

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 24 January 2017** at **5.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Frank Warby
Vice Chairman Clive Springett

Sarah Broughton
Tony Brown
Bob Cockle
Jeremy Farthing
Wayne Hailstone

Margaret Marks
Sara Mildmay-White
Richard Rout
Peter Thompson
Anthony Williams

By Invitation:
Susan Glossop

48. **Apologies for Absence**

Apologies for absence were received from Councillor Beccy Hopfensperger.

49. **Substitutes**

There were no substitutes declared.

50. **Minutes**

The minutes of the meeting held on 11 October 2016 were confirmed as an accurate record and signed by the Chairman.

51. **Public participation**

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

52. **Hackney Carriage Proposed Fare Increase 2017**

[Councillor Anthony Williams arrived at 5.09pm during the consideration of this item]

The Committee received Report No: LIC/SE/17/001, which asked members to consider the proposed Hackney Carriage fare increase. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 enables St Edmundsbury Council (the Council), at its discretion, to fix and vary the tariff for Hackney Carriages that are licensed by the Council.

Attached at Appendix 1 to the Report No: LIC/SE/17/001 was the current fares for Hackney Carriages which had been varied in November 2015, by an increase of around 9%.

A new fare proposal was submitted in September 2016 by a St Edmundsbury Hackney Carriage driver. In order for the Council to informally gauge an idea of support from the trade, the driver was asked to speak to other Hackney Carriage drivers/proprietors about the proposal. In response, 16 drivers/proprietors signed the proposer's fare increase. Members were advised that this was not a formal consultation completed by the Council and should not be taken into consideration by the Committee.

Attached at Appendix 3 to the report, was the fare proposal, which sought that another two tariffs be added for 8 seater vehicles, making an increase of 6 tariffs to 8. There were also confusing changes to the yardage and an increase to running mile payments.

The Council was required to consult on the proposed fares. Therefore all 63 licensed Hackney Carriage proprietors with the Borough were sent a letter in December 2016 notifying them of the proposals and asked them to vote for or against the proposed fare or to request a new proposed (Appendix 2). Out of ten responses received by the Council, nine voted against the proposed new fares and one voted in favour of the proposed new fares. Out of the 16 drivers/proprietors who informally endorsed the fare increase proposal, only one responded to the Council's consultation by still voting for the increase. No other responses officially voting for the increase were received during the consultation period.

The Committee considered the report and the three options (see below) in detail and asked a number of questions to which officers provided comprehensive responses.

- 1) That the advertisement of the proposed new fare increase be approved, and brought back to the Committee for further consideration. OR
- 2) That the proposed table of fares be rejected and request the trade to produce a new set of proposals for the Committee to consider at a future meeting. OR
- 3) That the proposed table of fares be rejected, with no changes be made at the present time.

In particular discussions were held on how the Council could improve the way in which it consulted with the Taxi trade regarding fare increases; the lack of response received from drivers regarding the proposed fare increase; and the ranking of St Edmundsbury in the taxi fare league table.

In response to a question raised, members were advised that other local authorities generally looked at fare increases annually between January and March; consulting, then reviewing fare proposals received.

A number of members were supportive of option 3, subject to the introduction of an annual review of fares.

It was proposed by Councillor Sara Mildmay-White and seconded by Councillor Richard Rout, and with the vote being unanimous, it was

RESOLVED

That the proposed table of fares be rejected, with no changes be made at the present time, subject to the introduction of an annual review of the taxi trade with members and officers.

53. Joint West Suffolk Animal Welfare and Boarding Licensing Conditions

The Committee received Report No: LIC/SE/17/002, which sought the Committee's approval to adopt the proposed Joint West Suffolk Animal Welfare and Boarding Licensing Conditions.

Members were advised that under the Animal Boarding Establishments Act 1963, Dog Breeding Act 1973 (as amended) and Pet Animals Act 1951 the Borough Council inspected and regulated animal accommodation to ensure welfare arrangements were satisfactory and that they met statutory and local conditions. Animal Welfare Licences were administered and regulated by Officers within the Licensing Team

A consultation on the joint revised conditions took place between 24 October and 5 December 2016. No objections to the adoption of the proposed conditions were received, however some comments were made based around enforcing against unlicensed boarders and not directly linked to the conditions.

Attached at Appendix 1 to the report was the proposed new Joint West Suffolk Animal Welfare and Boarding Licensing Conditions, which would provide St Edmundsbury Borough Council with an up to date licensing regime that reflected changes in the law, the industry and progress in animal care and pet shops, animal boarding and dog breeding establishments.

The Committee considered the report and the standard licensing conditions in detail and asked questions to which comprehensive responses were provided.

In particular discussions were held on the frequency of premises inspections. Members were informed that inspections were carried out annually along with a vet of the Council's choice, which was part of the application renewal process.

The Committee wished to congratulate officers on producing an excellent document.

It was proposed by Councillor Richard Rout and seconded by Councillor Bob Cockle, and with the vote being unanimous, it was

RESOLVED

That the Joint West Suffolk Animal and Welfare and Boarding Licensing Conditions, attached at Appendix 1 to Report No: LIC/SE/17/002, be approved.

54. Proposed Joint West Suffolk Sex Establishments Licensing Policy

The Committee received Report No: LIC/SE/17/003, which sought the Committee's approval to recommend the adoption of the proposed Joint West Suffolk Sex Establishment Licensing Policy.

The Council had a Sex Establishment Licensing Policy which was adopted on 5 April 2011. This formed the basis of decisions when dispensing the Licensing Authority's functions in respect of sex shops, cinemas and sex entertainment venues (lap dancing clubs). The current policy had been referred to and empowered members to consider and determine applications for sex establishments.

The proposed draft West Suffolk policy was attached at Appendix 1, which required adoption by Full Council, following consultation by both St Edmundsbury Borough Council and Forest Heath District Council. .

The proposed joint policy would replace the existing St Edmundsbury Borough Council policy, the main difference being the introduction of a wider range of standard conditions. The proposed joint policy was based upon one used nationally and which formed the basis of the policy in place at Forest Heath District Council. The Forest Heath policy had been referred to for the last four years where a lap dancing club application and subsequent annual renewals had required member determination as the result of objections.

The Committee considered the report and the policy and asked questions to which responses were provided.

It was proposed by Councillor Sara Mildmay-White and seconded by Councillor Jeremy Farthing , and with the vote being unanimous, it was

RECOMMENDED:

That subject to the approval of Council, the proposed West Suffolk Sex Establishment Licensing Policy, attached as Appendix 1 to Report No: LIC/SE.17/003, be adopted.

55. Proposed Taxi Drivers Handbook

The Committee received a verbal update from the Service Manager (Environmental Health) on progress made to date on the development of the proposed Taxi Drivers Handbook.

Although St Edmundsbury Borough Council and Forest Heath District Council were two separate licensing authorities, it was proposed that the Taxi Drivers Handbook was a joint handbook for the West Suffolk councils.

It as proposed that a small Working Party be set up with the Taxi trade Members of the Licensing Committee from St Edmundsbury Borough Council and Forest Heath District Council to work through the proposed taxi handbook. The Service Manager was keen for members of the Committee to get involved in the consultation process, and anyone interested was asked to contact the Service Manager after the meeting.

A drop in session was also being arranged to enable face-to-face contact with the taxi trade, officers and members.

Councillor Richard Rout informed the Committee he was happy to be involved in the consultation process.

There being no decision required, the Committee **noted** the contents of the verbal update.

56. Minutes of meetings of the Licensing & Regulatory Sub-Committee

The minutes of the meetings of the Licensing and Regulatory Sub-Committee held on 28 September 2016 and 19 December 2016 were confirmed as correct records, and signed by the Chairman.

57. Exclusion of the Public

It was proposed by Councillor Jeremy Farthing, seconded by Councillor Richard Rout and

RESOLVED:

That under Section 100(A) of the Local Government Act 1972 the press and public 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.

58. Exempt minutes of meetings of the Licensing & Regulatory Sub-Committee

The Exempt Minutes of the Licensing and Regulatory Sub-Committee held on 28 September 2016 and 19 December 2016 were confirmed as correct records and signed by the Chairman.

The Meeting concluded at 5.35 pm

Signed by:

Chairman