

# 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
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**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 a 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.

