



Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ

Licensing Committee

Members:

Councillor Keith Robinson (Chairman)
Councillor Mark Newton (Vice-Chairman)
Councillor Paul Ashdown
Councillor Edward Back
Councillor Jocelyn Bond
Councillor Linda Coulam
Councillor Janet Craig
Councillor John Fisher
Councillor Tess Gandy
Councillor Tony Goldson
Councillor Colin Hedgley
Councillor Frank Mortimer
Councillor Trish Mortimer
Councillor Rachel Smith-Lyte
Councillor Steve Wiles

Members are invited to a **Meeting of the Licensing Committee**
to be held in the Conference Room, Riverside, Lowestoft
on **Monday 21 October 2019 at 6:30 pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
---	---

2 Declarations of Interest

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

3 Past and Shadow Minutes

The Monitoring Officer has recommended that the Minutes of the past and Shadow Authorities be received as good governance and for the avoidance of Minutes remaining unconfirmed.

(a) Suffolk Coastal DC Licensing and Health Minutes - 9 October 2018 UNCONFIRMED **1 - 3**

(b) Waveney DC Licensing Committee minutes 6 February 2019 **4 - 6**

(c) East Suffolk Council Licensing Committee meeting on 15 July 2019 **7 - 9**

4 Taxi Licensing Training ES/0173

Training to be provided by Officers of the Licensing and Legal teams of the Council

Part Two – Exempt/Confidential

Close



Stephen Baker, Chief Executive

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development

East Suffolk Council is committed to achieving excellence in elected member development

www.local.gov.uk/Community-Leadership

Minutes of a Meeting of the **Licensing and Health Committee** held in the **Deben Conference Room** at **East Suffolk House, Riduna Park, Melton** on **Tuesday 9 October 2018** at **6.30pm**

Members of the Committee present:

M Newton (Chairman), D Savage (Vice-Chairman), J Bidwell, G Harding, C Hedgley, S Lawson, N Yeo

Other Member present:

S Gallant

Officers present:

K Abbott (Democratic Services Business Manager), T Bailey (Senior Licensing Officer), C Bing (Legal & Licensing Services Manager), C Evans (Licensing Services Manager)

1. Apologies for Absence and Substitutions

No apologies for absence had been received.

2. Declarations of Interest

There were no Declarations of Interest.

3. Minutes

RESOLVED

That the Minutes of the Meeting held on 16 July 2018 be confirmed as a correct record and signed by the Chairman.

4. Sex Establishment Licensing Policy

The Licensing and Health Committee received report **LH 08/18** by the Cabinet Member with responsibility for Community Health.

In introducing the report, the Cabinet Member referred to the Committee's earlier discussion of the draft policy for the licensing of sex establishments at its meeting on 16 July 2018, prior to it being approved for consultation purposes. The Committee was asked to note that the resulting consultation had been held for an eight week period between 23 July and 16 September 2018 and that no comments had been received on the draft policy.

There being no questions or matters raised for debate, the Chairman moved to the report's recommendation. This was proposed, seconded and by unanimous vote

RESOLVED:

That the Licensing and Health Committee recommended to Full Council, at its meeting on 29 November 2018, that it adopt for immediate use the Sex Establishment Licensing Policy (as approved for consultation by the Committee on 16 July 2018)

5. Licensing Act 2003: Statement of Policy - Revision

The Licensing and Health Committee received report **LH 09/18** by the Cabinet Member with responsibility for Community Health.

The Cabinet Member referred to the earlier report, received at the Committee's meeting on 16 July 2018, which had proposed a draft revision of the Statement of Policy for consultation. The consultation period on the revised draft Statement of Policy had been held between 23 July and 16 September 2018 and, as agreed at the July meeting, the report before the Committee included details of any responses received to that consultation.

The Committee was asked to note that, during the consultation period, one representation from the company trading as Punch Taverns Ltd/Punch Partnerships Ltd had been received; he referred to the summary of this at Appendix A to the report (LH 09/18). The Committee was also asked to note the Licensing Officers' comments in response to each of the representations and that it was proposed that no amendment to the revised Statement of Policy was necessary. The Cabinet Member stated that he supported that recommendation.

There being no questions or matters raised for debate, the Chairman moved to the report's recommendation. This was proposed, seconded and by unanimous vote

RESOLVED:

That the Licensing and Health Committee recommended to Full Council, at its meeting on 29 November 2018, that, having considered the consultation response received, it adopt the revised Statement of Policy (as approved for consultation by the Committee on 16 July 2018)

6. Gambling Act 2005: Statement of Principles - Revision

The Committee received report **LH 10/18** by the Cabinet Member with responsibility for Community Health.

In introducing the report, the Cabinet Member referred to the Committee's earlier discussion of a draft Statement of Principles at its meeting on 16 July 2018, prior to its approval for consultation purposes. The resulting consultation period had been held between 23 July and 16 September 2018 and, as agreed at the July meeting, the report before the Committee included details of any responses received to that consultation.

The Committee was asked to note that, during the consultation period, one response had been received from GamCare, a provider of information, advice and support to anyone affected by problem gambling; this had stated that GamCare was unable to read each draft

policy and, instead, it had provided flyers on its work for reference. Therefore, no representations had been received.

There being no questions or matters raised for debate, the Chairman moved to the report's recommendation. This was proposed, seconded and by unanimous vote

RESOLVED:

That the Licensing and Health Committee recommended to Full Council, at its meeting on 29 November 2018, that it adopt the revised Gambling Act 2005: Statement of Principles (as approved for consultation by the Committee on 16 July 2018)

Before the Meeting concluded, the Cabinet Member wished to record his personal thanks to the Licensing Services Manager, Mrs Caroline Evans, who would be retiring very shortly. The Cabinet Member referred to Mrs Evans' career at the Council since 2007 and commended her for her strong organisational skills, attention to detail and tireless work across both Councils. He concluded that Mrs Evans had, through her competent and cheerful approach, earned the confidence of the Licensing and Health Committee, the wider Council, the licensing trade and the public. The Chairman of the Committee, on its behalf, also thanked Mrs Evans for all her hard work and much valued assistance.

The meeting concluded at 6.44pm

Minutes of a meeting held in the Claud Castleton Room, Riverside, Lowestoft
on **Wednesday, 6 February 2019 at 6.15pm**

Members Present:

N Brooks (Chairman), P Ashdown, M Cherry, Y Cherry, L Coulam, J Craig, L Gooch and T Mortimer.

Officers Present:

C Bing (Legal and Licensing Services Manager), P Holland (Licensing Officer) and S Carter (Democratic Services Officer).

In attendance:

Councillor M Rudd, Cabinet Member for Community Health and Safety
T Bailey (Senior Licensing Officer)

1 APOLOGIES / SUBSTITUTES

Apologies for absence were received from Councillors Ardley, Back, Catchpole, Goldson, Grant, Green, Springall and S Webb.

2 DECLARATIONS OF INTEREST

No declarations of interest were made.

3 DECLARATIONS OF LOBBYING

No declarations of lobbying were made.

4 MINUTES

RESOLVED

That the Minutes of the meeting held on 5 December 2018 be approved as a correct record and signed by the Chairman.

5 STREET TRADING

The Licensing Officer presented the report, the purpose of which was for Members to consider an application for the available street trading licence in London Road North, Lowestoft.

Members were reminded that, in accordance with its scheme of street trading, the Council had designated streets within the District as either 'Prohibited' or 'Licensed' or 'Consent' streets. Those provisions made it clear to traders which streets they could and could not use. London Road North had been designated a 'Licensed' area and a previous Committee decision had resulted in only two street trading licences being granted in the street as it was a prime retail area.

The Licensing Officer explained that one licence was held by a fast food vendor and the second licence, held by a vendor in ladies fashions, had been surrendered in December 2018. The application now before the Committee was for local produce in the form of fruit and vegetables, full details of which were contained in Appendix B to the report.

The Applicant was a locally established business who had been selling fruit and vegetables on and off since 2004, both in London Road North and in the Britten Centre market. If Members were minded to grant the application, Mr Marshall had requested flexibility on days of trading as he relied on local suppliers. The Committee was advised that Mr Marshall had intended to attend the meeting but had sent his apologies due to being away on holiday.

The Licensing Officer explained that charging would be by way of a pro-forma for the Applicant to complete and return to the Licensing Team advising the exact days he had traded. That would be backed up by CCTV to ensure that there was no overcharging or under pricing.

Members asked questions relating to:

- Disposal of refuse.
- The proposed stall and current shop.
- The use of the Britten Centre.
- The location of the stall.
- Organised trade markets.

The Licensing Officer confirmed that there would be a condition on the licence with regard to the collection and disposal of rubbish; that would be the responsibility of the Applicant. The Applicant intended to keep his shop in addition to selling produce from the stall. The Britten Centre was privately owned land and Licensing had no responsibility with regards to its use. The stall was likely to be located in the vicinity of Clintons Cards; the stall would fit in with the existing street furniture and not cause any obstruction to ambulances or nearby shop doorways. The Licensing Officer further explained that as the Applicant paid a license fee, he would take precedence over any street trading as part of an event. She pointed out that Lowestoft Vision could not organise just a market, it would have to be an event because Lowestoft Town Council had expressed the view that it would not support any market in the town centre because of the established market at The Triangle.

The Licensing Officer reported that there had been only positive responses to the consultation; no negative views had been received.

Members welcomed the proposal. It was considered that the high street trade had suffered recently, the Applicant had been around for a number of years and had proved to be popular and there was no reason why the application should be turned down. The Committee welcomed the fact that the items to be sold were local produce and the items for sale should encourage people to eat healthily. The application was unanimously supported and it was

RESOLVED

That the application by Mr C Marshall for the available Street Trading Licence in London Road North, Lowestoft, be approved.

The meeting was concluded at 6.28pm.

Chairman

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).

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

.....
Chairman