

Thurrock: A place of opportunity, enterprise and excellence, where
individuals, communities and businesses flourish

Licensing Committee

The meeting will be held at **7.00 pm** on **18 December 2014**

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

Membership:

Councillors Michael Stone (Chair), Ben Maney (Vice-Chair), Clare Baldwin, Sue Gray, Terence Hipsey, Roy Jones, Brian Little, Susan Little, Bukky Okunade, Robert Ray, Joycelyn Redsell, Gerard Rice, Susan Shinnick, Pauline Tolson and John Purkiss

Substitutes:

Councillors Chris Baker, Robert Gledhill, Tom Kelly, Barry Palmer, Maureen Pearce and Graham Snell

Agenda

Open to Public and Press

	Page
1. Apologies for Absence	
2. Minutes	5 - 8
To approve as a correct record the minutes of the Licensing Committee meeting held on 8 July 2014	
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. Adoption of legislation to allow for improved regulation of acupuncture, tattooing, semi-permanent skin colouring,	9 - 24

cosmetic piercing and electrolysis within Thurrock

6. Setting of licensing Fees for Consultation

25 - 44

Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **10 December 2014**

Information for members of the public and councillors

Access to Information and Meetings

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

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.

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspirations and attainment so that local residents can take advantage of job opportunities in the local area
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Provide the infrastructure to promote and sustain growth and prosperity
- Support local businesses and develop the skilled workforce they will require
- Work with communities to regenerate Thurrock’s physical environment

3. Build pride, responsibility and respect to create safer communities

- Create safer welcoming communities who value diversity and respect cultural heritage
- Involve communities in shaping where they live and their quality of life
- Reduce crime, anti-social behaviour and safeguard the vulnerable

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being
- Empower communities to take responsibility for their own health and wellbeing

5. Protect and promote our clean and green environment

- Enhance access to Thurrock’s river frontage, cultural assets and leisure opportunities
- Promote Thurrock’s natural environment and biodiversity
- Ensure Thurrock’s streets and parks and open spaces are clean and well maintained

Minutes of the meeting of the Licensing Committee held on 8 July 2014 at 7.00pm

Present: Councillors Mike Stone, Ben Maney, Terry Hipsey, Roy Jones, Brian Little, Sue Little, Bukky Okunade, John Purkiss, Robert Ray and Joy Redsell.

Apologies: Councillor Pauline Tolson

In attendance: Paul Adams – Principal Licensing Officer
Chris Pickering – Principal Solicitor - Employment & Litigation
Kenna-Victoria Martin – Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

1. Minutes of the Previous Meeting

The Minutes of Licensing Committee, held on 2 October 2013, were approved as a correct record.

2. Items of Urgent Business

There were no items of urgent business

3. Declaration of Interests

There were no declarations of interest.

4. Hackney Carriage and Private Hire Vehicle Specification and Licence Condition Amendment

The Principal Licensing Officer introduced the report to the Committee explaining that the policy was brought to the Committee last year and Full Council in October 2013. It was explained to the Committee that there was a typographical error within the policy which was outlined at 3.2 of the report.

Members queried as to whether the error would have affected any of the drivers currently licensed with the council. Officers assured members of the committee that drivers had not been affected

The Committee enquired whether drivers had been communicated with and informed of the mistake. It was confirmed by officers present at the committee that it would be highlighted to drivers directly and at the next drivers meeting.

Following questions from Members to clarify as to whether a driver can ask a passenger to put their dog in the back of the vehicle, it was agreed that Officers would review the whole of section 11 within the policy.

RESOLVED:

The Licensing Committee agreed the change to the vehicle specification and licence conditions for Private Hire and Hackney Carriage Vehicles as set out in appendix A, referring to Full Council for adoption.

5. Setting of Licensing Fees

The report was introduced to the Committee by the Principal Licensing Officer, during which it was outlined that fees would be generally set for three years and then brought back to Committee at such time to be reviewed.

Members of the Committee were informed that most licences attracted a fee and there were three different ways this could be done:

- A statutory set fee
- A locally set fee that had a capped maximum amount
- A locally set fee with no maximum capped amount

The Committee were informed that fees which could be set locally without a cap, had to be set on a cost recovery basis only as the Council could not generate an income to perform other functions within the council.

It was outlined to Members what was included under cost recovery and was explained that cost recovery was considered to cover the costs of administering and ensuring compliance with the licensing regime.

Officers clarified to the Committee that generally fees could not make a profit, however should a profit be made; the Council could carry this forward to the following year.

Members sort assurance that court cases were a last resort and that Officers were communicating with licensees before taking court action. Officers assured the Committee that court action was a last resort and that licensees were communicated with.

The Committee queried with regards to the £75,000 in the account as to whether any of the money was carried over from last year, as it was understood that departments were not allowed to make a profit. The Principal Licensing Officer explained that a small proportion of the £75,000 was owed to management as at present there was not a separate account, although this was being worked on. The Committee were informed that it was difficult to divide the time of the Head of Service, as Licensing was only a small proportion of what she did

Members enquired the cost of agency staff being used within the department. The Committee were informed that a Licensing consultant was employed to assist with the work load as a member of the licensing team was absence for a few months.

RESOLVED:

The Licensing Committee request the review of all current locally set licence fees under the delegated authority of the Licensing Committee, and where there is any proposed increase or decrease to any fee, the changes are to be consulted on with local stake holders relevant to that licence and in accordance with any legislative requirements, to be reported back to the next Licensing Committee following consultation for consideration.

The meeting finished at 7.25pm.

Approved as a true and correct record

CHAIR

DATE

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

This page is intentionally left blank

18 December 2014	ITEM: 5
Licensing Committee	
Adoption of legislation to allow for improved regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis within Thurrock	
Wards and communities affected: All	Key Decision: Not applicable
Report of: Tony Sprackling - Principal Environmental Health Officer	
Accountable Head of Service: Gavin Dennett - Head of Public Protection	
Accountable Director: David Bull – Director of Planning and Transportation	
This report is Public	

Executive Summary

To enable the Council to regulate the provision of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis in Thurrock, the Council needs to make a resolution to adopt Sections 14-17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 and once that resolution is passed and implemented, to then adopt a model bylaw. The model bylaw orders that persons and premises undertaking these activities register with the council, and it enables the council to place conditions on the registrations.

By adopting the legislation and creating a bylaw it will ensure that any person carrying out acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis has to be registered with the local authority. A fee is payable for the registration, and the registration has conditions attached to it, for the purpose of securing the cleanliness of the premises, the cleanliness of persons registered and assisting registered persons, and the cleansing and where appropriate sterilisation of instruments, materials and equipment. Any breach of these conditions could result in formal action.

There are a number of premises in Thurrock which provide these facilities and in the interests of health and safety, such premises should all operate to a similar enforceable standard.

1. Recommendation(s)

- 1.1 That Licensing Committee recommend Council agree to adopt Sections 14-17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 Section 120, which deals with the regulation of Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis**
- 1.2 That Licensing Committee recommend to Council that following the implementation period for the adoption of the resolution in relation to Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by The Local Government Act 2003 Section 120, the Council adopt the model bylaw which can be found in Appendix 2.**

2. Introduction and Background

- 2.1 Skin Piercing activities include: acupuncture, tattooing, ear piercing, electrolysis, cosmetic piercing (piercing of the body including the ear) and semi-permanent skin colouring (including micro-pigmentation, semi-permanent make-up and temporary tattooing).
- 2.2 At the Environmental Health Committee on the 2nd July 1987 and the Policy and Resources Committee on the 8th July 1987 it was agreed that Sections 14-17 inclusive and the model bylaw for the purposes of the registration of premises for acupuncture, tattooing, ear piercing and electrolysis and also the registration of persons undertaking those trades be adopted from the 1st September 1987.
- 2.3 There is, however, no obtainable evidence to suggest that the notification process as laid out in Section 13 of the Local Government (Miscellaneous Provisions) Act 1982 had been followed or that the bylaw was forwarded to the Secretary of State for adoption, therefore the relevant sections and the bylaw cannot be enforced as it has not been fully adopted.
- 2.4 By adopting the sections and creating a bylaw it allows the Council to put conditions on registrations relating to the cleanliness and hygiene of the premises, practitioners and equipment. This is intended to increase health protection and reduce the risk of transmission of blood-borne virus infections such as HIV, hepatitis B and C and other infections.

3. Issues, Options and Analysis of Options

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 requires that persons undertaking skin piercing activities obtain a registration from the local authority, and a person cannot undertake skin piercing activities as listed in the bylaw unless they obtain a registration for skin piercing.

- 3.2 The bylaw is to ensure that the premises are following safe procedures, and relate to the cleanliness of the premises, practitioners and equipment.
- 3.3 The fee is reviewed and set on an annual basis through the fee report which Council agrees.
- 3.4 Premises which are to be used for skin piercing may need to have works undertaken to conform to the conditions such as providing and fitting a wash hand basin to each treatment room with hot and cold running water. The practitioner will need to ensure safe procedures and working methods are in place.
- 3.5 Each premises where skin piercing is to be undertaken will receive a visit from a Thurrock Council Officer to ensure the conditions are being met, and visits will be made to the premises throughout the existence of the registration for the premises, to ensure continued compliance with the bylaw to protect members of the public.
- 3.6 All premises where skin piercing will be undertaken will need to conform to the same standard which will ensure uniformity amongst the premises.

4. Reasons for Recommendation

- 4.1 The adoption of the Sections and the creation of a bylaw will ensure that residents and visitors using premises carrying out skin piercing and related activities are meeting a standard which will help to ensure the persons health and safety.

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

- 5.1 Discussion with the Director of Public Health who supports this proposal.

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

- 6.1 The adoption of the bylaw will contribute to meeting the Council's priority of protecting and promoting our clean and green environment and building pride, responsibility and respect.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

Work Associated with this activity will be funded within the existing budget. The fee is reviewed on an annual basis through the fees and charges report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Democratic Services

The local authority has an obligation to protect public safety and prevent the transmission of diseases; this activity contributes to the fulfilment of this duty.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

This activity does not impact disproportionately on any group of persons that have protected characteristics.

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

n/a

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):

- Minutes of Environmental Health Committee 2nd July 1987
- Minutes of Environmental Health Committee 17th September 1987
- Minutes of Policy and Resources Committee 8th July 1987

Copies of these minutes are available if needed, please contact the author.

9. Appendices to the report

- Appendix 1 - Section 13 – 17 of The Local Government (Miscellaneous Provisions) Act 1982, as amended by The Local Government Act 2003 section 120,
- Appendix 2 - Model Bylaw: Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Report Author Contact Details:

Nicola Watson
Environmental Health Officer
Public Protection

[Home](#)
[About Us](#)
[Browse Legislation](#)
[New Legislation](#)
[Changes To Legislation](#)
[Search Legislation](#)

Title: Year: Number: Type:

[Advanced Search](#)

Local Government (Miscellaneous Provisions) Act 1982

1982 c. 30 ← Part VIII

[Table of Contents](#) [Content](#) [More Resources](#)

[Previous: Part](#)

[Next: Part](#)

[Plain View](#)

[Print Options](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1982. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

PART VIII

ACUPUNCTURE, TATTOOING, EAR-PIERCING AND ELECTROLYSIS

13 Application of Part VIII.

- (1) The provisions of this Part of this Act, except this section, shall come into force in accordance with the following provisions of this section.
- (2) A local authority may resolve that the provisions of this Part of this Act which are mentioned in paragraph (a), (b) or (c) of subsection (3) below are to apply to their area; and if a local authority do so resolve, the provisions specified in the resolution shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).
- (3) The provisions that may be specified in a resolution under subsection (2) above are—
 - (a) sections 14, 16 and 17 below; or
 - (b) sections 15 to 17 below; or
 - (c) sections 14 to 17 below.
- (4) A resolution which provides that section 15 below is to apply to the area of a local authority need not provide that it shall apply to all the descriptions of persons specified in subsection (1) of that section; and if such a resolution does not provide that section 15 below is to apply to persons of all of those descriptions, the reference in subsection (2) above to the coming into force of provisions specified in the resolution shall be construed, in its application to section 15 below, and to section 16 below so far as it has effect for the purposes of section 15 below, as a reference to the coming into force of those sections only in relation to persons of the description or descriptions specified in the resolution.
- (5) If a resolution provides for the coming into force of section 15 below in relation to persons of more than one of the descriptions specified in subsection (1) of that section, it may provide that that section, and section 16 below so far as it has effect for the purposes of that section, shall come into force on different days in relation to persons of each of the descriptions specified in the resolution.
- (6) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (7) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the provisions specified in it in the local authority's area.
- (8) The notice shall state which provisions are to come into force in that area.
- (9) The notice shall also—
 - (a) if the resolution provides for the coming into force of section 14 below, explain that that section applies to persons carrying on the practice of acupuncture; and
 - (b) if it provides for the coming into force of section 15 below, specify the descriptions of persons in relation to whom that section is to come into force.
- (10) Any such notice shall state the general effect, in relation to persons to whom the provisions specified in the resolution will apply, of the coming into force of those provisions.
- (11) In this Part of this Act "local authority" means—
 - (a) the council of a district;
 - (b) the council of a London borough; and
 - (c) the Common Council of the City of London.

Annotations:

Modifications etc. (not altering text)

C1 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

14 Acupuncture.

- (1) A person shall not in any area in which this section is in force carry on the practice of acupuncture unless he is registered by the local authority for the area under this section.
- (2) A person shall only carry on the practice of acupuncture in any area in which this section is in force in premises registered by the local authority for the area under this section; but a person who is registered under this section does not contravene this subsection merely because he sometimes visits people to give them treatment at their request.
- (3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to practise and shall issue to the applicant a certificate of registration.
- (4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.
- (5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—
 - (a) particulars as to the premises where the applicant desires to practise; and
 - (b) particulars of any conviction of the applicant under section 16 below,
 but do not include information about individual people to whom the applicant has given treatment.
- (6) A local authority may charge such reasonable fees as they may determine for registration under this section.
- (7) A local authority may make byelaws for the purpose of securing—
 - (a) the cleanliness of premises registered under this section and fittings in such premises;
 - (b) the cleanliness of persons so registered and persons assisting persons so registered in their practice;
 - (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture.
- (8) Nothing in this section shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

Annotations:**Modifications etc. (not altering text)**

C2 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

15 Tattooing, ear-piercing and electrolysis.

- (1) A person shall not in any area in which this section is in force carry on the business—
 - (a) of tattooing;
 - (b) of ear-piercing; or
 - (c) of electrolysis,
 unless he is registered by the local authority for the area under this section.
- (2) A person shall only carry on a business mentioned in subsection (1) above in any area in which this section is in force in premises registered under this section for the carrying on of that business; but a person who carries on the business of tattooing, ear-piercing or electrolysis and is registered under this section as carrying on that business does not contravene this subsection merely because he sometimes visits people at their request to tattoo them or, as the case may be, to pierce their ears or give them electrolysis.
- (3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to carry on his business and shall issue to the applicant a certificate of registration.
- (4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.
- (5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—
 - (a) particulars as to the premises where the applicant desires to carry on his business; and
 - (b) particulars of any conviction of the applicant under section 16 below,
 but do not include information about individual people whom the applicant has tattooed or given electrolysis or whose ears he has pierced.
- (6) A local authority may charge such reasonable fees as they may determine for registration under this section.
- (7) A local authority may make byelaws for the purposes of securing—
 - (a) the cleanliness of premises registered under this section and fittings in such premises;
 - (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered;
 - (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered under this section.
- (8) Nothing in this section shall extend to the carrying on of a business such as is mentioned in subsection (1) above by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

Annotations:**Modifications etc. (not altering text)**

C3 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

16 Provisions supplementary to ss. 14 and 15.

- (1) Any person who contravenes—
- (a) section 14(1) or (2) above; or
 - (b) section 15(1) or (2) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F1 level 3 on the standard scale].
- (2) Any person who contravenes a byelaw made—
- (a) under section 14(7) above; or
 - (b) under section 15(7) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F1 level 3 on the standard scale].
- (3) If a person registered under section 14 above is found guilty of an offence under subsection (2)(a) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (4) If a person registered under section 15 above is found guilty of an offence under subsection (2)(b) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (5) A court which orders the suspension or cancellation of a registration by virtue of subsection (3) or (4) above may also order the suspension or cancellation of any registration under section 14 or, as the case may be, 15 above of the premises in which the offence was committed, if they are occupied by the person found guilty of the offence.
- (6) Subject to subsection (7) below, a court ordering the suspension or cancellation of registration by virtue of subsection (3) or (4) above may suspend the operation of the order until the expiration of the period prescribed by Crown Court Rules for giving notice of appeal to the Crown Court.
- (7) If notice of appeal is given within the period so prescribed, an order under subsection (3) or (4) above shall be suspended until the appeal is finally determined or abandoned.
- (8) Where the registration of any person under section 14 or 15 above is cancelled by order of the court under this section—
- (a) he shall within 7 days deliver up to the local authority the cancelled certificate of registration, and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and thereafter to a daily fine not exceeding £5; and
 - (b) he shall not again be registered by the local authority under section 14 or, as the case may be, 15 above except with the consent of the magistrates' court which convicted him.
- (9) A person registered under this Part of this Act shall keep a copy—
- (a) of any certificate of registration issued to him under this Part of this Act; and
 - (b) of any byelaws under this Part of this Act relating to the practice or business in respect of which he is so registered,
- prominently displayed at the place where he carries on that practice or business.
- (10) A person who contravenes subsection (9) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F1 level 2 on the standard scale].
- (11) It shall be a defence for a person charged with an offence under subsection (1), (2), (8) or (10) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (12) Nothing in this Part of this Act applies to anything done to an animal.

Annotations:**Amendments (Textual)**

F1 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

Modifications etc. (not altering text)

C4 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

17 Power to enter premises (acupuncture etc.).

- (1) Subject to subsection (2) below, an authorised officer of a local authority may enter any premises in the authority's area if he has reason to suspect that an offence under section 16 above is being committed there.
- (2) The power conferred by this section may be exercised by an authorised officer of a local authority only if he has been granted a warrant by a justice of the peace.
- (3) A justice may grant a warrant under this section only if he is satisfied—
- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
 - (b) that there is reasonable ground for entry under this section.
- (4) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.
- (5) A warrant shall continue in force—
- (a) for seven days; or
 - (b) until the power conferred by this section has been exercised in accordance with the warrant,
- whichever period is the shorter.
- (6) Where an authorised officer of a local authority exercises the power conferred by this section, he shall produce his authority if required to do so by the occupier of the premises.
- (7) Any person who without reasonable excuse refuses to permit an authorised officer of a local authority to exercise the power conferred by this section shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding [F2 level 3 on the standard scale].

Annotations: 

Amendments (Textual)

F2 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

Modifications etc. (not altering text)

C5 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

[Previous: Part](#)

[Next: Part](#)

All content is available under the Open Government Licence v2.0 except where otherwise stated

[Back to top](#)
© Crown copyright

Home About Us Browse Legislation New Legislation Changes To Legislation Search Legislation

Title: [] Year: [] Number: [] Type: All Legislation (excluding draft) Search

Advanced Search

Local Government Act 2003

2003 c. 26 Part 8 Chapter 1 Other Section 120

Table of Contents Content Explanatory Notes More Resources

Previous: Provision

Next: Provision

Plain View

Print Options

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

PROSPECTIVE

120 Regulation of cosmetic piercing and skin-colouring businesses

- (1) Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (regulation of tattooing, ear-piercing and electrolysis businesses) is amended as follows.
(2) In subsection (1) (requirement for person carrying on business to be registered), for paragraph (b) (ear-piercing) there is substituted—
“(aa) of semi-permanent skin-colouring;
(b) of cosmetic piercing; or”
(and in the side-note for “ear-piercing” there is substituted “ semi-permanent skin-colouring, cosmetic piercing ”).
(3) In subsection (2) (requirement to register premises where business carried on)—
(a) for “ear-piercing” there is substituted “ semi-permanent skin-colouring, cosmetic piercing ”, and
(b) for “pierce their ears” there is substituted “ carry out semi-permanent skin-colouring on them, pierce their bodies ”.
(4) In subsection (5) (local authority may not require particulars about individuals whose ears have been pierced etc.), for “or whose ears he has pierced” there is substituted “ , whose bodies he has pierced or on whom he has carried out semi-permanent skin-colouring ”.
(5) After subsection (8) there is inserted—
“(9) In this section “semi-permanent skin-colouring” means the insertion of semi-permanent colouring into a person’s skin.”
(6) Schedule 6 (which makes provision about transition) has effect.

Previous: Provision

Next: Provision

MODEL BYLAW

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Bylaw for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Thurrock Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these bylaw, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these bylaw as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and

- (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- 3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
 - (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.
- 4.—(1)** For the purpose of securing the cleanliness of operators, a proprietor—
- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing bylaw are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYLAW

Proprietors shall take all reasonable steps to ensure compliance with these bylaw by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these bylaw and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these bylaw the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these bylaw extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these bylaw extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the bylaw do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture** (see section 14(8) of the Act).*

18 December 2014	ITEM: 6
Licensing Committee	
Setting of licensing Fees for Consultation	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams – Principal Licensing Officer	
Accountable Head of Service: Gavin Dennett – Head of Public Protection	
Accountable Director: David Bull – Director of Planning and Transportation	
This report is: Public	

Executive Summary

This report is to propose the fees for public consultation with local stake holders of licence fees associated with licence applications under the remit of the Licensing Committee.

1. Recommendation(s)

1.1 Agree for consultation with local stakeholders on all fees that are subject to an increase or decrease as detailed in appendix A, with the results of the consultation to be reported to the next Licensing Committee.

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 charged 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, Massage and Special Treatments, Street Trading 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.
 - Welsh Technical Panel Templates
 - Case law.
- 2.7 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.
- 2.8 Benchmarking of fees be 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.
- 2.9 Thurrock Council's locally set licence fees were last set in 2011, at this time it was proposed that they be reviewed within 3 years and that they be monitored during this period to ensure that they remained reasonable.

3. Issues, Options and Analysis of Options

- 3.1. A scheduled of proposed fees, where there is to be a change, for the 2015 – 2016 period is attached as Appendix A, for consultation.
- 3.2. Appendix B shows the income and expenditure for licences administered by the Licensing Team.
- 3.3. Appendix C shows the income and expenditure licences administered by other parts of Public Protection.

Animal Welfare Licences

- 3.4. Animal welfare licences for the purpose of this report applies to:
- Boarding Establishment Premises (Animal Boarding Establishments Act 1963)
 - Dangerous Wild Animals (Dangerous Wild Animals Act 1976)

- Dog Breeding Establishments (Breeding of Dogs Act 1973)
 - Pet Shops (Pet Animal Act 1951)
 - Riding Establishments (Riding Establishments Act 1964)
 - Zoos (Zoo Licensing Act 1981)
- 3.5. A deficit of £600 has been incurred on these licence types which has been rolled forward into the calculation of the proposed fees.
- 3.6. This has resulted in an 8% increase to these fees.
- 3.7. In addition to the fee the applicant will also continue to be invoiced for the fee charged to Thurrock Council for the Vet inspection of the premises. The Vet fee will vary from premises to premises.

Hackney Carriage and Private Hire

Private Hire Operators Licences

- 3.8. All Private Hire Operators Licences are now issued for 1 year, with annual renewal.
- 3.9. A small deficit of £179 exists for this licence type; however there is no proposed change to this fee level as the deficit is sufficiently negligible not to warrant a change to the fee.

Vehicle/Proprietors Licences

- 3.10. Both Hackney Carriage and Private Hire Vehicle Licensing shows a small deficit, which is largely due to the annual compliance test being met from the licence fee, this was paid for by the licence holder previously.
- 3.11. It is proposed that the Hackney Carriage Vehicle fee be increased by 8%, this increase is due to the deficit shown and a reduction in the number of Hackney Carriage Vehicles in the last 3 years.
- 3.12. It is proposed that the Private Hire Vehicle fee be reduced by 3%, this decrease is due to a small increase in the number of Private Hire Vehicles in the last 3 years.
- 3.13. It is proposed to offer a discount of £50 to applicants of wheelchair accessible vehicles as an incentive to increase the number of wheelchair accessible vehicles available in Thurrock.
- 3.14. Recent legal opinion suggests that a fee for the transfer of ownership of a vehicle licence should not be charged separately, it is proposed that this fee be removed and no charge is made for transfers. In the last year we received 5 applications for transfer.
- 3.15. Cost of a vehicle compliance check is £45 (£60 for wheelchair accessible vehicles), it is proposed that the initial compliance check cost is met within the

licence fee, and that a fee is set for the additional midterm compliance test and retests, this will be charged in addition to the licence fee where necessary.

Hackney Carriage and Private Hire Drivers Licences

- 3.16. All Hackney Carriage or Private Hire Drivers Licences are granted for 1 year.
- 3.17. Currently the cost of the DBS check is included in the fee, it is proposed that the cost of the DBS check is removed from the renewal fee, and is applied separately when a DBS check is required. Currently a DBS Check is required every 3 years.
- 3.18. The DBS Check fee would still be included within the Grant fee.
- 3.19. The cost of a DBS Check is £44, however there is an online update service provided by the DBS, which has a cost of £13 per year, payable direct to the DBS by the driver. It is proposed that where the driver is signed up to the update service no additional fee is payable for their DBS, after registration. The proposal for the fee charged for the DBS check to carry out outside of the update service is £64 (£44 DBS charge and £20 administration charge).
- 3.20. A DVLA check will be carried out every year on grant or renewal; this is included in the fee.
- 3.21. A Group 2 medical will still be required every three years or otherwise in accordance with the licence terms and conditions, and this cost will be met direct by the driver.
- 3.22. The application fee for new applicants is to include up to 4 attempts to pass the Knowledge Test, further attempts will be subject to an additional fee as provided in Appendix A.

Sex Establishments

- 3.23. Sex establishments for this purpose are to include Sex Shops, Sex Cinema's and Sexual Entertainment Venues.
- 3.24. A negligible deficit exists for this licence type; however there is no proposed change to this fee level as the deficit is sufficiently negligible to not warrant a change to the fee.

Licensing Act 2003

- 3.25. These fees are currently set by legislation, although there is a proposal that these are to be set locally, a change to the legislation is expected for this in 2015.

Gambling Act 2005

- 3.26. A small deficit exists for this licence type; however there is no proposed change to this fee level as the deficit is sufficiently negligible to not warrant a change to the fee.

Scrap Metal Dealers Act 2013

- 3.27. This Licence is granted for three years, as this licence has only been in effect for 1 year, it is too early to carry out a full review of the fee. The numbers of licences expected is consistent with the predictions included in the fee setting process.
- 3.28. The Setting of this fee is still an executive function so this is for information only.

Massage and Special Treatments

- 3.29. This function is currently operating on a cost recovery basis, there are no proposals to change the fee.

Street Trading

- 3.30. All street trading licences are granted for a period of 1 year and fees are set locally.
- 3.31. It is proposed that a new fee structure is introduced for static vehicles falling into category A1, A2 & A3. Currently a single licence fee is charged for these vehicles, however it is proposed that a grant and renew fee structure is introduced to reflect the difference in work required.
- 3.32. There is no proposal to change the yearly fee for category B vehicles such as ice cream traders, however only a yearly licence would be issued.
- 3.33. Due to legal challenges nationally regarding street trading, together with other licencing changes, it is proposed to reduce the fees being charged in categories A1, A2 & A3 to narrow the fee range being charged between these categories. The proposed fees changes can be found in Appendix A.
- 3.34. Traders are currently permitted to pay quarterly for licenses and it is proposed that this facility for all consent categories is withdrawn.
- 3.35. Licences will be issued only once full payment is made and this will bring the street trading scheme in line with other licencing functions in addition to reducing administration costs.

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 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 Section 70, Local Government (Miscellaneous Provisions) Act 1976, requires that public consultation is undertaken when the proposed fee for Hackney

Carriage Proprietors Licences; Private Hire Vehicle and Operators Licences will exceed the prescribed limit of £25.

- 5.2 Where this limit is exceeded a notice must be placed in a local newspaper stating a number of prescribed requirements which will include the proposed fees and must give at least 28 days for persons to lodge objections.
- 5.3 If there are no objections, or any objections made have been withdrawn then the fee will come into effect after a specified date prescribed in the notice.
- 5.4 Any objections received must be considered by Thurrock Council. The requirement is to consider the objection but there is no requirement to revise the proposed fee unless they feel there is reason to.
- 5.5 There is no legislative requirement to consult on the change of fee for any other licencing regime, for all fees that are subject to change, consultation will be undertaken with all licence holders and any relevant stakeholders with any responses being fed back to this committee.

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

- 6.1 This review will ensure the licensing service continues to be well managed and ensures that we can build pride, responsibility and respect to create safer communities.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
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: **Chris Pickering**
Principal Solicitor - Litigation & Employment

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: **Teresa Evans**
Equalities and Cohesion 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 for 2015/16.
- Appendix B – Licensing Department Accounts
- Appendix C – Accounts for all other parts of Public Protection carrying out Licensing Functions

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection

This page is intentionally left blank

Appendix A

	Current Fee	Proposed Fee
Taxi		
Hackney Carriage (HC) – Grant or renewal	£350	£377
Hackney Carriage – Wheelchair accessible – Grant or renewal	£300	£327
Private Hire Vehicle (PHV) – Grant or renewal	£325	£314
Private Hire Vehicle – Wheelchair accessible – Grant or renewal	£275	£264
Vehicle Replacement (Grant)	£40	£40
Change of Ownership	£40	£0
Additional Vehicle Compliance Test - Non wheelchair accessible	n/a	£45
Re test - Non wheelchair accessible	n/a	£20
Additional Vehicle Compliance Test - Wheelchair accessible	n/a	£60
Re test - Wheelchair accessible	n/a	£30
HC & PHV(combined licence)- Grant	£180	£152
HC & PHV(combined licence)-Renewal	£150	£108
HC (only) - Grant	£120	£115
HC (only) - Renewal	£100	£78
PHV (only) – Grant	£120	£115
PHV (only) - Renewal	£100	£78
Operators with one vehicle	£100	£100
Operators with two to five vehicles	£300	£300
Operators with six to ten vehicles	£500	£500
Operators with eleven to twenty vehicles	£800	£800
Operators with twenty one or more vehicles	£1,000	£1,000
Checking and sealing taximeters	£5	£20
Replacement drivers badge	£20	£20
Replacement Plate (including accessories)	£20	£20
Door stickers (each)	£5	£7
Additional Knowledge test	£20	£20

DBS	£0	£66
-----	----	-----

Animal

Pet shops	£150	£163
Boarding	£150	£163
Breeding	£150	£163
Riding	£150	£163
Dangerous Wild Animals	£150	£163

Sex Establishment

Application for new licence	£3,000	£3,000
Application for renewed licence	£2,000	£2,000
Application for transfer	£100	£100

Street Trading Charges

Class A

1 Evening Static vehicle operating more than 3 days per week. Operating hours include any time between 5pm and 2am	£2,600 Per Annum plus £100 if trading between 11pm and 2am	Grant £1850 Renewal £1650
--	--	------------------------------

2 Evening Static vehicle operating hours 1-3 days per week Operating hours include any time between 5pm and 2am e.g seafood stalls	£1,545 per annum	Grant £1450 Renewal £1250
---	------------------	------------------------------

3 Daytime Static vehicle 1-7 days per week. Opening hours between 7am and 5 pm	£1,545 per annum	Grant £1450 Renewal £1250
--	------------------	------------------------------

4 Daily Rate for Street Trading	£100 per day	
---------------------------------	--------------	--

Class B

Mobile Vehicle remaining on any one site for less than one hour in any 24 hour period.	£1,000 per year	Grant £1000 Renewal £100
--	-----------------	-----------------------------

Replacement vehicle plate within current annual consent	£20	£20
---	-----	-----

Gambling Licences

Regional casino premises Licence

Application fee in respect of Premises Licence	£15,000	£15,000
--	---------	---------

Annual Fee	£15,000	£15,000
------------	---------	---------

Application fee to vary a licence	£7,500	£7,500
-----------------------------------	--------	--------

Application fee to transfer a licence	£6,500	£6,500
---------------------------------------	--------	--------

Application fee for reinstatement of a licence	£6,500	£6,500
--	--------	--------

Application fee in respect of Provisional Statement	£15,000	£15,000
---	---------	---------

Large casino premises Licence

Application fee in respect of Premises Licence	£10,000	£10,000
--	---------	---------

Annual Fee	£10,000	£10,000
------------	---------	---------

Application fee to vary a licence	£5,000	£5,000
-----------------------------------	--------	--------

Application fee to transfer a licence	£2,150	£2,150
---------------------------------------	--------	--------

Application fee for reinstatement of a licence	£2,150	£2,150
--	--------	--------

Application fee in respect of Provisional Statement	£10,000	£10,000
---	---------	---------

Small casino premises Licence

Application fee in respect of Premises Licence	£8,000	£8,000
--	--------	--------

Annual Fee	£5,000	£5,000
------------	--------	--------

Application fee to vary a licence	£4,000	£4,000
-----------------------------------	--------	--------

Application fee to transfer a licence	£1,800	£1,800
---------------------------------------	--------	--------

Application fee for reinstatement of a licence	£1,800	£1,800
--	--------	--------

Application fee in respect of Provisional Statement	£8,000	£8,000
---	--------	--------

Bingo premises Licence

Application fee in respect of Premises Licence	£3,000	£3,000
--	--------	--------

Annual Fee	£800	£800
------------	------	------

Application fee to vary a licence	£1,500	£1,500
-----------------------------------	--------	--------

Application fee to transfer a licence	£1,000	£1,000
---------------------------------------	--------	--------

Application fee for reinstatement of a licence	£1,000	£1,000
--	--------	--------

Application fee in respect of Provisional Statement	£3,000	£3,000
Adult Gaming Centre premises Licence		
Application fee in respect of Premises Licence	£1,600	£1,600
Annual Fee	£800	£800
Application fee to vary a licence	£800	£800
Application fee to transfer a licence	£1,000	£1,000
Application fee for reinstatement of a licence	£1,000	£1,000
Application fee in respect of Provisional Statement	£1,600	£1,600
Betting Premises (Track) Licence		
Application fee in respect of Premises Licence	£2,500	£2,500
Annual Fee	£1,000	£1,000
Application fee to vary a licence	£1,250	£1,250
Application fee to transfer a licence	£950	£950
Application fee for reinstatement of a licence	£950	£950
Application fee in respect of Provisional Statement	£2,500	£2,500
Family Entertainment Centre Premises Licence		
Application fee in respect of Premises Licence	£1,600	£1,600
Annual Fee	£600	£600
Application fee to vary a licence	£800	£800
Application fee to transfer a licence	£800	£800
Application fee for reinstatement of a licence	£800	£800
Application fee in respect of Provisional Statement	£1,600	£1,600
Regional casino premises Licence		
Application fee in respect of Premises Licence	£2,500	£2,500
Annual Fee	£500	£500
Application fee to vary a licence	£1,200	£1,200
Application fee to transfer a licence	£1,000	£1,000
Application fee for reinstatement of a licence	£1,000	£1,000
Application fee in respect of Provisional Statement	£2,500	£2,500

LA2003

All fees are statutory set

no change

Scrap Metal Dealers

Site

New

£494

£494

Renewal

£408

£408

Transfer

£112

£112

Collectors

New

£315

£315

Renewal

£262

£262

Transfer

£112

£112

MST /IPL

£120

£120

This page is intentionally left blank

ER101 - UNiform Operations	0001 - Salary	25245
	0060 - National Insurance	1757.03
	0065 - Superannuation	3079.92
	1415 - Office Moves	74000
	1753 - Consultant Fees	31800
	1901 - Software Acquisition	3600
	1906 - IT Project Related Expenditure	41407.63
	3998 - Approved Growth	7839.24
ER101 - UNiform Operations Total		188728.82

This page is intentionally left blank

ER101 - UNiform Operations	0001 - Salary	25245
	0060 - National Insurance	1757.03
	0065 - Superannuation	3079.92
	1415 - Office Moves	74000
	1753 - Consultant Fees	31800
	1901 - Software Acquisition	3600
	1906 - IT Project Related Expenditure	41407.63
	3998 - Approved Growth	7839.24
ER101 - UNiform Operations Total		188728.82

This page is intentionally left blank

	<u>No. of prem</u>	<u>Registration</u>	<u>Annual</u>	<u>Reg. Total</u>
Massage/Special Treatment 4596	110	120	60	13200
Skin Piercing/Accupuncture/Tattoo 4597	42	120	0	5040
				18240

	<u>4596</u>	<u>Renew</u>	<u>Reg</u>	<u>Renew</u>
Mar-14	1200	12	4	720

	<u>4596</u>	<u>Renew</u>	<u>Reg</u>	<u>Renew</u>
Apr-14	900	11	2	660
May-14	660	3	4	180
Jun-14	300	3	1	180
Jul-14	540	3	3	180
	2400	20	10	

	<u>4597</u>	<u>Reg</u>
Mar-14	120	1

	<u>4597</u>	<u>Reg</u>	
Apr-14	360	1	4
May-14	360	3	
Jun-14	120	1	
Jul-14	120	1	
	960	6	

3360

Renew Total

6600

6600

Reg

480 1200

Reg

240 900

480 660

120 300

360 540

2400

Reg

120 120

Reg

120 120

360 360

120 120

120 120

720