

**Unconfirmed**



Minutes of a Meeting of the **Licensing Committee** held in the Deben Conference Room, East Suffolk House, Riduna Park on **Monday, 15 July 2019 at 6:30pm**

**Members of the Committee present:**

Councillor Edward Back, Councillor Jocelyn Bond, Councillor Janet Craig, Councillor John Fisher, Councillor Colin Hedgley, Councillor Frank Mortimer, Councillor Trish Mortimer, Councillor Keith Robinson, Councillor Rachel Smith-Lyte, Councillor Steve Wiles

**Other Members present:**

Councillor Alison Cackett, Councillor Linda Coulam, Councillor Mary Rudd

**Officers present:**

Katherine Abbott (Democratic Services Officer), Teresa Bailey (Senior Licensing Officer), C Bing (Legal and Licensing Services Manager), Phil Gore (Head of Environmental Services and Port Health), Mark Sims (Food and Safety Manager).

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**1 Apologies for Absence and Substitutions**

Apologies for Absence were received from Councillor Paul Ashdown and Councillor Mark Newton. Councillor Linda Coulam substituted for Councillor Ashdown and Councillor Alison Cackett substituted for Councillor Newton.

**2 Declarations of Interest**

There were no Declarations of Interest.

**3 Licensing Sub-Committee Procedures**

The Committee received report **ES/0038** by the Cabinet Member with responsibility for Community Health. The report was introduced by the Legal and Licensing Services Manager and sought the Committee's agreement and adoption of the various procedures to be followed at hearings of the Licensing Sub-Committee. The Legal and Licensing Services Manager emphasised the need for the procedures to be fair, reasonable and transparent in order to comply with Article 6 of the European Convention on Human Rights - the right to a fair trial or hearing - and to reduce the potential risk of legal challenge on the decisions of the Sub-Committee on the grounds of apparent bias, pre-determination, illegality and/or procedural impropriety.

The Legal and Licensing Services Manager summarised the three main differences proposed, these being the election of a Chairman for each Sub-Committee, Declarations of Lobbying and Responses to Lobbying, and the inclusion of the Reserve

member(s) of the Sub-Committee, as an observer rather than a participant, in the deliberation process for training purposes. The suggested changes, as detailed within the report, represented best practice and sought to minimise the potential risk of legal challenge to the Sub-Committee's decisions. The Legal and Licensing Services Manager advised the Committee that, in preparing the suggested changes, the guidance of a specialist barrister had been sought.

The Chairman invited questions.

In response to a query by Councillor Cackett, the Legal and Licensing Services Manager clarified that, with the consent of the parties present, it was proposed that the Reserve member(s) of a Sub-Committee be permitted to retire with the substantive Sub-Committee members to observe deliberations and how decisions were formulated for training purposes. The Committee was also referred to paragraph 6.1 of the report in this regard. It was proposed and agreed that some additional wording be added to the report's third recommendation to clarify that the Reserve member(s) were not permitted to participate in, or influence, the deliberations or to play any role in the decision-making. It was further agreed that this additional wording be included within the procedures.

There being no further questions or matters raised for debate, the Chairman moved to the recommendations. Subject to the amendment to recommendation 3, these were Proposed, Seconded and, by unanimous vote, it was

#### **RESOLVED**

1. That the Chairman be elected in public at the commencement of each hearing of the Licensing Sub-Committee, by way of a nomination and a seconder, to provide the greatest protection against a legal challenge to the Sub-Committee's decision;
2. That members of the Licensing Sub-Committee be given the opportunity to declare whether they have been lobbied by an applicant or objector, and their response to that lobbying, to protect themselves and the integrity of the process in the event of challenge on grounds of apparent bias and predetermination.
3. That the reserve/substitute member be permitted to retire with the Sub-Committee to observe the deliberations and how the decision was arrived at, with the consent of the parties in attendance, for training purposes. The reserve/substitute member to not be permitted to participate in or influence the deliberations or to play any role in the decision-making.
4. That the procedures at Appendix A to ES/0038, as amended at recommendation 3 above, be agreed and adopted as the procedures for meetings of East Suffolk Council's Licensing Sub-Committee.

#### **4 Skin piercing byelaws**

The Committee received report **ES/0034** by the Cabinet Member with responsibility for Community Health. The report was introduced by the Head of Environmental Services and Port Health and sought the Committee's endorsement of a consolidated set of byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, and its support for the revocation of the existing byelaws. The Committee was asked to recommend the approval of the submission of a

single set of clear and up-to-date byelaws to the Secretary of State for Health to Full Council.

The Chairman invited questions.

Councillor Wiles asked about age restrictions and controls. The Head of Environmental Services and Port Health confirmed that tattoo premises had an age restriction for users of 18 years.

There being no other questions or matters raised for debate the Chairman moved to the recommendations. These were Proposed, Seconded and, by unanimous vote, it was

**RESOLVED**

That the Licensing Committee agreed to recommend:

1. That Full Council approve the adoption of the byelaws set out in Appendix A of ES/0034;
2. That Full Council authorise the Head of Environmental Services and Port Health to carry out the necessary procedure in relation to the creation of new byelaws and to apply to the Secretary of State for confirmation;
3. That Full Council authorise the affixing of the common seal of the Council to the new byelaws;
4. That Full Council approve the revocation of the existing byelaws referred to at paragraphs 6 to 10 of the byelaws set out in Appendix A of ES/0034, upon the coming into force of the new byelaws.

The meeting concluded at 6:46pm

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Chairman