Maintaining registers – local and national
- 2.8 There are costs that are unrecoverable; this should include the cost of enforcement action in relation to un-licensed persons/premises/vehicles. This type of action should be funded out of the Council's General Fund.

- 2.9 In order to ensure that fees remain reasonable and proportionate it is necessary to carry out a regular review of the fees.
- 2.10 Generally fees cannot make a profit, case law has established that any surplus must be carried forward, and any deficit can also be carried forward and recouped.
- 2.11 Benchmarking of fees could be used only as a comparison, and should not be used as a fee matching exercise. Each authority will have different costs, structures and processes which will significantly could create differences in fees.

3. Issues, Options and Analysis of Options

- 3.1 Case law has placed and added emphasis on the need for councils to set fees in a legally robust and transparent manner. Recently steps have been taken to separate out further the accounting of each licensing regime, providing a more robust and transparent process in response to recent guidance and case law.
- 3.2 It is proposed to keep fees at their current level. COVID-19 has significantly impacted those businesses that could expected to see an increase, with some licence operators not working still. Those that are continuing to work have seen a significant reduction in business, particularly in the animal establishment businesses such as dog boarding, and the Taxi and Private Hire trade.
- 3.3 A full review of all fees will be undertaken next year, and any surplus must be carried forward, and any deficit can also be carried forward and recouped if either case arises with the impact of COVID-19 on the trading accounts for this year.
- 3.4 The proposed fees for are attached in **Appendix A**. It is intended that these will come into effect from 1 April 2022.

4. Reasons for Recommendation

- 4.1 It is important that all Licence fees are subject to regular review to ensure that they remain reasonable and proportionate. Where there is to be a significant change to the licensing fee, sufficient consultation must be undertaken to ensure compliance with legislation and to seek a balanced view of the proposed changes.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Full consultation will be undertaken on any significant proposed changes to fees, or where consultation is required by statute.

- 5.2 Under the Local Government (Miscellaneous Provisions) Act 1976, with regards to hackney carriage proprietors licences, private hire vehicle licences and private hire operator licences, there is a requirement where the fee charged is greater than £25 to consult on the proposed fee as prescribed by the legislation.
- 5.3 The procedure requires that a notice must be published in a local newspaper, and at the offices, which must give 28 days from the date of publishing for objections to be lodged and advertise the date the fees will come into effect.
- 5.4 If objection is received and has not been withdrawn then the council must consider the objections. If this is the case then this committee will consider the objections.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 This review will ensure the licensing service continues to be cost recovery where possible.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

As part of the budget process each year, the Council needs to review its fees and charges. The future development of the Medium Term Financial Strategy takes into account changes in fees and charges in broad terms over the period of the strategy.

This report sets out information for the Licensing Committee, the process of setting fees in accordance with Legislation, Guidance and good practice.

It is important that the fee levels are set where possible at cost recovery to ensure that the service is financial viable for the current financial year.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

A Council is entitled to charge a reasonable fee for the grant of a licence, in accordance with relevant legislation, with a view to recovering the costs of issue and administration of those licences. This report set out what is considered reasonable and the process to be followed.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

To ensure any equality impact is managed, any change in fees must be communicated to all licence holders at the earliest opportunity, consultation on any proposed changes will be undertaken to ensure that customers have an opportunity to contribute to any decision to change and the council considers these contributions before taking a final decision.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. Appendices to the report

- Appendix A – Proposed Fees 2022/2023
- Appendix B – Trading accounts summary for 2020/2021

Report Author:

Paul Adams
Licensing Manager
Licensing Team, Public Protection

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Name of fee or Charge	Statutory/ Discretionary Charge	Charge 21/22	Charge 22/23	Change from last year	Change from last year
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 5,000 to 9,999	S	£ 1,000.00	£ 1,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 10,000 to 14,999	S	£ 2,000.00	£ 2,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 15,000 to 19,999	S	£ 4,000.00	£ 4,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 20,000 to 29,999	S	£ 8,000.00	£ 8,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 30,000 to 39,999	S	£ 16,000.00	£ 16,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 40,000 to 49,999	S	£ 24,000.00	£ 24,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 50,000 to 59,999	S	£ 32,000.00	£ 32,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 60,000 to 69,999	S	£ 40,000.00	£ 40,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 70,000 to 79,999	S	£ 48,000.00	£ 48,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 80,000 to 89,999	S	£ 56,000.00	£ 56,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 90,000 and over	S	£ 64,000.00	£ 64,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 5,000 to 9,999	S	£ 1,000.00	£ 1,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 10,000 to 14,999	S	£ 2,000.00	£ 2,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 15,000 to 19,999	S	£ 4,000.00	£ 4,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 20,000 to 29,999	S	£ 8,000.00	£ 8,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 30,000 to 39,999	S	£ 16,000.00	£ 16,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 40,000 to 49,999	S	£ 24,000.00	£ 24,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 50,000 to 59,999	S	£ 32,000.00	£ 32,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 60,000 to 69,999	S	£ 40,000.00	£ 40,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 70,000 to 79,999	S	£ 48,000.00	£ 48,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 80,000 to 89,999	S	£ 56,000.00	£ 56,000.00	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 90,000 and over	S	£ 64,000.00	£ 64,000.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - A = None to £4,400	S	£ 70.00	£ 70.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - B = £4,301 to £33,000	S	£ 180.00	£ 180.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - C = £33,001 to £87,000	S	£ 295.00	£ 295.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - D = £87,001 to £125,000	S	£ 320.00	£ 320.00	£ -	-

Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - E = £125,000 plus	S	£ 350.00	£ 350.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - A = None to £4,400	S	£ 100.00	£ 100.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - B = £4,301 to £33,000	S	£ 190.00	£ 190.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - C = £33,001 to £87,000	S	£ 315.00	£ 315.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - D = £87,001 to £125,000	S	£ 450.00	£ 450.00	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - E = £125,000 plus	S	£ 635.00	£ 635.00	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application for a provisional statement where premises being built etc.	S	£ 315.00	£ 315.00	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application for the grant or renewal of a personal licence	S	£ 37.00	£ 37.00	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application for transfer of premises licence	S	£ 23.00	£ 23.00	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application to vary licence to specify individual as premises supervisor	S	£ 23.00	£ 23.00	£ -	-
Alcohol and Entertainment Licences - Other Fees - Change of relevant registered address of club	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Other Fees - Duty to notify change of name or address	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Other Fees - Notification of change of name or address	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Other Fees - Notification of change of name or alteration of rules of club	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Other Fees - Right of freeholder etc. to be notified of licensing matters	S	£ 21.00	£ 21.00	£ -	-
Alcohol and Entertainment Licences - Other Fees - Temporary event notice	S	£ 21.00	£ 21.00	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of certificate or summary	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of personal licence	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of premises licence or summary	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of temporary event notice	S	£ 10.50	£ 10.50	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - A = None to £4,400	S	£ 70.00	£ 70.00	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - B = £4,301 to £33,000	S	£ 180.00	£ 180.00	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - C = £33,001 to £87,000	S	£ 295.00	£ 295.00	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - D = £87,001 to £125,000	S	£ 320.00	£ 320.00	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - E = £125,000 plus	S	£ 350.00	£ 350.00	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - A = None to £4,400	S	£ 100.00	£ 100.00	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - B = £4,301 to £33,000	S	£ 190.00	£ 190.00	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - C = £33,001 to £87,000	S	£ 315.00	£ 315.00	£ -	-

Alcohol and Entertainment Licences - Premises Licenses - New Application & Variation - D = £87,001 to £125,000	S	£ 450.00	£ 450.00	£ -	-
Alcohol and Entertainment Licences - Premises Licenses - New Application & Variation - E = £125,000 plus	S	£ 635.00	£ 635.00	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Annual Fee	D	£ 800.00	£ 800.00	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee for reinstatement of a licence	D	£ 1,000.00	£ 1,000.00	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee in respect of Premises Licence	D	£ 1,600.00	£ 1,600.00	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee in respect of Provisional Statement	D	£ 1,600.00	£ 1,600.00	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee to transfer a licence	D	£ 1,000.00	£ 1,000.00	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee to vary a licence	D	£ 800.00	£ 800.00	£ -	-
Gambling Licences - Annual fee for Club Gaming or Machine Permit	S	£ 50.00	£ 50.00	£ -	-
Gambling Licences - Application for Club Gaming or Machine Permit	S	£ 200.00	£ 200.00	£ -	-
Gambling Licences - Application for Club Gaming or Machine Permit (existing holder)	S	£ 100.00	£ 100.00	£ -	-
Gambling Licences - Application for Club Gaming or Machine Permit (holding Certificate under licensing act 2003)	S	£ 100.00	£ 100.00	£ -	-
Gambling Licences - Application for Prize Gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	£ 300.00	£ 300.00	£ -	-
Gambling Licences - Application to Vary Club Gaming or Machine Permit	S	£ 100.00	£ 100.00	£ -	-
Gambling Licences - Betting Premises (Track) Licence - Annual Fee	D	£ 1,000.00	£ 1,000.00	£ -	-
Gambling Licences - Betting Premises (Track) Licence - Application fee for reinstatement of a licence	D	£ 950.00	£ 950.00	£ -	-
Gambling Licences - Betting Premises (Track) Licence - Application fee in respect of Premises Licence	D	£ 2,500.00	£ 2,500.00	£ -	-
Gambling Licences - Betting Premises (Track) Licence - Application fee in respect of Provisional Statement	D	£ 2,500.00	£ 2,500.00	£ -	-
Gambling Licences - Betting Premises (Track) Licence - Application fee to transfer a licence	D	£ 950.00	£ 950.00	£ -	-
Gambling Licences - Betting Premises (Track) Licence - Application fee to vary a licence	D	£ 1,250.00	£ 1,250.00	£ -	-
Gambling Licences - Bingo Premises Licence - Annual Fee	D	£ 800.00	£ 800.00	£ -	-
Gambling Licences - Bingo Premises Licence - Application fee for reinstatement of a licence	D	£ 1,000.00	£ 1,000.00	£ -	-
Gambling Licences - Bingo Premises Licence - Application fee in respect of Premises Licence	D	£ 3,000.00	£ 3,000.00	£ -	-
Gambling Licences - Bingo Premises Licence - Application fee in respect of Provisional Statement	D	£ 3,000.00	£ 3,000.00	£ -	-
Gambling Licences - Bingo Premises Licence - Application fee to transfer a licence	D	£ 1,000.00	£ 1,000.00	£ -	-
Gambling Licences - Bingo Premises Licence - Application fee to vary a licence	D	£ 1,500.00	£ 1,500.00	£ -	-
Gambling Licences - Change of name on Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	£ 25.00	£ 25.00	£ -	-
Gambling Licences - Copy of Club Gaming or Machine Permit	S	£ 15.00	£ 15.00	£ -	-
Gambling Licences - Copy of Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	£ 15.00	£ 15.00	£ -	-
Gambling Licences - Copy of the Premises Licence	S	£ 15.00	£ 15.00	£ -	-
Gambling Licences - Family Entertainment Centre Premises Licence - Annual Fee	D	£ 600.00	£ 600.00	£ -	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee for reinstatement of a licence	D	£ 800.00	£ 800.00	£ -	-

Gambling Licences - Family Entertainment Centre Premises Licence - Application fee in respect of Premises Licence	D	£ 1,600.00	£ 1,600.00	£ -	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee in respect of Provisional Statement	D	£ 1,600.00	£ 1,600.00	£ -	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee to transfer a licence	D	£ 800.00	£ 800.00	£ -	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee to vary a licence	D	£ 800.00	£ 800.00	£ -	-
Gambling Licences - Large Casino Premises Licence - Annual Fee	D	£ 10,000.00	£ 10,000.00	£ -	-
Gambling Licences - Large Casino Premises Licence - Application fee for reinstatement of a licence	D	£ 2,150.00	£ 2,150.00	£ -	-
Gambling Licences - Large Casino Premises Licence - Application fee in respect of Premises Licence	D	£ 10,000.00	£ 10,000.00	£ -	-
Gambling Licences - Large Casino Premises Licence - Application fee in respect of Provisional Statement	D	£ 10,000.00	£ 10,000.00	£ -	-
Gambling Licences - Large Casino Premises Licence - Application fee to transfer a licence	D	£ 2,150.00	£ 2,150.00	£ -	-
Gambling Licences - Large Casino Premises Licence - Application fee to vary a licence	D	£ 5,000.00	£ 5,000.00	£ -	-
Gambling Licences - Notification of change of circumstances fro premises Licence	S	£ 50.00	£ 50.00	£ -	-
Gambling Licences - Occasional Use Notice	S	£ -	£ -	£ -	-
Gambling Licences - Regional casino premises Licence	S	£ 15,000.00	£ 15,000.00	£ -	-
Gambling Licences - Regional Casino Premises Licence - Annual Fee	D	£ 15,000.00	£ 15,000.00	£ -	-
Gambling Licences - Regional Casino Premises Licence - Application fee for reinstatement of a licence	D	£ 6,500.00	£ 6,500.00	£ -	-
Gambling Licences - Regional Casino Premises Licence - Application fee in respect of Premises Licence	D	£ 15,000.00	£ 15,000.00	£ -	-
Gambling Licences - Regional Casino Premises Licence - Application fee in respect of Provisional Statement	D	£ 15,000.00	£ 15,000.00	£ -	-
Gambling Licences - Regional Casino Premises Licence - Application fee to transfer a licence	D	£ 6,500.00	£ 6,500.00	£ -	-
Gambling Licences - Regional Casino Premises Licence - Application fee to vary a licence	D	£ 7,500.00	£ 7,500.00	£ -	-
Gambling Licences - Renewal of a Club Gaming or Machine Permit	S	£ 200.00	£ 200.00	£ -	-
Gambling Licences - Renewal of Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	£ 300.00	£ 300.00	£ -	-
Gambling Licences - Small Casino Premises Licence - Annual Fee	D	£ 5,000.00	£ 5,000.00	£ -	-
Gambling Licences - Small Casino Premises Licence - Application fee for reinstatement of a licence	D	£ 1,800.00	£ 1,800.00	£ -	-
Gambling Licences - Small Casino Premises Licence - Application fee in respect of Premises Licence	D	£ 8,000.00	£ 8,000.00	£ -	-
Gambling Licences - Small Casino Premises Licence - Application fee in respect of Provisional Statement	D	£ 8,000.00	£ 8,000.00	£ -	-
Gambling Licences - Small Casino Premises Licence - Application fee to transfer a licence	D	£ 1,800.00	£ 1,800.00	£ -	-
Gambling Licences - Small Casino Premises Licence - Application fee to vary a licence	D	£ 4,000.00	£ 4,000.00	£ -	-
Gambling Licences - Temporary Use Notice	S	£ 500.00	£ 500.00	£ -	-
Lotteries and Amusements act 1976 - Annual fee (1st Jan to 31st Dec)	S	£ 20.00	£ 20.00	£ -	-
Lotteries and Amusements act 1976 - Initial Registration Fee	S	£ 40.00	£ 40.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Skin Piercing Registrations - Registration of acupuncture, tattooing, ear piercing and electrolysis (licence Charge)	D	£ 130.00	£ 130.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Skin Piercing Registrations - Registration of acupuncture, tattooing, ear piercing and electrolysis (Additional Fee per employee)	D	£ 70.00	£ 70.00	£ -	-
Massage and Special Treatment Licences - New	D	£ 130.00	£ 130.00	£ -	-
Massage and Special Treatment Licences - Renewal	D	£ 70.00	£ 70.00	£ -	-

Massage and Special Treatment Licences - Renewed Licence	D	£ 70.00	£ 70.00	£ -	-
Massage and Special Treatment Licences - Replacement Licence (Address change or change of ownership)	D	£ 130.00	£ 130.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH New (Combined Licence) 1 year (excludes DBS)	D	£ 158.00	£ 158.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH New (Combined Licence) 3 years (excludes DBS)	D	£ 393.00	£ 393.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH Renewal (Combined Licence) 1 year (excluding DBS)	D	£ 118.00	£ 118.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH Renewal (Combined Licence) 3 years (excluding DBS)	D	£ 353.00	£ 353.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC New 1 year (excludes DBS)	D	£ 122.00	£ 122.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC New 3 years (excludes DBS)	D	£ 288.00	£ 288.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC Renewal 1 year (excludes DBS)	D	£ 83.00	£ 83.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC Renewal 3 years (excludes BDS)	D	£ 248.00	£ 248.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - PH New 1 year (excludes DBS)	D	£ 99.00	£ 99.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - PH New 3 year (excludes DBS)	D	£ 216.00	£ 216.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - PH Renewal 1 year (excludes DBS)	D	£ 59.00	£ 59.00	£ -	-
Public Protection - Hackney Carriage Licences - Drivers Licences - PH Renewal 3 years(excludes DBS)	D	£ 176.00	£ 176.00	£ -	-
Public Protection - Hackney Carriage Licences - Other Charges - Additional Knowledge test	D	£ 22.00	£ 22.00	£ -	-
Public Protection - Hackney Carriage Licences - Other Charges - Checking and sealing taximeters	D	£ 20.00	£ 20.00	£ -	-
Public Protection - Hackney Carriage Licences - Other Charges - DBS New to update service	D	£ 52.00	£ 52.00	£ -	-
Public Protection - Hackney Carriage Licences - Other Charges - DBS Update service lapsed	D	£ 85.00	£ 85.00	£ -	-
Public Protection - Hackney Carriage Licences - Other Charges - Replacement Drivers Badges	D	£ 20.00	£ 20.00	£ -	-
Public Protection - Hackney Carriage Licences - Other Charges - Replacement Plate, mounting Bracket & Vehicle ID card	D	£ 25.00	£ 25.00	£ -	-
Public Protection - Hackney Carriage Licences - Other Charges - Replacement door stickers	D	£ 7.00	£ 7.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 1 vehicle 1 year	D	£ 70.00	£ 70.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 1 vehicle 5 years	D	£ 350.00	£ 350.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 11-20 vehicles 1 year	D	£ 738.00	£ 738.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 11-20 vehicles 5 years	D	£ 3,690.00	£ 3,690.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 2-5 vehicles 1 year	D	£ 241.00	£ 241.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 2-5 vehicles 5 years	D	£ 1,205.00	£ 1,205.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 6-10 vehicles 1 year	D	£ 498.00	£ 498.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having 6-10 vehicles 5 years	D	£ 2,490.00	£ 2,490.00	£ -	-

Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having more than 21 vehicles 1 year	D	£ 918.00	£ 918.00	£ -	-
Public Protection - Hackney Carriage Licences - Private Hire Operations - Operations having more than 21 vehicles 5 years	D	£ 4,590.00	£ 4,590.00	£ -	-
Public Protection - Hackney Carriage Licences - Vehicle Licences - Hackney Carriage (HC)	D	£ 217.00	£ 217.00	£ -	-
Public Protection - Hackney Carriage Licences - Vehicle Licences - Hackney Carriage (HC) (Wheelchair Accessible)	D	£ 167.00	£ 167.00	£ -	-
Public Protection - Hackney Carriage Licences - Vehicle Licences - Private Hire Vehicle (PHV)	D	£ 313.00	£ 313.00	£ -	-
Public Protection - Hackney Carriage Licences - Vehicle Licences - Private Hire Vehicle (PHV) (Wheelchair Accessible)	D	£ 263.00	£ 263.00	£ -	-
Public Protection - Hackney Carriage Licences - Vehicle Licences - Vehicle Compliance Test	D	£ 45.00	£ 45.00	£ -	-
Public Protection - Hackney Carriage Licences - Vehicle Licences - Vehicle Replacement	D	£ 40.00	£ 40.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - New application fee	D	£ 280.00	£ 280.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - New grant fee	D	£ 75.00	£ 75.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - renewal application fee	D	£ 280.00	£ 280.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - renewal grant fee	D	£ 75.00	£ 75.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - Variation to licence application fee	D	£ 85.00	£ 85.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - Variation to licence Inspection fee	D	£ 137.00	£ 137.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - re-evaluation of rating application fee	D	£ 85.00	£ 85.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - re-evaluation of rating Inspection fee	D	£ 137.00	£ 137.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - variation to reduce licensable activities or number of animals fee	D	£ 85.00	£ 85.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - transfer of licence fee	D	£ 85.00	£ 85.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - appeal fee	D	£ 137.00	£ 137.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - Combination of licensable activities application fee	D	£ 280.00	£ 280.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - Combination of licensable activities - additional activity fee(per additional activity)	D	£ 140.00	£ 140.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Establishments Licence - Combination of licensable activities - grant fee (per activity) + vets fee if required	D	£ 75.00	£ 75.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Related Licences - Dangerous Wild Animals - plus appointed vets fee charge	D	£ 272.00	£ 272.00	£ -	-

Public Protection - Licences - Other Sales and Service Charges - Animal-Related Licences - Zoo - plus appointed vets fee charge	D	£ 272.00	£ 272.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A1	D	£ 1,400.00	£ 1,400.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A1 (Trading between 11pm and 2am)	D	£ 1,500.00	£ 1,500.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A2	D	£ 1,200.00	£ 1,200.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A3	D	£ 1,200.00	£ 1,200.00	£ -	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class B	D	£ 650.00	£ 650.00	£ -	-
Public Protection - Sex Establishment Licences - Application for new licence	D	£ 3,698.00	£ 3,698.00	£ -	-
Public Protection - Sex Establishment Licences - Application for renewed licence	D	£ 2,698.00	£ 2,698.00	£ -	-
Public Protection - Sex Establishment Licences - Application for transfer	D	£ 100.00	£ 100.00	£ -	-
Scrap Metal Dealers Site Licence	D	£ 494.00	£ 494.00	£ -	-
Scrap Metal Dealers Collectors Licence	D	£ 315.00	£ 315.00	£ -	-
Scrap Metal Dealers Site Licence - Renewal	D	£ 408.00	£ 408.00	£ -	-
Scrap Metal Dealers Collectors Licence - Renewal	D	£ 262.00	£ 262.00	£ -	-
Scrap Metal Dealers Site Licence - Variation	D	£ 112.00	£ 112.00	£ -	-
Scrap Metal Dealers Collectors Licence - Variation	D	£ 112.00	£ 112.00	£ -	-
Registration - Approved Premises Regulations - Request for Review	D	£ 620.00	£ 620.00	£ -	-
Registration - Approved Premises Regulations - Application for Approval	D	£ 2,000.00	£ 2,000.00	£ -	-

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2020-21

	Private Hire Driver	Private Hire Vehicle	Private Hire Operator	Hackney Driver	Hackney Vehicle	LA 03	GA05	Sex Est.	Animal	Scrap	MST	Street Tra
B/fwd (+/-)	-17,377.49	1,596.40	8,490.38	-4,955.80	-875.07	201,470.15	52,797.79	-2,541.14	17,345.34	39,336.62	7,001.70	-6,408.30
Income	-19,313.00	-57,587.00	-10,554.00	-11,421.00	-17,319.00	-97,514.00	-2,486.00	-2,698.00	-5,380.00	0.00	-4,320.00	-3,050.00
Net	-36,690.49	-55,990.60	-2,063.62	-16,376.80	-18,194.07	103,956.15	50,311.79	-5,239.14	11,965.34	39,336.62	2,681.70	-9,458.30
Expenditure	24,304.52	62,202.91	9,102.86	15,201.65	22,757.16	98,614.36	4,551.43	3,034.29	28,825.74	3,034.29	4,551.43	26,550.02
Direct Staffing	18,905.74	55,366.81	8,102.46	10,803.28	20,256.15	87,776.65	4,051.23	2,700.82	25,657.79	2,700.82	4,051.23	23,632.18
Transport	394.59	1,155.59	169.11	225.48	422.78	1,832.03	84.56	56.37	535.52	56.37	84.56	493.24
Supplies & Services	4,081.60	2,978.65	435.90	3,645.70	1,089.75	4,722.25	217.95	145.30	1,380.35	145.30	217.95	1,271.38
Support Services	922.59	2,701.86	395.39	527.19	988.49	4,283.44	197.70	131.80	1,252.08	131.80	197.70	1,153.23
Surplus/Deficit	-12,385.97	6,212.31	7,039.25	-1,175.15	4,563.09	202,570.51	54,863.23	-2,204.85	40,791.08	42,370.91	7,233.13	17,091.72

Other

0.00
-25,049

6,827.15
6,076.85
126.83
326.93
296.55
6,827.15

28 September 2021	ITEM: 7
Licensing Committee	
Licensing Act 2003 Statement of Licensing Policy	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Licensing Manager	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
Accountable Director: Julie Rogers, Director of Public Realm	
This report is: Public	

Executive Summary

The Licensing Act 2003 previously required Local Councils to review their Statement of Licensing Policy every 5 years. A reviewed policy has been produced and consulted on for consideration and adoption.

1. Recommendation(s)

1.1 That the Committee –

- (a) **Considers the consultations response as in Appendix B; and**
- (b) **Agrees reviewed Statement of Licensing Policy as attached at Appendix A, and recommends to Full Council that it be adopted and implemented with immediate effect.**

2. Introduction and Background

2.1 The Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further requires the Council to review, determine and publish its Policy with respect to the exercise of its licensing functions every 5 years.

2.2 The current Statement of Licensing Policy first came into effect in 6 January 2014. The statement is now overdue for review, and requires publication as soon as possible

3. Issues, Options and Analysis of Options

- 3.1 The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current Policy expired on 6 January 2018. It is therefore imperative that the Council adopts a reviewed as soon as possible.
- 3.2 The reviewed policy has included the legislative changes in the following areas:
- The introduction of the Home Office as a Responsible Authority
 - The introduction of the right to work checks
 - The updating of the application procedures
- 3.3 Following Consultation, 12 response has been received to the revisions, of those responses 5 lefts comments which are attached in **Appendix B** for consideration. 6 responses were blank and were submitted without any comment. 1 response was submitted that related to a different consultation so has not been included.
- 3.4 The comments submitted by Public Health have been incorporated into the final Policy.
- 3.5 No other amendments have been made to the policy following the consultation responses.

4. Reasons for Recommendation

- 4.1 After consideration of the consultation comments, the policy may be amended if the committee feels necessary.
- 4.2 Adoption of the policy is a Full Council function,

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Consultation on the reviewed draft policy has been undertaken. All premises licensed under the Licensing Act 2003 by Thurrock Council were written to inviting them to view the draft policy, and to make any comments via the Councils online consultation portal.
- 5.2 Consultation has also been undertaken with other stakeholders and with Responsible Authorities, including police; fire and rescue; trading standards; health and safety; planning; public health and environmental health.
- 5.3 The draft policy has also been published on the Council's online consultation portal for comments by the public.
- 5.4 The consultation period ran from 2 August 2021 to 16 September 2021.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Thurrock's Statement of Licensing Policy underpins the Authority's administration of the licensing regime. It should accord with the general principles in the Secretary of State's Guidance and promote the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no financial implications for Thurrock Council.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The granting of Licences is a legal function of the authority and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003. The final policy will need to be adopted by Full Council. This review will bring the policy in line with all recent changes to legislation and statutory guidance

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

A Community and Equality Impact Assessment has been undertaken and there are no Diversity and Equality Implications at this stage.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

9. Appendices to the report

- Appendix A – Reviewed Statement of Licensing Policy.
- Appendix B – Consultation responses.

Report Author:

Paul Adams

Licensing Manager

Licensing Team, Public Protection



Public Protection

Statement of Licensing Policy

Made under Section 5 of the Licensing Act 2003

2021 version

**Published XXXXX
To be reviewed by XXXXX**

Should you require further information please contact:
Licensing Department, Civic Offices, New Road, Grays, Essex, RM17 6SL.
Email: licensing@thurrock.gov.uk, Telephone: 01375 652 879



STATEMENT OF LICENSING POLICY

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A Profile of Thurrock

Thurrock has a long and celebrated history; having played a vital role in the defense of the region, the capital and the realm.

Situated within the heart of the Thames Gateway in South Essex, just to the East of London, this thriving borough encompasses huge swathes of green belt country, with 18 miles (29km) of Thames frontage. The area's unique riverside location and vast natural resources is the key to its past and future development, growth and success.

Thurrock's economy has historically been driven by the presence of several large sectors - transport, logistics, port functions and retail account for a substantial part of the current economic landscape.

Thurrock has been considered a gateway between Britain and the rest of the world for decades and this still holds true today - DP World's presence in the borough is testimony to that.

Alongside these areas of peace and beauty, Thurrock is also home to one of the largest shopping complexes in Europe. All of this is just 40 minutes from the heart of The City.

Thurrock is the largest regeneration area in the UK. This status brings many opportunities but also some significant challenges - 30,000 new jobs and 30,000 new homes by 2037. There are six major growth hubs at Purfleet-on-Thames, Lakeside and West Thurrock, Grays, Tilbury, London Gateway and Thames Enterprise Park

In 2018 our population was estimated at 172,500 in 68,266 dwellings. Over 30 different languages are currently spoken and this number is also expected to rise. The council recognises the benefits of a diverse community and the potential impact of these trends on shaping the future of Thurrock.

Whilst Thurrock's ranking in deprivation has improved, inequalities exist in parts of Tilbury, Belhus, Chadwell, Ockendon and West Thurrock with the gap biggest in health, crime, education and employment.

Thurrock Unitary Council was formed in the 1998 local government review. There are 20 electoral wards and 49 seats on the Council. Ordinarily, Members serve for a mandate of four years.

The Council has operated the Leader-Cabinet model of governance since May 2000 and the Cabinet formally assumed new executive powers in June 2002.

The Council has appointed a Licensing Committee that, together with its Sub-Committees, will carry out duties in line with the licensing function. Our approach to area governance is a key part of our decision making structure.

The Council has a Chief Executive and three corporate directors. Each corporate director works with a team of directors and heads of service who have responsibility for the day-to-day management of services and contribute to the strategic direction of the Council. Reporting to the Director of Public Realm, the Licensing Manager is charged with managing the Licensing Service, which includes administering the licensing function.

THURROCK COUNCIL STATEMENT OF LICENSING POLICY

1.0 INTRODUCTION

Introduction

- 1.1 Thurrock Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 When assessing applications, the Licensing Authority should be satisfied that the measures proposed in the applicant's operating schedule aim to promote the four licensing objectives. Bold type refers to matters that the Licensing Authority would normally expect to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the promotion of the licensing objectives and the control measures that could be implemented by the applicant to achieve that outcome.
- 1.3 However, it should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the promotion of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

The Licensing Objectives

- 1.4 The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 1.5 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

Statement of Licensing Policy

- 1.6 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.7 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act. It has been drafted in partnership with the Essex Joint Licensing Officers' Forum and the Thurrock Community Safety Partnership.
- 1.8 This Policy Statement takes effect on October 2021 and will remain in force for a period of not more than five years. It will be subject to regular review and further consultation prior to 6th January 2026.

Consultation

- 1.9 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.10 In reviewing this Policy Statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

A list of consultees can be found at Appendix 8.

Links to other Strategies

- 1.11 In preparing this statement of licensing policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.
- 1.12 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 1.13 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area,

including the general impact of alcohol-related crime and disorder, to enable the Planning Committee to have regard to such matters when making its decisions.

- 1.14 The Licensing authority recognises its equality duty. The Council's equality objectives are set out in the Collaborative Communities Framework which is available on our website.

Regulated Entertainment

- 1.15 Having regard to the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children.

Applications

- 1.16 When considering applications, the Licensing Authority will have regard to:
- the Licensing Act 2003 and the licensing objectives
 - Government guidance issued under Section 182 of the Licensing Act 2003 (as revised)
 - any supporting regulations
 - this statement of licensing policy
- 1.17 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.18 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, the Council's licensing functions will be discharged separately from the Council's functions as the local planning authority. **However, it is recommended that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions may be applicable to licensed premises, such as building control approval, and applicants are expected to ensure that such permissions are obtained where necessary.)

- 1.19 Where a licence holder wishes to amend the licence, in most cases an application for variation can be made, rather than an application for a new premises licence. This would include:
- varying the hours during which a licensable activity is permitted
 - adding or removing licensable activities
 - amending, adding or removing conditions within a licence
 - altering any aspect of the layout of the premises which is shown on the plan. The Licensing Authority will consider whether there is any likely impact on the promotion of the licensing objectives when deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan but have, nevertheless, been included.
- 1.20 An application for a Minor Variation may be considered for minor changes to the structure or layout of a premises; small adjustments to licensing hours; removal of out of date, irrelevant or unenforceable conditions or adding certain licensable activities.
- 1.21 When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the Committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
- 1.22 In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 1.23 Supporting information which provides applicants with the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures, may be found in Appendix 4 of the Supplementary Information. Every effort will be made to keep the application process as simple as possible. Help will be given to all applicants, particularly those from voluntary groups.

Representations

- 1.24 The Licensing Authority, the Chief Officer of Police, the Fire Authority, the Home Office, the Enforcing Authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution, the local health body, and the Child Protection Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 1.25 Any other person, including any individual, body or business entitled to make representation, may also comment on an application, regardless of their

geographic proximity to the premises to which the application relates. Any other person can make the representation or they may ask for a representative to make it on their behalf.. Members of the Licensing Authority may also make representations as other persons. A representation would only be 'relevant' if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. The representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.

- 1.26 It is only when relevant representations are received that the Licensing Authority may hold a hearing. It will pay particular attention at any hearing whether to impose extra conditions in addition to any which may already be included in the operating schedule, with a view to promoting the objectives.
- 1.27 Where no representations are received, the application must be granted on the terms sought by the applicant.

Conditions

- 1.28 Licensing is about the regulation of licensable activities at licensed premises, qualifying clubs and temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
- 1.29 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:
- planning controls
 - positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate places where restrictions on public drinking apply through Public Space Protection Orders (PSPOs)
 - police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices

- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - the confiscation of alcohol from children and adults in designated areas
 - police and/or local authority powers to close premises with immediate effect according to current statutory provisions
 - the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
- 1.30 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.
- 1.31 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives.

Delegation of Functions

- 1.32 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

Details of delegation of powers are shown in Appendix 6 of the supplementary information.

The Need for Licensed Premises

- 1.33 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or off licence. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Cumulative Impact of a Concentration of Licensed Premises

- 1.34 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

- 1.35 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.
- 1.36 The Licensing Authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance.
- 1.37 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the borough causing a cumulative impact on any of the licensing objectives.
- 1.38 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Advice and Guidance

- 1.39 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders.
- 1.40 Pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.41 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the Licensing Section and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.
- 1.42 The details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating

schedule and running a safe premises/event may be found in Appendices 1 and 3 of the supplementary information.

Reviews

- 1.43 Where possible and appropriate any responsible authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.44 Responsible authorities and/or any other person can trigger a review of a premises licence. However, such reviews should, where possible, be supported by evidence to be presented to the Licensing Authority.
- 1.45 No more than one review from any other person will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

- 1.46 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.47 The Enforcement Concordat is based on the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when
 - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed
 - receive an explanation of their rights of appeal
- 1.48 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law. The Licensing Authority has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. This policy is freely available from the Licensing Section, as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: www.thurrock.gov.uk

2.0 LICENSING OBJECTIVES

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive and the examples given will not be applicable in all cases. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.** Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.
- 2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list and the examples given will not be applicable in all cases. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 2.4 **The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice. Documented risk assessments can prove a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, (e.g. when making application for variation or in response to changing circumstances/conditions at the premises).
- 2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned (e.g. popular live band or during major sporting occasions), which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. **Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to promote the licensing objectives.**
- 2.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control

measures for the promotion of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**

- 2.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an important factor in the promotion of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority expects the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in appropriate instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**
- 2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These factors may include:
- the nature of the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the customer age profile
 - the attendance by customers with disabilities, or whose first language is not English
 - availability of suitable and sufficient sanitary accommodation
 - nature and provision of facilities for ventilation
- 2.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**
- 2.10 The licensing authority will consider applications for minor variations to premises licences, providing that the authority is satisfied that the variation will not adversely impact on the licensing objectives and the licensing authority will consult with responsible authorities whom they deem necessary to make such assessment.

3.0 PREVENTION OF CRIME AND DISORDER

3.1 Thurrock Council is committed to further improving the quality of life for the people of Thurrock by continuing to reduce crime and the fear of crime.

3.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Thurrock Council, Essex Police, and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

3.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

3.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness/street drinking
- Drugs
- Violent behaviour
- Alcohol related ambulance call outs or hospital admissions
- Anti-social behaviour
- Gangs
- Theft of Alcohol
- Right to work/immigration offences

3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Documented staff training
- Supervision of staff
- Number of personal licence holders present
- Adoption of best practice guidance (e.g. Safer Clubbing, the Government's Alcohol Strategy and other voluntary codes of practice, including those relating to drinks promotions e.g. Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards and/or 'new type' driving licences with photographs and/or passports
- Adoption of a 'Challenge 25' policy whereby an approved ID must be produced to prove the customer is over 18 years of age

- Provision of effective CCTV in and around premises with the retention of images for a suitable period
- Design and seating layout
- Employment of Security Industry Authority licensed door staff
- Provision of toughened or plastic drinking vessels
- Provision of secure, deposit boxes for confiscated items (such as a Drug Safe)
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar organisations

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

3.6 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor' (DPS)). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

3.7 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority, Essex Police and Environmental Health using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious implications on all four licensing objectives. Although the legislation requires a minimum of ten working days' notice to be given (five working days' notice in the case of Late Temporary Event Notices), organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, Environmental Health and the Licensing Authority to work with them to identify and reduce the risk to the licensing objectives.

Please see Appendix 4 of the supplementary information for details regarding the application process and timescales for the submission of Temporary Event Notices.

4.0 PUBLIC SAFETY

4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

- 4.2 When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These factors may include:
- the occupancy capacity of the premises
 - the age, design and layout of the premises, including means of escape in the event of fire
 - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (e.g. age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

4.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Employment of Security Industry Authority licensed door staff
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. The Event Safety Guide)
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

5.0 PREVENTION OF PUBLIC NUISANCE

5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

- 5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and relevant representations have been received. Conversely, premises with demonstrable effective measures planned to prevent public nuisance, may be suitable for longer opening hours.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 5.6 When addressing the issue of prevention of public nuisance, the applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These factors may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature, whether they are to be held inside or outside premises and their audibility at noise sensitive premises
 - the design and layout of premises and in particular the presence of noise limiting features
 - provision of facilities for smokers in line with Health Act 2006
 - the occupancy capacity of the premises
 - the availability of public transport
 - 'wind down period' between the end of the licensable activities and closure of the premises
 - last admission time
 - measures for orderly and safe dispersal of customers
- 5.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:
- Effective and responsible management of premises
 - Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
 - Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
 - Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensee guidance – noise control, published by BBPA)
 - Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices

- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises, including dispersal policies
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter including smoking-related litter
- Effective ventilation systems to prevent nuisance from odour
- Siting of smoking areas in relation to adjoining residential areas
- Details of dispersal policy for customers leaving the venue.

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

6.0 PROTECTION OF CHILDREN FROM HARM

- 6.1 The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
- 6.2 The general relaxation in the 2003 Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
- 6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.
- 6.4 Premises which are classed as Sexual Entertainment Venues are separately licensed under the Local Government (Miscellaneous Provisions) Act 1982 and are subject to additional regulation to protect children from harm.
- 6.5 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club.

6.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**

6.7 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- Where there is an increased risk of child sexual exploitation (CSE)

6.8 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Employment of Security Industry Authority licensed door staff
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm including CSE training
- Adoption of best practice guidance (e.g. The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or driving licences with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol (e.g. 'Challenge 25' scheme)
- Measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate siting and supervision of Amusements with Prizes machines

These examples can be adopted in any combination. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

- 6.9 In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. Films which have not been classified by the BBFC will need to be submitted to the Licensing Authority in accordance with the Policy for Determining Film Classification.
- 6.10 If considered appropriate, the Licensing Authority may require that some adult supervisors undergo an enhanced Disclosure & Barring Service (DBS) check to ascertain that there is no known impediment to their working with children and young persons. In appropriate cases, the Licensing Authority may also attach conditions relating to searches carried out on children and young persons.
- 6.11 The Licensing Authority will rarely impose complete bans on access to premises by children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

Thurrock Council resolved this Policy on the XXXX in accordance with our obligations under the Licensing Act 2003. The policy takes effect on **XXXX**

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APPENDIX 1

REFERENCES TO GUIDES AND BEST PRACTICE

- ⇒ Guidance issued under Section 182 of the Licensing Act 2003 www.gov.uk
- ⇒ Government's Enforcement Concordat www.parliament.uk
- ⇒ Enforcement Policy www.thurrock.gov.uk
- ⇒ Alcohol Strategy www.gov.uk
- ⇒ The Point of Sale Promotions www.beerandpub.com
- ⇒ Security in Design www.beerandpub.com
- ⇒ Drugs and Pubs www.beerandpub.com
- ⇒ Fire Safety Risk Assessment Guides:
Guide 6 – Small and Medium Places of Assembly
Guide 7 – Large Places of Assembly
Guide 9 – Open Air Events and Venues www.gov.uk
- ⇒ The Event Safety Guide www.hse.gov.uk
- ⇒ Good Practice Guide on the Control of Noise from Pubs and Clubs www.ioa.org.uk
- ⇒ Licensee guidance – noise control www.beerandpub.com
- ⇒ The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
The Retailer Alert Bulletin www.portman.group.org.uk
- ⇒ British Institute of Innkeepers
Best Practice Qualification
Door Supervisors
Personal Licence Holders
Other Bar Staff www.bii.org

APPENDIX 2
CONTACT DETAILS FOR RELEVANT RESPONSIBLE AUTHORITIES

<u>RESPONSIBLE AUTHORITY</u>	<u>ADDRESS</u>	<u>OTHER CONTACT DETAILS (where applicable)</u>
Licensing Authority	Licensing Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	licensing@thurrock.gov.uk 01375 652 187
Police Licensing	Licensing Department (Alcohol) Essex Police Blyths Meadow Braintree Essex CM7 3DJ	licensing.applications@essex.police.uk phone 101, or 01245 452 035 if outside Essex
Local Fire Authority	Essex Fire Authority Thurrock & Brentwood Community Command Fire Station Hogg Lane Grays Essex RM17 5QS	southwestgroupsdp@essex-fire.gov.uk 01376 576707
Public Health	Director of Public Health Thurrock Council Civic Office New Road Grays RM17 6SL	FAO: Director of Public Health publichealth@thurrock.gov.uk
Local Weights & Measures Authority	Trading Standards Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Trading Standards Team Trading.standards@thurrock.gov.uk 01375 652 477

Local Authority with responsibility for Environmental Health	Environmental Protection Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Environmental Protection Team Environmental.health@thurrock.gov.uk 01375 652 417
Local Planning Authority	Planning Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Development Management Development.management@thurrock.gov.uk 01375 652 415
Local Authority with responsibility for Health and Safety	Health and Safety Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Health and Safety Department healthandsafety@thurrock.gov.uk 01375 652 413
Body responsible or interested in the protection of children from harm	Children Services Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Trevor Willis childrensafeguarding@thurrock.gov.uk
Home Office (Immigration Enforcement)	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY	alcohol@homeoffice.gsi.gov.uk

APPENDIX 3
CONTACT DETAILS AND USEFUL ADDRESSES

1. Arts Council England
Bloomsbury Street
Bloomsbury
London
WC1B 3HF
Email: enquiries@artscouncil.org.uk
Web: www.artscouncil.org.uk
2. UK Hospitality
10 Bloomsbury Way
London
WC1A 2SL
Tel: 020 7404 7744
Web: www.ukhospitality.org.uk
3. BBPA
Ground Floor
61 Queen Street
London
EC4R 1EB
Email: contact@beerandpub.com
Web: www.beerandpub.com
4. British Board of Film Classification
3 Soho Square
London
W1D 3HD
Tel: 020 7440 1570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk
5. British Institute of Innkeeping
Sentinel House
Ancells Business Park
Harvest Crescent
Fleet
GU51 2UZ
Tel: 01276 684449
Email: membership@bii.org
Web: www.bii.org
6. Equality & Human Rights Commission
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX
Tel: 020 7832 7800
Email: correspondence@equalityhumanrights.com
Web: www.equalityhumanrights.com

7. Essex Chamber of Commerce
Basildon Office
PMS International House
Cricketers Way
Basildon
Essex
SS13 1ST
Tel: 01268 209050
Web: www.essexchambers.co.uk
8. Drug and Alcohol Action Team (DAAT)
Thurrock Council
Civic Offices
New Road
Grays
Essex
RM17 6SL
Tel: 01375 652 652
Web: www.thurrock.gov.uk
9. Equality and Diversity
Thurrock Council
Civic Offices
New Road
Grays
Essex
RM17 6SL
Tel: 01375 652 085
Email: diversity@thurrock.gov.uk
Web: www.thurrock.gov.uk
10. Equity
Guild House
Upper Martins Lane
London
WC2H 9EG
Tel: 020 7379 6000
Email: info@equity.org.uk
Web: www.equity.org.uk
11. Institute of Acoustics
Silbury Court
406 Silbury Boulevard
Milton Keynes
MK9 2AF
Tel: 0300 999 9675
Email: ioa@ioa.org.uk
Web: www.ioa.org.uk
12. Musicians Union
60-62 Clapham Road
London
SW9 0JJ
Tel: 020 7840 5537
Email: eastsoutheast@musiciansunion.org.uk
Web: www.musiciansunion.org.uk
13. Security Industry Authority
PO Box 74957
London
E14 1UG
Tel: 0300 123 9298
Web: www.gov.uk

15. The Portman Group
Millbank Tower
21-24 Millbank
London
SW1P 4QP

Tel: 07719 324 021

Email: info@portmangroup.co.uk

Web: www.portmangroup.org.uk

APPENDIX 4 **APPLICATION PROCESS**

Applications for all premises licences and temporary event notices should be made online at www.thurrock.gov.uk

Applications for personal licences should be emailed to licensing@thurrock.gov.uk

Alternatively, all applications can be submitted by post to Licensing, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL

Electronic Applications

- ◆ The Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.
- ◆ Where applications have been submitted online through GOV.UK or the Authority's own facility, the Licensing Authority is responsible for sending copies of the application to the Responsible Authorities for consultation. However, if any part of the application is submitted in writing, the applicant must send copies of these parts to the Responsible Authorities.
- ◆ Any advertising requirements must still be met whether the application is submitted electronically or in writing and this remains the responsibility of the applicant.
- ◆ This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

PERSONAL LICENCE

New Applications

- ◆ To apply for a new Personal Licence, applicants must be over 18 years of age and will need to submit:
 - a completed application form
 - two passport photographs (one of which must be certified as a true likeness),
 - the original of the applicant's licensing qualification,
 - a basic criminal conviction certificate, or a criminal record certificate, or the results of subject access search on the police national computer by National Intelligence Service, a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign relevant offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it The criminal checks must not be more than 1 calendar month old when the application is received.
 - Proof of the applicant's right to work in the UK
 - the appropriate fee

Renewals

- ◆ It is no longer necessary to renew personal licences. Personal licences that were previously issued showing an expiry date are still valid.

PREMISES LICENCE/CLUB CERTIFICATES

To apply for a Premises Licence/Club Premises Certificate under the provisions of Section 17/71 of the Licensing Act 2003. It should be noted that the forms are prescribed forms issued by the Government.

Applications should be completed and submitted online at www.thurrock.gov.uk

Please read the instructions and guidance notes before completing the form. When submitting the application, the following must be attached,

- The appropriate application fee, if any. Please note the fee for a Premises Licence/Club Certificate is payable annually on the anniversary of the granting of the application. Non-payment of this fee will be treated by the Licensing Authority as a serious matter and will result in the suspension of the licence.
- A plan of the premises which complies with the Regulations as detailed in the information sheet available at www.thurrock.gov.uk or from the Licensing Authority
- If alcohol is to be sold, the consent form completed by the proposed Designated Premises Supervisor.
- If the applicant is an individual(s) proof of the entitlement to work in the UK

It is a requirement that copies of the application and supporting documentation are sent to the Responsible Authorities for consultation:

- Essex Police
- Essex Fire and Rescue Service
- Health and Safety Enforcing Authority
- Trading Standards
- Area Child Protection Committee
- Planning Authority
- Environmental Health (Noise Pollution)
- Licensing Authority
- Health Body
- Home Office (Immigration Enforcement)

For electronic applications the Licensing Authority will circulate the application and accompanying documents to the Responsible Authorities for consultation. If a paper application is submitted, the applicant must submit the application and documents to the Responsible Authorities

This must be done on the same day that the application is given to the Licensing Authority. The contact addresses are detailed in Appendix 2 of this document.

The application must be advertised by publishing a notice in a local newspaper on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information as detailed in the information sheet available at www.thurrock.gov.uk or from the Licensing Authority upon request.

Additionally, a notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority.

Failure to comply with any of the above requirements will mean that the application is not valid and cannot be considered.

Variations

Applications to vary a premises licence or club certificate should be made online where possible and the same process for new applications regarding advertisements and notification of Responsible Authorities must be completed.

Minor Variations

- Minor variations will generally fall into the following four categories:
 - I) Minor changes to the structure or layout of a premises;
 - ii) Small adjustments to licensing hours;
 - iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
 - iv) The addition of certain licensable activities.

However variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are excluded from the minor variations process and must be treated as full variations in all cases.

- Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations.
- It is strongly recommended that applicants for variations discuss their proposals with the Licensing Authority to ensure the correct application is made.

Applications for minor variations should be made online at www.thurrock.gov.uk and be accompanied by the statutory fee and amended plans (if applicable).

The application must be advertised on a white A4 notice at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any interested party may make representations. This notice must remain on the premises for the consultation period of 10 working days.

During the consultation period, the Licensing Authority will consider the application and may consult with any of the Responsible Authorities.

Variation of Premises Licence (Designated Premises Supervisor)

- ◆ An application to vary a premises licence where there has been a change of the designated premises supervisor must be in the prescribed form and accompanied by the premises licence; a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor; the fee.
- ◆ The application should be submitted online; if a hard copy is submitted then the applicant must send a copy of the application and all accompanying documents must also be sent to the police at the address in Appendix 2..

Club Premises Certificate

- ◆ The process of applying for a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club, neither a Designated Premises Supervisor nor a Personal Licence Holder is required.

Temporary Event Notice (TEN)

- ◆ The Licensing Act 2003 provides for certain occasions when small, occasional events (no more than 499 people at a time and lasting no more than 168 hours) do not need a licence providing that a minimum of 10 working days' notice is given to the Police, Environmental Protection Team and Licensing Authority. The aim of the system of Temporary Event Notices (TENs) is to minimise the regulatory burden on such events, many of which will be run by community groups.

The process involves sending notification of an event, in the form of a Temporary Event Notice (TEN), to the Police, Environmental Health Service and Council in whose area the event is being held at least 10 working days before the day on which the event begins. The Council will issue an acknowledgement if the TEN is valid. Essex Police and Thurrock Council's Environmental Protection Team can object to a TEN if the event is likely to undermine the licensing objectives. Where Essex Police or the

Environmental Protection Team submit an objection to the notice, the licensing authority will hold a hearing to consider the objection.

Licensing authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Essex Police or the Council's Environmental Protection Team.

Activities that can be covered by a Temporary Event Notice are:

- **Provision of regulated entertainment**
- **Sale by retail of alcohol**
- **The supply of alcohol by or on behalf of a club**
- **Provision of late night refreshment**

To ensure TENs benefit small events only, they are subject to certain limitations. These are:

No more than 499 people (including staff/organisers) attending at any one time.

An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50.

A limit of 15 temporary event notices may be given in respect of any particular premises in a calendar year.

An event may last no longer than 168 hours.

The maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 21 days.

Organisers of TEN's are strongly advised to contact the Licensing Authority, the Environmental Health Service and Essex Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

Late Temporary Event Notices (Late TEN)

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Essex Police and the Environmental Health Service between 5 and 9 working days before the event. However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances". It should be noted that if either the Police or the Council's Environmental Protection team submits an objections to a late notice the Council will issue a counter notice prohibiting licensable activities for the

duration of the TEN. Late TENs are included within the maximum allowance for a premises and person.

It should be noted that giving a Temporary Event Notice does not relieve the premises user from any requirement, under planning law, for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance)

CONDITIONS ATTACHED TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

Where applicable, mandatory conditions as laid out in the Licensing Act 2003 and any subsequent legislation will be attached to Premises Licences and Club Premises Certificates when granted.

Conditions may also be added to Premises Licences and Club Premises Certificates in line with the operating schedule submitted by the applicant and mediation with the Responsible Authorities. The Licensing Sub-Committee may also attach conditions following a hearing.

ADVERTISEMENT OF APPLICATIONS

In the case of an application for a Premises Licence under Section 17, for a Provisional Statement under Section 29, to vary a Premises Licence under Section 34, for a Club Premises Certificate under Section 84, the person making the application shall advertise the application, in both cases in a prescribed format and contain the appropriate information. The format of advertisement and information to be included is:—

- (A) For a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice:
 - (i) which is -
 - Ⓐ of a size equal or larger than A4;
 - Ⓑ of a pale blue colour;
 - Ⓒ printed legibly in black, in a font of a size equal to or larger than 16.
 - (ii) In all cases, prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, covering an area exceeding 50m square, a further notice in the same form and subjected to the same requirements, every 50m along the external perimeter of the premises abutting any highway; and
- (B) By publishing a notice:
 - (i) in a local newspaper, or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
 - (ii) on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the relevant licensing authority.

In the case of an application for a Premises Licence - Section 17, or a Club Premises Certificate - Section 71, the notices shall contain a statement of the relevant licensable activities or relevant qualifying club activities, as the case may require, which is proposed will be carried on or from the premises.

- (i) In the case of an application for a Provisional Statement, the necessary notices:
 - Ⓐ shall state that representatives are restricted after the issue of a Provisional Statement; and
 - Ⓑ where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.
- (ii) In the case of an application to vary a Premises Licence or a Club Premises Certificate, the required notices shall briefly describe the proposed variation.
- (iii) In all cases the required notices shall state:
 - Ⓐ the name of the applicant or club;
 - Ⓑ the postal address of the premises or club premises, if any; or if there is not postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;
 - Ⓒ the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected;
 - Ⓓ the date by which an interested party or responsible authority may make representations to the licensing authority;
 - Ⓔ that representations shall be made in writing;
 - Ⓕ that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence (level 5 on the standard scale).

ADVERTISEMENT OF APPLICATIONS BY THE LICENSING AUTHORITY

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a new requirement for a Licensing Authority to advertise, by way of a notice of its website, all applications for Premises licences under section 12, for provisional statements under section 29, variation of a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club

premises certificate under section 84. This notice must remain on the website for a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.

APPENDIX 5 **OBJECTIONS/REPRESENTATIONS/REVIEWS/HEARINGS/APPEALS**

Who can make representations or seek reviews?

‘Other Persons’ and ‘Responsible Authorities’ may make ‘relevant representations’ in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

‘Other Persons’ are defined as: -

- ◆ a member of the relevant licensing authority (elected Councillors);
- ◆ any person;
- ◆ a body representing any persons;
- ◆ any person involved in a business;
- ◆ a body representing any person involved in such businesses.

‘Responsible Authority’ is defined as any of the following: -

- ◆ the chief officer of Police;
- ◆ the Fire Authority;
- ◆ the enforcing authority for Health and Safety at Work;
- ◆ the local planning authority;
- ◆ the local authority responsible for environmental health;
- ◆ the body that represents those who are responsible for, or interested in, matters relating to the protection from harm
- ◆ the local weights and measures authority (Trading Standards);
- ◆ a navigation authority, the Environment Agency, or the British Waterway Board in relation to a vessel.
- ◆ the Licensing Authority
- ◆ the local Health Body
- ◆ The Home Office (Immigration)

What are relevant representations?

‘Relevant representations’ is the term used for comments and objections that: -

- ◆ are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives;
- ◆ are made by ‘any person’ or ‘Responsible Authority’ within the prescribed period and have not have been withdrawn;
- ◆ in the opinion of the Licensing Authority, are not frivolous or vexatious; and in the case of a review, repetitious.

- ◆ if they relate to the identity of the proposed premises supervisor, are made by the chief officer of Police and include a statement that his/her designation would undermine the crime prevention objective.

The terms ‘frivolous’ and ‘vexatious’ have their normal meanings.

In the case of a review of a premises licence or certificate, a representation will be repetitious if: -

- (a) it is identical or substantially similar to: -
- ◆ grounds in an earlier application for review made in respect of the same premises and already determined, or
 - ◆ representations considered by the Licensing Authority in granting the premises licence or certificate, or
 - ◆ representations which would have been considered except they were excluded representations following a provisional statement, and
- (b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

Time Limits on Representations

Any person or a responsible authority making representations to a relevant licensing authority may make these representations:–

- (A) In the case of a review of previous licence following a closure order, at any time up to and including seven days, starting on the day after the day on which the authority received the notice under Section 165(4) of the Licensing Act 2003, in relation to the closure order and any extension to it.
- (B) In the case of a Summary Review or Minor Variation at any time up to 10 days, starting on the day after the application was made.
- (C) In any other case, at any time during a period of 28 consecutive days, starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Reviews

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either: -

- ◆ representations are made in the prescribed form by a Responsible Authority or Interested Party seeking a review of the licence or certificate on one or more of the licensing objectives; or
- ◆ a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police in respect of the licensed premises.

Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice and notices must be sent to each party informing them of the date.

The table below lists those provisions, the timescales within which hearings have to be held and those persons to whom notices must be given.

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations.
Application to vary premises licence to change DPS	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Chief of police Proposed Designated Premises Supervisor
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of premises licence.
Cancellation of interim authority notice	5 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations. Applicant.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application for review of	20 working days beginning	The club holding the club

club premises certificate	with the day after the end of the period for making representations.	premises certificate. Persons who have made relevant representations. Applicant.
Counter notice following Police/environmental health objection to a Standard TEN	7 days beginning with the day after the end of the period for making representations.	The premises user. Chief of police Environmental Health
Counter notice following Police/Environmental Health objection to a Late TEN	No provision for hearing	The premises user. Chief of police Environmental Health
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of personal licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the Licensing Authority receives the court notice.	Holder of premises licence. Chief of police

Appeals Against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court within 21 days of the written decision notice.

APPENDIX 6

DELEGATION OF POWERS

- Full details of the Council's Constitution can be found on the Council web site www.thurrock.gov.uk and the terms and references and the delegation of functions of the Licensing Committee are described in full.
- In respect of responsibilities under the Licensing Act 2003, the Council has delegated all aspects of licensing under the Act, other than the approval and publishing of a Licensing Policy Statement that will be approved by a full Council.
- The Council will establish one or more panels, each consisting of three members of the Licensing Committee and Chaired by either the Chairman or Vice Chairman of the Licensing Committee to deal with matters relating to licence for activities in accordance with any regulations made under the Licensing Act 2003.

Delegation of Function

- The Licensing Manager is empowered to:-
 - deal with all aspects of the Licensing Act 2003, where no representations or objections have been made by interested parties and responsibilities;
 - grant or refuse all minor variation applications.

APPENDIX 7

GLOSSARY OF TERMINOLOGY (as used in the Licensing Act 2003 (the Act) and subsequent legislation)

ANY PERSON

Is defined as:

- i) a member of the relevant licensing authority (elected councillors);
- ii) any person;
- iii) a body representing any person;
- iv) a person involved in a business;
- v) a body representing any persons involved in such businesses;

CHILD

Is defined as:

- An individual aged less than 16 years of age.
- A child is unaccompanied if he is not in the company of an individual aged 18 years or over.

ENTERTAINMENT FACILITIES

- Please see 'Live Music Act 2012'

EXEMPT REGULATED ENTERTAINMENT

The Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 made changes to certain types of regulated entertainment which would no longer need a licence providing certain conditions are met.

No licence is required for the following activities providing they take place between **08:00 – 23:00** on any day:

- ❖ **a performance of a play** in the presence of any audience of no more than 500 people;
- ❖ **an indoor sporting event** in the presence of any audience of no more than 1,000 people;
- ❖ most **performances of dance** in the presence of any audience of no more than 500 people;
- ❖ **live music** where the live music comprises:
 - a performance of **unamplified live music**;
 - a performance of **live amplified music in a workplace** with an audience of no more than 200 people; or
 - **a performance of live music on licensed premises** which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

Performances of dance which are “relevant entertainment” under the Local Government (Miscellaneous Provisions) Act 1982 do not become exempt under the 2013 Order regardless of the size of the audience or the time of day. “Relevant entertainment” is defined under the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be

provided solely or principally for the purpose of sexually stimulating any member of the audience.

Authorisation for the **performance of dance** under the 2003 Act will be needed for “relevant entertainment” where:

- ❖ the premises are not licensed as a sex entertainment venue under the 1982 Act; and
- ❖ relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any such occasion.

➤ See also **LIVE MUSIC ACT 2012 & REGULATED ENTERTAINMENT**

HOT FOOD OR HOT DRINK

Is defined as:

- Food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:
 - i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature; or
 - ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

INTERESTED PARTY

➤ Please see ‘**ANY PERSON**’

LICENSABLE ACTIVITIES AND QUALIFYING CLUB ACTIVITIES

- Are defined in the Licensing Act as:
 - i) the sale by retail of alcohol;
 - ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - iii) the provision of **REGULATED ENTERTAINMENT**
 - iv) the provision of **LATE NIGHT REFRESHMENT**
- For those purposes the following licensable activities are also qualifying club activities:
 - i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
 - ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
 - iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

LIVE MUSIC ACT

The Live Music Act 2012 took effect on 1st October 2012 and removed the following as licensable activities:

- Provision of facilities for making music
- Provision of facilities for dancing
- Entertainment of a similar description to provision of facilities for making music or dancing.

The Act also disapplies live music related conditions if the following conditions are met:

- a) there is a premises licence or club premises certificate in place authorising the sale or supply of alcohol for consumption on the premises;
- b) the premises are open for the sale or supply of alcohol for consumption on the premises;
- c) live music is taking place between 8am and 11pm;
- d) if the live music is amplified, there are no more than 200 people in the audience.

Live **amplified** music also ceases to be classed as regulated entertainment if the above criteria are met.

The Live Music Act 2012 has also created a general exemption that live **unamplified** music shall not be classed as regulated entertainment anywhere, regardless of audience size if it takes place between 8am and 11pm.

OTHER PERSON

- See '**ANY PERSON**'

PROVISION OF LATE NIGHT REFRESHMENT

Is defined as:

- The provision of hot food refreshment or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11:00pm and 05:00am, or;
- At any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

REGULATED ENTERTAINMENT

- Is defined as:
 - a) A performance of a play
 - b) An exhibition of film
 - c) An indoor sporting event
 - d) A boxing or wrestling entertainment
 - e) A performance of live music

- f) Any playing of recorded music
- g) A performance of dance
- h) Entertainment of a similar description to that falling within paragraph e), f) or g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
- i) The first condition is that the entertainment is provided:
 - (a) to any extent for members of the public or a section of the public
 - (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests.
 - (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to a profit
- j) The second condition is that the premises on which the entertainment is provided are made available for that purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.

The following activities are examples of entertainment which are not licensable:

- Education – teaching students to perform music or to dance;
- Activities which involve participation as acts of worship in a religious context;
- Activities that take place in places of public religious worship;
- The demonstration of a product – for example, a guitar – in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
- Games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);
- Stand-up comedy.

➤ See also **LIVE MUSIC ACT**

➤ See also **EXEMPT REGULATED ENTERTAINMENT**

RESPONSIBLE AUTHORITY

➤ Is defined as:

- i) the Chief Officer of Police for any Police area in which the premises are situated;
- ii) the Fire Authority for any area in which the premises are situated;
- iii) the enforcing authority within the meaning given by section 118 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated;
- iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;
- v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or

preventing the risk of pollution of the environment or of harm to human health;

vi) a body which:

a) represents those who, in relation to any such area, are responsible for or interested in, matters relating to the protection of children from harm, and

b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;

vii) the local Weights and Measures Authority;

viii) any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated;

ix) in relation to a vessel:

a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities

b) the Environment Agency

c) the British Waterways Board, or

d) the Secretary of State

e) a person prescribed for the purpose of this subsection.

In April 2012 the following were added as Responsible Authorities:

x) the Licensing Authority

xi) Local Health Body

In April 2017 the following were added as Responsible Authorities:

xii) Home Office

TEMPORARY EVENT

➤ Is defined as:

The use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence not covering the licensable activity is not in place. Limited to events involving not more than 499 people.

APPENDIX 8 **CONSULTEES**

The following bodies were consulted on this policy prior to it being adopted:

- All premises licensed in Thurrock under the Licensing Act 2003
- Responsible Authorities under the Licensing Act 2003
- British Beer and Pub Association
- Punch Taverns Plc
- Mitchells & Butlers Leisure Retail Ltd
- Greene King Brewing & Retailing Ltd
- UK Hospitality
- British Institute of Innkeeping
- Business Link for Essex
- Equality & Human Rights Commission
- Thurrock Council Drug & Alcohol Action Team
- Thurrock Council Equality & Diversity
- Musicians Union
- Security Industry Authority
- The Portman Group
- Thurrock Council Community Safety Partnership
- Thurrock Citizens Advice Bureau
- Thurrock Council for Voluntary Service
- Essex Chamber of Commerce
- Poppleston Allen Solicitors
- TLT Solicitors
- Winckworth Sherwood

Appendix B – Licensing Act 2003 Policy Consultation Responses

No.	Contributor	Comment	Section	Date
1	Amanda79	Not feeling safe in the area you live, need more policing in areas	Public Safety	Aug 15 21
2	Linford100	<p>Places which attract the above behaviour more than once should be shut down without further warning for three months, and only re-opened with a bond paid to the council of £75,000, to be forfeited if closure is needed again such closure to be permanent.</p> <p>Places which attract the above behaviour more than once should be shut down without further warning for three months, and only re-opened with a bond paid to the council of £75,000, to be forfeited if closure is needed again. Any subsequent re-opening must be under wholly new management with a new bond of £100,000. All staff in the premises must never have worked there under any previous management.</p>	<p>Prevention of Crime and Disorder,</p> <p>Prevention of Public Nuisance</p>	Aug 13 21
3	Anonymous	<p>To ensure that the license makes provision for the establishment not to allow disturbance or nuisance to nearby residents.</p> <p>No underage drinking. Monitoring for any drug abuse/use.</p> <p>Not to serve those who are intoxicated beyond control and to report to the police, those who are being abusive or causing others harm. Some monitoring to go ahead out of hours by the council around places of notoriety.</p> <p>All of the above</p>	<p>Licensing Objectives,</p> <p>Prevention of Crime and Disorder,</p> <p>Public Safety,</p> <p>Prevention of Public Nuisance,</p>	Aug 13 21
4	Anonymous	I think this requirement is mandatory to keep our public, who are using certain venues safe. In many poor countries, crime tends to hold back the type of urbanization essential for economic development. Safe working environments will also allow staff to feel safe in their working environment and increase productivity.	Public Safety	Aug 18 21

5	Public Health	<p>Hi, page 5, minor point but there seems to be a grammatical error in this sentence:</p> <p>Whilst Thurrock's ranking in deprivation has improved, but inequalities exist in parts of Tilbury, Belhus, Chadwell, Ockendon and West Thurrock with the gap biggest in health, crime, education and employment.</p> <p>Suggest removing the word 'but'.</p> <p>In general I'm wondering whether there is an opportunity to reflect public health more in the document. I realise this is embedded within the existing licensing objectives, however, perhaps 1.29, 1.38, section 2.0 or 3.4 might be opportunities to explicitly mention public health more and perhaps along the lines of:</p> <p>Increased ambulance call outs or A&E attendances related to the premises...?</p> <p>1.38 could be most suitable regarding cumulative impact?</p> <p>Or maybe 'Alcohol related ambulance call outs or hospital admissions' under 3.4?</p> <p>Of course, what we don't want is licensees failing to call an emergency service when it is required!</p> <p>Do note that this is a response by both Public Health and Thurrock DAAT. Suggest adding Thurrock Council Public Health Team to the list in appendix 8.</p>	Introduction, Licensing Objectives	Sep 15 21
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28 September 2021	ITEM: 8
Licensing Committee	
Taxi Licensing Policy	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams –Licensing Manager	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
Accountable Director: Julie Rogers, Director of Public Realm	
This report is: Public	

Executive Summary

The DFT have published the Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. A policy has been developed that brings together the Council’s existing policies and procedures into one policy document, reviewing areas of existing policy to ensure that the minimum standards are met.

1. Recommendation(s)

1.1. That the Committee –

- (a) **Considers the consultations response as in Appendix B; and**
- (b) **Agrees the Taxi Licensing Policy as attached at Appendix A, and recommends to Full Council that it be adopted and implemented to come in to effect, on a date that is at least 2 months after adoption.**

2. Introduction and Background

2.1 In July 2020 the Department for Transport published its Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing.

2.2 The main aspects of the standards are:

- Administering the licensing regime including a local licensing policy.

- Decision making including training of decision makers.
 - Gathering and sharing information. Including the use of the Disclosure and Barring Service (DBS) checking process, and sharing of information with other licensing authorities
 - Fit and proper test including relevance of criminal convictions
 - Minimum requirements for driver licensing.
 - Criminality checks for vehicle licence holders
 - CCTV in vehicles
 - Criminality checks for operator licences
 - Operator record keeping requirements
- 2.3 Thurrock Council has a number of policies, procedures and conditions that relate to the licensing of Hackney Carriage Vehicles and Drivers, Private Hire Vehicles, Drivers and Operators.
- 2.4 In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on Taxi and Private Hire vehicle licensing. A single policy document titled Hackney Carriage and Private Hire Licensing Policy has been created, attached as **Appendix A**.
- 2.5 This policy updates the existing Statements of Policy and Guidelines relating to the relevance of Convictions, Formal/Simple Cautions, Complaints and /or other matters, that has been updated to reflect the assessment of previous convictions provided in the standards..
- 2.6 The Private Hire Driver Conditions have been updated to reflect the timeframe and scope that notifications of convictions etc. need to be made to Council. The driver dress code has also been updated.
- 2.7 The current driver's licence pre application requirements are as follows:
- be aged 21 or over
 - have held a UK or EU driving licence for at least 3 years
 - have the right to work in the UK.
 - have no relevant convictions or have been determined by the licensing sub-committee to be a fit and proper person.
 - be medically fit to DVLA Group 2 Standard.
 - pass a knowledge test of roads and landmarks in Thurrock
 - pass a PATS training course
 - undertaken the Council's CSE and safeguarding training
- 2.8 The additional pre licensing requirements have been added which is in line with the standards:
- Sign up to the DBS update service (after the initial DBS check has been completed).

- The requirement for a Certificate of Good Conduct has been updated to be in line with the national standards.
 - Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of hackney carriage and private hire licence.
 - Have met the Council's Language proficiency requirements.
- 2.9 An assessment for language proficiency has been introduced. It is proposed that people that hold a recognised qualification that has been taught in English will meet this standard. For those that do not have a qualification, they will need to participate in an assessment process via an approved assessment centre subject to local availability.
- 2.10 The Private Hire Operator Conditions have been updated to reflect the revised records that need to be kept and the requirement to check the suitability of employees against the council's suitability criteria. The Private Hire Operator pre licensing requirements also now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council), with a fit and proper test being applied to the applicant.
- 2.11 The Hackney Carriage and Private Hire Vehicle specification and licence conditions remains unchanged at this time. A full review of this section of the policy will be undertaken next year, with consideration being given around the promotion of the use of electric and hybrid vehicles.
- 2.12 The current vehicle conditions allow for CCTV to be fitted at the Proprietors discretion. This policy does not change that position. A further report will be presented to the committee to consider if CCTV should be a mandatory requirement for all licensed vehicles, and will consider the guidance in the National Standards then.
- 2.13 The Vehicle Proprietor pre licensing requirements now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council), with a fit and proper test being applied to the applicant.

3. Issues, Options and Analysis of Options

- 3.1 The Council as a Licensing Authority must comply with the National Standards unless it has good reason not to do so. In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing the existing policies and procedures have been updated to reflect the requirements of the national standard.
- 3.2 Changes to Council policy will come into immediate effect for new licence applicants once the policy is adopted. Changes to suitability criteria around

criminal convictions will also be applied with immediate effect to existing licence holders. Changes around training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed.

3.3 Following Consultation, 2 response has been received these are attached in **Appendix B** for consideration.

3.4 No amendments have been made to the policy following the consultation responses.

4. Reasons for Recommendation

4.1 After consideration of the consultation comments, the policy may be amended if the committee feels necessary.

4.2 Adoption of the policy is a Full Council function,

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Consultation on the proposed policy has been undertaken. All Hackney Carriage and Private Hire Drivers, Proprietors and Operators licensed by Thurrock Council were written to inviting them to view the draft policy, and to make any comments via the Councils online consultation portal.

5.2 Consultation has also been undertaken with other stakeholders such as disability access groups, safeguarding and transport professionals.

5.3 The draft policy has also been published on the Council's online consultation portal for comments by the public.

5.4 The consultation period ran from 30 July 2021 to 12 September 2021.

6. Impact on corporate policies, priorities, performance and community impact

6.1 This review will ensure the licensing service continues to be cost recovery where possible.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no financial implications for Thurrock Council.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The granting of Licences is a legal function of the authority and the introduction of the national standards by the Department of Transport must be applied to the Council's policies and procedures unless there is good reason not to do so. The final policy will need to be adopted by Full Council.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

The revision of the policy has been required by the Department for Transport national standards. A revised Community and Equality Impact Assessment should be undertaken before the final policy is published. There are no Diversity and Equality Implications at this stage.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Statutory Taxi and Private Hire Standards.
- IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

9. Appendices to the report

- **Appendix A** – Taxi Licensing Policy
- **Appendix B** – Consultation Responses for consideration.

Report Author:

Paul Adams

Licensing Manager

Licensing Team, Public Protection

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Hackney Carriage and Private Hire Licensing Policy

April 2021 – April 2026

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1. Introduction

- 1.1. The overriding aim of Thurrock Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.2. This policy brings together, into one cohesive document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in Thurrock.
- 1.3. Each case will always be considered on its merits having regards to this policy. Thurrock Council will only depart from this policy where it considers appropriate to do so. This will normally happen where Thurrock Council considers that there are exceptional circumstances which warrant a different decision.
- 1.4. This policy came into effect on the XXXXXXXXXX 2021 and will be reviewed every 5 years, or sooner should there be a significant issue in Borough, or reason to consider all or part of this policy.
- 1.5. This policy has been developed with regards to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. Consultation on this policy has been undertaken with both the Hackney Carriage and Private Hire trade; and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest etc. a full list of those that were consulted is attached as Appendix H.
- 1.6. This policy will come into immediate effect for new licence applicants. For existing licence holders, the suitability criteria around criminal convictions will be applied with immediate effect, along with the conditions of licences. Changes of training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed. Where this is the case the time frame given will will be stated in this policy against the requirement.

2. Decision Making

- 2.1. The taxi and Private Hire Vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer.
- 2.2. Thurrock Council's Scheme of Delegation is attached as Appendix H
- 2.3. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Licensing Committee or by its Licensing Sub-Committee. The Thurrock Council Constitution is published on the [Council's website](#).
- 2.4. All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Members and Officers. This training will at least meet the minimum requirements of the DFT standards. Member training requirements and obligations are contained within the Council Constitution.

3. Failure to Disclose Information

- 3.1. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.
- 3.2. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

4. Complaints against licence holders

- 4.1. Complaints about licence holders will be recorded on the Council's database. All complaints will be investigated, and appropriate action taken, which may include, no further action, a written warning, referral to a licensing sub-committee for consideration, or suspension or revocation of the licence.
- 4.2. A pattern of complaints about a licence holder may be sufficient on the balance of probabilities to take more formal action than an individual complaint may warrant alone.
- 4.3. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to conviction may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

5. Driver Licences

5.1. Overview

- 5.1.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by Thurrock Council, must hold the relevant driver's licence that is also issued by Thurrock Council.
- 5.1.2. For the purposes of this policy the term "driver's licence" will refer to a Hackney Carriage or Private Hire Driver's licence, or a Combined licence where the holder is entitled to drive both types of vehicles.
- 5.1.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).
- 5.1.4. In determining if a person is "fit and proper", this authority will consider the updated expression "safe and suitable" and will largely apply the test:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'
- 5.1.5. Failure to comply with any pre licensing requirement or condition of the licence may be grounds for refusal of application or revocation of the licence for that reason alone.

5.2. Duration of Licences

- 5.2.1. A Driver's licence will normally be issued for a three year duration.
- 5.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, such as when the applicant has requested a one year licence or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

5.3. Pre-Licensing Requirements

- 5.3.1. To qualify for a driver's licence you must:
 - Be aged 21 or over.
 - Hold a full DVLA or equivalent driver's licence for at least 3 years.
 - Have the right to work in the UK.
 - Submit a fully completed application form.
 - Be subject to an Enhanced DBS check
 - Sign up to the DBS update service (after the initial DBS check has been completed).
 - If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.

- Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence.
- Have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard.
- Have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria.
- Have passed the Council's Knowledge Test.
- Have met the Council's approved disability awareness training requirements.
- Have met the Council's Language proficiency requirements.
- Have paid the licence fee (please see current fees list).

5.4. Disclosure and Barring Service (DBS) Check

- 5.4.1. An enhanced DBS check must include a check of the children and adult barred Lists (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2).
- 5.4.2. Licence holders should maintain their DBS Certificate through the DBS Update service continuously through the duration of their licence, failure to do so is likely to lead to the immediate suspension of the licence.
- 5.4.3. Existing licence holders will need to undertake a new enhanced DBS check and maintain their DBS Certificate within 6 months from the implementation of this policy, or at the next renewal of their licence if that is sooner.

5.5. Assessment of Previous Convictions

- 5.5.1. The criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire driver's licence, the two are considered together.
- 5.5.2. Appendix A sets out the council's criteria for assessing previous convictions for all driver applications and licence holders.

5.6. Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences

- 5.6.1. A check of the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence (NR3 database) will be made for every licence application.
- 5.6.2. The applicant will also be required to disclose if they hold or have previously held a licence with another authority, and if they have had an application for a licence refused, revoked or suspended by any other licensing authority.
- 5.6.3. Where an applicant has a previous refusal, suspension or revocation by another authority, contact will be made with the relevant licensing authority to seek further information. If information is disclosed, this information will be taken into account in determining the applicant's fitness to be licensed.
- 5.6.4. Thurrock Council's policy on how we use the NR3 Database can be found at Appendix F

5.7. Medical Fitness Criteria

- 5.7.1. Up to the age of 70 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards as to their fitness to drive, every three years, or any lesser period that the examining doctor may decide.
- 5.7.2. Those drivers suffering from known and notified medical disorders and those over 70 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.
- 5.7.3. All medical examinations will be at the expense of the individual driver. The Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.
- 5.7.4. All medical examinations must be undertaken at one of the Council's agreed medical examination providers as in Appendix B

5.8. Safeguarding and Child Sexual Exploitation Awareness Training

- 5.8.1. All new applicants must have undergone the council's approved Safeguarding and Child Sexual Exploitation Awareness Training before a licence is granted.
- 5.8.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.8.3. The Council's approved Safeguarding and Child Sexual Exploitation Awareness Training courses and providers are detailed in Appendix C.

5.9. Disability Awareness Training

- 5.9.1. All new applicants must have undergone the council's approved Disability Awareness Training before a licence is granted.

- 5.9.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.9.3. The Council's approved Disability Awareness Training courses and providers are detailed in Appendix D.
- 5.9.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.10. Language Proficiency Requirements

- 5.10.1. All new applicants must undertake the Council's language proficiency assessment before a licence will be granted. This assessment will cover both oral and written English language skills.
- 5.10.2. Existing licence holders will need to undertake this assessment within 12 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 5.10.3. The Council's approved language proficiency assessment process and providers are detailed in Appendix E.
- 5.10.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.11. Knowledge Test

- 5.11.1. The Council's Knowledge Test is an electronic test that covers different sections as set out in Appendix G.
- 5.11.2. An application fee allows a maximum of 4 attempts at the knowledge test.
- 5.11.3. There is a fee for additional tests that must be paid for before the test is taken.
- 5.11.4. If you are not successful on a particular test, you will only be expected to answer questions on the sections you did not previously pass.

5.12. Conditions

- 5.12.1. The non-compliance with a licence condition may lead to revocation or suspension of a licence for this reason alone.

5.13. Private Hire Driver Conditions

- 5.13.1. A licence holder, on changing his address, shall notify the Council of such change within seven days by email to licensing@thurrock.gov.uk
- 5.13.2. Any of the following events in respect of licence holder must be reported by email to licensing@thurrock.gov.uk within 48 hours giving full details:
 - a) Any charge or conviction
 - b) Any caution (issued by the Police or any other agency)

- c) An arrest and release for any offence (whether or not charged)
 - d) Issue of any fixed penalty notice for any matter;
 - e) Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar.
 - f) Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence.
- 5.13.3. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.
- 5.13.4. No person shall, being the driver of a Private Hire Vehicle, without reasonable excuse:
- a) Refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair.
 - b) Refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog.
 - c) No person shall, being the driver of a Private Hire Vehicle, charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair.
- 5.13.5. A driver shall not refuse to carry fewer persons than the number marked on the plate.
- 5.13.6. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his 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.
- 5.13.7. 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:
- a) Unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
 - b) When picking up the hirer, make his presence known in person and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise.
- 5.13.8. A driver shall:
- a) Convey a reasonable quantity of luggage;
 - b) Afford reasonable assistance in loading and unloading such luggage.
- 5.13.9. If the Private Hire Vehicle is fitted with a meter, the driver shall, at the commencement of the journey, activate the meter so that the word "HIRED" is clearly visible and shall keep the meter operating until the termination of the hiring. "Commencement of the journey" means:
- a) When the hirer enters the vehicle;
 - b) When the driver has attended at an appointed place and has made their presence known to the hirer.
 - c) When the driver has presented themselves at an appointed place at a specified time.

- 5.13.10. The driver of a Private Hire Vehicle shall at all times when the vehicle is hired:
- a) Take all reasonable precautions to ensure the safety of persons travelling in, entering or alighting from their vehicle;
 - b) Be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s).
- 5.13.11. 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.
- 5.13.12. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.
- 5.13.13. The driver shall not demand from any hirer of a Private Hire Vehicle a fare greater than that agreed with the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 5.13.14. 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. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 72 hours, to the Civic Offices, New Road, Grays, and deposit it there.

6. Private Hire Operator Policy and Conditions

6.1. Overview

- 6.1.1. For the safety and protection of the public, Private Hire Operators within Thurrock must have a licence issued by Thurrock Council. The licence permits you to accept bookings for Private Hire work.
- 6.1.2. If you intend to take bookings from an operating base situated outside Thurrock, you must apply for an Operator's licence from the appropriate local council.
- 6.1.3. The objective in licensing Private Hire Vehicle Operators is to protect the public, who may be using Operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a Private Hire Vehicle Operator licence also pose no threat to the public and have no links to serious criminal activity. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.
- 6.1.4. Private Hire Vehicle Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.
- 6.1.5. Failure to comply with any condition of the licence may be grounds for revocation of the licence for that reason alone.

6.2. Duration of Licences

- 6.2.1. An Operator licence will normally be issued for a five year duration.
- 6.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, when the licensee has request it or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

6.3. Suitability of applicant/licence holder

- 6.3.1. A Private Hire Vehicle Operator licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
- 6.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.
- 6.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a Private Hire Vehicle Operator licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

6.4. Pre Licensing Requirements

- 6.4.1. To apply for a Private Hire Operator licence you need to submit the following:
 - A completed application form
 - Have the right to work in the UK.
 - A basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council)
 - If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
 - The fee (please see current fees list)

6.5. Conditions

- 6.5.1. Existing licence holders will need to be compliant with all the below condition within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 6.5.2. **General Conditions**
 - 6.5.2.1. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.

6.5.2.2. The Licence holder must notify in writing any change of address of the licence holder or the address of the operating centre by email to licensing@thurrock.gov.uk immediately within 48hrs of the change.

6.5.3. [Criminality Checks/reporting Convictions and Other Relevant Matters](#)

6.5.3.1. The licence holder must complete a basic disclosure from the DBS annually (unless the licence holder is also a licensed driver with Thurrock Council - Should the individual cease to hold a driver licence a basic certificate will be required immediately)

6.5.3.2. Any of the following events in respect of licence holder, director or partner must be reported by email to licensing@thurrock.gov.uk within 48 hours giving full details:

- Any conviction (criminal or driving matter)
- Any caution (issued by the Police or any other agency)
- Issue of any Magistrate's Court summons against them
- Issue of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar
- Their arrest for any offence (whether or not charged)

6.6. [Booking and Dispatch Staff](#)

6.6.1. An up-to-date register of all staff that take bookings or dispatch vehicles must be kept. This record shall be produced on request to any Authorised Officer of the Council or to any Constable for inspection.

6.6.2. When being added to the register, all individuals must have provided a recently issued (within 3 months) Basic DBS. This should be compatible with the Operator's policy on employing ex-offenders. Alternatively the Operator could use a 'responsible organisation' to request the check on their behalf.

6.6.3. A record that the Operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

6.6.4. Individuals that take bookings and/or dispatch vehicles for an Operator must be required, as part of their employment contract, to advise the Operator of any convictions while they are employed in this role.

6.6.5. The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.

6.6.6. Operators may outsource booking and dispatch functions, however Operators have an obligation to protect children and vulnerable adults and they must evidence that comparable protections are applied by the company to which they outsource these functions.

6.6.7. Operators or applicants for a licence must provide to the Licensing Authority, their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a Private Hire Vehicle Operator's licence, those with a conviction for offences provided in the annex to this document (Appendix A – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

6.7. Record Keeping

6.7.1. Operators must record the following information for each booking:

- the name of the passenger
- the time of the request
- the pick-up point
- the destination
- the name of the driver
- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle

6.7.2. Records must be retained for a minimum of twelve months

6.8. Use of passenger carrying vehicles (PCV) licensed drivers

6.8.1. A Driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) such as a minibus to undertake a Private Hire Vehicle booking is not permitted without the informed consent of the booker. Where a Private Hire Vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

7. Vehicle Licences

7.1. Overview

7.1.1. The objective of vehicle licensing is to protect the public, who trust that vehicles dispatched are above all else safe. It is important therefore that Thurrock Council is assured that those granted a vehicle licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles used to carry passengers are properly licensed and so maintain the safety benefits of the licence regime.

7.2. Duration of Licences

7.2.1. A Vehicle licence will only be issued for a one year duration.

7.3. Suitability of the Applicant/Licence Holder

7.3.1. Private Hire Vehicle licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.

7.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.

7.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

7.4. Pre Licensing Requirements

7.4.1. To apply for a Private Hire Vehicle licence you need to submit the following:

- A completed application form
- A basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council)
- If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
- The fee (please see current fees list)
- The original V5C vehicle registration certificate (log book), which must be in the applicants name and current address
- The bill of sale
- A MOT and compliance check
- A valid insurance certificate
- The old licence plate and window card (if renewing the licence)

7.4.2. Existing licence holders will need to comply with the above basic disclosure requirement within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

7.5. Vehicle specification and conditions including CCTV.

7.5.1. For the purpose of this consultation there are no changes proposed to the existing vehicle specification or conditions. These will be subject to review later this year. The existing documents will be added to this policy document for completeness.

Appendix A – Assessment of Previous Convictions

1. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
2. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
3. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
4. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

1. Crimes resulting in death.

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

2. Exploitation.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

3. Offences involving violence against the person.

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4. Possession of a weapon.

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

5. Sexual offences.

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

6. Dishonesty.

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

7. Drugs.

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

8. Discrimination.

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

9. Motoring convictions.

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10. Drink driving/driving under the influence of drugs.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

11. Using a hand-held device whilst driving.

Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

12. Hackney Carriage and Private Hire offences.

Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13. Vehicle use offences.

Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Appendix B- Agreed Medical Examination Providers

The following medical providers are approved by the Council to undertake a medical examination to the group 2 standards for licence holders and applicants.

- The GP surgery at which the applicant /licence holder is registered.
- Aveley Medical Centre
- Where any of the above options are not available, any medical provider with the written consent of the Council's Licensing Manager.

Appendix C - Approved Safeguarding and Child Sexual Exploitation Awareness Training

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Safeguarding and Child Sexual Exploitation Awareness Training licence holders and applicants.

- Thurrock Council's Safeguarding and Child Sexual Exploitation Awareness Training for Taxi Drivers

Appendix D - Approved Disability Awareness Training courses and providers

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Disability Awareness Training.

- Passenger Assistant Training Scheme (PATS) - The Community Transport Association (CTA) published a list of PATS Training Suppliers, which you can download from the [CTA: Passenger Assistant Training suppliers by county](#) web page.

Appendix E– Approved Language Proficiency Assessment providers

The following providers are approved by the Council to satisfy the licensing requirements for assessment of language proficiency.

- To be agreed.
- <https://tfl.gov.uk/info-for/taxis-and-private-hire/english-language-requirement>

Appendix F - Policy on the NR3 Database

Policy to be inserted.

<https://www.thurrock.gov.uk/sites/default/files/assets/documents/nr3-policy-v01.pdf>

Appendix G - Knowledge Test

The Knowledge test is a multiple choice electronic test that is split into 6 sections, and consists of 55 questions lasting for a maximum of 50 minutes.

	Topic	Description	Pass mark
1	Highway code 10 questions	Questions relate to things like speed limits, stopping distances, pedestrian crossings, parking and are similar to questions asked on the DVLA theory test.	Hackney Carriage: 10 Private Hire: 9
2	Road signs 5 questions	Road signs that you need to recognise.	All: 5
3	Places of interest 10 questions	Landmarks such as pubs, clubs, restaurants, schools, churches, and public buildings you need to be aware of.	Hackney Carriage: 9 Private Hire: 7
4	Routes 15 questions for Hackney Carriage drivers only	You'll be expected to select the shortest route between 2 places in the borough. It'll be assumed that there are no roadworks, blockages or anything to stop you going by the direct route. You should note things like roundabouts, no entry signs and one-way streets when giving your answer.	Hackney Carriage: 13 Private Hire: not taken
5	Conditions and law 10 questions	Conditions relate to both Hackney Carriages and Private Hire Vehicles and drivers.	All: 10
6	Numeracy 5 questions	Questions relate to the cost of fares and the change you must give the customer.	All

Appendix H – Scheme of Delegation

- To be added.

Appendix J – List of Consultees for this policy

- Hackney Carriage Licence Holders
- Private Hire Licence Holders
- To be added to.

Appendix K - Useful Documents

- [Statutory Taxi and Private Hire Standards](#) – July 2020
- [Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#) –March 2010
- [IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) – April 2018
- [Licensing authority guide to right to work checks](#) – 23 January 2018
- [Overseas Criminal Record Checks Guidance](#) – December 2020
- [Assessing fitness to drive – a guide for medical professionals](#) – February 2020
- [Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance](#) – February 2017
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Licensing Authorities](#) – 15 September 2010
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Drivers and Operators](#) – 15 September 2010
- [DPTAC \(Disabled Persons Transport Advisory Committee\) position on taxis and PHV](#) – August 2020
- [Government Response to report of the task and finish group on taxi and private hire vehicle licensing.](#) – February 2019
- [Guidance for Operators of stretch limousines](#) – March 2011
- [Coronavirus \(COVID-19\):taxis and PHVs](#) -12 January 2021
- [Licensing motorcycles and private hire vehicles](#) – July 2012
- [Private Hire Vehicle Licensing guidance note](#) – August 2011
- [Councillor Handbook: Taxi and PHV Licensing](#) – November 2017
- [Developing an approach to mandatory CCTV in taxis and PHVs](#) – January 2019

Appendix B – Taxi Licensing Policy Consultation Responses

No.	Contributor	Comment	Section	Date
1	Anonymous	<p>I feel once again Thurrock licensing are behind with the times. There is no reason at all for a driver to need to take a Thurrock council test. With Sat Navs and PDAs in most vehicles now, a local knowledge is a thing of the past. Transport for London have proved this with UBER and other companies using the said equipment. With UBER now becoming a big competitor in Thurrock more and more drivers are moving to UBER and other online companies. By keeping the test within 5 years Thurrock will not have many vehicles and drivers to license. And no doubt this will reflect by Thurrock council putting the fees up to warrant what they pay licensing officers and managers which will also drive companies away from Thurrock licensing and move to UBER and other online companies. So come on Thurrock lead the way instead of following other boroughs.</p>	5. Driver licenses	Sep 04/21
2	Anonymous	<p>I didn't recall seeing anything about reporting accidents within a certain time scale to the licensing department</p> <p>I don't think it's justified that all drivers seem to be found "guilty till proven innocent " in our eyes when an unnamed complaint is made, even a named complaint, information about the complainant is withheld and "warnings" are given to drivers even before they are asked for their version of events, I have experienced this as a Manager and as a driver! This is my opinion and not those of anyone else. At the same time I respect how difficult, sensitive and dangerous this complaints can be! I also would like to request an improvement in time scales for cases to be heard when drivers have been suspended waiting for their case to be heard</p> <p>I think it's unfair that licenses are possibly not going to be issued if you have 7 points on your license when the national maximum is 12 before prosecution? We are short of drivers and maybe some slight leaniancy could be mad?</p>	<p>3. Failure to disclose information.</p> <p>4. Complaints against license holders,</p> <p>7. Vehicle licenses</p>	Aug 10/21

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28 September 2021	ITEM: 9
Licensing Committee	
Gambling Act Statement Of Principles	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Licensing Manager	
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
Accountable Director: Julie Rogers, Director of Public Realm	
This report is: Public	

Executive Summary

The Gambling Act 2005 (the Act) requires all local authorities to produce a statement of the principles, which they propose to apply when exercising their functions under the Act.

The Act also requires that any statement is kept under review and must be reviewed at least every 3 years. The current Statement of Principles came into effect 6 January 2016. This is now overdue for review and requires publication to come in with effect as soon as possible.

This report considers the response to the consultation.

1. Recommendation(s)

1.1 That the Committee –

- (a) **Agrees the reviewed Gambling Act Statement of Principles as attached at Appendix A, and recommends to Full Council that it be adopted and implemented with immediate effect.**

2. Introduction and Background

2.1 Section 349 of the Gambling Act 2005 (the Act) requires a council, as the licensing authority, to produce, consult upon and publish a statement of the principles it intends to apply when exercising its function under the Act. A licensing authority's function under section 349 may not be delegated by the authority.

2.2 This statement must be kept under review and be re-published at least every three years.

2.3 The current Statement of Principles first came into effect in 6 January 2016. The statement is now overdue for review, and requires publication as soon as possible.

3. Issues, Options and Analysis of Options

3.1 The Council as a Licensing Authority is obliged to have a Statement of Principles in place. The current Policy expired on 6 January 2019. It is therefore imperative that the Council adopts a reviewed Policy as soon as possible.

3.2 A reviewed policy has been prepared, consulted on and is attached as **Appendix A**.

3.3 The reviewed policy has included the legislative changes in the following areas:

- Changes to the incidental non-commercial lottery made by the Legislative Reform (Exempt Lotteries) Order 2016)
- Updates to Travelling fairs, unlicensed (permit) Family entertainment centres
- Changes to the FOBT's in betting shops.
- Inclusion of Area Profile

3.4 The transitional arrangements relating to the conversion licences under the old gaming legislation, to the current regime under the Gambling Act 2005 have been removed where relevant as the time period for conversion of licences has now passed.

3.5 Following Consultation, one response has been received to the revisions, from Gamble Aware, that was not specific to our policy, but provided information on tools that they provide that will be of use to local Authorities, signpost route to their organisations and government guidance. A copy of their response is attached at **Appendix B**.

4. Reasons for Recommendation

4.1 Adoption of the policy is a Full Council function.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 A consultation on the reviewed draft policy has been undertaken. All premises licensed under the Gambling Act 2005 and Licensing Act 2003 licensed by Thurrock Council was written to inviting them to view the draft policy, and to make any comments via Thurrock Council's online consultation portal. Consultation has also been undertaken with Responsible Authorities. The draft policy has also been published on the Council's online portal for public comment.

5.2 The consultation period ran from 6 August 2021 to 12 September 2021.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Thurrock's Statement of Statement of Principals in relation to the Gambling Act 2005 underpins the Authority's administration of the licensing regime. It should accord with the general principles in the Guidance issued by the Gambling Commission and promote the licensing objectives.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no direct financial implications associated with the report

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The Review of Statement of Gambling Policy conforms with the relevant legislation and guidance. Under the Local Authorities (Functions and Responsibilities) (England) Regulations the final Policy can only be approved by full Council.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project Monitoring Officer

There are no diversity implications arising from this report. The Gambling Act 2005 requires local authorities to review their Statement of Principals.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Gambling Act 2005
- Guidance to Licensing Authorities, 3rd edition, issued by the Gambling Commission

9. Appendices to the report

- **Appendix A** – Consultation draft statement of principles
- **Appendix B** – Response from GambleAware

Report Author:

Paul Adams

Licensing Manager

Licensing Team, Public Protection

THURROCK COUNCIL

Gambling Licensing Policy Statement

Appendix A

THURROCK COUNCIL
GAMBLING LICENSING POLICY STATEMENT
20XX

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ANNEXES

The following appendices do not form part of the approved Statement of Gambling Licensing Policy but are included to assist applicants in meeting the requirements of the licensing process.

A	Definitions
B	Contact Details of Responsible Authorities
C	Application Process
D	Advice for those who have difficulty in understanding English
E	Terms of Reference and Delegated Powers
F	List of Consultees
G	Useful Contacts

Foreword to Gambling Licensing Policy Statement

The Gambling Act 2005 provides the legal framework for the licensing and regulation of commercial gambling in this Country. One of the responsibilities placed by the Act on local authorities, is to produce a Gambling Policy Statement. This is the **third** Statement of Licensing Policy produced by Thurrock Council since the law came into effect. It provides the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next five years, commencing on xxxxx.

In applying this policy the Council will not be promoting gambling nor will it be restricting opportunities for individuals who wish to participate in Gambling. The statement simply sets out the principles that Thurrock Council will apply in exercising our licensing functions under the Act. In applying the principles contained in this policy the Council seeks to work in partnership with the gambling industry and other bodies to ensure proper application of the licensing objectives of:

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

This policy has been produced in accordance with provisions of the Act, Regulations and Guidance issued by the Gambling Commission. It will be kept under review and will be amended when issues arise that make change necessary. In making decisions under this policy, the Council as the licensing authority will aim to achieve an effective balance between meeting the objectives of the Gambling Act 2005 and facilitating the sustainable economic growth of the borough.

PART A GENERAL

1.0 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles by which Thurrock Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as ‘the Act’), intends to apply in discharging its functions to licence premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an “Interested Party”;
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting court proceedings for offences committed under the Act.

2.0 THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

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

3.0 DESCRIPTION OF THE BOROUGH

3.1 Thurrock has a long and celebrated history; having played a vital role in the defense of the region, the capital and the realm.

Situated within the heart of the Thames Gateway in South Essex, just to the East of London, this thriving borough encompasses huge swathes of green belt country, with 18 miles (29km) of Thames frontage. The area's unique riverside location and vast natural resources is the key to its past and future development, growth and success.

Thurrock's economy has historically been driven by the presence of several large sectors - transport, logistics, port functions and retail account for a substantial part of the current economic landscape.

Thurrock has been considered a gateway between Britain and the rest of the world for decades and this still holds true today - DP World's presence in the borough is testimony to that.

Alongside these areas of peace and beauty, Thurrock is also home to one of the largest shopping complexes in Europe. All of this is just 40 minutes from the heart of The City.

The Thames Gateway corridor is Europe's largest regeneration program, 50 per cent of which is being delivered in Thurrock. This status brings many opportunities but also some significant challenges - 26,000 new jobs and 18,500 new homes by 2021.

In 2011 our population was 158,300 in 68,266 dwellings. Over 30 different languages are currently spoken and this number is also expected to rise. The council recognises the benefits of a diverse community and the potential impact of these trends on shaping the future of Thurrock.

Whilst Thurrock's ranking in deprivation has improved, but inequalities exist in parts of Tilbury, Belhus, Chadwell, Ockendon and West Thurrock with the gap biggest in health, crime, education and employment.

Thurrock Unitary Council was formed in the 1998 local government review. There are 20 electoral wards and 49 seats on the Council. Ordinarily, Members serve for a mandate of four years.

4.0 RESPONSIBILITIES UNDER THE ACT

4.1 The Act introduced a licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.

4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Thurrock Council is the Licensing Authority for the Borough of Thurrock.

4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- provide betting or act as intermediaries for betting;
- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority has additional responsibility for the registration of certain types of exempt Small Society Lotteries.

4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-

- a) in accordance with any relevant codes of practice;
- b) in accordance with any relevant Guidance issued by the Gambling Commission;
- c) reasonably consistent with the Licensing Objectives, subject to the two bullet points above, and
- d) subject to the three bullet points above, in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can determine an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5.0 STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.

5.3 This Policy takes effect on **xxxxxx** *and replaces the policy previously in force.*

6.0 CONSULTATION

6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A list of these other groups and persons consulted is provided at Annex F

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- The chief officer of police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other groups and people consulted were:-

- Organisations, working with who are problem;
- Other elements of local government;

- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 Consultation took place between 6 August 2021 and 12 September 2021.

6.5 A full list of comments made and details of the Council's consideration of those comments is available by request to Licensing Department or via the Licensing Authority's website at www.thurrock.gov.uk

7.0 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on **[Date to be confirmed]** and was published via its website on **[Date to be confirmed]**. Copies are available on request.

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8.0 DECLARATION

8.1 The Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process, and will adopt the Principles of Better Regulation.

8.2 The Council recognises its responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.

8.3 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Council's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations issued under the Act.

9.0 RESPONSIBLE AUTHORITIES

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Annex B. It should be noted that under the Act, the Licensing Authority itself is designated as a Responsible Authority.

9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-

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

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, this Authority designates Thurrock Council's Children, Education and Families Service, for this purpose.

10.0 INTERESTED PARTIES

10.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

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

10.2 Interested parties can be persons who are democratically elected, such as Councillors and Members of Parliament. Where appropriate this will include county, parish and town councillors.

Interested parties can also be trade associations, trade unions, residents' associations and tenants' associations. Providing that these people represent those living or having business interests in the area which might be affected, no specific evidence of authorisation is required.

Otherwise, the licensing authority will generally require a third party to produce some form of authorisation to speak on behalf of the interested party.

10.3 Whether a person is an interested party will be determined on a case by case basis. The types of organisations which may be considered to have business interests will be given a wide interpretation.

10.4 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- The size of the premises;

- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant. This does not mean the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostels for vulnerable adults;
- The catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

10.5 The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious;
- It raises issues that relate to Guidance issued by the Gambling Commission;
- It raises issues that relate to this policy;
- It relates to the Licensing Objectives

11.0 EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- other relevant Legislation and Regulations

11.2 In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force;
- An enforcement officer;
- A licensing authority;
- Her Majesty’s Revenue and Customs;
- The Gambling Appeal Tribunal;
- The Secretary of State;
- Scottish Ministers; and
- Any other person or body designated by the Secretary of State in accordance with the Act.

11.3 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose unless required to do so by law.

12.0 PUBLIC REGISTER

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13.0 COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice.

This requires that actions should be:-

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to the Council's Public Protection Enforcement Policy.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.

13.5 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the Public Protection Enforcement Policy. A copy

of this document is available on the Council's website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

- 13.6 As part of its ongoing inspection regime, the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. Where operators carry out their own test purchasing, and the Licensing Authority is unable to obtain the results from the Primary Authority, we would expect this information to be provided by the operator when requested. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Ladbrokes/Coral – Milton Keynes
 - Paddy Power – Reading
 - William Hill – City of Westminster

14.0 DELEGATION OF POWERS

- 14.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Annex E

PART B PREMISES LICENCES

15.0 GENERAL PRINCIPLES

- 15.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.
- 15.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- Casino premises;
 - Bingo premises;
 - Betting premises, including tracks and premises used by betting intermediaries;
 - Adult gaming centre premises (for category B3, B4, C and D machines);

- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

15.3 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objectives concerns can be overcome.

15.4 The Licensing Authorities is required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-

- in accordance with any relevant Codes of Practice (LCCP) under section 24 of the Act;
- in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- reasonably consistent with the Licensing Objectives (subject to the two bullet points above); and
- in accordance with the Licensing Authority's Statement of Licensing Policy (subject to the three bullet points above).

15.5 **Definition of Premises:**

In the Act as 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

The authority takes particular note of the Gambling Commission's Guidance with regard to applications for multiple licences for a building, or those for a specific part of the building to be licensed. The Guidance directs the Authority that premises should be configured so that children "are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating"; that "Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area"; and that "Customers should be able to participate in the activity named on the premises licence".

Where considering applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), the Authority will consider, as per the Guidance, whether taken as a whole, the co-location of the licensed premises with other facilities may have the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

15.6 Demand:

The authority is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

15.7 Location:

Location will only be material consideration in the context of the Licensing Objectives.

With regard to these objectives, it is the authority's policy, upon receipt of any relevant representations to look at specific location issues including:

- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. school, or vulnerable adult centres in the area;
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- The size of the premises and the nature of the activities taking place;
- Any levels of organised crime in the area.

In order for location to be considered, the authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premises licence; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

The authority will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of residents in the area;

- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, top shops, leisure centres and other areas where children will gather.

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability to staff to offer brief intervention and how the manning of premises affect this;
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored;
- The layout of the premises so that staff have an unobstructed view of people using the premises;
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality;
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

15.8 Local Area Profile

Each locality has its own character and challenges. In order to assess applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the authority may publish a local area profile. The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local

area profiles will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The authority recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments, however an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

15.9 Duplication with other Regulatory Regimes:

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be granted Planning Permission or Building Control consent.

The Gambling Commission's Guidance to Licensing Authorities states:

'7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'

'7.65 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S201 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

This licensing authority places due regard on these extracts from the Guidance (September 2015 version). The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.

15.10 Licensing Objectives:

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime** – The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way** – The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission’s Licence Conditions and Code of Practice.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term ‘vulnerable person’ in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or substance misuse of alcohol or drugs.

The licensing authority will consider very carefully whether applications for Premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children should be granted.

15.11 **Conditions:**

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of

premises, the Authority may consider attaching individual conditions related to the licensing objectives.

Any conditions attached to Licences will be proportionate and will be:-

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

In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- Proof of age schemes
- Closed Circuit Television
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entrances;
- Notices and signage;
- The training of staff to deal with suspect truants and vulnerable persons;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

This list is not exhaustive but indicative of examples.

15.12 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

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

15.13 **Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the licensing authority may apply conditions as to where they are sited.

15.14 **Betting Machines [See Annex A for definition]:**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

15.15 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

15.16 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Act.

15.17 In all applications where a plan is required to be submitted, the Licensing Authority expectation is that, it will be in a scale of 1:100 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):

- The extent of the proposed licensed area
- All entry and exit points (including fire exits)
- CCTV camera positions
- Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATMs
- Any fixed or permanent structures including counters
- Privacy screens (see also section 23.4 of this policy)
- All unlicensed areas under the control of the licensee including any 'sterile areas' and toilet and kitchen facilities be they for staff or public use.

16.0 PROVISIONAL STATEMENTS

16.1 An application for a provisional statement may be made in respect of premises which the applicant:

- expects to be constructed;
- expects to be altered;
- expects to acquire a right to occupy.

16.2 The applicant should refer to the Act and the detailed information provided in the Guidance.

17.0 REVIEWS

- 17.1 Application for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.
- 17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Group Manager (Regulation), as being the proper persons to act on its behalf.
- 17.3 It is for the Licensing Authority to decide whether the review is to be carried out. This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below:
- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy;
 - whether the grounds for the request are frivolous or vexatious
 - whether the grounds for the request would certainly not cause the Authority to alter/revoke/suspend the premises licence;
 - whether the grounds for the request are substantially the same as previous representations or requests for a review;
 - In accordance with any relevant codes of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - Reasonably consistent with the licensing objectives.
- 17.4 There is no appeal, other than by way of Judicial Review, against the Authority's determination of the relevance of an application for review.

18.0 ADULT GAMING CENTRES

- 18.1 An Adult Gaming Centre is defined in Annex A. Entry to these premises is age restricted.
- 18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

19.0 LICENSED FAMILY ENTERTAINMENT CENTRES

- 19.1 A licensed Family Entertainment Centre is defined in Annex A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20.0 CASINOS

- 20.1 A casino is defined in Annex A Entry to these premises is age restricted.
- 20.2 The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in it area.
- 20.3 Thurrock Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. The Council would consider hosting a casino in Thurrock should the ability to do so arise with any future changes in legislation.
- 20.4 In making this decision the Licensing Authority consulted widely on this specific issue.

20.5 Casinos and Competitive Bidding

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators that will want to run a casino. In such situations the council will run a competition in line with regulations and codes of practice issued under the Act by the Secretary of State. It should be noted that at the time this Statement of Licensing Policy was adopted this area had not been so enabled.

- 20.6 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20.7 Betting Machines:

- 20.8 Conditions may be imposed in accordance with paragraphs 15.14, 15.15 and 15.16 above.

- 20.9 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.10 Credit:

Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

21.0 BINGO PREMISES

- 21.1 Bingo is defined in Annex A Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 Credit:

Credit facilities are prohibited in premises licensed for Bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22.0 BETTING PREMISES

22.1 Betting is defined in Annex A. Entry to these premises is age restricted.

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

23.0 BETTING MACHINES

23.1 Conditions may be imposed in accordance with paragraphs 15.14, 15.15 and 15.16 above.

23.2 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

23.3 Fixed Odds Betting Terminals (FOBTs)

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBTs may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

23.4 The Licensing Authority expects FOBTs to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.1.1. Where an existing licence holder adds 'privacy screens' a variation application will be required.

24.0 TRACKS

24.1 **A track is defined in Annex A** Entry to these premises may be age restricted. Please refer to the Gambling Commission Guidance

24.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24.3 BETTING MACHINES

24.4 Conditions may be imposed, in accordance with paragraphs 15.14, 15.15 and 15.16 above.

24.5 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

25.0 TRAVELLING FAIRS

25.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the Act.

25.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than ancillary amusement at the fair.

25.3 The Licensing Authority will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

25.4 It will fall to this Licensing Authority to determine whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met. Current stakes and prizes can be found at Annex C

25.5 Fairs cannot be held on a piece of land for more than 27 days per calendar year, regardless of whether it is the same or different travelling fair occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses the administrative boundaries is monitored so that statutory limits are not exceeded.

PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS

26.0 GENERAL

26.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be attached.

27.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

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

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

- A **Disclosure and Barring** check for the applicant and the person having the day to day control of the premises;
- Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises, or
 - children causing perceived problems on/around the premises.
 - suspect truant children.

In addition, applicants should be able to demonstrate a full understanding of the maximum stakes and prizes (and that staff are suitably trained in this respect).

27.3 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100 (unless otherwise agreed in writing) and which show the following:

- entrances and exits to the premises
- location of gaming machines
- location of CCTV cameras
- location of safety equipment such as fire extinguishers

28.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D via notification to the Licensing Authority.
- 28.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.
- 28.3 Premises restricted to selling alcohol only with food, will not be able to have gaming machines or apply for a Permit.
- 28.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-
- Adult machines being in sight of the bar;
 - Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
 - Appropriate notices and signage; and
 - As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets **and/or** help line numbers for organisations such as GamCare.
 - Relevant Codes of Practice issued by the Gambling Commission.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

- 28.5 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100 (unless otherwise agreed in writing) and which show the following:
- entrances and exits to the premises
 - location of gaming machines
 - location of CCTV cameras
 - location of safety equipment such as fire extinguishers
 - location of the bar(s)
 - location of any ATMs

29.0 PRIZE GAMING PERMITS [See Annex A for definition]

- 29.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic ***Disclosure and Barring*** check for the applicant and the person having the day to day control of the premises; Proof of age schemes;
 - How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
 - Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises;
 - Suspected truant children.

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect).

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

30.0 CLUB GAMING AND CLUB MACHINE PERMITS

- 30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.
- 30.2 Commercial clubs may apply for a club machine permit, subject to restrictions.
- 30.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:
- (a) in respect of gaming machines:
- No child or young person may use a category B or C machine on the premises;
 - That the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.
- (b) The public, children and young persons must be excluded from any area of the premises where the gaming is taking place.
- 30.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

PART D OCCASIONAL AND TEMPORARY PERMISSIONS
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31.0 TEMPORARY USE NOTICES (TUN)

31.1 A 'TUN' is defined in Annex A

31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations issued by the Secretary of State prescribe the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

31.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

31.4 The definition of "a set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

31.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

32.0 OCCASIONAL USE NOTICES (OUN)

32.1 Occasional Use Notices are defined in Annex A Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.

32.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

32.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

33.0 SMALL SOCIETY LOTTERIES

33.1 The definition of a Small Society Lottery is contained in Annex A and these require registration with the Licensing Authority.

34.0 ANNEXES

34.1 Annexes have been attached to this Statement providing further information and guidance and they are intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act, or the guidance or regulations issued under the Act.

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
ATM	Automated Teller Machine (cash machine)
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
AWP machines	Amusement with Prizes Machines
BACTA	British Amusement Catering Trade Association
Betting Machines	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	<ul style="list-style-type: none"> a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
Child	Individual who is less than 16 years old.

Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
Club Gaming Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B C or D), equal chance gaming and games of chance.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> • Automatic provision • Regulations provided by Secretary of State • Conditions provided by Gambling Commission • Conditions provided by Licensing Authority <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere

	nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission.</p> <p>There are 4 types:</p> <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities. • Incidental Non Commercial Lotteries • Private Lotteries • Customer Lotteries
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p>Categories</p>

	<p><i>Max. Stake Max Prize</i></p> <p>A Unlimited</p> <p>B1 £5 £10000 *</p> <p>B2 £2 £500</p> <p>B3 £2 £500</p> <p>B3A £2 £500</p> <p>B4 £2 £400</p> <p>C £1 £100</p> <p>D – money prize 10p £5</p> <p>D – non-money prize (other than crane grab machine or a coin pusher or penny falls machine) 30p £8</p> <p>D – non-money prize (crane grab machine) £1 £50</p> <p>D – money prize (other than a coin pusher or penny falls machine) 10p £5</p> <p>D – combined money and non-money prize (other than a coin pusher or penny falls machine) 10p £8 (of which no more than £5 may be a money prize)</p> <p>D – combined money and non-money prize (coin pusher or penny falls machine) 20p £20 (of which no more than £10 may be a money prize).</p> <p>*with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.</p>
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 5 th edition dated September 2015
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private gain, and which are incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).

Interested Party	<p>A person who:</p> <p>Lives sufficiently close to the premises to be likely affected by the authorised activities</p> <ul style="list-style-type: none"> • Has business interests that might be affected by the authorised activities • Represents persons in either of the above groups
Large Lottery	<p>Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.</p>
Licensed Lottery	<p>Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.</p>
Live Gaming	<p>Gambling on a live game as it happens.</p>
Lottery	<p>An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.</p>
Lottery Tickets	<p>Tickets that must:</p> <ul style="list-style-type: none"> • Identify the promoting society; • State the price of the ticket, which must be the same for all tickets; • State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if

	<p>there is one, the External Lottery Manager; and</p> <ul style="list-style-type: none"> • State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	<p>A club that must</p> <ul style="list-style-type: none"> • have at least 25 members • be established and conducted 'wholly or mainly' for purposes other than gaming • be permanent in nature • not established to make commercial profit • controlled by its members equally.
Non-commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society	<p>A society established and conducted:</p> <ul style="list-style-type: none"> • for charitable purposes • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or • for any other non-commercial purpose other than that of private gain
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.

Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
Private Lotteries	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises • Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;

Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> • Expects to be constructed • Expects to be altered • Expects to acquire a right to occupy.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Simple Lottery	An arrangement where: <ul style="list-style-type: none"> • Persons are required to pay to participate in the arrangement • In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and • The prizes are allocated by a process which relies wholly on chance.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a

	calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Statement of Principles	Matters taken into account when considering an applicant's suitability for applications for FEC Permits and prize gaming permits.
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Virtual Betting	Machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
Vulnerable Persons	No set definition, but likely to mean groups to include

	<p>people who:-</p> <ul style="list-style-type: none"> • Gamble more than they want to; • Gamble beyond their means; • Who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
Young Person	<p>An individual who is not a child but who is less than 18 years old.</p>

ANNEX B

Gambling Act 2005 Responsible Authorities

Licensing Authority

The Licensing Authority	Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
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Responsible Authorities

Essex Police	Essex Police Licensing Department (Alcohol & Gambling) Blythes Meadow Braintree Essex CM7 3DJ Licensing.applications@essex.pnn.police.uk
The Fire and Rescue Authority	Essex Fire Authority Thurrock & Brentwood Command Fire Station Hogg Lane Grays Essex RM17 5QS
The Local Planning Authority	Development Control Division Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
The Local Authority with functions related to prevention of risk of pollution of the environment	Environmental Health Team Public Protection Thurrock Council

	Civic Offices New Road Grays Essex RM17 6SL
The body designated by the Licensing Authority as being competent to advise on the Authority about protection of children from harm	Children's Services Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
The Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP
HM Revenue and Customs	The Proper Officer HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY

This guidance covers those aspects that are the responsibility of the Licensing Authority only; guidance on aspects dealt with by the Gambling Commission can be obtained via the following link: - www.gamblingcommission.gov.uk

Premises licences

A premise's licence is required for any premises where gambling activity is carried out of a type requiring personal and operator's licences to have been issued by the Gambling Commission.

An application may only be made by persons having the right to occupy the premises and who have, or have applied for, an operating licence allowing the proposed activities to be carried out. The premise's licence cannot be granted until the necessary operator's licence has been issued.

Premise's licences are issued by the Licensing Authority and are required for casinos, bingo premises, betting premises (including tracks and premises used by betting intermediaries) adult gaming centres and family entertainment centres providing category C gaming machines.

A licence is restricted to one premise only. However one set of premises may have separate licences issued in respect of different parts of the building.

Licensing authorities are obliged to grant an application for a premise's licence, provided the application is made in accordance with the Act, the Gambling Commission's guidance and the Licensing Authority's Statement of Licensing Principles. Licence will be subject of mandatory and default conditions applied by regulations issued under the Act.

Premise's licences are valid indefinitely from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

Bingo, Betting, Arcades (Adult gaming centres & Licensed family entertainment centres)

Applicants wishing to commence operating on or after 1 September 2007 may apply from 1 January 2007 to the Gambling Commission for an operator's licence and from 31 January 2007 to the Licensing Authority for a premise's licence.

Tracks

An operator's licence is not required from the Gambling Commission to operate a track but a premise's licence from the Licensing Authority is required. A number of premise's licences may be granted for one track, provided each is for a different part of the track.

Betting is usually divided into on-course, off-course and pool betting, the provision of which requires operators to hold either a general betting operator's licence or a pool betting operating licence from the Commission.

Pool betting on tracks may only be offered by the Tote (in relation to horse-tracks) and by the premise's licence-holder (in relation to dog-tracks). Pool betting may not be provided elsewhere.

Gaming machines, consisting of a maximum of 4 machines of categories B2 – D, may be operated at a track by the premise's licence-holder provided they hold a pool betting operator's licence (for siting and other special considerations in respect of gaming machines at tracks, see *'the Gambling Commission's guidance'* at www.gamblingcommission.gov.uk).

Betting machines may also be operated at tracks (see *'Betting machines'*).

The licensing process is the same as for other premises described above.

Betting machines

Betting machines are used for accepting bets on live events such as racing, in place of making bets at a counter, e.g. in a betting shop or on a track. These machines are not classed as gaming machines. The Licensing Authority may impose a limit on the number of betting machines that may be used in conjunction with a premise's licence.

Gaming machine supply & repair

These activities require operator's licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at www.gamblingcommission.gov.uk).

Gaming machines in licensed premises

Premises licences issued under the Gambling Act 2005 automatically authorise the provision of gaming machines, according to the type of premises and gambling activities permitted (but see also *'Tracks'*).

The Gambling Act 2005 introduces new classes of gaming machines, as shown in figure 1 below. The category and number of machines that may be operated under a premise's licence are shown in figure 2 below.

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	£5	£10000*
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or coin pusher or penny falls machine)	30p	£8

D – non-money prize (crane grab machine)	£1	£50
D – Money prize (other than a coin pusher or penny falls machine)	10p	£5
D- combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money can non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)

* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only.

Fig. 2

Type of Authorisation	Machine Categories Permitted						
	A	B1	B2	B3 B3A	B4	C	D
Regional casino (table/ machine ratio of 25-1 up to maximum)	Maximum of 1250 machines (subject to a machine/table ratio). Any combination of machines in categories A to D (except for B3A machines).						
Large casino (table/ machine ratio of 5-1 up to maximum)	X	Maximum of 150 machines (subject to a machine/table ratio). Any combination of machines in categories B to D (except for B3A machines).					
Small casino (table/ machine ratio of 2-1 up to maximum)	X	Maximum of 80 machines (subject to a machine/table ratio). Any combination of machines in categories B to D (except for B3A machines)					
Converted Casino Premises Licence (Pre-2005 Act Casinos)	X	Maximum of 20 machines (no machine/table ratio). Any combination of machines in categories B to D or C or D machines instead (except for B3A machines).					
Betting premises (other)	X	X	Maximum of 4 machines. Any combination of machines in categories B2 to D (except for B3A machines).				
Betting premises (Track)	X	X	As Betting (other), but only if the licence-holder also holds a Pool Betting Operating Licence.				

Bingo Premises	X	X	X	20% of total gaming machines#		Unlimited	
Adult gaming centre	X	X	X	20% of total gaming machines #		Unlimited	
Family Entertainment Centre Premises Licence	X	X	X	X	X	Unlimited	
Family Entertainment Centre Gaming Machine Permit	X	X	X	X	X	X	Unlimited
Club Gaming Permit or Club Machine Permit	X	X	X	Maximum of 3 machines Members clubs – from Cat. B3a/B4/C/D Commercial clubs – from Cat. B4/C/D			
Alcohol-licensed premises Automatic entitlement	X	X	X	X	X	1 or 2 machines of category C or D LA must be notified	
Alcohol licensed premises Gaming Machine Permit	X	X	X	X	X	As allowed by permit	
Travelling fair (no authorisation required)	X	X	X	X	X	X	Unlimited
	A	B1	B2	B3 B3A	B4	C	D

X = category of machines not permitted on this type of premises)

AGC/Bingo premises in existence before 13 July 2011 or granted between 13/07/2011 and 01/04/2014 may provide 4 or 8 (respectively) category B machines, or up to 20% of the total number if this is greater.

Minimum age of 18 years to use Category A, B and C machines. No age limit on Category D machines.

Temporary Use Notices (TUNs)

A TUN may only be issued by a person or company holding an operating licence relevant to the proposed temporary use of the premises and may be issued in respect of a 'set of premises' for a maximum of 21 days in any 12- month period. (NB. A TUN may not be issued in respect of a vehicle).

A 'set of premises' is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.

In considering whether a place falls within the definition of "a set of premises", the Licensing Authorities will consider, amongst other things, the ownership / occupation and control of the premises.

The Licensing Authority should generally aim to permit gambling activities under a TUN but will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Issue

Not less than 3 months and 1 day prior to the day on which the gambling event is to take place, a TUN must be given to: -

- the Licensing Authority,
- the police,
- HM Commissioners for Revenue and Customs, and, if applicable,
- any other licensing authority in whose area the premises are situated.

The notice must include details of: -

- the date the notice is given,
- the gambling activity to be carried on,
- the premises where it will take place,
- the dates and times it will take place,
- any periods during the preceding 12 months that a TUN has had effect for the same premises, and
- any other information prescribed by regulations.

If there are no objections, the notice will be endorsed by the Licensing Authority and returned to the issuer for display upon the premises at the time the activity takes place.

Objections

Having regard to the licensing objectives, those authorities upon whom the TUN is served may make objections within 14 days of the date of the notice to the gambling activity taking place. Objections must be made to the Licensing Authority and TUN issuer.

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day

time limit and a new fee will not apply to the new notice, nor may the original objector/s object to the new notice.

A hearing must be held before the Licensing Sub-Committee to hear representations from all parties, unless agreement is reached that a hearing is unnecessary, e.g. by modification of the notice, within 6 weeks of the date of the notice.

Following a hearing the Licensing Authority must issue a counter notice setting out whether or not the TUN will have effect, any limitations to the activities permitted, the time period when activities may take place and any conditions that are imposed.

Occasional Use Notices (OUNs)

Occasional Use Notices may only be issued in relation to tracks that are used on eight days or less in a calendar year.

A track can be any part of a premise on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.

OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. An OUN dispenses with the need for a betting premises licence for the track.

Issue

The notice may be issued by the person responsible for the administration of events on the track or the occupier of the track.

The notice must be served on the Licensing Authority and a copy on the Chief Officer of Police.

Objections

Generally objections may not be made to the issue of an OUN, except the Licensing Authority must issue a counter notice where the effect of the OUN would result in betting facilities being made available for more than 8 days in a calendar year.

GAMING PERMITS

Certain types of gambling are authorised by permits issued by the Licensing Authority. The permits generally authorise low stake gambling for small prizes by: -

- Gaming machines in alcohol-licensed premises, member's clubs, unlicensed family entertainment centres (FEC's) and certain other premises, e.g. taxi offices (see '*Other premises*' below);
- Equal chance gaming, games of chance and gaming machines in member's clubs; and
- Prize gaming, e.g. at travelling fairs.

GAMING MACHINES

The Gambling Act 2005 introduces new classes of gaming machines that may be operated under a permit, as shown in figure 3 below.

Fig. 3

Category of machine	Maximum Stake £	Maximum Prize £
B3A	2	500
B4	2	400
C	1	100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	8
D – non-money prize (crane grab machine)	1	50
D – non-money prize (other than a coin pusher or penny falls machine)	10p	5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-Money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

The category and number of machines that may be operated under a premise's licence are shown in figure 2 above.

Fig. 4

Premises Type	Machine category								
	A	B1	B2	B3	B3A	B4	C	D	
Clubs or miners' welfare institutes with permits					Maximum of 3 machines Members clubs – from Cat. B3a/B4/C/D Commercial clubs – from Cat. B4/C/D				
Alcohol Licensed Premises Automatic Entitlement								1-2 machines LA must be notified	
Alcohol Licensed Premises Gaming Machine Permit								As allowed by permit	
Family entertainment centre (with permit)								Unlimited	
Travelling fair								Unlimited	

ALCOHOL LICENSED PREMISES

Certain types of gambling may take place on alcohol-licensed premises under the Licensing Act 2003 without any authorisation being required. Generally these consist of the playing of cribbage, dominoes and other games for low stakes.

Premises holding a premise's licence may be authorised to operate machines of class C or D provided the premise's licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

AUTOMATIC ENTITLEMENT

The Gambling Act 2005 gives an automatic entitlement for the holder of a premise's licence under the 2003 Act to provide up to two gaming machines on their premises.

An application for a permit is not required but premise's licence-holders must notify their Licensing Authority in writing of their intention to provide the machines, and pay the prescribed fee.

The entitlement may be withdrawn if provision of the machines is not reasonably consistent with the pursuit of the licensing objectives; gaming has taken place on the premises that has breached a condition of the Act, e.g. they do not comply with siting and operation requirements; the premises are mainly used for gaming; or where an offence under the Gambling Act 2005 has been committed on the premises.

The Licensing Authority may not exercise their powers to remove the entitlement without first giving the permit-holder the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

NEW PERMITS

Where the holder of a premise's licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- any documentary evidence, e.g. supporting statistical evidence providing details of usage, etc.;
- each application on its own merits;
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

Where the Authority grants the application, a permit will be issued for the number of machines authorised, which will include the automatic entitlement of 2 machines.

Where the Authority intend to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary

Where the premise's licence is transferred, the gaming machine permit must also be transferred or it will lapse. In all other cases the permit will last indefinitely, unless surrendered or revoked.

Although the permit will not need to be renewed, an annual charge will have to be paid to the Licensing Authority.

A permit issued under section 34 that is in force on 1 September 2007 will continue to have effect until its natural expiry date.

Where a 'section 34 permit' for 2 or less machines expires after 1 September 2007, at least 2 months before its expiry the premise's licence-holder must notify the Licensing Authority in writing of their intention to provide 2 (or less) machines and pay the prescribed fee.

Where a 'section 34 permit' for more than 2 machines expires after 1 September 2007, the premise's licence-holder must apply for a new permit at least 2 months before its expiry and pay the prescribed fee. A new permit must be issued for the same number of machines the previous permit authorised.

MEMBERS' CLUBS

The Gambling Act 2005 permits a member's club holding a club premise's certificate issued under the Licensing Act 2003, or miner's welfare institute, to hold a **club gaming permit** allowing participation in equal chance gaming or playing games of chance (see 'Annex A' for definitions of 'equal chance gaming' and 'games of chance'). In addition they may operate a maximum of 3 machines of either class B3A, B4, C or D.

The Act also permits a member's club holding a club premise's certificate or a commercial club holding a premise's licence under the Licensing Act 2003 to operate a maximum of 3 machines of either class B4, C or D under a **club machine permit**.

New permits

Applications for a permit for premises already holding a club premise's certificate are subject to a 'fast-track' procedure that prevents the making of objections, and restricts the ability of the Licensing Authority to refuse the application.

An application under this process may be refused if the club is established primarily for gaming (other than that permitted); if in addition to the permitted gaming, facilities are provided for other gaming; or that a club machine permit issued to the applicant within the preceding 10 years has been cancelled.

An application and payment of the prescribed fee is required. A permit has effect for 10 years unless surrendered or revoked.

Applications for a permit for premises not holding a club premise's certificate e.g. a commercial member's club with a premise's licence, may be refused by the Licensing Authority on the grounds that the applicant does not fulfil the requirements for a member's or commercial club; the premises are used wholly or mainly by children and / or young persons; an offence under the Act or breach of a permit has been committed by the applicant while providing gaming facilities; a permit held by the applicant has been cancelled in the previous 10 years; an objection has been made by the police or Gambling Commission.

Permits may be varied at any time to meet changing circumstances, other than an increase above 3 to the number of machines. Licensing authorities may only refuse a variation if, on consideration of the proposed variation as a new application, they would refuse a permit.

A permit will lapse if the holder no longer qualifies as a member's club or no longer qualifies under the 'fast-track' system, or the permit is surrendered. A permit may be cancelled if the premises are used wholly or mainly by children and / or young persons or where an offence under the Act or breach of a permit condition has been committed by the applicant in the course of gaming activities.

Permits are valid for 10 years from the date of grant unless previously surrendered, lapsed, renewed or cancelled. An annual charge is payable to the licensing authority.

A registration that is in force on 1 September 2007 will continue to have effect until its natural expiry date. Upon expiry a club will be entitled to apply for either a club gaming permit or club machine permit irrespective of the type of registration previously held.

An application for a new club machine permit must be made at least 2 months before the existing registration expires together with the prescribed fee.

OTHER PREMISES

Premises such as taxi offices, take-away restaurants, cafes etc are prohibited from obtaining a gaming machine permit under the Gambling Act 2005 and will be unable to operate gaming machines of any kind-

UNLICENSED FAMILY ENTERTAINMENT CENTRES

The Licensing Authority may grant an application for a permit for category D gaming machines in an unlicensed family entertainment centre (FEC) provided it is satisfied the premises will be used as an unlicensed FEC and that the Chief Officer of Police has been consulted. There are no limits to the number of machines that may be applied for in an unlicensed FEC.

The Authority will apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the **Disclosure and Barring Service (DBS)** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the **DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

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

Where the Authority intends to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Permits will last for 10 years unless it ceases to have effect because it is surrendered, it lapses or it is renewed. There is no annual charge payable to the Licensing Authority.

Unlicensed FECs may also offer equal chance gaming under the authority of their gaming machine permit.

New permits

Applications for new permits may be made to the Licensing Authority

PRIZE GAMING

Prize gaming may be carried on in premises under a permit issued by the Licensing Authority. A prize gaming permit will not authorise the use of gaming machines.

The Authority may apply its Statement of Principles in consideration of an application, e.g. requiring an applicant to demonstrate they have no relevant convictions, that they have a full understanding of the maximum stakes and prizes permissible and that staff have a similar understanding.

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

An application for a permit will have to be accompanied by plans of the premises and a current certificate issued by the **Disclosure and Barring Service (DBS)** in respect of the applicant, i.e. a certificate issued within the previous 28-day period. The requirement in respect of the **DBS** certificate will be satisfied, where the applicant is a person who is a sole proprietor of the premises, by submission of a certificate in respect of that person or, where an applicant is a company or partnership, by submission of a certificate in respect of the person normally having day-to-day control of the premises.

Where the Authority intends to refuse an application, the applicant must be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

A prize gaming permit will last for 10 years unless it ceases to have effect or is renewed. There is no annual charge payable to the Licensing Authority.

New permits

Applications for new permits may be made to the Licensing Authority.

Prize gaming without a permit

Prize gaming without a Prize Gaming Permit may be carried on in any premises with a Premise's Licence issued under the Gambling Act 2005, except that casinos may not offer prize bingo.

Unlicensed FECs may also offer equal chance gaming only, under the authority of their gaming machine permit.

Travelling fairs may also offer equal chance gaming only without a permit provided the facilities for gaming are ancillary amusements to the fair.

TRAVELLING FAIRS

Travelling fairs do not require a permit to provide gaming machines but must comply with codes of practice on how they are operated.

Travelling fairs may provide an unlimited number of category D machines and prize gaming in the form of equal chance gaming provided that facilities for gambling amount to no more than ancillary amusement at the fair.

LOTTERIES

A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on www.gamblingcommission.gov.uk

The Gambling Act 2005 defines 4 categories of lottery that are exempt from needing an operating licence: -

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

Only a small society lottery is required to be registered with the Licensing Authority.

Applications must be made by the promoting society to the licensing authority for the area in which the principal address of the society is located. The Licensing Authority must record details of the society in a register and notify the applicant and the Gambling Commission of the registration.

The Licensing Authority will require applicants to declare: -

- the purposes for which the society is established,
- that they represent a bona fide non-commercial society, and
- that they have no relevant convictions.

The Licensing Authority may refuse an application if: -

- they consider the applicant is not a non-commercial society,
- any person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with an application is false or misleading.

An application shall be refused if an operating licence held or applied for by the applicant has been revoked or refused in the previous 5 years.

The Licensing Authority may revoke a registration where it believes the grounds exist that would permit or require it to refuse an application for registration.

Where the Licensing Authority intend to refuse or revoke the registration application it will give the society: -

- details of the reasons,
- evidence upon which it reached the decision, and
- the opportunity to make written and/or oral representations.

NEW REGISTRATIONS

An application for registration with the prescribed fee must be made to the Licensing Authority under the Gambling Act 2005. The registration will be valid indefinitely with an annual fee being payable to the Licensing Authority.

Lottery requirements

To ensure the main purposes of the lottery are met: -

- the society must apply a minimum of 20% of the proceeds of the lottery to the purposes of the society,
- no single prize may exceed £25,000,
- rollovers may be permitted provided every lottery affected is also a small society lottery by the same society and the maximum single prize does not exceed £25,000, and
- every ticket must cost the same and must be paid for before being entered into the draw.

Returns

No later than 3 months after making the draw (or in the case of a rollover, the last draw), a return must be sent to the Licensing Authority that: -

- has been signed by 2 members of the society over 18 years of age who are appointed for the purpose in writing by the society, or its governing body, if it has one,
- is accompanied by a copy of the member's letter of appointment, and include the following details: -
 - the dates when tickets were available for sale,
 - the dates of any draw and value of prizes, including any rollover,
 - the proceeds raised,
 - the amounts deducted for prizes and expenses incurred in organising the lottery,
 - the amount applied or to be applied to the purposes of the promoting society, and

- whether any expenses incurred in connection with the lottery were paid for other than from the proceeds of the lottery and, if so, the amount and the source/s from which they were paid.

EXTERNAL LOTTERY MANAGERS

External lottery managers require operator's licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on www.gamblingcommission.gov.uk

ADVICE FOR THOSE WHO HAVE DIFFICULTY UNDERSTANDING ENGLISH

THE FOLLOWING WORDING IS TRANSLATED INTO SEVERAL LANGUAGES TO ASSIST THOSE WHOSE FIRST LANGUAGE IS NOT ENGLISH.

THE ENCLOSED PAPERS ARE VERY IMPORTANT.
IF YOU HAVE DIFFICULTY READING OR UNDERSTANDING ENGLISH,
PLEASE CONTACT SOMEONE WHO CAN HELP YOU IMMEDIATELY.

ALBANIAN	<p>Letrat e bashkangjitura jane shume te rendesishme. Nese keni veshtersi per te lexuar ose kuptuar gjuhen angleze ju lutemi kontaktoni dikend per te ju ndihmuar menjehere.</p>
ARABIC	<p>الصفحات المرفقة مهمة جدا إذا لديك الصعوبة لقراءة أو فهم اللغة الإنجليزية أرجو أن تتصل بأي شخص الذي بإمكانه أن تساعدك فوراً</p>
BENGALI	<p>এই সঙ্গে দেওয়া কাগজপত্র অত্যন্ত জরুরী। আপনার যদি ইংরেজী ভাষা পড়তে বা বুঝতে সমস্যা হয়, তাহলে এমন কারো সঙ্গে যোগাযোগ করুন যে অবিলম্বে আপনাকে সাহায্য করতে পারবে।</p>
CHINESE	<p>夾附的文件非常重要。 如果你看不懂英文， 請立即與能夠幫助你的人聯絡。</p>
GUJARATI	<p>આ સાથે બીડેલાં કાગળો બહુ જ અગત્યના છે. જો તેની વિગત તમને અંગ્રેજીમાં વાંચવામાં અને સમજવામાં મુશ્કેલી પડતી હોય તો, મહેરબાની કરી કોઈ વ્યક્તિને સંપર્ક કરો જે તમને તુરત મદદ કરી શકે.</p>
	<p>साथ दिए गए कागज़ात बहुत ज़रूरी हैं। यदि आपको अंग्रेज़ी पढ़ने या समझने में मुश्किल आती है तो कृपया किसी से कहें जो तुरंत आपकी मदद कर सके।</p>

HINDI	
KURDISH	<p>نہم پھرانہی ھاوینچکراون زور گرنگن نہگەر تو گرفتت ههیه لهگهڵ خویندنهوه یان تیگه یشتنی نوسراوی ئینگیزی نہوا نکایه پھیوهندی به یهکیکهوه بکه که بتوانیت به زووترین کات یارمهتیت بدات</p>
PUNJABI	<p>ਨਾਲ ਦੇ ਕਾਗਜ਼ਾਤ ਬਹੁਤ ਜ਼ਰੂਰੀ ਕਾਗਜ਼ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ ਚ ਕੋਈ ਦਿੱਕਤ ਹੁੰਦੀ ਹੋਵੇ, ਤਾਂ ਮਿਹਰਬਾਨੀ ਕਰਕੇ ਕਿਸੇ ਨੂੰ ਆਖੋ, ਜੋ ਤੁਹਾਡੀ ਫ਼ੌਰਨ ਮਦਦ ਕਰ ਸਕਦਾ/ਸਕਦੀ ਹੋਵੇ।</p>
TURKISH	<p>İlişikteki kağıtlar çok önemlidir. İngilizceyi okumakta veya anlamakta zorluk çekiyorsanız size derhal yardım edebilecek birisiyle lütfen temas kurunuz.</p>
URDU	<p>منسلک کئے گئے کاغذات بہت ضروری ہیں۔ اگر آپ کو انگریزی پڑھنے اور سمجھنے میں کسی دشواری کا سامنا ہے، تو براہ کرم کسی سے رابطہ کریں جو فوری طور پر آپ کی مدد کر سکے۔</p>

- 1 In relation to licensing functions the panels will decide all applications against which representations have been made and not withdrawn. These are:
- (a)
 - (i) Section 18(3) (Determination of Application for Premises Licence where representations have been made).
 - (ii) Section 31(3) (Determination of Application for Provisional Statement where representations have been made).
 - (iii) Section 35(3) (Determination of Application for Variation of Premises Licence where representations have been made).
 - (iv) Section 39(3) (Determination of Application to Vary Designated Premises Supervisor following police objection).
 - (v) Section 44(5) (Determination of Application for Transfer of Premises Licence following police objection).
 - (vi) Section 48(3) (Consideration of police objections made to Interim Authority Notice).
 - (vii) Section 72(3) (Determination of Application for Club Premises Certificate where representations have been made).
 - (viii) Section 85(3) (Determination of Application to Vary Club Certificate where representations have been made).
 - (ix) Section 105(2) (Decision to give counter notice following police objection to temporary event notice).
 - (x) Section 120(7) (Determination of Application for Grant of Personal Licence following police objection).
 - (xi) Section 121(6) (Determination of Application for Renewal of Personal Licence following police objection).
 - (xii) Section 124(4) (Revocation of Licence where convictions came to light after grant etc.).
 - (b) Any function under Section 52(2) or (3) (determination of application for review of Premises Licence) in a case where relevant representations (within the meaning of Section 52(7)) have been made;
 - (c) Any function under Section 88(2) or (3) (determination of application for review of Club Premises Certificate) in a case relevant representations (within the meaning of Section 88(7)) have been made; or

- (d) Any function under Section 167(5) (Review following Closure Order) in a case where relevant representations (within the meaning of Section 167(9)) have been made.
- 2. The Licensing Manager be given delegated responsibility for all other functions under the Act.
- 3. That the Licensing Manager can following the decision to call a hearing, agree to cancel the hearing if all parties agree one is unnecessary.
- 4. That the Licensing Manager in conjunction with the Manager of Legal Services agree that a representation is frivolous, vexatious or repetitious.

LIST OF CONSULTEES

Annex F

The following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy:

- All responsible Authorities for the Gambling Act;
- Elected Members of the Thurrock Council;
- All premises in the borough licensed for the sale or supply of alcohol;
- Businesses known to be supplying gaming machines to premises in the district;
- Religious groups
- Trade Associations including BACTA, the Bingo Association, and the British Beer and Pub Association;
- Voluntary and support groups including Gamblers Anonymous, Trust, GamCare and the Citizens Advice Bureau;
- Licensing Consultants and Legal Advisers in private practice, who requested a copy;
- Thurrock Community Safety Partnership.

In addition to the above, copies of the draft Statement of Gambling Licensing Policy were made available on the Council's website and press releases were arranged.

USEFUL CONTACTS

Annex G

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk. Some of these organisations provide codes of practice on their particular interest area.

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Appendix B

From: Natalie Simpson <Natalie.Simpson@gambleaware.org>

Sent: 10 August 2021 09:48

To: Licensing@thurrock.gov.uk

Subject: Gambling Act consultation

Dear Paul,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

Best regards,

Natalie

Natalie Simpson

Company Secretary

GambleAware[®]

Pennine Place • 2a Charing Cross Rd • London • WC2H 0HF

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