

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 **28 January 2016**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Michael Stone (Chair), Roy Jones (Vice-Chair), Colin Churchman, Oliver Gerrish, Robert Gledhill, Clifford Holloway, Martin Kerin, Steve Liddiard, Ben Maney, Bukky Okunade, Andrew Roast, Joycelyn Redsell, Graham Snell, Deborah Stewart and Kevin Wheeler

Substitutes:

Councillors Chris Baker, Russell Cherry, Charlie Key and Susan Little

Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Licensing Committee meeting held on 30 September 2015.	
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	
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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: **20 January 2016**

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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.

Vision: 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 aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

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 and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Licensing Committee held on 30 September 2015 at 7.00 pm

Present: Councillors Michael Stone (Chair), Roy Jones (Vice-Chair), Oliver Gerrish, Cliff Holloway, Martin Kerin, Ben Maney, Bukky Okunade, Joycelyn Redsell, Andrew Roast, Graham Snell, Deborah Stewart and Kevin Wheeler,

Apologies: Councillors Robert Gledhill and Steve Liddiard
Lucy Magill, Head of Public Protection

In attendance: Paul Adams, Principal Licensing Officer
Laura Bryan, Licensing Officer
Simon Scrowther, Principal Solicitor
Jessica Feeney, 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.

7. Minutes

The Minutes of the Licensing Committee, held on 7 July 2015, were approved as a correct record.

8. Items of Urgent Business

There were no items of urgent business.

9. Declaration of Interests

There were no declarations of interest.

10. Applications Received

The Principal Licensing Officer introduced the report highlighting the summary of applications received under the Licensing Act 2003 and Gambling Act 2005 for the period of the 1 June 2015 to 31 August 2015.

Councillor Gerrish requested more detail in the summaries of applications. The Principal Licensing Officer apologised and informed the Committee that part of the summary had been missed due to IT technicalities.

Councillor Roast questioned if there were any trends regarding the number of applications received. The Principal Licensing Officer said that there was no significant trend but informed Members that there had been a slight increase in new premises licences applications, however there had been many premises that had closed down.

Councillor Redsell questioned why there was late temporary event notices for the Orsett Show. The Principal Licensing Officer informed the Committee that this was from company's carrying out licensable activities on behalf of the Orsett Show.

Resolved:

1. To note the contents of the report.

11. Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters - Taxi Licensing

The Principal Licensing Officer explained that the report set out the proposals for changes to the current Statement of Policy and Guidelines relating to the relevance of Convictions and other matters, seeking views of Members of the Licensing Committee on the proposals before the revised document went out for public consultation.

The following points were a summary of the proposed changes to the policy:

- Includes a particular reference to the failure to disclose/notify convictions, cautions or other relevant matters on application or during duration of licence, and that failure to do so may be treated as deception and could give rise to the refusal, revocation, or suspension for that reason alone.
- Makes clear that Cautions issued by any authority will be included, not just the police.
- Inclusion of Restorative Justice, Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime, for any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender must be willing to participate. Restorative justice can be used for any type of crime and at any stage of the criminal justice system, including alongside a prison sentence.
- There is now an enhanced definition of the categorisation of offences with additional examples given.
- References to racially or religiously aggravated offences have been included, with the timescale for rehabilitation reflecting the seriousness of these Hate Crimes.
- The inclusion of Counter terrorism offences.
- Splits Motoring Convictions into three Categories: Major, Intermediate, Minor, and gave detailed examples of the type of offences under each category.
- Revised time periods for inclusion of motoring offences.
- Inclusion of reference to drivers repeatedly using unfit vehicles.
- Includes guidance on complaints received by the licensing department and other offences under the taxi legislation.

Members asked for further clarification regarding the DVLA traffic offences codes. The Principal Licensing Officer informed the Committee that a detailed copy of the DVLA Traffic offences would be circulated after the meeting.

Councillor Jones questioned how responsible taxi drivers were when using an unfit hire vehicle in line with the proposed change in the policy - Inclusion of reference to drivers repeatedly using unfit vehicles. The Principal Licensing Officer explained that it was the driver's responsibility to ensure that the vehicle was fit for use. Members were informed that many taxi drivers in Thurrock used either their own or company vehicles.

The Committee were informed that all taxi drivers completed a DBS check (Disclosure Barring Service) when applying for a driver's licence and every three years after that, Councillor Redsell queried if this was the same for school contracted taxi drivers. The Principal Licensing Officer confirmed that all taxi drivers followed the same procedure, it was added that DBS checks were sent off a few months prior to the drivers renewal date to ensure it was received on time. Members were informed that Essex Police would notify the Licensing Department regarding convictions if it was made apparent that the criminal was a taxi driver at Thurrock Council, The Principal Licensing Officer made clear that the Home Office had stopped notifying authorities' a few months ago.

Councillor Redsell questioned if taxi drivers could be suspended if their DBS check had not been received in time for renewal. The Principal Licensing Officer felt that it would be unfair to stop taxi driver from working and assured Members that it was against the Licensing conditions to not notify the Licensing department of a conviction, it was added that a renewal form was completed each year which required all taxi drivers to declare any convictions.

Councillor Gerrish asked for further clarification regarding drivers repeatedly using unfit vehicles. The Principal Licensing Officer explained that action would be taken upon the same driver if found with a dangerous vehicle defects such as bald tyres on more than one occasion.

Councillor Jones questioned if the Licensing Department monitored how often taxi drivers completed eye tests. The Principal Licensing Officer explained that taxi drivers completed a medical examination which required an eye test.

Councillor Maney questioned if the Licensing department could refuse applications on the grounds that an applicant was a member of a banned extremist group. The Principal Licensing Officer explained that applicants could be refused on those grounds but explained that a specialist opinion would need to be obtained to strengthen the wording around counter terrorism in the proposed policy.

Resolved:

- 1. That the Licensing Committee considers the proposed recommendations for changes to the Statement of Policy and**

Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters, and approves the policy as in Appendix 2 for public consultation; or

- 2. Suggests amendments and or inclusions to the policy for inclusion before public consultation.**
- 3. That the Licensing Team would consult with Essex Police and PREVENT regarding counter Terrorism to strengthen the wording in the revised Licensing Policy.**
- 4. That the DVLA Traffic Offences will be circulated to the Committee with further detail.**

The meeting finished at 08:05

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 January 2016	ITEM: 5
Licensing Committee	
Child Sexual Exploitation and Licensing	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Principal Licensing Officer	
Accountable Head of Service: Lucy Magill, Head of Public Protection	
Accountable Director: David Bull, Director of Planning and Transportation	
This report is: Public	

Executive Summary

This is a presentation to the Licensing Committee on Child Sexual Exploitation (CSE) and the relevance for Licensing in Thurrock.

1. Recommendation(s)

1.1 For the Licensing Committee to note the contents of the presentation.

2. Introduction and Background

2.1 Members of the Licensing Committee are required to be relevantly trained when making decisions as part of the Licensing Committee or as part of a Licensing Sub Committee.

2.2 An awareness of Child Sexual Exploitation (CSE) and the relevance to Licensing is an essential part of this training.

3. Issues, Options and Analysis of Options

3.1 Attached as Appendix A is a presentation to members of the Licensing Committee of the relevance of Child Sexual Exploitation (CSE) and Licensing in Thurrock.

4. Reasons for Recommendation

4.1 This report is for information only.

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

4.1 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: **Mike Jones**
Management Accountant

There are no financial implications in relation to this report.

7.2 Legal

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

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

7.3 Diversity and Equality

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

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 1 – CSE and Licensing presentation.

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection

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Child **S**exual **E**xploitation
and
Licensing

CSE – Definition

- Sexual exploitation of children and young people under 18 involves exploitative situations,
- Contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child’s immediate recognition;

CSE – Definition

- In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other
- Violence, coercion and intimidation are common, involvement in exploitative.
- Relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability

Links with licensing

- Licensing Act 2003 – “protection of children from harm”
 - Supply of alcohol, late night refreshment, and places of entertainment all feature regularly in cases of CSE.
- Taxi Licensing – Fit and proper person test
 - Suitability of a person to drive a taxi.
 - Convictions
 - Complaints
 - Taxis feature highly in the movement of children involved in CSE.
 - Information from taxi drivers can be key if they know to report concerns to relevant authorities.
- Not confined to these two areas, may also link with Sex Establishments, Gambling Premises etc.

Links with licensing

Extracts from Jay Enquiry into abuse in Rotherham

“The prominent role of taxi drivers in CSE as a ‘common thread’ across England and noted that their involvement was evident from an early stage in Rotherham.”

“In the early years there seems to have been a prevalent denial of the existence of CSE, let alone its increasing incidence and dangers”

“Most members showed little obvious leadership or interest in CSE”

What are we doing

- Ensuring policies remain robust and up to date.
 - Includes recent review of suitability policy.
- Raising awareness with Members of the Licensing Committee.
- All licensing staff have received CSE awareness training, and one is the CSE Champion for Public Protection.
- Licensing sit on the MASE (Multi agency sexual exploitation) group.

What are we doing

- Raise awareness amongst the licence trade through leaflets, window stickers, presentations at pubwatch etc.
- Provision of Safeguarding training to for all taxi drivers starting early 2016.
- Liaison with Safeguarding team on complaints around licence holders and referral to Licensing Sub Committee where warranted.

Any Questions

Speak to the Licensing Team, or

Report concerns to:

Essex Police on 101 or,
via Crimestoppers on 0800 555 111, or

For more information visit

CSP: <https://www.thurrock.gov.uk/community-safety-and-crime>

Police & Crime Plan:

http://www.essex.police.uk/about/publications/policing_plan.aspx

VAWG: [Call to end violence against women and girls: action plan](#)

CSE – Rotherham Report

http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

28 January 2016	ITEM: 6
Licensing Committee	
Setting of licensing Fees for 2016/2017	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Principal Licensing Officer	
Accountable Head of Service: Lucy Magill, Head of Public Protection	
Accountable Director: David Bull, Director of Planning and Transportation	
This report is: Public	

Executive Summary

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

1. Recommendation(s)

1.1 To recommend to Full Council the adoption of the licence fees originally consulted upon as attached in Appendix 1,

or

1.2 To recommend to Full Council the adoption of the licence fees proposed following the consideration of the consultation response by officers as attached in Appendix 7,

or

1.3 To recommend to Full Council the adoption of a further revised licence fee schedule after further consideration of the consultation response received.

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.
 - LGA Guidance on Locally Set Fees
 - Welsh Technical Panel Templates
 - Case law.
- 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.
- 2.12 Thurrock Council's locally set licence fees were last set in 2011.

3. Issues, Options and Analysis of Options

- 1.1. A schedule of proposed fees for the 2016/2017 period are attached as Appendix 1.
- 1.2. A schedule of income and expenditure for licences administered by the Licensing Team is attached as Appendix 2.

- 1.3. A schedule of income and expenditure for licences administered by the Food Team is attached as Appendix 3.
- 1.4. A schedule of income and expenditure for licences administered by the Health and Safety Team is attached as Appendix 4.
- 1.5. Consultation has been undertaken in accordance with the legal requirements under the relevant legislation as detailed in section 5 of this report. In addition to the legal requirement all licence holders have been written to, providing details of the proposed fees and seeking written response for consideration by this committee.
- 1.6. Three responses have been received in relation to the Hackney Carriage and Private Hire licensing fees, which are attached as Appendix 5.
- 1.7. Six responses have been received in relation to the Animal Welfare licensing fees, which are attached as Appendix 6.
- 1.8. Following consideration of the responses from the consultation by Officers, and discussion with trade representatives a revised proposed fee list is attached as Appendix 7, which has incorporated any in year deficit and excess.
- 1.9. There were no other responses received for any other proposed changes to licence fees.
- 1.10. It is proposed that all changes to the licence fee will come into effect on the 1st April 2016.

Animal Welfare Licences

- 1.11. 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)
- 1.12. Over the last few years there has been an increase in the amount of time that is spent on processing and approving these types of premises, an additional mid-term inspection now takes place, during a licensed premises busy period, which is reflected in the rise in the cost of the licence.
- 1.13. 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.

- 1.14. Members of the Licensing Team have undergone training to reduce the need for a vet to inspect premises unless required by legislation or there are significant risks, to assist smaller business.

Hackney Carriage and Private Hire

Private Hire Operators Licences

- 1.15. All Private Hire Operators Licences are currently issued for 1 year, with annual renewal, however there was a change to the legislation that came into effect from October 2015 that requires Local Authorities to issue 5 year licences, unless there is a good reason not to do so.
- 1.16. The proposal is to still offer a 1 year licence when requested by the applicant, or where circumstances may require so.
- 1.17. The proposal reduces the cost of each category of licence issued.

Vehicle/Proprietors Licences

- 1.18. Both Hackney Carriage and Private Hire Vehicle licensing shows an excess income made in previous years, which has been carried forward. To ensure cost recovery this excess income is being used to reduce the fee in the coming year.
- 1.19. It is still 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.
- 1.20. 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.
- 1.21. 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

- 1.22. All Hackney Carriage or Private Hire Drivers Licences are currently granted for 1 year, however there was a change to the legislation that came into effect from October 2015 that requires Local Authorities to issue 3 year licences, unless there is a good reason not to do so.
- 1.23. Currently the cost of the DBS check is included in the fee, a DBS check is carried out every three years. A DVLA Group 2 Medical is required every three years unless age or medical conditions require otherwise, the cost of the medical is met by the applicant and is not included in this fee.

- 1.24. It is proposed to issue a 3 year licence as standard, unless the applicant requests a 1 year licence. Where there is less than three years until the applicants DBS and or medical requires renewing, licences will only be issued for the time period outstanding, and the appropriate 1 or 2 year fee will be applied.
- 1.25. A DVLA check will be carried out every year, regardless of the length of licence; this is included in the fee.
- 1.26. 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 1.
- 1.27. A deficit was incurred for both types of drivers' licences, which has been carried forward, resulting in an increase in the licence fee for this year.

Sex Establishments

- 1.28. Sex establishments for this purpose are to include Sex Shops, Sex Cinema's and Sexual Entertainment Venues.
- 1.29. A deficit exists for this licence type, combined with the reduction of one licence, leaving just two licensed premises in Thurrock has resulted in an increase in the fee.

Licensing Act 2003

- 1.30. 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 not expected this year.

Gambling Act 2005

- 1.31. 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

- 1.32. This Licence is granted for three years, as this licence has only been in effect for 2 years, 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. This fee will be reviewed next year.
- 1.33. The setting of this fee is still currently an executive function so this is for information only.

Massage and Special Treatments

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

Street Trading

- 1.35. All street trading licences are granted for a period of 1 year and fees are set locally.
- 1.36. Due to legal challenges nationally regarding street trading, together with the previous surplus made it is proposed to reduce the cost of licence fees to ensure cost recovery.
- 1.37. Traders are currently permitted to pay quarterly for licenses and it is proposed that this facility for all consent categories is withdrawn. Particularly for category B vehicles such as ice cream traders, is being reduced, however only an annual licence would be issued
- 1.38. Licences will be issued only once full payment is made and this will bring the street trading scheme in line with other licensing functions in addition to reducing administration costs.

Export Certificates

- 1.39. The increase proposed reflects the deficit made previously and the increase in time taken due to the opening of the new port.

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)

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 There is no legislative requirement to consult on the change of fee for any other licensing regime. In line with good practice, 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 that has been followed.

7.3 Diversity and Equality

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

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 has been undertaken to ensure that customers have had an opportunity to contribute to any decision to change and the

council in this report can 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 1 – Proposed fees for 2016/17.
- Appendix 2 – Licensing Team accounts.
- Appendix 3 - Food Team accounts.
- Appendix 4 – Health and Safety Team accounts
- Appendix 5 – Consultation response to Taxi licence fees.
- Appendix 6 – Consultation response to Animal Welfare licence fees.
- Appendix 7 – Revised proposed fees for 2016/17 following consultation.

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection

Proposed Licensing fees 2016/2017

Taxi & PHV		
	Current	Proposed 1yr
Hackney Carriage (HC) – Grant or renewal	£350	£217
Hackney Carriage – Wheelchair accessible – Grant or renewal	£300	£167
Private Hire Vehicle (PHV) – Grant or renewal	£325	£313
Private Hire Vehicle – Wheelchair accessible – Grant or renewal	£275	£263
Vehicle Replacement (Grant)	£40	£40
Change of Ownership	£40	£0
Vehicle Compliance test	N/A	£45
	Current	Proposed 1yr
HC & PHV(combined licence)- Grant	£180	£212
HC & PHV(combined licence)-Renewal	£150	£172
HC (only) - Grant	£120	£177
HC (only) - Renewal	£100	£137
PHV (only) – Grant	£120	£158
PHV (only) - Renewal	£100	£118
	Current	Proposed 1yr
Operators with one vehicle	£100	£69
Operators with two to five vehicles	£300	£238
Operators with six to ten vehicles	£500	£492
Operators with eleven to twenty vehicles	£800	£738
Operators with twenty one or more vehicles	£1,000	£907
Checking and sealing taximeters	£5	£20
Replacement drivers badge	£20	£20
Replacement Plate (including accessories)		£25
Door stickers (each)	£5	£7
Additional Knowledge test	£20	£22
DBS		£66

Animal	Current	Proposed 1yr
Pet shops	£150	£272
Boarding	£150	£272
Breeding	£150	£272
DWA	£150	£272
Riding	£150	£272
Zoo	£150	£272
LA2003	Statutory set no change	
Gambling	Statutory capped no change	
Sex Establishment	Current	Proposed
New	£3,000	£3,698

Renewal	£2,000	£2,698
Scrap	3 year Licence - review due 2017	
MST	Current	Proposed
New	£120	£120
Renewal	£60	£60
Street Trading		
	Current	Proposed
Category A1	£2600 +£100 if trading between 11pm and 2am	£1400 +£100 if trading between 11pm and 2am
Category A2	£1,545	£1,200
Category A3	£1,545	£1,200
Category B	£1,000	£650
Export Certificates		
Certificate issued	£40	£65

Proposed 2yr	Proposed 3yr
£315	£418
£275	£378
£280	£383
£240	£343
£255	£351
£215	£311
Proposed 5yr	
£346	
£1,191	
£2,459	
£3,688	
£4,533	

plus vet fee
plus vet fee
plus vet fee
plus vet fee
plus vet fee
plus vet fee

2014-15

	Private Hire Driver	Private Hire Vehicle	Private Hire Operator	Hackney Driver	Hackney Vehicle	LA 03	GA05	Sex Est.	Animal	Scrap	
B/fwd (+/-)	4,311.93	-12,872.71	179.51	4,658.09	-6,081.63	7,466.69	-165.16	10.34	604.67	283.18	-1,605.09
Income	-27,926.00	-58,546.44	-8,925.00	-18,849.00	-27,685.00	-108,973.86	-6,427.00	-4,350.00	-7,094.57	-5,952.00	-274,728.87
Net	-23,614.07	-71,419.15	-8,745.49	-14,190.91	-33,766.63	-101,507.17	-6,592.16	-4,339.66	-6,489.90	-5,668.82	-276,333.96
Expenditure	19,423.71	64,797.22	9,040.46	13,860.36	26,642.59	130,738.90	15,299.23	4,867.94	7,698.77	6,954.20	299,323.36
Direct Staffing	6,710.09	31,872.92	5,451.95	3,355.04	12,581.42	78,843.54	9,226.37	2,935.66	4,193.81	4,193.81	
Transport	389.65	1,850.82	316.59	194.82	730.59	4,578.35	535.76	170.47	243.53	243.53	
Supplies & Services	9,062.61	15,581.99	622.06	8,679.81	7,215.52	8,995.96	1,052.72	334.96	1,223.08	478.51	
Support Services	3,261.37	15,491.49	2,649.86	1,630.68	6,115.06	38,321.04	4,484.38	1,426.85	2,038.35	2,038.35	
Surplus/Deficit	-4,190.36	-6,621.93	294.96	-330.55	-7,124.05	29,231.73	8,707.07	528.28	1,208.87	1,285.38	

Taxi

	Current	Proposed 1yr	No. of licences		Income 2016
Hackney Carriage (HC) – Grant or renewal	£350	£217	90		£19,518.54
Hackney Carriage – Wheelchair accessible – Grant or renewal	£300	£167			
Private Hire Vehicle (PHV) – Grant or renewal	£325	£313	186		£58,175.29
Private Hire Vehicle – Wheelchair accessible – Grant or renewal	£275	£263			
Vehicle Replacement (Grant)	£40	£40			
Change of Ownership	£40	£0			
Vehicle Compliance test	N/A	£45			
				proposed 2yr	proposed 3yr
HC & PHV(combined licence)- Grant	£180	£212		£315	£418
HC & PHV(combined licence)-Renewal	£150	£172	135	£275	£378
HC (only) - Grant	£120	£177		£280	£383
HC (only) - Renewal	£100	£137		£240	£343
PHV (only) – Grant	£120	£158		£255	£351
PHV (only) - Renewal	£100	£118	201	£215	£311
					£23,735.64
				% Time	5yr
Operators with one vehicle	£100	£69	20	15	£346
Operators with two to five vehicles	£300	£238	6	15.5	£1,191
Operators with six to ten vehicles	£500	£492	3	16	£2,459
Operators with eleven to twenty vehicles	£800	£738	3	24	£3,688
Operators with twenty one or more vehicles	£1,000	£907	3	29.5	£4,533
	£2,700		35	100	£9,219.96
Checking and sealing taximeters	£5	£20			
Replacement drivers badge	£20	£20			
Replacement Plate (including accessories)		£25			
Door stickers (each)	£5	£7			
Additional Knowledge test	£20	£22			
DBS		£66			

Animal

Pet shops	£150	£272	
Boarding	£150	£272	
Breeding	£150	£272	
DWA	£150	£272	
Riding	£150	£272	
			30

LA2003

Statutory set no change

Gambling

Statutory capped no change

Sex Establishment

New	£3,000	£3,698		
Renewal	£2,000	£2,698	2	£5,396.21

Scrap

Three year fee, review due next year.

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2014-15 - Street Trading				Street Trading		Other		
Cost Centre	Subjective Code3	Expense	Income	CIPFA	10.00%	1.25%		
	0001 - Salary	184,236.00		Direct Staffing	18,423.60		2,302.95	
	0006 - Standby Payment	0.00		Direct Staffing	-		-	
	0010 - Honorarium	0.00		Direct Staffing	-		-	
	0016 - Overtime	0.00		Direct Staffing	0.00		0.00	
	0060 - National Insurance	15,758.00		Direct Staffing	1,575.80		196.98	
	0065 - Superannuation	26,792.00		Supplies & Services	2,679.20		334.90	
	0410 - Agency Staff Payments	0.00		Supplies & Services	0.00		0.00	
	1300 - Car Allowances	7,996.16		Supplies & Services	799.62		99.95	
	1400 - Equipment Purchase	0.00		Supplies & Services	0.00		0.00	
	1767 - Sampling and Testing fees	0.00		Supplies & Services	0.00		0.00	
	1950 - Subsistence Allowance Staff	0.00			0.00		0.00	
	3200 - Departmental Admin Recharge	0.00		Supplies & Services	0.00		0.00	
	4514 - Fees And Charges Exempt		0.00	Income			-1,505.00	
	4534 - Street Trading Licence		-34,290.00	Income		-34,290.00		
	4535 - Hire Charges VAT			Income			0.00	
	5605 - Insurances	157.00		Supplies & Services	15.70		1.96	
	5609 - Financial Services	1,121.00		Support Services	112.10		14.01	
	5618 - Organisational Development	2,234.00		Support Services	223.40		27.93	
	5621 - Business Support	1,000.00		Support Services	100.00		12.50	
	5629 - SERCO Europa	5,941.00		Support Services	594.10		74.26	
	5630 - SERCO Customer Services	7,089.00		Support Services	708.90		88.61	
	5631 - SERCO Business Admin	1,001.00		Support Services	100.10		12.51	
	5632 - SERCO Revenue and Benefits	38.00		Support Services	3.80		0.48	
	5633 - SERCO Procurement	127.00		Support Services	12.70		1.59	
	5634 - SERCO ICT	13,671.00		Support Services	1,367.10		170.89	
	5635 - SERCO HR	3,068.00		Support Services	306.80		38.35	
	5641 - Legal Services	2,297.00		Support Services	229.70		28.71	
	5666 - Communications	857.00		Support Services	85.70		10.71	
	5695 - Audit	2,094.00		Support Services	209.40		26.18	
	5697 - CDIT	232.00		Support Services	23.20		2.90	
	5698 - Directors PAs	413.00		Support Services	41.30		5.16	
	5701 - Trade Unions	131.00		Support Services	13.10		1.64	
	5702 - Diversity	224.00		Support Services	22.40		2.80	
	5703 - Policy and Strategy			Support Services	0.00		0.00	
	5704 - Workforce Planning	36.00		Support Services	3.60		0.45	
	5727 - Admin Buildings	6,440.00		Support Services	644.00		80.50	
EH001 - Food Total		282,953	-34,290		28,295	-34,290.00	3,537	-1,505
			248,663					
	EH008 PP I	2.00%	4,294.42					
	EH010 Cen	5.00%	2,471.90					
	ER100 Busi	1.50%	2,784.48					
	ER101 UNi	1.50%	755.99					
		10,306.79	258,969.95	Support Services	1,030.68		128.83	
Total Income			-34,290.00		Street Trading		Other	
Total Expense			293,259.95		-34,290.00		-1,505.00	
Surplus/Deficit			258,969.95		29,325.99		3,665.75	
					-4,964.01		2,160.75	

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2014-15 - MST/Piercings				MST	Skin Piercing
Cost Centre Code	Subjective Code3	Expense	Income	1.30%	0.25%
	0001 - Salary		192,382.87	2,500.98	480.96
	0006 - Standby Payment		39.50	0.51	0.10
	0016 - Overtime		465.10	6.05	1.16
	0060 - National Insurance		17,138.67	222.80	42.85
	0065 - Superannuation		29,160.68	379.09	72.90
	0380 - Employee Training		139.00	1.81	0.35
	0410 - Agency Staff Payments		29,536.39	383.97	73.84
	0510 - Health and Safety			0.00	0.00
	1300 - Car Allowances		9,051.29	117.67	22.63
	1433 - DSO Materials Direct		234.70	3.05	0.59
	1750 - Professional Fees		442.00	5.75	1.11
	2104 - Project Work		47,997.89	623.97	119.994725
	2600 - Private Contractors		420.00	5.46	1.05
	3200 - Departmental Admin Recharge		44,903.19	583.74	112.26
	4596 - MST/IPL			-5,640.00	
	4597 - Skin Piercing				-1,080.00
	5605 - Insurances		196.00	2.55	0.49
	5608 - Exchequer Services			0.00	0.00
	5609 - Financial Services		839.62	10.92	2.10
	5617 - Diversity			0.00	0.00
	5618 - Organisational Development		2,233.65	29.04	5.58
	5621 - Business Support		1,321.85	17.18	3.30
	5629 - Facilities Management		13,199.41	171.59	33.00
	5630 - Customer Services		7,037.55	91.49	17.59
	5631 - Business Admin		1,435.00	18.66	3.59
	5632 - Revenue and Benefits		1,870.00	24.31	4.68
	5633 - Procurement		850.00	11.05	2.13
	5634 - ICT		13,670.81	177.72	34.18
	5635 - SERCO HR		3,068.00	39.88	7.67
	5641 - Legal Services		1,720.93	22.37	4.30
	5651 - Human Resources			0.00	0.00
	5666 - Communications		857.29	11.14	2.14
	5684 - Management Services		-	0.00	0.00
	5695 - Audit			0.00	0.00
	5696 - Information Management			0.00	0.00
	5697 - CDiT		232.00	3.02	0.58
	5698 - Directors PA's		412.58		
	5701 - Trade Unions		131.00		
	5702 - Diversity		224.00		
	5704 - Workforce Planning		36.00		
	5710 - Procurement				
	5727 - Admin Buildings		14,308.00		
EH009 - H&S Total		435,555	-6,720	5,466	-5,640
			428,835		
EH008 PP Management	2.00%	3,459.30			
EH010 Central Costs	5.00%	2,486.92			
ER100 Business Mangem	1.50%	2,279.90			
ER101 UNiform operation	1.50%	1,464.46			
		9,690.58	438,525.55	125.98	24.23
Total Income			-6,720.00	-5,640.00	-1,080.00
Total Expense			445,245.55	5,591.74	1,075.33
Surplus/Deficit			438,525.55	-48.26	-4.67

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Tilbury Taxis Ltd



132, Dock Road, Tilbury,
Essex RM18 7BJ

SPECIALISTS IN:

- Ⓞ SHIPPING ACCOUNTS
- Ⓞ EXECUTIVE CARS
- Ⓞ 24 HOUR RELIABLE SERVICE
- Ⓞ MINIBUS SERVICE
- Ⓞ PARCEL & COURIER SERVICE

ACCOUNTS: 01375 856888

FAX: 01375 843320

Email: enquiries@tilburytaxis.co.uk

Email: accounts@tilburytaxis.co.uk

TELEPHONE: 01375 855555

01375 845555

01375 842402

01375 842404

Date: 22nd Dec 15

Dear Paul

As you know we have looked at the accounts for the last two years and have found that apart from the operators license you are making a profit.

Now last year when we all spoke you made a promise that should there be a profit this year you would reduce the cost of badges, this is not the case is it.

Over the last two years you are showing a profit of £17971.93 in total at the moment.

We all know since the price of the badges went up nearly three years ago over 300% there would come a point that Thurrock Council would be making a profit and now it is happening but you are still increasing the costs this now becoming really unfair.

Also as you are well aware as the you are now guaranteed a income for Private hire badges alone of nearly £23,000.00 alone

Hackney License £7500.

Dual License £22680.00

Private Hire Cars £66950.00

Hackney Cars £30450.00

As a rough estimate this will give you an income of £150,000.00.

So looking at the last two years accounts this figure well above the costing for two members of staff and all that comes with it so don't you feel

that an increase to drivers which in the long run will past onto Thurrock public is unfair.

As you also aware that there are a few companies looking at leaving Thurrock and working under Transport for London but still keeping our main office in Thurrock this is something we really don't want to but feel we are getting pushed financially to move.

We as companies are trying to our best recruiting new drivers but the first thing that is going to put them off is having to pay nearly £300. for there first years badge, this figure does include Pax test and medical.



Thameside

Taxi and Private Hire

Thameside Taxis Ltd Phone: 01375 371654
25a Orsett Road
Grays
Essex
RM17 5DS

29 December 2015

Dear Paul

Re. Proposed charges

We at Thameside Taxis Ltd challenge the proposed charges to the Taxi and Private Hire industry within Thurrock.

1. By putting up the cost of operation you are restricting entry to the trade, this will reduce the availability of taxis, increase waiting times for customers and reduce choice and safety for consumers.
2. The aim of the local licensing authority of the taxi and Private Hire trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to this service because of the part we play in the local transport provision. Local licensing authorities should recognise that too restrictive approach can work against the public interest.
3. Customers should be confident that when taking a taxi, the driver and vehicle are licenced and all relevant insurance and documents are in place, but on the other hand if the supply of taxis has been unduly constrained by onerous licensing conditions and fees then that customers' safety might be put at risk by having to wait longer or even tempted to enter an unlicensed vehicle illegally plying for hire.
4. The proposed increase to the operator's licence is far too high. Your proposed charges for operators with one vehicle to more than twenty-one ranges from £69 for one year to £4,533 for five years.
Basildon Council charge £500 for one year for an operator's licence of eleven or more vehicles.
Brentwood Council charge £763 for three years for an operator's licence of five or more vehicles.
Thameside Taxis is responsible for their staff, training, vehicles, paper work etc. The office involvement is less direct than a driver (who will be alone with passengers) All our insurances etc. are checked with every vehicle licence renewal and all our drivers' are checked by yourselves. Why such a high price?
5. There should be no discrimination between the price to licence a disabled vehicle which you have proposed to charge £96 a year more for Private Hire than Hackney Carriage? Plus, the operator's licence fee on top of this.

Company Registration No. 6477253

ABWZ CARZ EXPRESS

21st December 2015

Dear Mr Adams,

In response to your scheduled price rises for Taxi & Private Hire licences for Thurrock, there is a clear divide between what you say you are going to charge and what the licensed taxi people in Thurrock can pay.

It's quite obvious that in the last 3 years you have put up the price of driving licence by 300%! No way does this allow for the companies to encourage new drivers into the industry.

Therefore it will leave a vacuum of drivers we will not be able to replace thus not being able to serve the public.

The thinking behind your charges is totally wrong. There are licensing authorities out there which are more reasonably charged. Also the same with vehicle licences. Again you are pricing Thurrock licensing more than other authorities.

If this is implemented we will be taking ABW Z Carz Express out of Thurrock to another licensing authority which under current legislation we are perfectly within our right to do. This is the last thing our company wishes to do but unless there is a reduction in prices we shall be forced to do so.

Below is a list of drivers who agree on the above and shall be leaving if this proposal goes ahead.

Steven Cole, Barry Page, Mark Wellington, Rosemarie Mcerlain, Barry Harley, Roy Lawrence, Paul West, Colin Cubitt, Muhammad Iqbal, David Allery, Aron Scopes, Andrew O'Neil, Javad Afshar, Wayne Allery, Kuuly Singh, Andy Davis, Paul Carter, Billal Amiri, Keith Scopes, Phil Stead, James Sinclair, Alisha Tomkins, alan Hale, Don French, Glenn Stanley, Gagi Umroyan, Steve Cole Snr, Steven Scopes, Steve Cornwell, Paul Wellington, Hamid Kalantari, Allan George, Peter Hughes,

ABW Car Hire & Taxi Service, T/A ABW ZCarz Express, Unit 28a, Towers Road, Globe Industrial Estate, Grays, Essex RM17 6ST

Tel: 01375 399391 (Office) Email: enquiries@zcarzexpress.co.uk Website: www.zcarzexpress.co.uk VAT No; 200 5580 54

Booking Office (24/7) TEL: 01375 391500..... 01375383236

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Consultation Response – Animal Welfare

1 **From:** pjerry11
Sent: 03 January 2016 15:34
To: Licensing@thurrock.gov.uk
Subject: Consultation on Licensing Fees for 2016/2017
FAO: Paul Adams
Principle Licencing Officer
Further to your letter dated 30th November 2015, I write as requested with my comments to your proposed licence fee increase.
Firstly, how do you justify an increase in excess of 80%? I currently pay £150.00 per year, an increase to £271 + vet fees is astronomical. Under the terms of the licence issued to me, you have limited my earning potential to £70.00 per day. I have no way of increasing this unless I raise my prices which will effectively drive me out of business. You need to bear in mind that there are some days when my earnings are considerably less. It only takes someone to have time off ill, an impromptu holiday or a sudden loss of work and I am out of pocket until I can find another client to fill that place. People looking for a holiday boarder or someone to walk their dog or provide daycare, don't wait around for you until you have a place for them. They look elsewhere and the opportunity to earn has gone. I cannot pass on an 80% increase to my customers, they will simply stop utilising my service. I am not a shop or kennel that has the potential for infinite customers. As a home boarder, I am currently permitted to have 5 dogs at any one time. Will you allow me the opportunity to increase my earning potential or is putting me out of business really the only option you can see? Surely this will not help with your deficit.
Secondly, you speak of the cost of providing the service to me. The service consists of a 10 minute visit, once a year, made by two council employees. Two people. Maybe a saving could be made by only one person attending my home and therefore only one wage. Why two people to do the job of one when there is an issue with deficit? How many people does it take to type my name and address on a certificate and print it off? I am struggling to understand how such a service warrants such a hefty increase. Each year we are told of yet another cost that is going to be applied to our business running costs and yet nothing changes in the service we receive. Nothing changes in the service we can provide as the restrictions still apply. Each year we are expected to pay more and receive nothing in return.
Lastly, I have never received a vet visit. I have been told that it isn't needed as I am a small boarding establishment. How much more am I expected to find per year to cover the cost of a vet visit? Please could you advise so I can determine whether running a business at a loss is really worth the trouble.

I look forward to hearing from you.
Yours sincerely
Paula Perry
Country Walks

2 **From:** kymm edwards
Sent: 29 December 2015 14:47
To: Licensing@thurrock.gov.uk
Subject: Consultation on licensing fees for 2016/2017

Dear Mr Adams,

Thank you for the opportunity to comment on proposed increase of licensing fees.

45 % increase for animal boarding and less than 18 % for sex establishments I am lost for words !

In these hard times, whilst I accept in some areas small recovery is apparent I find it very hard to accept such a huge proposed hike in the fee for my cattery. Also why there is such a difference between the licenses ?

Thank you for your attention.
Kind regards
Kymm Edwards

3 **From:** dawn jones
Sent: 24 December 2015 11:58
To: Licensing@thurrock.gov.uk
Subject: FAO paul adams relicence fee proposed price increase

Dear Paul

I am writing to you with regards to the proposed price increase for the license fee 2016/17.

Firstly I would like to question that the letter indicates that the rises are only for businesses falling under the `Animal Welfare` umbrella and sex establishments, it doesn`t state whether any establishments or activities requiring a licence are being increased.

We are all small businesses and I feel an 80% increase in the cost of any service with no choice of changing service provider is entirely unfair. In this instance we would be justified in asking to see evidence that the costs of the animal welfare licensing administration has escalated to an 80% rise and to question why as we have seen no change in the service received over the years.

There are two vague outlines in the letter sent out by yourselves as to possible reasons for a price increase but not an actual explanation. In view of the fact that the price increase is unreasonable we would be entitled to a full explanation as we are going to be covering these costs.

The other point that needs to be raised is the +vet fee, on your website it states that the vet fee is an additional charge after the vet inspection has taken place, if

required. The issue with this extra cost is who decides whether a vet visit is required and what are the deciding factors? This is yet another cost which can be imposed on us with us having no prior knowledge of the actual cost or why it has been decided that the visit is `required`.

All these extra costs and increased costs seriously put pressure on small businesses, at a time when we need support from local authorities and so would appreciate your help in understanding this matter.

Regards

Dawn Jones

Wonderland Pets

4 **From:** thetrophshop
Sent: 27 December 2015 10:57
To: Licensing@thurrock.gov.uk
Subject: license fee

Good Morning Paul,

Hope you had a nice Christmas .

I am writing to you with regards to the proposed price increase for the license fee 2016/17.

Firstly I would like to question that the letter indicates that the rises are only for businesses falling under the `Animal Welfare` umbrella and sex establishments, it doesn't state whether any establishments or activities requiring a licence are being increased.

As a small local business I feel an 80% increase in the cost of any service with no choice of changing service provider is entirely unfair. In this instance I feel I am justified in asking to see evidence that the costs of the animal welfare licensing administration has escalated to an 80% rise and to question why as I have seen no change in the level of service received over the years. I understand that services will occasionally but this is normally in accordance with inflation, 80% is not in line with this.

There are two vague outlines in the letter sent out by yourselves as to possible reasons for a price increase but not an actual explanation. In view of the fact that the price increase is unreasonable I feel I am entitled to a full explanation as to what has increased so greatly your end seeing as I going to be covering these costs.

The other point that needs to be raised is the additional vet fee, on your website it states that the vet fee is an additional charge after the vet inspection has taken place, if required. The issue with this extra cost is; who decides whether a vet visit is required and what are the deciding factors? This is yet another cost which can be imposed on us with us having no prior knowledge of the actual cost or

why it has been decided that the visit is `required`. We had an issue with the vet you used and the decision was made that a vet visit was no longer required, why has this changed now?? I can understand that if an establishment is mistreating animals then a Vet visit may be required but who would make that decision? surely not members of the public as we have had two complaints in seven years and both were completely unfounded and we have letters from yourselves confirming this. So if I was to get a vet charge following one of these ludicrous complaint then I would consider the charge to be met by you or the member of the public making the complaint.

All these extra costs seriously put pressure on small businesses baring in mind I already have to pay TWO lots of business rates totaling over £10,000 and I don't even get my bins emptied for that, all this at a time when we need support from local authorities and so would appreciate your help in understanding this matter.

Regards

Ian Divers
Trop Shop

5 **From:** Cath Lumley
Sent: 22 December 2015 20:55
To: Licensing@thurrock.gov.uk
Cc: cathlumley@blueyonder.co.uk
Subject: Thurrock License renewal charges April 2016

FAO Paul Adams

I am writing to you with regards to the proposed price increase for the license fee 2016/17.

We are all small businesses and I feel an 80% increase in the cost of any service with no choice of changing service provider is entirely unfair. In this instance we would be justified in asking to see evidence that the costs of the animal welfare licensing administration has escalated to an 80% rise and to question why as we have seen no change in the service received over the years.

There are two vague outlines in the letter sent out by yourselves as to possible reasons for a price increase but not an actual explanation. In view of the fact that the price increase is unreasonable we would be entitled to a full explanation as we are going to be covering these costs.

The other point that needs to be raised is the +vet fee, on your website it states that the vet fee is an additional charge after the vet inspection has taken place, if required. The issue with this extra cost is who decides whether a vet visit is required and what are the deciding factors? This is yet another cost which can be imposed on us with us having no prior knowledge of the actual cost or why it has been decided that the visit is `required`.

As a very small home boarder I feel that £150 is ample payment for the service that I get from the council license department. I am in full support of being checked before you give the license as I know there are many home boarders and 'Doggy day care' businesses in Thurrock that do not even have a license and their trading standards are 'unscrupulous' to say the least. I also feel that there should be a sliding scale in terms of the fee, based on what the company actually does.

As a home boarder the dogs live in my own home as part of my family and daily life. They are treated like one of my own dogs. I understand that you would and should check on this though. Moving to pet shops, I feel that they should have a slightly more in depth inspection so that small furies and reptiles etc are properly cared for and safe and secure. Kennels should have a much more thorough inspection and therefore a high fee would be applicable. Some kennels have 50-100 individual kennels and each would need to be checked for cleanliness and safety from hazards.

Zoos? Not even sure why they have been charged £150 but clearly should be much higher up the sliding scale.

Lastly, are other license holders, off licences, bars, pubs having an equally 'possible' substantial increase? Sex shops have been put on the same list as 'animal' businesses. Weird but I'm sure there is a link there somewhere :-)

All these extra costs and increased costs seriously put pressure on small businesses, at a time when we need support from local authorities and so would appreciate your help in understanding this matter.

So, in short, my feelings as a small local business that uses the license for 10/15% of my business is that an increase of more than 10% would be extreme and very unwelcome.

I also feel that licensees would drop off and you would just have many businesses running without any form of license and therefore no record or trail should the local public need any assistance.

Please keep the license cost as it is (small increase accepted for 2017).

We at Dogtopia have spoken with other responsible small animal businesses in the area and all current licensees are in agreement that a substantial increase would potentially be crippling.

Regards

Cath Lumley

Dogtopia Pet Services

6

24, Corringham Rd
 Ref: Petshop licence Fee Stanford-le-Hope
 Essex
 29/12/15

Dear Sir,

As an established business for the last 24 yrs and have always agreed in principle to a licensing fee of some sort we feel the proposed fee is ridiculous. A rise with inflation is fine but just because you do not have enough pet shops in Thurrock selling animals is not the problem of the pet shops already established in the area. Besides the idea of having a licence premises to sell animals was for the well being of the animals and controlling of diseases. By increasing the fee to this amount in our opinion will not make it viable for shops to sell animals thus forcing pets to be sold at peoples

back door and by the internet with no Council control of the well being of the animals and no vet inspect if you feel this is ok then fine increase the fee but don't be surprised when you have no shops in Thurrock selling animals or is that what you want then you can wipe your hands clean a problem does arise
 ie. Rabies
 Distemper
 myxomatosis
 Cat flu etc

Yours faithfully
 Muz Mrs Early
 (EtrB Pets)

P.s. Please could you reply to this letter on our email
 Colvicanddawn@hve.co.uk
 So we know you got this letter

Proposed Licensing fees 2016/2017

Taxi & PHV				
	Current	Proposed 1yr		
Hackney Carriage (HC) – Grant or renewal	£350	£217		
Hackney Carriage – Wheelchair accessible – Grant or renewal	£300	£167		
Private Hire Vehicle (PHV) – Grant or renewal	£325	£313		
Private Hire Vehicle – Wheelchair accessible – Grant or renewal	£275	£263		
Vehicle Replacement (Grant)	£40	£40		
Change of Ownership	£40	£0		
Vehicle Compliance test	N/A	£45		
	Current	Proposed 1yr	Proposed 2yr	Proposed 3yr
HC & PHV(combined licence)- Grant	£180	£175	£310	£445
HC & PHV(combined licence)-Renewal	£150	£135	£270	£405
HC (only) - Grant	£120	£140	£240	£340
HC (only) - Renewal	£100	£100	£200	£300
PHV (only) – Grant	£120	£116	£192	£268
PHV (only) - Renewal	£100	£76	£152	£228
	Current	Proposed 1yr	Proposed 5yr	
Operators with one vehicle	£100	£70	£350	
Operators with two to five vehicles	£300	£241	£1,205	
Operators with six to ten vehicles	£500	£498	£2,490	
Operators with eleven to twenty vehicles	£800	£738	£3,690	
Operators with twenty one or more vehicles	£1,000	£918	£4,590	
Checking and sealing taximeters	£5	£20		
Replacement drivers badge	£20	£20		
Replacement Plate (including accessories)		£25		
Door stickers (each)	£5	£7		
Additional Knowledge test	£20	£22		
DBS		£66		
Animal	Current	Proposed 1yr		
Pet shops	£150	£272 plus vet fee		
Boarding	£150	£272 plus vet fee		
Breeding	£150	£272 plus vet fee		
DWA	£150	£272 plus vet fee		
Riding	£150	£272 plus vet fee		
Zoo	£150	£272 plus vet fee		
LA2003	Statutory set no change			
Gambling	Statutory capped no change			
Sex Establishment	Current	Proposed		
New	£3,000	£3,698		
Renewal	£2,000	£2,698		

Scrap	3 year Licence - review due 2017/18	
MST	Current	Proposed
New	£120	£120
Renewal	£60	£60
Street Trading		
	Current	Proposed
	£2600 +£100 if trading between 11pm and 2am	£1400 +£100 if trading between 11pm and 2am
Category A1		
Category A2	£1,545	£1,200
Category A3	£1,545	£1,200
Category B	£1,000	£650
Export Certificates		
Certificate issued	£40	£65

28 January 2016	ITEM: 7
Licensing Committee	
Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters – Taxi Licensing.	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Principal Licensing Officer	
Accountable Head of Service: Lucy Magill, Head of Public Protection	
Accountable Director: David Bull, Director of Planning and Transportation	
This report is: Public	

Executive Summary

Local Authorities have a power to set policy relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters to that it requires holders and applicants for Hackney Carriage and Private Hire Drivers to meet. This report brings back to the licensing Committee the proposed revised policy following consultation with relevant stakeholders.

1. Recommendation(s)

- 1.1 That the Licensing Committee recommends to Full Council the adoption of the revised Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters, as attached as Appendix 1.**

2. Introduction and Background

- 2.1 Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 2.2 Since March 2002 hackney carriage and private hire drivers have been exempt from the Rehabilitation of Offenders Act 1974. Which means that all convictions, irrespective of age, sentence imposed or offence committed, remain live for the consideration in line with a hackney carriage or private hire drivers licence, where they are relevant to the application.

- 2.3 Local Authorities have the ability to set policy in relation to who it considers to be a fit and proper person, or who it considers not to be a fit and proper person, for persons driving hackney carriages and private hire vehicles licensed by them.
- 2.4 The current policy is now dated and requires reviewing to ensure that it remains fit for purpose.
- 2.5 The proposed changes have been developed from the experience of the Licensing Department and suggestions from licence holders.

3. Issues, Options and Analysis of Options

3.1 The revised policy is attached as **Appendix 1**

3.2 The following points are a summary of the proposed changes to the policy:

- Includes a particular reference to the failure to disclose/notify convictions, cautions or other relevant matters on application or during duration of licence, and that failure to do so may be treated as deception and could give rise to the refusal, revocation, or suspension for that reason alone.
- Makes clear that Cautions issued by any authority will be included, not just the police.
- Inclusion of Restorative Justice, Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime, for any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender must be willing to participate. Restorative justice can be used for any type of crime and at any stage of the criminal justice system, including alongside a prison sentence.
- There is now an enhanced definition of the categorisation of offences with additional examples given.
- References to racially or religiously aggravated offences have been included, with the timescale for rehabilitation reflecting the seriousness of these Hate Crimes.
- The inclusion of counter terrorism offences.
- Splits motoring convictions into three Categories:

1. Major,
2. Intermediate,
3. Minor,

and gives detailed examples of the type of offences under each category.

- Revised time periods for inclusion of motoring offences.
- Inclusion of reference to drivers repeatedly using unfit vehicles.
- Includes guidance on complaints received by the licensing department and other offences under the taxi legislation.

4. Reasons for Recommendation

- 4.1 Following the consultation there were no comments received, Policy cannot be adopted by the Licensing Committee, and adoption is a Full Council Function.

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

- 5.1 All local stakeholders have been written to asking for comments. Local stakeholders include all Thurrock Council Hackney Carriage and Private Hire Driver Licence holders, all Private Hire Operators.

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

- 6.1 None

7. Implications

7.1 Financial

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

There are no financial implications in relation to this report.

7.2 Legal

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

This revised policy will have to be referred to Full Council for adoption.

7.3 Diversity and Equality

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

An Equality Impact Assessment has been undertaken and there are no negative impacts of this policy.

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 1 - Revised Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

Report Author:

Paul Adams

Principal Licensing Officer



Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
2. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
3. In considering evidence of an individual's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal and/or other matter(s) is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, and/or other matter(s), the individual's age when the offence was committed and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
4. If an applicant has ever lived outside the UK for a period of more than 4 continuous weeks, other than for a holiday, they will also need to supply a 'Certificate of Good Conduct' from the relevant embassy.
5. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual.
6. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
7. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

Failure to Disclose Information

8. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.

9. 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.

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, FORMAL/SIMPLE CAUTIONS, AND /OR OTHER MATTERS

10. Each case will be decided on its own merits.
11. For the purpose of these guidelines formal and simple cautions and endorsable fixed penalties will be treated as though they were convictions.
12. Where an applicant has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines. In these circumstances the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.
13. Restorative justice is increasingly used by the police as a less formal way of dealing with issues as an alternative to the criminal court system. The Council recognise that restorative justice should not be dealt with as though it were a conviction, but that it can be taken into consideration, when deciding if a person is a 'fit and proper' to hold a licence.
14. Where any offence has resulted in a term of imprisonment, the time periods given will run from the date that the applicant was released from prison, not from the date of conviction.
15. Where an applicant has been subject to a bind over, restraining order or similar, imposed by a court, no application will normally be considered until a period of at least 6 months has elapsed from the period of any such order finishes.
16. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
17. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
18. A very serious view will be taken of any conviction; no matter how minor or serious, that occurs whilst the person is the holder of a current licence and especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.

19. The following examples afford a general guide on the action, which might be taken where convictions are disclosed.

a) Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include vulnerable people.

For these reasons a serious view is taken of any conviction(s) involving dishonesty. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s) or offence(s) which replace the below offences, and the conviction is less than 3 years ago

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit Fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (eg producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception

b) Violence

- i. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences:
 - a. Murder
 - b. Manslaughter
 - c. Manslaughter or culpable homicide while driving
- ii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 10 years ago:
 - a. Arson
 - b. Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - c. Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - d. Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - e. Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - f. Robbery
 - g. Possession of firearm

- h. Riot
 - i. Assault Police
 - j. Common assault with racially or religiously aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - k. Violent disorder
 - l. Resisting arrest
- iii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 5 years ago:
- a. Racially or religiously -aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - b. Racially or religiously -aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - c. Racially or religiously -aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
 - d. Racially or religiously -aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - e. Racially or religiously -aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
 - f. Racially or religiously -aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- iv. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 3 years ago:
- a. Common Assault
 - b. Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
 - c. Affray
 - d. S5 Public Order Act 1986 offence (harassment, alarm or distress)
 - e. S.4 Public Order Act 1986 offence (fear of provocation of violence)
 - f. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - g. Harassment – breach of restraining order – on conviction Protection from Harassment Act 1997 s.5(5)+s.5(6)
 - h. Obstruction
 - i. Possession of offensive weapon
 - j. Criminal damage

c) Drugs

- i. An application will normally be refused where an applicant has an isolated conviction for an offence related to the possession of drugs in the previous 3 years.
- ii. An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs in the previous 5 years.

- iii. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs in the previous 5 years.
- iv. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

d) Sexual and Indecency Offences

- i. Any conviction for an offence of a sexual nature or involving indecency will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.
- ii. As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
- iii. Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually 7 years) free from any such conviction.
- iv. If an applicant has been placed on the Sex Offenders Register then the period of seven years shall run from the date of removal from that register. Under no circumstances will an application be accepted from any person still on the register.
- v. Where there is more than one conviction for this type of offence, or the conviction has arisen as the result of the use or operation of a licensed vehicle in the course of public or private hire, the application will normally be refused.

e) Drunkenness

- i. With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to be refused.

- ii. With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

iii. Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

f) Safeguarding of Vulnerable Groups

Where an applicant is included on the Children's or Adult's Barred Lists of the Independent Safeguarding Authority, no application for grant of a licence will be entertained whilst they remain on either list.

Where an applicant has been on either barred list and subsequently removed from it, no application will be entertained until seven years have elapsed after removal from the list.

g) Counter Terrorism

Any conviction for an offence of relating to counter terrorism will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.

MOTORING CONVICTIONS

20. MAJOR TRAFFIC OFFENCES

One Conviction

Where an applicant has one Major Traffic Offence, within the last 2 years, the application will normally be refused.

Two or more Convictions

Where an applicant has more than one Major Traffic Offences in the previous 5 years, the application will normally be refused.

Disqualification

If any conviction for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit

DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle
TT99	Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

21. INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.

One Conviction

An isolated Intermediate Traffic Offence need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

Two or more Convictions

Where an applicant has more than one Intermediate Traffic Offences in the previous 12 months, the application will normally be refused.

Disqualification

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16). Or similar offences or offences which replace the above offences.

22. MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

Two or less Convictions

Where an applicant has two or less Minor Traffic Offences in the previous 12 months, the application will normally be granted with a letter of warning being placed on the file.

Three or more Convictions

Where an applicant has more than two Minor Traffic Offences in the previous 12 months, the application will normally be refused.

Disqualification

If any conviction for a Minor Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16) Or similar offences or offences which replace the above offences.

23. DISQUALIFICATION

a) **Disqualification – Major Traffic Offence**

An application will generally be refused unless a period of 3 years has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

b) **Disqualification – Intermediate Traffic Offence**

An application will generally be refused unless a period of 2 years has elapsed from the restoration of the DVLA licence.

c) **Disqualification – Minor Traffic Offence**

An application will generally be refused unless a period of 1 year has elapsed from the restoration of the DVLA licence.

24. SPENT CONVICTIONS

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction(s).

25. VEHICLE FITNESS

If a licensed driver is found to be repeatedly driving unfit vehicles, that driver will be considered responsible and as a result will be referred to the Licensing Sub-Committee.

26. COMPLAINTS

All complaints will be kept on file. If a driver receives a complaint, an investigation will take place and, following that investigation, they may be referred to the Licensing Sub-Committee.

If a driver receives several complaints of a similar nature, they will be referred to the Licensing Sub-Committee.

27. OTHER OFFENCES

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence if (s)he has been convicted of an offence under the Acts in the previous 2 years or has more than one conviction within the last 5 years.

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28 January 2016	ITEM: 8
Licensing Committee	
Applications Received	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Principal Licensing Officer	
Accountable Head of Service: Lucy Magill, Head of Public Protection	
Accountable Director: David Bull, Director of Planning and Transportation	
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 September 2015 to 31 December 2015.

1. Recommendation(s)

1.1 That the Licensing Committee 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 1** 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 September 2015 to 31 December 2015.

4. Reasons for Recommendation

4.1 This report is for information only.

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

4.1 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: **Mike Jones**
Management Accountant

There are no financial implications in relation to this report.

7.2 Legal

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

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

7.3 Diversity and Equality

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

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 1 – Applications Received Report.

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection

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Appendix A - Licences received between 01/09/2015 and 31/11/2015

Date Received	Premises Name	Case Ref.
	Premises Licence	19
11-Dec-15	Marks And Spencer Simply Food	15/01415/LAMIN
12-Oct-15	The Harvester Restaurant	15/01137/LAMIN
18-Nov-15	One Stop	15/01309/LAMIN
17-Sep-15	Swojscy	15/01043/LAPRE
22-Oct-15	Stampede	15/01208/LAPRE
16-Nov-15	Intu Lakeside	15/01303/LAPRE
09-Sep-15	Heley Bargains	15/01023/LAPRE
09-Nov-15	Pinokio Deli Polski	15/01259/LAPRE
27-Oct-15	Morrisons	15/01220/LAPRE
13-Oct-15	Farm Pizza Grays Ltd	15/01147/LAPRE
30-Sep-15	The Inn On The Green	15/01101/LAPRE
28-Sep-15	Spudulike	15/01083/LAPRE
13-Oct-15	Hamro Nepali Shop	15/01144/LAPRE
27-Oct-15	The Courtyard Inn	15/01224/LAPRE
21-Oct-15	MRH Thurrock	15/01201/LAPRE
10-Dec-15	Daves News	15/01414/LAPRE
23-Dec-15	Izgara Restaurant	15/01456/LAPRE
20-Oct-15	AM To PM	15/01205/LAPRE
27-Oct-15	Wm Morrison Supermarkets Plc	15/01219/LAPRE
	Temporary Event Notice	36
21-Sep-15	High House Barns	15/01055/LATEMP

22-Sep-15	High House Barns	15/01056/LATEMP
26-Nov-15	Spirits And Bubbles Ltd	15/01371/LATEMP
15-Dec-15	The Sandmartin	15/01423/LATEMP
11-Nov-15	Pinokio Deli Polski Sklep Ltd	15/01275/LATEMP
02-Dec-15	St Thomas Catholic Club Ltd	15/01383/LATEMP
21-Oct-15	Tammy Barker	15/01200/LATEMP
15-Sep-15	Orsett Fire Station	15/01036/LATEMP
15-Oct-15	Sheril Morris	15/01170/LATEMP
15-Oct-15	Sheril Morris	15/01172/LATEMP
11-Nov-15	Little Thurrock Primary School	15/01274/LATEMP
10-Nov-15	Thames RFC Clubhouse	15/01264/LATEMP
07-Dec-15	Cafe Rouge	15/01395/LATEMP
16-Dec-15	Thames RFC Clubhouse	15/01428/LATEMP
04-Sep-15	Chadwell Village Hall	15/01007/LATEMP
18-Sep-15	Cowdray Hall	15/01059/LATEMP
19-Nov-15	Lidl	15/01320/LATEMP
16-Oct-15	Julie White	15/01183/LATEMP
15-Sep-15	Belhus Village Hall	15/01039/LATEMP
04-Dec-15	Intu Lakeside	15/01391/LATEMP
02-Oct-15	Thurrock Garden Centre	15/01105/LATEMP
27-Nov-15	Herringham Primary Academy	15/01372/LATEMP
15-Oct-15	Sheril Morris	15/01173/LATEMP
10-Sep-15	Warren Primary School	15/01025/LATEMP

22-Sep-15	High House Barns	15/01057/LATEMP
22-Sep-15	High House Barns	15/01058/LATEMP
17-Nov-15	Malcolm Cubbins	15/01305/LATEMP
29-Sep-15	St Thomas Catholic Club	15/01085/LATEMP
16-Dec-15	RAFA (Thurrock Branch)	15/01429/LATEMP
16-Dec-15	RAFA (Thurrock Branch)	15/01430/LATEMP
15-Oct-15	Sheril Morris	15/01171/LATEMP
26-Oct-15	Tilbury Community Centre	15/01212/LATEMP
20-Nov-15	Thurrock Irish Association Social Club	15/01331/LATEMP
14-Sep-15	Royal British Legion	15/01031/LATEMP
14-Sep-15	Royal British Legion	15/01032/LATEMP
26-Nov-15	Ikea	15/01373/LATEMP
	Late Temporary Event	7
30-Nov-15	Intu Lakeside	15/01386/LATENL
02-Sep-15	Rileys	15/00996/LATENL
16-Dec-15	Inan Sarican	15/01427/LATENL
19-Nov-15	BHS	15/01330/LATENL
15-Dec-15	The Sandmartin	15/01424/LATENL
17-Nov-15	Intu Lakeside	15/01302/LATENL
30-Nov-15	Intu Lakeside	15/01374/LATENL
	Update from previous report	
26-Aug-15	Soundon Music Festival	15/00981/LAPRE

2/2015

Premises Address
Thurrock Services Arterial Road West Thurrock Essex RM16 3BG
The Harvester Restaurant Clockhouse Lane North Stifford Grays Essex RM16 5UR
5 - 7 Defoe Parade Chadwell St Mary Grays Essex RM16 4QR
10 Queensgate Centre Orsett Road Grays Essex RM17 5DF
The Pasta Bar Specialists Unit 433 Lakeside Shopping Centre West Thurrock Way West Thurrock Essex RM20 2ZP
Intu Lakeside West Thurrock Way Essex RM20 2ZP
17 Grover Walk Corringham Essex SS17 7LP
Seetec Business Technology Centre Limited 12A Queensgate Centre Orsett Road Grays Essex RM17 5DF
89 St Johns Way Corringham Stanford Le Hope Essex SS17 7LL
Farm Pizza Grays Ltd 7 Derby Road Grays Essex RM17 6QD
The Inn On The Green The Green Stanford Le Hope Essex SS17 0ER
Spud U Like Unit 62 Lakeside Shopping Centre West Thurrock Way West Thurrock Essex RM20 2ZF
Haamro Cash And Carry 102 Bridge Road Grays Essex RM17 6DA (Formally The Queens) Queensgate Centre Orsett Road Grays Essex RM17 5DF
Thurrock Services Arterial Road West Thurrock Essex RM16 3BG
81 High Street Grays Essex RM17 6NX
7 - 9 George Street Grays Essex RM17 6LY
AM 2 PM 127 Daiglen Drive South Ockendon Essex RM15 5EH
Wm Morrison Supermarkets Ltd 1 London Road Grays Essex RM17 5YZ
STREET RECORD Vellacott Close Purfleet Essex

STREET RECORD Vellacott Close Purfleet Essex
Intu Lakeside West Thurrock Way Grays Essex RM20 2PZ
The Sandmartin Drake Road Chafford Hundred Grays Essex RM16 6PP
12ABC Queensgate Centre Orsett Road Grays Essex RM17 5DF
16 East Thurrock Road Grays Essex RM17 6SR
St John The Evangelist Church Victoria Avenue Grays Essex RM16 2RP
Orsett Fire Station Stanford Road Orsett Essex RM16 3DU
The Sandmartin Drake Road Chafford Hundred Grays Essex RM16 6PP
The Sandmartin Drake Road Chafford Hundred Grays Essex RM16 6PP
Little Thurrock Primary School Rectory Road Grays Essex RM17 5SW
Garron Lane South Ockendon Essex RM15 5JU
Cafe Rouge Unit 1A The Boardwalk Lakeside Shopping Centre West Thurrock Way West Thurrock Essex RM20 2ZN
Garron Lane South Ockendon Essex RM15 5JU
Chadwell Village Hall Waterson Road Chadwell St Mary Essex RM16 4NX
Cowdray Hall 560 London Road West Thurrock Essex RM20 3BJ
Lidl 149 - 153 Daiglen Drive South Ockendon Essex RM15 5AE
The Pegasus Country Club Herd Lane Corringham Essex SS17 9BJ
Belhus Village Hall Daiglen Drive South Ockendon Essex RM15 5AE
Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP
Thurrock Garden Centre South Road South Ockendon Essex RM15 6DU
St Marys Road Chadwell St Mary Essex RM16 4JX
The Sandmartin Drake Road Chafford Hundred Grays Essex RM16 6PP
Warren Primary School Gilbert Road Chafford Hundred Grays Essex RM16 6NB

STREET RECORD Vellacott Close Purfleet Essex
STREET RECORD Vellacott Close Purfleet Essex
Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP
16 East Thurrock Road Grays Essex RM17 6SR
Royal Air Forces Association 61 Southend Road Grays Essex RM17 5NL
Royal Air Forces Association 61 Southend Road Grays Essex RM17 5NL
The Sandmartin Drake Road Chafford Hundred Grays Essex RM16 6PP
Tilbury Community And Leisure Centre Civic Square Tilbury Essex RM18 8AA
150 - 152 Dock Road Tilbury Essex RM18 7BS
Community Hall Faymore Gardens South Ockendon Essex RM15 5NN
Community Hall Faymore Gardens South Ockendon Essex RM15 5NN
Ikea Heron Way West Thurrock Essex RM20 3WJ
Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP
Rileys 142 Clarence Road Grays Essex RM17 6RD
7 - 9 George Street Grays Essex RM17 6LY
Units 116 And 117 Lakeside Shopping Centre West Thurrock Way West Thurrock Essex RM20 2ZH
The Sandmartin Drake Road Chafford Hundred Grays Essex RM16 6PP
Intu Lakeside West Thurrock Way Essex RM20 2ZP
West Thurrock Way Grays Essex RM20 2ZP
Aveley Sports And Social Club, Purfleet Road, Aveley, Essex.

Summary Of Application
Application for a minor variation to add late night refreshment and vary the layout
Variation to internal layout consisting of new sauce station and relocation of salad cart
Application to vary the layout of the premises
Application for a new premises licence to authorise sale of alcohol for consumption off the premises
Application for a new premises licence to authorise the sale of alcohol for consumption on the premises
Application for a premises licence For the Christmas Market
Application for a new premises licence to authorise the sale of alcohol for consumption off the premises only
Application for a new premises licence to authorise the supply of alcohol for consumption off the premises
Application to vary the hours to 06:00 - 00:00 Monday - Sunday and add conditions
Application for a new premises licence to authorise the sale of late night refreshment
To vary the licensing plans to incorporate the following: Install new fixed seating, reduce one end of the bar counter and
application for a new premises licence to authorise sale of alcohol for consumption on the premise
Application for a new premises licence to authorise sale of alcohol for consumption off the premises
Application for a new premises licence to authorise live music, recorded music, and supply of alcohol for consumption on the
Application for a new premises licence to authorise late night refreshment only
Application to vary the premises licence to increase hours for sale of alcohol and change the layout of the premises
Application for a new premises licence to authorise the sale of alcohol for consumption on the premises
Application for a new premises licence to authorise sale of alcohol for consumption off the premises
Application to vary the hours to 06:00 - 00:00 Monday - Sunday and add conditions

Sale of alcohol in retail shop
Rugby Club Christmas disco

