

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda									
Date:	Tuesday 17 May 2016									
Time:	5.00 pm									
Venue:	Conference Chamber West (F1R09) West Suffolk House Western Way Bury St Edmunds IP33 3YU									
Full Members:	<p style="text-align: center;">Chairman Frank Warby Vice-Chairman Terry Buckle</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (11)</u></td> <td style="vertical-align: top;">Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfensperge Sara Mildmay-White</td> <td style="vertical-align: top;">Richard Rout Clive Springett Sarah Stamp Peter Thompson</td> </tr> <tr> <td style="vertical-align: top;"><u>Charter Group Member (1)</u></td> <td style="vertical-align: top;">Bob Cockle</td> <td></td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Group Member (1)</u></td> <td style="vertical-align: top;">Tony Brown</td> <td></td> </tr> </table>	<u>Conservative Members (11)</u>	Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfensperge Sara Mildmay-White	Richard Rout Clive Springett Sarah Stamp Peter Thompson	<u>Charter Group Member (1)</u>	Bob Cockle		<u>UKIP Group Member (1)</u>	Tony Brown	
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Interests – Declaration and Restriction on Participation:	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.									
Quorum:	Five Members									
Committee administrator:	David Long Committee Administrator Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk									

Public Information



St Edmundsbury
BOROUGH COUNCIL

Venue:	West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU	Tel: 01284 757120 Email: democratic.services@westsuffolk.gov.uk Web: www.stedmundsbury.gov.uk
Access to agenda and reports before the meeting:	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.	
Attendance at meetings:	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.	
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 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.	
Disabled access:	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.	
Induction loop:	An Induction loop is available for meetings held in the Conference Chamber.	
Recording of meetings:	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.	

Agenda

Procedural Matters

Page No

Part 1 - Public

1. **Apologies for Absence**
2. **Substitutes**
3. **Minutes** **1 - 4**
To confirm the minutes of the meeting held on 2 February 2016 (copy attached).
4. **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.
5. **Minutes of the meeting of the Licensing and Regulatory Sub-Committee** **5 - 10**
To confirm the minutes of the meeting of the Licensing & Regulatory Sub-Committee held 19 April 2016 (attached)
6. **Adoption of Conditions in respect of the Hypnotism Act 1952** **11 - 24**
Report **LIC/SE/16/002**
7. **Training for Hackney Carriage and Private Hire Vehicle Drivers** **25 - 30**
Report **LIC/SE/16/003**

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 3 of Part 1 of Schedule 12(A) of the Act.

Part 2 - Exempt

- | | | |
|-----------|---|----------------|
| 8. | Training for Hackney Carriage and Private Hire Vehicle Drivers | 31 - 32 |
| | Exempt Appendix 1 to Report LIC/SE/16/003 | |

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 2 February 2016** 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 Terry Buckle

Sarah Broughton	Sara Mildmay-White
Tony Brown	Richard Rout
Bob Cockle	Clive Springett
Jeremy Farthing	Sarah Stamp
Wayne Hailstone	Peter Thompson
Beccy Hopfensperger	

By Invitation:
Susan Glossop

21. **Apologies for Absence**

No apologies for absence were received.

22. **Substitutes**

No substitutions were announced.

23. **Minutes**

The minutes of the meeting held 29 September 2015 were confirmed as a correct record and signed by the Chairman.

24. **Public Participation**

There were no members of the public present.

25. **West Suffolk Joint Sex Establishments Licensing Policy**

(Councillor Wayne Hailstone arrived at the meeting during the discussion of this item)

The Committee considered Report LIC/SE/16/01 (previously circulated) which sought approval for public consultation to be carried out on a draft West Suffolk Joint Sex Establishment Licensing Policy. A copy of the draft policy incorporating Guidance and standard Conditions was attached as Appendix 1 to the report. Officers apologised for a reprographic error on Paragraph 1.2 of the draft policy which was unreadable and also appeared out of sequence. This paragraph should state the following :

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

The background to the draft policy was that Section 27 of the Policing and Crime Act 2009 provided adoptive provisions to allow local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops and sex cinemas. Specifically the 2009 Act re-classified lap dancing clubs and other similar venues as 'sexual entertainment venues' as a sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. St. Edmundsbury Borough Council passed a resolution to adopt these powers on 1 March 2011.

Sexual entertainment venues were defined as 'any premises at which relevant entertainment is provided for a live audience for the financial gain of the organiser or performer'. The meaning of relevant entertainment is 'any live performance or live display of nudity which is of such a nature that, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)'.

In summary Schedule 3 (as amended) to the 1982 Act :

- (a) Allowed local authorities to adopt the legislation.
- (b) Allowed local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because, for example, the area was primarily a residential area (there is an exemption for premises that provide such entertainment on an infrequent basis).
- (c) Required licences to be renewed at least yearly, at which point local people would have the opportunity to raise objections with the local authority.
- (d) Allowed a local authority to reject a licence application if they believed that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.

- (e) Allowed a local authority to set a limit on the number of sexual entertainment venues that they thought appropriate for a particular area.
- (f) Allowed a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they were currently able to under the Licensing Act 2003.

In order to operate under this legislation best practice advised that the Council adopt a policy for issue of licences and maintenance of sex establishments and approve a set of standard conditions to be applied to each licence, unless they were expressly excluded or varied.

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).

Although Forest Heath DC and St. Edmundsbury B C are two separate licensing authorities, Officers are proposing a West Suffolk Joint Sex Establishment Licensing Policy which incorporates guidance and more detailed standard conditions. The proposed statement at Appendix 1 of this report was the first joint one for sex establishments and would require adoption, after consultation, by both Councils.

For St. Edmundsbury BC, the proposed joint policy would replace that already in place, the main difference was the introduction of a wider range of minimum standard conditions. The proposed policy was based upon one used nationally and which formed the basis of the policy in place at Forest Heath DC. The Forest Heath policy had been referred to for the last four years when a lap dancing club application and subsequent annual renewals had required Member determination as the result of objections.

Following public consultation the policy, including any revisions, would be brought before the Committee for approval, prior to referral to Cabinet and Council for formal adoption.

Officers emphasised that the main grounds for refusing an application were the unsuitability of the location of the premises involved, e.g. proximity to schools or churches, and moral issues had to be set aside. Officers further advised that unlike refusals of Premises' or Taxi Licences where there was a right of appeal to the Magistrates' Court no such facility existed in case of refusal of an application for a Sex Establishment Licence. It was also acknowledged by Officers that the text of the draft policy required minor corrections to the text before the document was subject to public consultation.

In response to questions raised by Members the following responses were given by Officers :

- (i) the fee of £3,000 reflected the high cost of processing applications and the Council was entitled to recover this ; and

(ii) in situations where a Sex Establishment Licence and a Premises' Licence applied to the same property efforts would be made to ensure that closing times to be applied under both forms of licence were coterminous.

RESOLVED :

That the draft West Suffolk Joint Sex Establishment Licensing Policy be approved for public consultation.

26. Minutes of meetings of Licensing Sub-Committees

The minutes of the meetings of the Licensing Act Sub-Committee held 7 and 17 September 2015 and the Licensing & Regulatory Sub-Committee held 26 October (all previously circulated) were confirmed as correct records and signed by the Chairman.

27. Exempt information - Exclusion of 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 Schedule 12 (A) of the Act.

28. Exempt Minutes of meeting of Licensing Sub-Committee

The exempt minutes of the meeting of the Licensing & Regulatory Sub-Committee held 26 October 2015 (previously circulated) were confirmed as a correct record and signed by the Chairman.

The meeting concluded at 5.20pm

Signed by:

Chairman

Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Tuesday 19 April 2016** at **2.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Bob Cockle

Sarah Broughton Richard Rout

Substitute attending:

John Burns

13. **Election of Chairman**

It was proposed, seconded and

RERSOLVED – That Councillor Bob Cockle be elected Chairman for this Sub-Committee meeting.

14. **Substitutes**

No substitutions were declared.

15. **Apologies for Absence**

No apologies for absence were received.

16. **The Hearing Procedure (previously circulated) was adopted in considering the under-mentioned item**

The Hearing Procedure (previously circulated) was adopted in considering the under-mentioned item.

17. **Application for a New Premises' Licence: Amigos, 35-36 Brentgovel Street, Bury St Edmunds**

(a) Pre-Hearing

The following actions were taken during the pre-hearing part of the meeting:

- (1) it was announced that Karl Hollingsworth and Natrudee Webb, the applicants, were present;
- (2) the applicants and Brian Daniels, one of the Other Persons who had submitted written representations and who was present at the hearing, confirmed that they had received a copy of the Officers' written report (reference LSC/SE/16/001);
- (3) the applicants and the Other Person confirmed that they did not wish to amend or withdraw their application or 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 applicants the amount of time they required to present their case. 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 Burns remained present as an observer.

(b) Hearing

The Licensing Officer presented Report LSC/SE/16/001 (previously circulated) in connection with an application received for a new Premises' Licence in respect of Amigos, 35-36 Brentgovel Street, Bury St. Edmunds. A copy of the application was attached as Appendix 1 to the report. A basic location plan was attached as Appendix 2. Two accepted representations, a response from the applicants and a further e-mail from one of the objectors were attached as Appendix 3.

The four Licensing Objectives of the Licensing Act 2003 were set out as below:

Prevention of Crime and Disorder
Public Safety
Prevention of Nuisance
Protection of Children from Harm.

The report advised the Sub-Committee that section 17 of the Crime & Disorder Act 1998 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:

- (i) Grant the licence applied for; or
- (ii) 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
- (iii) Reject the whole or part of the application.

Mr Hollingsworth, in support of the applicants' case, informed the Sub-Committee that they had taken over the first floor of the premises a fortnight previously and were in the process of furnishing it. The renovation of the building would involve them in substantial expenditure with the objective of creating a restaurant with bar which would offer 'a Mexican Experience', one which would encourage customers to have a whole night out at this venue. He was of the view that there was a niche in the market to be filled by offering late night refreshment until 1.00 am on Fridays and Saturdays. He suggested that there was no other restaurant in Bury St. Edmunds where late night drinks were available until this time. With the licence being sought he believed there would be scope for private hire of the restaurant to Americans. His intention by seeking the later times for the sale of alcohol on Fridays and Saturdays was to tap into a regular clientele by offering them an after dining facility for late night drinks. If, however, it became apparent there was no demand for late night drinking the premises would not stay open until 1.00pm. Mr Hollingsworth stated there was no intention to attract customers who were merely seeking late drinks after closing time at other establishments and that a challenge policy would be strictly applied. Last orders for food would be 10.00pm and this would cease to be served after 10.30pm. The reason for seeking later times for the sale of alcohol on Fridays and Saturdays was to provide extra trade as there could not be total reliance on the food side to sustain the business.

In response to Members' questions the applicants responded as follows :

- (a) the capacity of the restaurant was 90 with 60 to 70 persons being seated;
- (b) the applicants were of the view that the venue was a restaurant with a bar for after dinner drinks rather than a bar also providing food;
- (c) the supply of alcohol would be principally by table service but customers could seek to be served at the bar;
- (d) the premises would be covered by CCTV with footage being stored for 40 days and a reception desk would be situated at the first floor entrance to the restaurant where customers would be met and greeted. If the premises were busy and for private hirings a door supervisor would be stationed on the ground floor at the foot of the stairs.
- (e) no children would be admitted after 9.30pm;
- (f) a sign would be displayed inside the restaurant asking customers to leave the premises safely and quietly. It was not anticipated that customers would leave all at once at 1.00am when the premises closed as it was likely they would disperse gradually. If in the case of a private hiring it was likely that persons using the premises would be leaving together then their departure would be overseen by the door supervisor;
- (g) 17 two seater tables were being supplied. Dependent on the amount of space which would be left the possibility of installing some larger farmhouse type tables was being considered;
- (h) the bar could accommodate 10 persons standing with a service area space being maintained for waiters/waitresses to collect drinks;
- (i) both of the applicants had experience in management within restaurant/catering/hotel businesses;
- (j) no noise attenuation measures were proposed for the premises. It was acknowledged that the live band to be engaged once a month would be noisy but it would perform between set times of 9.00pm to 11.00 pm. Recorded music would be played to provide a low key background ambience for diners. There were no near residential properties and therefore Mr Hollingsworth considered that activities at the venue would not cause disturbance. In his view there were other licenced premises nearby which were noisier.

Mr Brian Daniels, an Other Person who had submitted written representations, expressed his concerns about the application. He referred to the situation that he and other residents of Merchants Place had had to contend with noise nuisance and anti-social behaviour from licensed premises nearby. These matters had been investigated by

Environmental Health Officers and the situation had improved. Nonetheless, he was concerned about the proposed hours of business and pointed out that most other restaurants in the town closed at midnight. A closing time of 1.00am was of concern to residents in view of the potential for noise and disturbance at that time.

Each of the parties summed up their case.

(At this point the Sub-Committee retired accompanied by the Legal Advisor and Committee Administrator to give consideration to the merits of the application. In considering the application the Sub-Committee had regard to the Licensing Objective of the Prevention of Nuisance and the representations made by the applicants and the Other Person. The Sub-Committee re-convened and announced the following decision)

Decision:

That:

- (1) the application for a new Premises' Licence in respect of Amigos, 35-36 Brentgovell Street, Bury St. Edmunds be granted with modifications as follows:

Live Music

Thursdays	19.00 to 23.00
Fridays and Saturdays	20.00 to 23.00
New Year's Eve	until Midnight

Recorded Music

Mondays to Wednesdays	10.00 to 22.00
Thursdays	10.00 to 23.00
Fridays and Saturdays	10.00 to 00.30*
Sundays	10.00 to 18.00
New Year's Eve	until 02.00 if on a weekday

Late Night Refreshment (Indoors)

Fridays and Saturdays	23.00 to 0030*
New Year's Eve	until 02.00

Supply of Alcohol

Mondays to Thursdays	11.00 to 23.00
Fridays and Saturdays	11.00 to 00.30*
Sundays	11.00 to 18.00
New Year's Eve	until 02.00

Opening Hours

Mondays to Thursdays	10.00 to 23.00
Fridays and Saturdays	11.00 to 01.00
Sundays	10.00 to 18.00
New Year's Eve	until 02.00

* modified times

- (2) Conditions
Consistent with the applicants' Operating Schedule, as contained in Part 3 of Appendix 1 of Report LSC/SE/16/001 with the following additional conditions :
- (a) for private functions on a Friday or Saturday and on New Year's Eve a minimum of one qualified Door Supervisor shall be employed;
 - (b) on a Friday or a Saturday no person shall be admitted to the premises after midnight; and
 - (c) alcohol to be supplied to customers by table service only.

The meeting concluded at 3.15pm

Signed by:

Chairman

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Adoption of Conditions in respect of the Hypnotism Act 1952	
Report No:	LIC/SE/16/002	
Report to and date	Meeting	Licensing & Regulatory Committee 17 May 2016
	Meeting 2	
Portfolio holder:	Councillor Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Amanda Garnham Licensing Enforcement Officer Tel: 01284 757048 Email: amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	To seek the Committee's approval to introduce standard conditions for stage hypnotism performances.	
Recommendation:	<p>It is <u>RECOMMENDED</u>:</p> <p>That :</p> <p>(1) the Committee approves and adopts the conditions (attached at Appendix 1 to this report) so that they can be applied by the Licensing Authority to any future application under the Hypnotism Act 1952; and</p> <p>(2) authority be delegated to the Licensing Manager, or equivalent officer, to determine any future applications under the Hypnotism Act 1952 and to authorise proceedings under the Act.</p>	

	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input checked="" type="checkbox"/></p> <p>No, it is not a Key Decision - <input type="checkbox"/></p> <p>(a) be significant in terms of its effects on communities living or working in an area in the District</p>
<p><i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i></p>	
Consultation:	<ul style="list-style-type: none"> • None necessary
Alternative option(s):	<ul style="list-style-type: none"> • None applicable
Implications:	
<p><i>Are there any financial 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"> • The legislation does not provide any power for the Council to charge for consent. This is not considered to be an issue as the consideration of applications and the granting of consent are matters that are likely to arise infrequently and can be dealt with using existing resources.
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any legal and/or policy implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • It is an offence to give an exhibition, demonstration or performance of hypnotism on any person at or in connection with entertainment to which the public are admitted whether on payment or otherwise unless the authority has authorised that exhibition, demonstration or performance. • It is also an offence to give such an exhibition in contravention of any conditions that have been imposed on an authorisation that has been granted. • The maximum fine for contravention of the Act or any authorisation granted is £1,000
<p><i>Are there any equality 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"> • No impact identified
Risk/opportunity assessment:	<p><i>(potential hazards or opportunities affecting corporate, service or project objectives)</i></p>

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Failure to agree conditions for the Consent could put public and young persons at risk	Medium	Conditions are adopted under the Home Office Guidance to give control and public reassurance	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Hypnotism Act 1952 http://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/46 Home office Circular 39/1996 Copy available at: http://www.torfaen.gov.uk/en/Related-Documents/Licensing/Hypnotism-Home-Office-Circular.pdf	
Documents attached:		<i>(Please list any appendices.)</i> Appendix 1 – Proposed Conditions Appendix 2 – Guidance Notes	

1. Key issues and reasons for recommendation(s)

1. Background

- 1.1 Following an enquiry from a stage hypnotist to receive authorisation to conduct a live performance in West Suffolk, Officers identified that at present the Council does not have an adopted set of model conditions.
- 1.2 The Hypnotism Act 1952 empowers licensing authorities to attach conditions to a public entertainments licence regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place for which the public entertainment licence had been granted.
- 1.3 Standard conditions were previously incorporated into Public Entertainment Licences however with the advent of the Licensing Act 2003 the loss of standard conditions has removed this option for control.
- 1.4 A display of public hypnotism is not a regulated activity for the purposes of the Licensing Act 2003. Therefore the venue need not be licensed under that regime, however it is accepted that the vast majority of applications will be for premises where a premises' licence is in force but there is no direct link.

2. **Additional Supporting Information**

Legal and Policy Implications

- 2.1 The Hypnotism Act 1953, as amended, makes it a criminal offence to conduct hypnotism for public entertainment unless authorisation has been given by the Licensing Authority
- 2.2 Section 6 of the Act defines hypnotism as follows:

'Hypnotism' includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to be increased but does not include hypnotism, mesmerism or any such similar act or process which is self-induced.
- 2.3 The Act imposes a restriction on hypnotising anyone under 18. There are saving provisions which make legitimate scientific or medical hypnotism exempt from the need for licensing provided that it is not undertaken for public entertainment.
- 2.4 It is open for the Licensing Authority to impose such conditions as it may see fit on any hypnotism licence. However, it should be noted that there is guidance in the form of Home Office Circular 39/1996, which although released prior to the changes under the Licensing Act 2003 remains current.
- 2.5 The proposed conditions attached as Appendix 1 to this report follow the model scheme and are intended to strike a balance between legitimate concerns for public safety and the ability for hypnotists to trade.
- 2.6 The proposed conditions include a requirement to admit authorised officers to allow for inspection. The Act only gives a right of entry to police officers and the proposed extension by condition to Licensing Officers is considered a proportionate step in regulating the event. Although licensing officers will not have a power of entry under this condition, failure to admit an officer would be a breach of condition and therefore a criminal offence.

3. **Other issues**

- 3.1 The provision of model conditions and related guidance notes/procedure will assist future applicants by providing an efficient and timely licensing service that assists the operation of individuals and/or businesses requiring a licence or consent. In turn this may increase opportunities for economic growth in West Suffolk
- 3.2 It is the duty of licensing authorities to safeguard and protect the general public. The majority of performances will be undertaken by reputable performers with due regard to guidance. Appropriate regulation will, however, ensure that the public can be confident that appropriate safeguards are in place.

4. **Conclusion/Recommendation**

- 4.1 That the Committee adopts the proposed conditions set out in the report to enable the efficient licensing and regulation of performances of hypnotism and that the Licensing Manager and Licensing Officers are each delegated the authority to determine applications for licences to perform hypnotism entertainment.

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HYPNOTISM ACT 1952

HOME OFFICE CIRCULAR NO. 42/1989
HOME OFFICE CIRCULAR NO. 39/1996

**CONDITIONS REGULATING EXHIBITION,
DEMONSTRATION OR PERFORMANCE OF HYPNOTISM**

Conditions for hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

1. Applications

The Licensing Authority to be informed in writing twenty-eight (28) days in advance of the performance of:

- a. The name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the 'hypnotist'), together with details of their last three performances (when and where).
- b. A statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused or had withdrawn a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at any theatre or other place of public amusement or public entertainment.

2. Publicity

- a. No poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licence holder either at the premises or elsewhere.
- b. Every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement:

'Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance'.

3. Insurance

- a. The performance shall be covered by a minimum of £5 million public liability insurance. The hypnotist must provide evidence of this to the local authority if requested and it must be available for inspection at the performance.

4. Physical arrangements

- a. The means of access between the auditorium and the stage for the participants shall be properly lit and free from obstruction.

- b. A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line whilst under hypnosis, unless specifically told to do so as part of the performance.

5. Treatment of the audience and subjects

- a. Before stating the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles as long as the overall message remains the same:

“I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no one volunteers if they have a history of mental illness, or are under the influence of alcohol or other drugs or are pregnant”.

- b. No form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques that seek to identify and coerce out on stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g. asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.
- c. If volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the Licensing Authority shall be in attendance throughout to ensure their safety.

6. Prohibited actions

- a. The performance shall be conducted as not to cause offence to any person in the audience or any hypnotised subject.
- b. The performance shall be so conducted as not likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include:
 - i. any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child, etc.);

- ii. any suggestion that the subject has lost something (e.g. a body part) which, if it really occurred, could cause considerable distress;
 - iii. any demonstration in which the subject is suspended between supports (so called 'catalepsy');
 - iv. the consumption of any harmful or noxious substance;
 - v. any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).
- c. The performance shall not include giving hypnotherapy or any other form of treatment.

7. Completion

- a. All hypnotised subjects shall remain in the presence of the hypnotist and in the room or place in which the performance takes place until all hypnotic suggestions have been removed.
- b. All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist from telling subjects that they will feel well and relaxed after the suggestions are removed).
- c. The hypnotist shall remain available for at least 30 minutes after the show to help in dealing with any problems that might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an inappropriate person to treat anyone who is otherwise unwell).

8. Authorised access

Where:

- i. a police officer; or
- ii. an authorised officer of the Licensing Authority; or
- iii. an authorised officer of the fire authority

has reason to believe that a performance is being, or is about to be, given, he/she may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

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**HYPNOTISM ACT 1952
HOME OFFICE CIRCULAR NO.
42/1989 HOME OFFICE
CIRCULAR NO. 39/1996**

GUIDANCE INFORMATION

Background Information

The Hypnotism Act 1952 empowered licensing authorities for public entertainments under the Local Government (Miscellaneous Provisions) Act 1982 to attach conditions to a public entertainments licence regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place for which the public entertainment licence had been granted.

Concern over the content of some performances of stage hypnotism prompted the issue of Home Office Circular No. 42/1989, which proposed revised and updated guidance for local authorities whilst exercising their licensing responsibilities.

Effect of the Hypnotism Act 1952

The Act contains the following provisions:

1. The effect of section 1(1) of the Act enables any licensing authority in England and Wales that has the power to grant licences for the regulation of places kept or ordinarily used for public dancing, singing, music or other public entertainment of a similar kind, to include in the conditions that the licensing authority attaches to such licences, conditions regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person.
2. Section 2(1) of the Act prohibits the giving of an exhibition of hypnotism at or in connection with public entertainment other than at a place licensed for public music and dancing, etc., unless the exhibition has been authorised by the licensing authority.
3. Section 3 of the Act, as amended by the Family Law Reform Act 1969, makes it an offence to give, at or in connection with public entertainment, an exhibition of hypnotism on a person under the age of 18 unless the person giving the exhibition had reasonable cause to believe that the person was aged 18 or over.
4. Section 4 of the Act gives any police officer the power to enter premises where any entertainment is held if he/she has reasonable cause to believe that the Hypnotism Act is being or may be contravened.
5. Section 5 of the Act provides an exemption in respect of an exhibition of hypnotism given (other than at or in connection with an entertainment) for scientific or research purposes or for the treatment of mental or physical disease.

6. Section 6 of the Act defines hypnotism as follows:

'Hypnotism' includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to be increased but does not include hypnotism, mesmerism or any such similar act or process which is self-induced.

Hypnotism Act 1952 and the Licensing Act 2003

1. Under Section 1(1) of the 1952 Act a licensing authority had the power to include in the conditions that it attached to a public entertainment licence issued under the Local Government (Miscellaneous Provisions) Act 1982, conditions regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person.
2. Under the Licensing Act 2003 only those conditions specified by the applicant in their operating schedule or as agreed at a licensing hearing can be attached to a premises licence or club premises certificate. No conditions can be attached by the licensing authority to a temporary event notice (TEN). As 'blanket conditions' are also not permitted under the Licensing Act 2003, licensing authorities are no longer able to regulate hypnotism in the same way as under public entertainment licensing
3. Although Section 4 of the Hypnotism Act gave power of entry to police officers only, the Licensing Act 2003 does permit entry to authorised officers of licensing authorities and responsible authorities to all premises where a premises licence has been granted. However, under the Licensing Act 2003 power of entry is restricted in those premises where a club premises certificate has been granted or a temporary event notice (TEN) has been authorised.
4. Individual exhibitions, demonstrations or performances of hypnotism in premises that have been granted a premises licence, club premises certificate or with an authorised temporary event notice (TEN) under the Licensing Act 2003 will be licensed in accordance with the procedure below.

Hypnotism Act 1952 – Regulation of Exhibitions, Demonstrations or Performances of Hypnotism in Premises licensed under the Licensing Act 2003 (Annex to Home Office Circular NO. 42/1989)

1. No exhibition, demonstration or performance of hypnotism as defined in Section 6 of the Hypnotism Act 1952 shall be given on any person at the licensed premises or under the provision of a temporary event notice (TEN) except with the express written consent of the licensing authority and in accordance with any conditions attached to such a consent.
2. An application for consent to hold an exhibition, demonstration or performance of hypnotism shall be in writing and signed by the holder of the premises licence, club premises certificate or the person serving the TEN or his/her agent and shall be made not less than 28 days in advance of the exhibition. A copy of the application shall at the same time be sent to the chief officer of police and the fire authority. The application shall contain the following particulars:

- a. the full name and address of the person ('the hypnotist') who is to give the exhibition, demonstration or performance;
 - b. a description of the proposed exhibition, demonstration or performance;
 - c. a statement as to whether the hypnotist has been previously refused or had withdrawn a consent by any licensing authority, giving full details of the reasons why a consent has been refused or withdrawn; and
 - d. a statement as to whether the hypnotist has been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.
3. In relation to any consent given the following conditions shall apply:
- a. The exhibition shall be so conducted as not to be likely to cause harm to any person attending it.
 - b. No person shall be caused, while under the influence of hypnotism, to say or do anything offensive to the public. If the licensing authority notifies the licence holder in writing that it objects to anything said or done in the course of the exhibition, such thing shall not thereafter be included in the exhibition.
 - c. No exhibition, demonstration or performance shall include:
 - i. any experiment involving the age regression of the subject;
 - ii. the giving of hypnotherapy or any other form of treatment;
 - iii. any experiment in which the subject is suspended between two supports (so called 'catalepsy');
 - iv. the giving of suggestions to the subject that he/she should perform any act or behave in any manner that is likely to be interpreted as indecent, offensive or harmful, nor that he/she should consume any substance that is either noxious or harmful.
 - d. All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
 - e. The exhibition shall conform to the description submitted to the licensing authority unless the authority has required or expressly authorised a modification.
 - f. Any modifications in the exhibition subsequently required by the licensing

authority shall be made immediately upon notice thereof being given by the authority to the licence holder.

- g. No inducements shall be offered to member of the public to subject themselves to the influence of the hypnotist.
- h. No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied, by or on behalf of the licence holder either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to the public feeling. If the licensing authority notifies the licence holder in writing that it objects to a poster, advertisement or programme so displayed, sold or supplied, that poster, advertisement or programme shall not thereafter be displayed, sold or supplied.
- i. Every poster, advertisement or programme, relating to the exhibition, displayed, sold or supplied at the premises shall draw attention, in a clear and legible manner, to the prohibition on the hypnotising of persons under the age of 18 as imposed by Section 3 of the Hypnotism Act 1952.

Power of Entry for Enforcement

In relation to premises not licensed for entertainment activities, such as a premises holding a club premises certificate or premises operating under a temporary event notice (TEN), but where Section 2 of the Hypnotism Act applies, an additional condition will be attached to an authorisation to permit an authorised officer of the licensing authority entry to the premises during a demonstration of hypnotism authorised under this section of the Act.

This would not amount to power of entry, but breach of conditions constitutes an offence under the 1952 Act.

Prohibition of an Exhibition of Hypnotism

Under Section 1(1) of the Hypnotism Act 1952 licensing authorities have the power to prohibit absolutely an exhibition of hypnotism in premises licensed for public entertainment.

If a licensing authority decides to exercise this power the following wording will be used for this purpose:

‘No person shall give at the premises (otherwise than as provided by Section 5 of the Hypnotism Act 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased’.

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Training for Private Hire Vehicle and Hackney Carriage Drivers	
Report No:	LIC/SE/16/003	
Report to and date	Meeting	Licensing & Regulatory Committee 17 May 2016
Portfolio holder:	Councillor Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Sheila Gowans Licensing Officer Tel: 01638 719369 Email: sheila.gowans@westsuffolk.gov.uk	
Purpose of report:		
Recommendation:	<p>It is <u>RECOMMENDED</u> :</p> <p>That the Committee , subject to consultation:</p> <p>(1) Note the contents of the report and support the change in requirements for new drivers to complete the BTEC Level 2 Certificate; and</p> <p>(2) Support the change in requirements for all current drivers to complete the BTEC Level 2 Certificate (within a timeframe to be set).</p>	
Key Decision: <i>(Check the appropriate box and delete all those that do not 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 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i></p>			
Consultation:		<ul style="list-style-type: none"> To be carried out 	
Alternative option(s):		<ul style="list-style-type: none"> None applicable 	
Implications:			
<p>Are there any financial implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Within budget 	
<p>Are there any staffing implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Planned work with current resources 	
<p>Are there any ICT implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Are there any legal and/or policy implications? If yes, please give details</p>		<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> See body of report 	
<p>Are there any equality implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> No impact identified 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Implementing any policy or code which fails to meet current legislative or good practice requirements could leave this Licensing Authority open to a challenge.	High	Ensuring relevant licence holders are informed of the changes.	Medium
Ward(s) affected:		All	

<p>Background papers: <i>(all background papers are to be published on the website and a link included)</i></p>	<p>Local Government Association: Taxi and PHV Licensing – Councillors’ Handbook http://www.local.gov.uk/documents/10180/6869714/L15-87+Councillor+Handbook+-+Taxi+and+PHV+Licensing_06.pdf/c73bec4b-cd31-4bcd-be2c-f5fe3e87b4f4</p> <p>Town Police Clauses Act 1847 http://www.legislation.gov.uk/ukpga/Vict/10-11/89</p> <p>Local Government (Miscellaneous Provisions) Act 1976 http://www.legislation.gov.uk/ukpga/1976/57</p> <p>Example BTEC Syllabus http://qualifications.pearson.com/content/dam/pdf/btec-specialist/BA029037-BTEC-L2-Intro-to-the-Role-of-the-Professional-Taxi-and-Private-Hire-Driver-Issue2.pdf</p>
<p>Documents attached:</p>	<p>Exempt Appendix 1 – Proposal from West Suffolk College</p>

1. Key issues and reasons for recommendation(s)

- 1.1 Taxis (Hackney Carriages) and Private Hire Vehicles (PHVs) are vital to our communities through 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 Vehicle 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 the Council’s ‘fit and proper person’ test currently includes the following:
 - Criminal records check via the Disclosure and Barring Service (DBS);
 - Driving history check via the Driver and Vehicle Licensing Authority (DVLA);
 - Medical check via the applicant’s own General Practitioner;
 - Successful completion of the a Driving Standards Agency (DSA) assessment for hackney carriage/private hire drivers; or the Institute of Advanced Motorists (IAM) Advanced Driver test; or Royal Society of Prevention of Accidents (RoSPA) Advanced Driver test.
- 1.5 Recently Officers have investigated more complaints relating to the conduct of drivers, both existing and recently licensed. Whilst these have been isolated cases it has highlighted a need to improve the knowledge, training and skills of the licensed drivers and new applicants and the current prerequisites are considered insufficient.
- 1.6 Many Local Authorities now require drivers, both new and existing to obtain a qualification or pass their own in house tests. If our standards for drivers are seen to be lower than other councils, we are in danger of being seen as an easy Council and attracting the drivers that fail to obtain a licence elsewhere. This would be detrimental to the area and the Council’s reputation.
- 1.7 In order to improve standards, professionalism and customer care and thereby reduce and prevent complaints from members of the public. We want to professionalise and increase the knowledge of the drivers we licence using an effective training tool which also offers a recognised qualification. After

research into various methods of testing/training including in-house delivered options we propose an externally recognised qualification delivered by the West Suffolk College.

- 1.8 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'. Many Local Authorities now require all drivers to obtain a qualification.
- 1.9 We propose that all drivers obtain a BTEC Level 2 qualification – Introduction to the Role of the Professional Taxi and Private Hire Driver.
- 1.10 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. For West Suffolk it will also ensure that drivers are better qualified than neighbouring areas, may support local drivers securing more contracts and returning customers and help support the local economy through greater visitor and customer satisfaction which in turn may support return visits to West Suffolk.
- 1.11 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
 - 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 Persons by taxi or private hire vehicle

2 **Safeguarding and Disability Awareness**

- 2.1 Since April 2015, the Business Regulation and Licensing Manager for the West Suffolk Councils, has acted as the licensing lead for Suffolk on the Exploited Children Strategic Group which brings together a number of related work streams. The purpose of the group is to support the Suffolk Local Safeguarding Children's Board (LSCB), in fulfilling its statutory duty to monitor and evaluate the effectiveness of what is done by the Local Authority and Board partners, individually and collectively, to safeguard and promote the welfare of children and advise them on ways to improve. It also ensures there is a multi-agency response to the identification and safeguarding of vulnerable children and young people and the risks they may encounter.
- 2.2 A key strategic priority of the group and the LSCB is to raise awareness of what

child exploitation is and what risk factors may indicate that a child or young person is being abused or at risk of abuse in a number of areas including the hackney carriage and private hire trade.

- 2.3 To support this awareness, information materials have been developed, however face to face training is key to ensuring that all drivers fully appreciate the signs and symptoms and what actions they can take to alert the appropriate agencies.
- 2.4 Working with the West Suffolk College, we would be able to ensure that safeguarding training is also incorporated into the BTEC delivery.
- 2.5 Additionally, the BTEC will offer suitable disability awareness training for all drivers, not just those who drive adapted vehicles.

3 Implementation of the BTEC

- 3.1 Officers propose that all new applicants be required to complete the course prior to application for a licence from the Council. This would be in addition to the requirements listed in paragraph 1.4 above.
- 3.2 Officers also propose that all existing drivers would be given at least a year to obtain the BTEC level 2 qualification. After that date all driver renewal applications would require the qualification prior to licence renewal. West Suffolk has approximately 600 licensed drivers, of which approximately 400 are licensed by St. Edmundsbury Borough Council.
- 3.3 Applicants and existing drivers would be responsible for arranging to attend a course directly. Following consultation with the West Suffolk College a proposal has been produced which can be found at Appendix 1.
- 3.4 Applicants will be expected to fund the course directly, however in certain circumstances some central government funding may be available.
- 3.5 The Committee is being requested to support a consultation process with a view to introducing a mandatory qualification and as a sensible enhancement to ensure that the Council only grants a licence to professional drivers who are 'fit and proper' in all aspects.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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