

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 **29 June 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**

Open to Public and Press

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<b>1</b>	<b>Apologies for absence</b>	
<b>2</b>	<b>Minutes</b>	<b>9 - 18</b>
	To approve as a correct record the Minutes of the meeting of the Council, held on 25 May 2022.	
<b>3</b>	<b>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</b>	<b>Declaration of Interests</b>	
	To receive any declaration of interests from Members.	
<b>5</b>	<b>Announcements on behalf of the Mayor or the Leader of the Council</b>	
<b>6</b>	<b>Questions from Members of the Public</b>	<b>19 - 20</b>
	In accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.	
<b>7</b>	<b>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</b>	<b>Petitions Update Report</b>	<b>21 - 24</b>
<b>9</b>	<b>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</b>	<b>25 - 78</b>
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<b>16</b>	<b>Questions from Members</b>	<b>347 - 348</b>

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

<b>17</b>	<b>Reports from Members representing the Council on Outside Bodies</b>
<b>18</b>	<b>Minutes of Committees</b>

Name of Committee	Date
Health and Wellbeing Overview and Scrutiny Committee	3 March 2022
Standing Advisory Council on Religious Education	5 January 2022
Planning Committee	7 April 2022
Planning Committee	21 April 2022
Cleaner Greener & Safer Overview and Scrutiny Committee	3 February 2022
General Services Committee	7 February 2022
General Services Committee	10 February 2022
Children's Services Overview and Scrutiny Committee	8 February 2022

<b>19</b>	<b>Update on motions resolved at Council during the previous year</b>	<b>349 - 350</b>
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**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:**

27 July 2022, 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.

Hand sanitiser will also be available at the entrance for your use.

#### **Recording of meetings**

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

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

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

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

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

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

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

## Thurrock Council Wi-Fi

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

- You should connect to TBC-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.

## Evacuation Procedures

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

## How to view this agenda on a tablet device



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

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

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

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



# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

## Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

### Pecuniary

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

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

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

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

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

### Non- pecuniary

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



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

## 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.

#### **June 1942**

DEAN Ronald L  
SMITH Charles  
PAVITT Herbert J

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## Minutes of the Meeting of the Council held on 25 May 2022 at 7.00 pm

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**Present:** Councillors Qaisar Abbas, John Allen, Alex Anderson, Paul Arnold, Chris Baker, Gary Byrne, Adam Carter, Daniel Chukwu, Gary Collins, George Coxshall, Mark Coxshall, Jack Duffin, Tony Fish, Robert Gledhill, James Halden, Shane Hebb, Victoria Holloway, Deborah Huelin, Andrew Jefferies, Barry Johnson, Tom Kelly, Cathy Kent, John Kent, Martin Kerin, Steve Liddiard, Susan Little, Ben Maney, Fraser Massey, Allen Mayes, Sara Muldowney, 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:** Councillor Colin Churchman

**In attendance:** Lyn Carpenter, Chief Executive  
Jackie Hinchliffe, Director of HR, OD & Transformation  
Sheila Murphy, Corporate Director of Children's Services  
Julie Rogers, Director of Public Realm  
Ian Wake, Corporate Director of Adults, Housing & Health  
Karen Wheeler, Director of Strategy, Engagement & Growth  
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 the meeting was being streamed on the Council's YouTube channel.

Councillor Shinnick said a few words to say it had been an absolute honour to represent the borough as Mayor of Thurrock. Although this had not been easy at times the positives had easily outweighed the negatives with some lovely memories being taken away and she would treasure every one of them. In her time as Mayor, she had met some inspiring residents and attended some amazing events held in the local communities.

Councillor Shinnick thanked all NHS workers, carers and community volunteers who had continued to support families and individuals across Thurrock. She thanked Councillor Liddiard for acting as her consort this year and extended thanks to all councillors, friends and family who had played their part in attending events that had supported her fund-raising events. Thanks were also given to Reverend Canon Darren Barlow, Georgia Martin and Member Services.

Lastly, Councillor Shinnick wished Councillor Halden good luck as he takes over his new role this evening and had no doubt that he would work hard to represent the council both in Thurrock and when attending events in neighbouring boroughs.

## **1. Minutes**

The minutes of the meeting of Council held on the 23 February 2022 were approved as a correct record.

## **2. To elect and install the Mayor for the municipal year 2022/23**

Nominations were invited for the election of Mayor for the Municipal Year 2022/23.

It was proposed by Councillor Gledhill, and seconded by Councillor J Kent, that Councillor Halden be elected Mayor of the Borough and Chair of the Council for the Municipal Year 2022/23.

It was declared that Councillor Halden had been duly elected as Mayor of the Borough and Chair of the Council for the Municipal Year 2022/23.

Councillor Halden signed the Declaration of Acceptance of Office.

The new elected Mayor made a speech by thanking Councillor Shinnick for her efforts and services over the past year. Councillor Halden stated he had a profound belief in openness of democracy in Thurrock and with a belief in Thurrock's potential he proposed that the theme for his mayoralty would be for the borough to be open for centuries more. With ambition, Councillor Halden believed that Thurrock would rival London's square mile very shortly. Councillor Halden intends to roll out the red carpet for the borough and to launch a mayoral role of honour where there are communities, charities, industries, businesses, individuals and partners who are undertaking remarkable work and to honour those groups.

Councillor Halden's mayoral charities would be the Neonatal Intensive Care Unit at Basildon University Hospital and have a main focus on Refugee Children, Families and those that support them.

Councillor Halden appointed Reverend Canon Darren Barlow as his Mayoral Chaplain.

Councillor Halden stated he was ready to get to work and promised to give every hour and all his energy to this role.

The Leader made thanks to Councillor Shinnick for her services during her year as Mayor and although a difficult year she had coped and had kept the dignity of council throughout this time. The Leader agreed that Councillor Halden would bring a different aspect and flare to this mayoral role in making Thurrock a better borough and looked forward to being part of that.



Councillor J Kent welcomed the newly elected, re-elected and returning members this evening and stated that those who stood for their local council did so as they wanted to make a difference to their local community and wished them all well in their term of office. Councillor J Kent thanked Councillor Shinnick for her year of service and agreed the year should have been different as Councillor Shinnick had only chaired one meeting in the council chamber. Councillor J Kent stated Councillor Shinnick had no mayor's parlour this year and thanked her for inviting members to join her in the new mayor's parlour this evening and thanked Councillor Shinnick for the successful civic dinner. Throughout her year as Mayor, Councillor Shinnick had faced challenges with dignity and with a sense of humour, had been a fair and good-humoured chair and a great advocate for Thurrock and outside of Thurrock a great ambassador for Thurrock. Councillor J Kent congratulated Councillor Halden on his election for the year ahead and recognised he will be fair and partial at meetings which would be vital in the democratic process in Thurrock.

Councillor Byrne echoed the kind words delivered this evening and thanked Councillor Halden for his continued support, it had been a pleasure working with him on the Homesteads and congratulated him on his new role as Mayor.

Councillor Coxshall stated how proud he was of Councillor Halden in what he had achieved over the last 15 years when he had first started his political career.

Councillor Hebb stated Councillor Halden was one of most caring persons he knew, and the choice of charities had displayed this. Councillor Halden was a good friend and wished him good luck for his mayoralty. Councillor Hebb thanked Councillor Shinnick for her year as mayor and wished her well in her next chapter.

Councillor Abbas thanked Councillor Shinnick for all the services she delivered as Mayor and wished Councillor Halden well in his role.

Councillor Redsell thanked Councillor Shinnick and also wished Councillor Halden the very best in his role as Mayor.

## **RESOLVED**

**That Councillor Halden be duly elected as Mayor of the Borough and Chair of the Council for the Municipal Year 2022/23.**

### **3. Items of Urgent Business**

The Mayor informed the Council that he had not agreed to the consideration of any items of urgent business.

**4. To elect and install the Deputy Mayor for the municipal year 2022/23**

Nominations were invited for the election of Deputy Mayor for the Municipal Year 2022/23.

It was proposed by Councillor Gledhill and seconded by Councillor M Coxshall that Councillor Little be appointed Deputy Mayor of Thurrock for 2022/23.

It was proposed by Councillor J Kent and seconded by Councillor Worrall that Councillor Holloway be appointed Deputy Mayor of Thurrock for 2022/23.

A vote was undertaken on both nominations with 31 votes for Councillor Little and 14 votes to Councillor Holloway, the Mayor declared that Councillor Little be duly elected as Deputy Mayor for the municipal year 2022/23.

Councillor Little paid thanks for her election to Deputy Mayor and would be happy to act as the mayor's deputy and support him as much as possible. Councillor Little wished the new Mayor good luck in his new role.

Councillor Little confirm her consort would be Brian Little.

Councillor Little signed the Declaration of Acceptance of Office.

**RESOLVED**

**That Councillor Little be appointed Deputy Mayor of the Borough and Vice-Chair of the Council for the municipal year 2022/23.**

**5. Declaration of Interests**

No interests were declared.

**6. Announcements on behalf of the Mayor or the Leader of the Council**

The Leader started his announcements by welcoming all re-elected, new and returning members to the meeting this evening.

New Building – Opened early April for the first wedding ceremonies held in the Lacey Room and in the Mulberry Suite. Meeting had been held in committee rooms one and two separately with tonight's event being the first meeting in both and it being transmitted live into the Mulberry Suite as a test to ensure other larger events can take place. The Leader had been informed that the public areas would start to open on 8 June, again to test its functionality. This would include private areas for those who truly need to see officers face to face and a discrete area for residents who had been made homeless to seat.

Members could see the open parts of the building had been finished to a high standard something that we are ensuring will be across the whole of building. The Council Chamber was progressing well but as with any construction project of this size had not been helped by the national, and indeed

international, shortage and delay on materials or craftspeople. The Leader stated they would deliver a chamber that would stand for many generations to come.

This new wing of the Civic Offices was part of the exciting regeneration of Grays that we will see over the coming years and how the Council was financially backing the regeneration of the borough.

Jubilee Celebrations - Thurrock, much like the rest of the country, was getting ready to celebrate the Platinum Jubilee, the first time a monarch had reached this incredible milestone. Earlier this year new trees had been planted across the borough as part of the Queen's Green Canopy. Those trees would each have a plaque commemorating the event and they would grow and thrive as they served as a living celebration of this auspicious year. The Leader announced that beacons would be lit in Bulphan, Coalhouse Point, Purfleet-on-Thames and Tilbury Fort on 2 June at 9.45pm, joining 1,500 beacons being lit throughout the country and commonwealth. The Leader thanked forums and charities for holding these events and to English Heritage for organising the event at Tilbury Fort. There would also be a series of activities in libraries with a special exhibition at Thurrock Museum as well as all the street parties and Big Jubilee Lunches taking place across the borough.

Commonwealth Baton - Thurrock would also be thrust into the spotlight on Friday 8 July when the Birmingham 2022 Queen's Baton Relay will visit Thurrock during its final journey through the country this summer. Thurrock will be delighted to play a part in the 16th official Queen's Baton Relay, and the Port of Tilbury had the honour of welcoming the Baton through the London International Cruise.

Windrush 2022 - The motto 'By Thames to all People of the World' reflected the important role the River Thames, Tilbury Docks and Thurrock continued to play in facilitating world trade, travel and communication. Tilbury was home to historical events such as the rallying of troops against the threat of invasion in 1588 and the arrival of the first large groups of post-war Caribbean settlers in 1948 on the 'Empire Windrush'. On 22 June, Tilbury would be part of the Windrush 2022 celebrations when 180 people – including some who arrived at Tilbury on the original Windrush sailing - would sail from Waterloo Pier to the dock where the MV Empire Windrush originally docked in Tilbury and the journey will end at the walkway of memories which opened last year to commemorate the arrival of the Windrush Generation and all they have contributed to this country.

New Towns Fund – Would be moving forward with the two towns funds boards to deliver impacting changes to both Grays and Tilbury. They would start to deliver beaches, youth and community provision, new ferry access, better connectivity both physically and electronically to improve both towns. We had towns funds boards, businesses, council officers, residents and elected members all wanting this to happen, and we would be updating everybody on progress as and when it happened.

The Thames Freeport had now started to open for business and had made a good start, Tilbury 2 Port had opened making 160 acres of port facilities available for shipping companies around the world. Thames Freeport would generate £4.5 billion of new public and private investment into jobs, skills, communities, infrastructure and would create 21,000 direct jobs in the industry trade.

To achieve this the Leader announced that the new Deputy Leader would be Councillor Mark Coxshall and appointed a new cabinet as follows:

<b>Portfolio</b>	<b>Portfolio Holder</b>
Public Protection	Cllr Gledhill
Highways and Transport	Cllr Maney
Communities and Equalities	Cllr Abbas
Housing	Cllr Spillman
Children's Social Care and Education	Cllr Johnson
Health and Health	Cllr Huelin
Finance and Communication	Cllr Duffin
Regeneration and External Affairs	Cllr M Coxshall
Transformation and Performance	Cllr Hebb
Environment and Air Quality	Cllr Jefferies

Councillor Gledhill made a fond temporary farewell to Councillors Mayes who requested that he expand his knowledge and became the chair of Housing Overview and Scrutiny to pick up how that area of delivery worked.

## **7. The Localism Act 2011 - Appointment of Independent Persons**

The Leader of the Council introduced the report and thanked Sarah Cooper-James for the services that she had provided to Thurrock over the last eight years. To maintain that independence, the Leader proposed changes to the recommendations as amended below.

Members agreed with the amended recommendations.

### **RESOLVED**

- 1. That, for the purposes of section 28 of the Localism Act 2011, the Council agree to continue the appointment of Sarah Cooper-**

**James as its Independent Persons until no later than the Annual Meeting of the Council in 2024.**

- 2. That the Council agree for the Monitoring Officer to immediately undertake further recruitment of Independent Persons to increase resilience in the standards arrangements of the Council. Any successful candidate will be recommended to Full Council to approve the appointment.**

## **8. Committees and their Terms of Reference**

The Leader of the Council recommended the report be moved as written. Members agreed to the recommendations.

### **RESOLVED**

- 1. That the Overview and Scrutiny Committees listed in paragraph 3.2 of the report be established for the 2022/23 municipal year, with their terms of reference being those set out in Chapter 4 of the Constitution.**
- 2. That the Committees listed in paragraph 3.4 of the report be established for the 2022/23 municipal year, with their terms of reference being those set out in Chapter 5 of the Constitution.**

## **9. Allocation of Committee Seats and Committee Appointments**

The Mayor informed Members the nominations of Group Leaders to the places allocated on committees, and the nominations for Chairs and Vice Chairs of committees had been received.

The nominations made to Committees for the municipal year 2022/23, together with the nominations for the positions of Chair and Vice Chair, were set out in a booklet tabled for Members. The Leader of the Council recommended the report be moved as written.

Councillor Gledhill made the following amendments to the nominations received:

- Offered a seat to Councillor Allen on the Planning, Transport and Regeneration Overview and Scrutiny Committee.
- Offered the vice chair position to Councillor Allen on the Planning, Transport and Regeneration Overview and Scrutiny Committee.
- Replaced Councillor Churchman with Councillor Thandi on the Planning Committee.

The Leader of the Opposition recommended the voting was undertaken as a slate block vote for those contested chair and vice positions. When put to the vote the majority of members agreed with the recommendation.

Members agreed to approve the recommendations.

## **RESOLVED**

- 1. That the allocation of seats, as set out in Appendix 1, was approved.**
- 2. That the nominations of the political groups to seats on committees were approved, as set out in Appendix 2.**
- 3. That the non-voting co-opted members of the Planning Committee, the Standards and Audit Committee, the Health and Wellbeing Overview and Scrutiny Committee, the Housing Overview and Scrutiny Committee, the Children’s Services Overview and Scrutiny Committee and the Corporate Parenting Committee were appointed.**
- 4. That the Chairs and Vice-Chairs of committees be appointed, as set out below:**

<b>Committee</b>	<b>Chair</b>	<b>Vice Chair</b>
Children’s Services Overview and Scrutiny Committee	Cllr Carter	Cllr G Coxshall
Cleaner Greener and Safer Overview and Scrutiny Committee	Cllr Redsell	Cllr Thandi
Corporate Overview and Scrutiny Committee	Cllr Snell	Cllr Arnold
Extreme and Hidden Harms Prevention Committee	Cllr Collins	Vacant
Health and Wellbeing Overview and Scrutiny Committee	Cllr Ralph	Cllr Piccolo
Housing Overview and Scrutiny Committee	Cllr Mayes	Cllr Churchman

Planning Transport and Regeneration Overview and Scrutiny Committee	Cllr Anderson	Cllr Allan
Corporate Parenting	Cllr Carter	Cllr Pearce
General Services	Cllr Gledhill	Cllr M Coxshall
Health and Wellbeing Board	Cllr Huelin	-
Licensing Committee	Cllr Collins	Cllr Ononaji
Planning Committee	Cllr Kelly	Cllr Polley
Standards and Audit Committee	Cllr Rigby	Cllr Ononaji

#### 10. Appointments to Outside Bodies, Statutory and Other Panels

The nominations of the political groups to Outside Bodies, Statutory and Other Panels were detailed in the booklet tabled for Members.

The Leader of the Council recommended the report be moved as written with an amendment to add Councillor G Coxshall to the Local Government Association outside body.

The Leader of the Opposition recommended the voting was undertaken as a slate block vote for those contested outside body positions. When put to the vote the majority of members agreed with the recommendation.

#### RESOLVED

1. That the nominations to Outside Bodies, Statutory and Other Panels was approved.
2. That outside bodies, statutory and other panels to be appointed, as set out below.

Impulse Leisure	Cllr M Coxshall
Thurrock Play Network	Cllr Carter
Tilbury Community Local	Cllr Abbas

**11. Schedule of Meetings 2022/23**

The Leader of the Council introduced the report to which Members agreed the recommendation.

**RESOLVED**

**That the Calendar of Meetings for 2022/23 was approved.**

**12. Schedule of Elections and Order of Retirement of Councillors**

The Leader of the Council recommended the report be moved as written. Members agreed to note the recommendation.

**RESOLVED**

**That the Schedule of Elections from 2023 to 2026 and Order of Retirement of Councillors was noted.**

**The meeting finished at 7.59 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)**



## QUESTIONS FROM MEMBERS OF THE PUBLIC

1 question received from members of the public.

### 1. **From Mr Perrin to Councillor Spillman**

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?

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## Petitions Update Report

Petition No.	Description	Presented (date)	Presented (by)	Responsible Director	Status
561	Ask the Council to reconsider a previous rejection of applying Residents Parking to Richmond Road.	23/2/2022	Council	Julie Rogers	The Council undertook a Public Consultation in 2018 to provide a Parking Permit Area (PPA) for residents of Richmond Road. The majority of representations received objected to the scheme and as a consequence the Portfolio Holder decision was to not proceed, the budget allocation being reinvested to other parking schemes. Since 2018, the Council have adopted new policies for area wide intervention measures. The Richmond Road area currently does not meet the intervention threshold compared to other areas but will continue to be assessed to ascertain if the location can be considered within a future works programme, or if the Council need to consider intervention to protect the public from risk of injury or where serious deterioration of the network might occur.
562	Keep Thurrock's park and open spaces free of car parking charges	3/5/2022	Online	Julie Rogers	The Council has carefully considered the benefits and impacts of introducing charges at Thurrock's parks and open space car parks. Due to a lack of income from these car parks, they have not been maintained to the same standard as charged car parks. In many instances the surfaces are damaged and uneven. Remedial work on the car parks will be undertaken prior to charges being levied. This will ensure that in future these car parks are maintained to the same high standards as others. The lack of parking enforcement also means these car parks do not receive regular patrols leaving these areas more prone to abandoned vehicles, fly tip, traveller incursions,

# Petitions Update Report

				<p>ASB and nuisance behaviour. In addition to the generation of income from the parking areas, the additional objectives to be achieved through these changes include: improve the car park environment, to the benefit of motorists and pedestrians, reduce obstructions/hazards to pedestrians and motorists, improve car park security and safety for users, reduce ASB in the areas and increase turnover of vehicles and ensure fair access to all users.</p> <p>There is an expectation that Civil Enforcement Officers, whilst undertaking their normal enforcement duties in car park areas will also carry out routine inspections and report any faults or defects for remedial works. A recent survey and inspection of these unrestricted car parks has identified extensive remedial works are required to bring the standards to an acceptable level. The Council will be at risk of frequent insurance and compensation claims if these essential works are not carried out. The introduction of parking charges not only improves the quality and safety of the sites, but provides a revenue stream for the service. It is important to note that income from Parking Charges and Parking Enforcement is ring-fenced. This means that the income generated is required to be re-invested in either parking enforcement or maintenance of parking related infrastructure such as the surfacing of car parks, signs and lines to enable drivers to be aware of parking restrictions or other measures that can make our roads safer for all users. Implementing these schemes will also ensure the car parks receive regular enforcement patrols which will</p>
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# Petitions Update Report

					<p>deter and reduce crime and ASB at these locations and encourage and empower residents to make use of the facilities provided. Notwithstanding this, the Council has a legislative obligation to consult the Public on these changes through the Traffic Regulation Order process for on street and off-street parking places. This process will require a Statutory Consultation Period for anyone to make representations on the proposals. Furthermore, any representations made will be included in a report for the Council's Portfolio Holder for Highways &amp; Transportation to make an informed decision on each location going forward. As this process has yet to be undertaken, whilst the Council investigates each site for the TRO process, no further comment can be made. However, as lead petitioner, once the TROs are published, you will be informed of the consultation period and what you will need to do to make any representation. The improved surfacing and safety of the sites is anticipated to be of benefit for all. As with all Council managed car parks appropriate provision for Blue Badge holders will be ensured.</p>
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<b>29 June 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 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

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**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:  
Licensing Department, Civic Offices, New Road, Grays, Essex, RM17 6SL.  
Email: [licensing@thurrock.gov.uk](mailto:licensing@thurrock.gov.uk), Telephone: 01375 652 879

**STATEMENT OF LICENSING POLICY**

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## **A Profile of Thurrock**

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

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

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

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

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

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

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

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

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

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

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

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

# **THURROCK COUNCIL STATEMENT OF LICENSING POLICY**

## **1.0 INTRODUCTION**

### **Introduction**

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

### **The Licensing Objectives**

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



## **Statement of Licensing Policy**

- 1.6 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.7 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act. It has been drafted in partnership with the Essex Joint Licensing Officers' Forum and the Thurrock Community Safety Partnership.
- 1.8 This Policy Statement takes effect on 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**



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## **APPENDIX 1**

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

- ⇒ Guidance issued under Section 182 of the Licensing Act 2003 [www.gov.uk](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>29 June 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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# 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 there 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>	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:</p> <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>	<p>An arrangement where:</p> <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.

<p><b>Vulnerable Persons</b></p>	<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>
<p><b>Young Person</b></p>	<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>ئەم پەرانەى ھاو پىچىراون زۆر گىرنگن  ئەگەر تۆ گىرقتت ھەيە ئەگەل خويندەنەو ەيان تىگە يىشتنى نوسراوى ئىنگىلىزى  ئەوا تىكايە پەيوەندى بە يەكىكەو ەبکە کە بتوانىت بە زووترىن کات يارمەتیت 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>29 June 2022</b>	<b>ITEM: 12</b>
<b>Council</b>	
<b>Taxi 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 DFT have published the Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. A policy has been developed that brings together the Council's existing policies and procedures into one policy document, reviewing areas of existing policy to ensure that the minimum standards are met. The Policy has been produced and consulted on, the consultation response has been considered by the Licensing Committee with the final version agreed and ready for adoption.

### 1. Recommendation(s)

#### 1.1. That the Committee –

- (a) **Adopts the Taxi Licensing Policy as attached at Appendix A, to come into effect from the 1 October 2022.**

### 2. Introduction and Background

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

2.2 The main aspects of the standards are:

- Administering the licensing regime including a local licensing policy.
- Decision making including training of decision makers.

- Gathering and sharing information. Including the use of the Disclosure and Barring Service (DBS) checking process, and sharing of information with other licensing authorities
  - Fit and proper test including relevance of criminal convictions
  - Minimum requirements for driver licensing.
  - Criminality checks for vehicle licence holders
  - CCTV in vehicles
  - Criminality checks for operator licences
  - Operator record keeping requirements
- 2.3 Thurrock Council has a number of policies, procedures and conditions that relate to the licensing of Hackney Carriage Vehicles and Drivers, Private Hire Vehicles, Drivers and Operators.
- 2.4 In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on Taxi and Private Hire vehicle licensing. A single policy document titled Hackney Carriage and Private Hire Licensing Policy has been created, attached as **Appendix A**.
- 2.5 This policy updates the existing Statements of Policy and Guidelines relating to the relevance of Convictions, Formal/Simple Cautions, Complaints and /or other matters, that has been updated to reflect the assessment of previous convictions provided in the standards.
- 2.6 The Private Hire Driver Conditions have been updated to reflect the timeframe and scope that notifications of convictions etc. need to be made to Council. The driver dress code has also been updated.
- 2.7 The additional Private Hire Driver pre licensing requirements have been added which is in line with the standards:
- Sign up to the DBS update service (after the initial DBS check has been completed).
  - The requirement for a Certificate of Good Conduct has been updated to be in line with the national standards.
  - Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of hackney carriage and private hire licence.
  - Have met the Council's Language proficiency requirements.
- 2.8 The Private Hire Operator Conditions have been updated to reflect the revised records that need to be kept and the requirement to check the suitability of employees against the council's suitability criteria. The Private Hire Operator pre licensing requirements also now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council), with a fit and proper test being applied to the applicant.

- 2.9 The Hackney Carriage and Private Hire Vehicle specification and licence conditions remains largely unchanged, with the exception of different standards with regards to electric private hire vehicles.
- 2.10 The Vehicle Proprietor pre licensing requirements now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council), with a fit and proper test being applied to the applicant.

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

- 3.1 The Council as a Licensing Authority must comply with the National Standards unless it has good reason not to do so. In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing the existing policies and procedures have been updated to reflect the requirements of the national standard.
- 3.2 Changes to Council policy will come into immediate effect for new licence applicants once the policy is adopted. Changes to suitability criteria around criminal convictions will also be applied with immediate effect to existing licence holders. Changes around training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed.
- 3.3 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 Taxi Licensing Policy as attached as **Appendix A**, be approved, and recommend to Full Council that it be adopted and come into effect at least two months after adoption.

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

- 5.2 Consultation has also been undertaken with other stakeholders such as disability access groups, safeguarding and transport professionals.
- 5.3 The draft policy has also been published on the Council's online consultation portal for comments by the public.
- 5.4 The consultation period ran from 30 July 2021 to 12 September 2021.

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

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

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**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 introduction of the national standards by the Department of Transport must be applied to the Council's policies and procedures unless there is good reason not to do so. The final policy will need to be adopted by Full Council.

### **7.3 Diversity and Equality**

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

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

- 7.4 **Other implications** (where significant) – i.e. Staff, Health 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):
  - Statutory Taxi and Private Hire Standards.
  - IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.
  
9. **Appendices to the report**
  - **Appendix A** – Taxi Licensing Policy

**Report Author:**

Paul Adams  
Licensing Manager  
Licensing Team, Public Protection

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# **Hackney Carriage and Private Hire Licensing Policy**

**1 October 2022 – 30 September 2027**

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## 1. Introduction

- 1.1. The overriding aim of Thurrock Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.2. This policy brings together, into one cohesive document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in Thurrock.
- 1.3. Each case will always be considered on its merits having regards to this policy. Thurrock Council will only depart from this policy where it considers appropriate to do so. This will normally happen where Thurrock Council considers that there are exceptional circumstances which warrant a different decision.
- 1.4. This policy came into effect on the 1 October 2021 and will be reviewed every 5 years, or sooner should there be a significant issue in Borough, or reason to consider all or part of this policy.
- 1.5. This policy has been developed with regards to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. Consultation on this policy has been undertaken with both the Hackney Carriage and Private Hire trade; and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest etc. a full list of those that were consulted is attached as Appendix H.
- 1.6. This policy will come into immediate effect for new licence applicants. For existing licence holders, the suitability criteria around criminal convictions will be applied with immediate effect, along with the conditions of licences. Changes of training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed. Where this is the case the time frame given will be stated in this policy against the requirement.

## 2. Decision Making

- 2.1. The taxi and Private Hire Vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer.
- 2.2. Thurrock Council's Scheme of Delegation is attached as Appendix H
- 2.3. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Licensing Committee or by its Licensing Sub-Committee. The Thurrock Council Constitution is published on the [Council's website](#).

- 2.4. All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Members and Officers. This training will at least meet the minimum requirements of the DFT standards. Member training requirements and obligations are contained within the Council Constitution.

### 3. Failure to Disclose Information

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

### 4. Complaints against licence holders

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

## 5. Driver Licences

### 5.1. Overview

- 5.1.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by Thurrock Council, must hold the relevant driver's licence that is also issued by Thurrock Council.
- 5.1.2. For the purposes of this policy the term "driver's licence" will refer to a Hackney Carriage or Private Hire Driver's licence, or a Combined licence where the holder is entitled to drive both types of vehicles.
- 5.1.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).
- 5.1.4. In determining if a person is "fit and proper", this authority will consider the updated expression "safe and suitable" and will largely apply the test:  
  
'Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'
- 5.1.5. Failure to comply with any pre licensing requirement or condition of the licence may be grounds for refusal of application or revocation of the licence for that reason alone.

### 5.2. Duration of Licences

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

### 5.3. Pre-Licensing Requirements

- 5.3.1. To qualify for a driver's licence you must:
  - Be aged 21 or over.
  - Hold a full DVLA or equivalent driver's licence for at least 3 years.
  - Have the right to work in the UK.
  - Complete the tax check requirements for taxi and private hire drivers.
  - Submit a fully completed application form.
  - Be subject to an Enhanced DBS check
  - Sign up to the DBS update service (after the initial DBS check has been completed).

- If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
- Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence.
- Have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard.
- Have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria.
- Have passed the Council's Knowledge Test.
- Have met the Council's approved disability awareness training requirements.
- Have met the Council's Language proficiency requirements.
- Have paid the licence fee (please see current fees list).

#### 5.4. Disclosure and Barring Service (DBS) Check

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

#### 5.5. Assessment of Previous Convictions

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



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

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

## 5.7. Medical Fitness Criteria

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

## 5.8. Safeguarding and Child Sexual Exploitation Awareness Training

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

## 5.9. Disability Awareness Training

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

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

#### 5.10. Language Proficiency Requirements

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

#### 5.11. Knowledge Test

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

#### 5.12. Conditions

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

#### 5.13. Private Hire Driver Conditions

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

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

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

#### 5.14. [Hackney Carriage Bylaws - Drivers](#)

5.14.1. The following are the relevant bylaws of Thurrock Council that relate to the driver of a Hackney Carriage Vehicle.

5.14.2. The driver of a hackney carriage shall:

5.14.2.1. If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":

5.14.2.1.1. When standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;

5.14.2.1.2. As soon as the carriage is hire by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring.

5.14.2.2. If the taxi meter is not fitted with a flag or other device bearing the words "FOR HIRE":

5.14.2.2.1. When standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taxi meter and operate the sign provided in pursuance of byelaw 5 so that the words

“FOR HIRE” are clearly and conveniently legible by persons outside the carriage;

5.14.2.2.2. As soon as the carriage is hired whether by distance or by time, operate the said sign so that the words “FOR HIRE” are not conveniently legible by persons outside the carriage;

5.14.2.2.3. As soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word “HIRED” is legible on the face of the taximeter in action until the termination of the hiring.

5.14.2.2.4. Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Act 1957 and also at any other time at the request of the hirer.

5.14.3. The proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

5.14.4. The driver of a hackney carriage shall when plying for hire in any street and not actually hired,

5.14.4.1. Proceed with reasonable speed to one of the stands fixed by byelaw in that belief;

5.14.4.2. If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

5.14.4.3. On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

5.14.4.4. From time to time when any other carriage immediately in front is driven off or forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

5.14.5. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

5.14.6. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

- 5.14.7. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 5.14.8. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 5.14.9. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
- 5.14.10. The driver of a hackney carriage so constructed as to the carry luggage shall when requested by any person hiring or seeking to hire the carriage,
- 5.14.10.1. Convey a reasonable quantity of luggage;
  - 5.14.10.2. Afford reasonable assistance in loading and unloading;
  - 5.14.10.3. Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
- 5.14.11. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as reasonably practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- 5.14.12. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him,
- 5.14.12.1. Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it,
  - 5.14.12.2. Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five new pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the council, whichever be greater) but not more than five pounds.

## 6. Private Hire Operator Policy and Conditions

### 6.1. Overview

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

## 6.2. Duration of Licences

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

## 6.3. Suitability of applicant/licence holder

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

## 6.4. Pre Licensing Requirements

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

## 6.5. Conditions

- 6.5.1. Existing licence holders will need to be compliant with all the below condition within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

### 6.5.2. General Conditions

- 6.5.2.1. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.



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

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

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

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

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

#### 6.6. [Booking and Dispatch Staff](#)

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

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

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

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

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

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

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

## 6.7. Record Keeping

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

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

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

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

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

## 7. Vehicle Licences

### 7.1. Overview

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

### 7.2. Duration of Licences

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

### 7.3. Suitability of the Applicant/Licence Holder

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

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

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

### 7.4. Pre Licensing Requirements

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

- A completed application form
- A basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council)
- If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
- The fee (please see current fees list)

- The original V5C vehicle registration certificate (logbook), which must be in the applicant's name and current address.
- Proof of ownership by means of bill of sale or hire purchase agreement.
- A current MOT test certificate.
- A valid vehicle test sheet issued by Thurrock Council approved testing garage
- A valid insurance certificate.
- The old licence plate and window card (if renewing the licence)
- If the vehicle is hired or leased, proof of hire the contract must be provided which must clearly state that that the vehicle will be used as a licensed vehicle. In these circumstances the logbook may remain in the name of the organisation providing hire.

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

#### 7.5. [Hackney Carriage Vehicle Pre- Licence Standards.](#)

7.5.1. The vehicle must:

7.5.2. Be wheelchair accessible with 8 or less passenger seats. Those Hackney Carriage proprietors whose vehicles were a saloon, estate or multi-passenger vehicle on 1 February 2014 will be permitted to replace their vehicle with a vehicle that is not wheelchair accessible, if the licence is transferred to a new proprietor then any replacement vehicle thereafter must be a wheelchair accessible vehicle.

7.5.3. When first submitted for licensing, must be less than 4 years of age.

7.5.4. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.

7.5.5. Any vehicle accepted for licensing as a Hackney Carriage Vehicle, may only be replaced by a vehicle that is younger by reference to the dates of first registration.

7.5.6. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.

7.5.7. Be suitable in size and design for use as a Hackney Carriage Vehicle and to the manufacturer's specification have:

7.5.8. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16½").

7.5.9. Seats (length): The length of the seat from the back to the front edge must be a minimum of 43cm (17")

- 7.5.10. Knee Space: The measurement between the rear of the front seats and the back of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
- 7.5.11. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted.)
- 7.5.12. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 7.5.13. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 7.5.14. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 7.5.15. Have accommodation for not less than 4 passengers.
- 7.5.16. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 7.5.17. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 7.5.18. Have adequate luggage facilities, which must be separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
- 7.5.19. In London style vehicles, the area next to the driver shall be deemed to be the luggage space and no provision for seating shall be permitted there.
- 7.5.20. Have a parcel shelf or similar fitted, where the vehicle design allows for.

#### Wheelchair Accessible Vehicles

- 7.5.21. Any proprietor who has a Hackney Carriage Vehicle licence for a wheelchair accessible vehicle, must in future, only replace the vehicle with a wheelchair accessible vehicle.
- 7.5.22. Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing. Those Hackney Carriage proprietors whose vehicles are rear loading on 1 February 2014 shall replace their vehicle with a vehicle that is side loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 10 years of age.

- 7.5.23. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

#### Electric Vehicles

- 7.5.24. Hybrid vehicles are not included in this section, only fully electric vehicles are subject to these alternative standards.
- 7.5.25. The vehicle must be suitable in size and design for use as a Private Hire Vehicle.
- 7.5.26. The number of passengers that the vehicle will be licensed to carry will be determined by the seat size as specified in sections 7.5.8 – 7.5.10 above. Any seats that do not meet the size specification will not be included in the vehicle's capacity, regardless of the number of seats shown on the vehicle logbook.
- 7.5.27. The number of passengers that the vehicle is licensed to carry can be less than 4.
- 7.5.28. The vehicle must have adequate luggage facilities, which must be provided separate from the passenger carrying compartment. As a minimum, vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.

#### Minibus and Multi Passenger Vehicles

- 7.5.29. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 7.5.30. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

#### Tinted Windows

- 7.5.31. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced.

#### Taximeter

- 7.5.32. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys

equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

#### LPG Vehicles

7.5.33. A hackney carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:

7.5.34. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.

7.5.35. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

7.5.36. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.

7.5.37. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.

7.5.38. The vehicle is serviced by a person competent in LPG powered vehicles.

#### Vehicle Inspections

7.5.39. Thurrock Council reserves the right to examine any vehicle before the grant of a Hackney Carriage Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.

7.5.40. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

- Upon initial application (regardless of the age of the vehicle)
- Annually in respect of vehicles up to 5 years old.
- Six monthly in respect of vehicles over 5 years old and up to 8 years old.
- Four monthly in respect of vehicles over 8 years old

## 7.6. Hackney Carriage Vehicle Licence Conditions

- 7.6.1. Satisfy the Hackney Carriage Vehicle Licence Pre-Licensing Standards adopted by Thurrock Council at all times.

### Safety Equipment

- 7.6.2. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. The extinguisher must be located in a secure and easily accessible position, in the boot or front cab of the vehicle. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type. NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.
- 7.6.3. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 7.6.4. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

### Interior Markings

- 7.6.5. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
- The vehicle window card licence.
  - The tariff card supplied by the Council shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling inside the vehicle.
  - "No Smoking" signs shall be displayed on both rear passenger door windows.

### Exterior Signs

- 7.6.6. The proprietor shall ensure that:
- 7.6.7. The licence plate issued by Thurrock Council identifying the vehicle as a Hackney Carriage shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.
- 7.6.8. The Hackney Carriage plate shall not be concealed from public view or defaced in any way.



- 7.6.9. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Hackney Carriage vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.
- 7.6.10. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.
- 7.6.11. The door stickers shall not be concealed from public view or defaced or altered in any way.
- 7.6.12. A roof sign capable of being illuminated and showing to the front and rear the word "TAXI" the light for which should automatically be extinguished when the taxi meter is engaged. London style and other taxis with signs forming an integral part of the roof are acceptable.

#### Trailers and Roof Boxes

- 7.6.13. A proprietor of a licensed Hackney Carriage vehicle will be permitted to tow a trailer provided that:
  - 7.6.14. The trailer complies with all legal requirements (please see Annex 2 for further guidance).
  - 7.6.15. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
- 7.6.16. A proprietor of a licensed Hackney Carriage vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

#### CCTV

- 7.6.17. A proprietor of a licensed Hackney Carriage vehicle will be permitted to install CCTV provided that the CCTV complies with all legal requirements (please see Annex 2 for further guidance).

#### Advertising

- 7.6.18. A proprietor of a Hackney Carriage shall ensure that the display of advertising materials is restricted to the following:
  - 7.6.19. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.
  - 7.6.20. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.

- 7.6.21. All product advertising must be professionally applied, and no reflective materials may be used.
- 7.6.22. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.6.23. Internal advertising is permitted subject to approval by the Council.
- 7.6.24. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

#### Vehicle Inspections

- 7.6.25. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
- Upon initial application (regardless of the age of the vehicle)
  - Annually in respect of vehicles up to 5 years old.
  - Six monthly in respect of vehicles over 5 years old and up to 8 years old.
  - Four monthly in respect of vehicles over 8 years old
- 7.6.26. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 7.6.27. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 7.6.28. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 7.6.29. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

#### General Conditions

- 7.6.30. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 7.6.31. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.

- 7.6.32. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.
- 7.6.33. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 7.6.34. Whilst a vehicle is licensed as a Hackney Carriage vehicle and at all times, whether plying for hire or not shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 7.6.35. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

#### Taximeter

- 7.6.36. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others. NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.
- 7.6.37. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scare of fares prescribed by the Council.
- 7.6.38. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.
- 7.6.39. The operation of the taximeter shall accord with any byelaws made by the Council.
- 7.6.40. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required. Thurrock Council staff may seal meters after each inspection.

## Animals and the Carriage of Assistance Dogs

- 7.6.41. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself of the proprietor or operator of the vehicle.
- 7.6.42. Any animal belonging or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.
- 7.6.43. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.
- 7.6.44. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:
- Guide dogs for the blind
  - Hearing dogs
  - Dogs for the disabled
  - Support dogs (e.g., epilepsy)
- 7.6.45. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 7.6.46. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

## Documentation

- 7.6.47. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrently, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
- 7.6.48. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.

- 7.6.49. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 7.6.50. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

#### Accidents / Vehicle Damage / Theft

- 7.6.51. The proprietor of any Hackney Carriage vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident-causing damage to the said vehicle.
- 7.6.52. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e., vandalism. Notification must be reported within 72 hours of such damage.
- 7.6.53. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

#### Byelaws and Regulations

- 7.6.54. The proprietor shall ensure that any driver complies with the Council's Byelaws and Conditions.
- 7.6.55. The proprietor should make themselves familiar with statutory requirements in relation to Hackney Carriage Licensing in the Town Police Clauses Act 1847 (as amended), Public Health Acts 1875 and 1936 and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or via the internet.

#### Surrender of Licence

- 7.6.56. If the proprietor ceases to use the vehicle for the purpose for which it is licensed, they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 7.6.57. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

## Appeals

7.6.58. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Hackney Carriage licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:

- Appeal against conditions imposed on a Hackney Carriage Proprietor's licence (to the Magistrates Court); and
- Appeal against refusal to grant a Hackney Carriage Proprietor's licence (to the Crown Court)

### 7.7. Private Hire Vehicle Pre-Licensing Standards

7.8. The vehicle must:

7.8.1. When first submitted for licensing, must be less than 4 years of age.

7.8.2. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.

7.8.3. Speciality vehicles, classic vehicles and limousines can be more than 4 years of age at first point of licensing and will have no upper age limit but must be subject to testing at a frequency according to age. These vehicles will also be exempt from other further requirements which may not be applicable to the vehicle type, at the discretion of the Licensing Department.

7.8.4. Any vehicle accepted for licensing as a Private Hire Vehicle after, may only be replaced by a vehicle that is younger by reference to the dates of first registration.

7.8.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.

7.8.6. Be suitable in size and design for use as a Private Hire Vehicle and to the manufacturer's specification have:

7.8.7. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½ ").

7.8.8. Seats (length): The length of the seat from the squab to the front edge must be a minimum of 43cm (17")

7.8.9. Knee Space: The measurement between the rear of the front seats and the squab of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.

- 7.8.10. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted or on speciality vehicles.)
- 7.8.11. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 7.8.12. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 7.8.13. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 7.8.14. Have accommodation for not less than 4 passengers.
- 7.8.15. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 7.8.16. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 7.8.17. Have adequate luggage facilities, which must be provided separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
- 7.8.18. Have a parcel shelf or similar fitted, where the vehicle design allows for.

#### Wheelchair Accessible Vehicles

- 7.8.19. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

#### Minibus and Multi Passenger Vehicles

- 7.8.20. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 7.8.21. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

## Tinted Windows

- 7.8.22. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced. The only exceptions to that are likely to be considered are for vehicles with a plate exemption or limousines.

## Taximeter

- 7.8.23. If a taximeter is fitted it shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Taxi Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

## Vehicle Inspections

- 7.8.24. Thurrock Council reserves the right to examine any vehicle before the grant of a Private Hire Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.
- 7.8.25. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
- Upon initial application (regardless of the age of the vehicle)
  - Annually in respect of vehicles up to 5 years old.
  - Six monthly in respect of vehicles over 5 years old and up to 8 years old.
  - Four monthly in respect of vehicles over 8 years old

## LPG Vehicles

- 7.8.26. A Private Hire proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:
- 7.8.27. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.
- 7.8.28. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.



7.8.29. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.

7.8.30. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.

7.8.31. The vehicle is serviced by a person competent in LPG powered vehicles.

#### 7.9. Private Hire Vehicle Licence Conditions

7.9.1. Satisfy the Private Hire Vehicle Licence Pre-Licensing Standards adopted by Thurrock Council at all times.

#### Safety Equipment

7.9.2. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type. NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.

7.9.3. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.

7.9.4. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

#### Interior Markings

7.9.5. The proprietor shall ensure that the following are clearly displayed inside the vehicle:

- The vehicle window card licence.
- "No Smoking" signs shall be displayed on both rear passenger door windows.

#### Exterior Signs

7.9.6. The proprietor shall ensure that:

7.9.7. The licence plate issued by Thurrock Council identifying the vehicle as a Private Hire Vehicle shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.

- 7.9.8. The Private Hire plate shall not be concealed from public view or defaced in any way.
- 7.9.9. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Private Hire vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.
- 7.9.10. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.
- 7.9.11. The door stickers shall not be concealed from public view or defaced or altered in any way.

#### Trailers and Roof Boxes

- 7.9.12. A proprietor of a licensed Private Hire vehicle will be permitted to tow a trailer provided that:
- 7.9.13. The trailer complies with all legal requirements (please see Annex 1 for further guidance).
- 7.9.14. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
- 7.9.15. A proprietor of a licensed Private Hire vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

#### CCTV

- 7.9.16. A proprietor of a licensed Private Hire vehicle will be permitted to install CCTV provided that the CCTV complies with all legal requirements (please see Annex 2 for further guidance).

#### Advertising

- 7.9.17. A proprietor of a Private Hire vehicle shall ensure that the display of advertising materials is restricted to the following:
- 7.9.18. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.
- 7.9.19. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.
- 7.9.20. All product advertising must be professionally applied, and no reflective materials may be used.

- 7.9.21. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.9.22. Internal advertising is permitted subject to approval by the Council.
- 7.9.23. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

#### Vehicle Inspections

- 7.9.24. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
- Upon initial application (regardless of the age of the vehicle)
  - Annually in respect of vehicles up to 5 years old.
  - Six monthly in respect of vehicles over 5 years old and up to 8 years old.
  - Four monthly in respect of vehicles over 8 years old
  -
- 7.9.25. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 7.9.26. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 7.9.27. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 7.9.28. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

#### General Conditions

- 7.9.29. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 7.9.30. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 7.9.31. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.

- 7.9.32. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 7.9.33. No passenger under the age of 16 shall be permitted to use any side facing seat at any time.
- 7.9.34. On vehicles with side facing seats, notices must be displayed inside the vehicle in a prominent position advising that persons under the age of 16 must not be seated in a side facing seat.
- 7.9.35. Whilst a vehicle is licensed as a Private Hire vehicle and at all times, shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 7.9.36. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage / Private Hire driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.
- 7.9.37. A Private Hire proprietor who makes provisions for the acceptance of bookings for a Private Hire vehicle, by advertising a private telephone number and/or mobile number and accepts pre-booked fares, whether or not on a Private Hire circuit, requires a Private Hire Operators Licence. This does not preclude a proprietor carrying the business cards of a properly licensed operator for whom he/she is working.

#### Taximeter

- 7.9.38. Where a Private Hire vehicle is fitted with a taximeter:
- 7.9.39. The operation of the taximeter shall accord with any Pre-Licensing Standards and Conditions made by the Council.
- 7.9.40. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Private Hire Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others. NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.
- 7.9.41. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Private Hire Operator.

7.9.42. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.

#### Animals and the Carriage of Assistance Dogs

7.9.43. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself of the proprietor or operator of the vehicle.

7.9.44. Any animal belonging or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.

7.9.45. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, Hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.

7.9.46. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:

- Guide dogs for the blind
- Hearing dogs
- Dogs for the disabled
- Support dogs (e.g., epilepsy)

7.9.47. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.

7.9.48. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

#### Documentation

7.9.49. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrently, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.

7.9.50. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.

- 7.9.51. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 7.9.52. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

#### Accidents / Vehicle Damage / Theft

- 7.9.53. The proprietor of any Private Hire vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident-causing damage to the said vehicle.
- 7.9.54. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e. vandalism. Notification must be reported within 72 hours of such damage.
- 7.9.55. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

#### Regulations

- 7.9.56. The proprietor shall ensure that any driver complies with the Council's Pre-Licensing Standards and Conditions of Licence.
- 7.9.57. The proprietor should make themselves familiar with statutory requirements in relation to Private Hire Vehicle Licensing. These are available at a public library or via the internet.

#### Surrender of Licence

- 7.9.58. If the proprietor ceases to use the vehicle for the purpose for which it is licensed, they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 7.9.59. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

## Appeals

7.9.60. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Private Hire vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:

- Appeal against conditions imposed on a Private Hire Proprietor's licence (to the Magistrates Court); and
- Appeal against refusal to grant a Private Hire Proprietor's licence (to the Crown Court)

## CCTV Installation in Private Hire and Hackney Carriage Vehicles

### **Introduction**

These guidelines set out to ensure that CCTV systems in Thurrock Council licensed Hackney Carriages and Private Hire Vehicles (both referred to in this document as Taxis) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Taxi drivers and passengers.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside or outside of the vehicle having the technical capability of capturing and retaining either or both visual images or audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

### **The purpose of CCTV**

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Taxi driver and passengers by:

1. Deterring and preventing the occurrence of crime.
2. Reducing the fear of crime.
3. Assisting the Police in investigating incidents of crime.
4. Assisting insurance companies in investigating motor vehicle accidents

### **General Requirements**

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements can be installed into licensed Taxis.

CCTV systems installed in Taxis will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via:

[http://www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/ico\\_cctvfinal\\_2301.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf)

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive Electromagnetic Compatibility Requirements (EMC)



CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

### **Camera Design Requirements**

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

### **Installation**

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e., not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi or PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

### **Camera Activation Methods**

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event. A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

### **Audio Recording**

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below: -

- Where recording is triggered due to a specific threat, e.g., a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

### **Image Security**

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

### **Retention of CCTV images**

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive.
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card; or
- where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days

from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed taxi must register with the ICO (Notification) and obtain documented evidence of that registration.

This documentary evidence will be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Using a third-party service provider (data processor)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. Documentary evidence of the contractual arrangements may be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

### **Use of information recorded using CCTV**

The data controller is responsible for complying with all relevant data protection legislation.

The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the Police, Thurrock Council's Licensing Department or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests.

All requests should only be accepted where they are in writing and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

### **Signage**

All Taxis with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

### **Contact Details**

The name and the contact telephone number of the Data Controller must be included on the sign.

Signage for external facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

### **Note**

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline complies with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

**Trailers used with Private Hire vehicles or Hackney Carriage Vehicles**

Private Hire vehicles or Hackney Carriage vehicles licensed by the Thurrock Council are permitted to tow trailers providing the following conditions are complied with at all times: -

1. The licensed towing vehicle's insurance must cover the towing of a trailer.
2. Trailers must not be left unattended anywhere on the highway.
3. The speed restrictions applicable to trailers must be observed at all times.
4. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
5. The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
6. The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
8. Only those trailers that comply with the following conditions will be permitted to be towed by a licensed vehicle.
9. Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
10. A licensed vehicle trailer application form must have been completed and the trailer must receive initial approval by a Licensing Officer.
11. When initial approval is granted (unless brand new), and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at any of Thurrock Council Approved Garages.  
  
The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test.
12. A trailer may be used by more than one licensed towing vehicle, but each licensed vehicle used to tow the trailer must be separately approved.
13. An additional licence plate will be issued for each licensed private hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
14. Un-braked trailers shall be less than 750 kilograms gross weight.
15. Trailers over 750 kilograms gross weight shall be braked acting on at least two road wheels.
16. The towing vehicle must have a sufficient maximum train weight; this is shown on the VIN plate – any vehicle that does not display a train weight on the VIN should not be used for towing.

17. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight, this should be made available when the vehicle is inspected at an Authorised Garage.
18. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
19. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.55 metres.
20. The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
21. The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
22. The trailer's full frame must be made of galvanised steel with a straight drawbar.
23. The trailer shall not display any form of sign or advertisement not required or approved by the Licensing Department and Road Traffic legislation.

## Appendix A – Assessment of Previous Convictions

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

1. Crimes resulting in death.

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

2. Exploitation.

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

3. Offences involving violence against the person.

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

4. Possession of a weapon.

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

5. Sexual offences.

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

6. Dishonesty.

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

7. Drugs.

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

8. Discrimination.

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

9. Motoring convictions.

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



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

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

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

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

11. Using a hand-held device whilst driving.

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

12. Hackney Carriage and Private Hire offences.

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

13. Vehicle use offences.

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

## Appendix B- Agreed Medical Examination Providers

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

- The GP surgery at which the applicant /licence holder is registered.
- Aveley Medical Centre
- Cotswold Medicals
- Just Health
- D4Drivers
- Where any of the above options are not available, any medical provider with the written consent of the Council's Licensing Manager.

## Appendix C - Approved Safeguarding and Child Sexual Exploitation Awareness Training

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

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

## Appendix D - Approved Disability Awareness Training courses and providers

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

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

## Appendix E– Approved Language Proficiency Assessment providers

Documentary evidence of a qualification (whether or not the qualification was obtained in the United Kingdom) on the basis of which the Council is satisfied that the applicant's level of proficiency in the English language is equivalent to level B1 on the CEFR or above, or;

A certificate from one of the Council's Secure English Language Test (SELT) providers confirming that the applicant's level of proficiency in the English language is at level B1 on the Common European Framework of Reference for Languages: ("CEFR").

### Examples of suitable evidence

This is a list of examples of suitable evidence you can supply to prove you meet the requirement. The list is not exhaustive. The subject of the qualification does not matter as long as it was taught in English.

- UK GCSE/O level (or equivalent) certificate at grades A\* to G
- UK AS-Level/A level certificate
- UK NVQ\*/BTEC/City & Guilds qualification, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above (for example, a Blue Badge Guide qualification)
- UK BA Hons, BSc Hons degree or higher i.e. master's, PhD
- UK HNC/HND qualification
- SELT certificate at B1 level or higher, issued by Trinity College London or IELTS showing proficiency in reading, writing, speaking and listening

### Replacement certificates

There are four accredited Ofqual awarding organisations offering GCSEs in England: AQA, OCR, Pearson and WJEC. There are also others for the rest of the UK. Replacement certificates are available from those organisations. A certified confirmation of results from the relevant awarding body will be acceptable.

### Language requirement

There are currently two approved interim English language test providers: Trinity College London and IELTS (International English Language Test System).

Trinity College London's ISE I qualification will be accepted as evidence of meeting the English language requirement. [Find out more about Trinity, and how you can book the ISE I language test.](#)

IELTS Academic and General Training tests are both accepted as evidence of meeting the new English language requirement. [Find out more about IELTS, and how you can book their tests.](#)

## Thurrock Council

### **Policy for Thurrock Borough Council in respect of requests for information, disclosure of information, and use of information as a result of an entry on the National Register of Refusals and Revocations (NR3)**

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations. The 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

#### **I. Overarching principles**

This policy covers the use that this authority, Thurrock Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence<sup>1</sup>. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Thurrock Borough Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Thurrock Borough Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

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<sup>1</sup> Throughout this policy reference is made to 'taxi drivers licence'. This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application<sup>2</sup>.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated<sup>3</sup>.

Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined<sup>4</sup>.

The data will be held securely in accordance with Thurrock Borough Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Thurrock Borough Council's general policy on the erasure and destruction of personal data. Information regarding the retention and destruction of personal data policies of Thurrock Borough Council can be found at [www.thurrock.gov.uk/privacy](http://www.thurrock.gov.uk/privacy)

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<sup>2</sup> The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

<sup>3</sup> Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court all the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

<sup>4</sup> Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

## **II. Making a request for further information regarding an entry on NR3<sup>5</sup>**

When an application is made to Thurrock Borough Council for the grant of a new, or renewal of, a taxi driver's licence, Thurrock Borough Council will check the NR3.

Thurrock Borough Council will make and then retain a clear written record<sup>6</sup> of every search that is made of the register. This will detail:

- the date of the search
- the name or names searched
- the reason for the search – new application or renewal
- the results of the search
- the use made of the results of the search – entered to the register at a later date

This record will not be combined with any other records – that is, combined with a register of licences granted – and will be retained for the retention period of 25 years.

If Thurrock Borough Council discovers any match – that is, there is an entry in the register for the same name and identifying details – a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Thurrock Borough Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form available on request from [licensing@thurrock.gov.uk](mailto:licensing@thurrock.gov.uk). It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

## **III. Responding to a request made for further information regarding an entry on NR3<sup>7</sup>**

When Thurrock Borough Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records – that is, combined with a register of licences granted – and will be retained for the retention period of 25 years<sup>8</sup>.

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<sup>5</sup> This section of the template policy relates to the submission of a request by the second authority.

<sup>6</sup> This can be electronic, rather than "pen and paper" hard copy.

<sup>7</sup> This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

<sup>8</sup> This record can be combined with the written record of the action taken as a result of the request.

Thurrock Borough Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

Thurrock Borough Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If Thurrock Borough Council is satisfied that the other authority's (the second authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed<sup>9</sup>. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Thurrock Borough Council (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Thurrock Borough Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within Thurrock Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters<sup>10</sup>. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Thurrock Council's statement of policy) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Thurrock Council's statement of policy) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. Thurrock Borough Council will make and then retain a clear written record<sup>11</sup> of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received

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<sup>9</sup> If the first authority is not satisfied that the second authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the first authority and the second authority.

<sup>10</sup> Available at [www.thurrock.gov.uk/hackney-carriage-or-private-hire-driver-licence](http://www.thurrock.gov.uk/hackney-carriage-or-private-hire-driver-licence)

<sup>11</sup> This can be electronic, rather than "pen and paper" hard copy.

- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided and details of any further advice obtained before the decision was made
- if information was not provided, why it was not provided and details of any further advice obtained before the decision was made
- how and when the decision and any information was communicated to the requesting authority

This record will not be combined with any other records – that is, combined with a register of licences granted – and will be retained for the retention period of 25 years.

#### **IV. Using any information obtained as a result of a request to another authority**

When Thurrock Borough Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications and Thurrock Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.

Thurrock Borough Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that Thurrock Borough Council will make in relation to the application.



## Appendix G - Knowledge Test

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

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

## Appendix H – Scheme of Delegation

The Authority discharges its functions as described within the Council’s Constitution. Licensing matters relating to this policy are discharged through the Licensing Committee and the Licensing Sub Committee with delegations to officers for certain functions. Restrictions on the exercise of delegated functions are detailed in the scheme of delegation below.

The full terms of reference for the various committees, the arrangements for delegation and officer functions are detailed in the [Council’s Constitution](#) which is published on the Council’s website.

Licensing Function	Licensing Sub Committee	Licensing Manager	Licensing Officer
Grant of licence where there is no reason for refusal.	✓	✓	✓
Refusal or Grant of a licence where there may be reasons for refusal, such as; applications where any pre-licensing conditions are not met; matters falling outside policy guidance; matters giving rise to serious concern that the granting or the continuation of the licence may undermine public safety.	✓		
Suspension of a licence	✓	✓	✓
Revocation of a licence	✓	✓	
Revocation/Refusal where the applicant/licence holders does not hold a DVLA driving licence.		✓	
Agreement to depart form policy where policy allows officer discretion.		✓	

## Appendix J – List of Consultees for this policy

- Hackney Carriage Licence Holders
- Private Hire Licence Holders
- Local Area Access Groups
- Public consultation via Thurrock Council web portal

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<b>29 June 2022</b>	<b>ITEM: 13</b>
<b>Council</b>	
<b>Overview and Scrutiny Annual Report 2021/22</b>	
<b>Wards and communities affected:</b> N/A	<b>Key Decision:</b> Non-Key
<b>Report of:</b> Overview and Scrutiny Chairs	
<b>Accountable Assistant Director:</b> N/A	
<b>Accountable Director:</b> Sean Clark, Corporate Director of Resources and Place Delivery	
<b>This report is public</b>	

## Executive Summary

This report introduces the Overview and Scrutiny Annual Report, which in accordance with the Council’s Constitution, should be presented to the Council.

### 1. Recommendation(s)

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

### 2. Introduction and Background

2.1 Each year an Annual Report is produced detailing the work of the six Overview and Scrutiny committees and their main achievements for that municipal year. The report is designed to inform residents of this work in an accessible and engaging format.

2.2 The last municipal year has seen Overview and Scrutiny tackle a wide range of topics, with Members leading on issues that have come to the fore both through their own research and through the recommendations of Council officers.

2.3 This report, as in 2020/21, highlights the key projects and achievements of each Committee, and therefore does not provide an exhaustive list of all meetings, discussions, or recommendations that occurred in Overview and Scrutiny this year.

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

- 3.1 It is hoped that the format of the Annual Report will highlight to residents how the Overview and Scrutiny committees have picked relevant community issues, and how Members undertook work to form recommendations that positively affected these issues.
- 3.2 The report will be published on the Council's website and key community groups and participants from last year's work will be made aware of its publication directly.

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

- 4.1 The report outlines the positive work that has been undertaken during 2021/22 and is being referred to Council for review in order for Members to comment on the overall Overview and Scrutiny function of Thurrock Council.

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

- 5.1 In accordance with Chapter 4, Part 1, Rule 7.1 of the Constitution, the annual report is submitted to Council for their consideration and comment.
- 5.2 Overview and Scrutiny Chairs were consulted on the contents of the report in April 2022.

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

- 6.1 This report has a community impact as the work of the Overview and Scrutiny committees for 2021/22 allows residents to participate in decision making and tackling key issues of local concern, which is clearly documented in the annual report.

### **7. Implications**

#### **7.1 Financial**

Implications verified by: **Dammy Adewole**  
**Senior Management Accountant**

There are no direct financial implications arising out of this report. If any recommendations made by the Overview and Scrutiny Committees for adoption by the Council have financial implications they are identified separately in each report.

## 7.2 Legal

Implications verified by: **Mark Bowen**  
**Interim Head of Legal Services**

There are no direct legal implications arising from this report. It is good practice to produce an annual report reviewing Overview and Scrutiny activity, and meets the requirement of the Constitution to report (Chapter 4, Part 1, Article 6, paragraph 7.1).

## 7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**  
**Community Development and Equalities Team**

The Overview and Scrutiny function is carried out with due regard to equality and inclusion legislation and specifically the Equality Act 2010. The Annual Report, as well as all other Overview and Scrutiny documents, are designed to be easy to understand and as accessible as possible. All members of the public are encouraged to participate in the Overview and Scrutiny process regardless of any protected characteristics they may have.

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

- Agenda, Reports and Minutes of meetings of Overview and Scrutiny Committees and Task and Finish Reviews, available from:

<http://democracy.thurrock.gov.uk/thurrock/>

## 9. Appendices to the report

Appendix 1: Overview and Scrutiny Annual Report 2021/22

### Report Author:

Lucy Tricker  
Senior Democratic Services Officer

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Appendix 1

# Overview and Scrutiny

Annual Report  
2021-22

Page 211





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## What is overview and scrutiny?

In general terms, Overview and Scrutiny is the process whereby Councillors investigate, scrutinise and oversee the work of the Council. More specifically Overview and Scrutiny pays particular attention to:

- The decisions made by Cabinet, Council and officers in relation to Council policy or key decisions.
- The activities carried out by the Council and other bodies (such as the NHS).
- The performance of the Council in relation to its targets and objectives.

## Work Programme

The work programme for Thurrock's Overview and Scrutiny is created by a combination of:

- What Councillors feel are important topics (this is gathered from their work in their wards and activities across the whole of the Council).
- Members of the public highlighting issues for debate, either through Call-Ins or through consultation.
- Requests by Thurrock's Cabinet for Overview and Scrutiny to undertake "pre-decision scrutiny" prior to policies being taken to Cabinet for consideration.

The agendas and associated reports of each Committee can be accessed by the following link:

<http://democracy.thurrock.gov.uk/>

## Committees

At Thurrock, the work of the Overview and Scrutiny function is carried out by six committees, with each having a specific remit:

- Children's Services Overview and Scrutiny Committee
- Cleaner, Greener and Safer Overview and Scrutiny Committee
- Corporate Overview and Scrutiny Committee
- Health and Wellbeing Overview and Scrutiny Committee
- Housing Overview and Scrutiny Committee
- Planning, Transport and Regeneration Overview and Scrutiny Committee

An Overview and Scrutiny Committee can also form Working Groups or Task and Finish Groups to focus on particularly important issues.

## Membership

The membership of Thurrock's Overview and Scrutiny Committees is made up of Councillors drawn from all the political parties of the Council. The Overview and Scrutiny function enables Councillors who are not members of the Cabinet (also known as the Executive) to have an active role in the decision-making process of the Council.

Thurrock has a number of non-Councillors sitting on Overview and Scrutiny Committees. The Children's Services Committee has two parent-governors as well as a diocesan representative from the Roman Catholic and Anglican churches respectively. There is also one co-opted member on the Health and Wellbeing Overview and Scrutiny Committee and one co-opted member on the Housing Overview and Scrutiny Committee representing health and housing interests across the borough.

In addition, sub-committees or panels may also be formed by the Overview and Scrutiny Committees to undertake specific tasks, such as a review, the membership of which is decided alongside the remit of the review.

## The decision-making process

In Thurrock, Overview and Scrutiny plays a key role in adding value to the Council's decision-making process. It also reviews the existing practices of the Council and makes recommendations to Cabinet to enhance and improve service provision.

The Overview and Scrutiny Committees meet in an informal atmosphere and engages with people who can help with their work and provide evidence for their reviews. Members of the public are welcome to attend meetings of the Committees and can ask questions or make statements.



## Overview and Scrutiny during 2021/22

The 2021/22 municipal year has involved lots of change and adaptation for the scrutiny function, due to the COVID-19 pandemic and ongoing work at the Civic Offices.

Scrutiny Committees at Thurrock Council continued to work throughout the ever-changing COVID-19 pandemic. Committees were held in socially distanced rooms, with windows and doors open to provide good ventilation. Democratic Services also provided hand sanitiser and encouraged the use of face masks. Officers often appeared via Microsoft Teams to help reduce the spread of COVID and the Omicron variant.

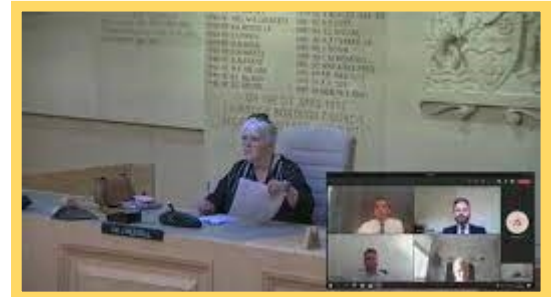
Due to ongoing work at the Civic Offices, scrutiny meetings were also held at a variety of venues, including the Beehive Community Resource Centre and South Essex College, for some of the municipal year. Democratic Services would like to extend their thanks to staff at both the

Beehive and the College for their hard work ensuring that meetings had a suitable venue and were COVID-safe.

Scrutiny meetings continued to be recorded during 2021/22, which meant that members of the public who could not attend meetings in person could watch the meeting once it had concluded on the Council's website or YouTube from the comfort of their own home.

## How have we helped you?

The following pages provide a brief summary of the work of Thurrock's six overview and scrutiny committees across 2021/22. Each page outlines the main achievements and considerations of each committee, to provide members of the public an insight into the work of scrutiny. This does not represent an exhaustive list of every meeting, agenda item or discussion, but should provide a brief overview and give members of the public a taste of what scrutiny at Thurrock has achieved, and how this has helped you and other Thurrock residents.



## Children's Overview and Scrutiny Committee

### Low Income Families and Child Poverty



One of our main areas of focus this year has been how to reduce child poverty within Thurrock and improve the lives of families living on low income, or at risk of safeguarding issues. At the first meeting of the year, the Committee agreed to consider this issue in detail. We then discussed the Ofsted focussed visit on extra-familial harm that been undertaken in Thurrock, and were pleased to hear that there had been an increase in oversight of services and a commitment to ensure families received a good service.

As a Committee we were also pleased to welcome an update report regarding

the Low-Income Families and Child Poverty Update for the Children and Young People Joint Strategic Needs Assessment (JSNA). This piece of work required an update for 2021, and we discussed at length the problem of child poverty within the borough. Following this discussion, we were happy to agree an update to Chapter 6 of the report regarding 'Achieving Economic Wellbeing for Low Income Families and Child Poverty'.

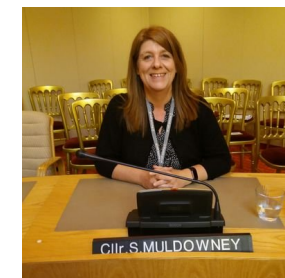
### SEND Ofsted Inspection – Written Statement of Action

As a Committee we received regular updates throughout this municipal year, as this topic is important to all Members and residents alike. At the first meeting of the year, we received an updated action plan, which outlined all of the work undertaken by officers. In December 2021 Ofsted scheduled a revisit to the service and we requested an update to the Committee on the outcomes. In February 2022, we received this update and were pleased that Ofsted had found Thurrock to have made sufficient progress in all areas. The Ofsted Inspector had also highlighted the good work of scrutiny on this issue and particularly our

interest in the progress of the recommendations.

Throughout the year we have also scrutinised other areas of the Council, such as home to school transport and potential nursery closures. We felt that these issues were important to residents and therefore invited relevant Directors and Officers to answer questions. We discussed in detail the proposal to stop the school bus service from East Tilbury to St Clere's School and all Members of the Committee felt that this service should continue to ensure children could get to and from school safely.

**This year we have worked hard to ensure that families on a low income and children with SEND needs received a good service and the care they required. We also said goodbye to Sally Khawaja as a Parent Governor Representative on the Committee and would like to thank her for her hard work over the previous year.**



the Children's Overview and Scrutiny Committee

## Cleaner, Greener, and Safer Overview and Scrutiny Committee

### Waste Strategy Implementation

As part of the ongoing Scrutiny Review, we decided that the Committee would focus on the implementation of the Waste Strategy throughout this municipal year. At the first meeting of the year, we received a presentation regarding how household waste was processed. This included how each type of waste was treated and provided the background to the waste strategy.

At the following meeting we heard how the waste strategy was being implemented and the work undertaken so far. We questioned at length the plans for the new service rollout of food caddies, which was scheduled for September 2022 and wanted assurances that this would be appropriately advertised and explained to Members.

We requested an update at the following meeting, and at this meeting discussed proposals for alternate weekly bin collections. We want to ensure that residents are aware of discussions and how this might affect them.



### Off-Road Nuisance Motorbikes

One of our big concerns as a Committee has been the ongoing issues regarding anti-social behaviour on motorbikes throughout the borough's parks and open spaces. We invited the District Commander of Essex Police to the Committee to discuss the issue and outline how the police were working with the Council to tackle and prevent anti-social

motorbike riders. He briefed Members on Operation Caesar, which used evidence-based data to identify and police hotspots for nuisance motorbikes. We also scrutinised the funding that had been received regarding the new pilot to counter this type of anti-social behaviour.

As a Committee we also had the opportunity to review the actions taken by the Community Safety Partnership on this issue and thank them for their hard work.

**Overall, this year we have worked to ensure that anti-social behaviour in the borough is reduced. We also want to ensure that residents are aware of any changes to their bin collections, and will continue to monitor this issue next year.**

Cllr Joycelyn Redsell,  
Chair of Cleaner,  
Greener, and Safer  
Overview & Scrutiny





## Corporate Overview and Scrutiny Committee

### Fair Debt



As a Committee we wanted to focus on fair debt this year and have worked closely with officers and the Portfolio Holder for Finance to ensure that this issue is scrutinised in detail. At the first meeting of the year we discussed the issue of Fair Debt as part of the scrutiny review and questioned timescales and other constraints before agreeing to this project.

In September 2021 we therefore invited the Assistant Director of Education and Skills to the Committee to discuss the Fair Debt Summit and how vulnerable residents could be supported. We questioned how best to support residents experiencing debt,

including young people in schools and in a post-COVID world. We also invited the Portfolio Holder to this meeting and questioned him regarding delivery of the programme. At the next meeting we held an evidence session with the Strategic Lead of Revenue and Benefits and questioned how the debt recovery team worked and the issue of compassionate collections. We were pleased to hear that the team were developing a Single View of Debt which would help residents clarify their debt, and would help the team differentiate between those residents who could pay but were unwilling, and those that were willing to pay but couldn't.

### Asset Related Savings



This year the Committee also regularly received updates on the Council's proposals for asset related savings,

which included Grangewaters and the Thameside Theatre. This was an issue close to many resident's hearts and we were pleased to receive statements from members of the public in November 2021, including from Thurrock Yacht Club and the Save the Thameside Campaign. We listened to them at length and asked a variety of questions on the proposals.

The Committee requested an update on the report, which was received in March 2022. At this meeting we listened to another statement by Thurrock Lifestyle Solutions and were interested to hear of the developments on the proposals.

**I'd like to thank officers and residents for their involvement in the Committee over the past year. We will continue to scrutinise all reports in detail and continue our work for residents.**

**Cllr Sue Little, Chair of Corporate Overview and Scrutiny Committee**



## Health and Wellbeing Overview and Scrutiny Committee

### COVID-19 Pandemic

This year our main focus has again been the COVID-19 pandemic, and the effect this devastating virus has had on local residents and the NHS. We've received an update at every meeting we've held, and constantly monitored case numbers; hospitalizations; and vaccination rates. We've also considered the impact that the pandemic has had on the mental health of our resident's, as well as the health impacts added stress such as unemployment or job insecurity can have. This year we have questioned the Director of Public Health extensively on COVID-19, including the new Omicron variant and the steps Thurrock need to take to move into a post-COVID world.

As the pandemic has progressed the Committee has been scrutinising the vaccine and booster rollout and we helped to ensure that the NHS offered

all residents the vaccine and boosters when appropriate. We have also tried to encourage residents to get the vaccine and boosters when offered, and increase vaccine uptake.

In addition, we've continued to scrutinise and hold the NHS and CCG's to account by inviting them to our Committee to ask questions and explain issues and concerns.



### Adult Social Care – Provider Services Transformation

This year we also welcomed the Portfolio Holder for Adults and Communities to the Committee to discuss proposals for transformation within the Adult Social Care service. The Committee questioned her in great detail as part of the pre-scrutiny decision making process, before the report was submitted to Cabinet. We questioned the type of service that

would be offered to residents and wanted to ensure that the meals on wheels service would continue for those elderly and vulnerable residents that needed it. As a Committee we decided to agree a new recommendation to ensure that thorough consultation was carried out with service users and individual plans were designed for meals on wheels service users. This was to ensure that vulnerable residents continued to receive a good service.

**This year we have continued to scrutinise and monitor the COVID-19 pandemic and the vaccine rollout to ensure our borough's most vulnerable residents are protected against the virus. I'd like to thank the Committee, NHS partners and officers for their hard work this past year.**



**Cllr Shane Ralph,  
Chair of Health  
and Wellbeing  
Overview and  
Scrutiny  
Committee**

## Housing Overview and Scrutiny Committee

### Damp and Mould in Council Properties



One of the Committee's main concerns this year has been the ongoing issue that council tenants and borough residents have been facing regarding damp and mould within their properties.

At the first Committee meeting of the year we questioned officers on how damp and mould in properties was dealt with, how often properties were inspected for these issues, and what more could be done to help residents. We asked for more detailed information regarding the outcome of damp and mould flat inspections and asked for a report to come back to the Committee for these results to be analysed.

In November 2021 we received an additional report which outlined the damp and mould data and how homes suffering from damp and mould were repaired. As a Committee we felt that officers needed to undertake a more linked up method of working to ensure that all aspects of damp and mould, and subsequent issues stemming from this, were dealt with quickly and appropriately. We requested an additional report for the first meeting of the 2022/23 municipal year so we could continue to monitor this closely.

#### Lionel Oxley House Incident

Following a fire at Lionel Oxley House on Boxing Day 2021, we requested an urgent item be brought to our January Committee meeting to discuss the fire and the Council's processes. The Committee questioned officers on the cause of the fire, how the fire was dealt with and fire detection systems in the boroughs high-rises. We requested a report from UK Power Networks to discuss fire detection systems and what lessons could be learnt from the incident. We thanked the Fire and

Rescue Service and officers for their swift response to incident.

At our meeting in March 2022, we received an update report on the actions that had been taken by UK Power Network and officers following the incident, including lessons learnt sessions, updated emergency planning procedures and command structures. The Committee agreed a new recommendation based on the discussion that would ensure Ward Councillors, the relevant Portfolio Holders and directly responsible officers are made aware of any serious incidents within their ward/remit. We hope this will help the command structure during serious incidents and help those residents affected.

**This year we have worked to ensure that residents in Thurrock have safe and secure housing, wherever they choose to live.**



Cllr Lynn Worrall,  
Chair of Housing  
Overview and  
Scrutiny Committee

## Planning, Transport, and Regeneration Overview and Scrutiny Committee

### Parking Policy and Strategy



As this report would form part of the Local Plan suite of documents, we analysed and scrutinised these in great detail during two separate committee sessions.

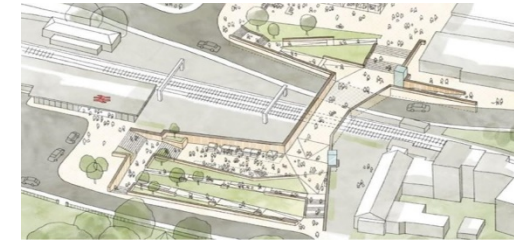
At the first session we questioned the parking standards for new builds, particularly within flats, as we felt that one car parking space per flat/house would be insufficient to meet a household's needs. We also scrutinised the number of electric vehicle charging points across the borough and felt that the report should increase electric vehicle charging provision, to lower emissions and improve air quality within the borough. After much discussion with officers on

the report, as a Committee we felt we could not agree the recommendations and requested that it come back to the Committee for further scrutiny.

At the next Committee meeting we continued to scrutinise the report and appendices. During this session we focussed on parking near schools and train stations, as we felt that any new developments in these areas should contain ample off-street parking provision. We had a long discussion and debate with officers on these issues, and agreed the recommendations contained within the report. The Committee rejected the idea that emission-based permit charges should be a part of the Council's Parking Strategy. This report, and the discussions had by scrutiny, were submitted to Cabinet for their agreement and approval.

### Grays South: Delivering the Pedestrian Underpass

This year we received two reports relating to the proposed underpass in Grays. We thoroughly questioned officers regarding this topic, and



particularly focussed on the potential for Towns Board funding, the cost plan and any associated risks. We requested more information regarding the cost plan to ensure that taxpayers money was used efficiently and effectively on this scheme. We also amended the recommendations in the report to request additional updates on the scheme and did not agree to the cost plan based on the information provided.

**Cllr Alex Anderson,  
Chair of Planning,  
Transport &  
Regeneration  
Overview and  
Scrutiny Committee**

**The PTR Committee has worked hard this year to ensure that parking provision in the borough is appropriate, and new town centre proposals have detailed cost plans to ensure taxpayers money is used efficiently and effectively.**



### **Task and Finish/Working Groups**

Overview and Scrutiny Committees also have the power to form Task and Finish Groups or Working Groups.

These groups can then focus on a particular issue and report back to their parent committee. This frees up time for the Overview and Scrutiny Committee to focus on different issues, whilst still ensuring that the most important topics for you can be scrutinised in detail.

### **Task and Finish Groups 2021/22**

The Animal Welfare Working Group completed their work this year, and reported their findings back to the Cleaner, Greener and Safer Overview and Scrutiny Committee. The Working Group worked hard to draft a new Animal Welfare Policy, which was in line with updated legislation, especially regarding breeding animals and animals as prizes, for example at fairs and circuses. The Working Group presented their report at the first Committee meeting of the year and all recommendations were agreed unanimously by the Committee.

The Corporate Overview and Scrutiny Committee also continued to monitor the implementation of the scrutiny review. The Committee heard regular updates as to the progress of the implementation, and were pleased that the majority of recommendations had been implemented, and Democratic Services were working hard to finalise the implementation of the outstanding recommendations.

Although a review is not an independent Task and Finish Group, it is a detailed piece of work, which can last up to a few years, and we look forward to seeing the continued positive impact of the review over the coming municipal year.



## How can you get involved?

The Overview and Scrutiny process at Thurrock is managed by our Democratic Services Team, which is located within Legal Services. Democratic Services manage the Council's decision-making process, and services a wide range of Council decision making bodies including the Overview and Scrutiny Committees, Cabinet, Planning Committee, Licensing Committee, as well as Full Council.

If you have any queries about this report or the Overview and Scrutiny process, or if you are interested in participating, please feel free to contact us.

**Email:** [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

**Address:** Democratic Services,  
Civic Offices,  
New Road,  
Grays  
Essex  
RM17 6SL

Overview and Scrutiny has a dedicated section on Thurrock Council's website and can be found at (<https://www.thurrock.gov.uk/overview-and-scrutiny/overview-and-scrutiny-committees>).

Thurrock Council's website provides the most up-to-date information on Overview and Scrutiny in Thurrock. Participation from the public is actively encouraged and promoted online.

A number of documents are available and easily accessible, including our Overview and Scrutiny annual reports. Reports, agendas and minutes from each Overview and Scrutiny Committee meeting are also available electronically from Thurrock's website.

<b>29 June 2022</b>	<b>ITEM: 14</b>
<b>Council</b>	
<b>Amendments to the Constitution</b>	
<b>Wards and communities affected:</b> N/a	<b>Key Decision:</b> Non-key
<b>Report of:</b> Cllr Robert Gledhill, Leader of the Council & Chair of the General Services Committee	
<b>Accountable Assistant Director:</b> N/a	
<b>Accountable Director:</b> Sean Clark, Corporate Director of Resources and Place Delivery	
<b>This report is public</b>	

## Executive Summary

This report sets out the background and discussions of the recent review of the Constitution by the Constitution Working Group (CWG) and the General Services Committee. The report asks Full Council to agree those amendments which both the Working Group and the General Services Committee identified as ones requiring progression.

### 1. Recommendation(s)

#### 1.1 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

- 1.2 **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.**
- 1.3 **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:

- 1.4 **Note that Suggestion 27, Security of Member Emails, will return to CWG for consideration following clarification made by the General Services Committee.**
- 1.5 **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

## 2. Introduction and Background

- 2.1 In February 2022 the General Services Committee established a Constitution Working Group (CWG) to review the Constitution and make recommendations on any amendments.
- 2.2 The Constitution is the key governance document of the council. It is regularly kept updated to comply with changes to laws and a refreshed version is published annually on the Council's website. The Monitoring Officer is able to make consequential amendments to the constitution to ensure the document complies with current law and the agreed structures of the Council (portfolio holder positions or director roles for example), as well as to make minor corrections in spelling and formatting. Any further significant amendments need to be agreed at a Full Council meeting. Past practice has seen a constitution working group convened to discuss these amendments before they are presented to a Council meeting.
- 2.3 Before the CWG convened, group leaders and department heads were asked to provide a list of suggestions for the group to consider. Following this exercise, 31 suggestions were put forward with 1 further suggestion being raised at the CWG meeting:
  - 23 were political group suggestions

- 9 were officer suggestions.

2.4 The CWG met on 23 March 2022 to discuss the suggestions. The detailed outcome of each suggestion is contained in Appendix 1 but the overall summary of discussions was that:

- 17 suggestions were agreed and could be progressed with simple amendments to the Constitution.
- 5 suggestions were identified as non-constitutional issues and CWG agreed for these to be progressed outside of the constitution.
- 5 suggestions were complex and require more investigation to resolve to the satisfaction of the CWG. These will be developed over coming months and a second report will be brought to Council for decision on these items.
- 5 suggestions were rejected.

2.5 The General Services Committee met on 14 June 2022 to receive the CWG recommendations and have duly agreed these to be put before Full Council.

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

#### 17 Amendments for Progression

3.1 Amendments listed at 1 to 17 on Appendix 1 were agreed by the CWG and can be included into the Constitution. The majority of these amendments relate to the council procedure rules. If these are not agreed, they will not be progressed and the current rules will continue.

#### 5 Non-Constitutional Issues

3.2 5 of the suggestions did not have a direct link to the constitution and Members agreed that these could be resolved by other means. These actions are outlined in Appendix 1.

#### 5 Suggestions Requiring further Investigation

3.3 Members of CWG wanted to progress 5 suggestions which will require further investigation or time to make the necessary changes. The reasons for these are detailed in appendix 1. A further report will return to Full Council to update Members on these topics and seek relevant recommendations.

#### 5 Suggestions were Rejected

3.4 For a range of reasons, the CWG felt 5 suggestions were not appropriate to be progressed.

3.5 Members have a choice to either agree the recommendations of the CWG/General Services Committee or not. If Members choose not to accept the amendments, in whole or in part, then procedures and rules will remain as

they are currently set. If Members wish to ask CWG/General Services Committee to review a recommendation and return with more findings/discussion they may also do so.

- 3.6 Any amendment Members agree will come into effect from the day after the meeting in which they were agreed. The Constitution will be updated accordingly online.

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

- 4.1 The Recommendations have formed following political debate amongst Members from different political groups in the CWG and General Services Committee. When required officer viewpoints were sought to clarify governance and law.

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

- 5.1 The General Services Committee is responsible, in the Constitution, for making recommendations to Full Council on constitutional matters. The establishment of the CWG allowed for a wider selection of Members to participate in the discussion and feedback to the committee.
- 5.2 Relevant officers are aware of the recommendations of the CWG and General Services Committee.
- 5.3 General Services Committee met on 14 June to consider the CWG recommendations. They agreed with the recommendations but wished the issue of Security of Member Emails to have a constitutional reference, which will be discussed at the next CWG meeting and for clarity to be added to the procedures in cancelling or convening committee meetings by replacing pronouns with the named posts responsible for the decisions. These are outlined in recommendations 1.4 and 1.5.

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

- 6.1 Allowing Members to reflect on the suitability of the constitution, within the bounds of the law, allows for a responsive and relevant constitution to operate which supports the desires of the elected body.

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: **Dammy Adewole**  
**Senior Management Accountant**

There are no significant financial implications to this report.

## 7.2 Legal

Implications verified by: **Mark Bowen**  
**Interim Head of Legal Services**

Section 9P of the Local Government Act 2000 (as amended) (the 2000 Act) requires local authorities to have a document which comprises their Constitution. Thurrock has adopted the Leader and Cabinet model of governance and the 2000 Act and regulations made thereunder provide the detail on the division of functions between the various parts of the Council including providing detail on how the Cabinet and Scrutiny functions are required to operate. These are supplemented by other primary and secondary legislation the Local Government Act 1972 which provides detail on the operation of full Council and Council committees and the Local Government and Housing Act 1989 which introduced political balance. The proposed changes have been considered against the relevant provisions within this framework and are ones the Council can lawfully make.

## 7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**  
**Community Development and Equalities Team**

A Community Equality Impact Assessment has been completed identifying no negative implications across all protected groups. The CWG has taken into account the differing views of Members when deliberating their recommendations. All proposed amendments ensure equal access to the procedures for all Members of the Council.

## 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):

- The Council's Constitution, available at [www.thurrock.gov.uk](http://www.thurrock.gov.uk)

## 9. Appendices to the report

- Appendix 1 – Summary document of CWG amendment suggestions and their outcome.
- Appendix 2 – Draft wording for amendments in the Constitution.

**Report Author:**

Matthew Boulter

Democratic Services Officer and Interim Monitoring Officer

Legal & Democratic Services

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Number	CWG Proposal	Outcome	Comment	Constitutional Reference
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### General Constitutional Amendments

1	Remove Portfolio Holder reporting from Full Council	Agreed	Members agreed that Portfolio Holders would present their annual reports to the relevant scrutiny committee, rather than Full Council. It was felt this would allow longer for debate and detailed questioning.	Constitution amendment – remove Council Procedure Rules (CPR) 3.8 and 3.9 (page 57 and 58); additional wording included at Scrutiny Procedure Rules (SPR) 3.5 (page 129).
2	Allow Portfolio Holders/relevant Committee Chair to acknowledge a petition upon presentation at Council	Agreed	The relevant Portfolio Holder or Committee Chair would be assigned by Democratic Services on receipt of notice of the petition, and the Member would be informed. The Member would have one minute to acknowledge the petition at Full Council if they so wish.	Constitution amendment – a new CPR 14.6 (page 64) added to the Constitution.
3	Extend the time for Member Questions at Full Council	Agreed	Members agreed to extend the time for Members Questions from 30 minutes to 45 minutes.	Constitution amendment – CPR 14.19 (page 66) changed.
4	Refocus the calling of extraordinary Full Council meetings around the Mayor	Agreed	Members wished to reinforce the primacy of the Mayor to call extraordinary Full Council meetings as and when necessary. The update to the Constitution would ensure that the Mayor has the power to call extraordinary Full Council meetings, after consultation with relevant officers.	Constitution amendment – CPR 3.2 (page 56) changed.

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
5	Record the numbers of every vote at Full Council	Agreed	Members agreed that when hands are raised during votes, these hands are counted and recorded. There was no desire for a requisitioned vote for every decision.	Constitution amendment – CPR 20.5 (page 76) changed.
6	Extend Full Council finish time by 30 minutes	Agreed	Members agreed that the guillotine for Full Council would be at 10pm, rather than 9.30pm.	Constitution amendment – CPR 11.1 (page 61) changed.
7	Extend the time for speeches on Motions by 1 minute	Agreed	Members agreed that speeches during debate would be 4 minutes rather than 3. There is no extension to the proposer speech, which will remain at 5 minutes. Speech lengths for Budget Council would remain unchanged.	Constitution amendment – CPR 19.8a (page 72) changed.
8	Extend the time allowed for someone to present a petition	Agreed	A Petitioner who presents their petition at Full Council will have 3 minutes to speak, rather than 2 minutes.	Constitution amendment – Chapter 1, Part 2, Article 3, 2.8 (page 31) changed.
9	Annual dedicated 'Opening of the Municipal Year' debate	Agreed	Members agreed that an hours' long item will be included on the June Full Council agenda entitled 'Opening of the Municipal Year'. The Leader will be given 10 minutes to introduce the item, and Members will be given 50 minutes for debate, managed by the Mayor.	Constitution amendment – a new CPR 3.5 (page 57) added.



Number	CWG Proposal	Outcome	Comment	Constitutional Reference
<b>10</b>	Refocus the power to cancel meetings around the relevant Chairperson	Agreed	Members wished to reinforce the primacy of the Chair to cancel meetings where necessary. The update to the Constitution would ensure that the relevant Chairperson had the power to cancel meetings, after consultation with relevant officers.	Constitution amendment – CPR 3.2 (page 56); SPR 1.3 (page 128) and Committee Procedure Rule 2.2 (page 144) changed.
<b>11</b>	Remove Licensing Committee powers relating to alcohol under Section 13 Criminal Justice Act 2001	Agreed	The duty can be removed as sections 12-16 of the Act have been repealed by the Anti-Social Behaviour, Crime and Policing Act 2014. The 2014 Act consolidated law enforcement powers in addressing anti-social behaviour, including anti-social behaviour involving alcohol.	Constitution amendment – removed point 6 from the Licensing Committee Terms of Reference (page 170).
<b>12</b>	Allow Chair of a Licensing Sub-Committee to be appointed at the meeting	Agreed	At present either the Chair or Vice-Chair of the Licensing Committee is expected to chair a Licensing Sub-committee. To facilitate more efficient business Members agreed to allow the Licensing Sub-Committee panel to elect a Chair at the beginning of the meeting, if the Chair/Vice Chair are not available. The update to the Constitution will reinforce expected practice of the Chair/Vice-Chair of the Licensing Committee to be the	Constitution amendment – Licensing Committee Terms of Reference (page 170).

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
			chair a Sub-committee meeting, but the option will be available for any Licensing Member to Chair the Sub-Committee, if the Chair/Vice-Chair is not available.	
13	Remove Licensing Committee powers relating to Part 1 of the Health and Safety at Work Act 1974	Agreed	Members agreed that this power be moved to the General Services Committee.	Constitution amendment – removed point 3 from the Licensing Committee Terms of Reference (page 170) and added it to General Services Terms of Reference (page 183).
14	Refresh Contract Procedure Rules	Agreed	<p>Members agreed the consequential amendments to the Contract Procedure Rules due to legal requirements, such as impacts post-Brexit and updates to national procurement rules. The refreshed Contract Procedure rules include:</p> <ul style="list-style-type: none"> <li>• Changing the financial thresholds for the procurement process</li> <li>• Adding a clause regarding tenders from a single source if Thurrock Council urgently needs to meet its statutory obligations</li> <li>• Removing references to the Procurement Guide</li> <li>• Amending the rules for waiving the competitive</li> </ul>	Constitution amendment – Contract Procedure Rules (pages 276-289).

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
			purchasing process for contracts over £25,000 <ul style="list-style-type: none"> <li>• Amending the regulations for extending existing contracts.</li> </ul>	
<b>15</b>	Allow Members to propose motions of other Members at Full Council	Agreed	Members agreed that a Councillor who places a motion onto an agenda can have another Member propose the motion if they are absent from the meeting. Proper procedure will be applied to ensure due notice and suitability. Therefore, Members will: <ul style="list-style-type: none"> <li>• Submit their motion to the Monitoring Officer</li> <li>• The Member will receive notification from the MO of the status of their submission.</li> <li>• Under the new rules, the Member proposing the motion can nominate another Member to present the motion at the meeting, providing they have notified Democratic Services by noon the day of the meeting.</li> </ul>	Constitution amendment – CPR 15.13 (page 68) and CPR 19.2 (page 72) changed.
<b>16</b>	Remove the annual report from Youth Cabinet to Full Council	Agreed	Members were satisfied that this function was covered by the	Constitution amendment – CPR 3.4I (page 57) removed.

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
			Children's Overview and Scrutiny Committee	
17	Remove Councillor Calls for Action as a standing item on O&S agendas	Agreed	Members agreed that Councillor Calls for Action could be added to an agenda as and when required and did not require a standing item.	Constitution amendment – SPR 11.3 (page 138) removed.

### Issues requiring more investigation

18	Restructure Scrutiny Committees	Requires further investigation.	<p>Members wanted to reduce the number of Scrutiny Committees to 3 or 4, nominally under the titles – 'People', 'Place' and 'Resources' with an overarching committee for cross-cutting issues. Members provisionally agreed to approximately 10 Members per committee based on political proportionality. Members also agreed the following additional recommendations:</p> <ol style="list-style-type: none"> <li>1. ED2s to be sent to the relevant scrutiny Chair when signed and published</li> <li>2. All scrutiny meetings to occur at least 7 days before the relevant Cabinet meeting</li> </ol>	<p>Officers have been working to devise a municipal calendar for 2023/24 which includes the new Scrutiny Committees, and the recommendation for scrutiny meetings to occur 7 days before the relevant Cabinet.</p> <p>The relationship between the Executive and Scrutiny is outlined in the Executive-Scrutiny Protocol, and this has been updated to reflect the recommendation that scrutiny Chairs can speak freely at Cabinet.</p>
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Number	CWG Proposal	Outcome	Comment	Constitutional Reference
			<p>3. Allow scrutiny Chairs to speak freely at Cabinet and not be restricted to questions.</p>	<p>Democratic Services will introduce a process whereby ED2s are emailed to the relevant scrutiny Chair once they have been signed and published.</p> <p>Further work needs to be undertaken in relation to this issue in order that a revised committee structure can be properly tested and relevant officers and Members are consulted. A revised structure can be brought back to CWG and Full Council in due course for debate.</p>
19	Amend General Services Committee Terms of Reference to change recruitment for senior officers	Requires further investigation.	CWG want a Recruitment Panel made up of seven Members (politically proportional) to deal with the recruitment of Assistant Directors and above. The Recruitment Panel would meet on an ad-hoc basis when recruitment issues arise, and Group Leaders will be asked to nominate Members.	Officers are working with the Human Resources team and legal colleagues to review this recommendation to ensure that proper process and recruitment training is covered by the proposal. Like the scrutiny restructure, this suggestion will need to be tested first to ensure it

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
				complies with employment law and statutory requirements around the recruitment of statutory posts.
<b>20</b>	Co-optees	Requires further investigation.	Members discussed the suitability of the co-optees on committees, recognising that some committees had statutory co-optees while others had the autonomy to appoint who they felt aided in their work. Members recognised further debate was needed to identify whether this was an issue to be amended or not.	Officers are discussing this recommendation and will report back to the CWG.
<b>21</b>	Establish the Thurrock Business Board as an Outside Body of the Council	Requires further investigation.	Members felt that the Business Board could best be utilised as an Outside Body of the Council.	Officers are currently discussing the governance of the Business Board with colleagues, exploring how this recommendation could be implemented and maintain the aims of the Board. Officers will report back to the CWG.
<b>22</b>	Refresh the Code of Conduct section in line with Standards and Audit	Requires further investigation.	Members agreed with this recommendation, and Standards and Audit will begin work on the	Standards and Audit Committee will refresh the Code of Conduct and this

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
	Committee's recommendations		refresh in the new municipal year.	will be reported back to the CWG.

**Issues requiring Non-Constitutional Actions**

<b>23</b>	Align the Planning Call-In period with the period for public consultation	Requires non-Constitutional action.	Member call-ins are often based around information from members of the public, received when public notices are placed in their local area. Sometimes, the public notices are placed after the call-in period has ended, so Members cannot express their views, and the views of the residents. Members agreed that this was not a Constitutional issue and would be dealt with by the Planning Department.	The Planning Department have assured officers that the procedure has been amended to align the planning call-in period with public consultations.
<b>24</b>	Clarity for Members regarding the process for agreeing motions and questions	Requires non-Constitutional action.	Members wanted to understand in greater detail the process followed by the Monitoring Officer in agreeing or rejecting questions and motions and wanted greater transparency throughout the process. Members agreed that this was not a Constitutional issue and would be dealt with by Democratic Services.	The Monitoring Officer will send an email to all Members after the elections to clarify the procedure and assure Members that Portfolio Holders are not involved in this process.

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
25	'Swearing In' ceremony for newly elected Members at Annual Council	Requires non-Constitutional action.	Members felt this would be a ceremonial function that could occur around Annual Council (for example, at the same time as Members' photos) or could be a separate ceremonial event organised by Members Services. This would not be mandatory for Members.	Officers are working on this recommendation with the Members Services team.
26	Signature of relevant Chair on front page of every agenda	Requires non-Constitutional action.	Members desired a practice whereby the Chair signs off the agenda before it is published.	Officers are working on this recommendation being implemented into Democratic Services' current processes.
27	Clarity regarding the security of Member email accounts.	No action required.	Members sought more clarity regarding the security of their email accounts. The Information Management team confirmed that "Member emails are secure, and the Council do not routinely track Member emails and/or do not access Member email accounts to view the contents of emails. In the event of a potential breach of the Council's security policies e.g., information leaked outside of the Council, a search can be run to identify if Council information has been sent onto any individual who should not have access to Council data. In undertaking	No action required.



Number	CWG Proposal	Outcome	Comment	Constitutional Reference
			<p>these checks, Member email accounts will not be accessed directly, however a subject line search of the email could identify if a Member (or officer) has not complied with the Council's security policies."</p> <p>Members were satisfied with the response from the Information Team and agreed that no action was necessary.</p>	

### Issues which were rejected

<b>28</b>	Members be allowed a right of reply if their name is mentioned by another Member at Full Council	Disagreed.	Members did not agree with this recommendation as the Mayor already had the ability to manage the debate effectively.	No action required.
<b>29</b>	The Leader of the Council or PFH for Finance to deliver the budget at Full Council	Disagreed.	Members agreed that this was already permitted within the rules and therefore did not feel a decision was needed. A view was expressed by some Members that the Leader should be the proposer of this item.	No action required.
<b>30</b>	Allow Cabinet Members to attend and speak at Planning Committee as Executive Members	Disagreed.	Members felt that it was not necessary for Cabinet Members to speak at Planning Committee and did not agree the recommendation.	No action required.

Number	CWG Proposal	Outcome	Comment	Constitutional Reference
<b>31</b>	Independent Chairperson for Standards and Audit Committee	Disagreed.	Members agreed that as co-opted Members could not vote, and the Chair needed to have voting rights to break a tie, this recommendation could not be agreed.	No action required.
<b>32</b>	Amend Planning Committee question and debate rules	Disagreed.	Members agreed that the question and debate during Planning Committee should remain at the discretion of the Chair and did not agree the recommendation.	No action required.

## **Part 2 – Council Procedure and Rules**

### **1. Types of Council Meeting**

1.1 There may be five types of Council meeting:

- (a) The Annual Meeting
- (b) Ordinary meetings
- (c) Extraordinary meetings
- (d) State of borough debate
- (e) Themed Council meetings

1.2 These meetings will be conducted in accordance with the procedure Rules set out in this part of the Constitution:

### **2. Annual Meeting of the Council**

#### **Time and Place**

2.1 In a year when there is an ordinary election of Councillors, the Annual Meeting shall take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May.

2.2 Subject to Rule 2.1 above, the Annual Meeting shall be held at such date, time and place as the Council may resolve or, in default of such resolution, as may be determined by the Chief Executive and notified in writing to all Members.

2.3 The Annual Meeting of the Council shall take place at 7.00 pm in the Council Offices at Grays unless otherwise determined by Council.

#### **Business**

2.4 The Annual Meeting will:

- (a) Elect a person to preside if the Mayor and Deputy Mayor are not present
- (b) Receive any apologies for absence from Members
- (c) Approve correct minutes
- (d) Elect a Mayor for the ensuing municipal year
- (e) Consider urgent business
- (f) Elect a Deputy Mayor for the ensuing municipal year
- (g) Receive any declarations of interest from Members and Officers

- (h) Elect a Leader of the Council in any year in which the Leader's term of office expires [see Note below]
- (i) Receive any announcements from the Mayor or the Leader. An announcement being a formal communication of items of news or matters of public interest to the Council and should not take the form of a political statement.
- (j) Establish the following and their size and terms of reference:
  - (i) at least one Overview and Scrutiny Committee for the purposes of section 21 of the Local Government Act 2000, and determine which Overview and Scrutiny Committee or Committees shall have responsibility for Crime and Disorder, for Education, and for Health
  - (ii) a Committee for the purposes of the Licensing Act 2003
  - (iii) Health and Wellbeing Board
  - (iv) such other Committees as may be necessary for the proper discharge of the functions of the Council
- (k) Note the allocation of seats on Committees and Sub-Committees to members of political groups and those seats to be filled by Members who are not in any political group, appoint Members to those allocated Committee seats in accordance with the nominations of the political group Leaders, and appoint Members to the remaining Committee seats from among those Members who are not in any political group
- (l) Appoint any co-opted Members to the Standards and Audit and to any Overview and Scrutiny Committees, and to other Committees as appropriate
- (m) Determine to which Committees substitute Members may be appointed and appoint substitute Members in accordance with the nominations of political group Leaders
- (n) Appoint such Chairs and Vice-Chairs of Committees as it falls to Council to appoint
- (o) Receive nominations for, and make appointments to, those outside bodies to which the Council is entitled to appoint except where that right of appointment is exercisable only by the Leader / Cabinet
- (p) Agree the date, time and place of ordinary meetings of Council for the coming municipal year
- (q) Consider any business set out in the notice convening the meeting

Note: Rule 2.4 (h) above will apply only at annual meeting following an election, or following the removal or death or incapacity or resignation of the Leader.

## Order of Business

- 2.5 The order of business at the Annual Meeting may be varied, except in respect of Rules 2.4 (a) to (g).

## 3. Ordinary Meetings

### Time and Place

- 3.1 Ordinary meetings of the Council will take place at such date time and place as may be determined by Council.
- 3.2 The ~~Chief Executive Mayor or Deputy Mayor (if the Mayor is not available)~~ may cancel or postpone an ordinary meeting prior to the issue of public notice of the meeting where, after consultation with the ~~Mayor or Deputy Mayor Chief Executive, he/she the Mayor or Deputy Mayor (if the Mayor is not available)~~ considers that there is insufficient business to transact or where an event occurs which ~~he/she the Mayor or Deputy Mayor (if the Mayor is not available)~~ considers would make it inappropriate to hold the meeting on the intended date. If circumstances make it impossible for a meeting to be held as convened, the ~~Chief Executive Mayor or Deputy Mayor (if the Mayor is not available)~~, after consultation with the ~~Mayor or Deputy Mayor Chief Executive~~, may postpone an ordinary meeting and hold the meeting on a date to be agreed ~~with the Mayor or Deputy Mayor and after consultation~~ with Group Leaders.
- 3.3 All ordinary meetings of the Council shall take place at 7.00 pm in the Council Offices at Grays unless otherwise determined by Council.

### Business

- 3.4 Business at ordinary meetings will be to:
- (a) Appoint a person to preside if neither the Mayor nor the Deputy Mayor is present or able to act
  - (b) Receive any apologies for absence from Members
  - (c) Approve as a correct record the minutes of the last meeting
  - (d) Consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Mayor considers should be considered at the meeting as a matter of urgency
  - (e) Receive any declarations of interest from Members
  - (f) Receive any announcements from or on behalf of the Mayor or the Leader. An announcement being a formal communication of items of news or matters of public interest to the Council.
  - (g) Answer questions from members of the public
  - (h) Receive petitions from Members and from members of the public in accordance with the authority's Petition Scheme and Rule 14 below

- (i) Make any appointments that fall to be made to Committees, Outside Bodies, Statutory and Other Panels
- (j) Deal with any business deferred from the last Council meeting
- (k) Receive any reports from the Overview and Scrutiny Committees, the Standards and Audit Committee, or other Committees of the Council
- ~~(l)~~ ~~Receive a report from the Thurrock Youth Cabinet at least annually~~
- ~~(m)~~(l) Receive reports from the Statutory Officers
- ~~(n)~~(m) Receive reports from the Cabinet or from Members of the Cabinet
- ~~(o)~~(n) Receive any reports from the Chairs of Overview and Scrutiny committees
- ~~(p)~~(o) Answer questions received from Members in the order in which they were received
- ~~(q)~~(p) Receive reports from Members and Officers attending as the authority's representatives on outside bodies about the business of joint arrangements, boards and partnership bodies and external organisations
- ~~(r)~~(q) Receive for information the minutes of Committees
- (r) Consider motions from Members in the order in which they were received

~~(s)~~3.5 At the first ordinary meeting of the municipal year, an 'Opening of the Municipal Year' debate will be tabled. This item will last for a maximum of 1 hour and will outline the administration's plans for the upcoming municipal year. The Leader will have 10 minutes to introduce the item. There will be 50 minutes for debate, which will be managed by the Mayor.

### Order of Business

3.53.6 Where the Monitoring Officer considers that the report or consideration of any item or items of business is likely to disclose confidential or exempt information, he/she may group any such items together on the agenda for convenience.

3.63.7 The Mayor may vary the above order of business at an ordinary meeting of the Council, except in respect of Rules 3.4 (a) to (e).

### External speakers

3.73.8 Should he/she consider it conducive to or likely to facilitate the consideration of any item of Council business, the Mayor may invite such speakers to address the meeting of the Council as he/she considers appropriate. All Members will be given proper notice of the speaker's invitation and where any opportunities arise, and are appropriate, the facility to lodge, with notice, written questions to the speaker.

### **Reports of Cabinet Portfolio Holders**

~~3.8 In accordance with a timetable to be agreed by the Leader of the Council, the Cabinet Portfolio Holders shall report to full Council on the progress or otherwise of their respective roles and responsibilities as follows:~~

~~(a) Up to two Members of the Cabinet will submit written reports to each Council meeting which should be circulated with the main agenda for the Council meeting.~~

~~(b) The time allowed to introduce the report and receive questions on each report shall, unless otherwise agreed by the Council, not exceed 20 minutes, during which time the Cabinet Member will have up to 5 minutes to introduce the report, all Members will be able to seek to make contributions and ask questions on the report, after which the Cabinet Members will have up to 2 minutes to sum up. The corresponding member of the Opposition will have the right to ask the relevant Cabinet Portfolio Holder the first three questions on their annual report.~~

### **Urgent Cabinet Portfolio Holder Reports**

~~3.9 At the discretion of the Mayor and in consultation with Group Leaders, one further Member of the Executive / Cabinet may make a report to each Council meeting in respect of an item which is an emergency, urgent, or important in respect of their Portfolio.~~

~~3.10 Time allowed unless otherwise agreed will be as in Rule 3.8(b) above. A written report will be provided unless impracticable.~~

~~3.11 In the event that this procedure is requested but for whatever reason no report is made, the Mayor will set out the request and reason for non-inclusion in the Agenda.~~

## **4. Extraordinary Meetings**

### **Calling extraordinary meetings**

4.1 Those listed below may require the Proper Officer (who for this purpose shall be the Chief Executive) to call Council meetings in addition to ordinary meetings:

(a) The Council by resolution

(b) The Mayor

(c) A Statutory Officer of the authority

(d) Any five Members may together call the meeting and the Chief Executive shall make arrangements accordingly provided they have signed a requisition specifying the business to be considered at the meeting and presented the requisition to the Mayor and he/she has refused to call a meeting or has failed within seven days of the presentation of the requisition to call a meeting.

4.2 Upon receipt of such requirement, the Chief Executive shall arrange a meeting of Council to be held within 20 working days of receipt by her/him of the request.

### **Time and Place**

- 4.3 All Extraordinary Meetings of the Council shall take place at 7.00 pm in the Council Offices at Grays unless otherwise determined by Council.

### **Business**

- 4.4 Business at extraordinary meetings of the Council shall be restricted to the following:
- (a) To appoint a Member to preside at the meeting if neither the Mayor nor the Deputy Mayor are present and able to preside
  - (b) To receive apologies for absence from Members
  - (c) To receive any declarations of interest from Members and Officers
  - (d) To consider any business set out in the notice convening the meeting
  - (e) To consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Mayor considers should be considered at the meeting as a matter of urgency.

### **Order of Business**

- 4.5 Where the Monitoring Officer considers that the report or consideration of any item or items of business is likely to disclose confidential or exempt information, he/she may group any such items together on the agenda for convenience.
- 4.6 The Mayor may vary the above order of business at an ordinary meeting of the Council, except in respect of Rule 4.4 (a) to (c).

## **5. State of Thurrock Debate**

- 5.1 Subject to the Council's approval the Leader may call in consultation with the Opposition Leader a state of the borough debate annually on a date and in a form to be agreed with the Mayor.
- 5.2 The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement. This may include holding workshops and other events prior to or during the state of the borough debate.
- 5.3 The debate will be Chaired by the Mayor.
- 5.4 The results of the debate will be:
- (a) disseminated as widely as practicable within the community and the agencies and organisations in the area, and
  - (b) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year



## 6. Themed Council Meetings

- 6.1 In addition to approving a programme of ordinary meetings of the Council for the year the Council, at its annual meeting, may consider whether to hold a meeting on a particular topic on a date to be agreed.
- 6.2 The meeting shall take the form of a debate which may include provision for the Council to establish a Committee of all the Members of the Council for the purposes of the debate and, subject to the Council's agreement, for other individuals/organisations to contribute at the meeting.
- 6.3 The debate will be chaired by the Mayor.
- 6.4 The results of any debate by a Committee of the Council consisting of all Members of the Council may, at its conclusion, be considered by the Council at its resumed meeting as a recommendation of a Committee in accordance with the Council Procedure Rules.

## 7. Notice of Summons and Cancellation of Meetings

- 7.1 The Chief Executive will give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Rules.
- 7.2 At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence or such other address as the Member shall have notified the Chief Executive in writing as the address to which he/she has notified the Chief Executive that he/she wishes summonses to be sent. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where a meeting has been called by Members under Rule 4.1 (d), the notice of the meeting shall be signed by those Members.

NB. The period of "five clear days", excludes any Saturday, Sunday, Bank Holiday, Christmas Day or Good Friday, the day the agenda is sent to the Members and the day of the meeting.

- 7.3 The ~~Chief Executive-Mayor~~, in consultation with the Chief Executive, may cancel any meeting of Council by written notification to every Member and public notice in accordance with Rule 3.2.

## 8. Person Presiding

- 8.1 In this procedure, reference to the Mayor shall include reference to the person presiding at the meeting or part of the meeting where the Mayor, and/or the Deputy Mayor, is absent or unable to act, and the person presiding shall have all the powers of the Mayor for the purpose of the conduct of the meeting or item of business.
- 8.2 This Rule applies when neither the Mayor nor the Deputy Mayor are present or able to act in respect of any meeting or particular item of business, and it is necessary to elect a person to preside in their absence.
- 8.3 The Chief Executive or in his/her absence an Officer on behalf of the Chief Executive shall exercise the powers of the Mayor in respect of the election of a Member to preside (but

shall not have a first or casting vote) and shall invite nominations from Members and conduct an election for a person to preside at the meeting or in respect of the particular item, as necessary.

8.4 Where there is an equality of votes on such election, the Chief Executive or his/her representative may adjourn the meeting for up to 15 minutes. If after such adjournment, there is still an equality of votes, the matter shall be determined by the drawing of lots.

## 9. Quorum

9.1 The quorum of a meeting will be one third of the number of Members of the Council (i.e. 17, where there are no vacancies amongst the Members).

9.2 If, once a meeting has started, the Mayor is aware that a quorum may not be present, he/she shall count the number of Members present and, if a quorum is not present, declare there is not a quorum present. The Mayor shall then adjourn the meeting for not more than 15 minutes to secure the attendance of a quorum or adjourn the meeting to a date, time and place determined by the Mayor. If the Mayor does adjourn the meeting for a maximum of 15 minutes, and at the expiry of that time a quorum is still not present, he/she shall adjourn the meeting to a date, time and place determined by the Mayor.

## 10. Record of Attendance

10.1 All Members present during the whole or any part of a meeting must sign their names on the attendance sheet provided before the conclusion of the meeting.

## 11. Duration of Meeting

### Termination of Meetings

11.1 If the business of the meeting has not been concluded by ~~two and a half~~ three hours after its start, the Mayor must interrupt the meeting. The Member speaking must immediately sit down and the Mayor will then immediately and without debate take a vote on the item under discussion (including any amendment) and shall then dispose of the remaining business in accordance with Rule 11.2 below.

### Disposal of remaining business

11.2 Subject to Rule 11.3 below, if there are other motions or recommendations on the agenda that have not been dealt with, they are deemed formally moved and seconded and shall be put to the vote by the Mayor without Debate.

11.3 Where a notice of motion submitted under Rule 15 falls to be dealt with under Rule 11.2, the Member giving the notice may either:

- (a) speak to the motion for not more than three minutes before the motion is put by the Mayor without Debate; or
- (b) require that the motion is deferred to the next available meeting and dealt with as business deferred from the previous meeting

11.4 During the process set out in Rule 11.2, the only motions which may be moved are:

- (a) that a matter be delegated or referred to an appropriate body or individual for decision or report;
- (b) that a matter be deferred to the next meeting;
- (c) to move a motion that may be moved during debate, under Rule 19.23

11.5 Voting shall be in accordance with these Procedure Rules including those relating to recorded votes.

11.6 When all the other motions or recommendations have been dealt with, the Mayor may, at his/her absolute discretion, allow a further fifteen minutes to be added to the meeting to discuss the minutes of Committees and take questions from Members on them. This extra period of time may not be used for any other purpose.

### **Close of the meeting**

11.7 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

## **12. Interests of Members and Officers in matters under consideration**

### **Declaration of Interests – Members**

12.1 Members must declare in accordance with the Members' Code of Conduct any non-pecuniary, non disclosable pecuniary and any disclosable pecuniary interest which they have in any matter which is included in the agenda for the meeting, in accordance with the Members' Code of Conduct and at the item of business on the agenda relating to the declaration of Members' interests.

12.2 When declaring an interest Members must also disclose the nature of that interest.

12.3 In addition, if during the consideration of any matter, a Member realises that he/she has an interest which he/she should have declared in the matter under consideration, he/she shall declare that interest immediately. Where a Member arrives after the start of the meeting, the Member must make such declarations of interest as soon as possible after arrival and the Mayor shall permit them to do so at the earliest opportunity.

### **Withdrawal from the meeting for Disclosable Pecuniary Interests**

12.4 Where a Member has a disclosable pecuniary interest in any matter, he/she must withdraw from the meeting, including withdrawal from the public gallery, for the duration of the consideration of the matter except where the Member has been granted a dispensation to speak and / or vote in accordance with the Members Code of Conduct.

## **13. Minutes**

### **Signing the minutes**

13.1 The Mayor will, at the next suitable meeting, move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy. If approved by the meeting, the Mayor will then sign the minutes.

### **No requirement to sign minutes of previous meeting at extraordinary meeting**

- 13.2 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under paragraph 3 of schedule 12 of the Local Government Act 1972) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **Form of Minutes**

- 13.3 Minutes of a meeting shall record all motions and amendments in the exact form in which the Mayor put them to the meeting.

## **14. Petitions and Questions**

### **Petitions**

- 14.1 In accordance with the Council's Petition Scheme a petition organiser may request the opportunity to present their petition to the Council.
- 14.2 A petition must:
- (a) identify and be accompanied by contact details, including an address, for the petition organiser
  - (b) contain the name, a valid address and the signature of least 10 local government electors for the administrative area of Thurrock who support the petition. If a petition does not contain the signatures of 10 local government electors in Thurrock, proof of residence in the borough may be checked through Council Tax records, as a secondary measure.
  - (c) include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
  - (d) relate to a matter for which the authority has responsibility and which affects the authority or its area
  - (e) not, in the opinion of the Monitoring Officer, be trivial, defamatory, offensive, be substantially the same as a petition which has been considered under these Rules within the previous 12 months, name or clearly identify an employee of the authority, or involve the disclosure of confidential or exempt information.
- 14.3 A petition may only be presented to Council when notice has been submitted to the Monitoring Officer no later than 12.00 noon on the working day before that meeting of the Council.
- 14.4 Petitions may be presented to the Council in accordance with the authority's Petition Scheme by the petition organiser, by another signatory of the petition authorised by the petition organiser or by a Member on behalf of the petition organiser.

14.5 Any Member or member of the public presenting a petition shall be entitled to address the Council on the matter which is the subject of the petition for up to ~~two~~ three-minutes. Unless the petition relates to a matter which is to be determined by Council itself, it shall then be referred to the Cabinet, Cabinet Member or Committee, as appropriate, without debate.

~~14.5~~14.6 The relevant Portfolio Holder or Committee Chair will have the opportunity to speak for up to 1 minute to acknowledge the petition.

### **Public Questions**

~~14.6~~14.7 Any resident of the authority's area may submit a question addressed to the Leader, a Member of the Cabinet, a Chair of any Committee or Sub-Committee, or a Member appointed to represent the Council on a Joint Committee by delivering it in writing to the Monitoring Officer, to be received by Democratic Services by 5.00 p.m. at least six working days prior to a meeting of Council (for example, as the Council usually meets on a Wednesday, the deadline for receipt of a question will be 5.00 p.m. on the Monday the week before the meeting is due to be held). The question must relate to a matter which affects the authority or residents of the authority's area and in relation to which the authority has powers, and must name the individual to whom it is addressed. A question must be concise and clearly worded and must not extend into a statement. The question must relate to a single proposition and may not contain more than one part. No member of the public may submit more than one question in total for any one meeting of Council or ask or submit questions on behalf of another member of the public.

~~14.7~~14.8 The Monitoring Officer shall copy the question to the person to whom it is addressed and place it on the agenda for the next meeting of Council unless, in his/her opinion:

- (a) the request does not comply with the requirements of Rule 14.6 above
- (b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, names or clearly identifies an employee of the authority, or otherwise infringes the proper conduct of local government
- (c) the question is substantially the same as a question which has been previously been received and answered within a 3 month period, and there has been no significant and relevant change of circumstances since the previous question was answered; or
- (d) the question discloses, or the reply is likely to disclose, confidential or exempt information

~~14.8~~14.9 The Monitoring Officer shall put the questions on the agenda in the order that they have been received.

~~14.9~~14.10 Where the questioner is present, the person to whom the question was addressed shall then provide a verbal answer to the question (which may include a more detailed answer in writing). Where the person who submitted the question is not present, the person to whom the question was addressed may provide a written response as an alternative to a verbal response.

~~14.10~~14.11 Where the person who submitted the question is present, after the initial answer, they may ask one supplementary question arising directly out of the initial question or answer which must not extend into a statement, without notice, and the person who answered the initial question shall respond to the supplementary question.

~~14.11~~14.12 The time limit for all questions under this Rule at any meeting shall be up to 30 minutes. Where a question is not dealt with at the meeting, the person to whom the question is addressed shall provide a written answer as soon as practicable, but no later than, the next meeting.

### **Members' Questions**

#### **Questions without notice**

~~14.12~~14.13 Any Member may ask the Leader, a Cabinet Member or the Chair of a Committee any question without notice upon an item of report or recommendation of the Cabinet, Cabinet Member or Committee concerned, immediately following the presentation of that matter.

#### **Questions on Notice**

~~14.13~~14.14 Any Member may submit a maximum of 2 questions (except for the Leader of the Opposition who can ask 2 questions of the Leader and a further 2 in total of other Members) for the next ordinary meeting of Council addressed to the Leader, a Member of the Cabinet, a Chair of any Committee or Sub-Committee, or a Member appointed to represent the Council on a Joint Committee by delivering them in writing to the Monitoring Officer, to be received by Democratic Services by 5.00 p.m. at least 6 working days prior to a meeting of Council (for example, as the Council usually meets on a Wednesday, the deadline for receipt of questions will be 5.00 p.m. on the Monday the week before the meeting is due to be held). The question must relate to a matter which affects the authority or residents of the authority's area and in relation to which the authority has powers, and must name the individual to whom it is addressed. A question must relate to a single proposition and may not contain more than one part. No Member may ask or submit questions on behalf of another Member.

~~14.14~~14.15 The Monitoring Officer shall copy the question to the Member to whom it is addressed and place it on the agenda for the next meeting of Council unless, in his/her opinion:

- (a) the request does not comply with the requirements of Rule 14.13 above
- (b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, or otherwise infringes the proper conduct of local government
- (c) the question is substantially the same as a question which has been previously been received and answered within the past three months, and there has been no significant and relevant change of circumstances since the previous question was answered.

~~14.15~~14.16 The Monitoring Officer shall place the questions on the agenda in the order that they have been received. Where the Monitoring Officer considers that the question or the

answer is likely to disclose confidential or exempt information, he/she shall place the question in the exempt part of the agenda. A question may be withdrawn by the Member giving notice provided that such notice is in writing and is submitted to the Monitoring Officer before the agenda is published.

~~14.16~~14.17 At the meeting, the Mayor shall enquire whether the Member submitting the question is present. Where they are present, the Member to whom the question was addressed shall then provide a verbal answer to the question (which may include a promise to provide a more detailed answer in writing). Where the Member who submitted the question is not present, the Member to whom the question was addressed may provide a written response as an alternative to a verbal response. A question may be withdrawn after the agenda has been published but before the meeting if the Member who submitted the question has given notice in writing to the Monitoring Officer. A question may be withdrawn at the meeting in person by the Member who submitted the question before it is to be put.

### **Supplementary Questions**

~~14.17~~14.18 Where the Member who submitted the question is present, after the initial answer, they may ask two supplementary questions arising directly out of the initial question or answer which must not extend into a statement, without notice, and the Member who answered the initial question shall respond to the supplementary questions.

### **Time Limits**

~~14.18~~14.19 The time limit for all questions under this Rule at any meeting shall be up to ~~30~~ 45 minutes. Where a question is not dealt with at the meeting, the Member to whom the question is addressed shall provide a written answer as soon as practicable after the meeting.

### **Answers**

~~14.19~~14.20 An answer may take the form of:

- (a) A direct oral answer
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication
- (c) Where the reply cannot be conveniently given orally, for example because of the absence of the questioner, a written answer circulated.

## **15. Motions on Notice**

15.1 Except for motions which can be moved without notice under Rule 16 below, any Member may submit a notice of motion in writing to the Monitoring Officer for the next ordinary Council meeting, or extraordinary meeting where the meeting is to be convened to consider the subject matter of the notice of motion, to be received by Democratic Services by 5.00 p.m. at least six working days before the date of the meeting to which it is addressed (for example, as the Council usually meets on a Wednesday, the deadline for receipt of a Motion will be 5.00 p.m. on the Monday the week before the meeting is due to

- be held). A notice of motion may be accompanied by a statement of not more than 200 words setting out the reason for the proposed motion.
- 15.2 A notice of motion must relate to a matter which affects the authority or the authority's area and must relate to a matter in respect of which the authority has a relevant function.
- 15.3 A notice of motion may be in more than one part and contain more than one recommendation, but must all relate to the same subject matter.
- 15.4 The Monitoring Officer may reject a notice of motion if, in his/her opinion:
- (a) it does not comply with the requirements of Rule 15.1 above
  - (b) the notice of motion is defamatory of an individual, offensive, or otherwise infringes the proper conduct of local government
  - (c) the recommendation in the notice of motion would be illegal
  - (d) the notice of motion is substantially the same as a question that has been received previously and answered within the past year, and there has been no significant and relevant change of circumstances since the previous question was answered
- 15.5 Where the Monitoring Officer rejects a notice of motion, he/she shall inform the Member submitting the notice of motion as soon as practicable and shall not include the rejected notice of motion in the public record or agenda.
- 15.6 The Monitoring Officer shall record all such notices of motion (not including a rejected notice) in the order in which they are received and such record shall be open to public inspection on request.
- 15.7 The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received, save that:
- (a) where two or more notices of motion are received from a particular Member for the same meeting, that Member's second notice of motion shall be included after all other Members' first notices of motion, that Member's third notice of motion shall be included after all other Members' second notices of motion, and so on.
  - (b) where he/she considers that the notice of motion, statement or consideration of the notice of motion is likely to result in the disclosure of confidential or exempt information, in which case he/she may group such notices of motion together with other items of business which are, in his/her opinion, likely to involve the exclusion of press and public during their consideration.
- 15.8 The Council shall not debate any motion which would give rise to a significant change to the income of the Council, to its expenditure or to contract terms, unless it has received a report from the Chief Finance Officer or the Monitoring Officer, as appropriate, setting out the legal or financial effect of the motion.



- 15.9 Where a Member submits a notice of motion which would require an accompanying report under Rule 15.8, he/she shall at the same time provide the Chief Finance Officer and /or the Monitoring Officer with sufficient supporting information to enable them to prepare such accompanying report.
- 15.10 Where a motion which would require an accompanying report under Rule 15.8 falls to be moved without such accompanying report being made available to all Members of Council, the motion shall stand adjourned without debate to the next available meeting of Council.
- 15.11 There will be no time limit for moving and debating motions on notice.
- 15.12 Subject to Rule 15.13, if there are other motions or recommendations on the agenda that have not been dealt with by the close of the meeting, they are deemed formally moved and seconded and shall be put to the vote by the Mayor without Debate.
- 15.13 Where a notice of motion submitted under Rule 15 fails to be dealt with under Rule 15.12, the Member giving the notice (or any Member notified as proposing the motion under rule 19.2) may either:
- (a) speak to the motion for not more than three minutes before the motion is put by the Mayor without Debate; or
  - (b) require that the motion is deferred to the next available meeting and dealt with as business deferred from the previous meeting
- 15.14 If a motion is not moved and seconded, it will not be considered at the meeting to which it has been submitted. Any such motion may be submitted to a future meeting of the Council in accordance with Rule 15.1.

#### **Automatic reference to the Executive / Cabinet or a Committee**

- 15.15 If the subject matter of a motion is within the remit of the Cabinet or a Committee, upon being moved and formally seconded, it shall stand referred without discussion to the Executive / Cabinet or relevant Committee including Overview and Scrutiny Committees as the Council may determine, for consideration and report to the Council as soon as practical. At that time the motion shall be considered with any such report which shall include any appropriate risk assessments.
- 15.16 The Council may permit a motion to be dealt with at the meeting at which it is brought forward, provided that the subject matter is urgent or that it is appropriate to deal with the matter, subject to proper information regarding the matters referred to above.
- 15.17 If the motion has been moved only formally the mover shall be entitled to speak in introducing it when it is considered by the Council either at the same meeting (if agreed as above) or at the next meeting when the report of the Cabinet or a Committee is also submitted.

#### **Motions Affecting Persons Employed by the Council**

- 15.18 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of section 100 (A) (2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by

the Council, such matter shall not be the subject of discussion until the Council or Committee as the case may be, has decided whether or not the power to exclude the public under section 100 (A) (2) of the Local Government Act 1972 shall be exercised.

#### **Motion to rescind a previous decision**

- 15.19 A motion or amendment to rescind, or which has the effect of rescinding, a decision made at a meeting of Council within the past six months, may not be moved except upon a recommendation from the Leader or Cabinet for a variation of the approved Budget or Policy Framework, or where the Monitoring Officer confirms that it is appropriate for the Council to reconsider the matter to comply with law, as a result of a change of law or material change of circumstances.

#### **Motion similar to one previously rejected**

- 15.20 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five Members. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for a further six months.

#### **Motion to remove the Leader of the Council from office**

- 15.21 The Leader may be removed from office by resolution of the Council, on a notice of motion signed by fifteen Members and approved, without amendment, by the Council. Any such Motion must be delivered to the Monitoring Officer in writing at least ten working days before the date of the meeting to which it is addressed. If the Council passes such a resolution, a new Leader is to be elected:

- (a) At the meeting at which the Leader is removed from office; or
- (b) At a subsequent meeting

- 15.22 In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of the Leader until the new Leader is elected by the Council.

### **16. Motions without Notice**

- 16.1 The following motions may be moved without notice:

- (a) To appoint a person to preside at the meeting or part of the meeting at which the motion is moved
- (b) In relation to the accuracy of the minutes
- (c) To change the order of business in the agenda
- (d) To refer something to an appropriate body or individual
- (e) To elect a Leader or to appoint any other member to a position of authority, i.e., Chair of a Committee, where a vacancy exists in such office [see note below]

- (f) To appoint a Committee or Member arising from an item on the summons for the meeting
- (g) To receive reports or adoption of recommendations of the Executive / Cabinet, the Overview and Scrutiny Committee, Review and other Committees or Officers and to pass any resolutions following from them
- (h) To withdraw a motion
- (i) To amend a motion
- (j) To proceed to the next business
- (k) That the question be now put
- (l) To adjourn a debate
- (m) To adjourn a meeting
- (n) To suspend a particular Council procedure rule for a period not exceeding the duration of that meeting
- (o) To exclude the public and press in accordance with the Access to Information Rules
- (p) To not hear further from a Member named under Rule 22.5 or to exclude them from the meeting under Rule 22.6
- (q) To move an urgent motion where the Mayor has given consent under Rule 16.2

Note: Rule 16.1 (e) above will apply in respect of the Leader only at the annual meeting following an election, or following the removal or death or incapacity or resignation of the Leader.

- 16.2 The Mayor shall, notwithstanding this Rule, have the absolute discretion in exceptional circumstances to accept urgent written notices of motion that cannot reasonably await the next meeting of the Council save for motions of no confidence.

## **17. Motions of No Confidence**

- 17.1 Motions of no confidence in any office holder shall require to be carried by a majority of the Members of the whole Council (i.e. 25 Members) in order to be approved.
- 17.2 Motions proposing that a vote of no confidence be taken in respect of any office holder may not be treated as an urgent matter by the Mayor under Rule 16.2.

## **18. Reports and Recommendations**

- 18.1 The following persons may make a report and recommendations to the Council:
- (a) The Mayor
  - (b) The Leader

- (c) Portfolio Holder
- (d) The Chair of Standards and Audit Committee
- (e) The Monitoring Officer
- (f) A Proper Officer
- (g) Any other Officer, reporting in accordance with a statutory obligation
- (h) A Member or Officer reporting as the Council's representative on any statutory body or authority.

18.2 Except in cases of urgency, such person shall report by delivering the report and recommendation to the Monitoring Officer at least 10 clear working days before the meeting.

18.3 Any person having such right to report (or any other person nominated by them) shall have the right to address Council for 3 minutes on the matter of any report and shall answer any questions from Members thereon.

## 19. Rules of Debate

### Requests to change the order in which Motions are considered

19.1 At any meeting of the Council, a Member may request the Mayor to exercise his / her discretion to change the order in which Motions submitted in accordance with Rule 15 are to be considered. The Mayor will exercise their discretion in deciding upon any such request but will take into account the views of any Member who has submitted a Motion that may not be considered in the order in which it was placed on the Agenda for the meeting.

### Proposing and seconding motions

19.2 All motions, including amendments, must be proposed and seconded by Members, or deemed to be so under these Rules, before they may be debated and voted upon. Any motion submitted may be proposed by a Member other than the one who submitted it on notice to Democratic Services no later than noon on the day of the meeting, if the Member who submitted is not attending the meeting. The Member who submitted the motion may nominate another Member to move the motion at the meeting, if both Members are present at the meeting.

19.3 A Member seconding a motion shall indicate his/her intention to second the motion immediately following the proposal of the motion, and may then elect to speak immediately following the proposer, or may elect to reserve his/her speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).

19.4 Reports and recommendations from Cabinet, Committees, Sub-Committees and Officers shall be deemed to have been proposed and seconded, and the proposer's speech may be taken (for Cabinet) by the Leader or another Cabinet Member deputed by the Leader or (for Committees and Sub-Committees) by the Chair, or in his/her absence the Vice-Chair,

or in both their absence by a Member of the Committee or Sub-Committee chosen by the Mayor.

- 19.5 If the subject matter of the motion is within the remit of the Executive / Cabinet or a Committee, upon being moved and formally seconded, it shall stand referred without discussion to the Executive / Cabinet or relevant Committee including Overview and Scrutiny Committees as the Council may determine, for consideration and report to the Council as soon as practical. At that time the motion shall be considered with any such report which shall include any appropriate risk assessments.

#### **Right to require motion in writing**

- 19.6 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

#### **Content and length of speeches**

- 19.7 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

- 19.8 No speech may exceed ~~3~~ 4 minutes without the consent of the Mayor except:

- (a) 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)
- (b) The Leader, a Cabinet Member or the Chair or Vice Chair of a Committee who is presenting a report to Council or moving the adoption of minutes or recommendations may speak for 5 minutes
- (c) At the Meeting of Council at which the authority's Budget is proposed, the Leader shall be allowed 20 minutes to set out his/her priorities or to propose the Budget, and a further 10 minutes to respond to any speech. The Leader of the Opposition shall be allowed 15 minutes to reply to a Leader's speech (but not to the response).

- 19.9 In the event of the absence of the Leader or the Leader of the Opposition, the Mayor shall invite the Deputy Leader or another Cabinet Member (for the Leader) or another Member of the same political group (for the Leader of the Opposition) to exercise the rights of speech of the Leader or the Leader of the Opposition.

#### **When a Member may speak again**

- 19.10 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (a) To second formally a motion or amendment, having reserved the right to speak later
  - (b) To speak once on an amendment moved by another Member
  - (c) To move a further amendment if the motion has been amended since he/she last spoke

- (d) If his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried)
- (e) In exercise of a right of reply
- (f) On a point of order
- (g) By way of personal explanation.

### **Amendments to motions**

- 19.11 An amendment to a motion must be relevant to the motion and may be in either or both of the following forms:
- (a) To refer the matter to an appropriate body or individual for consideration or reconsideration; or
  - (b) To leave out words and/or add and/or insert words as long as the effect of so doing is not to negate the motion.
- 19.12 Any amendment must be in writing and submitted to the Monitoring Officer by no later than noon on the day of the meeting, except:
- (a) with the consent of the Mayor
  - (b) amendments to motions which have been moved without notice, or
  - (c) amendments to recommendations arising from Officers' reports
- 19.13 Amendments shall be taken in the order in which they have been moved (unless the Mayor determines otherwise for the efficient running of business). Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 19.14 If an amendment is not carried, other amendments to the original motion may be moved.
- 19.15 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 19.16 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

### **Alteration of motion**

- 19.17 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 19.18 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. If the seconder is not present, another Member may second the altered motion on his/her behalf. The meeting's consent will be signified without discussion.

19.19 Only alterations which could be made as an amendment may be made.

#### **Withdrawal of motion**

19.20 A motion may be withdrawn by the person giving notice provided that such notice is in writing and is submitted to the Monitoring Officer before the agenda is published. A motion may be withdrawn after the agenda has been published but before the meeting if the Member who submitted the motion has given notice in writing to the Monitoring Officer. A motion may be withdrawn at the meeting in person by the Member who submitted the motion, before it has been moved.

19.21 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. If the seconder is not present, another Member may consent to the withdrawal on his/her behalf. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **Right of reply and order of debate**

19.22 The mover of a motion has a right to reply at the end of the debate on a motion immediately before it is put to the vote.

19.23 If an amendment is moved the debate shall proceed in the following manner:

- (a) The mover of the motion shall speak
- (b) The seconder of the motion shall speak unless he or she has reserved their speech
- (c) The mover of the amendment shall speak
- (d) The seconder of the amendment shall speak unless he or she has reserved their speech
- (e) There shall follow such other number of speakers as the Mayor considers appropriate
- (f) If the seconders of the substantive motion and the amendment reserved their speeches, they shall then speak
- (g) The mover of the amendment shall have a right of reply
- (h) The mover of the substantive motion shall have the final right of reply
- (i) A vote shall be taken on the amendment
- (j) A vote shall be taken on the substantive motion, as amended if appropriate, without further debate

#### **Motions which may be moved during debate**

19.24 When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw that motion
- (b) to amend that motion
- (c) to proceed to the next business
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) to exclude the public and press in accordance with the Access to Information Rules
- (h) not to hear further a Member named, or to exclude them from the meeting

### **Closure motions**

- 19.25 A Member may move, without comment, any one of the following motions at the end of a speech of another Member:
- (a) to proceed to the next business
  - (b) that the question be now put
  - (c) to adjourn a debate
  - (d) to adjourn a meeting
- 19.26 If a motion to proceed to next business is seconded and the Mayor considers that the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried the meeting will proceed to the next item of business without any further debate.
- 19.27 If a motion that the question be now put is seconded and the Mayor considers that the item has been sufficiently discussed, he/she will put the procedural motion to the vote.
- 19.28 If the procedural motion is passed the Mayor will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- 19.29 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor considers that the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- ### **Point of Order**
- 19.30 A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. In relation to a breach of the law, the Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.



### **Personal explanation**

- 19.31 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may have been inaccurate or appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **20. Voting**

### **Majority**

- 20.1 Unless this Constitution provides otherwise, any matter will be decided by a ~~simple majority~~ **simple majority** of those Members voting and present in the room at the time the question was put.
- 20.2 Votes on a motion of no confidence in any office holder must be passed by a majority of the Members of the whole Council.

### **Motions in several parts**

- 20.3 Where a motion is in several parts, the vote shall be taken on the whole motion, unless the Mayor at his/her discretion determines that each part shall be taken separately, or the meeting so resolves.

### **Mayor's casting vote**

- 20.4 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### **Show of hands or electronic voting**

- 20.5 ~~Where no dissent is apparent, t~~The Mayor **may will** take a vote on a show of hands. In all other cases, he/she shall take a vote by use of such electronic voting system as may be available.

### **Recorded vote**

- 20.6 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require that immediately after any vote relating to the budget or council tax is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. A recorded vote will therefore be taken on any decision relating to the budget or council tax and will follow the procedure set out at Rule 20.7 below.
- 20.7 Notwithstanding Rule 20.5, if any five Members present at the meeting demand it by standing to indicate such demand, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:

- (a) The Mayor shall put the motion and the Chief Executive shall call out the names of Members and record their votes or abstentions
- (b) The Mayor shall declare the result of the vote and the vote of each Member shall be recorded in the minutes

### **Right to require individual vote to be recorded**

- 20.8 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **Voting on appointments**

- 20.9 If there are more people nominated for any position(s) than there are position(s) to be filled and there is not a clear majority of votes in favour of the required number of people, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Where there is an equality of votes for a person to continue in the appointment process, a vote shall be taken between those candidates having an equality of votes to determine which candidate shall continue in the appointment process.

### **Voting on changes to the electoral cycle of the Council**

- 20.10 Notwithstanding Rule 20.1, two-thirds of the Members present at an Extraordinary Council Meeting must vote in favour of a recommendation to change to whole-council elections for the resolution to be approved.

## **21. Exclusion of Public and Press**

- 21.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 8 or Rule 23 below.

## **22. Members' Conduct**

### **Order of Speeches**

- 22.1 Subject to the Rules of debate, the Mayor shall have absolute discretion as to the order in which he/she calls Members to speak.

### **Standing to Speak**

- 22.2 When a Member speaks at a Council meeting, he/she shall, unless physically impaired from so doing or with the Mayor's consent, stand and address the meeting through the Mayor. If more than one Member stands to speak, the Mayor shall call a specific Member to speak and all other Members shall then sit. Other Members must remain seated whilst any Member is speaking, except a Member who stands to signify his/her intention to make a point of order or a point of personal explanation

### **Mayor standing**

- 22.3 When the Mayor enters or leaves the Council Chamber, all Members shall stand. When the Mayor stands to speak during the course of the meeting, all Members shall cease speaking and shall sit down.

### **Telephones and electronic equipment**

- 22.4 Each Member shall ensure that his/her mobile telephone and other electronic equipment is silent during any meeting and that his/her use of such equipment does not interfere with the proper conduct of the meeting.

### **Member not to be heard further**

- 22.5 If a Member disregards the ruling of the Mayor by behaving improperly or offensively or obstructs the conduct of the meeting, the Mayor may warn the Member as to his/her conduct. If the Member persists in behaving improperly or offensively or deliberately disrupts the conduct of the meeting despite such warning, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **Member to leave the meeting**

- 22.6 If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **General disturbance**

- 22.7 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

## **23. Disturbance by Public**

### **Removal of member of the public**

- 23.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor may order their removal from the meeting room.

### **Clearance of part of meeting room**

- 23.2 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

## **24. Admission to and reporting of meetings**

- 24.1 The Openness of Local Government Bodies Regulations 2014, allow any person to attend and report on meetings, or those parts of meetings, that are open to the public using any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities. "Reporting" is defined in the Regulations as:

- (a) Filming, photographing or making an audio recording of proceedings at a meeting;
- (b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- (c) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present;

24.2 If, at any time during the meeting, the Mayor feels that filming, recording, reporting or photography is disrupting proceedings, the provisions set out in Rules 22.4, 22.7, 23.1 and 23.2 will apply.

24.3 In any instance where the press and public have been excluded from the meeting in accordance with the provisions set out in Chapter 8 of this Constitution, the Council will not allow reporting on the meeting using methods which:

- (a) can be used without that person's presence at the meeting, and
- (b) enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later

## **25. Suspension and Amendment of Council Procedure Rules**

### **Suspension**

25.1 All of these Council Rules of Procedure except Rules 13.2 and 20.8 (which are mandatory) may be suspended by motion on notice or without notice if at least two thirds of the Members of the Council are present. Suspension can only be for the duration of the meeting.

### **Amendment**

25.2 Any motion to add to, vary or revoke these Council Rules of procedure will, when proposed and seconded, stand adjourned without discussion to the appropriate Committee for consideration and report back to Council at the next ordinary meeting of the Council.

## **26. Interpretation of Rules**

26.1 The ruling of the Mayor as to the construction or application of any of these Rules shall not further be challenged at any meeting of the Council.

## **27. Appointment of Members to Committees**

### **Allocation of seats to Political Groups**

27.1 Whenever the authority is required to undertake a review of the allocation of seats to political groups, the Chief Executive shall conduct such review and report to Council setting out the number of seats on each Committee and outside body which are allocated to each political group and the number of seats which remain unallocated, in accordance

with the requirements of the Local Government and Housing Act 1989, and shall send a copy of such report to the Leader of each political group and to any Members who are not members of any political group.

- 27.2 Following receipt of a copy of such report, each Leader of a political group shall make nomination to Council of Members for appointment to those seats on each Committee which are allocated to his/her political group. Such nomination may be made in writing to the Chief Executive in advance of the meeting or may be made verbally at the meeting at which such appointments are to be made.
- 27.3 The Leader of any political group may notify the Chief Executive in writing at least ten clear working days before any meeting of Council stating his/her intention to move that a named Councillor be removed from a seat on a particular Committee or outside body which has been allocated to his/her political group and to move the appointment of another Member to that seat, and the Chief Executive shall then include an appropriate item of business in the Council agenda for the next appropriate meeting of Council.

### **Appointment of Members to Committees**

- 27.4 At the meeting of Council where an item of business relating to the appointment of Committees is included on the agenda, the Council shall appoint Members to each Committee in accordance with the nominations made by each group Leader.
- 27.5 The Council will then appoint Members to those seats on Committees which have not been allocated to any political group from amongst those Members who are not members of any political group.

### **Appointment of co-opted Members of Committees**

- 27.6 Where Council determines that a Committee shall include one or more co-opted Member, it shall also specify whether such Member shall be a voting or a non-voting Member, the dates and term of office of any such appointment and the procedure for selection of such co-opted Member(s), which may include advertisement and competition or invitation for nomination from specified bodies.
- 27.7 Co-opted Membership of any Committee shall not be subject to proportionality.

## **28. Appointment of substitute Members**

### **Appointment**

- 28.1 In like manner as for the appointment of full Members of Committees, where the Leader of a political group may nominate a number of Members determined by the Chief Executive for appointment by Council as full Members of the Committee, the Leader of a political group may also nominate an equal number of Members for appointment as substitute Members of the Committee, and Council shall appoint such substitute Members in accordance with the nominations made by the Leader of the political group. No Member shall be appointed as a full Member and a substitute Member of the same Committee.
- 28.2 In like manner as for full Members of Committees, the Leader of a political group may move that a Member of that political group cease to be appointed as a substitute Member of a specified Committee and move that another Member be appointed as a substitute

Member of that Committee, and Council shall make such removal and appointment in accordance with the nominations of the Leader of the group.

### **Substitution**

- 28.3 A substitute Member may attend a particular meeting of the Committee to which he/she has been appointed as a substitute Member, in substitution for a full Member of that Committee from the same political group and with the full powers of a full Member where:
- (a) the full Member for whom the substitute Member will substitute will be absent throughout the whole of the particular meeting; and
  - (b) the substitute Member has notified Democratic Services before the start of the meeting that he/she will be acting as substitute for that meeting, and of the name of the full Member for whom he/she will substitute

### **Powers and duties**

- 28.4 A substitute Member shall have none of the rights of a Member of a Committee unless he/she has been substituted in accordance with Rule 28.3 above.
- 28.5 Once substituted in accordance with Rule 28.3 above, the substitute Member shall have all the powers of a full Member at the meeting.

## **29. Working Groups**

- 29.1 From time to time, the Council may wish to establish Working Groups to consider a specific piece of work or look into a particular issue in more detail outside of the formal meeting. Any such Working Group will comprise of members of the Council, working informally with Officers or other Members and reporting their findings back to the Council. A list of Working Groups will be published and maintained on the Council's website which will state the title, date established, membership, and remit of any Working Groups.
- 29.2 A Working Group established by the Council is not required to conduct its proceedings in accordance with the Scrutiny Procedure Rules in Part 2 of this Chapter or the Access to Information Procedure Rules in Chapter 8 of this Constitution.

## Part 3 – Scrutiny Procedure Rules

### 1. Meetings of the Overview and Scrutiny Committees

- 1.1 There shall be up to six ordinary meetings of each of the Overview and Scrutiny Committees each year.
- 1.2 Subject to Rule 1.4 below, the time and place of meetings shall be as set out in the Calendar of Meetings approved by the Council annually although the Chair and Monitoring Officer or a Committee by resolution, may determine that an ordinary meeting shall be held at such other place as they consider appropriate. The Chair and/or Monitoring Officer may determine, having regard to special circumstances, that a particular ordinary meeting be held at such other time as they consider appropriate.
- 1.3 The ~~Monitoring Officer~~ Chair (or in his/her absence, the Vice Chair) may cancel or postpone an ordinary meeting prior to the issue of an Agenda for the meeting where, after consultation with the ~~Chair of the relevant Committee (or in his/her absence, the Vice Chair), Monitoring Officer, he/she~~ the Chair (or in his/her absence, the Vice Chair) considers that there is insufficient business to transact or where an event occurs which ~~he/she~~ the Chair (or in his/her absence, the Vice Chair) considers would make it inappropriate to hold the meeting on the intended date. If circumstances make it impossible for a meeting to be held as convened, the ~~Monitoring Officer~~ Chair (or in his/her absence, the Vice Chair), after consultation with the ~~Chair of the relevant Committee (or in his/her absence, the Vice Chair), Monitoring Officer~~ may postpone an ordinary meeting and hold the meeting on a date to be agreed ~~with the Chair of the relevant Committee (or in his/her absence, the Vice Chair).~~
- 1.4 The Chair, or in the Chair's absence the Vice-Chair, may from time to time agree to cancel meetings if there is insufficient business to transact at that time.
- 1.5 In addition, an extraordinary meeting of an Overview and Scrutiny Committee may be called by either:
- (a) The Chair of the relevant Committee, or in the Chair's absence the Vice-Chair
  - (b) A quorum of the Members of the Committee; or
  - (c) The Monitoring Officer if he/she considers it necessary or appropriate.
- 1.6 Meetings may be held in a location suited to the topic under consideration, at the discretion of the Committee Chair, or in the Chair's absence, the Vice-Chair.

### 2. Work Programme

- 2.1 Each Overview and Scrutiny Committee shall be responsible for setting its own work programme, taking into account the wishes and preferences of the Members of that Committee, including Members who are not members of the largest political group on the Council or of any political group.

2.2 Each Overview and Scrutiny Committee may receive requests from the Cabinet and suggestions from Officers of the Council and co-optees for particular topics to be scrutinised.

### 3. Agenda Items

3.1 Any Member of the Council may, with 7 working days' notice, request the Monitoring Officer to include an item on the agenda of a relevant Overview and Scrutiny Committee. Upon receipt of such a request the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant Committee, and advise the Chair accordingly.

3.2 There will be a standing item on the agenda of all ordinary meetings of Overview and Scrutiny Committees to allow such requests to be considered.

3.3 Any Member who submits a request will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the request and to have the item discussed. The Committee will decide either:

- (a) If the matter is a simple one, to resolve it forthwith
- (b) To request Officers to prepare a report for the next convenient meeting
- (c) To set up a task and finish group to investigate and report back to the Committee
- (d) To make recommendations to the Cabinet or Council, as appropriate
- (e) To decide to take no further action upon the request, for stated reasons.

3.4 The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and, if they consider it appropriate, the Cabinet, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committees shall report their findings and any recommendations back to the Cabinet or Council, as appropriate. The Council and/or the Cabinet shall consider and respond to a report of an Overview and Scrutiny Committee within two months of receiving it unless otherwise agreed by the Chair of the relevant Committee.

#### Reports of Cabinet Portfolio Holders

3.5 Once during the municipal year, the Cabinet Portfolio Holder may be requested to report to the relevant Overview and Scrutiny Committee on the progress or otherwise of their respective roles and responsibilities as follows:

(a) Each Portfolio Holder will submit written reports to one meeting of the relevant Overview and Scrutiny Committee per year, which should be circulated with the main agenda for the meeting.

3.4—(b) The time allowed to introduce the report and receive questions on each report shall, unless otherwise agreed by the Committee, not exceed 30 minutes, during which time the Cabinet Member will have up to 5 minutes to introduce the report, all Members will be able to seek to make contributions and



ask questions on the report, after which the Portfolio Holder will have up to 2 minutes to sum up.

#### **4. Policy Review and Development**

- 4.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules set out in Chapter 3 Part 3.
- 4.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework Budget, an Overview and Scrutiny Committee may:
- (a) Consider and make recommendations to the Cabinet on any matters that are consistent with its terms of reference
  - (b) Hold enquiries and investigate the available options for future direction in policy development and appoint advisers and assessors to assist in this process, within available Budgets
  - (c) Do anything which is reasonable to assist or inform its deliberations, including a general call for evidence, site visits, public surveys, public meetings and commissioning research
  - (d) Ask witnesses to attend to address it on any matter under consideration and pay to any advisers, assessors or witnesses a reasonable fee and expenses for doing so.
- 4.3 The Overview and Scrutiny Committees may also exercise the above tasks through Task and Finish groups.

#### **5. Procedure at Overview and Scrutiny Committee Meetings**

- 5.1 Overview and scrutiny Committees shall consider the following business:
- (a) Minutes of the last meeting
  - (b) Receipt of urgent business
  - (c) Declarations of interest (including whipping declarations)
  - (d) The receipt of petitions from members of the public (in accordance with the Public Participation Procedure as set out later in this Chapter.)
  - (e) Public questions, statements or deputations (in accordance with the Public Participation in Scrutiny Procedure as set out in later in this Chapter in Rule 14)
  - (f) Consideration of any matter referred to the Committee by a Member under Rules 3.1 or 3.2 above;
  - (g) Responses of the Council or the Cabinet to the Committee's reports or recommendations;

~~(h) Any Councillor Call for Action in accordance with procedure set out in Rule 11 below.~~

~~(+)(h)~~ Any other business specified in the agenda for the meeting, and

~~(j)(i)~~ The Forward Plan and its work programme.

- 5.2 The provisions of the Committee Procedure Rules set out in Chapter 5 will be applied to meetings of the Overview and Scrutiny Committees to the extent they are considered appropriate.
- 5.3 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings, which are to be conducted in accordance with the following principles:
- (a) that the investigation is conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak
  - (b) that those assisting the Committee by giving evidence be treated with respect and courtesy
  - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis
- 5.4 Within those principles the Council expects the Overview and Scrutiny Committees to be effective, thorough and incisive and to consider all relevant evidence in their work. It also expects the Committees to strive for continuous improvement in the overview and scrutiny function and to develop further opportunities for public engagement.
- 5.5 Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public subject to the Access to Information Rules and provisions relating to confidential and exempt reports or information, and any prohibition, limitation or restriction on disclosure arising from statute, any rule of law, or order of a court.
- 5.6 The Protocol for Member/Officer Relations contained in Chapter 7 of the Constitution shall apply to the attendance of Officers giving evidence to an Overview and Scrutiny Committee or sub-Committee.

## **6. Reports from Overview and Scrutiny Committees**

- 6.1 An Overview and Scrutiny Committee may prepare a formal report, with recommendations, and submit it to the Monitoring Officer with a notice requiring it to be considered by the Cabinet or the Council as appropriate, depending on which body is responsible for the function concerned and whether the proposals are consistent with the Council's Budget and Policy Framework. Where a report is to be made to the Council, the Monitoring Officer shall refer a copy to the Leader with notice that the matter is to be referred to the Council.

- 6.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Cabinet or Council as appropriate, then one or more minority reports may be prepared and submitted for consideration by the Cabinet or Council at the same time as the majority report. Officers shall support the preparation of any such minority reports.
- 6.3 The Cabinet or Council as appropriate, in compliance with its legal duty to comply with any notice given by an Overview and Scrutiny Committee under Rule 6.1 above, shall:
- (a) consider the report and recommendations of the Overview and Scrutiny Committee at its next available meeting
  - (b) respond to any such report within two months of its receipt indicating what action, if any, the authority or the Cabinet proposes to take, and if it decides to take no action, the reasons for that decision
- 6.4 The agenda for Cabinet meetings shall include a standard item entitled 'Overview and Scrutiny Committee Matters' to facilitate the Cabinet's early consideration of scrutiny reports and recommendations, which shall be included at this point on the agenda unless they have been reported as part of a substantive item elsewhere on the agenda.
- 6.5 Reports and recommendations of Overview and Scrutiny Committees will normally be presented at Cabinet and Council meetings by the relevant Overview and Scrutiny Committee Chair or Vice-Chair, or by another non-executive Member nominated by that Committee. The Member concerned will be invited to participate in discussion of the report.

### **Reports on Local Improvement Targets**

- 6.6 Where the Corporate Overview and Scrutiny Committee or any other Overview and Scrutiny Committee makes a report or recommendations on a local improvement target specified in the Local Area Agreement that relates to a relevant partner authority, it may by written notice require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions. This power will be exercised in accordance with such government regulations and statutory guidance as may be issued under section 21C of the Local Government Act 2000 (inserted by section 122 of the Local Government and Public Involvement in Health Act 2007).

### **Reports on Local Crime and Disorder Matters**

- 6.7 Where the Cleaner Greener and Safer Overview and Scrutiny Committee makes a report or recommendations on a local crime and disorder matter within its terms of reference, it will copy the report to the responsible authorities, notifying them of their duty under section 19 of the Police and Justice Act 2006 (as amended by section 126 of the Local Government and Public Involvement in Health Act 2007) (a) to consider the report or recommendations; (b) to respond to the Committee in writing within 28 days indicating what (if any) action it proposes to take; and (c) to have regard to the report or recommendations in exercising its functions. This power will be exercised in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009. The matters considered by the Committee will be crime and disorder matters to the extent that they fall within the Council's crime and disorder strategy.

## **Reports on Local Health Service Matters**

- 6.8 Where the Health and Wellbeing Overview and Scrutiny Committee makes a report or recommendations on a local health service matter, it will copy the report to the relevant NHS bodies and request a response in writing within two calendar months.
- 6.9 Where the Committee (including any joint health Overview and Scrutiny Committee to which the Committee has appointed one or more Members) has been consulted by a local NHS body on any proposal for a substantial variation or development in local NHS services, and the Committee (having considered the evidence) is not satisfied that consultation has been adequate, or considers that the proposal would not be in the interests of the health service in the area, then it may report in writing to the Secretary of State, under section 244, NHS Act 2006.

## **7. Rights of Overview and Scrutiny Committee Members to Documents**

- 7.1 Overview and Scrutiny Committees will have access to the Forward Plan of key decisions of the Cabinet and timetable for decisions and intentions for consultation.
- 7.2 In addition to their rights as Councillors, Members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules set out in Chapter 8 of the Constitution.
- 7.3 Nothing in this paragraph shall prevent more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

## **8. Members and Officers giving Account**

- 8.1 An Overview and Scrutiny Committee (or Task and Finish Group) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or other matter that is within its terms of reference. As well as reviewing documentation an Overview and Scrutiny Committee (including any task group) may, in fulfilling the scrutiny role, require any Member of the Cabinet, the Chief Executive and/or any Director to attend before it to explain, in relation to matters within their remit:
- (a) Any particular decision or series of decisions
  - (b) The extent to which the actions taken implement Council policy
  - (c) The performance of their areas of responsibility
- 8.2 An Overview and Scrutiny Committee may also require any Council Member who has been granted local ward Member powers (for instance a delegated Budget) under section 236 of the Local Government and Public Involvement in Health Act 2007 to attend before it to answer questions on any function which the Member has power to exercise.
- 8.3 It is the duty of those persons described in Rules 8.1 and 8.2 above to attend if so required.
- 8.4 Where any Cabinet Member, Ward Member or Officer is required to attend an Overview and Scrutiny Committee or a task group under this provision, Democratic Services staff

will inform that Member or Officer in writing, giving at least 5 working days' notice of a meeting of the Overview and Scrutiny Committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.

- 8.5 Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given at least 14 working days' notice to allow for preparation of that documentation.
- 8.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then a substitute may be asked to attend or the Overview and Scrutiny Committee may, in consultation with the Member or Officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.

## **9. Attendance by others**

- 9.1 An Overview and Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear for example from residents, representatives from the local NHS Trust, stakeholders, Members and Officers in other parts of the public sector, or experts, and may invite such people to attend.
- 9.2 Public participation in meetings of the Overview and Scrutiny Committees shall be governed by the provisions set out later in this chapter.
- 9.3 Any Member of the Council shall be entitled to attend meetings of the Overview and Scrutiny Committees and to speak once on any agenda item, with further speaking being at the discretion of the Chair.
- 9.4 Rule 9.3 above is subject to the Rules on non-pecuniary, pecuniary and disclosable pecuniary interests in the Members' Code of Conduct set out in Chapter 7, Part 3 of the Constitution; which would permit a Member with a non-pecuniary or non-disclosable pecuniary interest or disclosable pecuniary interest to attend an Overview and Scrutiny Committee meeting but only for the purpose of answering questions or giving evidence at the request of the Committee relating to the business under discussion; the Member must then withdraw from the meeting. If the Member wishes to make representations to the Committee he/she may do so after being granted a dispensation
- 9.5 Rule 9.4 above does not prevent an Overview and Scrutiny Committee from requiring Cabinet Members or inviting other persons (including Council Members) to attend before it to answer questions.

## **10. Call-in**

- 10.1 Call-in is the exercise of the Overview and Scrutiny Committees' statutory power in section 21(3) of the Local Government Act 2000 to review an Executive / Cabinet decision that has been made but not yet implemented. Where a decision is called in and the Overview and Scrutiny Committee decides to refer it back to the Cabinet for reconsideration, it cannot be implemented until the Call-In procedure is complete.
- 10.2 Any decision of the Executive / Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet, or a Key Decision made by an Officer under authority

delegated by the Cabinet, is subject to Call-In. A decision may be called in only once. An Executive / Cabinet recommendation to full Council may not be called in.

- 10.3 The Call-In procedure and the powers to refer a decision back for reconsideration may be exercised by any of the Overview and Scrutiny Committees, within the remit of their respective terms of reference.
- 10.4 Requests for Call-In can only be made if there is evidence that the decision maker did not take the decision in accordance with the principles of decision making as set out in the Constitution (Article 13, paragraph 2.1) and repeated as follows:
- (a) Due regard for the individuals and communities served by Thurrock Borough Council
  - (b) Proportionality (i.e. the action must be proportionate to the desired outcome)
  - (c) Due consultation
  - (d) Respect for human rights
  - (e) A presumption in favour of openness, and
  - (f) Clarity of aims and desired outcomes (i.e. link between strategy and implementation)
  - (g) Consistent with the Council's Budget and Policy Framework.
- 10.5 Call-in of decisions which may be contrary to the Budget and Policy Framework shall be governed by the provisions of the Budget and Policy Framework Procedure Rules in Chapter 3 Part 3 of the Constitution.

### **The Call-In Procedure**

- 10.6 Once made, an Executive decision shall be published, in the form of a decisions notice, within two working days at the Council's main offices and on its public website. The decisions notice will be sent to all Members of the Council within the same timescale.
- 10.7 The decisions notice will bear the date on which it is published and will specify that the decision will be effective on the expiry of 5 working days after the publication of the decision and may then be implemented, unless called in under this provision within that 5 clear working day period. The deadline for a Call-In request will be specified in the decisions digest.
- 10.8 Requests for Call-In may be made by either:
- (a) An individual Member where a decision has particular significance for that Member's ward
  - (b) The Chair of the relevant Overview and Scrutiny Committee
  - (c) Any two Members of the relevant Overview and Scrutiny Committee
  - (d) Any three non-executive Members of the Council

- (e) A voluntary group with an interest in the area
  - (f) A local business situated in the area (except in relation to decisions relating to procurement of goods and services)
  - (g) 10 members of the public living, working or studying within Thurrock Council area
- 10.9 A Call-In request must be in the form of a written notice submitted to the Monitoring Officer and received before the published deadline. Either one notice containing all required signatures or separate e-mails from the persons making the Call-In request will be acceptable.
- 10.10 The notice must set out:
- (a) the resolution or resolutions that the Member(s) wish to call in
  - (b) the reasons why they wish the Overview and Scrutiny Committee to consider referring it back to the Cabinet, citing one or more of the reasons set out in Rule 10.4 above and the particulars of the reason/s, and
  - (c) the alternative course of action or recommendations that they wish to propose.
- 10.11 The Call-In request will be deemed valid unless either:
- (a) The procedures set out in Rules 10.7 to 10.10 have not been properly followed
  - (b) The grounds for call in as set out in Rule 10.4 above have not been met
  - (c) A similar decision has been called in to the Committee previously within 2 years
  - (d) The decision has been recorded as urgent in accordance with Rules 10.14 to 10.17 below
  - (e) The Chief Executive after consultation with the Chair of the relevant Overview and Scrutiny Committee, considers the Call-In to be frivolous, vexatious or not a proper use of the Call-In provisions taking into account the following factors:
    - (i) Whether the matter has been considered as part of pre-decision scrutiny by any scrutiny Committee, Sub-Committee, task group or panel.
    - (ii) Whether there has been any substantive change in the nature of the decisions being made since any pre-decision scrutiny of the proposals.
    - (iii) Whether the recommendations or alternative course of action or recommendations in the Call-In request have been previously considered and rejected in whole or part as part of pre-decision scrutiny.
    - (iv) Any other relevant factor

- (f) The Chief Executive in consultation with the Monitoring Officer considers that the Call-In would result in the Council failing to discharge its legal duties.

10.12 Before deciding on its validity, the Chief Executive may seek clarification of the Call-In request from the Member(s) concerned. In the absence of the Chief Executive, the Monitoring Officer shall exercise the Chief Executive's functions in this respect.

10.13 Upon deciding on its validity, the Chief Executive shall forthwith notify the Member(s) concerned, the Leader and Portfolio Holder, the Chair and Vice-Chair of the Overview and Scrutiny Committee, the relevant Director/Assistant Director and Officer responsible for overview and scrutiny.

### **Decisions not subject to Call-In**

10.14 The following categories of decision are not subject to Call-In:

- (a) recommendations by the Cabinet on the Budget and Policy Framework, which will be determined by the Council
- (b) decisions for urgent implementation under the Access to Information Procedure Rules
- (c) urgent decisions outside the Budget or Policy Framework as set out in Chapter 3, Part 3, Budget and Policy Framework Procedure Rules (Rule 4)
- (d) decisions to award a contract following a lawful procurement process

### **Call-In and Urgency**

10.15 The Call-In procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:

- (a) A Call-In would prevent the Council reaching a decision that is required by statute or otherwise within a specified timescale
- (b) Any delay likely to be caused by the Call-In process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision making body or person before the decision is taken
- (c) Any delay likely to be caused by the Call-In process would be likely to expose the Council, its Members or its constituents to significant level of risk, loss, damage or significant disadvantage

10.16 In the case of (b) above the decisions digest shall state whether the decision is an urgent one, and therefore not subject to Call-In. The consent of the Chair of the relevant Overview and Scrutiny Committee is required to agree to the decision being treated as a matter of urgency before it may be so treated. In the absence of the Chair, the Vice-Chair of the relevant Overview and Scrutiny Committee's consent is required. In the absence of that person, the Mayor's consent is required. In the absence of the Mayor, the Deputy Mayor of the Council's consent is required.



- 10.17 Where the Cabinet has recorded a decision as urgent, an Overview and Scrutiny Committee may retrospectively review actions arising from that decision but cannot delay its implementation.

### **Consideration by the Overview and Scrutiny Committee**

- 10.18 The Monitoring Officer will ensure that any valid Call-In is reported to the next available meeting of the relevant Overview and Scrutiny Committee, or will convene an extraordinary meeting in accordance with Rule 1.5 above.
- 10.19 The Member(s) submitting the request for Call-In will be expected to attend the meeting of the relevant Overview and Scrutiny Committee to explain their reasons for the Call-In and the alternative course of action or recommendations they wish to propose.
- 10.20 Having considered the Call-In and the reasons given, the relevant Overview and Scrutiny Committee may either:
- (a) Refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations
  - (b) If it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to full Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer in accordance with Rule 4 of the Budget and Policy Framework Procedure Rules in Chapter 3, Part 3 of the Constitution
  - (c) Decide to take no further action, in which case the original Cabinet decision will be effective immediately.

### **Decisions Referred Back to the Decision-Maker**

- 10.21 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the Overview and Scrutiny Committee, and make a final decision, amending the decision or not, and give reasons for the decision.
- 10.22 If a decision relates to an Executive function, only the Cabinet can ultimately decide the matter, provided that it is in accordance with the Council's Budget and Policy Framework.

## **11. Councillor Call for Action**

- 11.1 Any Member of the Council may, with 7 working days' notice, request the Monitoring Officer to include a Councillor Call for Action on the agenda of a relevant Overview and Scrutiny Committee. Upon receipt of such a Call for Action the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant Committee, and advise the Chair accordingly.

- 11.2 A Councillor Call for Action must be in the form of a written application (the appropriate form is available from the Democratic Services Manager) submitted to the Monitoring Officer and received within the timescale outlined in Rule 11.1 above.

~~41.211.3 There will be a standing item on the agenda of all ordinary meetings of Overview and Scrutiny Committees to allow such Calls for Action to be considered.~~

41.311.4 Any Member who submits a Call for Action will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the Call for Action and to have the item discussed. The Committee will decide either:

- (a) If the matter is a simple one, to resolve it forthwith
- (b) To request the Officers to prepare a report for the next meeting
- (c) To request the Member submitting the Call for Action to provide further evidence or information to a future meeting
- (d) To set up a task and finish group to investigate and report back to the Committee
- (e) To make recommendations to the Cabinet or Council, as appropriate
- (f) To decide to take no further action upon the request, for stated reasons.

41.411.5 The Councillor Call for Action will be deemed valid unless either:

- (a) The procedures set out in Rules 11.1 and 11.2 have not been properly followed;
- (b) It does not relate to a local government matter (i.e. it does not relate to the functions of the Council nor its partners)
- (c) It does not relate to a local crime and disorder matter (including anti-social behaviour, behaviour adversely affecting the local environment and misuse of drugs, alcohol or other substances)
- (d) It does not affect all or part of the ward for which the referring Member is elected, or any person who lives or works in that ward
- (e) It is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters), or
- (f) The Monitoring Officer, in consultation with the Chair of the relevant Overview and Scrutiny Committee, considers the Call for Action to be frivolous, vexatious or clearly outside the Councillor Call for Action provisions; in which case the Monitoring Officer may reject the Call for Action request.

41.511.6 Before deciding on its validity, the Monitoring Officer may seek clarification of the Call for Action from the Member concerned. In the absence of the Monitoring Officer, the Deputy Monitoring Officer(s) shall exercise the Monitoring Officer's functions in this respect.

41.611.7 Upon deciding on its validity, the Monitoring Officer shall forthwith notify the Member concerned, the Leader and Portfolio Holder, the Chair and Vice-Chair of the relevant Overview and Scrutiny Committee, the Chief Executive, the relevant Director/Assistant Director and Officer responsible for overview and scrutiny.

## **12. The Party Whip**

- 12.1 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence and nature of the whip before the Committee's deliberations on the matter commence.
- 12.2 The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

## **13. Matters within the remit of more than one Overview and Scrutiny Committee**

- 13.1 Where a matter falls within the remit of more than one Overview and Scrutiny Committee, and their respective remits in relation to it cannot be satisfactorily resolved by the Chairs of those Committees, the Chief Executive will decide which Committee should consider it.
- 13.2 Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the Committee conducting the review shall normally either:
- (a) invite the Chair of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed, or
  - (b) consult the other Committee on its findings and recommendations, and include that Committee's comments in its own report to the Cabinet and/or Council.

## **14. Public Participation in Scrutiny**

- 14.1 Residents of Thurrock Council and those working, studying or with a business interest in the area are able to participate in the scrutiny process by:
- (a) Attending meetings
  - (b) Presenting petitions
  - (c) Asking a question
  - (d) making a statement or forming a deputation to the Scrutiny Committee (see Rule 5.1.(e))
  - (e) Being involved in a scrutiny investigation; or
  - (f) Calling in a Cabinet decision (10 people need to sign a Call-In request)
- 14.2 Rules set out for Petitions and Questions in Chapter 1, Part 2, Article 3 will apply to those presenting a petition or a question to Overview and Scrutiny Committees.
- 14.3 When there is a scrutiny investigation that would benefit from public participation the Officer supporting such investigation will ensure such participation is facilitated.
- 14.4 Members of the public interested in participating in a particular scrutiny investigation can do so by contacting the Democratic Services staff or the relevant Chair directly.

## **15. Admission to and reporting of meetings**

- 15.1 The Openness of Local Government Bodies Regulations 2014, allow any person to attend and report on meetings, or those parts of meetings, that are open to the public using any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities. "Reporting" is defined in the Regulations as::
- (a) Filming, photographing or making an audio recording of proceedings at a meeting;
  - (b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - (c) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.
- 15.2 If, at any time during the meeting, the Chair feels that filming, recording, reporting or photography is disrupting proceedings, the provisions set out in the Council Procedure Rules at Chapter 2, Part 2 of this Constitution, namely Rules 22.4, 22.7, 23.1 and 23.2, will apply.
- 15.3 In any instance where the press and public have been excluded from the meeting in accordance with the provisions set out in Chapter 8 of this Constitution, the Council will not allow reporting on the meeting using methods which:
- (a) can be used without that person's presence at the meeting, and
  - (b) enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.

## Annex 3 – Thurrock Council Petition Scheme

### 1. Introduction

- 1.1 The Council welcomes petitions and recognises that these are one way in which people can let us know their concerns.
- 1.2 All petitions sent to or presented at a meeting of the Council will receive an acknowledgement within 10 working days of receipt and this will set out what we plan to do with the petition.
- 1.3 We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.4 Paper copies of petitions should be sent to:

Democratic Services  
Thurrock Council  
Civic Offices  
New Road  
Grays  
RM17 6SL

Petitions can be presented to a meeting of the Full Council. These meetings usually take place each month (except during April (in the year of an election), August and December). Dates and times of meetings of the Council can be found at:

**[democracy.thurrock.gov.uk/mgCalendarMonthView.aspx](http://democracy.thurrock.gov.uk/mgCalendarMonthView.aspx)**

- 1.5 In addition, petitions may also be presented to the following meetings:
- (a) The Cabinet
  - (b) Overview and Scrutiny Committees
  - (c) The Standards and Audit Committee
  - (d) The General Services Committee
  - (e) The Corporate Parenting Committee
- 1.6 If you would like to present your petition to a meeting of the Council, the Cabinet or to a meeting of a particular Committee, as detailed in 1.5 above, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services, on (01375) 652082 **no later than 12:00 noon on the working day before that meeting** and they will talk you through the process.
- 1.7 If your petition has received 1500 signatures or more it will also be scheduled for a debate at a meeting of Council, unless it is a petition that cannot be dealt with through this Scheme (see paragraphs 4.1 to 4.3). If a petition is scheduled for a debate at a meeting of the Council, we will discuss with the petition organiser when this will take place.

1.8 You can also submit petitions to the Cabinet and other committees (including Overview and Scrutiny). Details of when these meetings take place can also be found on the Council's website.

1.9 The Council also offers a facility where a Petition can be created, signed and submitted online and this can be found at:

**[consult.thurrock.gov.uk/petitions](http://consult.thurrock.gov.uk/petitions)**

## **2. What are the guidelines for submitting a petition?**

2.1 All Petitions must identify and be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

2.2 The contact details of the petition organiser will not be placed on the website.

2.3 Petitions submitted to the Council must:

- (a) contain the name, a valid address and the signature of at least 10 local government electors for the administrative area of Thurrock who support the petition. If a petition does not contain the signatures of 10 local government electors in Thurrock it will be rejected.
- (b) include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- (c) relate to a matter for which the authority has responsibility and which affects the authority or its area
- (d) not, in the opinion of the Monitoring Officer, be trivial, defamatory, offensive, be substantially the same as a petition which has been considered under these Rules within the previous 12 months, name or clearly identify an employee of the authority, or involve the disclosure of confidential or exempt information

2.4 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

2.5 If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

2.6 If your petition does not reach the minimum requirement of 10 signatures (as detailed in paragraph 2.3(a) above), particularly if the issue relates to a small locality, we will seek to advise you of other ways in which your views could be considered.

2.7 If you wish to present your petition to a specific meeting of the Council, the Cabinet or any committee meeting (including Overview and Scrutiny), you should provide us with details of the subject of the petition, the number of signatures and your contact details by **no later than 12:00 noon on the working day before that meeting**, to enable it to be submitted.

Please note that petitions submitted by the petitioner to meetings of the Council or a relevant committee will not be discussed in detail at that point, unless there is an agenda item specifically relating to that issue. Petitions received in this way will be passed to the appropriate councillor or officer for proper consideration.

- 2.8 Any Member or member of the public presenting a petition shall be entitled to address the Council or relevant committee on the matter which is the subject of the petition for up to ~~two minutes~~ **three minutes**. Unless the petition relates to a matter which is to be determined by Council itself, it shall then be referred to the Cabinet, Cabinet Member or Committee, as appropriate, without debate.

### **3. What will the council do when it receives my petition?**

- 3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. This may also be published on our website.
- 3.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate (see paragraph 7.1), or a senior officer giving evidence (see paragraph 8), then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 3.3 Where the Monitoring Officer is of the opinion that the subject matter of the petition relates to a matter which is, or will shortly be, the subject of statutory or non-statutory consultation by the authority or is to be reported to a forthcoming meeting of a Committee of the Council, he/she may elect to include the petition in the responses to that consultation, or, report the petition to the relevant Committee for consideration in the ordinary determination of that matter.
- 3.4 Where a petition received at a meeting of the Full Council is referred to the Cabinet, a Cabinet Member or a Committee, the Monitoring Officer shall advise the petition organiser accordingly. The petition shall be considered by the Cabinet, Cabinet Member or Committee at their next convenient meeting or occasion.
- 3.5 We reserve the right to verify signatures as required. Please ensure you include a valid address and postcode that relates to your home address (if you live or study in Thurrock) or work address (if you work or run a business in Thurrock). These signatures will be taken into account when identifying if there are enough signatures from people who live, work or study in Thurrock to trigger a full council debate or call an officer to account at an Overview and Scrutiny meeting.

### **4. Petitions that cannot be dealt with through this scheme (exempt petitions)**

- 4.1 In order not to duplicate procedures where established processes already exist for people to voice their opinions, the following matters are excluded from this Scheme:
- (a) Any matter relating to an individual or entity where there is already an existing recourse to a review or right of appeal, such as Council tax banding and non-domestic rates.

- (b) A statutory petition (for example requesting a referendum on having an elected mayor).
- (c) Petitions from Council staff, which will be dealt with through the Council's Grievance Procedure or other such applicable Human Resources Policy.
- (d) Any petitions relating to the day-to-day operation of a particular school(s), which will be referred to the relevant Governing Body of the school(s) concerned for action and a response.
- (e) Any petitions relating to issues which are outside the Council's direct control, i.e. matters governed by national or European legislation, including any contractual matters.
- (f) Any petitions which relate to any matter that is the subject of legal proceedings and/or in which the Council is in some other legal dispute with any party referred to within the body of a petition or party to it.

However, a petition that alleges a systematic failure to deliver services in the above areas is within the scope of this Scheme.

4.2 We will not take action on any petition, which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

4.3 Any petition that is a duplicate or near duplicate of another petition that the Council has already received will not be able to be considered within a 12 month period. You are advised to check the details of previous petitions on our e-petitions site or contact us for advice at the start of your petition.

## **5. Petitions relating to Planning or Licensing matters and those received in direct response to consultations undertaken by the Council**

5.1 A petition in respect of any matter relating to a planning decision, including enforcement action, a development plan document or community infrastructure levy will be dealt with as part of the decision making process for the decision in question and will not follow the processes set out within this Scheme. Any petitions relating to planning decisions should be sent to:

Development Management, Thurrock Council,  
Civic Offices, New Road, Grays, RM17 6SL.

Further information on how to have you say on planning applications is available at:

**[regs.thurrock.gov.uk/online-applications](https://regs.thurrock.gov.uk/online-applications)**

5.2 A petition in respect of any matter relating to an alcohol, gambling or sex establishment licensing decision will be dealt with as part of the decision making process for the decision in question and will not follow the processes set out within this Scheme. Any petitions relating to licensing decisions should be sent to:



Licensing, Public Protection, Thurrock Council,  
Civic Offices, New Road, Grays, RM17 6SL.

- 5.3 A petition in respect of any matter which is subject to public consultation by the Council, for example, those seeking views upon the introduction of highways or parking schemes, should be sent directly to the department undertaking the consultation exercise. Any such petitions received will be dealt with by the department to which the petition has been submitted and will not follow the processes set out within this Scheme.

Any petition falling as described in paragraphs 5.1 and 5.3 may be debated by the Council if the number of signatories is equal to or greater than the threshold set out in paragraph 7.1 of this Scheme.

## **6. How will the council respond to petitions?**

- 6.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- (a) taking the action requested in the petition
- (b) considering the petition at a Council meeting
- (c) holding an inquiry into the matter
- (d) undertaking research into the matter
- (e) holding a public meeting
- (f) holding a consultation
- (g) holding a meeting with petitioners
- (h) referring the petition for consideration by an Overview and Scrutiny committee\*
- (i) calling a referendum
- (j) writing to the petition organiser setting out our views about the request in the petition

\* Overview and Scrutiny committees are committees of Councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny committee has the power to hold the Council's decision makers to account.

- 6.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

## Part 2 – Committee Procedure Rules

### 1. Time and Place of Meeting

- 1.1 The time and place of any meeting will be determined by the Monitoring Officer and notified in the summons.

### 2. Meetings

- 2.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. The Agenda for a meeting will give the date, time and place of each meeting, specify the business to be transacted, and will be accompanied by such reports as are available.

- 2.2 The ~~Monitoring Officer Chair (or in his/her absence, the Vice Chair)~~ may cancel or postpone an ordinary meeting prior to the issue of an Agenda for the meeting where, after consultation with the ~~Chair of the relevant Committee (or in his/her absence, the Vice Chair), Monitoring Officer he/she, the Chair (or in his/her absence, the Vice Chair)~~ considers that there is insufficient business to transact or where an event occurs which ~~he/she the Chair (or in his/her absence, the Vice Chair)~~ considers would make it inappropriate to hold the meeting on the intended date. If circumstances make it impossible for a meeting to be held as convened, the ~~Monitoring Officer Chair (or in his/her absence, the Vice Chair)~~, after consultation with the ~~Chair of the relevant Committee (or in his/her absence, the Vice Chair), Monitoring Officer~~ may postpone an ordinary meeting and hold the meeting on a date to be agreed, ~~with the Chair of the relevant Committee (or in his/her absence, the Vice Chair).~~

- 2.3 The Monitoring Officer may call an extraordinary meeting of a Committee, after giving consideration to a request by either:
- (a) The Chair of the relevant Committee, or in the Chair's absence, the Vice-Chair
  - (b) A quorum of the Members of a Committee

### 3. Chair of Meeting

- 3.1 The Chair and Vice Chair of each Committee shall be appointed by the Council at its Annual Meeting.
- 3.2 Where both the Chair and Vice Chair are not present or able to act in respect of a particular item of business at a meeting, it is necessary to elect a person to preside over the meeting, or particular item of business, in their absence.
- 3.3 In any such case, the Democratic Services Officer in attendance at the meeting shall invite nominations from those members of the Committee for a person to preside at the meeting or in respect of the particular item, as necessary.
- 3.4 If there is more than one nomination, any vote that may be required can be determined by a simple majority of votes from those members of the Committee.

3.5 If there are more than two people nominated and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. If there is still an equality of votes, the matter shall be determined by the drawing of lots.

3.6 The person presiding at the meeting may exercise any power or duty of the Chair.

#### **4. Quorum**

4.1 The quorum of a meeting will be one quarter of the whole number of Members, provided that in no case shall the quorum of a Committee be less than three Members. During the meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn for 15 minutes. If after that time the Chair counts the number of Members present and declares that there is still no quorum the meeting will adjourn. The remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

#### **5. Voting**

##### **Majority**

5.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present at the time the question was put.

##### **Chair's casting vote**

5.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

##### **Show of hands**

5.3 Unless a ballot or recorded vote is demanded under Rules 5.4 or 5.5 below, the Chair will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

##### **Ballots**

5.4 The votes will take place by ballot if a majority of the Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

##### **Recorded vote**

5.5 If no less than one fifth of the Committee's Membership demand it at the meeting, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

### **Recording of votes at the Planning Committee**

- 5.6 In cases where the Planning Committee votes on an application or enforcement matter to be determined by the Council, the Clerk to the Planning Committee shall record in writing and shall enter into the minutes the names of those Members voting for, against or abstaining from any such vote.

### **Right to require individual vote to be recorded**

- 5.7 Where any Member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

### **Voting on appointments**

- 5.8 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **6. Minutes**

### **Signing the minutes**

- 6.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as an accurate record. The only part of the minutes that can be discussed is their accuracy.

### **Form of minutes**

- 6.2 Minutes will contain all motions and amendments in the exact form and order as put to the meeting.

## **7. Exclusion of Public**

- 7.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules or the Council Procedure and Rules.

## **8. Member's Conduct**

### **Chair Standing**

- 8.1 When the Chair stands during a debate, any Member speaking at the time must stop. The meeting must be silent.

### **Member not to be heard further**

- 8.2 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **Member to leave the meeting**

- 8.3 If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **9. Disturbance**

### **General disturbance**

- 9.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

### **Removal of member of the public**

- 9.2 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may order their removal from the meeting room.

### **Clearance of part of a meeting room**

- 9.3 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared, and may adjourn the meeting for 15 minutes or other suitable period.

## **10. Motion affecting persons employed by the Council**

- 10.1 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of section 100 (A) (2) or (4) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Committee has decided whether or not the power to exclude the public under section 100 (A) (2) or (4) of the Local Government Act 1972 shall be exercised.

## **11. Petitions**

- 11.1 Committees may be presented with petitions in accordance with the Council's Petition Scheme.

## **12. Rules of Debate**

- 12.1 The Rules of debate that apply to Council meetings set out in Chapter 2, Part 2, may be applied to meetings of Committees to the extent that the Chair considers appropriate.

## **13. Participation of Appointed Members**

- 13.1 A Committee may make it a requirement of any Member participating as a Member of the Committee or of a Sub-Committee that the Member has undertaken appropriate training in the roles and responsibilities of Members in discharging the functions of the Committee or Sub-Committee, and may arrange for the provision of such training to all, or all new, Members of the Committee or Sub-Committee.

13.2 Enhanced DBS checks are carried out for all elected Members and any co-opted Members who are appointed to a committee or board which discharges education or social services functions. These checks will be carried out strictly in line with the Council DBS policy and any current eligibility guidance from a relevant DBS agency.

#### **14. Attendance of other Members of the Council**

14.1 A Member who is not a Member of the particular Committee or Sub-Committee may attend all meetings of any Committee or Sub-Committee, save that he/she shall withdraw from any part of a meeting from which the Committee or Sub-Committee excludes press and public unless specifically invited to remain by the Chair because of the special contribution which he/she can bring to the issue under consideration.

#### **15. Recording of Meetings**

15.1 Meetings of Council, the Planning Committee, the General Services Committee and Licensing Sub-Committees are routinely recorded and, on occasion, a recording may be made of any other Committee meeting.

15.2 Where a meeting is to be recorded, the Chair will make an announcement to this effect prior to the start of the meeting.

15.3 Recordings of meetings will be kept for a period not exceeding 12 months.

#### **16. Admission to and reporting of meetings**

16.1 The Openness of Local Government Bodies Regulations 2014, allow any person to attend and report on meetings, or those parts of meetings, that are open to the public using any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities. "Reporting" is defined in the Regulations as:

- (a) Filming, photographing or making an audio recording of proceedings at a meeting;
- (b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- (c) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

16.2 If, at any time during the meeting, the Chair feels that filming, recording, reporting or photography is disrupting proceedings, the provisions set out in Rules 9.1, 9.2 and 9.3 will apply.

16.3 In any instance where the press and public have been excluded from the meeting in accordance with the provisions set out in Chapter 8 of this Constitution, the Council will not allow reporting on the meeting using methods which:

- (a) can be used without that person's presence at the meeting

- (b) enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.

## **17. Duration of Meeting**

### **Termination of Meetings**

- 17.1 If the business of the meeting has not been concluded by two and a half hours after its start, the Chair must interrupt the meeting. The Chair will then and without debate take a vote as to whether to continue with the meeting. Unless a majority of Members vote to continue with the meeting, the meeting shall be adjourned and any remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

## Part 4 – Licensing Committee

### Part 4 (a) – Terms of Reference of the Licensing Committee

Council has determined that the Licensing Committee shall be constituted and shall have delegated authority for the discharge of the Council's functions as set out below.

<b>1. Licensing Committee</b>	
<b>Appointed by:</b>  The Council under section 6 of the Licensing Act 2003 and section 102 of the Local Government Act 1972	<b>Number of Elected Members:</b>  Fifteen
<b>Chair and Vice-Chair appointed by:</b>  The Council	<b>Political Proportionality:</b>  The elected Members shall be appointed in accordance with Political Proportionality
<b>Quorum:</b>  Three	<b>Co-opted Members to be appointed by Council:</b>  None
<b>Functions determined by Council:</b>	
<p>1. To undertake all matters in relation to the Council's licensing, permit and registration function, including Part VI of the Essex Act 1987, other than:</p> <p>1.1 Functions specifically delegated to the Cabinet or another Committee;</p> <p>1.2 The approval of byelaws; or</p> <p>1.3 The approval of policy guidelines for any other matter where the Committee considers they should be approved by the Council.</p> <p>2. The grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence registration, certificate, consent, permit, approval or permission, except where such function falls within the terms of reference of any other Committee or Sub-Committee or where the function has been delegated to an Officer unless the Officer refers the matter to the Committee for a decision.</p> <p><del>3. To exercise the Council's functions under any of the "relevant statutory provisions" within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.</del></p> <p><del>4.3.</del> To enforce byelaws.</p> <p><del>5.4.</del> To advise the Council on its byelaws in relation to hackney carriage and private hire vehicles, operators and drivers.</p> <p><del>6. To advise the Council on its powers to make an order identifying designated places for the purposes of police powers in relation to alcohol under section 13 Criminal Justice and Police Act 2001.</del></p> <p><del>7.5.</del> To keep under review and make minor alterations to the Committee's procedures.</p>	



**8.6.** The function of determining relevant fees under section 212 of the Gambling Act 2005 be delegated to the Licensing Committee.

In exercising its functions under the Licensing Act 2003 and the Gambling Act 2005, the Committee may regulate its own proceedings and those of its Sub-Committees, subject to any Regulations made under the Acts.

Without prejudice to the generality of the foregoing, this delegation includes the licensing and registration functions set out in the first column of Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

**Functions determined by Statute:**

1. To undertake all the functions of a licensing authority under the Licensing Act 2003 except:
  - 1.1 approving the Authority's Licensing Statement under section 5 of the Act; and
  - 1.2 referring licensing matters to another Committee under section 7(5) of the Act;

Note that, under section 7(9) of the Act, where the Licensing Committee is unable to discharge its functions because of the number of its Members who are unable to take part in the consideration of any matter or vote, the Committee must refer the matter to the Council which shall discharge it.

2. To undertake all the functions of a licensing authority under Part 8 of the Gambling Act 2005, except:
  - 2.1 approving the Authority's licensing policy under section 349 of the Act; and
  - 2.2 deciding not to issue casino licences under section 166 of the Act;

Note that, under section 7(9) of the 2003 Act as applied by the Gambling Act 2005, where the Licensing Committee is unable to discharge its functions because of the number of its Members who are unable to take part in the consideration of any matter or vote, the Committee must refer the matter to the Council which shall discharge it.

## Part 2 – Contract Procedure Rules

### 1. Introduction and Definitions – Purpose of the Contract Procedure Rules

- 1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Procedure Rules is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:
- (a) Furthers its corporate objectives
  - (b) Uses its resources efficiently
  - (c) Purchases quality goods, services and works, consistent with the priorities of the Council and which provide value for money
  - (d) Safeguards its reputation from any implication of dishonesty or corruption.
- 1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.
- 1.3 These Contract Procedure Rules are made in accordance with the requirements of section 135 of the Local Government Act 1972.
- 1.4 These Contract Procedure Rules do not provide guidelines on what is the best way to purchase works, supplies (goods) and services. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Procurement Guide.
- 1.5 In these Contract Procedure Rules the following words and phrases have the following meaning:
- (a) PCR– means the Public Contracts Regulations 2015
  - (b) PCR Threshold – means the financial threshold above which PCR apply, as set out in Rule 7.4 below
  - (c) Finance Procedure Rules – means the Finance Procedure Rules set out in the Council's Constitution as updated from time to time
  - (d) Find a Tender– means the advertising platform for notices above the PCR Threshold
  - (e) LTR Services (Light Touch Regime services) - means services as defined under Schedule 3 of the Public Contracts Regulations 2015 being services to which the Light Touch Regime applies
  - (f) Procurement Guide – means the Council's Procurement Guide as updated by the Head of Procurement Service from time to time

- (g) Responsible Officer - means an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council
- (h) Scheme of Delegation - means the Scheme of Delegation set out in the Council's Constitution as updated from time to time.
- (i) E-tendering System – means the web-based system which enables the electronic despatch and receipt of Tender documents

## **2. General Principles – Application and Compliance with Contract Procedure Rules**

- 2.1 These Contract Procedure Rules apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These Contract Procedure Rules apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in Rule 2.3.
- 2.3 These Contract Procedure Rules do not apply to:
  - (a) Employment contracts
  - (b) Contracts relating solely to interests in land
  - (c) Contracts for retention of legal counsel, legal services or the appointment of expert witnesses in legal proceedings
  - (d) Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies.

## **3. General Principles Applying to All Contracts**

- 3.1 All purchases however small shall be made or evidenced in writing.
- 3.2 Standard contract clauses shall be used in all contracts of a value of £25,000 or more. The standard contract clauses are issued by Legal Services and can be found on the intranet.
- 3.3 As a minimum, all contracts of a value of £25,000 or more shall include clauses which set out:
  - (a) The works, supplies (goods), services, material, matters or things to be carried out or supplied
  - (b) The time within which the contract is to be performed
  - (c) Quality requirements and/or standards which must be met
  - (d) Requirements on the contractor to hold and maintain appropriate insurance

- (e) What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part)
- (f) Requirements on the contractor to comply with all relevant equalities and health and safety legislation

3.4 That the Council shall be entitled to terminate the contract and recover its losses in the event that the contractor, its employees or anyone acting on its behalf does anything improper to seek to influence the Council to give the contract to any person, or as to the circumstances in which a contract may be given, or any contract or commits an offence under the Bribery Act 2010 or section 117(2) Local Government Act 1972, or commits any fraud in connection with any Council contract. All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Procurement Guide.

3.5 All contracts of a value of £25,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file.

#### **4. Regulatory Context**

4.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:

- (a) All relevant statutory provisions
- (b) The relevant PCR principles, which are defined in the Council's Procurement Guide
- (c) The Council's Constitution including these Contract Procedure Rules, the Council's Finance Procedure Rules and Scheme of Delegation
- (d) The Council's Procurement Guide and other policies and procedures of the Council as appropriate.

4.2 In the event of conflict between the above, the PCR will take precedence, followed by other applicable UK legislation, then the Council's Constitution, the Council's Procurement Guide and guidelines, policies and procedures.

#### **5. Responsibilities of Directors, Assistant Directors and Responsible Officers**

5.1 Each Director shall:

- (a) be responsible for the purchasing undertaken by his/her Directorate
- (b) be accountable to the Cabinet for the performance of his/her duties in relation to purchasing
- (c) comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation

- (d) appoint in writing an Assistant Director who shall be an authorised signatory in respect of commissioning related to that Service, subject to Rule 8 below, and who will be responsible for ensuring the correct carrying out of purchasing duties (Rule 5.3 below) of Responsible Officers within that Service
  - (e) take immediate action in the event of breach of these Contract Procedure Rules, by reporting this breach to the Corporate Director of Resources and Place Delivery who will review the breach and if it is serious will report this to the Standards and Audit Committee
- 5.2 A Responsible Officer is an Officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council.
- 5.3 A Responsible Officer's duties in respect of purchasing are to ensure:
- (a) compliance with all Regulatory Provisions and integrity of the tender process
  - (b) compliance with the relevant statutory provisions and the Council's requirements relating to declarations of interest (including gifts and hospitality) affecting any purchasing process
  - (c) that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used
  - (d) that the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings
  - (e) compliance with the Council's decision making processes
  - (f) that all contracts of a value of £25,000 or more are included on the Council's Contract Register which is maintained by Procurement Services
  - (g) that that proper records of all contract award procedure, waivers/exemptions and extensions are maintained, with separate files for each purchase of a value of £25,000 or more
  - (h) that value for money is achieved
  - (i) that advice is sought from the Corporate Director of Resources and Place Delivery as to whether adequate and appropriate security (such as a bond or guarantee), is to be taken to protect the Council in the event of non-performance, and in the case of tenders, such security to be required as part of the tender process
  - (j) that appropriate advice is sought and followed from Legal Services, Finance and Procurement Services
  - (k) that the Council's Document Retention Policy is complied with
  - (l) that for tenders above £75,000 a financial evaluation is or has been made of the financial standing of tenderers as advised by the Corporate Director of Resources and Place Delivery

- (m) that all reports seeking Cabinet approval to award a contract shall include a statement from the Responsible Officer that in their opinion, the tender process has been fair and transparent and in compliance with the relevant PCR Rules, UK legislation and these Contract Procedure Rules, or alternatively shall include a statement from the Responsible Officer which clearly sets out any anomalies that have occurred. In respect of contracts for which Cabinet approval is not required (for example, contracts under £750,000) the Responsible Officer will ensure that a similar statement is included on the relevant file

- 5.4 In considering how best to procure works, supplies and services Directors, Assistant Directors and/or Responsible Officers (as appropriate in the context), shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and eprocurement / purchasing methods, and the availability of local authority charging and trading powers under the Local Government Act 2003.
- 5.5 It is a disciplinary offence to fail to comply with these Contract Procedure Rules and the Council's Procurement Guide. All employees have a duty to report breaches of Contract Procedure Rules to their Director.
- 5.6 Any Officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the relevant Director.

## **6. Scheme of Delegation**

- 6.1 Council purchasing may only be undertaken by Officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme of Delegation. Officers with delegated authority may only delegate to other Officers if expressly allowed to do so in the Scheme of Delegation. If allowed then the delegation should only be to Officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the Officer delegating the task and notified to the relevant Director.
- 6.2 Officers shall, where appropriate, be informed by their Director of the extent of any delegated authority and the financial thresholds set out in the Finance Procedure Rules and Contract Procedure Rules and Scheme of Delegation will apply.

## **7. Financial Thresholds and Procedures**

- 7.1 The table below sets out the general Rules applying to the choice of purchasing procedure for contracts at the stated threshold values.
- 7.2 There is a general presumption in favour of competition. Wherever possible, contract opportunities should be advertised by way of a public notice.
- 7.3 The public notice referred to at Rule 7.2 may take the form of a notice or advertisement in an electronic format, on an easily accessible website or other electronic media and/or in the press, trade journals or Find a Tender (the latter being required where the PCR Threshold applies). The Responsible Officer may choose to place one or more public notices in different media.
- 7.4 Table setting out financial thresholds and procedures

Total value	Type of contract	Procedure to be used
Under £25,000	supplies and services	At least one written quote in advance
£25,000 to £74,999	supplies and services	At least three written quotes in advance ( <del>making use of available national and local frameworks as advised by Procurement Services</del> )
£75,000 to <del>£189,330</del> <u>£213,477**</u>	supplies and services	<del>At least two written tenders in advance, following advertisement by public notice, Competitively advertised tender,</del> in accordance with advice from Procurement Services, Legal Services <del>and Finance and Finance</del>
<del>£189,330</del> <u>£213,477**</u> plus	supplies and services	<p>PCR Rules apply – full competitive process following advertisement in Find a Tender for supplies and non LTR services*.</p> <p>For contracts relating to LTR services above the £663,540-<del>→</del> (<u>inclusive of VAT</u>) threshold, certain mandatory requirements will apply under PCR. For contracts falling below £663,540 (<u>inclusive of VAT</u>) there is a presumption in favour of advertising and a competitive process</p> <p>Either of the above are to be carried out in accordance with advice from Procurement Services, Legal Services and Finance</p>
<p>* For the purposes of PCR LTR services are defined separately and PCR apply to a different degree</p> <p>** The PCR Threshold for supplies and services or relevant threshold in force at the time under the regulations. <u>When calculating the estimated value of the contract to determine whether the PCR regulations apply, the contract value estimation shall be inclusive of VAT.</u></p>		
Total value	Type of contract	Procedure to be used
Under £25,000	Works	At least one written quote in advance

Total value	Type of contract	Procedure to be used
£25,000 to £499,999	Works	At least three written quotes in advance <del>(making use of available national and local frameworks as advised by Procurement Services)</del>
£500,000 to <del>£4,733,252</del> <u>£5,336,937**</u>	Works	<del>Full competitive process with tenders following advertisement by public notice works, and</del> <u>Competitively advertised tender</u> in accordance with advice from Procurement Services, Legal Services <del>and Finance</del> <u>and Finance</u>
Over <del>£4,733,252</del> <u>£5,336,937**</u>	Works	PCR apply – full competitive process with tenders following Find a Tender advertisement, and in accordance with advice from Procurement Services, Legal Services and Finance
** PCR Threshold for works or relevant threshold in force at the time under the regulations. <u>When calculating the estimated value of the contract to determine whether the PCR regulations apply, the contract value estimation shall be inclusive of VAT.</u>		

Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the PCR to services contracts.

The relevant Chief Officer/Director shall define the level of advice and service which Responsible Officers will be required to seek from the Procurement Service or other third party, having reference to specified financial thresholds, and will publish this in a scheme which he or she will update from time to time.

7.5 Where contracts are of a type and value which means that they are subject to the PCR Rules then there are six types of PCR procedures available. These are the open, restricted, competitive procedure with negotiation, competitive dialogue, innovation partnership and negotiated procedure without prior publication. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of PCR procedure must be sought in the first instance from Procurement Services and if required from Legal Services

7.6 For contracts of £25,000 and above there are requirements to publish notices on Contracts Finder. Officers will ensure advice is obtained from Procurement Services.

## 8. Financial Thresholds and Processes for Approval and Execution of Contracts

8.1 Subject to the Finance Procedure Rules and provisions within the Council's Constitution regarding key decisions, Officers must obtain approval to proceed to tender, approval to award a contract, and approval in respect of any waivers or extension, in writing from:



- (a) Cabinet or a Cabinet Member having the delegated power (referred to below as the Delegated Cabinet Member) to do so, for contracts above a value of £750,000.
- (b) a Director acting in conjunction with the Cabinet Member who holds the relevant portfolio, up to a contract value of £750,000, the power to be exercised personally by the Director and Cabinet Member and not his/her delegate where the value exceeds £350,000
- (c) a Director up to a contract value of £500,000 the power to be exercised personally by the Director and not his/her delegate where the value exceeds £350,000
- (d) An Assistant Director up to a value of £350,000 the power to be exercised personally by the Assistant Director and not his/her delegate
- (e) a Director or Assistant Director where:
  - (i) the Delegated Cabinet Member has been consulted by means of a written report; and
  - (ii) the written report sets down the nature of the contract, the tenders received and a recommendation as to the course of action proposed; and
  - (iii) the Delegated Cabinet Member has signified in writing his/her approval to the course of action proposed

8.2 All applications for approvals to proceed to tender must be:

- (a) Fully documented
- (b) Append a commissioning report (a "Stage 1" report) in an approved format to be submitted in advance to either the Cabinet, Cabinet Member or to the relevant Director or Assistant Director in accordance with Rule 8.1 above and which shall set out the following:
  - (i) an appropriate and proportionate business case setting out the commissioning need and costings
  - (ii) a draft specification detailing the quality required that is proportionate to the priorities of the Council
  - (iii) appropriate project management arrangements including user and stakeholder involvement and communication plans, risk assessments, an approved form of risk register, contingency plans (including requirements under the Civil Contingencies Act 2004) and proposed project management record keeping procedures (including compliance with the Council's Document Retention Policy) during the term of the proposed procurement

- (iv) appropriate contract management arrangements including user and stakeholder involvement and communication plans, risk assessments, an approved form of risk register, contingency plans (including requirements under the Civil Contingencies Act 2004), arrangements for post-contract evaluation, and proposed contract management record keeping procedures (including compliance with the Council's Document Retention Policy) during the term of the proposed contract
  - (v) confirmation from Legal Services, Procurement Services and Finance that they have been consulted and agree with the commissioning report in so far as it relates to those respective fields
  - (vi) confirmation that the requirements of Rule 5 above has been or will be met
- (c) In addition to the above, where the application is for the approval to seek a tender from a single source, or to obtain a single tender from the one tenderer only, the application must also include written authorisation from the Corporate Director of Resources and Place Delivery, provided that such authorisation is compliant with the requirements of the Public Contract Regulations 2015, and which will set out one of the following grounds for the authorisation:
- (i) it is known (not assumed) that only one supplier can meet the requirement
  - (ii) Continuity of knowledge or synergy with previous work is an overriding consideration;
  - ~~(iii)~~ The Council has received an unsolicited proposal that contains ideas or concepts in respect of which the intellectual property is owned exclusively by the proposed single tenderer, that the Council wishes to use because it meets immediate needs
  - ~~(iii)~~(iv) The Council urgently needs to meet its statutory obligations.
- (d) In addition to the above, in cases where an officer preparing a Cabinet Report seeking approval to proceed to tender also makes a recommendation that Cabinet delegated the authority to make the subsequent decision to award a contract, the rationale for this should be made clear to Cabinet to allow them to make an informed decision to so delegate. Officers should word any request for a delegation of authority such that Cabinet members are "asked to consider" whether the delegation should be given, so that Cabinet may actively decide whether or not to grant it having regard to the rationale provided.

8.3 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Procedure Rules ensure, in particular, that:

- (a) the appropriate approvals, including approval to proceed to tender and approval to award the contract, have been obtained to authorise that decision; and

- (b) where appropriate, a standstill period complying with PCR is incorporated into the final award process
- 8.4 Any contracts valued at £150,000 or above shall be executed as a deed. All other contracts may be signed by Officers with appropriate delegated authority.
- 8.5 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the appropriate Director or his delegate.
- 8.6 In the case of major projects and complex procurements (e.g., involving the procurement of frameworks or use of the competitive dialogue, innovation partnership or the competitive procedure with negotiation) the relevant Director and Assistant Director should follow advice from Procurement Services, Legal Services and Finance as to whether:
- (a) a project specific scheme of delegation should be sought and approved by Cabinet (for example, delegating powers of approval to a Delegated Cabinet Member) at the beginning of the commissioning process in order to ensure timely approvals at key stages of the procurement process
  - (b) a proportionate gateway review process ~~(as described in the Procurement Guide)~~ should be utilised
- 8.7 In conjunction with Finance Procedure Rules, in the case of a civil emergency brought about by events unforeseeable by, and not attributable to the Council, and requiring an immediate response in order to protect the Council or its residents, the relevant Director may, upon receiving the consent of the Chief Executive and upon notifying the Corporate Director of Resources and Place Delivery, where it is strictly necessary:
- (a) authorise the entry into contracts above £750,000 on an immediate basis, receiving if possible one written quote in advance from the proposed contractor, with a full report (following where relevant the format set out in Rule 8.2 above) to be submitted by the Director or the relevant Assistant Director to Cabinet at either the next available Cabinet meeting or the Cabinet meeting following, and
  - (b) authorise the entry into contracts up to £750,000 on an immediate basis, receiving if possible one written quote in advance from the proposed contractor, with a full report (following where relevant the format set out in Rule 8.2 above) to be submitted by the relevant Assistant Director or Responsible Officer to the Director as soon as practicable.

## 9. Calculating the Contract Value

- 9.1 The starting point for calculating the contract value for the purposes of these Contract Procedure Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).
- 9.2 There shall be no artificial splitting of a contract to avoid the application of the provisions of PCR and/or these Contract Procedure Rules.

9.3 The PCR cover contracts which, individually, are below the stated PCR threshold but which constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice on the application of the PCR where they envisage that they may require repeat purchases and/or purchases of a similar type.

## **10. Principles Underlying Tendering Processes and Tender Evaluation**

10.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure that the following is secured:

- (a) Sufficient time is given to plan and run the process
- (b) Equal opportunity and equal treatment
- (c) Openness and transparency
- (d) Probity
- (e) Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).

## **11. Submission and Opening of tenders**

11.1 An Invitation to Tender shall be issued by the Council for all service or supply contracts over £75,000 or works contracts over £500,000 and tenders shall be submitted in accordance with the requirements of the Invitation to Tender.

11.2 All invitation to Tenders (including invitation to quote for Procurements exceeding £25,000) shall be issued and received utilising the Council's e-tendering system. Tenders will be retained unopened until after the date and time specified for receipt of tender in the invitation to tender. In exceptional circumstances (in agreement with the Head of Procurement service tenders may be (received electronically, to which Rule 11.3 shall apply)

11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:

- (a) addressed to the e-mail address as notified in the Invitation to Tender
- (b) in the format specified in the Invitation to Tender
- (c) stored in a secure mailbox controlled by Procurement Services, which requires a code or other appropriate security measure, to open it
- (d) retained unopened until after the closing date and time specified for receipt of tender

11.4 No tender received after the closing time and date specified for receipt of tenders shall be accepted or considered by the Council unless the relevant Director in consultation with the Head of Procurement Service is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply, and the other tenders have not been opened.

11.5 Tenders shall be opened by the relevant Director or nominee working in conjunction with Procurement Services after the closing date and time specified for receipt of tenders in the invitation to tender.

11.6 If it is necessary that the period of time for submitting tenders be extended, this should be communicated to all tenderers in writing in a fair and equal manner.

## 12. Evaluation of Quotes and Tenders

12.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.

12.2 Tenders subject to the PCR shall be evaluated in accordance with the PCR Rules.

12.3 Save in exceptional circumstances approved in advance by the relevant Director all contracts shall be awarded on the basis of the quote or tender which represents best value for money or where the contract value exceeds the PCR threshold on the basis of the most economically advantageous tender to the Council and not on the basis of lowest price.

12.4 Tenders received in an incomplete form must be evaluated in accordance with the Invitation to Tender documents as set out in the Procurement Guide.

## 13. Waivers

13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £25,000 may be waived in the following circumstances:

(a) For contracts which are not subject to the PCR, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury, ~~or~~ damage to property or breach of the Council's statutory obligations and duties; or

~~(b) the circumstances set out in PCR 14 apply (whether or not the contract is of a type which is subject to the application of the PCR Rules); or~~

~~(e)(b) the contract is a direct awarded under a Purchasing Scheme, a Framework or tender process where a direct award is allowed under the procurement rules and legislation of a type where a competition has already been undertaken on behalf of the Council; or~~

~~(d)(c) subject to the Public Contracts Regulations 2015 at the discretion of the relevant Director who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing~~

13.2 A Responsible Officer who seeks a waiver of Contract Procedure Rules, shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Procedure Rules is set out in the Council's Procurement Guide.

13.3 All waivers from these Contract Procedure Rules must be:

- (a) Fully documented
- (b) Subject to a written report in an approved format to be submitted in advance in accordance with Rule 8.1 (Approval) to Cabinet, Cabinet Member or to the relevant Director or Assistant Director. The report shall include reasons for the waiver which demonstrate that the waiver is genuinely required
- (c) Subject to written approval in advance (in the approved format) in accordance with Rule 8.1 (Approval) by Cabinet, the Cabinet Member or the relevant Director, Assistant Director, Section 151 Officer or Procurement Service who shall record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- (d) where the waiver is being sought in order to seek a tender from a single source, or to obtain a single tender from the one tenderer only, the application for approval will be brought in accordance with Rule 8.2 above

13.4 Notice of award of all contracts with a value of £25,000 or above must be published on Contract Finder.

13.5 All decisions on waivers must take into account:

- (a) Probity
- (b) Best value/value for money principles.

13.6 For contracts subject to the PCR, any waiver from the requirement for competition must meet the conditions set out in the PCR in addition to the general requirements above.

13.7 A waiver shall not be applied for reasons of poor contract planning.

## 14. Extensions to Existing Contracts

14.1 Where extensions to existing contracts are made, the extensions must be determined in accordance with the contract terms or agreement of the parties, for a specified period and made in accordance with the principles set out in the Council's Procurement Guide and the Public Contracts Regulations 2015 as applicable. Extension of existing contracts shall include modification and variation of contracts.

14.2 Any extension must be:

- (a) Fully documented
- (b) Subject to a written report in an approved format to be submitted in accordance with Rule 8.1 (Approval) to Cabinet, the Cabinet Member or the relevant Director or Assistant Director. The report shall include reasons for the extension which demonstrate that the need for the extension is genuinely exceptional
- (c) Subject to written approval in advance (in the approved format) in accordance with Rule 8.1 (Approval) to Cabinet, the Cabinet Member or by the relevant

Director or Assistant Director, who shall record that they have considered the reasons for the extension and that they are satisfied that the circumstances justifying the extension are genuinely exceptional.

14.3 Any extension must take into account:

- (a) Probity
- (b) Best value/value for money principles.

14.4 For contracts subject to PCR, any extension must meet the conditions set out in Regulation 72 of the Public Contracts Regulations 2015 in addition to the more general requirements set out above.

## **15. Purchasing Schemes (including Framework Agreements)**

15.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Procurement Guide.

15.2 Responsible Officers must check in advance that

- (a) The Council is legally entitled to use the Purchasing Scheme
- (b) The purchases to be made do properly fall within the coverage of the Purchasing Scheme
- (c) The establishment and operation of each Purchasing Scheme is in compliance with the PCR (where they apply) and meets the Council's own requirements.

## **16. Review and Changes to these Contract Procedure Rules**

16.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the PCR Thresholds in Rule 7, amended Contract Procedure Rules shall be agreed and adopted by the Council by resolution following the consideration of a Cabinet Report brought by the Section 151 Officer and Corporate Director of Resources and Place Delivery in consultation with the Assistant Director of Law and Governance and Head of Procurement Service. Revisions to the PCR Thresholds shall be dealt with in accordance with the Scheme of Delegation.

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<b>29 June 2022</b>	<b>ITEM: 15</b>
<b>Council</b>	
<b>Thurrock Health and Wellbeing Strategy Refresh 2022-26</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> None
<b>Report of:</b> Jo Broadbent, Director of Public Health	
<b>Accountable Assistant Director:</b> N/A	
<b>Accountable Director:</b> Ian Wake, Director Adults, Housing & Health	
<b>This report is public</b>	

## Executive Summary

This paper presents the refreshed Thurrock Health & Wellbeing Strategy (HWBS) 2022-26 (attached at Appendix 1) and gives an overview of the development of the Strategy and the next steps.

### 1. Recommendation(s)

**1.1 Council is asked to note the refreshed Thurrock Health & Wellbeing Strategy 2022-26 at Appendix 1, considering the Domains for action and Goals.**

### 2. Introduction and Background

2.1 The Health & Wellbeing Board (HWBB) has a statutory duty to produce a HWBS. The HWBS is a whole system plan for health & wellbeing and a means to engage all partners in the wellbeing agenda, co-ordinating strategic thinking of all elements of the council and all system partners to deliver quantifiable gains in health and wellbeing of residents.

2.2 Thurrock agreed its first HWBS in 2013. The second and current HWBS was launched in July 2016 and can be accessed here:  
<https://www.thurrock.gov.uk/strategies/health-and-well-being-strategy>

2.3 Proposals for the HWBS were developed by multi-agency stakeholders including Thurrock Council ADs and Subject Matter Experts from across the system. The HWBB considered the proposals for the HWBS at its meeting in July 2021, including the Vision, the 6 Domain structure, and plans to engage with the wider public. A twelve week consultation exercise took place October-December 2021 and the attached Strategy document has been further developed to reflect engagement outcomes.

### **3. Overview of the Refreshed HWBS 2022-26**

3.1 Preparatory work with system partners and HWBB Chair identified key influences on Health & Wellbeing and suggested that the HWBS needs to:

- Be high level and strategic
- Be highly ambitious and set out genuinely new plans rather than just describe what has already been done
- Provide a clear narrative that drives the work of all aspects of the local authority, NHS and third sector
- Address resident priorities and be co-designed with residents
- Be place and locality based and take a strengths and assets approach, not focused only on deficits or services

3.2 The HWBB agreed that the Strategy would have a Vision of *Levelling the Playing Field* and tackling inequalities is reflected throughout the Strategy. Proposals to level the playing field were developed based around six areas of people's lives, which we refer to as Domains, that cover the wider determinants of health and impact on people's health and wellbeing. These are:

1. Staying Healthier for Longer
2. Building Strong & Cohesive Communities
3. Person-Led Health & Care
4. Opportunity for All
5. Housing & the Environment
6. Community Safety

3.3 Through engagement with residents and stakeholders, 3-4 priority Goals have been identified for each Domain, with public feedback leading refinements of these Goals in the attached final draft. These set out specific actions to improve outcomes and specifically level the playing field and address inequalities.

3.4 Delivery of the ambitions within the Goals is underpinned by a number of key topic-specific strategies (such as the Housing Strategy, Better Care Together Thurrock Strategy etc), plus the Local Plan and the Backing Thurrock Economic Growth Strategy. Content proposals in the HWBS have been agreed with leads for these other strategic plans.

### **4. Consultation outcomes**

4.1 A summary of the consultation exercise is provided below and a full Consultation Report has been produced and shared with the HWBB. The refreshed HWBS was refined to reflect consultation outcomes, and the changes made in response to community feedback are detailed in the full Consultation Report.

4.2 Over 750 comments were received through a short 'user friendly' questionnaire developed in conjunction with the CVS and Healthwatch, which sought the public's views on the six Domains that have been proposed for the refreshed Strategy. In excess of 300 residents or professionals involved in the planning, commissioning or delivery of health and care services provided feedback on strategy consultation proposals through community and professional forums and meetings. This resulted in over 1,300 individual comments on the proposals.

4.3 Officers attended Scrutiny Committees, Group meetings and a range of stakeholder meetings to seek feedback. Direct face to face engagement was impacted by COVID-19 but Thurrock CVS and Healthwatch engaged directly with residents and also ran two workshops comprising representatives from several CVS organisations operating in Thurrock.

4.4 Key themes arising in feedback comprised:

### **Accessibility**

IT, digital exclusion. Feedback provided by elected members was reinforced by respondents across responding to priorities across a number of domains. It was acknowledged that digital exclusion is increasingly a barrier for some people to access services. It was felt that alternatives routes to access were still required and that services could not be completely digitally accessed as this would exclude some individuals.

Geographical locations and the importance of providing opportunities to access to residents across the borough through affordable and well connected public transport, active travel, provision of local based services and support

Capacity of services – access to primary care, mental health support and wider services and support was a key theme within feedback.

### **Informing residents**

Effectively communicating with residents using a range of methods  
Recognising that a range of approaches to community engagement and empowerment are needed - for example, online and social media approaches to engagement will not reach all community members, including many who are more vulnerable

Feedback recognised people wanting to improve their own health and wellbeing and the importance of providing information and guidance to facilitate that.

Communicating with residents and raise awareness of support and options that are available to them, single points of contact / lead support to help people navigate the system.

### **The Environment**

Mitigating the impact of housing and commercial developments by ensuring that supporting infrastructure is in place and developments consider health and wellbeing.

Providing access to green and open spaces, public transport and active travel across the borough.

Opportunities for people to remain active and socialise in a safe environment. The importance of supporting improvements in Air Quality.

## Mental Health

The impact of COVID on social isolation and loneliness and the adverse impact it has had on groups already marginalized

Respondents welcomed the refreshed Strategy providing specific focus on the provision of mental health support for residents, including access to mental health support, with appropriate capacity and timeliness of services.

The link between mental ill health and wider determinants of health such as long-term unemployment was acknowledged, a focus on employment and growth in relation to mental health was welcomed

### 5. Governance & Next Steps

- 5.1 The duty to produce the HWBS statutorily falls to the HWBB. Democratic Services advised that this means that final sign-off had to be by the partnership HWBB, and all other Council committees and partner agency governance structures were consultees to the Strategy. The governance timetable for formal sign-off of the HWBS is therefore as below –

Action	Date
Council Directors Board	6-April 22
Health Overview and Scrutiny Committee	7-Jun 22
MSE ICS Board	9-Jun 22
Cabinet	15-Jun 22
Health & Wellbeing Board	24-Jun 22
Full Council	29-Jun 22

- 5.2 Three versions of the Strategy are being produced to ensure broad accessibility to the report:

- The attached main Strategy document at Appendix 1
- An Accessible version to comply with website publication guidance
- An Easy Read version, being produced in conjunction with Inclusive Communication Essex Team, Hertfordshire Partnership University NHS Foundation Trust

- 5.3 A Communications Plan for the launch of the strategy has been prepared in conjunction with communications leads from HWBB member organisations. Further work is now being undertaken by the HWBB to establish appropriate ways of monitoring and reporting progress to the Board.

## **6. Reasons for Recommendation**

- 6.1 The HWBB has a collective statutory duty to produce a HWBS. It is one of two highest level statutory strategic documents for the Local Authority and system partners, the other being the Local Plan. The statutory status of the document means that the new Integrated Care Board (ICB) must have regard to it when planning their own strategy.

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

- 7.1 The proposals in this paper reflect substantial consultation with professionals and the public as detailed above and in the full Consultation Report.

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

- 8.1 The HWBS is one of three highest Place Shaping strategic documents for the Local Authority and system partners, the other being the Local Plan and Backing Thurrock Economic Development plan, with specific synergies between the three strategies being highlighted. It is a whole system plan for health & wellbeing and a means to engage all partners in the wellbeing agenda, co-ordinating strategic thinking of all elements of the council and all system partners to deliver quantifiable gains in health and wellbeing of residents.
- 8.2 In order to support delivery of the Council's Vision, the 6 Domains of the HWBS Strategy each relate to one of the Council's key priorities of People, Place and Prosperity, as outlined in the attached Strategy.

## **9. Implications**

### **9.1 Financial**

Implications verified by: **Mike Jones**  
**Strategic Lead – Corporate Finance**

The cost associated with the strategy refresh will be delivered within existing budgets or agreed through existing Council and partner agencies governance finance arrangements.

### **9.2 Legal**

Implications verified by: **Lindsey Marks**  
**Deputy Head of Law**

The Health and Social Care Act 2012 established a responsibility for Councils and CCGs to jointly prepare Health and Wellbeing Strategies for the local area as defined by the Health and Wellbeing Board.

### **9.3 Diversity and Equality**

Implications verified by: **Rebecca Lee**  
**Community Development and Equalities Team**

Implications have not changed since previous approval provided in July 2021. The aim of the strategy is to improve the health and wellbeing of the population of Thurrock and reduce health and wellbeing inequalities. A community equality impact assessment (CEIA) will underpin the strategy and mitigate the risk of disproportionate negative impact for protected groups. This approach will ensure the strategy itself and implementation supports delivery of the council's equality objectives while maintaining compliance with the Equality Act 2010 and Public Sector Equality Duty.

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

The refreshed Health and Wellbeing Strategy will facilitate crime and disorder priorities that relate specifically to health and wellbeing, further strengthening the relationship between the Health and Wellbeing Board and Community Safety Partnership. The focus of the strategy is to broadly focus on addressing inequalities in Thurrock.

**10. Appendices to the report**

Appendix 1 – Final Draft Health and Wellbeing Strategy 2022-26

**Report Authors:**

Dr Jo Broadbent, Director for Public Health

Darren Kristiansen, Business Manager AHH, Secretary to HWB

# THURROCK HEALTH AND WELLBEING STRATEGY 2022 TO 2026

## Levelling the Playing Field in Thurrock



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Created through the partnership of Thurrock Health and Wellbeing Board



# 1. Chair's Foreword



**Cllr Deborah Huelin**  
**Chair of Thurrock Health & Wellbeing Board**  
**Portfolio Holder and Cabinet Member for Health and Care**

I am delighted to welcome you to Thurrock's Health and Wellbeing Strategy for 2022-26. I have been a member of the Health & Wellbeing Board since 2021 and am excited to be taking over as Chair to lead delivery of this Strategy, alongside my role as Portfolio Holder for Health and Care.

It is my strong belief that the Health and Wellbeing Board's primary purpose is to champion improving health and wellbeing outcomes for the people of Thurrock. The Health and Wellbeing Strategy is key to achieving this and focuses on all areas of residents' lives that impact on their health and wellbeing. I particularly welcome the new Strategy focusing on wider determinants of health such as education and employment, housing and the environment, crime and anti-social behaviour.

The ambitious economic growth plans for Thurrock, which includes the Thames Freeport, are key to delivering improved health and wellbeing, as health and wealth are closely linked. That is why we have sought to align this Strategy with the Backing Thurrock economic growth plan and to use this important development as a delivery mechanism for the Strategy's ambitions around skills and inclusive employment.

This is a year of change and transformation of working practices for improved delivery of health and care. As we see stronger alliances and working partnerships between not only Local Authority and NHS, but the Voluntary Sector and Communities too, the Health & Wellbeing Board is well placed to help build those relationships by open and honest discussions, encouraging us to be critical friends to each other, challenging and supporting each other to find the best way forward together and deliver a level playing field.

This needs to be a year of action. Between us we have data and understanding – we have the “What” now let's focus on the “When and How”





# 2. Executive Summary

## Thurrock's Vision for Health & Wellbeing – Levelling the Playing Field

The Health & Wellbeing Board has a statutory duty to publish a Health & Wellbeing Strategy for the local community, and this document presents the Board's Vision for health and wellbeing in Thurrock for 2022-26.

The Board's Vision of **Levelling the Playing Field** aims to tackle the many causes of poor health that are not level across Thurrock. These include individuals' health risk behaviours such as smoking and the quality of clinical care that people receive, but the greatest influences on overall community health are wider determinants of health. These include high-quality education, access to employment and other opportunities, warm and safe homes, access to green spaces and leisure, strong and resilient communities and effective public protection. Thurrock experiences an unlevel playing field in each of these areas and this Strategy aims to level up those inequities.

## How will we Level the Playing Field?

To truly Level the Playing Field in Thurrock, the Health & Wellbeing Strategy needs to take a broad approach and focus on all these areas as part of Place-Shaping. The Strategy sets out goals and action across six broad domains that influence the determinants of health listed above:

1. **Staying Healthier for Longer**
2. **Building Strong & Cohesive Communities**
3. **Person-Led Health & Care**
4. **Opportunity for All**
5. **Housing & the Environment**
6. **Community Safety**

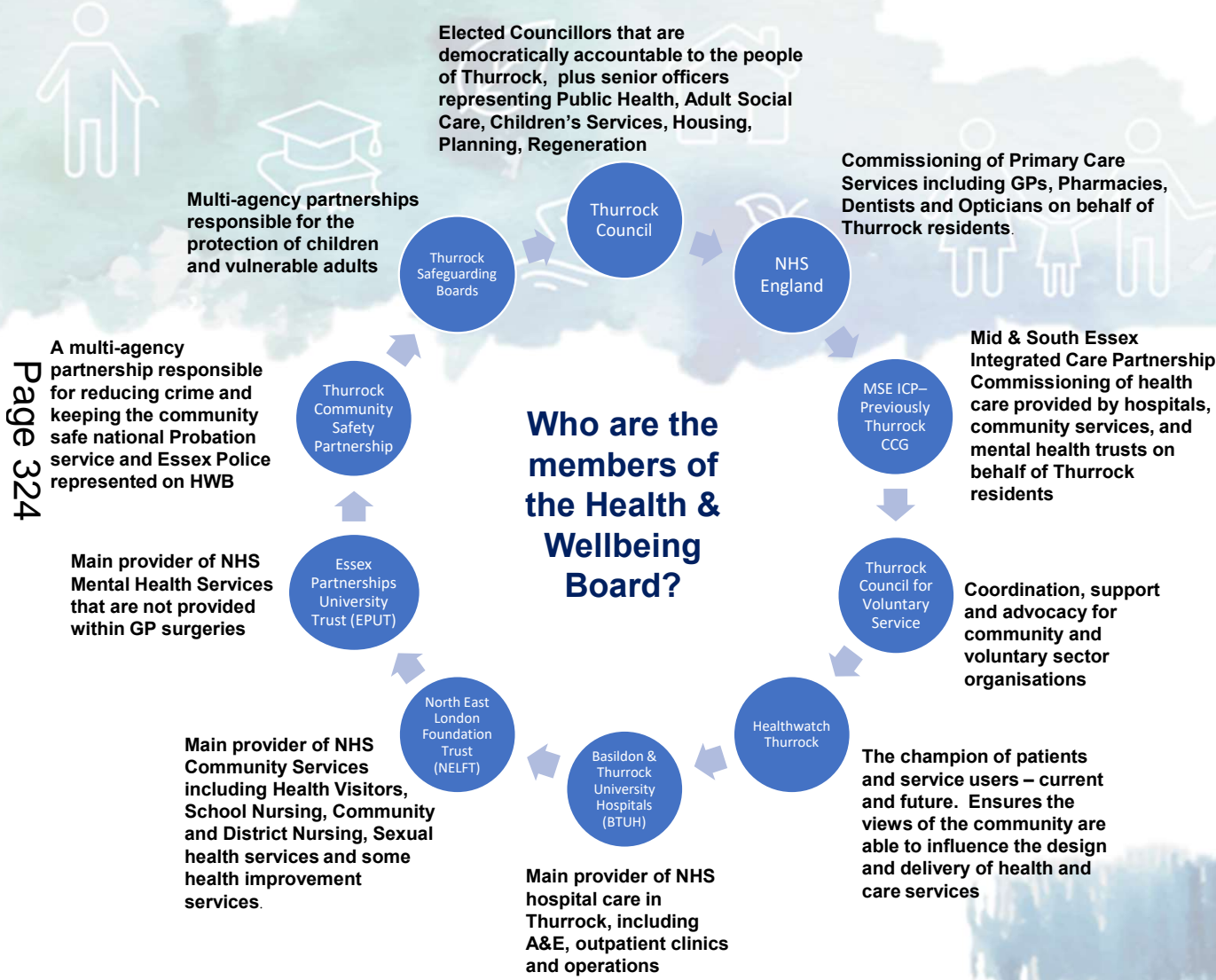
The Strategy will embed health and wellbeing actions in all these areas across key strategies in Thurrock, including NHS plans, the Local Plan and the Backing Thurrock Economic Growth Strategy, encompassing the Thames Freeport. It will drive ambitious collective action across every Council department, and through the NHS and other key system partners to address the unfairness that leads to multiple unlevel playing fields in Thurrock.

## What will the Impact be?

The Health & Wellbeing Board has engaged with residents and stakeholders from across Thurrock to identify what matters most to residents and what their priorities for levelling the playing field are. The Health & Wellbeing Strategy will reduce variation in these drivers of poor health and reduce the inequalities in health outcomes we see across the Borough.

The actions set out in the Strategy will help achieve the Government's Levelling Up ambition of increasing Healthy Life Expectancy and reducing the gap between local areas where it is highest and lowest - currently the Healthy Life Expectancy gap is 8 years across Thurrock.

# 3. Thurrock's Health and Wellbeing Board



## The Health & Wellbeing Strategy

- The Health & Wellbeing Board (HWBB) members have a collective statutory duty to produce a Health & Wellbeing Strategy (HWBS). Partners such as the NHS must have regard to the HWBS when planning their strategy.
- It is one of three highest level strategic documents driving Place Shaping for the local system partners (alongside the Local Plan and Backing Thurrock Economic Strategy)
- It is a whole system plan for community Health & Wellbeing, co-ordinating strategic thinking of all members to deliver quantifiable gains in health and well being of residents
- This strategy has been jointly developed by all members of the HWBB.

# 4. Thurrock the Place

Based at the heart of the Thames Gateway in close proximity to the east of London, Thurrock is a busy borough with picturesque towns, reams of beautiful countryside and 18 miles of river frontage. We are a borough of contrasts with urban areas of Grays, Tilbury and Purfleet to the south and rural villages and open countryside to the north.

## The Thurrock Community

The population of Thurrock is just over 175,000. Population growth has been strong in recent years, with an 11.3% growth in population since the last census in 2011. This strong growth is projected to continue over the next decade with a further increase of 9.2% expected by 2030.

Thurrock is a relatively young place, with an average age of 36.9 years old compared to the England average of 40.2 years old. Just under 26% of the population are aged under 18 years. The recent trend for both England and Thurrock has been towards an increase in the average age, and we can expect to see this trend continue. Presently in Thurrock there are almost 6,000 individuals aged 80+, with close to 1,000 individuals aged 90+.

Within its geographic area of 165km<sup>2</sup>, Thurrock hosts a diverse range of people and places. Over 130 different languages are spoken by children in Thurrock as their main language, and whilst most residents in Thurrock were born in the UK, over 10% were born overseas. White British is the most common ethnicity reported by Thurrock residents at 77% of the population. The second largest ethnic group is Black/African/Caribbean and Black British at 9% followed by all other White at 7%. It is estimated that 3,120 people have a learning difficulty, which accounts for just under 2% of the Thurrock population.

The most recent deprivation scores show that Thurrock has several areas that fall within the 10% most deprived locations in the country, but also some areas that fall within the most affluent in the country.

The more deprived areas are mainly located in and around Tilbury, with further areas in South Ockendon, Grays and areas of Corringham also suffering from higher levels of deprivation. Less deprived areas tend to be found in Thurrock's more rural locations, around South Chafford, and in some areas to the north of Grays.

## Growth & Opportunities

Thurrock is home to some of the most exciting growth opportunities in the country. Our growth programme is highly ambitious and £6Bn has already been invested by the private sector in Thurrock up until 2017, with 7,000 new jobs created and 1,170 new businesses choosing Thurrock including leading ports and logistics centres, retail and creative industries. More broadly, over 1,000 acres of land are ready for commercial development with 30,000 new homes likely to be built. Thurrock is at the heart of global trade and logistics, with no fewer than three international ports and excellent road transport links.

Future growth and transformational ventures include the Thames Freeport, regeneration in urban areas such as Purfleet, and the Association of South Essex Local Authorities (ASELA) plans.



# 5. Health & Wellbeing in Thurrock

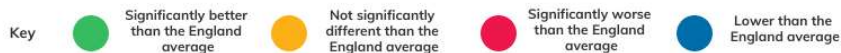
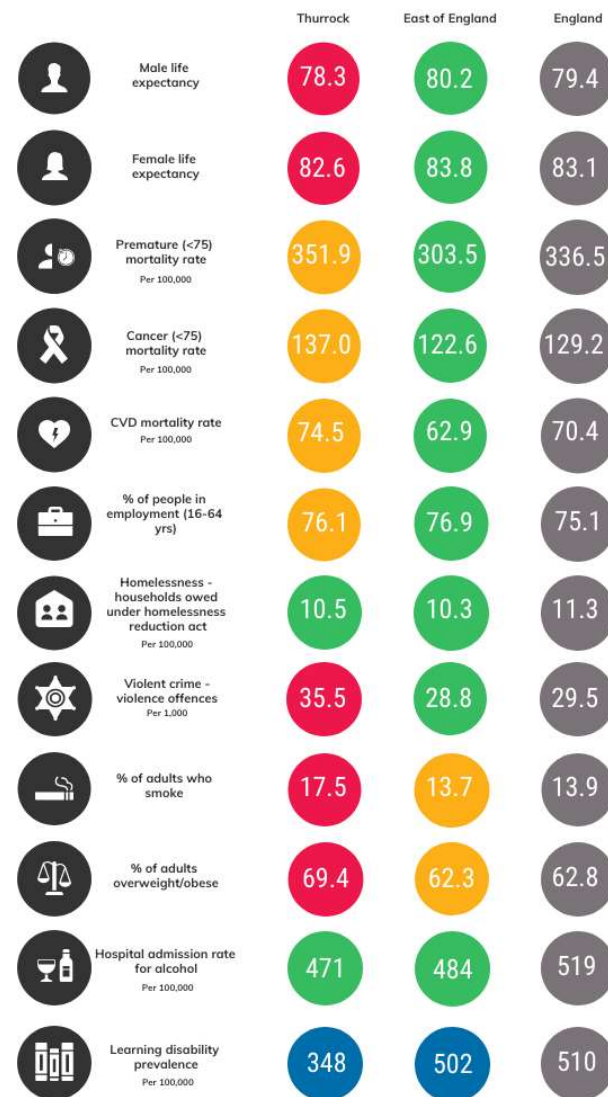
There is variation in health outcomes across Thurrock. Life Expectancy (LE) is the highest-level indicator of health inequality, and life expectancy for both men and women in Thurrock is significantly worse than the average for England. LE is significantly lower in Thurrock than average across England for both men (78.3 years vs 79.4 years) and women (82.6 years vs 83.1 years).

The greatest contributor to inequality in health outcomes in Thurrock is smoking. We know that smoking is the leading preventable cause of premature mortality in the country. Thurrock's overall smoking prevalence of 17.5% is significantly higher than in England and within some of the more deprived areas the prevalence is higher still. Data for pregnant women also shows high prevalence of smoking during pregnancy.

The proportion of adults classified as overweight or obese is also significantly higher in Thurrock, and higher still in the most deprived areas. 69.4% of adults are classified as overweight or obese, significantly higher than the England average at 62.8%. In 2019-20 the prevalence of overweight children at year 6 (age 10-11) in Thurrock was at 39.6% which is also significantly above the England average of 35.2%.

Cardiovascular diseases (CVD) are also an area of concern for the community. The most recent data for stroke, hypertension and coronary heart disease (CHD) prevalence at borough level are in line with national averages, however CVD related outcomes are known to be worse in the more deprived areas of Thurrock. Diabetes prevalence in Thurrock remains above the regional average.

Wider determinants of health are also important factors to also consider when looking at population data, and there is a mixed picture with regard to wider determinants in Thurrock. Thurrock's employment rate is 76.1% which is slightly above the England national average of 75.1% but not significantly so. Housing is a key factor underpinning health and wellbeing. For Thurrock, the number of households owed a duty under homelessness prevention is 10.5 per 100,000 which is lower than the England average of 11.3, and the quality of the housing stock in Thurrock is mixed. Crime has a considerable impact on the community, and the rate of violence offences in Thurrock (35.5 per 1,000) is significantly above the England rate of 29.5 per 1,000 population.



# 6. Thurrock's Vision for Health and Wellbeing - Levelling the Playing Field

## National Policy – Levelling Up

The Government's 'Levelling Up' White Paper sets out a number of Missions to address regional and local inequalities that unfairly hold back communities, ranging from employment and educational attainment to housing quality and crime.

## Variation in Life Expectancy and Healthy Life Expectancy

Healthy Life Expectancy (HLE) is how long an individual can expect to live in good health. Variation in HLE is a measure of the health inequity that exists within and between populations. Mission 7 of the White Paper sets out an ambition that by 2030, the gap in HLE between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by five years.

HLE in Thurrock is 63 years for males and 61 years for females, but this hides considerable variation within the local community, as illustrated below. Individuals in the least deprived parts of Thurrock can expect to live between 6.4 to 8.7 years longer than those in the most deprived areas. In terms of HLE, people in the most affluent areas of Thurrock experience 8 years more healthy life than those in the most deprived, with women in the most deprived areas experiencing 22 years in poor health.

## Thurrock's Vision for Health & Wellbeing – Levelling the Playing Field

Thurrock's Vision for Health & Wellbeing is to Level the Playing Field and reduce the variations in LE and HLE that we see within Thurrock. In order to meet the Government's ambitions for reducing the gap in HLE, concerted action is required to improve both length and quality of life across Thurrock and to reduce variations within the community.

In line with the White Paper ambitions, the Vision to Level the Playing Field identifies and sets out ambitious plans to tackle the many drivers of poor health that are not level across Thurrock, including the wider determinants of health.

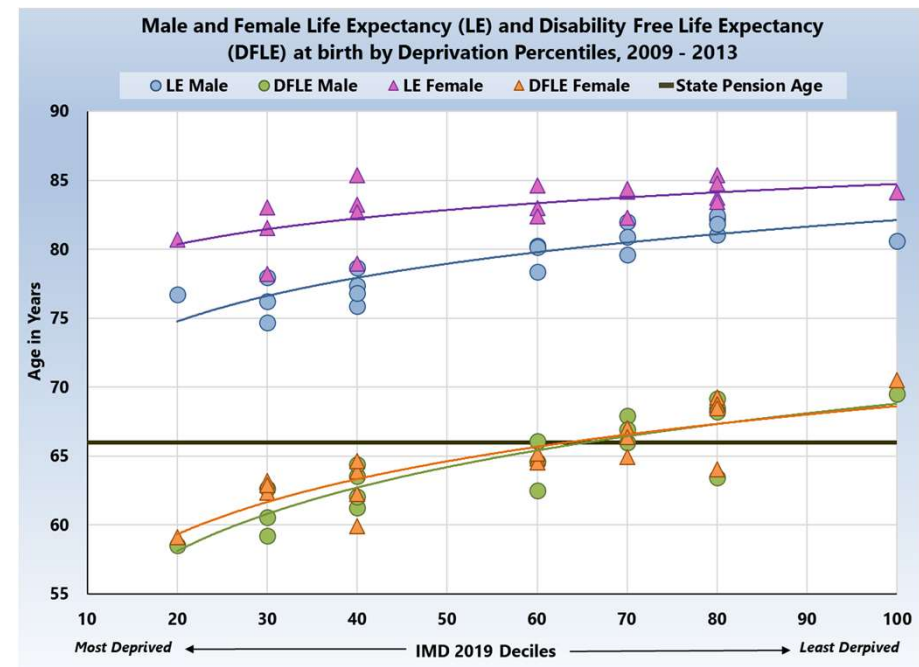
## Addressing Unlevel Playing Fields in Thurrock

There is a clear unlevel playing field between areas of higher and lower levels of deprivation. Areas of higher deprivation tend to be home to a greater number of individuals working in routine and manual roles, with lower levels of income and poorer educational attainment. Within these areas we also see a higher prevalence of health risk behaviours such as smoking, poorer diet and low levels of physical activity. In turn these drive higher rates of long-term health conditions – which often co-exist alongside poorer mental health outcomes. In Thurrock, all age and premature death (<75 years) is significantly worse than England average overall, specifically for cancer and circulatory disease deaths, and is related to deprivation.

We will address inequalities in health status and LE across Thurrock not just between socioeconomic groups, but also between many different groups. For example, variation is seen between different ethnicities, between people living with physical or learning disabilities and people with long term serious mental illness, compared to the general population. People with a learning disability have a LE 14-17 years lower than the general population in England.

Intergenerational health inequalities still persist in Thurrock. Opportunities for every resident to reach their full potential are not shared equally, and levelling this playing field is a key focus of the HWBS.

Our Vision of Levelling the Playing Field will also address the unacceptable variation in access, service quality and outcome across health, care and wellbeing services with those with the greatest need often getting the poorest services and outcomes.



# 7. Where is the Playing Field not Level in Thurrock?

The playing field not level in many key areas that impact each one of the Council's priorities of **People**, **Place** and **Prosperity** -



**Smoking and obesity** are key drivers of unequal health outcomes. Both smoking and obesity are significantly worse in Thurrock than across England and drive premature deaths from health conditions such as heart disease.



Around two thirds of people with **long term health conditions** such as high blood pressure and mental ill health are not diagnosed and not receiving support. We know that certain communities have higher rates of these conditions including people living in less affluent areas, men, people with learning disability, young people and older adults, unpaid carers, certain minority ethnic groups, LGBTQ+ people.



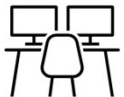
**People who felt most lonely and disconnected from their local community** prior to COVID-19 in the UK now have even higher levels of loneliness. This includes young people, people living alone, on low incomes, who are out of work, or living with a mental health condition and/or learning disability.



Residents are concerned about the **ease of seeing a GP**, and we know that access and capacity in primary care differs across the borough, and sometimes within the same Ward. **Quality of care** also varies for both physical and mental health conditions.



**Educational attainment** is generally good across Thurrock, but children who are NEET, have SEND, are Children Looked After or In Need, and from some minority ethnic groups do not achieve the same levels as their peers. While overall, 61% of GCSE pupils in Thurrock achieved 9-4 in 2019, only 10% of pupils with three disadvantages did.



The proportion of **adults in employment, the claimant count and the impact of economic growth** varies between communities in Thurrock. Groups that experience inequality in employment include 18-24 year olds, those living with a physical or learning disability and those with chronic diseases such as serious mental illness and musculoskeletal conditions.



**Housing affordability** is a major challenge in Thurrock, with over half of households not being able to purchase a home in the borough.



The **fear and risk of crime** continues to be a challenge for many community groups. The rates of recorded **violent crimes** are higher in Thurrock compared to England and have risen sharply since 2013. The Thurrock Youth Offending Service are seeing young people with a more entrenched pattern of offending and a greater degree of complexity and risk. National data indicates that 1 in 5 working-age women have experienced sexual violence.

# 8. How do we Level the Playing Field? - Wider Determinants of Health

The health & wellbeing status of individuals and communities is driven by broad and complex influences. Mid & South Essex Health & Care Partnership (MSE HCP) strategy identifies a range of impacts on health status, and that socio-economic factors have the greatest overall impact.

The King's Fund highlight the following wider health determinants as being crucial drivers of population health:

- Income
- Housing
- Education
- Best Start in Life
- Spatial planning
- Warmer & Safer Homes
- Strong & Resilient Communities
- Access to Green Spaces & Leisure
- Transport & Active Travel
- Jobs & Work
- Built & Green Environment
- Public Protection



SOURCE: Robert Wood Johnson Foundation and University of Wisconsin Population Health Institute in US to rank countries by health status

To truly Level the Playing Field, Thurrock HWB Strategy needs to take a broad approach and focus on all these areas as part of Place-Shaping. It will drive collective action across every Council department, and through the NHS and other key system partners to address the unfairness that leads to multiple unlevel playing fields across all the determinants of health.

The large-scale growth and transformation opportunities that Thurrock has will be key to delivering this Vision, including -

## National 'Levelling Up' agenda opportunities for Thurrock:

- Thames Freeport & Backing Thurrock agenda – secure inclusive and sustainable growth
- The Towns Fund – creating opportunity in more deprived areas; promoting arts, culture & physical activity
- Skills Fund & Apprenticeships – opportunities for local young people

## ASELA Anchor Programme opportunities for Thurrock:

- Infrastructure & Housing – affordable housing, transport & infrastructure
- Technical University – skills development for adults & young people
- South Essex Estuary Park - green & blue spaces, improved air quality

# 9. Health & Wellbeing Board Principles for Action to Level the Playing Field

The members of the HWBB have agreed that the actions to Level the Playing Field will take account of the following principles:



**Reducing inequality in health and wellbeing** - We want things to get better for everyone, but we are also committed to ensuring that the most disadvantaged communities enjoy the same levels of opportunity, health and wellbeing as the most affluent.



**Prevention is better than cure** - Rather than waiting for people to need help, we want Thurrock to be a place where people stay well for as long as possible. *Early intervention*



**Empowering people and communities** - We don't just want to do things for people but give people the opportunity to find their own solutions and make healthy choices, taking account of different abilities to act and ensuring multiple access points to services.



**Person-led & strengths-based approach** - Good health and care services should be organised around the needs of people, not around the needs of organisations. This includes using a Human Learning Systems approach to planning as well as the navigation and delivery of support and should build on community strengths and build social value.



**Making good health and wellbeing everyone's responsibility** – The organisations making up the HWBB have a shared priority to promote good health and reduce inequality, driving these principles through everything we do.



**Retain the positives from COVID-19 and address the challenges** – We will retain and build on positives from COVID-19 such as communities building on their strengths and partnerships working together on shared priorities, at the same time as seeking to mitigate the negative impacts of the COVID-19 pandemic.



# 10. Thurrock's Vision for Health and Wellbeing – Strategic Fit

## Thurrock Council Strategic Approach

## NHS Mid & South Essex Health & Care Partnership Strategic Approach

VISION AND CORPORATE PRIORITIES

CORPORATE KEY STRATEGIES



Mid and South Essex  
Health and Care  
Partnership

### Our Vision

A health and care partnership working for a better quality of life in a thriving mid and south Essex, with every resident making informed choices in a strengthened health and care system

Through working in partnership at every level, MSE HCP aims to **reduce inequalities** through the following actions, which also align to the Council's priorities:

- **Creating opportunities** – education, employment, housing, growth
- **Supporting health and wellbeing** – healthy lifestyles and behaviours, focus on prevention and self-care
- **Bringing care closer to home** – where safe and possible
- **Improving and transforming** our services – integrating care for and with our residents

Thurrock Council has three established corporate priorities of **People**, **Place** and **Prosperity**. The Health & Wellbeing Strategy is aligned to these three priorities, and is the key strategic document outlining the Council's aspirations for its **People**.

With so many exciting and important initiatives, it is crucial that the work across all areas of the Council and with our partners is coordinated and complementary in order to deliver the corporate priorities for the benefit of Thurrock residents and businesses.

This strategy aims to ensure that Levelling the Playing Field is a key consideration across all of the Council's strategic agenda of **People**, **Place** and **Prosperity**.

This strategy will ensure that we work in tandem with the MSE HCP partnership on reducing inequalities in Thurrock.

# 11. Thurrock's Vision for Health and Wellbeing – People, Place & Prosperity

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

## Thurrock Council Corporate Priorities

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

## Thurrock Council Corporate Priority Projects 2021

Transform the council and service delivery through new operating models and ways of working	Progress the <b>Local Plan</b> to support place-making and guide future sustainable development	Deliver <b>Backing Thurrock</b> , our Economic Growth Strategy, to strengthen and grow the economy for the benefit of residents and businesses
Refresh and deliver the <b>Health and Wellbeing Strategy</b> with health and other partners to tackle inequalities and the wider determinants of health	Deliver major regeneration and infrastructure projects contributing to growth including the government funded Towns Fund proposals	Work with private sector partners to deliver the Thames Freeport to unlock new jobs and skills opportunities through investment and enable levelling up
Embed the Collaborative Communities Framework – work with partners to redefine the council's role to achieve better outcomes for residents, especially the most vulnerable, through collaboration and co-design	Redefine to create a leaner asset base to reduce costs and support long term financial sustainability	Work collectively through ASELA to deliver strategic projects that secure greater prosperity and opportunities for residents and businesses

## PLACE - How will Place-Shaping Level the Playing Field?

Improved accessibility and equity of access to education, employment, healthcare and green spaces through walking and cycling infrastructure, and improved public transport. This will be built into all new major developments including Thames Freeport and targeting use of retained business rates

The Local Plan and the design of new neighbourhoods will enhance community resilience and social capital, reduce antisocial behaviour, designing crime out and physical activity in. Improved physical and mental well-being will be a key consideration for new planning policies and in the determination of planning applications

Council procurements, capital schemes and new developments should be linked to a Social Value Framework and contain employment initiatives to provide opportunities for local people

## PROSPERITY - How will Economic Growth Level the Playing Field?

Enhance access to vocational, academic and skills education for all, supporting adults experiencing barriers to learning and promoting progression into employment

Using the major economic growth interventions such as the Thames Freeport to create job opportunities for all, with more residents from vulnerable and deprived groups in sustained employment

Supporting local business aspirations to generate wealth and employment, promoting social enterprises and helping small business and micro-enterprises to grow

# 12. Thurrock's Vision for Health and Wellbeing - How Health & Wellbeing Strategies fit together

Thurrock Joint Health and Wellbeing Strategy 2022-2026



## Brighter Futures Strategy

Focuses on children and young people's wellbeing and how services for children and young people will integrate and improve



## Better Care Together Thurrock – The Case for Further Change

Focuses on adults' wellbeing and the transformation and integration of adult health, care and third sector services with the community



## Other Health and Wellbeing Strategies

For example:  
 Collaborative Communities Framework  
 Violence and Vulnerability Housing & Homelessness  
 Tobacco Control  
 Whole Systems Obesity Community Safety Partnership Plan

- High level
- All age
- Aspirational
- Engage all partners in wellbeing agenda
- Coherent vision for 'Thurrock the place'
- Threads everything together
- Focus on the 'what' and outcomes
- Statutory document that ICS must have regard to.

- More detailed
- More topic, age, setting focused
- Mechanics of the 'how'
- Explains impact at place and system level
- Outcomes at topic/locality/individual level
- Explains impact on overall place / system level
- Deals with the money

- For each Goal we have mapped the underpinning strategies and the strategic group that will lead on delivery.
- Progress measures have been identified to monitor impact on high level Outcomes over the lifetime of the strategy, plus Activity and Process milestones detailing key actions to deliver on the ambitions. These will be detailed in an appendix to the strategy.

# 13. Community Priorities for Health & Wellbeing

**Stakeholder & Community Engagement** took place between October & December 2021. Feedback was received from 1,300 individuals and from numerous stakeholder and community groups.

Key themes from the feedback covered each of the **People**, **Place** and **Prosperity** priorities:

## Accessibility

- **Capacity and accessibility of services**, with availability of face to face support from the most appropriate professionals to support their health needs, including Primary Care access.
- **IT & digital exclusion**. It was acknowledged that digital exclusion is a barrier for some people to access services. It was felt that a variety of routes to access were required so as not to exclude some individuals.
- **Geographical locations** and the importance of providing access to services to residents across the borough through affordable and well-connected public transport, active travel, provision of local based services and support.

## Supporting Residents and Wider Communities

- **Communicating support that is available to residents** to enable them to access the most appropriate support and supporting health and wellbeing by awareness raising and education, advice and guidance.
- **Support to develop communities** in terms of community cohesion and communities getting to know one another, building community resilience, and pride of place.

## The Environment

- **Mitigate the impact of housing and commercial developments** by ensuring that supporting infrastructure is in place and developments consider health and wellbeing.
- **Access to green and open spaces, public transport and active travel** across the borough.
- **Opportunities for people to remain active and socialise** in a safe environment.
- The importance of supporting improvements in **Air Quality**.

## Mental Health

- **The impact of COVID** on social isolation and loneliness and the adverse impact it has had on groups already marginalized
- **Respondents welcomed the refreshed Strategy providing specific focus on the provision of mental health support for residents**, including access to mental health support, with appropriate capacity and timeliness of services
- The link between mental ill health and wider determinants of health such as long-term unemployment was acknowledged, a **focus on employment and growth in relation to mental health** was welcomed



**Most people agreed** that the six proposed Domains affect areas of people's lives that most impact on health and wellbeing. There was also agreement with many of the proposed Goals for each the Domains, with refinements being made to specific Goals based on feedback.

## Engagement included a variety of methods including:

- **Have your say online** - Comments were collected online through the Council's Consultation Portal.
- **Have your say face-to-face** - The consultation was supported by Healthwatch Thurrock and Thurrock CVS. People from these independent organisations attended events across the borough and ran community sessions to ask about the proposals.
- **Discuss at a stakeholder or community meeting** - Community forums and groups, and Council and NHS meetings were attended to discuss the proposals.

A full report on the engagement findings and how they have influenced the content of the HWBS is appended as an Annex.



# 14. Six Domains of Health & Wellbeing in Thurrock

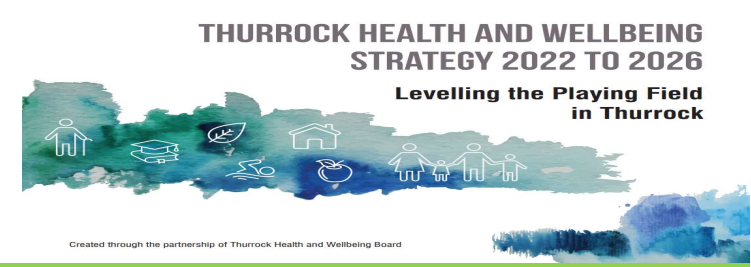
The HWBS is structured around 6 Domains, which cover the key wider determinants of health and the Community's priorities for Levelling the Playing Field. Each Domain relates to one of the Council's key priorities of **People**, **Place** and **Prosperity**:

1. **Staying Healthier for Longer**
2. **Building Strong & Cohesive Communities**
3. **Person-Led Health & Care**
4. **Opportunity for All**
5. **Housing & the Environment**
6. **Community Safety**

Through engagement with residents and stakeholders, 3 or 4 priority Goals have been identified for each Domain. Delivery of the ambitions within these Goals is underpinned by a number of key topic-specific strategies, as illustrated.

Domain 1 - Staying Healthier for Longer	Domain 2 - Building Strong and Cohesive Communities	Domain 3 - Person-Led Health and Care	Domain 6 - Community Safety
Thurrock Further Case for Change Health & Care Strategy	Collaborative Communities Framework	Thurrock Further Case for Change Health & Care Strategy	Community Safety Partnership Plan
MSE HCP Long Term Plan	Thurrock Further Case for Change Health & Care Strategy	MSE HCP Long Term Plan	Violence Against Women & Girls Strategy
Brighter Futures Strategy	Stronger Together Thurrock		Youth Violence & Vulnerability Action Plan





## Domain 1 - Staying Healthier for Longer

*Aligned with Thurrock Alliance Further Case for Change Health & Care Strategy & Brighter Futures Strategy*

**Ambition - Improve the prevention, identification and management of physical and mental health conditions, to ensure people live as long as possible in good health.**

GOALS	Who doesn't experience a Level Playing Field?	How will we Level the Playing Field?	What Impact will it have?
<b>1A. Work with communities to reduce smoking and obesity in Thurrock</b>	<ul style="list-style-type: none"> <li>People living in the most deprived Wards</li> <li>People living with serious mental illness</li> <li>Pregnant women and families</li> <li>Certain Minority Ethnic groups</li> </ul>	<ul style="list-style-type: none"> <li>Developing and delivering a Whole System Tobacco Control Strategy – covering Prevention, Treatment &amp; Enforcement, and focusing on the 8 most deprived Wards, people with mental health problems and pregnant women and their families</li> <li>Refreshing &amp; delivering the Whole System Obesity Strategy – covering Healthy Weight for Children, Community Influences, the Food Environment, Physical Activity &amp; Weight Management</li> </ul>	<ul style="list-style-type: none"> <li>Fewer people in Thurrock who smoke and reduced variation between community groups</li> <li>Fewer Reception, Year 6 children and adults in Thurrock who are obese and reduced variation between community groups</li> </ul>
<b>1B. Work together to promote good mental health and reduce mental ill health and substance misuse in all communities in Thurrock</b>	<ul style="list-style-type: none"> <li>Groups that are less likely to have their mental health needs met such as: Males, People with LTCs, People with Learning Disability, Younger and Older adults, unpaid Carers, certain Minority Ethnic groups, LGBTQ+ people</li> <li>People living with serious mental illness</li> <li>People transitioning from young people to adult to older adult mental health services</li> <li>People living with substance misuse and their families</li> <li>Victims/survivors of crime, abuse and exploitation</li> </ul>	<ul style="list-style-type: none"> <li>Transforming mental healthcare through a new Integrated Primary and Community Mental Health model, and Emotional Wellbeing and Mental Health Service (EWMHS) for children and young people</li> <li>Case finding for common mental illnesses in Primary Care - by screening via a tool in IT systems, as part of NHS Health Checks and using Population Health Management (PHM)</li> <li>Co-producing with service users and families a new substance misuse model, integrated with wider services such as mental health and housing</li> <li>Addressing unmet need in relation to drug &amp; alcohol misuse, including inter-generational affects and the impact on wider determinants of health</li> </ul>	<ul style="list-style-type: none"> <li>Improved quality of care for mental ill health</li> <li>A greater proportion of people have their mental ill health diagnosed and treated</li> <li>All young people transitioning to Adult Mental Health Services have a Joint Care Plan in place</li> <li>All children are thriving and have access to the support they need through a strengthened whole school approach to mental wellbeing</li> </ul>
<b>1C. Continue to enhance identification and management of Long Term Conditions (LTCs) to improve physical and mental health</b>	<ul style="list-style-type: none"> <li>People living in more deprived circumstances</li> <li>The up to two thirds of people with common LTCs but who do not have a diagnosis</li> <li>People with poorly managed LTCs</li> <li>Communities at greater risk from LTCs, including Minority Ethnic groups, and people with Learning Disability or serious mental illness</li> </ul>	<ul style="list-style-type: none"> <li>Establishing 4 new Integrated Medical Centres (IMCs) that will deliver a standardised LTC clinical model for all Thurrock residents, including those with multiple health needs, and address variation in capacity across IMCs so it is better matched to resident need</li> <li>Funding LTC case finding in Primary and Community Care and using PHM to identify people with LTCs by improving data flows between hospital and primary care IT systems</li> <li>Funding LTC treatment improvement in Primary Care to intervene earlier and prevent LTCs from worsening – for example by using PHM data to improve care for all</li> </ul>	<ul style="list-style-type: none"> <li>Improved quality of care for LTCs e.g. a greater proportion of care for high blood pressure will meet national standards</li> <li>A greater proportion of people will have their LTC diagnosed and treated</li> <li>A greater percentage of individuals with Severe Mental Illness will receive a Physical Health Check</li> </ul>



## Domain 2 - Building Strong and Cohesive Communities

### Aligned with Stronger Together Thurrock & the Collaborative Communities Framework (CCF)

**Ambition - We are committed to creating a fair, accessible and inclusive borough where everyone has a voice and an equal opportunity to succeed and thrive, and where community led ambitions are supported and actively encouraged.**

GOALS	Who doesn't experience a Level Playing Field?	How will we Level the Playing Field?	What Impact will it have?
<p><b>2A. Improve engagement with our residents to ensure everyone can have their voice heard</b></p> <p>Page 30</p>	<ul style="list-style-type: none"> <li>• Marginalised and Seldom Heard groups</li> <li>• People experiencing loneliness and social isolation, including those who were Shielding or who are at higher risk such as young people, people living alone, on low incomes, who are out of work, or living with a mental health condition and/or learning disability</li> <li>• The c. 20% of people who are digitally excluded</li> </ul>	<ul style="list-style-type: none"> <li>• Embedding the CCF Engagement ambition to enable residents to access information and be involved in decisions that affect their lives, using co-design and co-production to generate solutions, for example by -</li> <li>• Establishing service user-led Communities of Practice for each Primary Care Network (PCN) area to improve communication with local residents</li> <li>• Tackling digital exclusion - for example through ASELA and Public Health working together to install wifi in all Sheltered Housing sites, and addressing skills and confidence</li> <li>• Ensuring the Stronger Together directory is used widely across partners as the 'one-stop-shop' for residents to seek information about support</li> </ul>	<ul style="list-style-type: none"> <li>• Improved resident satisfaction with engaging with Thurrock Council</li> <li>• A greater percentage of Thurrock residents voting in local elections</li> <li>• Reduced Digital Exclusion</li> <li>• Residents will have improved access to information and support</li> </ul>
<p><b>2B. Ensure people have the skills, confidence and ability to contribute as active citizens and are empowered to co-design the decisions that affect their lives</b></p>	<ul style="list-style-type: none"> <li>• Marginalised and Seldom Heard groups</li> <li>• Disenfranchised or disempowered residents</li> <li>• Volunteers and unpaid Carers</li> </ul>	<ul style="list-style-type: none"> <li>• Embedding the CCF Empowerment ambition to empower and enable communities to champion change, for example by -</li> <li>• Using a participatory Human Learning Systems (HLS) approach to future health &amp; care system transformation, delivering bespoke solutions co-designed with residents, ensuring that the system operates in the way people want it to and that communities are able to influence and direct decision making about health and care</li> <li>• Working with Community Builders, Community Reference Boards and PCN Communities of Practice to enable residents' views to influence local decision-making</li> </ul>	<ul style="list-style-type: none"> <li>• A greater proportion of residents feel that decisions taken that affect them are worthwhile</li> <li>• A greater percentage of volunteer placements filled within the Council</li> </ul>
<p><b>2C. Enhance equality and inclusiveness by promoting opportunities to bring different communities together to enhance shared experience and to embed a sense of belonging</b></p>	<ul style="list-style-type: none"> <li>• Diverse communities in Thurrock including minority ethnic groups, religious groups, LGBTQ+ people</li> <li>• Marginalised and Seldom Heard groups</li> <li>• Newcomers to the borough including Asylum Seekers</li> <li>• People experiencing loneliness and social isolation, including those at higher risk such as the Shielding cohort, young people, people living alone, on low incomes, who are out of work, or living with a mental health condition and/or learning disability</li> </ul>	<ul style="list-style-type: none"> <li>• Embedding the CCF Equality ambition for all to have equal opportunities to prosper in a connected community and contribute to a diverse and inclusive borough, for example -</li> <li>• Working with Community Builders, and Community Forums and Hubs in their provision of support to residents in their local areas, along with the ongoing maintenance of the Stronger Together directory</li> <li>• Preparing an annual calendar of events and activities in conjunction with partners - including community-led events such as Holocaust Memorial Day and Pride Month.</li> </ul>	<ul style="list-style-type: none"> <li>• Fewer adults aged 16+ report they felt lonely 'often or all of the time'</li> <li>• A greater number of events and activities in hubs/libraries that support well-being and strengthen community connections</li> </ul>



Created through the partnership of Thurrock Health and Wellbeing Board

## Domain 3 - Person-Led Health and Care

### *Aligned with Thurrock Alliance Further Case for Change Health & Care Strategy*

**Ambition - Better outcomes for individuals, that take place close to home and make the best use of health and care resources.**

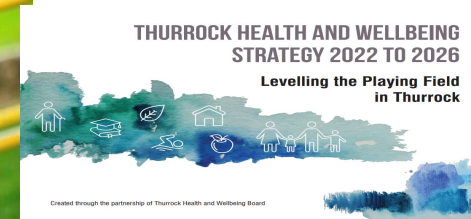
GOALS	Who doesn't experience a Level Playing Field?	How will we Level the Playing Field?	What Impact will it have?
<b>3A. Development of more integrated adult health and care services in Thurrock</b>	<ul style="list-style-type: none"> <li>• People living with multiple and complex health and care needs</li> <li>• People with unmet health and care needs</li> <li>• Unpaid Carers</li> <li>• People who need support to live independently</li> <li>• People living with dementia</li> </ul>	<ul style="list-style-type: none"> <li>• Improved, integrated and easy to access entry to care – the majority of care will be provided close to home by multi-disciplinary locality teams (Community Led Support)</li> <li>• Better management and coordination of multiple issues through a Human Learning System (HLS) approach to deliver bespoke solutions</li> <li>• Development of a Dementia Commissioning Strategy to support Dementia Friendly Communities</li> </ul>	<ul style="list-style-type: none"> <li>• More capacity across the system with a greater focus on prevention and early intervention</li> <li>• Bespoke solutions to complex care needs, with single care plans</li> <li>• Holistic support for people with dementia</li> </ul>
<b>3B. Improved Primary Care response that includes timely access, a reduced variation between practices and access to a range of professionals</b>	<ul style="list-style-type: none"> <li>• People living with multiple and complex health and care needs</li> <li>• People with unmet health and care needs</li> <li>• People with difficulty accessing health care</li> </ul>	<ul style="list-style-type: none"> <li>• All 4 IMCs operational by 2025, delivering a standardised clinical model that meet the specific requirements of the local community</li> <li>• Improving quality of care through single models of care, integrated data sets, and early identification, management and prevention of conditions</li> <li>• Collaboration and coordination with partners around PCN areas to enhance capacity and ensure people receive the right response first time</li> <li>• Levelling up funding to align with clinical need, supported by an appropriate mixed skill clinical workforce</li> <li>• Upgrading GP practices' telephony systems and ways of working online</li> </ul>	<ul style="list-style-type: none"> <li>• Equity of access to primary care reaching the level of the current best access for everyone</li> <li>• Better clinical outcomes overall and reduced variation in outcomes between GP practices</li> <li>• Patient satisfaction with practices levels up to the current best</li> </ul>
<b>3C. Delivery of a Single Workforce Locality Model – a health &amp; care workforce that works across organisational boundaries to be able to provide a seamless and integrated response</b>	<ul style="list-style-type: none"> <li>• People living with multiple and complex health and care needs</li> <li>• Unpaid Carers</li> <li>• Frontline health and social care professionals</li> <li>• People who need support to live independently or have difficulty accessing care and support</li> </ul>	<ul style="list-style-type: none"> <li>• Development of professionals' integrated locality networks by PCN area</li> <li>• Reducing onwards rereferrals through integrated and coordinated access points across and within localities</li> <li>• Support solutions that incorporate the assets and strengths contained within communities and individuals</li> <li>• Integrated coordination of care for individuals receiving support from multiple organisations and blended staff roles that support more than one function</li> </ul>	<ul style="list-style-type: none"> <li>• Empowered staff focusing on what matters to residents</li> <li>• Access to a broader range of care and specialisms at locality level</li> <li>• Greater continuity of care for everyone</li> </ul>
<b>3D. Delivery of a new place-based model of Commissioning that makes the best use of available resources to focus on delivering outcomes that are unique to the individual</b>	<ul style="list-style-type: none"> <li>• People living with multiple and complex health and care needs</li> <li>• People with unmet health and care needs</li> <li>• People with difficulty accessing health care</li> <li>• People who need support to live independently</li> </ul>	<ul style="list-style-type: none"> <li>• Development of Communities of Interest that enable communities to direct, develop and influence health and care provision</li> <li>• Commissioning across functions through pooled and integrated budgets</li> <li>• Place-based commissioning – responding to local conditions and requirements through Community Reference Boards</li> <li>• A broadened and flexible marketplace that offers greater choice and increased opportunities for local providers - for example building on Micro-Enterprises</li> </ul>	<ul style="list-style-type: none"> <li>• Expanded support for community economic development, supporting a variety of health and care services for local people</li> <li>• Residents' voices will be at the heart of service redesign</li> </ul>

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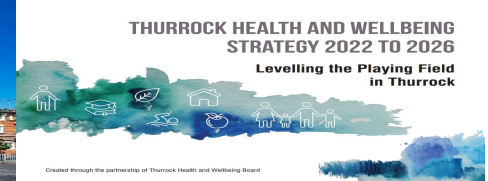
# Domain 4 – Opportunity for All

Aligned with the Backing Thurrock Economic Strategy, major investments such as Thames Freeport and the Brighter Futures Strategy



**Ambition - Thurrock will be a place of economic opportunity, with investment and wider regeneration programmes building a stronger and more vibrant economy, with local communities having the opportunity to contribute to and benefit from our economic successes. We want to support people in Thurrock to be aspirational, resilient and able to access high quality education and training; enabling them to develop skills to secure good quality employment and volunteering opportunities to live fulfilling lives and achieve their full potential.**

GOALS	Who doesn't experience a Level Playing Field?	How will we Level the Playing Field?	What Impact will it have?
<b>4A: Through raising aspirations and reducing the disadvantage gap, all children and young people are able to achieve their potential</b>	<ul style="list-style-type: none"> <li>Children and young people, especially those who have Special Educational Needs (SEN), are Children Looked After (CLA), live in more deprived circumstances or are Not in Education, Employment of Training (NEET)</li> </ul>	<ul style="list-style-type: none"> <li>Delivering the Brighter Futures aspirations to improve educational attainment</li> <li>Thames Freeport Skills Plan will target dedicated interventions to improve skills, working directly with local schools to ensure local communities can take advantage of job opportunities from the Freeport</li> </ul>	<ul style="list-style-type: none"> <li>All young people supported to gain qualifications, skills, and experience to progress into sustained employment</li> <li>Improved educational attainment for all disadvantaged young people</li> <li>All young people can access education and training, reducing NEET</li> </ul>
<b>4B: Raising aspirations and opportunities for adults to continue learning and developing skills, with a focus on groups that can benefit most</b>	<ul style="list-style-type: none"> <li>Working-age people who are in low-skilled employment</li> <li>People who are out of work, including with health-related barriers to work such as mental health, musculoskeletal problems, disabilities or caring responsibilities</li> <li>Young adults entering the labour market</li> </ul>	<ul style="list-style-type: none"> <li>A Freeport Skills Fund will be established to support skills programmes to ensure that local people are equipped to benefit from anticipated employment opportunities – focusing on young people and those with protected characteristics</li> <li>ASELA Technical University to meet emerging and future employer needs through work-based learning, including degree apprenticeships, supporting young people entering work and reskilling those in employment</li> <li>Thames Freeport Skills Accelerator programme will match workers to jobs, ensuring equality of access to skills development and job opportunities</li> </ul>	<ul style="list-style-type: none"> <li>A greater number of adults in education in Thurrock Council</li> <li>A greater proportion of young people achieve a L2 or L3 qualification by the age of 19</li> </ul>
<b>4C: Supporting the economically vulnerable through Delivering the Backing Thurrock Roadmap and Action Plan and the Thames Freeport</b>	<ul style="list-style-type: none"> <li>Marginalised groups and those living in deprived circumstances</li> <li>People who are out of work, including those with health-related barriers to working such as mental health, musculoskeletal problems, physical or learning disabilities, or who have caring responsibilities</li> <li>Working-age people who are in low-skilled employment or who are economically vulnerable</li> <li>Low-income households</li> </ul>	<ul style="list-style-type: none"> <li>Tackling employment inequalities through -</li> <li>Thames Freeport being underpinned by a Diversity Statement and EQIA , and actively monitoring equality, diversity and inclusion impacts</li> <li>Delivering the Backing Thurrock Skills Action Plan to, enabling people to access the opportunities from a growing and successful Thurrock economy</li> <li>Embedding recommendations of the Work and Health JSNA to improve access to work for people with mental health and MSK problems</li> <li>Ensuring that contracts and capital schemes commissioned by the Council include action against at least one Social Value Framework priority outcome</li> </ul>	<ul style="list-style-type: none"> <li>A greater proportion of working age adults in employment</li> <li>Reduction in long term unemployment, with a focus on those with long term mental or physical health barriers to employment</li> <li>The Thames Freeport economically benefits all in Thurrock</li> <li>Increased Social Value contribution of the Council's commissioning</li> </ul>
<b>4D: Creating a vibrant place, that generates new businesses, increases prosperity and enables people across Thurrock to benefit from the transformational investment in major development schemes</b>	<ul style="list-style-type: none"> <li>Marginalised groups and those living in more deprived circumstances</li> <li>Working-age people who are out of work or economically vulnerable</li> <li>Low-income households</li> <li>Small businesses and Micro-enterprises</li> </ul>	<ul style="list-style-type: none"> <li>Supporting local businesses to generate wealth and employment - for example through enabling residents to develop new businesses, social enterprises and micro enterprises; and developing a business workplace wellbeing programme</li> <li>Working with the Business Board and Anchor Institutions to increase local recruitment, develop local supply chains, attract public and private investment, and making best use of assets to secure inclusive well-being</li> <li>Supporting SME supply chain opportunities through Thames Freeport and other major investment programmes</li> <li>Harnessing the power of culture and creativity to improve well-being and support economic growth through delivery of a Thurrock Cultural Strategy</li> </ul>	<ul style="list-style-type: none"> <li>Reduced percentage of children living in absolute poverty</li> <li>A greater number and range of businesses in Thurrock</li> <li>Better understanding of the aspirations of the local business community</li> <li>Residents have access to a range of cultural opportunities</li> </ul>



# Domain 5 - Housing and the Environment

*Aligned with the Local Plan, Housing Strategy and Homelessness Strategy*

**Ambition - Fewer people will be at risk of homelessness and everyone will have access to high quality affordable homes that meet the needs of Thurrock residents. Homes and places in Thurrock will provide environments where everyone feels safe, healthy, connected and proud.**

GOALS	Who doesn't experience a Level Playing Field?	How will we Level the Playing Field?	What Impact will it have?
<b>5A. Reduce homelessness and increase the supply of affordable housing in Thurrock</b>	<ul style="list-style-type: none"> <li>Homeless people and Rough Sleepers and those with No Recourse to Public Funds (NRPF)</li> <li>People in insecure accommodation or at risk of eviction</li> <li>Low-income households</li> <li>First time buyers &amp; Key Workers</li> </ul>	<ul style="list-style-type: none"> <li>Delivering appropriate and timely support - for example by reducing out of area Temporary Accommodation (TA) placements and time in TA</li> <li>Introducing a 'Thurrock Affordability Standard' for future housing delivery, alongside increasing Council-owned affordable rental properties</li> <li>Using Development Management, the Housing Strategy and the Local Plan to deliver a min. provision of 35% of new residential developments to be affordable</li> <li>The Local Plan will identify major development sites that can deliver 10 or more additional homes, and set targets for the mix of units in terms of type, size and tenure (including first, key worker and affordable homes)</li> </ul>	<ul style="list-style-type: none"> <li>All households owed a duty of care under the homelessness reduction act receive support</li> <li>Residents will have access to a range of affordable new build homes that prioritise providing housing for people with an established connection to the local area</li> <li>Residents will have access to an appropriate mix of high-quality social housing</li> </ul>
<b>5B. Facilitate and encourage maintenance of good quality homes in Thurrock to support the health of residents, protecting them from hazards such as cold, damp and mould</b>	<ul style="list-style-type: none"> <li>People in insecure housing</li> <li>People in poor quality or over-crowded accommodation</li> <li>Low-income households</li> <li>Council, social &amp; private tenants</li> <li>People living in fuel poverty</li> <li>People with health conditions that put them at greater risk from a poor standard of housing</li> </ul>	<ul style="list-style-type: none"> <li>Improving the condition of housing in the public and private sector - for example by increasing use of renewable technologies in Council stock</li> <li>Reducing fuel poverty - for example by investment in council housing, accessing Green Homes Grants for improvements in the private sector, and by improving Energy Performance Certificate (EPC) ratings across the borough</li> </ul>	<ul style="list-style-type: none"> <li>Residents will have access to safe public and private rental sector homes</li> <li>Residents will have access to programmes such as Well Homes to benefit priority groups such as people with LTCs, physical or learning disabilities and mental health needs</li> <li>Fewer households in Fuel Poverty</li> </ul>
<b>5C. Provide safe, suitable and stable housing solutions for people who have or who are experiencing domestic abuse / violence and/or sexual abuse / violence</b>	<ul style="list-style-type: none"> <li>Individuals and families experiencing domestic abuse / violence and / or sexual abuse / violence</li> </ul>	<ul style="list-style-type: none"> <li>Implementing a joint protocol across all partners – to ensure access to a range of housing options and tailored initiatives to give people experiencing domestic and sexual abuse or violence an appropriate choice of accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>Everyone experiencing domestic and sexual abuse or violence will have access to a range of tailored housing options and initiatives</li> </ul>
<b>5D. Regeneration and future developments will seek to improve physical and mental health, reduce exposure to air pollution and to build community resilience and reduce antisocial behaviour</b>	<ul style="list-style-type: none"> <li>People experiencing a poor quality of living environment and/or poor access to green space and/or air pollution</li> <li>People experiencing anti-social behaviour</li> <li>People with poor access to services and/or poor public transport access and/or who wish to walk and cycle more</li> </ul>	<ul style="list-style-type: none"> <li>Local Plan policies, Health Impact Assessments (HIAs) for major new developments and the Transport Strategy will consider a full range of health and wellbeing issues including for example: Active Travel and Public Transport; access to green and open spaces; air quality; the food environment.</li> <li>The Local Plan will put forward a range of planning policies that support the creation of healthier, safer and greener places which will be used by developers</li> <li>Incorporating crime reduction e.g. 'Secure by Design' within the Council's Housing Strategy and the Local Plan Design Guide.</li> <li>Implement the Council Climate Change Strategy and the borough high level Energy and Climate Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>All Council-led new build schemes will comply with Secured by Design standards</li> <li>All regeneration and developments will promote physical &amp; mental wellbeing, reduce exposure to air pollution, promote healthy food options, enhance community resilience, and reduce antisocial behaviour</li> <li>New development will be supported by the right types of infrastructure and can be accessed by active/sustainable transport modes</li> </ul>



## Domain 6 - Community Safety

*Aligned with Thurrock Community Safety Partnership Priorities and Brighter Futures Strategy*

**Ambition - Thurrock is a place where people feel and are safe to live, socialise, work and visit.**

**We will also ensure that victims/survivors of crime are able to access support to cope and recover from their experiences, should they need it.**

GOALS	Who doesn't experience a Level Playing Field?	How will we Level the Playing Field?	What Impact will it have?
<b>6A. Enable all children to live safely in their Communities</b>	<ul style="list-style-type: none"> <li>Children and young people, especially those at increased risk from crime including those experiencing trauma, sexual exploitation, Adverse Childhood Experiences, and school exclusion</li> </ul>	<ul style="list-style-type: none"> <li>Implement a Public Health approach to Youth Violence and Vulnerability – for example developing integrated data surveillance to identify the most at risk children and families and intervene early with tailored intervention packages</li> <li>The Youth Offending Service (YOS) will support an ongoing reduction in reoffending</li> <li>As part of the multi-agency approach to tackling Child Sexual Exploitation and to protect victims, implement a Contextual Safeguarding approach across the Thurrock Partnership</li> <li>Act on insights from Youth Listening projects</li> </ul>	<ul style="list-style-type: none"> <li>Decrease in episodes of children going missing</li> <li>Reduce school exclusions as a result of knife crime</li> <li>Decrease the percentage of YOS cohort of offenders who have reoffended</li> <li>Reduce Child Sexual Exploitation</li> <li>Build insights from Young People into the local response</li> </ul>
<b>6B. Work in partnership to reduce local levels of crime and opportunities for crime to take place, which will result in fewer victims of crime and make Thurrock a safer place to live</b>	<ul style="list-style-type: none"> <li>All victims of crime, particularly the more vulnerable at greater risk of certain types of crime, including young people, older and vulnerable adults</li> <li>People affected by the fear of crime and anti-social behaviour</li> </ul>	<ul style="list-style-type: none"> <li>Implementing the Reducing Reoffending Plan for Thurrock and addressing the drivers of violence</li> <li>Incorporating crime reduction approaches such as 'Designing Out Crime' and 'Secure by Design' within the Council's Housing Strategy and the Local Plan</li> </ul>	<ul style="list-style-type: none"> <li>Reduce anti-social behaviour and the fear of crime it causes</li> <li>Reduce community-based violence</li> </ul>
<b>6C. Improve the local response to supporting victims/survivors of abuse and exploitation to improve their health and wellbeing</b>	<ul style="list-style-type: none"> <li>All victims of crime, particularly the more vulnerable at greater risk of exploitative crime, including older and vulnerable adults</li> <li>Victims/survivors of abuse and exploitation, including those who are reluctant to seek support due to stigma, poor responses to disclosures or lack of awareness</li> </ul>	<ul style="list-style-type: none"> <li>Implementing the Thurrock Violence Against Women and Girls Strategic Action Plan, including a survivor-led, strengths-based pathway of support, available to all genders</li> <li>Designing strengths-based services based on the needs and experiences of victims/survivors</li> </ul>	<ul style="list-style-type: none"> <li>Improve Domestic Abuse and Sexual Violence and Abuse services based on the findings from engagement with local victims/survivors</li> </ul>
<b>6D. Protect residents from being the victims of crime, with a focus on those with increased risk of experiencing exploitation and abuse</b>	<ul style="list-style-type: none"> <li>All victims of crime, particularly the more vulnerable at greater risk of exploitative crime, including young people, older and vulnerable adults</li> <li>Victims/survivors of abuse and exploitation, with a particular focus on women and girls who experience this type of crime disproportionately</li> </ul>	<ul style="list-style-type: none"> <li>Implementing the Thurrock Violence Against Women and Girls Strategic Action Plan and the Safeguarding Adults 'Transitions Plan' supporting those transitioning to adult social care support</li> <li>Focusing on domestic violence and abuse, and sexual violence and abuse through strong, strategic, multiagency action including prevention, addressing concerning behaviours, supporting victims/survivors and working with perpetrators to reduce re-offending.</li> </ul>	<ul style="list-style-type: none"> <li>Reduce the number of vulnerable people aged 16-25 who enter the system at a point of crisis</li> <li>Reduce the incidence of domestic violence and sexual violence, and reduce re-offending rates</li> </ul>

# 15. Impact of COVID-19 on Health & Wellbeing

Whilst evidence is still accumulating on the long-term impacts of COVID-19, the pandemic is likely to have significant and wide-ranging impacts across all of the Domains of the HWB Strategy. These include :

## Direct impacts of COVID-19

- There was an increased burden of ill health and death due to COVID-19, with substantial inequalities across certain characteristics and socioeconomic groups in relation to risk of COVID-19 infection, complications and mortality, compounding existing health inequalities.

## Indirect Impacts on Health & Care Services

- During the pandemic, there were significant reductions in the utilisation of health and care services, which is now manifesting as increased demand on the system, often with later stage presentation for care. Evidence showed a median reduction of 37% in service usage overall, highlighting non-emergency admissions, cancer treatment and mental health services as areas of particular concern. Around one quarter of excess deaths in the first year of the pandemic were not due to COVID-19 but due to other causes.

## Wider societal and community impacts

- The pandemic has exposed and worsened existing inequalities and made some individuals and communities even more vulnerable than before. The pandemic has amplified existing structural inequalities in income and poverty, socioeconomic inequalities in education and skills, and intergenerational inequalities. There have been particular effects on children (including vulnerable children), families with children and young people, worsening effects related to lost education, social development and mental health, which are all variably affected and interlinked.

## Impacts of COVID-19 that we intend to mitigate through the HWBS include:

- **Obesity** in Reception age children increased from 9.9% to 14.4% during the pandemic, and **early years child development** is likely to have been impacted. In June 2020, average occupancy rates in early years settings were 37%, just over half that in the same period in 2019 (77%)
- **Isolation and loneliness** have established impacts on health outcomes and increased dramatically during lockdown, with 40% reporting feeling lonely compared to 21% pre COVID-19. Those most at risk include the young, those living alone, on low incomes, out of work and/or with a mental health condition or learning disability
- During the early stages of the pandemic in particular, the **access to health services** reduced. Whilst overall primary care capacity had been restored to pre-pandemic levels, only 42% of Thurrock practices were providing same day appointments Face to Face against a target of 100% in Autumn 2021
- A large number of studies suggest that school closures have reduced **educational attainment**, with an expectation of a greater impact on already disadvantaged children, and that the attainment gap will widen as a result of the pandemic.
- There is evidence that a long-term economic downturn could impact businesses and **unemployment levels** and reduce household incomes, particularly for those on lower incomes, and to have affected younger workers (under 25) and older workers (over 65) the most
- Research conducted by the United Nations has described **violence against women and girls** during COVID-19 as the “shadow pandemic”. In May 2020, the charity Refuge reported a ten-fold increase in the number of visits to its website. A survey conducted by Women’s Aid showed that 67% of women who had been experiencing abuse prior to the pandemic said it had got worse during lockdown, with over three quarters saying that lockdown made it harder for them to escape abuse.

# 15. Impact of COVID-19 on Health & Wellbeing

Not all impacts of the pandemic have been negative, and there has been a mixed impact on communities in a number of ways:

- **Social connections** in neighbourhoods and communities were disrupted, exacerbating the increase in isolation and loneliness. However, there is evidence of positive impacts on community cohesion and empowerment that this Strategy aims to build on and maintain
- **Housing** has played an important role in the way COVID-19 has been experienced. Periods of lockdown made housing conditions matter more with evidence showing those living in secure, decent housing reported more positive experiences. National regulations increased the security of housing for some people during the pandemic, including previous **Rough Sleepers**, however overcrowded housing had a particularly strong correlation with high levels of COVID-19 deaths in England.

In terms of wider positive impacts, the pandemic has highlighted the following:

- The importance of good quality, **accessible outdoor space** for people. There is much evidence that suggests lockdown induced a shift in people's mobility and routine activities with the use of parks and green open spaces increasing dramatically, although the permanency of these changes is not known.
- **Smoking prevalence in** July 2020 was lower than the 2019 baseline. There has been an increase in the number of people attempting to quit smoking during the pandemic with two-fifths of smokers attempting to quit in the 3 months up to September 2020
- Other benefits were observed with improvements in **air quality**, likely linked to restrictions reducing mobility, and a reduction in almost all types of **crime** (with some exceptions as above)

# 16. Achievements of the Health & Wellbeing Strategy 2016-21

Thurrock's previous five year Health and Wellbeing Strategy was launched in July 2016 and comprised five strategic goals, each underpinned by four objectives. What follows is a summary of selected key achievements over the lifetime of the Strategy:

## 1. Opportunity for All

- Development of the Brighter Futures Children's Partnership including the full spectrum of partners responsible for planning and delivering health and care to the children, young people and families in Thurrock, including education and learning partners. The partnership published the Brighter Futures Strategy in 2021.
- In Thurrock, 97% of all Early Years providers have received ratings of 'good' or better by Ofsted, and a higher proportion of Thurrock children achieved a good level of development at the end of the Early Years Foundation Stage compared to England (73.7% vs 71.8%).
- The target to reduce teenage pregnancy was met, with 2019 data indicating a reduced conception rate of 19.5 conceptions per 1,000.
- In 2021, 2.1% of 16/17-yr-olds were not in employment, education or training (NEET). This rose during the pandemic, but is still below the national average of 7.4%.
- Children living in families in absolute poverty has reduced between 2015 and 2020 from 15.4% to 13.1%. During the same period, the national rate increased and is now 15.6%.

## 2. Healthier Environments

- Increased funding for physical activity and improvements to parks . This has led to improvements to parks and play sites across the borough, including Daisy Fields in Tilbury, Dilkes Park in South Ockendon and Grays Beach in Grays, and the launch of Cycle Hubs in Thurrock. At the same time, the percentage of physically active adults aged 19+ in Thurrock increased from 52% in 2017 to 58% in 2020.
- The Well Homes Service have helped improve quality of life for people living in privately rented housing through the removal of hazards, installation of insulation and heating measures, installation of safety features such as security lighting, and provision of cooking and storage facilities.
- Development of Supported Living services for individuals with learning disabilities, complex needs and/or Autism Spectrum Disorders in Aveley and Grays.
- Completion of 32 properties in a HAPPI scheme called Beaconsfield Place in Tilbury, with underground lifted car park and mobility scooter storage, an outdoor gym, an indoor communal area for tenants and a community space that will deliver different activities linking the local community with our sheltered tenants.
- A total of 233 Thurrock Council apprenticeships started between 2017 and 2021 across a range of business sectors including Social Work, Project Management, Business Admin and Town Planning. As of December 2021, 4.2% of residents aged 16-17 years old were undertaking an apprenticeship of some kind.
- Appointment of four Community Builders who are encouraging communities to have a voice in their local area, by helping to build relationships and connections between local people and organisations. They help groups to access healthy activities, training and local community funding.

## 3. Emotional Health & Wellbeing

- Investment and launch of a Perinatal Mental Health offer (*Together with Baby*) for new mothers. This is a service designed to help parents understand better their baby's emotional responses and communications as well as strengthen the relationship.
- The *Ask Teddi* app has been developed to enable families on a Thurrock-wide level to have access to a reliable source of personalised support 24/7. *Ask Teddi* offers personalised answers to frequently asked questions about giving 0-5 year olds the Best Start in Life, on a range of topics from breastfeeding to emotional wellbeing. Parents found the Ask Teddi app invaluable during lockdowns, helping them feel more knowledgeable and confident about caring for their child.
- Community leaders supported the development of Community Hubs and Forums across Thurrock, supporting the voluntary sector to access more sources of funding, and increasing Voluntary Sector grants for smaller organisations bringing communities together and reducing loneliness.
- The development of depression screening processes within a number of services and teams, better enabling them to identify people with unsupported depression and refer on for support. Alongside this we implemented a primary care programme to incentivise GP practices to complete reviews for newly-diagnosed patients.
- Investment in new mental health practitioners as part of the Primary Care Network teams and a new model of supporting those with mental health needs.



# 16. Achievements of the Health & Wellbeing Strategy 2016-21

## 4. Quality Care Centred Around the Person



- Significant steps have been taken against this objective, notably the implementation of a New Model of Care for health and care in Thurrock. This has resulted in the following progress being made:
- Local Area Coordination is Borough wide with 14 Local Area Coordinators in place – with significant numbers of examples where people have achieved the outcomes that matter to them, reduced reliance on services, and been reconnected with their communities, friends and families.
- The implementation of Community Led Support across Thurrock – locality-based social work teams who have focused on reducing the need for referrals and assessments and for providing people with solutions that reduce the need for formal care and support, using community assets as part of a care and support solutions.
- The implementation of Wellbeing Teams in Thurrock – introducing a strengths-based and innovative approach to providing support to people in their own home which moves away from the traditional ‘time and task’ model of domiciliary care.
- Health and care partners have continued to work on the development of the four Integrated Medical Centres (IMCs). The Centres will be located in Tilbury, Purfleet, Corringham and Grays – aligned with the four Primary Care Networks that operate in Thurrock. Progress has been made with one IMC due to open in Corringham in 2022. Centres in Tilbury and Purfleet are expected to open in 2024, with the remaining centre in Grays scheduled to open in 2025. Whilst there has been delay to the original anticipated opening dates, this has not prevented work from taking place to enhance existing capacity across health and social care, and to improve the quality of what is being provided.
- Introduction of successful Micro Enterprise services giving people greater choice when requiring support.



## 5. Healthier for Longer



- A multi-agency Whole System Obesity Strategy has been implemented across Thurrock, to enhance action across the borough to address child and adult obesity.
- The proportion adults who smoke in has fallen from 21.3% in 2015/16 to 17.5% in 2019/20. To inform further action, a Tobacco Control Joint Strategic Needs Assessment has been completed and will form the basis of the Whole System Tobacco Control Strategy for Thurrock
- The Active Thurrock Partnership linked with the County Sports Partnership to launch the county wide “Find your Active Programme.” The partnership secured additional funding for Thurrock’s sports clubs and organisations to respond to the challenges of engaging people who have become less physically active due to the pandemic and helping to improve mental health.
- Diagnoses of LTCs have increased - before the COVID-19 pandemic, the number of people on the hypertension register increased on average by 1700 each year.

# Next Steps

- Following approval of proposed Domains and underpinning Goals, further work will be undertaken to on monitoring progress against the outcomes and progress measures. Delivery of the Strategy's ambitions will be through identified topic-specific strategies and delivery groups. Monitoring of progress will be undertaken annually.
- The public will be regularly engaged throughout the lifetime of the Strategy to ensure the priorities remain fit for purpose. Continued engagement on different programmes reflected within the Strategy e.g., Whole System Obesity will be undertaken to continue to ensure that achieving the ambitions in the Strategy is informed by co-design with residents.

# Acknowledgements

- This Strategy has been jointly developed by representatives of all the member organisations of the HWB Board. Over 1,300 resident and stakeholder comments have contributed to refinement of this Strategy, for which we are very grateful.
- The HWB Board would like to thank all who contributed, with particular thanks due to Thurrock CVS, Healthwatch and Ngage who undertook face to face engagement with Thurrock residents on the contents of the Strategy, and to those residents who took the time to respond. Residents' comments have directly impacted the Goals and the actions contained in this Strategy; this is detailed in the accompanying Consultation Report.





**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 no questions to the Leader and 13 questions to Cabinet Members, Committee Chairs and Member appointed to represent the Council on a Joint Committee.

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

**1. From Councillor Redsell to Councillor Spillman**

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?

**2. From Councillor Little to Councillor Duffin**

Can the Portfolio Holder explain the reasons the Council has chosen not to engage with Nub News please?

**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 Mayes to Councillor Johnson**

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?

**5. From Councillor Pothecary to Councillor Johnson**

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

**6. From Councillor Pothecary to Councillor Maney**

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

**7. From Councillor Byrne to Councillor Huelin**

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

**8. From Councillor Polley to Councillor Huelin**

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.

**9. From Councillor J Kent to Councillor Duffin**

When does the Portfolio Holder expect the external auditor to sign off the Council's accounts for the year 2020 - 2021?

**10. From Councillor Collins to Councillor Hebb**

Can the Portfolio Holder advise what the administration's position is in regard to the Civic Offices being occupied in post-COVID context?

**11. From Councillor Raper to Councillor Johnson**

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?

**12. From Councillor Kerin to Councillor Johnson**

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?

**13. From Councillor Polley to Councillor Johnson**

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?

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
26 January 2022	Cllr J Kent	<p>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:</p> <ol style="list-style-type: none"> <li>1. Write to the Chancellor of the Exchequer to deliver a Brexit promise and ask him to help residents by scrapping VAT on domestic gas and electricity bills.</li> <li>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.</li> <li>3. Write to Thurrock's Members of Parliament asking for a temporary suspension of all green levies on domestic gas and electricity bills.</li> </ol>	Letters have been sent to the Chancellor and Thurrock MPs expressing the concerns regarding the rising cost of living for residents and specific issues reflected in the Motion.	Karen Wheeler
23 February 2022	Cllr Redsell	<p>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.</p>	An initial meeting has been held with Essex Police to consider a PSPO to address the ongoing issue of off-road motorbikes. The wording for the PSPO has been drafted and currently awaits sign off from Essex Police. Once this has been obtained the PSPO will progress through internal approval processes before full consultation with the public.	Julie Rogers

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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**

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.

### **Monitoring Officer Comments:**

This notice of motion relates to a matter which affects the Authority. The circumstances and information relating to the subject matter of the motion relate to an individual and is subject to data protection law. Further, schedule 12A of the Local Government Act 1972 provides that information relating to an individual is exempt information, subject to the public interest test.

Generally, there is a public interest in providing transparency of the decisions of the Council. However it is not considered to be in the public interest to disclose information at a public Council meeting where data protection law provides safeguards against disclosure of personal information, unless there is a legal basis for disclosing such information.

### **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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