

# Licensing and Regulatory Committee



St Edmundsbury  
BOROUGH COUNCIL

<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Tuesday 31 October 2017</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>Membership subject to approval at Extraordinary Council on 17 October 2017</b></p> <p style="text-align: center;"><b>Chairman</b> Frank Warby <b>Vice-Chairman</b> Clive Springett</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (10)</u></td> <td style="vertical-align: top;">Sarah Broughton Wayne Hailstone Beccy Hopfensperger Margaret Marks Sara Mildmay-White</td> <td style="vertical-align: top;">Richard Rout Clive Springett Peter Thompson Frank Warby Vacancy</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>Haverhill Indys Group (1)</u></td> <td style="vertical-align: top;">John Burns</td> <td></td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Group Member (1)</u></td> <td style="vertical-align: top;">Anthony Williams</td> <td></td> </tr> </table>	<u>Conservative Members (10)</u>	Sarah Broughton Wayne Hailstone Beccy Hopfensperger Margaret Marks Sara Mildmay-White	Richard Rout Clive Springett Peter Thompson Frank Warby Vacancy	<u>Charter Group Member (1)</u>	Bob Cockle		<u>Haverhill Indys Group (1)</u>	John Burns		<u>UKIP Group Member (1)</u>	Anthony Williams	
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<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>Christine Brain</b> Democratic Services Officer (Scrutiny) <b>Tel:</b> 01638 719729 <b>Email:</b> <a href="mailto:christine.brain@westsuffolk.gov.uk">christine.brain@westsuffolk.gov.uk</a>

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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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# **Agenda**

## **Procedural Matters**

### **Part 1 - Public**

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 6**

To confirm the minutes of the meeting held on 20 June 2017 (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 on 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 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. Taxi/Private Hire Handbook Revision** **7 - 54**

Report No: **LIC/SE/17/009**
- 6. Plate Exemption Process for Private Hire Vehicles** **55 - 68**

Report No: **LIC/SE/17/010**
- 7. Statement of Licensing Policy and Cumulative Impact Policy Renewal** **69 - 142**

Report No: **LIC/SE/17/011**
- 8. Local Air Quality - Progress Report 2016-2017** **143 - 216**

Report No: **LIC/SE/17/012**
- 9. Work Programme Update** **217 - 220**

Report No: **LIC/SE/17/013**

### **Part 2 – Exempt**

**NONE**



# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 20 June 2017** at **5.00 pm** in **Conference Chamber West**, at **West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Wayne Hailstone	Clive Springett
Sara Mildmay-White	Frank Warby
Richard Rout	Anthony Williams

**Substitutes attending:**

Susan Glossop	Patricia Warby
Jane Midwood	

**65. Election of Chairman 2017/2018**

This being the first meeting of the Licensing and Regulatory Committee since the Council's AGM on 18 May 2017, the Business Partner (Litigation and Licensing) opened the meeting and asked for nominations for Chairman of the Committee for 2017/2018.

Accordingly, Councillor Clive Springett nominated Councillor Frank Warby as Chairman and this was duly seconded by Councillor Patricia Warby, and with the vote being unanimous, it was

**RESOLVED:**

That Councillor Frank Warby be elected Chairman for 2017/2018.

Councillor Frank Warby then took the Chair for the remainder of the meeting and requested nominations for the election of Vice-Chairman.

**66. Election of Vice-Chairman 2017/2018**

Councillor Frank Warby nominated Councillor Clive Springett as Vice-Chairman and this was seconded by Councillor Patricia Warby, and with the vote being unanimous, it was

**RESOLVED:**

That Councillor Clive Springett be elected Vice-Chairman for 2017/2018.

**67. Apologies for Absence**

Apologies for absence were received from Councillors Sarah Broughton, Tony Brown, Bob Cockle, Jeremy Farthing and Margaret Marks.

Councillors Beccy Hopfensperger and Peter Thompson were also unable to attend.

**68. Substitutes**

The following substitutions were declared:

Councillor Patricia Warby for Councillor Sarah Broughton;  
Councillor Susan Glossop for Councillor Jeremy Farthing; and  
Councillor Jane Midwood for Councillor Margaret Marks.

**69. Public Participation**

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

**70. Minutes**

The minutes of the meeting held on 11 April 2017 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

**71. West Suffolk Food Safety Service Plan 2017-2018**

The Committee received Report No: LIC/SE/17/006, which asked members to consider and support the delivery of a West Suffolk Food Safety Service Plan for West Suffolk. The Food Standards Agency required every regulatory authority to prepare, adopt and regularly review a Food Safety Service Plan.

This report presented a West Suffolk Food Safety Service Plan, attached as Appendix A, covering both the regulatory and support work undertaken by the Environmental Health Service to protect the public health in Forest Heath and St Edmundsbury in respect of the food chain, whether they work in a food business or were a food consumer. As the Plan was an operational document, it would undergo regular review and change in future years. Officers would continue to maintain and enhance dialogue with stakeholders which would help inform any revision to the Plan, as well as helping to improve the services the Council delivered.

Members considered the Service Plan and asked questions to which the Service Manager provided responses. In particular discussions were held on how the Eat Out Eat Well Scheme could be progressed further with businesses. The Committee also sought clarification on the process for the Food Hygiene Rating Scheme, in particular frequency of re-inspections.

In response to a particular question raised by the Committee, the Service Manager (Environmental Health Service) agreed to provide a written response on how the Suffolk "Eat Out Eat Well" award scheme was reaccredited to food businesses.

There being no decision required, the Committee **noted** the West Suffolk Food Safety Service Plan 2017-2018, attached as Appendix A to Report No: LIC/SE/17/006.

## 72. **Training for Private Hire and Hackney Carriage Drivers**

The Committee received Report No: LIC/SE/17/007, which sought approval to adopt a work procedure and conditions for a Private Hire Licensed plate exemption for executive contracts.

The aim of the procedure document, attached at Appendix 1 to the report was to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective was the provision of an exemption to allow "executive vehicles" to operate without displaying external identification plates. It was not intended that all private hire vehicles licensed by St Edmundsbury Borough Council should be exempt from the Council's requirement to display an external identification plate. However, the Council recognised that there might be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

Until now, there had been no formal process for this dispensation other than a request in writing. This process would ensure the vehicles that were applying do conduct executive style work, wear professional attire, had an executive vehicle of a high standard and could support their application with proof of bookings and testimonials from customers.

Also attached to the report at Appendix 2 was a draft application form, and at Appendix 3, the current Taxi and Private Hire Conditions Handbook.

The Committee considered the draft proposed conditions and guidance (Appendix 1), and asked questions to which responses were provided.

In response to a question raised, members were informed that out of 350 private hire vehicles registered, 50 exemptions had been granted.

It was then proposed by Councillor Anthony Williams, seconded by Councillor Clive Springett and with the vote being unanimous, it was

### **RESOLVED:**

That the proposed guidance and conditions, attached at Appendix 1 to Report No: LIC/SE/17/007, be approved so they can be applied by the Licensing Authority.

## 73. **Process for Setting Hackney Fares (Verbal)**

The Service Manager (Environmental Health Service), presented a verbal report, which informed the Committee that currently, officers waited to be approached by hackney drivers with a proposal for a fare increase. This seemed to be sporadic and with the drivers not supporting a regular forum meeting, officers felt that there was a need to change the current structure.

The structure would change to review the fares once yearly, with officers researching the options from June. One option which the Committee could consider was linking changes to the Consumer Price Index (CPI). This had the benefit of transparency and independence and would avoid unexpected, disproportionate price changes for customers.

As set out in the proposed Work Programme, the Committee would receive at the October 2017 meeting a number of options for consideration and be invited to approve preferred options for consultation with stakeholders during the Autumn. Following consultation, the preferred proposals options would then be put forward for consideration by the Committee in January 2018. The approved fares would then be put into effect from April 2018. The review cycle would then recommence in June 2018.

Members felt that the fare structure could be simplified and this would help members in their decision-making. In response to the question, the Service Manager (Environmental Health Service), advised that officers wanted to streamline the structure and make it more transparent to customers.

It was suggested that a small group could look at the information before it was presented to the Committee in January 2018.

There being no decision required, the Committee **noted** the verbal update on the future process for setting hackney fares.

**74. Wheelchair Accessible Vehicles and Assistance Dogs Exemption Processes (Verbal)**

The Service Manager (Environmental Health Service) presented a verbal report, which informed the Committee that the Equality Act 2010 had brought in a requirement for all Councils to advertise a list of all of their wheelchair accessible vehicles. This was available on the Council's webpage and was regularly updated by the Environment Officers.

Drivers had been written to outlining the requirement for the list to be displayed and that they could appeal to magistrates to have their name removed.

Drivers could also apply for an exemption from picking up customers in wheelchairs, but this would require a doctor's certificate and drivers would also need to display an exemption badge at all times.

There being no decision required, the Committee **noted** the verbal update on the exemption process for wheelchair accessible vehicles and assistance dogs.

**75. Work Programme Update**

The Committee received Report No: LIC/SE/17/008, which updated members on the current status of its work programme of items for consideration (Appendix 1) during 2017-2018.

The Service Manager (Environmental Health Service) informed the Committee that it could add items to the forward work programme, which was within its

remit, with the approval of the Chairman of the Committee and in consultation with the Portfolio Holder for Planning and Growth.

In considering its future work programme the Committee questioned whether "A-Boards" came under the "Street Vending and Trading Policy", and whether "busking" could be looked at, as it was on the increase, to which the Service Manager (Environmental Health Service) agreed to provide a written response.

There being no decision required, the Committee **noted** the current status of its work programme and the items expected during 2017-2018.

The Meeting concluded at 5.35pm

**Signed by:**

**Chairman**

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# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Taxi/Private Hire Handbook Revision</b>	
<b>Report No:</b>	<b>LIC/SE/17/009</b>	
<b>Report to and date:</b>	<b>Licensing and Regulatory Committee</b>	31 October 2017
<b>Portfolio holder:</b>	Councillor Alaric Pugh Portfolio Holder for Planning and 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>	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>	To make minor amendments to conditions in to the existing taxi/private hire handbook.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the Licensing and Regulatory Committee:</b>  <b>Approve and adopt the revised conditions (attached at Appendix 1) to Report No: LIC/SE/17/009.</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"/>	
<b>Consultation:</b>	None required.	
<b>Alternative option(s):</b>	Do nothing – keep the existing conditions as they are.	

<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<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</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Revising our conditions for Drivers and vehicles up to date promotes public safety and ensures drivers meet the fit and proper person test.	Medium	Conditions are adopted under the Home Office Guidance to give control and public reassurance.	Low
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<a href="#">Current Version of Handbook</a>	
<b>Documents attached:</b>		<b>Appendix 1</b> – Proposed handbook revisions  <b>Appendix 2</b> – Committee report from 11 April 2017 updating conditions	



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

1.1 The Council licences the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

## **2. Background**

2.1 The current Taxi and Private Hire handbook was adopted in its current format on 11 April 2017, it had not had any revisions made to it since 2009. See **Appendix 2** initial Committee report dated 11 April 2017.

2.2 Officers have received further feedback from the trade through forums and inspections and have proposed some further minor amendments.

## **3. Conditions**

3.1 The proposed amendments to the conditions, see **Appendix 1**, are highlighted in red in the handbook and are as follows:

- a) **P9** and **19**, the inclusion of vaping as well as smoking to be banned from the vehicle as a place of work. Although vaping is not smoking, it still poses a distraction to the driver as vapour may obstruct a driver's view.
- b) **P24**, Transfer of vehicles. Initially there has been some confusion on when a vehicle can be transferred to a new owner and when it becomes a vehicle change on an existing licence, causing issues with age restrictions.
- c) **P25**, a reminder to adhere to the age restriction on vehicles when replaced/changed. We have reduced the age restriction from 12 months old to 3 years and 3 months. Newly plated hackneys have to be brand new on first grant, wheelchair accessible hackneys from 2008 are now 3 years and 3 months, saloon hackneys are 7 years or younger.
- d) **P28**, Advertisements on Private Hire Vehicles and the 'pre-booked stickers'. There has been some feedback on the way private hire vehicles advertise their own businesses. To negate the need for a council prescribed pre-booked sticker, we have requested that drivers include 'pre-booked only' writing on their door signs or vehicle writing on their vehicles by their next test.
- e) **P37**, adding vaping into the penalty points system.

3.2 Point c) above was brought about by hackney drivers failing to afford to change their wheelchair accessible vehicles. We reduced the age restriction from brand new replacements to 12 months. Wheelchair accessible vehicles are expensive to replace and have not been since

their first plate. To assist in keeping the fleet more economically friendly and professional, reducing the age further would promote this objective.

- 3.3 The advertising changes were mainly brought in after the trade needed clarification in what they could advertise on their vehicles, size and placement of writing and if they could incorporate 'pre-booked only' into their own signage which looks more presentable than a sticker.

#### **4. Recommendations**

- 4.1 It is Officer's recommendation to make the proposed changes to the handbook based on trade feedback and enquiries.

# ST. EDMUNDSBURY BOROUGH COUNCIL

## HACKNEY CARRIAGE AND PRIVATE HIRE HANDBOOK



*St Edmundsbury*  
BOROUGH COUNCIL

PORTFOLIO HOLDER:	Alaric Pugh
DOCUMENT AUTHOR:	Amanda Garnham, Licensing Department
DATE DOCUMENT APPROVED AT:	L&R Committee 11 <sup>th</sup> April 2017

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## INTRODUCTION

St Edmundsbury Borough Council licences the following:

Hackney Carriage and Private Hire Vehicle Drivers;  
Hackney Carriage Vehicles;  
Private Hire Vehicles;  
Private Hire Operators.

The relevant legislation includes:

- Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Public Health Act of 1875.

In addition to the statutory requirements, the Council has made byelaws relating to Hackney Carriages. All vehicle drivers are required to comply with the Council's conditions and byelaws and also with general motoring legislation.

The Council aims to promote public safety and confidence in the Hackney Carriage and Private Hire trades by maintaining the highest possible standards. All licensed drivers are expected to conduct themselves in a professional and courteous manner at all times.

With the co-operation of the trade the Council will seek to achieve this aim by:

- Ensuring that all Hackney Carriages and Private Hire Vehicles are mechanically maintained to a high standard and regularly inspected.
- Ensuring that all Hackney Carriage and Private Hire Vehicle drivers are fit and proper persons to act as such.

Information provided to the Licensing Officers will be used for health, safety and licensing purposes. Information may be used for other Council functions, where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes.

The Council is under a duty to protect the public funds it administers, and to this end may use the information you provide for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

### **Contact details**

Licensing Department  
St Edmundsbury Borough Council  
West Suffolk House  
Western Way  
Bury St Edmunds  
IP33 3YU

Tel: 01284 758050

Email: [licensing@westsuffolk.gov.uk](mailto:licensing@westsuffolk.gov.uk)

Web: [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)

The normal office hours are 8:45am to 5pm Monday to Friday. Appointments are required if you need to see an Officer, otherwise documents and forms can be left with customer services in reception. Please allow 14 days for your applications to be processed.

### **Payment of Licence Fees**

Payments can be made in the following ways:

- By Cheque (payable to St Edmundsbury Borough Council)
- By Debit Card or Credit Card (all credit card payments have a surcharge)

### **Definitions**

'The Council'	St Edmundsbury Borough Council
'The District'	means the area of the Council in which you are licensed with
'Proprietor'	means the person or persons named in the licence as the proprietor of a hackney carriage or private hire vehicle.
'Hackney Carriage'	has the same meaning as in the Town Police Clauses Act 1847.
'Vehicle'	means the hackney carriage or private hire vehicle in respect of which a licence is issued.
'The Licensee'	means the individual(s) who is/are named on a licence granted by the council.
'Private Hire Vehicle'	means a motor vehicle constructed or adapted to seat fewer than nine passengers other than a hackney carriage, which is provided for hire with the services of a driver for the purpose of carrying passengers.
'Operate'	is defined as meaning in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.
'Drivers Licence'	the term drivers licence is used, without hackney or combine etc. If you were a lay person just reading a particular section it could be unclear – it's not consistent all the way through and sometimes refers to a DVLA licence.
'Plate or Internal plate'	means the licence plates issued by the council to identify a vehicle which has been licensed by it in accordance with the provisions of Section 48 of the Act.

## HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

New applicants can apply for a combined driver's badge. The combined badge allows you to drive both private hire and hackney carriage vehicles.

All new drivers must complete the mandatory Level 2 Certificate in Taxi and Private Hire Driving (or similar qualification) prior to applying for a licence.

### **How to submit your application**

Please refer to the Guidance Notes for step by step instructions on the application process. These can be found on our Council Website [http://www.westsuffolk.gov.uk/Business/Regulation\\_and\\_Licensing/Licensing/Taxi\\_licensing/upload/Guidance-Notes-Driver-SEBC-Jan-2017-V2.pdf](http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Guidance-Notes-Driver-SEBC-Jan-2017-V2.pdf)

Make sure that all the questions on the application form are completed and submit with all original supporting documents and the correct fee. Payment should be made by card or cheque made payable to St Edmundsbury Borough Council.

You can submit your completed application to St Edmundsbury Borough Council which is open Monday to Friday 8.45 am to 5 pm.

### **Please note:**

All documents must be originals; photo copies are not acceptable. Where applicable the applicant must provide, at their own expense, a written English translation of relevant documents/certificates, together with documentary proof that the translation is correct.

1. Applications may be referred to the Licensing Committee for consideration. You will be invited to attend the Committee meeting to speak in support of your application.
2. Where an applicant, at the time of application has not reached 21 years of age the application will be referred to the Licensing Committee for determination.
3. A Driver's Licence usually lasts for three years, although it may be issued for a lesser period at the Council's discretion.



## **LICENSED DRIVER CONDITIONS – Applies to All Drivers**

1. The applicant must be properly authorised to drive motor cars holding either a Group A or Category B licence issued by the DVLA, this includes EU and Northern Irish licences as defined in the Road Traffic Act 1988. The applicant must have held a full national driving licence for a period of 12 months.
2. Drivers will note the provisions of the conditions relating to licensed vehicles. It is important that drivers ensure that the vehicles they drive comply with the said conditions.
3. The Council has a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's bylaws, or the contravention of any of the Council's Standard Conditions will be dealt with. Serious breaches could result in suspension or revocation of your licence.
4. Every driver of a licensed vehicle is required to be licensed, the only exception being a qualified person testing a licensed vehicle or it's Taximeter.
5. A person acting as the driver of a licensed vehicle without a valid licence, commits a criminal offence, as does the proprietor who actually employs the unlicensed driver.
6. The Council will not grant a driver's licence unless satisfied that the applicant is a fit and proper person to hold a driver's licence for licensed vehicles.
7. The Council may suspend, revoke or refuse to renew a Driver's Licence if since the licence was granted the driver has:-
  - (a) Been convicted of an offence involving dishonesty, indecency or violence; or
  - (b) Been convicted of an offence under, or has failed to comply with, the provisions of the 1847 and 1976 Acts; or
  - (c) For any other reasonable cause.
8. Licensed drivers are required to hand their licences to the proprietor of the licensed vehicle they drive.
9. Private hire Vehicle drivers shall not:-
  - (a) Park the vehicle on any hackney carriage stand for any reason; or
  - (b) Stand or ply for hire or offer the private hire vehicle for immediate hire while on a road or other public place; or
  - (c) Accept an offer for the immediate hire of the private hire vehicle while the driver or the vehicle is on a road or other public place unless the offer is first communicated to him by his/her private hire operator. (In this condition 'road' means any highway and any other road to which the public has access).
10. The driver shall take all reasonable steps to ensure the safety and welfare of all passengers driven by him/her.
11. Where a vehicle is constructed or adapted for the transportation of disabled persons, the driver shall convey the disabled passenger and any aids including

assistance animals, (such animals to be carried free of charge), unless the driver has a council dispensation displayed in the vehicle, or an exemption certificate. Drivers must afford reasonable help to a disabled passenger to aid getting in and out of the vehicle and to or from any building if requested. Medical exemption can be applied for.

12. The driver will treat all members of the public with courtesy and respect.
13. The driver will ensure that all plates, labels and stickers supplied by the Council are displayed and legible at all times.
14. The driver will display his badge at all times when working so that it's visible to members of the public.
15. The driver will only take refreshment in the vehicle at times when it is parked and not in service.
16. The driver will turn any entertainment off or down at the request of any passenger.
17. The driver will carry a reasonable quantity of luggage when requested by any passenger. Drivers must offer all reasonable assistance to load and unload luggage.
18. The driver will check the vehicle for any lost property between each fare, report any lost property to the police at the earliest opportunity.
19. The driver must be punctual and take the shortest available route to the destination unless an alternative route is requested by the passenger whilst observing all relevant highway and traffic laws.
20. The driver will carry a copy of the conditions at all times when the vehicle is in service and make it available to members of the public on request.
21. When carrying any animal at the request of a passenger, ensure that provision is made to ensure the safety of the animal, passenger and the driver.
22. The driver must ensure the vehicle is maintained in a clean and satisfactory condition at all times.
23. The driver must notify the council in writing within seven days:
  - (a) of any criminal offence for which they have been convicted;
  - (b) of any disqualification from driving they have received;
  - (c) of any endorsement on their DVLA licence for a motoring offence;
  - (d) of any material change to their health since their most recent Group II medical submitted to the council;
  - (e) of any change of their address;
  - (f) of any change in their operator;
  - (g) of any accident involving the vehicle whilst they were driving.

24. The driver must not:-

- (a) (i) use any two way radio equipment unless an appropriate licence from the Office of Communications is held by the operator and available for inspection;
- (ii) Use any scanning equipment.
- (iii) Use a mobile phone whilst driving as per the current legislation
- (b) Carry any other person in the vehicle without the express consent of any other passengers carried in the vehicle;
- (c) Provide any alcoholic drinks within the vehicle unless there is an appropriate licence in force;
- (d) Drivers are expected to be smart and clean in appearance at all times. They must maintain a high standard of personal hygiene and dress in clothing and footwear suitable to the public service which is clean, tidy and inoffensive. Flip flops, cropped shorts and tight fitting vest tops are not considered professional attire.

25. The driver must not refuse assistance dogs. Reported refusals will result initially in disciplinary action according to our disciplinary and points guidance. Repeated refusal may result in the driver being prosecuted.

Drivers can apply to the council for an assistance dog exemption certificate. A medical exemption report must come from the driver's own registered GP, for example; severe allergies or asthma related to animals. The driver must display the medical exemption as per council instructions and allow passengers to inspect the exemption on request.

26. The driver must not refuse disabled or wheelchair users. Wheelchair users must be charged the same as non-wheelchair users. Reported refusals or overcharging will result initially in disciplinary action according to our disciplinary and points guidance. Repeated offences may result in the driver being prosecuted. New legislation comes into force on 6 April 2017. An exemption can be applied for under medical grounds. Please contact the Council for more details.  
<https://www.gov.uk/government/news/law-change-demands-equal-treatment-for-disabled-taxi-users>

27. The driver must surrender his licence to the Council within 7 days if they receive a driving ban through a conviction.

28. The driver must complete any mandatory training as directed by the Council.

29. The driver must not smoke or vape in a licensed vehicle, even when it is not being used for hire or reward.

## **BYELAWS**

### **Made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875 by the St. Edmundsbury Borough Council with respect to hackney carriages in the St Edmundsbury District**

1. Throughout these by-laws the expression "the Council" means the St. Edmundsbury Borough Council and "the District" means the St. Edmundsbury District.

#### **PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED.**

2.
  - a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage, or on plates affixed thereto;
  - b) A proprietor or driver of a hackney carriage shall:-
    - i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - ii. not cause or permit the vehicle to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

#### **PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED**

3. The proprietor of a hackney carriage shall:-
  - a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept water-tight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i) first aid box;
  - j) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause such carriage to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say -
  - a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

- b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the by-law in that behalf;
- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- f) the taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR AND WHAT BADGES.**

5. The driver of hackney carriage provided with a taximeter shall:-
  - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the by-law in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - c) cause the face of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage for which stands are fixed by any by-law in that behalf shall, when plying for hire in any street and not actually hired
  - a) proceed with reasonable speed to and station the carriage on one of such stands;
  - b) if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

- d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to move forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. The driver of the first or leading hackney carriage standing for hire on any such stand as aforesaid shall be ready to be hired by any person.
  9. The driver of a hackney carriage shall, at all times, when standing, plying or driving for hire, conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in such carriage, he shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
  11. A driver of a hackney carriage shall not, at any time when driving for hire, smoke tobacco or any other like substance without the permission of the persons hiring and being conveyed in such carriage. For avoidance of confusion, this byelaw has been outdated by new smoking legislation.
  12. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not by calling out or otherwise importune any person to hire such carriage, and shall not make use of the services of any other person for this purpose.
  13. The driver of a hackney carriage, when hired by time or by distance, shall, subject to any directions given by the hirer, proceed to his destination by the shortest available route.
  14. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  15. The badge which has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
  16. A driver of a hackney carriage shall at all times when standing, plying for, driving for hire, have a copy of these By-laws ready to produce and shall produce the same for perusal and inspection by any person hiring or desiring to hire such carriage at the request of such person.
  17. Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:-
    - (a) convey a reasonable quantity of luggage;
    - (b) afford reasonable assistance in loading and unloading;
    - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.

## **PROVISIONS FIXING THE STANDS OF HACKNEY CARRIAGES**

18. Each of the places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-

### Bury St Edmunds

- (i) The Traverse/Shambles (10 spaces)
- (ii) St Andrews Street (South) (behind Iceland) (2 spaces)

### Haverhill

- (i) Bus Station - 5 spaces
- (ii) High Street, opposite Boots the Chemist (4 spaces)
  - (a) not between 10.00 am and 4.00 pm Monday to Friday
  - (b) not between 6.00 am and 6.00 pm on Saturday
  - (c) unrestricted use on Sunday

## **PROVISIONS FIXING THE RATE OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES**

19. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the current fare tariff, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the current table, which it may not be possible to record on the face of the taximeter (as current tariff dated 25th November 2015):-
20. (1) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the By-law in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures and shall cause such letters and figures to be renewed as often as is necessary to keep them clearly visible.
- (2) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this By-law shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

## **PROVISIONS SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF**

21. The proprietor or driver of a hackney carriage shall, IMMEDIATELY after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.

22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to 5p in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station whichever is the greater) but not more than five pounds.
23. Every person who shall offend against any of these By-laws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

The foregoing by-laws are hereby confirmed by the Secretary of State.

### **Penalties**

Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.



## **PRIVATE HIRE VEHICLE OPERATORS' LICENCE**

### **Guidance Notes**

1. It is a criminal offence to operate a Private Hire Vehicle within the St Edmundsbury Borough without having a Private Hire Vehicle Operator's Licence.
2. The Council can grant Private Hire Vehicle Operators' Licences upon application to a fit and proper person.
3. The Council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

### **Conditions**

1. An operator shall record details of every Private Hire booking made. The following information shall be recorded in an easily retrievable method (page numbered log or computer database) before the commencement of each journey and shall include the following:

- The date and time of each booking
- How the booking was received, i.e. telephone or personal call
- The time of the pick up
- Where the journey was from and to
- The name and address of the hirer
- The private hire licence plate number of the vehicle allocated the booking

The records shall be kept for one year or such longer period if stated by the Council.

The records shall be produced, on request, to any police officer or authorised officer of the council

2. An operator shall maintain at his premises details of all vehicles operated by him/her, which shall include the following

- The private hire plate number
- Vehicle registration number
- Name and address of the proprietor of the vehicle
- Name(s) and address(es) of the driver(s) of the vehicle(s)
- Badge numbers of the driver(s)

The above records shall be produced on request to any authorised officer of the council or Police officer.

3. No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking.

4. The operator shall ensure that when a private hire vehicle has been hired, the vehicle shall, unless delayed or prevented attend punctually the appointed time and place.
5. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting,
  - a) Ensure that any waiting area provided has adequate seating facilities,
  - b) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that defects are repaired promptly,
  - c) Ensure any person who is drunk or otherwise misbehaving shall be removed from any licensed operating premises.
6. An operator shall ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their drivers licence and or private hire vehicle licence.
7. It is an offence to refuse to carry assistance dogs unless the driver has a medical exemption certificate.
8. Change of address (including any address from which an operator conducts their business) must be notified to the Council within 7 days of such a change taking place.
9. The operator shall within 7 days disclose to the council in writing details of any conviction imposed on him/her during the period of the licence.
10. An Operator shall not include in his/her trading title, or in any advertising whether in publication or by the display of notices or by means of a circular, or business card, any reference to "taxi" or "cab"
11. The Operator shall not cause or permit any driver of a licensed vehicle to park the vehicle on any Hackney Carriage rank for any reason or stand or ply for hire or offer the vehicle for immediate hire while he/she or that Vehicle is on a road or other public place.

**Note**

**THE COUNCIL MAY SUSPEND, REVOKE OR REFUSE TO RENEW THE OPERATORS LICENCE IF ANY OF THESE CONDITIONS ARE NOT COMPLIED WITH.**

## **HACKNEY CARRIAGE VEHICLE LICENCES**

### **Guidance Notes**

1. Hackney Carriages are licensed to ply, or stand for hire, within the licensing district for which they hold a Hackney Carriage Licence. Plying means that they can be hailed while on the move, or obtained if stationary and available for hire in the street. A vehicle is standing for hire if it is on a properly appointed hackney carriage stand. The principal feature being that they can carry passengers for hire or reward.
2. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. For any new vehicle application, the vehicle must be wheelchair accessible and be capable of carrying at least one passenger seated in a wheelchair.
3. Once licensed as a Hackney Carriage the vehicle remains a Hackney Carriage until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
4. Only a licensed Driver may drive a Hackney Carriage, and then only if the vehicle is licensed with the same Local Authority that issued his Hackney Carriage Driver's Licence.
5. Hackney Carriage Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions
6. It is a criminal offence to use a vehicle as a Hackney Carriage plying for hire within the St Edmundsbury Borough of Suffolk without having a Hackney Carriage Licence.
7. The Council can grant Hackney Carriage Licences upon application. The Council may attach to the grant of a Hackney Carriage Licence such conditions as it deems necessary.
8. The Council may make conditions as to the type of vehicle that can be used for Hackney Carriage work. These can cover the size, methods of access and egress, colour, number of seats, number of doors and other such specific matters.

### **Conditions**

#### **1. The Vehicle**

- a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Hackney Carriage and the vehicle must either:-
- b) Be a purpose built taxi which conforms to the Conditions of Fitness for the Construction and Licensing of Motor Taxicabs in London as prescribed by the Public Carriage Office; of any colour: or,
- c) Be a saloon, hatchback, estate or MPV/minibus type vehicle

- d) All newly plated vehicles must be a brand new wheelchair accessible vehicle with delivery mileage only at the time the first application is made to the Council for a licence.

## **2. The vehicle must:-**

- a) At all times throughout the period of licensing be in such a condition so as to comply fully with all relevant statutory requirements (including the Council's byelaws and standard conditions).
- b) Have an engine, the normal cubic capacity of which is either:-
  - (i) Not less than 1500cc; (unless an MPV – see separate section) or
  - (ii) Rated by the vehicle manufacturers as being equivalent to 1500cc engine;
  - (iii) In the case of hybrid (electric), or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1500cc engine.
- c) Be a right-hand drive vehicle.
- d) Have, at least 4 doors in addition to any rear door/tailgate; In the case of MPV/Minibus type vehicles nearside and offside sliding side access doors are allowed.
- e) Be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers.
- f) If an estate, hatchback or MPV/minibus type vehicle, be fitted with a guard rail or other device of a type approved by the Council to prevent luggage entering the passenger area;
- g) Be fitted with either all radial or all cross ply tyres including the spare wheel if manufactured with one fitted, in date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel marked with plate number;
- h) Be provided with a taxi meter fitted and working in accordance with both the Byelaws and the Standard Conditions made by the Council regarding taxi meters;
- i) Have a permanent sign on the roof indicating that it is a **TAXI**;
- j) Be fitted with a sign bearing the words "**FOR HIRE**";
- k) Have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat. For a continuous seat, the length of the seat needs to be a minimum of 48" to be licensed for 3 passengers.
- l) Not be in excess of 5334mm (210 inches) in length.

## **3. The proprietor will:**

- a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;
- b) Provide an efficient fire extinguisher suitable for use in a motor vehicle, which shall be safely carried in such a position as to be readily available for use at all times. An in date fire extinguisher must be permanently marked with the vehicle plate or registration number and a sign showing location of equipment;
- c) Not alter the appearance of design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle;
- d) Ensure that every driver employed by him to drive a Hackney Carriage is acquainted with, understands and observes the conditions attached to that

particular vehicle licence and the statutory provisions relating to all such Hackney Carriage Vehicle Licences.

- e) **Ensure that there is no smoking or vaping in their** licensed vehicle at any time (even when it is not being used for hire or reward). Drivers must ensure that a NO SMOKING sign/sticker in each enclosed compartment of the vehicle in which people can be carried.

#### **4. Taximeters**

The vehicle will be fitted with a taximeter that is calendar facilitating.

- a) The taximeter must be programmed/calibrated and set to the Council's table of Hackney Carriage Fares as may be in operation at that time. Failure to keep the taximeter up to date with the current Council's table of fares may result in the vehicle licence being suspended.
- b) No tariffs other or greater than those currently fixed by the Council shall be displayed on the face of the taximeter. The taximeter must be sealed.
- c) A current fare/tariff card as issued by the Council showing the full table of Hackney Carriage fares shall be clearly and visibly displayed within the vehicle at all times.
- d) The dial of the taximeter must be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, and also at any other time at the request of the hirer.

#### **5. Roof Sign/For Hire Sign**

- a) The vehicle shall be fitted with a permanent sign on the roof bearing the word "TAXI" in black lettering to the front and rear. The words "FOR HIRE" shall appear on either side of the word "TAXI". The sign shall be illuminated in YELLOW to the front and RED to the rear. The roof sign must be not less than 18" and not exceeding 36" in length.
- b) In cases where the roof sign has a minimum base of 60cm (24ins) the rear face of the sign may be used to display the proprietor's business name and/or telephone number. The words "TACSI" or "TAKSI" must not be used.
- c) A separate For Hire sign will be fitted to the vehicle where the roof sign does not bear the words For Hire.
- d) There must be an electrical connection to both the roof and for hire signs causing both signs to be capable of being illuminated. Illumination must be capable of being visible during the day and at night.
- e) The illumination should automatically be extinguished when the taximeter is engaged. Any illumination must not contravene any statutory requirement.

#### **6. Licence Plates and Labels**

The Council will provide a plate and a label identifying the vehicle as a Hackney Carriage. The plate will be for the duration of the licence. The plate will be fixed to the rear of the vehicle so as to be clearly visible and the label fixed and displayed inside the vehicle, again clearly visible. The plate shall remain the property of the Council.

## **7. Passengers**

The proprietor /driver of the vehicle shall not carry a greater number of persons than that specified on the licence. Babies and young children of whatever age are persons for the purpose of the licence.

## **8. First Aid Kit**

A first aid kit will be carried in the vehicle to enable the driver to administer basic first aid to themselves only, or to enable those trained in its use to render assistance. First Aid kits should contain sterile bandages and plasters that are in date, marked with plate or registration number and have a sign depicting where the kit is kept within the vehicle.

## **9. Advertisements – Signs – Notices HACKNEY VEHICLES ONLY**

The vehicle shall be free from any sign or notices except as may be required by any statutory provision or required by these conditions. With this proviso advertisements' are permitted on the exterior of Hackney vehicles only. Front doors may carry the contact details of the proprietor. Hackney rear doors may carry commercial advertising. A single product/service may be advertised at any one time. The advert must be suitable for a vehicle in public service and considered by the Council to be in-offensive. The advert shall be no larger than 30cm x 60cm.

## **10. Temporary Replacement Vehicles**

- (a) The provision of a Temporary Replacement Vehicle is limited to cases where the original vehicle is unroadworthy and unsuitable for use as a Hackney Carriage as a result of a non-fault accident.
- (b) On such occasions and only these occasions the Standard Conditions made in relation to the required vehicle livery are waived.
- (c) The maximum length of time that a temporary replacement vehicle can operate as a Hackney Carriage within the District in relation to each particular occurrence is 6 weeks (**42 days**).
- (d) The replacement vehicle must not have a greater passenger seating capacity than the original vehicle.
- (e) Prior to the grant and issue of a temporary Hackney Carriage Vehicle Licence the vehicle must be tested and inspected by one of the Council's Vehicle inspectors.
- (f) All temporary vehicle licences together with licence plates and labels shall remain the property of the Council and must be returned to the Council on the expiry of the licence.
- (g) The vehicle must be, and remain at all times throughout the period of licensing in such a condition as so to comply fully with all relevant statutory requirements and to the Councils byelaws and Standard Conditions.

## **11. Multi Passenger Vehicles (MPV'S)**

This refers to vehicles licensed to carry more than four but less than nine passengers.

The number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the Council.

- (a) The vehicle must have a minimum engine capacity of 1600 cc (this shall include vehicles identified as 1.6 litre models by the manufacturer);
- (b) The majority of seats must be forward facing, (where provided, tip-down seats may face the rear); such seats must be capable of rising automatically when not in use and must not obstruct doorways;
- (c) Access from the doors to the seats (and vice-versa) must be direct without the need for passengers to climb over parts of seats or luggage.
- (d) There must be adequate, secure storage space for all passengers luggage preferably within the vehicle. The arrangements for storing luggage must not obstruct access to the vehicle exits or affect passenger comfort.
- (e) If when the vehicle is fully occupied there is insufficient space within the vehicle for storage of luggage then a roof rack may be fitted providing that (A) the luggage is stored in a purpose built luggage carrier, and, (B) that the roof load does not exceed the maximum weight recommended by the vehicle manufacturers.

## **12. Wheelchair Accessibility**

### **General**

- (a) The Council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps.
- (b) Vehicles using either a hydraulic or an electric powered tail lift to load wheelchairs and passengers into the rear of the vehicle are exempt from the above condition.
- (c) Passengers, regardless of any disability, must be able to get in and out of the vehicle with reasonable ease and travel within it in safety and reasonable comfort while remaining seated in their wheelchair, if so required.
- (d) The wheelchair user must on request be able to transfer to a vehicle seat.
- (e) The vehicle must display a sign depicting the universally recognised disabled logo on the door where the passenger will be loaded)
- (f) All vehicles must be capable of complying with the appropriate vehicle licence conditions.

### **Entry to the Vehicle**

- (a) Any doorway used to load wheelchair users must provide adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.
- (b) Any steps, either fixed or retractable, must be permanently secured at the point of entry.
- (c) The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting colour.
- (d) Steps must be fitted in such a manner that the vehicle cannot be driven off while the step is deployed and in a position where it extends beyond the vertical line of the bodywork.
- (e) Handrails or Handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.
- (f) The surface of every handrail or handhold must contrast in colour from the surrounding surfaces and be of a slip resistant finish.
- (g) Any ramp must provide a surface of at least 750mm wide and shall have a minimum safe working load of 250kg. The ramp must not exceed 1700mm in length.

- (h) When in use the ramp must be securely located at the point of wheelchair entry. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use.
- (i) Channel ramps must not be used. However, ramps which fold are permitted provided the ramp is rigid when deployed.
- (j) The surface of all ramps must have a slip resistant finish.
- (k) All outer edges must be clearly marked in a contrasting colour.
- (l) Provision must be made for the safe storage of the ramp when not in use.

### **Wheelchair within the Vehicle**

- (a) The wheelchair user must travel in a space designated for that purpose.
- (b) The area required for the wheelchair must be of sufficient size to allow a wheelchair to be moved from outside the vehicle into the designated space without excessive manoeuvring.
- (c) Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- (d) All wheelchairs must be securely fastened.
- (e) Passengers occupying a wheelchair must be provided with a seat belt.
- (f) The vehicle must not be driven until both the wheelchair and its occupant have been properly and securely fastened in the vehicle by means of appropriate restraining devices.
- (g) Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.
- (h) A non-slip material must be used for the surface of the flooring in the designated wheelchair space.

### **In addition the proprietor of every vehicle licensed to carry passengers seated in wheelchairs shall ensure:**

- (a) That all drivers of such vehicles have an approved DVSA (DSA previously) practical wheelchair accessible training course. **(The certificate of attendance must be presented to the Council).**
- (b) That any additional equipment such as clamps, ramps and belts, required to cater for wheelchair passengers are carried at all times and are in a fit and serviceable condition.
- (c) That the driver is familiar with the operation of and the functionality of all devices designed to help passengers to get in and out of the vehicle, all drivers should be trained in the use of all relevant belts and other restraint and locking mechanisms.

### **13. Trailers**

- (a) Only vehicles licensed by the Council to carry 6 7 or 8 passengers are permitted to tow a trailer.
- (b) A trailer may only be used for the purpose of conveying the luggage of fare paying passengers whilst they are being conveyed within the vehicle and for no other purpose. All journeys would be those where the vehicle has been pre-booked.
- (c) No trailer may be used in conjunction with either a Hackney Carriage or Private Hire Vehicle unless that trailer has first been inspected and approved by St Edmundsbury Borough Depot for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection.



- (d) Whilst a Hackney Carriage is towing a trailer it is not permitted to use a Hackney Carriage rank.
- (e) Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.
- (f) A current certificate of insurance must be produced to the Council which covers the use of a trailer and the vehicle licensed to tow it. **Such insurance must extend so as** to cover any luggage carried within the trailer.
- (g) Every trailer must comply in all respects with the requirements of EC94/20 type approval and any Acts and Regulations relating to trailers or parts thereof of which may be in force at the time of licensing.
- (h) An additional vehicle licence plate must be displayed on the outside rear of the trailer. This plate must carry the same details as the plate affixed to the rear of the towing vehicle.
- (i) The maximum gross weight of any trailer shall not exceed 750kg.

#### **14. In-Car Surveillance Systems – (CCTV)**

- (a) Vehicle proprietors may install image recording equipment in licensed vehicles.
- (b) An approved installer must carry out the installation in accordance with the manufacturer's instruction and the Council's conditions.
- (c) All image recording equipment must comply with the requirements of current data protection legislation.
- (d) Equipment must be installed in such a way that it will not cause injury to the driver or the passengers. Nor should it obscure the view of the road through the windscreen.
- (e) Equipment must be secure and not interfere with the safe operation of the vehicle.
- (f) All cameras must be installed above the level of the dashboard within the vehicle.
- (g) Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- (h) There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. Guidance is available with the ICO (Information Commissioners Office). The recommended wording on the sign is as follows:-

#### **Passenger Notice**

This taxi/private hire vehicle is protected by a **Digital Surveillance Camera**. Any images recorded are held in a secure format and can only be viewed by the Licensing Authority or the Police.

#### **15. Liquid Petroleum Gas (LPG)**

*LPG* conversions are subject to Council approval prior to any conversion work taking place.

#### **16. Vehicle Tests and Inspections**

The vehicle shall be inspected and tested as follows:-

- (a) Prior to the granting of the initial licence – taxi test
- (b) Mid term test, six months after issue of licence. This will be your MOT.
- (c) Annually when the licence is due for renewal – taxi test
- (d) At any other time if so requested by the Council up to a maximum of 3 separate occasions during any one period of 12 months.

The taxi test must be carried out at St Edmundsbury's Borough Depot.

Any authorised officer of the Council or any Police Constable has the power to inspect and test, for the purposes of ascertaining its fitness, the vehicle or any taximeter affixed to the vehicle. If the vehicle or equipment fails such an inspection, written notice may be given on the need for further test or inspection and the licence may be suspended until that date or until any faults are rectified. A maximum of 4 weeks is given for repair or the licence shall be deemed revoked.

**All Hackney vehicles licensed by the Council will be required to hold a valid MOT certificate from one year old.**

**17. Accidents**

- (a) Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Council within 72 hours.
- (b) No vehicle shall be used for the carriage of passengers after suffering an accident until the vehicle has been inspected and approved by the Council.

**18. Insurance**

- (a) The proprietor must ensure that at all times the vehicle is insured to the satisfaction of the Council both for the requirements of Part VI of the Road Traffic Act 1988 and for the carriage of fare paying passengers (i.e. for Hire and Reward). This shall include third party insurance for personal injuries suffered by passengers.
- (b) The proprietor must produce the Certificate of Insurance or the Cover Note in respect of the insurance cover for inspection prior to the issue of the licence and each time the Certificate of Insurance or Cover Note (if appropriate) is changed, amended, varied, altered or the like.
- (c) The Council will only accept a Certificate of Insurance in either the name of the registered keeper of the vehicle or the name of the legal owner of the vehicle.

**19 Transfer of Vehicles**

A licensed vehicle with its licence can be transferred from one owner to another. This must be done as a complete transaction for example, the already plated vehicle is transferred completely with hits plate from one person to another. If the vehicle is sold without its licence, this is not a transfer in terms of licensing, please see vehicle changes/replacements under heading no. 26 below..

**20. Licence Renewal**

The proprietor shall, at least **14 days** prior to the date of the licence's expiry, make application to the Council for a renewal of his Hackney Carriage Vehicle Licence. If an application for renewal is not received by the expiry date, the licence will lapse and the vehicle will have to be licensed as a first grant adhering to those conditions. It is a criminal offence to ply for hire in an unlicensed Hackney Carriage.

## **21. Convictions**

All criminal offences, whether they be for driving or motoring or for something totally unconnected with driving/motoring must be disclosed to the Council within 7 days of conviction.

## **22. Change of Address**

The proprietor shall notify the Council in writing of any change of address during the period of the licence, within seven days of such a change taking place. There will be an administrative charge set out in the Council's fee list.

## **23. Disciplinary Code**

The Council has adopted a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's byelaws, or the contravention of any of the Council's Standard Conditions will be dealt with by the Council.

## **24. Copies of Byelaws and Conditions**

The proprietor shall ensure that copies of the Council's byelaws, these Conditions and the Council's "Drivers' Guidance Notes" are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

## **25. Inspection of Licences**

The proprietor shall, at the request of the Council, produce for inspection the licence either forthwith or at its licensed Council District office, beginning with the day following that on which the request is made.

## **26. Replacement of Vehicles**

Vehicles plated prior to 2008 must be replaced with a vehicle no older than 7 years of age from first registration, exceptional quality waiver for older vehicles can be applied for, please contact the council for more information. Wheelchair accessible vehicles plated after 2008 must be replaced with a vehicle no older than **3 years and 3 months** of age from first registration, fulfilling the same wheelchair accessible criteria.

## **27. Right of Appeal**

Any person aggrieved by the refusal of the Council to grant a Hackney Carriage Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

**NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.**

## **PRIVATE HIRE VEHICLE LICENCES**

### **Guidance Notes**

1. It is a criminal offence to use a Private Hire Vehicle in its own licensed Borough without having a Private Hire Vehicle Licence.
2. It is also a criminal offence to use or permit, to drive, to employ as a driver, to operate, or to operate without a driver's or vehicle licence a Private Hire Vehicle without the requisite licence under the Act.
3. Private Hire Vehicles are licensed to perform pre-booked work only. Such work must be obtained through a licensed Private Hire Operator. They must not ply for hire, wait on a taxi stand, or form an unofficial rank in public view.
4. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers.
5. Once licensed as a Private Hire Vehicle the vehicle remains a Private Hire Vehicle until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
6. Only a licensed driver may drive a Private Hire Vehicle and then only if the vehicle is licensed by the same Local Authority that issued his Vehicle Driver's Licence.
7. Private Hire Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions.
8. Private Hire Vehicle includes all types of vehicle, regardless of design, which are used solely for the fulfilling of a pre-booking. The public must not be led to believe that a Private Hire Vehicle is a Hackney Carriage by its appearance or design. Stickers provided by the Council must be displayed on both rear doors advising passengers that the vehicle is to be pre-booked only.

### **Conditions**

#### **1. The Vehicle**

- (a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Private Hire Vehicle and the vehicle must:-
- (b) Not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage; in particular it must not be a "London type taxi".
- (c) Be a standard saloon, hatchback, estate or MPV/mini-bus type vehicle or be a vehicle constructed or adapted as to facilitate the carriage of a disabled person or persons in a wheelchair within the passenger compartment specifically designed to carry up to but no more than eight passengers.
- (d) Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- (e) Be no more than 7 years old, at the time the first application is made to the Council for a licence.

If the vehicle is older than 7 years, presented on first registration or replacement, or is a specialist vehicle in exceptionally good condition both mechanically and cosmetically, this condition may be waived. The vehicle must meet the exceptional quality conditions and applied for using our exceptional quality waiver application form.

The Council may also consider permitting the licensing of a vehicle which is either:

- A classic car being over 25 years old at the time of first application; or
- A vintage car being built between 1919 and 1930 inclusive, additional conditions relating to these vehicles may be added to the permit

**2.** The vehicle must:

- (a) At all times throughout the period of licensing be in such a condition so as to comply with all statutory requirements (including the Councils standard conditions)
- (b) Have an engine, the normal cubic capacity of which is either:-
  - (i) Not less than 1500cc; or
  - (ii) Rated by the vehicle manufacturers as being equivalent to 1500cc engine;  
In the case of hybrid, or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1500cc engine.
- (c) Be a right-hand drive vehicle.
- (d) Have at least 4 doors in addition to any rear door/tailgate. In the case of MPV/minibus type vehicles nearside and offside sliding side access doors are allowed.
- (e) Be fitted with either all radial or all cross ply tyres including the spare wheel if manufactured with one fitted. An inn date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel and marked with the vehicle plate number;
- (f) An estate, hatchback or MPV/minibus type vehicle, must be fitted with a guardrail or other device of a type approved by the Council to prevent luggage entering the passenger area.
- (g) If storage space for luggage is provided under the vehicle's seats, have straps supplied to secure the said luggage whilst the vehicle is in transit.
- (h) Have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat. For a continuous seat, the length of the seat needs to be a minimum of 48" to be licensed for 3 passengers.

**3.** The proprietor shall:-

- (a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;
- (b) Provide an in date efficient fire extinguisher suitable for use in a motor vehicle, which shall be carried in such a position as to be readily available for use at all times. It shall be permanently marked with the vehicle plate or registration number. A sign should depict where the equipment is being kept.
- (c) As part of Health and Safety at work legislation, a first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only, or to enable those trained in its use to render assistance. Kit must include sterile plasters and bandages and be in date.

- (d) Not alter the appearance or design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle.
- (e) Ensure that every driver employed by him to drive is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the Statutory Provisions relating to all such Private Hire Vehicle Licences.
- (f) It is illegal to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward). There is a requirement to display a NO SMOKING sign in each enclosed compartment of the vehicle in which people can be carried.

#### **4. Taximeters**

Private Hire Vehicles are not required by law to be fitted with a taximeter, however, if one is fitted it shall be treated in the same manner as one fitted to a Hackney Carriage and meet the conditions for meters as above.

#### **5. Licence Plates**

As per Hackney Carriage conditions unless a s75 exemption is applied for

#### **6. Passengers**

As per Hackney Carriage conditions.

#### **7. First Aid Kits**

As per Hackney Carriage conditions.

#### **8. Advertisements - Signs – Notices**

- (a) All Private Hire vehicles must display the words 'PRE-BOOKED ONLY' on both sides of the vehicle's front or rear doors. This must be in place by the time they present their vehicle for their next vehicle test (not MOT).
- (b) Operators may advertise their own company on their vehicles, providing that the wording is inoffensive and does not include the words 'taxi', 'cab', 'for hire' or similar.
- (c) Vehicles with s75 plate exemptions are not included in any of the above.

#### **9. Temporary Replacement Vehicles**

As per Hackney Carriage conditions.

#### **10. Multi Passenger Vehicles (MPV'S)**

As per Hackney Carriage conditions.

#### **11. Wheelchair Accessibility**

As per Hackney Carriage conditions. Mandatory training also applies.

#### **12. Trailers**

As per Hackney Carriage conditions.

**13. In-Car Surveillance Systems – (CCTV)**

As per Hackney Carriage conditions.

**14. Liquid Petroleum Gas (LPG)**

As per Hackney Carriage conditions.

**15. Vehicle Tests and Inspections**

As per Hackney Carriage conditions.

**16. Accidents**

As per Hackney Carriage conditions.

**17. Insurance**

As per Hackney Carriage conditions.

**18. Transfer/Replacement of Vehicles**

If a vehicle needs to be replaced due to accident damage or test failure, it must be replaced with a vehicle no older than 7 years of age. Exemptions may be applied for as stated in 1(e) above.

**19. Dual Registration**

- (a) A vehicle licensed as a Hackney Carriage by any other Local Authority may not be licensed by the Council as a Private Hire Vehicle within the St Edmundsbury Borough District.
- (b) A vehicle licensed as a Private Hire Vehicle by any other local authority may be licensed by the Council as a Private Hire Vehicle within the St Edmundsbury Borough District, if the Council in its absolute discretion thinks fit.

**20. Licence Renewal**

As per Hackney Carriage conditions.

**21. Change of Address**

As per Hackney Carriage conditions.

**22. Copy of Conditions**

As per Hackney Carriage conditions.

The proprietor shall ensure that copies of the Councils byelaws and these conditions are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

### **23. Section 75(3) Local Government (Miscellaneous Provisions) Act 1976**

- (a) The Local Government (Miscellaneous Provisions) Act 1976 requires that a Council must issue a private hire vehicle plate with an identity plate or disc and that proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centres of large towns.
- (b) Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor in writing. In determining an application it will normally be the status of the passenger and the executive of the work that will indicate whether or not the dispensation should be granted. The vehicle must be of a high standard. Application forms are available from the Council.

### **24. Right of Appeal**

Any person aggrieved by the refusal of the Council to grant a Private Hire Vehicle Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

**NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.**



## **STRETCH LIMOUSINES USED AS PRIVATE HIRE VEHICLES**

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory-built vehicle. For the purpose of these conditions the vehicle is classed as a 'Special Events Vehicle'. They apply in addition to the Authority's standard conditions for Private Hire Vehicles.

### **Guidance Notes**

1. A 'stretch limousine' is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. For the purpose of these conditions, it will be restricted to carrying up to, but not exceeding, 8 passengers.
2. An 'American stretch limousine' is a stretch limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
3. The licensing of any vehicle will be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for use as a Private Hire (Special Events) Vehicle.
4. In making a judgement of a vehicle's suitability the Council will consider its age, mechanical condition, mileage, appearance, bodywork condition and safety features. When presented for licensing the first time the vehicle must have either European Whole Vehicle type approval or UK Low Volume type approval, or Single Vehicle Approval.
5. The Council will at its discretion consider licensing 'American Stretch Limousines' provided that conversion works have been carried out under the Ford Qualified Vehicle Modifier (QVM) or the Cadillac Master Coachbuilder (CMC) programmes.
6. It will be the vehicle proprietor's responsibility to obtain all necessary documentation to support the provenance of the vehicle to the satisfaction of the Council. All relevant approval certificates, including the American certification must be provided to the Council. It should be noted that a Minister's Approval (MAC) Certificate is not on its own acceptable.
7. The maximum length of the 'Stretch' shall not exceed 120 inches/3048mm.
8. The Council may at its absolute discretion consider licensing vehicles that are left-hand drive (i.e. the steering wheel being on the near side), have some side-facing seats, and have tinted glass.

## **Conditions**

1. No external fitting will be permitted other than an aerial to receive radio or other transmissions.
2. Alcohol may not be sold on a moving vehicle. Any alcohol sold as part of the hire agreement can only be sold under an appropriate premises licence. No person, under the age of 18 years, being conveyed in a stretch limousine shall be allowed to consume alcohol.
3. A proprietor shall ensure that the vehicle is, and remains at all times throughout the period of licensing in such a condition so as to comply with all current standard conditions made by St Edmundsbury Borough Council in relation to Private Hire Vehicle licences. In addition vehicles must comply fully with all relevant statutory requirements and be operated in accordance with the conditions made by St Edmundsbury Borough Council in relation to Private Hire Vehicle Operators licences.
4. All limousines shall be subject to mechanical test and inspection at intervals no greater than 26 weeks during the currency of the licence. Such test and inspection is in addition to Ministry of Transport testing (MOT) and must be at a testing station approved by the Council to carry out such tests and inspections. It should be noted that such tests and inspections may have to be carried out at premises operated by the Vehicle and Operator Services Agency (VOSA).

## **HACKNEY CARRIAGE AND PRIVATE HIRE DISCIPLINARY CODE**

1. The Local Government (Miscellaneous Provisions) Act 1976 provides that where the statutory provisions relating to Hackney Carriage and Private Hire are breached or the conditions attached by the Council to any licence granted by it are contravened then the Council may suspend, revoke or refuse to renew such licence.
2. The Council has adopted a disciplinary code, which sets out the principles and procedures by which such contraventions will be dealt with by the Council. Any matter considered under this policy must also be dealt with in accordance with the Council's Corporate Enforcement Policy.
3. The purpose of the scheme is to give licensees clear guidance about the consequence of non-compliance with the Council's licensing requirements. Licensees who fail to comply with statutory provisions, the Council's bylaws or any other of the Council's licensing requirements will have appropriate action taken against them. Depending on the nature of the contravention such action may take the form of:
  - a) A verbal warning
  - b) Written warning
  - c) Awarding of penalty points
  - e) A simple caution
  - f) Suspension or revocation of licence
  - g) Prosecution
4. The Penalty Points System relating to the code defines breaches to the conditions attached to the licence, (driver, vehicle or operators) together with penalty points which may be awarded in respect of any breach of those conditions.
5. Where appropriate the Council's Licensing Officer has discretion to give a verbal warning for a first offence in any category. Any subsequent offences will be subject to penalty points in accordance with the scheme.
6. Where it is suspected that a licensee has breached statutory provisions, the Council's Bylaws, has contravened any of the Council's Standard Conditions or has been convicted of a criminal offence, whether it be for driving or motoring, or something totally unconnected with driving or motoring the Council will:
  - a) Carry out appropriate investigations;
  - b) Invite the licensee to respond to the allegation;
  - c) Inform the licensee of the outcome of the investigation.
7. Where penalty points are awarded by an authorised Officer for the Council, the licensee will be given 14 days in which to appeal in writing to the Council's Head of Planning and Regulatory Services. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed on his/her record.
8. Penalty Points will be removed from the licensee's record three years after the date on which they were recorded.

9. Where a licensee incurs 12 penalty points or more in any three year period the matter will be reported to the Licensing Committee. This report will recommend that the licence be suspended, the length of suspension being a minimum of one day for each point incurred. Once a period of suspension has been served, all penalty points relating to the period of suspension will be set back to 0 but can be considered in future disciplinary hearings if deemed relevant.
10. In circumstances where the Council's authorised Officer having given due consideration to the facts of the case is of the opinion that the imposition of penalty points may not be appropriate, a licensee may be required to appear at a meeting of the Licensing Committee. Such instances would include:
  - a) Breaches of insurance conditions; (licensed private hire vehicles applying for hire);
  - b) A conviction for reckless driving or driving without due care and attention;
  - c) Failure to disclose a conviction (non-vehicle related).
11. Appearance before the Licensing Committee could result in suspension, revocation or refusal to renew a licence. The Licensing Committee may consider the driver to complete the Level 2 Certificate in Taxi/Private Hire Driving.
12. Any person whose licence is suspended, revoked or not renewed in this way may appeal to the Magistrates Court against the Council's decision. Appeals must be lodged with the Magistrates Court within 21 days of notification of that decision.
13. A driving conviction will incur the same number of penalty points as are endorsed on the DVLA licence.
14. **It should be noted that a vehicle licence will be suspended immediately it becomes apparent that a vehicle may not be properly insured.**

## **INTERPRETATION**

15. The penalty point scheme is self-explanatory but the following situations may require further explanation:
  - a) Where licensee is an owner/driver, are both licences suspended when a total of 12 penalty points have accrued, some against the driver's licence and others against the vehicle?
 

No. The scheme states that, where a licensee incurs **more than** 12 penalty points in period of three years, the licence will be suspended. Penalty points will accrue against either the vehicle **or** the driver licence and any suspension will only apply when 12 points have accrued against one or the other.
  - b) What is the position where a licensee owns multiple vehicles?
 

Following the same logic, points will accrue against particular vehicle licences and only those licences where the 12 point ceiling is exceeded will be suspended. This may mean that a proprietor owning several vehicles could incur a substantial number of penalty points without ever having a vehicle licence suspended. However, if a profile emerges that a proprietor

has penalty points against all or most of the vehicles in his fleet, the Council could consider whether he/she is a 'fit and proper person' to be a licensee.

- c) What happens when a vehicle is changed?

The licence number remains constant when the vehicle is changed. Therefore, once penalty points are endorsed on a vehicle licence they will remain valid, even if the vehicle is changed in the meantime.

- d) What happens when a vehicle licence is transferred?

In this scenario any penalty points recorded on a vehicle licence would become null and void. It would not be fair or reasonable to transfer the penalty points incurred by one licensee to another.

## **GROUP 1**

### **PENALTY POINTS SYSTEM RELATING TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS**

<b>BASIS OF OFFENCE</b>	<b>POINTS AWARDED</b>
Any action which invalidates the insurance cover for the vehicle	8 Penalty Points
Carrying more passengers than the vehicle is licensed for	8 Penalty Points
Failure to wear a driver's badge	3 Penalty Points
Failure to disclose a driving conviction within 7 days	4 Penalty Points
Failure to notify change of details, e.g. address within 7 days	2 Penalty Points
Smoking/ <b>vaping</b> or evidence of smoking/ <b>vaping</b> in a vehicle	6 penalty points
Failure to produce documents when requested	6 penalty points
Failure to behave in a civil and orderly manner (including rude or aggressive behaviour towards the public or council staff)	6 Penalty Points
Breach of any condition not specified above	6-12 penalty points

**GROUP 2****PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLES**

<b>BASIS OF OFFENCE</b>	<b>POINTS AWARDED</b>	<b>PERSON RESPONSIBLE</b>
Failure to display identification plates correctly	6 Penalty Points	Driver/Proprietor
Failure to display fare tariff correctly (hackney carriage only)	4 Penalty Points	Driver/Proprietor
Failure to display interior label correctly	4 Penalty Points	Driver/Proprietor
Incorrect meter tariffs	5 Penalty Points	Proprietor
Failure to report accident/damage to the vehicle within 72 hours	3 Penalty Points	Proprietor
Failure to carry an in date fire extinguisher or carry in an unsafe/dangerous condition	3 Penalty Points	Driver/Proprietor
Failure to present the vehicle for inspection on request	3 Penalty Points	Driver/Proprietor
Failure to carry vehicle/driver conditions	2 Penalty Points	Driver/Proprietor
Failure to maintain a clean and tidy vehicle	4 Penalty Points	Driver/Proprietor
Failure to notify change of address within 7 days	3 Penalty Points	Proprietor
Breach of any condition not specified above	3/6 Penalty Points	Driver/Proprietor

**GROUP 3****PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE VEHICLE OPERATORS**

<b>BASIS OF OFFENCE</b>	<b>POINTS AWARDED</b>
Failure to produce or allow inspection of any records	6 Penalty Points
Failure to keep records of bookings in the prescribed form	5 Penalty Points
Failure to keep vehicle records	4 Penalty Points
Failure to keep driver records	4 Penalty Points
Failure to notify any conviction/formal caution	4 Penalty Points
Failure to notify a change of operation address within 7 days	3 Penalty Points
Breach of any condition not specified above	2/6 Penalty Points

## **GROUP 4**

### **VARIABLE PENALTY POINTS OR REFERRAL TO LEVEL 2 TRAINING**

In circumstances where the contravention is such that it does not fit within groups 1/3 then the appropriate officer, having given full consideration to the facts of the case will, decide on the number of the penalty points to be awarded, or if the driver should be referred for further training in the format of a Level 2 qualification. This would include instances where a complaint was found to be justified relating to:

- a) Over charging.
- b) Refusing to carry a guide or assistance dog or disabled passenger.
- c) Not moving forward on rank as soon as space is available.
- d) Unnecessarily idling in a rank and/or on the highway.
- d) A failure to behave in a civil, orderly, seemly and courteous manner.
- e) Failure to assist any passenger.
- f) Failure to complete any mandatory training as directed by the Council.

Drivers can appeal decisions to be referred for the level 2 qualification in writing to the Head of Department. This will result in a hearing in front of the Licensing Sub-Committee for consideration. Persistent breaches could result in the revocation of the licence and or prosecution under relevant legislation.

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# Licensing and Regulatory Committee



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators</b>	
<b>Report No:</b>	<b>LIC/SE/17/004</b>	
<b>Report to and date:</b>	<b>Licensing and Regulatory Committee</b>	11 April 2017
<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>	To seek approval to adopt revised conditions in to the existing Taxi Handbook across both licensing authorities in West Suffolk.	
<b>Recommendation:</b>	<p><b>It is <u>RECOMMENDED</u> that the Licensing and Regulatory Committee:</b></p> <ul style="list-style-type: none"> <li><b>Approve and adopt the conditions (attached at Appendix 3) so that they can be applied by the Licensing Authority.</b></li> </ul>	
<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>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>6 February – 20 March 2017</li> </ul>	

<b>Alternative option(s):</b>		Do nothing. The current conditions have not been updated since 2009 and are out of date in terms of good practice and current legislation resulting in lower standards of protection of the public	
<b>Implications:</b>			
Are there any <b>financial</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget	
Are there any <b>staffing</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Planned work with current resources	
Are there any <b>ICT</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>legal and/or policy</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report	
Are there any <b>equality</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" 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</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Keeping our conditions for Drivers and Vehicles up to date promotes public safety and ensures drivers meet the fit and proper person test	Medium	Conditions are adopted under the Home Office Guidance to give control and public reassurance	Low
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b>		Existing outdated conditions in their current format <a href="http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/SEBC-Hackney-Carriage-and-Private-Hire-Drivers-Guidance-Notes.pdf">http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/SEBC-Hackney-Carriage-and-Private-Hire-Drivers-Guidance-Notes.pdf</a> <a href="http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Hackney-Carriage-Vehicle-Guidance-Notes.pdf">http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Hackney-Carriage-Vehicle-Guidance-Notes.pdf</a> <a href="http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Private-Hire-Vehicle-Guidance-Notes.pdf">http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Private-Hire-Vehicle-Guidance-Notes.pdf</a>	
<b>Documents attached:</b>		Appendix 1 – Pre-consultation Handbook  Appendix 2 – Consultation responses  Appendix 3 – Post-consultation proposed Handbook	

## 1. Key issues and reasons for recommendation

### 1.1 Background

1.2 The Council licenses the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

1.3 A range of legislation covers the licensing and control of the above which includes the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1976 and the Public Health Act 1875.

1.4 An important part of the control is locally formed conditions. Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, "*A District Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the District Council may consider reasonably necessary*".

1.5 Under section 48(2) (Licensing of Private Hire Vehicles), "*A District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary*".

1.6 The current conditions for Taxis and Private Hire drivers/operators and vehicles are available under background papers and have not been updated since 2009. A handbook, as proposed, provides is a "one-stop" document for all licensing requirements in terms of Taxi/Private Hire conditions, licensing drivers, vehicles, operators and the disciplinary codes.

## 2. Conditions

2.1 The proposed new Handbook conditions presented at **Appendix 3** reflect feedback received during the consultation set out in Section 3 below.

2.2 The main changes to the conditions following the consultation are listed below:

- The new Driver application requirement to include a Level 2 Certificate which covering safety of vulnerable people, disability awareness and customer care adopted by the Council in December 2016
- Requirement for existing drivers to complete basic training covering some of the key issues within the Level 2 Certificate
- Introduction of a twice yearly test for vehicles separating the vehicle test 6 months from its MOT to improve safety and standards of the vehicle
- Introduction of a maximum age limit on first plating or replacement of a vehicle and the ability to waive this exemption when the car meets exceptional quality
- CRB requirements have changed to a DBS criminal conviction certificate
- Addition of door stickers for private hire vehicles stating "Pre-bookings only, no booking – No Insurance" these will be a separate charge to the vehicle owner when they renew their vehicle plates
- DVLA check changes making them free of charge
- Immigration legislation updates

- Appropriate wording revisions for the dress code for drivers
- For Drivers aged 45 and over, to remove the ability to use 'Doctors on wheels'. Reasons being that Doctors on wheels do not have access to any complicated medical history, only a registered GP would. Once drivers reach the age of 45, they are required to have a medical every 5 years and from this age until 65 then annually. The need for full medical records is considered a necessity for the criteria of fit and proper person.
- Introduction of new disciplinary codes relating to smoking in the vehicle, failure to produce documents, failing to behave in a civil manner towards the public or council staff and refusal to transport assistance dogs.
- Equality Act update for wheelchair users
- Sanctions for drivers who do not complete mandatory training.

### 3. **Consultation**

- 3.1 A formal consultation on the draft proposed handbook was undertaken between 6 February and 20 March 2017. The Consultation covered both licensing authorities in West Suffolk.
- 3.2 Prior to commencing the consultation, a working party was established comprising of the Committee Chairs, a member from each Licensing and Regulatory Committee of West Suffolk and licensing officers with the purpose of engaging with stakeholders and providing insight to ensure that changes to the conditions are undertaken fairly and robustly.
- 3.3 Key stakeholders were consulted in a range of ways:
- All Taxi and Private hire drivers/owners/Operators were written to individually and invited to comment on the proposals online via the Council's website, in writing, by phone or in person
  - The public were invited to comment via the Council's website
  - Key stakeholders, including all licensed drivers, were invited to attend a drop-in session with licensing officers and members to discuss the proposed changes
  - Drivers were approached during day-to-day contact with licensing staff to engage in informal discussion about the proposals.
- 3.4 All formal responses received during the consultation were recorded with informal responses considered by the licensing officers and checked that they were fairly represented in the recorded comments. The formal responses are summarised in **Appendix 2**. All comments were reviewed by the Working Party and relevant revisions to the draft handbook are shown in RED where the Working Party concluded that changes to the consultation version were appropriate.
- 3.5 There was much discussion amongst consultees with respect to the introduction of the maximum age for licensed vehicles, when a vehicle would be first plated or when an existing plated vehicle would need replacing. The original proposal put forward in the consultation was to introduce a maximum 5 year age limit at first plating with consideration to accepting applications for older vehicles in exceptional quality. Due to concerns expressed by taxi driver consultees that this would impose financial hardship by drivers, a compromise has been proposed of 6 years maximum age with no more than 100,000 miles. Alongside this, there is an option for drivers to apply to have this condition waived if they apply for an

'exceptional quality exemption' meaning they can plate an older vehicle if it has less than 150,000 miles, where the vehicle is considered by the Licensing Authority to be in exceptional quality inside and out, it meets the required vehicle test and has a full recorded service history.

- 3.6 The introduction of twice annual tests caused some confusion with some consultees. For clarification, this would not consist of an additional test, just separating the mandatory council required vehicle test and MOT so that they are six months apart. This ensures that the vehicle is checked for safety purposes more than once a year, improving standards and giving public protection and reassurance.
- 3.7 There was discussion amongst consultees with the respect to the minimum size of vehicle engines. The Working Party concluded that due to the improvements made in engine efficiency, concern over diesel emissions and air quality and the emerging market for non-internal combustion engines, engine size was set at 1200cc or equivalent. However, the Working Party considered that further research should be undertaken by officers before setting higher standards and that these proposals would be brought forward in a separate report for approval by this Committee at a later date.
- 3.8 In the mean-time, the Councils would wish to encourage the use of fuel efficient and Ultra Low/Zero Emission vehicles by drivers in the future. Therefore, the West Suffolk Councils will continue to offer a grant to businesses in West Suffolk Called the West Suffolk Greener Business Grant of up to £1000, where the applicant can demonstrate significant energy efficiency/carbon reduction for example, through switching to hybrid/plug-in hybrid/electric motive power.
- 3.9 Your officers are in discussion with key organisations, including the Distribution Network Operator (UK Power Networks), with the intention of developing electric vehicle charging infrastructure to allow all electric vehicle drivers access to appropriately rated charging facilities in our key towns.

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# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Plate Exemption Process for Private Hire Vehicles</b>	
<b>Report No:</b>	<b>LIC/SE/17/010</b>	
<b>Report to and date:</b>	<b>Licensing and Regulatory Committee</b>	31 October 2017
<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>	To amend the work procedure and conditions for a Private Hire Licensed plate exemption for executive contracts.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the Licensing and Regulatory Committee:</b>  <b>Approve amendments to the proposed guidance and conditions attached at (Appendix 1) to Report No: LIC/SE/17/010.</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"/>	
<b>Consultation:</b>	None required	
<b>Alternative option(s):</b>	Do nothing. Keep the conditions as they are which are over complicated for the trade.	

<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Planned work with current resources	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" 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</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Simplifying our adopted guidance and procedures makes the process easier for the trade and officers to complete.	low	Every vehicle applied for an exemption is set at 'executive' standard. All are assessed and must meet a criteria on an annual basis	Low
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<a href="#">Current Handbook</a> <a href="#">Current s75 guidance/conditions</a>	
<b>Documents attached:</b>		<b>Appendix 1</b> – Amended proposed conditions and guidance  <b>Appendix 2</b> – Previous committee report June 2017	



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

1.1 The Council licenses the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation (s75) also allows St Edmundsbury Borough Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

## **2. Background**

2.1 On 20 June 2017, the Licensing and Regulatory Committee adopted a formal procedure for Private Hire Operators to apply for the s75 plate exemption, **see Appendix 2** (original committee report).

2.2 Since its adoption, feedback has been received on its processes from members of the trade via our driver's forum, members of customer services and testing station staff.

2.3 Proposed changes to the procedure of applying and having their application assessed have been made to the guidance notes in red (see **Appendix 1**). These are minor changes but will hopefully impact positively on both staff and the trade to simplify the process as follows:

- a) The applicant will confirm with the vehicle testers their intention of going on to apply for a plate exemption. Testers can confirm whether their vehicle meets the 'prestige' criteria to pass onto officers.
- b) The applicant will complete the s75 exemption form along with their first grant or renewal licence application. This will be completed each time the licence is applied for.
- c) The licence is either granted or denied at this point, officers will then go on to make an appointment to inspect Operator's records to check that the prestige bookings meet the criteria.

2.4 To clarify, the criteria has not changed for the type of vehicles and bookings, merely the order of the application process and passing the vehicle examination over to the testing stations to speed up the process. The bookings inspections will take place by officers shortly after the licence is granted and can take place as many times as officers deem suitable within the licenced 12 month period.

## **3. Recommendation**

3.1 It is Officer's recommendation to make no changes to the current procedure based on trade feedback, simplifying the procedure but still keeping the criteria the same.

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# **LICENSING GUIDANCE PROCEDURE AND CONDITIONS**

## **Granting Private Hire Plate Exemption**



**OCTOBER 2017**

# **Application Process for Granting Private Hire Plate Exemption**

## **INTRODUCTION**

The plate identifying the vehicle as a Private Hire Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external front and rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer.

However, West Suffolk Council's allows proprietors of prestige type vehicles to seek permission to waive the requirement to display plates.

## **PROCESS**

1. Proprietors of prestige type vehicles licensed as Private Hire vehicles, or Private Hire vehicles used in special circumstances, may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates.
2. Prestige vehicles remain licensed as Private Hire vehicles and all journeys and contracts must be pre-booked through a licensed Operator, although such vehicles should be used solely to undertake prestige work and should not be dispatched to customers in the ordinary way. Vehicles must not display logos or identification which may indicate that they are used as a taxi or private hire service other than the windscreen exemption.
3. **When booking your vehicle test, you must declare your intention at booking of your wishing to apply for a s75 plate exemption with the testing station.**
4. **Proprietors wishing to obtain a plate exemption will be initially assessed during their vehicle test at the testing station. Vehicle testers will confirm whether the vehicle meets the 'prestige' criteria and can go on to apply for a plate exemption (this is based on the make/model and condition of the vehicle).**
5. **The Proprietor will then go on to complete the plate renewal or first grant application form for the licensed plates as well as the application form for the s75 plate exemption. This is done with every grant/renewal application.**
6. In exceptional circumstances, applications may be considered part way through the life of an existing vehicle licence. This is at the discretion of the

Licensing Team Leader. If an exemption is granted, the remaining term of the exemption will run until the vehicle licence end date.

7. If approved, the proprietor will be notified of the successful application and will be issued with the following:
  - i) A letter detailing that the vehicle is exempt from displaying a Exterior Private Hire Plate. The agreement is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
  - ii) A windscreen plate for display in the front windscreen of the vehicle denoting that the same information as a Private Hire Vehicle Plate, indicating the exemption.
  - iii) A Private Hire Vehicle Plate to be secured/ fixed inside the boot of the vehicle.
8. If the exemption request is not approved, the Licensing Officer will write to the applicant giving reasons as to why the application has been refused.
9. **The renewal process for the s75 plate exemption must be followed at each grant/renewal to ensure the continuity of the criteria is met.**
10. The following conditions will be attached to the licences of private hire vehicles where a plate exemption waiver has been made. These are detailed below:
  - i) Vehicles granted a plate exemption waiver shall be used only for Prestige type hirings and shall not be used for standard private hirings.
  - ii) The Operator receiving a booking for a plate exempted vehicle shall provide the hirer with details of the vehicle registration number and the name of the driver, prior to the hiring commencing. Bookings must be recorded and kept available for inspection for at least 12 months. The private hire windscreen identification plate issued by the Council shall be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle.
  - iii) The rear vehicle licence plate shall be securely fixed within the boot of the vehicle in a manner which enables it to be easily inspected.
  - iv) The driver's badge shall be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.

- v) The Council's agreement to a plate exemption is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vi) The driver of a plate exempted vehicle shall wear professional business attire (smart shirt and trousers)
- vii) The proprietor shall not use the vehicle for private hire purposes other than for chauffeur use (ie. Not for 'normal' airport journeys or daily private hire use)
- viii) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation and allow in the correct amount of light.
- ix) The hirer shall not have the facility to settle accounts and / or tender direct payment to the driver by any means. Payment may only be made, either before or after the journey, direct to the Operator or their accounting system.
- x) No alcoholic drink shall be sold or purchased in or from the vehicle.

11. Bookings must be recorded and kept available for inspection for at least 12 months. **Officers will inspect Operator's booking records annually to corroborate the eligibility of the exemption. If the operator is in breach of its records, the exemption may be removed and the Operator may have its licence reviewed.**

# Licensing and Regulatory Committee



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Training for private hire and hackney carriage drivers</b>	
<b>Report No:</b>	<b>LIC/SE/17/007</b>	
<b>Report to and date:</b>	<b>Licensing and Regulatory Committee</b>	20 June 2017
<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>	To seek approval to adopt a work procedure and conditions for a Private Hire Licensed plate exemption for executive contracts.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the Licensing and Regulatory Committee:</b>  <b>Approve and adopt the proposed guidance and conditions (attached at Appendix 1) so that they can be applied by the Licensing Authority.</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"/>	
<b>Consultation:</b>	None required	

<b>Alternative option(s):</b>		i) Do nothing. There is no current adopted procedure in place to apply for an exemption. This could result in unlicensed vehicles plying for hire and hinder the of protection of the public.	
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Planned work with current resources	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" 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</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Having no set guidance and procedure adopted makes it easy for any vehicle to apply for an exemption and not have plates on show. Also makes it easy for unlicensed vehicles to ply for hire putting the public at risk.	Medium	Every vehicle applied for an exemption is set at 'executive' standard. All are assessed and must meet a criteria	Low
	High		
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<a href="http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/SEBC-Taxi-Handbook-April-17.pdf">http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/SEBC-Taxi-Handbook-April-17.pdf</a>	
<b>Documents attached:</b>		<b>Appendix 1</b> – Draft Proposed Conditions and Guidance  <b>Appendix 2</b> – Draft Application Form  <b>Appendix 3</b> – Current Taxi and Private Hire Conditions Handbook	



## **1. Key issues and reasons for recommendation(s)**

### **1.1 Background**

1.2 The Council licenses the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

1.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation (s75) also allows St Edmundsbury Borough Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

1.4 The aim of the procedure document is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates. Please see **Appendix 1** for draft conditions and procedures.

1.5 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

1.6 There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk.

1.7 Currently, the proprietors can apply for a plate exemption but this is only by way of a letter to the Licensing Officers. No checks are made on paperwork or vehicles as such under the current process, although, applicants are mostly executive operators.

## **2. Conditions**

2.1 It is not intended that all private hire vehicles licensed by St Edmundsbury Borough Council should be exempt from the Council's requirement to display an external identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

- 2.2 This conditions/procedure should be read in conjunction with the council's existing conditions relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates. Please see **Appendix 3**, current taxi and private hire handbook. There is a section on p30 in the handbook about the potential to apply for an exemption under the correct legislation.
- 2.3 Potential applicants will need to demonstrate that the vehicle will be used exclusively for executive clients and/or special occasions. Examples of these journeys Corporate Events, Conferences, Exhibitions and Meetings, Chauffeured services, School Proms, Celebrity and guarded personnel transport service.

### **3 The Procedure/Guidance Conditions**

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose. Please see **Appendix 2** application form.
- 3.3 Applications for exemption from the requirement to display an external identification plates on the front and rear of a private hire vehicle along with side stickers may be considered where the following requirements are met;
- Vehicles may be of any colour.
  - The vehicle to be exempted is of a high quality both in terms of brand and condition. The Vehicle must also meet with the exceptional quality waiver if it is more than 7 years of age.
  - Vehicles will be larger than the Ford Mondeo class vehicles and will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. American style stretched vehicles may also qualify for exemption.
  - The vehicle will be in an immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
  - The vehicle is to be used for executive or special occasion work only, good examples of these are:
    - Transport to and from Business Corporate Events, Conferences, Exhibitions and Meetings.
    - Chauffeured services, guarded personnel.
    - School Proms
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by St Edmundsbury Borough Council.
- 3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate exemption application form and have their vehicle and supporting documents assessed by a Licensing/Enforcement Officer.

- 3.6 Where such supporting documentation is not provided to the satisfaction of the Council the application will be refused. Where a refusal is contested by the Proprietor, they can request a referral to the Licensing Sub-Committee.
- 3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made
- 3.8 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.9 Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by a Licensing/Enforcement Officer to ensure that it continues to be fit for purpose.
- 3.10 The authority to determine any application for an exemption notice is by virtue of this procedure is delegated to the Council's Licensing or Enforcement Officer.

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# Licensing and Regulatory Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Statement of Licensing Policy and Cumulative Impact Policy Renewal</b>	
<b>Report No:</b>	<b>LIC/SE/17/011</b>	
<b>Report to and dates:</b>	<b>Licensing and Regulatory Committee</b>	31 October 2017
	<b>Cabinet</b>	5 December 2017
	<b>Council</b>	19 December 2017
<b>Portfolio holder:</b>	Councillor Alaric Pugh Portfolio Holder for Planning and 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>	Amanda Garnham Licensing Team Leader <b>Tel:</b> 01284 758050 <b>Email:</b> <a href="mailto:Amanda.garnham@westsuffolk.gov.uk">Amanda.garnham@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To review the updated Mandatory Statement of Licensing Policy and incorporated the Cumulative Impact Policy.	
<b>Recommendation:</b>	<p><b>Licensing and Regulatory Committee:</b></p> <p><b>Subject to approval of Cabinet and Full Council, it is recommended that:</b></p> <p><b>(1) The revised Statement of Licensing Policy is adopted; and</b></p> <p><b>(2) The extended Cumulative Impact Area within the Statement of Licensing Policy is adopted.</b></p>	

<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"/>	
<b>Consultation:</b>		<ul style="list-style-type: none"> <li><b>10 July – 1 September 2017</b> Details of the consultation are set out in Section X.</li> </ul>	
<b>Alternative option(s):</b>		<p><b>Statement of Licensing Policy</b></p> <ul style="list-style-type: none"> <li>Not adopting the Statement of Licensing Policy</li> <li>Re-adopting the existing Statement of Licensing Policy</li> </ul> <p><b>Cumulative Impact Policy (CIP) Area for Bury St Edmunds town centre</b></p> <ul style="list-style-type: none"> <li>Not adopting the current CIP Area</li> <li>Re-adopting the existing CIP Area</li> </ul>	
<b>Implications:</b>			
<i>Are there any <b>financial</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<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"/> • <b>The Mandatory Statement of Licensing Policy must be reviewed every 5 years with the Cumulative Impact Policy according to Statutory Guidance. The expiry date on this Policy is 17 December 2017.</b>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<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</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Reputational – Government Guidance states that the Licensing Statement of Policy should be reviewed along with its integral cumulative impact policy according to statutory guidelines.	Medium	The Statement of Licensing Policy has undergone previous reviews in line with guidance. The latest version is a review of the same policy and amendment to the cumulative impact/special area policy.	Low

Legal – If the policy is not revised in line with the guidance then the Authority may be open to legal challenge.	Medium	An appropriate consultation plan and supporting evidence base has been implemented.	Low
Community – Maintaining the Statement of Licensing Policy and CIP area could result in too many premises selling alcohol in the locality with the associated negative impact crime and disorder.	Medium	Implementing effective policies and controls to manage premises selling alcohol will contribute to a safer localities.	Low
<b>Ward(s) affected:</b>		Risbygate, Abbeygate Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<p>St Edmundsbury current Statement of Licensing Policy:  <a href="http://www.westsuffolk.gov.uk/Business/Regulation%20and%20Licensing/Licensing/Alcohol%20and%20entertainment/upload/Statement-of-Policy-2012-to-2017-final.pdf">http://www.westsuffolk.gov.uk/Business/Regulation and Licensing/Licensing/Alcohol and entertainment/upload/Statement-of-Policy-2012-to-2017-final.pdf</a></p> <p>Home Office Amended Guidance issued under section 182 of the licensing Act 2003 (March 2015)  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf</a></p> <p><a href="#">LRC12 10 15 RepD160 dated October 2012 Proposed Amendments to Licensing Statement of Policy</a></p>	
<b>Documents attached:</b>		<p><b>Appendix 1</b> – Crime statistics</p> <p><b>Appendix 2</b> - Summary of the Consultation Responses</p> <p><b>Appendix 3</b> – Proposed Policy wording and the proposed map extension of the Cumulative Impact Policy</p> <p><b>Appendix 4</b> – Residents consultation responses</p> <p><b>Appendix 5</b> – Police consultation</p> <p><b>Appendix 6</b> – British Beer and Pub Association consultation response</p>	

## **1. Key issues and reasons for recommendation(s)**

### **1.1 Background**

- 1.2 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.
- 1.2 During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published.
- 1.3 Previously, licensing authorities were required to determine their licensing policies for each three-year period. Licensing policies published in respect of the three-year period that began on 7 January 2011 are to be treated as though they apply to a period of five years beginning at that date.
- 1.4 St Edmundsbury Borough Council adopted the current Statement of Licensing Policy in 2012 (Report D160 refers). Under the scope of the Policy, the Council re-adopted a special area policy covering certain parts of the town centre of Bury St Edmunds where the cumulative impact of significant number of licensed premises concentrated in the area is considered to have a potential impact on the promotion of the licensing objectives.
- 1.5 This report sets out proposals to re-adopt both the Statement of Licensing Policy and Cumulative Impact Policy area for Bury town centre, based on a review of current the legislative framework, the effectiveness of the current policy on crime and disorder in the area and a consultation carried out in accordance with statutory guidelines that apply.

### **2. Background to the Cumulative Impact Policy (within the Statement of Licensing Policy)**

- 2.1 "Cumulative Impact" is not mentioned specifically in the 2003 Act. It is, however, referred to in the Home office guidance, where it is defined as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area". The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 2.2 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises.
- 2.3 The effect of adopting a cumulative impact/special policy is to create a rebuttable presumption that applications for the grant or variation of



premises licenses or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations following relevant representations. If the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives then the licence or variation sought is likely to be granted. Applicants should give consideration to potential cumulative issues when setting out the steps they will take to promote the licensing objectives in their application.

- 2.4 However, a cumulative impact/special policy presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation before a licensing authority may lawfully consider giving effect to its cumulative impact policy. A relevant representation would state which of the Licensing Act objectives will be undermined and also the likely effect of granting the licence. If there are no representations, the licensing authority must grant the application in terms that they are consistent with the operating schedule submitted by the applicant.

Based on the principles set out in the Statement of Licensing Policy, the current Cumulative Impact Policy area applying to the centre of Bury St Edmunds was designated in 2009 and re-adopted in 2012 (Report D160 refers).

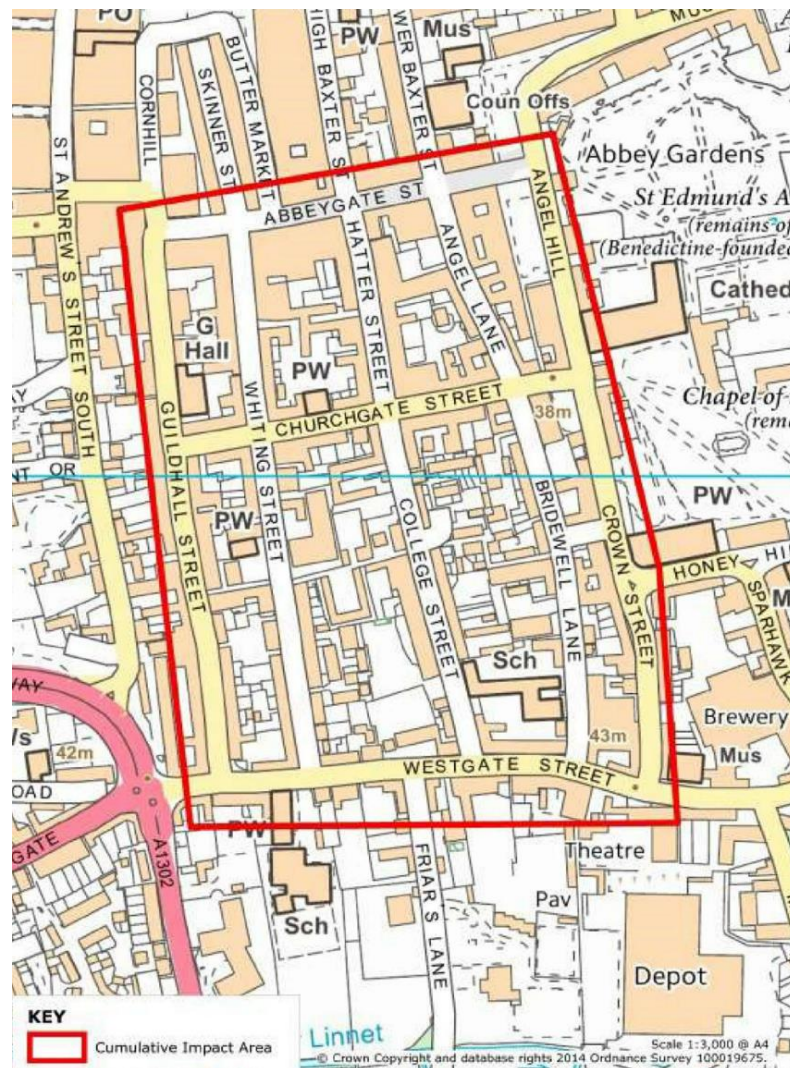


Figure 1 – Current Cumulative Impact Policy area for Bury St Edmunds town centre

### 3. Review and consultation process

- 3.1 Options were considered as part of the review process. These comprised of:
- Statement of Licensing Policy
    - i. Option SLP1 – Not re-adopting the current policy
    - ii. Option SLP2 – Re-adopting the current policy without revision
    - iii. Option SLP3 – Adopting an updated version of the policy to reflect legislative change and based on the findings of the review and consultation.
  - Cumulative Impact Policy Area for Bury St Edmunds town centre
    - i. Option CIP1 – Not re-adopting the CIP area
    - ii. Option CIP2 – Re-adopting the current CIP area without amendment
    - iii. Option CIP3 – Adopting a CIP area to reflect legislative change and based on the findings of the review and consultation.
- 3.2 Data relating to crime and disorder have been obtained from Suffolk Constabulary for a representative period since the adoption of the current Statement of Licensing Policy and CIP area. A summary of crime statistics for the relevant period is presented in **Appendix 1**.
- 3.3 In addition, discussions were held with key internal stakeholders, including engagement with the consultation relating to the emerging Bury St Edmunds Town Centre Masterplan, and external agencies including the Neighbourhood Policing Team and Suffolk Public Health.
- 3.4 As part of the review of the Statement of Licensing Policy, the licensing authority is required to consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police for the area;
  - the fire and rescue authority for the area;
  - each local authority's Director of Public Health in England (DPH)<sup>11</sup> or
  - Local Health Board in Wales for an area any part of which is in the
  - licensing authority's area,
  - persons/bodies representative of local premises licence holders;
  - persons/bodies representative of local club premises certificate holders;
  - persons/bodies representative of local personal licence holders; and
  - persons/bodies representative of businesses and residents in its area.
- 3.5 The consultation also included ward members, members of the Licensing and Regulatory Committee and the Business Improvement District Management Company, Our Bury St Edmunds.
- 3.6 For consistency and in line with statutory guidance, the consultation scope and approach adopted for the policy was also applied to the CIP Area. The consultation ran between the 10 July 2017 and 1 September 2017. A summary of the consultation questions and responses received is presented in **Appendix 2**.
- 3.7 In addition to meeting the relevant statutory guidelines, the scope and format of the consultation was considered appropriate for the following

reasons:

- i. In the light of the data presented to the licensing authority as part of the preparatory work to develop the consultation approach, and in the view of experience of your officers, the current policy is considered to have operated effectively since it was re-adopted in 2012.
- ii. Refreshing the Statement of Licensing Policy will be part of a wider strategic development which could see St Edmundsbury Borough Council and Forest Heath District Council becoming a single local authority across West Suffolk, with the likely commencement date of the new authority being April 2019. Should this go ahead, the impact will be to create a single licensing authority, which will have an impact on this and other area-based policies. Consideration will be given on the need for a further review of the policy should a single council structure be adopted.

#### **4 Statement of Licensing Policy – findings of review and consultation**

- 4.1 The review showed that generally the Statement of Licensing Policy remains fit for purpose although it required updating to incorporate changes to relevant legislative frameworks. No adverse comments were received from the public consultation.
- 4.2 Options SLP1 and SLP2 would leave the council at risk of not performing its statutory functions. It is proposed therefore that with minor amendment the current Statement of Licensing Policy should be re-adopted (Option SLP3). A proposed revision to the Policy, with any amendments marked in RED, are presented in **Appendix 3**.

#### **5. Cumulative Impact Policy Area – findings of review and consultation**

- 5.1 As part of the consultation a proposed Cumulative Impact Policy area was presented. The extended area has been drawn up based on a review of crime and disorder statistics and discussions with stakeholders. The review highlighted the growth of the town centre, including the development of the Arc Shopping Centre which accommodates a mix of commercial and residential uses and the concentration of the premises in one area which are open late at night, which is not covered by the current CIP area. This includes the following streets:

- St Andrews Street North (northwards to the Bus Station)
- St Andrew's Street South
- Risbygate Street
- Cornhill
- Buttermarket and
- Part of St John's Street.

Crime and disorder statistics supported your officers' opinion that the CIP area should be extended. The proposed CIP area based on the findings of the review is shown below and this option was included in the consultation.

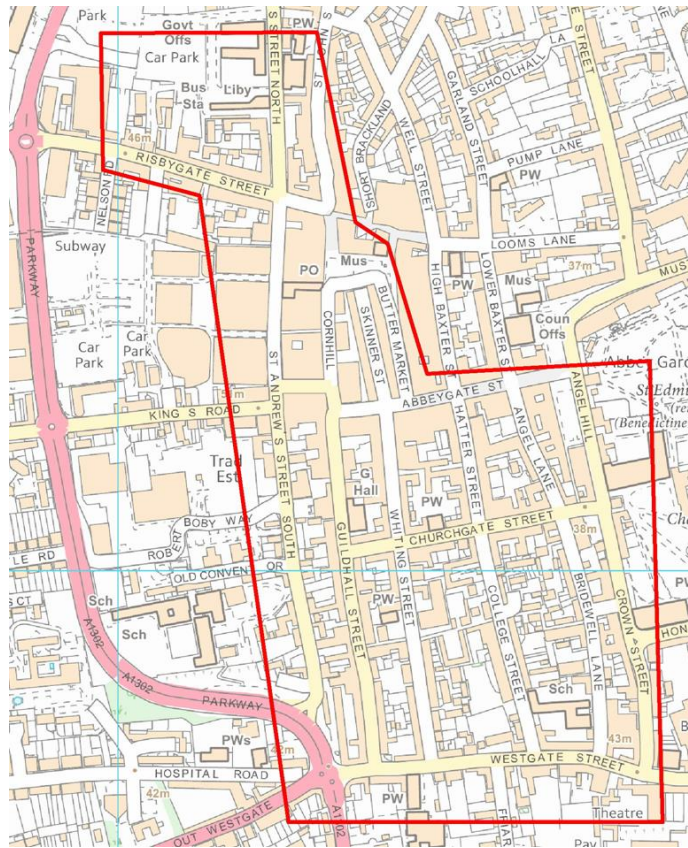


Figure 2 – Proposed Cumulative Impact Policy Area for Bury St Edmunds town centre

- 5.2 Forty-seven online responses to the consultation were received as well as statements made by residents, representation from Neighbourhood Policing (Suffolk Constabulary) and The British Beer and Pub Association. The online responses are summarised in **Appendix 2**.
- 5.3 Forty-one online respondents supported the renewal of the current Cumulative Impact Policy Area, while thirty respondents wished to see additions or amendments made to the existing area.
- 5.4 Forty online respondents supported the proposed CIP area, while only ten wished to see additions or amendments to the proposed area. Three town centre residents submitted written statements supporting the proposed CIP area (**Appendix 4**). It is considered, therefore, that respondents were generally supportive of the proposed changes to the Cumulative Policy Impact area.
- 5.5 Three respondents wished to see the proposed area extended to include Eastgate Street to cover pubs in the vicinity as well as the Parkway covering Cineworld and associated eateries. These proposals have been considered but rejected since the majority of these premises close at around the time the Cumulative Impact Policy would commence, being around 11pm, hence it would not be appropriate to extend the area.
- 5.6 The response from Neighbourhood Policing (**Appendix 5**) outlined the issues and knock-on effects of having late night premises in a small area particularly St Andrew's Street North and South, Cornhill, Buttermarket, St John's Street, Risbygate, King's Road, the Arc, Abbeygate Street, Angel Hill

and Woolhall Street. Some of these streets are already covered by the existing CIP but would benefit from inclusion in the CIP area the additional streets where the nightclubs, late bars and take-aways operate.

- 5.7 The representation from the British Beer and Pub Association (**Appendix 6**) generally concurred with the proposals for extending the CIP area.
- 5.8 It is, therefore, your officers' view based on the review and consultation that the Cumulative Impact Policy Area (Option CIP3) should be extended to cover the area show in **Figure 2**.

## **6. Other matters raised during the consultation**

- 6.1 The British Beer and Pub Association also suggested the Licensing Authority should consider other methods for controlling alcohol-related issues. As such, your officers continue to work with Police and other crime prevention agencies to develop initiatives to reduce crime and anti-social behaviour.
- 6.2 Although Suffolk Constabulary does not currently support the National Pubwatch scheme, local licensees share information about related issues using various means of communications. The town centre has regular weekend support from Street Pastors supported by the United Churches which has proved invaluable. The Council's Licensing and Families and Communities officers also work closely with Suffolk Police as part of a problem-solving approach centred on licensed premises.

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Cumulative Impact policy  
Police incident data Nov 13 – May 17

# Data

- Data from Victoria McIntee – Suffolk constabulary

- Data set

Variables include:

-Location street name: Abbeygate, Angel, Bridewell, College, Crown, Guildhall, Risbygate, St. Andrews, Westgate and Whiting

• Date/time

• Event type: ASB, Crime, Public Safety, Transport

-data broken into key time categories: 05:00-19:00 day time, 00:00-04:00 late evening and 19:00-00:00/04:00-05:00 evening/early morning

Data set: Nov 13 – April 17 = 2102 records

Latest year of data : May 16 – Apr 17 = 608 records



## When do incidents occur during a 24 hr period? Data from Nov 13 – April 17

Incident type	24 hr period	day time 05:00-19:00	evening 19:00-05:00	19:00-00:00/04:00-05:00 - evening/early morning	00:00-04:00 - late evening
ASB	345	175	170	98	72
Crime	519	270	249	106	143
Public Safety	902	506	396	244	152
Transport	336	262	74	61	13
All incidents	2102	1213	889	509	380

Of the 2102 incidents that occurred from Nov 13 – April 17, 1213 [58%] occurred during the daytime [05:00-19:00] and 889 [42%] occurred during the evening [19:00-05:00]

This changes slightly over time with 40% of crime occurring in the evening in May 16 – April 17, compared to 44% in April 14- May 15.

The 'evening' can be split into two distinct time periods; between 00:00-04:00 [late night] and outside of this time [from 19:00-00:00 and then 04:00-05:00]

Approximately 18% of all crime occurred between the hours of 00:00-04:00 of which 40% related to Public Safety, 38% to Crime, 19% to ASB and 3% to Transport related incidents.

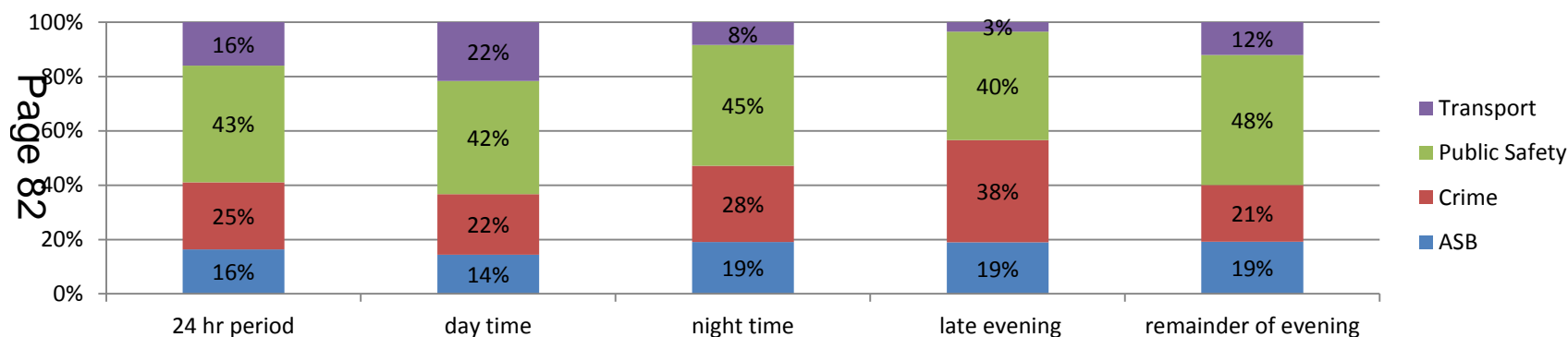
Percentage of incidents that occur during the daytime and evening, year on year			
Time period	05:00-19:00 - day time	19:00-05:00 - night time	00:00-04:00 - late evening
May 2014- April 2015	55.9%	44.1%	19.3%
May 2015- April 2016	56.1%	43.9%	18.3%
May 2016- April 2017	59.7%	40.3%	18.1%
all data	57.7%	42.3%	18.1%

## What type of incidents occur during a 24 hour time period?

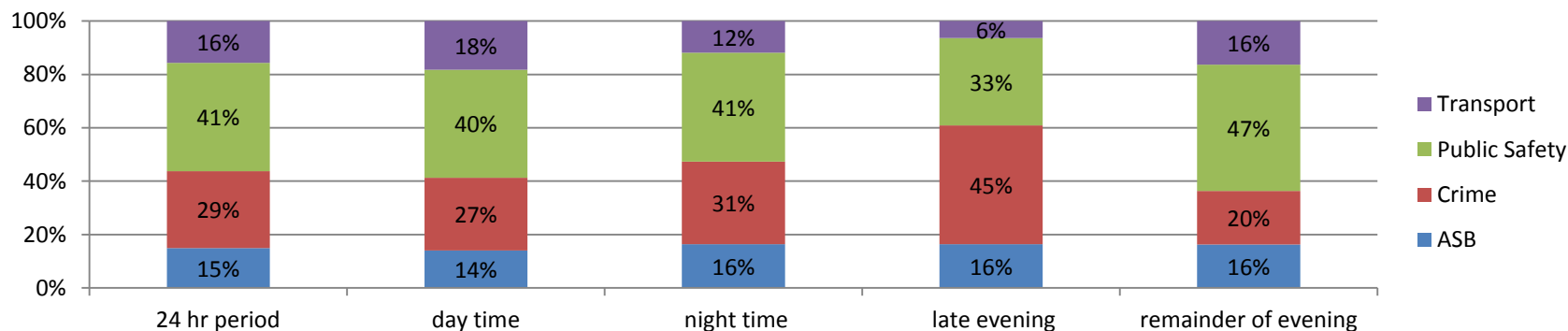
From day time to evening we see an increase in incidents relating to Public Safety, Crime and ASB and a reduction in Transport related incidents.

As we progress into the later evening [00:00-04:00] we see a further increase in Crime incidents. In the earlier evening, 21% of incidents are crime related, but this rises to 38% of all incidents in the late evening. This increase is more pronounced in the latest year of data [16/17] with crime related incidents representing 45% of all incidents in the late evening.

**The proportion of incident type throughout a 24 hour time period : Nov 13 - April 17**

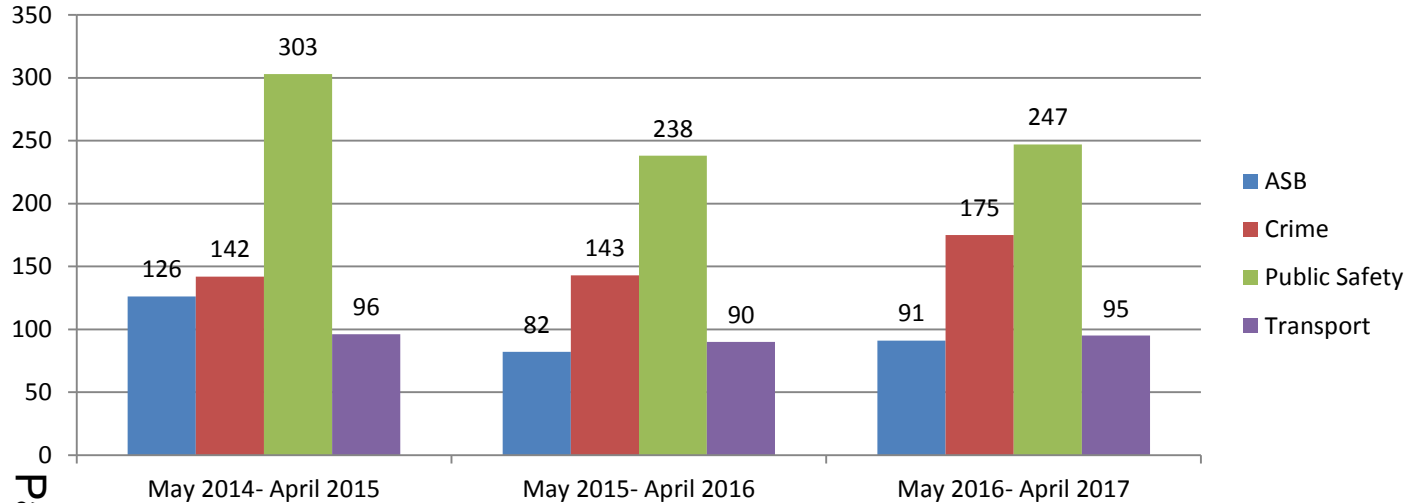


**The proportion of incident type throughout a 24 hour time period:  
May 16 - April 17**



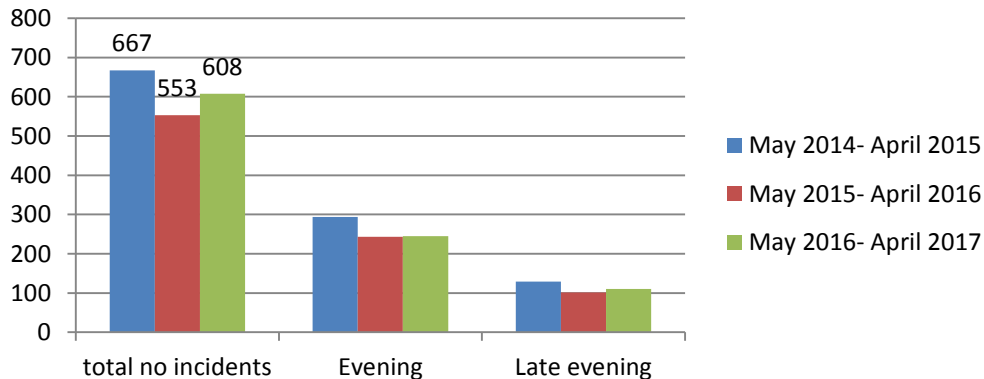
# Have the number and type of incidents increased over time?

Number and type of incidents year on year



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Number of incidents from 2014/15 - 2016/17 and time of incidents



**Crime is the only incident type to have increased from 2014/15 to 2016/17:**  
**142 incidents in 2014/15**  
**143 incidents in 2015/16**  
**175 incidents in 2016/17**

**The number of overall incidents have dropped from 14/15 into 15/16 to rise again in 16/17 but the overall number of incidents in 16/17 remain below those for 14/15.**

## Incidents by type – 2016/17

May 2016- April 2017		Incidents by type and time of day			
Incident type	24 hr period	Day time 05:00-19:00	Evening 19:00-05:00	00:00-04:00 late evening	Remainder of evening 19:00-00:00 / 04:00-05:00
ASB	91	51	40	18	22
Crime	175	99	76	49	27
Public Safety	247	147	100	36	64
Transport	95	66	29	7	22
Grand Total	608	363	245	110	135

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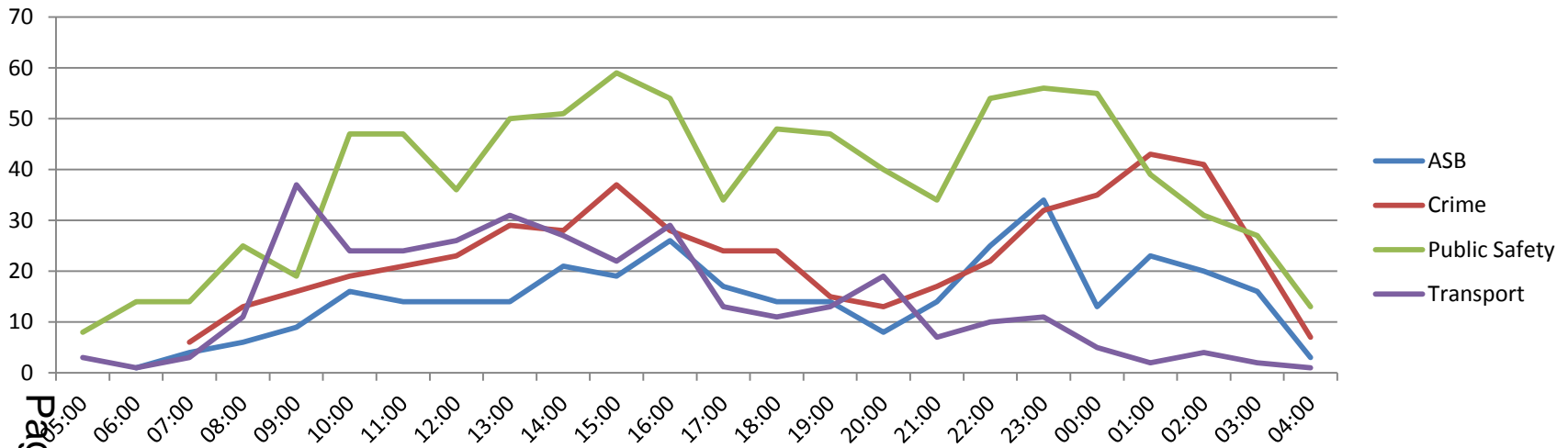
41% of all incidents relate to Public Safety and 60% of these occur during the day time. Of the 100 incidents that occur during the evening, 64% occur in the earlier evening.

29% of all incidents relate to Crime and 57% of these occur during the daytime. However of the 76 incidents that occur in the evening, 64% occur in the late evening

Of the ASB related incidents in the evening, just over half [55%] occur in the earlier evening. 45% occur in the late evening

## How incidents change as the day progresses

Timeline of number of incidents within a day -  
dataset from Nov 2013 - April 2017



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The number of Transport related incidents fall as we move into the evening, however ASB and Public Safety incidents climb steadily from 20:00 until about 23:00- midnight before falling away. Crime related incidents increase from 19:00 to a peak at 01:00-02:00.

Public Safety and ASB related incidents peak earlier in the evening at around 23:00 with a lag of approx. 2 hours before we see the peak for Crime related incidents

In the early evening/very early morning [19:00-00:00/04:00-05:00] 47% of all incidents relate to Public Safety, however in the late evening [0:00-04:00] 45% of incidents relate to Crime [2016/17 data].

## Where do incidents occur?

Street	No. of incidents			
	24 hr period	evening 19:00-05:00	daytime 05:00-19:00	late evening 00:00-04:00
ABBEYGATE	71	28	43	4
ANGEL	78	20	58	8
RISBYGATE	98	30	68	13
ST. ANDREWS	190	90	100	58
WESTGATE	66	39	27	13
OTHER STREETS X 5	105	38	67	14
	608	245	363	110

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Five of the ten streets see over 80% of the incidents [2016/17]

Over 50% of the incidents that occur in the late evening are in St Andrews street.

In Westgate we see a rise in the proportion of crimes that occur in the evening – only 7% of incidents occur here during the day compared with 16% in the evening.

Street	% of incidents			
	24 hr period	evening 19:00-05:00	daytime 05:00-19:00	late evening 00:00-04:00
ABBEYGATE	12%	11%	12%	4%
ANGEL	13%	8%	16%	7%
RISBYGATE	16%	12%	19%	12%
ST. ANDREWS	31%	37%	28%	53%
WESTGATE	11%	16%	7%	12%
OTHER STREETS X 5	17%	16%	18%	13%

## Percentage of incidents by location - evening time and late evening

Incidents by location in the evening and the late evening										
	Evening 19:00 - 05:00					Late evening 00:00 - 04:00				
	%					%				
	No. incidents	ASB	Crime	Public Safety	Transport	No. incidents	ASB	Crime	Public Safety	Transport
ABBEYGATE	28 [11%]	4%	43%	43%	11%	4 [4%]	0%	100%	0%	0%
ANGEL	20 [8%]	10%	15%	50%	25%	8 [7%]	0%	25%	38%	38%
RISBYGATE	30 [12%]	13%	27%	43%	17%	13 [12%]	8%	38%	46%	8%
ST. ANDREWS	90 [37%]	24%	42%	27%	7%	58 [53%]	24%	52%	21%	3%
WESTGATE	39 [16%]	10%	18%	67%	5%	13 [12%]	8%	23%	62%	8%
OTHER STREETS X 5	38 [16%]	18%	21%	39%	21%	14 [13%]	14%	36%	50%	0%
	245					110				

245 incidents occur during the evening and 110 of these occur in the late evening [00:00-04:00]

Different streets/locations experience different incident types.

Of the incidents in Abbeygate, 43% relate to Crime and another 43% relate to Public Safety, however the number of incidents dramatically falls in the late evening but these all relate to Crime incidents.

50% of incidents in Angel in the evening are Crime related and this falls to 25% in the late evening.

Westgate sees relatively little Crime and ASB incidents but over 60% of incidents are Public Safety related [both in the evening and late evening].

By comparison St. Andrews has more Crime related incidents than Public Safety incidents. St. Andrews experiences most of the overall incidents; 37% of all incidents during the early evening and this rises to 53% of all incidents in the late evening.

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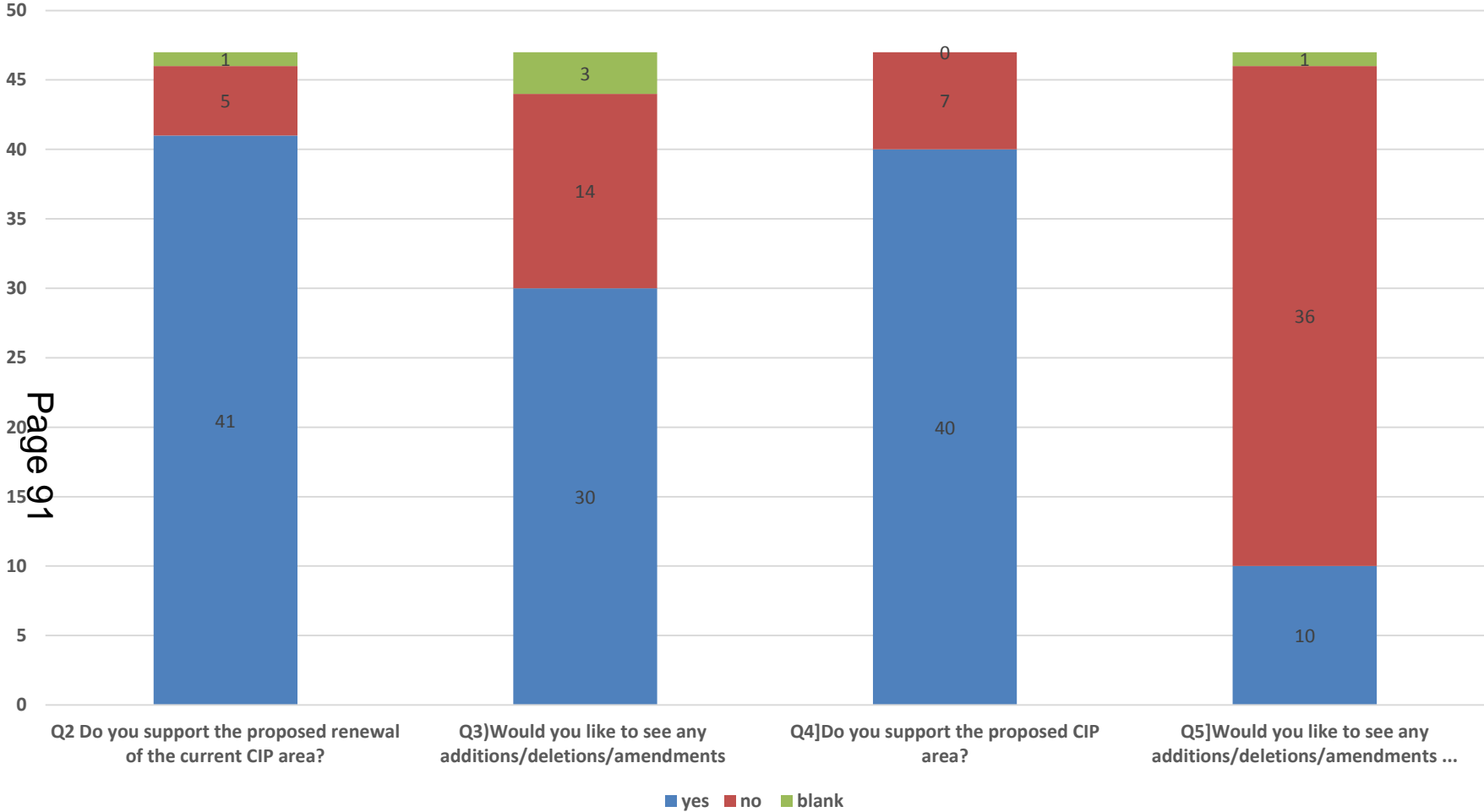
# Cumulative Impact policy Responses to consultation

# Consultation responses by type – who supported each option

		I am a local resident.	I am a local business	I am a local Councillor	I am a local resident and a local business	I represent a responsible authority	I represent the Churchgate Area Residents Association Committee	not given	
		No respondents 40	No respondents 2	No respondents 1	No respondents 1	No respondents 1	No respondents 1	No respondents 1	
Q2 Do you support the proposed renewal of the current CIP area?									
P S C P O	Yes	34	2	1	1	1	1	1	41
	No	5	0	0	0	0	0	0	5
	Blank	1							1
Q3) Would you like to see any additions/deletions or amendments ...									
P S C P O	Yes	26	1	1	0	1	1	0	30
	No	11	1		1	0	0	1	14
	Blank	3							3
Q4] Do you support the proposed CIP area?									
	Yes	33	2	1	1	1	1	1	40
	No	7	0	0	0	0	0	0	7
Q5] Would you like to see any additions/deletions or amendments ...									
	Yes	10	0	0					10
	No	30	2	1	1	1	1		36
	Blank							1	1

There were 47 respondents, 85% of which were local residents

# Responses to consultation



Reasons given from respondents who did NOT support Q2) Do you support the proposed renewal of the current CIP area? Note comments from five residents

Prefer the extended option 2.

I would prefer to change to the extended CIP area as shown on revised map.

Police data suggests the previous area needs to be expanded.

Needs to cover a larger area.

It should include St Andrews Street south and North as many houses and business premises have entrances on both Guildhall Street & St Andrews Street South plus St John's Street & St Andrews Street North. These must be incorporated like the Hunter club.

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Reasons given from respondents who did NOT support Q4) Do you support the proposed CIP area? Note comments from seven residents

Should cover Eastgate St. as there are licensed premises there

Lack of police resources

The Police do not patrol the present area so they will not bother with a larger area

Important that existing licence holders are reminded of their responsibilities and that any new premises or change of use premises be thoroughly vetted

Not unless it can be policed on a frequent and regular basis.

The area should be "squared off" by going along Northgate Street and possibly as far as Tayfen Road.

St Andrews Street South & North to be included

## Comments stated by respondents with regard to additions/amendments for the proposed CIP area

Any area where there is mixed residential and licensed premises [CIP to cover]

Extend to include area around Cineworld.

It would be reassuring when arriving on late trains if the area around the train station was included.

Yes Lower Baxter Street area - drugs dealt in this area of Bury where there is no CCTV installed.

Residents parking in Guildhall Street only. "No pay and display".

Resident permit holders only.

As well as the proposed existing area suggest St Andrews Streets North and South and the area surrounding the arc and north of Parkway where the cinema complex is.

## Other comments stated by respondents regarding the consultation – from the Chrchgate Area Residents Association Committee

The Consultation was not publicised enough. Our Committee Licensing representative was informed but no other committee member or Residents we contacted seemed to be aware of it. If the policy is going to be reviewed every 5 years each resident should be informed by letter. We receive letters several times per year about road closures for example. The survey is on line but it should be made clear in future that paper copies can be provided. Many of our residents do not use computers.

## Other comments

1) The town centre needs as much protection as the law will allow. 2) Houses in our narrow streets are without front gardens, making us very vulnerable to noise, vandalism or rowdy behaviour.

Insufficient data provided to make useful input. If police believe the area need to be increased to curb ASB etc. then CIP should take notice of this.

Residents parking in Guildhall Street only. "No pay and display". No further licensed premises granted in the residential area of the town.

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**LICENSING ACT 2003  
St Edmundsbury Borough  
Licensing Authority**

**LICENSING  
STATEMENT OF  
POLICY**

**DRAFT 2017**

Produced by	Amanda Garnham
Adoption Date	

## FOREWORD

Welcome to the latest edition of St Edmundsbury Borough Council’s Statement of Licensing Policy.

Our Policy encompasses our Borough’s desire to encourage growth and diversity whilst considering impacts on existing businesses and residents. It is essential to ensure our residents can peacefully enjoy their homes and environment whilst also encouraging responsible and positive investment and economic growth.

We want to make sure that St Edmundsbury continues to offer a diverse range of high quality and well managed venues and experiences; valued by those who live here, work here and come to visit.

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**This updated policy was first adopted by the St Edmundsbury Borough Council on 5 April 2011 and subsequently reviewed following the commencement of Part 2 of the Police Reform and Social Responsibility Act 2011 effective during the period 18 December 2012 until 17 December 2017 inclusive.**

## **1. Introduction**

The Licensing Act 2003 became fully implemented on 24 November 2005, and brought about the single biggest change to the licensing arrangements for many types of leisure premises in 40 years.

The Act integrated six separate licensing regimes covering the sale and supply of alcohol, the provision of regulated entertainment, the provision of late night hot food or drink (between the hours of 11pm and 5am), night café, theatres and cinemas. The legislation is continuing to evolve, and be amended.

The licensing authority acknowledges the benefits provided by the Act as detailed in the commentary provided by the Secretary of State for Culture, Media and Sport within the introduction to the revised guidance issued in March 2010, namely that the Act:

- Allows local people a bigger voice in licensing decisions, with local people becoming more aware of and engaged in the licensing process;
- Assists with providing a better system of regulation for business, greater choice for consumers, and where possible help for areas in need of economic regeneration;
- Is evidencing that licensees are making good progress towards taking their responsibilities seriously, and are actively working with the Police and each other to eliminate sales of alcohol to underage persons and to combat alcohol related crime and disorder;
- Encourages effective multi-agency partnership working to target 'problem' premises, and that new closure and review powers are working to help clamp down on the irresponsible minority of retailers; and
- Cannot in isolation provide a solution to many of the problems associated with alcohol misuse, and must be part of a broader strategy to achieve better management of the night-time economy and a better balance between the rights and responsibilities of everyone living and working in each community.

As from April 2012, The Police Reform and Social Responsibility Act 2011 will make significant changes to the Licensing Act 2003.

### 1.1 Location (all population statistics replaced below)

St Edmundsbury is at the heart of Western Suffolk, at the centre of the triangle created by Norwich, Ipswich and Cambridge. The Borough runs north-east from Haverhill, near the Essex and Cambridgeshire borders, to the Norfolk border. It is an area of unspoiled natural beauty with a keen sense of its rural heritage. Bury St Edmunds and Haverhill are the two main towns within.

### 1.2 Bury St Edmunds

This historic market town is a centre for tourism, with its medieval street plan, cathedral, abbey ruins and fine timber-framed and Georgian buildings. It has a large rural hinterland and thus a wider range of shops and services than might be expected in a town of its size. The town has good communication links with the only railway station in the Borough, linking it with Ipswich to the east and Cambridge and Peterborough. Both London and the Midlands can be reached in 90 minutes via the A14.

### 1.3 Haverhill

This was part of the Greater London Council's expansion scheme, and experienced a period of very rapid growth, more than quadrupling in size between 1951 to 1991. On the A1307, it is less than 20 miles from Cambridge, 16 miles from the M11 to London, near Stansted Airport and is part of the 'M11 Corridor'. A centre experiencing growth in manufacturing and other industries, the town cottages; Clare and Cavendish are has some interesting architecture and its community has a strong sense of identity.

### 1.4 Rural

There are 77 parishes in our rural Borough. Many villages are traditionally attractive, with thatched and timber framed cottages; Clare and Cavendish are perhaps the two best known. Some of the villages are tiny, the three smallest have populations of around 30 people.

	Population			
	2012	2015	Growth	% growth
Haverhill	27128	27414	286	1.05%
Bury St Edmunds	41416	41900	484	1.17%
St Edmundsbury	111,610	112,523	913	0.82%

Statistics most recent available at time of this report September 2017.



The Borough of St Edmundsbury showing the parish breakdown

## **2. Purpose of the Licensing Policy**

2.1 The purpose of this licensing policy is to:

- inform the elected Members serving on the Licensing Committee of the parameters within which licensing decisions can be made;
- inform applicants, residents and businesses of the parameters within which the Licensing Authority will make licensing decisions;
- inform residents and businesses about how the Licensing Authority will make licensing decisions; and
- provide a basis for decisions made by the Licensing Authority if these decisions are challenged in a court of law.

2.2 This policy relates to the following licensable activities as defined in the Act:

- Retail sale of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- The provision of regulated entertainment, which includes:
  - a performance of a play;
  - an exhibition of a film;
  - an indoor sporting event;
  - a boxing or wrestling entertainment (indoors and outdoors);
  - a performance of live music;
  - any playing of recorded music;
  - a performance of dance;
  - entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance;
  - the provision of late night refreshment.

2.3 It should be noted that the 2003 Act (Part 2 of Schedule 1) makes provision for exempt or unregulated activities or locations. Further information on some of these is available from the Department for Culture Media and Sport. Whether activities/locations may be entitled to benefit from an exemption would be assessed on a case-by-case basis.

2.4 The Licensing Authority will have due regard to the intention of the Act to contribute to the overall economy of the borough and in particular to the potential benefits of longer opening hours, which the Act foresees.

2.5 Where the Guidance published by the government under s.182 is revised at any time the Licensing Authority will have regard to it where it departs from the Licensing Statement of Policy.

2.6 In some cases, additional licences may be required under separate legislation; for example, sexual entertainment venues may also require a licence under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or the venue may also require Performing Rights Society (PRS) permissions.

### 3. Licensing Objectives

3.1 This policy must be read in conjunction with the Licensing Act 2003 (the Act), secondary legislation and the Guidance issued under s.182 of the Licensing Act 2003 (the Guidance).

3.2 Where revisions are made to the legislation or Guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, Guidance and its own Statement of Licensing Policy.

3.3 In preparing this Statement of Licensing Policy, the Licensing Authority has consulted in accordance with the requirements of the Act, and has had due regard to the Guidance.

3.4 The Licensing Authority recognises that balancing the interests of owners, employees, customers and neighbours of licensed premises will not always be straightforward, but it has a duty to promote the four licensing objectives of the Act:

- **The prevention of crime and disorder;**
- **the prevention of public nuisance;**
- **public safety; and**
- **protection of children from harm.**

These are the only four objectives in the Act and as such they are paramount to all licensing considerations. The Licensing Authority's approach to addressing these four objectives is set out in section 16.

3.5 In exercising its licensing functions, once its discretion is engaged, the Licensing Authority will consider the direct impact of the licensable activities on other persons.

3.6 The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

3.7 The aims of this Statement of Licensing Policy are to:

- Help to encourage and support a strong and inclusive society that balances the rights of individuals and their communities;
- Integrate the Licensing Authority's aims and objectives with other initiatives and strategies that will:
  - reduce crime and disorder;
  - ensure the safety of the public engaging in licensable activities
  - encourage tourism and cultural diversity;
  - reduce alcohol misuse;
  - encourage the self-sufficiency of local communities; and
  - reduce the burden of unnecessary regulation on business.

- 3.8 This Statement of Policy does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its merits where the Licensing Authority's discretion has been engaged. It does not seek to override the right of any person to make representations on or about an application or seek a review of a Licence or Certificate where provision has been made for them to do so in the Act.
- 3.9 The licensing process can only seek to regulate those measures within the control of the licensee or certificate holder (and their staff/agents), and in the immediate vicinity of the premises involved in licensable activities, for example, on the pavement, in a beer garden or smoking shelter. Licensing law is not a mechanism for the general prevention of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it the cure-all for all community problems.

#### **4. The role of the Licensing Authority in the decision making process:**

- 4.1 It is important for any person reading this Statement of Licensing Policy to note that the Licensing Authority's discretion and decision-making role, referred to throughout this Statement of Licensing Policy, is only engaged following a relevant representation being lodged in respect of an application, and where that representation is not withdrawn. The application will then ordinarily be heard by a sub-committee of the Council's Licensing and Regulatory Committee. However, it must be noted that, in contrast, the process and determination in respect of minor variations and community premises mandatory conditions 'alternatives' are exceptions to these usual arrangements, as referred to later in this document.
- 4.2 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so, the Licensing Authority will be mindful of the legislative framework and any relevant government guidance.
- 4.3 In cases where a premises licence application or club premises certificate has been lawfully made, and no responsible authority or other person, has made a representation, the Licensing Authority must grant the application on the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act. This should be undertaken as an administrative process by the Licensing Authority's officers who will translate the proposals contained within the operating schedule to promote the licensing objectives into clear and understandable conditions. As above, there are different arrangements in place for some minor processes under the Act.
- 4.4 The Police Reform and Social Responsibility Act 2011 created a further role for the Licensing Authority as a Responsible Authority thereby allowing it to make representations and/or seek a review of a premises licence or club premises certificate.

4.5 It is the intention of the Licensing Authority to work closely with licensees and their representatives, responsible authorities, other persons and partner authorities in order to promote the licensing objectives and minimise the burden on all involved to ensure that as far as possible the licensing arrangements work satisfactorily and successfully.

## **5. Other Legislation, Strategies and Guidance**

5.1 When carrying out its functions the Licensing Authority must comply with the following legislation:

- Crime and Disorder Act 1998;
- The European Convention on Human Rights, given effect by the Human Rights Act 1998;
- **Removed: Criminal Justice and Police Act 2001 (in particular 'designated public place orders'**
- Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000);
- **Anti-Social Behaviour, Crime and Policing Act 2014 (within this, PSPO 'Public Space Protection Order' which has been adopted in St Edmundsbury);**
- Violent Crime Reduction Act 2006;
- Environmental Protection Act 1990 (as amended);
- Health Act 2006;
- Noise Act;
- Health and Safety at Work Act;
- Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issued fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am).
- Policing and Crime Act 2009;
- Police Reform and Social Responsibility Act 2011;
- Sunday Trading Act 1994;
- Christmas day (Trading) Act 2004;
- Safety at Sports Grounds 1975;
- Public Health Act 2006 (section 10);
- Any National Alcohol Strategy;
- The Council's published policy on Safeguarding Children;
- The Council's published procedure for dealing with petitions and its obligations under the Local Democracy, Economic Development and Construction Act 2009; Equality and diversity obligations; and
- European Union Services Directive.

5.2 The premises operators are normally responsible for compliance with any other statutory requirements which may apply, for example the Regulatory Reform (Fire Safety) Order 2005.

5.3 The Licensing Authority will seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate or proportionate to impose the same or similar duties

on the premises licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that proportionate conditions will be attached to a licence.

- 5.4 Other Local Authority and Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them. For example, the Licensing Authority will liaise closely with the local Police Safer Neighbourhood Teams (SNT) and Police Community Safety Partnership and/or the Suffolk Safety Advisory Group (SAG) to ensure that the Local Authority can develop effective strategies that take full account of local crime and disorder issues.

It is the Licensing Authority's intention that it will, through its Licensing Committee monitor how the matters set out in this paragraph impact on the Licensing Authority's licensing and other functions, in order to integrate its licensing function with other relevant strategies.

The Licensing Authority will maintain a list of those strategies and policies with which it seeks to integrate its aims and objectives on the website, at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk).

- 5.5 Deleted (text regarding Regulated Entertainment which has been updated with new legislation)
- 5.6 The Licensing Authority wishes to encourage and promote live music, dance and theatre for the wider cultural and economic benefit of the community. It will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities on residents and/or visitors to the Borough.
- 5.7 The Council may seek Premises Licences for public spaces in the community in its own name. With regard to those places, performers and entertainers may not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead, they may require permission from the Council as the Premises Licence holder. The Council may use this method of licensing to encourage circus and street arts to our local communities.
- 5.9 Deleted (text re. DPPPO – designated public places order which does not relate to licensed premises)
- 5.10 Where it considers it appropriate to do so, and in order to seek proper integration of the licensing function, the Licensing Authority may share data with the Local Planning Authority, the Council's Locality and Economic Development Officers for example in relation to growth, regeneration and local skills and employment matters. This may also include areas where alcohol-related crime and disorder is having an impact on a local area.



## **6. Relationship with Planning Process**

- 6.1 Any premises for which a licence is required should have either:
- a) planning consent; or
  - b) lawful use under the planning legislation in order to operate lawfully under the conditions of any licence granted under the Act.

However, the lack of either (a) or (b) above will not prevent the Licensing Authority from considering and determining an application, although it clearly makes operational sense to ensure that planning and licensing are compatible.

- 6.2 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, because licensing matters will always be subject to consideration of the four licensing objectives, whereas planning matters are subject to different considerations.
- 6.3 The licensing and planning authorities are responsible for enforcing conditions attached under their respective licences and consents.
- 6.4 Where the terminal hour for the operation of a premises is stated on a planning consent, but differs from that specified on the licence, the licence holder must observe the earlier closing time to operate lawfully.
- 6.5 The Licensing Authority wishes to emphasise that the granting by the Licensing and Regulatory Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.

## **7. The cumulative impact of a concentration of licensed premises**

- 7.1 The Licensing Authority recognises that the cumulative effect of licensed premises may have negative consequences which could include:
- an increase in crime against both property and persons;
  - an increase in noise causing disturbance to residents;
  - traffic congestion and/or parking difficulties; and/or
  - an increase in littering and fouling,

and that enforcement action taken to ensure that conditions are complied with may not always resolve any problems experienced in the vicinity of licensed premises.

- 7.2 Licensing is only one means of addressing the problems identified above, and cannot in isolation provide a solution to many of the problems that may be experienced. Other mechanisms to address problems could include:
- Planning controls;
  - Powers of Local Authorities or Police to designate parts of the Local Authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas;

- Police powers to close down premises or temporary events for up to 48 hours on the grounds of preventing **crime, disorder or nuisance**;
- Prosecution of personal licence holders who sell alcohol to people who are drunk or underage;
- Local Authority powers under section **Anti-Social Behaviour, Crime and Policing Act 2014 (which includes the adopted PSPO's)**;
- Powers available to responsible authorities under the provisions of the Policing and Crime Act 2009 or Violent Crime Reduction Act 2006;
- Early Morning Restriction Orders (EMRO's).

- 7.3 The cumulative effect of licensed premises selling alcohol for consumption on the premises can have a disproportionate detrimental effect on neighbouring businesses and residents and the operation of a number of premises in a defined area has the effect of undermining the licensing objectives. The Licensing Authority recognises that a concentration of shops, stores and supermarkets selling alcohol for consumption off the premises does not normally lead to significant problems.
- 7.4 In the previous version of this Statement, the Licensing Authority adopted a Cumulative Impact Policy covering part of the Abbeygate Ward in Bury St Edmunds (See Appendix A, Map 1). The area has a significant number of licensed premises of all types. Although they have staggered closing times, their concentration still leads to large numbers of people on the street and has an impact on the capability of the transport system to disperse these numbers rapidly with minimal impact on crime and disorder and public nuisance.
- 7.5 The Licensing Authority takes the view that the principle problem is caused by the number of people attending the licensed premises in this area, their movement to and from these premises and to and from hot food takeaways.
- 7.6 Based on a review of latest crime and disorder data for 2014-2017, covering the period since the original Cumulative Impact Policy area was adopted, the Licensing Authority considers that there remains strong evidence in support of the continued designation of the Cumulative Policy Area and, in addition, extension of the area to cover St Andrews Street South and Risbygate Street.
- 7.7 The Licensing Authority believes that applying the Cumulative Impact Policy in this area supports and assists those initiatives in reducing violent crime and disorder and public nuisance. The Licensing Authority, therefore, consulted during the Summer of 2017 on the proposal to retain and extend the area to that shown in Appendix 1, Map 2.
- 7.7 In the light of the review and the consultation responses received in support, the Licensing Authority has resolved to adoption the extended area shown in Appendix A, Map 2, for the purpose of managing the impact of late night licensed premises within the area to avoid saturation so leading to increases in crime and disorder.
- 7.8 The Licensing Authority wishes to encourage the provision of a wider range of entertainment in the area. St. Edmundsbury Borough Council, the Police and other agencies work in partnership to implement a number of initiatives to reduce crime. Any future expansion of new or existing licensed premises/night time economy should be consistent with the wider regeneration and economic

growth aspirations of the Council and its partners and should actively promote an inclusive town for all that is a safe and pleasant place to be in.

- 7.9 The proposals in respect of the town centre are intended to target those premises that will increase the numbers of customers in the area and those premises serving alcoholic drinks and/or takeaway food after 11:00pm that can act as a flash point for crime and disorder and public nuisance. It is not intended to constrain the development of other entertainment uses which do not add to the problems being experienced in this area.
- 7.10 **It is the Licensing Authority's policy that there will be a rebuttable presumption that applications for new premises licences or club premises certificates, which are primarily drinking establishments and are premises used primarily or exclusively for the sale and consumption of alcohol, will be refused if relevant representations are received about the cumulative impact on the licensing objectives.**
- 7.11 **It is the Licensing Authority's policy that there will be a rebuttable presumption that applications for material variations in respect of premises currently licensed will be refused if relevant representations are received about the cumulative impact on the licensing objectives.**
- 7.12 **It is the Licensing Authority's policy that there will be a rebuttable presumption that applications for new premises seeking a licence to provide hot food between 11:00pm and 05:00am and where the food purchased is to take-away from the premises will be refused if relevant representations are received about the cumulative impact on the licensing objectives.**
- 7.13 It will be the responsibility of an applicant seeking either a new Premises Licence or Club Premises Certificate or seeking a material variation to an existing licence to provide evidence that the additional licence would not have an adverse impact and the applicant would need to address the Cumulative Impact Policy within their operating schedules.
- 7.14 In respect of other areas within St. Edmundsbury Borough the Licensing Authority would need to be provided with evidence-based information and each area would be considered on its own merits.
- 7.15 Where there are licensed premises that cause concern or are within an area of concern, the Licensing Authority would first consider imposing conditions.
- 7.16 Before any further Special Cumulative Impact Policy is implemented there would need to be evidence-based information available to the Licensing Authority. This could be part of the information made available by the Police, Crime Reduction Partnership, Responsible Authorities or other groups when they are reporting on matters affecting members of the public.

## **8. Licensing Hours**

- 8.1 The Licensing Authority, through the exercise of its licensing function, will not seek to restrict the trading hours of any particular premises unless this is appropriate to promote one or more of the licensing objectives. Each application will be considered individually on its own merits.
- 8.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours. A possible example of an occasion when a limitation could be considered would be following Police representations that a shop was known to be a focal point for crime and disorder due to groups congregating there, causing crime and nuisance.
- 8.3 The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives.
- 8.4 The Licensing Authority will aim, through the promotion of the licensing objectives, to reduce the potential for concentrations of patrons leaving the premises and achieve a slower dispersal of people from licensed premises through flexible opening hours.
- 8.5 Whilst no part of the Borough is at the time of this policy revision subject to any Early Morning Alcohol Restriction Order (EMRO), the Licensing Authority is aware of the power conferred on it as set out in sections 172A to 172E of the 2003 Act to make, vary or revoke an EMRO. The exercise of the Licensing Authority's functions may be delegated by its committee to a sub-committee, other than the decision to make, vary or revoke an EMRO (which is exercised by full council). This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 8.6 Since the Licensing Authority already has a Cumulative Impact Policy (CIP) in its Statement of Licensing Policy it will consider the relationship between the CIP and proposed EMRO area and the potential overall impact on its local licensing policy.

## **9. Relevant Representations**

- 9.1 A relevant representation is one that is made in writing and:
- is about the likely effect of a licence on the promotion of the licensing objectives (for new applications representations may be probative/speculative and it will be for the Licensing Authority in each case to determine what weight to attach to representations and any supporting evidence);
  - has been made by a responsible authority, or other person or elected councillor as defined by the Act, within the relevant time period as prescribed by regulation;
  - has not been withdrawn; and

- has not been determined by the Licensing Authority as frivolous, vexatious or repetitious (or repetitious in respect of a review).

9.2 Electronic representations will be administered in accordance with the requirements of the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc.) Regulations 2009 and are accepted by the Licensing Authority provided that the representation is received within the prescribed time limits. An electronic representation is not deemed to be received until it is opened, which will be within office hours, and if the e-mail is sent outside those hours and the consultation period finishes before the office is next open then the representation is late and will be refused.

9.3 In 'borderline' cases, the Licensing Authority will normally give the benefit of the doubt to the other person or responsible authority making the representation, and any subsequent hearing would provide an opportunity for the person or body making the representation to amplify or clarify it. However, the Licensing Authority could decide not to take any action in respect of the application if, for example, the representation could not be supported.

9.4 It will be for the Licensing and Regulatory Sub-Committee to determine whether any ordinary and reasonable person would consider the issue raised in a representation as either vexatious or frivolous (or repetitious in respect of a review). Therefore, the representation will be deemed to be accepted by the Licensing Authority until such decision is made. A person aggrieved by a rejection of his representation on these grounds may challenge the Licensing Authority's decision by way of judicial review.

9.5 Local Councillors play an important role in their communities. They can make representations in writing and subsequently at a hearing as:

1. a member of the relevant licensing authority, i.e. elected councillors of the licensing authority for the area in which a premises is situated;
2. on behalf of a named other person such as a resident or local business if specifically requested to do so; and
3. as an individual in their own right.

Their involvement in and/or participation in meetings to discuss matters is subject to a Code of Conduct under the Localism Act 2011.

9.6 The Licensing Authority seeks to consider each representation on its merits, and taking into consideration the following matters:

- location of the premises which is the subject of the application;
- the nature of the surrounding area;
- the direct impact of the activities proposed to take place; and
- the likely distance that sound might travel.

9.7 Where representations are not considered to be frivolous or vexatious, and the other person expresses a real concern about the likelihood of intimidation or violence if their details are published, that the Licensing Authority may, consider withholding information from the public domain which would identify an individual.

9.8 Where a relevant representation is made in respect of:

- an application; or
- an existing licensed premises,

a hearing will be held, unless an agreement is reached between the Licensing Authority, the applicant and all of the parties who have made relevant representations, that a hearing is not required. It is not anticipated that a hearing will be held where the only representations received are in support of an application and without qualification.

9.9 The Licensing Authority will attempt mediation between the relevant parties wherever it may be practicable or appropriate to do so, so as to avoid unnecessary hearings. It may also extend the normal time limits for hearings where it is considered in the public interest to do so, for example where all parties are on the point of reaching agreement.

9.10 It should be noted that the usual hearing arrangements, following receipt of a relevant representation, do not apply to minor variations. For these processes the power to determine the application has been delegated to the Licensing Officers, and no hearing mechanism is involved. Relevant representations and statutory guidance will, however, be considered as part of this process, and applications shall be assessed individually and on merit by the relevant officer.

## **10. Administration, Exercise and Delegations of Functions**

10.1 The Council's published Scheme of Delegation for functions under the Licensing Act 2003 is set out in Section 4 of the Council's Constitution and is available on the Council website at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) or by contacting Customer Services at [customer.services@westsuffolk.gov.uk](mailto:customer.services@westsuffolk.gov.uk).

10.2 Where an application has been made in accordance with the statutory requirements, and either no relevant representations have been received, or, relevant representations have been received and have all been withdrawn, the Licensing Authority will grant the application in accordance with the requirements of the Act under authority delegated to an officer. The exceptions to this usual administrative processes include applications for minor variations and community premises mandatory conditions disapplication requests as referred to earlier in this document.

10.3 Where an application does not meet the statutory requirements, it will be returned to the applicant with an explanation of the matters that need to be addressed in order to meet the statutory requirements.

10.4 Electronic applications will be administered in accordance with the requirements of the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc.) Regulations 2009.

## 11. Hearings

- 11.1 Where a hearing is held, any relevant representations will be put before the Licensing and Regulatory Sub-Committee. The representations, including the name and address of the person making them will be part of a public document.
- 11.2 The hearing will be conducted in accordance with the Licensing Authority's published procedure available via [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) or directly from the Licensing Team upon request.
- 11.3 Where an application is determined at a hearing, the Licensing Act Sub-Committee will give appropriate weight to the:
- relevant representations ;
  - submissions and evidence presented by all parties;
  - steps appropriate to promote the licensing objectives;
  - the Licensing Authority's Statement of Policy; and
  - the Guidance issued under s.182 of the Act (as may be amended from time to time).
- 11.4 The Licensing Authority may use the power given within the hearings regulations to extend time limits where it considers this to be in the public interest. Extending time limits in the public interest will be assessed individually on a case by case basis.
- 11.5 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so the Licensing Authority will be mindful of the legislative framework and any relevant government guidance. Any guidance provided by the authority will be available on the website, at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk).

## 12. Conditions

- 12.1 The Act makes provision for certain mandatory conditions (sections 18-20) which are summarised below:
- Where a premises licence authorises the sale or supply of alcohol, no supply may be made at any time when there is:
    - no designated premises supervisor in respect of the licence; or
    - at a time when the designated premises supervisor does not hold a personal licence or it is suspended.
  - Where a premises licence authorises the exhibition of films, the licence must include a condition requiring that the admission of children is restricted in accordance with the recommendation of the film classification body, or where varied, the film classification awarded by the Licensing Authority.  
*(n.b. The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant*

*film classification body for these purposes. The Licensing Authority may also either award a classification to an unclassified film or vary the classification of a film on application in accordance with its policy [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)).*

- Where a licence includes a condition requiring that one or more individuals are present at the premises to carry out security activities, the licence must include a condition requiring such individuals to be licensed by the Security Industry Authority.  
*(n.b. this does not apply to:*
  - *premises with licences authorising plays or films,*
  - *premises used exclusively by a club with a club premises certificate*
  - *premises used under a temporary event notice or under a premises licence issued pursuant to the Gambling Act 2005); or*
  - *certain employees who benefit from any relevant exemption under the Private Security Industry Authority Act 2001 (the 2001 Act) or by virtue of any other legislation (for example the Violent Crime Reduction Act 2006).*
- The Licensing Authority may not attach to a licence authorising the performance of plays any condition which restricts the nature or manner of performing those plays (other than on the grounds of public safety).

12.2 There are also mandatory conditions relating to a code of conduct for holders of ON licensed premises, via the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - arising from the Policing and Crime Act 2009. The Secretary of State has powers to set further mandatory conditions and may use this power from time to time.

12.3 With the exception of the above mandatory conditions, the Licensing Authority will only attach conditions to a premises licence or club premises certificate or, in certain circumstances, a Temporary Event Notice where these:

- are consistent with the additional steps identified in the operating schedule which the applicant submits in support of their application; or
- at a hearing following a relevant representation, the conditions are considered appropriate for the promotion of the licensing objectives and are proportionate and reasonable.

In these circumstances, it is the intention of the Licensing Authority to express any such conditions in unequivocal and unambiguous terms and such conditions will be tailored to the specific premises concerned.

12.4 In so far as conditions proposed by any applicant is concerned, the Guidance states that it is not acceptable for the licensing authorities to simply replicate the wording from the operating schedule. The authority will endeavour to interpret any condition in accordance with the applicant's intention.

12.5 The Violent Crime Reduction Act 2006 amends the Licensing Act 2003 which enables the Licensing Authority, on the application of a Senior Police Officer to attach interim conditions to licences pending a full review of the licence.



- 12.6 The Regulatory Reform (Fire Safety) Order 2005 provides that any conditions imposed by the licensing Authority that are or could be imposed by the order automatically cease to have effect, with certain exceptions.
- 12.7 Although the guidance confirms that the conditions should be tailored to the specific premises, the Licensing Authority has produced an operating schedule tool kit that is regularly reviewed and updated which the applicant and others may draw upon as appropriate. In addition, the Home Office has produced supporting guidance in respect of pools of conditions and which can be located on the its website at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).
- 12.8 A committee or board of individuals with responsibility for the management of community premises ("the management committee") may apply to have an alternative licence condition included in a premises licence in place of the normal mandatory conditions. The alternative condition is that every supply of alcohol under the licence be made or authorised by the management committee.

### **13. Appeals**

- 13.1 Entitlement to appeal against any decision of the Licensing Authority is set out in Schedule 5 of the Licensing Act 2003. **The fee for such an appeal is £410.00. Cheques or postal orders should be made payable to HMCTS and payment sent to CENS Central Finance Unit, Bayley House, Sish Lane, Stevenage, Hertfordshire, SG4 0HN (or telephone Lowestoft Magistrates' Court on 01502 528211 to pay by card).**
- 13.2 Please note that there are no provisions for appeals to the Magistrates Court in respect of applications for minor variations or disapplications for requirement for Designated Premises Supervisor.
- 13.3 Should the discretion of the Licensing Authority be engaged following an application for a Summary Review under section 53A and Interim Steps are imposed by the Licensing Authority pending the review of the premises then there is no appeal as against that decision.

### **14. Enforcement**

- 14.1 Where necessary, enforcement action will be considered in accordance with the compliance code, and the council's general enforcement policy ([www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)).
- 14.2 The emphasis will be upon a risk assessed approach to inspections, concentrating on those premises which either:
- present a greater risk; or
  - have a history of non-compliance with conditions or regulations; or

- demonstrate poor management practice which undermines the licensing objectives.

14.3 The Licensing Authority has adopted a joint enforcement protocol with partner authorities – available via the Council website at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) or upon request from the Licensing Team.

14.4 The Council will normally act as the enforcing authority in respect of offences under the Act, unless the circumstances of the particular case are such that it is appropriate for another responsible authority or Suffolk County Licensing Authority Trading Standards to act instead.

14.5 The Suffolk Constabulary will retain responsibility as the enforcing authority in respect of the following offences under the Act:

- Section 97 Power to enter and search;
- Section 143 Failure to leave;
- Section 144 Keeping of smuggled goods;
- Section 155 Confiscation of alcohol; and
- Part 8 Offences with respect to closure of premises.

Suffolk County Council Trading Standards will retain responsibility as the enforcing authority in respect of the following offences under the Act:

- Section 146 Sale of alcohol to children;
- Section 147 Allowing the sale of alcohol to children;
- Section 147A Persistently selling alcohol under age;
- Section 154 Weights and measures offences.

14.6 Where expedient for the promotion or protection of the interests of the inhabitants of their area, the Licensing Authority may also take action under Section 222 of the Local Government Act 1972 and other relevant provisions including Section 80 of the **Anti-Social Behaviour, Crime and Policing Act 2014**. The Council will also have due regard to section 17 of the Crime and Disorder Act 1998 whilst carrying out its functions.

## **15. Closure Orders/Notices**

15.1 Part 8 of the Licensing Act 2003 provides for the arrangements relating to closure orders, and there are also powers available to the Local Authority and/or responsible authorities/court to close premises via other legislation on grounds of serious crime or disorder, persistent nuisance or protection of children - for example under the Violent Crime Reduction Act 2006, Criminal Justice and Immigration Act 2008 and **Anti-Social Behaviour, Crime and Policing Act 2014**.

15.2 Where the Magistrates' Court has determined to exercise any of its powers in respect of closure orders under any existing legislation, the Licensing Authority will:

- serve notices on the premises licence holder and responsible authorities and advertise the review in accordance with the regulations;
- hold a hearing in accordance with the procedure outlined in section 11 above to review the premises licence; and
- determine the review at the conclusion of the hearing and within 28 days of receipt of the notice of the closure order from the Magistrates' Court.

15.3 When determining a review following the notice of a closure order, the Licensing Authority will consider:

- the closure order and any extension of it;
- any magistrates' directives in relation to the order; and
- any relevant representations;

and will take such steps as it considers appropriate to promote the licensing objectives as outlined in section 3.4 of this Statement of Licensing Policy.

15.4 The Licensing Authority will notify the licence holder, the Chief Officer of Police and any person who made relevant representations of the outcome of the review hearing and the reasons for the decision. The Licensing Authority may suspend the operation of its decision until the end of the period given to appeal, or until the appeal is disposed of (if not already suspended by the Magistrates' Court).

15.5 The Anti-Social behaviour, Crime and Policing Act 2014 makes provision for the closure of premises for up to 24 hours where the noise from any licensed premises is causing a public nuisance.

## **16. Late Night Levy**

The Police Reform and Social Responsibility Act 2011 introduces the principle of a Late Night Levy which is a power for licensing authorities to introduce a charge for premises that have a late alcohol licence. **At the time of this policy adoption, there is no Late night Levy Order in place within the Borough.**

## **17. Addressing the Licensing Objectives**

### **17.1 General**

17.1.1 In respect of each of the four Licensing Objectives, when completing their operating schedule, applicants should consider:

- the nature and style of the venue;
- the activities being conducted there;
- the location;
- any special effects or risks; and
- the anticipated or target clientele.

17.1.2 Applicants are encouraged to carry out a risk assessment before completing the operating schedule and identifying those additional measures appropriate to promote the licensing objectives. Any risk assessment completed would not

need to be provided to the Licensing Authority as part of the application, although Responsible Authorities would find this information helpful when assessing whether or not to make a representation. Reference should be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract larger audiences.

- 17.1.3 Applicants should be aware that any measures included in their operating schedule will be converted into conditions consistent with these measures attached to the licence. For this reason, applicants should, where possible, identify measures which are specific and clear as to the action to be undertaken and who is responsible for that action.
- 17.1.4 Where a relevant representation is made and the discretion of the Licensing Authority is engaged, the proposed operating schedule submitted by the applicant may be amended by the Licensing Authority where it considers this appropriate and proportionate to address the licensing objectives.
- 17.1.5 Organisers of large, temporary outdoor events (such as music festivals, fairs, shows and carnivals) are strongly encouraged to engage as early as possible with the responsible authorities to ensure that their planned event is developed in a way likely to promote the licensing objectives. They should also seek the advice of the Suffolk Safety Advisory Group or any successor body.
- 17.1.6 In respect of each of the four licensing objectives, when completing their operating schedule applicants should consider what measures are appropriate relevant to the size, individual style and characteristics of their premises and events.

## **17.2 Prevention of Crime and Disorder**

- 17.2.1 The Council is committed to further improving the quality of life in its area by continuing to help reduce crime and disorder and the fear of crime. To this end, the Licensing Authority strongly encourages applicants and licensees to ensure that relevant factors within their control which impact on crime and disorder have been considered, for example:
- underage drinking;
  - drunkenness on the premises;
  - drunkenness in public;
  - drugs;
  - violent behaviour;
  - criminal damage at the premises or in the immediate vicinity; and
  - anti-social behaviour.
- 17.2.2 Section 17 of the Crime and Disorder Act 1998 imposes 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.

16.2.3 In order to promote the prevention of crime and disorder objective, the Licensing Authority encourages licence holders to become active partners with the Licensing and Responsible Authorities. Applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises.

17.2.4 Applicants may find it helpful to contact the local Police Safer Neighbourhood Team (SNT) or Police Community Safety Partnership in advance of making their application, as they may be able to offer expert advice and guidance on local crime and disorder issues and promotion of this licensing objective.

17.2.5 The following examples of control measures are given to assist applicants when developing their operating schedule, having regard to their particular type of premises and/or activities:

- a) Capacity limits (*including prevention of overcrowding*);
- b) Maintaining records of training and supervision of staff;
- c) Specific actions identified from best practice guidance (*e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice such as The Point of Sale Promotions published by BBPA, and the Portman Group*);
- d) Use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures than those contained within mandatory conditions;
- e) Signing up to and participating in a Crime Prevention partnership scheme where it is in operation;
- f) Provision **and use** of effective CCTV in and around premises;
- g) Employment of Security Industry Authority licensed door staff;
- h) Provision of toughened, polyethylene Terephthalate (PET) or plastic polycarbonate drinking glasses;
- i) decanting glass bottles into toughened, polyethylene Terephthalate (PET) or plastic polycarbonate drinking glasses;
- i) Provision of secure, deposit boxes for confiscated items (*'amnesty bins'*);
- j) Provision of litter bins and other security measures, such as lighting, outside premises;
- k) Provision for the disposal of waste on the frontage of the premises;
- l) Provision of:
  - a dispersal policy;
  - A searching policy;
  - and/or
  - Risk assessment process to consider the crime and disorder implications of individual DJ's and promoters;
- m) control or prevention of customers entering and leaving with opened bottles/glasses – for example whilst they are observing smoke free regulations;
- n) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.

17.2.6 Within the operating schedule for premises from which alcohol will be sold, a Premises Supervisor must be designated (*'Designated Premises Supervisor' DPS*), unless a relevant community premises disapplication has been applied

for/authorised. The Licensing Authority will expect the DPS to be the first point of contact for authorised officers. In exceptional circumstances, the Suffolk Constabulary may object to the designation of a new premises supervisor where they believe that such appointment would undermine the crime prevention objective.

- 17.2.7 Where the Suffolk Constabulary object to an individual being appointed as a Designated Premises Supervisor, or object to an application made by community premises management committee for the inclusion of the alternative licence condition, the Licensing Authority will arrange for a hearing at which the issue can be considered and both parties may put their arguments. This will be held in accordance with the procedure outlined in section 11 above.
- 17.2.8 The Licensing and Regulatory Sub-Committee considering the matter will confine their consideration to the issue of crime and disorder.
- 17.2.9 Certain temporary events (see section 20 below) must be notified to the Licensing Authority using the Temporary Event Notice procedure. Depending on the nature and location of such events these may, on occasion, have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable before the event, in line with existing statutory requirements, to enable the Suffolk Constabulary, the Environmental Health department of St Edmundsbury Borough Council and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

### **17.3 Public Safety**

- 17.3.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.
- 17.3.2 When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These may include, but are not limited to:
- a) the occupancy capacity of the premises (including staff and performers). Note: If a capacity has been imposed/set through other legislation, for example under Fire Safety legislation, it may not be appropriate to reproduce it in a premises licence. Anticipated maximum capacity/attendance for large, temporary outdoor events should be made clear.
  - b) the age, design and layout of the premises, including means of escape in the event of fire;
  - c) the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, or provision of any special effects in conjunction with, or as part of regulated entertainment and including whether those activities are of a temporary, occasional or permanent nature;

- d) the hours of operation (*differentiating the hours of opening from the hours when licensable activities are provided, if different*);
- e) customer profile (*such as age, disability or culture*); and
- f) the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.;
- g) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.

17.3.3 The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, but include:

- a) suitable and sufficient risk-assessments. Some applicants may wish to consider a commitment in their operating schedule to providing the relevant authorities with a full risk assessment prior to the commencement of licensable activities (this may be particularly relevant to large temporary outdoor events);
- b) provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
- c) appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;
- d) Specific actions identified from best practice guidance (*for example, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice*);
- e) provision **and use** of effective CCTV in and around premises;
- f) provision of toughened, Polyethylene Terephthalate (PET) or plastic polycarbonate drinking glasses and decanting glass bottles into toughened, polyethylene Terephthalate (PET) or plastic polycarbonate drinking glasses
- g) implementation of crowd management measures;
- h) monitoring arrangements such as door staff, ticketing, attendance clickers or maintenance of attendance records; and
- i) regular/periodic review and testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety (e.g. fire extinguishers, fire warning systems, emergency installations and building control certificates)

17.3.4 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include, but are not limited to:

- the nature of the premises or event;
- the nature of the licensable activities being provided;
- the provision or removal of such items as temporary structures, (*for example, stages, or furniture*);
- the number of staff available to supervise customers both ordinarily and in the event of an emergency;
- instruction, training and supervision of staff;
- the age of the customers;
- the attendance by customers with disabilities, or whose first language is not English;

- availability of suitable and sufficient sanitary accommodation; and
- nature and provision of facilities for ventilation.

17.3.5 Where the applicant identifies a capacity limit for a premises or events, this should not be interpreted as a requirement to also provide permanent monitoring arrangements. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. However, where the capacity is likely to be reached (*such as on known busy evenings*) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

## **17.4 Prevention of Public Nuisance**

17.4.1 Licensed premises may have a significant potential to impact adversely on communities through public nuisances that arise from their operation.

17.4.2 Subject to case law, the Licensing Authority interprets “public nuisance” in its widest sense, and takes it to include such issues as noise (whether music or speech), light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a premises.

17.4.3 Applicants and licensees are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

17.4.4 The Licensing Authority expects the licensee to apply a high standard of control to minimise the potential for and mitigate the effects of any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- where extended opening hours are proposed.

The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its patrons diminishes, and individuals who engage in anti-social behaviour are accountable in their own right.

17.4.5 When addressing the issue of prevention of public nuisance, the applicant is encouraged to carry out a risk assessment to identify whether there are any factors which impact on the likelihood of public nuisance, and, if so, to address these in their operating schedule. These may include, but are not limited to:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship;
- the hours of operation, particularly between 23.00 and 07.00;



- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside;
- the design and layout of premises and in particular the presence of any noise limiting features;
- the occupancy capacity of the premises;
- the availability of public transport, taxi and private hire services to assist the speedy dispersal of patrons after events;
- the hours during which licensable activities take place and closure of the premises;
- last admission time;
- a dispersal policy; and
- provision for the disposal of waste on the frontage of the premises.

17.4.6 The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, but include:

- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance;
- control of operating hours for all or parts (*such as garden areas*) of premises, including such matters as deliveries or the collection or disposal of glass ware;
- impact on neighbours due to customers opening doors/going outside to observe smoke free regulations;
- adoption of best practice guidance (*such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other industry codes of practice*);
- installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- management of people, including staff, and traffic (*and resulting queues*) arriving and leaving premises (arrival and dispersal policy);
- liaison with public transport, taxi and private hire service providers;
- siting of external lighting, including security lighting;
- effective ventilation systems to prevent nuisance from odour;
- any adverse noise created by any ventilation or air conditioning system or any other machinery positioned outside the building.

## **17.5 Protection of Children from Harm**

17.5.1 A child is an individual under the age of eighteen (or any subsequent age of majority determined by the Government) and the current St Edmundsbury Borough Council Safeguarding Children's Policy can be found at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk).

17.5.1 The move towards giving accompanied children greater access to licensed premises made possible by the Act may bring about a social change in family friendly leisure. This relaxation places additional responsibilities upon licence holders, but it is also recognised that parents and others accompanying children also have responsibilities. The vast majority of adults will naturally

behave appropriately with children and recognise sensible boundaries. Licensees should be aware that children will normally see licensees and their staff as responsible adults – and that children are particularly vulnerable to adults who are “responsible” and “in authority” if those adults use their position to develop inappropriate relationships or otherwise abuse children’s trust.

17.5.2 The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives or acts. In certain circumstances children are more vulnerable and their needs require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate examples, the unpredictability of their age and their lack of understanding of danger.

Whilst it is not possible for the Licensing Authority to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature, examples would generally include topless bar staff, striptease, lap-dancing, table-dancing, pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language, whether regularly or occasionally. It should be noted that premises deemed as ‘sexual entertainment venues’ under the Policing and Crime Act 2009 will in most cases to require an additional licence under the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted a Policy on the licensing of Sex Entertainments Venue which may be found at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk).

17.5.3 Where its discretion is engaged following a relevant representation, the Licensing Authority, when considering an Application for a premises licence and any options appropriate to prevent harm to children, will take into account the nature of the activities proposed to be provided and the history of a particular premises, which may include, but is not limited to:

- the purchase, acquisition or consumption of alcohol;
- exposure to drugs, drug taking or drug dealing;
- exposure to a strong element of gambling (but not, for example, the presence of a small number of cash prize gaming machines);
- exposure to activities of an adult or sexual nature;
- exposure to incidents of violence or disorder; and
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises with a reputation for underage drinking.

17.5.4 Where its discretion is engaged following a relevant representation, the Licensing Authority will not:

- impose conditions restricting or prohibiting the admission of children to any licensed premises; or
- limit the access of children to licensed premises, or parts thereof, unless appropriate for their protection from harm.

The Licensing Authority considers that, unless restriction of access is appropriate to protect children from harm, this is a matter for the discretion of the licensee.

17.5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.

17.5.6 In these circumstances, where included in the operating schedule, or where the discretion of the Licensing Authority's discretion is engaged, conditions may be attached to any licence to:

- a) Limits on the hours during which children may be present;
- b) Limiting or excluding the presence of children under certain ages when particular activities are taking place;
- c) Limits on the parts of premises to which children might be given access;
- d) Age limitations (below 17);
- e) Requirements for accompanying adults; and
- f) Full exclusion from those under 18 from the premises when any licensable activities are taking place.

17.5.7 The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, but include:

- a) provision of a sufficient number of people employed or engaged to secure the protection of children from harm;
- b) appropriate instruction, training, supervision and background checks of those employed or engaged to secure the protection of children from harm;
- c) specific actions identified from best practice guidance;
- d) limitations on the hours when children may be present in all or parts of the premises;
- e) limitations or exclusions by age when certain activities are taking place;
- f) imposition of requirements for children to be accompanied by an adult;
- g) the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises;
- h) an adequate number of adult staff to be responsible for the child performers; and
- i) use of accredited 'proof of age' schemes and/or photo-id driving licences where it is intended to operate more stringent measures than those contained within mandatory conditions.

17.5.8 Where film exhibitions are given at premises, licensees must ensure that children are restricted from viewing age-restricted films classified according to the British Board of Film Classification, or by the Licensing Authority. The Council's policy on film classification can be found on its website at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk). The current system of film classification implemented by the British Board of Film Classification (BBFC) can be found on its website at [www.bbfc.co.uk](http://www.bbfc.co.uk).

17.5.9 The Licensing Authority recognises the Suffolk Area Child Protection Committee, or its designated nominee for the time being as being competent to advise on matters relating to the protection of children from harm. The contact details are set out in the Guidance to Applicants.

17.5.10 Suffolk County Council Trading Standards service and the Suffolk Constabulary, in conjunction with other appropriate agencies may, through making purchases, test the compliance of retailers with the prohibition on under age sales of alcohol.

## **18. Personal Licences**

18.1 The Licensing Authority will grant a personal licence if the applicant has met the requirements set out in the Act and no objection notice is received from the Suffolk Constabulary.

18.2 Where an applicant is found to have an unspent conviction for a relevant offence or a foreign offence, and the Suffolk Constabulary object to the application on crime prevention grounds, the application will be referred to the Licensing and Regulatory Sub-Committee.

18.3 Any hearing will be held in accordance with the procedure outlined in section 11 above.

18.4 All personal licence holders should ensure they are aware of the offences relating to personal licences, for example the duty of the holder to advise the Court of the existence of their personal licence if charged with a relevant offence and to advise the Licensing Authority of changes to name or address.

18.5 The Licensing Authority considers that, when establishing whether or not an authorisation has been given for the retail sale of alcohol, the following factors are relevant:

- there should be an overt act of authorisation, (this could, for example, a specific written statement given to the individual being authorised);
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should specify the acts which may be carried out by the person authorised;
- there should be in place sensible arrangements for the personal licence holder to monitor the activity authorised on reasonably regular basis; and
- training records should be kept relevant to the training provided to each individual authorised by the personal licence holder

## **19. Applications for Premises Licences**

19.1 The Department for Culture Media and Sport (DCMS) provides a written guide to making an application, and this is available free of charge by contacting the Licensing Team or visiting the government website at [www.culture.gov.uk](http://www.culture.gov.uk) . Local guidance information, such as contact details for responsible authorities

and other guidance documents, is available on the Council website at [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk) or by contacting the Licensing Team.

19.2 Pre-application discussions with responsible authorities are encouraged to assist applicants to develop their operating schedule in a way which is likely to promote the licensing objectives.

19.3 The Licensing Authority may make provision for a negotiation procedure to mediate between the applicant, responsible authorities and interested parties where relevant representations are made, within the restrictions of the statutory time limits and in accordance with any relevant government guidance. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement, or so as to ensure that it is possible for a party to attend the hearing).

19.4 An application may be made to the Licensing Authority for any place within its area to be used for licensable activities or recognised club activities. The application must be accompanied by:

- The prescribed fee;
- An Operating Schedule, which may be supported by any appropriate risk assessments the applicant has undertaken;
- A plan of the premises, in accordance with the regulations. The Council may reduce plans submitted to a scale suitable for publishing on the public register; and
- If it is intended that the premises be authorised to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor, or else request to disapply this usual requirement if for an eligible 'community premises'.

19.5 The Operating Schedule must include a statement of:

- the relevant licensable activities;
- the times during which the applicant proposes that the relevant licensable activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period;
- where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the designated Premises Supervisor and a consent form signed by that person in the prescribed form, (or else a 'community premises' disapplication request may be applicable);
- where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote the licensing objectives; and
- any other prescribed matters.

- 19.6 Where relevant representations are received about an application and those representations are not withdrawn, the application will be referred to a Licensing and Regulatory Sub Committee which will be held in accordance with the procedure outlined in section 11 above.
- 19.7 Where a premises licence application is being applied for to authorise a large scale outdoor event of a temporary nature (for example a music concert, street fair or carnival) the Licensing Authority strongly recommends that applicants contact the responsible authorities well in advance of making their application in order to seek expert advice and guidance on formulation of their operating schedule to ensure that they are able to identify appropriate measures to promote the licensing objectives.

## **20. Club Premises Certificates**

20.1 Paragraphs 19.1 to 19.3 above apply.

20.2 An application for a Club Premises Certificate must be accompanied by:

- the relevant fee;
- the Club Operating Schedule, which may be supported by any appropriate risk assessments the applicant has undertaken;
- A plan of the premises, in accordance with the regulations. The Council may reduce plans submitted to a scale suitable for publishing on the public register;
- a copy of the rules of the Club; and
- evidence that the Club is a qualifying Club (*see the Guidance to Applicants*).

20.3 The Club Operating Schedule must contain the following:

- details of the recognised Club activities to which the application relates;
- the times during which it is proposed the recognised Club activities take place;
- any other times during which it is proposed the premises are open to members and their guests;
- the steps which it is proposed to take to promote the licensing objectives; and
- any other prescribed matters.

20.4 Where relevant representations are received in respect of an application, and those representations are not withdrawn, the application will normally be referred to the Licensing and Regulatory Committee or one of its sub-committees which will be held in accordance with the procedure outlined in section 11 above.

## 21 Temporary Events Notices (TEN)

- 21.1 The Act sets out the terms and conditions under which an application for a TEN may be made. Where reference is made to the minimum period for the giving of a standard TEN, the Licensing Authority understands this to mean 10 days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given. Should any statutory modifications be made to the TENS system, for example relating to service requirements, then the Licensing Authority shall have due regard to these and publicise any such changes including via its website [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk).
- 21.2 There is provision for making an application for a late TEN. Such application may be made no earlier than 9 working days before the event and no less than 5 working days before the event. Again, the Licensing Authority understands this to mean 9 or 5 days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.
- 21.3 Where either a standard TEN or late TEN is given and one or more of the relevant statutory limits are exceeded, the Licensing Authority will serve a Counter-Notice on the notice giver in accordance with section 107 of the Licensing Act 2003 to prevent the licensable activities from going ahead. There is no provision under the Act to appeal against the issue of a Counter-Notice.
- 21.4 Where a TEN complies with the statutory requirements, the Licensing Authority will record the notice in its register and send an acknowledgement to the premises user. The event may then proceed in accordance with the submission in the Temporary Event Notice unless the person who gave the notice is subsequently notified that it is the belief of the Licensing Authority that the notice was not served in accordance with the Legislation or an objection notice was subsequently received from either the Suffolk Constabulary or Environmental Health.
- 21.5 Where either the Suffolk Constabulary or Environmental Health issue an objection notice to a standard TEN, the Licensing Authority will normally consider this at a hearing (*unless the objection notice is withdrawn before the hearing date*). The hearing will be held in accordance with the procedure outlined in section 11 above.
- 21.6 If the TEN is submitted, and there is an objection notice for an event that is a premises that has either a premises licence or club premises certificate for all or part of the premises then the Licensing Authority can add conditions to the TEN provided such conditions are appropriate for the promotion of the licensing objectives and are consistent with the carrying out of the licensable activities under the TEN.
- 21.7 Where either the Suffolk Constabulary or Environmental Health issue an objection notice to a late TEN, there is no provision either for the Licensing Authority to consider a hearing or add conditions.
- 21.8 The Licensing Authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the Temporary Event Notice.

## **22. Provisional Statements**

22.1 The Act sets out the terms and conditions under which an application for a Provisional Statement may be made.

22.2 Where a Provisional Statement has been issued and a person subsequently applies for a Premises Licence in respect of the premises, in accordance with the provisions of the Licensing Act and:

- given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but failed to do so without reasonable excuse; and,
- there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises,

then representations made by a person to the Licensing Authority will not be taken into account.

## **23. Variations of Licences**

23.1 An application for the variation of a premises licence or a club premises certificate will be required for any circumstances set out in the Act and where any change to the premises has an impact on any of the four licensing objectives, for example:

- varying the hours during which a licensable activity is permitted;
- adding or removing licensable activities;
- amending, adding or removing conditions within a licence; and
- altering any aspect of the layout of the premises which is shown on the plan.

23.2 It should be noted that there is no provision in the Act for a variation application to be made in respect of a substantial variation. The Licensing Authority understands this to mean any proposed increase in the size of the premises of greater than 50% of the existing licensed area, although each proposed application will be considered on its merit. Where there is a substantial variation, an application for a new premises licence should be made.

23.3 In certain circumstances, there is provision for a limited consultation where the proposed changes are unlikely to adversely impact on the Licensing Objectives. This is known as a Minor Variation Some guidance and information on fees may be found on the web site [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk). The Licensing Authority will normally consider the following proposals as suitable for an application for a minor variation:-

- minor changes to plans;
- removal of extant conditions to include those carried through from the Licensing Act 1964;



- changes to the operating schedule to promote the licensing objectives as the result of discussions with any Responsible Authority.

23.4 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 (SI 2009/1724) amends the 2003 Act to allow certain 'community premises' which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) of the 2003 Act in the licence instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act. These new provisions took effect from 29 July 2009.

23.5 The Act and Guidance set out the terms, conditions and considerations under which an application for a minor variation, or request from the management of 'community premises' to dis-apply the usual mandatory conditions, may be made. Minor variation processes may be applied for in some circumstances, subject to some specific exclusions, to reduce the normal service, advertising and consultation requirements (and associated financial impacts in cost and time).

23.6 The minor variation process is intended for some small variations to licences/certificates that will not adversely impact on promotion of the licensing objectives (for example small variations to layout or some minor alterations to activities, timing or conditions). In each case, the Licensing Authority will consult the relevant Responsible Authorities and make a decision on whether the variation could impact adversely on the licensing objectives. This process also makes a more limited provision for interested parties to make comment on the proposals. In determining these applications, under his/her delegated authority on behalf of the Licensing Authority, the Licensing Officer shall carefully assess each application on a case-by-case basis in the light of government guidance and all relevant factors. The licence/certificate holder may wish to seek advice from responsible authorities, in advance of submitting an application, as to whether the licensing objectives are likely to be affected by the proposals.

23.7 At its discretion, the Licensing Authority may determine a Premises Licence or Club Premises Certificate so that different conditions may apply to:

- different parts of the premises concerned; and
- different licensable activities.

23.7 Where the Suffolk Constabulary submit an objection to:

- an application to vary a Designated Premises Supervisor, or
- an application for a community premises to disapply the usual mandatory conditions,

because they consider that the circumstances are such that granting it would undermine the Crime and Disorder Objective, a hearing will be held in accordance with the procedure outlined in section 11 above.

## **24. Transfer of Premises Licences**

24.1 Where an application is made under the Act for a transfer of a licence for any reason and the Suffolk Constabulary submit an objection to an application, the Licensing Authority will hold a hearing in accordance with the procedure outlined in section 11 above. This hearing will be confined to consideration of the crime and disorder objective and the application may be rejected where the Licensing Authority considers it appropriate for the promotion of the crime prevention objective to do so.

## **25. Reviews**

25.1 The review of a Premises Licence or Club Premises Certificate is a key protection for local communities where problems associated with one or more of the licensing objectives are occurring and these are linked to the operation of the licensed premises.

25.2 Where relevant representations are made about an existing licence, the Licensing Authority will normally hold a hearing which will be held in accordance with the procedure outlined in section 11 above to consider them unless:

- the representation is considered to be a repetition (*that is, identical or substantially similar to a ground specified in an earlier application for a licence, provisional statement or review*); or
- the Licensing Authority, the applicant and everyone who has made representations agree that the hearing is not necessary.

25.3 A review of the Premises Licence will normally also follow:

- any action by the Suffolk Constabulary or Local Authority to close down the premises for up to 48 hours on grounds of disorder or public nuisance;
- summary review powers of the Police pursuant to section 21 (regarding serious crime and disorder) of the Violent Crime Reduction Act 2006 ; or
- any exercise of the closure order powers available to the Magistrates' Court.

25.4 Where a Responsible Authority seeks review of a premises licence or club premises certificate, the Licensing Authority will only take into account noncompliance with other statutory requirements where it considers that the noncompliance has or continues to undermine one or more of the licensing objectives.

25.5 In determining a review application, the Licensing Authority will take such steps as it considers appropriate to promote the licensing objectives, which may include:

- modifying the conditions of the licence (*by inclusion, amendment or omission*);
- excluding a licensable activity from the scope of a licence;
- removing a Designated Premises Supervisor;
- suspending the licence for a period not exceeding three months; or

- revoking the licence.

25.7 Where the Police make application for summary review under section 53A of the Licensing Act 2003, the relevant licensing authority will normally consider whether it is necessary to take interim steps pending the determination of the review applied for. Such consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority. The interim steps the relevant licensing authority must consider taking are:

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence; and
- (d) the suspension of the licence.

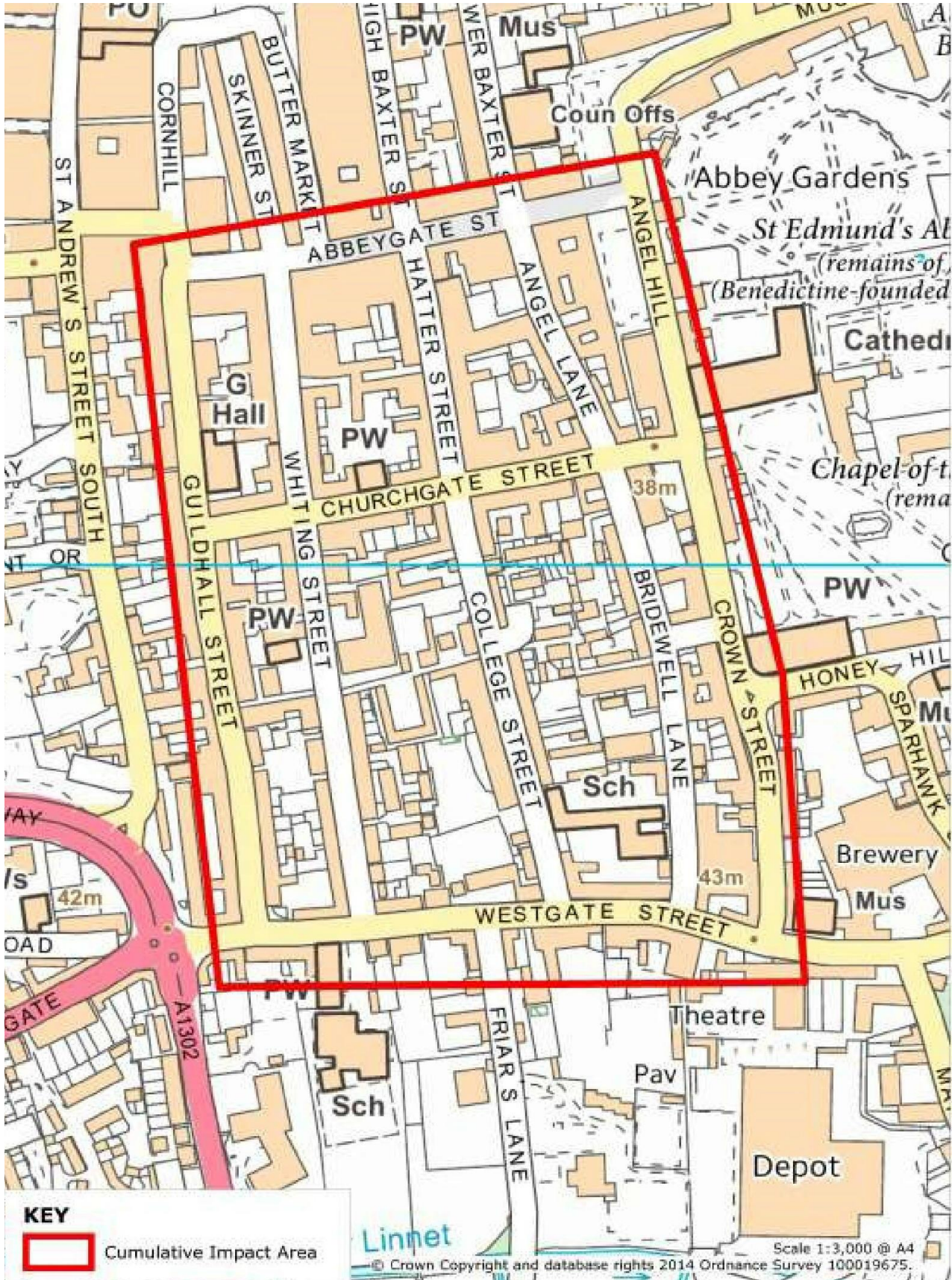
Should a summary review be instigated, the Licensing Authority shall follow the procedures as set out in the Licensing Act 2003 (Summary Review of Premises Licenses) Regulations 2007.

25.8 Applications may also be made for the review of licences which are held by a management committee in respect of community premises, and which include the alternative licence condition instead of the normal mandatory conditions. In relation to such applications, the Licensing Authority may determine that the normal mandatory conditions should apply instead of the alternative condition if it considers this to be appropriate for the promotion of the licensing objectives. Such a determination may be reached following the usual procedure for review applications set out in sections 51 to 53 of the Act.

25.9 The outcome of the hearing will not have effect until such time as the period given for appealing (*21 days*) expires or an appeal is disposed of.

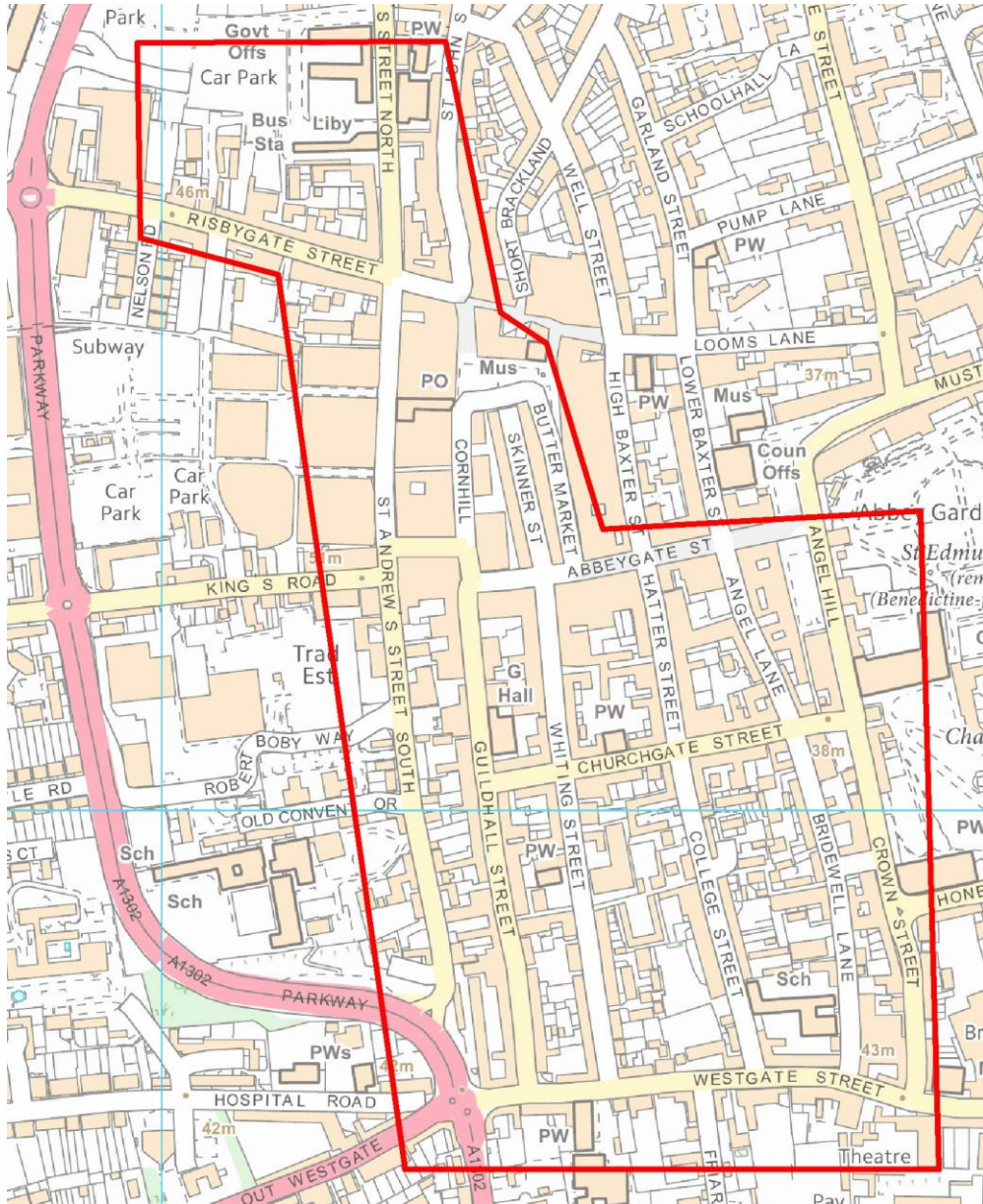
**(Removal of original appendices A-E)**

**APPENDIX 1**  
**Previous Cumulative Impact Area (Map 1)**





## Adopted Cumulative Impact Area (Map 2)



# APPENDIX 2

## Summary of Crime Statistics November 2013 – May 2017

### Data

Data from Victoria McIntee – Suffolk constabulary

Data set

Variables include:

-Location street name: Abbeigate, Angel, Bridewell, College, Crown, Guildhall, Risbygate, St. Andrews, Westgate and Whiting

-Date/time

-Event type: ASB, Crime, Public Safety, Transport

-data broken into key time categories: 05:00-19:00 day time, 00:00-04:00 late evening and 19:00-00:00/04:00-05:00 evening/early morning

Data set: Nov 13 – April 17 = 2102 records

Latest year of data : May 16 – Apr 17 = 608 records

### When do incidents occur during a 24 hr period? Data from Nov 13 – April 17

Incident type	24 hr period	day time 05:00-19:00	evening 19:00-05:00	19:00-00:00/04:00-05:00 evening/early morning	00:00-04:00 - late evening
ASB	345	175	170	98	72
Crime	519	270	249	106	143
Public Safety	907	506	396	244	157
Transport	336	262	74	61	13
All Incidents	2102	1213	889	509	380

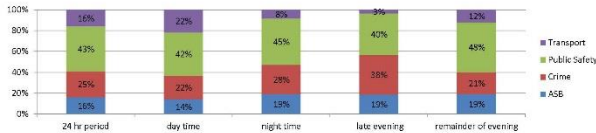
Of the 2102 incidents that occurred from Nov 13 – April 17, 1213 [58%] occurred during the daytime [05:00-19:00] and 889 [42%] occurred during the evening [19:00-05:00]. This changes slightly over time with 40% of crime occurring in the evening in May 16 – April 17, compared to 44% in April 14- May 15. The 'evening' can be split into two distinct time periods; between 00:00-04:00 [late night] and outside of this time [from 19:00-00:00 and then 04:00-05:00]. Approximately 18% of all crime occurred between the hours of 00:00-04:00 of which 40% related to Public Safety, 38% to Crime, 19% to ASB and 3% to Transport related incidents.

Time period	05:00-19:00 - day time	19:00-05:00 - night time	00:00-04:00 - late evening
May 2014- April 2015	55.9%	44.1%	19.3%
May 2015- April 2016	56.1%	43.9%	18.3%
May 2016- April 2017	59.7%	40.3%	18.1%
all data	57.7%	42.3%	18.1%

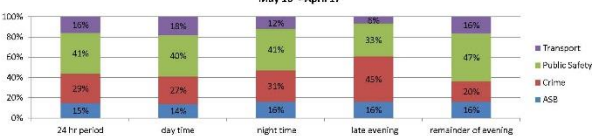
### What type of incidents occur during a 24 hour time period?

From day time to evening we see an increase in incidents relating to Public Safety, Crime and ASB and a reduction in Transport related incidents. As we progress into the later evening [00:00-04:00] we see a further increase in Crime incidents. In the earlier evening, 21% of incidents are crime related, but this rises to 38% of all incidents in the late evening. This increase is more pronounced in the latest year of data [16/17] with crime related incidents representing 45% of all incidents in the late evening.

#### The proportion of incident type throughout a 24 hour time period : Nov 13 – April 17

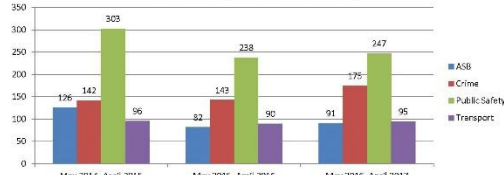


#### The proportion of incident type throughout a 24 hour time period: May 16 - April 17

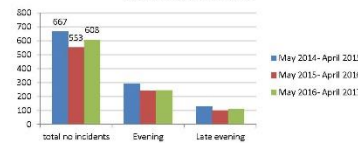


### Have the number and type of incidents increased over time?

#### Number and type of incidents year on year



#### Number of incidents from 2014/15 - 2016/17 and time of incidents



Crime is the only incident type to have increased from 2014/15 to 2016/17:  
142 incidents in 2014/15  
143 incidents in 2015/16  
175 incidents in 2016/17

The number of overall incidents have dropped from 14/15 into 15/16 to rise again in 16/17 but the overall number of incidents in 16/17 remain below those for 14/15.

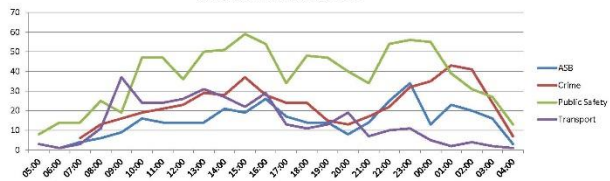
### Incidents by type – 2016/17

Incident type	Incidents by type and time of day			
	24 hr period	Day time 05:00-19:00	Evening 19:00-05:00	00:00-04:00 late evening
ASB	91	51	40	18
Crime	175	99	74	49
Public Safety	247	147	100	36
Transport	95	66	29	7
Grand Total	608	353	243	110

41% of all incidents relate to Public Safety and 60% of these occur during the day time. Of the 100 incidents that occur during the evening, 64% occur in the earlier evening.  
29% of all incidents relate to Crime and 57% of these occur during the daytime. However of the 76 incidents that occur in the evening, 64% occur in the late evening  
Of the ASB related incidents in the evening, just over half [55%] occur in the earlier evening. 45% occur in the late evening

### How incidents change as the day progresses

#### Timeline of number of incidents within a day - dataset from Nov 2013 - April 2017



The number of Transport related incidents fall as we move into the evening, however ASB and Public Safety incidents climb steadily from 20:00 until about 23:00- midnight before falling away. Crime related incidents increase from 19:00 to a peak at 01:00-02:00.

Public Safety and ASB related incidents peak earlier in the evening at around 23:00 with a lag of approx. 2 hours before we see the peak for Crime related incidents

In the early evening/very early morning [19:00-00:00/04:00-05:00] 47% of all incidents relate to Public Safety, however in the late evening [00:00-04:00] 45% of incidents relate to Crime [2016/17 data].

### Where do incidents occur?

Street	24 hr period	No. of incidents		
		evening 19:00-05:00	daytime 05:00-19:00	late evening 00:00-04:00
ABBEYGATE	71	38	43	4
ANGEL	78	20	58	8
RISBYGATE	98	30	68	13
ST. ANDREWS	190	90	100	58
WESTGATE	66	39	27	13
OTHER STREETS X 5	103	38	67	14
	608	245	362	110

Five of the ten streets see over 80% of the incidents [2016/17]

Over 50% of the incidents that occur in the late evening are in St Andrews street.

In Westgate we see a rise in the proportion of crimes that occur in the evening – only 7% of incidents occur here during the day compared with 16% in the evening.

Street	24 hr period	% of incidents		
		evening 19:00-05:00	daytime 05:00-19:00	late evening 00:00-04:00
ABBEYGATE	12%	11%	12%	4%
ANGEL	13%	8%	16%	7%
RISBYGATE	16%	12%	19%	12%
ST. ANDREWS	31%	37%	28%	53%
WESTGATE	11%	16%	7%	12%
OTHER STREETS X 5	17%	16%	18%	13%

### Percentage of incidents by location - evening time and late evening

Location	Evening 19:00 - 05:00				Late evening 00:00 - 04:00					
	No. incidents	ASB	Crime	Public Safety	Transport	No. incidents	ASB	Crime	Public Safety	Transport
ABBEYGATE	28 [11%]	4%	43%	43%	11%	4 [15%]	0%	100%	0%	0%
ANGEL	20 [8%]	10%	15%	50%	25%	8 [7%]	0%	25%	38%	38%
RISBYGATE	30 [12%]	13%	27%	43%	17%	13 [12%]	8%	38%	46%	8%
ST. ANDREWS	90 [35%]	24%	42%	21%	13%	78 [65%]	14%	52%	23%	3%
WESTGATE	35 [14%]	10%	18%	67%	5%	13 [12%]	8%	23%	62%	8%
OTHER STREETS X 5	38 [15%]	18%	21%	39%	21%	14 [13%]	14%	36%	50%	0%
	255					110				

245 incidents occur during the evening and 110 of these occur in the late evening [00:00-04:00]

Different streets/locations experience different incident types. Of the incidents in Abbeigate, 43% relate to Public Safety, however the number of incidents dramatically falls in the late evening but these all relate to Crime incidents.

50% of incidents in Angel in the evening are Crime related and this falls to 25% in the late evening.

Westgate sees relatively little Crime and ASB incidents but over 60% of incidents are Public Safety related [both in the evening and late evening].

By comparison St. Andrews has more Crime related incidents than Public Safety incidents. St. Andrews experiences most of the overall incidents; 37% of all incidents during the early evening and this rises to 53% of all incidents in the late evening.

## Garnham, Amanda

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**From:**  
**Sent:** 04 September 2017 09:41  
**To:** Garnham, Amanda  
**Subject:** Cumulative Impact Policy Review

Dear Amanda Garnham,

I was given your contact details by . from the Churchgate Area Association, of which I am a member.

We have lived in Guildhall Street for thirteen years, and were in touch from early days with our then local councillor Paul Farmer over incidents of anti-social behaviour in this part of town. It was Mr Farmer who I believe was instrumental in setting up this Policy.

So I certainly took up the opportunity of adding my support to this Policy at the time, and regret that I did not manage to add my voice this time around. Unfortunately I received an e-mail with the relevant links on 20th August when I happened to be away for a few days, and as there was no cut-off date stated on the e-mail itself, only on one of the links, I imagined that I would have had three weeks or so to turn my mind to it. So I was most disappointed to discover that the survey period ended last Friday 1st September.

Given that the anti-social behaviour in this street at weekends caused by excessive drinking is, if anything, getting worse, I would certainly want to add my support to any measures which attempted to curb this blight on town-centre living. And I wondered if there was any way in which my support could be added to the retention of this Policy, even though I am clearly too late to complete the survey.

with kind regards,

**Garnham, Amanda**

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**From:**  
**Sent:** 21 August 2017 11:11  
**To:** licensing

I am a member of the Churchgate Association and wish to add my support to our members suggestions . Residents still have problems with loss and damage to their plants in window boxes as well as occasional faeces left on the pavements !



## Statement relating to proposed extension of CIP area in Bury St Edmunds

*Risbygate St, Bury St Edmunds IP33 3AL. 31 July 2017*

1. We moved into Merchants Place in 2013. This is a new-build development of 14 apartments on former cattle market land behind Palmers Homestore on St Andrews St south. The site is bounded by the ARC shopping centre to the south and businesses on Risbygate St to the north.
2. There was an immediate problem of noise into the early hours of the morning from The Gym Sports Bar on Risbygate St. The back yard of these premises opens into Merchants Place, and is used by customers. Music from inside the premises was also very intrusive. These problems were resolved in 2014, with the help of the council's environmental health department, by means of alterations to the licence preventing the use of the yard after 11 pm, and by the installation of better sound insulation in the bar.
3. There was also intrusive noise of music into the early hours from open doors in The Grapes and Karooze on St Andrews St. These problems were largely resolved, again with the help of the environmental health staff, by better door control discipline in the premises.
4. Despite the cooperation of these businesses, there is a continuing problem of street noise, particularly on Friday and Saturday nights into Saturday and Sunday mornings. This arises when people are leaving the several late-licensed premises in the area, and are beyond the jurisdiction of the door staff of the premises. There are a number of takeaway food outlets nearby operating up to 3 am or beyond, which encourage people to remain in the area. There is also noise from taxis picking up customers.
5. The noise consists mainly of prolonged shouting and screaming, and arises from 11 pm through to as late as 4 am. Because of the nature of the buildings surrounding the area, the noise tends to echo around. The Police incident data included in the CIP consultation documents show that 58 (53%) of the late night incidents in the town in a 6 month period occurred in the St Andrews area.
6. This regular weekend street noise, particularly in summer, means it is impossible for us to sleep through the night with open bedroom windows. While we accept there is going to be some noise associated with living in the town centre, we believe it is reasonable to expect residential areas to be quiet through the night.
7. The area is becoming increasingly residential. In addition to the apartments above the shops in the ARC, and Merchants Place itself, there is a large development of new apartments on the corner of Risbygate St and Nelson Road. There are also proposals for converting Palmers Homestore and the Cornhill Walk Shopping centre, and for the redevelopment of the site between Denny's and Neptune further along St Andrews St south. There is a clear trend to convert former commercial premises into residential units. This is a welcome trend, as more people living in the town centre is good for the life of the town and its supporting businesses.
8. However, this trend is incompatible with an adjacent night-time economy based primarily on the sale of alcohol. Noise is inevitable when groups leave licensed premises late at night. We therefore welcome the proposal to extend the existing CIP area to include St Andrews St, Brentgovel St, Risbygate St and King St. This will give the council the grounds to refuse the awarding of further late night alcohol and takeaway food licences in the area, and when opportunities arise, to limit the hours of existing premises, making the area more resident-friendly.

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### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN:				
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Statement of: Michael Bacon

Age : Over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 2 pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: M Bacon

Date: 29/09/2017

I am employed by Suffolk Constabulary as a Licensing Officer and am making this statement in relation to the Cumulative Impact Policy proposal for Bury St Edmunds.

I make this statement based upon my experience as a Licensing Officer since May 2016 and as a Police Officer stationed at Bury St Edmunds prior to this date.

Suffolk Constabulary has a responsibility under the Licensing Act 2003 to address issues relating to licensed premises, particularly with regard to the Licensing objective of the "Prevention of Crime and Disorder."

Bury St Edmunds has a thriving night time economy and is a very popular destination to enjoy socialising in the many pubs, clubs and restaurants within the town centre and surrounding area. This is vitally important to the local economy and provides a wide choice of venues for both local residents and tourists alike to enjoy.

However, Suffolk Constabulary recognises the fact that the cumulative effect of too many licensed premises in one area may have a detrimental impact upon levels of crime and disorder directly linked to the night time economy. This may also include anti-social behaviour which impacts upon the quality of life of local residents. Additionally, an increase in the number of licensed premises will also lead to higher numbers of people on the street at closing time as they disperse from venues and either seek transport home or congregate at Late Night Refreshment/Takeaway premises. Inevitably, when large numbers of intoxicated people come together in a concentrated area, this can and does lead to assaults damage to property and disturbance for local residents.

Signature:

Witnessed by:

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Page 2 of 2

I have reviewed the Crime and Incident data provided by Suffolk Constabulary and will say that this does also reflect my own professional opinion gained from experience of working in the town as both Police Officer and Licensing Officer. St Andrews Street experiences 53% of all incidents during the late evening, and 52% of these incidents were reported as a crime. This compelling evidence supports the proposal to expand the Cumulative Impact zone to encompass the St Andrews Street area. I can also say that this area of the town centre does place a significant demand on police resources during the times of peak night time economy activity (11pm to 4am).

In summary, Suffolk Constabulary supports the proposal to extend the Cumulative Impact Area.

M Bacon

Licensing Officer

Signature:

2014/01

Page 140 Witnessed by:

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**Garnham, Amanda**

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**From:** . . . . .  
**Sent:** 08 August 2017 09:44  
**To:** licensing  
**Subject:** St Edmundsbury - draft Statement of Licensing Policy  
**Attachments:** Late Night Levy Report March 2016.pdf

Dear Sir/Madam,

I write to you from the British Beer and Pub Association. Our members account for around 90% of the beer brewed and half of all pubs in the UK and, as such, we welcome the opportunity to provide input to licensing consultations. We have reviewed St Edmundsbury's draft Statement of Licensing Policy and I have included a couple of comments below. It is generally well balanced and we are pleased that the policy seeks to reduce the burden of unnecessary regulation on business.

In regards to the Cumulative Impact Policy (CIP) that is being consulted upon, whilst it seems that you have provided the necessary evidence to justify a CIP in this instance, it is best to remember the original intention of such legislation. CIPs are intended as a temporary measure whilst local areas look to address the underlying causes of any issues that may justify a CIP. It was not the intention of the legislation that a CIP should automatically be continued or extended without addressing the root causes and we hope that you will take this into consideration going forward.

To this effect, the BBPA would point local authorities towards a range of local partnership schemes such as National Pubwatch, Best Bar None and Street Pastors, which have proven successful in providing targeted solutions to alcohol-related issues. Such local initiatives encourage businesses to work together with local authorities and the police. We continue to support their recognition and expansion.

Effective use of such local initiatives also negates the need to introduce a Late Night Levy. Although there is currently no Levy in place in your local area, please find attached a copy of our guidance on alternatives to the Late Night Levy, which further sets out the benefits of local partnership initiatives.

Many thanks for the opportunity to review your draft Statement of Licensing Policy and if you have any questions please do not hesitate to get in touch.

Kind regards,

Policy and Information Officer  
British Beer & Pub Association  
T: 020 7627 9143

British Beer & Pub Association  
Brewers' Hall  
Aldermanbury Square  
London  
EC2V 7HR  
[www.beerandpub.com](http://www.beerandpub.com)



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# Licensing and Regulatory Committee



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>LOCAL AIR QUALITY – PROGRESS REPORT 2016-2017</b>	
<b>Report No:</b>	<b>LIC/SE/17/012</b>	
<b>Report to and dates:</b>	<b>Licensing and Regulatory Committee</b>	31 October 2017
<b>Portfolio holder:</b>	Councillor Alaric Pugh Portfolio Holder for Planning and 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>	Matthew Axton Environment Officer <b>Tel:</b> 01284 757041 <b>Email:</b> <a href="mailto:matthew.axton@westsuffolk.gov.uk">matthew.axton@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To report the work undertaken during 2016 to meet Local Air Quality regulations across the Borough.	
<b>Recommendation:</b>	<p>It is <b><u>RECOMMENDED</u></b> that the Committee:</p> <p>(1) <b>Be asked to <u>note</u> the work undertaken in order to improve local air quality in West Suffolk; and</b></p> <p>(2) <b>Gives consideration to the principle of designating an Air Quality Management Area on Sicklesmere Road, Bury St Edmunds based on monitoring and assessment carried out by council officers.</b></p>	
<b>Key Decision:</b>	<p><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> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	

<b>Consultation:</b>		<ul style="list-style-type: none"> <li>• <b>Consultation required with the Department of Environment (Defra) to approve technical elements of the Annual Status Report.</b></li> <li>• <b>Consultation with those directly affected by the proposed Air Quality Management Area on Sicklesmere Road, Bury St Edmunds.</b></li> </ul>	
<b>Alternative option(s):</b>		•	
<b>Implications:</b>			
Are there any <b>financial</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• Financial costs in officer time, possible additional monitoring and possible commissioning of external studies or modelling if principle of air quality management area declaration is approved.</li> </ul>	
Are there any <b>staffing</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>• Any additional work will be covered by existing officers.</li> </ul>	
Are there any <b>ICT</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>•</li> </ul>	
Are there any <b>legal and/or policy</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• If principle of air quality management area is approved, this is a legal declaration. Declaration will ensure policy consistency on air quality throughout West Suffolk.</li> </ul>	
Are there any <b>equality</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>•</li> </ul>	
<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</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
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
<b>Ward(s) affected:</b>		All Wards are affected by air quality, but specific decisions regarding Southgate Ward	
<b>Background papers:</b>		None	



**Documents attached:**

**Appendix 1** – Area affected by the proposed Air Quality Management Area on Sicklesmere Road.

**Appendix 2** - 2017 Air Quality Annual Status Report (ASR).

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## **1. Key issues and reasons for recommendation(s)**

- 1.1 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.
- 1.2 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.
- 1.3 The Air Quality Regulations 2000 require all local authorities in the UK to review and assess air quality within their area. The West Suffolk Councils are the lead regulators within their administrative areas with respect to the management of local air quality. Officers in Planning and Regulatory Services 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.
- 1.4 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 annual mean objective (threshold) is 40 microgrammes per metre cubed to be applied at the façade of residential properties. An hourly objective also exists for NO<sub>2</sub>, to be applied along busy shopping streets, and should be considered where the annual mean level is 60 microgrammes per metre cubed or greater. Currently there are 24 monitoring sites within St Edmundsbury.
- 1.5 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.
- 1.6 The Department for Environment, Food and Rural Affairs (Defra) have continued to develop a national strategy "UK plan for tackling roadside nitrogen dioxide concentrations", published July 2017. Twenty-eight Local Authorities with significant ongoing air quality problems are identified by (Defra) in this report and are required to develop local assessments and plans to achieve the statutory nitrogen dioxide limits in the shortest time possible. St Edmundsbury Borough Council is not one of the named authorities.

## **2. Outcomes for 2016-2017**

- 2.1 For the majority of the Borough, air quality remains good and continues to show a long term trend of slight year on year improvement. However, we continue to undertake detailed monitoring and increased monitoring in Bury St Edmunds during 2016 (compared to 2015) to ensure that we our monitoring covers all areas of possible concern.

- 2.2 All but three monitored locations in St Edmundsbury Borough Council were below the national objectives for nitrogen dioxide in 2016. Two of these exceedances were recorded on Sicklesmere Road, Bury St Edmunds, including the highest recorded value, where an annual average value of 42.1 microgrammes per metre cubed was recorded. The other exceedance was located at the junction of Parkway and Kings Road. However, when adjusted to the façade of the closest residential structure (which is the specified receptor location for the annual average), this location is below the objective and therefore no further assessment is required in this location.
- 2.3 Monitoring began at Sicklesmere Road in 2015 in order to assess the impact of the south-east Bury St Edmunds strategic development site. Given that an exceedance has been recorded on Sicklesmere Road for two consecutive years an Air Quality Management Area should, in line with statutory guidance, be in place at this location. Although a significant improvement of the local air quality is anticipated at this location when the Bury St Edmunds south east strategic development site delivers its planned 'spine' road, it is considered that the declaration of an Air Quality Management Area would be beneficial so that interim solutions can be explored. A designation would also ensure that a legal framework for action would be in place should the strategic development site not progress at the rate initially planned.
- 2.4 The area for which it is proposed to designate is shown in the full Annual Status Report (**Appendix 1**) and is limited to three properties. Given the relatively small area and limited number of dwellings your officers are recommending a 'fast track' declaration (as described in the Local Air Quality Management statutory Guidance and Policy Documents, April 2016) which does not require a full scale consultation, but requires direct engagement with those directly affected together with key stakeholders. Subject to the engagement, a declaration will be brought to this Committee for consideration in a separate report.
- 2.5 This committee approved the declaration of the Great Barton Air Quality Management Area (Report No: LIC/SE/17/005, April 2017). This declaration covered a small number of dwellings adjacent to the A143 in the village and has now been enacted through an official order and the details accepted by Defra.
- 2.6 Further to this declaration, your officers have organised an action plan steering group meeting with key local stakeholders in June 2017, with additional meetings planned. The results of these steering group meetings will help to produce the action plan required as part of the regulations. It is possible that actions will come forward as a result of housing developments in the immediate locality.
- 2.7 Monitoring within the Great Barton designation for 2016 indicated levels to be slightly below (compliant with) the national objective, however, a number of months at this monitoring location during 2016 showed unusually low readings and this may not necessarily represent a long term trend of compliance.
- 2.8 Although levels of measured pollutants in all other areas of St Edmundsbury remain in compliance with the national objectives, your officers are aware

that there are negative health impacts related to lower concentrations of certain pollutants, especially particulates. Therefore, work will continue to improve air quality further, as detailed in Section 3 below.

2.9 Other actions taken by your Officers over the past year included:

- Commenting on and influencing planning applications to ensure that they have minimum impact on Local Air Quality.
- Requesting new developments are suitably equipped with electric vehicle charge points to encourage the faster uptake of zero emission vehicles and to ensure developments in the area are suitably futureproofed for the proposed ban of petrol and diesel only vehicles in 2040.
- Promotion of internal and external grants to assist companies (including taxi companies) in converting their fleet to low and zero emission vehicles.
- Promotion of zero emission electric vehicles to the general public.

### **3. Next Steps**

3.1 Your officers will continue to undertake the following activities:

- Continue monitoring levels of nitrogen dioxide throughout the Borough.
- Complete the Action Plan for the Great Barton Air Quality Management Area with input from the Steering Group.
- Engage with key stakeholders with a view to developing the legal order for the Sicklesmere Road Air Quality Management Area, if approved by this Committee, and begin work on an Action Plan in line with the statutory guidance.
- Work with air quality and planning colleagues across Suffolk to ensure standardised requirements for electric vehicle charging for new planning applications across the County.
- Continue to promote grants for business fleet improvements.
- Produce business cases for further investment in electric vehicle charging infrastructure.
- Engage with stakeholders in areas where there may be concern to explore the need for further action.

### **4. Additional supporting information**

4.1 **Appendix 1** - 2017 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management. Provided separately.

**Area affected by the proposed  
Air Quality Management Area on Sicklesmere Road**



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Forest Heath & St Edmundsbury councils



# West Suffolk

working together

## 2017 Air Quality Annual Status Report (ASR)

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

July 2017

**Forest Heath & St Edmundsbury councils**

Local Authority Officer	Matthew Axton
Department	Environment & Energy Team, Planning & Regulatory Services
Addresses	<p>Forest Heath District Council District Offices College Heath Road Mildenhall Suffolk IP28 7EY</p> <p>St Edmundsbury Borough Council West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU</p>
Telephone	01284 757400
E-mail	environment@westsuffolk.gov.uk
Report Reference number	ASR2017
Date	July 2017



## 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 indicators for St Edmundsbury and Forest Heath suggest that 5.0% & 4.8% respectively 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 5.1% 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 West Suffolk 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 area.

### Air Quality in West Suffolk

West Suffolk is Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) working together. The area is a mix of market towns (Brandon, Bury St Edmunds, Haverhill, Mildenhall and Newmarket) and more rural village communities. The regionally important strategic road links of the A11 and A14 also cross the area.

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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

The main source of pollution in the area is road traffic and this is generally worst in the market towns. We monitor for the pollutant Nitrogen Dioxide, which is considered the main pollutant of concern for road vehicles and is particularly linked to Heavy Goods Vehicles (HGVs) and diesels. Consequently the majority of our monitoring is adjacent to busy roads within our market towns.

Air quality in West Suffolk is generally good and continuing to show long term improvement at monitored locations throughout the area. However, the importance of continuing to improve the local air quality is at a higher profile than ever before.

Each town within the area has its own unique air quality issues and these are summarised below. There is also significant monitoring in the village of Great Barton which is also discussed below:

- **Brandon** continues to show gradual improvement in air quality although the levels of traffic travelling through the town on the A1065 are still a concern to the residents and their representatives. None of the monitor locations failed the national set air quality objectives. Traffic patterns around Brandon have undoubtedly changed since the opening of the new dualled section of the A11 bypassing Elveden, however, we are still awaiting the publication of the Post Opening Project Evaluation (POPE) which Highways England are due to publish. Once the POPE is published we will be able to better assess how to influence the traffic and further improve air quality in Brandon.
- **Bury St Edmunds** is the only town in West Suffolk to show exceedances of the air quality objective for Nitrogen Dioxide. Exceedances were recorded along Sicklesmere Road (A134) to the south of the town and at the roundabout of Kings Road and Parkway close to a large proportion of the town centre car parking.

It was the second year running that exceedances were recorded on Sicklesmere Road and it is recommended that an Air Quality Management Area (AQMA) is declared here. A long term solution is available for Sicklesmere Road in the form of a relief road associated with the South East Bury strategic growth area; however, we still consider it prudent to declare an AQMA to ensure that procedures are in place should the development be delayed or postponed for any reason.

The monitoring point at the Kings Road / Parkway roundabout is not located on a residential property and pollution levels are calculated to be acceptable at the closest residential property. This location was below the objective in 2015 but wasn't monitored previous to 2015 so the long term trend is unclear. We will continue to monitor this location and may undertake a detailed assessment should pollution levels continue to rise here.

Away from these two locations results varied as to whether they showed an increase or decrease in pollution when compared to 2015.

- **Great Barton** is a village to the north east of Bury St Edmunds with a main road (A143) cutting through it. A row of cottages either side of, and including, the Post Office are situated close to this road. An AQMA was in place between 2009 and 2012 when it was revoked on a technicality. It has recently been re-declared due to a review of our previous decision in light of new guidance together with continued exceedance of the air quality objective. SEBC are currently working on the action plan for this AQMA with the first steering group meeting planned for June 2017. Recorded levels of Nitrogen Dioxide pollution in 2016 were very slightly below the annual mean objective
- **Haverhill** monitoring continues to show compliance with the annual air quality objectives in all locations. The main area of concern is Withersfield Road (A1307) where levels have been close to the objectives in recent years. A north west Haverhill relief road has planning permission linked to a strategic housing site. The relief road must be finished within 5 years of the commencement of the strategic housing development, with the commencement of the strategic housing development anticipated to be this year.
- **Mildenhall** continues to show concentrations of pollutants well within the air quality objective levels and does not currently pose any significant concern.
- **Newmarket** has shown steady air quality improvements since the declaration of an AQMA along the High Street and Old Station Road in 2009 and the AQMA has recently (April 2017) been reduced in size to reflect this improvement. The AQMA has been retained along Old Station Road due to insufficient confidence in the data along this road; however, further monitoring

## Forest Heath & St Edmundsbury councils

was added on Old Station Road at the beginning of 2016 and the beginning of 2017 to rectify this data gap. None of the new locations in 2016 showed an exceedance and we will continue to carefully consider the results from 2017. The action plan for Newmarket is in the process of being revised due to the changes to the AQMA.

There remains local concern around idling in the taxi rank on the High Street, where the highest levels of Nitrogen Dioxide in Newmarket are measured. The Environment Team continue to liaise with officers in the Licensing department to ensure improved compliance.

As most of the pollution within West Suffolk originates from road traffic, the West Suffolk councils 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 Local Planning Authority to ensure new developments are appropriately controlled and mitigation is provided where required.

## Actions to Improve Air Quality

### Zero Emission Vehicles

West Suffolk councils have focused on campaigns to increase the awareness of zero emission electric vehicles throughout 2016, undertaking the following actions:

## Forest Heath & St Edmundsbury councils

- **Electric Vehicle Show** – In August 2016 we held an electric vehicle show in the Arc shopping centre in Bury St Edmunds.



The Arc is West Suffolk's most popular shopping centre; with a footfall of approximately 28,000 on the day West Suffolk councils staged the event.



The event showcased the variety of zero emission vehicles, including cars and vans and aimed to changing peoples preconceptions about electric vehicles by providing 'myth busting' literature and engaging with interested locals. Following the success of this event, we anticipate running more in 2017.



- **Charge Point Installation** – We have recently installed new EV charge points in our public car parks in Haverhill and Newmarket and Bury St Edmunds. These will further enable the use of EVs in our area.



- **Charge Points through Planning** – September 2016 saw a change in our responses to major planning applications, with all major applications now being requested to contribute to air quality improvements. All major developments are targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative affect.

For major residential developments we request all dwellings with allocated off street parking are provided with EV charging facilities. For communal or non-allocated residential parking we generally require 10% of spaces to be provided with charge points and for commercial developments we request 5% of charge points are allocated for EV charging.

### New Infrastructure

In 2016 construction started on the Eastern Relief Road which will help to aid traffic congestion in the east of Bury St Edmunds. This road is due to open in September 2017.

The Sybil Andrews Academy, a new secondary school, was opened in late 2016. The existing secondary schools in Bury St Edmunds are all located to the northwest of the town centre, which resulted in significant cross town rush hour traffic. The new

school is located on the east of Bury St Edmunds and is anticipated to reduce school related cross town traffic.

Air Quality was a material consideration in agreeing a limit to the number of dwellings allowed prior to the completion of the relief road associated with South East Strategic housing site in Bury St Edmunds. The development will be limited to 500 dwellings before the relief road is completed.

## **Conclusions and Priorities**

Air Quality in West Suffolk remains largely good and the number of exceedances of the annual mean objective for Nitrogen Dioxide remains minimal. Action plans are being developed and revised respectively for the two AQMA's in Great Barton and Newmarket. The exceedance recorded on Sicklesmere Road should result in a further AQMA in the next year.

The councils will continue to work to improve the provisions for electric vehicles in West Suffolk in partnership with Suffolk County Council and private companies. The number of charge points in domestic, workplace and public settings is likely to increase significantly over the coming years. Further electric vehicle events are planned for the future.

We will also be working on ways to improve our own fleet of vehicles and continue to offer the West Suffolk Greener Business Grant to companies local to reduce the carbon footprint and emissions of their fleet.

The continued growth in housing in West Suffolk will be the main challenge when tackling air quality in the area. Construction has begun at two of the strategic housing developments in Bury St Edmunds with a third expected to gain planning permission this year. In Haverhill, construction on a strategic housing site could also begin this year. The councils continue to forward plan with masterplan consultations for Western Way, Bury Town Centre and the Mildenhall Hub; continued consultation and development of the Forest Heath Local Plan and concept planning for the possible closure and subsequent redevelopment of the Mildenhall Air Base.

We are committed to continuing to monitor the local air quality throughout West Suffolk and to identifying schemes that can provide potential improvements either at any of our areas of concern or on an area wide basis.

## Local Engagement and How to get Involved

As an individual there are many actions that you can take to improve the air quality and reduce air pollution. This will improve the quality of life for everyone, including you and your family. Below are a few suggestions of how to get involved:

- Consider purchasing an electric vehicle; the costs are reducing and the technology and infrastructure are making this technology more practical for more people.
- Use your car less. Try to walk, cycle, and use the bus or train wherever possible. Conventionally fuelled cars are particularly polluting over short journeys, so aim to cut these out first.
- Reduce emissions from your car by ensuring it is regularly serviced and well maintained, ensure you only carry the weight you need, and you drive in a gentle, steady manner.
- When buying a traditional fuel vehicle consider the most fuel efficient petrol vehicle rather than buying a diesel vehicle.
- Encourage your employer, school or college to set up a Green Travel Plan.
- Car share, to reduce emissions and save money. See the Suffolk Car Share website for further details: [www.SuffolkCarShare.com](http://www.SuffolkCarShare.com)

There are no specific air quality campaign groups within West Suffolk, however, a number of local community groups have shown an interest in assisting to improve air quality in their areas and we are working closely with Newmarket Town Council and Newmarket BID. 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.



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## 1 Local Air Quality Management

This report provides an overview of air quality in West Suffolk (Forest Heath District Council and St Edmundsbury Borough Council working together) during 2016. 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 West Suffolk 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. 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 compliance with the objectives.

A summary of AQMAs declared by Forest Heath District Council and St Edmundsbury Borough Council can be found in Table 2.1. Further information related to declared or revoked AQMAs, including maps of AQMA boundaries are available online at:

- [https://uk-air.defra.gov.uk/aqma/local-authorities?la\\_id=105](https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=105) (Forest Heath)
- [https://uk-air.defra.gov.uk/aqma/local-authorities?la\\_id=255](https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=255) (St Edmundsbury)

Alternatively, see Appendix B, which provides maps of air quality monitoring locations and the AQMAs.

St Edmundsbury Borough Council proposes to declare a new AQMA in Bury St Edmunds, on the A134 Sicklesmere Road to the south of the town (see monitoring section).

Table 2.1 – Declared Air Quality Management Areas

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AQMA Name	Date of Declaration	Pollutants and Air Quality Objectives	City / Town	One Line Description	Is air quality in the AQMA influenced by roads controlled by Highways England?	Level of Exceedance (maximum monitored/modelled concentration at a location of relevant exposure)		Action Plan (inc. date of publication)
						At Declaration	Now	
Newmarket AQMA	Declared 6 <sup>th</sup> April 2009 Amended 18 <sup>th</sup> April 2017	Nitrogen Dioxide Annual Mean Objective	Newmarket	An area incorporating Old Station Road from the Clock Tower roundabout to the Junction with Rous Road, Newmarket Suffolk.	NO	40.0µg/m <sup>3</sup> (2009 – Not at relevant location for annual mean objective)	32.8 µg/m <sup>3</sup> (2016)	Action Plan currently being revised due to significant amendment to AQMA in April of this year (2017).
Great Barton	Declared 11 <sup>th</sup> May 2011 Revoked 1 <sup>st</sup> January 2013 Declared 18 <sup>th</sup> April 2017	Nitrogen Dioxide Annual Mean Objective	Great Barton	An area incorporating Gatehouse Cottage and 1 to 8 The Street (A143), in the Parish of Great Barton.	NO	48.2µg/m <sup>3</sup> (2011)	37.9µg/m <sup>3</sup> (2016)	Action Plan currently being developed due to re-declaration of this year (2017).

West Suffolk confirm the information on UK-Air regarding their AQMA(s) is up to date

## 2.2 Progress and Impact of Measures to address Air Quality in West Suffolk

Defra's appraisal of last year's ASR for St Edmundsbury Borough Council concluded that the council should progress the declaration of the AQMA at the Post office (in Great Barton, which has been actioned) and ensure they declare the AQMA in Sicklesmere Road if the modelling and diffusion tube results show that there will be an exceedance. Although the AQMA has not yet been declared, the recommendation to do so is made within this report following sufficient data collection.

Defra's appraisal of last year's ASR for Forest Heath District Council concluded that the council should progress the amendment of the AQMA in Newmarket and submit their amendment to DEFRA. This has been completed.

West Suffolk councils have taken forward a number of direct measures during the current reporting year of 2016 in pursuit of improving local air quality. Wider infrastructure projects that will also have a positive impact on Air Quality have also been undertaken. Details of all measures completed, in progress or planned are set out in Table 2.2.

More detail on these measures can be found in their respective Action Plans which are currently being updated, as explained in Table 2.1 above and will be published separately in due course. Specific measures to address the AQMA in Great Barton are not included here as the measures to be considered are still in early development. Key completed measures are:

- Promotion of zero emission Electric Vehicles at an Electric Vehicle showcase in the centre of Bury St Edmunds
- Installation of new Electric Vehicle charge points in public car parks in Bury St Edmunds, Haverhill and Newmarket.
- Changes to planning application response policy to ensure new developments are fitted with Electric Vehicle charge points to encourage and facilitate their use.
- Improved car park signage in Newmarket to avoid repeat journeys along the High Street.

## **Forest Heath & St Edmundsbury councils**

- Opening of the new secondary school (Sybil Andrews Academy) on the eastern side of Bury St Edmunds which is anticipated to reduce cross town traffic and therefore reduce recorded levels of pollution in the town.

West Suffolk councils expects the following measures to be completed over the course of the next reporting year:

- Continued promotion of Electric Vehicles through further showcase events.
- Investigate further installation of Electric Vehicle charge points, specifically the installation of a rapid charger in Newmarket.
- Opening of the Eastern Relief Road to relieve congestion and consequently improve air quality on the eastern side of Bury St Edmunds.

The principal challenges and barriers to implementation that West Suffolk councils anticipates facing are the continued rapid housing growth in the area with construction having started at two of the strategic growth sites in Bury St Edmunds.

Table 2.2 – Progress on Measures to Improve Air Quality

Measure No.	Measure	EU Category	EU Classification	Organisations involved and Funding Source	Planning Phase	Implementation Phase	Key Performance Indicator	Reduction in Pollutant / Emission from Measure	Progress to Date	Estimated / Actual Completion Date	Comments / Barriers to implementation
1	Electric Vehicle Charging Points through Planning	Promoting Low Emission Transport	Procuring alternative Refuelling infrastructure to promote Low Emission Vehicles, EV recharging, Gas fuel recharging	SEBC and FHDC	2016	2016 to ongoing	% of planning applications with conditions successfully applied	Increase uptake of zero emission vehicles	Implemented and conditions being successfully imposed	Ongoing	
Page 167	Electric Vehicle Charging Infrastructure on council owned land	Promoting Low Emission Transport	Procuring alternative Refuelling infrastructure to promote Low Emission Vehicles, EV recharging, Gas fuel recharging	SEBC and FHDC Funding: Highways England providing funding for Rapid chargers on strategic network	Ongoing	2017 / 2018	Number of additional charge points installed	Increase uptake of zero emission vehicles	Fast chargers installed in Bury St Edmunds, Haverhill and Newmarket	2018	Funding and electricity supply.
3	Electric Vehicle Showcase	Promoting Low Emission Transport	Other	SEBC and FHDC Environmental Health	2016	2016 to ongoing	Increased uptake in electric vehicles	Increase uptake of zero emission vehicles	Showcase undertaken in 2016	Ongoing	2017 event being planned
4	Greener Business Grant - Promote £1,000 West Suffolk Greener Business Grant to be used for businesses to move to ULEV	Promoting Low Emission Transport	Company Vehicle Procurement - Prioritising uptake of low emission vehicles	SEBC and FHDC Environmental Health	2016	2016 to ongoing	Increased uptake in electric vehicles	Increase uptake of zero emission vehicles	Awaiting first successful applicant	Ongoing	

Table 2.3 – Progress on Measures to Improve Air Quality (Contd...)

Measure No.	Measure	EU Category	EU Classification	Organisations involved and Funding Source	Planning Phase	Implementation Phase	Key Performance Indicator	Reduction in Pollutant / Emission from Measure	Progress to Date	Estimated / Actual Completion Date	Comments / Barriers to implementation
5	Eastern Relief Road	Traffic Management	Strategic highway improvements, Re-prioritising road space away from cars, including Access management, Selective vehicle priority, bus priority, high vehicle occupancy lane	SEBC and Suffolk County Council	Completed	2016 / 2017	Road completed	Reduction in congestion	Road currently under construction	Sep-17	
6	New High School	Traffic Management	Other	SEBC and Suffolk County Council	Completed	Completed	Reduced cross town travel during school drop-off and collection times	Reduction in congestion	Completed	Completed	
7	Council Fleet Improvements	Vehicle Fleet Efficiency	Fleet efficiency and recognition schemes	SEBC and FHDC	Ongoing	Ongoing	Council vehicle emissions	Reduced vehicle Emissions	Ongoing	2019	
8	Eco driving courses for council staff	Vehicle Fleet Efficiency	Driver training and ECO driving aids	SEBC and FHDC	Completed	Ongoing	Number of staff completing course	Reduced vehicle Emissions	Ongoing	Ongoing	



Table 2.4 – Progress on Measures to Improve Air Quality (Contd...)

Measure No.	Measure	EU Category	EU Classification	Organisations involved and Funding Source	Planning Phase	Implementation Phase	Key Performance Indicator	Reduction in Pollutant / Emission from Measure	Progress to Date	Estimated / Actual Completion Date	Comments / Barriers to implementation
9	South East Bury St Edmunds relief road	Traffic Management	Strategic highway improvements, Re-prioritising road space away from cars, including Access management, Selective vehicle priority, bus priority, high vehicle occupancy lane	SEBC / Suffolk County Council and Developer	Ongoing	2022	Measured concentration in Nitrogen Dioxide on Sicklesmere Road	TBC closer to opening date	Awaiting planning permission to be granted	2022	Completion of road prior to 400 dwellings completed to be a condition of the planning approval
10	Haverhill north west relief road	Traffic Management	Strategic highway improvements, Re-prioritising road space away from cars, including Access management, Selective vehicle priority, bus priority, high vehicle occupancy lane	SEBC / Suffolk County Council and Developer	Ongoing	2022	Measured concentration in Nitrogen Dioxide on Withersfield Road	TBC closer to opening date	Awaiting start of development	2022	Condition of planning requires completion within 5 years of commencement of development

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Table 2.5 – Progress on Measures to Improve Air Quality (Contd...)

Measure No.	Measure	EU Category	EU Classification	Organisations involved and Funding Source	Planning Phase	Implementation Phase	Key Performance Indicator	Reduction in Pollutant / Emission from Measure	Progress to Date	Estimated / Actual Completion Date	Comments / Barriers to implementation
11	Dualling of the A11	Traffic Management	Strategic highway improvements, Re-prioritising road space away from cars, including Access management, Selective vehicle priority, bus priority, high vehicle occupancy lane	Highways England	Completed	Completed 2014	Measured concentration in Nitrogen Dioxide in Elveden and Brandon	75% reduction in NO2 in Elveden	Reduction in NO2 proven in Elveden. Monitoring in Brandon ongoing	2014	No significant reduction in NO2 recorded in Brandon. Awaiting Highways England POPE report.
12	Improved Car Parking signage in Newmarket	Traffic Management	UTC, Congestion management, traffic reduction	Suffolk County Council	Completed	Completed	Reduction in NO2 in Newmarket High Street	% reduction in NO2 levels	Implemented	Sep-16	Likely reduction in NO2 too small to be noted in monitoring results
13	Air Quality Awareness campaign in Newmarket	Public Information	Via other mechanisms	FHDC	Ongoing	Ongoing	Reduction in NO2 in Newmarket High Street	% reduction in NO2 levels	Meetings held with Newmarket Town Council and Newmarket BID	Autumn 2017	
14	Newmarket High Street Design Brief	Policy Guidance and Development Control	Other policy	FHDC	Ongoing	Ongoing	Improvements to Newmarket High Street	Smoother driving through High Street	Air Quality Officer involved in early design brief meetings	2018	Design brief for Newmarket High Street which will influence the way forward for the town centre and will influence which additional measures can be developed

## 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.

West Suffolk councils are taking the following measures to address PM<sub>2.5</sub>:

We do not have the facility to measure PM<sub>2.5</sub>, but given the relatively low recorded levels of Nitrogen Dioxide and DEFRA modelled levels of PM<sub>10</sub> we do not expect PM<sub>2.5</sub> to be above guideline levels. However we believe that many of the measures listed in Table 2.2, above, would contribute to a reduction in exposure to PM<sub>2.5</sub>, especially the measures promoting the uptake of zero emission vehicles. We will continue to consult with Public Health colleagues and be advised by them, and national guidance, on any relevant measures that will reduce exposure.

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

### **3.1 Summary of Monitoring Undertaken**

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

#### **3.1.1 Automatic Monitoring Sites**

West Suffolk did not undertake any automatic (continuous) monitoring during 2016.

#### **3.1.2 Non-Automatic Monitoring Sites**

West Suffolk undertook non-automatic (passive) monitoring of NO<sub>2</sub> at 60 sites during 2016. This includes 35 sites in FHDC and 25 sites in SEBC. Table A.1 (FHDC) and A.2 (SEBC) 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) for the diffusion tubes, including bias adjustments and any other adjustments applied (e.g. “annualisation” and/or distance correction), are included in Appendix C.

### **3.2 Individual Pollutants**

The air quality monitoring results presented in this section are, where relevant, adjusted for bias and “annualisation”. Further details on adjustments are provided in Appendix C. Locations have not been routinely distance adjusted in previous year’s reports and for consistency with previous reports values are only distance adjusted where stated. All monitoring locations are distance adjusted in Tables B1 and B2 in Appendix B.

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

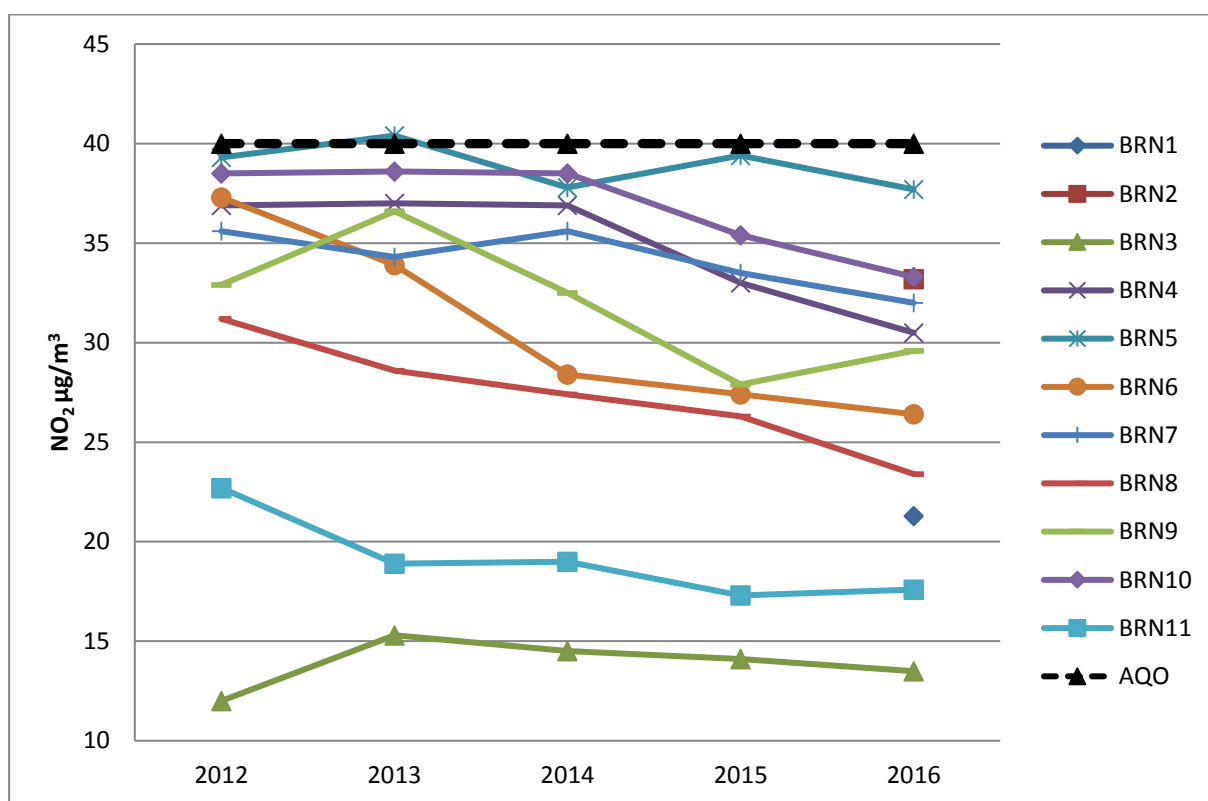
Table A. (FHDC) and Table A4 (SEBC) in Appendix A compares the ratified and adjusted monitored NO<sub>2</sub> annual mean concentrations for the past 5 years with the air quality objective of 40µg/m<sup>3</sup>.

For diffusion tubes, the full 2016 dataset of monthly mean values is provided in Table B1 (FHDC) and Table B2 (SEBC) in Appendix B.

Brandon

Brandon continues to show gradual improvement in air quality as can be seen in Figure 1, below. Some sites such as BRN6 (London Rd/Coulson Lane) and BRN8 (Hellesdon House, High Street) have shown a steady decline in pollution levels over the past 5 years whilst at other sites such as BRN4 (London Road/Stores St) and BRN10 ('Boots', High Street) the decline in pollution is more evident over the past two years only. None of the monitoring locations have exceeded the annual mean objective since BRN5 (52 London Road) recorded a very slight exceedance of  $40.4\mu\text{g}/\text{m}^3$  (compared to an objective of  $40.0\mu\text{g}/\text{m}^3$ ) in 2013. BRN5 remains the highest recorded monitoring location in Brandon at  $37.7\mu\text{g}/\text{m}^3$ , with no other monitoring locations being above  $34.0\mu\text{g}/\text{m}^3$ . It is therefore not considered necessary to undertake a detailed assessment in Brandon.

Figure 1. Trends in Concentration of Air Pollution in Brandon (not adjusted to façade)



However, we are aware that there the residents of Brandon and their representatives are still concerned by the level of traffic using the A1065 through the town, especially the levels of Heavy Goods Vehicles (HGVs). Residents also have concerns about the air quality given the volume of traffic. Traffic patterns around Brandon have undoubtedly changed since the opening of the new dualled section of the A11

bypassing Elveden, however, there is local perception that this major infrastructure project has not had as significant a positive impact as hoped. We are still awaiting the publication of the Post Opening Project Evaluation (POPE) which Highways England are due to publish on the A11. Once the POPE is published we will be able to better assess how to influence the traffic and further improve air quality in Brandon.

### Bury St Edmunds

Bury St Edmunds is the only town in West Suffolk to show exceedances of the annual mean air quality objective for Nitrogen Dioxide. Exceedances were recorded along Sicklesmere Road (A134) to the south of the town ( $42.1\mu\text{g}/\text{m}^3$  at 2 Sicklesmere Road and  $41.5\mu\text{g}/\text{m}^3$  at 7 Sicklesmere Road) and at the roundabout of Kings Road and Parkway ( $41.5\mu\text{g}/\text{m}^3$ ) close to a large proportion of the town centre car parking. All other locations were below the annual mean objective, although a small number of other locations (Fornham Road and at the Northgate Roundabout) were within 10% of the objective.

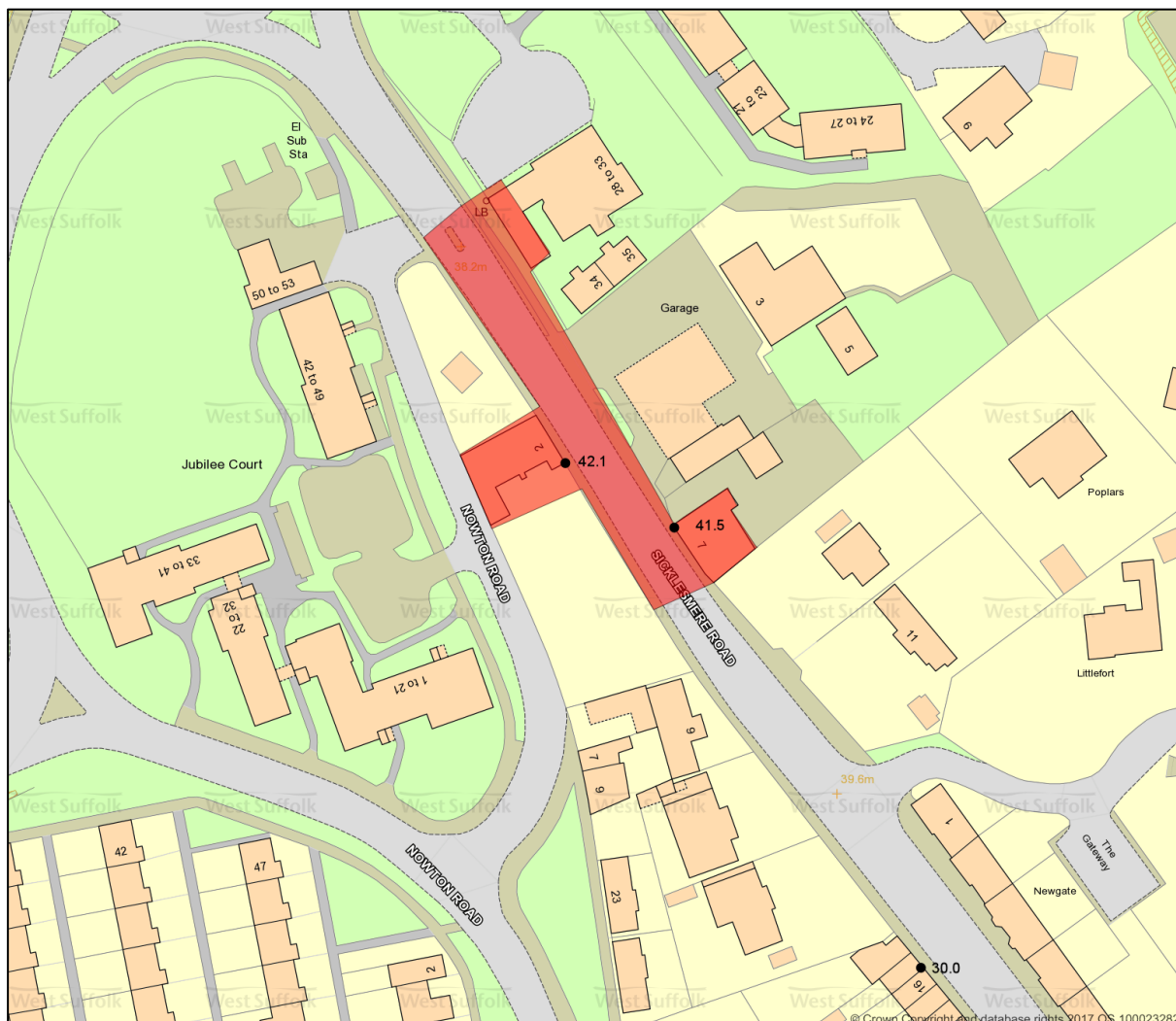
Large scale changes in monitoring locations occurred between 2014 and 2015 and it is difficult to establish long term trends from the last two years of data, however, the site at the junction of Cullum Road and Out Westgate has shown a 20% reduction over the last 10 years and a 10% reduction over the last 5 years indicating a steady long term decline in recorded levels of Nitrogen Dioxide pollution.

Monitoring at 2 Sicklesmere Road has shown two years of exceedances since monitoring at the site began. Only a single of year monitoring has occurred at 7 Sicklesmere Road, however, this has also shown an exceedance and it is considered that an AQMA should be declared for this location. Given that the number of properties close to the roadside are limited and the exceedances only slight, other properties on Sicklesmere Road are unlikely to be affected, other than the properties associated with Southgate House. Monitoring at 14 Sicklesmere Road shows recorded levels are significantly lower further from the Southgate Green Roundabout and therefore the proposed AQMA can be easily defined.

A long term solution is available for Sicklesmere Road in the form of a relief road associated with the South East Bury strategic growth area; however, we still consider it prudent to declare an AQMA to ensure that procedures are in place should the development be delayed or postponed for any reason. The relief road will need to be

completed prior to the occupation of the 400<sup>th</sup> dwelling within the south east Bury St Edmunds strategic development site.

**Figure 2. Proposed extent of Sicklesmere Road AQMA with monitoring points and recorded Nitrogen Dioxide concentrations**



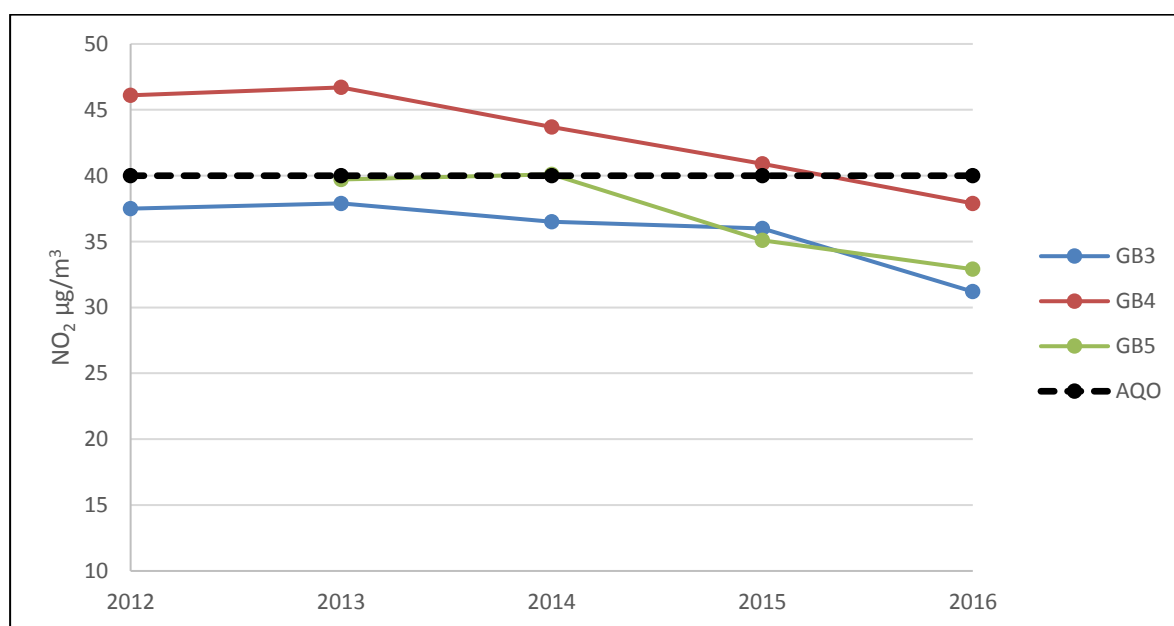
The monitoring point at the Kings Road / Parkway roundabout which recorded  $41.5\mu\text{g}/\text{m}^3$  Nitrogen Dioxide is not located on a residential property and the distance adjusted value to the nearest residential dwelling is  $36.2\mu\text{g}/\text{m}^3$ . This location was below the objective in 2015 but wasn't monitored previous to 2015 so the long term trend is unclear. We will continue to monitor this location and may undertake a detailed assessment should pollution levels continue to rise.

## Great Barton

Significant monitoring continues in Great Barton along the main road (A143), which cuts through the village. A row of cottages either side of, and including, the Post Office are situated close to this road, in contrast to the majority of the housing in the village which is situated back from the main road. An AQMA was in place between 2009 and 2012 when it was revoked on a technicality, a full review was provided in last years ASR, which resulted in a recommendation to re-declare the AQMA given the continued exceedance of the annual mean objective for Nitrogen Dioxide. The AQMA was re-declared on the 18<sup>th</sup> April 2017.

Monitoring in 2016 showed a continued reduction in recorded levels of Nitrogen Dioxide, with the levels within the AQMA falling just below the annual mean objective, being 37.9µg/m<sup>3</sup>.

**Figure 3. Trends in Concentration of Air Pollution in Great Barton (not adjusted to façade of buildings)**



SEBC are currently working on the action plan for this AQMA with the first steering group meeting undertaken in June 2017. Recorded levels Nitrogen Dioxide pollution in 2016 was very slightly below the annual mean objective, however, this was partially due to unusually low levels recorded in January 2016, which were not reflected to such an extent at the other locations in Great Barton.



### **Haverhill**

Monitoring in Haverhill continues to show compliance with the annual air quality objectives in all locations. The main area of concern is Withersfield Road (A1307) where levels have been close to the objectives in recent years with the highest recorded value of Nitrogen Dioxide being  $36.5\mu\text{g}/\text{m}^3$ . A north west Haverhill relief road has planning permission linked to a strategic housing site. The relief road must be finished within 5 years of the commencement of the strategic housing development. Commencement of the strategic development is anticipated to be this year. The completion of the relief road is anticipated to significantly reduce the traffic, and therefore pollution levels on Withersfield Road.

### **Icklingham and Lakenheath**

Monitoring in the villages of Icklingham and Lakenheath has recorded levels of nitrogen dioxide well within the objective levels.

### **Mildenhall**

Mildenhall continues to show concentrations of pollutants well within the air quality objective levels and does not currently pose any significant concern. A number of the monitoring locations in Mildenhall were moved at the beginning of 2016 due to long term compliance with the objectives at historic sites within the Market Place, adjacent to the Bus Station and on Field Road, the highest concentration at any of these locations since 2012 being just  $24.2\mu\text{g}/\text{m}^3$ .

There was also an awareness that parts of the town had never been monitored, hence the new locations at North Terrace (MLD1) and on Queensway (MLD2). Only the site with the highest levels of pollution, MLD3 (Kingsway) remained unmoved, however, concentrations of pollutants at this site remain well below the objective at  $34.3\mu\text{g}/\text{m}^3$ . The new monitoring locations in Mildenhall did not raise any significant concerns although concentrations were slightly higher than the historic monitoring locations.

### **Newmarket Town Centre**

Newmarket town centre has shown steady air quality improvements since the declaration of an AQMA along the High Street and Old Station Road in 2009 and the AQMA has recently (April 2017) been reduced in size to reflect this improvement.

## Forest Heath & St Edmundsbury councils

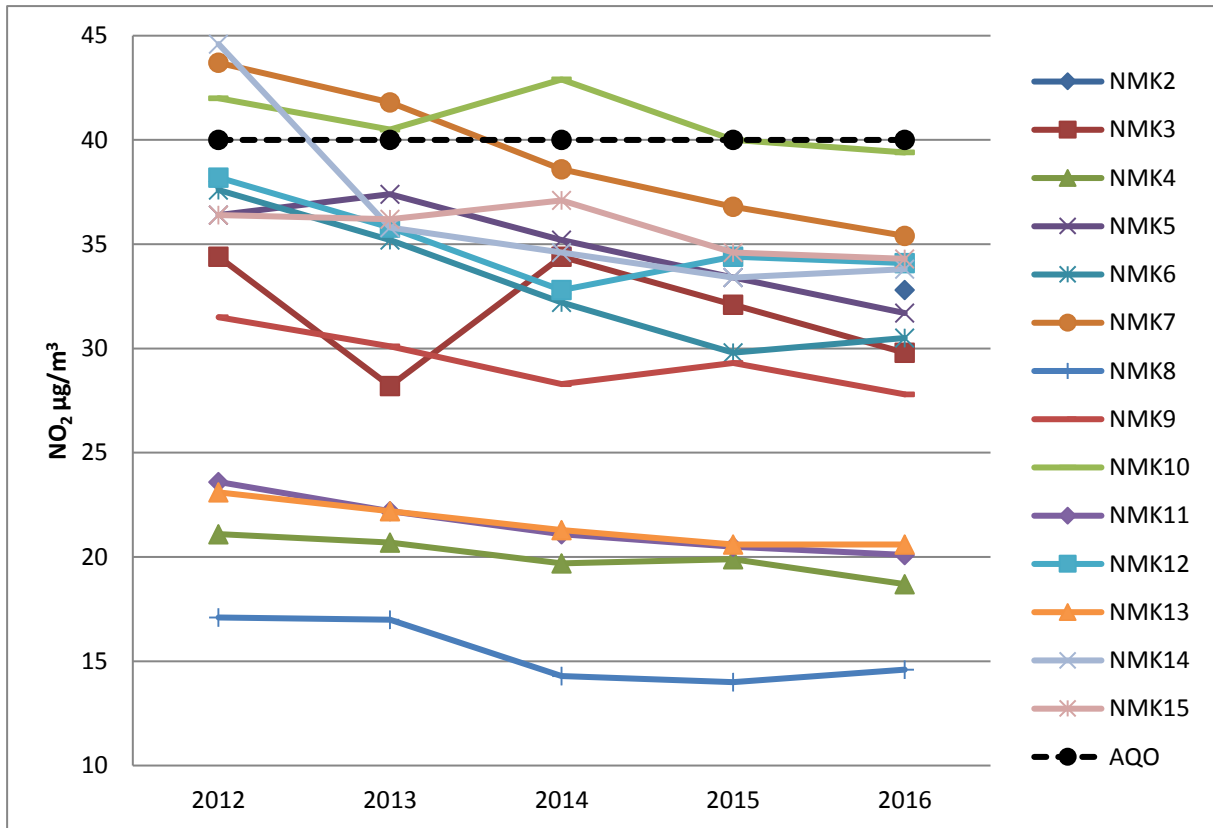
Following the changes to the AQMA, the High Street is no longer included within the boundaries of the AQMA. The steady reduction in pollution levels can be seen in Figure 2 below. It should also be noted that many of these readings are taken at kerbside and would be relevant to the hourly objective, which is only considered when the annual mean is greater than  $60\mu\text{g}/\text{m}^3$ , whilst the annual mean of  $40\mu\text{g}/\text{m}^3$  should only apply at the façade of residential properties. The recorded values have been 'distance adjusted' to the nearest façade and are provided in Appendix B for information. For instance, NMK10 (High Street Taxi Rank) shows a non distance adjusted value of  $39.4\mu\text{g}/\text{m}^3$ , which appears quite close to the annual mean objective, however, when distance adjusted to the façade of the nearest property, the value becomes  $33.5\mu\text{g}/\text{m}^3$ , which is well below the annual mean objective. It should also be noted that many of the locations along the High Street are not located adjacent to residential properties (either ground level or first floor) and are therefore only relevant to the much less stringent hourly mean value.

The monitoring locations on Sun Lane and outside the Cancer Research UK shop were discontinued during 2016 and at the end of 2016 respectively as they had consistently shown levels of pollutants at approximately half of the annual mean objective.

The AQMA has been retained along Old Station Road due to insufficient confidence in the data along this road. Prior to 2016 there was only a single monitoring location on Old Station Road, which has shown compliance with the annual mean objective, but suffered from poor recovery rates and therefore required annualisation on several occasions and may not have been located to represent the worst case scenario for Old Station Road. Therefore two further locations were added on Old Station Road at the beginning of 2016 and a third new location at the beginning of 2017. None of the monitoring points within the remaining AQMA recorded an exceedance in 2016, however, we will retain the AQMA and continue to monitor the existing and new 2017 location to assess the need for retaining the AQMA in the longer term.

There remains local concern around idling in the taxi rank on the High Street, where the highest levels of Nitrogen Dioxide in Newmarket are measured. The Environment Team continue to liaise with officers in the Licensing Team to ensure improved compliance with the law, and we are working with Newmarket Town Council to facilitate the uptake of zero emission taxis.

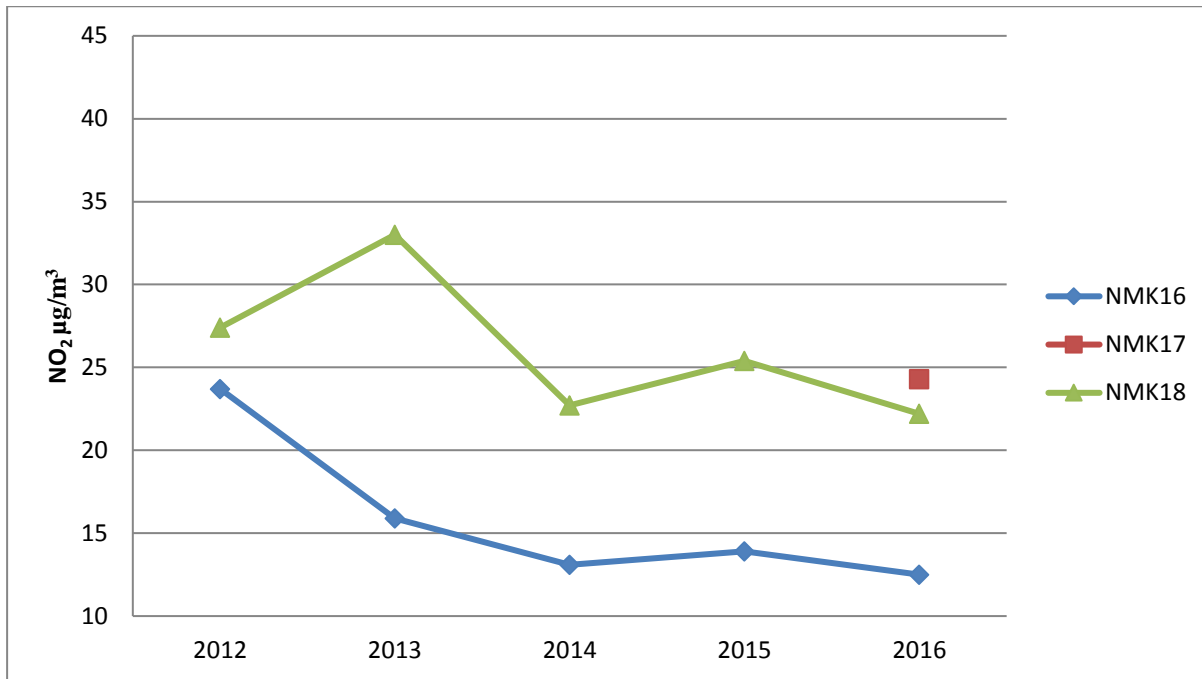
**Figure 4. Trends in Concentration of Air Pollution in Newmarket Town Centre (not adjusted to façade of buildings)**



### Newmarket outskirts

The three monitoring locations outside the town centre show continued compliance well within the annual mean objective. One of these three locations was new in 2016 (NMK17, Exning Road/Depot Road), whilst the other two locations (NMK16, Station Approach and NMK18, Nimbus Way) show continued long term improvement as shown in the below graph.

Figure 5. Trends in Concentration of Air Pollution in Newmarket Outskirts (not adjusted to façade of buildings)



## Appendix A: Monitoring Results

Table A.1 – Details of Non-Automatic Monitoring Sites – Forest Heath District Council

Site ID	Site Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1) (2)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
BRN1	Brandon – 6 Church Road	Roadside	578044	286249	NO <sub>2</sub>	NO	1.1	1.7	NO	2.1
BRN2	Brandon – 104 London Road	Roadside	577993	286163	NO <sub>2</sub>	NO	3.3	1.7	NO	2.2
BRN3	Brandon - Town Hall	Urban centre	578406	286460	NO <sub>2</sub>	NO	0 - hourly N/A - annual	N/A	NO	2.4
BRN4	Brandon – London Road / Stores St	Roadside	578351	286503	NO <sub>2</sub>	NO	2.7 <sup>(3)</sup>	1.6	NO	2.2
BRN5	Brandon - 52 London Road	Roadside	578206	286407	NO <sub>2</sub>	NO	7.0	1.1	NO	2.2
BRN6	Brandon - London Rd/Coulson Lane	Roadside	578270	286467	NO <sub>2</sub>	NO	7.6	1.5	NO	2.1
BRN7	Brandon - London Rd/Church Road	Kerbside	578073	286254	NO <sub>2</sub>	NO	8.0	<1.0	NO	2.1
BRN8	Brandon - Hellesdon House, High Street	Roadside	578372	286774	NO <sub>2</sub>	NO	0	1.5	NO	2.3

Table A.1 – Details of Non-Automatic Monitoring Sites – Forest Heath District Council (Continued)

Site ID	Site Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1) (2)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
BRN9	Brandon - Riverside Lodge, High Street	Kerbside	578372	286867	NO <sub>2</sub>	NO	3.3	<1.0	NO	2.4
BRN10	Brandon - 'Boots', High Street	Roadside	578395	286633	NO <sub>2</sub>	NO	0 - hourly 0.5 - annual	2.5	NO	2.3
BRN11	Brandon - 175 Thetford Rd	Roadside	579160	286357	NO <sub>2</sub>	NO	8.5	1.7	NO	2.1
LAK1	Lakenheath - Zebra Crossing	Kerbside	571378	282855	NO <sub>2</sub>	NO	3.5	<1.0	NO	2.1
LAK2	Lakenheath - Albert Rolph Drive	Suburban	572071	281607	NO <sub>2</sub>	NO	20.0	1.0	NO	2.2
MLD1	Mildenhall – 8 North Terrace	Roadside	571136	274878	NO <sub>2</sub>	NO	1.5	1.9	NO	2.1
MLD2	Mildenhall – 2 Queensway	Roadside	571092	274785	NO <sub>2</sub>	NO	0	1.8	NO	2.1
MLD3	Mildenhall - 14 Kingsway	Roadside	571326	274780	NO <sub>2</sub>	NO	0.5	2.0	NO	2.1
ICK1	Icklingham	Roadside	577266	272907	NO <sub>2</sub>	NO	0.3	1.0	NO	2.1
NMK1	Newmarket – 23 Old Station Road	Roadside	564716	263502	NO <sub>2</sub>	YES	0	2.0	NO	2.2
NMK2	Newmarket – 36 Old Station Road	kerbside	564689	263500	NO <sub>2</sub>	YES	2.2	0.3	NO	2.2

Table A.1 – Details of Non-Automatic Monitoring Sites – Forest Heath District Council (Continued)

Site ID	Site Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1) (2)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
NMK3	Newmarket - Old Station Rd / Rous Road	Roadside	564707	263493	NO <sub>2</sub>	YES	2.0	1.7	NO	2.2
NMK4	Newmarket - Sun Lane	Urban Centre	564347	263340	NO <sub>2</sub>	NO	0 – hourly 12 - annual	10.0	NO	2.4
NMK5	Newmarket - 'Café Nero' crossing	Kerbside	564337	263343	NO <sub>2</sub>	NO	0 – hourly N/A - annual	<1.0	NO	2.4
NMK6	Newmarket - 'KFC' downpipe	Roadside	564307	263338	NO <sub>2</sub>	NO	0 – hourly 0 - annual	6.5	NO	2.3
NMK7	Newmarket - 'White Hart' crossing	Kerbside	564233	263274	NO <sub>2</sub>	NO	0 – hourly 5.9 - annual	<1.0	NO	2.4
NMK8	Newmarket - Park area	Urban Background	564138	263301	NO <sub>2</sub>	NO	0 – hourly N/A - annual	N/A	NO	2.5
NMK9	Newmarket - Blackbear lane/High St	Kerbside	564043	263159	NO <sub>2</sub>	NO	3.0	<1.0	NO	2.2
NMK10	Newmarket - Taxi rank	Roadside(4)	564362	263381	NO <sub>2</sub>	NO	0 – hourly N/A - annual	<1.0	NO	2.5
NMK11	Newmarket - Market St 'EE'	Urban Centre	564380	263407	NO <sub>2</sub>	NO	0 – hourly N/A - annual	11.0	NO	2.0
NMK12	Newmarket - Clock tower crossing	Roadside	564550	263544	NO <sub>2</sub>	NO	0 – hourly 0.3 - annual	2.5	NO	2.4

Table A.1 – Details of Non-Automatic Monitoring Sites – Forest Heath District Council (Continued)

Site ID	Site Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1) (2)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
NMK13	Newmarket - 'Cancer Research' downpipe	Urban Centre	564516	263474	NO <sub>2</sub>	NO	0 – hourly N/A - annual	13.0	NO	2.4
NMK14	Newmarket - 'Rutland Arms' crossing	Kerbside	564480	263464	NO <sub>2</sub>	NO	0 – hourly N/A - annual	<1.0	NO	2.4
NMK15	Newmarket - 'Savers' lamppost	Roadside <sup>(4)</sup>	564383	263381	NO <sub>2</sub>	NO	0 – hourly 5.5 - annual	2.5	NO	2.3
NMK16	Newmarket - Station Approach	Kerbside	564375	262849	NO <sub>2</sub>	NO	N/A	<1.0	NO	2.4
NMK17	Newmarket – Exning Road/Depot Road	Roadside	563397	264498	NO <sub>2</sub>	NO	6.1	1.8	NO	2.1
NMK18	Newmarket - Nimbus Way	Other (A14 Back-ground)	563205	265853	NO <sub>2</sub>	NO	16.0	<1.0 (Nimbus Way)	NO	2.3

**Notes:**

(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) N/A if not applicable (e.g. no receptor or not monitoring close to a road)

(3) Receptor not adjacent to tube, but distances correct if monitoring location transposed along road to receptor location

(4) Where tubes are located adjacent to indented parking bays along Newmarket High Street, the distance to the kerb has been taken as the distance from the edge of the carriageway with flowing traffic rather from the physical kerb.



Table A.2 – Details of Non-Automatic Monitoring Sites – St Edmundsbury Borough Council

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

Table A.2 – Details of Non-Automatic Monitoring Sites – St Edmundsbury Borough Council (Continued)

Site ID	Site Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1) (2)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
BSE10	Samson Close	Suburban	584498	266084	NO <sub>2</sub>	NO	9.5	1.4	NO	2.2
BSE11	Eastgate Street (Vinefields junction)	Roadside	585940	264618	NO <sub>2</sub>	NO	0	2.7	NO	2.1
BSE12	8 Mustow Street	Roadside	585728	264371	NO <sub>2</sub>	NO	1.8	2.6	NO	2.2
BSE14	19F Mustow Street	Roadside	585624	264334	NO <sub>2</sub>	NO	0.2	2.3	NO	2.2
BSE15	7 Sicklesmere Road	Roadside	586273	263135	NO <sub>2</sub>	NO	0	1.2	NO	1.8
BSE16	Northgate Lodge Roundabout (2)	Roadside	585424	264977	NO <sub>2</sub>	NO	0.4	1.2	NO	1.9
BSE17	Tayfen Road	Roadside	585264	264921	NO <sub>2</sub>	NO	N/A	2.1	NO	1.9
BSE18	Southgate Street	Roadside	586126	263328	NO <sub>2</sub>	NO	0.2	1.6	NO	1.9
GB2	Downing Drive	Suburban	588917	267370	NO <sub>2</sub>	NO	16.0	1.5	NO	1.9

Table A.2 – Details of Non-Automatic Monitoring Sites – St Edmundsbury Borough Council (Continued)

Site ID	Site Name	Site Type	X OS Grid Ref	Y OS Grid Ref	Pollutants Monitored	In AQMA?	Distance to Relevant Exposure (m) <sup>(1) (2)</sup>	Distance to kerb of nearest road (m) <sup>(2)</sup>	Tube collocated with a Continuous Analyser?	Height (m)
GB3	The Forge Bungalows <sup>(4)</sup>	Roadside	589163	267013	NO <sub>2</sub>	NO	4.0	1.4	NO	2.2
GB4	Post Office <sup>(4)</sup>	Roadside	589130	266969	NO <sub>2</sub>	YES	0	1.4	NO	2.2
GB5	Church Road junction <sup>(4)</sup>	Roadside	588993	266838	NO <sub>2</sub>	NO	22.0	1.3	NO	2.2
HH1	Shetland Road	Suburban	568609	245575	NO <sub>2</sub>	NO	8.7	1.7	NO	2.1
HH2	Wratting Road	Roadside	567270	245981	NO <sub>2</sub>	NO	3.0	1.8	NO	2.1
HH3	29 Withersfield Road	Roadside	566891	245892	NO <sub>2</sub>	NO	2.4	1.7	NO	2.2
HH5	22 Withersfield Road	Roadside	566941	245850	NO <sub>2</sub>	NO	0.3	1.4	NO	2.1

**Notes:**

(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) N/A if not applicable (e.g. no receptor or not monitoring close to a road)

(3) Receptor not adjacent to tube, but distances correct if monitoring location transposed along road to receptor location

(4) Locations are triplicates

Table A.3 – Annual Mean NO<sub>2</sub> Monitoring Results - Forest Heath

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2016 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2012	2013	2014	2015	2016
BRN1	Roadside	Diffusion Tube	100	100	-	-	-	-	21.3
BRN2	Roadside	Diffusion Tube	100	100	-	-	-	-	33.2
BRN3	Urban centre	Diffusion Tube	100	100	12.0	15.3	14.5	14.1	13.5
BRN4	Roadside	Diffusion Tube	100	100	36.9	37.0	36.9	33.0	30.5
BRN5	Roadside	Diffusion Tube	83	83	39.3	<b>40.4</b>	37.8	39.4	37.7
BRN6	Roadside	Diffusion Tube	92	92	37.3	33.9	28.4	27.4	26.4
BRN7	Kerbside	Diffusion Tube	100	100	35.6	34.3	35.6	33.5	32.0
BRN8	Roadside	Diffusion Tube	83	83	31.2	28.6	27.4	26.3	23.4
BRN9	Kerbside	Diffusion Tube	75	75	32.9	36.6	32.5	27.9	29.6
BRN10	Roadside	Diffusion Tube	92	92	38.5	38.6	38.5	35.4	33.3
BRN11	Roadside	Diffusion Tube	100	100	22.7	18.9	19.0	17.3	17.6
LAK1	Kerbside	Diffusion Tube	100	100	21.2	21.4	19.2	18.7	20.0
LAK2	Suburban	Diffusion Tube	100	100	16.7	12.2	14.3	12.7	12.0
MLD1	Roadside	Diffusion Tube	100	100	-	-	-	-	23.3

Table A.3 – Annual Mean NO<sub>2</sub> Monitoring Results - Forest Heath (Continued)

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2016 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2012	2013	2014	2015	2016
MLD2	Roadside	Diffusion Tube	92	92	-	-	-	-	26.8
MLD3	Roadside	Diffusion Tube	100	100	37.7	35.6	33.5	35.5	34.3
ICK1	Roadside	Diffusion Tube	100	100	-	-	-	-	20.7
NMK1	Roadside	Diffusion Tube	92	92	-	-	-	-	25.3
NMK2	Kerbside	Diffusion Tube	75	75	-	-	-	-	32.8
NMK3	Roadside	Diffusion Tube	92	92	34.4	28.2 <sup>(4)</sup>	34.4 <sup>(3)</sup>	32.1	29.8
NMK4	Urban Centre	Diffusion Tube	100	42	21.1	20.7	19.7	19.9	18.7
NMK5	Kerbside	Diffusion Tube	100	100	36.4	37.4	35.2	33.4	31.7
NMK6	Roadside	Diffusion Tube	100	100	37.6 <sup>(4)</sup>	35.2	32.2	29.8	30.5
NMK7	Kerbside	Diffusion Tube	100	100	<b>43.7</b>	<b>41.8</b> <sup>(4)</sup>	38.6	36.8	35.4
NMK8	Urban Background	Diffusion Tube	92	92	17.1	17.0	14.3	14.0	14.6
NMK9	Kerbside	Diffusion Tube	92	92	31.5	30.1	28.3	29.3	27.8
NMK10	Roadside <sup>(4)</sup>	Diffusion Tube	92	92	<b>42.0</b>	<b>40.5</b>	<b>42.9</b>	<b>40.0</b>	39.4
NMK11	Urban Centre	Diffusion Tube	83	83	23.6	22.2	21.1	20.5	20.1
NMK12	Roadside	Diffusion Tube	75	75	38.2	35.8	32.8	34.4	34.1

Table A.3 – Annual Mean NO<sub>2</sub> Monitoring Results – Forest Heath (Continued)

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2016 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2012	2013	2014	2015	2016
NMK13	Urban Centre	Diffusion Tube	83	83	23.1	22.2	21.3	20.6	20.6
NMK14	Kerbside	Diffusion Tube	100	100	<b>44.6 <sup>(4)</sup></b>	35.8	34.6	33.4	33.8
NMK15	Roadside <sup>(4)</sup>	Diffusion Tube	100	100	36.4	36.2	37.1	34.6	34.3
NMK16	Kerbside	Diffusion Tube	83	83	23.7 <sup>(4)</sup>	15.9	13.1	13.9	12.5
NMK17	Roadside	Diffusion Tube	100	100	-	-	-	-	24.3
NMK18	Other (A14 Back-ground)	Diffusion Tube	100	100	27.4	33.0 <sup>(4)</sup>	22.7	25.4	22.2

- Diffusion tube data has been bias corrected
- Annualisation has been conducted where data capture is <75%
- If applicable, all data has been distance corrected for relevant exposure

**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 Boxes 7.9 and 7.10 in LAQM.TG16 if valid data capture for the full calendar year is less than 75%. See Appendix C for details.

(4) Based on less than 75% data recovery and not annualised in relevant reports. Values should be treated with caution.

Table A.4 – Annual Mean NO<sub>2</sub> Monitoring Results – St Edmundsbury

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2016 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2012	2013	2014	2015	2016
BSE1	Roadside	Diffusion Tube	100	100	-	-	-	<b>45.3</b>	<b>42.1</b>
BSE2	Roadside	Diffusion Tube	100	100	-	-	-	31.2	30.0
BSE3	Roadside	Diffusion Tube	100	100	33.7	32.9	31.7	32.5	29.5
BSE4	Roadside	Diffusion Tube	80	33	-	-	-	25.8	23.6
BSE5	Roadside	Diffusion Tube	100	100	-	-	-	26.4	28.6
BSE6	Roadside	Diffusion Tube	100	100	-	-	-	37.5	<b>41.5</b>
BSE7	Roadside	Diffusion Tube	83	83	28.3	28.3	26.5	29.4 <sup>(4)</sup>	28.2
BSE8	Roadside	Diffusion Tube	100	100	-	-	-	29.1	30.3
BSE9	Roadside	Diffusion Tube	92	92	-	-	-	38.0	36.5
BSE10	Suburban	Diffusion Tube	100	100	14	14.6	14.1	13.4	12.9
BSE11	Roadside	Diffusion Tube	75	75	-	-	-	24.2	23.2

Table A.4 – Annual Mean NO<sub>2</sub> Monitoring Results – St Edmundsbury (Continued)

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2016 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2012	2013	2014	2015	2016
BSE12	Roadside	Diffusion Tube	66	66	-	-	-	24.2	23.5
BSE14	Roadside	Diffusion Tube	92	92	-	-	-	-	32.1
BSE15	Roadside	Diffusion Tube	100	100	-	-	-	-	<b>41.5</b>
BSE16	Roadside	Diffusion Tube	92	92	-	-	-	-	36.4
BSE17	Roadside	Diffusion Tube	92	92	-	-	-	-	33.0
BSE18	Roadside	Diffusion Tube	66	66	-	-	-	-	35.3
GB2	Suburban	Diffusion Tube	100	100	-	-	-	10.1	10.0
GB3	Roadside	Diffusion Tube	100	100	37.5	37.9	36.5	36.0	31.2
GB4	Roadside	Diffusion Tube	97	97	<b>46.1</b>	<b>46.7</b>	<b>43.7</b>	<b>40.9</b>	37.9
GB5	Roadside	Diffusion Tube	97	97	-	39.7	<b>40.1</b>	35.1	32.9
HH1	Suburban	Diffusion Tube	100	100	13.7	14.5	13.7	13.3	13.0



Table A.4 – Annual Mean NO<sub>2</sub> Monitoring Results – St Edmundsbury (Continued)

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) <sup>(1)</sup>	Valid Data Capture 2016 (%) <sup>(2)</sup>	NO <sub>2</sub> Annual Mean Concentration (µg/m <sup>3</sup> ) <sup>(3)</sup>				
					2012	2013	2014	2015	2016
HH2	Roadside	Diffusion Tube	83	83	-	-	-	32.0	30.7
HH3	Roadside	Diffusion Tube	100	100	38.9	36.9	38.3	38.3	34.1
HH5	Roadside	Diffusion Tube	92	92	-	-	-	-	36.5

## Appendix B: Full Monthly Diffusion Tube Results for 2016

Table B.1 – NO<sub>2</sub> Monthly Diffusion Tube Results – 2016 – Forest Heath

Site ID	NO <sub>2</sub> Mean Concentrations (µg/m <sup>3</sup> )														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual Mean		
													Raw Data	Bias Adjusted (0.77) and Annualised <sup>(1)</sup>	Distance Corrected to Nearest Exposure <sup>(2)</sup>
BRN1	30.4	33.4	29.3	26.5	20.2	21.7	21.7	22.4	27.6	22	39.8	37	27.7	21.3	20.3
BRN2	42.4	47.5	45.6	42.5	44.7	37.4	39.9	38.2	42.2	41.1	51.2	44.5	43.1	33.2	28
BRN3	20.5	22.7	19.5	13.8	14.1	13.8	12	11.2	15.5	15.3	22.4	29.2	17.5	13.5	13.5 <sup>(3)</sup>
BRN4	31	42.4	45.1	36.9	38.3	37.9	35.8	33.6	37.7	42.6	44.2	49.8	39.6	30.5	26.4
BRN5	58.2	50.8	46.8	43.5			42.7	40.1	49.3	45	55.2	58	49.0	37.7	27.2
BRN6	41.6	35.7	33.8	28.2	24.3		28.3	29.2	35	29.6	44.5	47.4	34.3	26.4	20.7
BRN7	37	44.7	39.5	44.4	43.1	36.7	35.8	28.9	46.2	41	45.7	56.4	41.6	32.0	23.1
BRN8	25.3	30.9	31.2	30.5	29.3		27.2		35.3	28.4	28	37.6	30.4	23.4	23.4
BRN9	36.6	42.6	45	33.4		40.1	32.8	28	40.9			46.6	38.4	29.6	24.4
BRN10	39.9	44.6	46.8	43.1	46.6	36.7		31.8	45.3	44.5	49.3	47.7	43.3	33.3	32.2
BRN11	29.9	30.2	23	19.3	18.3	17	17.2	14.6	20.2	18.7	32.8	33.8	22.9	17.6	15.3
LAK1	31.8	30.3	29	22.7	23.1	20.7	19	15.7	23.3	23.5	34.8	38.2	26.0	20.0	17.6
LAK2	21.4	21	14.8	12	10.2	9	13.9	9.9	14.7	11.5	21	27.6	15.6	12.0	12.0
MLD1	35.4	37.9	31.9	26.7	26.6	22.8	24.4	21.1	32	25.1	37.1	41.5	30.2	23.3	21.8
MLD2	35.9	38.3	35.9		36.6	26.1	33.9	28.8	40.5	28.6	40	38	34.8	26.8	26.8

Forest Heath & St Edmundsbury councils

Table B.1 – NO<sub>2</sub> Monthly Diffusion Tube Results – 2016 – Forest Heath (continued)

Site ID	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 (0.77) and Annualised <sup>(1)</sup>	Distance Corrected to Nearest Exposure <sup>(2)</sup>
MLD3	49.5	42	47.9	35.9	43.9	34.1	38.2	39	47.4	41.7	60.5	53.9	44.5	34.3	33.1
ICK1	31.1	25.2	24.9	25.3	21.6	19.7	25.2	22.6	27.7	20.2	38.9	39.5	26.8	20.7	20.2
NMK1	36		37.4	33.9	31.5	27.5	26.7	25.7	31.2	30.7	42.2	38.4	32.8	25.3	25.3
NMK2		52.6	42		33.1		42.1	37.7	42.3	30.7	53.7	49.7	42.7	32.8	25.6
NMK3	48.2	39.5		36.2	33.4	26	37	34.4	38.3	27.1	50.1	55.1	38.7	29.8	26.7
NMK4	27.6	29.7	28.1	21.6	18.2								25.0	18.7	18.7
NMK5	41.4	47.6	39.7	40.1	35.1	38	31	36.5	37.8	41.1	53.8	52.5	41.2	31.7	24.4
NMK6	37.1	43.5	46.8	42.5	33.1	34.7	34.2	30.7	34.5	44.9	46.3	46.7	39.6	30.5	30.5
NMK7	46.8	41.9	48.3	48.8	37	40.2	44.4	42.2	42.9	46.2	64.5	48.3	46.0	35.4	26.3
NMK8	24.6	23.4	20.8		12.6	11	12.6	11.1	16.3	18.3	26.8	31.3	19.0	14.6	14.6
NMK9	39.8	41.8	40.3	37.8	29.6	33.3	28.7	25.5		36.9	40.9	42.6	36.1	27.8	23.4
NMK10	58.9	56.1	53.8	47.6	42.7		47.2	45.3	45.5	42.4	67.1	56.3	51.2	39.4	33.5
NMK11	31.6	30.7	28.9		14.7		20	17.1	23.8	25.2	36.9	31.6	26.1	20.1	20.1
NMK12		48.6	44.6	43.8	37	28.8	39.2		43		58.4	55.5	44.3	34.1	33.6
NMK13	28	30.2	27.4	25.7	20.7			20	23.6	27.4	33.9	30.5	26.7	20.6	20.6
NMK14	48	47.3	49.9	41.9	39.5	38	36.8	34.9	41.4	42.4	60.6	45.7	43.9	33.8	27.0
NMK15	55.6	49.8	44	39.2	40	34.7	34.5	33.6	46.4	43.2	57.4	56.4	44.6	34.3	28.6

Table B.1 – NO<sub>2</sub> Monthly Diffusion Tube Results – 2016 – Forest Heath (continued)

Site ID	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 (0.77) and Annualised <sup>(1)</sup>	Distance Corrected to Nearest Exposure <sup>(2)</sup>
NMK16	18.6		20	14.8	13.4	10.9	15.7	10.4	15.9	15.6		27.6	16.3	12.5	
NMK17	39.7	33.7	31.6	29.8	22.8	23.3	27.8	25	30.8	29.6	39.9	44.4	31.5	24.3	20.1
NMK18	27.1	35.9	35.8	33.3	23.5	20.9	21.8	25.6	24.7	30.4	33.2	34.2	28.9	22.2	16.4

National bias adjustment factor used

Annualisation has been conducted where data capture is <75%

**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) See Appendix C for details on bias adjustment and annualisation.

(2) Distance corrected to nearest relevant public exposure using FHDC background of 12µg/m<sup>3</sup>

(3) Urban Centre located on side of Town Hall, no relevant location for annual mean

(4) Newmarket High Street diffusion tubes are at a relevant receptor for the hourly objective, but have been distance corrected to the façade to allow comparison to annual mean objective, although it should be noted that not all locations on the High Street are adjacent to a residential property.

## Forest Heath & St Edmundsbury councils

### Table B.2 – NO<sub>2</sub> Monthly Diffusion Tube Results – 2016 – St Edmundsbury

Site ID	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 (0.77) and Annualised <sup>(1)</sup>	Distance Corrected to Nearest Exposure <sup>(2)</sup>
BSE1	54.7	63.7	45.7	56.5	49.6	54.3	49.1	49.5	59.2	54.3	56	63.7	54.7	<b>42.1</b>	<b>42.1</b>
BSE2	45.3	43.4	38.1	34.8	34.8	31.3	32.1	32.3	40.3	38.7	52	44.5	39.0	30.0	30.0
BSE3	47.6	45.3	42.4	35.2	30.7	33.1	32.8	28.7	36.9	38.7	47.7	40.8	38.3	29.5	29.5
BSE4	39.9		27.5	34.2	26.8								32.1	23.6	21.8
BSE5	36.1	40.1	33.4	41.4	31.8	34.5	30.5	31.1	30.1	42.8	50	43.2	37.1	28.6	25.1
BSE6	50.7	58.7	55	52.4	49.7	44.8	36.6	41.5	56.2	56.2	71.8	73.7	53.9	<b>41.5</b>	36.2
BSE7		40.3	38.9	34.6		30	29.5	30.6	34	39.5	46.5	42.6	36.7	28.2	28.2
BSE8	44.3	42.1	42.2	42.1	35.9	31.5	26	27.5	40.2	42.8	48.9	49.1	39.4	30.3	23.1
BSE9	56.8	59.2	47.9	37.1	41.2	42.8	44.2	41.4	50.6	46.5		54.1	47.4	36.5	30.4
BSE10	22.2	21.2	14.9	13.2	11.8	9.8	9.8	10.3	17.9	14.4	25.5	30.7	16.8	12.9	11.6
BSE11		35.3	31	29.4	28.2	27.7	20.5	21.8		36.5	41.1		30.2	23.2	23.2
BSE12	35.7		35.1	32.2	30		26	25.1		32.6		38.9	32.0	23.5	21.7
BSE14	50.6	46.2	44.2	43.8	33.9		39.9	33.3	48.8	36.3	26.8	55.3	41.7	32.1	31.7
BSE15	47.9	47	43.6	40.8	45.3	81.1	39.6	32.8	47.8	53.3	66.7	100.5	53.9	<b>41.5</b>	<b>41.5</b>
BSE16	47.7	49	50.5	44.8	45.9	41.6	39.6	39.5		47.4	56.1	58.2	47.3	36.4	34.8
BSE17	39.1	45.6	47.4	46	38.8	35.9	32.9	36.5	40.8	51.4	57.5		42.9	33.0	
BSE18			45.1	41.7		34.8	27.5	28.6	38.2	46.1	49.9		39.0	35.3	34.6

Table B.2 – NO<sub>2</sub> Monthly Diffusion Tube Results – 2016 – St Edmundsbury

Site ID	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 (0.77) and Annualised <sup>(1)</sup>	Distance Corrected to Nearest Exposure <sup>(2)</sup>
GB2	20.9	18.6	12	9.9	6.6	7.5	8.3	7.8	13.8	11.2	17.1	22.3	13.0	10.0	10.0
GB3A	54.2	46.9	39.2	41	34.4	32.3	34.8	31.6	42.8	32.7	52.6	56.3	41.6	31.2	25.0
GB3B	53.2	42.4	38.6	39.2	29.4	33.1	36.7	32.6	42	25.6	49.6	51.4	39.5		
GB3C	59.1	47.7	39.3	38	29.4	32.7	35.5	31	44.9	31	48.1	48.8	40.5		
GB4A	37.5	51.3	52.3	51.5	63.3	49.5	40.4	43	49.4	49.8	71.8	63.3	51.9	37.9	37.9
GB4B	45.9	47.1	50.8	50.5	39.7	50.2	40.2	43.4	50.6	52.9	59.1	55.1	48.8		
GB4C	45.5	47.4	47.1	48	41.5	47.2	42.8	40.8	48	48.6		58	46.8		
GB5A	46.2	39.5	39.5	38.6	39.4	38.8	37.5	38.1	48.9	43.7	52.5	53.2	43.0	32.9	18.8
GB5B	44.2	45.5	36.7	31.4	43.7	37.4	35	36.2	44	43.8	56.1	50.7	42.1		
GB5C	48.7	43	39.3	36.4	38.5		38.4	33.5	43.4	44.5	57.7	49.8	43.0		
HH1	25.6	21.5	15.1	13.2	12.3	9.2	10.4	10.3	15	13.9	26.8	29	16.9	13.0	11.8
HH2	44.4	48.4	41.5	42.8	33.4	35.2	32.5	30.8		32.4	57.1		39.9	30.7	26.1
HH3	55.4	52.4	37.5	36.1	40.2	37.3	39.5	34.9	50	38.6	55.8	53.1	44.2	34.1	29.3
HH5	44.2	45.2	46.8	49.6	42.6	36.2		51.4	44.3	45.8	61.6	54.1	47.4	36.5	35.4

National bias adjustment factor used

Annualisation has been conducted where data capture is <75%

**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) See Appendix C for details on bias adjustment and annualisation.

(2) Distance corrected to nearest relevant public exposure using SEBC background of 10µg/m<sup>3</sup>

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

## Bias Adjustment Spreadsheet

National Diffusion Tube Bias Adjustment Factor Spreadsheet						Spreadsheet Version Number: 03/17				
Follow the steps below <b>in the correct order</b> to show the results of <b>relevant</b> co-location studies										This spreadsheet will be updated at the end of June 2017 <a href="#">LAQM Helpdesk Website</a>
Data only apply to tubes exposed monthly and are not suitable for correcting individual short-term monitoring periods										
Whenever presenting adjusted data, you should state the adjustment factor used and the version of the spreadsheet										
This spreadsheet will be updated every few months: the factors may therefore be subject to change. This should not discourage their immediate use.										
The LAQM Helpdesk is operated on behalf of Defra and the Devolved Administrations by Bureau Veritas, in conjunction with contract partners AECCM 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:				
Select the Laboratory that Analyses Your Tubes from the Drop-Down List		Select a Preparation Method from the Drop-Down List		Select a Year from the Drop-Down List		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.				
If a laboratory is not shown, we have no data for this laboratory.		If a preparation method is not shown, we have no data for this method at this laboratory.		If a year is not shown, we have no data <sup>2</sup>		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 LAQMhelpdesk@uk.bureauveritas.com or 0800 0327953				
Analysed By <sup>1</sup>	Method <small>From the preparation, choice (All) from the preparation list</small>	Year <sup>2</sup> <small>To indicate year of collection, choice (All)</small>	Site Type	Local Authority	Length of Study (months)	Diffusion Tube Mean Conc. (Dm) (µg/m <sup>3</sup> )	Automatic Monitor Mean Conc. (Cm) (µg/m <sup>3</sup> )	Bias (B)	Tube Precision <sup>3</sup>	Bias Adjustment Factor (A) (Cm/Dm)
ESG Didcot	50% TEA in acetone	2016	UI	Stockton on Tees	10	23	18	26.7%	P	<b>0.79</b>
ESG Didcot	50% TEA in acetone	2016	R	Stockton on Tees	11	19	15	30.0%	G	<b>0.77</b>
ESG Didcot	50% TEA in acetone	2016	R	Vale of Glamorgan	10	40	28	43.7%	G	<b>0.70</b>
ESG Didcot	50% TEA in acetone	2016	R	Vale of White Horse District Council	11	33	29	15.2%	G	<b>0.87</b>
ESG Didcot	50% TEA in acetone	2016	KS	Leeds City Council	9	66	55	20.1%	S	<b>0.83</b>
ESG Didcot	50% TEA in acetone	2016	KS	Marlborough Road Intercomparison	12	104	79	30.8%	G	<b>0.76</b>
ESG Didcot	50% TEA in acetone	2016	UB	Slough Borough Council	12	43	40	6.7%	G	<b>0.94</b>
ESG Didcot	50% TEA in acetone	2016	UB	Slough Borough Council	12	34	23	19.6%	G	<b>0.84</b>
ESG Didcot	50% TEA in acetone	2016	UC	Slough Borough Council	11	38	30	26.6%	G	<b>0.79</b>
ESG Didcot	50% TEA in acetone	2016	R	Tunbridge Wells	12	57	44	30.6%	G	<b>0.77</b>
ESG Didcot	50% TEA in acetone	2016	R	Cambridge City Council	10	49	37	32.6%	G	<b>0.75</b>
ESG Didcot	50% TEA in acetone	2016	R	City of Wolverhampton Council	12	44	39	13.5%	G	<b>0.88</b>
ESG Didcot	50% TEA in acetone	2016	R	City of Wolverhampton Council	11	53	43	22.7%	G	<b>0.81</b>
ESG Didcot	50% TEA in acetone	2016	B	Gravesham Borough Council	12	31	23	33.6%	G	<b>0.75</b>
ESG Didcot	50% TEA in acetone	2016	B	Gravesham Borough Council	12	40	30	36.1%	G	<b>0.73</b>
ESG Didcot	50% TEA in acetone	2016	R	Horsham District Council	12	35	27	30.3%	G	<b>0.77</b>
ESG Didcot	50% TEA in acetone	2016	R	Horsham District Council	11	33	29	12.2%	G	<b>0.89</b>
ESG Didcot	50% TEA in acetone	2016	R	Horsham District Council	10	34	25	34.0%	G	<b>0.75</b>
ESG Didcot	50% TEA in acetone	2016	B	Maidstone Borough Council	11	15	12	25.3%	G	<b>0.80</b>
ESG Didcot	50% TEA in acetone	2016	R	Medway Council	12	35	26	36.6%	G	<b>0.73</b>
ESG Didcot	50% TEA in acetone	2016	B	Medway Council	9	21	11	88.1%	G	<b>0.53</b>
ESG Didcot	50% TEA in acetone	2016	KS	Suffolk Coastal DC	12	43	37	17.3%	G	<b>0.85</b>
ESG Didcot	50% TEA in acetone	2016	UB	City of York Council	9	22	16	38.6%	G	<b>0.72</b>
ESG Didcot	50% TEA in acetone	2016	R	City of York Council	12	39	29	34.1%	G	<b>0.75</b>
ESG Didcot	50% TEA in acetone	2016	R	City of York Council	12	33	25	33.4%	G	<b>0.75</b>
ESG Didcot	50% TEA in acetone	2016	R	City of York Council	12	41	27	51.2%	G	<b>0.66</b>
ESG Didcot	50% TEA in acetone	2016	KS	Leeds City Council	9	66	55	20.1%	S	<b>0.83</b>
ESG Didcot	50% TEA in acetone	2016	R	Leeds City Council	12	57	44	27.6%	S	<b>0.78</b>
ESG Didcot	50% TEA in acetone	2016		<b>Overall Factor<sup>4</sup> (30 studies)</b>				<b>Use</b>		<b>0.77</b>

The Defra Bias Adjustment spreadsheet (March 2017 Version) was accessed to determine the bias adjustment factor used for 2016. The extract from the spreadsheet is provided above, showing the value to be used for ESG (Didcot) for the 50% TEA in acetone as used in West Suffolk is **0.77**.



Annualisation Details

St Edmundsbury Borough Council

Insufficient local background sites on the AURN network to make an appropriate assessment, however, three local suburban background sites exist, all with 100% data collection, which have been used within the annualisation, these being sites BSE10, GB2 and HH1.

Sites BSE4, BSE12 and BSE18 all had less than 75% data collection and have been annualised as shown below

Suburban Background sites full year data

Location	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Unadjusted Average
BSE10	22.2	21.2	14.9	13.2	11.8	9.8	9.8	10.3	17.9	14.4	25.5	30.7	16.8
GB2	20.9	18.6	12	9.9	6.6	7.5	8.3	7.8	13.8	11.2	17.1	22.3	13.0
HH1	25.6	21.5	15.1	13.2	12.3	9.2	10.4	10.3	15	13.9	26.8	29	16.9

**BSE18**

Location	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Unadjusted Average	Whole Year to analysed Ratio
BSE18			45.1	41.7		34.8	27.5	28.6	38.2	46.1	49.9		39.0	
BSE10			14.9	13.2		9.8	9.8	10.3	17.9	14.4	25.5		14.5	1.161
GB2			12	9.9		7.5	8.3	7.8	13.8	11.2	17.1		11.0	1.187
HH1			15.1	13.2		9.2	10.4	10.3	15	13.9	26.8		14.2	1.184
													<b>Average Ratio</b>	<b>1.177</b>

## Forest Heath & St Edmundsbury councils

### BSE4

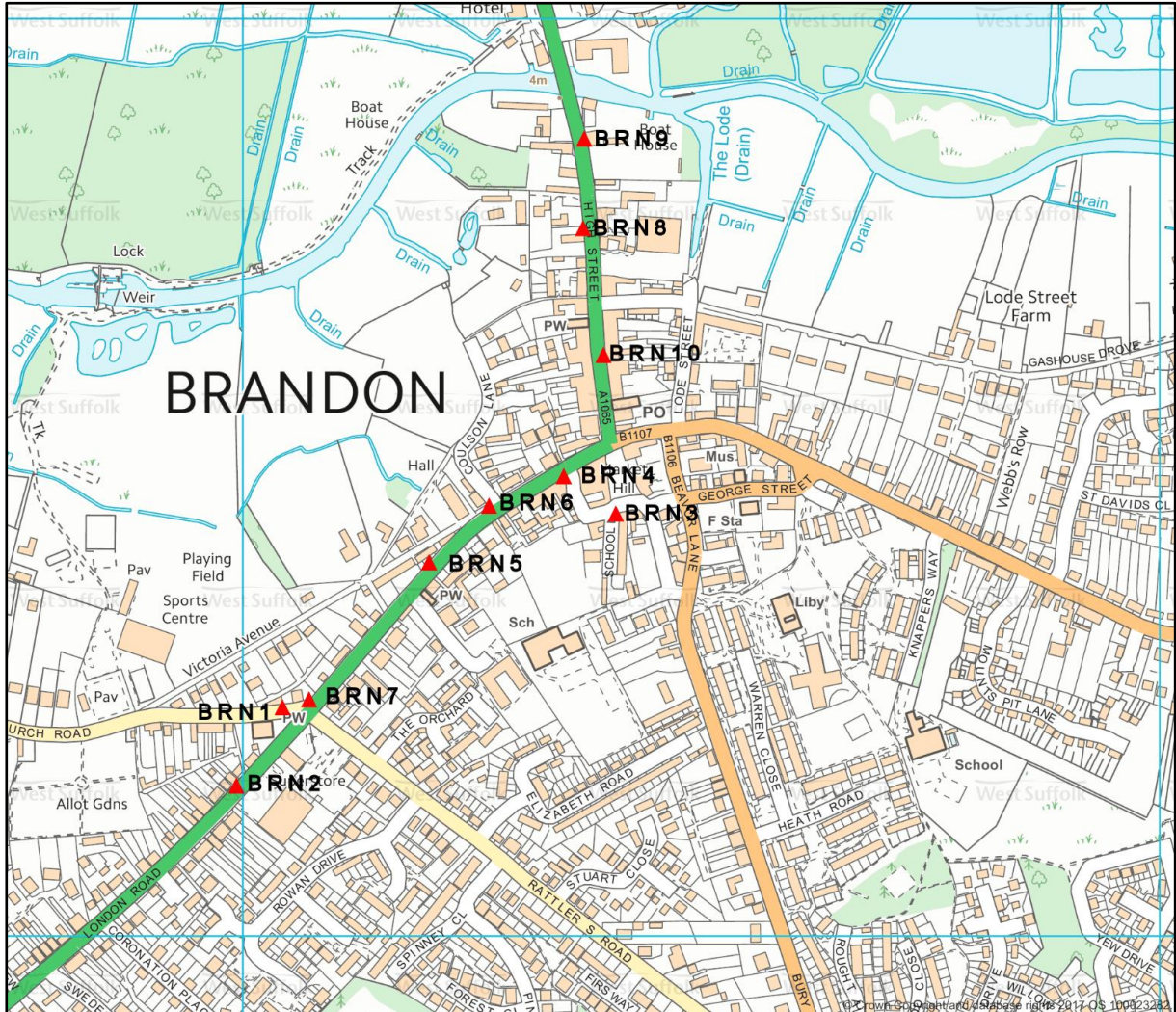
Location	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Unadjusted Average	Whole Year to analysed Ratio
BSE4	39.9		27.5	34.2	26.8								32.1	0.924 0.950 0.982
BSE10	22.2		14.9	13.2	11.8								15.5	
GB2	20.9		12	9.9	6.6								12.4	
HH1	25.6		15.1	13.2	12.3								16.6	
													Average Ratio	<b>0.952</b>

### BSE12

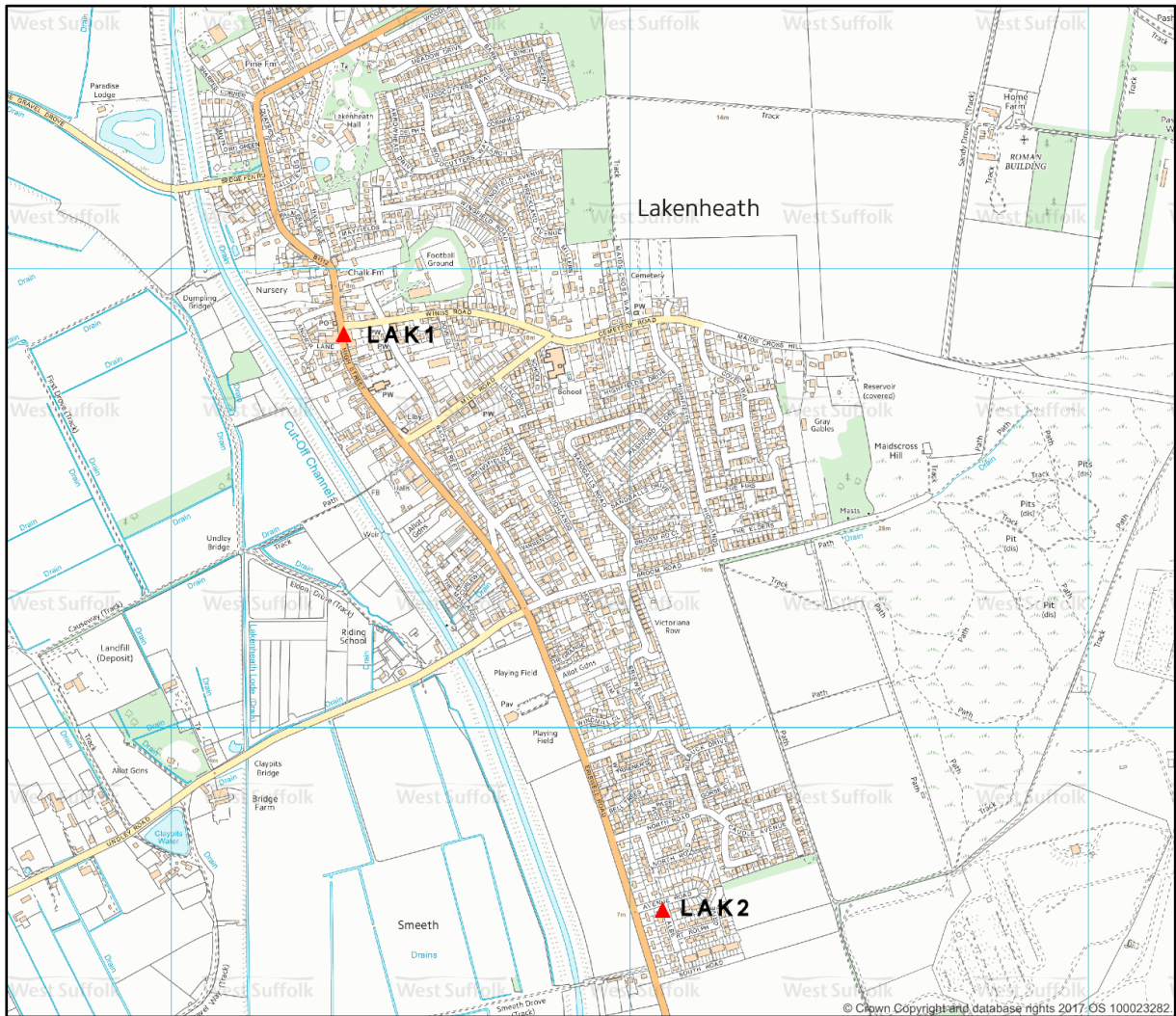
Location	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Unadjusted Average	Whole Year to analysed Ratio
BSE12	35.7		35.1	32.2	30		26	25.1		32.6		38.9	32.0	0.947 0.952 0.962
BSE10	22.2		14.9	13.2	11.8		9.8	10.3		14.4		30.7	15.9	
GB2	20.9		12	9.9	6.6		8.3	7.8		11.2		22.3	12.4	
HH1	25.6		15.1	13.2	12.3		10.4	10.3		13.9		29	16.2	
													Average Ratio	<b>0.954</b>

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

## Brandon Diffusion Tube Locations

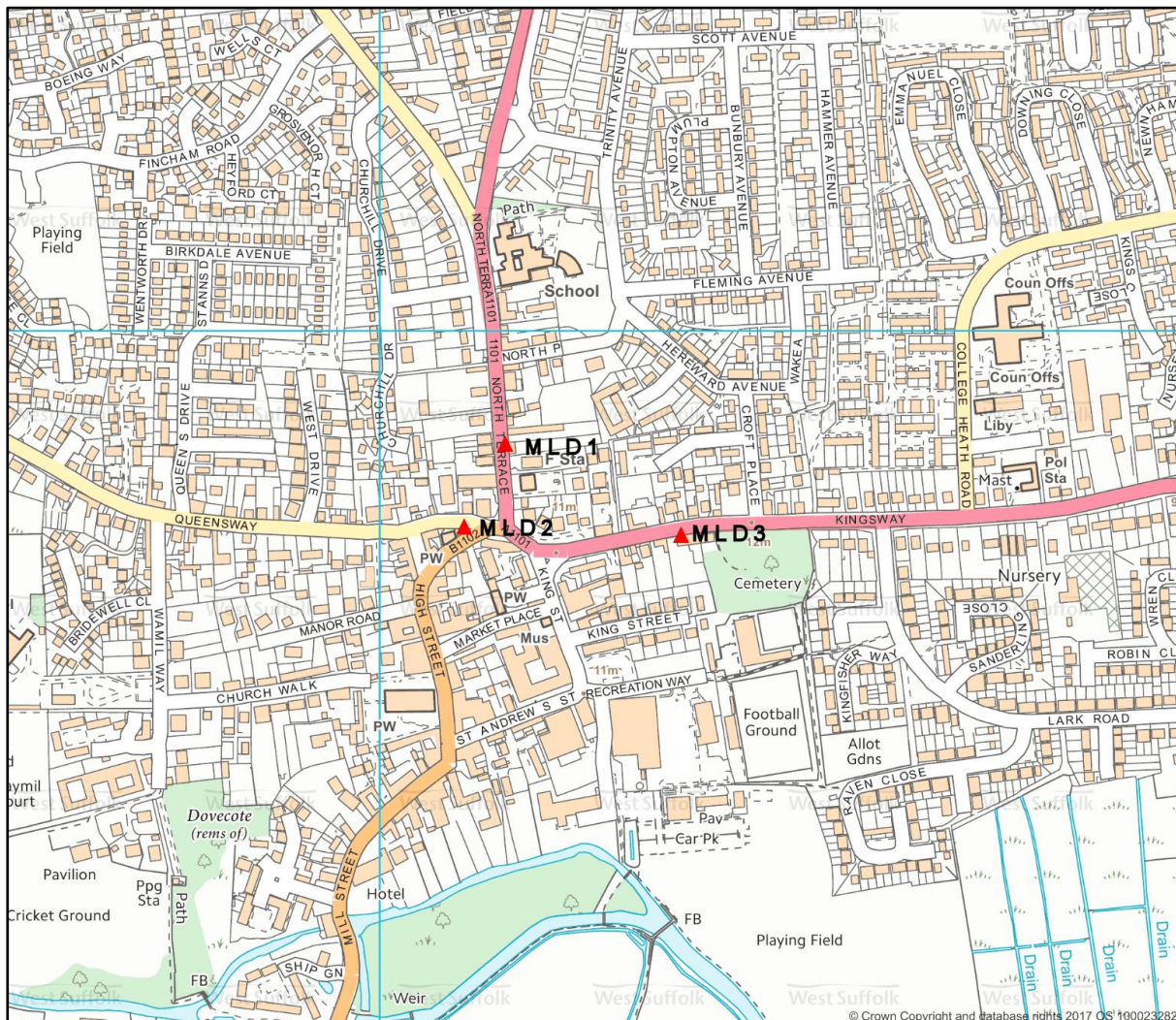


Lakenheath Diffusion Tube Locations

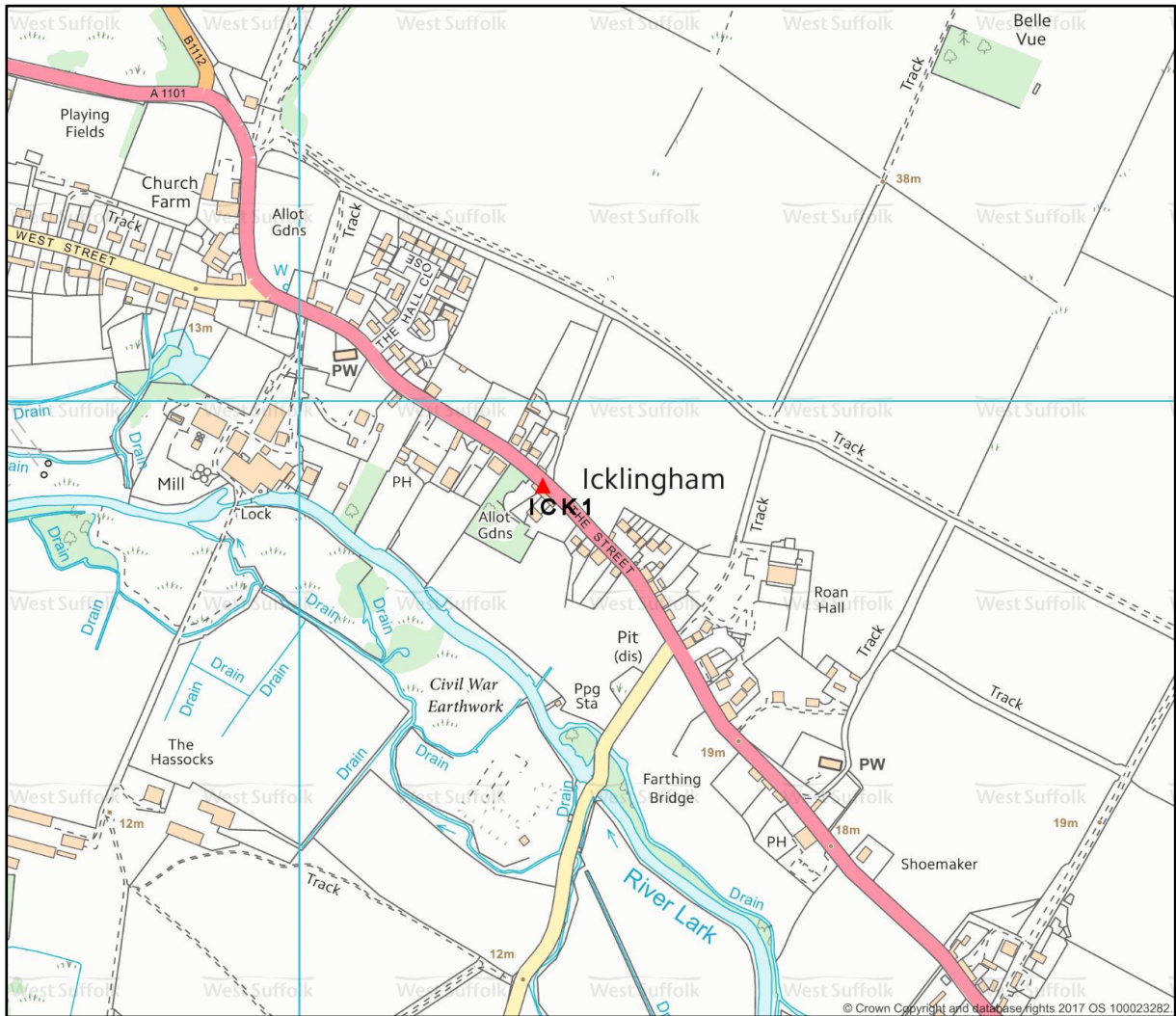




Mildenhall Diffusion Tube Locations

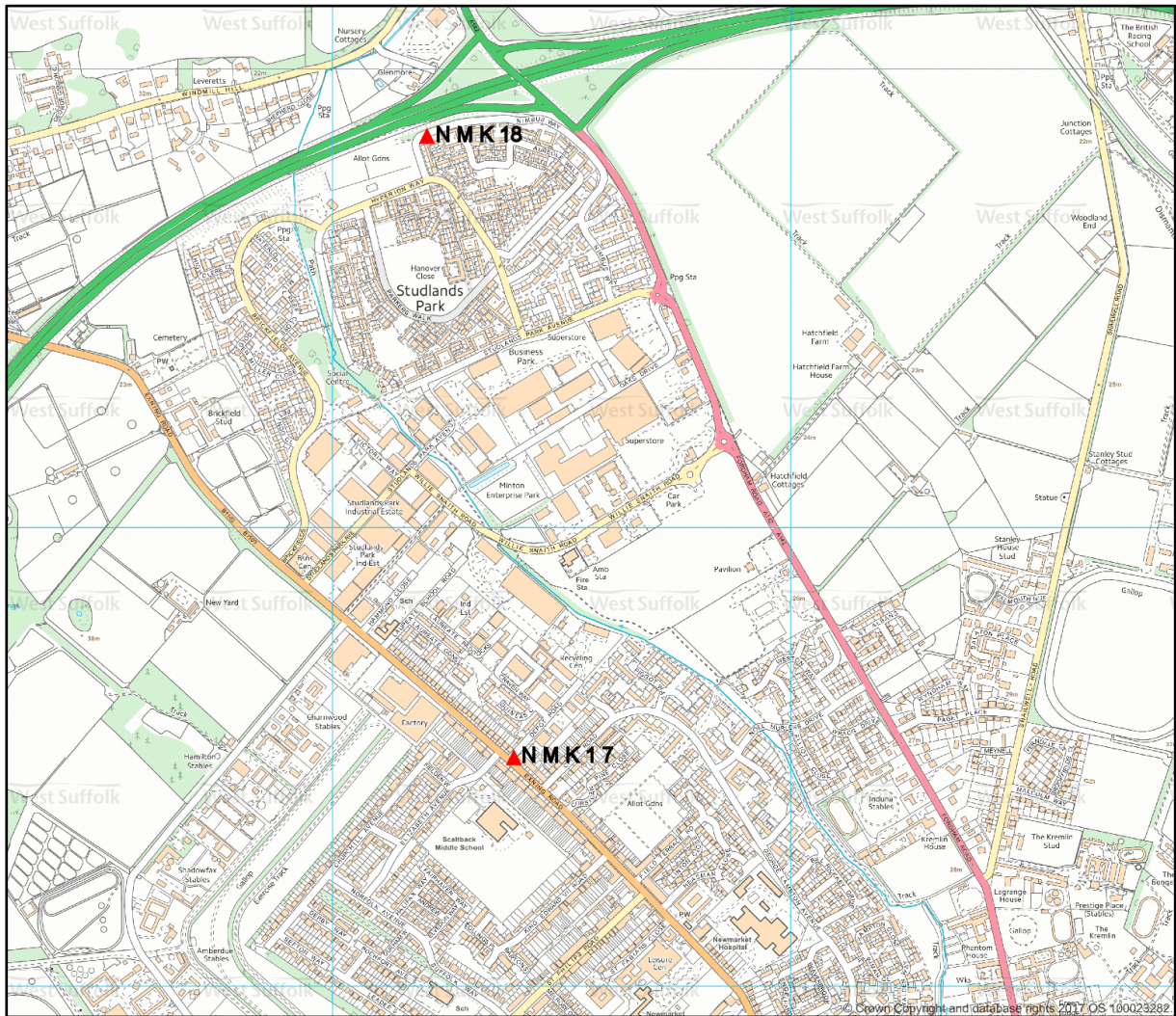


Icklingham Diffusion Tube Location



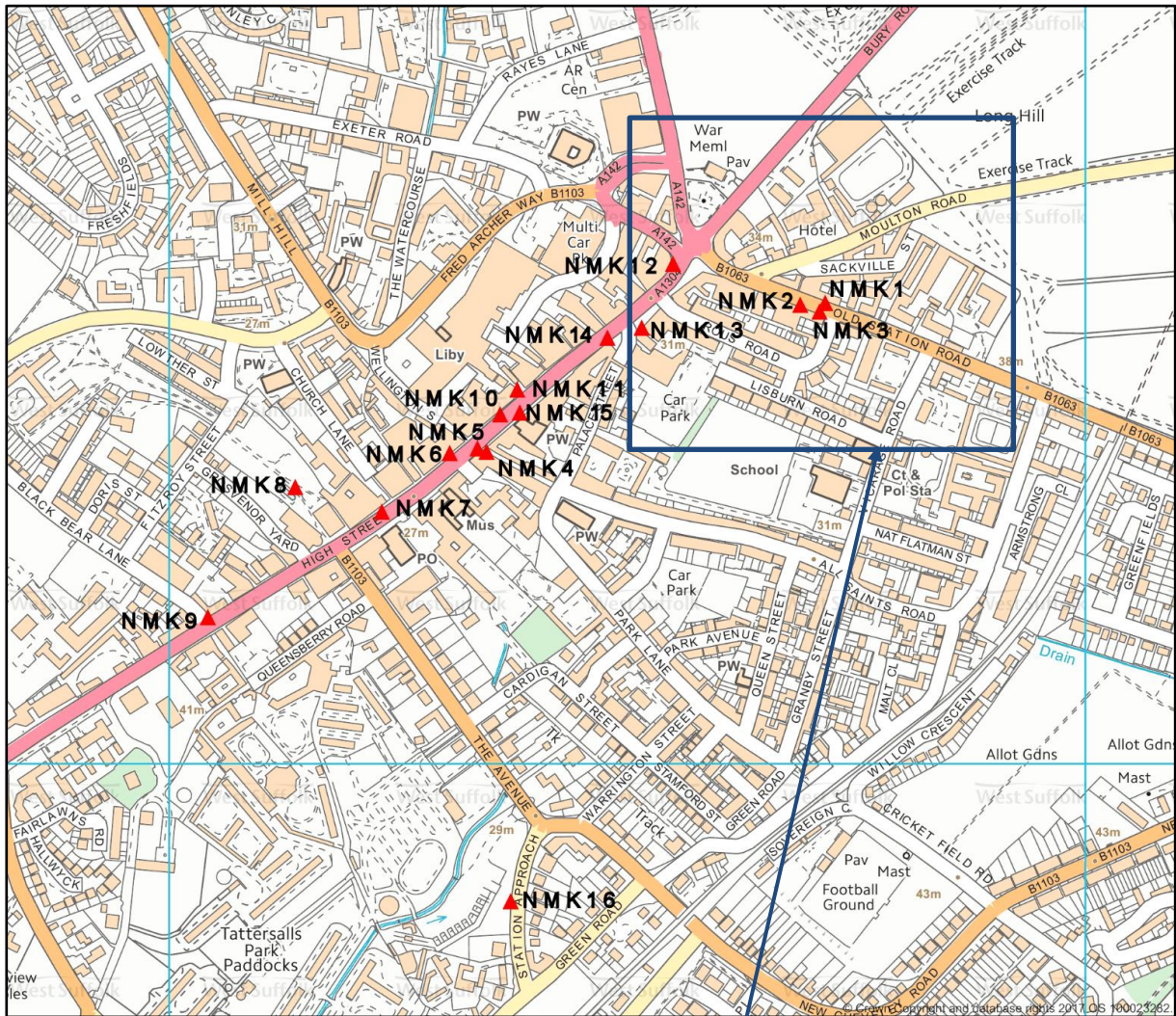


Newmarket (north) Diffusion Tube Locations





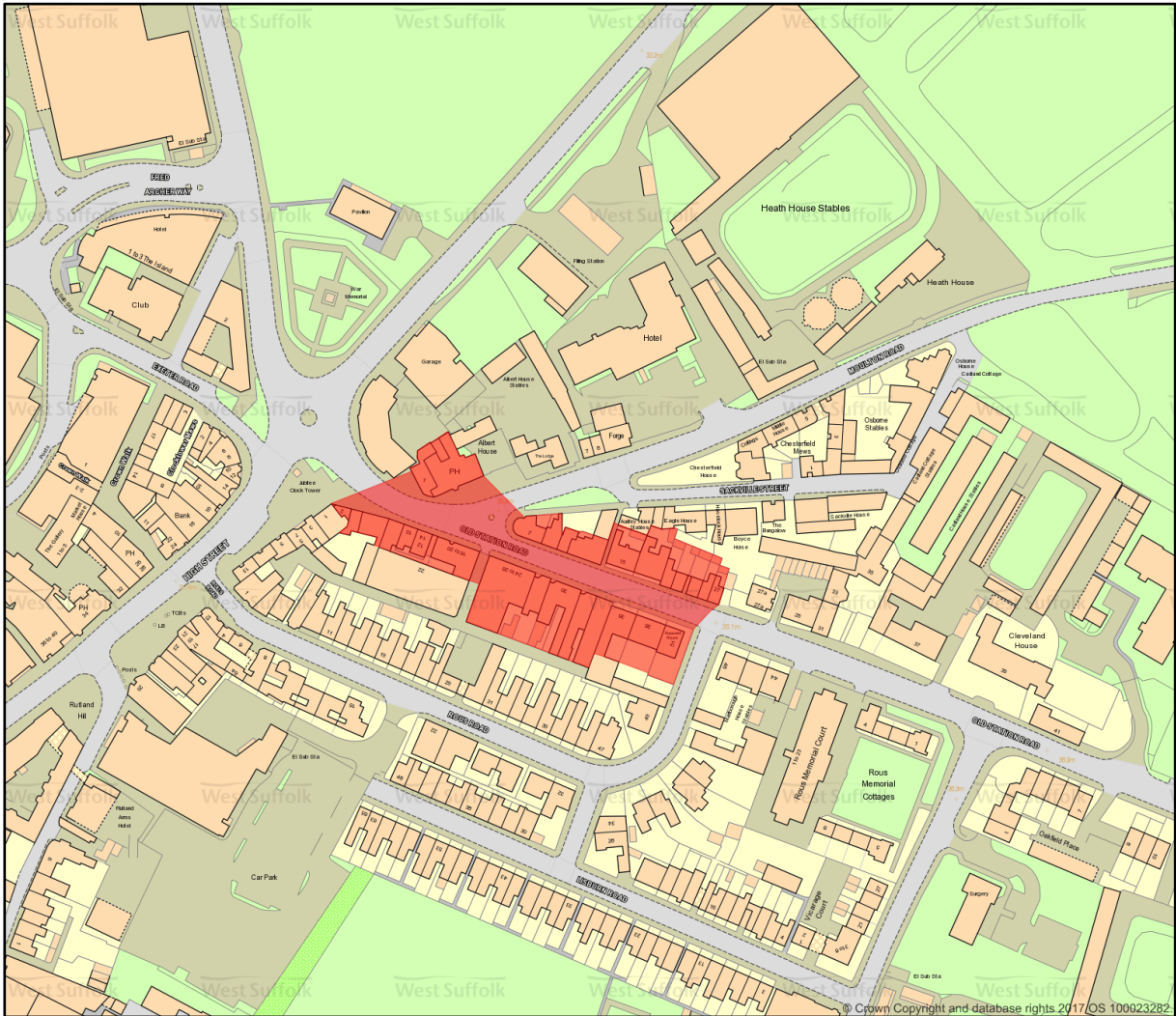
Newmarket (centre) Diffusion Tube Locations



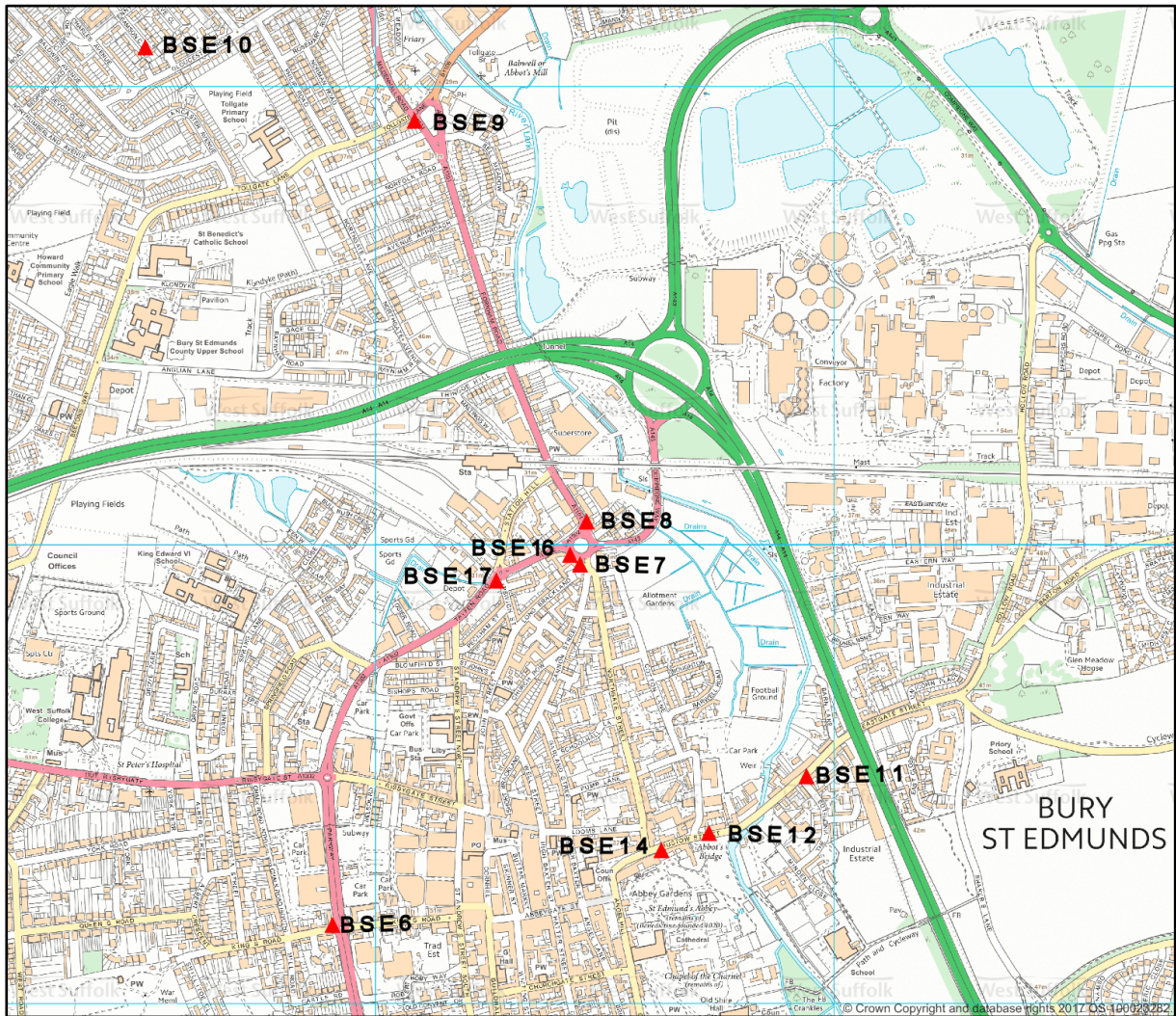
See Newmarket AQMA Location Plan (below)



Newmarket AQMA Location

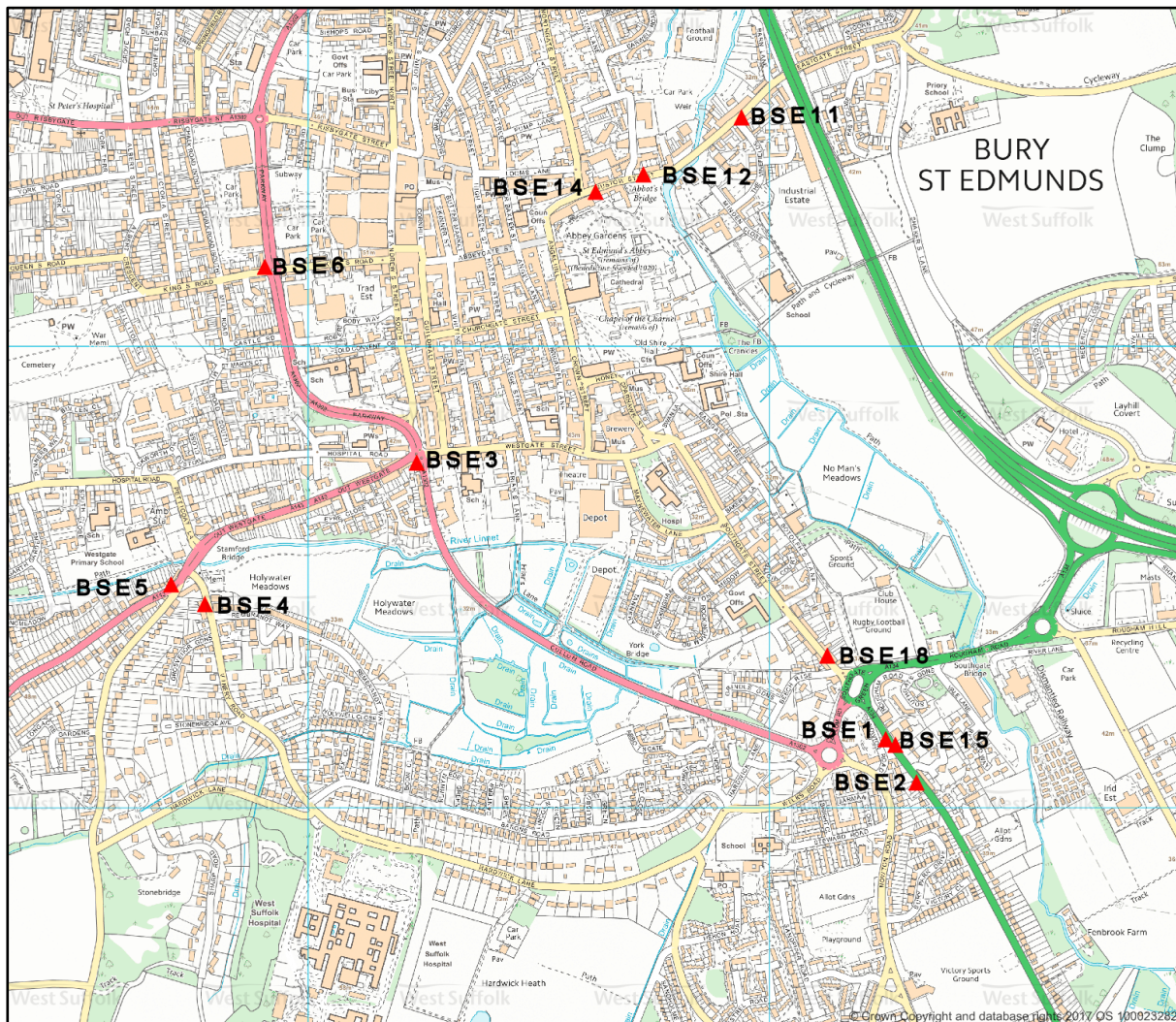


Bury St Edmunds (north) Diffusion Tube Locations

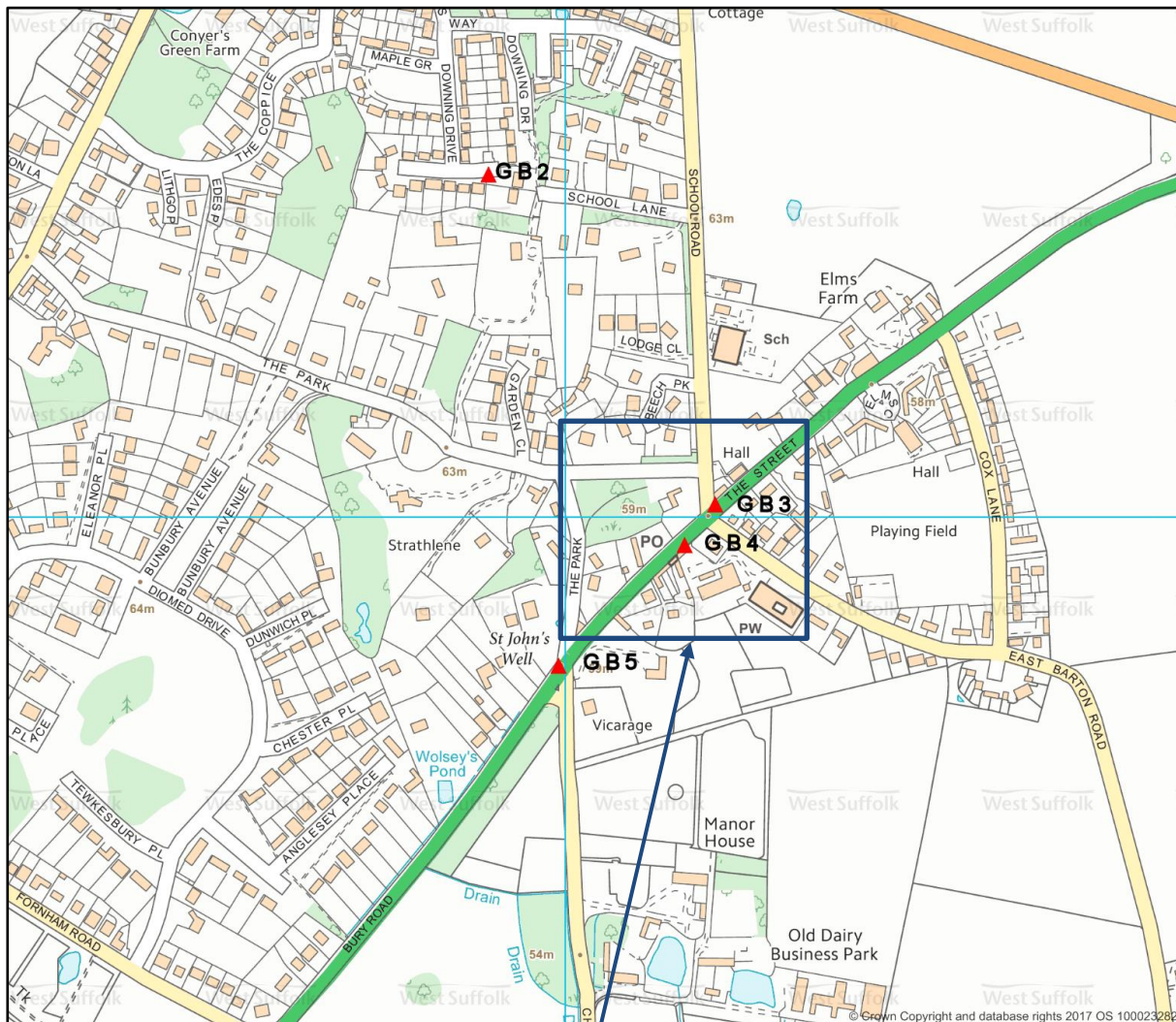




Bury St Edmunds (south) Diffusion Tube Locations



Great Barton Diffusion Tube Locations



See Great Barton AQMA Location Plan (below)



Great Barton AQMA Location



Haverhill Diffusion Tube Locations



## 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
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
DMRB	Design Manual for Roads and Bridges – Air quality screening tool produced by Highways England
EU	European Union
FHDC	Forest Heath District Council
FDMS	Filter Dynamics Measurement System
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>Work Programme Update</b>	
<b>Report No:</b>	<b>LIC/SE/17/013</b>	
<b>Report to and date:</b>	<b>Licensing and Regulatory Committee</b>	31 October 2017
<b>Chairman of the Committee:</b>	Councillor Frank Warby Chairman of the Licensing and Regulatory Committee <b>Tel:</b> 01284 704138 <b>Email:</b> <a href="mailto:frank.warby@stedsbc.gov.uk">frank.warby@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 update the Committee on the current status of its work programme of items for consideration ( <b>Appendix 1</b> ).	
<b>Recommendation:</b>	<p>It is <b>recommended</b> that the Licensing and Regulatory Committee:</p> <p><b>1) <u>Notes</u> the current status of the work programme and the items expected to be brought to the Committee; and</b></p> <p><b>2) <u>Agrees</u> an allocation of Committee Members to participate in the development of policies in the work programme.</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>	
<b>Documents attached:</b>	<b>Appendix 1</b> – Work Programme Update	

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

### **1.1 Work Programme**

- 1.1.1 As agreed by the Committee in June 2017 (Report LIC/SE/17/008 refers), the rolling work programme, whereby the planned work for the Committee is set out and members are asked to support and to participate, is attached at **Appendix 1** for information.

Options for support and participation include commenting on proposals as they are being developed, sitting on task and finish groups and debating draft proposals and then making recommendations for consideration by the appropriate decision-making committee.

- 1.1.2 Changes to update the Work Programme reflect broader developments across the Council including the potential impact of Single Council on the Licensing Authority.
- 1.1.3 The work programme leaves space for areas for new work to be added during the year following approval by the Chair of the Committee in consultation with the Portfolio Holder for Planning and Growth.
- 1.1.4 Members are asked to note the current content of the work programme for and are invited to participate in specifically tabled activities.

## Licensing and Regulatory Committee Work Programme (St Edmundsbury Borough Council)

The Committee has a work programme set out below, whereby the planned work for the Committee is set out and members are asked to support and to participate.

The work programme leaves space for areas for new work to be added following approval by the Chair of the Committee in consultation with the Portfolio Holder for Planning and Growth.

Description	Lead Member	Details
<b>23 January 2018</b>		
Street vending and trading policy	Portfolio Holder for Planning and Growth	To set out the preparatory arrangements for developing the development of a West Suffolk policy for regulating street vending and trading.
Proposals for Hackney fees	Portfolio Holder for Planning and Growth	To consider options for Hackney fees in order to approve preferred proposals for stakeholder consultation.
West Suffolk Licensing Policy Framework: Joint Policies and Strategies on Licensing and Regulatory Responsibilities and Functions	Portfolio Holder for Planning and Growth	To set out the preparatory arrangements for developing an overarching framework for licensing policies.
Local Air Quality Management	Portfolio Holder for Planning and Growth	To consider proposals to declare an Air Quality Management Area.
Proposals for charging for food re-inspections	Portfolio Holder for Planning and Growth	To set out the legal flexibilities and proposals for the Council to be able to charge for follow-up inspections for food hygiene
Work Programme Update	Chairman of Licensing and Regulatory Committee	To receive updates for work to be included on the Work Programme and receive requests for items to be considered for future inclusion subject to approval by the Committee Chair in consultation with the Portfolio Holder of Planning and Growth. To appoint membership of task and finish groups, as appropriate.

Description	Lead Member	Details
<b>10 April 2018</b>		
Street vending and trading policy	Portfolio Holder for Planning and Growth	To consider the findings of the consultation on proposals to revise the street vending and trading policy and make recommendations to Cabinet.
Proposals for Hackney fees	Portfolio Holder for Planning and Growth	To approve Hackney fees following stakeholder consultation.
West Suffolk Licensing Policy Framework: Joint Policies and Strategies on Licensing and Regulatory Responsibilities and Functions	Portfolio Holder for Planning and Growth	To consider progress on proposals for an overarching framework for licensing policies.
Work Programme Update	Chairman of Licensing and Regulatory Committee	To receive updates for work to be included on the Work Programme and receive requests for items to be considered for future inclusion subject to approval by the Committee Chair in consultation with the Portfolio Holder of Planning and Growth. To appoint membership of task and finish groups, as appropriate.