

Licensing and Regulatory Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Monday 22 January 2018									
Time:	6.00 pm									
Venue:	Council Chamber District Offices College Heath Road Mildenhall									
Full Members:	<p style="text-align: center;">Chairman Brian Harvey</p> <p style="text-align: center;">Vice Chairman Michael Anderson</p> <p><u>Conservative Members (8)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Chris Barker</td> <td style="width: 33%;">Carol Lynch</td> <td style="width: 33%;"></td> </tr> <tr> <td>John Bloodworth</td> <td>Christine Mason</td> <td></td> </tr> <tr> <td>Simon Cole</td> <td>Nigel Roman</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Member (1)</u></p> <p style="margin-left: 100px;">Victor Lukaniuk</p> <p><u>UKIP Member (1)</u> Reg Silvester</p>	Chris Barker	Carol Lynch		John Bloodworth	Christine Mason		Simon Cole	Nigel Roman	
Chris Barker	Carol Lynch									
John Bloodworth	Christine Mason									
Simon Cole	Nigel Roman									
Substitutes:	Named substitutes are not appointed									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									
Quorum:	Three Members									
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk									

Agenda

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Procedural Matters

Part 1 – Public

1. Apologies for Absence

2. Substitutes

3. Public Participation

Members of the public who live or work in the District are invited to put one question or statement of not more than three minutes duration relating to items 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 wishing to speak must register to speak at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking which may be extended at the Chairman's discretion.

4. Minutes

1 - 6

To confirm the minutes of the meeting held on 30 October 2017 (copy attached).

5. Work Programme Update - Current and Future Work Activities

7 - 10

Report No: **LIC/FH/18/001**

Licensing and Regulatory Committee



Forest Heath
District Council

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Monday 30 October 2017** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Brian Harvey

Vice Chairman Michael Anderson

Chris Barker

Victor Lukaniuk

John Bloodworth

Nigel Roman

Simon Cole

Reg Silvester

Carol Lynch

76. **Apologies for Absence**

There were no apologies for absence.

Councillor Christine Mason was unable to attend the meeting.

77. **Substitutes**

There were no substitutes present at the meeting.

78. **Public Participation**

Agenda Item 5. Taxi/Private Hire Handbook Revision (Report No: LIC/FH/17/009)

Mrs Bridgette Banham addressed the Committee in respect of the above item. She explained that she was co-owner of Driving Miss Daisy's Newmarket franchise.

Driving Miss Daisy was a 'companionship service' rather than purely a private hire vehicle. The service was predominately for individuals with particular needs such as dementia, autism or the elderly/vulnerable. Driving Miss Daisy helped these individuals to maintain a degree of independence and remain involved in their local community whilst being safeguarded.

Mrs Banham advised that the brand design of the advertising (livery) was developed specifically to aid dementia suffering clients with visual perception issues. The brand was used in all countries where Driving Miss Daisy

operated on the basis that the design and colours enabled users to easily recognise the vehicle and to offer comfort and reassurance.

Mrs Banham had made an application to the Licensing Authority earlier in the year for an exemption to the conditions which related to signage on vehicles but it was refused; meaning the Newmarket franchise was the only franchise that was unable to use the official Driving Miss Daisy livery nationally.

The amendments to the conditions proposed in Report No LIC/FH/17/009 would enable the Newmarket franchise to use the official brand livery and Mrs Banham was, therefore, in support of the Officer's recommendation in this respect.

79. **Minutes**

The minutes of the meeting held on 19 June 2017 were accepted as an accurate record and were signed by the Chairman, with 8 voting in favour and with 1 abstention, subject to it being noted that Councillor Chris Barker was in attendance and had been omitted from the list and that Councillors Ruth Allen and Carol Lynch had been duplicated.

80. **Taxi/Private Hire Handbook Revision (Report No: LIC/FH/17/009)**

The Licensing Team Leader presented this report which sought approval to amend the Forest Heath District Council Hackney Carriage and Private Hire Licensing Handbook.

The Committee were advised that the proposed amendments to the conditions were (Handbook pages as indicated):

- a) Pages 9 & 16, 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) Page 23, 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) Page 24, a reminder to adhere to the age restriction on vehicles when replaced/changed;
- d) Page 31, 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 We have removed the size of signage; and
- e) Page 37, adding vaping into the penalty points system.

The Chairman spoke in support of the amendments proposed but stressed the importance (under proposal d) above) of ensuring that Private Hire vehicles continued to have "pre-booked only" written on their vehicles.

It was moved by Councillor Nigel Roman, seconded by Councillor Michael Anderson and with the vote being unanimous, it was

RESOLVED:

That the revised conditions set out in the Forest Heath District Council Hackney Carriage and Private Hire Licensing Handbook, attached as Appendix 1 to Report No: LIC/FH/17/009, be approved and adopted.

81. Plate Exemption Process for Private Hire Vehicles (Report No: LIC/FH/17/010)

The Licensing Team Leader presented this report which sought approval to amend the work procedure and conditions for a Private Hire Licensing plate exemption for executive contracts in the West Suffolk Licensing Guidance Procedure and Conditions.

It was moved by Councillor John Bloodworth, seconded by Councillor Reg Silvester and with the vote being unanimous, it was

RESOLVED:

That the amendments to the West Suffolk Licensing Guidance Procedure and Conditions, attached as Appendix 1 to Report No: LIC/FH/17/010, be approved.

82. Local Air Quality - Progress Report 2016/2017 (Report No: LIC/FH/17/011)

The Environment Officer presented this report which set out the work undertaken during 2016 in order to meet Local Air Quality regulations across the District.

Attention was drawn to Paragraphs 2.7 and 3.1 of Report No LIC/FH/17/011 which set out actions taken by Officers over the past year and identified the next steps to be taken.

Councillor Victor Lukaniuk (as one of the Brandon Ward Members) raised the following points:

1. He spoke in support of the 'Brandon Transport Meetings' that had been undertaken with partners and local stakeholders, which sought to minimise unnecessary traffic movements through Brandon. However, he expressed disappointment that Highways England were yet to have published the A11 Fiveways to Thetford dual carriageway Post Opening Performance Evaluation (POPE) report;
2. Attention was drawn to the 2017 Air Quality Annual Status Report (ASR) attached as Appendix 1 to the report. Page 2 of the report stated "Brandon continues to show gradual improvement in air quality" whereas Page 18 stated "No significant reduction in NO2 recorded in Brandon". Councillor Lukaniuk explained that he found these two statements to be contradictory; and

3. Lastly, he understood that Brandon was to have additional diffusion tubes installed to enhance the air quality monitoring and he enquired as to when this was to take place.

Officers responded to these points as follows:

1. The Service Manager (Environmental Health) explained that at the last Brandon Transport Meeting attendees discussed the need to engage with Norfolk County Council given that a large proportion of traffic travelling through Brandon was either arriving from or travelling to Norfolk. The Chairman agreed to send a letter to the relevant Director at Norfolk County Council in order to formally request representation at future meetings of the group.
The Chairman also agreed to send a letter to Highways England to express disappointment that the POPE was yet to have been published and to request that it be prioritised for publication at the earliest opportunity.
2. The Environment Officer explained that some areas in Brandon were demonstrating a long-term slow reduction in NO₂, however, he would review the wording used in the report in light of the comments made.
3. The Environment Officer advised that additional diffusion tubes were to be located in Brandon in January 2018. Officers would liaise with Councillor Lukaniuk on their proposed locations.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The work undertaken by the West Suffolk Authorities in order to improve local air quality be noted and recognised for its importance;
2. A letter be sent from the Chairman to the relevant Director at Norfolk County Council in order to formally request representation at future Brandon Transport Meetings; and
3. A letter be sent from the Chairman to Highways England to express disappointment that the POPE report was yet to have been published and to request that it be prioritised for publication at the earliest opportunity.

83. Work Programme Update (Report No: LIC/FH/17/012)

The Service Manager (Environmental Health) presented this report which set out the current Work Programme for the Committee.

The Officer updated Members on the current status of items for consideration.

With the vote being unanimous, it was

RESOLVED:

That the current status of the Work Programme and the items expected to be brought to the Committee, as set out in Appendix 1 of Report No: LIC/FH/17/012, be noted.

The meeting concluded at 6.46pm

Signed by:

Chairman

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Licensing and Regulatory Committee



Title of Report:	Work Programme Update - Current and Future Work Activities	
Report No:	LIC/FH/18/001	
Report to and date:	Licensing & Regulatory Committee	22 January 2018
Chairman of the Committee:	Councillor Brian Harvey Chairman of the FHDC Licensing & Regulatory Committee Tel: 07801 472461 Email: brian.harvey@forest-heath.gov.uk .	
Lead officer:	Peter Gudde Service Manager – Environmental Health Services Tel: 01284 757042 Email: peter.gudde@westsuffolk.gov.uk	
Purpose of report:	To update the Committee on the current status of the work and set out future development areas falling within the scope of the Licensing and Regulatory Committee.	
Recommendation:	It is recommended that Members <u>note</u> the contents of the report.	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p>Background papers: (all background papers are to be published on the website and a link included)</p>	<p>Work Programme June 2017 (Report No LIC/FH/17/007) Work Programme November 2017 (Report No LIC/FH/17/012)</p> <p>Street Trading Guidance, Requirements and Standard Conditions - https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Street_trading/upload/FHDC-Street-Trading-Standard-Conditions-28-02-2012-v3-2.pdf</p> <p>Gambling Act 2005 Statement of Principles - https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Gambling_and_lotteries/upload/Final-West-Suffolk-Gambling-Act-2005-Statement-of-Policy-for-2016-to-2019-2.pdf</p> <p>Statement of Licensing Policy – https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Alcohol_and_entertainment/upload/Licensing-Act-Statement-of-Policy-2014-to-2019-4th-Edition.pdf</p>
<p>Documents attached:</p>	<p>None</p>

1. Current position

- 1.1 This Committee received in June 2017 for the first time a rolling work programme which set out future development areas falling within the responsibilities of the Licensing and Regulatory Committee. (Report LIC/FH/17/007 refers). Routes through which the Committee could engage in the work areas may include participating in the development of proposals as they are being developed, sitting on task and finish groups and discussing draft proposals prior to their consideration by the appropriate decision-making committees.
- 1.2 The work set out in the Work Programme presented in November (Report LIC/ FH/17/012 refers) has been reviewed and this report provides an update to reflect the status of current work and identify future work. An update on current work areas is set out in Section 2. This report also considers in Section 3 the impact on this area of work as a result of proposals to establish a Single Council for West Suffolk.

2. Current work

- 2.1 **Proposals for reviewing Hackney fares**
As mentioned in the November 2017 Work Programme, work is underway with the longer term intention to align fares across West Suffolk. This process is intended to be undertaken in order to avoid financial detriment on any specific stakeholder group. Given the minded-to decision of the Secretary of State (see Section 3) the timetable for developing proposals has been amended with transitional arrangements planned for consideration by

this and the equivalent St Edmundsbury Committee in April 2018.

2.2 **Proposed West Suffolk Licensing Policy Framework**

Having taken further legal advice, the Constitution already sets out which route which policy development decisions follow and as a result no formal overarching policy framework for licensing is considered necessary. Some Licensing policies, such as the Statement of Licensing Policy and the Gambling Statement of Licensing Principles, are required under statute to be adopted by Full Council. Any revisions to these policies will therefore be considered for approval by full Council approval rather than Cabinet only.

2.3 **Street vending and trading policy**

Preparatory work is underway to develop a revised policy covering West Suffolk. This work will take account of the current regulatory and policy regime that applies and the impending need to align policies across West Suffolk as the two councils work towards a Single Council, the wider implications of which are set out in more detail in Section 3 below.

2.4 At this time, the proposals are envisaged to include the following:

- "A" Boards
- pricing structures and where trading can take place;
- interaction with any masterplan and growth options for our town centres.

2.5 The approach to developing and consulting on the proposals will be formulated taking account of any views received in order to develop the proposals prior to being considered by Cabinet later in 2018. Members are welcome to provide any initial views or comments at this time and as this work proceeds.

3. **Impact of Single Council**

3.1 In December, the Secretary of State for Communities and Local Government published his decision that he is minded to approve the formation of a single council for West Suffolk. Publication of the formal order is anticipated early in 2018 which will trigger a series of actions intended to lead to a new council coming into effect from April 2019.

3.2 In the short term, the Work Programme has been updated to reflect progress made to date as set out in Section 2. The impact will be wide and deep for both Forest Heath District Council and St Edmundsbury Borough Council licensing functions. Single Council will require the formation of a new Licensing Authority covering West Suffolk, under a new West Suffolk Constitution. Likely areas of change will include:

- New structure for licensing committees and sub-committees covering West Suffolk
- New governance arrangements for those committees and sub-committees
- New membership of the committees and sub-committees comprising a membership to reflect the political make-up of the new council
- Changes to adopt single local conditions and practices under any policy to ensure uniformity across West Suffolk.

3.3 In anticipation, a work programme is being prepared to cover policies which have not already been adopted in a unified form for West Suffolk as well as policies that are coming up for review as well as other areas that will need to change. This will include:

- Adoption of a Licensing & Regulatory Committee/Sub-Committee Members' Code of Conduct – This work is being led by the Joint Constitution Work Group and will be brought forward for members to consider during Spring 2018
- Restructuring of taxi fares - as referred to below, these are currently being worked on to bring in a unified fare structure in stages so as not adversely impact the licensed trade or customers
- Adoption of uniform conditions in the Taxi/Private Hire Vehicle Drivers' Handbook as policy – including agreement on issues such as taxi livery and vehicle age/condition on issuing a vehicle licence
- Adoption of a single Taxi/Private Hire Vehicle plate system
- Gambling Policy – this policy has already been adopted in a West Suffolk format. However, it will need to undergo a refresh for consideration by Cabinet before December 2018.
- Statement of Licensing Policy – this policy will need to undergo revision to form a West Suffolk policy for consideration by Cabinet/Full Council before December 2018.

3.4 Although much work has already been undertaken to align policy and practice across West Suffolk since establishing a shared service in 2012, it is anticipated that preparing for a Single Council during the shadow period leading to Spring 2019 and beyond, will create significant demands on both the democratic and service provision as the two Licensing Authorities become a single entity. The abovementioned work programme will form part of a wider set of plans both at Corporate and Licensing Authority level, on which members will be kept informed of progress and be requested to participate as appropriate. As previously stated, members are welcome to provide any initial views or comments as this work proceeds.