

## **Minutes of the Meeting of the Licensing Committee held on 28 September 2021 at 7.00 pm**

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**Present:** Councillors Gary Collins (Chair), Tony Fish (Vice-Chair), Daniel Chukwu, Ben Maney, Augustine Ononaji, Kairen Raper, Graham Snell and David Van Day

**Apologies:** Councillors Qaisar Abbas, Chris Baker and Sue Sammons

**In attendance:** Paul Adams, Licensing Manager  
Jake Ross, Trainee Solicitor  
Simon Scowther, Legal Adviser  
Kenna-Victoria Healey, Senior Democratic Services Officer

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

### **1. Minutes**

The minutes of the Licensing Committee held on 3 February 2021 were approved as a correct record subject.

### **2. Items of Urgent Business**

There were no items of Urgent Business.

### **3. Declaration of Interests**

There were no declarations of interest.

### **4. Applications Received**

The report updated Members to the applications received by the Licensing Department between January 2020 and August 2021. The Licensing Manager apologised that part of Appendix A was missing, the names and addresses of companies, however confirmed that a full table would be circulated to all Members after the meeting.

The Chair of the committee Councillor Collins sought if any applications had been refused. The Licensing Manager explained out of the applications submitted none had been refused however there was a Temporary Event Notice (TEN) which was withdrawn by the applicant, before it reached a Sub-Committee.

**RESOLVED:**

**For the Licensing Committee to note the contents of the report.**

**5. Setting of Licensing Fees**

The Licensing Manager presented the report which set out the process and methodology for setting the licence fees associated with licence applications under the remit of the Licensing Committee and the proposed fees for consultation where necessary for 2022/2023 financial year.

It was explained that with the exception of statutory set fees any fees charged must be based on cost recovery and that no profit could be made from the licence fees income. The Licensing Manager continued by advising there were no changes to the current fees and should the Council make a profit from the fees, this would be rolled towards future years and to cover any deficit which may have occurred previously.

Members heard how Appendix B to the report was the responses received from the consultation.

It was asked by Councillor Chukwu as to how often the fees were set. The Licensing Manager described how all licensing fees were reviewed annually and as most licenses were granted for a periods of 1 and up to 5 years every three years an in-depth review was undertaken and any increases or decreases would be made at this point.

**RESOLVED**

**That the Licensing Committee agree the fees and charges as set out in Appendix A for the 2022- 2023 financial year.**

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

The Licensing Manager introduced the report advising Members the Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further required that the Council reviewed, determine and publish the policy with respect to its licensing functions every five years. Members heard the current statement of Licensing Policy first came into effect on January 2014, and was now overdue for a review.

The Committee were further advised that Appendix B of the report was a summary of the responses received from the consultation and Officers were to take on board the information supplied by Public Health.

Councillor Fish sought clarification as to whether those who had responded to the consultation had received an acknowledgement from the Council. The Licensing Manager explained Officers would provide an acknowledgement email once the policy had been finalised and this would include the link to the updated policy.

Councillor Maney enquired as to whether the authority had been left exposed due to the policy expiring in 2018. The Licensing Manager commented that unfortunately the policy had been delayed due to the COVID-19 pandemic and unless there had been any legal changes which would affect the policy the Council would not have been left exposed. The Legal Advisor confirmed there had been no change in the law which would affect the Licensing Act and therefore the Council had not been left exposed to any possible legal action.

Councillor Snell sought clarification as to the number of responses received. The Licensing Manager explained there had also been three blank responses with no comments. He further advised that the department had written to all licence holders, and it was not unusual to receive little response. Councillor Snell further commented if this was the case then it could be assumed that licence holders must be happy with regards to the policy.

## **RESOLVED**

### **That the Licensing Committee:**

- (a) Considered the consultations response as in Appendix B; and**
- (b) Agreed reviewed Statement of Licensing Policy as attached at Appendix A, and recommends to Full Council that it be adopted and implemented with immediate effect.**

## **7. Taxi Licensing Policy**

The Licensing Manager addressed the Committee explaining the Department for Transport had published statutory taxi and private hire vehicle standards which set out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing. The councils policy had been developed so that policies and procedures were brought together into one policy document, reviewing the areas of existing policy to ensure that the minimum standards were met.

Councillor Ononaji enquired if there was more Officers or the authority could do in getting responses from the taxi trade in relation to the consultation for the policy, given that only two comments were received. The Licensing Manager explained previously there had been a healthy trade association which included a number of drivers together representing the taxi trade however at present there was not one in place and this sometimes made it difficult to receive responses.

During discussions the Committee were advised that DBS enhanced checks were undertaken for all drivers and these could sometimes be returned as early as the next day however on average there was a waiting period of 12 weeks. They further heard how if an applicant had lived abroad for four weeks

or more, then a certificate of good conduct was required, and this was usually obtained via the embassy for the country they had been living in.

Members moved on to discuss the use of CCTV within taxi vehicles with the Licensing Manager explaining if taxi drivers had CCTV within their vehicles they were to manage the data accordingly in line with GDPR. If the Council included CCTV within vehicles as part of their policy then council would become the data controller and this was something officers were looking into and a report was to be presented to the Committee at the request of the Chair. Members were advised at present it was not compulsory for a taxi vehicle to have the use of CCTV.

Following the discussion of CCTV within vehicles Members requested an additional meeting to be able to have a report presented and a full discussion had on the subject. Officers agreed to look at holding an additional meeting before the February meeting.

**RESOLVED:**

**That the Licensing Committee –**

- (a) Considered the consultations response as in Appendix B;**
- (b) Agreed the Taxi Licensing Policy as attached at Appendix A, and recommends to Full Council that it be adopted and implemented to come in to effect, on a date that is at least 2 months after adoption.**

**8. Gambling Act Statement of Principles**

The Licensing Manager advised Members the Gambling Act 2005 required all local authorities to produce a statement of the principles, which they proposed to apply when exercising their functions under the Act. He continued to advise the Act also required any statement to be reviewed at least every three years, the Councils current Statement of Principles came into effect in January 2016.

Members heard the policy had been updated in line with legislation and had been out for consultation which had received one response from Gamble aware.

It was enquired by Members as to why the Statement of Principles had not been updated. It was clarified due to COVID-19 Officers had been dealing with enforcement surrounding the pandemic and unfortunately were playing catch up. The Licensing Manager advised there had been no applications relating to gambling establishments within the last 12 months.

Following a question from the Chair of the Committee it was explained Bingo was not an age restricted game, however as some venues which held Bingo

could include adult gaming areas and sell alcohol, entry to certain areas could be therefore be age restricted.

**RESOLVED:**

**That the Licensing Committee agreed the reviewed Gambling Act Statement of Principles as attached at Appendix A, and recommends to Full Council that it be adopted and implemented with immediate effect.**

**The meeting finished at 7.50 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)**