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AGENDA

Committee:	LICENSING
Date and Time:	Tuesday 12th December 2017 at 7.30 p.m.
Venue:	Council Chamber
Membership:	Councillors E. Egan (Chairman), Acott, Bayley, Blackwell, Cross, Greig, Isaacs, Ladzrie, MacLean, May, Mumford, Palmer, Taylor, Walter, Mrs Wass.
Officers attending:	Melanie Harris – Head of Licensing and Safer Communities Naomi Halliday – Trainee Solicitor
Enquiries:	Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

- 1. Apologies**
- 2. Members' Interests**
- 3. Minutes**
A copy of the Minutes of the meeting held on 8th March 2017 is attached.
- 4. Licensing Enforcement Policy and Sex Establishment Policy**
Report of the Head of Licensing and Safer Communities is attached.
- 5. Review of Licensing Fees**
Report of the Head of Licensing and Safer Communities is attached.
- 6. Hackney Carriage Hire – New Table of Fares**
Report of the Head of Licensing and Safer Communities is attached.
- 7. Licensing Service – Overview of Responsibilities**
Report of the Head of Licensing and Safer Communities is attached.
- 8. Modern Day Slavery**
Report of the Head of Licensing and Safer Communities is attached.

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LICENSING COMMITTEE

8th MARCH 2017

PRESENT: Councillors E. Egan (Chairman), Acott, Bayley, Blackwell, Greig, Isaacs, Ladzrie, MacLean, May, Mumford, Palmer, Taylor, Walter and Mrs Wass.

Councillor Riley also attended.

An apology for absence was received from Councillor Sheldon.

1. MEMBERS' INTERESTS

There were none.

2. REVIEW OF LICENSING SERVICES

The Head of Licensing and Safer Communities provided a review of the activities of the statutory Licensing Service provided by the Council together with a summary regarding other general licensing matters over the previous period. The report gave a round-up of the work that had been undertaken by the Licensing Team including licensed premises, Hackney Carriage and Private Hire vehicles and street trading.

New initiatives and projects included Safeguarding training for taxi driver and licensed premises; specially tailored CSE information leaflets going out to all new applications and renewals for taxi drivers and licensed premises and modern day slavery enforcement visits with the Police to licensed premises.

The Committee noted the work undertaken by the Licensing Team and commended them for their hard work. During discussion Members requested further information or training on some of the new issues the Licensing Team were dealing with such as modern day slavery. A request was made that the taxi trade be allowed to address the Licensing Committee however this was not permissible under the Council Procedure Rules. An enquiry was also made regarding whether Members could attend with officers on some site visits to gain a greater understanding of the work of the Licensing Team.

Following discussion it was:

Resolved – That the work undertaken by the Licensing Team to promote public safety and the Licensing Objectives (under the Licensing Act 2003) together with other recent service initiatives and regulatory action is noted.

3. **COMMENCEMENT ORDER FOR SECTIONS 165 AND 167 EQUALITY ACT 2010: IMPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS.**

The Committee was updated on recent changes announced by the Department of Transport (effective from 6 April 2017) which made it unlawful for taxi drivers to discriminate against wheelchair users. Amendments to the licensing policy and procedures would be required as a result of this Order.

It was explained that on 7th February 2017 the Department of Transport announced that it would be illegal for Hackney Carriage and Private Hire drivers to discriminate against wheelchair users. As part of provisions being enacted from the Equality Act 2010 drivers would face a fine of up to £1,000 if they refused to transport wheelchair users or attempt to charge them extra. From 6th April 2017 Hackney Carriage and Private Hire vehicle drivers would be obliged by law to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

Drivers could risk having their Hackney Carriage or Private Hire vehicle licence suspended or revoked by the Licensing Authority if they did not comply with the law. Drivers unable to provide assistance for medical reasons would be able to apply to their Licensing Authority for an exemption from the new requirements.

The new requirements would complement those already in place to prevent discrimination against users of assistance dogs and underline the Government's wide-ranging commitment to supporting transport networks which worked for everyone.

In response to questions from Members it was explained that there were currently four wheelchair accessible vehicles licensed within the borough, the low number of vehicles was thought to be due to the high cost of buying such a vehicle and that the legislation was only applicable to wheelchairs and not mobile scooters.

During discussion the Head of Licensing and Safer Communities confirmed that complaints from members of the public regarding the general service provided by Hackney Carriage and Private Hire drivers were rare.

Following discussion it was:-

Resolved – That the changes in the Equality Act 2010 made under the Commencement Order be noted and supported.

4. INTRODUCTION OF THE IMMIGRATION ACT 2016

It was reported that amendments to the Licensing Policy and procedures were necessary as a result of changes introduced by the Immigration Act 2016 (the Act) which had come into effect on 1 December 2016. The provisions in the Act amended existing licensing regimes in the UK, which sought to prevent illegal working in the Hackney Carriage and Private Hire sector. It also embedded other immigration safeguards into the existing licensing regimes across the UK.

It was explained that illegal workers were those who were subject to immigration control and either did not have leave to enter or remain in the UK, or who were in breach of a condition preventing them from taking up the work in question. The new measures built on legislation in 2014, to strengthen punishments for employers, including doubling the maximum civil penalty to £20,000 per illegal worker. The Act would also make illegal working a criminal offence in its own right; make it an offence for an employer to employ someone whom they knew, or had reasonable cause to believe, was an illegal worker and introduce a power to close premises for up to 48 hours for those employers who continued to flout the law by employing illegal workers and evading sanctions.

The Head of Licensing and Safer Communities stated that immigration enforcement often encountered illegal working in premises which held an alcohol licence or late night refreshment establishments. Applying for, and holding, a licence to sell alcohol or late night refreshment would be conditional on not breaching immigration laws, including employing illegal workers.

Hackney Carriage and Private Hire vehicles and Private Hire operators were not subject to existing right to work checks undertaken by employers because they were self employed. The new provisions would make immigration checks compulsory. All Licensing Authorities would need to carry out face to face ID check appointments for new applications and also renewal applicants where immigration checks had not previously been carried out. It was confirmed that Castle Point Borough Council had always carried out face to face identity checks of its drivers and operators and would continue to do so both on renewal of a licence or where there was any doubt as to the immigration status of a licensed driver.

The new provisions meant that from 1 December 2016 the Licensing Authority had a legal duty not to issue Hackney Carriage/Private Hire driver and operator licences to people disqualified by their immigration status from holding them, in order to prevent illegal working in the sector. The provisions also added immigration offences and penalties to the list of grounds on which Hackney Carriage and Private Hire driver and operator licences could be suspended or revoked by Licensing Authorities. In those circumstances the licence would have to be returned to the issuing Licensing Authority. Failure to return the licence would be a criminal offence. The Home Office had asked to be notified of those suspensions or revocations of licences as they occurred.

The Home Office had engaged with local partners in Licensing Authorities to raise urgent awareness of the changes and shared draft guidance. Members of the Licensing Team had also undergone in depth training on the recognition of false documentation and identity checks. The Hackney Carriage and Private Hire Licensing Policy and existing procedures in place had been updated to reflect those changes.

During discussion Members expressed their full support for the change in legislation and it was:-

Resolved – That the Licensing Committee approves the changes to the Hackney Carriage and Private Hire Licensing Policy made under the Immigration Act 2016.

5. MODIFICATIONS TO LICENSING STANDARDS AND CONDITIONS – HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The purpose of the report was for the Licensing Committee to give consideration to modifying several of the Pre-Licensing Standards and Conditions issued under the Hackney Carriage and Private Hire Licensing Policy.

The changes to the conditions, which were set out in detail in the appendix to the report, were as follows:

1. Mandatory safeguarding training for drivers
2. Mandatory knowledge test no longer required for private hire drivers
3. Changes under the Immigration Act 2016
4. Medical assessments can be accessed at a lower price from a private health provider and are carried out at the Council offices
5. Driver's assessments not carried out by the Driver's Standards Agency
6. New taximeter setting change scheme
7. Changes in legislation related to passengers with disabilities (see separate report)

During the discussion some Members raised queries regarding the removal of the knowledge test for private hire drivers as it was considered that this could have a detrimental impact upon the regulation of the licensed trade by the Council. It was felt by some Members that the wishes of the taxi trade were not properly considered before the change was made under the Scheme of Delegation.

The Head of Licensing and Safer Communities explained that the knowledge test had been removed due to a number of changes to the profession in recent years. As private hire drivers were pre-booked there was opportunity to research the route prior to undertaking journeys. The introduction of satellite navigation devices had also meant that finding the correct route was much simpler than it had been historically and under the Council's current licensing policy drivers were already under a duty to take the shortest route.

Furthermore, the growth of Uber, whose drivers were not subject to the control of the Local Authority, meant that potential drivers could choose to work for Uber avoiding the need to take a knowledge test. It was considered that removal of the test would have no impact on the safety of the community and would mean that potential private hire drivers would not be discouraged from registering with the local authority meaning that the trade would remain subject to regulation.

It was also stated that due to a change in the law in October 2015 private hire operators were now permitted to sub-contract work to other operators outside of the borough potentially making enforcement of the trade more difficult.

A Member stated that retaining the test could potentially mean that the borough was flooded with Uber drivers who were not subject to the control of the local authority and he was concerned that this would have a greater impact on public safety.

Following detailed discussion it was:-

Resolved –That the changes to the Hackney Carriage and Private Hire Licensing Policy be agreed as set out in the appendix attached to the report of the Head of Licensing and Safer Communities with the exception of the removal of the mandatory knowledge test for private hire drivers which should be deferred for further examination by the Council.

Chairman

LICENSING COMMITTEE

12 December 2017

Subject: Licensing Enforcement Policy and Sex Establishment Policy

Report of The Head of Licensing and Safer Communities

1. Purpose of Report

- 1.1 To present a new Licensing Enforcement Policy and a revised version of the Council's Sex Establishment Policy to the Licensing Committee for approval.

2. Background

- 2.1 In addition to publishing policy documents under the Licensing Act 2003 and the Gambling Act 2005, to fulfil its statutory duties the Council also publishes various policies in respect of its other licensing functions. While there is no statutory duty to do so, publication is seen as best practice as it offers guidance to applicants and other persons on how the authority will exercise its powers and helps to ensure consistency in the Council's decision making.

3. Licensing Enforcement Policy

- 3.1 The Council exercises a wide range of licensing powers across numerous pieces of legislation many of which contain enforcement provisions such as offences for criminal conduct, or power of entry and inspection to premises where licensable activities are carried on, with or without licences. These powers are underpinned by generic enforcement legislation such as the Police and Criminal Evidence Act 1984 and associated codes of practice.
- 3.2 The Enforcement Policy contains guidance for licensed businesses and persons affected by unauthorised and or illegal practices on how the Licensing Department will exercise these regulatory powers. It also provides guidance on the factors that the Council will take into consideration when its exercising powers.

4. Sex Establishment Policy

- 4.1 The Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in order to enable the regulation of sex establishments (sex shops, sex cinemas and sexual entertainment venues).
- 4.2 The revised document has been changed in respect of one area, that of the age restriction under which patrons can enter the premises. This has been changed

from 21 years to 18 years to comply with age equality and to be non-discriminatory. Due to the similarities with the current policy and in absence of expected statutory change affecting this regulatory area, it is proposed that the revised policy have effect for 5 years, instead of the previous 3 years.

5. Conclusion

- 5.1 The Licensing Enforcement Policy and the Sex Establishment Policy have been revised in accordance with recognised good practice and the requirements of the relevant legislation.

6. Legal Implications

- 6.1 As shown.

7. Human Resources, Equality Implications

- 7.1 All duties will be performed by existing staff.

8. Financial implications

- 8.1 All actions will be carried out within existing budgets.

9. Links to Council's priorities and objectives

- 9.1 Effective and Efficient Customer Focused Services.

Recommendations:

- 1 That the Licensing Committee approve the document at Appendix 2 as the Council's Licensing Enforcement Policy for a 5-year period from the 13 December 2017.**
- 2 That the Licensing Committee approve the document at Appendix 1 as the Council's Sex Establishment Licensing Policy for a 5-year period from the 13 December 2017.**

Resolution required

Background Documents:

Licensing Policy

Sex Establishment Policy

Report Author:

Mrs Melanie Harris MA BSc(Hons) MIOL

Head of Licensing and Safer Communities



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Sex Establishment Policy

1. Introduction

1.1 The policy

- 1.1.1 This document sets out Castle Point Borough Council's policy on the regulation of sex establishments.

1.2. The law

- 1.2.1. The Local Government (Miscellaneous Provisions) Act 1982 introduced a licensing regime to control sex establishments. Castle Point Borough Council has adopted Schedule 3 of the Act. This means that the Council can control and regulate the operation of certain kinds of sex establishments within its Borough. No sex establishment can operate unless it has obtained a licence from the Council and any such licence will contain conditions that will restrict how that premises may trade.
- 1.2.2 Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions and do all that they can to prevent crime and disorder in their area. This policy has regard to the likely impact of such licences on related crime and disorder in the Borough.
- 1.2.3 Where applicable the Council will involve the Community Safety Partnership (CSP) in decision-making in relation to actual crime and disorder.
- 1.2.4 The policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, such as the Human Rights Act 1998 and the Disability Discrimination Act 1995.

1.3 Current premises

- 1.3.1 At present there one sexual entertainment venue which is located in Benfleet.

2. Sex establishment licensing applications

2.1 Right to waiver

- 2.1.1 Castle Point Borough Council may upon application waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
- 2.1.2 Each application for a waiver will be considered on its own merits however, any establishment that would normally require licensing under the provisions of the Act is unlikely to be granted a waiver other than in exceptional circumstances.

2.2 Application details

- 2.2.1 The applicant will be required to make their application in accordance with

Clause 10, Schedule 3, of The Act.

2.3 Fitness of the applicant

2.3.1. An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer of an existing one the Council will take the following into account:

- a) Previous relevant knowledge and experience of the applicant;
- b) Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
- c) Any report about the applicant and management of the premises received from statutory objectors.

2.3.2 Whilst every application will be considered on its merits the Council will be unlikely to grant an application from any person or for the benefit of any person with unspent criminal convictions.

2.4 Impact of the sex establishment

2.4.1 In considering applications for the grant of new licences or variation of conditions the Council will assess the likelihood of such a grant causing adverse impacts particularly to local residents. The Council will take the following general matters into account:

- a) Type of activity;
- b) Duration of proposed licence;
- c) Layout and condition of the premises;
- d) The use to which premises in the vicinity are put;
- e) The character of the locality in which the premises are situated.

2.4.2 In considering applications for the grant of new licences or applications for variations of conditions the Council will take into account the potential impacts of the application on:

- a) Crime and disorder (see 2.4.3 for more information);
- b) Cumulative impact of licensed premises in the area, including hours of operation;
- c) The character of the locality in which the premises is situated (see 2.5 for more information).

2.4.3 In considering all applications for renewal of sex establishment licences the Council will take into account:

- a) Levels of related recorded crime and disorder in the existing or proposed area of the sex establishment;
- b) Past demonstrable adverse impact from the licensed activity;
- c) Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse related impacts.

2.5 The location of premises

- 2.5.1 In accordance with relevant case law the Council shall decide on the suitability of a particular locality for a sex establishment as a matter of fact to be determined by the particular circumstances of each case and not by the prescription of boundaries as stated on a map.
- 2.5.2 The Council is mindful of its power to determine that no sex establishment should be located in a particular locality.
- 2.5.3 Notwithstanding the above licences will only be granted in predominately commercial areas and the Council is mindful of its power to determine each application on its own merits. Applications will not normally be granted if they are to be within:
- a) areas that are exclusively, or predominantly, residential in character; or
 - b) the vicinity of residential properties; or
 - c) 200m of a school or any other premises used by children or by vulnerable adults; or
 - d) A publicly accessible open space that is regularly frequented by children or vulnerable adults; or
 - e) 200m of place of worship; or
 - f) areas with a level of recorded crime that give the police cause for concern; or
 - g) areas that are likely to be adversely effected due to the cumulative impact of existing sex establishments; or
 - h) 200m of an existing sex establishment.

2.6 Consultation arrangements

2.6.1 Public Consultation

The Council will consult local residents in relation to the grant renewal or transfer of a licence.

3. Determination of applications

3.1 General

- 3.1.1 In determining an application relating to a sex establishment licence the Council will assess the application on its merits having regard to the content of this policy, the relevant legislation and any relevant guidance that may be issued from time to time.
- 3.1.2 Where it is necessary for the Council to depart substantially from this policy clear and compelling reasons for doing so will be given. Only a Licensing and Appeals Sub-Committee may authorise a departure from the policy if it feels it appropriate for a specific application.
- 3.1.3 The sub-committee may consider granting licences of a 12 month duration for a shorter term.

3.2 Grant of new Licence

- 3.2.1 All applications for the grant of a new licence will be determined by a Licensing and Appeals Sub-Committee, irrespective of whether representations are received.
- 3.2.2 The Council will give the applicant(s) the opportunity of appearing before and being heard by a Licensing and Appeals Sub-Committee before:
- a) refusing to grant a licence; or
 - b) refusing to renew a licence; or
 - c) refusing to transfer a licence; or
 - d) refusing to vary an existing licence.
- 3.2.3 In determining an application for the grant, renewal, transfer or variation of a licence the Council must have regard to any representations that it has received.

3.3 Renewal, transfer or variation of an existing licence

- 3.3.1 The granting of an application for renewal, transfer or variation of an existing licence will be considered by the Head of Licensing and Safer Communities unless representations are received.
- 3.3.2 If the Head of Licensing and Safer Communities is minded to refuse such an application the application will be referred to a Licensing and Appeals Sub-Committee for determination.
- 3.3.3. Where representations are received the application will be referred to a Licensing and Appeals Sub-Committee for determination.

3.4 Refunds

In the event of an application being refused the application fee may be refunded less an appropriate charge for the administrative process undertaken in determining the application, including any hearing before the Licensing and Appeals Sub-Committee.

4. Power to prescribe conditions

- 4.1 Schedule 3 section 13 of the Act provides a power for the Council to specify standard conditions in relation to sex establishment licences.
- 4.2 The Council's standard conditions are detailed in Appendix A of this policy.
- 4.3 All licences will be granted, renewed, transferred or varied subject to these standard conditions unless expressly excluded or varied by a Licensing and Appeals Sub-Committee.

5. Hearing procedure

- 5.1 Where the Council is required to determine an application by reference to a Licensing and Appeals Sub-Committee the applicant and objectors will be advised of the date, time and venue of hearing.
- 5.2 In preparation for the hearing all parties will receive a copy of the Head of Licensing and Safer Communities report prior to the hearing. The report will contain a summary of the application, representations and any other relevant information.
- 5.3 At the hearing, all parties will have the opportunity to address the Sub-Committee and ask questions of all parties that they feel relevant to the determination process.
- 5.4 The Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within 7 days.

6. Operation and management

6.1 Proposed operation and management

- 6.1.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.
- 6.1.2 In terms of management of licensed premises the Council strongly encourages where possible and appropriate that licensees:
 - a) Work with statutory agencies such as the Police and the Council in order to create and maintain a safe environment both within licensed premises and in the environs around them;
 - b) Particularly those who's premises are located in areas with the highest levels of recorded crime should develop crime prevention strategies in consultation with the Police and the Council
 - c) In terms of the management of licensed premises the Council strongly encourages and where possible and appropriate all licensees to develop strategies and procedures to increase access for disabled people to the premises.
 - d) In terms of the employment of staff in licensed premises the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid and fire precautions.

7. Determination of applications

- 7.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.
- 7.2 In pursuing its objective of encouraging responsible businesses the Council will operate a proportionate enforcement regime.
- 7.3 The responsibility for the overall supervision of sex establishment licensing lies with the Head of Licensing and Safer Communities.

8. Amendments to this policy

- 8.1 Any significant amendment to this policy will only be implemented after further consultation with the trade and the public. All such amendments to this policy will be undertaken in accordance with the Council's Constitution.

For the purpose of this section, any significant amendment is defined as one that:

- a) is likely to have a significant financial effect on licence holders, or
 - b) is likely to have a significant procedural effect on licence holders, or
 - c) is likely to have a significant effect on the community.
- 8.2 Any minor amendments to this policy may be authorised by the Head of Licensing and Safer Communities and undertaken in accordance with the Council's Constitution. For the purpose of this section any minor amendment is an amendment not defined as significant in Section 8.1 of this policy.

9 Definitions

The Act

Local Government (Miscellaneous provisions) Act 1982

Authorised Officer

Any officer of the Council authorized under the Council's Scheme of Delegation as contained within the Constitution

The Council

Castle Point Borough Council

He, his

All references to 'he' or 'his' also include 'she' or 'hers'

Head of Licensing and Safer Communities

The current post holder authorized by the Council's Scheme of Delegation.

Licence Holder

A person who holds a Sex Establishment Licence under the Act

This Policy

Castle Point Borough Council's Sex Establishment Policy

Premises

A building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a Sex Establishment Licence granted under the Act

Sex Establishment - as defined in section 2 of Schedule 3 of the Act

Sex Cinema - as defined in Section 3 of Schedule 3 of the Act;

1 In this Schedule, –sex cinema means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which;

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-
 - (i) sexual activity; or
 - (ii) Acts of force or restraint which is associated with sexual activity; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted

2 No premises shall be treated as a sex cinema by reason only-

- (a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 schedule 1 to the Licensing Act 2003) by virtue of an authorisation (which the meaning of section 136 of the Act), of their use in accordance with that authorisation; or
- (b) of their use for an exhibition to which section 6 of that Act (certain non- commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

Sex Shop - as defined in Section 4 of Schedule 3 of the Act

1 In this schedule sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating;

- (a) Sex articles; or
- (b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging-
 - (i) sexual activity; or
 - (ii) Acts of force or restraint which is associated with sexual activity.

- 2 No premises shall be treated as a sex shop by reason only of their use or the exhibition of moving pictures by whatever means produced.
- 3 In this schedule sex article means-
 - (a) anything made for use in connection with, or for the purpose of stimulating or;
 - 1 sexual activity; or
 - 2 acts of force or restraint which are associated with sexual activity; and
 - (b) anything to which sub-paragraph (4) below applies.
- 4 this sub-paragraph applies-
 - (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - (b) to any recording of vision or sound, which-
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Appendix A - Standard conditions applicable to licences for sex establishments

1 General

- a) These standard conditions will apply to all licences unless varied by a Licensing and Appeals Sub-Committee.
- b) The granting of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
- c) In the event of a conflict between these standard conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.

2 Times of opening

- a) Unless amended by a Licensing and Appeals Sub-Committee, the usual permitted hours shall be:

Monday to Saturday 0900hrs to 2100hrs

- b) Unless amended by a Licensing and Appeals Sub-Committee, a sex establishment shall not be open on Sundays, Good Friday, Easter Day, Christmas Day or any public holiday.

3 Conduct and management of sex establishments

- a) Where the licensee is a body corporate or unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within fourteen days of such change. Such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the Council.
- b) The licensee or some responsible person nominated by him in writing for the purpose of managing the sex establishment in his absence shall be in charge of and upon the premises during the whole time it is open to the public. Details of any responsible person nominated by the licensee (including photographs) must be supplied to and approved in writing by the Council before a change to the management of the premises.
- c) The name of the person responsible for the management of a sex establishment shall be prominently displayed within the premises.
- d) The licensee shall maintain a daily register. It must record the name and address of any person who is to be responsible for managing the sex establishment in his absence and the names and addresses of those employed in the sex establishment. The register is to be completed each

day within thirty minutes of the sex establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Council.

- e) The licensee shall retain control over all areas of the premises and shall not let, licence or part with possession of any part of the premises.
- f) The licensee shall maintain good order in the premises.
- g) No person under the age of eighteen shall be admitted to the premises or employed in the business of a sex establishment.
- h) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
- i) No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or otherwise exercising their calling.
- j) Neither the licensee or any employer or other person shall seek to obtain custom for the sex establishment by means of personal solicitation anywhere in the Castle Point Borough.
- k) The licensee shall comply with all statutory provisions and any regulations made there under.
- l) The licensee shall ensure that during the hours the sex establishment is open for business every employee wears a badge of a type to be approved by the Council indicating their name and that they are an employee.
- m) The copy of the licence and of these standard conditions required in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence shall be displayed, framed and exhibited to the satisfaction of the Council. A clean and legible copy of these standard conditions shall be retained on the premises and available upon request.
- n) A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
- o) No change of use of any portion of the premises from that approved shall be made without the consent of the Council.
- p) Change from a sex cinema to a sex shop or from a sex shop to a sex cinema shall not be effected without the consent of the Council.
- q) Sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall not be displayed,

sold, hired, exchanged, loaned or demonstrated in a sex cinema.

4 Goods available in sex establishments

- a) All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices to be charged.
- b) All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.
- c) No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
- d) The licensee shall, without charge, display and make available in the sex establishment such free literature on counselling of matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the sex establishment.

5 External appearance

- a) No display, advertisement, word, letter, model, sign, placard, board, notice, device representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except:
 - Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any conditions of a licence granted by the Council.
 - Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.
- b) The entrance to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passersby, and shall be so provided with a partition as to ensure that the interior of the premises remain invisible to such passersby when the entrance is open.
- c) Windows and openings to the premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at a position approved by the Council, opaque screens or blinds of a type and size approved by the council.

6 State, condition and layout of the premises

- a) The premises shall be maintained in good repair and condition.
- b) Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of the time the sex establishment is open to the public.
- c) The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
 - i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word –exit.
 - ii) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked ‘private“.
 - ii) Save in the case of emergency, no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
- d) The external doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- e) The licensee shall make provision in the means of access both to and within the sex establishment for the needs of members of the public visiting the sex establishment who are disabled.
- f) No fastenings of any description shall be fitted upon any booth or cubicle within the sex establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
- g) Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
- h) All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

7 Safety

- a) The licensee shall take all reasonable precautions for the safety of the public and employees.
- b) The licensee shall comply with any fire prevention and safety measures that may be required of him by The Regulatory Reform (Fire Safety) Order 2005.
- c) The premises shall be provided with fire appliances suitable to the fire risks of the premises and such fire appliances shall be maintained in a proper working order and shall be available for instant use.



Licensing Enforcement Policy

1 General Principles of the Enforcement Policy

1.1 The purpose of the Enforcement Policy is to ensure compliance with the Licensing Act 2003 and the Gambling Act 2005 and to ensure the promotion of the licensing objectives under these two Acts. Where appropriate the Council may use provisions under other Acts to ensure the promotion of the objectives. The relevant licensing objectives are:

Licensing Act 2003

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

Gambling Act 2005

- 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
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 The following principles underpin this policy in relation to licensing enforcement:

- Standards: setting clear standards
- Openness: clear and open provision of information
- Helpfulness: helping business by advising on and assisting with compliance
- Complaints: having a clear complaints procedure
- Proportionality: ensuring that enforcement action is proportionate to the risks involved
- Consistency: ensuring consistent enforcement practice

1.3 The Council is concerned with ensuring that there is a safe and trouble free environment at licensed premises and starts from the principle that the best way to achieve this is to give guidance and support to licence holders.

1.4 The Council aims to ensure that well run premises are able to operate successfully in the Borough. But in all cases will seek to balance the needs of businesses against the rights of residents to enjoy their homes and surroundings.

1.5 Formal enforcement action may be appropriate in certain cases including those where the irregularity is particularly serious or there have been repeated offences.

2 Organisational Arrangements

2.1 Along with the Licensing Authority, the responsible authorities and other relevant agencies have a role to play in the enforcement of the Acts and the Council works closely and effectively in partnership with partners to achieve this.

3 Enforcement Options

3.1 The Council recognises the importance of ensuring consistency of approach and effective use of resources by targeting those premises where problems have occurred. The procedures set out below are designed to ensure that enforcement is proportionate and that education and support is given where necessary but that firm action is taken against irresponsible premises operators. The procedures set out below reflect these general principles.

3.2 The main enforcement options include without limitation:

- Take no action
- Advice and written warnings
- Simple Caution
- Prosecution
- Closure Notices
- Review of Licences
- Injunctions

3.3 When considering which course of action is appropriate the factors that will be taken into account include:

- The gravity/seriousness of the infringement
- The nature of the alleged infringement
- The status, circumstances and previous history of the alleged offender
- The reliability and scope of the evidence collected
- The likelihood of the alleged offender being able to establish a statutory defence to the alleged infringement
- The desirability of a particular course of action in terms of the benefit to the community at large
- Regard to authoritative advice, guidelines and recommendations
- Explanation offered by the alleged offender and the willingness to prevent a recurrence of any alleged infringement
- The general record and approach of the offender
- Whether it is desirable to produce some public effect (remedial or deterrent)
- Any other factors that may be relevant

3.4 Where a decision to prosecute is made this decision will be taken in accordance with the Code for Crown Prosecutors, which details considerations to be taken in the public interest when bringing proceedings.

3.5 In certain cases a prosecution may take place without prior warning where there is potential for considerable harm arising from the breach.

3.6 All enforcement decisions and actions will be made with due regard to the provisions of:

- The Licensing Act 2003, Gambling Act 2005 or the Local Government (Miscellaneous Provisions) Act 1982
- Other relevant legislation, authoritative advice, guidelines and recommendations

- Equal rights and anti-discrimination legislation
- The Human Rights Act 1998

3.7 In the public interest information and data concerning non-compliance will be shared, where appropriate, with other enforcement agencies. Where this takes place due regard will be paid to the provisions of the Data Protection Act 1998.

4 Enforcement Approaches

4.1 This section details the approach the Council will take in specific circumstances. These approaches are common to all Acts unless stated otherwise.

Unlicensed premises

4.2 For the purposes of this policy premises providing unauthorised licensable activity will be treated in the same way as unlicensed premises. Unauthorised licensable activity includes activity not permitted on the licence or activity that is provided in breach of conditions.

4.3 The underlying principle is that all premises providing licensable activity should have a valid premises licence or club premises certificate and should operate in accordance with the law.

4.4 When dealing with unlicensed premises the Licensing Authority will take the provisions in Section 3 (Enforcement Options) into consideration paying particular regard to the following matters:

- Levels of crime and disorder, anti-social behaviour, public nuisance and public safety in and around unlicensed premises will be the key priorities.
- If the premises has any licence at all, and the history of the premises.
- The steps a premises has taken to become licensed.

Unlicensed Alcohol Sales (Licensing Act 2003 Only)

4.5 Unlicensed alcohol sales will be treated as a serious breach by the Council that will require action other than advice in the majority of situations.

4.6 For the purposes of this policy unlicensed alcohol sales includes alcohol being sold in breach of condition(s) on a Premises Licence.

4.7 The Council may serve a Closure Notice in addition to action available under the Licensing Act 2003.

4.8 Where a Closure Notice has been served and the unlicensed sale of alcohol continues the Council may apply to the Magistrates Court for a Closure Order.

Sale of Alcohol to Children (Licensing Act 2003 Only)

4.9 Unlawful sales of alcohol to children will be treated as a serious breach under the Licensing Act 2003. Where the Council has evidence to prove alcohol has been sold to children in breach of the Act prosecution may be considered in the first instance without prior warning.

4.10 This does not prevent other forms of action being taken either separately or in addition to prosecution and each case will be assessed on its own merits.

Temporary Event Notices (Licensing Act 2003 only)

4.11 Premises which benefit from a Temporary Event Notice and exceed the limits for qualifying events, for example by holding an event for more than 499 people, will be regarded as an unlicensed premises.

Sale of Alcohol and the Designated Premises Supervisor. (Licensing Act 2003 only)

4.12 All premises that sell alcohol under a premises licence must also have a Designated Premises Supervisor (DPS) named on the licence. The person named as the DPS must hold a valid personal licence for the premises to be able to sell alcohol.

4.13 If the Licensing Authority becomes aware that a premises is selling alcohol without a DPS who holds a personal licence the starting principle will be that the premises cannot sell alcohol until a DPS who holds a valid personal licence is named on the licence.

4.14 In all cases the Council will consider the steps taken by the DPS to apply for a personal licence before deciding what course of action (detailed in section 3) is appropriate.

Keeping of Licences, Display of Licence Summary's and Similar Provisions

4.15 All premises have to comply with various requirements under the Acts in respect of keeping and displaying the licence.

4.16 The starting principle is that all premises must comply with these requirements and the Council will seek to ensure this is the case. Reasons for these requirements not being met could include administrative issues such as the licence not yet having been issued or a delay in the licence holder's representative in forwarding the licence to the premises.

4.17 In all cases rather than taking formal action such as a simple caution or prosecution the Council will take an educational approach in the first instance.

4.18 Exceptions to this will be where there are multiple breaches of legislation that merit formal action. In these cases the Council may seek for these offences to also be considered.

4.19 Where there has been a persistent problem and no action has been taken to comply then prosecution may be considered.

Licence Reviews

4.20 The Licensing Authority may apply for a review of a licence as a Responsible Authority under the Licensing Act 2003 and Gambling Act 2005. The Licensing Authority also has a separate option to initiate a review under the Gambling Act 2005, which is essentially the same process for the purposes of the Enforcement Policy. A review application may be made on the grounds of non-compliance of licence conditions along with concern over the promotion of the licensing objectives. The decision to apply for a review may be brought about by any visits to the premises by officers, any intelligence received from other teams or agencies or by complaints that are made about the premises.

4.21 The revised Guidance (April 2017) issued to Licensing Authorities under Section 182 of the Licensing Act 2003 states that it is not expected that the Licensing Authority should normally act as a Responsible Authority in applying for reviews on behalf of other

persons, such as local residents or community groups. If a request is made to the Licensing Authority to review a licence on behalf of another party, the Licensing Authority will have regard to any guidance on reviews and the Enforcement Policy when considering what course of action to take.

4.22 Where the Licensing Authority makes a review application officers will make recommendations to the Licensing sub-committee on what course of action may be appropriate in individual cases. The decision on what course of action to take rests with the Licensing sub-committee. The officer recommendations to the sub-committee could include:

- add, remove or amend a licence condition imposed by the Licensing Authority.
- suspend the premises licence for a period not exceeding three months.
- revoke the premises licence.
- for gambling premises only - exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such an exclusion.

4.23 A recommendation for the licence to be revoked will only be made where no other option is considered suitable to address the individual problems. This could occur as a result of a history of non-compliance where enforcement action including previous reviews has failed to resolve the problems or where the nature of the problems is considered serious enough to merit the licence being revoked.

4.24 It is acknowledged by this policy that the Licensing sub-committee would not be bound to following the officer recommendation and the sub-committee would have to reach a decision based on the evidence put before them from the Licensing Authority, Responsible Authorities, Licence Holder and any other person who has made a representation (or objection).

Licence Reviews for Gambling Premises

4.25 Where circumstances at a licensed gambling premises require action to be taken under this policy the approach of the Council will be to favour initiating a review of the licence over simple cautions or prosecution.

4.26 This does not prevent other forms of action being taken and each case will be assessed on its own merits.

Operational Arrangements for Licence Reviews

4.27 The Licensing Authority shall ensure that there is a separation of responsibilities within the Licensing Authority so that an officer advising the sub-committee determining the review will not be the same person who has made the application as a Responsible Authority. This is to ensure procedural fairness and eliminate conflicts of interest.

5 Complaints

5.1 The Council will keep a record of all complaints it receives that are relevant to licensed and unlicensed premises on a computer database.

5.2 Any complaints may be brought to the attention of other appropriate authorities. Where appropriate the Licensing Authority will:

- notify the licence holder and DPS and request that steps are taken to resolve the issues made in the complaint.
- keep the complainant updated with the progress of the complaint in accordance with the Council's Customer Care Standards.

5.3 Where the Licensing Authority investigates a complaint it may do so by way of correspondence, an announced inspection, or a covert visit depending on the circumstances. The action that can be taken is detailed in the sections for inspections and investigation of unlicensed premises.

5.4 In some cases the Licensing Authority will not investigate complaints it receives. The reasons for this may be due to the nature of complaint not being relevant to licensing, or where one of the Licensing Authorities partners may be better placed to deal with the complaint. In these cases the complaint will be referred to the appropriate agency and the complainant notified of the reasons.

5.5 After the investigation of a complaint further action may be taken in line with this enforcement policy where appropriate.

6 Inspections and Visits to Premises

6.1 The underlying principle of the policy is that no inspection of a premises should take place without a reason.

6.2 The Council is responsible for ensuring that the licenses issued by the Licensing Authority are properly complied with and the licensing objectives are promoted. To enable the Council to assess whether licences are complied with and the objectives are being promoted Licensing Officers will visit and inspect premises when necessary.

6.3 There are a range of circumstances that may result in Licensing Team needing to visit a premises, these are:

- Premises identified as high risk.
- Inspections during the consultation period for an application, which includes new, variations, renewals and review applications.
- Premises identified as a problem by other authorities.
- Where complaints have been made that need investigation.
- Premises where officers have witnessed grounds for concern.
- Premises where other information suggests there is cause for concern.
- Inspections as part of a wider project to ensure compliance at a particular class of premises or premises in a particular area.

6.4 To ensure that unnecessary burdens are not placed upon businesses and resources are targeted effectively the Licensing Authority will endeavour to work closely with all relevant enforcing partners within Castle Point when determining inspections of licensed premises.

6.5 Where it is necessary for more than one enforcing body or team to inspect a premises joint inspections will be planned whenever possible.

Pre-arranged inspections

6.6 Inspections may be carried out during normal office hours when the premises is likely to be quiet by means of a pre-arranged appointment to ensure that the appropriate person at the premises is available. The inspection may include a comprehensive check to ensure the approved arrangements at the premises are being properly maintained which may be impractical to check when the premises is busy. Pre-arranged evening or night time visits may also be made if required so that activity provided at the premises may be assessed.

Un-announced Inspections

6.7 Un-announced inspections will usually be carried out for high risk premises in addition to any other inspection.

6.8 Other premises will be visited as required and may be where concerns are raised or complaints receive.

6.9 These inspections will be made at the most relevant time for licensable activity, mainly at night, but officers will identify themselves upon arrival at the premises.

6.10 Where problems are found such as unlicensed activity it may be necessary to carry out frequent inspections until compliance is achieved. The frequency required will be determined on a case by case basis.

7 Status and Review

7.1 The Members of Castle Point's Licensing Committee adopted this Policy on 12 December 2017.

7.2 This is a public document and is available at www.castlepoint.gov.uk/licensing or by email licensingunit@castlepoint.gov.uk

7.3 Complaints concerning the application of this Enforcement Policy will be dealt with in accordance with the Council's Customer Complaints Procedure. Details of the procedure are available @ www.castlepoint.gov.uk

M Harris - November 2017

LICENSING COMMITTEE

12 December 2017

Subject: Review of Licensing Fees

Report of the Head of Licensing and Safer Communities

1. Purpose of Report

- 1.1 To agree the recommendations contained within the report in relation to fees associated with licensing applications and for these to take effect from 1st April 2018.

2. Background

- 2.1 The regular review of the applicable fees charged by the Council is outstanding.
- 2.2 The various pieces of legislation that cover licensing require that other than where a statutory or no fee is payable that the Authority may require a reasonable fee for the grant, renewal or transfer of a licence.
- 2.3 Guidance on this subject is given in Local Government Association Guidance on Locally Set Licensing Fees 2017. From this advice it is clear that a local authority is not permitted to raise revenue through licensing. It is also evident that one licensing area should not be subsidised by another. Therefore each aspect must stand alone and meet its own costs. The cost of areas where no fee is payable must be borne by the Council.
- 2.4 With this approach in mind and taking into account the current income and expenditure levels the following fees are suggested.

3. Proposed fee levels

Hackney Carriage and Private Hire

- 3.1 The estimated gross expenditure budget for 2018/19 associated with the part of the Licensing service relating to Hackney Carriage and Private Hire licensing is £112,600.

It is proposed that the fees for Hackney Carriage and Private Hire operative remain unchanged from the current fees and continue as below:

	Current fee £	Proposed fee £
Vehicle Licences		
Hackney Carriage Vehicle		
• New Hackney Carriage Licence	450	450
• Renewal Hackney Carriage Licence	300	300
• Replacement Hackney Carriage Licence	100	100
• Transfer of Hackney Carriage Licence	nil	nil
Private Hire Vehicle		
• New Private Hire Vehicle Licence	250	250
• Renewal of Private Hire Vehicle Licence	200	200
• Replacement of Private Hire Vehicle Licence	100	100
• Transfer of Private Hire Vehicle Licence	nil	nil
Driver's Licences		
Combined Hackney Carriage/Private Hire Driver's Licence		
• Renewal	178	178
New Licence		
• Three Years (from 1 July 2018)	375	375
• Two Years (from 1 July 2019)	320	320
• One Year (from 1 July 2020)	260	260
Private Hire Driver's Licence		
• Renewal	140	140
New Licence		
• Three Years (from 1 April 2018)	310	310
• Two Years (from 1 April 2019)	260	260
• One Year (from 1 April 2020)	200	200

Restricted Private Hire Licence (Chauffeurs and school contract work only)		
• Renewal	140	140
• Three Years (from 1 April 2018)	280	280
• Two Years (from 1 April 2019)	230	230
• One Year (from 1 April 2020)	180	180
• Yearly	100	100
Operator's Licence		
• Annual (one vehicle)	100	100
• Two or more vehicles (this is a five year licence expiring on 31 March 2020)	1,000	1,000

- 3.2 All drivers' licences are renewed on a three year basis and the income in 2018/19 is anticipated to be £55,000. This must be divided equally between the three years in order to get an accurate figure. This would mean that during the 2018/19 accounting period the proportionate income from driver's licences would be £18,333.
- 3.3 There is a total income of £96,333 leaving the Authority with an estimated net expenditure deficit of £16,267 against the gross expenditure of £112,600.
- 3.4 The fee for the Data Barring Service (DBS) is not included within this fee. The DBS charge is separate and must be paid by the driver independently.

Licensed Premises - Licensing Act 2003

- 3.5 The estimated gross expenditure budget for 2018/19 associated with the part of the service relating to alcohol licensing is £68,865.
- 3.6 The Government have set an annual fee for Premises and Club Premises although this has not been made in statute. It is anticipated that the income from these licences (including Personal Licenses) in 2018/19 will be £46,500. This will give the Authority net expenditure deficit of £22,365 against the gross expenditure of £68,865. Appendix A shows the current fees for alcohol licensing under the Licensing Act 2003.

Gambling Act 2005

- 3.7 The estimated gross expenditure budget for 2018/19 associated with the part of the service relating to gambling licensing is £44,320.
- 3.8 The Government have set an annual fee for all gambling premises. The income from these licences is anticipated to be £13,500 in 2018/19. This will give the Authority a net expenditure deficit of £30,820 against the gross expenditure of £44,320.
- 3.9 The maximum level of fees for gambling licences is set by Government. At the Licensing Committee on 15 January 2007 the Committee included the following

additional Delegation of Functions for Officers in relation to the Gambling Act 2005:

‘Authority to set fees for various functions relating to the Gambling Act 2005 to allow the ability to review costings’ in relation to the varying functions under the Act’.

- 3.10 At present bingo clubs and betting shops are set at the maximum level. The fees for family entertainment centres and adult gaming centres are not at the maximum level as it is not considered appropriate to increase them having regard to encourage business in the entertainment area of the seafront.

Premises type	New £	Annual £	Transfer £	Vary £
Bingo Club	2,625	750	900	1,300
Betting Shop	2,250	450	900	1,125
Family Entertainment Centre	1,500	300	700	500
Adult Gaming Centre	1,500	750	900	750

Licence type:	Fee £
FEC Gaming Machine/Prize Gaming – Application and Renewal	300
Lotteries – new licence	40
Lotteries – annual fee	20

Scrap Metal Dealers Act 2013

- 3.11 It is proposed to charge the following fees for these licensable activities commencing 1 April 2018.

Licence type:	Fee £
Site Licence	1,000
Renewal of Site Licence	500
Collector’s Licence	400
Renewal Collectors Licence	200
Theft/loss change of name	50

Miscellaneous Licences Non Statutory

- 3.12 It is proposed to charge the following fees for these licensable activities commencing 1 April 2018.

Licence type:	Fee £
Pleasure Boat Licence	200
Boatman’s Licence	30
Sex Establishments	1,500
Sex Establishment renewal	750
Street Trading 1 day	500
Street Trading each additional day/night	75
Street Trading weekly	75

- 3.13 These fees have been set by the local authority to enable a full cost recovery. It is anticipated the total income from other licensing will be £12,000 in 2018/19.
- 3.14 In addition to the licenses that incur a fee the Licensing Department also provides administration and issues the following licences where the services are provided free of charge to the applicant:

House to House collection
Street Collection
Road Closures
Carnivals/Processions/Charitable Events
Religious Festivals
Street Parties
Hypnotists/Magicians

4. Conclusion

- 4.1 The increases proposed are considered to be reasonable and proportionate with respect to the nature of the cases and the work involved in processing them.

5. Legal Implications

- 5.1 As explained in para 2.2/2.3 above. It is shown in the Statement of Accounts that Castle Point Borough Council does not operate a surplus on its licencing fees.

6. Human Resources, Equality Implications

- 6.1 There are no IT or Human Resources implications.
- 6.2 The public sector Equality Duty pursuant to Section 149 of the Equality Act 2010 came into force on 5 April 2011. The Equality Act 2010 (Age Exceptions) Order 2012 came into effect on the 1 October 2012. The Equality Duty requires the Council to consider how the decisions it makes and services it delivers affects people who share different protected characteristics.

The local authority when reviewing its Statement of Licensing Policy under the Licensing Act 2003 must have due regard for the need to eliminate unlawful discrimination, harassment, victimisation to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics includes age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7. Financial implications

- 7.1 All actions will be carried out within existing budgets.
- 7.2 The overall gross expenditure budget for all areas of Licensing for 2018/19 is £246,200, including £157,800 for recharges and other support costs. The total projected income for 2018/19 is estimated to be £205,000 (including £55,000 for

Driver Licence Renewals which need to be spread over 3 years to 2020/21). Therefore there is an estimated net expenditure deficit of:

- £41,200 against gross expenditure including recharges and other support costs
- £77,867 against gross expenditure including recharges and other support costs if only one third of driver renewal income is considered (estimated total income of £168,333).

The expenditure and income is summarised as follows:

Licensing Area	Estimated gross expenditure 2018/19 £	Estimated income 2018/19 £	Estimated net expenditure (deficit) 2018/19 £
Hackney Carriage and Private Hire	112,600	(96,333)	16,267
Liquor Licensing - Licensing Act 2003	68,865	(46,500)	22,365
Gambling Act 2005	44,320	(13,500)	30,820
Miscellaneous licences and free licences	20,415	(12,000)	8,415
Total Licensing	246,200	(168,333)	77,867

8. Links to Council's priorities and objectives

8.1 Effective and Efficient Customer Focused Services.

Recommendation:

That the Licensing Committee:

- 1. Approves the proposed revision of all the licensing fees in accordance with the report.**
- 2. Agrees that the current fees for Hackney Carriage/PHV remain unchanged.**
- 3. Notes the statutory fees which are payable by applicants.**

Resolution required.

Background Document:

Agenda Item No.6 Licensing Committee 28 Feb 2014

Report Author:

Mrs Melanie Harris MA BSc(Hons) MIOL - Head of Licensing and Safer Communities

Appendix A

Fees

Licensed premises and clubs are allocated to a fee band according to their rateable value

Rateable Value £	Band
No rateable value to 4300	A
4300 to 33000	B
33001 to 87000	C
87001 to 125000	D
125001 and above	E

Each band attracts a different level of application fee – payable upon submitting the application to the Licensing Authority

Band	Fee £
A	100
B	190
C	315
D	450
E	635

Each band attracts a different level of annual fee – payable one year after the grant of the licence

Band	Fee £
A	70
B	180
C	295
D	320
E	350

Exceptionally large events

Number in attendance at any one time	Additional fee £
5000 to 9999	1000
10000 to 14999	2000
15000 to 19999	4000
20000 to 29999	8000
30000 to 39999	16000
40000 to 49999	24000
50000 to 59999	32000
60000 to 69999	40000
70000 to 79999	48000
80000 to 89999	56000
90000 and over	64000

Personal Licences, Temporary Events and other fees

Application for a grant or renewal of personal licence	37.00
Temporary event notice	21.00
Theft, loss, etc of premises licence or summary	10.50
Application for a provisional statement where premises being built, etc	195.00
Notification of change of name or address	10.50
Application to vary licence to specify individual as premises supervisor	23.00
Application for transfer of premises licence	23.00
Interim authority notice following death etc. of licence holder	23.00
Theft, loss etc. of certificate or summary	10.50
Notification of change of name or alteration of rules of club	10.50
Change of relevant registered address of club	10.50
Theft, loss etc. of temporary event notice	10.50
Theft, loss etc. of personal licence	10.50
Duty to notify change of name or address	10.50
Right of freeholder etc. to be notified of licensing matters	21.00
Minor variations	89.00
DPS for village halls	23.00

LICENSING COMMITTEE

12 December 2017

Subject: Hackney Carriage Hire – New Table of Fares

Report of the: Head of Licensing and Safer Communities

1. Purpose of Report

- 1.1 To proceed with a request from some of the taxi trade to increase taxi fares.

2. Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 gives power to the Council to set fares that hackney carriage drivers charge to customers.
- 2.2 These fares legally only relate to a journey commencing from a taxi rank or hailed in the street and are calculated by way of a taxi meter. However the fares agreed by the Council are often used by operators to work out charges for pre-booked/private hire journeys.

3. Hackney Carriage Fare Review

- 3.1 The last request for an increase was granted by the Licensing Committee and set on 5 November 2011.

3.2 The current fare tariff is as follows:

Distance and Time	Normal Tariff 4 Seats	Multi- Seater Tariff 5-8 Seats
Tariff 1 - for hiring's which begin between 6am and 9pm For the first 715 yards or the first 3 minutes (or combination of parts of such distance or time) For each additional 179.9 yards or 45 seconds (or a combination of parts of such distance or time) until a fare of £10.00 normal tariff or £15.00 multi-seater tariff is shown For each additional 176.4 yards or 33 seconds (or a combination of parts of such distance or time) after a fare of £10.00 normal tariff or £15.00 multi-seater tariff is shown	£2.80 20p 20p	£4.20 30p 30p
Tariff 2 - for hiring's which begin between 9pm to midnight and 4am to 6am daily and Sundays and Bank Holidays between 6am and 9pm An additional charge to Tariff 1	£1.00	£1.50
Tariff 3 - for hiring's which begin between midnight and 4am daily An additional charge to Tariff 1 and 2	£1.00	£1.50
Tariff 4 Christmas and New Year charges hiring's which begin after 9pm on 24 December and up to 6am on 27 December and on New Year's Eve for hiring's which begin after 9pm on 31 December and up to 6am on 1 January	Double the day rate	Double the day rate
EXTRAS Luggage For any luggage and/or animals carried No charge for the carriage of wheelchairs and guide dogs Additional passengers For each person in excess of one The multi-seater tariff may only be used when 5 or more people are in the vehicle or when a multi-seater vehicle has been requested by the hirer/customer	30p per item 30p	30p per item Nil
SOILING CHARGE *A fixed charge will be levied for restoration costs should you soil or damage this vehicle in any way	£60.00	£60.00

4. Proposed New Table of Fares

4.1 The recommendation in this report proposes the following tariff:

Distance and Time	Normal Tariff 4 Seats	Multi- Seater Tariff 5-8 Seats
Tariff 1 - for hiring's which begin between 6am and 9pm For the first 715 yards or the first 2 minutes (or combination of parts of such distance or time) For each additional 179.9 yards or 45 seconds (or a combination of parts of such distance or time) until a fare of £7.00 normal tariff or £15.00 multi-seater tariff is shown For each additional 158 yards or 33 seconds (or a combination of parts of such distance or time) after a fare of £10.00 normal tariff or £15.00 multi-seater tariff is shown	£3.00 20p 20p	£4.50 30p 30p
Tariff 2 - for hiring's which begin between 9pm to midnight and 4am to 6am daily and Sundays and Bank Holidays between 6am and 9pm An additional charge to Tariff 1	£1.00	£1.50
Tariff 3 - for hiring's which begin between midnight and 4am daily An additional charge to Tariff 2	£1.00	£1.50
Tariff 4 Christmas and New Year charges hiring's which begin midnight on 24 December and up to 4am on 27 December and on New Year's Eve for hiring's which begin midnight on 31 December and up to 4am on 1 January	Double tariff 1	Double tariff 1
EXTRAS Luggage For any luggage and/or animals carried No charge for the carriage of wheelchairs and guide dogs Additional passengers For each person in excess of 2. (Up to 4 people) The multi-seater tariff may only be used when 5 or more people are in the vehicle or when a multi-seater vehicle has been requested by the hirer/customer	40p per item 40p	30p per item Nil
SOILING CHARGE *A fixed charge will be levied for restoration costs should you soil or damage this vehicle in any way	£60.00	£60.00

5. Consultation Process

- 5.1 If the increase in fares is approved the new Table of Fares will be subject to a public advertisement inviting objections to the proposals.
- 5.2 If an objection is received the matter must be brought back before the Licensing Committee.
- 5.3 This consultation process is laid down in the Local Government (Miscellaneous Provisions) Act 1976.

6. Conclusion

- 6.1 Below is an example of how the new fares will be calculated and the percentage increase which is not excessive.

Miles	Current Rate		Proposed Rate		Increase		% Increase	
	Normal	Multi-seater	Normal	Multi-seater	Normal	Multi-seater	Normal	Multi-seater
1	£ 4.00	£ 6.00	£ 4.20	£ 6.30	£ 0.20	£ 0.30	5.00%	5.00%
2	£ 6.00	£ 9.00	£ 6.20	£ 9.30	£ 0.20	£ 0.30	3.33%	3.33%
3	£ 8.00	£12.00	£ 8.40	£12.60	£ 0.40	£ 0.60	5.00%	5.00%
4	£10.00	£15.00	£10.60	£15.90	£ 0.60	£ 0.90	6.00%	6.00%
5	£12.00	£18.00	£12.80	£19.20	£ 0.80	£ 1.20	6.67%	6.67%
6	£14.00	£21.00	£15.00	£22.50	£ 1.00	£ 1.50	7.14%	7.14%
7	£16.00	£24.00	£17.20	£25.80	£ 1.20	£ 1.80	7.50%	7.50%
8	£18.00	£27.00	£19.40	£29.10	£ 1.40	£ 2.10	7.78%	7.78%
9	£20.00	£30.00	£21.80	£32.70	£ 1.80	£ 2.70	9.00%	9.00%
10	£22.00	£33.00	£24.00	£36.00	£ 2.00	£ 3.00	9.09%	9.09%
5 Mile Average % Increase							5.20%	5.20%
10 Mile Average % Increase							6.65%	6.65%

7. Legal Implications

- 7.1 This report is compliant with the procedures laid down in the Local Government (Miscellaneous Provisions) Act 1976 which allows Licensing Authorities to set fares for hackney carriages.
- 7.2 The Council can only state the maximum fare that may be charged by hackney carriages and therefore if some taxi proprietors choose not to raise their fares then that would be their choice

8. Human Resources, Equality Implications

- 8.1 All duties will be performed by existing staff. There is a need to ensure that people with disabilities are charged the same as people without disabilities. Therefore wheelchairs and guide dogs will be continued to be carried free of charge.

9. Financial implications

9.1 All actions will be carried out within existing budgets.

10. Links to Council's priorities and objectives

10.1 Effective and Efficient Customer Focused Services.

Recommendations:

That the proposed new fares as shown in this report be applied to the current tariff, subject to:

- 1 the statutory consultation procedure being completed,**
- 2 the new Table of Fares coming into force on a date to be fixed by the Head of Licensing and Safer Communities,**
- 3 the detailed breakdown being agreed with the meter agents.**

Resolution required.

Background Document:

Hackney Carriages - Table of Fares dated 5 Nov 2011

Report Author:

Mrs Melanie Harris MA BSc(Hons) MIOL
Head of Licensing and Safer Communities

LICENSING COMMITTEE**12th December 2017****Subject: Licensing Service – Overview of Responsibilities****Report of the Head of Licensing and Safer Communities**

1. Purpose of Report

The report provides an overview of the activities of the statutory Licensing Service provided by the Council under the relevant acts and provisions together with a summary regarding licensing numbers during the previous period.

Licence/Permit/Order	Act
Alcohol Regulated Entertainment Late Night Refreshment	Licensing Act (2003)
Temporary Event Notices	Licensing Act (2003)
Sexual Entertainment Venues	Miscellaneous Provisions Act (1982)
Gambling	Gambling Act (2005)
Small Lotteries	Gambling Act (2005)
Hackney Carriages	Town & Police Clauses Act (1847)
Private Hire Vehicles (PHV)	Miscellaneous Provisions Act (1976)
Public Events	Licensing Act (2003)
Street Parties	Licensing Act (2003)
Road Closures	Town and Police Clauses Act (1847)
Boatmen	Miscellaneous provisions Act (1876)
Pleasure Boats	Public Health Acts Amendment (1907)
Street Collections	Police, Factories, etc. (Miscellaneous Provisions) Act (1916)
House to House Collections	House to House Collections Act (1939)
Street Trading	Miscellaneous Provisions Act (1982)
Scrap Metal	Scrap Metal Act (2013)
Various	Anti-Social Behaviour Crime & Policing Act (2014)

2. Background

- 2.1 The report gives an overview of the work undertaken by the Licensing Team during the previous 6 months. The report shows the various types of licenses, permissions and consents that have been issued by the Council and the numbers of applications that have been dealt with during that period.

2.2 Licensed Premises/Applications

As at 31 March 2017 within the Castle Point area there were 239 licensed premises, 225 of those hold premises licences while the remaining 14 have club premises certificates. There were 813 personal licence holders.

Type	1/4/17 to date
Applications for the grant of a premises licence	3
Applications for the variation of a premises licence	1
Applications for minor variations	5
Applications for the transfer a premises licence	4
Applications for a change of Designated Premises Supervisor	10
Applications for a personal licence	30

2.3 Temporary Event Notices

Type	1/4/17 to date
Applications for TEN	64

2.4 Hackney Carriage/PHV

As at 31 March 2017 the Council had 196 licensed vehicles.

Type	1/4/17 to date
Applications for Combined Hackney Carriage/PHV	0
Applications for Restricted PHV (Limousines/Airports etc.)	0
Applications for a PHV (circuit only e.g through an operator)	33

Under the Council's Constitution the Head of Licensing and Safer Communities does have delegated authority to approve new and revised conditions and pre-licensing standards which do have universal application for Licence – Holders and the knowledge test for PHV was recently removed.

Following representations which have been received by the Council from various Licence - Holders the Head of Licensing and Safer Communities as the responsible officer intends to make further enquiries with respect to the re-establishment of the knowledge test after seeking the views of Licence – Holders, trade bodies and importantly the fare paying public and any other interested parties such as local businesses who rely upon the drivers of private hire vehicles to bring customers to and from their business premises.

This action has been agreed with the Chairman of the Licensing Committee and will mean that the concerns currently being expressed by some Licence - Holders will receive attention by the Head of Licensing and Safer Communities undertaking a thorough assessment involving all relevant persons who provide

or use the private hire vehicles which are licensed to take bookings for pre-planned journeys by the Council.

The Head of Licensing and Safer Communities has the power to reinstate the knowledge test if it is found to be in the interests of public safety and the raising of the standards which are required from Licence - Holders.

It should be noted that the knowledge test has been retained for hackney carriages which can ply for hire or pick up passengers from a taxi rank. Private hire vehicles must be pre-booked and the journey details / final destination is known to the driver before the hiring commences.

2.5 **Gambling**

As at 31 March 2017 the Council had 26 premises licensed, 20 licensed premises which have notifications in place for two or less gaming machines and 34 Small Society Lotteries registered.

Type	1/4/17 to date
Applications for a premises licensed under the Gambling Act for a premises licence or a permit	0
Applications for a licensed premises which have notifications in place for two or less gaming machines	0
Applications for a registered Small Society Lottery	2

2.6 **Street Trading**

Type	1/4/17 to date
Applications for Street Trading Permits (Temp – 1 day)	31
Renewals (Kebab, Burgers, Sandwich Vendors)	26

2.7 **Scrap Metal**

As at 31 March 2017 the Council had 9 Scrap Metal Site Permits and 6 Scrap Metal Collectors Permits.

Type	1/4/17 to date
Applications for Scrap Metal Site's Permits	0
Applications for Scrap Metal Collector's Permits	0

2.8 **Road Closures**

Type	1/4/17 to date
Applications for various Road Closure Orders	2

2.9 **House to House and Street Collections**

Type	1/4/17 to date
Applications for House to House and Street Collection Permits	20

2.10 Pleasure Boats and Boatman's Licence

As at 31 March 2017 the Council had 4 licensed pleasure boats and 7 Boatman's Licences in place.

Type	1/4/17 to date
Applications for Pleasure Boat Licence Renewals	4
Applications for Boatman's License Renewals	4

2.11 Ongoing initiatives and projects

The Licensing Team will give advice and guidance to applicants and liaise regularly with partner agencies to ensure that the Licensing Authority provides the best possible service and conforms with all best practice. Ongoing Initiatives and projects are:

- Joint enforcement visits with the Police to licensed premises
- Mandatory safeguarding training for taxi drivers, including and especially Child Sexual Exploitation (CSE)
- Safeguarding training day for licensed premises, including CSE, Immigration Right to Work Changes and fire safety and drugs awareness
- Specially tailored CSE information leaflets going out to all new applications and renewals for taxi drivers and licensed premises
- Feasibility study regarding a one way system at Benfleet Station through the Highway Panel
- Home Office approved Extremist Ideology Awareness and Hate Crime Training
- Promotion of J9 programme (prevention of domestic abuse)
- Prevention of forced labour (Modern Day Slavery) unannounced visits with the Police and Border Force to licensed premises
- Immigration enforcement visits with the Police and Border Force to licensed premises
- Future Stay Well Training for Licence – Holders (Hackney Carriage and PHV)
- Safeguarding audits (historic offences) for all Licence - Holders (Hackney Carriage and PHV)

3. Proposals

- 3.1 That the Licensing Committee supports the work undertaken by the Licensing Team to secure public safety and promote the Council's licensing functions.

4. Conclusion

- 4.1 The Licensing Team will continue to administer the various statutory functions placed on the Council as the local Licensing Authority and take enforcement action as required.

5. Legal Implications

5.1 The Head of Licensing and Safer Communities has authority under the Scheme of Delegations to:

- Approve in accordance with the Council's approved Licensing Policy and conditions the following:-
 - Application for a personal licence
 - Application for premises licence/club premises certificate
 - Application for provisional statement
 - Application to vary premises licence/club premises certificate
 - Application to vary designated premises supervisor
 - Request to be removed as designated premises supervisor
 - Application for transfer of premises licence
 - Application for interim authorities
 - Decision on whether a complaint is irrelevant, frivolous, vexatious, etc
 - Application for a Temporary Event Notice
- Approve in accordance with the Council's approved conditions and regulations the grant, renewal or transfer of licences relating to hackney carriages and private hire vehicles, under the following provisions:-
 - Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Transport Acts 1980, 1985 and 2000
 - Public Passenger Vehicles Act 1981
 - Disability Discrimination Act 1985
- Suspend licences for hackney carriage and private hire vehicles under the relevant statutory provision where vehicles are found to be used without valid insurance or are un-roadworthy or fail other aspects of the test such as a taximeter check.
- Approve in respect of hackney carriage and private hire vehicle licensing new and revised conditions and pre-licensing standards which have universal application, but do not deprive any Licence – Holder of their livelihood, but are introduced in the interests of public safety and the raising of standards.
- Consider and determine an objection or representation or refer the representation/objection to the Licensing Committee for consideration where an objection or representation is received in response to formal notice to vary fees and charges in relation to hackney carriages and private hire vehicles under Town Police Clauses Act 1847; Local Government (Miscellaneous Provisions) Acts 1976 and 1982.
- Grant permits for operation of amusement with prizes machines in establishments under the Gaming Act 1968.
- Determine applications for house to house and street collections under the following provisions:-

- House to House Collections Act 1939
- Police, Factories etc (Miscellaneous Provisions Act 1916)
- Determine applications for the registration of lotteries under the Lotteries and Amusement Act 1976.
- Approve in accordance with the Council's approved conditions to licence, control and regulate Street Trading under Schedule 4 Local Government Miscellaneous Provisions Act 1982.
- Approve in accordance with the Council's approved conditions and regulations the grant, renewal or transfer of licences relating to pleasure boats and boatman's licences, under the Public Health Acts Amendment Act 1907.
- Prosecute in respect of any operations requiring but not having appropriate licences as referred to in 1 to 10 above, and any breach of licensing conditions.
- Approve functions under the Gambling Act 2005.
- Approve road closures under Section 21 Town Police Clauses Act 1847

6. Human Resources, Equality Implications

6.1 All duties are performed within existing resources.

7. Financial implications

7.1 The service is delivered in accordance with the Council's published budget and financial requirements

8. Links to Council's priorities and objectives

8.1 Effective and Efficient Customer Focused Services

Recommendation:

That the Licensing Committee supports the action being taken by the Head of Licensing and Safer Communities to administer the statutory licensing functions placed on the Council and to conduct a review into pre licensing standards as explained in this report.

Resolution required.

Background Document:

Agenda Item No.3 - Licensing Committee 12 Mar 2017

Report Author:

Mrs Melanie Harris MA BSc(Hons) MIOL - Head of Licensing and Safer Communities

LICENSING COMMITTEE

12 December 2017

Subject: Modern Day Slavery

Report of the Head of Licensing and Safer Communities

1. Purpose of Report

- 1.1 To inform the Licensing Committee regarding the effects of Modern Day Slavery and the Council's position on prevention.

2. Background

- 2.1 Slavery did not end with abolition in the 19th century. Slavery continues today and harms people in the UK. Women are forced into prostitution. People are forced to work in agriculture, domestic service and factories. Girls are forced to marry older men and children and other persons are trafficked by criminal gangs.

The National Crime Agency estimates that there are over 10,000 potential victims of slavery in the UK today with potential victims recorded in 2016 coming from 108 different countries.

2.2 Forms of modern slavery

The purposes of exploitation can range from forced prostitution and forced labour to forced marriage and forced organ removal. Here are the most common forms of modern slavery.

- Forced labour – any work or services which people are forced to do against their will under the threat of some form of punishment.
- Debt bondage or bonded labour – the world's most widespread form of slavery when people borrow money they cannot repay and are required to work to pay off the debt, then losing control over the conditions of both their employment and the debt.
- Human trafficking – involves transporting, recruiting or harbouring people for the purpose of exploitation, using violence, threats or coercion.
- Descent-based slavery – where people are born into slavery because their ancestors were captured and enslaved; they remain in slavery by descent.
- Child slavery – many people often confuse child slavery with child labour, but it is much worse. Whilst child labour is harmful for children and hinders their

education and development, child slavery occurs when a child is exploited for someone else's gain. It can include child trafficking, child sexual exploitation, child marriage and child domestic slavery.

- Forced and early marriage – when someone is married against their will and cannot leave the marriage. Most child marriages can be considered slavery.

Many forms of slavery have more than one element listed above. For example, human trafficking often involves advance payment for travel and a job abroad, using money often borrowed from the traffickers. Then the debt contributes to control of the victims. Once they arrive, victims cannot leave until they pay off their debt.

Contrary to a common misconception that everyone can be a victim of slavery, some groups of people are much more vulnerable to slavery than others. People who live in poverty and have limited opportunities for decent work are more vulnerable to accepting deceptive job offers that can turn exploitative.

People who are discriminated against on the basis of race, caste, or gender are also more likely to be enslaved.

3. The Modern Day Slavery Act 2015

The Modern Slavery Act 2015 received Royal Assent on 26 March 2015 and was produced in response to a public report by the Centre for Social Justice entitled "It Happens Here". This report found crucial failings in tackling slavery and servitude in the UK. The Modern Day Slavery Act 2015 (the Act) and Modern Slavery Act (Duty to Notify) Regulations 2015 (the Regulations) were brought into force and stipulate:

Section 1 makes it an offence to hold another person in slavery or servitude or to require another person to perform forced or compulsory labour.

Section 2 makes it an offence if a person arranges or facilitates the travel of another person with a view to that person being exploited; it's irrelevant whether the victim consented to the travel.

The maximum sentence for a person found guilty of an offence under Sections 1 or 2 is, on indictment, life imprisonment and on summary conviction up to 12 months imprisonment or a fine or both.

Section 52 imposes a duty on "public authorities" to notify the Secretary of State if they have reasonable grounds to believe that a person may be a victim of slavery or human trafficking. Local Authorities are listed within the definition of public authorities.

The Regulations came into force on 1 November 2015 and Schedules 1 and 2 provide a long list of information that must be provided when notifying the Secretary of State for example victims gender, nationality, whether slavery or trafficking is believed to have taken place, whether the victim is under 18. The Authority is required to indicate whether the suspected slavery or trafficking has been referred to the Police.

The attached statement sets out the approach that the Council is taking towards slavery and human trafficking in relation to its policies, practices and services.

4. Conclusion

- 4.1 The Council has recently been part of a joint operation with the Border Force and Essex Police to eliminate modern day slavery and the licensed premises in the Borough will continue to be monitored to ensure that the duty imposed on the Council under S.52 is upheld.
- 4.2 The Licensing Team will give advice and guidance to applicants and liaise with partner agencies to ensure that the provisions contained in the Modern Day Slavery Act (2015) are upheld and intends to provide training and further information to all relevant Licence – Holders.

5. Legal Implications

- 5.1 As shown.

6. Human Resources, Equality Implications

- 6.1 All duties will be performed by existing staff.

7. Financial implications

- 7.1 All actions will be carried out within existing budgets.

8. Links to Council's priorities and objectives

- 8.1 Effective and Efficient Customer Focused Services.

Recommendations:

That the Licensing Committee endorse the statement published by the Council to tackle Modern Day Slavery and commends the action taken by the Licensing Service to eradicate forced labour.

Resolution required.

Background Documents:

The Modern Day Slavery Act (2015)

Slavery and Human Trafficking Statement 2017 – made pursuant to s54(1) of the Modern Day Slavery Act (2015)

Report Author:

Mrs Melanie Harris MA BSc(Hons) MIOL

Head of Licensing and Safer Communities

Modern Slavery Act 2015

Slavery and Human Trafficking Statement 2017

The Council is committed to improving its practices to combat slavery and human trafficking.

This Statement sets out Castle Point Borough Council's actions to understand all potential modern slavery risks related to its business and to put in place steps that are aimed at ensuring that there is no slavery or human trafficking on its own business and its supply chains. This statement relates to actions and activities during the financial year 1 April 2016 to 31 March 2017.

As part of Local Government the Council recognises that it has a responsibility to take a robust approach to slavery and human trafficking. In addition to the Council's responsibility as an employer it also acknowledges its duty as a Borough Council to notify the Secretary of State of suspected victims of slavery or human trafficking as introduced by Section 52 of the Modern Slavery Act 2015.

The Council is committed to preventing slavery and human trafficking in its corporate activities and to ensuring that its supply chains are free from slavery and human trafficking.

Our Structure and Business

Castle Point Borough Council is a local authority which provides a wide range of statutory and discretionary services for its residents, businesses, visitors and partners.

Its structure is shown on the Council's website:

<https://www.castlepoint.gov.uk/council-structure>

The Council's Corporate Business Plan 2016-2018 includes supporting our residents, businesses and staff.

Our vision is

'To help reduce social inequality, improve the health of our communities and develop the economy by working closely in partnership with other agencies. We want to improve the wellbeing of our community with clean streets, pleasant open spaces and good quality housing. We will nurture community resilience and work closely with our partners to help the community help itself and to enable greater participation in decision making'.

Our values influence everything that we do and how we interact and shape our community. They impact on our priorities and focus for the future and help form our key targets for improvement.

Our values demonstrate that how we work to deliver our priorities is important to us and that in everything we do - we all work to the same framework of values:

Equality: fair treatment for all

Respect: respect each other

Integrity: integrity in all of the work we do

Caring: listening and acting on staff, Councillor and customer needs

Innovation: seeking new, improved and sustainable ways of working

Teamwork: valuing everyone's contribution

Accountability: We will be open and accountable to our residents, customers, partners, Councillors and staff.

Our supply chains

All tender processes will require bidders to provide confirmation that they are compliant with the Act. In addition, before being added to the finance system, all new suppliers will have provided confirmation of compliance.

Our policies

The Council reviews its policies and procedures on an ongoing basis to ensure they remain compliant and fit for purpose. The following policies and procedures are considered to be key in meeting the requirements of the Modern Slavery Act 2015.

Safeguarding

The Council embraces its responsibility to develop, implement and monitor policies and procedures to safeguard the welfare of children and vulnerable adults. The Council has a comprehensive Safeguarding Policy which all staff and councillors are expected to read and work with. The Council works with multi-agency partnerships to protect and safeguard people.

Recruitment

The Council's recruitment processes are transparent and reviewed regularly. They include robust procedures for vetting new employees which ensures they are able to confirm their identities and qualifications and they are paid directly into an appropriate personal bank account. To comply with the Asylum, Immigration and Nationality Act 2006 all prospective employees are asked to supply evidence of their eligibility to work in the UK. References are also requested and followed up.

Agency Workers

The Council uses only reputable employment agencies to source labour and verifies the practices of any new agency it is using before accepting workers from that agency.

Pay

The Council ensures that all employees are paid fairly and equitably. As part of its commitment to being a good employer the Council pays the National Living Wage or more to its employees.

Employee Code of Conduct

The Council's Employee Code of Conduct makes clear to employees the actions and behaviours expected of them when representing the Council. The Council strives to

maintain the highest standards of employee conduct and ethical behaviour and breaches are investigated.

Whistleblowing

The Council encourages all its employees, customers and other business partners to report any concerns related to the direct activities or the supply chains of the Council. The Council's whistleblowing procedure is designed to make it easy for employees to make disclosures, without fear of retaliation.

Members' Code of Conduct

The Council expects all Councillors to demonstrate the highest standards of conduct and behaviour. All Councillors are required to abide by a formal Code of Conduct. Breaches are investigated by the Monitoring Officer.

Councillors' Declarations of Interest

The Council requires all Councillors to record and declare disclosable pecuniary interests and personal interests.

Partnerships

The Council works in partnership with a wide range of agencies to prevent abuse and neglect, to detect and report occurrences and to support victims. This includes Essex Police, Essex County Council and the Safeguarding Boards. The Council is a statutory member of the Community Safety Partnership which has protecting vulnerable people as a priority. Audits are carried out for the Essex Safeguarding Children Board and Essex Safeguarding Adults Board on a bi annual basis. This includes appropriate reference to Modern Slavery and Human Trafficking.

Supplier adherence to our values

The Council requires its key contractors to have safeguarding policies, procedures and training in place in addition to providing confirmation of compliance with the Act.

Training

To ensure a high level of understanding of the risks of modern slavery and human trafficking in our supply chains and our business, we provide training to our staff.

This statement is made pursuant to section 54(1) of the Modern Slavery Act 2015 and constitutes our slavery and human trafficking statement for the financial year ending 2017.