

Confirmed



Minutes of a Meeting of the **Licensing Committee** held in the Deben Conference Room, East Suffolk House, on **Monday, 15 January 2024** at **6:30pm**

Members of the Committee present:

Councillor Jan Candy, Councillor Janet Craig, Councillor John Fisher, Councillor Alan Green, Councillor Mark Jepson, Councillor Keith Patience, Councillor Sarah Plummer, Councillor Lee Reeves, Councillor Keith Robinson, Councillor Ed Thompson, Councillor Tim Wilson

Other Members present:

Officers present: Teresa Bailey (Senior Licensing Officer), Katy Cassidy (Democratic Services Officer), Martin Clarke (Licensing Manager and Housing Lead Lawyer), Agnes Ogundiran (Conservative Political Group Support Officer)

1 Apologies for Absence and Substitutions

There were no apologies for absence.

2 Declarations of Interest

Councillor Green declared an other registerable interest as a Director of Lowestoft Town Football Club which holds a licence for alcohol.

3 Minutes

On the proposition of Councillor Fisher, seconded by Councillor Reeves, it was by a unanimous vote

RESOLVED

That the minutes of the meeting held on 16 October 2023 be agreed as a correct record and signed by the Chair.

4 Minor Review of the Council's Hackney Carriage and Private Hire Licensing Policy

The Committee received report **ES/1814** of the Cabinet member with responsibility for Community Health, which related to a minor review of the Council's Hackney Carriage and Private Hire Licensing Policy.

Councillor Candy, introducing the report, highlighted that the purpose of review was to amend the Hackney Carriage and Private Licencing with regard to a reapplication by someone who has recently failed the application process.

Councillor Candy advised that within the current process there was a loophole that could be subject to abuse, stating that they had recently had a driver who was found by a Sub-Committee to not be a fit and proper person to hold a licence and they had missed the deadline to appeal, they had then contacted the Licensing team again to apply with the expressed purpose of appealing once they had again been found to not be a fit and proper person to hold a licence. Councillor Candy noted that this was not a good use of time and resources to allow reapplications from those who have already been found to be unfit by a Sub-Committee.

Councillor Candy advised that the recommendation was to amend the Policy to include the following:

“Reapplication applicants are advised that when an application has been refused or a licence revoked – the Licensing authority will not entertain a further application within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the applicant’s circumstances which can be supported by evidence.”

An additional recommendation was made by the Licensing Manager and Housing Lead Lawyer as follows:

“To delegate to the Licensing Manager and Housing Lead Lawyer in consultation with the Chair of the Licensing Committee the authority to determine whether there has been a substantial material change in the applicant’s circumstances within 12 months of the refusal of the Hackney Carriage/ Private Hire Licence or the revocation of the Hackney Carriage/Private Hire Licence.”

This would mean that in terms of applying the policy a decision would need be taken by the Licensing Manager and Housing Lead Lawyer and the Chair of the Licensing Committee to allow the policy to be implemented.

The Chair invited questions to Councillor Candy.

Councillor Jepson asked if someone was refused a licence from another district would that still preclude them from applying to East Suffolk within 12 months. The Licensing Manager and Housing Lead Lawyer confirmed that was not what was being proposed under the current report’s recommendation, confirming that if that was something that the Licensing Committee wanted to explore, then the team could. The Senior Licensing Officer added should they receive an application that had been refused

elsewhere, it would be up to this East Suffolk team to make a decision based on the evidence before them.

There being no further questions to Councillor Candy, the Chair invited the Committee to debate the recommendations.

Councillor Robinson confirmed he had been involved with licensing for a long time and though the recommendation was extremely sensible and overdue.

Councillor Jepson concurred that each out of area application should be taken on its merit at that time.

Councillor Plummer queried whether out of district applications would be taken as a review and the Lead Licensing Officer confirmed that it would be taken as a brand new application to East Suffolk authority.

On the proposal of Councillor Jepson, seconded by Councillor Robinson, it was

RESOLVED

That the proposed amendment to the Policy with regard to a re-application by someone who has recently failed the application process be approved.

5 Application for taxi fare increase

The Committee received report **ES/1816** of the Cabinet member with responsibility for Community Health, which related to the request for an increase in the Hackney Carriage fares tariff in the south of the East Suffolk district.

Councillor Candy, introducing the report, advised the Committee that an application by Mr Stockell, on behalf of a number of drivers, for an increase in the hackney carriage fare tariffs in the south of the East Suffolk District had been received and sought the Committee's consideration of that request. The Committee was advised that the last increase in the south tariff was October 2020 and the increase was requested due to the raised costs to licensed drivers for utilities, office rents and insurances.

Councillor Candy informed the Committee that the application sought the following tariffs:

In relation to Tariff 1 for journeys carried out between 5.30am and 10.30pm

- There should be a 20p increase in the minimum fare and a reduction to 700 yards in distance. This would result in a minimum fare of £3.80, the current minimum fare is £3.60.
- There should be a reduction in the subsequent distance from 220 yards to 200 yards.

In relation to Tariff 2 for journeys carried out between 10.30pm and 5.30am

- There should be a 30p increase in the minimum fare and a reduction to 700 yards in distance. This would result in a minimum fare of £4.50, the current minimum fare is £4.20.
- There should be a reduction in the subsequent distance from 196 yards to 180 yards.

In relation to additional charges

- Extra passengers – to increase the charge for extra passengers in excess of 3 from 20p to 30p
- Luggage – to increase the charge for use of the luggage compartment from 20p to 30p.

The Chair invited questions to Councillor Candy.

Cllr Green questioned why the increase was related to the south of the district only, asking if there was a uniform tariff for the whole district. In response, the Senior Licensing Officer confirmed they were one district and when they first became East Suffolk they carried out a consultation with the trade for one tariff with the overwhelming response being they wished to remain on separate tariffs due to different demographics, adding the north had an increase approximately 15 months ago.

Councillor Patience understood that if this recommendation was supported, a wider consultation would occur with the whole taxi group, therefore he was happy to move the recommendation.

In response to a question from Councillor Jepson, the Senior Licensing Officer confirmed that the additional passenger charge was just for that passenger in the car.

There being no further questions to Councillor Candy, the Chair invited the Committee to debate the recommendations.

Cllr Robinson stated that as one district there should be a harmonisation of the rules overall, raising the point that when the north tariff was increased, the necessity of extra charges for things such as luggage was considered.

In response the Chair read the recommendations from Mr Stokell which outlined an overwhelming resistance of reconciling the two halves of the district, adding that as Chair of Licensing he had looked closely at this trade and recognised the challenges they have had over the past few years, and as such didn't think it was appropriate to insist on one district tariff.

The Senior Licensing Officer advised that there were several Councils in England who used zoning of areas to differentiate the rates of fares, confirming that is how they consider it within East Suffolk Council.

Councillor Jepson confirmed that there had been a solid consultation previously on the introduction of one tariff and it was deemed not suitable due to the differences in the way that the two halves of the district operated. Councillor Jepson sought clarification on the next steps following approval at the Committee. The Senior Licensing Officer

replied it would go to cabinet for approval and then a public consultation which would involve publicising on the Council's website and informing the trade. In response to Councillor Plummer, the Senior Licensing Officer confirmed that this was for Hackney Carriages and the predominance of those were in Felixstowe and Lowestoft as that was where the ranks were.

Following no further questions, on the proposal of Councillor Reeves, seconded by Councillor Plummer, it was

RESOLVED

That the Committee considers and determines the application for an increase to the hackney carriage maximum fare tariff for the South of the district.

6 Street trading in East Suffolk

The Committee received report **ES/1817** of the Cabinet member with responsibility for Community Health which outlined the outcome of the recent consultation on the proposals to reform the Council's Street Trading Policy and agree on the next step.

Councillor Candy, introducing the report, advised the Committee that currently the north and south of the District had two different street trading regimes, with the north having a policy consisting of prohibited, licenced and consent streets and the south not having a street trading policy in place. It was proposed that the whole District should be covered by one street trading policy where there were prohibited streets with no street trading and the remaining streets would not be subject to street trading controls. Following the consultation, Councillor Candy advised the Committee on the three responses as follows:

- Representation from Aldeburgh Ward Councillor indicated that they would want to prohibit street trading on all of their streets.
- Representation from current street trader in Beccles, stating that this may put them out of business if their road was prohibited.
- Representation from a member of the public, concerned this would lead to too many ice cream vans, and that the vans would no longer be subject to the law.

Councillor Candy pointed out to the Committee that all street traders trading on a non-prohibited street would still need landowner consent and would need to comply with all legislation such as consumer protection and environmental. The only change being they would not require a street trading licence.

Councillor Candy advised if the current street trading arrangements were ended and the policy for selected prohibited streets within the district was approved, then the next step would be to go out to consultation to decide which streets would be prohibited, adding this would need to be carefully considered to avoid any unintended consequences such as street traders being forced out of business.

The Chair invited questions to Councillor Candy.

In response to a question from Councillor Fisher, the Licensing Manager and Housing Lead Lawyer clarified that there was no street trading restriction in place in Aldeburgh, or any street in the south of the district, adding anyone who wished to trade did still need landowner consent and to comply with appropriate legislation.

Councillor Jepson asked what criteria would be used to define if a street would be prohibited. The Licensing Manager and Housing Lead Lawyer responded that it would be a matter for the members to decide what should and should not be prohibited and what criteria, if any, should be proposed.

The Chair advised that the proposed process was to go out to Town and Parish Councils and that they would anticipate more applications for streets being removed from trading than those being adopted, adding it would come back to the Ward member and ultimately the Committee to determine.

The Licensing Manager and Housing Lead Lawyer confirmed to Councillor Plummer that a two-stage process would be adopted where there will be prohibited and consent streets and East Suffolk ward members as well as Town and Parish Councils would be consulted.

Councillor Candy stated that this was an attempt to make street trading the same across the district. It was brought forward as there were no problems in the north regarding it and therefore there were not issues anticipated if it was introduced in the south.

The Licensing Manager and Housing Lead Lawyer asked that the Committee paid particular attention to the representation from the trader in Beccles, adding this was not just a paper exercise, it has a real impact on people's businesses.

The Chair asked if there was a formal route for traders to submit why their road shouldn't be prohibited, the Licensing Manager and Housing Lead Lawyer confirmed that would be part of the consultation process, adding it doesn't have to be whole roads prohibited it could just be part of a road. It was confirmed that the consultation would also go out to the general public.

The Chair invited the Committee to view this as housekeeping to unify the district's approach to street trading, there would be upfront work with traders and the public to get the correct list but once that has happened it should be a streamlined process.

The Lead Licensing Officer raised Beccles, Southwold and Halesworth of examples of how it can work effectively, they have listed a minimal number of streets where it is a problem, and that's the example that should be followed when the Town and Parish councils carry out reviews. They have used criteria such as too narrow, dangerous pedestrian area to justify a prohibited street.

In response to a question from Councillor Plummer regarding restrictions of the the same types of traders within an area, the Licensing Manager and Housing Lead Lawyer confirmed that the number and type of traders could not be limited.

Following no further questions, the Chair moved to debate.

Councillor Jepson suggested that more guidance around criteria was to be provided to ensure the system was followed properly. The Lead Licensing Officer suggested that a requested prohibited street could be referred to Licensing.

Councillor Robinson supported the proposal as there were currently no restrictions in the south and the other laws and regulations would still need to be adhered to.

Councillor Green asked if any of the already regulated roads in Lowestoft would be at risk of becoming de-regulated as part of the process. The Chair confirmed that this wasn't the intention and the Ward Councillors would work with Town and Parish Councillors to ensure that this didn't happen.

The Chair proposed an amendment to the second recommendation to add in the requirement for a reason. The Licensing Manager and Housing Lead Lawyer confirmed that reasons could be sought to determine applications but it was not for the Licensing team to determine if the reason was valid, it would be for elected members to determine the reasons.

Following no further debate, on the proposal of Councillor Thompson, seconded by Councillor Robinson, it was unanimously

RESOLVED

1. That the Committee agrees to end the current street trading arrangements and have a policy whereby the district has selected prohibited streets where no street trading can take place at all.
2. That the Committee approves a second consultation with town and parish councils and district councillors, along with the two statutory consultees; the police and Suffolk County Council Highways, to obtain a reasoned suggestion for streets which should become prohibited streets and each proposed prohibited street shall require its own reason.

7 Issued Licences in East Suffolk and an overview of the work of the Licensing Sub-Committees October – December 2023

The Committee received report **ES/1815** of the Cabinet Member with responsibility for Community Health, which provided an overview of the issued Licences and work of the Licensing Sub-Committee during the period October to December 2023

The report was introduced by Councillor Candy and was taken as read.

Councillor Candy noted that the appeal to the Magistrate Court had seen been withdrawn.

There being no questions to Councillor Candy, it was by general assent

RESOLVED

That the Committee notes the overview of some of the work of the Licensing Team and the Licensing Sub-committees during the fourth quarter of 2023.

There are no Exempt or Confidential items for this Agenda.

The meeting concluded at 7:18pm.

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Chair