# Extraordinary Shadow Executive (Cabinet)

**Title:** Agenda  
**Date:** Tuesday 8 January 2019  
**Time:** 6.00 pm  
**Venue:** Conference Chamber West  
West Suffolk House  
Western Way  
Bury St Edmunds  
IP33 3YU

### Membership:

<table>
<thead>
<tr>
<th>Consistent Members (15)</th>
<th>Chairman</th>
<th>Vice Chairman</th>
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<tr>
<td>David Bowman</td>
<td>James Waters</td>
<td>John Griffiths</td>
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<td>Ruth Bowman J.P</td>
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<td>Carol Bull</td>
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<td>Andy Drummond</td>
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<td>Stephen Edwards</td>
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<td>Robert Everitt</td>
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<td>Susan Glossop</td>
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<td>Ian Houlder</td>
<td>Sara Mildmay-White</td>
<td>Robin Millar</td>
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<tr>
<td>Joanna Rayner</td>
<td>Lance Stanbury</td>
<td>Peter Stevens</td>
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### Interests – Declaration and Restriction on Participation:

Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority’s register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.

### Quorum:

Five Members

### Committee administrator:

<table>
<thead>
<tr>
<th>Claire Skoyles</th>
<th>Democratic Services Officer</th>
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</thead>
<tbody>
<tr>
<td>Tel: 01284 757176</td>
<td>Email: <a href="mailto:claire.skoyles@westsuffolk.gov.uk">claire.skoyles@westsuffolk.gov.uk</a></td>
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## Public Information

**Venue:**

[West Suffolk House](Western Way
Bury St Edmunds
Suffolk IP33 3YU)

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<td>Web: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a></td>
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**Access to agenda and reports before the meeting:**

Copies of the agenda and reports are open for public inspection at the above and following address:

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<tr>
<td>College Heath Road</td>
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<td>Mildenhall</td>
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<td>Bury St Edmunds</td>
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<td>Suffolk IP28 7EY</td>
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at least five clear days before the meeting. They are also available to view on our website.

**Attendance at meetings:**

The West Suffolk Shadow Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.

**Public participation:**

Members of the public who live or work in the area of the Shadow Council are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply. A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman’s discretion.

**Disabled access:**

West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons.

Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.

**Induction loop:**

An Induction loop is available for meetings held in the Conference Chamber.

**Recording of meetings:**

The Shadow 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.

**Personal Information**

Any personal information processed by Forest Heath District Council or St Edmundsbury Borough Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm or call Customer Services: 01284 763233 and ask to speak to the Data Protection Officer.
Agenda

Procedural Matters

1. Apologies for Absence
2. Minutes
   To confirm the minutes of the meeting held on 27 November 2018 (copy attached).

Part 1 – Public

3. Open Forum
   At each Shadow Executive (Cabinet) meeting, up to 15 minutes shall be allocated for questions from and discussion with, non-Shadow Executive members. Members wishing to speak during this session should if possible, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

4. Public Participation
   Members of the public who live or work in the area of the Shadow Council 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.

NON-KEY DECISIONS

5. Recommendations of the Forest Heath and St Edmundsbury Performance and Audit Scrutiny Committees: 28 November 2018 - Approach to Delivering a Sustainable West Suffolk Budget 2019-2020 and Medium Term Plan

Report No: EXC/SA/19/001
Shadow Executive (Cabinet) Members: Stephen Edwards and Ian Houlder
Chairmen of the Committees: FHDC Cllr Louis Busuttil and SEBC Cllr Sarah Broughton
Lead Officer: Christine Brain
Report No: EXC/SA/19/002  
Shadow Executive (Cabinet) Members: Susan Glossop and Lance Stanbury  
Lead Officer: David Collinson

7. **Interim West Suffolk Street Trading and Vending Policy**  
Report No: EXC/SA/19/003  
Shadow Executive (Cabinet) Members: Susan Glossop and Lance Stanbury  
Lead Officer: David Collinson

8. **West Suffolk Council Overarching Enforcement Policy**  
Report No: EXC/SA/19/004  
Shadow Executive (Cabinet) Members: Susan Glossop and Lance Stanbury  
Lead Officer: David Collinson

9. **Shadow Executive (Cabinet) Decisions Plan: 1 January 2019 to 6 May 2019**  
To consider the most recently published version of the Shadow Executive (Cabinet) Decisions Plan.  
Report No: EXC/SA/19/005  
Shadow Executive (Cabinet) Member: James Waters  
Lead Officer: Ian Gallin

**Part 2 – Exempt**

**NONE**
Apologies for Absence

Apologies for absence were received from Councillors Andy Drummond and Joanna Rayner.

Minutes

The minutes of the meeting held on 18 September 2018 were confirmed as a correct record and signed by the Chairman.
24. **Open Forum**

No non-Cabinet Members in attendance wished to speak under this item.

25. **Public Participation**

There were no members of the public in attendance.


The Shadow Executive (Cabinet) received and noted the above report, which informed Members of the following substantive item discussed by FHDC’s and SEBC’s Performance and Audit Scrutiny Committees during an informal joint meeting held on 27 September 2018:

(1) **Approach to Delivering a Sustainable West Suffolk Budget 2019/2020 and Medium Term Plan.**

Councillor Sarah Broughton, Chairman of SEBC’s Performance and Audit Scrutiny Committee, drew relevant issues to the attention of the Shadow Executive (Cabinet).

27. **Consideration of Community Chest Grant Funding 2019/2020**

(a) **Recommendations for the Allocation of Forest Heath's Community Chest Funding for 2019/2020 (Report No: EXC/SA/18/013)**

(Councillor Robin Millar declared a local non pecuniary interest for being associated with the EPIC Dads organisation, and being known to the applicant of Our Special Friends in a personal capacity. He remained in the meeting during the consideration of this item but did not vote.)

The Shadow Executive (Cabinet) considered the above report which sought approval for the allocation of Forest Heath District Council’s (FHDC) Community Chest grant funding to various organisations for the 2019/2020 year.

Applications for FHDC Community Chest funding for 2019/2020 closed on 28 September 2018. A total of 22 applications had been received from a wide variety of organisations as outlined in the report. The total budget for Community Chest for 2019/2020 was £205,455.31, which included £20,205.31 carried over as unallocated funds from 2018/2019. £22,045.00 was allocated from this year’s budget as second year funding agreed in 2017. Applicants could apply for a maximum of two years.

Councillor Robin Millar, one of the Shadow Executive (Cabinet) Members with the responsibility for Families and Communities, drew relevant issues to the attention of the Shadow Executive, including that in his capacity as FHDC Portfolio Holder for Families and Communities, he had considered each of the 22 applications for Community Chest funding in detail, as summarised in the report. Subsequently, he had recommended for funding those that he
considered satisfactorily meet the eligibility and selection criteria, with some being recommended for two-years’ funding subject to the satisfactory submission of evidence-based reports detailing the benefits and success of each individual project in 2019/2020.

Councillor Millar conveyed his thanks to the Families and Communities Officers who had worked closely with and encouraged organisations to apply for funding to help enable their respective projects to come to fruition.

Nine applications had been considered not to be eligible for funding on this occasion, the reasons for which were provided in paragraph 1.6 of the report. Councillor Millar acknowledged the value of the work of these organisations and stated that officers provided feedback and supported unsuccessful applicants in trying to obtain alternative sources of funding.

A typographical error was identified in the recommendations contained in the report, whereby it stated that £45,000 would be granted to Citizens Advice Suffolk West, when it should have stated £40,000, as contained in the body of the report.

The Shadow Executive (Cabinet) supported the recommendations and were voted upon and carried with the above typographical amendment accordingly.

**RESOLVED:**

That:

(1) the allocation of Community Chest funding for 2019/2020, as previously approved in 2017/2018 as part of two-year funding agreements, be noted, (Report No: CAB/FH/17/065 refers) namely:

   (a) Epic Dads £15,000
   (b) Anglia Care £3,434
   (c) Restoration Trust £3,611

(2) The allocation of Community Chest funding for 2019/20, be approved, as amended to correct the typographical error in Report No: EXC/SA/18/013, whereby the allocation to Citizens Advice Suffolk West should have read £40,000 and not £45,000, as printed, namely:
(3) subject to the budget setting process for 2020/2021, and subject to the satisfactory submission of evidence-based reports detailing the benefits and success of each individual project in 2019/2020, the allocation of Community Chest funding for 2019/2020 and 2020/2021, be approved, namely:

<table>
<thead>
<tr>
<th>Project/Programme</th>
<th>2019/20</th>
<th>2020/21</th>
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<tr>
<td>(a) Fresh Start – New Beginnings</td>
<td>£11,600</td>
<td>£11,600</td>
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<tr>
<td>(b) Relate Norfolk and Suffolk</td>
<td>£2,000</td>
<td>£2,000</td>
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<td>(c) The Voluntary Network – Community Transport</td>
<td>£18,331</td>
<td>£17,961</td>
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(4) No Community Chest funding for 2019/2020 be awarded to:

- Aspect Living – Meals on Wheels
- Suffolk Accident Rescue Service (SARS)
- Families and More
- HomeStart In Suffolk
- Mentis Tree CIC
- Citizens Advice Suffolk West (Money Smart)
(g) Newmarket Day Centre
(h) Lakenheath FC
(i) Friends of Newmarket Library.

(b) **Recommendations from St Edmundsbury’s Grant Working Party: 5 November 2018: Community Chest Funding - 2019/2020 (Report No: EXC/SA/18/014)**

(Councillor Robin Millar declared a local non pecuniary interest for being associated with the EPIC Dads organisation, and being known to the applicant of Our Special Friends in a personal capacity. He remained in the meeting during the consideration of this item but did not vote.)

The Shadow Executive (Cabinet) considered the above report which sought approval for the allocation of St Edmundsbury Borough Council’s (SEBC) Community Chest grant funding to various organisations for the 2019/2020 year.

Applications for SEBC Community Chest funding for 2019/2020 closed on 28 September 2018. A total of 21 applications had been received from a wide variety of organisations as detailed in Appendix 1 to Report No: GWP/SE/18/002. The Community Chest budget for 2019/2020 was £281,483, with £95,139.20 also available for allocation through carried over unspent funds from previous years. £231,942.00 of the 2019/2020 budget was committed in 2017 for second year funding, as listed in the first recommendation and noted by the Shadow Executive. The remaining budget available for 2019/2020 was therefore £144,680.20. Applicants could apply for a maximum of two years.

On 5 November 2018, SEBC’s Grant Working Party had considered each application in turn, which was required to be evaluated in accordance with the eligibility and selection criteria set out in Appendix 2 to Report No: GWP/SE/18/002. The Working Party’s recommendations were now presented to the Shadow Executive (Cabinet) for approval.

Councillor Robert Everitt, one of the Shadow Executive (Cabinet) Members with the responsibility for Families and Communities, drew relevant issues to the attention of the Shadow Executive, including that in his capacity as SEBC Portfolio Holder for Families and Communities, he had attended the meeting of the Grant Working Party and commended their thorough approach to considering each application in turn. The Working Party had recommended for funding those that were considered to satisfactorily meet the eligibility and selection criteria, with some being recommended for two-years’ funding subject to the satisfactory submission of evidence-based reports detailing the benefits and success of each individual project in 2019/2020.

Councillor Everitt conveyed his thanks to the Families and Communities Officers who had worked closely with and encouraged organisations to apply for funding to help enable their respective projects to come to fruition. He also explained that subject to approval, a total of £21,403.35 would remain available in the St Edmundsbury Community Chest Fund for 2019/2020. In previous years, this balance, if left unspent could be carried forward to the next financial year; however, as FHDC and SEBC would no longer exist
following the creation of West Suffolk Council from 1 April 2019, this would not be possible this year. The Working Party had therefore considered it appropriate for St Edmundsbury’s Portfolio Holder for Families and Communities to exercise his individual decision making powers, in consultation with the Grant Working Party, to utilise the remainder by allocating suitable funding to other projects that may come forward or to increase the amount of funding already granted to those organisations listed above if it was considered appropriate and justifiable.

Nine applications had been considered not to be eligible for funding on this occasion, the reasons for which were provided in paragraph 1.7.8 of the report. Councillor Everitt acknowledged the value of the work of these organisations and stated that officers provided feedback and supported unsuccessful applicants in trying to obtain alternative sources of funding.

A question was asked in respect of why the recommendations from the Grant Working Party were presented for approval by the Shadow Executive (Cabinet), which comprised all Shadow Executive Members (which were the same members as FHDC and SEBC Cabinet Members) and not by SEBC’s Cabinet only, particularly as those that had two-year funding allocations for 2018/2019 and 2019/2020 were approved by SEBC’s Cabinet only in 2017.

In response, Members were informed that the business case to create a single council for West Suffolk was only approved in September 2017 and as a consequence of this, the Joint Executive (Cabinet) Committee (comprising all FHDC and SEBC Cabinet Members) and the Shadow Executive (Cabinet) decision making arrangements were established in May 2018. The decisions taken on this item would not come into effect until after 1 April 2019 when West Suffolk Council would be created, therefore it was pragmatic to include the item on this agenda. The recommendations could however, have been presented to the Joint Executive (Cabinet) Committee and the decisions carried forward to West Suffolk Council as permitted under the consequential orders. In any event, the decisions would not have been made by SEBC’s Cabinet only as it no longer met separately to FHDC’s Cabinet, unless exceptional circumstances required otherwise.

RESOLVED:

That:

(1) the allocation of Community Chest funding for 2019/2020, as previously approved in 2017/2018 as part of two-year funding agreements, be noted, (Report No: CAB/SE/17/071 refers) namely:
(2) the allocation of Community Chest funding for 2019/2020, as detailed in Report No: GWP/SE/18/002, be approved, namely:

(a) Our Special Friends: £6,000
(b) Suffolk West Citizens Advice £182,000
(c) Relate Norfolk and Suffolk £5,000
(d) St Nicholas’ Hospice Care – Bury St Edmunds £6,533
(e) St Nicholas’ Hospice Care – Haverhill £8,909
(f) HomeStart Mid and West Suffolk £10,000
(g) REACH Community Projects £10,000
(h) Suffolk Cinema Network £3,500

(3) subject to the budget setting process for 2020/2021, and subject to the satisfactory submission of evidence-based reports detailing the benefits and success of each individual project in 2019/2020, the allocation of Community Chest funding for 2019/2020 and 2020/2021, be approved, namely:

(a) HomeStart Mid and West Suffolk £9,889.85
(b) Mentis Tree CIC £10,775
(c) Bury St Edmunds Concert Youth Band £3,290
(d) Millennium Farm Trust – Artful Farm £6,800
(e) Honington and Sapiston Village Hall £3,240
(f) Stradishall Village Review Group £13,926
(4) No Community Chest funding for 2019/2020 be awarded to:

(a) Leading Lives;
(b) The Voluntary Network – Connect and Support;
(c) Aspect Living – Meals on Wheels;
(d) EPIC Dad;
(e) Families and More – Growing Against Violence;
(f) Fresh Start – New Beginnings;
(g) Survivors in Transition;
(h) Lions Club, Bury St Edmunds; and
(i) Multicultural Women’s Group, Bury St Edmunds Limited.

(5) The Portfolio Holder for Families and Communities, in consultation with the Grant Working Party, be asked to exercise his existing delegated powers for making individual portfolio holder decisions, to make a decision(s) on utilising any unallocated 2019/2020 Community Chest funding to projects, as appropriate and justifiable and to a maximum of £21,403.35 as set out in paragraph 1.7.9.

(c) **Transitional Arrangements for Community Chest and Locality Budgets (Report No: EXC/SA/18/015)**

The Shadow Executive (Cabinet) considered the above report, which sought approval for proposed transitional arrangements for managing Locality Budgets for 2019/2020 and Community Chest applications for 2020/2021.

The creation of West Suffolk Council from 1 April 2019 meant that transitional arrangements needed to be agreed. Decisions relating to the future of

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<tr>
<td>(a) Gatehouse</td>
<td>£10,000</td>
<td>£10,000</td>
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<tr>
<td>(b) Suffolk Accident and Rescue Services (SARS)</td>
<td>£5,000</td>
<td>£5,000</td>
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<tr>
<td>(c) Bury Drop in</td>
<td>£12,288</td>
<td>£12,288</td>
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<tr>
<td>(d) REACH Community Projects (separate project to that detailed in (1)(g) above)</td>
<td>£9,360</td>
<td>£9,360</td>
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<tr>
<td>(e) The Voluntary Network – Community Transport</td>
<td>£14,337</td>
<td>£15,800</td>
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<tr>
<td>(f) Haverhill Community Trust</td>
<td>£24,371</td>
<td>£25,168</td>
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Locality Budgets, Community Chest and grant funding would be the responsibility of the new council. The transitional arrangements were intended to provide some level of certainty for recipients of funding and for councillors until such a time as the new Council considered and agreed its approach to the aforementioned.

Councillor Robin Millar, one of the Shadow Executive (Cabinet) Members with the responsibility for Families and Communities, drew relevant issues to the attention of the Shadow Executive, including that the following transitional arrangements had been proposed:

- a full review of the Community Chest grant scheme would be undertaken in summer 2019;
- the overall Locality Budget funding pot would remain at the current value of £180,000. The fund would therefore be divided between 64 Members instead of the present 72, resulting in £2,812.50 per councillor per year; and
- a minor amendment would be made to the Locality Budget guidance regarding the consideration of certain applications located in rural parishes would also be made to align the arrangements across Forest Heath and St Edmundsbury district/borough.

The Shadow Executive (Cabinet) agreed the proposed transitional arrangements were a sensible and pragmatic approach.

**RESOLVED:**

That:

(1) the transitional arrangements for managing Locality Budgets in 2019/20 and applications for Community Chest for 2020/21, be approved in accordance with the proposals below, that:

   (a) a full review of the Community Chest grant scheme be undertaken in summer 2019, for 2020/21 and allocation of grant funding for the financial year 2021/22;

   (b) the overall Locality Budget funding allocation to remain as the current value of £180,000 for 2019/20, with the fund being divided between 64 Members instead of the present 72; and

   (c) the Locality Budget guidance regarding the consideration of certain applications located in rural parishes be amended to align the arrangements across the existing Forest Heath and St Edmundsbury district/borough.


The Shadow Executive (Cabinet) considered the above report, which sought approval for recommendations of the Forest Heath District Council (FHDC)
and St Edmundsbury Borough Council (SEBC) Overview and Scrutiny Committees’ appointed Garden Waste Collection Service Joint Task and Finish Group.

On 6 and 7 June 2018, both SEBC and FHDC Overview and Scrutiny Committees resolved to establish a joint task and finish group to carry out a joint review of the Garden Waste Collection Service and to make recommendations for the service moving forward from April 2019.

The Joint Task and Finish Group met on five occasions and undertook a thorough review of specific areas, as summarised in paragraphs 1.4 and 1.5 of the report, which culminated in a raft of recommendations, as reproduced in paragraph 1.6.

Councillor David Bowman, one of the Shadow Executive (Cabinet) Members with the responsibility for Operations, drew relevant issues to the attention of the Shadow Executive, including expressing his thanks to officers, the Joint Task and Finish Group for the comprehensive review and to the Overview and Scrutiny Committees’ consideration of the Group’s recommendations before presenting them to the Shadow Executive.

Councillor Peter Stevens, the other Shadow Executive (Cabinet) Member with the responsibility for Operations, added that he would urge Members to support the proposed increase in subscription charge from £40 to £43 for 2019/2020, which would be reviewed annually and would compare favourably with other Suffolk authorities’ subscription charges.

The Chairmen of the FHDC and SEBC Overview and Scrutiny Committees also spoke in support of the review and commended the diligence of the Joint Task and Finish Group. It was highlighted that the review had identified that the Garden Waste Collection Service had been successful since the introduction of the scheme in April 2016.

A discussion was then held on the promotion and sale of compostable material.

**RESOLVED:**

That the recommendations, as set out in Section 4 of the Garden Waste Collection Service Joint Task and Finish Group Report, Report Nos OAS/SE/18/031 and OAS/FH/18/032, be approved. Namely:

1. Increase the current subscription charge from £40 to £43 for 2019-2020. This included:
   - The subscription charge to be reviewed annually;
   - To be agreed with Portfolio Holders as part of budget setting and the Performance and Audit Scrutiny Committee; the Overview and Scrutiny Committee to review the fee annually; and
   - The GWCS budget is to be financially self-supporting.
The Group felt that there were not enough advantages to support the motion from Councillor David Nettleton to SEBC Council on 19 December 2017 and there would be a number of marketing and operational issues incurred. The Group also did not favour supporting a discounted charging scheme.

To depart from the singular bin collection day approach for the GWCS to unlock collection capacity.

Move towards a rolling subscription model by April 2020, to be linked to the Digital Strategy, Customer Access Strategy and marketing approaches.

- Approach to be fully automated.
- Cost to be within the budget of the GWCS.

As part of the next subscription process:

- Find out key reasons why households are not signing up;
- Run a marketing campaign aimed at rounds where take-up is low but garden space is large;
- Further promote bin sharing;
- Investigate an incentivisation scheme to encourage sign up direct debit (part of a corporate approach); and
- To understand the remaining potential in the households not currently subscribing to the GWCS.

To retain the current service branding.

Run a marketing campaign trial to change non subscriber behaviours.

- Identify bin collection rounds with the highest amount of garden waste in the residual waste bins.

To undertake collection round modelling to reflect future changes prior to the move to the WSOH.

To continue to promote take-up and migration to direct debit.

Review at a later date the “ban” option after all marketing options had been carried out, with a caveat on what goes in the black bin.

Through colleagues in the Customer Services team, seek to create a new section on the website for residents who are new to the area.

Work with ARP and encourage them to refer customers to the council’s GWCS.

To scope work with ARP and any other partners to introduce a new homes pack for house moves.
The Shadow Executive (Cabinet) considered the above report, which sought approval for recommendations of the Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) Overview and Scrutiny Committees’ appointed Bury St Edmunds Christmas Fayre Joint Task and Finish Group.

On 18 and 19 April 2018, both SEBC and FHDC Overview and Scrutiny Committees resolved to establish a joint task and finish group to carry out a joint review of the Bury St Edmunds Christmas Fayre and to make recommendations regarding the future of the Fayre.

The Joint Task and Finish Group met on several occasions and undertook a thorough review of specific areas, as summarised in paragraph 1.4 of the report, which culminated in the preparation of a proposed three year action plan incorporating the raft of recommendations emanating from the Group.

Upon presenting the Group’s recommendations to the FHDC and SEBC Overview and Scrutiny Committees on 7 and 8 November 2018, the SEBC Portfolio Holder for Planning and Growth had suggested an additional recommendation, including the reasons for it, relating to ‘Safety and Security’, as set out in paragraph 1.7 of the report. An additional minor amendment had also been suggested by the Portfolio Holder. Both of these suggestions were accepted by the Committees for incorporation into the proposed three-year action plan (Appendix F). Incorporating these amendments, the revised action plan (Appendix F) was attached to this Shadow Executive (Cabinet) report for approval.

Councillor Diane Hind, Chairman of SEBC’s Overview and Scrutiny Committee, drew relevant issues to the attention of the Shadow Executive (Cabinet), including providing a summary of the work of the Joint Task and Finish Group, for which she had been appointed Chairman. She was immensely pleased with the outcome of the review and acknowledged the significant contribution of each Member of the Group, which had comprised Members from both SEBC and FHDC.

When the final report of the Joint Task and Finish Group was presented to the SEBC Overview and Scrutiny Committee, this had ignited a lively debate with some Committee Members considering the report lacked forward thinking and ambition; however the majority of Members had broadly supported the content. The debate had resulted in the following additional recommendation being presented to the Shadow Executive (Cabinet), which had been accepted by FHDC’s Overview and Scrutiny Committee:

"An Annual Report on the Christmas Fayre being presented to the Overview and Scrutiny Committee, and specifically in 2019, to report back on discussions with the Destination Management Organisation and the BID (Our Bury St Edmunds) on willingness; desire of businesses to have/provide additional Christmas stalls throughout the town, over a longer period to create "Christmas in Bury"."
Councillor Susan Glossop, one of the Shadow Executive (Cabinet) Members for Planning and Growth, drew relevant issues to the attention of the Shadow Executive, including expressing her thanks to the Joint Task and Finish Group for their work in completing a thorough and comprehensive review. Councillor Glossop had welcomed the scope of the review and agreed that all areas covered for the review had been thoroughly explored and a range of options considered, which had culminated in the recommendations and production of the proposed three-year action plan.

Councillor Glossop then wished to make a point of clarification regarding the proposed additional recommendation reproduced above, particularly in respect of the proposed requirement to engage with Bury and Beyond and Ourburystedmunds on the "desire of businesses to have or provide additional Christmas stalls throughout the town, over a longer period to create 'Christmas in Bury'". Both organisations had been consulted during the review itself and both had welcomed the Fayre each year. The opportunity existed for either organisation to run other events during the festive period and officers would be willing to provide advice if needed on such additional events. However, there were no identified additional resources budgeted for the Council to provide any additional activity itself.

Councillor Glossop added that she had attended the Fayre herself over the previous weekend and had been delighted by the positive comments she had received from fellow visitors, including those that had been contented to partake in the Park and Walk provision at locations such as West Suffolk College and Olding Road.

A detailed discussion was held with the Shadow Executive (Cabinet) commending the thorough and comprehensive review that had been undertaken. The success of the Christmas Fayre was recognised and how it had evolved and improved over the years, going from strength to strength. Whether this success could extend to other towns in West Suffolk was also recognised and encouraged.

The costs to stage the event were then discussed and whilst the recommendations emanating from the Overview and Scrutiny Committees, including the three-year action plan (as amended) were supported, and the benefits of the Fayre acknowledged in terms of its wider positive impact on Bury St Edmunds’ and West Suffolk’s local economy, the Fayre needed to maintain itself and keep within budget.

**RESOLVED:**

That the Christmas Fayre Review Reports: (OAS/SE/18/032) and (OAS/FH/18/031), including the revised Three-Year Action Plan, attached as Appendix F to Report No: EXC/SA/18/017, be approved, subject to:

"An Annual Report on the Christmas Fayre being presented to the Overview and Scrutiny Committee, and specifically in 2019, to report back on discussions with the Destination Management Organisation and the BID (Our Bury St Edmunds) on willingness; desire of businesses to
have/provide additional Christmas stalls throughout the town, over a longer period to create “Christmas in Bury”.


The Shadow Executive (Cabinet) considered the above report which sought approval for the formal calculation for the council tax base for the financial year 2019/2020.

The council tax base was the total taxable value at a point in time of all the domestic properties in the council’s area. It is a yearly calculation and represented the estimated number of chargeable dwellings after allowing for exemptions and discounts, projected changes in the property base and after applying an estimated collection rate.

The total taxable value referred to above was arrived at by each dwelling being placed in one of eight valuation bands (A – H) by the Valuation Office, with a statutorily set fraction then being applied in order to convert it to a ‘band D equivalent’ figure. These band D equivalent numbers were then aggregated at a district wide level and were also sub totalled for parishes. This calculation had to be done by the council responsible for sending the bills out and collecting the council tax (‘the billing authority’). In two tier areas, district councils fulfilled this function.

The council tax base was used in the calculation of council tax. Each authority divided the total council tax income it needed to meet its budget requirement by the tax base of its area to arrive at its band D council tax. The same fractions referred to in the previous paragraph were then used to work out the council tax for properties in each of the other bands.

Orders had been laid allowing West Suffolk to harmonise the council tax of Forest Heath and St Edmundsbury over a period not exceeding seven years. Because of this, it was necessary to calculate tax base figures for both areas currently covered by Forest Heath District Council and St Edmundsbury Borough Council (the “predecessor areas”).

Councillor Ian Houlder, one of the Shadow Executive (Cabinet) Members with the responsibility for Resources and Performance, drew relevant issues to the attention of the Shadow Executive, including that the band D properties figures as at 1 October 2018 was 18,749.2 for Forest Heath and 37,354.8 for St Edmundsbury which was 55,056.11 for the whole West Suffolk district. This was an increase of 348.67 for Forest Heath and 252.05 for St Edmundsbury on the previous year, and was therefore 600.71 for the whole West Suffolk district.

The calculations applied to reach these figures were detailed in the report.

In line with the delegated authority to administer the Council’s financial affairs as outlined in the Constitution, the arrangements for the scheduling of the precept payments for 2019/2020, would be determined by the Assistant Director (Resources and Performance) (Chief Financial Officer).
It was expected that the payments schedule for all parish and town councils in West Suffolk would be full payment of the precepts by 30 April 2019. These would be in accordance with Appendices 3 and 4 attached to the report.

**RECOMMENDED TO SHADOW COUNCIL (18 December 2018):**

That:

(1) the tax base for 2019/2020, for the whole of West Suffolk is 55,056.11 equivalent Band D dwellings, and for each of the predecessor areas is: Forest Heath 18,313.11 and St Edmundsbury 36,743.00, as detailed in paragraph 1.4.3 of Report No: EXC/SA/18/018; and

(2) the tax base for 2019/2020 for the different parts of its area, as defined by parish or special expense area boundaries, are as shown in Appendices 3 and 4 to Report No: EXC/SA/18/018.


The Shadow Executive (Cabinet) considered this report which was the Shadow Executive (Cabinet) Decisions Plan covering the period 1 November 2018 to 6 May 2019.

Members took the opportunity to review the intended forthcoming decisions of the Shadow Executive (Cabinet). However, no further information or amendments were requested on this occasion.

The Meeting concluded at 7.12 pm

Signed by:

Chairman
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# Extraordinary Shadow Executive (Cabinet)

<table>
<thead>
<tr>
<th>Title of Report:</th>
<th>Recommendations of the Forest Heath and St Edmundsbury Performance and Audit Scrutiny Committees: 28 November 2018 – Approach to Delivering a Sustainable West Suffolk Budget 2019-2020 and Medium Term Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report No:</td>
<td>EXC/SA/19/001</td>
</tr>
<tr>
<td>Report to and dates:</td>
<td></td>
</tr>
<tr>
<td>Shadow Executive Members/Portfolio holders:</td>
<td></td>
</tr>
<tr>
<td>Chairmen of the Committees:</td>
<td></td>
</tr>
</tbody>
</table>
Lead officer: Gregory Stevenson
Service Manager (Finance and Performance)
Tel: 01284 757264
Email: Gregory.stevenson@westsuffolk.gov.uk

Purpose of report: On 28 November 2018, the Performance and Audit
Scrutiny Committees considered Report Nos: PAS/SE/18/035 / PAS/FH/18/039, which update
members on progress made towards delivering a balanced budget for 2019/20 and sustainable budget in
the medium term.

Recommendation: It is RECOMMENDED that, subject to the approval
of Shadow Council as part of the budget setting
process, the proposals detailed in Section 2 and
Table 1 and Table 2 of Report Nos: PAS/SE/18/
035 and PAS/FH/18/039, be included in securing

Key Decision: Is this a Key Decision and, if so, under which
definition?
Yes, it is a Key Decision - ☐
No, it is not a Key Decision - ☒

Consultation: • See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Alternative option(s): • See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Implications:
Are there any financial implications? If yes, please give details
Yes ☐ No ☐
• See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Are there any staffing implications? If yes, please give details
Yes ☐ No ☐
• See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Are there any ICT implications? If yes, please give details
Yes ☐ No ☐
• See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Are there any legal and/or policy implications? If yes, please give details
Yes ☐ No ☐
• See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Are there any equality implications? If yes, please give details
Yes ☐ No ☐
• See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Risk/opportunity assessment:
(potential hazards or opportunities affecting
corporate, service or project objectives)

Risk area
Inherent level of risk (before controls)
Controls
Residual risk (after controls)

See Report Nos: PAS/SE/18/035
PAS/FH/18/039

Ward(s) affected: All Wards
| **Background papers:** | **Shadow Executive Agenda 17 July 2018** – Item 5: West Suffolk Council – Setting the Strategic Context for the Development of the 2019/2020 Budget and Medium Term Financial Plans

Informal Joint PASC – Approach to Delivering a Sustainable West Suffolk Budget 2019-2020 and Medium term Plan: **PAS/FH/18/032** and **PAS/SE/18/029** |

| **Documents attached:** | **None** |
1. **Key issues and reasons for recommendation(s)**

1.1 It was reported at the 27 September 2018, Performance and Audit Scrutiny Committee meeting, that the budget position was a gap of £0.5m, and included the following set of adverse trends:

- The lower growth trend in car parking income as seen in 2018-2019 and anticipated to continue into 2019-2020.
- The increased cost relating to recycling charge per tonne.
- The estimated impact of revising the pay-line.
- The new business case for Barley Homes.

1.2 The Committees were informed on 28 November 2018, that the position had been updated to account for developing trends and revised information as it became available and confirmed as far as possible. This information gave rise to a budget gap of £1.1m in 2019-2020, and £1.1m for 2020-2021.

1.3 **Extract from Report Nos: PAS/SE/18/035 and PAS/FH/18/039**

2. **Progress and Budget Assumption**

2.2 This position has been updated to account for developing trends and revised information as it becomes available and confirmed as far as possible. This information gives rise to a budget gap of £1.1m for 2019/20 and £1.1m for 2020/21.

  The updated position for each year is laid out in the table below

**Table 1: Budget Proposals for 2019-2023**
2.3 There are a set of proposed actions that can be taken that will reduce this budget gap for 2019-2021 significantly. These include reserve funding proposals and approaches to corporate budgets. These proposals are laid out in the table below.

<table>
<thead>
<tr>
<th>Existing Savings Targets within MTFS</th>
<th>2019/20</th>
<th>2020/21</th>
<th>2021/22</th>
<th>2022/23</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Additionl Pressures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary Revision (impact of 18/19 changes)</td>
<td>508</td>
<td>430</td>
<td>453</td>
<td>477</td>
</tr>
<tr>
<td>Payline Alignment</td>
<td>228</td>
<td>233</td>
<td>241</td>
<td>249</td>
</tr>
<tr>
<td>LT Salary</td>
<td>40</td>
<td>41</td>
<td>42</td>
<td>42</td>
</tr>
<tr>
<td>Members Allowances (inc. Special Responsibility)</td>
<td>88</td>
<td>88</td>
<td>88</td>
<td>88</td>
</tr>
<tr>
<td>Blue Bins - Increased Tipping Charges</td>
<td>423</td>
<td>424</td>
<td>425</td>
<td>426</td>
</tr>
<tr>
<td>Car Park Income</td>
<td>394</td>
<td>254</td>
<td>209</td>
<td>209</td>
</tr>
<tr>
<td>Growth Fund - Revised Outlook</td>
<td>300</td>
<td>150</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Barley Homes - Revised Business Case</td>
<td>197</td>
<td>(96)</td>
<td>(37)</td>
<td>(35)</td>
</tr>
<tr>
<td>Trade Waste Costs</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Local Plan Costs</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>Information Security Role</td>
<td>60</td>
<td>61</td>
<td>62</td>
<td>64</td>
</tr>
<tr>
<td>Rough Sleeper Costs</td>
<td>41</td>
<td>41</td>
<td>41</td>
<td>41</td>
</tr>
<tr>
<td><strong>Total Additional Pressure</strong></td>
<td>1,900</td>
<td>1,325</td>
<td>1,200</td>
<td>1,214</td>
</tr>
</tbody>
</table>

| **Additional Income/Savings**       |         |         |         |         |
| Solar Income                        | (160)   | 0       | 0       | 0       |
| Solar Costs                         | (40)    | (40)    | (40)    | (40)    |
| Professional Fees                   | (100)   | (100)   | (100)   | (100)   |
| Trade Waste Income                  | (160)   | (84)    | (42)    | (42)    |
| Ground Maintenance Income           | (100)   | (102)   | (104)   | (106)   |
| Housing Options - HB Income         | (72)    | (72)    | (72)    | (72)    |
| Apex Booking Fee                    | (34)    | (34)    | (34)    | (34)    |
| Shared Legal Service Income (BMS/Babergh) | (90)  | (90)    | (90)    | (90)    |
| Other Waste Services Income         | (46)    | (47)    | (48)    | (48)    |
| **Total Additional Income/Savings** | (802)   | (569)   | (530)   | (532)   |

<table>
<thead>
<tr>
<th><strong>Net Impact</strong></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,098</td>
<td>1,056</td>
<td>2,584</td>
<td>3,427</td>
</tr>
</tbody>
</table>


### Table 2: Proposed Solutions

**Proposed Solutions**

<table>
<thead>
<tr>
<th>Reserve Fund:</th>
<th>(300)</th>
<th>(150)</th>
<th>0</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Growth Fund - Revised Outlook</td>
<td>(150)</td>
<td>(150)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>WSOH Business Management posts (2 years)</td>
<td>(215)</td>
<td>(215)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Revised reserve contributions</td>
<td>(142)</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Blue Bins - Increased Tipping Charges</td>
<td>(100)</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Budget for 18/19 Collection Fund surplus</td>
<td>(150)</td>
<td>(150)</td>
<td>(150)</td>
<td>(150)</td>
</tr>
<tr>
<td>Reduce Corporate Agency Budget (from £200k)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Potential Solutions**

<table>
<thead>
<tr>
<th></th>
<th>(1,057)</th>
<th>(665)</th>
<th>(150)</th>
<th>(150)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Impact (incl all Solutions)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>41</td>
<td>391</td>
<td>2,434</td>
<td>3,277</td>
</tr>
</tbody>
</table>

2.4 The adoption of the solutions would bring the budget gap down to **£41k** for 2019/20 and **£391k** for 2020/21.

2.5 Work will continue of monitoring the trends included in Table 1 (above) and driving to agree assumptions that will close the remaining budget gap for 2019/20 and 2020/21 for presentation to Council in February 2019. A further update will be brought to the Committee in January 2019.

2.6 The budget gap for the future years beyond 2021 is significant but given the expectation of changes to local government funding due to come out of the Fair Funding Review these plans will have to be reviewed from base principles up when more specific information becomes available. This is anticipated in Spring/Summer 2019 with a potential transition date of April 2020.

2.7 This budget assumes no change to the 7 year Council Tax plan for harmonization between St Edmundsbury and Forest Heath.

2.8 It is important to note that there are limitations on the degree that all of the potential changes within its medium term financial projections can be identified. The financial environment that we operate in is constantly changing and will be subject to significant change over time.

2.9 The Capital Programme is currently being revised and updated with known changes. This will be brought for Performance and Audit Committee review in January 2019.

1.2 **Performance and Audit Scrutiny Committees**

1.2.1 The Performance and Audit Scrutiny Committees scrutinised the report in detail and asked a number of questions on the proposed solutions, to which comprehensive responses were provided. In particular discussions were held on Barley Homes; savings made moving towards becoming a single
council; investing in commercial properties and the high risks involved, and making sure that the financial figures were robust.

1.2.2 The Performance and Audit Scrutiny Committees considered and **noted** the approach and timescales for the 2019/2020 budget setting process and medium term plans for West Suffolk Council.

1.2.3 The Performance and Audit Scrutiny Committees have put forward recommendations as set out on page two of this report.
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## Title of Report:

**West Suffolk Statement of Licensing Policy 2019-2022**

<table>
<thead>
<tr>
<th>Report No:</th>
<th>EXC/SA/19/002</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Report to and date:</th>
<th>Extraordinary Shadow Executive (Cabinet)</th>
<th>8 January 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shadow Council</td>
<td></td>
<td>15 January 2019</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Shadow Executive Members/Portfolio holders:</th>
<th>Lance Stanbury</th>
<th>Susan Glossop</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FHDC Portfolio Holder for Planning and Growth</td>
<td>SEBC Portfolio Holder for Planning and Growth</td>
</tr>
<tr>
<td>Tel:</td>
<td>07970 947704</td>
<td>01284 728377</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:lance.stanbury@forest-heath.gov.uk">lance.stanbury@forest-heath.gov.uk</a></td>
<td><a href="mailto:susan.glossop@westsuffolk.gov.uk">susan.glossop@westsuffolk.gov.uk</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lead officer:</th>
<th>David Collinson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Director (Planning and Regulatory Services)</td>
<td></td>
</tr>
<tr>
<td>Tel:</td>
<td>01284 757306</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:david.collinson@westsuffolk.gov.uk">david.collinson@westsuffolk.gov.uk</a></td>
</tr>
</tbody>
</table>

| Purpose of report: | To adopt the West Suffolk Statement of Licensing Policy as a combined document of the two existing aligned policies of Forest Heath and St Edmundsbury |

<table>
<thead>
<tr>
<th>Recommendation:</th>
<th>It is <strong>RECOMMENDED</strong> that subject to the approval of the Shadow Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>the West Suffolk Statement of Licensing Policy 2019-2022, attached at Appendix A to Report No: EXC/SA/19/002, be adopted; and</td>
</tr>
<tr>
<td>(2)</td>
<td>the Cumulative Impact Assessments for Newmarket and Bury St Edmunds as contained within the West Suffolk Statement of Licensing Policy, be adopted.</td>
</tr>
</tbody>
</table>
### Key Decision:

(Choose the appropriate box and delete all those that do not apply.)

<table>
<thead>
<tr>
<th>Is this a Key Decision and, if so, under which definition?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, it is a Key Decision - ☐</td>
</tr>
<tr>
<td>No, it is not a Key Decision - ☒</td>
</tr>
</tbody>
</table>

The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until **five clear working days of the publication of the decision** have elapsed. This item is included on the Decisions Plan.

### Consultation:

- Forest Heath and St Edmundsbury policies were consulted on before being adopted in 2018 and 2017 respectively. Key stakeholders have been alerted to the new West Suffolk policy.

### Alternative option(s):

### Implications:

- **Are there any financial implications?**
  - Yes ☐ No ☒
- **Are there any staffing implications?**
  - Yes ☐ No ☒
- **Are there any ICT implications?**
  - Yes ☐ No ☒
- **Are there any legal and/or policy implications?**
  - Yes ☒ No ☐
  - This document sets out a consistent licensing policy for West Suffolk, including all legislative updates brought about since the St Edmundsbury policy was adopted in 2017.
  - Adoption of the West Suffolk policy does not represent a statutory review required every 5 years.
  - The 2019-2022 lifetime reflects that of the current St Edmundsbury policy and will require a review before December 2022.
- **Are there any equality implications?**
  - Yes ☐ No ☒

### Risk/opportunity assessment:

<table>
<thead>
<tr>
<th>Risk area</th>
<th>Inherent level of risk (before controls)</th>
<th>Controls</th>
<th>Residual risk (after controls)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confusion for licensees – adopting another statement of licensing policy very soon after the Forest Heath policy has been consulted on and reviewed may confuse those that must adhere to the policy</td>
<td>Medium</td>
<td>All stakeholders will be written to at least two weeks before the committee papers are published so explain why we need to adopt a separate West Suffolk policy</td>
<td>Low</td>
</tr>
<tr>
<td>Ward(s) affected:</td>
<td>All Wards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>-----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(all background papers are to be published on the website and a link included)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Documents attached:</strong></td>
<td><strong>Appendix A</strong> – draft West Suffolk Statement of Licensing Policy 2019-2022</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. **Key issues and reasons for recommendation(s)**

1.1 **Background**

1.1.1 All councils are required to have a Statement of Licensing Policy and update it at least every five years. Forest Heath’s Statement of Licensing Policy was last renewed in December 2018; St Edmundsbury’s was last updated in December 2017. The policy content of both documents is identical.

1.1.2 The Shadow Council needs to adopt a Statement of Licensing Policy for West Suffolk Council before 1 April 2019. The document attached at Appendix A contains the same wording as the Forest Heath and St Edmundsbury Council documents, but with the following changes:

- name of council
- maps showing the area
- statistics about the district
- updated references to legislation and statutory guidance that has changed since the documents were adopted

1.2 **Duration of the Policy**

1.2.1 In order to abide by the requirement for Statements of Licensing Policy to be renewed every 5 years, West Suffolk Council will need to adopt a new policy by December 2022. This will be preceded by consultation, allowing consultees in St Edmundsbury the opportunity to give comments and feedback within 5 years of the previous policy covering the area being adopted.

1.3 **Cumulative Impact Assessments**

1.3.1 Under the revised guidance issued under s182 Licensing Act 2003, Cumulative Impact Assessments can only be published for 3 years. Para 14.38 on p113 of the guidance document states:

“As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation).”

1.3.2 The Bury St Edmunds Cumulative Impact Assessment was adopted in December 2017, and will therefore require renewal in December 2020.
West Suffolk
Statement of Licensing Policy

Local Government (Miscellaneous Provisions) Act 1982
Welcome to the first edition of the West Suffolk Statement of Licensing Policy, created from the latest editions from the former councils of Forest Heath and St Edmundsbury.

Our policy encompasses our 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 West Suffolk 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.

<table>
<thead>
<tr>
<th>Section</th>
<th>Page Number</th>
</tr>
</thead>
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<td>Introduction</td>
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<td>Purpose of Licensing Policy</td>
<td>6</td>
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<td>Licensing Objectives</td>
<td>7</td>
</tr>
<tr>
<td>The role of the Licensing Authority in the Decision Making Process</td>
<td>8</td>
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<td>Other Legislation, Strategies and Guidance</td>
<td>9</td>
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<tr>
<td>Relationship with Planning Process</td>
<td>10</td>
</tr>
<tr>
<td>Cumulative Impact of a Concentration of Licensed Premises</td>
<td>11</td>
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<td>Licensing Hours</td>
<td>13</td>
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<td>14</td>
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<td>Administration, Exercise and Delegations of Functions</td>
<td>16</td>
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<td>Hearings</td>
<td>16</td>
</tr>
<tr>
<td>Conditions</td>
<td>17</td>
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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 & 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.

About the area

The area of West Suffolk comprises the former council areas of Forest Heath and St Edmundsbury, two predominantly rural districts in the heart of East Anglia. Well-connected with London, the rest of East Anglia and the Midlands, West Suffolk is a safe and comparatively prosperous place in which to live. It also has some beautiful and accessible countryside areas, including grassland, heath and forest.

West Suffolk has five main market towns, Brandon, Bury St Edmunds, Haverhill Newmarket and Mildenhall.

Bury St Edmunds, the largest settlement in West Suffolk, has been a prosperous town for centuries, with people drawn to its market and Georgian architecture, shops, leisure and cultural facilities.
Newmarket is known as the 'home of horseracing'. It has more racehorses, trainers, stable staff, stud farms and racing organisations in and around the town than anywhere else in the world, with racing accounting for a significant number of local jobs.

Haverhill, Mildenhall and Brandon expanded significantly in the 1970s due to the construction of new housing to accommodate families moving as part of the Greater London Council's expansion programme.

Today, West Suffolk has a thriving, diverse economy, embracing a number of business sectors. These include tourism, food and drink, life sciences and advanced manufacturing, including a number of businesses trading with the two major US Air Force bases in West Suffolk.

In all of West Suffolk's towns and rural areas, many of the residents benefit from a good quality of life. However, some areas have suffered more than others from the impact of the economic downturn, and others are facing issues such as: rural isolation, a lack of skills or qualifications amongst young people, an ageing population with some in need of more specialist housing or care, poverty, or health deprivation.

MYE2: Population estimates: Persons by single year of age and sex for local authorities in the UK, mid-2017
Mid-year Estimates for 2017 state that the population of West Suffolk was 179,248. Whilst the population is aging (27% over the age of 65), West Suffolk has a slightly more youthful profile than the rest of Suffolk, with 61% being working age (15-64) and 18% aged between 0-14 years.

The West Suffolk population is also more transient than in many other rural areas, due to the United States Air Force in Europe (USAFE) bases in Mildenhall and Lakenheath and the number of migrant works in the district’s horse racing and agricultural industries.
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 & 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 section 4 (the Act), secondary legislation and the latest 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. Guidance on the licensing objectives is available on the Government’s website at http://www.culture.gov.uk.

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;
- 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 are active in West Suffolk);
- 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.
- the Council’s Enforcement Policy

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 Western Suffolk Community Safety Partnership (WSCSP) 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.

5.5 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 area.

5.6 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.

5.7 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 sub-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. Cumulative impact

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;
- positive measures to create a safe and clean town centre environment in partnership with local business, transport operators and other departments of the local authority using best practice schemes or BIDS
- 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;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down premises or temporary events for up to 48 hours on the grounds of preventing crime, disorder or nuisance;
- police enforcement of the general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices;
• 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 and community protection notices);
• 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 On 9 January 2008 the council agreed to implement a Cumulative Impact Assessment in respect of Newmarket town centre (See Appendix A). 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 take-aways.

7.8 The licensing authority wishes to encourage the provision of a wider range of entertainment in the area. West Suffolk 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 assessment within their operating schedules.

7.14 In respect of other areas within West Suffolk, 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 impact assessment 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, responsible authorities or other groups when they are reporting on matters affecting members of the public.

7.17 West Suffolk Council consulted on its current cumulative impact assessments and were reviewed concurrently with the statement of licensing policy. The consultation published crime data supplied by Suffolk Constabulary and data from environmental health complaints in relation to noise.

7.18 The consultation allowed the licensing authority to obtain statements and questionnaires from local residents, parish and local councillors, police, relevant authorities and any other relevant interested parties. The available evidence was considered by the local authority while determining that a CIA is to be published. Reasons why the CIA was published and types of premises it relates to will also be listed, examples are night clubs, vertical drinking bars, restaurants with a vertical drinking facility after 2300, hot food take-aways serving after 2300 hours.

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 District 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 The licensing authority has a published Cumulative Impact Area in its Statement of Licensing Policy and will always consider the relationship between the CIA 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 & 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 or by contacting Customer Services at 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 & 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 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.

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).

- 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,
o premises used exclusively by a club with a club premises certificate
o premises used under a temporary event notice or under a
premises licence issued pursuant to the Gambling Act 2005); or
o 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.
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).

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 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 Trading Standards to act instead.

14.4 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 to children;
• Section 154  Enforcement role for weights and measures authorities.

14.5 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 & 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 & 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 West Suffolk
Council.

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 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.

17.2.3 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.

17.2.4 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 that 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;

j) Provision of secure, deposit boxes for confiscated items (‘amnesty bins’);

k) Provision of litter bins and other security measures, such as lighting, outside premises;

l) Provision for the disposal of waste on the frontage of the premises;

m) 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 promotors;

n) control or prevention of customers entering and leaving with opened bottles/glasses – for example whilst they are observing smoke free regulations;

17.2.5 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.

17.2.6 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.

17.2.7 The licensing & regulatory sub-committee considering the matter will confine their consideration to the issue of crime and disorder.

17.2.8 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 West Suffolk 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;
Specific actions identified from best practice guidance (for example, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice);

- provision and use of effective CCTV in and around premises;
- 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
- implementation of crowd management measures;
- monitoring arrangements such as door staff, ticketing, attendance clickers or maintenance of attendance records; and
- 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 West Suffolk Council safeguarding children’s policy can be found at www.westsuffolk.gov.uk.

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 venues which may be found at 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. 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.

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 & 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.

18.6 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 to assist in the prevention of illegal working in the UK. The licensing authority must be satisfied that an applicant has the right to work in the UK and will require applicants to produce a document listed at Annex A to demonstrate their entitlement to work in the UK.

18.7 The list of documents which an applicant may provide to demonstrate their entitlement to work is published on gov.uk. This also applies to persons who apply for premises licences.

19. Applications for Premises Licences

19.1 The Department for Culture Media & 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. 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 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 Sschedule, 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’.
- A document from Schedule A showing the applicants right to work in the UK (if required).

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 & 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 & 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 TEN 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. 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 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.
Appendix 2
Crime Statistics and complaints to Support consultation of Newmarket Cumulative Impact Assessment

Joint Performance and Analysis Department

ASB, Crime, Public Safety, Transport incidents in Newmarket
Version 2
Emma Finbow - Researcher

Introduction

The purpose of this assessment is to support the application of the Community Impact Policy in Newmarket which is due to expire. This information will assist in determining whether an extension could be justified. The importance of the CIP and this assessment is it allows the objection of applications for new licensed premises or extensions based on crime, disorder and ASB.

The data is inclusive of the following streets:
- Newmarket High Street
- Guinea Centre
- Fred Archer Way
- Grosvenor Yard
- Wellington Street
- Palace Street
- Kingsway Passage
- Sun Lane

Data Broken into key time categories:
- 05:00-19:00 – Daytime
- 00:00-04:00 – Late Evening
- 19:01-23:59 – Evening
- 04:01-04:59 – Early Morning

Date Parameter: 01/11/2014 – 01/11/2017
Event Type Included: ASB, Crime, Public Safety, Transport
**ASB, Crime, Public Safety, Transport incidents in specific streets in Newmarket**

**Date Parameter:** 01/11/2014 – 01/11/2017

**Event Type Included:** ASB, Crime, Public Safety, Transport

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<th>Street Name</th>
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<th>2015</th>
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<th>2017</th>
<th>Grand Total</th>
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<td>High Street</td>
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<td>Lodge Street</td>
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<td>Wellington Street</td>
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<td>241</td>
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* All returns for Kingsway Passage – Kingsway has NOT been included in the data as all Kingsway data found from Storm and the site of Mildenhall Police Station.

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<td><strong>Grand Total</strong></td>
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<td>Early Morning</td>
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<td>Evening</td>
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<td>Late Evening</td>
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<td>30/08/2017</td>
<td>Resident rang to report intense heat from extractor fan, burning tree in her garden.</td>
<td>CP03 - Commercial Smoke</td>
<td>30/08/2017</td>
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<td>08/05/2017</td>
<td>Resident lives close by to pub, at the weekend due to the races being on the noise and music was very loud going on until 3am in the morning. Also outside television can be on until 12 am in week with no one watching it.</td>
<td>CN14 - Noise/Music</td>
<td>08/05/2017</td>
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<td></td>
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</tr>
<tr>
<td>08/11/2016</td>
<td>Car fumes from taxi engines parked outside my place of work. Engines left running fumes fill the shop and the trapped inside.</td>
<td>CP10 - Smell-Industrial</td>
<td>08/11/2016</td>
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<tr>
<td>01/09/2016</td>
<td>Loud recorded music affecting him while staying at the Rutland Arms -- please see attached email and the linked licensing worksheet</td>
<td>CN14 - Noise/Music</td>
<td>01/09/2016</td>
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<td></td>
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<tr>
<td>19/07/2016</td>
<td>Resident reporting burglar alarm at the White Lion has been going off for 24 hours - still going off now</td>
<td>CN06 - Noise/Security Alarm</td>
<td>19/07/2016</td>
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<tr>
<td>11/07/2016</td>
<td>Description: This is a constant alarm ringing all the time. Thought was De Niro’s nightclub they checked and wasn’t’ . Other: security alarm for the old de Niro’s building has been going for the last 3 weeks</td>
<td>CN7E - Alarms-Commercial</td>
<td>11/07/2016</td>
<td></td>
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<tr>
<td>20/06/2016</td>
<td>Residents irate, they were woken at 4.30 this morning by the dustbins being put out beside their fence &amp; then being collected.</td>
<td>CN04 - Noise/Commercial</td>
<td>23/06/2016</td>
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<tr>
<td>17/06/2015</td>
<td>noise from Innocence - until 4am, DJ bellowing and loud music, family couldn't sleep.</td>
<td>CN14 - Noise/Music</td>
<td>20/06/2016</td>
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<tr>
<td>27/10/2015</td>
<td>Resident phoned in to complain about bins being used noisily at 2am in the morning.</td>
<td>CN04 - Noise/Commercial</td>
<td>23/06/2016</td>
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<tr>
<td>17/09/2015</td>
<td>Resident complaining of next doors business installed 2 portaloos to the side of their building &amp; next to his fence, near his kitchen window has smells &amp; hygiene concerns. Also they have 2 large waste bins here which are attracting rats &amp; he is affect by noise when they close the bins.</td>
<td>CP12 - Smell-Commercial</td>
<td>17/09/2015</td>
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<tr>
<td>17/06/2015</td>
<td>Alarm has been going off since Monday from somewhere around where the old KFC was.</td>
<td>CN06 - Noise/Security Alarm</td>
<td>17/06/2015</td>
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<td>17/06/2015</td>
<td>Alarm has been going off since Monday from somewhere around where De Neros was</td>
<td>CN06 - Noise/Security Alarm</td>
<td>17/06/2015</td>
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<tr>
<td>05/06/2015</td>
<td>complained of the noise coming from the builders at Pizza Express occurring at night</td>
<td>CN19 - Noise/Construction</td>
<td>05/06/2015</td>
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<td>21/05/2015</td>
<td>nightclub acoustic complaint</td>
<td>CN04 - Noise/Commercial</td>
<td>21/05/2015</td>
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<td>01/10/2014</td>
<td>Every Saturday night the music is very loud in the nightclub until 4am Sunday mornings, last Saturday there was a bus parked to the side in The Avenue with its engine running from 7pm - 4.30am, also stated it was on double yellow lines</td>
<td>CN04 - Noise/Commercial</td>
<td>01/10/2014</td>
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<tr>
<td>16/09/2014</td>
<td>Business employees talking &quot;very loudly&quot; on their mobile phones just outside their premises back door which is situated under our windows causing disturbance.</td>
<td>CN18 - Noise/Other</td>
<td>16/09/2014</td>
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<tr>
<td>09/09/2014</td>
<td>When patrons leave they are very vocal, leave rubbish and glasses on the wall outside property and use offensive language. Chips thrown on car. Males have been seen urinating against the wall. called Police due to fights twice</td>
<td>ASB - Anti Social Behaviour</td>
<td>09/09/2014</td>
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<td>Issue</td>
<td>Category</td>
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<tr>
<td>Loud music every weekend - also ASB fighting, urinating in gardens, things being thrown into gardens etc.</td>
<td>ASB - Anti Social Behaviour</td>
<td>08/09/2014</td>
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<tr>
<td>Loud music every weekend (tried speaking to landlord but they are not interested) - (also ASB fighting, urinating in gardens etc.</td>
<td>CN14 - Noise/Music</td>
<td>08/09/2014</td>
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</tr>
<tr>
<td>Since the new owners of the establishment have taken over there has been consistent problems, arguments with both the couple who own the pub and locals.</td>
<td>CN04 - Noise/Commercial</td>
<td>29/07/2014</td>
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<tr>
<td>Noise from people using the gardens until 4am shouting and singing, could also hear music in the background but not as loud as the people in the garden.</td>
<td>CN18 - Noise/Other</td>
<td>28/07/2014</td>
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<tr>
<td>Takeaway Premises exceeding licensed hours</td>
<td>CL07 - Request - Advice/Help</td>
<td>19/03/2018</td>
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<tr>
<td>Resident from hotel says there was loud music from a nearby pub which went on beyond their licensed hours</td>
<td>CL27 - Licensing - Other</td>
<td>30/08/2016</td>
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<tr>
<td>Complaining about bouncers who control people leaving the clubs/pubs at the rank. Saturday he was in middle of rank &amp; bouncers stopped someone getting in his car saying they should use the one at the front.</td>
<td>CL24 - Hackney &amp; Private Hire</td>
<td>23/09/2014</td>
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<tr>
<td>Called and complained about noise from nearby pub over the weekend. They are breaking the conditions of the premises licence - audible music inside bedrooms until 4am last Friday (27/6/14), Windows and doors open</td>
<td>CL13 - Premises Licence</td>
<td>01/07/2014</td>
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<tr>
<td>Would like to bring to our attention that condition 4 of the licence (provide adequate litter bins) have not been met and what steps have the officers taken to ensure that the conditions are being met, premises display 2 A boards that do not have planning</td>
<td>CL13 - Premises Licence</td>
<td>02/06/2014</td>
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APPENDIX 3
Adopted Bury St Edmunds Cumulative Impact Assessment Area
Expires December 2020
APPENDIX 4
Bury St Edmunds Summary of Crime Statistics November 2013 – May 2017

Data

- Data from Victorian Police – Suffolk constabulary
- Data set
  - Location street name: Abbotsgate, Angel, Bridewell, College, Crown, Guildhall, Robegate, St. Andrews, Westgate and Woolwich
- Data time
  - Event type: A, B, C, D, E, F, G, H
  - Data broken into key time categories: 00:00-05:59, 06:00-11:59, 12:00-17:59, 18:00-23:59, 24:00-05:59

Data set: Nov 13 – Apr 17 = 2102 records
Latest year of data.: May 16 – Apr 17 = 808 records

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

Now the times of the evening are the times we see an increase in incidents of all crimes, A, B, and C, and a reduction in Transport incidents.

The increase is due to the nature of the crime, as there is a time of the day where people are more likely to be out and about.

When incidents occur during a 24 hour period: Data from Nov 13 – Apr 17

- Day of the week and time of day
- Day of the week
- Time of day
- Day of the week and time of day

The proportion of incident type throughout a 24 hour period (May 30 – April 17)

42% of all incidents occur during the evening and 80% of these occur during the week.

Number of incidents from 2013/14 – 2016/17
time of day

How incidents change as the day progresses

The number of Transport incidents is highest at 23:00 before falling away.

Public Safety and A related incidents peak well before 23:00 with a lag of 2 hours between the peak for Crime related incidents.

Percentage of incidents by location – evening time and late evening

- Location
- Incident type
- Number of incidents

Different proportions of different incident types.

The incidents in Abbotsgate, Angel, Robegate, and St Andrews are related to public safety, while the number of incidents in the others is higher at 5:00-7:00 in the evening.

Incidents by type – 2016/17

- Incident type
- Number of incidents
- Percentage of total incidents

50% of all incidents occur during the day, while 80% of all incidents occur during the week.

Where do incidents occur?

- Location
- Number of incidents
- Percentage of total incidents

30% of all incidents occur during the evening, while 50% of all incidents occur during the week.

 Differences in the proportion of crimes that occur in the evening – only 6% of incidents occur during the day compared with 10% in the evening.
<table>
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<th>Title of Report:</th>
<th>Interim West Suffolk Street Trading and Vending Policy</th>
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<tr>
<td>Report No:</td>
<td>EXC/SA/19/003</td>
</tr>
<tr>
<td>Report to and date:</td>
<td>Extraordinary Shadow Executive (Cabinet) 8 January 2019</td>
</tr>
<tr>
<td>Shadow Executive Members/Portfolio holders:</td>
<td>Lance Stanbury FHDC Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: <a href="mailto:lance.stanbury@forest-heath.gov.uk">lance.stanbury@forest-heath.gov.uk</a></td>
</tr>
<tr>
<td>Lead officer:</td>
<td>David Collinson Assistant Director (Planning and Regulatory Services) Tel: 01284 757306 Email: <a href="mailto:david.collinson@westsuffolk.gov.uk">david.collinson@westsuffolk.gov.uk</a></td>
</tr>
<tr>
<td>Purpose of report:</td>
<td>To agree the interim West Suffolk Street Trading and Vending policy</td>
</tr>
<tr>
<td>Recommendations:</td>
<td>The Shadow Executive is RECOMMENDED:</td>
</tr>
<tr>
<td></td>
<td>(1) To adopt the harmonised interim Street Trading and Vending Policy for West Suffolk Council, as contained in Appendix A to Report No: EXC/SA/19/003; and</td>
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<tr>
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<td>(2) that the West Suffolk Council reviews the Street Trading and Vending policy within two years to ensure there is a consistent approach to consent areas across West Suffolk.</td>
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</tbody>
</table>
**Key Decision:**

(Check the appropriate box and delete all those that **do not** apply.)

**Is this a Key Decision and, if so, under which definition?**

Yes, it is a Key Decision - ☐

No, it is not a Key Decision - ☒

The decisions made as a result of this report will usually be published within **48 hours** and cannot be actioned until **five clear working days of the publication of the decision** have elapsed. This item is included on the Decisions Plan.

**Consultation:** 8 October to 19 November 2018

**Alternative option(s):**

- Adopt the draft policy for an indefinite period, with no review scheduled
- Do not adopt a West Suffolk policy and rely on the current Forest heath and St Edmundsbury policies
  - This could cause confusion for stakeholders

**Implications:**

Are there any **financial** implications? If yes, please give details

Yes ☐ No ☒

Are there any **staffing** implications? If yes, please give details

Yes ☐ No ☒

Are there any **ICT** implications? If yes, please give details

Yes ☐ No ☒

Are there any **legal and/or policy** implications? If yes, please give details

Yes ☒ No ☐

Local Government (Miscellaneous Provisions) Act 1982 sets out that local authorities can regulate street trading and vending, the conditions for which are set out in a policy. There are legal requirements on the Council to administer and enforce licensing. Enforcement of the conditions will be under the Council Enforcement Policy, with further specific guidance in the new policy. It is proposed that a more fundamental policy review is carried out within 2 years.

Are there any **equality** implications? If yes, please give details

Yes ☐ No ☒

**Risk/opportunity assessment:**

(potential hazards or opportunities affecting corporate, service or project objectives)

<table>
<thead>
<tr>
<th>Risk area</th>
<th>Inherent level of risk (before controls)</th>
<th>Controls</th>
<th>Residual risk (after controls)</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Operational – failure to revise policy in line with the creation of a single council could lead to difficulty making licensing decisions as conditions will be inconsistent across the council area</th>
<th>Medium</th>
<th>Adopting a harmonised policy for Street Trading and Vending so conditions can be applied across West Suffolk</th>
<th>Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal – failure to revise policy in line with the creation of a single council could lead to legal challenge</td>
<td>Medium</td>
<td>Adopting a harmonised policy for Street Trading and Vending that can be applied across West Suffolk</td>
<td>Low</td>
</tr>
<tr>
<td>Community and business – confusion around areas that do require a permit for street trading or vending activity (named consent areas) as the approach is different in Forest Heath and St Edmundsbury</td>
<td>Medium</td>
<td>Carrying out a wider policy review within 2 years to harmonise consent areas</td>
<td>Low</td>
</tr>
</tbody>
</table>

**Ward(s) affected:**
All Wards

**Background papers:**
(all background papers are to be published on the website and a link included)
None

**Documents attached:**
- **Appendix A:** Draft Street Trading and Vending Policy
- **Appendix B:** Summary of consent areas and conditions
1. **Street Trading and Vending Policy - Key issues and reasons for recommendations**

1.1 **Background**

1.1.1 The rules and guidelines for street trading (selling goods on the street) and vending (serving at tables and chairs on the public highway) are set by local authorities.

1.1.2 In order to license this activity, part 3 of the 1982 Local Government Act requires a licensing authority to prepare and publish a statement of its policy for licensing street trading and vending. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms set out in Schedule 4 of the Act.

1.1.3 The following activities are defined under that Act and set the scope for licensing street trading and vending:

- A “street” is defined as any road, highway, footway, beach or other area to which the public have access without payment. It will therefore include such areas as a car park of a public house to which the public have access without payment.
- Certain streets in the West Suffolk Councils area have now been designated “consent streets”. These are streets in which street trading is prohibited without the consent of the council.
- Areas where street trading is not allowed at any time are known as “prohibited streets”.

1.1.4 Street trading and street vending are licensed separately and involve the issuing of consents or permits respectively.

1. Street trading means the selling, or exposing or offering for sale, of any article (including living things and vehicles) in a street. A street trading consent will contain the specific terms under which it is granted. This includes specific location(s) or area(s) where the street trading may take place, the days and hours permitted, the goods that may be sold together and any other specific conditions that must be met.

2. Street vending applicants apply for a pavement café permit. This is a basic permit that is consulted upon with highways, police and the town council and allows the applicant to serve food and drink to customers at tables and chairs only directly outside the premises complying with certain conditions.

1.2 **Street Trading and Vending in West Suffolk**

1.2.1 The Councils recognise the importance of street trading businesses and value their contribution towards the local economy.
1.2.2 The aims of regulating street trading and vending are to create a street trading environment which:

- ensures fair trading between mobile premises in the area;
- protects the amenity of the residents by ensuring that licensed traders do not cause nuisance, damage, disturbance or annoyance;
- ensures the safety of the people using them;
- promotes diversity and consumer choice;
- provides applicants with advice and guidance on the approach to the administration of applications for street trading consents.

1.2.3 The Forest Heath Street Trading and Vending Policy was adopted in 2012 and the St Edmundsbury Street Trading and Vending conditions were adopted in 1999. The number of permits and consents currently issued by the Councils are set out below:

<table>
<thead>
<tr>
<th></th>
<th>FHDC</th>
<th>SEBC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street trading consents</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Street vending permits</td>
<td>-</td>
<td>8</td>
</tr>
</tbody>
</table>

It should be noted that no street vending permits are currently required for cafes in Forest Heath.

1.2.4 The street trading and vending policy is one of a number of policies being reviewed and harmonised in advance of the creation of a new West Suffolk Council on the 1 April 2019.

1.3 **Harmonising the Street Trading and Vending Policies**

1.3.1 As things stand, there are differences in the policies covering street trading and vending in Forest Heath and St Edmundsbury. The new proposed policy for the West Suffolk Council aims to align these differences where they are minor and can be changed without significant impact; but to retain the different approaches that currently apply in different geographical areas so as to minimise disruption until a more fundamental review can be carried out by the new Council.

1.3.2 The two Forest Heath and St Edmundsbury policies are significantly different in terms of structure and conditions for licensing. The interim policy approach combines the structure of both policies while minimising the impact on licensees. The table below summarises the changes to conditions required for a street trading consent or street vending permit:
<table>
<thead>
<tr>
<th>Policy area</th>
<th>Summary of proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application form documentation/requirements</td>
<td>Additional information required as part of the application form, including more documents/certificates proving the details (such as food safety and gas certificates)</td>
</tr>
<tr>
<td>Specification of pitch on consent</td>
<td>Specify pitch on all permits (all licensees are required to inform the council of a change in pitch anyway)</td>
</tr>
<tr>
<td>Consent areas and prohibited streets</td>
<td>Retain current consent and prohibited streets (including all of Forest Heath area)</td>
</tr>
</tbody>
</table>

Further details about these differences are set out in Appendix B, including the current Forest Heath and St Edmundsbury policies.

1.3.3 It should be noted that all areas in Forest Heath are currently adopted as consent streets. By contrast, the consent areas in St Edmunds and Haverhill are named streets within Bury St Edmunds and Haverhill. It is proposed that these consent areas and streets are retained under this interim policy, but are subject to a more fundamental review in the first 2 years after the creation of West Suffolk Council.

1.3.4 Other Suffolk Local Authorities are interested in increasing consistency on street vending policy for cafes and restaurants so this could also be explored as part of the consent areas review.

1.3.5 In addition to consent areas, there are other aspects of Street Trading and Street Vending policy that should be reviewed within the first 2 years after the creation of the West Suffolk council. This could involve reviewing complex street vending licensing issues, such as:

- The regulation of ‘A’ boards
- Buskers and street performers
- Working towards a consistent approach for street vending across Suffolk

The other areas are considered to be opportunities and would fulfill some of our ambitions under the Better Business for All Programme: bringing businesses and regulators together to consider and change how local regulation is delivered and received. Any future review would need to involve close working with the town and parish councils, Suffolk County Council Highways team and West Suffolk Planning service.

1.3.6 Given the recent national drive to rejuvenate town centre high streets, street trading and vending could form a key part of these conversations. We propose that this future review allows additional elements to be considered to keep up with national trends, such as ensuring our policies support other activities, such as buskers and street entertainers.

1.4 **Consultation**

1.4.1 A public consultation was held between 8 October to 19 November 2018 and invited comments on the draft Interim West Suffolk Street Trading and
Vending policy. The consultation was also advertised on the West Suffolk Councils’ website and existing licensees were written to for comment.

1.4.2 Licensing and Regulatory Committee Members were informed of the details of the interim policy changes and consultation and had the opportunity to provide ideas for the future policy review.

1.5 **Other Factors**

1.5.1 **Equality Implications**
It is not considered that any of the protected groups and characteristics will be affected more than any other.

1.5.2 **Financial Implications**
Proposals for harmonised licensing fee structures are being agreed through the budget setting process for 2019/20.

1.5.3 **Legal Implications**
The legislation creating the West Suffolk Council allows for a 2 year transitional period to harmonise policies. This interim policy reviews harmonises all conditions apart from the areas under which they apply, which will be addressed through the future review.

2. **Recommendations**

2.1 The recommendation to adopt a draft interim policy that harmonises the overall approach to street trading and vending in advance of a more fundamental revision represents a balance between the need for a single, consistently structured, West Suffolk policy from 1 April 2019 and the need for a more extensive review of the current rules and practice of street trading and vending across the area.
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APPENDIX A

West Suffolk Street Trading and Vending Policy

Local Government (Miscellaneous Provisions) Act 1982

<table>
<thead>
<tr>
<th>Document adopted on:</th>
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<tbody>
<tr>
<td>Document author:</td>
<td></td>
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</tbody>
</table>
Introduction

West Suffolk Council has produced this interim policy in order to harmonise the previous two authorities’ policies on street trading and vending. There were differences between the policies of the predecessor councils, Forest Heath District Council and St Edmundsbury Borough Council. For example, St Edmundsbury Borough Council’s previous policy only adopted certain streets as consent streets in town centres; whereas Forest Heath District Council’s policy allowed all streets to be consent streets apart from those named as prohibited streets.

For this reason, the West Suffolk Council policy takes a different approach across the two predecessor council areas. In order to fully harmonise the policy, West Suffolk Council will need to conduct a further policy review consultation and publish its intentions to change or add consent and or prohibited streets. This review and consultation will be conducted after the creation of the new West Suffolk Council on 1 April 2019.
Street Trading and Vending Policy for West Suffolk Council

This document deals with street trading (in Part 1) and street vending (in Part 2).

Legal provisions and definitions

Street trading

Street trading is defined within the Local Government (Miscellaneous Provisions) Act 1982 as “The selling, exposing or offering for sale any article, (including a living thing) in a street”.

A ‘street’ is defined to include ‘any road, footway, beach or other area to which the public have access without payment’. It will therefore include such areas as a car park of a public house to which the public have access without payment.

Street vending (pavement cafes)

Pavement cafes are considered to be tables and chairs placed on the public highway, where food and drink are consumed.

Under the currently agreed policy, street vending can only take place in Bury St Edmunds and Haverhill town centres.

Part 1. West Suffolk Street Trading policy

1.1 Under Section 3 of and Paragraph 7 (4) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, West Suffolk Council may attach to the grant or renewal of a street trading consent such conditions as they consider reasonably necessary.

1.2 The council may vary, revoke or waive any of the standard conditions at any time.

1.3 Having adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Forest Heath District Council, one of the two predecessor authorities to West Suffolk Council, designated by resolution certain streets within its District as being ‘prohibited streets’. These are streets where street trading is not allowed. The other predecessor council, St Edmundsbury Borough Council, did not designate any streets as prohibited streets.

1.4 Certified pedlars are defined under the 1871 Pedlars Act as those who “...without any horse or other beast drawing burden, travels and trades on foot and goes from town to town or to other men's houses...”). The provisions of the Pedlars Act of 1871 mean that certified pedlars are permitted to sell door-to-door and in the street, anywhere in the UK, as long as they do not sell from a stall or other fixed location. They are exempt from local authority street trading legislation, provided they are pedlars. The Police vet applications and issue certificates which are valid nationally.

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2. Consents

2.1 An application must be made to the council for a street trading consent, where trading is to take place on a ‘consent street’ (see section 3.0). Consent cannot be granted to a person under the age of 17 years. It is a criminal offence to engage in street trading in a ‘consent street’, without holding the necessary street trading consent.

2.2 Applicants are most strongly advised to read thoroughly the application criteria for street trading prior to applying for consent. In all cases applicants should ensure that they apply for the type of consent best suited to their intended business operation.

2.3 There are two classes of consent (classes A and B). These differ in regard to the conditions of trading, and the fees payable. Fees will be charged according to the council’s current fees and charges, with consent holders required to renew prior to expiry of consent.

2.4 Holders of Class A Consents are not allowed to trade within the town/village centres before 5pm. After this time they may trade from their consent address until 11pm.

2.5 Holders of Class B Consents may only trade from one place for a maximum of 45 minutes before moving on to a new location a minimum of 500 yards away.

3. Consent streets

3.1 Until a new West Suffolk Council policy is developed following consultation, there remain differences in the requirements for street trading consents between the two predecessor areas of Forest Heath and St Edmundsbury. In Forest Heath, all streets, except those listed as ‘prohibited streets’ are ‘consent streets’, where a permit is required in order to trade. In St Edmundsbury, there are no prohibited streets, and only a few ‘consent streets’. In all other areas, a permit is not required.

3.2 Street trading within a consent street requires a person to hold a street trading consent issued by this authority. For the sake of completeness it is confirmed that this includes private land to which the public have access without payment.

3.3 Consent streets:

Angel Hill, Bury St Edmunds
Station Hill, Bury St Edmunds
High Street, Haverhill
Hamlet Road, Haverhill
Camps Road, Haverhill
Queen Street, Haverhill

All streets in the area previously covered by Forest Heath District Council.
4. **Prohibited streets**

4.1 No street trading is allowed to take place in the following:

- Market Hill, Brandon
- Market Place, Mildenhall
- High Street, Newmarket
- Sun Lane, Newmarket
- Wellington Street, Newmarket (from its junction with High Street, Newmarket for a distance of 68 metres)
- Birdcage Walk, Newmarket

5. **Car parks**

5.1 Street trading may not take place within the council car parks.

6. **Industrial estates roads**

6.1 The roads situated on the Industrial Estates at Newmarket, Mildenhall and Brandon that are identified as the industrial estates roads are exempt from the restriction detailed in part 7 below.

6.2 ‘The industrial estate roads’, as referred to above, are defined only on the following roads:

6.3 Trading on the following Industrial Estate Roads will be permitted between the hours of 6am and 6pm for holders of both Class A and Class B Consents

- Newmarket Industrial Studlands Park Avenue
  - Victoria Way
  - Willie Snaith Road
  - Hammond Close
  - Laureate Paddocks
  - Craven Way
  - Depot Road

6.4 Mildenhall Industrial Estate

- Fred Dannatt Road
- Gregory Road
- James Carter Road
- Leyton Avenue
- Finchley Avenue
- Hampstead Avenue
- Southgate Avenue
- Chiswick Avenue
- Holborn Avenue

6.5 Brandon Industrial Estate

- Twickenham Avenue
- Barnes Close
7. **Town/village centres**

7.1 This includes, for the purpose of these street trading provisions, any public land within the said towns and villages and also any private land to which the public have access without payment within the said towns and villages.

7.2 For the purposes of clarification due to the nature of the harmonisation of this policy, only the consent streets in Bury St Edmunds and Haverhill town centres are included in this policy, all town centres within the predecessor Forest Heath District are included.

7.3 Village centres are those subject to a 30 MPH speed restriction.

7.4 Rural areas are streets/land other than town/village centres and not identified as being ‘industrial estates roads’.

8. **Class ‘A’ consents: (permitted hours and locations)**

8.1 Rural areas: between the hours of 6am and 1am

8.2 Town/village centres: between the hours of 8pm and 1am

8.3 Industrial estate roads: between the hours of 6am and 6pm

8.4 For clarification, a late night refreshment premises licence must be granted between the hours of 11pm and 5am under the Licensing Act 2003.

9. **Class ‘B’ consents: (permitted hours and locations)**

9.1 Rural areas and town/village centres: Between the hours of 9am and 9pm

9.2 Industrial estate roads: Between the hours of 6am and 6pm

9.3 Regardless of where street trading takes place holders of Class B consents are restricted to trading from any one place to a maximum of 45 minutes. After 45 minutes have elapsed, street trading may not take place within 500 yards of the place mentioned above and the applicant may not return to a place from which they had previously traded until a period of four hours has elapsed since they last traded at that place.

10. **The business operation**

10.1 Street trading may be undertaken only where no consent is required or in the case of a consent street, only during such hours and from such trading stall or vehicle as shall be specified by the council in the consent. No street trading whatsoever shall take place other than within the permitted hours.
10.2 No trading stall or vehicle (which shall include a cart, wagon, trailer or the like) shall be allowed to remain at the locality in question (as defined above) outside the permitted hours.

10.3 If a trader is selling hot food and beverages between the hours of 11pm-1am, a premises licence is required in addition to the consent.

11. Revocation or variation of consents

11.1 In the following circumstances the Council may, at any time, revoke a consent or vary the conditions of an existing consent:

a. where the activity is likely to give rise to nuisance or loss of amenity caused by noise, odour, litter, disturbance or antisocial behaviour

b. where there is insufficient space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street

c. where the highways authority considers a location is dangerous or where a personal injury or fatality has occurred within 100 metres, or where the Council considers the location to be unsafe or places the public at risk from harm.

d. where the applicant is unsuitable to hold a consent because of having been convicted of an offence that the council consider makes them unsuitable to hold such consent, or for any other reason

e. where the applicant has at any time been granted a street trading consent by the council, and has persistently refused or neglected to pay fees due to them for said consent or charges due to them for services rendered;

f. where the applicant or operator of the stall is under the age of 17 years

g. where a trader has failed to comply with the conditions attached to the consent

h. where the street trading may damage the structure or surface of the street

i. where the appearance of the trading equipment or structure in use is not compatible with the character of the area in which it is proposed to be situated

j. trading in an area which is residential and where trading would not normally take place.

11.2 The council may revoke or vary a consent in any other circumstances where there is good reason to do so.

12. Inspection of consent and conditions

12.1 A copy of the consent shall always be available at the stall or vehicle for examination by an officer of the council or a police officer.
13. Applications

13.1 All applications must be accompanied by:

a. the correct fee
b. a completed application form
c. evidence of address
d. proof of insurance including public liability
e. in the case of a food trader, evidence of which authority the mobile/stall is registered with
f. gas safety certificate issued by a gas safety registered engineer, where necessary
g. details of goods to be sold
h. details of intended trading location for the consent
i. photographs of the unit/stall the trader intends to operate from
j. copy of landowners permission (including highways).

13.2 First grant applications or any variations to existing hours or the mobile/stall will be subject to a 28 day consultation with highways, local residents, police and local councillors. Renewals will not need a consultation unless any changes have been made which may affect the consent.

14. General conditions

14.1 The applicant shall at all times be clean and respectable in dress and person, and behave in a civil, orderly, seemly and courteous manner.

14.2 It should be noted that the grant of a street trading consent will not convey with it any authority to trade in any place or in any manner which would breach the general law, byelaws or street markets.

14.3 It is the street trader’s responsibility to obtain the necessary permissions or consents before trading from any place, for example the landowner or highways.

14.4 The land intended for trading may well require planning permission for such use. It is the trader’s responsibility to check with the council’s planning service prior to commencement of trading. The trader must also heed and adhere to the requirements relating to the particular consent that has been granted including engaging in street trading only in the place addressed within the consent.

14.5 If an individual trades either in a lay-by or in close vicinity to a public highway the trader may be committing a criminal offence, please check with the landowner.

14.6 The consent issued must be displayed in a prominent position.

14.7 The street trader must not attempt to trade in any area designated as being a ‘prohibited street’ or carry out the business of street trading outside the permitted hours allowed.
14.8 The size of any stalls, handcarts or barrows used for street trading is limited to a frontage or width of 3 metres and to a depth of two metres. The restriction does not apply to a purpose built vehicle or trailer.

14.9 The applicant shall notify the council in writing of any change of the address during the period of the consent within seven days of such change taking place.

14.10 The applicant shall at least 14 days prior to the date of the consent’s expiry, make application to the council for a renewal. If an application for renewal is not received by the expiry date the consent will lapse. It is a criminal offence to engage in street trading in a consent street without holding a current consent.

14.11 Advice on complying with the council’s street trading requirements should be sought from the licensing department.

15. Conditions on consents

15.1 The following conditions will be attached to all street trading consents:

a. This street trading consent does not convey any other approvals that may be necessary under the food hygiene regulations, planning legislation or other appropriate legislation.

b. Trading is permitted only from the stall or vehicle, details of which has been previously supplied to the council and shall be confined thereto.

c. The holder shall comply with all appropriate statutory provisions, for example food hygiene, advertisement control, health and safety regulations, planning and so on.

d. The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.

e. Street trading shall not take place, nor shall any stall or vehicle whether portable or otherwise be positioned, so as to cause any obstruction of the street, road, footway or other area to which the public have access. Stalls or vehicles must not be positioned in such a way so as to obstruct the view of drivers of other vehicles.

f. The holder will comply with all directions of the police, the council or the highway authority whether they be verbal or in writing.

g. Street trading consent shall be limited to the permitted times for trading purposes and all vehicles, trailers and equipment, and so on, shall be removed at the end of each trading period.

h. Traders must make arrangements with the council or a private contractor for the correct disposal of all waste produced as a result of the business in accordance with the Duty of Care Regulations.
i. Traders must ensure that all paperwork associated with waste disposal is filled out correctly and a copy of the waste transfer note made available on request.

j. Traders must supply at least 1 litter bin or other receptacle of a similar size for the use of customers. This should be placed in an appropriate location and the contents emptied out at regular intervals during the hours of trading to prevent spillage and litter accruing. All such refuse collected shall be disposed of in accordance with the Duty of Care Regulations.

k. All traders must ensure that litter associated with the business is picked up at regular intervals throughout the hours of trading within a radius of 300 metres and the site left litter free at the end of business. All such litter is to be disposed of in accordance with the Duty of Care Regulations.

l. At no time will cooking oil or other liquid waste be disposed of down drains or placed in bins for disposal. Collection should be made by an appropriate contractor. Should such material require disposal, the council should be contacted for further advice.

m. The holder of a street trading consent shall be required to seek the approval of the Council to any proposed change to the mode of trading permitted under the consent.

n. The street trading consent shall be displayed on the vehicle used in connection with the trading, in a prominent position from which it can be seen by the public.

o. The consent holder shall not at any time cause or permit any goods or produce to be stored or displayed at the side of the unit, or place any table, chair, trestle, box or other structure in the consent street, as a pavement café licence may be required.

p. The vendor shall at all times, display a conspicuous and clearly legible tariff board on the vehicle or stall showing the tariff of the goods for sale.

q. The trader must comply with the operating hours, days and locations of trading.

r. The trader must only sell goods which are referred to on their application or consent.

s. Any major damage caused to the site that can be directly attributed to the presence of a street trader may be taken into account during the consideration of renewal consent.

t. This street trading consent does not convey any right to trade on privately owned property.

u. The applicant shall not assign, transfer or in any way part with the benefit of the consent which is personal to him/her.

v. The trader must comply with the operating hours and days of trading referred to in their consent.

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w. The trader must only sell goods which are referred to on their application or consent.

x. Traders must take out public liability insurance cover for at least £5,000,000 and provide a copy of the insurance certificate and it must always be current to meet the terms of the consent.

y. Consents are personal to the applicant and a single unit (mobile, trailer, stall and so on) and are not transferable. Once the consent has been issued to an individual it will only be renewed to that individual. This is to prevent the pitch being sold on for a monetary gain.

z. Traders must notify the council’s licensing team in writing of a change of address. Details must be given within seven days of the change taking place. Evidence must be given of the new address. This may be a utility bill (gas, electricity or phone), rent book, rental agreement, bank statement or similar document.

16. Specific advice for applicants for street trading consent on Angel Hill, Bury St Edmunds

16.1 The Development Control Committee of the predecessor council, St Edmundsbury Borough Council agreed the following planning advice for street traders seeking consent to trade on Angel Hill in Bury St Edmunds for more than 28 days each year.

a. Applications will be considered for the siting of an ice cream van or stall on the existing carriageway/car parking area, provided that it is located adjacent to no. 6 Angel Hill.

b. Applications will be considered for the siting of an ice cream handcart, bicycle or similar non-mechanised modest and transportable structure in the eastern edge of the paved area in the centre of the Angel Hill.

c. All vending vehicles/stalls should be in a livery appropriate to the historic setting of Angel Hill, to be approved by the director of planning in consultation with the chairman of this committee.

d. No generator will be used for the provision of power to a vehicle or other structure used for dispensing ice cream.

e. The applicant must ensure that the vehicle or structure is sited in a manner that will not cause any problems for highway safety, in the opinion of, and to the satisfaction of the director of planning in consultation with the chairman of this committee.

Part 2: West Suffolk Street Vending/Pavement Café Policy

Consents for street vending can currently only be obtained in Haverhill and Bury St Edmunds town centres until this policy is reviewed.
17. Applications for street vending

17.1 All applications must be accompanied by:

a. the correct fee
b. a completed application form
c. evidence of address
d. proof of insurance including public liability, minimum amount of £5,000,000
e. details of intended location for the consent
f. photographs of tables and chairs (along with their dimensions and numbers)
g. copy of planning permission (if it is required)

18. General conditions

18.1 A minimum width of 1.8m of unobstructed highway/footpath is required for pedestrians and their needs must be paramount, nor should they be diverted from their main route. The defined area must not conflict with other accesses nor dropped crossings required for the free passage of normal road users.

Additionally on bus routes 2.3m of unobstructed footpath will be expected. In some locations where there are heavy pedestrian flows or street furniture on the highway, then additional free space may be required.

a. Emergency access must remain clear at all times, on all streets including fully and partly pedestrianised areas. If the emergency services object to an application based on safety grounds then the council may reject an application to grant consent for that reason.

b. Objects and structures, including tables and chairs, should be places so as not to obstruct drivers’ sight lines or highway signs.

c. The route left available on the public highway for pedestrians to move through and on should be clearly defined and free from obstructions. The positioning of objects and structures, including tables and chairs, should never discourage pedestrians from using the footpath.

d. In general, tables and chair, barriers and other equipment will be allowed between the hours of 0830 and 2300 daily, and should be removed and stored internally outside of those hours to help prevent clutter on the streets and ensure furniture is not used for, or becomes a target for vandalism or crime. Part of the Abbeygate Street in Bury St Edmunds is open to vehicular traffic during certain times of the day and must be free from tables and chairs during vehicular flow.

e. No form of amplified music will be permitted.

f. Alcohol will not be permitted unless it is served as part of the premises licence and timings/licensed plan.

g. Nothing in this policy will override the council’s existing byelaws, regulations and rights to charge in respect to its street markets.
h. Consent holders will be responsible, at their own cost, for ensuring that the vicinity of the facility shall be kept in a clean and tidy condition at all times during the permitted hours. Proper receptacles for the deposit of any refuse will be provided by the consent holder.

i. Outdoor cafes will only be acceptable if they are located adjoining a premises used as a café/restaurant and must be carried out as part of that business. Tables must be services directly from the immediately adjacent premises, where the food is prepared and sold, and where there is an approved food use.

j. Tables and chairs/barriers on the highway should be positioned to allow safe passage of pedestrians, wheelchairs and prams and the visually impaired. If a barrier is applied for, it must be directly at right-angles around the designated café area.

k. Tables and chairs should not adversely affect the visual quality and character of the area or of a listed building.

l. Tables and chairs/barriers will not adversely affect the amenity of and access to properties in the vicinity.

m. Tables and chairs/barriers will not obstruct any emergency vehicles at any time.

n. Tables and chairs/barriers should be placed immediately outside and be visible from the premises in order to make sure that there is adequate supervision for monitoring and safety.

o. Designs for tables and chairs, barriers and parasols must be approved by the council prior to the operation of the street café/vending permit. Plastic tables, chairs or barriers will not normally be permitted for safety purposes. Parasols/sun shades with any form of advertising will not normally be permitted.

p. Customers must be seated at tables and served by staff in recognisable uniform or badge.

q. The sale of food and drink from temporary stalls not built for the purpose of sale of food or drink will not be acceptable.

Notes

- The council reserves the right to change all or part of these conditions without notice.

- Should these conditions be contravened, consideration will be given to the suspension, revocation, or refusal to renew the consent.

- A person convicted of contravening conditions relating to times of trading shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).
• Do not assume that these rules apply to other districts – local conditions will vary.
<table>
<thead>
<tr>
<th>Category</th>
<th>Streets where no consent is required</th>
<th>Consent streets</th>
<th>Prohibited streets or areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>What can / can’t happen here?</td>
<td>Street trading can take place without a permit from the district council</td>
<td>Street trading is only permitted with the consent of the district council, and in line with the type of permit detailed below (Class A and B)</td>
<td>No street trading is permitted to take place in these streets</td>
</tr>
</tbody>
</table>
| Streets affected               | All streets in the area previously covered by St Edmundsbury Borough Council, except those listed as consent streets | • Angel Hill, Bury St Edmunds  
• Station Hill, Bury St Edmunds  
• High Street, Haverhill  
• Hamlet Road, Haverhill  
• Camps Road, Haverhill  
• Queen Street, Haverhill  

• All streets in the area previously covered by Forest Heath District Council except prohibited streets | • Market Hill, Brandon  
• Market Place, Mildenhall  
• High Street, Newmarket  
• Sun Lane, Newmarket  
• Wellington Street, Newmarket (from its junction with  
• High Street, Newmarket for a distance of 68 metres)  
• Birdcage Walk, Newmarket  
• All council car parks |

<table>
<thead>
<tr>
<th>Type of permit</th>
<th>Class A consent</th>
<th>Class B consent (must move to trade 500m away after 45 mins)</th>
</tr>
</thead>
</table>
| Hours of operation             | Rural areas: 6am – 1am  
Village and town centres (30mph zones): 8pm – 1am  
Industrial estate roads: 6am – 6pm | Rural areas: 9am – 9pm  
Village and town centres (30mph zones): 9am – 9pm  
Industrial estate roads: 6am – 6pm                                                                                                         |

**Industrial Estate Roads**

<table>
<thead>
<tr>
<th>Newmarket</th>
<th>Mildenhall</th>
<th>Brandon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craven Way</td>
<td>Victoria Way</td>
<td>Holborn Avenue</td>
</tr>
<tr>
<td>Depot Road</td>
<td>Willie Snaith Road</td>
<td>Finchley Avenue</td>
</tr>
<tr>
<td>Hammond Close</td>
<td>Fred Dannatt Road</td>
<td>Leyton Avenue</td>
</tr>
<tr>
<td>Laureate Paddocks</td>
<td>Gregory Road</td>
<td>Southgate Avenue</td>
</tr>
<tr>
<td>Studlands Park Ave</td>
<td>Hampstead Avenue</td>
<td></td>
</tr>
</tbody>
</table>
## Extraordinary Shadow Executive (Cabinet)

<table>
<thead>
<tr>
<th>Title of Report:</th>
<th>West Suffolk Council Overarching Enforcement Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report No:</td>
<td>EXC/SA/19/004</td>
</tr>
<tr>
<td>Report to and date:</td>
<td>Extraordinary Shadow Executive (Cabinet)</td>
</tr>
<tr>
<td>Shadow Executive Members/Portfolio holders:</td>
<td>Lance Stanbury FHDC Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: <a href="mailto:lance.stanbury@forest-heath.gov.uk">lance.stanbury@forest-heath.gov.uk</a></td>
</tr>
<tr>
<td>Lead officer:</td>
<td>David Collinson Assistant Director (Planning and Regulatory Services) Tel: 01284 757306 Email: <a href="mailto:david.collinson@westsuffolk.gov.uk">david.collinson@westsuffolk.gov.uk</a></td>
</tr>
<tr>
<td>Purpose of report:</td>
<td>To agree the harmonised West Suffolk Council Enforcement Policy</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>The Shadow Executive is RECOMMENDED to adopt the West Suffolk Council Enforcement Policy, as contained in Appendix A to Report No: EXC/SA/19/004, to take effect from 1 April 2019.</td>
</tr>
<tr>
<td>Key Decision:</td>
<td>Is this a Key Decision and, if so, under which definition? Yes, it is a Key Decision - ☐ No, it is not a Key Decision - ☒</td>
</tr>
</tbody>
</table>

The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.
Consultation:  
- Public consultation took place from 30 October to 11 December

Alternative option(s):  
- An alternative approach would be for the council not to adopt an overarching policy and to rely on individual policies within service areas. However, this would risk inconsistency of practice between different regulatory regimes, which would place additional burdens on businesses and undermine the council’s reputation as a regulator.

Implications:

**Are there any financial implications?**
If yes, please give details
Yes ☐ No ☒

**Are there any staffing implications?**
If yes, please give details
Yes ☐ No ☒

**Are there any ICT implications?**
If yes, please give details
Yes ☐ No ☒

**Are there any legal and/or policy implications?**
If yes, please give details
Yes ☒ No ☐

- The Council needs to be able to demonstrate its compliance with the Government’s Regulator’s Code. An overarching Enforcement Policy gives a good opportunity to do this.

**Are there any equality implications?**
If yes, please give details
Yes ☒ No ☐

- A screening EqIA has been carried out.

Risk/opportunity assessment:

*(potential hazards or opportunities affecting corporate, service or project objectives)*

<table>
<thead>
<tr>
<th>Risk area</th>
<th>Inherent level of risk (before controls)</th>
<th>Controls</th>
<th>Residual risk (after controls)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy</strong> – failure to refresh existing policy and make it effectively robust could lead to challenge and could require another policy review in the very near future (approved in 2009 and 2010)</td>
<td>Medium</td>
<td>Adopt a revised policy</td>
<td>Low</td>
</tr>
<tr>
<td><strong>Reputational/Community and business</strong> – Misunderstanding of the scope of the policy (i.e. expectation that it covers the detail of individual service-specific enforcement practices)</td>
<td>Medium</td>
<td>Communications for the public consultation explained the remit of this policy. Similar explanations will be provided on the website alongside the adopted policy. Service-specific policies are available</td>
<td>Low</td>
</tr>
<tr>
<td>Ward(s) affected:</td>
<td>All Ward/s</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
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<tr>
<td><strong>Background papers:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>(all background papers are to be published on the website and a link included)</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joint Cabinet approval to consult on a draft West Suffolk Enforcement policy: <a href="#">CAB/JT/18/018 and Addendum</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Documents attached:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Appendix A</strong> – draft West Suffolk Enforcement Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Appendix B</strong> – consultation feedback summary</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. **Key issues and reasons for recommendation(s)**

1.1 **Background**

1.1.1 West Suffolk councils will act as a regulator and an enforcement agency for a wide range of legal duties and powers in order to protect the public, individuals and the environment. These duties are mainly met by carrying out programmed inspections of premises, responding to complaints, issuing licences and offering advice.

1.1.2 The Legislative and Regulatory Reform Act 2006 requires councils to have due regard to Regulator’s Code in carrying out its regulatory activity, and details the types of enforcement activity carried out by the council. In line with this government guidance, the draft policy outlines our commitment to good enforcement practice and describes when and how our officers take legal and other formal action.

1.1.3 A single enforcement policy for West Suffolk Council needs to be created before 1 April 2019. The current Forest Heath Corporate Enforcement Policy and St Edmundsbury Enforcement Policy were adopted in 2009 and 2010 respectively and will remain in place until this point.

1.1.4 The policy includes the West Suffolk principles for enforcement. The Council will carry out duties to protect public safety and the environment and to ensure an effective use of our enforcement resources. This is achieved through ensuring that any enforcement activity is:

- Transparent
- Consistent
- Proportionate
- Targeted and risk-led

These principles relate to us being accountable as a regulator and will as appropriate actively work with businesses and individuals to advise and to assist with compliance and requests for help.

1.1.5 These principles stem from those originally set out in the 1998 Government Enforcement Concordat, which has been superseded in some respects by the Regulator’s Code, adopted in 2014. These principles have been adapted according to best practice and making sure they accurately reflect the West Suffolk approach to enforcement.

1.2 **Updating our overarching enforcement policy**

1.2.1 The Enforcement Policy is a statement about the Council’s approach to enforcement across all services with enforcement duties, although it should be noted that some services have specific legislative guidance and regulations (such as the taxi licensing handbook). The policy is intended to provide best practice guidance for officers, businesses and residents rather than to set down a prescriptive set of rules.

1.2.2 Despite the overarching nature of the policy, there are some details that need to be updated on a regular basis. The opportunity has been taken to
refresh the approach from that in the current policies approved in 2009/2010 according to new government guidance, such as the 2014 Regulator’s code.

1.3  **Alignment across West Suffolk**

1.3.1 The new proposed policy for West Suffolk aims to align the key principles across West Suffolk and includes similar principles to those of the current Forest Heath and St Edmundsbury policies.

1.3.2 The draft policy also includes good practice aims such as reducing regulatory burden, risk-led enforcement and supporting the local economy. This is an expansion of those detailed in the 2010 St Edmundsbury policy.

1.3.3 The draft policy follows a new structure and aims to guide the reader through the key principles and enforcement actions where we desire consistency to all council services. This includes omission of the following details, alongside the rationale:

- Service specific enforcement procedures – these are published where appropriate, such as if there are prescribed guidance to follow.
- General fines and charges – all published on the council website and reviewed annually
- Contact details for specific services - these can be found on the council website where appropriate

2.  **Consultation and Recommendation**

2.1  **Public Consultation**

2.1.1 A public consultation was held between 30 October to 11 December 2018 and invited comments on the draft West Suffolk Enforcement Policy. The consultation was advertised on the West Suffolk website and the public were invited to feedback via an online survey. The following summary is correct at the time of writing this report but any further feedback will be provided as an update to Members at the meeting and will be included in a future Cabinet report.

2.1.2 Licensing and Regulatory Committee Members were informed of the details of the interim policy changes and consultation and had the opportunity to provide ideas for the future policy review.

2.1.3 Key stakeholders were contacted directly and invited to comment via the survey. This included Trading Standards and neighbouring local authority enforcement officers, such as relevant authorities and Suffolk Chamber of Commerce and Newmarket and Bury St Edmunds Business Improvement Districts (BIDs) as representatives of West Suffolk businesses.
2.1.4 We received ten responses to the survey, including:

- A police licensing officer
- A Forest Heath resident
- Two St Edmundsbury residents
- Two councillors
- Two Parish Councils
- Two business owners or employees (one from Forest heath and one from St Edmundsbury)

Further details about the consultation responses are set out in Appendix B.

2.1.5 A majority of the responses reflected acceptance of the proposed policy, specifically the principles of enforcement, range of enforcement options and the complaints and comments provision.

2.1.6 One Parish Council raised concerns about the lack of detail relating to specific services in terms of the enforcement options and wider service standards information. Their concerns also included not being kept up to date about recent and current enforcement issues. We have responded in the following ways:

- We have ensured that our policy clearly reflects that it is an overarching policy and detail relating to some specific services, such as service-specific policies, standards and contact details, is available on the website where relevant.

- It should be noted that we do not currently publish our routine enforcement activity, as doing so could release personal or commercially sensitive information, unless it is within the public interest and proportionate to do so. As stated in our policy, publicity may be used when there are ongoing breaches of the law in order to raise awareness, warn residents and increase compliance. We were appropriate update individuals and involve other authorities including parish councils when it is relevant to a particular case.

2.1.7 Given that the concerns raised during the consultation relate to operation of enforcement, rather than this overarching policy, no substantive changes have been made in response. The only change made to the policy since consultation relates to our commitment to protecting equality and diversity in paragraph 2.2.3. This text has been updated in order to strengthen our statement of commitment to protect equality and diversity. The new text is highlighted in red in Appendix A.

2.2 Recommendation

2.2.1 It is recommended that the draft policy is adopted for the new West Suffolk Council.

2.3 Community Impact

2.3.1 Given that the harmonised policy is a guide for officers and contains the same enforcement options as the current Forest Heath and St Edmundsbury
policies, a screening EqIA found that there were no equality and diversity implications that required mitigating actions. The draft policy emphasises the council’s commitment to equality and diversity in carrying out regulatory activities.

2.3.2 The policy supports the aims and objectives set out in the West Suffolk Strategic Framework through:

- Supporting the ‘West Suffolk Way’ of working to empower “families and communities to create positive and healthy futures” by working in a way that helps to create safe places, recognises individuals and their needs and strengths, understands relationships and connects people”.

- Supporting our commitment to increased and improved provision of appropriate housing in West Suffolk in both our towns and rural areas through our role as a local housing and planning authority, a regulator, an investor and local influencer.

It also complements the policies of our services with enforcement duties such as planning, building control, housing, waste and environmental health.
West Suffolk
Enforcement Policy

Effective 1 April 2019
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5. Comments, compliments and complaints ................................................14
1 Introduction – scope and purpose

1.1 This policy applies to the enforcement activities carried out by West Suffolk Council (the Council). It is an overarching document that describes our approach to our regulatory functions. Additional specific requirements are set out in separate policies and guidance for some specific services, such as licensing.

1.2 This policy does not apply to the Anglia Revenues Partnership as there is a separate enforcement policy.

1.3 Effective regulation plays an important part in how West Suffolk Council works to protect and support our residents, businesses and the environment. Our regulatory activity supports the objectives of the council to safeguard individual and community health and well-being and to engage effectively with businesses to provide confidence in investment in our area and to support business success. Our regulatory activities are undertaken for the collective benefit of all residents and business.

1.4 Within the context of this Policy, ‘enforcement’ includes action carried out in the exercise of, or against the background of, statutory enforcement powers or other regulatory measures the council may take in the interests of our council area. This is not limited to formal enforcement actions, such as prosecution or issue of notices, and includes prevention measures such as inspections to check compliance with legal or other requirements and the provision of advice and guidance to support regulatory compliance.

1.4.1 The aim of this Enforcement Policy is to explain the principles that the council follows, and typical enforcement actions, when taking enforcement/regulatory decisions that we make in support of a fair and safe trading environment, and to protect our residents and the environment. This policy aims to ensure that decisions are consistent, fair and proportionate to the circumstances, and taken in an accountable manner.

1.4.2 The policy is consistent with the Principles of Good Regulation¹ and has due regard to the Regulator’s Code².

1.5 This policy is intended to provide guidance for officers, businesses and residents rather than to set down a prescriptive set of rules. Nothing in this policy should be construed as restricting the discretion of the Council to take enforcement action in cases where it is considered to be in the public interest.

1.6 This enforcement policy will be subject to regular review and amendments will be made when necessary as a result of identified improvements which contribute to the aims of the council. Review of the enforcement policy will take account of any responses received from affected persons and any other

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¹ S21, Legislative and Regulatory Reform Act 2006
² Last issued 6th April 2014 in accordance with s23, Legislative and Regulatory Reform Act 2006
relevant comments. Compliance with this policy will be monitored on an ongoing basis.

2 Principles of enforcement

2.1 General

2.1.1 The council has a duty to protect public safety and the environment and to ensure that our resources used for enforcement purposes are effective.

2.1.2 To meet this duty, the council has the duty or power to enforce a wide range of rules and regulations which affect individuals and businesses for the benefit of all in the West Suffolk area.

2.1.3 To reduce the administrative burdens on those that are subject to regulation, a risk based approach will be used where appropriate to target council resources on the areas that need them most. We apply the principle that no regulatory activity should take place without a reason.

2.1.4 The council supports the principle of self-regulation to reduce the burden on businesses, and will, as part of its ongoing assessment of how regulatory services are provided, always look to find ways for those that are regulated to comply with the rules with minimal intervention from the council.

2.1.5 Everyone in West Suffolk can play a part in the way regulation is achieved. By providing advice and signposting we can support the public and businesses to avoid problems and resolve any issues they identify.

2.2 Transparency

2.2.1 Where possible the council will seek to ensure that people affected by formal action are informed of what is planned, and allow for discussion and time to respond before the action is taken. These arrangements must have regard to legal constraints and requirements.

2.2.2 When an enforcement notice is served it will say what needs to be done, why, and by when. There will be a clear distinction between legal requirements and recommended actions.

2.2.3 The council is committed to equality and all communications, particularly those between officers and any individual(s) or business, will be in a clear, accessible, concise, format using media appropriate to the target audience, in plain language. The Council and its occupants will have regard to the protected characteristics, for example where businesses or the public do not have English as a first language translations of correspondence will be provided on request.

2.2.4 This Enforcement Policy is published on the West Suffolk Council website, and further guidance about specific areas, may also be published.
2.2.5 The publicity generated by legal proceedings acts as a deterrent to others, and reassures the general public that the council takes a serious view of illegal behaviour. Therefore the outcome of court proceedings may be published, including required undertakings; as part of this the name of the defendant(s) may be included, unless otherwise directed by the courts.

2.2.6 Where there are ongoing breaches of the law the council may also use publicity in order to raise awareness, warn residents and increase compliance. This may involve publishing the name of an individual(s) and/or business found to be breaching the law. In reaching a decision as to whether to publish such information, the council will consider the following factors:

- The specific details of the offence committed or detrimental activity.
- The public interest in disclosing personal information e.g. the deterrent effect of the publication.
- Whether the publication would be proportionate.
- The personal circumstances of the offender.
- Community cohesion.

2.3 **Consistency**

2.3.1 Officers are required to act in accordance with this enforcement policy and the council’s conduct standards.

2.3.2 The council will carry out its enforcement and advisory functions in an equitable, practical and consistent manner. Relevant policy and guidance will be adopted and adhered to and officers carrying out regulatory functions will be suitably trained, qualified and authorised to undertake their enforcement duties, and understand the principles of good regulation.

2.3.3 Where appropriate, we will publish clear service standards providing information on:

a. how the council communicates and how the appropriate officers and council services can be contacted
b. the council’s approach to providing information, guidance and advice
c. any applicable fees and charges
d. how to comment or complain about the service provided and the routes to appeal.

2.4 **Proportionality**

2.4.1 The council is committed to avoiding the imposition of unnecessary regulatory burdens and will endeavour to minimise the cost of compliance for business by ensuring that any action taken, or advice offered, is proportionate to the seriousness of the breach, as well as the risk to people, property, the community or the environment. In doing so the chosen approaches will be based on relevant factors including, for example, business size and capacity.

2.4.2 Notice of routine inspection visits will usually be given, unless there is a legal requirement to visit unannounced, or there is a specific reason for not giving
prior notice. For example this would include where the identity of the person or premises is unknown, or where it would defeat the objectives of the inspection visit to give such notice.

2.4.3 As far as the law allows, account of the circumstances of the case and attitude of the people involved when considering action will be taken. Care will be taken to work with businesses and individuals so that, where practicable, they can meet their legal obligations without unnecessary expense, to support and enable economic growth will also be taken.

2.4.4 The most serious formal action, including prosecution, will be reserved for persistent and/or serious breaches of law.

2.5 Accountability

2.5.1 The council will actively work with businesses and individuals to advise and to assist with compliance and requests for help. Contact points and telephone numbers will be provided for business and public use.

2.5.2 The council will endeavour to carry out visits and inspections at a reasonable time where appropriate to do so. Council officers will show their identification (and authority if requested) at the outset of every visit and explain the reason for the visit, unless the nature of any investigation requires otherwise.

2.5.3 Out of hours contact for services will be provided where there is a need for an immediate response/risk to public health, safety or damage to property, infrastructure or the environment.

2.5.4 The whole range of enforcement activities will be dealt with as promptly and efficiently as possible in order to minimise time delays.

2.5.5 Where appropriate, feedback questionnaires will be used to gather and act upon information about the services we provide.

2.5.6 The council may include information to highlight new legal requirements on its website, with information provided following an inspection or visit; and by providing or signposting advice and information to help businesses and individuals keep up to date.

3 Good practice

3.1 Targeted (intelligence and risk led) enforcement

3.1.1 Enforcement will be primarily targeted towards those situations that give rise to the most serious risks, and against deliberate breaches. Other determining factors will include local priorities, Government policy and priorities, new legislation, national campaigns and public concerns.

3.1.2 By having a coherent and robust intelligence system, effective strategies can be formed to enable and coordinate solutions to particular problems. This enables
the identification of new, current and emerging issues, allowing provision of strategic and tactical solutions on how the issues can best be tackled.

3.2 Supporting the local economy

3.2.1 A key element of the council’s activity will be to facilitate and encourage economic progress against a background of protection.

3.2.2 Wherever possible, the council will work in partnership with businesses and individuals, and with town and parish councils, voluntary and community organisations, to assist them with meeting their legal obligations without unnecessary expense.

3.3 Reducing enforcement burdens

3.3.1 If there is a shared enforcement role with other agencies, for example the Police, Environment Agency or other local authorities, the council will consider coordinating with these agencies to minimise unnecessary overlaps or time delays and to maximise its overall effectiveness. The council will also liaise with the other regulators to ensure that any proceedings instituted are for the most appropriate offence.

3.3.2 The council will follow the principle of ‘collect once, use many times’ and share information collected with other local authority regulatory services to minimise business impact. Partner enforcement agencies routinely exchange information and in doing so we will ensure we follow the requirements of the data protection legislation, and other relevant legislation, in force at the time.

4 Enforcement actions

4.1 For the purposes of this document ‘formal action’ includes: prosecution, simple cautions, enforcement orders, issue of notices, monetary penalties, seizure, suspension, forfeiture, revocation/suspension of a licence, registration or approval, works in default or any other criminal or civil/injunctive proceedings or statutory sanctions, applied either separately or in any other combination.

4.2 When formal enforcement action is taken, and where appropriate, the council may seek to recover its enforcement costs, including the making of formal applications for costs through the courts.

4.3 Nothing in this policy shall be taken to compel the council to take enforcement action. In certain instances the council may conclude that an enforcement response is not appropriate given the circumstances. Any decision to deploy enforcement powers will be taken in the context of operational priorities and this policy.

4.4 In deciding what enforcement action to take, the council will have regard to the following aims:

- to change the behaviour of the offender
- to eliminate financial gain or benefit from non-compliance
- to be responsive and consider what is the most appropriate sanction for the particular offender and the regulatory issue concerned
- to be proportionate to the nature of the offence and the harm/potential harm caused
- to repair the harm caused to victims, where appropriate to do so
- to deter future non-compliance
- to maintain the trust and confidence of our communities.

4.5 Any decision to undertake formal enforcement action will be taken in the context of the evidence available, operational priorities, this policy and the council constitution and scheme of delegations.

4.6 Where a right of appeal against a formal action exists other than through the courts, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.

4.7 Where formal enforcement action, such as a simple caution or prosecution, is taken, the council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

4.8 Where it is necessary to carry out a full investigation, the case will be progressed without undue delay. All investigations into alleged breaches of legislation will be conducted in compliance with statutory requirements, time limits and all other relevant legislation (and relevant codes of practice), including the requirements of:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996 (CPIA)
- Criminal Justice and Police Act 2001 (CJPA)
- Human Rights Act 1998 (HRA)

(This list is not exhaustive and there are requirements from specific legislation enforced.)

4.9 As part of any criminal investigation process, persons suspected of having committed a criminal offence will, wherever possible:

- be formally interviewed in accordance with PACE
- be given the opportunity to demonstrate a statutory defence
- have the opportunity to give an explanation or make any additional comments about the alleged breach
- be offered translation services where English is not their first language.

4.10 Some officers have a wide variety of powers, including the power to enter premises and inspect goods, to require the production of documents or records and, when necessary, the power to seize and detain such material where they believe it may be required as evidence.

4.11 Officers may also take with them such other persons as may be necessary as part of their investigations, or when exercising their powers. This may include
police officers where there is the possibility of an arrest. In certain cases, officers may exercise an entry warrant issued by a magistrate in order to gain access to premises. Officers may also use investigation equipment as part of their duties, including hand held and body-worn video (BWV) cameras. BWV devices are capable of recording both visual and audio information and can provide a number of benefits to enforcement agencies, including a deterrent to aggressive, verbal and physical abuse towards officers, and in providing additional evidence to support investigations. BWV will usually be deployed on an overt basis for a specific purpose, and where it is necessary and proportionate to do so. Any decision to deploy BWV on a covert basis will be made in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA), related legislation, codes of practice and associated council policy.

4.12 Whilst recognising that most people want to comply with legal requirements, some will operate outside the law (both intentionally and unintentionally). A staged approach to enforcement will therefore be adopted, with advice and informal action fully explored to resolve the matter in the first instance, if appropriate. However, the council will consider taking immediate formal action for the most serious breaches, which may include any of the following circumstances:

- where there is a significant risk to public health, safety or wellbeing, or damage to property, infrastructure or the environment
- fraud or deceptive/misleading practices, including those seeking an unfair ‘competitive advantage’
- for matters where there has been recklessness or negligence, causing or likely to cause significant loss or prejudice to others
- illegal practices targeted at the young, the elderly or other vulnerable people
- a deliberate or persistent failure to comply with advice, warnings or legal requirements
- where food fails food safety requirements
- any act likely to affect animal health or welfare, disease prevention measures, or the integrity of the food chain
- obstruction or assault (including verbal assault) of an officer in the execution of their duties
- If it is in the public interest to do so.

4.13 In addition to our statutory responsibilities under the Health and Safety at Work Act 1974, we expect our staff to be able to undertake their work without experiencing any risk of harm to their health or property. We operate a range of provisions to protect our staff from any actions targeted at them that may constitute violence at work. Furthermore, we will not tolerate, and will take appropriate action in response to any such behaviour towards our staff, including obstruction, whilst they are undertaking their enforcement duties.

4.14 The council’s enforcement options

4.14.1 Advice, guidance and support
The council is committed to using advice, guidance and support as a first response to the majority of breaches of legislation and any initial requests for advice from individuals or businesses on non-compliance will not in themselves directly trigger enforcement action. The council will seek to assist in rectifying such breaches as quickly and efficiently as possible, where there is a clear willingness to resolve the matter, thus avoiding the need for further enforcement action. Any correspondence will clearly differentiate between legal requirements and good practice, and indicate the regulations contravened and the measures which will enable compliance. Follow up checks will be carried out on a risk and intelligence-led basis and where a similar breach is identified in the future, previous advice will be taken into account in considering the most appropriate enforcement action to take on that occasion.

4.13.2 Compliance advice can be provided in the form of a verbal or written warning. In doing so we will clearly explain what should be done to rectify the problem, and how to prevent re-occurrence. Warnings cannot be cited in court as a previous conviction, but may be presented in evidence.

4.15 Verbal or written warning

Compliance advice can be provided in the form of a verbal or written warning. In doing so we will clearly explain what should be done to rectify the problem, and how to prevent re-occurrence. Warnings cannot be cited in court as a previous conviction, but may be presented in evidence.

4.16 Statutory (legal) notices

4.16.1 Statutory Notices are used as appropriate in accordance with relevant legislation. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of work in default.

4.16.2 A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process for such notices will be provided to the recipient.

4.17 Monetary penalties

4.17.1 Fixed or variable monetary penalties may be issued where there is a specific power or delegated authority to do so and under the following circumstances:

- To provide an effective and visible way to respond to less serious crimes without going to court.
- As a response to genuine problems or as part of a wider enforcement strategy.
4.17.2 Where the offender fails to discharge their liability resulting from any monetary penalty issued, alternative enforcement action will be considered under this policy (including prosecution of the initial offence). Where prosecution is brought; an assessment will be made of other offences that may also have been committed in order that those charges may be considered at the same time.

4.17.3 Consideration will be given to the adoption of alternative remedies to the issue of a monetary penalty, such as those involving dedicated advice and training sessions, which aim to change the behaviour of the offender, whilst remaining proportionate to the nature of the offence and the harm/potential harm caused.

4.18 Licences, permits, registrations and approvals

The council has a role to play in ensuring that appropriate standards are met in relation to licences, permits, registrations and approvals. If deemed necessary, the council may seek to review, temporarily remove or revoke any licence, registration or approval if made aware that actions have been carried out which undermine scheme objectives and/or would be unlawful. This includes those issued by other agencies.

4.19 Seizure

4.19.1 Some legislation permits the seizure of items such as goods and documents that may be required as evidence. When goods are seized, an appropriate receipt will be given to the person from whom they are taken. Occasionally, the voluntarily surrender and transfer ownership of illegal goods to the council may be requested.

4.19.2 When officers seize food for failing food safety requirements, or animal feed for non-compliance with feed law, an application will be made to the Court for a condemnation order, for the illegal product to be destroyed. Details of where and when this application will be made will be provided to allow interested parties to attend the hearing.

4.20 Detention

Where food is suspected of failing food safety requirements, or where animal feed does not comply with specified feed law, it may be detained to allow further investigation. When food or animal feed is detained, a notice of detention will be provided, detailing the detention arrangements, including the location where the product(s) will be detained.

4.21 Forfeiture

Where an accused has not agreed to voluntarily surrender any infringing goods then, on successful conclusion of legal proceedings, forfeiture may be applied for. This does not preclude the council from taking forfeiture proceedings in their own right in appropriate circumstances.
4.22 Injunctive actions, enforcement orders and so on.

4.22.1 The council will consider formal civil enforcement action in pursuance of breaches of law which have a detrimental impact on the collective interests of consumers or businesses.

4.22.2 When considering formal civil enforcement action, an officer will, where appropriate, first discuss the circumstances with those suspected of a breach and, through consultation, attempt to resolve any issues. Alternatively a range of enforcement actions will be considered to redress detrimental practices. These include the following:

- informal and formal undertakings
- interim and other court orders
- contempt proceedings.

4.22.3 The court may be asked to consider other remedies as part of any proceedings, including compensation for victims.

4.23 Other sanctions

The council will consider other sanctions where legally available and appropriate to do so, including criminal behaviour orders under the Antisocial Behaviour, Crime and Policing Act 2014, injunctions under the Local Government Act 1972 or equivalent orders to disrupt and/or prevent activities that may contribute to crime or disorder.

4.24 Taking animals into possession/banning orders

Under the Animal Welfare Act 2006, if a veterinary surgeon certifies that 'protected animals' are suffering or are likely to suffer if their circumstances do not change, the council will consider taking them into its possession and applying for orders for re-imbursement of expenses incurred and subsequent disposal. Other legislation may be appropriate to ensure that similar standards of care and/or control of animals is properly maintained. In some circumstances the council will also consider applying to the court to ban a person(s) from keeping animals.

4.25 Simple cautions

4.25.1 In certain cases a simple caution may be offered as an alternative to a prosecution. The purpose of a simple caution is to deal quickly with less serious offences, to divert less serious offences away from the courts, and to reduce the chances of repeat offences.

4.25.2 Officers will comply with the provisions of relevant Home Office circulars. The following conditions must be fulfilled before a caution is administered:

- The offender has made a clear and reliable admission
- there is a realistic prospect of conviction
• it is in the public interest to offer a simple caution, and
• the offender is 18 years old or older at the time that the caution is to be administered.

4.25.3 A simple caution will appear on the offender’s criminal record. It is likely to influence how the council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment. Simple cautions will be issued with regard to Home Office and other relevant guidance.

4.26 Prosecution

4.26.1 The council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as statutory notices have failed to secure compliance. The council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

4.26.2 Before a decision to prosecute is taken, the alleged offence(s) will be investigated, a report compiled by the investigating officer and the file independently reviewed and authorised in accordance with the council’s procedures. A prosecution will only be considered if the sufficiency of the evidence and the public interest falls within the guidelines as laid down by the Attorney General and Crown Prosecution Service Code for Crown Prosecutors. Prosecution proceedings will only be undertaken if authorised in accordance with the council’s procedures and delegations.

4.26.3 Before making a decision whether or not to prosecute, consideration will also be given to:
• how well the prosecution supports the council’s aims and priorities
• wider public interest
• the factors contained in paragraphs 4.4 and 4.12 above of this policy
• action taken by other enforcement agencies for the same facts
• the nature and extent of any harm or loss, including potential harm and loss, and any offer of redress made by the offender to victims
• the willingness of the alleged offender to prevent a recurrence of the infringement
• the likelihood of the alleged offender being able to establish a statutory defence
• the reliability of witnesses
• the probable public benefit of a prosecution and the importance of the case, for example the possibility of establishing legal precedent
• the scope for alternative routes for redress for victims and their likelihood of success
• the impact of the intervention on small businesses in particular, to ensure action is proportionate.

4.26.4 A conviction will result in a criminal record and the court may impose a fine and, for particularly serious breaches, a prison sentence. The court may order
the forfeiture and disposal of non-compliant goods and/or the confiscation of assets.

4.26.5 On the conviction of a director connected with the management of a company the prosecutor will, in appropriate cases, draw to the court’s attention their powers to make a disqualification order under the Company Directors Disqualification Act 1986.

4.27 **Proceeds of crime actions**

4.27.1 Where appropriate, the council may seek to recover the benefit that the offender has obtained from their criminal conduct through financial investigation.

4.27.2 Financial investigations will be undertaken in accordance with the Proceeds of Crime Act 2002. Such investigations may include applications to the court requiring financial information to be provided (production orders) or in serious cases applications to freeze and/or confiscate criminal assets (restraint and confiscation orders). Where appropriate, consideration will also be given to seek compensation for victim losses as part of financial investigations.

5. **Comments, compliments and complaints**

5.1 If you are unhappy with the action we take or any information or advice we give, you can discuss the matter with the relevant manager. This won’t affect our formal complaints procedure or any formal appeal you may make.

5.2 If you wish to make a formal complaint you may either complete the online customer feedback form on the council’s website at [www.westsuffolk.gov.uk/comments](http://www.westsuffolk.gov.uk/comments), email [xxx] or write to the freepost address at [XXXX] West Suffolk House, Western Way, Bury St Edmunds Suffolk IP33 3YU. Complaints are fully investigated and responded to within 15 working days.
## West Suffolk Enforcement Policy Summary

<table>
<thead>
<tr>
<th>No.</th>
<th>Please select an option that applies to you.</th>
<th>Do you agree with the principles for enforcement summarise our approach to fair inspection and enforcement?</th>
<th>Do you think section 4: formal enforcement actions provides a helpful breakdown of the types of action the council can take?</th>
<th>Do you agree with the way we provide for complaints, compliments and appeals (section 5)?</th>
<th>Do you have any other comments on the draft enforcement policy you would like to share?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Councillor</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No thanks</td>
</tr>
<tr>
<td>2</td>
<td>A resident of Forest Heath</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>Police Licensing Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No thanks</td>
</tr>
<tr>
<td>4</td>
<td>A resident of St Edmundsbury</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>-</td>
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<td>5</td>
<td>Parish Clerk</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>6</td>
<td>Councillor</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>Representing another authority</td>
<td>No</td>
<td>No - the document should more clearly indicate the type of enforcement action, e.g., planning/environmental health etc.</td>
<td>Yes</td>
<td>The document fails to address performance and service standards. The vague reference to service standards as a possible future option is unacceptable. This information should be provided alongside the overall policy document. My Parish Council is dissatisfied with the Council’s failure to let us know what is happening in respect of recent and current enforcement issues. At times, the borough Council appear to have an unwillingness to take enforcement action.</td>
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<td>7</td>
<td>A St Edmundsbury business owner or employee</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>A Forest Heath business owner or employee</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
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<tr>
<td>10</td>
<td>A resident of St Edmundsbury Borough</td>
<td>Yes</td>
<td>Having once made a complaint about alleged infringement of listed building - it was ignored.</td>
<td>Yes</td>
<td>This is a paraphrase as the original text made an allegation about a council officer. The respondent criticised the council’s current enforcement practice around listed buildings in terms of the evidence provided and the belief the behaviour of officers was heavy handed.</td>
</tr>
</tbody>
</table>
Key Decisions and other executive decisions to be considered
Date: 1 December 2018 to 6 May 2019
Publication Date: 7 December 2018

The following plan shows both the key decisions and other decisions/matters taken in private, that the Shadow Executive (Cabinet) or Officers under delegated authority, are intending to take up to 6 May 2019. This table is updated on a monthly rolling basis and provides at least 28 clear days’ notice of the consideration of any key decisions and of the taking of any items in private.

Executive decisions are taken at public meetings of the Shadow Executive (Cabinet) and by other bodies provided with executive decision-making powers. Some decisions and items may be taken in private during the parts of the meeting at which the public may be excluded, when it is likely that confidential or exempt information may be disclosed. This is indicated on the relevant meeting agenda and in the ‘Reason for taking the item in private’ column relevant to each item detailed on the plan.

Members of the public may wish to:
- make enquiries in respect of any of the intended decisions listed below;
- receive copies of any of the documents in the public domain listed below;
- receive copies of any other documents in the public domain relevant to those matters listed below which may be submitted to the decision taker; or
- make representations in relation to why meetings to consider the listed items intended for consideration in private should be open to the public.

In all instances, contact should be made with the named Officer in the first instance, either on the telephone number listed against their name, or via email using the format firstname.surname@westsuffolk.gov.uk or via Democratic Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU.
<table>
<thead>
<tr>
<th>Expected Decision Date</th>
<th>Subject and Purpose of Decision</th>
<th>Reason for taking item in private (see Note 1 for relevant exempt paragraphs)</th>
<th>Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)</th>
<th>Decision Taker (see Note 3 for membership)</th>
<th>Shadow Executive Member Contact Details</th>
<th>Lead Officer Contact Details</th>
<th>Wards Affected</th>
<th>Documents to be submitted</th>
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</thead>
<tbody>
<tr>
<td>Not before 8 January 2019 (NEW)</td>
<td><strong>Applications for Community Chest Grant Funding 2019/2020</strong> Following allocation of grants during the initial consideration of applications for Community Chest Funding, the FHDC and SEBC Portfolio Holders for Families and Communities may be asked to consider making further recommendations for Community Chest funding for the 2019/2020 year, utilising unallocated Community Chest funds.</td>
<td>Not applicable</td>
<td>(D)</td>
<td>Shadow Executive (Cabinet)</td>
<td>Robert Everitt Families and Communities 01284 769000 Robin Millar Families and Communities 07545 423782</td>
<td>Davina Howes Assistant Director (Families and Communities) 01284 757070</td>
<td>All Wards</td>
<td>Report to FHDC’s and SEBC’s Portfolio Holders for Families and Communities, as applicable.</td>
</tr>
<tr>
<td>Not before 8 January 2019 (Brought forward from 05/02/19)</td>
<td><strong>Street Vending and Trading Policy</strong> The Shadow Executive will be asked to consider a revised street vending and trading policy. Consultation will take place with the FHDC and SEBC Licensing and Regulatory Committees on the proposed content of</td>
<td>Not applicable</td>
<td>(D)</td>
<td>Shadow Executive</td>
<td>Susan Glossop Planning and Growth 01284 728377 Lance Stanbury Planning and Growth 07970 947704</td>
<td>David Collinson Assistant Director (Planning and Regulatory) 01284 757306</td>
<td>All Wards</td>
<td>Report to Shadow Executive with revised policy.</td>
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<td>Not before 8 January 2019</td>
<td><strong>West Suffolk Enforcement Policy</strong>&lt;br&gt;The Shadow Executive will be asked to consider a revised West Suffolk Enforcement Policy in order to harmonise the existing FHDC and SEBC policies that cover the regulatory functions. Consultation will take place with the FHDC and SEBC Licensing and Regulatory Committees on the proposed content of the policy.</td>
<td>Not applicable</td>
<td>(D)</td>
<td>Shadow Executive</td>
<td>Susan Glossop Planning and Growth 01284 728377 Lance Stanbury Planning and Growth 07970 947704</td>
<td>David Collinson Assistant Director (Planning and Regulatory) 01284 757306</td>
<td>All Wards</td>
<td>Report to Shadow Executive with revised policy.</td>
</tr>
<tr>
<td>Not before 8 January 2019</td>
<td><strong>West Suffolk Statement of Licensing Policy</strong>&lt;br&gt;The Shadow Executive will be asked to consider a new Statement of Licensing Policy for West Suffolk Council. Consultation will take place with the Licensing and Regulatory Committee</td>
<td>Not applicable</td>
<td>(R) – Shadow Council 15/01/19 or 19/02/19</td>
<td>Shadow Executive/ Shadow Council</td>
<td>Susan Glossop Planning and Growth 01284 728377 Lance Stanbury Planning and Growth 07970 947704</td>
<td>David Collinson Assistant Director (Planning and Regulatory) 01284 757306</td>
<td>All Wards</td>
<td>Report to Shadow Executive with new policy for recommending to Shadow Council for adoption.</td>
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<tr>
<td>05/02/19</td>
<td>Update since publication – item now removed from plan as formal decision-making not required.</td>
<td>West Suffolk Council Induction / Member Development Package The Shadow Executive will be asked to consider a proposed induction and member development package for supporting Members of the new West Suffolk Council in their first few weeks and months of being elected. Not applicable (D) Shadow Executive Ruth Bowman J.P. Future Governance 01638 510896 Carol Bull Future Governance 01953 681513 Leah Mickleborough Service Manager (Democratic Services) 01284 757162 All Wards Report to Shadow Executive</td>
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<tr>
<td>05/02/19</td>
<td>Budget and Council Tax Setting 2019/2020 and Medium Term Financial Strategy The Shadow Executive will be asked to consider the proposals for the 2019/2020 budget (and beyond) and Medium Term Financial Strategy for the West Suffolk Council, prior to its approval by the Not applicable (R) – Shadow Council 19/02/19 Shadow Executive/ Shadow Council Stephen Edwards Resources and Performance 07904 389982 Ian Houlder Resources and Performance 07970 729435 Greg Stevenson Service Manager (Finance and Resources) 01284 757264 All Wards Report to Shadow Executive with recommendations to Shadow Council</td>
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<tr>
<td>05/02/19</td>
<td>Shadow Council. This report includes the Minimum Revenues Provision (MRP) Policy and Prudential Indicators.</td>
<td></td>
<td>(R) – Shadow Council 19/02/19</td>
<td>Shadow Executive/Shadow Council</td>
<td>Stephen Edwards Resources and Performance 07904 389982</td>
<td>Ian Houlder Resources and Performance 07970 729435</td>
<td>All Wards</td>
<td>Report to Shadow Executive with recommendations to Shadow Council</td>
</tr>
<tr>
<td>05/02/19</td>
<td><strong>Taxi Policy</strong> The Shadow Executive will be asked to consider a revised taxi policy in order</td>
<td>Not applicable</td>
<td>(D)</td>
<td>Shadow Executive</td>
<td>Susan Glossop Planning and Growth 01284 728377</td>
<td>David Collinson Assistant Director (Planning and Regulatory) 01284 757264</td>
<td>All Wards</td>
<td>Report to Shadow Executive with revised policy.</td>
</tr>
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<tr>
<td>05/02/19 or later (This item was originally due to be considered by the Joint Executive (Cabinet) Committee; however, as the strategy will now not become effective until after 1 April 2019, it is now considered appropriate for the item to be considered by the</td>
<td>to harmonise the existing FHDC and SEBC taxi policies. Consultation will take place with the FHDC and SEBC Licensing and Regulatory Committees on the proposed content of the policy.</td>
<td>Possible Exempt Appendices: Paragraph 3</td>
<td>(R) – Shadow Council 19/02/19</td>
<td>Shadow Executive/ Shadow Council</td>
<td>Lance Stanbury Planning and Growth 07970 947704</td>
<td>01284 757306</td>
<td>All Wards</td>
<td>Recommendations of the Overview and Scrutiny Committees to Shadow Executive and Shadow Council with the possibility of Exempt Appendices.</td>
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<td></td>
<td><strong>Asset Management Strategy and Asset Management Plan</strong></td>
<td>The Cabinets will be asked to consider the recommendations of the FHDC and SEBC Overview and Scrutiny Committees regarding the adoption of a new Asset Management Strategy and associated Asset Management Plan.</td>
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<tr>
<td>Expected Decision Date</td>
<td>Subject and Purpose of Decision</td>
<td>Reason for taking item in private (see Note 1 for relevant exempt paragraphs)</td>
<td>Decision (D), Key Decision (KD) or Rec (R) to Council on date (see Note 2 for Key Decision definitions)</td>
<td>Decision Taker (see Note 3 for membership)</td>
<td>Shadow Executive Member Contact Details</td>
<td>Lead Officer Contact Details</td>
<td>Wards Affected</td>
<td>Documents to be submitted</td>
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<td>05/02/19</td>
<td>West Suffolk Customer Access Strategy</td>
<td>The Shadow Executive will be asked to consider and adopt a new Customer Access Strategy as part of making improvements to West Suffolk Council’s customer service. The Strategy will also have been previously considered by the SEBC and FHDC Overview and Scrutiny Committees.</td>
<td>Not applicable (D)</td>
<td>Shadow Executive</td>
<td>Robert Everitt Families and Communities 01284 769000 Robin Millar Families and Communities 07545 423782</td>
<td>Davina Howes Assistant Director (Families and Communities) 01284 757070 Lisa Grove Service Manager (Customer Services and Transformation) 01638 719320</td>
<td>All Wards</td>
<td>Report to Shadow Executive with strategy document.</td>
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<td></td>
<td>West Suffolk Digital Strategy</td>
<td>This item has been removed from the Decisions Plan as the project has taken a slightly different direction which does not require approval of a specific Strategy</td>
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<td></td>
<td>Stephen Edwards Resources and Performance 07904 389982 Ian Houlder Resources and Performance 07970 729435</td>
<td>Kevin Taylor Service Manager (ICT) 01284 757230</td>
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<td>through the democratic process.</td>
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NOTE 1: DEFINITIONS OF EXEMPT INFORMATION: RELEVANT PARAGRAPHS

In accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended)
The public may be excluded from all or part of the meeting during the consideration of items of business on the grounds that it involves the likely disclosure of exempt information defined in Schedule 12(A) of the Act, as follows:

PART 1
DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
5. Information which reveals that the authority proposes –
   (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   (b) to make an order or direction under any enactment.
6. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In accordance with Section 100A(3) (a) and (b) of the Local Government Act 1972 (as amended)
Confidential information is also not for public access, but the difference between this and exempt information is that a Government department, legal opinion or the court has prohibited its disclosure in the public domain. Should confidential information require consideration in private, this will be detailed in this Decisions Plan.
NOTE 2: KEY DECISION DEFINITION

(a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:

(i) be significant in terms of its effects on communities living or working in an area in the Shadow Council; or

(ii) result in any new expenditure, income or savings of more than £100,000 in relation to the Shadow Council’s revenue budget or capital programme;

(iii) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.

(b) A decision taker may only make a key decision in accordance with the requirements of the Shadow Executive procedure rules set out in Part 4 of the Shadow Constitution.
NOTE 3: MEMBERSHIP OF BODIES MAKING KEY DECISIONS

(a) Membership of the Shadow Executive (Cabinet):

<table>
<thead>
<tr>
<th>Shadow Executive (Cabinet) Member</th>
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<tr>
<td>Councillor John Griffiths (Leader)</td>
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<td>Councillor James Waters (Deputy Leader)</td>
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<td>Councillor Ruth Bowman J.P.</td>
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<td>Councillor David Bowman</td>
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<td>Councillor Carol Bull</td>
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<td>Councillor Andy Drummond</td>
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<td>Councillor Stephen Edwards</td>
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<td>Councillor Robert Everitt</td>
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<td>Councillor Susan Glossop</td>
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<td>Councillor Ian Houlder</td>
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<td>Councillor Sara Mildmay-White</td>
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<td>Councillor Robin Millar</td>
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<td>Councillor Joanna Rayner</td>
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<td>Councillor Lance Stanbury</td>
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<td>Councillor Peter Stevens</td>
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</tbody>
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Leah Mickleborough
Service Manager (Democratic Services) and Monitoring Officer
Date: 7 December 2018