

Licensing and Regulatory Committee



Forest Heath
District Council

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Monday 1 February 2016** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Michael Anderson

Vice Chairman Carol Lynch

John Bloodworth

Nigel Roman

Brian Harvey

Bill Sadler

30. **Apologies for Absence**

Apologies for absence were received from Councillors David Bimson, Christine Mason and Reg Silvester.

Councillor Ruth Allen was also unable to attend the meeting.

31. **Substitutes**

There were no substitutes at the meeting.

32. **Public Participation**

There were no questions/statements from members of the public.

33. **Minutes**

The minutes of the meeting held on 30 November 2015 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

34. **Proposed Joint West Suffolk Sex Establishment Policy (Report No LIC/FH/16/001)**

The Business Regulation and Licensing Manager presented this report which sought approval to undertake consultation on a joint West Suffolk Sex Establishment Licensing Policy.

Members were advised that in respect of the District Council no significant changes were being made to the proposed policy, which was largely 'as is' with only minor amendments to enable it to become a joint document.

However, for St Edmundsbury Borough Council the joint policy would completely replace that already in place for the Borough Council meaning that the consultation would be more in depth.

Attention was drawn to Page 7 of the policy document and Paragraph 1.2 which was unfortunately illegible on the printed agenda due to a printing error. The Officer confirmed that the paragraph should have read:

"Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or Schedules under the Act."

Councillor Brian Harvey raised a number of queries with the draft policy attached as Appendix 1 to Report No LIC/FH/16/001, seeking clarity on a number of matters. In response to which, the Officer agreed to include a glossary in the policy to increase understanding.

The Officer also clarified (in response to further comments raised by Councillor Harvey) that all reference to Criminal Records Bureau checks (CRB checks) would be amended to read Disclosure and Baring Service checks (DBS checks).

It was proposed by Councillor Bill Sadler, duly seconded by Councillor Carol Lynch and with the vote being unanimous, it was

RESOLVED:

That the proposed West Suffolk Sex Establishment Licensing Policy, attached as Appendix 1 of Report No LIC/FH/16/001, be approved for informative consultation.

35. Exclusion of the Press and Public

It was proposed by Councillor Carol Lynch, seconded by Councillor Bill Sadler and with the vote being unanimous, it was

RESOLVED:

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

36. Application for the Grant of a Combined Hackney Carriage/Private Hire Driver's Licence (para 1) (Report No LIC/FH/16/002)

The Committee was asked to consider an application for a Combined Hackney Carriage/Private Hire Driver's Licence under the provision of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.

The Business Regulation and Licensing Manager presented the report which explained that the application was before Members to determine in light of convictions declared by the applicant. In view of which, the Committee needed to be satisfied that the applicant was a fit and proper person to hold a licence issued by the Council. Attention was drawn to Appendix 3 (of Report No LIC/FH/16/002) which set out the Council's Taxi and PHV Licensing Criminal Convictions' Policy that served as guidance for Members.

The applicant attended the meeting to present his case and answered Members' questions.

Following which the applicant and the Licensing Officer left the meeting prior to the Committee's deliberations.

In response to questions from Members the Lawyer advised that the endorsements on the applicant's licence, which were now spent, could be considered relevant if it was felt that they showed a pattern of behaviour which would indicate whether or not the applicant is deemed to be a 'fit and proper' person.

Following discussion, it was proposed by the Chairman that the application be refused and this was duly seconded by Councillor Brian Harvey. Upon being put to the vote and with 4 voting for the motion and with 2 abstentions, it was

RESOLVED:

That the Committee determined that the endorsements accrued by the applicant indicated a pattern of behaviour indicating that he was not a fit and proper person to hold a licence. The regularity of endorsement over a period of several years showed a pattern of behaviour and the fact that the last endorsement was issued in February 2015, the Committee could not be confident that that pattern of behaviour had ended. Therefore, the application for a Combined Hackney Carriage/Private Hire Driver's License be refused.

The applicant and the Licensing Officer then re-joined the meeting in order to be advised by the Lawyer of the Committee's decision.

The Lawyer also advised the applicant of his right of appeal.

The Chairman thanked the applicant for his attendance.

The meeting concluded at 6.46pm

Signed by:

Chairman