

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

## Council

To the Members of Thurrock Council

The next meeting of the Council will be held at **7.00 pm** on **27 July 2022**

**Committee Room 1 and 2, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership of the Council:

James Halden (Mayor)  
Susan Little (Deputy Mayor)

Qaisar Abbas  
John Allen  
Alex Anderson  
Paul Arnold  
Chris Baker  
Gary Byrne  
Adam Carter  
Daniel Chukwu  
Colin Churchman  
Gary Collins  
George Coxshall  
Mark Coxshall  
Jack Duffin  
Tony Fish  
Robert Gledhill  
Shane Hebb

Victoria Holloway  
Deborah Huelin  
Andrew Jefferies  
Barry Johnson  
Tom Kelly  
Cathy Kent  
John Kent  
Martin Kerin  
Steve Liddiard  
Ben Maney  
Fraser Massey  
Allen Mayes  
Sara Muldowney  
Augustine Ononaji  
Srikanth Panjala  
Maureen Pearce

Terry Piccolo  
Georgette Polley  
Jane Potheary  
Shane Ralph  
Kairen Raper  
Joycelyn Redsell  
Elizabeth Rigby  
Sue Sammons  
Sue Shinnick  
Jennifer Smith  
Graham Snell  
Luke Spillman  
James Thandi  
Lee Watson  
Lynn Worrall



**Lyn Carpenter**  
**Chief Executive**

Agenda published on: 19 July 2022



## Agenda

Open to Public and Press

	<b>Page</b>
<b>1 Apologies for absence</b>	
<b>2 Minutes</b>	<b>9 - 42</b>
To approve as a correct record the Minutes of the meeting of the Council, held on 29 June 2022.	
<b>3 Items of Urgent Business</b>	
To receive additional items that the Mayor 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.	
<b>4 Declaration of Interests</b>	
To receive any declaration of interests from Members.	
<b>5 Announcements on behalf of the Mayor or the Leader of the Council</b>	
<b>6 Questions from Members of the Public</b>	<b>43 - 44</b>
In accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.	
<b>7 Petitions from Members of the Public and Councillors</b>	
In accordance with Chapter 2, Part 2(Rule 14) of the Council's Constitution.	
<b>8 Petitions Update Report</b>	<b>45 - 46</b>
<b>9 Appointments to Committees and Outside Bodies, Statutory and Other Panels</b>	
The Council are asked to agree any changes to the appointments made to committees and outside bodies, statutory and other panels, as requested by Group Leaders.	

<b>10</b>	<b>Licensing Act 2003 Statement of Licensing Policy - deferred item from June Council</b>	<b>47 - 100</b>
<b>11</b>	<b>Gambling Act Statement of Principles - deferred item from June Council</b>	<b>101 - 164</b>
<b>12</b>	<b>Assistant Director Appointment</b>	<b>165 - 168</b>
<b>13</b>	<b>Questions from Members</b>	<b>169 - 170</b>

In accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.

<b>14</b>	<b>Reports from Members representing the Council on Outside Bodies</b>	
<b>15</b>	<b>Minutes of Committees</b>	

Name of Committee	Date
Housing Overview and Scrutiny Committee	2 March 2022
Hidden and Extreme Harms Prevention Committee	17 February 2022
Planning Regeneration and Transport Overview and Scrutiny Committee	1 February 2022
General Services Committee	14 June 2022
Standards and Audit Committee	10 March 2022
Corporate Overview and Scrutiny Committee	8 March 2022
Planning Committee	9 June 2022

<b>16</b>	<b>Update on motions resolved at Council during the previous year</b>	<b>171 - 172</b>
<b>17</b>	<b>Motion submitted by Councillor J Kent</b>	<b>173 - 174</b>
<b>18</b>	<b>Motion submitted by Councillor Liddiard</b>	<b>175 - 176</b>

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

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

**Future Dates of Council:**

21 September 2022, 26 October 2022, 30 November 2022, 25 January 2023 and 22 February 2023 (Budget)

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

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

#### **Advice Regarding Public Attendance at Meetings:**

If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.

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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)

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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.

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- You should connect to TBC-GUEST
- 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.

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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.**

## PROCEDURE FOR MOTIONS

No speech may exceed 3 minutes without the consent of the Mayor [Rule 19.8], except for the proposer of any motion who shall have 5 minutes to move that motion (except on a motion to amend where the 3 minute time shall apply) [Rule 19.8(a)]			
<b>All Motions will follow Section A and then either Section B or C</b>			
<b>A.</b>	A1 Motion is moved A2 Mover speaks A3 Seconded A4 Secunder speaks or reserves right to speak	[Rule 19.2] [Rule 19.8(a) (5 minutes)] [Rule 19.2] [Rule 19.3] (3 minutes)	
Then the procedure will move to either B or C below:			
<b>B.</b>		<b>C.</b>	
<b>IF there is an AMENDMENT (please see Rule 19.23)</b>		<b>If NOT amended i.e. original motion</b>	
B1	The mover of the amendment shall speak (3 mins).	C1	Debate.
B2	The seconder of the amendment shall speak unless he or she has reserved their speech (3 mins).	C2	If the seconder of the motion has reserved their speeches, they shall then speak.
B3	<b>THEN</b> debate on <b>the subject</b> .	C3	The mover of the substantive motion shall have the final right of reply.
B4	If the seconder of the substantive motion and the amendment reserved their speeches, they shall then speak.	C4	Vote on motion.
B5	The mover of the amendment shall have a right of reply.		
B6	The mover of the substantive motion shall have the final right of reply.		
B7	Vote on amendment.		
B8	A vote shall be taken on the substantive motion, as amended if appropriate, without further debate.		

## 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

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## **WW2 in Memoriam**

### **Remembering Thurrock's Fallen : Civilian Deaths due to enemy action and Roll of Honour**

Today we share names on the Roll of Honour. These are people whose home address was shown as Thurrock who lost their lives during the Second World War whilst serving with the armed forces or merchant navy.

In recognition of the adversity and bravery experienced by ordinary people in Thurrock civilian deaths are also noted here in relevant months. 101 non-combatants were killed in Thurrock between 1939 and 1945 who will also be remembered.

A special thanks to Museum volunteer Pam Purkiss for compiling the Roll of Honour information. Civilians added by Valina Bowman-Burns from Thurrock Museum.

The names have been listed in date order.

#### **July 1942**

NEWELL Raymond L  
SPENCER Thomas G  
BOWDEN Bernard Thomas

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## Minutes of the Meeting of the Council held on 29 June 2022 at 7.00 pm

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**Present:** Councillors James Halden (Mayor), Susan Little (Deputy Mayor), Qaisar Abbas, John Allen, Alex Anderson, Paul Arnold, Chris Baker, Gary Byrne, Adam Carter, Daniel Chukwu, Colin Churchman, George Coxshall, Mark Coxshall, Tony Fish, (*arrived 7.15pm*) Robert Gledhill, Shane Hebb, Victoria Holloway, Deborah Huelin, Andrew Jefferies, Barry Johnson, Tom Kelly, Cathy Kent, John Kent, Martin Kerin, Steve Liddiard, Ben Maney, Fraser Massey, Allen Mayes, Augustine Ononaji, Srikanth Panjala, Maureen Pearce, Terry Piccolo, Georgette Polley, Jane Pothecary, Shane Ralph, Kairen Raper, Joycelyn Redsell, Elizabeth Rigby, Sue Sammons, Sue Shinnick, Jennifer Smith, Graham Snell, Luke Spillman, James Thandi, Lee Watson and Lynn Worrall

**Apologies:** Councillors Gary Collins, Jack Duffin and Sara Muldowney

**In attendance:** Lyn Carpenter, Chief Executive  
Matthew Boulter, Interim Monitoring Officer  
Jenny Shade, Senior Democratic Services Officer

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

### **13. Minutes**

The minutes of the meeting of Council held on the 22 May 2022 were approved as a correct record.

### **14. Items of Urgent Business**

There were no urgent items of business.

### **15. Declaration of Interests**

There were no declarations of interest.

### **16. Announcements on behalf of the Mayor or the Leader of the Council**

The Mayor stated that his mayoralty had started off busy with him attending 12 separate jubilee events across the borough and thanked all the community groups who had ensured this historical event had been accessible for all. Two flag flying events had taken place, firstly the Armed Forces and the other for Gay Pride. Thanks were given to Reverend Canon Darren Barlow for the use of the church's flagpole which had provided the magnificent backdrop of the historic church. Thanks were also given for allowing the church to be open

prior to council for members to formally take their oath to public service and the Queen. The Mayor informed Members the first round of Mayoral Role of Honour names would be published in next month's agenda and encouraged all to forward the names of those people helping to make Thurrock a great place to live, work and play. The Mayor congratulated Councillor Gledhill who had become the longest serving Leader of Thurrock as a Unitary Council. Members were invited to the parlour following the meeting to be presented with their lapel pin of the borough crest.

Councillor Gledhill, Leader of the Council, made the following announcements:

Councillor Gledhill had attended an event at the Port of Tilbury to mark Windrush Day and the 74<sup>th</sup> Anniversary of the arrival of Empire Windrush. He had joined the Mayor, Cabinet Members and members from across the Council in raising the Armed Forces Flag this week which not only represented the services given by the serving army, navy and air force but also commemorated those veterans who had served to protect the country and for those cadets that will do so in the future.

Councillor Gledhill referred to the "Scam Awareness Fortnight" in recognition of the excellent work being carried out by the Trading Standards Team, who had also been named runner-up in the national Regulatory Excellence Awards. Referred to text and email scam messages and encouraged all to report these to the Citizens Advice Scam Action Service. Councillor Gledhill thanked the Director of Communications for the work undertaken.

Councillor Gledhill then referred to some upcoming events:

- Next Monday the Mayor, Councillor Abbas and Councillor Huelin will raise the Remembering Srebrenica flag outside St Peter & St Paul's Church in Grays ahead of remembering Srebrenica Day on 11 July 2022. This would then be followed by the unveiling of a commemorative plaque and the blessing of a tree which had been planted in Grays Town Park.
- On Friday 8 July 2022, the Education Awards Ceremony will take place to recognise some of the staff heroes from the boroughs' schools. Also on this date will see the Commonwealth Games Baton arrive into the Port of Tilbury as it makes its way back to Birmingham for the start of the games on 28 July 2022.

Councillor Gledhill provided an update on Clean It, Cut It, Fill It that since April 2022:

- Had filled 534 potholes.
- Had cleared 341 fly-tips
- Removed over 410 tonnes of waste from our streets and other public areas.
- Had issued 522 fixed penalty notices for offences including littering, spitting and dropping cigarette ends.



Councillor Gledhill concluded that going forward he would be expanding on other services achieved as part of his announcements.

**17. Questions from Members of the Public**

One question was received from a member of public.

A copy of the transcript of questions and answers can be viewed under the relevant meeting date at <http://democracy.thurrock.co.uk/thurrock> and are attached at Appendix A at these minutes.

**18. Petitions from Members of the Public and Councillors**

Councillor Pearce presented a petition to call on Thurrock Council to address the lack of vehicle parking, unsightly grass verges and repair the paving in Love Lane in South Ockendon.

**19. Petitions Update Report**

Members received a report on the status of those petitions handed in at Council meetings and Council offices.

**20. Appointments to Committees and Outside Bodies, Statutory and Other Panels**

The Mayor enquired whether there were any changes to be made to the appointments previously made by Committees and Outside Bodies, statutory and other panels.

The Leader of the Council, Councillor Gledhill, stated he had the following change. To add two substitute members, Councillor Carter and Councillor Halden, to the Health and Wellbeing Board.

Councillor J Kent, Leader of the Labour Group, stated he had no changes to make.

Councillor Byrne, Leader of the Thurrock Independent Group, stated he had no changes to make.

Councillor Massey and Councillor Allen stated they had no changes to make.

**21. Licensing Act 2003 Statement of Licensing Policy**

This item was deferred to July Council.

**22. Gambling Act Statement of Principles**

This item was deferred to July Council.

**23. Taxi Licensing Policy**

The report presented by Councillor Gledhill referred to the Taxi Licensing Policy which had been developed by bringing together all the Council's existing policies and procedures into one policy document. The Policy had been produced and consulted on with the responses being considered by the Licensing Committee.

Councillor Ralph as a member of the Licensing Committee stated how important this report would be to the residents of Thurrock. The standards being set represented the good safety standard that we had in Thurrock. The proposed checks would also reassure taxi drivers that the Council had completed critical safeguarding checks.

Councillor Allen sought assurance that DBS checks would be undertaken on non-British citizens. Councillor Gledhill stated that all would need to provide a disclosure and to supply means of proof. There was now a very stringent process in place when employing people from outside the UK with strict rules in place with fines if someone from outside the UK was employed who was not entitled to.

Councillor Gledhill stated Thurrock had some fantastic taxi drivers in Thurrock and reiterated to Members that the same rules applied to UBER.

**RESOLVED:**

**That the Committee adopted the Taxi Licensing Policy as attached at Appendix A, to come into effect from the 1 October 2022.**

**24. Overview and Scrutiny Annual Report 2021/22**

The Mayor referred Members to the report of the Overview and Scrutiny Annual Report for 2021/22 as published in the agenda.

Councillor Worrall commented as past chair of the Housing Overview and Scrutiny Committee that a report on damp and mould should have come to the first meeting of this municipal year but had been moved back to November. She asked for this report to be presented at the next meeting. She commented on the good work of the committee scrutinising homelessness, stock survey, garages, housing developments and thanked all members who had sat on that committee.

Councillor Ralph thanked the past vice chair, Councillor Holloway, of the Health and Wellbeing Overview and Scrutiny Committee for her contributions and thanked all members who had sat on that committee.

Councillor Spillman thanked Councillor Worrall for allowing him to attend past Housing Overview and Scrutiny Committees in his capacity as portfolio holder and for the opportunity to allow him to speak. He agreed overview and scrutiny was the best place for portfolio holder reports to allow more time for questions and discussion.

Councillor Gledhill also welcomed the recommendation that portfolio holders be held to account at overview and scrutiny committees.

Councillor Redsell thanked all members and officers of the Cleaner Greener and Safer Overview and Scrutiny Committee for their contributions and hard work. She looked forward to scrutinising more in the coming year but stated overview and scrutiny had to be more active and to bring people to account.

Councillor Polley thanked democratic services for organising the overview and scrutiny training held this week, the trainer had been very engaging, understanding and had allowed time for discussion. It was recognised to be more efficient and effective on overview and scrutiny and possibly encourage more participation from residents to engage with committees and to address those challenges that residents were experiencing. She thanked all officers for the work undertaken in delivering reports to overview and scrutiny committees.

Councillor M Coxshall reiterated the use and helpfulness of overview and scrutiny committee having attended a Corporate Overview and Scrutiny Committee last year and how directors had commented how useful it was to have a portfolio holder at that meeting.

Councillor Hebb also stated that having attended Corporate Overview and Scrutiny Committees had allowed good discussions to take place which had helped with workstreams and creativity of items on the work programme.

Councillor Huelin thanked members and officers of the Health and Wellbeing Overview and Scrutiny Committee for their passion to improve the health and wellbeing of residents in Thurrock. The subjects discussed were important with the committee being pro-active, reaching out, presenting ideas and asking relevant questions and hoped to see this continue.

Councillor Maney thanked all those that attended the Planning Transport and Regeneration Overview and Scrutiny Committees. Reports presented at these meetings were refreshing and displayed that the process worked and had an active interest in what cabinet and the Council were doing and should remain bold, hold those to account, present ideas and looked forward to this continuing.

**RESOLVED:**

**That the contents of the Overview and Scrutiny Annual Report 2021/22 be noted.**

**25. Amendments to the Constitution**

The report presented by the Leader had set out the background and discussions of the recent review of the Constitution by the Constitution Working Group and the General Services Committee. The report asked for

Council to agree those amendments which both the Constitution Working Group and General Services Committee had identified as those requiring progression.

Councillor Worrall stated the work undertaken by the Constitution Working Group had been interesting and had provided a platform to undertake a deep dive into the document and urged all members to read the constitution as this detailed key decision processes. That one meeting had been held with all members agreeing to the recommendations and welcomed the removal of the portfolio holder reports and moving them to scrutiny committees as would ensure portfolio holders were fully accountable to their areas of delivery. She also welcomed the extension of the meeting to three hours. The next steps would be to look closely at scrutiny and decide on the committee structure, this would need to be detailed and to look at other structures by visiting other councils. This had to be the right structure for our administration and for those sitting on committees. Councillor Worrell concluded that access to the LGA Peer Review was required as this was fundamental to the working of the Constitution Working Group and requested to see a copy before the next meeting.

Councillor Redsell echoed Councillor Worrall's comments that this had been a very interesting cross party working group and would remain a working in progress document to continue to address any outdated items.

Councillor J Kent agreed to what had been said this evening and having been part of a lot of corporate peer reviews and peer challenges and seen scrutiny operated in several other authorities but had never found an authority that had cracked scrutiny and had struggled to get it right. He encouraged all to be open minded when looking what a scrutiny system would look like for Thurrock and not something to be rushed into, the needs of Thurrock needed to be considered.

Councillor Allen reiterated that every member should stay at their committee until all items of business had been concluded.

Councillor Spillman welcomed and was excited about the proposed changes as this would give backbenchers more of an opportunity to engage.

Councillor Coxshall thanked the Mayor for instigating this review and was proud that this review had now started by listening to overview and scrutiny and Council. That transparency was vital to ensure the best decision making was being carried out in everything the council was undertaking. It was also important that the relevant reports and information were available on time to ensure engagement from all 49 members.

Councillor Watson agreed to all the recommendations and stated the next step would be to undertake a review of scrutiny and to report back to Council with those suggestions and recommendations so that further discussions could take place.

Councillor Gledhill thanked all members for their comments and echoed Councillor Worrall's comment that all members should read the constitution and agreed with Councillor J Kent's comment that he had visited other authorities and not found an authority that had got it right. The proposed changes would allow more time for member engagement and disagreed with Councillor's Allen comment and felt that instead meetings should run to time and be undertaken in an organised manner. Councillor Gledhill then moved the recommendations as written.

**RESOLVED:**

1. **Agree or note (where the amendment is a consequential amendment) the amendments supported by the Constitution Working Group listed at numbers 1 to 17 in Appendix 1, namely to:**

**Procedure Rules:**

- a) **Remove Portfolio Holder reports from Full Council and give Overview and Scrutiny Committees the role of receiving these reports.**
- b) **Allow Portfolio Holders/relevant committee Chair to acknowledge a petition upon presentation at Council.**
- c) **Extend the time for Member Questions at Full Council to 45 minutes.**
- d) **Clarify rules so that the Mayor or Chair of committee agrees to call extraordinary meetings in consultation with relevant officers.**
- e) **Record all votes at Full Council in order that numbers for and against can be recorded.**
- f) **Extend Full Council guillotine by 30 minutes.**
- g) **Extend the time for speeches on Motions by 1 minute.**
- h) **Extend the time allowed for someone to present a petition to 3 minutes.**
- i) **Establish an annual dedicated 'Opening of the Municipal Year' debate at June's Full Council meeting with the debate for the 2022/23 year being scheduled for the meeting in July 2022.**
- j) **Clarify rules so that the Mayor or Chair of Committee agrees to cancel a meeting in consultation with relevant officers.**

- k) Formalise the process whereby, upon formal and timely notice, a different Member to the one who submitted a motion to Full Council can propose it at the meeting.**
- l) Remove the annual report from Youth Cabinet to Full Council as it is covered annually at Children's Services Overview and Scrutiny Committee.**

**Licensing:**

- m) Remove Licensing Committee powers relating to alcohol under Section 13 Criminal Justice Act 2001. (This is a consequential amendment)**
- n) Amend appointment of Vice Chair and Chair of Licensing Sub-Committees so that they can be appointed at the meeting.**
- o) Remove Licensing Committee powers relating to Part 1 of the Health and Safety at Work Act 1974 and transfer them to the General Services Committee.**

**Contracts:**

- p) Refresh Contract Procedure Rules (This is a consequential amendment)**

**Overview and Scrutiny:**

- q) Remove Councillor Calls for Action as a standing item on O&S agendas**
- 2. Note that five suggested amendments, set out at numbers 18 to 22 in Appendix 1, will be brought to Full Council at a later date for decision if required.**
  - 3. Agree the actions to be taken in relation to suggestions 23 to 26 and 28 to 32 of Appendix 1.**

**Following General Services Committee on 14 June 2022:**

- 4. Note that Suggestion 27, Security of Member Emails, will return to CWG for consideration following clarification made by the General Services Committee.**
- 5. The terms 'he/she' be replaced with the relevant named post, in the following rules, in order to clarify decision making:**
  - Chapter 2, Part 2 – Council Procedure Rules – 3.2**
  - Chapter 4, Part 3 – Scrutiny Procedure Rules – 1.3**
  - Chapter 5, Part 2 – Committee Procedure Rules – 2.2**

## **26. Thurrock Health and Wellbeing Strategy Refresh 2022-26**

The report presented by Councillor Huelin was the refreshed Thurrock Health and Wellbeing Strategy 2022-26. The report provided members with an overview of the development work of the strategy and briefed members on what the next steps would involve.

Councillor J Kent agreed this was an important report, a suite of categories which were linked to the local plan, it was important to look at inequalities and the lack of levelness in the borough. Referred to obesity and questioned what this strategy could do to reduce child obesity and to help people live longer, be more active and have healthier lives. Councillor J Kent stated he liked the goals relating to the domains but had concerns the language used in the report was impenetrable and not easy for residents to understand. Stated that air quality deserved the merit to be mentioned much more in the strategy as this was such an important issue in Thurrock. Councillor J Kent raised the concern to the lack of ease of seeing a GP and NHS Dentist and these concerns should be made plainly clear in the strategy. Councillor J Kent concluded that it was good to use that it had been acknowledged there were residents in the borough who suffered from digital exclusion and asked that in 2026 when the next strategy was presented, we get the results from the 2022-26 strategy so that comparisons could be made.

Councillor Redsell thanked HealthWatch for all good work done for residents in the borough and agreed some residents were being left out of communications. It was also important with new housing developments coming into the borough the need for more open and green spaces for residents as this in turn would help with health and wellbeing.

Councillor Ralph stated the strategy was dynamic and forward thinking and thanked all officers and everyone who had input into this brilliant strategy.

Councillor Potheary echoed Councillor J Kent comment on air quality and stated it was fundamental to this borough and to the health and wellbeing of residents. The Council should now take responsibility and leadership on air quality and stated this topic should have been included more within the strategy.

Councillor Kerin referred to domain 5, green spaces, and questioned how the strategy would help to protect the green spaces the borough already had.

Councillor Johnson thanked Councillor Huelin for such an important dynamic report and for including part of the Children's Safeguarding Strategy namely "Think Family" within this strategy.

Councillor Jefferies referred to air quality and referred to items that had already been undertaken that should be celebrated, encouraged and promoted. The first being an active campaign to encourage people to leave

their cars behind particularly when taking children to school, the Idling Policy to encourage people to switch their engine off if they pull up to a school or shop and the Tree Planting Policy.

Councillor Gledhill agreed that inequalities and the lack of levelness in the borough had to be addressed and to ensure those who were digitally excluded had access to documents. Referred to the lack of GP and dental appointments and was pleased to see the 12 new fellowship GPs starting at Corringham IMC which would offer more appointments and services into the communities. The report covered self-responsibility, and all should play their part to help themselves or neighbours which would make Thurrock a better place. When it came to green spaces, had to make sure those green spaces were of a good quality and accessible to more residents.

Councillor Huelin summed up by stating that changes had been made to the terms of reference on the Health and Wellbeing Board to ensure actions were brought forward and to ensure things were undertaken to meet the actions required to get the level playing field. The following year would see reports of results and an action log would form part of the agenda. In regard to lack of GPs in the borough, Councillor Huelin stated that 12 fellowship, fully qualified, GPs would be going into the Corringham IMC offering 500 extra appointments a week to all of Thurrock residents. Councillor Huelin referred to digital access and how paper copies were available, residents could telephone and request copies. There would also be easy read versions available. Referring to air quality and stated the strategy was an umbrella document and under that umbrella arch were all the strategies to get all the work done. That since the start of air quality was being monitored in the borough there had not been one single incident of air pollution being higher than acceptable levels. This monitoring was recorded in an air quality report and measurements were reported back to Government. The Council takes responsibility for what it can be responsible for such as providing cycling routes, encouraging public transport and the Idling Policy but it was not responsibility for weather patterns, wind directions nor car users. Councillor Huelin stated residents had to take some responsibility for pollution and air quality within the borough by looking at cars that were being driven, recycling and tree planting.

**RESOLVED:**

**Council noted the refreshed Thurrock Health and Wellbeing Strategy 2022-26 at Appendix 1 and considering the Domains for action and Goals.**

**27. Questions from Members**

The Mayor informed the Chamber there were no questions to the Leader had been received and 13 questions to Cabinet Members.

At 9.04pm, the Mayor agreed to extend this item by 10 minutes to ensure all questions were heard.



A copy of the transcript of questions and answers can be found at Appendix A to these minutes.

## **28. Reports from Members representing the Council on Outside Bodies**

Councillor Kerin presented to Members the Annual Report of the Thurrock's Standing Advisory Council on Religious Education for 2020-21. Members were encouraged to read the report that had recognised the good work carried out under the chair of Phil Anderson and the former chair, John Guest. Councillor Kerin offered to answer any questions outside of the meeting.

Councillor M Coxshall thanked Councillor Kerin for the interesting report and that the offer to pursue with Religious Education in schools had continued to GCSE level.

Councillor G Coxshall also agreed with the amazing work being undertaken on Religious Education studies in schools and look forward to this work continuing.

A copy of the report can be found from the following link:

[\(Public Pack\)Item 17 - SACRE Outside Body Report Agenda Supplement for Council, 29/06/2022 19:00 \(thurrock.gov.uk\)](#)

## **29. Minutes of Committees**

The Minutes of Committees as set out in the Agenda were received.

## **30. Update on motions resolved at Council during the previous year**

Members received an information report updating the progress in respect of Motions received at Council.

Councillor Redsell requested an update on her motion submitted on the 26 February 2020 - *Council calls on Cabinet to consider a new wood and bluebells to be planted on a piece of land at the edge of Woodside.*

Councillor J Kent asked whether any responses had been received from MPs regarding his motion submitted on the 26 January 2022 - *This Council is concerned at the impact the Cost of Living Crisis is having on residents of Thurrock and notes that domestic gas and electricity bills are predicted to rise by, almost, 50% this year - from an average of £1277 to £1865. The Council resolves to: 1. Write to the Chancellor of the Exchequer to ask him to help residents by scrapping VAT on gas and electricity bills for one year. 2. Write to Thurrock's Members of Parliament asking that they use their positions to support residents by working to achieve a cut in VAT and 3. Write to Thurrock's Members of Parliament asking for a temporary suspension of all green levies on domestic gas and electricity bills.* To which Councillor Gledhill stated he would chase a response and circulate to members.

### **31. Motion submitted by Councillor J Kent**

The Motion, as printed in the agenda was proposed by Councillor J Kent and seconded by Councillor Byrne. The Motion read as follows:

*This Council believes that a free press is a cornerstone of a fully functioning democracy. Therefore, this Council is appalled at the decision to, effectively, blacklist the editor of Thurrock Nub News - Neil Speight - and calls on "Legal and Democratic Services" to reverse their decision and fully engage with Mr Speight and all bona fide journalists.*

Councillor J Kent presented the motion by stating any properly functioning democracy relied on those members here this evening being accountable to those who they served, those who elected members and residents of Thurrock. For residents to hold members to account they had to be clear, open and honest on what they were doing and how they were undertaking their roles. Members could not be truly open with residents whilst refusing to engage fully with the local media to enable them to report on activities. Councillor J Kent stated the only Thurrock based outlet was the on-line Nub News edited by Neil Speight. Councillor J Kent stated the decision not to engage with Neil Speight until July 2022 had appeared to be an overreaction, there was little justification of the ban and Neil Speight had no opportunity to discuss. The seven Nolan Principles were referred to around accountability and openness, how the secretive decision had been taken and how the decision had been communicated against those principles. Councillor J Kent concluded the Council had a duty to be open and transparent.

An amendment to this motion had been received from Councillor Gledhill and seconded by Councillor Coxshall and read as follows:

*This council believes that a free press is a cornerstone of a fully functioning democracy. Therefore, we call on the Council to fully engage with Thurrock Nub News and other news organisations in line with the Council's Communication Strategy and reasonable behaviour.*

Councillor Gledhill presented the motion by agreeing to some of Councillor J Kent's statements but stated there was a line between bluntness and where officers were not only concerned but extremely upset and felt bullied by some of the statements made. Councillor Gledhill agreed there needed to be the ability for anyone who had fallen outside the acceptable practice to have the ability to either apologise or withdraw their statement.

At 9.27pm, Councillor J Kent referred to paragraph 16.1 of the Council procedures and rules to suspend standing orders for a further 30 minutes. The Mayor called a vote to which the clear majority of Members voted in agreement to continue to 10pm.

Councillor Gledhill continued by stating discussions and decisions were allowed to be made in public and that Freedom of Information requests that were in line with policies were answered unless a matter of confidentiality.

That the Council must have the ability to either not respond if they chose not to and must have the ability to not say anything if there was a proper confidentiality reason or indeed a reason in law that had to be respected. Also to have a reasonable amount of time to respond and for officers to operate without feeling harassed. Councillor Gledhill stated the Communications Strategy had been passed to allow for the above and the amended motion was more befitting and allowed the ability to answer and to engage with press organisations as long as it was in line with the Council's Communication Strategy and reasonable behaviour. Councillor Gledhill concluded this was not based on one individual organisation but all press organisations and moved the proposed amendment tabled this evening.

Councillor Chukwu questioned what the reasons were for Thurrock Nub News to be banned.

Councillor Kerin stated how lucky Thurrock was to have such a dedicated, well respected news outlet in Thurrock and stated the way that Neil Speight had been treated in the past had not been good enough. He had concerns on the "reasonable behaviour" on the amended motion as who would define or police what reasonable behaviour meant and had no trust that this would be executed fairly or objectively.

Councillor Coxshall felt the motion had highlighted one particular person and individuals should not be discussed at meetings. By extending its session meeting had allowed open debate and discussion. Reasonable behaviour had been used instead of behaviour as people knew what reasonable behaviour would mean. Going forward changes could be made to the Media Policy and for now asked for the amended motion to be moved forward in a sensible reasonable manner with 49 members working together for this Council.

Councillor Gledhill summed up by stating the Media Policy was available to all members. In regard to the reasonable behaviour aspect of the amendment, reasonableness by law could be applied to many aspects of life as acting as reasonable so could be different for different situations. With that Councillor Gledhill moved the amendment as written.

Councillor J Kent summed up by comparing the original motion against the amended motion and stated "*is appalled at the decision to, effectively, blacklist the editor of Thurrock Nub News - Neil Speight*" was not in the amended motion and that Councillors needed to make a stand and agree that the way Neil Speight had been treated had been wrong. Councillor J Kent referred to the amended motion "*fully engage with Thurrock Nub News and other news organisations in line with the Council's Communication Strategy and reasonable behaviour*" and stated it was not Nub News that had been banned it was Neil Speight. The core of the motion this evening was around the way an individual had been treated and would not be supporting the amendment and urged other members to consider carefully before voting.

At 9.42pm, the Mayor adjourned the meeting for two minutes.

At 9.44pm, the Mayor reconvened the meeting.

Councillor Gledhill changed the wording of his amendment motion to:

*“This Council believes that a free press is a cornerstone of a fully functioning democracy. Therefore, we call on the Council to fully engage with all bona fide journalists at Thurrock Nub News and other news organisations in line with the Council’s Communication Strategy and reasonable behaviour.”*

The Mayor called a vote on the amended Motion.

With 28 votes for and 16 votes against the amended motion was agreed. A further vote was undertaken for the substantive motion to which the majority of Members voting for, the Mayor announced the Motion carried.

**The meeting finished at 9.47 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)**

## Appendix A to the Council Minutes – 29 June 2022

### Item 6 – QUESTIONS FROM THE PUBLIC

The Mayor informed the Chamber that one question had been received.

1. From Mr Perrin to Councillor Spillman

Mr Perrin

I believe six months have passed since it was announced that the Council was to initiate a report on the problem of damp and mould in Council owned housing. If, or when, such a report has been completed will it be published in the public domain?

Mayor

Councillor Spillman

Councillor Spillman

Thank you for your question, Mr Perrin, the report on damp and mould in the council housing properties was presented already to the Housing Overview and Scrutiny Committee on the 9 November 2021. This report was publicly available on the council's website, a further update report was requested from overview and scrutiny and will be presented in November 2020. I see that you having trouble hearing that, the report was heard, was already heard in November 2021 last year, its published on the council's website and were going to do another report this November and the next November and the next November after that and ongoing as this is a really important issue.

Mayor

Mr Perrin do you wish to ask a supplementary question.

Mr Perrin

Councillor Spillman you may recall that ten or more years ago Ms Diedre Lodge, her late husband Simon and myself robustly campaigned on the issue of damp and mould in council housing. We urged the council to accept that damp and mould was a category 1 hazard endangering the health and wellbeing of people living in infected properties. The Belhus Wood councillors at that time stated that damp and mould was a category 4 hazard and was not a threat to health and wellbeing despite the fact that it had been declared a category 1 hazard by the WHO and acknowledged as such by the then UK Government. Those councillors even accused Ms Lodge of scaremongering. I accept that complete eradication of damp and mould from existing properties is probably not a viable proposition, and that treatment and containment will have to suffice. Therefore, I ask before planning approval is given for future house building will the council insist that they are built so that damp and

mould, hazardous materials such as asbestos, fire risk cladding are dangers of the past.

Mayor

Councillor Spillman

Councillor Spillman

Thank you for that very important question and I can categorically state that yes damp and mould is a very important issue to this council, we will work hand in hand with the committee to work on it. I've got some serious concerns, we're going to get a few more damp and mould reports I think this year for two reasons one because we're actively looking for more and we're actively asking everyone we've written to asking have you got damp and mould and that is going to come up but my concern is the cost of living and people not being able to heat their homes so that's really important. So if we councillors, if you ever get a query about anyone who can't heat their homes properly, the housing support fund, please apply for it that fund is there to help people who are struggling with the cost of living that fund might stop someone getting damp and mould in their property so just don't hesitate, there's a lot of extra funding obviously for people who can't heat their homes coming through and I really do worry about this as a cause of damp and mould so please just make sure that when we do speak to people we don't just report it to council that there's damp and mould we also give advice on the extra welfare benefits of all these residents will have but as a side point I wanted to make because it's very important but just going back to confirm categorically yes to your question. Thank you very much.

**Item 16 – QUESTIONS FROM MEMBERS TO CABINET MEMBERS, COMMITTEE CHAIRS AND MEMBERS APPOINTED TO REPRESENT THE COUNCIL ON A JOINT COMMITTEE**

The Mayor informed the Chamber that 13 questions had been received.

1. From Councillor Redsell to Councillor Spillman

Councillor Redsell

Would the Portfolio Holder for Housing advise what further steps have been taken since the resident's consultation on the future of Blackshots high rise flats?

Mayor

Councillor Spillman would you respond to Councillor Redsell please.

### Councillor Spillman

We've had a lot of work behind the scenes. The reports are at a very late stage. They would have gone because they were on the old sites list – they would have gone and just ran through, but I thought myself that considering I've been at meetings with Ockendon, two sites. I attended a meeting with Chadwell Councillors about two sites. I unfortunately can't attend, there's a meeting about two sites in Belhus tomorrow and that's all part of the new approach to housebuilding and to consultation that I worked with Councillor Worrall on because we were both unhappy about the waste of time and the lack of proper scrutiny that was going into these sites. So, Ward Councillors had some concerns over the exact footprint that had been proposed and so it just felt, considering this is such a big scheme, it felt ridiculous not to have the same consultation for Ward Members in Blackshots that other Councillors were going to be afforded at smaller schemes. So, as you're aware, I know that this was a question you put in a while ago, so you do – you've had a bit more insight since then, but there will be a Ward consultation with myself and the Chair of Housing just like the other schemes, but no the scheme is in very – it's progressed considerably. Ward Members have some concerns, and they will be consulted upon because as myself and the Chair of Housing at the time agreed, we were getting schemes that weren't viable being put out in the public domain that was just causing alarm and wasting everyone's time more than anything. But also Ward Councillors that weren't on that Committee sometimes weren't finding out about, you know, the whole scheme until it was too late for them to actually put any input in, and so that just can't happen any longer. So, you know, I'm sure that Ward Councillors will add to the project, and we'll get a paper very, very, very soon. We can't mess this up, you know this is such a big project and when plans, you know I was a lowly caseworker at the time, but when plans hit the rails with the Grays town, I think back in 2015 it took so long for us, you know it caused - it took so long for us to come back with plans for tower blocks. I can't mess this up, we have to do this, we have to make it a success and then we can move onto the next set of tower blocks, because this administration, I think everyone in this room realises that those tower blocks need to be replaced. But we have to succeed, we can't mess it up because it's such a big venture that it would be silly just to rush through and make mistakes. We need to have a proper consultation and make sure that community and Ward Councillors are happy with how things are proceeding. So, I hope that gives you some idea.

### Mayor

Councillor Redsell do you wish to pose a supplementary question?

### Councillor Redsell

Thank you, Mister Mayor. Thank you, Councillor Spillman. Just wanted to know that as the Blackshots flats are the worst in Thurrock – just wanted to know, are you committed to doing your best for the residents of those tower blocks? Thank you.

Mayor

Councillor Spillman.

Councillor Spillman

Yeah of course. I mean we're not just going to leave those tower blocks. I mean I don't want to spend any more money on those tower blocks, I'll be honest – no one does. We want to get them down, replace them, build something new, but in the meantime people in those tower blocks are not going to be left in conditions that are not acceptable. We're going to have to spend money for some improvements until we replace like for like. But, no they are the worst tower blocks, that's why they've been identified as the first ones that will come down. But, just as important as the maintenance, and just as important as bringing them down and building the new building, is the decamp. The decamp has got to be done properly. That was one of the issues, I think, in 2015 where decamp options were very limited and we couldn't really – it scared residents to death, whereas we've got to have a plan in place where we can say this is going to happen, then that's going to happen, then if you want to come back, you can come back, or if you don't this is your option. So, yes, I mean there's a lot of work to be done, but I'm really excited about this, officers are really excited about it, and it's a fantastic opportunity for this Council to get its confidence, to build on that scale, back. Because then, once we do that, the sky's the limit and I'm already – I mean there are plans on other estates in an embryonic stage, but moving forward, for much larger estate regeneration to follow this.

Mayor

Thank you, Councillor Spillman. Councillor Redsell. No, thank you very much.

2. Question 2 had been withdrawn prior to the meeting.
3. Question 3 – Due to Councillor Muldowney sending her apologies this evening her question has been resubmitted to July Council.
4. From Councillor Mayes to Councillor Johnson

Councillor Mayes

Can the Portfolio Holder update me on what the plans are for nursery placements for children who are affected by the closure of the Little Pirates and Neptunes Nurseries in Tilbury?

Mayor

Councillor Johnson



Councillor Johnson

Let me start by saying I am really pleased to state that since the decision to close the nurseries was taken, to date we have not experienced any parents having difficulty finding alternative nursery provider for their child. Just a bit of background. I would like to assure everyone in this chamber that every effort was made to find an alternative provider for these nurseries. Sadly, our staff numeration packages including pension costs were simply too high for any provider to run a sustainable business and whilst the closure was a regrettable decision it was the correct decision for the council to take as the model was simply untenable and it was certainly not the fairest way to spend taxpayers' money by propping up a council run nursery when other private nurseries needed to pay their own way. The end of year role in the nurseries saw 160 children across both nurseries. 62 of those 4-year-olds will of course be leaving this nursery and entering school life in September. We've collated a list of vacant nursery places in private day nurseries, school nurseries, pre-schools and local child minders and are sharing these with parents so that they can decide where they would like their child to attend. Parents are also able to identify alternative providers through the family information services website and the local offer. Just to put more context on the numbers, as I said there was 160 across both nurseries, 62 of those will be leaving naturally, currently the local schools have over 90 places available and local pre-schools and day nurseries who have shared their vacancies with the staff at the nurseries, some haven't, they could take up the balance quite easily and I can also confirm, inform you, that Little Pirates and Neptune Nursery staff are on site and are now still currently supporting parents in finding alternative nursery places for September if they so wish. But to end Councillor and I hope this give you all satisfaction this is a statutory duty to ensure each child is offered a nursery place so each child will be. Thank you.

Mayor

Councillor Mayes do you wish to pose a supplementary question.

Councillor Mayes

I've been approached by many residents about the fear of not having a placement for their child because they rely on it for work and is very important for their life and more importantly for that child as well because it is their world at that time. So, what, thank you for all that information it was very helpful, and I understand the council's statutory responsibility, but I can just go that one step further and just push you a little bit on the 2 to 3 year old please. Have their got placements that you are aware of?

Mayor

Councillor Johnson

Councillor Johnson

Certainly, Mister Mayor. Thank you, Councillor Mayes. Yes the 2 to 3 year olds were the biggest worry that we had when the decision was taken because those, put it frankly, they are the places that people don't make enough money out of to be perfectly honest so yes it was a case of cajoling and making sure other providers do look at this properly and as I said we haven't experienced anyone at the moment having a problem in finding alternative nursery providers so at this present moment in time we are looking at 2 to 3 years seemingly as though they are now falling into place and the rest of them can take them onto their roles but obviously we will monitor it closely and say I reiterate it is a statutory duty so we will have to make sure they will get placed.

Mayor

Councillor Mayes do you have a second supplementary question.

Councillor Mayes

Yes please, thank you Mister Mayor and thank you Councillor Johnson for that, I understand there are staff on site to help families which I think is great and that support will be really needed for those families. I'll just go a step further and asked if they are going to parents and asking them if they need help and offering their support rather than expecting parents to come to them, please. Thank you.

Mayor

Councillor Johnson

Councillor Johnson

Thank you, Mister Mayor, Thank you Councillor. I would like to hope that they are approaching those parents whenever they come into the nursery each morning but as you know we can't force ourselves onto any one so there's probably six of one and half a dozen of the other. They will be waiting for people to ask them but as I said we will go to them and ask them if they need help because it is that statutory duty to do so, so what we don't want is, come September, to suddenly find out that there are 20, 35, 1 I don't know of those who haven't got a place so I will go back to the director and make that suggestion that if they are not doing that they do approach to make sure they approach the parents rather than waiting to be approached. Thank you, Councillor.

5. From Councillor Potheary to Councillor Johnson

Councillor Potheary

What is the Portfolio Holder doing to ensure there are sufficient numbers of childcare places in Grays Riverside?

Mayor

Councillor Johnson

Councillor Johnson

Thank you, Mister Mayor and thank you for your question, Councillor. Let me begin by explaining this work is actually undertaken by the childcare sufficiency officer who assesses the demand and sufficiency of early education and childcare places across the borough on an annual basis. This information is reported to elected members and made public for the use of providers and parents on the Thurrock Council website each year. The officer works closely with prospective providers to identify suitable premises in areas of insufficiency. As a council we encourage providers including schools to participate in the 30-hour entitlement offer to enable more working parents' good access to their full entitlement. We support providers to offer or access wrap-around care for working parents and provide training mentoring and inclusion support for childcare providers to raise standards. The Council will continue to provide business and financial advice to childcare providers to ensure they understand the costs involved in opening and running a new setting and to support the recruitment and retention of staff. We have worked with neighbouring local authorities to develop a recruitment strategy to ensure our providers are able to recruit and retain good quality staff and we work with providers to ensure prices are similar to our geographical neighbours. The Early Years Team also worked to recruit and train childminders in the borough and to ensure overall children sufficiency. We will continue to work with providers to offer sustainable yet affordable childcare. Recruitment is an issue both nationally and locally and is a big factor in ensuring the number of childcare places in Thurrock meets parents demands. This recruitment strategy has actually attracted lots of attention across the region and further afield. The Early Years Team are also working with the Thurrock Adult College to ensure residents have access to high quality childcare and child development courses which will enable them to work in early education and childcare locally. I hope you will agree that there this sufficiency assessment is ensuring we are at least on the right track to be able to see and deal with any areas where more support may be needed. Your question however asked what am I doing to ensure that sufficient numbers of childcare places and whilst the majority of the actual work is very operational, I do sit on many development and improvement boards right across my portfolio on a weekly basis and every person who attends those meeting with me, directors included, will be asking questions on many aspects of placement offerings on a regular basis therefore whilst I agree there is more to be done I do believe that I am at least asking the right questions.

Mayor

Councillor Potheary do you wish to pose a supplementary question.

Councillor Potheary

Yes, please Mister Mayor and thank you Councillor Johnson for that very detailed response outlining the background of the childcare sufficiency survey. So, the report that I am looking at went to the Children's O&S in December, it's now June, in that report it says there's a clear question under Grays Riverside do we have sufficient childcare places in the ward. No. Is there a need to create places and the answer is yes. So, it's been deemed by the council that we need to create those placements. Grays Riverside is either top or second most popularist ward in the borough, it's also a very young ward with lots of young families, second highest in the borough for the number of children eligible for nursery places. So, my question is how many more nursery places have we created since this report was published in December and are we on track in creating any more in the following six months.

Mayor

Councillor Johnson

Councillor Johnson

Thank you, Mister Mayor. Thank you, Councillor. I'd love to response with the actual number but what I'm going to say to you is yes, we have created more spaces, more places, across the borough. As I said and this is something the assessment looks at on a regular basis as I've also said in this report which you do get to see at the overview and scrutiny. I think if you really want to know those numbers then Ok will have to go back to the director and give me those exact numbers, but I am confident that if places are needed, they will be found.

Mayor

Councillor Potheary do you wish to pose a second supplementary question.

Councillor Potheary

Yes, thank you and I would like to thank Councillor Johnson for his answer which was very candid, and I would appreciate if we could get officers to get those figures and give us an idea of how much progress we are making towards full childcare sufficiency. I don't have a supplementary.

6. From Councillor Potheary to Councillor Maney

Councillor Potheary

What action is the council taking to tackle problem parking and littering in Clarence Road, Grays?

Mayor

Councillor Maney

Councillor Maney

Thank you, Mister Mayor. Thank you, Councillor Potheary for your question. Mister Mayor I am aware that concerns have been raised regarding particular parking violations in Clarence Road close to the Grays Food Centre store at the junction with Grange Road. A particular resident of the area has also complained frequently about the accumulation of littering in Clarence Road which she attributes to the presence of the store. Taking the issue of littering first, Councillor Potheary will know that street cleaning and environmental enforcement do not form part of my brief, so I am somewhat limited in my reply however I am advised that Clarence Road is subject to regular street cleaning schedule and our environmental enforcement officers make frequent visits to the area. Indeed, Mister Mayor the store itself is subject to a statutory notice pursuant to section 47 of the Environmental Protection Act 1990. The notice is still in place and requires the business to comply with specific provisions in respect of the presentation and storage of waste. As stated, officers monitor this closely and to date there have been no identified compliance failure but in the event the notice or any other environmental regulations are found to be contravened an appropriate action will of course be taken and the same applies to any individuals found to be littering in Clarence Road. Turning to the issue of parking Mister Mayor, particularly violations of the waiting restrictions in Clarence Road it is again the case that our Civil Enforcement Officers undertake regular patrols. I hope it pleases Councillor Potheary to know Mister Mayor that between June this year and last year the Council CEOs have carried out no fewer than 5765 visits to Clarence Road issued 1354 penalty charge notices. This averages a little just over 15 patrols a day. Mister Mayor we are nothing if not reactive in Highways and Transport and have thus completed a review of the waiting restrictions in Clarence Road. Previously vehicles were permitted to park in the restricted area near the store up to 20 minutes for the purposes of loading and unloading. I can advise that a loading ban was subject to a statutory process. I approved the implementation of a traffic regulation order in January, the order has been signed and we are presently waiting for our lining contractors to complete the markings. Once this has happened CEOs will have the ability to the enforce against even more vehicles found to be waiting at the Clarence Road, Grange Road junction. Thank you, Mister Mayor.

Mayor

Councillor Potheary do you have a supplementary question.

Councillor Potheary

Yes, thank you, Mister Mayor. Thank you, Councillor Maney for your very detailed response and appreciate the littering response, I did notice after I had sent the question in that I had put littering in there as well so thank you for that response. Yes, this has been an ongoing issue for a long time, it isn't just one business in that area there's a lot that goes on in that area, there's a dentist, there's lots of shops. It is a Victorian street, it has that kind of parking, it is also one of the major thoroughfares into and out of Grays town centre so there are real problems with parking in that area. You mentioned the no waiting ban which I think residents will really welcome. What we have found with one of the stalls along Clarence Road is that although it is an ostensibly a convenience store it actually also operates on a bit of a wholesale basis as well which is obviously quite different in terms of how parking, people would normally walk to a convenience store most likely but for a wholesale store people will actually have to take a vehicle and load. So really appreciate that, would you be able to give me a time for this, residents have been waiting a lot of this, any indication of a deadline or a time when we can expect for that lining to be done.

Mayor

Councillor Maney

Councillor Maney

Thank you, Mister Mayor. I do agree that it's been quite await between the order being agreed and the lines actually being put in place. I don't have a specify date, but I have been assured by officers that they will speak to our contractors and ask for them to make this a priority. It might help if I explained that we tend to do, we normally batch these works together so the contractors come in and complete a number of jobs at once rather than coming in on an ad hoc basis, that just makes economic sense but I do know you've been waiting and residents have been waiting for a long time for this to come into play so I will speak to officers and give a nudge again, as I say this is a priority and can we have it in place. Thank you, Mister Mayor.

Mayor

Councillor Potheary would you like to pose a second supplementary question.

Councillor Potheary

No thank you Councillor Maney I would appreciate that.

7. From Councillor Byrne to Councillor Huelin

Councillor Byrne

The previous Portfolio Holder said he was happy with all things related the Corringham IMC, do you share that view?

Mayor

Councillor Huelin

Councillor Huelin

Thank you, Mister Mayor. Thank you, Councillor, for your question. Not a very specific question so I'm guessing your next one will be better,

Councillor Byrne

Are you happy with it, that's the question?

Councillor Huelin

I don't know what the previous portfolio holder, when he spoke to you, about what he was happy about or happy with as I may or may not share that view. I'm happy with reassurances I've been given with the with what I wasn't happy with but let's see where your questions go as I don't know how to answer this one specifically.

Mayor

Councillor Byrne do you have a supplementary question.

Councillor Byrne

Well can your answer these questions, the 10 GPs aren't actually GPs, are they? Have they got any experiences of going into a practice and are you not disappointed, we all thought that there was going to be an actual GP practice in these IMCs, but we know there will be an empty space and you can't sign on for a doctor there, it is 10 people who are barely qualified?

Mayor

Councillor Huelin

Councillor Huelin

Thank you. It's not 10 its 12. 12 fellowship GPs that means they are 100% qualified GPs, fully qualified.

Councillor Byrne

Have they worked in a surgery before?

Councillor Huelin

I don't know. I'm not on the interview panel Councillor Byrne so I don't know. But they are fully qualified GPs, fellowship, the fellowship means that they will be assigned to practices, they will spend half their time for GP appointments for residents in Thurrock, with a minimum of 500 new appointments per week. The rest of it they are training to be consultants as they want to be specialists in a particular subject so we gain that, they complete their GP stuff around those subjects that they are specialising in so if you come to Corringham IMC with diabetes you will see a qualified doctor that can help you with your ailments as well as your diabetes and he's going to specialise and be better in diabetes, it's that kind of this. What we were going to be getting was two GPs from down the road moving into the new premises we weren't gaining any new GPs. Now what we're getting is those two GPs in a refurbished new environment and better for everybody plus 12 new fully qualified GPs. 50 years ago, we all had a different attitude, we wanted jobs for life, and you had a GP and the GP practice went to his son and then it went to his grandson and so on. Things have moved on, life has changed, GPs want to have a career, they want a progression, they want to progress in specialised areas. We keep losing GPs and we live off locum GPs because we can't offer that and now, we can with 12 new qualified GPs giving 500 appointments a week whether a new or already been registered to a practice, you phone that practice and like other areas now if you can't get an appointment within that practice there will be 500, 500 new appointments that you can tap into.

Mayor

Councillor Byrne do you have a second supplementary question.

Councillor Byrne

So apart from the staff there, where are hot desks and we've 90 cars going there but I have been told that none of the staff are allowed to park in the car park. There is no parking for staff, and they will have to use the town centre car park which is a shoppers car park so is that going to affect the footfall and we've all got these lanyards tonight so we can park two minutes away these people have got to fight through yellow double lines. So, is it true that staff are not allowed to park at the IMC?

Mayor

Councillor Huelin



Councillor Huelin

Thank you, Councillor Byrne. We were on the same briefing Councillor Byrne when we took this up and it's a conundrum, I must admit, it's a conundrum for the NHS but they are working with us, and they are working with their staff to actively sort this issue out. There are parking spaces, we've highlighted that there needs to be some prioritisation for patients and for some staff, but it is not desking but it's not just NHS staff it's our own council workers, there's a lot of people. People do car share, people do use other forms of transport, they do, your right and we all said this you cannot eliminate staff parking they will need staff parking and so they have started looking at that and they have taken on board what we have said about the local car parks so I think it's on Monday there's another meeting and it is really about parking issues and they have assured me that they will involve myself and I have asked for a visit for local ward councillors so we can all re-discuss all of this when we've got more information but they have heard us and have taken it on board and they are working on it.

8. From Councillor Polley to Councillor Huelin

Councillor Polley

Would the Portfolio Holder please inform members what measures are being taken by council to ensure Thurrock residents are discharged in a timely, and as important, safe manner. Given the immense pressure M&SE hospital trust is experiencing.

Mayor

Councillor Huelin

Councillor Huelin

Thank you, Mister Mayor. Thank you, Councillor Polley, for your question. Unlike many other local authorities, Thurrock has retained a dedicated Adult Social Care Hospital Team, working on site at the hospital and I got the privilege during social care week to actually visit and see that service in action and was so impressed, it was so vital. The teamwork in close partnership with clinical staff within the hospital and other council teams such as our Adult Social Care Brokerage Team that organises social care packages from externally providers, front line social care staff, Collins House, caring for Thurrock Team which is our internal home and Extra Care service and also housing colleagues together they put the hospital discharge arrangements in place at the earliest opportunity that are safe and effective. We also work closely with community and voluntary sector services, and I know sometimes the social workers within the office will make sure that this food in the fridge and those practical things and go and do a bit of shopping and make sure the beds are clean and stuff as well as the medical side. The services include commissioning 'By Your Side' that provides practical support for residents, just as I was saying there, who are discharged home making sure there is

food in the fridge. We're trying to help get the community and voluntary service to help with that because it is something that people can volunteer for, and it is worthwhile, and it is very rewarding to be able to help like that. The 'Thurrock model' is highly effective and unlike other areas, has ensured extremely low numbers of delayed hospital discharges. So, to put that into prospective there have only been 17 delayed discharges in three months in Thurrock compared to over 200 in one month in another local authority. So, I am really proud of the team that we have and the work that we do with the NHS as ultimately it is the NHS responsibility.

Mayor

Councillor Polley do you wish to pose a supplementary question.

Councillor Polley

Yes, please Mister Mayor. Thank you very much for that answer, Councillor Huelin. Obviously with the NHS advocating early discharge what action is this council taking to recoup any additional costs that are incurred.

Mayor

Councillor Huelin

Councillor Huelin

Thank you, Mister Mayor. Let's be clear we do this work, but it is in partnership with the NHS, and it is the NHS responsibility to effectively or more importantly safely discharging their patients and the service we've been providing by working with the NHS it is their ultimate decision on how and what they will fund so they help fund that by funding part of the service we do for them. But by us delivering this Thurrock model and ensuring residents are safely discharged with the correct level of care we can help prevent residents being returned to hospital and their health deteriorating and that's also preventing their care costs from escalating and in this way that helps us control our budgets and keeps our spend down and allows us to help more residents. The measure of quality being our incredibly low-rate failed discharges compared to other authorities like I have said, it is vital that we deliver high quality preventative care to stop people being escalated into more intrusive measures because ultimately, we all want to keep the people of Thurrock healthier for longer.

Mayor

Councillor Polley do you wish to pose a second supplementary question.

Councillor Polley

No thank you.

9. Question 9 – Due to Councillor Duffin sending his apologies this evening, a written response will be provided.
10. Question 10 – Due to Councillor Collins sending his apologies this evening his question has been resubmitted to July Council.
11. From Councillor Raper to Councillor Johnson

Councillor Raper

What advice, guidance and support are being provided for those parents and families affected by the imminent closure of the Little Pirates and Neptune nurseries in Tilbury?

Mayor

Councillor Johnson

Councillor Johnson

Thank you, Mister Mayor. Councillor Raper, can I point you to my responses to questions 4 and 5 which I think explained exactly what support were offering now and exactly what we're going to ensure now and ensure sufficient places on offer going forward. So maybe you would just like to go to your supplementary.

Mayor

Councillor Raper do you wish to pose a supplementary question.

Councillor Raper

Yes, I would please Mister Mayor. How many of the Tilbury children currently attending the closing nurseries do you expect to find new places in their hometown.

Mayor

Councillor Johnson

Councillor Johnson

Thank you, Councillor. Thank you, Mister Mayor. As I reiterate this is a statutory duty, everybody will be offered a place, that's our statutory duty.

Mayor

Councillor Raper do you wish to pose a second supplementary question.

Councillor Raper

No. I would like that question answered because I want to know specifically about the families in Tilbury.

Councillor Johnson

I have no other answer other than we have a statutory duty and they will be offered places.

Councillor Raper

Now that we are losing our council staff how can we guarantee other providers will be able to give children access to the standard of experience and quality that they have had in the two nurseries that are closing.

Mayor

Councillor Johnson

Councillor Johnson

Thank you, Councillor. Thank you, Mister Mayor. All staff will be checked as our own staff are, we wouldn't let anybody just go working in places. All staff have to be checked by DBS and we will ensure that the correct level of experience is within those private nurseries. I mentioned earlier in about the way we have the child care sufficiency officer assesses this demand insufficiency you know I have said in there what this council does we work with prospective providers to identify suitable premises, we work with them to encourage to participate in the 30 hours, support them to offer our access around care for working parents, we continue to provide business and finance advise to child care providers to ensure they understand the costs involved in opening and running these settings. We are on top of it, we will ensure as I said that we do have a statutory duty and those children will be offered places in respectable areas.

12. From Councillor Kerin to Councillor Johnson

Councillor Kerin

Can the Portfolio Holder please outline what the Council is doing to support the families affected by the imminent closure of the Little Pirates and Neptune Nurseries in Tilbury?

Mayor

Councillor Johnson

Councillor Johnson

Councillor Kerin perhaps I would say to you my responses to questions 4 and 5 explain exactly what support we are offering now and what support we are offering in the future perhaps you would like to go straight to your supplementary.

Mayor

Councillor Kerin to you wish to pose a supplementary question.

Councillor Kerin

Yes thank you Mister Mayor, I'm sure the portfolio holder will be aware that back in November when the Children's Overview and Scrutiny held an extraordinary meeting it was put to the meeting that currently Tilbury Riverside and Tilbury St Chads do not have sufficient childcare places and there is a need to create more in both wards so my question is how does the close of these two nurseries help with the aim of providing more child care places in Tilbury.

Mayor

Councillor Johnson

Councillor Johnson

I gave a specific answer about the closure of these two particular nurseries, they were untenable, we could not run them, we were haemorrhaging I think around £200,000 every year just on these nurseries alone. It was untenable. Regrettable decision, but the correct decision to make. The statutory duty says we have to offer places, we will offer places. I don't know how else to answer this. I just feel I am saying the same thing over and over again. I wish I had different answers for you but you're asking the same question I don't see how I can give different answers.

Mayor

Councillor Kerin to you wish to pose a supplementary question.

Councillor Kerin

Yes, please Mister Mayor. Now. With regards to those places, we've heard tonight in reports about how important it is to encourage people to walk to school, to not drive, all those sorts of things to try and help with the air quality and things like that. So, with all the current placements the children are going to nurseries in Tilbury how many of the children that currently going there will still be able to walk to their childcare provider once these closures have happened.

Mayor

Councillor Johnson

Councillor Johnson

Thank you, Mister Mayor. Thank you, Councillor. Through our statutory duty we will ensure that these children are given places within a sufficient distance from where they are, Now, yes, we have been encouraging people to walk, we are trying to do it with schools right across the borough, let alone nurseries. But you know as well as I know it's not easy to make parents to do it but we are trying to so all those kind of things will be taken into consideration when places are offered but as I said they will be offered places, we have no choice, it's not that we don't want to, we will anyway.

13. From Councillor Polley to Councillor Johnson

Councillor Polley

Following the recent Care Review of Children's Social Care and the National Safeguarding Panel review of child protection can the Portfolio Holder tell us about any preventative whole family work that children's services are currently engaged with?

Mayor

Councillor Johnson

Councillor Johnson

Children's Social Care implemented a Think Family approach as our new operating model in April this year, building on the effective and long established 'whole family' approach used by our Early Help services. This is in line with findings from the National Review and Safeguarding Review with practitioners assessing the needs of all family members and co-ordinating multi-agency interventions and intensive support at the earliest possible stage. Feedback from parents and partners is helping shape this way of working which is strengths and relationship-based which in turn complements existing practice models. Regular Family Network Meetings starting from the initial assessment will help families to problem solve and develop safe family plans. There is a continued focus on engaging with fathers or significant adult males, children on the edge of care, and families before they enter care proceedings. The aim is to increase the number of children who can remain living safely within their connected family networks diverting children from becoming looked after or entering court proceedings which is obviously a last result. In addition, in April 2022 Thurrock was one of 75 local authorities eligible to join what is known as the Family Hub and Start for Life programme. This programme reflects our strong Think Family ambitions, and we are currently reviewing our Early Help offer alongside partners to determine how best to deliver the funded elements of the Family Hub programme. We are

also mapping existing provision for young people and speaking with parents, young people and partners including voluntary services to ensure we are able to provide a comprehensive and relevant offer for them. Something I might add which was found to be very interest to other parties from a recent peer review. In short councillor we are putting our services to the test in attempting to engage with the families in need at the earliest possible stage which we are convinced with help Thurrock be at the forefront of children's social care and in particular that of social care in particular that of safeguarding.

Mayor

Councillor Polley would you like pose a supplementary question.

Councillor Polley

No thank you.

Mayor

No, thank you very much.

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## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

No questions were received from members of the public.

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## Petitions Update Report

Petition No.	Description	Presented (date)	Presented (by)	Responsible Director	Status
563	We the undersigned of Byron Gardens, Tilbury, wish that Thurrock Council implement a one-way system for safety.	9 June 2022	Email	Julie Rogers	As part of the National Cycle Network route 13 improvements currently being developed and implemented along Brennan Road, the Council will be undertaking consultation with residents of this part of Tilbury with regards to setting up Home Zones, to address the issue identified in the petition and to reduce vehicle speed to compliment the cycle improvements. This request will be investigated as part of this overall scheme and will be assessed for inclusion in the list of measures that we intend to engage with resident on. This engagement process will likely proceed at the end of August/beginning of September, with implementation by the end of the financial year.

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<b>27 July 2022</b>	<b>ITEM: 10</b>
<b>Council</b>	
<b>Licensing Act 2003 Statement of Licensing Policy</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Cllr G Collins, Chair Licensing Committee.	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
<b>Accountable Director:</b> Julie Rogers, Director of Public Realm	
<b>This report is:</b> Public	

## Executive Summary

The Licensing Act 2003 requires a licensing authority to review their Statement of Licensing Policy at least once every 5 years. A reviewed policy has been produced and consulted on, the consultation response has been considered by the Licensing Committee with the final versions agreed and ready for adoption.

### 1. Recommendation(s)

#### 1.1 That the Committee –

- (a) **Adopts the reviewed Statement of Licensing Policy as attached at Appendix A, with immediate effect.**

### 2. Introduction and Background

- 2.1 The Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further requires the Council to review, determine and publish its policy with respect to the exercise of its licensing functions at least every 5 years.
- 2.2 The current Statement of Licensing Policy first came into effect in 6 January 2014. The statement is now overdue for review and requires publication as soon as possible.

### **3. Issues, Options and Analysis of Options**

- 3.1 The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current Policy expired on 6 January 2018. It is therefore imperative that the Council adopts a reviewed as soon as possible.
- 3.2 The reviewed policy has only seen minor amendments particularly around legislative changes in the following areas:
- The introduction of the Home Office as a Responsible Authority
  - The introduction of the right to work checks
  - The updating of the application procedures
- 3.3 The reviewed policy was subject to public consultation. All consultation responses were reported to the Licensing Committee in September 2021, for consideration. It was resolved at that Committee that the Statement of Licensing Policy as attached as **Appendix A**, be approved, and recommend to Full Council that it be adopted and implemented with immediate effect.

### **4. Reasons for Recommendation**

- 4.1 The reviewed policy has been subject to public consultation. The consultation responses have been considered by the Licensing Committee and have been incorporated where appropriate.
- 4.2 Adoption of the policy is a Full Council function.

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

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

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

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

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

## 7. Implications

### 7.1 Financial

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

There are no financial implications for Thurrock Council.

### 7.2 Legal

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

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

### 7.3 Diversity and Equality

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

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

### 7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder or Looked After Children

None

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

None

**9. Appendices to the report**

Appendix A – Reviewed Statement of Licensing Policy.

**Report Author:**

Paul Adams, Licensing Manager, Licensing Team, Public Protection





**Public Protection**

# **Statement of Licensing Policy**

**Made under Section 5 of the Licensing Act 2003**

**2022 version**

**Published 30 June 2022**

**To be reviewed by 30 June 2027**

Should you require further information please contact:  
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**STATEMENT OF LICENSING POLICY**

<b><u>CONTENTS</u></b>	<b><u>Page No</u></b>
A Profile of Thurrock	5
1. Introduction	7
The Licensing Objectives	7
Statement of Licensing Policy	8
Consultation	8
Links to other Strategies	8
Regulated Entertainment	9
Applications	9
Representations	10
Conditions	11
Delegation of Functions	12
The Need for Licensed Premises	12
Cumulative Impact of a Concentration of Licensed Premises	12
Advice and Guidance	13
Reviews	14
Enforcement	14
2. Licensing Objectives	15
3. Prevention of Crime and Disorder	17
4. Public Safety	18
5. Prevention of Public Nuisance	19
6. Protection of Children from Harm	21

**APPENDICES**

1. References to guides and best practices
2. Contact Details of Relevant Responsible Authorities
3. Contact Details and Useful Addresses
4. Application Processes
5. Objections/Representations/Reviews/Hearings/Appeals
6. Delegation of Powers
7. Glossary of Terminology (as used in the Licensing Act 2003)
8. List of Consultees

## **A Profile of Thurrock**

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

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

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

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

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

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

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

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

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

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

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

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

# **THURROCK COUNCIL STATEMENT OF LICENSING POLICY**

## **1.0 INTRODUCTION**

### **Introduction**

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

### **The Licensing Objectives**

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

## **Statement of Licensing Policy**

- 1.6 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.7 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act. It has been drafted in partnership with the Essex Joint Licensing Officers' Forum and the Thurrock Community Safety Partnership.
- 1.8 This Policy Statement takes effect on 30 June 2022 and will remain in force for a period of not more than five years. It will be subject to regular review and further consultation prior to 30 June 2027.

## **Consultation**

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

A list of consultees can be found at Appendix 8.

## **Links to other Strategies**

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

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

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

### **Regulated Entertainment**

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

### **Applications**

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



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

## **Representations**

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

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

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

### **Conditions**

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

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

### **Delegation of Functions**

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

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

### **The Need for Licensed Premises**

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

### **Cumulative Impact of a Concentration of Licensed Premises**

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

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

### **Advice and Guidance**

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

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

## **Reviews**

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

## **Enforcement**

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

## 2.0 LICENSING OBJECTIVES

2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

2.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive and the examples given will not be applicable in all cases. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.** Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list and the examples given will not be applicable in all cases. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

2.4 **The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice. Documented risk assessments can prove a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, (e.g. when making application for variation or in response to changing circumstances/conditions at the premises).

2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned (e.g. popular live band or during major sporting occasions), which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. **Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to promote the licensing objectives.**

2.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control

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

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

### 3.0 PREVENTION OF CRIME AND DISORDER

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

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

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

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

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

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

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



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

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

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

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

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

## 4.0 PUBLIC SAFETY

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

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

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

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

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

## **5.0 PREVENTION OF PUBLIC NUISANCE**

- 5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

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

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

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

## **6.0 PROTECTION OF CHILDREN FROM HARM**

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

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

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

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

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

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

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

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

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

## SUPPLEMENTARY INFORMATION

1. References to Guides and Best Practices	24
2. Contact Details of Relevant Responsible Authorities	25
3. Contact Details and Useful Addresses	27
4. Application Processes	30
5. Objections/Representations/Reviews/Hearings/Appeals	46
6. Delegation of Powers	51
7. Glossary of Terminology (as used in the Licensing Act 2003)	52
8. Consultees	57

## **APPENDIX 1**

### **REFERENCES TO GUIDES AND BEST PRACTICE**

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



**APPENDIX 2**  
**CONTACT DETAILS FOR RELEVANT RESPONSIBLE AUTHORITIES**

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

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

**APPENDIX 3**  
**CONTACT DETAILS AND USEFUL ADDRESSES**

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

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

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

Tel: 07719 324 021

Email: [info@portmangroup.co.uk](mailto:info@portmangroup.co.uk)

Web: [www.portmangroup.org.uk](http://www.portmangroup.org.uk)

## **APPENDIX 4** **APPLICATION PROCESS**

**Applications for all premises licences and temporary event notices should be made online at [www.thurrock.gov.uk](http://www.thurrock.gov.uk)**

**Applications for personal licences should be emailed to [licensing@thurrock.gov.uk](mailto:licensing@thurrock.gov.uk)**

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

### **Electronic Applications**

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

## **PERSONAL LICENCE**

### **New Applications**

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

### **Renewals**

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

## **PREMISES LICENCE/CLUB CERTIFICATES**

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

Applications should be completed and submitted online at [www.thurrock.gov.uk](http://www.thurrock.gov.uk)

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

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

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

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

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

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



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

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

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

## Variations

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

### Minor Variations

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

However variations to:

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

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

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

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

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

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

### **Variation of Premises Licence (Designated Premises Supervisor)**

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

### **Club Premises Certificate**

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

### **Temporary Event Notice (TEN)**

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

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

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

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

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

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

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

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

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

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

An event may last no longer than 168 hours.

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

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

### **Late Temporary Event Notices (Late TEN)**

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

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

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

## **CONDITIONS ATTACHED TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

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

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

### **ADVERTISEMENT OF APPLICATIONS**

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

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

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

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

## **ADVERTISEMENT OF APPLICATIONS BY THE LICENSING AUTHORITY**

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a new requirement for a Licensing Authority to advertise, by way of a notice of its website, all applications for Premises licences under section 12, for provisional statements under section 29, variation of a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club premises certificate under section 84. This notice must remain on the website for

a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.

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

### **Who can make representations or seek reviews?**

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

#### **‘Other Persons’ are defined as: -**

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

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

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

### **What are relevant representations?**

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

- ◆ are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives;
- ◆ are made by ‘any person’ or ‘Responsible Authority’ within the prescribed period and have not have been withdrawn;
- ◆ in the opinion of the Licensing Authority, are not frivolous or vexatious; and in the case of a review, repetitious.
  
- ◆ if they relate to the identity of the proposed premises supervisor, are made by the chief officer of Police and include a statement that his/her designation would undermine the crime prevention objective.

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

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

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

**Time Limits on Representations**

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

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



## **Reviews**

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

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

## **Hearings**

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

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

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

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

### **Appeals Against Decisions**

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

## **APPENDIX 6**

### **DELEGATION OF POWERS**

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

### **Delegation of Function**

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

## **APPENDIX 7**

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

#### **ANY PERSON**

Is defined as:

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

#### **CHILD**

Is defined as:

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

#### **ENTERTAINMENT FACILITIES**

- Please see 'Live Music Act 2012'

#### **EXEMPT REGULATED ENTERTAINMENT**

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

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

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

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

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

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

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

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

### **HOT FOOD OR HOT DRINK**

Is defined as:

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

### **INTERESTED PARTY**

➤ Please see ‘**ANY PERSON**’

### **LICENSABLE ACTIVITIES AND QUALIFYING CLUB ACTIVITIES**

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

## **LIVE MUSIC ACT**

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

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

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

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

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

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

## **OTHER PERSON**

- See '**ANY PERSON**'

## **PROVISION OF LATE NIGHT REFRESHMENT**

Is defined as:

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

## **REGULATED ENTERTAINMENT**

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

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

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

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

➤ See also **LIVE MUSIC ACT**

➤ See also **EXEMPT REGULATED ENTERTAINMENT**

## **RESPONSIBLE AUTHORITY**

➤ Is defined as:

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



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

vi) a body which:

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

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

vii) the local Weights and Measures Authority;

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

ix) in relation to a vessel:

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

b) the Environment Agency

c) the British Waterways Board, or

d) the Secretary of State

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

In April 2012 the following were added as Responsible Authorities:

x) the Licensing Authority

xi) Local Health Body

In April 2017 the following were added as Responsible Authorities:

xii) Home Office

### **TEMPORARY EVENT**

➤ Is defined as:

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

## **APPENDIX 8** **CONSULTEES**

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

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

<b>27 July 2022</b>	<b>ITEM: 11</b>
<b>Council</b>	
<b>Gambling Act Statement of Principles</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Cllr G Collins, Chair Licensing Committee	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director Planning, Transport and Public Protection	
<b>Accountable Director:</b> Julie Rogers, Director of Public Realm	
<b>This report is:</b> Public	

## Executive Summary

The Gambling Act 2005 (the Act) requires all local authorities to produce a Statement of Principles, which they propose to apply when exercising their functions under the Act. The Act also requires that any statement is kept under review and must be reviewed at least every 3 years. A reviewed statement has been produced and consulted on, the consultation response has been considered by the Licensing Committee with the final versions agreed and ready for adoption.

### 1. Recommendation(s)

#### 1.1 That the Committee –

- (a) **Adopts the reviewed Gambling Act Statement of Principles as attached at Appendix A, with immediate effect.**

### 2. Introduction and Background

- 2.1 Section 349 of the Gambling Act 2005 (the Act) requires a council, as the licensing authority, to produce, consult upon and publish a statement of the principles it intends to apply when exercising its function under the Act. A licensing authority's function under section 349 may not be delegated by the authority.
- 2.2 This statement must be kept under review and be re-published at least every three years.
- 2.3 The current Statement of Principles first came into effect in 6 January 2016. The statement is now overdue for review and requires publication as soon as possible.

### **3. Issues, Options and Analysis of Options**

- 3.1 The Council as a Licensing Authority is obliged to have a Statement of Principles in place. The current policy expired on 6 January 2019. It is therefore imperative that the Council adopts a reviewed policy as soon as possible.
- 3.2 The reviewed policy has only seen minor amendments particularly around legislative changes in the following areas:
- Changes to the incidental non-commercial lottery made by the Legislative Reform (Exempt Lotteries) Order 2016)
  - Updates to Travelling fairs, unlicensed (permit) Family entertainment centres
  - Changes to the FOBT's in betting shops.
  - Inclusion of Area Profile
- 3.3 The reviewed policy was subject to public consultation. All consultation responses were reported to the Licensing Committee in September 2021, for consideration. It was resolved at that Committee that the Statement of Principles as attached as **Appendix A**, be approved, and recommend to Full Council that it be adopted and implemented with immediate effect.

### **4. Reasons for Recommendation**

- 4.1 The reviewed policy has been subject to public consultation. The consultation responses have been considered by the Licensing Committee and have been incorporated where appropriate.
- 4.2 Adoption of the policy is a Full Council function,

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

- 5.1 A consultation on the reviewed draft policy has been undertaken. All premises licensed under the Gambling Act 2005 and Licensing Act 2003 licensed by Thurrock Council was written to inviting them to view the draft policy, and to make any comments via Thurrock Council's online consultation portal. Consultation has also been undertaken with Responsible Authorities. The draft policy has also been published on the Council's online portal for public comment.
- 5.2 The consultation period ran from 6 August 2021 to 12 September 2021.

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

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

**7. Implications**

**7.1 Financial**

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

There are no direct financial implications associated with the report

**7.2 Legal**

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

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

**7.3 Diversity and Equality**

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

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

**7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children**

None

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

None

## **9. Appendices to the report**

- Appendix A – Reviewed Statement of Principles

### **Report Author:**

Paul Adams

Licensing Manager

Licensing Team, Public Protection

***THURROCK COUNCIL***

***Gambling Licensing  
Policy Statement***

***2022***

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**THURROCK COUNCIL**  
**GAMBLING LICENSING POLICY STATEMENT**  
**2022**

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<b>Contents</b>		<b>Page</b>
	Foreword	3
<b>PART A – General</b>		
1-1.1	Introduction	3
2-2.1	The Licensing Objectives	4
3-3.1	Description of District	4
4-4.5	Responsibilities under the Act	5
5-5.3	Statement of Licensing Policy	6
6-6.5	Consultation	6
7-7.2	Approval of Policy	7
8-8.3	Declaration	7
9-9.3	Responsible Authorities	7
10-10.5	Interested Parties	8
11-11.3	Exchange of information	9
12-12.1	Public Register	10
13-13.7	Compliance and Enforcement	10
14-14.1	Delegation of Powers	11
<b>PART B – Premises Licences</b>		
15-15.17	General Principles	11
16-16.2	Provisional Statements	18
17-17.4	Representations and Reviews	18
18-18.2	Adult Gaming Centres	19
19-19.2	(Licensed) Family Entertainment Centres	19
20-20.10	Casinos	19
21-21.3	Bingo Premises	20
22-22.3	Betting Premises	20
23-23.4	Betting Machines	21
24-23.5	Tracks	21



25-24.5	Travelling Fairs	22
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**PART C – Permits/  
Registrations**

26-26.1	General	22
27-27.3	Unlicensed Family Entertainment Centre Gaming Machine Permits	22
28-28.5	(Alcohol) Licensed Premises Gaming Machine Permits	23
29-29.1	Prize Gaming Permits	24
30-30.4	Club Gaming and Club Machine Permits	24

**PART D –Occasional and  
Temporary permissions**

31-31.5	Temporary Use Notices (TUN)	25
32-32.4	Occasional Use Notices (OUN)	26
33-33.1	Small Social Lotteries	26
34-34.1	Annexes	26

**ANNEXES**

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

A	Definitions	27
B	Contact Details of Responsible Authorities	37
C	Application Process	39
D	Advice for those who have difficulty in understanding English	53
E	Terms of Reference and Delegated Powers	55
F	List of Consultees	57
G	Useful Contacts	58

# Foreword to Gambling Licensing Policy Statement

The Gambling Act 2005 provides the legal framework for the licensing and regulation of commercial gambling in this Country. One of the responsibilities placed by the Act on local authorities, is to produce a Gambling Policy Statement. This is the *third* Statement of Licensing Policy produced by Thurrock Council since the law came into effect. It provides the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years, commencing on 30 June 2022.

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

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

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

<b>PART A GENERAL</b>
---------------------------

## 1.0 INTRODUCTION

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

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

## **2.0 THE LICENSING OBJECTIVES**

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

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

## **3.0 DESCRIPTION OF THE BOROUGH**

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

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

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

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

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

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

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

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

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

#### **4.0 RESPONSIBILITIES UNDER THE ACT**

- 4.1 The Act introduced a licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Thurrock Council is the Licensing Authority for the Borough of Thurrock.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-
- operate a casino;
  - provide facilities for playing bingo or for pool betting;
  - provide betting or act as intermediaries for betting;
  - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
  - manufacture, supply, install, adapt, maintain or repair gaming machines;
  - manufacture, supply, install or adapt gambling machine software; or
  - promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. The Licensing Authority has additional responsibility for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- a) in accordance with any relevant codes of practice;
  - b) in accordance with any relevant Guidance issued by the Gambling Commission;
  - c) reasonably consistent with the Licensing Objectives, subject to the two bullet points above, and
  - d) subject to the three bullet points above, in accordance with the Licensing Authority's Statement of Licensing Policy.

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

## **5.0 STATEMENT OF LICENSING POLICY**

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

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

5.3 This Policy takes effect on 30 June 2022 ***and replaces the policy previously in force.***

## **6.0 CONSULTATION**

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

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

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

6.3 The other groups and people consulted were:-

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

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

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

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

## **7.0 APPROVAL OF POLICY**

7.1 This Policy was approved at a meeting of the full Council on **29 June 2022** and was published via its website on **30 June 2022** Copies are available on request.

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

## **8.0 DECLARATION**

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

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

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

## **9.0 RESPONSIBLE AUTHORITIES**

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

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

- the competency of the body to advise the Licensing Authority;
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and

- the need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.

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

## 10.0 INTERESTED PARTIES

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

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

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

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

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

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

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

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

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;

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

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

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

## **11.0 EXCHANGE OF INFORMATION**

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

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

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

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

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



## **12.0 PUBLIC REGISTER**

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

## **13.0 COMPLIANCE AND ENFORCEMENT**

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

This requires that actions should be:-

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

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

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

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

- 13.5 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the Public Protection Enforcement Policy. A copy of this document is available on the Council's website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

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

#### **14.0 DELEGATION OF POWERS**

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

<b>PART B PREMISES LICENCES</b>
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#### **15.0 GENERAL PRINCIPLES**

- 15.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.
- 15.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- Casino premises;
  - Bingo premises;
  - Betting premises, including tracks and premises used by betting intermediaries;
  - Adult gaming centre premises (for category B3, B4, C and D machines);
  - Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).
- 15.3 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objectives concerns can be overcome.

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

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

#### 15.5 **Definition of Premises:**

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

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

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

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

#### 15.6 **Demand:**

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

## 15.7 Location:

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

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

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

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

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

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

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

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of residents in the area;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, top shops, leisure centres and other areas where children will gather.

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

Other matters that the assessment may include:

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

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

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

## 15.8 Local Area Profile

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

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

## 15.9 Duplication with other Regulatory Regimes:

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

The Gambling Commission's Guidance to Licensing Authorities states:

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

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

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

## 15.10 Licensing Objectives:

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

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

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime,

it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

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

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

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

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

#### 15.11 **Conditions:**

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

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

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

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

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

This list is not exhaustive but indicative of examples.

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

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

15.13 **Credit:**

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

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

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

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

- the size of the premises;



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

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

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

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

## **16.0 PROVISIONAL STATEMENTS**

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

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

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

## **17.0 REVIEWS**

17.1 Application for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

17.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Group Manager (Regulation), as being the proper persons to act on its behalf.

17.3 It is for the Licensing Authority to decide whether the review is to be carried out. This decision will generally be on the basis of whether the request for the review is relevant to the matters listed below:

- Whether the grounds for the request raises issues relevant to the principles to be applied by the Licensing Authority and set out within the Licensing Authority Statement of Policy;
- whether the grounds for the request are frivolous or vexatious
- whether the grounds for the request would certainly not cause the Authority to alter/revoke/suspend the premises licence;
- whether the grounds for the request are substantially the same as previous representations or requests for a review;
- In accordance with any relevant codes of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives.

17.4 There is no appeal, other than by way of Judicial Review, against the Authority's determination of the relevance of an application for review.

## **18.0 ADULT GAMING CENTRES**

18.1 An Adult Gaming Centre is defined in Annex A. Entry to these premises is age restricted.

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

## **19.0 LICENSED FAMILY ENTERTAINMENT CENTRES**

19.1 A licensed Family Entertainment Centre is defined in Annex A. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

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

## **20.0 CASINOS**

20.1 A casino is defined in Annex A. Entry to these premises is age restricted.

20.2 The Licensing Authority is empowered to pass a resolution not to issue new licences for casinos in its area.

20.3 Thurrock Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. The Council would consider hosting a casino in Thurrock should the ability to do so arise with any future changes in legislation.

20.4 In making this decision the Licensing Authority consulted widely on this specific issue.

## 20.5 Casinos and Competitive Bidding

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

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

20.7 Betting Machines:

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

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

20.10 Credit:

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

## 21.0 BINGO PREMISES

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

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

21.3 Credit:

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

## 22.0 BETTING PREMISES

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

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

## **23.0 BETTING MACHINES**

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

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

### **23.3 Fixed Odds Betting Terminals (FOBTs)**

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

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

## **24.0 TRACKS**

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

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

## **24.3 BETTING MACHINES**

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

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

## **25.0 TRAVELLING FAIRS**

- 25.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the Act.
- 25.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than ancillary amusement at the fair.
- 25.3 The Licensing Authority will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 25.4 It will fall to this Licensing Authority to determine whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met. Current stakes and prizes can be found at Annex C
- 25.5 Fairs cannot be held on a piece of land for more than 27 days per calendar year, regardless of whether it is the same or different travelling fair occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses the administrative boundaries is monitored so that statutory limits are not exceeded.

<p style="text-align: center;"><b>PART C</b> <b>PERMITS/TEMPORARY OR OCCASIONAL USE</b> <b>NOTICES/REGISTRATIONS</b></p>
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## **26.0 GENERAL**

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

## **27.0 Unlicensed Family Entertainment Centre Gaming Machine Permits**

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

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

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

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

## **28.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

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

- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets **and/or** help line numbers for organisations such as GamCare.
- Relevant Codes of Practice issued by the Gambling Commission.

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

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

- entrances and exits to the premises
- location of gaming machines
- location of CCTV cameras
- location of safety equipment such as fire extinguishers
- location of the bar(s)
- location of any ATMs

## 29.0 PRIZE GAMING PERMITS [See Annex A for definition]

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

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

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

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

## 30.0 CLUB GAMING AND CLUB MACHINE PERMITS

30.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

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

<b>PART D</b> <b>OCCASIONAL AND TEMPORARY PERMISSIONS</b>
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### **31.0 TEMPORARY USE NOTICES (TUN)**

- 31.1 A 'TUN' is defined in Annex A
- 31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations issued by the Secretary of State prescribe the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.
- 31.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 31.4 The definition of "a set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 31.5 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.



## **32.0 OCCASIONAL USE NOTICES (OUN)**

- 32.1 Occasion Use Notices are defined in Annex A Occasional Use Notices, apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 32.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 32.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 32.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

## **33.0 SMALL SOCIETY LOTTERIES**

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

## **34.0 ANNEXES**

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

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

<b>Child</b>	Individual who is less than 16 years old.
<b>Club Gaming Machine Permit</b>	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
<b>Club Gaming Permit</b>	Permit to enable the premises to provide gaming machines (3 machines of Categories B C or D), equal chance gaming and games of chance.
<b>Conditions</b>	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <li>• Automatic provision</li> <li>• Regulations provided by Secretary of State</li> <li>• Conditions provided by Gambling Commission</li> <li>• Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
<b>Customer Lotteries</b>	<p>Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.</p>
<b>Default Conditions</b>	<p>Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.</p>
<b>Delegated Powers</b>	<p>Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.</p>

<b>Disorder</b>	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
<b>Equal Chance Gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
<b>Exempt Lotteries</b>	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <ul style="list-style-type: none"> <li>• Small Society Lottery (required to register with Licensing Authorities.</li> <li>• Incidental Non Commercial Lotteries</li> <li>• Private Lotteries</li> <li>• Customer Lotteries</li> </ul>
<b>Exchange of Information</b>	Exchanging of information with other regulatory bodies under the Gambling Act.
<b>External Lottery Manager</b>	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
<b>Gaming</b>	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.

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

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

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

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



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

<b>Small Lottery</b>	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
<b>Small Society Lottery</b>	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
<b>Society</b>	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
<b>Statement of Principles</b>	Matters taken into account when considering an applicant's suitability for applications for FEC Permits and prize gaming permits.
<b>Temporary Use Notice</b>	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
<b>Track</b>	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
<b>Travelling Fair</b>	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
<b>Virtual Betting</b>	Machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.

<b>Vulnerable Persons</b>	<p>No set definition, but likely to mean groups to include people who:-</p> <ul style="list-style-type: none"><li>• Gamble more than they want to;</li><li>• Gamble beyond their means;</li><li>• Who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.</li></ul>
<b>Young Person</b>	<p>An individual who is not a child but who is less than 18 years old.</p>

## ANNEX B

### Gambling Act 2005 Responsible Authorities

#### Licensing Authority

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

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

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

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

### **Premises licences**

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

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

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

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

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

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

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

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

### **Tracks**

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

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

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

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

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

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

### **Betting machines**

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

### **Gaming machine supply & repair**

These activities require operator’s licences to be issued by the Gambling Commission. For advice on applying for licences from the Commission, see their website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

### **Gaming machines in licensed premises**

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

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

**Fig. 1**

<b>Category of machine</b>	<b>Maximum Stake £</b>	<b>Maximum Prize £</b>
A	Unlimited	Unlimited
B1	£5	£10000*
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50

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

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

**Fig. 2**

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



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

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

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

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

### Temporary Use Notices (TUNs)

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

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

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

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

### Issue

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

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

The notice must include details of: -

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

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

### Objections

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

Modifications to the notice may be suggested by those objecting to it. If accepted by the issuer, a new notice must be issued. It should be noted that the 3 month, 1 day time limit and a new fee will not apply to the new notice, nor may the original objector/s object to the new notice.

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

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

## **Occasional Use Notices (OUNs)**

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

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

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

### **Issue**

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

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

### **Objections**

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

## GAMING PERMITS

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

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

## GAMING MACHINES

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

**Fig. 3**

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

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

**Fig. 4**

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

**ALCOHOL LICENSED PREMISES**

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

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

The following paragraphs apply only to those premises.

**AUTOMATIC ENTITLEMENT**

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

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

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

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

## NEW PERMITS

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

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

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

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

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

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

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

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

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

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

## MEMBERS' CLUBS

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

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

### **New permits**

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

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

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

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

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

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

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

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

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

### **OTHER PREMISES**

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

## UNLICENSED FAMILY ENTERTAINMENT CENTRES

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

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

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

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

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

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

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

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

### **New permits**

Applications for new permits may be made to the Licensing Authority

## PRIZE GAMING

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

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

The Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without



reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

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

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

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

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

### **New permits**

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

### **Prize gaming without a permit**

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

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

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

### **TRAVELLING FAIRS**

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

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

### **LOTTERIES**

A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission, or it is exempt. This advice covers only those

categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

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

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

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

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

The Licensing Authority will require applicants to declare: -

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

The Licensing Authority may refuse an application if: -

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

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

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

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

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

## **NEW REGISTRATIONS**

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

## **Lottery requirements**

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

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

## **Returns**

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

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

## **EXTERNAL LOTTERY MANAGERS**

External lottery managers require operator's licences issued by the Gambling Commission. For more information, see the Gambling Commission's website on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## ADVICE FOR THOSE WHO HAVE DIFFICULTY UNDERSTANDING ENGLISH

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

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

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

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

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

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

## **LIST OF CONSULTEES**

## **Annex F**

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

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

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



## USEFUL CONTACTS

## Annex G

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

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<b>27 July 2022</b>	<b>ITEM: 12</b>
<b>Council</b>	
<b>Assistant Director Appointment</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Councillor Rob Gledhill, Leader of the Council	
<b>Accountable Director:</b> Sean Clark, Corporate Director Resources and Place Delivery	
<b>This report is</b> Public	

## Executive Summary

In accordance with Constitutional requirements this report seeks approval from Council to appoint the permanent Assistant Director Regeneration and Place Delivery.

Following a robust search and selection process, General Services Committee interviewed on 11 July 2022 and agreed to recommend the appointment of Kevin Munnely as Assistant Director Regeneration and Place Delivery.

### 1. Recommendation

**1.1 To approve in accordance with the Council’s Constitution the appointment of Kevin Munnely as Assistant Director Regeneration and Place Delivery.**

### 2. Introduction and Background

2.1 The Assistant Director Regeneration and Place Delivery role has been covered on an interim basis since April 2021.

2.2 This post is a permanent existing position in the senior structure and critical to the delivery of key priorities for the Council.

### 3. Assistant Director Regeneration and Place Delivery

3.1 Recruitment to the Assistant Director Regeneration and Place Delivery role commenced in May 2022. The Council engaged executive search agency Tile Hill to run a full search and selection campaign.

- 3.2 The campaign attracted a total of twenty applications which were assessed by Tile Hill and eight candidates were recommended to progress. Longlisting at General Services Committee took place on 14 June 2022 and eight candidates were progressed to the next stage.
- 3.3 Technical assessments for the candidates were conducted by an external independent expert. Shortlisting by General Services Committee took place on 6 July 2022, from the eight candidates four were selected to progress to the Selection Day. Two candidates subsequently withdrew prior to the Selection Day.
- 3.4 Selection Day took place on 11 July 2022 with the remaining two shortlisted candidates. Selection involved interviews with a stakeholder panel and General Services Committee.
- 3.5 The stakeholder panel consisted of:

1	Gerard McCleave	Assistant Director Economic Growth & Partnerships, Thurrock Council
2	Leigh Nicholson	Assistant Director Planning, Transport & Public Protection, Thurrock Council
3	Ewelina Sorbjan	Assistant Director Housing Management, Thurrock Council
4	Peter Ward	Commercial Director, Port of Tilbury London
5	Lionel Mazithulela	Youth Cabinet
6	Samuel Okwuonu	Youth Cabinet
7	Sarah Hirt	Panel Facilitator and HR Business Partner, Thurrock Council

- 3.6 The General Services Committee consisted of Cllr Gledhill (Chair), Cllr Coxshall, Cllr Huelin, Cllr Johnson and Cllr Massey. Jackie Hinchliffe, Director of HR, OD and Transformation was also in attendance alongside Anthony Lewis, Director at Tile Hill and Mykela Pratt, Strategic Lead HR, Resourcing and Improvement as Panel Facilitator.
- 3.7 After receiving stakeholder panel feedback, General Services Committee panel unanimously agreed to recommend Kevin Munnely is appointed as the permanent Assistant Director Regeneration and Place Delivery.

#### **4. Reasons for Recommendations**

- 4.1 To appoint to this senior position to ensure the Council has appropriate senior leadership in place to deliver critical services and ambitions.

#### **5. Consultation**

- 5.1 Appointment to this senior management position has been conducted by General Services Committee with the full engagement of key stakeholders. GSC recommends the candidate be approved by Full Council.

5.2 Cabinet were advised of the recommended Assistant Director appointment and no objections were received.

## **6. Implications**

### **6.1 Financial**

Implications verified by: **Sean Clark**  
**Corporate Director Resources and Place Delivery**

This is a substantive post and is therefore included within the council's core budgets.

### **6.2 Legal**

Implications verified by: **Gina Clarke**  
**Corporate Governance Lawyer**

A local authority shall appoint such officers as it thinks necessary for the proper discharge by the authority of such of their functions (section 112 Local Government Act 1972).

Under section 7 of the Local Government and Housing Act 1989, every appointment to a paid office or employment to a Council post must be made on merit.

The Local Authorities (Standing Orders) (England) Regulations 2001 and the Council's Constitution, set out compulsory provisions relating to the appointment of chief officers and deputy chief officers. An offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any member of the executive has been received.

In addition, the proposed appointment must be made in accordance with the Council's Pay Policy Statement.

### **6.3 Diversity and Equality**

Implications verified by: **Rebecca Lee**  
**Team Manager Community Development & Equalities**

This appointment is recommended based on the council's recruitment process which is underpinned by the Council's equal opportunity policy.

**Report Author:**

Mykela Pratt

Strategic Lead HR, Resourcing and Improvement

**Questions from Members to the Leader, Cabinet Members, Chairs of Committees or Members appointed to represent the Council on a Joint Committee in accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.**

There were 2 questions to the Leader and 8 questions to Cabinet Members, Committee Chairs and Member appointed to represent the Council on a Joint Committee.

**1. From Councillor Mayes to Councillor Gledhill**

Could the Leader of the Council outline what the Council and other agencies are doing to tackle the scourge of illegally used and ridden motorbikes, mopeds, quadbikes and electric scooters in Tilbury?

**2. From Councillor C Kent to Councillor Gledhill**

The PSPO covering Grays Town Centre is due for renewal in April 2023. Will the Leader of the Council support, both, it's renewal and its extension; to cover Grays Town Park?

**QUESTIONS FROM MEMBERS TO CABINET MEMBERS, COMMITTEE CHAIRS AND MEMBERS APPOINTED TO REPRESENT THE COUNCIL ON A JOINT COMMITTEE**

**1. From Councillor Polley to Councillor Jefferies**

Can the Portfolio Holder give me an update on when the new resident waste collection service will be introduced?

**2. From Councillor Byrne to Councillor Jefferies**

Is improving the quality of the air that Thurrock residents' breath, in the Portfolio Holders remit?

**3. From Councillor Muldowney to Councillor Coxshall**

Can the Portfolio Holder tell the Chamber what this administration intends to do with the land known as Flat Irons Field opposite Cole Avenue?

**4. From Councillor Chukwu to Councillor Jefferies**

Can the Portfolio Holder for Environment give an update on bin collection problems in Chadwell and when can residents expect performance to improve?

**5. From Councillor Chukwu to Councillor Abbas**

The recent census results showed a change in Thurrock communities. Can the portfolio holder update the chamber on the actions he is taking to promote all cultural activities across Thurrock?

**6. From Councillor Potheary to Councillor Duffin**

Will the Portfolio Holder commit to Thurrock signing up to the Councils for Fair Tax Declaration?

**7. From Councillor G Coxshall to Councillor Maney**

Could the Cabinet Member advise what enforcement has taken place around Somers Heath School in an effort to tackle illegal parking?

**8. From Councillor Kerin to Councillor Johnson**

The recent Schools White Paper, issued on the 28 March 2022, plans to deliver 500,000 teacher training and development opportunities by 2024. What number is Thurrock planning to contribute to this figure?



This report lists all motions from the previous twelve months which still have updates forthcoming. All Motions which have been resolved or the actions from officers have been completed are removed.

Date	From	Motion	Status	Director
23 February 2022	Cllr Redsell	Irresponsible riders of motorbikes and other similar vehicles misusing public and private land are putting our resident's lives and wellbeing at risk. I call on the relevant authority to implement a borough wide PSPO to prevent the unlawful use of these vehicles where the residents have lawful access. This will help protect residents across Thurrock and also make it easier for the police and council to take action.	This continues to be progressed. We have met with our legal team; the Police have agreed the draft wording of the PSPO and are now supporting with collation of the required evidence to justify the need for this order. Upon completion of the collation of the evidence we will be able to agree whether this is a borough wide or specific designated area order. Once agreed, there will be a public consultation.	Julie Rogers
29 June 2022	Cllr J Kent	This Council believes that a free press is a cornerstone of a fully functioning democracy. Therefore, we call on the council to fully engage with all bona fide journalists at Thurrock Nub News and other news organisations in line with the Council's Communication Strategy and reasonable behaviour.	The Council's Communications Team have reopened engagement with the Editor of Thurrock Nub News and have been responding to enquires received from the outlet.	Karen Wheeler

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## **Motions Submitted to Council**

**In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution**

### **Motion 1**

#### **Submitted by Councillor J Kent**

Council notes that the findings of January's Corporate Peer Challenge, and its accompanying action plan, have been published on the council's website. Council believes that it is important that, to ensure members learn from the CPC process, that these documents should be presented to, both, the Corporate Overview and Scrutiny Committee and to Cabinet for formal adoption.

#### **Monitoring Officer Comments:**

The motion relates to a matter affecting the authority's area and relates to a matter in respect of which the Council has a relevant function.

Cabinet and Corporate Overview and Scrutiny are responsible for setting their own work programmes but are able to consider matters which fall within their terms of reference at the request of Full Council.

#### **Section 151 Officer Comments:**

There are no financial implications arising from this motion.

#### **Is the above motion within the remit of Council to approve?**

Yes

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## **Motions Submitted to Council**

**In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution**

### **Motion 2**

**Submitted by Councillor Liddiard**

Given the number of Thurrock homes in flood risk areas, the increasing risk of flooding and the volume of new homes in the emerging Local Plan, Council resolves to create a cross party working group to explore the flood risks, consider the possible impacts within Thurrock and report back with recommendations.

### **Monitoring Officer Comments:**

The motion relates to a matter affecting the authority's area and relates to a matter in respect of which the Council has a relevant function. The Council already has a Local Development Plan Task Force to look at issues related to the Local Plan and officers and Members sit on regional flood defence committees. A Working Group allows officers and Members to work flexibly to cover the terms of reference and provide recommendations to the appropriate body.

### **Section 151 Officer Comments:**

There are no direct financial implications arising from this motion.

### **Is the above motion within the remit of Council to approve?**

Yes

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