

# Licensing and Regulatory Committee



<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Monday 1 July 2019</b>												
<b>Time:</b>	<b>5.30 pm</b>												
<b>Venue:</b>	<b>Council Chamber College Heath Road Mildenhall, IP28 7EY</b>												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chair</b> <b>Vice Chair</b></p> <p>To be appointed by the Licensing and Regulatory Committee on 1 July 2019</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Group(8)</u></td> <td style="width: 33%;">Carol Bull Patrick Chung Rachel Hood Beccy Hopfensperger</td> <td style="width: 33%;">Margaret Marks Robert Nobbs Richard Rout Clive Springett</td> </tr> <tr> <td><u>Spectrum Group (3)</u></td> <td>Aaron Luccarini Frank Warby</td> <td>Phil Wittam</td> </tr> <tr> <td><u>The Independent Group(3)</u></td> <td>Michael Anderson Don Waldron</td> <td>Roger Dicker</td> </tr> <tr> <td><u>Labour Group(1)</u></td> <td>Pat Hanlon</td> <td></td> </tr> </table>	<u>Conservative Group(8)</u>	Carol Bull Patrick Chung Rachel Hood Beccy Hopfensperger	Margaret Marks Robert Nobbs Richard Rout Clive Springett	<u>Spectrum Group (3)</u>	Aaron Luccarini Frank Warby	Phil Wittam	<u>The Independent Group(3)</u>	Michael Anderson Don Waldron	Roger Dicker	<u>Labour Group(1)</u>	Pat Hanlon	
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<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
<b>Quorum:</b>	Five Members												
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Democratic Services Officer <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>												

# Public Information



<b>Venue:</b>	<b>West Suffolk Council</b> <b>College Heath Road</b> Mildenhall Bury St Edmunds Suffolk IP28 7EY	T: 01638 719729 E: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> W: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a>
<b>Access to agenda and reports before the meeting:</b>	Copies of the agenda and reports are open for public inspection at the above and following address: <b>West Suffolk House</b> Western Way Bury St Edmunds Suffolk IP33 3YU at least five clear days before the meeting. They are also available to view on our website.	
<b>Attendance at meetings:</b>	The Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
<b>Public participation:</b>	Members of the public who live or work in the District are welcome to speak and may ask one question or make a 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 Chair's discretion.	
<b>Disabled access:</b>	The public gallery is on the first floor and is accessible via stairs. There is not a lift but disabled seating is available at the back of the Council Chamber on the ground floor. Please see the Committee Administrator who will be able to help you. Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.	
<b>Induction loop:</b>	An Induction loop is available for meetings held in the Council Chamber.	
<b>Recording of meetings:</b>	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded). Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.	
<b>Personal Information</b>	Any personal information processed by West Suffolk 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: <a href="https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm">https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm</a> or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.	

# **Agenda**

## **Procedural Matters**

### **Part 1 – Public**

**1. Election of Chair 2019/2020**

**2. Election of Vice Chair 2019/2020**

**3. Apologies for Absence**

**4. Substitutes**

Any Member who is substituting for another Member should so indicate, together with the name of the relevant absent Member.

**5. Public Participation**

Members of the public who live or work in the District are welcome to speak and may ask one question or make a 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.

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There is an overall limit of 15 minutes for public speaking, which may be extended at the Chair's discretion.

**6. Licensing and Regulatory Committee Forward Plan 2019/2020**

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Report No: **LIC/WS/19/001**

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# Licensing and Regulatory Committee Forward Plan 2019/2020

<b>Report No:</b>	<b>LIC/WS/19/001</b>
<b>Report to and date/s:</b>	Licensing & Regulatory Committee - 1 July 2019
<b>Cabinet Member:</b>	Councillor Andy Drummond Portfolio Holder for Regulatory <b>Tel:</b> 01638 751411 <b>Email:</b> <a href="mailto:andy.drummond@westsuffolk.gov.uk">andy.drummond@westsuffolk.gov.uk</a>
<b>Lead officer:</b>	David Collinson Assistant Director (Planning and Regulatory Services) <b>Tel:</b> 01284 757306 <b>Email:</b> <a href="mailto:david.collinson@westsuffolk.gov.uk">david.collinson@westsuffolk.gov.uk</a>

**Decisions Plan:** N/A

**Wards impacted:** All wards

**Recommendation:** It is recommended that, the Committee:

- (1) Endorse the recommended approach to advice and consultation on Licensing and Regulatory Committee policy (Appendix A) as set out in Paragraphs 2.4 and 2.5 of the report;
- (2) Continue to review fares charged by taxis licenced throughout the District on an regular basis; and
- (3) Note the Delegation of Functions in respect of Licensing & Regulatory Sub-Committees (Appendix B) and agree the composition parameters as set out in Paragraph 4.6 of the report.

## **1. Background / Context**

- 1.1 The Licensing and Regulatory Committee is a core part of the Council's regulatory functions. It is required to make decisions on the most high-profile licensing decisions within the Council's area, through which Committee members will be called upon to make decisions which can influence people's livelihood. It will act as a consultee on certain policies, and can make some specific decisions such as setting taxi fares or diverting footpaths.
- 1.2 This report seeks to inform Committee members on the proposed programme of work over the next year and how it is anticipated the Committee will undertake its responsibilities.

## **2.0 Work Programme - Policy Reviews**

- 2.1 Licensing policies are generally either Executive functions (and agreed by Cabinet) or are Council functions (and are referred by Cabinet to Council). However, the Licensing and Regulatory Committee can have an important role in acting as a consultee as policies are developed.
- 2.2 The upcoming policy areas that will require review in this year are outlined in the table in **Appendix A**. The desired outcome and timeline for each policy review work stream is outlined, alongside the rationale for how this policy supports the strategic objectives of the council.
- 2.3 In some cases, changes were made to policies last year to ensure a consistent approach was taken across West Suffolk. However, a more comprehensive review is still required, and this particularly applies to the Taxis and Street Trading and Vending policies.

### Potential Approach to Policy Advice and Consultation

- 2.4 The Committee has the opportunity to input at the following stages when policies are in development:

**Developing proposals for consultation** – views may be sought to inform the portfolio holder's decision to consult on the draft policy, which includes details of when and how the consultation will be carried out

**Post consultation analysis and policy development** – in the event that the consultation highlights significant risks with the proposed policy changes, views could be sought from the committee to help review and manage these associated risks.

- 2.5 The views, preferences and opinions of the committee members will, in effect, provide an extra level of scrutiny over the Licensing and Regulatory policy reviews, as challenge and alternative ideas can be factored into the consultation or final policy decision.

- 2.6 It is proposed that this is achieved through a number of workshops, chaired by the Portfolio Holder, which are themed by the upcoming policy review. This approach worked well in reviewing policies for harmonisation for single council.

### **3.0 Taxi Fares Review**

- 3.1 The Licensing and Regulatory Committee has responsibility to set the taxi fares – these are the maximum fares that customers of certain taxis (hackney carriages) can be charged. The current West Suffolk Hackney Carriage Fare Card was agreed in January 2019 and could therefore be reviewed again in 2020 if there is demand to do so from Members, service users or the hackney carriage drivers.

### **4.0 Licensing & Regulatory Sub-Committees**

- 4.1 The majority of day-to-day licensing decisions are undertaken by Council Officers, particularly where they are non-controversial and receive no objection.
- 4.2 The Council's constitution establishes the circumstances under which officers will make decisions, those decisions that should be determined by a Sub-Committee, and those that will be determined by the whole Committee (see **Appendix B**). The Delegation of Functions sets out a summary of permitted licensing authority delegations in respect of whether a matter is to be determined by the full Committee, Sub-Committee or via Officer delegation.

#### Sub-Committee Arrangements

- 4.3 Licensing and Regulatory Sub-Committees will be arranged on an "as required basis" and will meet at either of the Council's main offices (Bury St Edmunds or Mildenhall).
- 4.4 A Sub-Committee will comprise any three members and one substitute member drawn from the full membership of the Committee and appointed for each occasion when it is needed; all members of the full Committee should be given equal opportunity to sit on a Sub-Committee.
- 4.5 Whilst the Sub-Committees need not be politically balanced; Democratic Services will seek Members to sit on Sub-Committee with a view to achieving political balance as far as is practicable across the municipal year.
- 4.6 Members of the full Committee will be eligible to sit on a Sub-Committee subject to:
- Successful completion of the relevant training;
  - Not being personally acquainted with the license holder/applicant;
  - Not having submitted a representation in respect of the matter, either as an individual or as a member of a body who has made representation (e.g. Parish/Town Council); and
  - Where the Sub-Committee is considering the licensing of a specific premises, the Ward Member(s) in which the premises lies should not sit on the Sub-Committee.

**3. Alternative Options**

- 3.1 Approach to Providing Policy Advice to Cabinet - consultation of Licensing and Regulatory Committee Members could be limited to that solely through the public consultation period. This would still allow the expertise of Committee Members to input into the policy development process. However, sometimes it could be helpful for responses to be informed by discussion with other Committee Members

**4. Risks**

- 4.1 There are no risks identified with the approach outlined above.

**5. Appendices**

- 5.1 **Appendix A** - Summary of the policy reviews scheduled in 2019/2020 and the commitments made by the Council about their scope and timing  
**Appendix B** – Delegation of Functions (extracted from the constitution) in respect of the Licensing & Regulatory Sub-Committee. The Licensing Authority adopted the Delegation of Functions as set out in the constitution in respect of the Licensing Act 2003, Gambling Act 2005 and Sex Establishments, in accordance with the general guidance issued by the Government.

## Appendix A

<b>Policy</b> <i>(and priorities for their regulation in general)</i>	<b>Desired outcome of changes</b>	<b>Public commitments</b>	<b>Indicative dates</b> <i>(not including final decisions)</i>
<b>Taxi policy</b>  <i>safety and protection of the public at risk from harm</i>  <i>vehicle safety, comfort and access</i>  <i>prevention of crime and disorder</i>  <i>supporting travel and transport options</i>  <i>promotion of environmental sustainability</i>	<p>Respond to any changes in legislation and review convictions policy against best practice (pending new government guidance)</p> <p>Assess the position on hackney carriage licensing areas</p> <p>Consider long term options for livery (currently just livery in former FHDC area and black base recommended for any new cars in former SEBC)</p> <p>Update vehicle capacity requirements to account for alternatively fuelled vehicles</p>	<p>Review policy (including zones and livery arrangements) within 2 years</p>	<p><b>Permission to consult:</b></p> <p>PH decision w/c 18 Nov</p> <p>Public Consultation Mar/Apr 2020</p>
<b>Street Trading and Vending policy</b>  <i>A trading environment that:</i>  <i>complements the surrounding environmental and retail offering</i>  <i>ensures public safety and standards</i>	<p>Develop a consistent approach to consent areas and prohibited streets across West Suffolk</p> <p>Consider a consistent approach to regulating cafes using space on the street for tables and chairs across Suffolk</p>	<p>Review policy (including consent areas) by January 2021</p>	<p><b>Permission to consult:</b></p> <p>PH decision March 2020</p> <p>Public Consultation May/June 2020</p>

## Appendix A

<p><b>Statement of Licensing policy – Cumulative Impact Assessment (CIA) Area</b></p> <p><i>protect public safety, particularly children and vulnerable adults</i></p> <p><i>prevent public nuisance and crime and disorder,</i></p> <p><i>balancing a vibrant economy</i></p>	<p>CIA areas: prepare for 3 year review of Bury St Edmunds CIA</p> <p>Write a statement of evidence to support the review of the Bury St Edmunds cumulative Impact Assessment area</p>	<p>BSE December (statutory)</p> <p>CIA: 2020</p>	<p><b>Permission to consult:</b></p> <p>PH Decision w/c 3 Feb 2020 Consultation May/June 2020</p>
<p><b>Skin Piercing byelaws</b></p> <p><i>consumer assurance that skin piercing businesses operate in clean and hygienic premises with effective infection controls in place</i></p> <p><i>businesses benefit from consumers choosing to use responsible and well-regulated skin piercing businesses</i></p>	<p>Consider whether to update byelaws or write into policy instead (and revoke byelaws)</p> <p>Update our policy requirements to reflect technology changes in skin piercing - ensuring they are is flexible and adaptable to cover the evolving treatment types</p>	<p>Agreed with LT to review after single council</p>	<p><b>Permission to consult:</b></p> <p>PH Decision w/c 24 Feb 2020 Consultation Apr/May 2020</p>

## APPENDIX B

### Licensing Act 2003: Delegation of Functions

The Licensing Authority has adopted the following level of delegation of functions in accordance with the general guidance issued by the Government.

<b>Matter to be dealt with</b>	<b>Licensing and Regulatory Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a Suffolk Constabulary objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application for provisional statement	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary designated premises supervisor	If a Suffolk Constabulary objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Suffolk Constabulary objection	All other cases
Applications for Interim Authorities	If a Suffolk Constabulary objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a Suffolk Constabulary representation to a temporary event notice	All cases	
Determination of application for minor variation		All cases
Determination of application for licence, or variation of licence, in respect of community premises: supervision of alcohol sales	If a Suffolk Constabulary objection is made and not withdrawn	All other cases
Determination of relevance of representation		All cases
Exercise of Responsible Authority Functions of applications and notices submitted to the licensing authority under the Licensing Act 2003 (as amended by the Police and Social Responsibility Act 2011) in accordance with the regulations.		All cases

## APPENDIX B

### Gambling Act 2005: Delegation of Functions

<b>GAMBLING ACT 2005</b>			
<b>Summary of permitted licensing authority delegations</b>			
<b>(x indicates the lowest level to which decisions can be delegated)</b>			
<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Final approval of three year Statement of Licensing Principles	X (as a consultee)		
Policy not to permit casinos	X (as a consultee)		
Fee Setting (when appropriate)			x
Application for premises licences		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for transfer of a licence		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections have been made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

## APPENDIX B

### Sex Establishments: Schedule of Delegated Authority

<b>Matter to be dealt with</b>	<b>Sub Committee* (see note below)</b>	<b>Officers</b>
Grant (First or New) of an Application for the grant of any type of Sex Establishment Licence.	If a relevant objection received or Officers have concerns in respect of the application or characteristics of the locality.	All other cases
Decision on whether an objection is frivolous or vexatious.		In respect of all Applications
Decision on whether an objection is irrelevant.		All cases
Application for Waiver of Licence in respect of any type of Sex Establishment Licence.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being under the age of 18.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who is for the time being disqualified from holding a licence following revocation of such a licence.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a body corporate which is not incorporated in an EEA state.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who had, within a period of 12 months immediately preceding the date when the application was made, been		All cases

## APPENDIX B

<b>Matter to be dealt with</b>	<b>Sub Committee* (see note below)</b>	<b>Officers</b>
refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.		
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.	All cases	
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewed or transfer of such a licence if he made the application himself.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the grant or renewal of the licence would be inappropriate, having regard – (i) to the character of the relevant locality; or (ii) to the use to which any premises in the vicinity are put; or (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.	All cases	
Refusal of an Application for the Variation of the terms, conditions or restrictions on	All cases	

## APPENDIX B

<b>Matter to be dealt with</b>	<b>Sub Committee* (see note below)</b>	<b>Officers</b>
or subject to which the licence is held for any type of Sex Establishment Licence.		
Revocation of a licence.	All cases	

*\*Although matters will normally be referred to a Sub-Committee for determination, they may be referred to the full Committee at the discretion of the Business Regulation and Licensing Manager, after consultation with the Chair and Vice-Chair*

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