

# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title:</b>	<b>Agenda</b>									
<b>Date:</b>	<b>Tuesday 11 October 2016</b>									
<b>Time:</b>	<b>5.00 pm</b>									
<b>Venue:</b>	<b>Conference Chamber West (F1R09) West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU									
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> <i>To be elected</i></p> <p style="text-align: center;"><b>Vice-Chairman</b> <i>To be appointed</i></p> <table> <tr> <td><u>Conservative Members</u> (11)</td> <td>Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfen-sperger Margaret Marks Richard Rout</td> <td>Clive Springett Sarah Stamp Peter Thompson Frank Warby Anthony Williams</td> </tr> <tr> <td><u>Charter Group Member</u> (1)</td> <td>Bob Cockle</td> <td></td> </tr> <tr> <td><u>UKIP Group Member</u> (1)</td> <td>Tony Brown</td> <td></td> </tr> </table>	<u>Conservative Members</u> (11)	Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfen-sperger Margaret Marks Richard Rout	Clive Springett Sarah Stamp Peter Thompson Frank Warby Anthony Williams	<u>Charter Group Member</u> (1)	Bob Cockle		<u>UKIP Group Member</u> (1)	Tony Brown	
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<b>Substitutes:</b>	<table> <tr> <td><u>Conservative Members</u> (4)</td> <td>Ian Houlder Jane Midwood</td> <td>Patricia Warby</td> </tr> <tr> <td><u>Charter Group Member</u> (1)</td> <td>David Nettleton</td> <td></td> </tr> <tr> <td><u>UKIP Group Member</u> (1)</td> <td>John Burns</td> <td></td> </tr> </table>	<u>Conservative Members</u> (4)	Ian Houlder Jane Midwood	Patricia Warby	<u>Charter Group Member</u> (1)	David Nettleton		<u>UKIP Group Member</u> (1)	John Burns	
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<u>Charter Group Member</u> (1)	David Nettleton									
<u>UKIP Group Member</u> (1)	John Burns									
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									
<b>Quorum:</b>	Five Members									
<b>Committee administrator:</b>	<b>David Long</b> <b>Tel:</b> 01284 757120 <b>Email:</b> <a href="mailto:david.long@westsuffolk.gov.uk">david.long@westsuffolk.gov.uk</a>									

# Agenda

## Procedural Matters

*Page No*

1. **Substitutes**
2. **Election of Chairman**
3. **Apologies for Absence**
4. **Appointment of Vice-Chairman**
5. **Minutes** **1 - 4**  
To confirm the minutes of the meeting held on 17 May 2016  
(copy attached).

## Part 1 - Public

6. **Public Participation**  
Members of the public who live or work in the Borough are invited to put one question or statement of not more than 3 minutes duration relating to items in Part 1 of the agenda only. If a question is asked and answered within 3 minutes the person who asked the question may ask a supplementary question that arises from the reply. A person wishing to speak must register to speak at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking which may be extended at the Chairman's discretion.
7. **St Edmundsbury 2016 Air Quality Status Annual Report and proposal to declare an Air Quality Management Area in Great Barton** **5 - 40**  
Report **LIC/SE/16/004**
8. **Training for Hackney Carriage and Private Hire Vehicle Drivers** **41 - 54**  
Report **LIC/SE/16/005**
9. **Minutes of the meetings of the Licensing and Regulatory Sub-Committee** **55 - 76**

To confirm the minutes of the meetings of the Licensing and Regulatory Committee held :

- (a) 9 May 2016 (attached);
- (b) 1 June 2016 (attached),
- (c) 11 July 2016 (attached); and
- (d) 23 August 2016 (attached)

## **Part 2 - Exempt**

### **EXEMPT INFORMATION – EXCLUSION OF PUBLIC TERMS OF FORMAL RESOLUTION**

That under Section 100(A) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph xx of Part 1 of Schedule 12(A) of the Act.

**10. Exempt Minutes of the Licensing and Regulatory Sub-Committee**

**77 - 82**

To confirm the Exempt Minutes of the meeting of the Licensing and Regulatory Sub-Committee held 9 May 2016 (attached)

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# Public Information



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Venue:</b>	<b>West Suffolk House</b> Western Way Bury St Edmunds Suffolk IP33 3YU	Tel: 01284 757120 Email: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> Web: <a href="http://www.stedmundsbury.gov.uk">www.stedmundsbury.gov.uk</a>
<b>Access to agenda and reports before the meeting:</b>	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website.	
<b>Attendance at meetings:</b>	The Borough Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
<b>Public participation:</b>	Members of the public who live or work in the Borough are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply. A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.	
<b>Disabled access:</b>	West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons.  Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.	
<b>Induction loop:</b>	An Induction loop is available for meetings held in the Conference Chamber.	
<b>Recording of meetings:</b>	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).  Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.	

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# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 17 May 2016** at **5.00 pm** in **the Conference Chamber West (F1R 09), West Suffolk House, Western Way, Bury St Edmunds**

Present: **Councillors**

**Chairman** Frank Warby

Tony Brown                      Richard Rout  
Sara Mildmay-White      Peter Thompson

**Substitute attending:**

Patricia Warby

**By Invitation:**

John Burns and  
Susan Glossop

29. **Apologies for Absence**

Apologies for absence were received from Councillors Sarah Broughton, Terry Buckle, Bob Cockle, Wayne Hailstone, Beccy Hopfensperger, Clive Springett and Sarah Stamp.

30. **Substitutes**

The following substitution was announced :

Councillor Patsy Warby for Councillor Sarah Stamp.

31. **Minutes**

The minutes of the meeting held 2 February 2016 were confirmed as a correct record and signed by the Chairman.

32. **Public Participation**

There were no members of the public present.

**33. Minutes of the meeting of the Licensing and Regulatory Sub-Committee**

The minutes of the meeting of the Licensing and Regulatory Sub-Committee held 19 April 2016 were confirmed as a correct record and signed by the Chairman.

**34. Adoption of Conditions in respect of the Hypnotism Act 1952**

The Committee considered Report LIC/SE/16/002 (previously circulated) which sought approval to the introduction under the Hypnotism Act 1952 of conditions to be attached to Public Entertainment Licences in respect of stage hypnotism performances. The proposed conditions were attached as Appendix 1 to the report. Home Office Guidance to Licensing Authorities on the application of the provisions of the Hypnotism Act 1952 was attached as Appendix 2.

The report informed the Committee that an enquiry from a stage hypnotist to conduct a live performance in West Suffolk Officers had identified that, at present, neither St Edmundsbury BC or Forest Heath DC had an adopted set of model conditions. Standard conditions had been applied to Public Entertainment Licences prior to the Licensing Act 2003. However, as a display of public hypnotism was not a regulated activity under that Act this means of control had been removed.

The Hypnotism Act 1952, as amended, empowered licensing authorities to attach conditions to Public Entertainment Licences to regulate or prohibit the giving of an exhibition, demonstration or performance of hypnotism.

The Act made it a criminal offence for hypnotism to be conducted for public entertainment unless authorised by the licensing authority. It also imposed a restriction on anyone under the age of 18 being hypnotised. It was open to the licensing authority to attach such conditions as it thought fit when authorising a display of hypnotism. The proposed conditions listed in Appendix 1 followed the model scheme contained in Guidance issued by the Home Office and included a requirement that authorised Officers were to be admitted to the premises where hypnotism was to be conducted to allow for inspection. The report acknowledged that the licensing authority had a duty to safeguard and protect the general public but that this should be balanced to allow reputable hypnotists to carry out performances with due regard to the guidance available.

RESOLVED - That :

(1) the conditions attached as Appendix 1 to Report LIC/SE/16/002 be adopted and applied to licences granted under the Hypnotism Act 1952; and

(2) delegated authority be given to the Licensing Manager, or equivalent Officer, to determine any future applications under the Hypnotism Act 1952 and to authorise any proceedings under the Act.

### 35. **Training for Hackney Carriage and Private Hire Vehicle Drivers**

The Committee considered Report LIC/SE/16/003 (previously circulated) which sought approval of a proposal that consultation be carried out in respect of a training requirement for all taxi drivers that they complete the Business & Technology Education Council (BTEC) Level 2 Certificate: Introduction to the Role of the Professional Taxi and Private Hire Driver.

A prospectus of a proposed training course towards this qualification offered by a third party was attached as an Exempt Appendix to the report and was received and noted but not discussed by the Committee.

The report drew attention to the guidance to Councillors issued by the Local Government Association in respect of Taxi and Private Hire Vehicle (PHV) Licensing to the effect that Members had a responsibility for ensuring that the public travelled safely and received a good level of service and that Council vetting systems ensured that only good, reputable drivers were attracted.

Reference was made in the report that there had been recent examples nationally of taxi operators and drivers being involved in the sexual exploitation of children and that elderly and disabled users relied heavily on the door to door services taxis and PHV's provided. It was essential therefore that responsibilities were taken seriously when determining whether applicants were 'fit and proper persons' to hold or continue to have a licence.

The Council's 'fit and proper person' test currently included :

- (a) Criminal records check via the Disclosure and Barring Service (DBS);
- (b) Driving history check via the Driver and Vehicle Licensing Authority (DVLA);
- (c) Medical check supplied by the applicant's own General Practitioner; and
- (d) Successful completion of the Driving Standards Agency (DSA); assessment; or the Institute of Advanced Motorists (IAM) advanced driver test; or the Royal Society for the Prevention of Accidents (RoSPA) advanced driver test.

The report advised the Committee that recently there had been an increase in complaints about the conduct of drivers. The Chairman referred to a recent case heard by the Sub-Committee which had resulted in the revocation of a driver's licence for a series of incidents of misconduct. This had highlighted a need to improve the knowledge, training and skills of licensed drivers and new applicants and that the current prerequisites to granting a licence were inadequate. Many licensing authorities were now requiring drivers to obtain a qualification and this had been endorsed by the Department of Transport.

A proposed syllabus for the course leading to the qualification was set out in paragraph 1.11 of the report. It was possible for the course to be available over 3 days (Saturdays) or over 6 evenings. Applicants and existing drivers

would be expected to bear the cost involved although the possibility of Government funding for certain cases was being investigated  
A more detailed report on how the scheme could operate would be submitted to the Committee following the consultation exercise.

In response to Members' questions Officers advised as follows :

(i) an applicant or existing driver who had gained the qualification elsewhere in the UK would not be required to re-take it ; and

(ii) as far as was known there were no equivalents to the BTEC qualification although there may be others of a higher standard.

In discussing the proposal some members reported that from informal discussions they had with drivers there had been indications that they were supportive of the idea. There was a divergence of views about whether the requirement to obtain the qualification should apply to all, i.e. both existing and prospective drivers. Some members were of the view that it may be unreasonable to require longstanding licence holders who had operated in a satisfactory way to obtain the qualification retrospectively, albeit it may be necessary to impose it as a sanction in cases of misconduct. Additionally there were drivers who operated solely on a part-time voluntary basis and similarly it would seem onerous to place such a requirement upon them. It was also mentioned that some drivers had other jobs outside the taxi trade and only undertook the job as a means of raising extra cash and such persons might find the cost of the training course a barrier. Other Members acknowledged the greater incidence of complaints the Council was receiving from members of the public and therefore the need to raise overall standards which would be achieved by applying the requirement universally.

RESOLVED :

That, subject to consultation and a report back to the Committee, the proposed change in requirements for both new and all current drivers to obtain the BTEC Level 2 Certificate (within a time frame to be set ) be supported.

The meeting concluded at 5.40pm.

**Signed by:**

**Chairman**

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# Licensing & Regulatory Committee



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>St. Edmundsbury 2016 Air Quality Annual Status Report and proposal to declare an Air Quality Management Area in Great Barton</b>	
<b>Report No:</b>	<b>LIC/SE/16/004</b>	
<b>Report to and date/s:</b>	<b>Meeting 1</b>	Sustainable Development Working Party 6 October 2016
	<b>Meeting 2</b>	Licensing & Regulatory Committee 11 October 2016
<b>Portfolio holder:</b>	Alaric Pugh Portfolio Holder for Planning & Growth <b>Tel:</b> 07930 460899 <b>Email:</b> <a href="mailto:alaric.pugh@stedsbc.gov.uk">alaric.pugh@stedsbc.gov.uk</a>	
<b>Lead officer:</b>	Peter Gudde Service Manager – Environmental Health Services <b>Tel:</b> 01284 757042 <b>Email:</b> <a href="mailto:peter.gudde@westsuffolk.gov.uk">peter.gudde@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To report the work undertaken during 2014-15 to meet Local Air Quality regulations across the Borough and recommend changes to the approach and specific actions.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that external consultation be carried out in relation to the proposal to declare an Air Quality Management Area in Great Barton</b>	
<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>	
<p><b>Consultation:</b></p>	<ul style="list-style-type: none"> <li>• Consultation will be undertaken with the Department for the Environment, Food and Rural Affairs (DEFRA) and, following approval by the Committee, other organisations as specified in Schedule 11 of the Environment Act 1995.</li> </ul>
<p><b>Alternative option(s):</b></p>	<ul style="list-style-type: none"> <li>• Not taking action covered by the recommendations – this would leave the Council at risk of challenge by the public and DEFRA for not meeting its statutory obligations under the Local Air Quality Management Regulations to protect public health.</li> </ul>
<p><b>Implications:</b></p>	
<p>Are there any <b>financial</b> implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• The potential cost of any additional unbudgeted work to deliver actions to meet the Air Quality Objective would be subject to further review and approval by the relevant decision-making Committee following declaring an Air Quality Management Area.</li> </ul>
<p>Are there any <b>staffing</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>•</li> </ul>
<p>Are there any <b>ICT</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>•</li> </ul>
<p>Are there any <b>legal and/or policy</b> implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• Declaration of an Air Quality Management Area also requires the development of an Action Plan aimed at meeting the relevant National Air Quality Objective. Prior to taking this step, the Council is advised to follow statutory guidance by undertaking a consultation process with key stakeholders.</li> </ul>
<p>Are there any <b>equality</b> implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• An Equalities Impact Assessment will be undertaken prior to the statutory consultation. The outcomes of the Assessment will be taken into account during this process.</li> </ul>
<p><b>Risk/opportunity assessment:</b></p>	<p><i>(potential hazards or opportunities affecting corporate, service or project objectives)</i></p>

<b>Risk area</b>	<b>Inherent level of risk (before controls)</b>	<b>Controls</b>	<b>Residual risk (after controls)</b>
Statutory Responsibilities	Medium	Delivering the statutory responsibilities will help reduce the inherent level of risk.	Low
Reputational	Medium	The Councils' work will help achieve a credible pathway to improving air quality.	Low
Financial	Low	Cost-benefit of key work will continue to be reviewed and adjusted.	Low
Statutory Responsibilities	Medium	Delivering the statutory responsibilities will help reduce the inherent level of risk.	Low
<b>Ward(s) affected:</b>		All Wards.  Specifically, the Great Barton Ward in relation to the potential declaration of an Air Quality Management Area.	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>			
<b>Documents attached:</b>		Appendix 1: 2016 Air Quality Annual Status Report (ASR) published in June 2016.	

## **1. Key issues and reasons for recommendation.**

Air quality has direct implications for human health. Research shows that poor air quality can reduce the quality of life by causing health problems, especially in those who are more vulnerable such as children, the elderly and those with pre-existing health conditions. There is considerable research showing a link between exposure to air pollution and effects on health.

Improving the air quality will help to improve the long term health of our local communities, makes our towns more attractive places to visit and therefore improves the local economy.

The Air Quality Regulations 2000 require all local authorities in the UK to review and assess air quality within their area. The Councils in West Suffolk are the lead regulators within their administrative areas with respect to the management of local air quality. Officers in Planning and Growth carry out various activities to fulfil these responsibilities. This includes monitoring local air quality, implementing any statutory and non-statutory actions for the purpose of improving air quality, providing advice on air quality and development.

The key pollutant of concern locally is Nitrogen Dioxide (NO<sub>2</sub>), which is primarily caused by emissions from vehicle exhausts, for which the national objective (threshold) is 40 microgrammes per metre cubed. Currently there are 21 monitoring sites within St Edmundsbury.

Road transport is a major source of air pollution both nationally and locally. The Councils in West Suffolk work with other organisations to maintain and monitor the quality of air in the locality. Suffolk County Council and the Highways Agency are key partners and work with Council Officers to secure good air quality.

## **2. Outcomes during 2015/2016**

For the majority of the Borough, air quality remains good. However, our work has concluded that some areas of the major towns warranted further monitoring to confirm that this continues to be the case in respect of the main pollutant of concern, NO<sub>2</sub>. The expansion of our monitoring network during 2015 has provided further confidence in the condition of the local air quality with the data we have gathered being now available to inform long and medium term town planning decisions.

Given that there are no Air Quality Management Areas in St Edmundsbury, no specific targeted actions or specifically funded projects have been required. However, broad action continues throughout the Borough using our influence through the planning process. For example, we are now requesting, for larger developments, all new dwellings with off street parking should be provided with an electric vehicle charge point to encourage the uptake of zero emission electric vehicles. We also carry out initiatives, where relevant with others, to raise awareness particularly focussed on the impact of transport choices.

During the year, in addition to the routine work Officers undertook a more strategic review of the approach across West Suffolk by the shared service. The timing and scope of the review reflected several factors and needs:

- (a) changes to statutory guidance published by DEFRA;
- (b) the need to re-assess our decision in 2012 to revoke the Air Quality Management Area in Great Barton based on the above and latest understanding of the evidence on which that decision was based
- (c) the role of Suffolk County Council, Highways Department in respect of air quality management in the light of experience locally and across Suffolk;
- (d) experience gained with respect to air quality regulation and planning since the publication of the National Planning Policy Framework in March 2012;
- (e) the need to revise, consult upon and adopt an Air Quality Strategy in Forest Heath District Council when it lapses in 2012-2017 given that a shared service approach has been operating for over three years and no equivalent was adopted in St Edmundsbury; and
- (f) the need to raise awareness of the issues of Local Air Quality as they affect the Borough.

The review has concluded the following:

- i. Streamlining of reporting to Defra following a new template report published alongside their revised statutory guidance - the completed Annual Status Report covering the calendar year 2015 is attached at Appendix 1 for information. By its nature, this is a technical report. Your officers endeavour to provide non-technical information to assist as wide an audience as possible to appreciate the work that is undertaken and be able to make informed choices, particularly where development may be proposed in areas with elevated NO<sub>2</sub> levels.
- ii. Proposal to re-establish the Air Quality Management Area in Great Barton - the previous decision to revoke the Air Quality Management Area in Great Barton was not consistent with national policy (or the policy implemented in FHDC) but made following advice from an Environmental Lawyer. A reassessment of the advice from the Environmental Lawyer, together with the revised statutory guidance and additional advice from DEFRA strongly indicates that the Air Quality Management Area should have remained in force and it is therefore recommended that it is re-declared. The basis on which both Councils review and declare Air Quality Management Areas in the future will then be consistent. The detailed explanation and justification is set out in Appendix 1.
- iii. Proposal to Forest Heath District Council that a replacement Air Quality Strategy is not necessary after the current version lapses in 2017 - changes to the statutory guidance in terms of report-style now addresses much of the ground covered by the current strategy. Forest

Heath were already committed to adopting its current strategy at the time that the Shared Service was being formed. The service has operated as fully integrated across West Suffolk for over three years without an equivalent strategy being necessary in St Edmundsbury. This proposal will be presented to Forest Heath District Council's Overview and Scrutiny Committee for consideration in September 2016.

- iv. Districts and Boroughs throughout Suffolk to look to work together to ensure better communication with County Highways – the majority of local air quality improvement is dependent on actions that could be taken by Suffolk County Council, Highways but for various reasons is not. Effective engagement has been challenging despite the Borough and District Councils' efforts over the last four years. This reflects a national pattern. Following consultation, DEFRA revised the statutory guidance in order to reinforce the role of highways authorities in Local Air Quality Management. Following its publication, the Councils in West Suffolk are now in discussion with other partners with the purpose of securing better participation of Highways in Local Air Quality management.

In relation to the proposal to re-establish the Air Quality Management Area in Great Barton, referred to in paragraph ii. above, the Borough Council's Constitution places responsibility for the discharge of any functions relating to the control of pollution or the management of air quality with the Licensing & Regulatory Committee. The 2016 Air Quality Annual Status Report and the proposal to declare an Air Quality Management Area in Great Barton will have received consideration by the Sustainable Development Working Party at its meeting on 6 October 2016. The latter-mentioned aspect of this consideration will be the subject of a recommendation to this Committee and a verbal update on this will be given at this meeting.

### 3. Additional supporting information

Appendix 1 - 2016 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2016



*St Edmundsbury*  

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*BOROUGH COUNCIL*

## 2016 Air Quality Annual Status Report (ASR)

In fulfilment of Part IV of the  
Environment Act 1995  
Local Air Quality Management

June 2016

Local Authority Officer	Matthew Axton
Department	Environment Team (Planning & Growth)
Address	West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU
Telephone	01284 757041
E-mail	<a href="mailto:matthew.axton@westsuffolk.gov.uk">matthew.axton@westsuffolk.gov.uk</a>
Report Reference number	ASR2016
Date	June 2016



## Executive Summary: Air Quality in Our Area

### Why Air Quality Matters

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas<sup>1,2</sup>.

The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion<sup>3</sup>.

The most recent indicator for St Edmundsbury suggests that 5.5% percent of mortality in persons in the age range 30+years is attributable to poor air quality. This can be compared to the East of England mortality rate of 5.6% for the same period ([www.phoutcomes.info/](http://www.phoutcomes.info/)).

Improving the air quality will help to improve the long term health of our local communities, makes our towns more attractive places to visit and therefore improves the local economy.

Improving air quality in St Edmundsbury will not only help to reduce the impact on human health, but it will also reduce damage to water quality, biodiversity and crops, all of which are important within the borough.

### Air Quality in St Edmundsbury

Air Quality in St Edmundsbury is generally good, with our monitoring focusing on the two major towns of Bury St Edmunds and Haverhill, as well as the village of Great Barton. We monitor for the pollutant Nitrogen Dioxide, as this is considered to be the major pollutant of concern in the Borough and is considered a reasonable proxy for the other major potential pollutants of PM<sub>10</sub> and PM<sub>2.5</sub>.

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<sup>1</sup> Environmental equity, air quality, socioeconomic status and respiratory health, 2010

<sup>2</sup> Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

<sup>3</sup> Defra. Abatement cost guidance for valuing changes in air quality, May 2013

2015 saw a significant increase in the number of individual sites being monitored throughout St Edmundsbury (increasing from 11 to 22) in an effort to ensure that pollution hotspots were being appropriately identified.

There were only two monitored locations in the Borough where the annual mean objective for Nitrogen Dioxide was exceeded in 2015, these being adjacent to the Post Office on The Street at Great Barton and on Sicklesmere Road on the southern side of Bury St Edmunds. However, neither are currently declared as an AQMA, although, this is under consideration. Both of these 'hotspots' are very small and only affect a small number of properties.

Generally, levels of pollutants at monitoring points that have had long term (i.e. at least 5 years) monitoring are showing a decrease in pollution. However, this is very gradual and shows yearly fluctuations that do not fit the long term trend, i.e. levels of pollutants can increase in some years despite an overall downward trend.

As most of the pollution within St Edmundsbury originates from road traffic, the Borough Council have to work closely with Suffolk County Council, who is the responsible authority for the maintenance and strategic planning of the local road network. We also work closely with the St Edmundsbury Planning department to ensure new developments are appropriately controlled and mitigation is provided where required.

## **Actions to Improve Air Quality**

As already noted, for the majority of the Borough, air quality is good. However, our review has concluded that some areas of the major towns warranted further monitoring to confirm that this continues to be the case in respect of the main pollutant of concern, Nitrogen Dioxide. The expansion of our monitoring network during 2015 has provided further confidence in the condition of the local air quality, with the data we have gathered now available to inform long and medium term town planning decisions.

An example is the monitoring along Eastgate Street (which becomes Mustow Street as it approaches the town centre). Monitoring had occurred for a number of years at the façade of a property along Eastgate Street close to where the A14 trunk road crosses via a flyover, but relatively distant to the flow of traffic along Eastgate Street itself. This monitoring location had identified levels of Nitrogen Dioxide relatively

close to the annual mean objective for a number of years, but due its location adjacent to the A14 it was unclear what proportion of the pollution was being caused by traffic along Eastgate Street and what was being caused by traffic on the A14 trunk road. Eastgate Street is known to have significant queueing during the morning rush hour and has some areas where properties are much closer to the roadside than the historically monitored location. Three new monitoring locations were therefore positioned along Eastgate Street and Mustow Street and these have confirmed that the traffic along this route to the town centre is not causing an air quality problem. This information can now be used with confidence when assessing planning applications that would affect this route.

Given that there are no Air Quality Management Areas in St Edmundsbury, there have been no specific targeted actions or specifically funded projects. However, broad action continues throughout the Borough using our influence through the planning process. For example, we are now requesting, for larger developments, all new dwellings with off street parking should be provided with an electric vehicle charge point to encourage the uptake of zero emission electric vehicles.

## **Local Priorities and Challenges**

Air quality in St Edmundsbury is generally good, however, significant growth is expected in the medium term with numerous planning applications for major residential developments either approved or currently being assessed through the planning process. The planning documents 'Bury St Edmunds Vision 2031' and 'Haverhill Vision 2031' indicates the two towns will grow by at least 6360 and 4260 new homes respectively between 2009 and 2031. This growth will change the shape of both major towns and the surrounding villages and there will be significant challenges in ensuring this growth is managed in such a way to ensure the existing generally good air quality is not adversely affected.

## **How to Get Involved**

St Edmundsbury Borough Council continuously aims to improve air quality. However, the actions of individuals will also help to improve air quality. Simple actions such as walking or cycling rather than using a car; choosing economic cars with a proven good environmental performance; or moving to electric vehicles will all help to improve the local air quality.

## St Edmundsbury Borough Council

There are no specific air quality campaign groups within St Edmundsbury, however, a number of local community groups have shown an interest in assisting to improve air quality in their areas. We have also had community groups highlight areas where they believe that air quality might be an issue and we are always willing to consider monitoring new areas if we agree that pollution may be a problem.

If you have any specific concerns about air quality in St Edmundsbury, please contact us at [environment@westsuffolk.gov.uk](mailto:environment@westsuffolk.gov.uk) or 01284 757400. If you have a more general enquiry, there are a number of websites where you can get information on air quality, including up to date air quality forecasts and results from the national monitoring network, such as the DEFRA website (<https://uk-air.defra.gov.uk>).

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## 1 Local Air Quality Management

This report provides an overview of air quality in St Edmundsbury during 2015. It fulfils the requirements of Local Air Quality Management (LAQM) as set out in Part IV of the Environment Act (1995) and the relevant Policy and Technical Guidance documents.

The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. This Annual Status Report (ASR) is an annual requirement showing the strategies employed by St Edmundsbury Borough Council to improve air quality and any progress that has been made.

The statutory air quality objectives applicable to LAQM in England can be found in Table E.1 in Appendix E.

## 2 Actions to Improve Air Quality

### 2.1 Air Quality Management Areas

Air Quality Management Areas (AQMAs) are declared when there is an exceedance or likely exceedance of an air quality objective (AQO). After declaration, the authority must prepare an Air Quality Action Plan (AQAP) within 12-18 months setting out measures it intends to put in place in pursuit of the objectives.

St Edmundsbury Borough Council currently does not have any AQMAs, however, we did formerly have an AQMA in Great Barton, which was revoked in 2012. The decision to revoke this AQMA is reviewed below. Information related to revoked AQMAs, including maps of AQMA boundaries are available online at [https://uk-air.defra.gov.uk/aqma/local-authorities?la\\_id=255](https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=255).

Monitoring along the A143 in Great Barton commenced in 2007 and it was established that the annual mean AQO for Nitrogen Dioxide was being breached along a short section of the road adjacent to the Post Office. An AQMA was subsequently declared in 2009. This was then revoked in 2012 after SEBC took advice from an Environmental Lawyer; however, SEBC continued to monitor the air quality at this location. The advice from the lawyer concluded that members of the public needed to be regularly present (as prescribed in the Regulations) and that these members of the public should be outside the buildings, therefore residents of buildings cannot be classified as being regularly present. Thus meaning the façade of a residential property was not a relevant location if there were no members of the public regular present outside (only inside). The advice goes on to conclude that the Statutory '*Guidance may be declared by a court as containing an error of law in respect of what a relevant location is and thus need not be followed by the local authority in this instance.*'

The decision to revoke this AQMA was not supported by DEFRA or any of the other Local Authorities in Suffolk (including Suffolk County Council).

Levels of Nitrogen Dioxide remain above the annual mean objective and therefore this decision was reassessed during 2015 and early 2016. Advice from DEFRA remains unchanged, i.e. the annual mean objective should apply at the façade of a residential property. This is reiterated in the Technical Guidance published in April

2016 by DEFRA. We have requested further information from DEFRA, and they have provided additional evidence as to why the façade of a residential property is an appropriate location for the measuring of the annual mean objective.

We have also reassessed the advice from the lawyer. In addition to the formal advice to the specific questions posed, informal advice was also given which stated *‘that “regularly present” does not mean many people have to be present at the façade; a small number would suffice. “Regularly” also does not mean frequently, but rather that individuals are present at the façade in a repeated pattern (e.g. a child passing that point repeatedly over time to go to school).’* It is clear that this situation does occur in Great Barton, and therefore taking the Environmental Lawyers advice in full, the Council is reconsidering its position that the AQMA should be re-declared.

In summary, the AQMA should be in place either if SEBC follow the DEFRA guidance (which may be considered to accord with the Regulations) or if SEBC take the full advice of the lawyer (which, although we do not agree is an appropriate interpretation of the legislation, still results in the same outcome). Therefore, it is the Council’s conclusion that the AQMA should be re-declared, subject to Members approval.

## **2.2 Progress and Impact of Measures to address Air Quality in St Edmundsbury**

St Edmundsbury Borough Council has not taken forward any specific measures during the current reporting year of 2015 in pursuit of improving local air quality as we do not have any AQMA’s where specific action is required. We do, however, continue to take broad action via planning to ensure that the relatively good air quality is not adversely impacted by development.

Subject to concluding its review, St Edmundsbury Borough Council would develop an action plan for the Great Barton AQMA and will report on any subsequent actions in the 2017 Annual Status Report.



## 2.3 PM<sub>2.5</sub> – Local Authority Approach to Reducing Emissions and or Concentrations

As detailed in Policy Guidance LAQM.PG16 (Chapter 7), local authorities are expected to work towards reducing emissions and/or concentrations of PM<sub>2.5</sub> (particulate matter with an aerodynamic diameter of 2.5µm or less). There is clear evidence that PM<sub>2.5</sub> has a significant impact on human health, including premature mortality, allergic reactions, and cardiovascular diseases.

St Edmundsbury Borough Council is currently developing measures to address PM<sub>2.5</sub>, and, as part of the Suffolk Air Quality Protection Group are intending to meet with Public Health Suffolk in the near future to ensure the actions are most appropriately targeted. Actions will be developed over the coming year and reported in the 2017 ASR.

## 3 Air Quality Monitoring Data and Comparison with Air Quality Objectives and National Compliance

### 3.1 Summary of Monitoring Undertaken

#### 3.1.1 Automatic Monitoring Sites

This section sets out what monitoring has taken place and how it compares with objectives.

St Edmundsbury Borough Council has not undertaken any automatic (continuous) monitoring during 2015. National monitoring results are available at <https://uk-air.defra.gov.uk/networks/>.

#### 3.1.2 Non-Automatic Monitoring Sites

St Edmundsbury Borough Council undertook non-automatic (passive) monitoring of NO<sub>2</sub> at 22 sites during 2015. Table A.1 in Appendix A shows the details of the sites.

Maps showing the location of the monitoring sites are provided in Appendix D.

Further details on Quality Assurance/Quality Control (QA/QC) and bias adjustment for the diffusion tubes are included in Appendix C.

### 3.2 Individual Pollutants

The air quality monitoring results presented in this section are, where relevant, adjusted for “annualisation” and bias. Further details on adjustments are provided in Appendix C.

#### 3.2.1 Nitrogen Dioxide (NO<sub>2</sub>)

Table A. in Appendix A compares the ratified and adjusted monitored NO<sub>2</sub> annual mean concentrations for the past 5 years with the air quality objective of 40µg/m<sup>3</sup>.

For diffusion tubes, the full 2015 dataset of monthly mean values is provided in Appendix B.

In general the results of monitoring showed that the annual mean objective for NO<sub>2</sub> was being achieved at the majority of sites throughout the borough. However, there are a couple of areas where the annual mean objective was exceeded or was close to being exceeded, as discussed below. None of the monitoring sites in the borough exceeded, or were close to exceeding, a value of 60µg/m<sup>3</sup> which is considered to indicate that an exceedance of the 1 hour objective for NO<sub>2</sub> is highly unlikely to occur.

### Great Barton

The diffusion tube adjacent to the Post Office on The Street (A143), Great Barton, exceeded the annual mean objective, returning an annual mean for NO<sub>2</sub> of 40.9µg/m<sup>3</sup>. This site has been in exceedance for a number of years, but has shown a relatively rapid decline in the concentrations of NO<sub>2</sub>, with a decrease in concentrations from 48.2µg/m<sup>3</sup> in 2011 (15% decrease over 5 years). It is unclear exactly why the levels at this site have decreased so rapidly as there doesn't appear to have been any change in the number of vehicles utilising this section of road and there have been no changes to the immediately surrounding landscape. It is possible that the number of people parking outside the Post Office (which was considered a major contributing factor to the disruption of traffic flow and hence poor air quality) has decreased over the past few years. Observations at this location throughout 2015 suggest that the number of people now parking outside the Post Office is now minimal.

The diffusion tubes at Church Street Junction (also on The Street, Great Barton and previously referred to as 'The Lodge') has shown a significant decrease in concentrations from 2014 (40.1µg/m<sup>3</sup>) to 2015 (35.1µg/m<sup>3</sup>). There is no obvious explanation for this decrease in NO<sub>2</sub>.

Background monitoring in Great Barton was introduced in 2015, the results of which indicated that the elevated concentrations of NO<sub>2</sub> do not extend beyond the A143 and background levels of NO<sub>2</sub> in Great Barton are lower than background concentrations in both Haverhill and Bury St Edmunds.

Monitoring at these locations will continue throughout 2016.

### Bury St Edmunds

The number of diffusion tube locations in Bury St Edmunds was increased from five (including one suburban background location) in 2014 to thirteen in 2015. A number of long running monitoring locations which had showed consistently acceptable levels were moved or removed to allow for monitoring to occur on streets or junctions where there had previously been little or no monitoring.

New monitoring locations were placed on Sicklesmere Road, Eastgate Street, Mustow Street, Horringer Road, Vinery Road, Fornham Road and at the Kings Road/Parkway Roundabout.

The annual mean objective for NO<sub>2</sub> was exceeded at one location on Sicklesmere Road (45.3µg/m<sup>3</sup>). Sicklesmere Road is the main entry route to Bury St Edmunds and access route to the A14 from the villages to the south of Bury St Edmunds and from the town of Sudbury. This road experiences significant congestion during the morning rush hour and is busy at other times of the day, with an AADF of approximately 10,500. A planning application to the south east of Bury St Edmunds for a development of 1,250 dwellings which will comprise a 'relief road' is currently at the consultation stage. This relief road will allow traffic from the south to access the A14 trunk road without travelling along Sicklesmere Road and should help to reduce the concentrations of NO<sub>2</sub> in the location of the exceedance. St Edmundsbury Borough Council are awaiting additional modelling data from the consultants connected to this development. An additional monitoring point was introduced on Sicklesmere Road at the beginning of 2016. A decision whether or not to declare an AQMA at this location will be made once the additional modelling is received from the developer's consultants and at least six months data is available from the additional monitoring location.

Two other new monitoring locations in Bury St Edmunds recorded concentrations of NO<sub>2</sub> close to the annual mean objective. These were at Kings Road (roundabout with Parkway) which recorded a value of 37.5µg/m<sup>3</sup> and on Fornham Road at the Tollgate Gyratory (38.0µg/m<sup>3</sup>). Although these locations are close to the annual mean objective, neither is located directly on the façade of a residential structure and both are considered to represent worst case scenario. We do not, therefore,

consider it necessary to undertake any further detailed assessment of these locations, although monitoring will continue.

### Haverhill

There were no exceedances of the annual mean objective for NO<sub>2</sub> in Haverhill, with the highest recorded concentration (38.3µg/m<sup>3</sup>) being on Withersfield Road.

Recorded concentrations of NO<sub>2</sub> at this site show no discernible trend. Monitoring will continue at this location and an additional location added along Withersfield Road (from January 2016) to better establish the levels of NO<sub>2</sub> along this road.

The northwest Haverhill growth area has outline planning permission for approximately 1,150 dwellings and a relief road which will, in time, relieve the pressure from Withersfield Road. However, a development of approximately 2,500 dwellings northeast of Haverhill is in the planning consultation period, which could temporarily increase the pressure on Withersfield Road. This situation will require careful management to ensure concentrations along Withersfield do not exceed the annual mean objective. Negotiations, being made through the planning regime, are ongoing.

## Appendix A: Monitoring Results

Table A.1 – Details of Non-Automatic Monitoring Sites

Site ID / Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA ?	Distance to Relevant Exposure (m) <sup>(1)</sup>	Distance to kerb of nearest road (m)	Tube collocated with a Continuous Analyser?	Height (m)
BSE1 / 2 Sicklesmere Road	Roadside	586253	263147	NO <sub>2</sub>	N	0	1.7	N	2.1
BSE2 / 14 Sicklesmere Road	Roadside	586320	263053	NO <sub>2</sub>	N	0	4.0	N	2.0
BSE3 / Cullum Road roundabout	Roadside	585236	263746	NO <sub>2</sub>	N	0	3.4	N	2.0
BSE4 / Vinery Road	Roadside	584776	263440	NO <sub>2</sub>	N	1.5	2.0	N	2.1
BSE5 / Horringer Road lights	Roadside	584703	263483	NO <sub>2</sub>	N	2.0	1.5	N	2.2
BSE6 / Kings Road roundabout	Roadside	584905	264171	NO <sub>2</sub>	N	2.4	2.4	N	2.1
BSE7 / Northgate Lodge roundabout	Roadside	585446	264956	NO <sub>2</sub>	N	0 <sup>(3)</sup>	1.8	N	2.0
BSE8 / Fornham Road (Northgate roundabout)	Roadside	585461	265050	NO <sub>2</sub>	N	6.0	1.5	N	2.0
BSE9 / Fornham Road (Tollgate)	Roadside	585085	265924	NO <sub>2</sub>	N	2.8	1.5	N	2.2

Site ID / Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA ?	Distance to Relevant Exposure (m) <sup>(1)</sup>	Distance to kerb of nearest road (m)	Tube collocated with a Continuous Analyser?	Height (m)
BSE10 / Samson Close	Suburban	584498	266084	NO <sub>2</sub>	N	9.5	1.4	N	2.2
BSE11 / Eastgate Street (Vinefields junction)	Roadside	585940	264618	NO <sub>2</sub>	N	0	2.7	N	2.1
BSE12 / 8 Mustow Street	Roadside	585728	264371	NO <sub>2</sub>	N	1.8	2.6	N	2.2
BSE13 / 21 Mustow Street	Roadside	585680	264352	NO <sub>2</sub>	N	0.3	1.6	N	2.2
GB1 / School Road	Roadside	589147	267262	NO <sub>2</sub>	N	26.2	2.2	N	2.0
GB2 / Downing Drive	Suburban	588917	267370	NO <sub>2</sub>	N	16.0	1.5	N	1.9
GB3 / The Forge Bungalows <sup>(2)</sup>	Roadside	589163	267013	NO <sub>2</sub>	N	4.0	1.4	N	2.2
GB4 / Post Office <sup>(2)</sup>	Roadside	589130	266969	NO <sub>2</sub>	N	0	1.4	N	2.2
GB5 / Church Road junction <sup>(2)</sup>	Roadside	588993	266838	NO <sub>2</sub>	N	22.0	1.3	N	2.2
HH1 / Shetland Road	Suburban	568609	245575	NO <sub>2</sub>	N	8.7	1.7	N	2.1

Site ID / Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA ?	Distance to Relevant Exposure (m) <sup>(1)</sup>	Distance to kerb of nearest road (m)	Tube collocated with a Continuous Analyser?	Height (m)
HH2 / Wrattling Road	Roadside	567270	245981	NO <sub>2</sub>	N	3.0	1.8	N	2.1
HH3 / Withersfield Road	Roadside	566891	245892	NO <sub>2</sub>	N	2.4	1.7	N	2.2
HH4 / Hamlet Road	Roadside	567563	245077	NO <sub>2</sub>	N	1.0	1.5	N	2.1

(1) 0m if the monitoring site is at a location of exposure (e.g. installed on/adjacent to the façade of a residential property).

(2) Three sites in Great Barton are Triplicates

(3) Northgate Lodge Roundabout given as 0m to relevant receptor as it is level with façade 3m away

BSE = Bury St Edmunds

GB = Great Barton

HH = Haverhill



Table A.2 – Annual Mean NO<sub>2</sub> Monitoring Results

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2015 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2011	2012	2013	2014	2015
BSE1	Roadside	Diffusion Tube	100	100	-	-	-	-	<b>45.3</b>
BSE2	Roadside	Diffusion Tube	100	58	-	-	-	-	31.2
BSE3	Roadside	Diffusion Tube	92	92	34.1	33.7	32.9	31.7	32.5
BSE4	Roadside	Diffusion Tube	100	100	-	-	-	-	25.8
BSE5	Roadside	Diffusion Tube	92	92	-	-	-	-	26.4
BSE6	Roadside	Diffusion Tube	100	100	-	-	-	-	37.5
BSE7	Roadside	Diffusion Tube	75	75	29.8	28.3	28.3	26.5	29.4 <sup>(4)</sup>
BSE8	Roadside	Diffusion Tube	100	100	-	-	-	-	29.1
BSE9	Roadside	Diffusion Tube	92	92	-	-	-	-	38.0
BSE10	Suburban	Diffusion Tube	92	92	15.2	14	14.6	14.1	13.4
BSE11	Roadside	Diffusion Tube	100	100	-	-	-	-	24.2
BSE12	Roadside	Diffusion Tube	75	75	-	-	-	-	24.2
BSE13	Roadside	Diffusion Tube	83	83	-	-	-	-	32.9
GB1	Roadside	Diffusion Tube	100	42	-	-	-	-	10.8
GB2	Suburban	Diffusion Tube	92	92	-	-	-	-	10.1
GB3	Roadside	Diffusion Tube (TriPLICATE)	97	97	39.6	37.5	37.9	36.5	36.0
GB4	Roadside	Diffusion Tube (TriPLICATE)	100	100	<b>48.2</b>	<b>46.1</b>	<b>46.7</b>	<b>43.7</b>	<b>40.9</b>
GB5	Roadside	Diffusion Tube (TriPLICATE)	100	100	-	-	39.7	<b>40.1</b>	35.1
HH1	Suburban	Diffusion Tube	100	100	15.1	13.7	14.5	13.7	13.3
HH2	Roadside	Diffusion Tube	92	92	-	-	-	-	32.0
HH3	Roadside	Diffusion Tube	100	100	<b>41.1</b>	38.9	36.9	38.3	38.3

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2015 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2011	2012	2013	2014	2015
HH4	Roadside	Diffusion Tube	75	75	-	-	-	-	22.0

Notes: Exceedances of the NO<sub>2</sub> annual mean objective of 40µg/m<sup>3</sup> are shown in **bold**.

NO<sub>2</sub> annual means exceeding 60µg/m<sup>3</sup>, indicating a potential exceedance of the NO<sub>2</sub> 1-hour mean objective are shown in **bold and underlined**.

(1) data capture for the monitoring period, in cases where monitoring was only carried out for part of the year.

(2) data capture for the full calendar year (e.g. if monitoring was carried out for 6 months, the maximum data capture for the full calendar year is 50%).

(3) Means for diffusion tubes have been corrected for bias. All means have been “annualised” as per Technical Guidance LAQM.TG16 if valid data capture for the full calendar year is less than 75%. See Appendix C for details.

(4) BSE7 / Northgate Lodge was moved marginally at the beginning of 2015 as the previous location was not deemed representative as it was within a corner – not free flowing air.

## Appendix B: Full Monthly Diffusion Tube Results for 2015

Table B.1 – NO<sub>2</sub> Monthly Diffusion Tube Results - 2015

Site ID / Name	NO <sub>2</sub> Mean Concentrations (µg/m <sup>3</sup> )												Annual Mean	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Raw Data	Bias Adjusted <sup>(1)</sup>
BSE1 / 2 Sicklesmere Road	65	68.5	53.3	53	46.4	41.7	47.2	47.3	62.7	66.8	64	55.5	56.0	45.3
BSE2 / 14 Sicklesmere Road	-	-	-	-	-	31.1	34.7	33.5	38	39.2	40.3	37.3	38.5 <sup>(2)</sup>	31.2
BSE3 / Cullum Road roundabout	55.2	43.9	39	39.4	34.3	30.8	-	30.3	43	41.5	46.2	37.8	40.1	32.5
BSE4 / Vinery Road	42.7	40.3	28.9	30	23.3	20.6	29	24.2	33.9	34.2	37.3	37.2	31.8	25.8
BSE5 / Horringer Road lights	39.8	-	36.8	33.5	26.1	25.1	27.8	24.7	39.4	41.3	35.3	28.7	32.6	26.4
BSE6 / Kings Road roundabout	41.9	51.6	50	41.6	30.6	34.1	39.2	45.7	48.2	58.7	52.2	62.2	46.3	37.5
BSE7 / Northgate Lodge roundabout	43.1	43.2	37.3	37	-	-	26.3	29.7	-	43.8	34.9	31.5	36.3	29.4
BSE8 / Fornham Road (Northgate roundabout)	42.6	35.5	35.5	34.6	23.9	26.4	28.8	32.3	39.5	49.4	42.6	39.6	35.9	29.1
BSE9 / Fornham Road (Tollgate)	57.4	-	45.6	47	46	36.3	38	46.9	47.9	50.6	52.3	47.9	46.9	38.0
BSE10 / Samson Close	20.2	23.6	18.7	14.3	11.2	-	9.3	12.5	14.9	18.2	18.4	21	16.6	13.4

Site ID / Name	NO <sub>2</sub> Mean Concentrations (µg/m <sup>3</sup> )													Annual Mean	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Raw Data	Bias Adjusted <sup>(1)</sup>	
BSE11 / Eastgate Street (Vinefields junction)	34.6	36.9	35.8	32.4	23.2	21.4	20.9	24.2	33.3	40.5	30.8	24.8	29.9	24.2	
BSE12 / 8 Mustow Street	-	39.9	33.2	33.7	-	16	25.9	27.3	34.7	-	32.4	25.9	29.9	24.2	
BSE13 / 21 Mustow Street	-	48.5	42.1	39.3	39.5	36.8	39.5	34.8	34.1	-	46.1	45.6	40.6	32.9	
GB1 / School Road	17.4	20.1	13.4	10.8	10	-	-	-	-	-	-	-	13.3 <sup>(2)</sup>	10.8	
GB2 / Downing Drive	18.4	16.2	13.4	11.4	9.1	8.2	9.8	9.3	11.1	13.1	-	17.2	12.5	10.1	
GB3 / The Forge Bungalows	63.3	54	47.1	38.8	39	32	41.3	37.5	40.1	42.9	54.9	52.1	45.3	36.0	
	58.7	53.8	40.3	38	38.5	38.4	39.6	36.7	37.2	42	63.9	50.1	44.8		
	57.4	56.8	- <sup>(3)</sup>	35.4	39.6	30.7	38	37.9	39	39.9	55.5	45.4	43.2		
GB4 / Post Office	66.2	54.2	53.7	48	42.1	42.6	43.9	41.9	53	65.2	53.2	41.6	50.5	40.9	
	65.4	62.8	45	48.2	45.2	49.6	44.2	43.9	57	60	45.7	41.4	50.7		
	66.9	62.1	55	48.1	45.6	39.3	43.3	44.7	55.2	57	52	36.3	50.5		
GB5 / Church Road junction	48.1	54.9	42.9	39.1	35.4	33.3	41.1	40.7	45.4	47.5	51.9	46.5	43.9	35.1	
	40	52	38.1	34.9	34.1	36.8	37.1	41.1	45	47.3	49.8	43.6	41.7		
	51	50.7	41.9	40.5	38.1	37.5	38.8	43.6	47.5	42.8	51.2	49.9	44.5		
HH1 / Shetland Road	23.4	23.9	19.1	13.7	11.3	9.1	9.2	11.8	13.5	17.9	21.7	22.6	16.4	13.3	
HH2 / Wratting Road	48.1	41	37.2	40.2	31.4	32.2	33.3	37	-	42.8	43.6	48.1	39.5	32.0	
HH3 / Withersfield Road	47.5	66.9	46.6	45.5	39.6	36	43.7	44.8	44.6	40.5	53.3	58.5	47.3	38.3	

Site ID / Name	NO <sub>2</sub> Mean Concentrations (µg/m <sup>3</sup> )													Annual Mean	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Raw Data	Bias Adjusted <sup>(1)</sup>	
	HH4 / Hamlet Road	30.9	32	29.2	25.3	21.2	17.2	-	22.2	-	-	32.9			33.5

- (1) See Appendix C for details on bias adjustment
- (2) Raw data values for 14 Sicklesmere Road and School Road have been annualised in line with TG(16) using values of 1.06 and 0.93 respectively. Local sites have been used in the absence of a sufficient number of local continuous background sites.
- (3) Triplicate results did not correlate (CV >20) – Determined as outlier and deleted

# Appendix C: Supporting Technical Information / Air Quality Monitoring Data QA/QC

National Diffusion Tube Bias Adjustment Factor Spreadsheet							Spreadsheet Version Number: 03/16				
<p>Follow the steps below <b>in the correct order</b> to show the results of <b>relevant</b> co-location studies</p> <p>Data only apply to tubes exposed monthly and are not suitable for correcting individual short-term monitoring periods</p> <p>Whenever presenting adjusted data, you should state the adjustment factor used and the version of the spreadsheet</p> <p>This spreadsheet will be updated every few months; the factors may therefore be subject to change. This should not discourage their immediate use.</p>										<p>This spreadsheet will be updated at the end of June 2016</p> <p><a href="#">LAQM Helpdesk Website</a></p>	
The LAQM Helpdesk is operated on behalf of Defra and the Devolved Administrations by Bureau Veritas, in conjunction with contract partners AECOM and the National Physical Laboratory.							Spreadsheet maintained by the National Physical Laboratory. Original compiled by Air Quality Consultants Ltd.				
Step 1:		Step 2:	Step 3:	Step 4:							
<p>Select the Laboratory that Analyses Your Tubes from the Drop-Down List</p> <p>If a laboratory is not shown, we have no data for this laboratory.</p>		<p>Select a Preparation Method from the Drop-Down List</p> <p>If a preparation method is not shown, we have no data for this method at this laboratory.</p>	<p>Select a Year from the Drop-Down List</p> <p>If a year is not shown, we have no data</p>	<p>Where there is only one study for a chosen combination, you should use the adjustment factor shown with caution. Where there is more than one study, use the overall factor<sup>2</sup> shown in blue at the foot of the final column.</p> <p>If you have your own co-location study then see footnote<sup>1</sup>. If uncertain what to do then contact the Local Air Quality Management Helpdesk at <a href="mailto:LAQMhelpdesk@uk.bureauveritas.com">LAQMhelpdesk@uk.bureauveritas.com</a> or 0800 0327953</p>							
Analysed By <sup>1</sup>		Method <sup>2</sup>	Year <sup>2</sup>	Site Type	Local Authority	Length of Study (months)	Diffusion Tube Mean Conc. (Dm) ( $\mu\text{g}/\text{m}^3$ )	Automatic Monitor Mean Conc. (Cm) ( $\mu\text{g}/\text{m}^3$ )	Bias (B)	Tube Precision <sup>4</sup>	Bias Adjustment Factor (A) (Cm/Dm)
ESG Didcot	50% TEA in acetone	2015	R	Dumfries and Galloway Council	12	35	30	14.6%	G	<b>0.87</b>	
ESG Didcot	50% TEA in acetone	2015	B	Gravesham Borough Council	12	40	30	34.1%	G	<b>0.75</b>	
ESG Didcot	50% TEA in acetone	2015	B	Gravesham Borough Council	12	30	23	29.8%	P	<b>0.77</b>	
ESG Didcot	50% TEA in acetone	2015	UI	North Lincolnshire	11	24	18	36.5%	P	<b>0.73</b>	
ESG Didcot	50% TEA in acetone	2015	R	Swale BC	11	38	32	19.3%	P	<b>0.84</b>	
ESG Didcot	50% TEA in acetone	2015	R	Swale BC	10	48	39	21.0%	G	<b>0.83</b>	
ESG Didcot	50% TEA in acetone	2015	R	Swale Borough Council	11	40	34	19.7%	P	<b>0.84</b>	
ESG Didcot	50% TEA in acetone	2015	R	Wrexham County Borough Council	12	19	19	0.6%	G	<b>0.99</b>	
ESG Didcot	50% TEA in acetone	2015	UC	Cardiff Council	10	26	26	1.6%	G	<b>0.98</b>	
ESG Didcot	50% TEA in acetone	2015	KS	Marlybone Road Intercomparison	12	104	81	27.9%	G	<b>0.78</b>	
ESG Didcot	50% TEA in acetone	2015	R	Vale of White Horse District Council	11	34	29	15.7%	G	<b>0.86</b>	
ESG Didcot	50% TEA in acetone	2015	UI	Stockton on Tees	12	24	18	29.4%	G	<b>0.77</b>	
ESG Didcot	50% TEA in acetone	2015	R	Stockton on Tees	12	17	14	21.5%	G	<b>0.82</b>	
ESG Didcot	50% TEA in acetone	2015	KS	Suffolk Coastal DC	12	44	35	26.0%	P	<b>0.79</b>	
ESG Didcot	50% TEA in acetone	2015	SU	Thanet District Council	9	17	15	10.6%	G	<b>0.90</b>	
ESG Didcot	50% TEA in acetone	2015	R	Thanet District Council	12	27	23	17.8%	G	<b>0.85</b>	
ESG Didcot	50% TEA in acetone	2015	B	Medway Council	12	21	12	77.3%	G	<b>0.56</b>	
ESG Didcot	50% TEA in acetone	2015	R	Medway Council	11	32	23	42.6%	G	<b>0.70</b>	
ESG Didcot	50% TEA in acetone	2015	R	North East Lincolnshire Council	10	34	28	21.2%	P	<b>0.83</b>	
ESG Didcot	50% TEA in acetone	2015	R	North East Lincolnshire Council	11	39	28	38.6%	G	<b>0.72</b>	
ESG Didcot	50% TEA in acetone	2015	R	North East Lincolnshire Council	11	55	47	16.2%	G	<b>0.86</b>	
ESG Didcot	50% TEA in acetone	2015		<b>Overall Factor<sup>2</sup> (21 studies)</b>				<b>Use</b>		<b>0.81</b>	

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## Appendix D: Map(s) of Monitoring Locations

Figure D.2 – Monitoring Locations – Bury St Edmunds (South)

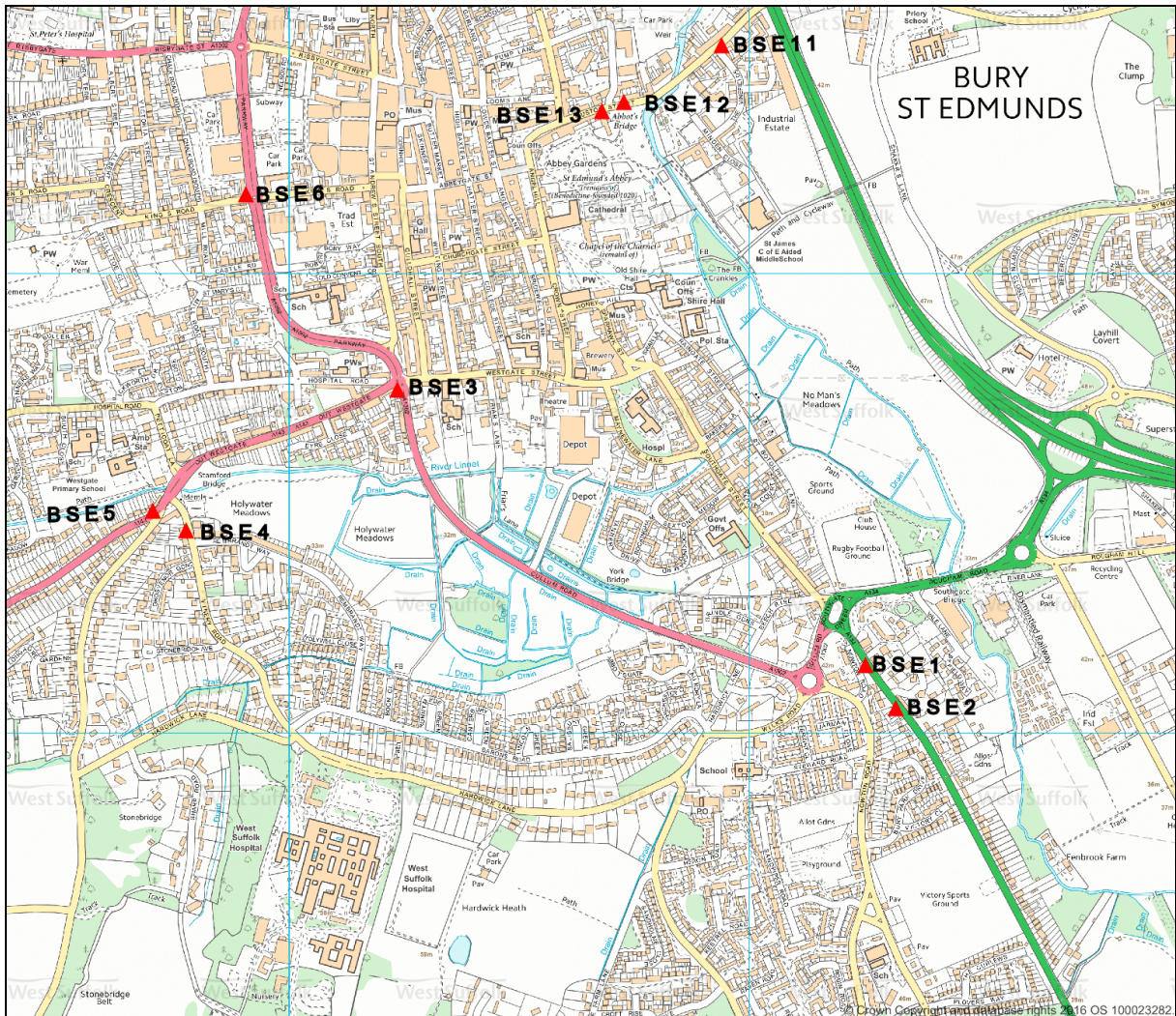




Figure D.2 – Monitoring Locations – Bury St Edmunds (North)

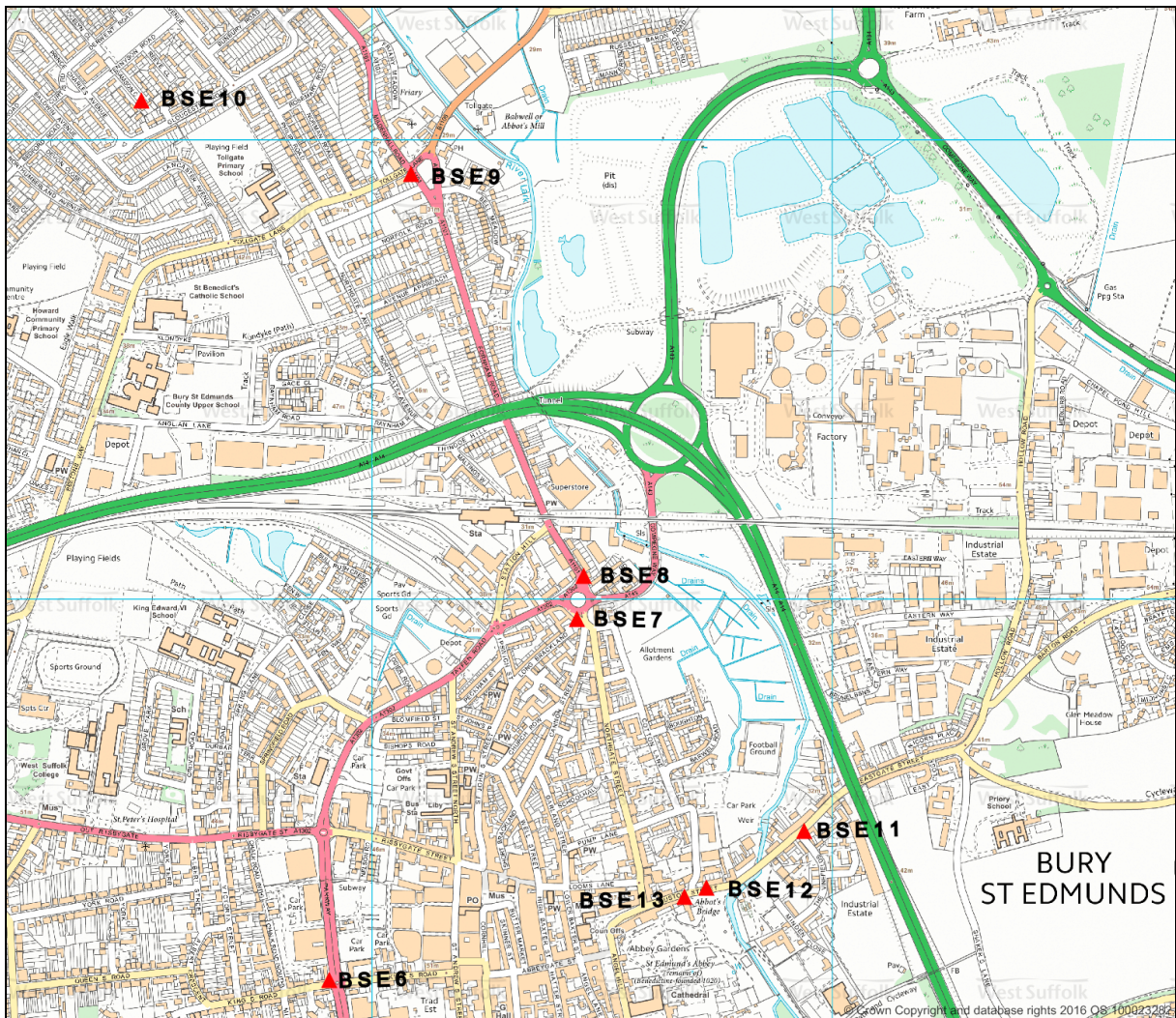




Figure D.3 – Monitoring Locations – Great Barton

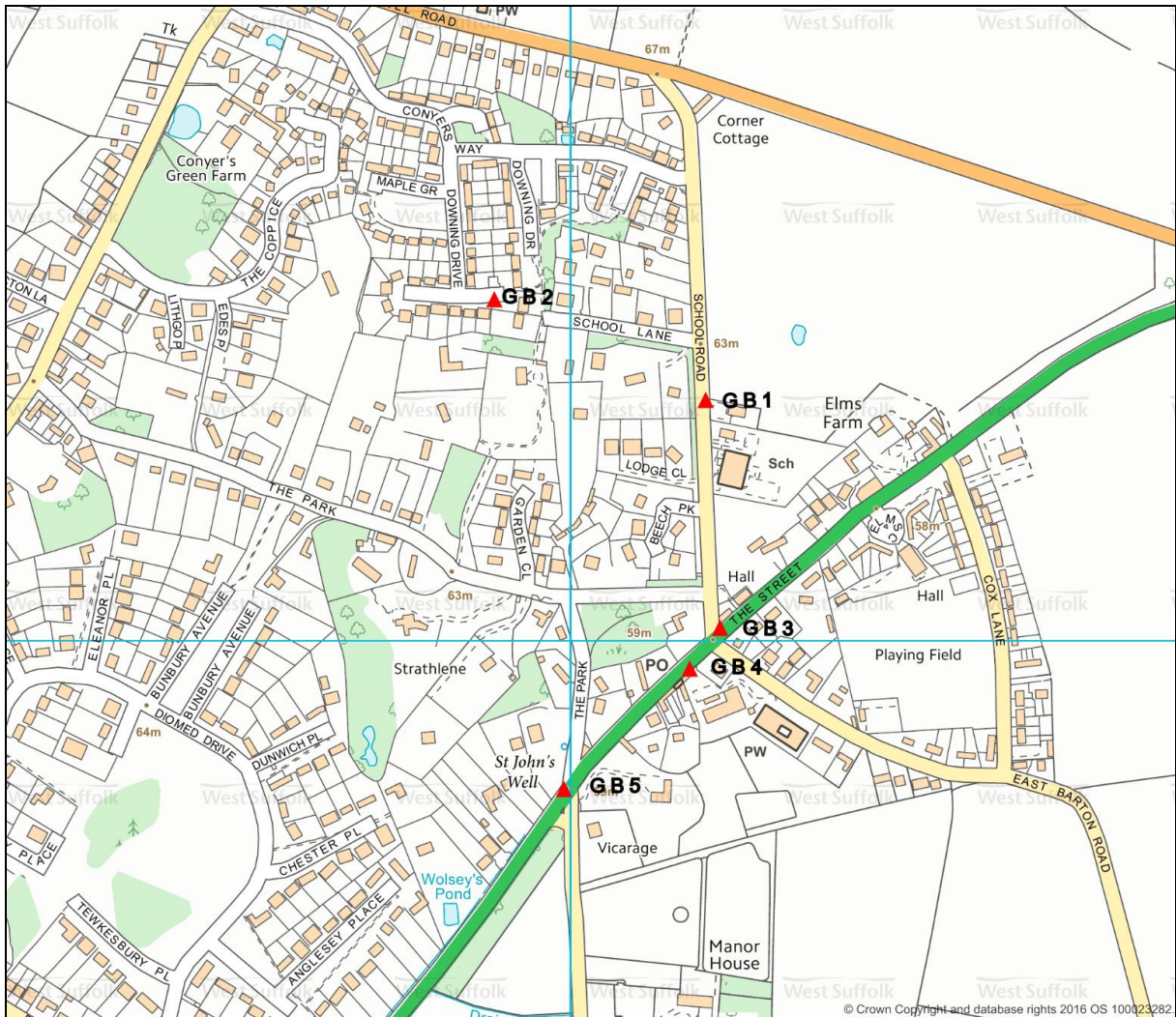
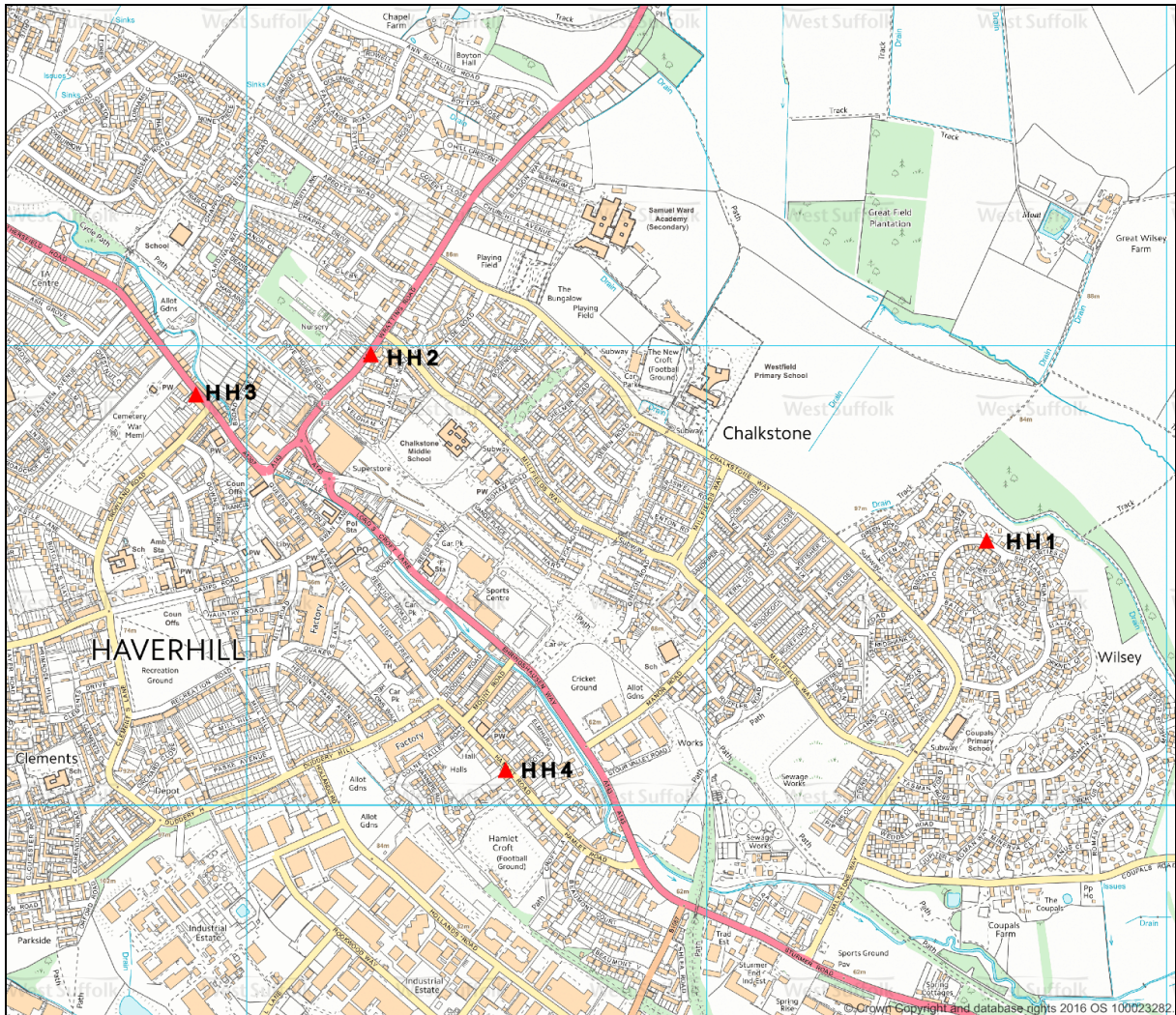


Figure D.4 – Monitoring Locations – Haverhill





## Appendix E: Summary of Air Quality Objectives in England

Table E.1 – Air Quality Objectives in England

Pollutant	Air Quality Objective <sup>4</sup>	
	Concentration	Measured as
Nitrogen Dioxide (NO <sub>2</sub> )	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean
	40 µg/m <sup>3</sup>	Annual mean
Particulate Matter (PM <sub>10</sub> )	50 µg/m <sup>3</sup> , not to be exceeded more than 35 times a year	24-hour mean
	40 µg/m <sup>3</sup>	Annual mean
Sulphur Dioxide (SO <sub>2</sub> )	350 µg/m <sup>3</sup> , not to be exceeded more than 24 times a year	1-hour mean
	125 µg/m <sup>3</sup> , not to be exceeded more than 3 times a year	24-hour mean
	266 µg/m <sup>3</sup> , not to be exceeded more than 35 times a year	15-minute mean

<sup>4</sup> The units are in microgrammes of pollutant per cubic metre of air (µg/m<sup>3</sup>).

## Glossary of Terms

Abbreviation	Description
AADF	Annual Average Daily Flow – The number of vehicles estimated to pass a given point on the road in a 24 hour period on an average day in the year.
AQAP	Air Quality Action Plan - A detailed description of measures, outcomes, achievement dates and implementation methods, showing how the local authority intends to achieve air quality limit values'
AQMA	Air Quality Management Area – An area where air pollutant concentrations exceed / are likely to exceed the relevant air quality objectives. AQMAs are declared for specific pollutants and objectives
ASR	Air quality Annual Status Report
Defra	Department for Environment, Food and Rural Affairs
LAQM	Local Air Quality Management
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxides
PM <sub>10</sub>	Airborne particulate matter with an aerodynamic diameter of 10µm (micrometres or microns) or less
PM <sub>2.5</sub>	Airborne particulate matter with an aerodynamic diameter of 2.5µm or less
QA/QC	Quality Assurance and Quality Control
SEBC	St Edmundsbury Borough Council
SO <sub>2</sub>	Sulphur Dioxide
...	...

# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Training for Hackney Carriage and Private Hire Vehicle Drivers</b>	
<b>Report No:</b>	<b>LIC/SE/16/005</b>	
<b>Report to and dates:</b>	<b>Meeting 1</b>	Licensing & Regulatory Committee 11 October 2016
	<b>Meeting 2</b>	Cabinet 8 December 2016
	<b>Meeting 3</b>	Council 20 December 2016
<b>Portfolio holder:</b>	Councillor Alaric Pugh Portfolio Holder for Planning and Growth <b>Tel:</b> 07930460899  <b>Email:</b> <a href="mailto:alaric.pugh@stedsbc.gov.uk">alaric.pugh@stedsbc.gov.uk</a>	
<b>Lead officer:</b>	Amanda Garnham Licensing Team Leader <b>Tel:</b> 01284 757132  <b>Email:</b> <a href="mailto:Amanda.garnham@westsuffolk.gov.uk">Amanda.garnham@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	The purpose of this report is to present the results of the consultation on whether a Business & Technology Education Council ( BTEC) Level 2 qualification should be implemented for all new and existing Hackney Carriage and Private Hire Vehicle Drivers.	

<b>Recommendation:</b>	<p>Since this proposal represents a change in policy regarding the licensing of Hackney Carriage and Private Hire Vehicle Drivers</p> <p><b>it is <u>RECOMMENDED</u> that , subject to the approval of full Council , the results of the recent consultation with Hackney Carriage, Private Hire Vehicle Drivers and taxi customers, on the proposal to adopt a BTEC Level 2 Certificate 'Introduction to the role of the professional taxi and private hire driver' for all new and existing drivers be noted and :</b></p> <p><b>(i) the change in requirements for all new drivers to complete the BTEC Level 2 Certificate be approved ; and</b></p> <p><b>(ii) the change in requirements for all current drivers to complete the BTEC Level 2 Certificate (within a timeframe to be set) be approved.</b></p>
<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• Completed</li> </ul>
<b>Alternative option(s):</b>	<p>(i) Do nothing. It would be possible not to implement the requirements for training, however, this would mean that taxi and private hire drivers were not trained to a consistent standard in health and safety, road safety, customer service, vehicle maintenance and safety, regulatory framework, disability awareness and assistance, fares, carrying of luggage and transporting of children and vulnerable people.</p> <p>(ii) Only require taxi and private hire drivers to undergo safeguarding training. However, this would mean that drivers were not trained in the other topics referred to above.</p>
<b>Implications:</b>	
<p><i>Are there any <b>financial</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• Within budget</li> </ul>
<p><i>Are there any <b>staffing</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• Planned work with current resources</li> </ul>

<i>Are there any <b>ICT</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report. See body of report	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk (before controls)</b>	<b>Controls</b>	<b>Residual risk (after controls)</b>
	Low/Medium/ High*		Low/Medium/ High*
By implementing the requirements, there is a risk that drivers will suffer hardship through loss of earnings and the course fee.	Medium	The council has reduced the cost of the training through liaison with West Suffolk College. By allowing drivers two years to undertake the training, the cash flow implications have been spread over a longer period. Training can be delivered at a range of locations across West Suffolk to reduce travel time for drivers.	Low
By not implementing the requirements, there is a risk that current increase in driver-behaviour related complaints being experienced by the Council will be maintained and possibly increase putting additional unbudgeted demand on the Licensing Enforcement service.	High	Implementing the BTEC will set a consistent standard as a preventative measure aimed at reducing complaints related to driver behaviour and poorer performance.	Medium
<b>Wards affected:</b>		All wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		Report LIC/SE/16/003 dated 17 May 2016	

<b>Documents attached:</b>	<p>Appendix 1 – Driver testing required by other local authorities identified during our research</p> <p>Appendix 2 – Content of the BTEC</p> <p>Appendix 3 – Summary findings of external consultation</p> <p>Appendix 4 – Safeguarding and disability awareness</p>
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## **1. Key issues and reasons for recommendation**

- 1.1 Taxis (Hackney Carriages) and Private Hire Vehicles (PHVs) are vital to our communities, providing essential transport links for many. The Local Government Association Taxi and PHV Licensing – Councillors’ Handbook, states that elected members, are responsible for ensuring the public travel safely and receive a good level of service, and that the council systems attract good, reputable drivers.
- 1.2 There have been recent examples nationally that Members will be aware of, concerning licensed drivers, vehicles and operators being involved in the sexual exploitation of children. Taxis and PHVs are regularly used to transport children during the school run. Elderly and disabled users also rely heavily on the door-to-door service taxis and PHVs provide, as it is often the only way for many residents to access local services. Clearly, drivers must therefore command the highest level of confidence before they can be entrusted with this responsibility. It is essential that this responsibility is taken seriously to determine whether someone is a ‘fit and proper’ person to hold a licence.
- 1.3 Sections 51, 57 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) collectively bar a Council from granting either a Hackney Carriage or Private Hire Driver’s Licence to an applicant unless the Council is sure that the applicant is a ‘fit and proper person’ to hold such a licence. Furthermore, existing drivers must act in a way as to satisfy the Council that they continue to be ‘fit and proper’ to hold a licence.
- 1.4 Under these provisions St Edmundsbury Borough Council’s ‘fit and proper person’ test currently includes the following:
- Criminal records check with the Disclosure and Barring Service (DBS);
  - Driving history check with the Driver and Vehicle Licensing Authority (DVLA);
  - Medical Check with the applicant’s own General Practitioner; and
  - Successful completion of one of the following tests:
    - the driving assessment for Hackney Carriage/Private Hire drivers (Roadsafe);or
    - the Institute of Advanced Motorists (IAM) Advanced Driver test; or
    - Royal Society of Prevention of Accidents (RoSPA) Advanced Driver test
    - Driving Test with the DVSA.



- 1.5 Although there are many extremely competent and professional drivers in West Suffolk, the statistical and anecdotal evidence gathered by Officers, reflected in the consultation referred to below, highlight the need to improve the knowledge and professionalism of both new entrants and existing drivers.
- 1.6 This is resulting in Officers having to investigate more complaints relating to the conduct of drivers, both existing and recently licensed.
- 1.7 The Department of Transport endorses the introduction of qualifications in its 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) which states, 'there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades'.
- 1.8 Many local authorities already require drivers, both new and existing, to obtain a formally recognised qualification or pass local authority own in-house tests and it is understood that this trend will continue inevitably so that local authorities ensure that drivers are 'fit and proper' (Appendix 1 refers).
- 1.9 If the requirements for driver registration in the Borough were set lower than neighbouring Councils, we could run the risk of attracting drivers with lower standards of behaviour and customer care than elsewhere. This would be detrimental to the local economy, potentially put passengers at risk of harm and could adversely impact the Council's reputation with its residents and visiting tourists.
- 1.10 Following extensive research into various methods of testing and training, including in-house delivered options, Officers concluded that the best option is to include an externally recognised qualification in our requirements for driver registration. Therefore, in May 2016 this Committee considered a proposal that all drivers must obtain an appropriately scoped BTEC Level 2 qualification (Report LIC/SE/16/003 refers). The content of the proposed qualification is set out in Appendix 2.
- 1.11 The BTEC course is designed to develop, support and enhance the knowledge of prospective or existing drivers and will help begin or develop careers in transporting passengers. It is our ambition that this will ensure that drivers are better qualified than neighbouring areas, will help local drivers to secure more contracts and return customers and will support the local economy through greater visitor and customer satisfaction which in turn will lead to greater numbers of return visits to West Suffolk.
- 1.12 This Committee approved a recommendation to adopt the BTEC qualification as a requirement of new and ongoing driver registration in the Borough, subject to undertaking external consultation. A similar decision was taken by Forest Heath District Council.

## **2. Consultation findings & analysis**

- 2.1 External consultation was undertaken over July and August 2016. Both the taxi trade (Hackney Carriage and Private Hire Vehicle) and the general public, as users of the service offered across West Suffolk, were consulted through online questionnaires with paper versions available on request. E-mails,

letters to taxis operators and key stakeholders, and social media were used to communicate the consultation along with press release through the local press media. The consultation invited comments generally on the proposal along with more specific questions focussing on the possible course content using ratings of importance and giving respondents opportunities to provide comments.

2.2 Twenty-six out of a potential 600 registered drivers across West Suffolk completed the survey, while 78 members of the public completed the user survey. A summary of the responses is given in Appendix 3.

2.3 Key findings are shown below from the taxi driver survey:

**In principle, do you think that taxi and private hire drivers should complete additional training in the form of a BTEC Level 2 prior to becoming a driver?**



**In principle, do you think that existing taxi and private hire drivers should complete additional training in the form of a BTEC Level 2?**



2.4 Key findings are shown below from the taxi user survey:

**In principle, do you think that taxi and private hire drivers should complete additional training in the form of a BTEC Level 2 prior to becoming a driver?**



**In principle, do you think that existing taxi and private hire drivers should complete additional training in the form of a BTEC Level 2?**



2.5 A range of comments were received in response to both surveys. Both the Yes/No survey results and associated comments generally reflected the type of respondent (i.e. existing taxi driver or user) in as much as the responding taxi drivers generally disagreed with the proposal to introduce the BTEC especially for existing drivers, while customers were overwhelmingly supportive of the proposal for all drivers.

2.6 Having reviewed the results of the consultation in the light of research of how other local authorities are addressing driver standards as well as trends in

complaints about poorer behaviour, Officers are convinced that the BTEC offers the best means of setting a performance standard for existing and new drivers. It is further considered that this will result in improved standards of customer care and levels of safeguarding for vulnerable people, a key priority with both customers and agencies across Suffolk (Appendix 4 refers). It is also considered that introducing the BTEC should help to reduce complaints from members of the public.

- 2.7 It is clear from the driver survey that the trade is concerned about unnecessary regulatory burden and how this would affect their livelihoods. Officers wish to maintain a level playing field of regulation, hence it is our view that in the long term all registered drivers should meet the same requirements with some grand parenting period for existing drivers. In a competitive market, bringing up the professional standards of registered drivers has to be seen as one way of gaining competitive edge over those wishing to enter the market.
- 2.8 Should the Committee approve the recommendations, Officers will prepare and implement a communications plan aimed at explaining the reasons for the changes in requirements to key audiences including the existing drivers and the general public.

### **3. Implementing the BTEC**

- 3.1 It is proposed that all **new** applicants will be required to complete the BTEC level 2 qualification prior to applying for a licence in West Suffolk. This would be in addition to the requirements listed in paragraph 1.4 above. Some of the requirements can be removed from this list if the BTEC qualification is implemented.
- 3.2 It is proposed that all **existing** drivers will be given two years to obtain the BTEC qualification from the date of the requirement being introduced which we suggest for planning purposes to be January 2017. After that two year period all applications to renew a Hackney Carriage or PHV driver licence would require the qualification to have been completed prior to the renewal being granted. Licences are renewed every three years at which time each drivers registration is reviewed against the requirements listed in paragraph 1.4 and in addition this would include a driver holding the BTE qualification.
- 3.3 Following research of the training market, a suitable local provider has been identified. The course content set out in Appendix 2 would be delivered within 18 hours of contact time, with flexibility of delivery to minimise the potential impact on driver earnings. The provider has indicated that the course could be delivered at different times and be offered at various locations across West Suffolk to help reduce attendee travel time and cost.
- 3.4 Our research of other local authorities requiring the BTEC has revealed that, typically, the course costs £295-£500 per student. Following negotiations with the Councils' preferred provider, a discounted cost of £250 is proposed. If the scheme is approved by members, the course cost will be paid by the drivers directly to the college with neither Council receiving any financial benefit.

- 3.5 During the discussion by the Committee on 17 May 2016, concerns were raised about placing this additional financial burden on existing drivers. The question was raised about whether the Councils could provide funding the courses or whether any opportunities for cost reduction could be identified. Providing the course free of charge to drivers has been considered. However, the combined cost to the Councils in West Suffolk would be in the region of £150,000 to £180,000 with no current budget provision.
- 3.6 An English test will be included as part of the BTEC to establish the participant's ability to complete the qualification. Any participants who struggle with English can apply for a free English course before or during their BTEC.
- 3.7 Most Councils currently require at least the Driver/Vehicle Standards Agency (DVSA/DSA) practical driving test. However, the DVSA has recently announced its intention to withdraw this service at the end of 2016. Other training providers are available at a higher cost, around £90 per participant, than the DVSA. Officers have been able to negotiate with the proposed training provider to include this test alongside the BTEC qualification for a fee of £40, which is less than half the current cost.

#### **4. Other options considered**

- 4.1 As shown in Appendix 1, a significant proportion of local authorities requiring some sort of driver performance tests have chosen to use the BTEC qualification as their standard. Furthermore, recent discussions with neighbouring local authorities has revealed their intention to adopt similar standards or the BTEC qualification.
- 4.2 **Do nothing**  
For the reasons given previously, this would mean that taxi and private hire drivers were not trained to a consistent standard in health and safety, road safety, customer service, vehicle maintenance and safety, regulatory framework, disability awareness and assistance, fares, carrying of luggage and transporting of children and vulnerable people. It would also result in the Councils in West Suffolk being out of step with the increasing number of licensing bodies across England and Wales who have either adopted or considering the adoption of similar standards.
- 4.3 **Requiring a lower standard**  
A condensed version of the BTEC could be offered at a lower cost to existing drivers while requiring new entrants to take the BTEC. However, Officers remain convinced that the BTEC offers the most appropriately scoped, nationally recognised qualification to address both our concerns and the concerns of the general public as expressed in the survey.

## Appendix 1

### Driver testing required by other local authorities identified during our research

<b>Name of Council</b>	<b>Type of Testing</b>
Ipswich	Knowledge test DSA and disability awareness – English tests soon
Suffolk Coastal	Driving skills test and theory test
Waveney	Basic reading, writing and maths, Driving skills test & theory test Geographical knowledge test
East Cambs	DSA and Knowledge test
Breckland	DSA
Kings Lynn & West Norfolk	DSA and Knowledge test
Cambridge City	Knowledge test
Peterborough	Taxi general competence course at a local college plus Local knowledge/driving test
Luton	Knowledge test
Huntingdon	DSA plus English understanding and speaking
Decorum	Knowledge test
Bedford	Knowledge test, English and DSA
Colchester	Knowledge test
Chelmsford	Knowledge test
Northampton	Knowledge test
Erewash BC	Knowledge test and DSA
Broxtowe BC	Knowledge test and DSA
Oadby and Wigston BC	Competency test and DSA
Woking	In house knowledge but looking to bring in BTEC
Leicester	Knowledge and English test
Stevenage	Knowledge, DSA and English tests
Brighton and Hove Lincoln Hull Cheshire East Cheshire West Chester Rotherham Adur / Worthing Preston Plymouth Stoke Macclesfield Bristol East Hants	BTEC level 2
Bournemouth East Riding	BTEC level or NVQ

Knowledge Tests vary but often include Highway Code, numeracy, English, taxi conditions and legislation, points of interest, signage and routes.

## APPENDIX 2

### Content of the BTec qualification

Title: Introduction to the Role of the Professional Taxi and Private Hire Driver, with additional safeguarding training.

The course covers a range of topics which include:

- Unit 1: Health and safety in the taxi and private hire work environment.
- Unit 2: Road safety when driving passengers in a taxi or private hire vehicle .
- Unit 3: Professional customer service in the taxi and private hire industry.
- Unit 4: Taxi and private hire vehicle maintenance and safety inspections.
- Unit 5: The regulatory framework of the taxi and private hire industry.
- Unit 6: Taxi and private hire services for passengers who require assistance – Disability Awareness.
- Unit 7: Routes and fares in the taxi and private hire vehicle industries.
- Unit 8: Transporting of parcels, luggage and other items in the taxi and private hire industries.
- Unit 9: Transporting of children and young/vulnerable persons by taxi or private hire vehicle - Safeguarding

Course duration – 18 hours

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**Summary findings of the external consultation**

**Taxi driver survey (Sample size=26):**

*Module relevance*

- Health and safety: 35% felt this module was important, 30% very important
- Road Safety: 23% thought this was important, 59% very important
- Customer Service: 22% important, 52% very important
- Maintenance and safety inspections: 30% important, 44% very important
- Regulatory Framework: All results were around 20% mark
- Assisted Passengers: 22% important, 44% very important
- Routes and fares: 30% important, 17% very important
- Parcels and Luggage: all under 26%
- Transport of Children: 27% important, 50% very important
- Safeguarding of young/vulnerable: 30% important, 44% very important

*Applying to existing or new drivers*

- BTEC for new drivers: 56% said yes, 44% said no
- BTEC for existing drivers: 16% yes, 84% no

*Course cost*

- Payment by taxi drivers: 8% yes, 92% no
- Negative impact on existing drivers: 68% yes, 32% no

**User survey (Sample size=78):**

*Module relevance*

- Health and Safety: 38% important, 58% very important
- Road Safety: 14% important, 86% very important
- Customer Service: 47% important, 51% very important
- Maintenance and Safety: 23% important, 74% very important
- Regulatory Framework: 39% important, 42% very important
- Assisted passengers: 23% important, 70% very important
- Routes and Fares: 41% important, 44% very important
- Parcels/Luggage: 45% important, 23% very important
- Transport of Children: 13% important, 83% very important
- Safeguarding: 9% important, 84% very important.

A range of comments were received. These have not been published but have been considered as part of the research informing the report and opportunities for improving the Licensing Service generally.

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# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Monday 9 May 2016** at **10.00 am** in **Room GFR 12, West Suffolk House,** Western Way, Bury St Edmunds

Present: **Councillors**

**Chairman** Frank Warby

Bob Cockle  
Richard Rout

18. **Election of Chairman**

It was proposed, seconded and

RESOLVED – That Councillor Frank Warby be elected Chairman for this Licensing & Regulatory Sub-Committee meeting.

19. **Sub-Committee Membership**

It was announced that the Sub-Committee as originally constituted had Councillor Terry Buckle as a member and Ian Houlder as the nominated substitute. Both these Members were unavailable for this meeting and therefore they had been replaced by Councillors John Burns and Bob Cockle.

20. **Apologies for Absence**

No apologies for absence were received.

21. **Substitute**

Whilst Councillor John Burns had been included as a member of the Sub-Committee on the agenda for the meeting he had become aware, before the commencement of the meeting, that he knew one of the witnesses who would be appearing at the hearing. He therefore stood down from membership in favour of Councillor Bob Cockle who was the nominated substitute.

**22. Hearing Procedure**

The Hearing Procedure (previously circulated) was adopted for the consideration of item 24 below.

**23. Exclusion of Press and Public**

RESOLVED:

That under Section 100 (A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12 (A) of the Act

**24. Review of Hackney Carriage/ Private Hire Vehicle Driver's Licence**

**(a) Pre- Hearing**

The Legal Advisor explained that the purpose of the hearing was to review whether the respondent was a fit and proper person to continue to hold a Hackney Carriage and Private Hire Vehicle Driver's licence in the light of allegations relating to various incidents of misconduct by him. In this case it was the Borough Council itself, as the licensing authority, who was the applicant in calling for the review.

(1) it was announced that the respondent to the application was not present at the hearing. The Licensing Enforcement Officer advised that the respondent had been contacted by phone to establish whether he would be attending the hearing or be represented. There had been no indication during this contact that he would not be attending. The Sub-Committee agreed that it had no option but to proceed with the hearing with the respondent being absent;

(2) the Licensing Enforcement Officer confirmed that a copy of the Officers' written report (Reference LSC/SE/16/002) along with other related papers had been served on the respondent;

(3) the Licensing Enforcement Officer reported that the respondent had not submitted any written information in support of his defence. She advised that a further written statement had been received from a witness which was relative to one of the incidents of alleged misconduct referred to in the Officers' written report. This had not been circulated at the request of the witness but could be reported orally at the meeting if the Sub-Committee so requested;

(4) the Borough Council was requesting that two witnesses appear at the hearing to make further statements and answer questions about another of the incidents of alleged misconduct referred to in the Officers' written report. The Sub-Committee allowed this request;

(5) no limit was placed upon the time for witnesses to give their evidence to the hearing; and

(6) it had been determined earlier in the meeting that Councillor John Burns would not be required for the hearing but at the invitation of the Sub-Committee he remained present in the meeting as an observer.

**(b) Hearing**

The Licensing Enforcement Officer presented Exempt Report LSC/SE/16/002 (previously circulated) in connection with the application by the Borough Council for a review of the combined Hackney Carriage/ Private Hire Vehicle Driver's licence held by the respondent. The respondent's licence had been granted in December 2014 and a copy of the application, details of his convictions prior to the grant of the licence and the decision notice were attached as Exempt Appendix 1. Within a seven month period following the issue of his licence the respondent had reported three separate road collisions involving his vehicle and details of these were attached as Exempt Appendix 2. The respondent's behaviour after one of these collisions had been the subject of complaint to the taxi operating firm. Confirmation of this was received by e-mail from the operator and was attached as Exempt Appendix 3. This e-mail also referred to an incident involving property left in the respondent's vehicle, the non-return of which had also been the subject of complaint. A further complaint about aggressive behaviour by the respondent had been received by e-mail and was attached as Exempt Appendix 4. It was also being alleged that the respondent had an unauthorised red laser beam fixed to the front of his vehicle and a photograph of this was attached as Exempt Appendix 5. Attached as Exempt Appendix 6 was a transcript of a telephone conversation between the respondent and a taxi firm during which he was informed that the firm no longer wanted him to work for them because of the complaints they had received. Attached as Exempt Appendix 7 was a transcript of an interview under caution conducted by the Licencing Enforcement Officer and the Licensing Officer with the respondent. A copy of the Hackney Carriage/Private Hire Drivers' Disciplinary Code was attached as Appendix 8.

The Sub-Committee had also been circulated with the following Exempt Appendices after the agenda and papers for the meeting had been distributed:

- (i) a witness statement by a taxi firm operator;
- (ii) a witness statement by a complainant; and
- (iii) a witness statement by a complainant.

Each of these statements related to specific complaints/allegations referred to in the Officers' written report.

A witness statement relating to a further alleged incident involving the respondent was read out.

The Licensing Enforcement Officer gave an update on the written report.

The two witnesses at the hearing were then called to make any further statements they wished to make and to answer Members' questions.

Members discussed with Officers the various options available to the Sub-Committee. The Sub-Committee was mindful that the respondent:

- (a) had been involved in three vehicle collisions in a period of 7 months;
- (b) had been alleged to have acted in an abusive and threatening manner on more than one occasion;
- (c) carried out a modification to his vehicle in the form of a laser light without authorisation;
- (d) failed to report and return lost property straightaway; and
- (e) failed to notify two changes of operator as required by the condition attached to his licence.

Members asked that if the respondent's licence was to be revoked whether other licensing authorities would be informed of this decision and what steps would be taken to retrieve the licence plates issued to the respondent. Officers informed Members that Councils in the region would be circulated with advice that, pending any appeal being lodged, the respondent's licence had been revoked and that the plates would be recovered with Police assistance if necessary. A question arose as to whether the respondent would be able to continue as a taxi driver even though his licence had been revoked. Officers advised that the respondent would be advised that he had the right of appeal to the Magistrates' Court if the Sub-Committee decided upon revocation. He would have 21 days from the date of the decision within which to lodge an appeal. Subject to an appeal being made he could continue to operate as a taxi driver until the expiry of this period. In this event the possibility was that the respondent could only operate as a Private Hire Vehicle driver with any bookings being made via his private telephone number.

The Licencing Enforcement Officer, for the Council as the applicant, summed up the case that the respondent was not a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle Driver's licence.

*(At this point the Sub-Committee retired accompanied by the Legal Advisor and Committee Administrator to give consideration to the case being reviewed and other Officers present withdrew from the meeting room. The Sub-Committee had regard to the Officers' written report, the late witness statements which had been circulated and the statements made by witnesses at the hearing and debated whether the respondent was a fit and proper person to hold a licence. The Sub-Committee meeting was reconvened and Officers were re-admitted and the following decision announced)*

#### Decision

The Sub-Committee has taken into account all the evidence before it and considers that the respondent is not a fit and proper person to hold a Combined Hackney Carriage/ Private Hire Vehicle Driver's Licence and his licence is therefore revoked with immediate effect.

The meeting concluded at 10.35am

**Signed by:**

**Chairman**

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# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on  
**Wednesday 1 June 2016 at 2.00 pm** in **Room GFR12, West Suffolk**  
**House, Western Way, Bury St Edmunds**

Present: **Councillors**

**Chairman** Patsy Warby

Bob Cockle  
Frank Warby

## 25. **Membership**

It was reported that originally Councillor Sarah Stamp had been included as a Member of the Sub-Committee but was unavailable for this meeting. Councillor Patsy Warby, the previously nominated substitute, had agreed to become a full member in Councillor Mrs Stamp's absence. Councillor Frank Warby had taken Mrs Warby's place as the nominated substitute.

## 26. **Substitute**

The following substitution was announced:

Councillor Frank Warby for Councillor Beccy Hopfensperger.

## 27. **Election of Chairman**

It was proposed, seconded and

RESOLVED – That Councillor Patsy Warby be elected Chairman for this Licensing & Regulatory Sub-Committee meeting.

28. **Apologies for Absence**

An apology for absence was received from Councillor Beccy Hopfensperger.

29. **Application by Film Suffolk for Film Classification**

The Licensing Team Leader presented Report LSC/SE/16/003 (previously circulated) which sought a decision on an application from Film Suffolk for an unclassified film, 'With Love From ... Suffolk', to be classified. Guidelines issued by the British Board of Film Classification (BBFC) were attached as an Appendix to the report. It was intended that the film would be exhibited at the Abbeygate Cinema, Bury St. Edmunds on 19 June 2016 and the Haverhill Arts Centre on 26 June 2016. Before the film could be shown at these venues it had to be viewed and given an appropriate classification by the Sub-Committee.

Under the Licensing Act 2003 the Borough Council had to carry out its functions with a view to promoting the Licensing Objectives. In terms of film exhibitions the most relevant licensing objective was the Protection of Children from Harm. Cinema proprietors licensed by the Borough Council were obliged by mandatory conditions to comply with the admission criteria awarded by the British Board of Film Classification (BBFC). The same criteria were to be used in respect of the film under consideration by the Sub-Committee at this meeting.

Promotional material for the film stated that *'it is a feature film that celebrates love in all its guises. Set entirely in Suffolk, it is not just a funny and tender exploration of relationships....'With Love From Suffolk' offers a compilation of stories about the unique bonds between characters living in this county'.*

The Sub-Committee viewed the film in its entirety (1 hour 20 minutes) with a short comfort break midway. Members noted that the film contained some scenes involving sexual innuendoes and homophobic behaviour and the use of, albeit infrequently, strong language. The Sub-Committee assessed the content of the film having regard to the BBFC Guidelines and the promotion of the Licensing Objective of Protecting Children from Harm.

Decision

That, taking into consideration the British Board of Film Classification Guidance, the film 'With Love From ... Suffolk' be classified 12A , i.e. suitable for 12 years and over unless accompanied by an adult, for the purposes of its exhibition in St. Edmundsbury Borough.

The meeting concluded at 3.45pm

**Signed by:**

**Chairman**



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# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on  
**Monday 11 July 2016** at **10.00 am** in **Room GFR12** , **West Suffolk House**,  
Western Way, Bury St Edmunds

Present: **Councillors**

**Chairman** Frank Warby

Bob Cockle  
Margaret Marks

**Substitute attending:**  
David Nettleton

**By Invitation:**  
Susan Glossop

## 30. **Election of Chairman**

It was proposed, seconded and

RESOLVED - That Councillor Frank Warby be elected  
Chairman for this Licensing & Regulatory  
Sub-Committee meeting.

## 31. **Substitutes**

No substitutions were declared but it been necessary to change the membership of the Sub-Committee from that printed on the agenda as follows :

Councillor Margaret Marks had replaced Councillor Tony Brown and Councillor David Nettleton had replaced Councillor Patsy Warby as the nominated substitute.

## 32. **Apologies for Absence**

An apology for absence had been received from Councillor Chris Barker (Forest Heath DC) who had been invited to attend the meeting as an observer for training purposes.

### 33. **Hearing Procedure**

The Hearing Procedure (previously circulated) was adopted for the consideration of item 34 below.

### 34. **Application for Premises' Licence - The Northgate, 13-14 Northgate Street, Bury St. Edmunds**

#### **(a) Pre-Hearing**

- (1) it was announced that David Minchin of Chestnut Inns, the applicants, was present. He was accompanied by Gemma Dudley, solicitor;
- (2) the applicants and the Other Persons present at the hearing who had submitted written representations confirmed that they had received a copy of the Officers' written report (reference LSC/SE/16/004);
- (3) the applicants and the Other Persons confirmed that they did not wish to amend or withdraw their application/representations;
- (4) the Licensing Officer reported that none of the parties had submitted additional supporting information;
- (5) the Licensing Officer reported that there had been no requests for witnesses to appear;
- (6) the Chairman asked the parties the amount of time they required to present their cases. As a result the Sub-Committee determined that the maximum time allowed for each of the parties to present their case would be 10 minutes; and
- (7) the Sub-Committee determined that the Substitute Member was not required for the hearing. At the invitation of the Sub-Committee Councillor Nettleton remained present as an observer.

#### **(b) Hearing**

The Licensing Officer presented Report LSC/SE/16/004 (previously circulated) in connection with an application received for a new Premises' Licence in respect of The Northgate, 13-14 Northgate Street, Bury St. Edmunds. A copy of the application was attached as Appendix 1 of the report. The application sought the provision of films, live music, recorded music, any similar activity, late night refreshment and the supply of alcohol for consumption on and off the premises for the days and during the times set out in the report. The Licensing Officer advised that subsequent to the receipt of the application and after discussions with the occupiers of neighbouring properties the applicants had withdrawn the proposal for the provision of live music indoors. The applicants had also indicated that there would be no music played on the terrace at any time and that non-residents would be asked to vacate the premises at 9.00pm or around that time. A basic location plan was attached as Appendix 2. The report advised that any representations submitted in respect of the application for consideration had to relate to one or more of the Licensing Objectives and that six accepted representations had been received.

These were attached as Appendix 3. Whilst the Other Persons were aware of the change to the application and the assurances being given by the applicants none of the written representations received had been withdrawn. Environmental Health Officers had requested an additional condition be attached to any licence granted. This related to windows being kept closed whilst live music was being performed but it no longer had relevance now that the applicants had withdrawn this activity from the application.

The report advised the Sub-Committee that Section 17 of the Crime & Disorder Act 1988 imposed a duty on each local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in, its area. If the licensing authority decided that an application should be refused it needed to show that to grant the licence would undermine the promotion of the Licensing Objectives and that appropriate conditions would be ineffective in preventing the problems involved. If the licensing authority could not show the above the application should be granted. In making its decision the Sub-Committee was advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

The Sub-Committee was further advised that it could take any of the steps set out below, provided they were proportionate and appropriate for the promotion of the Licensing Objectives:

- (a) Grant the licence applied for; or
- (b) Grant the licence, subject to such conditions as are consistent with the Operating Schedule accompanying the application, modified to such an extent as the authority considers necessary for the promotion of the Licensing Objectives; or
- (c) Reject the whole or part of the application.

A question was raised by one of the Other Persons present which related to the statement within the application that where activities were proposed to take place indoors this could include a tent. Clarification was requested whether there was any proposal for any licensable activities in this case to take place in a marquee. The applicant responded by stating that there was no intention to hold wedding receptions or private parties at the premises and therefore there would be no marquees erected. He was prepared to accept a condition prohibiting the use of marquees.

Gemma Dudley, on behalf of the applicant presented the case in support of the application. The premises were currently being renovated with the intention of providing a high quality destination for visitors along with a fine dining restaurant which would use local food suppliers. It was envisaged that the facilities would attract a more sophisticated clientele. The applicant had a proven track record in relation to operating this type of facility having managed the Packhorse Inn at Moulton near Newmarket successfully for a number of years. The renovation of the premises also involved landscaping of the rear area and the provision of a lower terrace.

Internal changes would result in a better configuration and would reflect an emphasis on food sales rather the drinks side of the business. The intention was that the premises would be an asset to the community and one which would target local customers to provide them with a social hub. It was hoped that the concerns of local residents about detrimental impact had been allayed by the withdrawal of the proposal for live music. The recorded music to be played would be low key and intended to provide background but not to the level where it would interrupt conversation or the hotel guests in their rooms. It would not be audible from outside the premises. No food would be served on the terrace after 9pm. Non-residents would be asked to leave the premises quietly and a dedicated smoking area would be provided. The hotel's website, signage at the premises and staff would direct customers to the nearby public car parks. Bollards would be erected at the entrance to the hotel's car park to prevent them being used after 11pm. A bonded surface had been laid to the access road to reduce noise from vehicles. The proposed landscaping would also provide screening and sound attenuation. The acoustic assessment commissioned had indicated that disturbance from noise would not be significant. Properties along Northgate Street were a mix of business and residential and the road was busy which created a certain amount of noise from traffic. The Council's Development Control Committee had accepted the principle of a restaurant on the site as the type of business to be encouraged for the furtherance of the social/economic wellbeing of the town.

In response to the applicant's statement clarification was sought about the proposal to show films from 8am. The applicant advised that this related to televisions in the hotel guest rooms and it was not a main feature of the licence being sought. References were made the proposed parking provision and in relation to this the concerns being expressed by local residents about perceived noise and disturbance in the late evening and also the proximity of the premises to two care homes which might be similarly affected by vehicular movements. The applicant advised that of the 13 car parking spaces at the premises 9 of these were intended for hotel guests and measures were in place to guide visitors to the nearby public car parks. Hotel guests tended to arrive in the late afternoon/early evening and therefore parking was not seen as a problem. There would be no access to the rear car park after 9pm until 7.30am the following day. There would be no vehicular movements at the premises after 11.30pm. A low level external lighting scheme had been agreed. The high density landscaping scheme would reduce noise. As a consequence it was not anticipated there would be any problems. The immediate neighbours had not raised any objections after these additional measures had been mentioned to them.

Judith Apichella, one of the Other Persons present, raised a question about whether discotheques were proposed. The applicant advised it was of paramount importance that paying hotel guests were assured a good night's sleep and therefore there was no intention to hold this type of event as such persons would be the most affected by the noise created. He would be happy to accept a noise limitation if one was imposed. Another question was raised about whether the licence if granted was transferable if the premises were ever sold. Officers advised that the benefit of the licence related to the premises and this would pass to the new owner. However, the same activities licensed and the conditions applying would be relevant and if any variations were required an application in respect of these would have to be made. The



situation was also that if there were any issues arising out of the operation of the current licence the Council could review such matters. One of the Other Persons present referred to the planning application in respect of the premises and suggested that the bar envisaged at that time appeared to be private but under the licensing proposal it looked to be more like a 'nice pub' and this was in excess of that expected by local residents. It would be preferable if the bar was closed earlier to the public as generally the area along Northgate Street was quiet at night. In relation to this concern the applicant gave an assurance that the bar would operate as an ancillary facility to the restaurant. He suggested also that the prices to be charged at the bar were likely to be prohibitive for any general public use to be established.

A Member referred to the situation that the premises had previously operated as a hotel when it had been operated by Simon Potts and during that time there had been no complaints. In response the Other Persons suggested that this previous use had been on a smaller scale with only 3 or 4 cars parked at the premises and with the bar not open to the public.

A specific question arose about noise associated with the use of the bottle bank at the premises. The applicant advised that he had agreed to a condition that the receptacle would not be used between the hours of 9pm and 9am. He had also agreed to re-site the facility away from the boundary because of a concern about rodent infestation.

The Sub-Committee acknowledged that the applicant had taken steps to ameliorate the concerns of the Other Persons.

Each of the parties summed up their respective cases.

*(At this point the Sub-Committee retired accompanied by the Legal Advisor and the Committee Administrator to give consideration to the application. The Sub-Committee had regard to the Licensing Act 2003, the Guidance on the Act, the Council's Statement of Licensing Policy, the Licensing Objectives and the representations made by the applicant and the Other Persons both in person and in writing. The Sub-Committee re-convened and announced the following decision.)*

#### Decision

That:

(1) the application for a new Premises' Licence in respect of The Northgate, 13-14 Northgate Street, Bury St. Edmunds be granted as follows :

#### Provision of films

Monday to Sunday 08.00 to midnight

#### Recorded Music

Monday to Thursday and Sunday 07.00 to midnight

Friday and Saturday 07.00 to 01.00

Anything similar to recorded music or performance of dance (indoors)

Monday to Thursday and Sunday	11.00 to midnight
Friday and Saturday	11.00 to 01.00

Late Night Refreshment (Indoors)

Monday to Thursday and Sunday	23.00 to midnight
Friday and Saturday	23.00 to 01.00

Supply of Alcohol (for consumption on and off the premises)

Monday to Thursday and Sunday	11.00 to midnight
Friday and Saturday	11.00 to 01.00

(Extra 30 minutes at Bank Holiday weekends)

Opening Hours

Monday to Sunday 24 hours each day to be closed to non-residents at 23.30  
Monday to Thursday and Sunday and at Midnight on Friday and Saturday.

(2) Conditions

Consistent with the applicant's Operating Schedule, as contained in the application form attached as Appendix 1 to Report LSC/SE/16/004 with the following additional conditions:

- (i) no use of the outside terrace after 9.00pm;
  - (ii) no tents or marquees to be erected on the premises in connection with any of the licensable activities; and
  - (iii) no vehicular access to the car park between the hours of 11.30pm and 7.30am.
- (3) those present be advised that the applicant or any other party to the hearing, within 21 days of the written notification of the determination made by the Sub-Committee may lodge an appeal to the Magistrates' Court. The Other Persons present be also informed that the Sub-Committee had the power to review any licence issued should the circumstances warrant it.

The meeting concluded at 11.00am.

**Signed by:**

**Chairman**

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# Licensing and Regulatory Sub-Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Tuesday 23 August 2016** at **10.00 am** in **Room GFR12 , West Suffolk House**, Western Way, Bury St Edmunds.

Present: **Councillors**

**Chairman** Frank Warby

Tony Brown

Ian Houlder

**Substitute attending:**

Margaret Marks

**By Invitation:**

Susan Glossop

## 35. **Election of Chairman**

It was proposed, seconded and

RESOLVED - That Councillor Frank Warby be elected Chairman for this Licensing & Regulatory Sub-Committee meeting.

## 36. **Substitutes**

No substitutions were declared.

## 37. **Apologies for Absence**

No apologies for absence were received.

## 38. **Hearing Procedure**

The Hearing Procedure ( previously circulated ) was adopted for consideration of item 39 below.

39. **Application for variation of Premises' Licence - Guat's Up, 7 Guildhall Street, Bury St. Edmunds**

**(a) Pre- Hearing**

- (1) it was announced that Nick Armitage, on behalf of the applicants was present. Neither of the two Other Persons who had submitted written representations were present at the hearing;
- (2) Mr Armitage on behalf of the applicants confirmed that he had received a copy of the Officers' written report (Reference LSC/SE/16/005);
- (3) Mr Armitage confirmed that the applicants did not wish to amend or withdraw the application. He pointed out that the application had been amended from that originally submitted by the removal of the proposal for live music to be performed since this was not a licensable activity when it took place between the hours of 8.00am and 11.00pm. He advised that the intention of the applicants was to only have live music within these prescribed times;
- (4) the Licensing Officer reported that none of the parties had submitted additional information;
- (5) the Licensing Officer reported that there had been no requests for witnesses to appear;
- (6) the Chairman asked Mr Armitage the amount of time he required to present the applicants' case. As a result the Sub-Committee determined that the maximum time allowed for him to present the case would be 5 minutes; and
- (7) the Sub-Committee determined that the Substitute Member was not required for the hearing. At the invitation of the Sub-Committee Councillor Margaret Marks remained present as an observer.

**(b) Hearing**

The Licensing Officer presented Report LSC/SE/16/005 (previously circulated) in connection with an application received to vary the Premises' Licence in respect of Guat's Up, 7 Guildhall Street, Bury St Edmunds. A copy of the application was attached as Appendix 1 of the report. The Licensing Officer reported that the applicants had withdrawn from the application the proposal relating to the performance of live music. This activity was not licensable when it was carried out between 8.00am and 11.00pm and the music was not amplified. The applicants had confirmed that music played at the premises would be within these parameters and therefore Officers had advised that a variation of the licence was not required for this aspect of the proposals. The variations to the licence for the playing of recorded music, the supply of alcohol and opening hours still required determination by the Sub-Committee. A basic location plan was attached as Appendix 2. The report advised that any

representations submitted in respect of the application for consideration had to relate to one or more of the Licensing Objectives and three accepted representations had been received. Of these, the objection submitted by Environmental Health (Public Health and Housing) had been withdrawn as the concern expressed about the effect of the playing of live amplified music on the residents who lived above the premises was no longer relevant following the amendment of the application. The Sub-Committee noted that the objections from the Police had also been withdrawn since the points raised by them in their written submission would be covered by amended or additional conditions attached to any variation of the licence and that the applicants had agreed to accept such conditions. The remaining two written representations putting forward objections from private individuals had not been withdrawn and remained for consideration by the Sub-Committee.

The report advised the Sub-Committee that Section 17 of the Crime & Disorder Act 1988 imposed a duty on each local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in, its area. If the licensing authority decided that an application should be refused it needed to show that to grant the licence would undermine the promotion of the Licensing Objectives and that appropriate conditions would be ineffective in preventing the problems involved. If the licensing authority could not show the above the application should be granted. In making its decision the Sub-Committee was advised to consider the Licensing Act 2003, the Guidance on the Act and the Council's Statement of Licensing Policy.

The Sub-Committee was further advised that it could take any of the steps set out below, provided they were proportionate and appropriate for the promotion of the Licensing Objectives:

- (a) Grant the licence applied for; or
- (b) Grant the licence, subject to such conditions as are consistent with the Operating Schedule accompanying the application, modified to such an extent as the authority considers necessary for the promotion of the Licensing Objectives; or
- (c) Reject the whole or part of the application.

Mr Armitage, on behalf of the applicants, gave information in support of the application as amended. He stated that it was the intention to provide live entertainment at the premises once or twice a month and this would take the form of acoustic/non-amplified music or the spoken word. He did not envisage that this would create any noise problems for residents in the locality. With regard to the proposed extension of hours in respect of closing time he explained that there was no intention to have the premises open throughout the year for these hours but to have them available for hiring for private functions on an occasional basis. He referred to the situation that trade in the town was usually quiet on Sunday and Monday evenings and to have the premises available for private hire on such evenings would generate extra income. The applicants wished to compete with similar businesses in the town, e.g. Oakes Barn and Wetherspoons, who already had the opening hours

being sought although the applicants' business would cater for a different type of clientele which tended to be an older and more affluent one. The applicants had operated the premises with a closing time of midnight for the past 15 weeks and this had been without complaints from any source. Customers would be asked to use the rear garden for smoking or telephoning. The premises would operate as a coffee bar during the day and the aspiration of the applicants was to provide something for everybody. Mr Armitage stated that the applicants had taken account of all the advice given by Environmental Health and the Police. In response to a Member's question he advised that smoking by customers in the rear garden had not given rise to complaints from the occupiers of the upstairs accommodation adjoining. He summed up by stating that in his view the proposals as amended would not give rise to any problems.

*(At this point the Sub-Committee retired accompanied by the Legal Advisor and the Committee Administrator to give consideration to the application. The Sub-Committee had regard to the Licensing Act 2003, the Guidance on the Act, the Licensing Objectives, the representations made by the applicants and the written representations from two Other Persons. The Sub-Committee re-convened and announced the following decision.)*

#### Decision

That:

(1) the application, as amended, for the variation of the Premises' Licence in respect of Guat's Up, 7 Guildhall Street, Bury St. Edmunds be granted as follows :

#### Recorded Music

Monday 18.00 hours to 22.00 hours  
Friday and Saturday 23.00 hours to midnight  
Sunday 16.00 hours to 22.00 hours

#### Supply of Alcohol

Monday 18.00 hours to 22.00 hours  
Friday and Saturday 23.00 hours to midnight  
Sunday 16.00 hours to 22.00 hours

#### Opening Hours

Monday 18.00 hours to 22.00 hours  
Friday and Saturday 23.00 hours to midnight  
Sunday 16.00 hours to 22.00 hours;

#### (2) Conditions

Consistent with the Operating Schedule, as contained in the application form attached as Appendix 1 to Report LSC/SE/16/005, subject to the following amended/additional conditions as recommended by the Suffolk Constabulary in a letter dated 21 July 2016 :

(i) Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display and at the point of sale;

(ii) An incident log will be kept on the premises and be made available on request to an authorised officer of the Licensing Authority or Police. The incident log will record the following:

- Any complaints received
- Any incidents of crime or disorder
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service;

(iii) The Designated Premises' Supervisor shall make arrangements to ensure that, so far as is reasonably practicable, no customers shall be permitted to move from the premises any open bottles, glasses or foodstuffs for consumption or disposal outside the premises;

(iv) The Designated Premises' Supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid the accumulation of glassware;

(v) Customers will not be permitted to drink outside of the premises;

(vi) The Designated Premises' Supervisor shall ensure that at all times when the public is present, that there is one competent person able to administer First Aid equipment and that an adequate and appropriate supply of First Aid equipment and materials are available on the premises. Adequate records to be maintained in relation to the supply of any First Aid treatment; and

(vii) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

*( It was also announced that the applicants or any other party to the hearing, within 21 days of the written notification of the determination made by the Sub-Committee may lodge an appeal to the Magistrates' Court.)*

The meeting concluded at 10.17am

**Signed by:**

**Chairman**

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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