

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 31 October 2017** at **5.00 pm** in **Conference Chamber West, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chairman Frank Warby
Vice Chairman Clive Springett

John Burns
Sarah Broughton
Bob Cockle
Mary Evans

Beccy Hopfensperger
Margaret Marks
Richard Rout

Substitutes attending:

Susan Glossop

Patricia Warby

By Invitation:

Diane Hind, Ward Member for Northgate
David Nettleton, Ward Member for Risbygate

76. **Apologies for Absence**

Apologies for absence were received from Councillors Wayne Hailstone, Sara Mildmay-White and Anthony Williams.

77. **Substitutes**

The following substitutions were declared:

Councillor Susan Glossop for Councillor Sara Mildmay-White.
Councillor Patricia Warby for Councillor Wayne Hailstone.

78. **Minutes**

The minutes of the meeting held on 20 June 2017 were unanimously accepted by the Committee as an accurate record and signed by the Chairman.

79. **Public Participation**

Cathy Friel, a resident from Bury St Edmunds addressed the Committee on behalf of the Churchgate Area Association in respect of Item 7 on the agenda, "Statement of Licensing Policy and Cumulative Impact Policy Renewal". She

explained that she supported the proposed extended area to the CIP and its importance to the town. There had been fewer complaints made relating to crime and noise nuisances since its initial introduction. Cambridge, Newmarket and Ipswich also had in place a CIP.

John Wilkin, a resident from Merchants Place, Bury St Edmunds addressed the Committee in respect of Item 7 on the agenda, "Statement of Licensing Policy and Cumulative Impact Policy Renewal". He explained that he supported the proposed extension to the CIP, as the area was becoming increasingly residential and felt it was important to restrict the growth of licensed premises.

80. **Taxi/Private Hire Handbook Revision**

The Committee received Report No: LIC/SE/17/009, which set out minor amendments to conditions in the existing taxi/private hire handbook.

The current Taxi and Private Hire Handbook was adopted in its current format on 11 April 2017. Since April 2017, officers had received further feedback from the trade through forums and inspections, and had proposed some minor amendments to the conditions, which were set out in Appendix 1 to the report.

The Committee considered the minor amendments (Appendix 1) and asked questions to which responses were provided.

It was then proposed by Councillor Beccy Hopfensperger, seconded by Councillor Margaret Marks and with the vote being unanimous, it was

RESOLVED:

That the revised conditions as set out in Appendix 1 to Report No: LIC/SE/17/009 be approved.

81. **Plate Exemption Process for Private Hire Vehicles**

The Committee received Report No: LIC/SE/17/010, which proposed amendments to the work procedure and conditions for a Private Hire Licensed Plate exemption for executive contracts.

On 20 June 2017, the Licensing and Regulatory Committee adopted a formal procedure for Private Hire Operators to apply for the S75 plate exemption. Since its adoption, feedback had been received on its processes from members of the trade via the council's drivers forum; members of customer services and testing station staff.

The proposed changes to the procedure for applying and having their application assessed had been made to the guidance notes and were attached at Appendix 1 to the report. It was hoped that the minor changes being proposed would impact positively on both staff and the trade in simplifying the process.

The Committee considered the minor amendments (Appendix 1) and did not raise any issues regarding the proposals.

It was then proposed by Councillor Margaret Marks, seconded by Councillor Sarah Broughton and with the vote being unanimous, it was

RESOLVED:

That the amendments to the proposed guidance and conditions as set out in Appendix 1 to Report No: LIC/SE/17/010 be approved.

82. Statement of Licensing Policy and Cumulative Impact Policy Renewal

[Councillor Beccy Hopfensperger declared a non-pecuniary interest as a resident of Risbygate Street and remained in the meeting during the discussions and subsequent voting].

Councillor David Nettleton, Ward Member for Risbygate addressed the Committee in respect of this item and the proposal to extend the Cumulative Impact Policy (CIP) into his Ward, which included St Andrew's Street North, Bury St Edmunds and hoped the CIP would not be extended into these areas. He explained that he felt the CIP did not deliver what its advocates said it would. Although he opposed it right from the start, he explained that if Councillors Jo Rayner and Andrew Speed, Ward Members for Abbeygate did not object to its extension to cover the area north, beyond Abbeygate Street to the ward boundaries with Risbygate and Eastgate, he was not objecting as they were the Ward Members. He referred to Councillor Patricia Warby, Ward Member for Eastgate who was present as a member of the Committee, and who could comment or not about the eastern side of St Johns Street which she chose not to. For his part, Councillor Nettleton did not want the CIP extended into the Risbygate Ward. He stated that Bury St Edmunds had a thriving town centre and he felt the CIP would not be beneficial as a whole.

The Committee received Report No: LIC/SE/17/011, presented by the Licensing Team Leader, which set out proposals to re-adopt both the Statement of Licensing Policy and Cumulative Impact Policy area for Bury town centre, based on a review of the current legislative framework, the effectiveness of the current policy on crime and disorder in the area and a consultation carried out in accordance with statutory guidelines that apply.

Members were informed that the Council had adopted the current Statement of Licensing Policy centre in 2012 (Report [D160](#) refers). Under the scope of the Policy, the Council adopted a special area policy covering certain parts of the town centre of Bury St Edmunds where the cumulative impact of significant number of licensed premises concentrated in the area is considered to have a potential impact on the promotion of the licensing objectives.

A number of appendices were attached to Report No: LIC/SE/17/011, as follows:

(Appendix 1) – Crime statistics

(Appendix 2) - Summary of the Consultation Responses

(Appendix 3) – Proposed Policy wording and the proposed map extension

of the Cumulative Impact Policy
(Appendix 4) – Residents consultation responses
(Appendix 5) – Police consultation
(Appendix 6) – British Beer and Pub Association consultation response.

The Committee considered the report and the appendices, in particular Appendix 3 in detail and asked questions to which responses were provided.

The Licensing Team Leader wished to reassure the Committee that the proposal to extend the CIP would not prevent new businesses from applying for an alcohol licence or an extension to their existing licensing hours, but would mean when applying for a licence the applicant would have to provide additional evidence to support their application with the burden of proof that their activities, if approved, would not increase crime, disorder or anti-social behaviour. The proposals would not exclude restaurants and cafés, and was mainly aimed at premises wishing to sell alcohol after 11pm. The proposal to extend the area would encompass the two night clubs, late-night refreshments and take-away's which should have been included in the original CIP based on the evidence.

In response to a question raised, members were informed that a number of conditions for night clubs had recently been reviewed. With regards to CCTV outside night clubs, this covered the outside collateral viewing only (entrance to the building). However, the whole area was monitored by the Borough Councils CCTV system.

Several members of the Committee felt that the night time economy was paramount to the town and did not want to make it too onerous for new businesses to apply the additional burden of risk assessment and proposals for mitigation as part of their licence application, and therefore felt they could not support the proposed extension to the CIP area. Members also had some concerns about the need for housing and a thriving town centre.

In response members were informed that the Police had requested the extension to include St Andrew Street North.

The Committee felt that Councillor Nettleton, Ward Member for Risbygate had made some reasonably valid points and suggested that the CIP should include the town centre, but not St Andrew Street North and that the proposed map on page 39 (Appendix 3) be amended to not include the north of Risbygate Street and Brentgovel Street.

It was then proposed by Councillor Richard Rout seconded by Councillor Bob Cockle and with the vote being unanimous, it was

RECOMMENDED:

That subject to the approval of Cabinet and Council:

- 1) The revised Statement of Licensing Policy attached at Appendix 3 to Report No: LIC/SE/17/011, be adopted.**

2) The Cumulative Impact Area be amended to only extend to the Abbeygate Ward boundary, within the Statement of Licensing Policy, attached as Appendix 3 to Report No: LIC/SE/17/011, be adopted.

83. Local Air Quality - Progress Report 2016-2017

[Councillor Margaret Marks declared a pecuniary interest - owns a rental house on Withersfield Road, Haverhill, and remained in the meeting during the discussion and voting].

Councillor Diane Hind, Ward Member for Northgate addressed the Committee in respect of this item and asked the Committee to also consider recommending BSE9 Fornham Road (Tollgate) as a designated Air Quality Management Area. She explained that the air quality was just below the 40 mark when bias adjusted, but was the third worst of the monitored areas in St Edmundsbury. The two greater areas other than the Tollgate junction, were two adjacent sections (BSE1 and BSE15) along Sicklesmere Road (42.1 and 41.5), which could only be regarded as one location on the plan, and BSE6 Kings Road roundabout (41.5). The specially monitored area was "The Street, Gt Barton", GB4 (37.9 in 2016 - down from 40.9 in 2015). She stated that the others areas might not get worse but BSE 9 would, as the waste hub and the Marham Park development would generate more traffic at the Tollgate. She was concerned not just for the residents who lived adjacent to the junction but also the cyclists and pedestrians who also suffered the high levels of Nitrogen Dioxide. She then explained that one month was not recorded but out of the other 11 months 10 were over 40. Four of those were over 50 at 56.8, 59.2 50.6 and 54.1. She stated that a similar report had been presented to the Sustainable Development Work Party last year at which she had drawn this to that Committee's attention. The trend was moving upward at Tollgate, because in 2015 nine recordings were over 40 and three were over 50 (57.4 50.6 and 57.3). She respectfully requested that the Committee be proactive and ask that BSE9 be designated an Air Quality Management Area now before the situation worsens.

Councillor David Nettleton, Ward Member for Risbygate addressed the Committee in respect of this item. He provided some background regarding a planning application DC/16/0267/FUL when Havebury wanted to build 36 apartments behind the Beerhouse on the corner of Tayfen Road and Station Hill. An objection was made by the Council's Environment Officer on grounds of air quality as there were over 15,000 vehicle movements a day on this narrow section of Tayfen Road. The matter was eventually resolved after a full report and conditions had been imposed. He felt this was an indicator that the car was threatening housing growth and public health, and that "we were sitting on a ticking time-bomb" as the Sicklesmere Road survey had indicated, and urgent action was needed to reduce the use of cars.

The Committee received Report No: LIC/SE/17/012, which reported on work undertaken during 2016 to meet Local Air Quality Regulations across the Borough.

For the majority of the Borough, it was reported that air quality remained good and continued to show a long-term trend of slight year-on-year

improvement. However, officers continued to undertake detailed monitoring and increased monitoring in Bury St Edmunds during 2016, compared to 2015, to ensure that monitoring covered all areas of possible concern. All but three monitored locations in St Edmundsbury Borough Council were below the national objectives for nitrogen dioxide in 2016. Two of these exceedances were recorded on Sicklesmere Road, Bury St Edmunds, including the highest recorded value, where an annual average value of 42.1 microgrammes per metre cubed was recorded. The other exceedance was located at the junction of Parkway and Kings Road. However, when adjusted to the façade of the closest residential structure this location was below the objective and therefore no further assessment was required in this location.

Monitoring began at Sicklesmere Road in 2015 in order to assess the impact of the south-east Bury St Edmunds strategic development site. Given that an exceedance had been recorded on Sicklesmere Road for two consecutive years an Air Quality Management Area should, in line with statutory guidance, be in place at this location. Although a significant improvement of the local air quality was anticipated at this location when the Bury St Edmunds south east strategic development site delivered its planned 'spine' road, it was considered that the declaration of an Air Quality Management Area would be beneficial so that interim solutions could be explored. A designation would also ensure that a legal framework for action would be in place should the strategic development site not progress at the rate initially planned.

Attached at Appendix 1 to the report was the area affected by the proposed Air Quality Management on Sicklesmere Road, Bury St Edmunds. Given the relatively small area and limited number of dwellings officers were recommending a 'fast track' declaration which did not require a full scale consultation, but required direct engagement with those directly affected together with key stakeholders. Subject to the engagement, a declaration would be brought to the Licensing and Regulatory Committee for consideration in a separate report.

The Committee was asked to consider the work undertaken in order to improve local air quality in West Suffolk, and to give consideration to the principle of designating an Air Quality Management Area on Sicklesmere Road, Bury St Edmunds based on monitoring and assessment carried out by the Council.

The Committee considered the report in detail and asked a number of questions to which responses were provided. In particular discussions were held on the impact of traffic lights verses roundabouts regarding air quality; as well as the benefits of having more greenery by having the right trees to help improve air quality, particularly when considering planning applications and the arboricultural elements.

In response to a particular question raised, members were informed that there had been an improvement against the air quality objective for BSE 9 (Fornham Road/Tollgate). The annual figure showed for 2016 had taken into account the pollutant objectives and the adjustment had allowed for the missing data as highlighted by Councillor Hind. Officers were also working with highway's colleagues to reduce air pollution.

Councillor Beccy Hopfensperger informed the Committee that she supported Councillor Hind's suggestion of extending the air quality management to Fornham Road, and then questioned whether the Council's Environment Officer commented on planning applications and changes to highway's infrastructure.

In response, the Committee was advised that an Air Quality Assessment (AQA) was carried out at Marham Park when the planning application was submitted, and as an outcome the Tollgate junctions were currently being remodelled due to the information contained within the AQA. With regard to Tayfen Road, the Environment Officer advised that he had not yet commented on the proposed changes to the highway's infrastructure.

The Service Manager (Environmental Health) informed the Committee that the Council was lobby for change and improvements in air quality. He also explained that it was in the gift of the Committee to also lobby other agencies, and suggested it might wish to write to Suffolk County Council Highways to lobby to undertaken infrastructure improvements to improve air quality. Officers also looked at the implications of air quality on all planning applications and would robustly test those models.

It was then proposed by Councillor Richard Rout, seconded by Councillor Sarah Broughton and with the vote being unanimous, it was

RESOLVED:

That:

- 1) The work undertaken in order to improve local air quality in West Suffolk be noted:
- 2) The principle of designating an Air Quality Management Area on Sicklesmere Road, Bury St Edmunds based on monitoring and assessment carried out by council officers, be endorsed.

84. Work Programme Update

The Committee received Report No: LIC/SE/17/013, which updated members on the current status of its work programme of items for consideration (Appendix 1) during 2018. The Service Manager (Environmental Health Service) informed the Committee that it could add items to the forward work programme, which was within its remit, with the approval of the Chairman of the Committee and in consultation with the Portfolio Holder for Planning and Growth.

In response to a question raised, members were informed that the Local Air Quality Management Report scheduled to be presented to the Committee on 23 January 2018 was for the consideration of proposals to declare an Air Quality Management Area on Sicklesmere Road, Bury St Edmunds.

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

The Meeting concluded at 6.10 pm

Signed by:

Chairman
