

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

## Licensing Committee

The meeting will be held at **7.00 pm** on **1 July 2020**

Due to government guidance on social-distancing and COVID-19 virus the Licensing Committee on 1 July 2020 will not be open for members of the public to attend. Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel at <https://www.youtube.com/user/thurrockcouncil>.

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

### Membership:

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

### Substitutes:

Councillors Abbie Akinbohun, Mike Fletcher, Barry Johnson, Sue MacPherson and Sara Muldowney

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### Agenda

Open to Public and Press

	<b>Page</b>
<b>1. Apologies for Absence</b>	
<b>2. Minutes</b>	<b>5 - 8</b>
To approve as a correct record the minutes of the Licensing Committee meeting held on 5 February 2020.	
<b>3. Items of Urgent Business</b>	

To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972

- 4. Declaration of Interests**
- 5. Review of the Licensing Act 2003 - Statement of Licensing Policy**
- 6. Review of the Gambling Act 2005 - Statement of Principles**

**Queries regarding this Agenda or notification of apologies:**

Please contact Kenna Victoria Healey, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **23 June 2020**

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

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### **Recording of meetings**

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If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

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

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

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

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

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

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

## Thurrock Council Wi-Fi

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

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

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

## Evacuation Procedures

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

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

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

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

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

## Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

## **Pecuniary**

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

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

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

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

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

## **Non- pecuniary**

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



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

## Our Vision and Priorities for Thurrock

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

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

## Minutes of the Meeting of the Licensing Committee held on 5 February 2020 at 7.00 pm

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**Present:** Councillors Gary Collins (Chair), Qaisar Abbas (Vice-Chair), Chris Baker, Tony Fish, Steve Liddiard, Fraser Massey, David Potter, Shane Ralph, Joycelyn Redsell, Sue Sammons, Sue Shinnick, David Van Day and Abbie Akinbohun (substitute for Alex Anderson)

**Apologies:** Councillors Alex Anderson and Ben Maney

**In attendance:** Paul Adams, Principal Licensing Officer  
Lois Bland, Legal Representative (left at 7.10pm)  
Simon Scrowther, Legal Representative(left at 7.10pm)  
Kenna-Victoria Healey, Senior Democratic Services Officer

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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.

### 12. Minutes

The Minutes of the Licensing Committee meeting held on 13 March 2019 were approved as a true and correct record.

The Chair of the Committee enquired as to the licensing responsibilities of the Council in relation to Street Preachers. The Legal Representative explained from a licensing perspective there was no responsibility on the Licensing department.

During discussions the Legal Representative advised if Members were aware of street preachers who were causing a nuisance or annoyance then this could be looked into by the Council.

Councillor Collins then sought an update following the last meeting of the Committee, where the Principal Licensing Officer highlighted:

In relation to Animal Welfare there were now 47 premises within the borough. Licensing Officers were still investigating premises around the borough, with two premises currently being proposed for enforcement action.

Uber operating within Thurrock, were doing so on their London operating licence. Members heard that this was lawful and Uber could continue to operate, even while they were appealing the decision from Transport for London to refuse their recent application.

CCTV within taxis was part of a Transport for London consultation and Officers were awaiting for guidance from the Department for Transport, which would be presented to the Committee once it had been published.

### **13. Items of Urgent Business**

There were no items of urgent business.

### **14. Declaration of Interests**

There were no declarations of interest.

### **15. Applications Received**

The Principal Licensing Officer presented the report which provided the Committee with a summary of applications received under the Licensing Act 2003 and Gambling Act 2005 for the period of 1 January 2019 to 31 December 2019.

Members heard that 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 would be granted under officer delegation unless there was relevant representation received, from either a Responsible Authority or from Other Persons (Interested Party). It was further explained where a representation was made the application would be referred to the Licensing Sub Committee for determination, the same was for Temporary Event Notices.

Officers continued to advise of the details of all applications received for any New, Variation, Minor Variation for a Premises Licence/Club Premises Certificate or a Temporary Event Notice; or any type of Gambling Premises Licence for the period of the 1 January 2019 to 31 December 2019.

The Committee were further advised there had been no appeals to any decisions made during this period.

Members enquired as to whether Licensing Officers attended big events, to ensure that the number of people proposed to attend, were the number of which was allowed entry. The Principal Licensing Officer commented that Officers would only attend such events if there was a clear need for them to be there.

The Principal Licensing Officer further explained there was the Safety Advisory Group, consisting of the Police, Highways and Licensing Officers, who reviewed event management plans for applications. It was remarked that all event applications had a high level of scrutiny by the Safety Advisory Group, including Health and Safety Officers.



**RESOLVED:**

**That the Licensing Committee noted the contents of the report.**

**16. Setting of Licensing Fees**

The Principal Licensing Officer introduced the report and in doing so, highlighted the process and methodology for the setting of Licence Fees associated with licence applications under the remit of the Licensing Committee, and proposed the licencing fees for consultation where necessary for the 2020-2021 financial year.

Councillor Potter remarked that he felt it was unfair to increase taxi vehicles by 29% for vehicles with wheelchair access. The Principal Licensing Officer offered clarity that the increase in fees, could not be transferred on to the users, as this was unlawful.

Councillor Liddiard enquired if Officers felt the increase in Hackney Carriage fees was justified given the competition from Uber. Officers accepted that it was difficult for the local taxi trade. He continued to advice there had not been an increase in fees for 5 years.

The Principal Licensing Officer remarked that the fee increases were set on a cost recovery basis and was therefore necessary to enable services to continue to be offered.

During discussions it was queries as to whether the fees had been compared to other Local Authorities in the area. The Principal Licensing Officer confirmed that benchmarking had taken place as it assisted to work out the increase percentage in fees. He explained that different Authorities could not be compared as there was a difference in the amount of licensing applications.

Councillor Abbas commented that he was against the high percentage increase in fees and felt that fees should be increased by 10% not 20/29%. It was discussed that Officers would be going to consultation with the local taxi trade over the increase in fees and would report back to the Committee once the consulted had been completed.

It was suggested that Members agree to amendment recommendation 1 so that the increase in fees was lower at the suggested 10%. Being put to the vote, it was agreed to keep the recommendation as it was within the report.

**RESOLVED that:**

- 1. The Licensing Committee agreed the review of all current locally set licence fees under the delegated authority of the Licensing Committee and where there is a significant proposed increase or decrease to any fee, and the changes be consulted with local**

**stakeholders relevant to that licence and in accordance with any legislative requirements.**

- 2. Officers reported any relevant responses to the Licensing Committee following consultation for consideration.**

**The meeting finished at 8.15 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**