

## **Minutes of the Meeting of the Licensing Committee held on 28 January 2016 at 7.00 pm**

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**Present:** Councillors Michael Stone (Chair), Roy Jones (Vice-Chair) (from 7.45pm), Oliver Gerrish, Clifford Holloway (from 7.15pm), Steve Liddiard, Andrew Roast, Graham Snell and Deborah Stewart (from 7.25pm)

**Apologies:** Councillors Colin Churchman, Martin Kerin Ben Maney and Bukky Okunade,

**In attendance:**  
Paul Adams, Principal Licensing Officer  
Lucy Magill, Head of Resident Services  
Adam Rulewski, Legal Services  
Kenna-Victoria Martin, Senior Democratic Services Officer

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

### **12. Minutes**

The Minutes of the Licensing Committee, held on 30 September, were approved as a correct record

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

There were no items of urgent business

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

No interests were declared

### **15. Child Sexual Exploitation and Licensing**

Members were presented with a presentation by the Principal Licensing Officer who highlighted the following points:

- Sexual exploitation of children and young people under 18 involved exploitative situations and relationships where young people received 'accommodation, drugs, alcohol, cigarettes, affection, gifts, money, as a result of them performing, and/or another or others performing on them, sexual activities.
- Child sexual exploitation (CSE) could occur through the use of technology without the child's immediate recognition for example social media;

- Within such relationships violence, coercion and intimidation were common;
- CSE was linked to one of the main objectives of the Licensing Act 2003 was “protection of children from harm”. It also related to Taxi Licensing as applicants were subject to the fit and proper person test;
- In CSE cases elsewhere in the country taxis featured highly in the movement of children involved in CSE. The information provided by taxi drivers, could be key if they knew to report concerns to relevant authorities
- An extract from the Jay Enquiry quoted *“The prominent role of taxi drivers in CSE as a ‘common thread’ across England and noted that their involvement was evident from an early stage in Rotherham”*

The Committee were informed that Thurrock Council was ensuring policies remained robust and up to date, which included:

- A recent review of suitability policy;
- Raising awareness with Members of the Licensing Committee.
- All licensing staff had received CSE awareness training, and one was the CSE Champion for Public Protection.
- The Licensing Department sits on the MASE (Multi agency sexual exploitation) group.
- Liaison with the Safeguarding team on complaints around licence holders and referral to Licensing Sub Committee where warranted.
- Raising awareness amongst the licence trade through leaflets, window stickers, presentations at pubwatch etc.

Members enquired as to how the Licensing Team would deal with any accusations and they were notified of such allegations. Officers explained that when a taxi driver applied for a licence or a renewal application was submitted, all applications were subject to an enhanced DBS check. It was further explained that this was wider than just offences and could include intelligence as well, in addition to this Essex police do notify Licensing Authorities where a taxi driver is arrested for an offence. and Where complaints were received they would liaise with colleagues in other departments and partner agencies as information received, could lead onto other outcomes.

It was queried as to who drivers were being trained to contact with relevant information. The Principal Licensing Officer confirmed that taxi drivers were being told to call the 101 number for the police, unless they felt a child was at risk then they would advise 999.

Members sought clarification should a Sub-Committee receive a hearing, which involved a child’s protection should it be decided on the merits of each case. Officers explained the fitness to be a licenced driver test would need to be applied, including applying the council policy, however if a Sub-Committee felt the need to depart from the policy if it was possible to do this if there were

exceptional circumstances. It was further mentioned that all Sub-Committees have a legal adviser in attendance, who could advise on each case.

**RESOLVED:**

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

**16. Setting of Licensing Fees for 2016/2017**

The Principal Licensing Officer introduced the report to the Committee and in doing so, explained the report was proposing the licensing fees for 2016/2017 which had undergone consultation with local licence holders.

It was further explained any fee charged must be based on cost recovery with no profit being made on the licence fee income, any surplus must be carried forward, and any deficit could also be carried forward and recovered.

Members were informed over the last few years there had been an increase in the amount of time which was spent on processing and approving animal welfare licences and an additional mid-term inspection now took place, during a busy period for the relevant business. In addition to the fee the applicant would also continue to be invoiced for the fee charged to Thurrock Council for the Vet inspection of the premises. Members were advised the Vet fee would vary from premises to premises.

The Principal Licensing Officer mentioned that all Private Hire Operators Licences were currently issued for 1 year, with annual renewal; however there was a change to the legislation that came into effect from October 2015 that required Local Authorities to issue 5 year licences, unless there was a good reason not to do so. The proposal to offer a 1 year licence when requested by the applicant or where circumstances may require so was still an option.

Members were advised that the Scrap Metal Dealers fee was a new fee and it was currently too early to carry out a full review; however Officers confirmed that it would be revisited next year.

The Committee raised the following questions which were answered by Officers:

- Councillor Gerrish enquired as to whether it was correct that the Licensing Department had a £40,000 deficit, he further asked if it was possible for the deficit to grow.

The Principal Licensing Officer explained that was correct however in line with the Licensing Act 2003 the fees were set by statute and were in line with legislation.

The Head of Resident Services advised that the deficit should not increase as it was managed within the Licensing Team.

- Councillor Roast queried the raise for Animal Welfare Licences.

Officers explained there had been a raise in the amount of time spent at animal premises, which had led to a mid-year inspection being incorporated. It was further explained officers were now better trained which could lead to the reduction in vet fees.

It was mentioned in some of the consultation feedback that 2 officers had visited some premises, this was for training purposes, for time recording and cost purposes this was based on one officer only.

Councillor Stewart sought as to how many letters Officers sent to taxi firms within the borough.

The Principal Licensing Officer confirmed the team wrote to approximately 400 people within the Hackney Carriage and Private Hire trade and 34 premises for the Animal Welfare licence.

Councillor Stewart commented that with the responses received would equate to 10% of the people written too.

The Head of Resident Services notified Members that the team had met with the taxi operators and had on going in-depth conversations in relation to the fees. She continued by stating it could be considered to be a good thing, there were few responses as it showed the trade were listening and understanding the conversations which had been discussed.

The Chair of the Committee proposed recommendation 1.2, which was seconded by Councillor Liddiard.

**RESOLVED:**

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

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

The Principal Licensing Officer presented the report to the Committee notifying them that Local Authorities had the power to set policy relating to the relevance of convictions, formal or simple cautions, complaints and or other matters that it requires holders and applicants for Hackney Carriage and Private Hire Drivers to meet.

Members were further informed that a draft copy of Thurrock Councils policy was presented at the September meeting and had since been out for consultation with the taxi trade; however to date no responses had been received.

It was commented that the taxi trade were largely supportive of the revised policy, which included advanced details in relation to different types of offences. Members were advised once the policy was agreed it would be taken to Full Council to be adopted.

The Chair of the Committee stated that:

*“This Committee makes decisions that keep people safe and one of the things that involves is the honesty of those we licence.*

*It has become clear that not everybody is as up front and honest as they should be and too often we don't find out about things like hackney carriage and private hire drivers' offences until they have to seek a renewal.*

*At that point they" know we will find out because always carry out checks.*

*I believe we should be asking our officers to write to all hackney carriage and private hire firms explaining the situation and saying they have to ensure all drivers are aware of the rules.*

*I want there to be no doubt that claiming a lack of understanding is not an excuse and once that letter has gone out we will make it very clear we will come down hard on those trying to manipulate the system.*

*Keeping people safe and ensuring only those fit to hold a licence actually so is why we are here on this committee.*

*Failure to tell us about any convictions, cautions or other relevant matters is a very serious matter and we are looking to change our policy to make it plain that any deception of this kind could lead to the revocation of the licence.”*

#### **RESOLVED:**

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

#### **18. Applications Received**

The Principal Licensing Officer introduced the report to Members explaining that the report contained details of all applications received for any New, or Variation for a Premises Licence or Club Premises Certificate or a Temporary Event Notice; or any type of Gambling Premises Licence for the period of the 1 September 2015 to 31 December 2015.

It was explained to members that all of these applications were dealt with under officer delegated authority.

Members were advised that the 'Sound on Music' application, which had been scheduled for a Licensing Sub-Committee was able to be resolved before it reached the Sub-Committee, due to communications with the Public Protection team, the police and the Safety Advisory Group.

The Head of Resident Services informed the Committee that all Members received a copy of all applications submitted on a weekly basis.

**RESOLVED:**

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

**The meeting finished at 8.10pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**