

Unconfirmed



Minutes of a Meeting of the **Licensing and Health Committee** held in the **Deben Conference Room** at **East Suffolk House, Riduna Park, Melton** on **Monday 16 April 2018** at **6.30pm**

Members of the Committee present:

M Newton (Chairman), D Savage (Vice-Chairman), J Bidwell, J Fisher, T Green, G Harding, C Hedgley, S Lawson

Other Members present:

S Gallant

Officers present:

K Abbott (Democratic Services Business Manager), C Evans (Licensing Services Manager)

1. Election of a Chairman

It was proposed by Councillor Savage, seconded by Councillor Lawson, and unanimously

RESOLVED:

That Councillor Newton be elected as Chairman of the Licensing and Health Committee for the 2018/19 Municipal Year

2. Election of a Vice Chairman

It was proposed by Councillor Harding, seconded by Councillor Bidwell, and unanimously

RESOLVED:

That Councillor Savage be elected as Vice Chairman of the Licensing and Health Committee for the 2018/19 Municipal Year

3. Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Yeo.

4. Declarations of Interest

There were no Declarations of Interest.

5. Minutes

RESOLVED

That the Minutes of the Meeting held on 24 April 2018 be confirmed as a correct record and signed by the Chairman.

6. Licensing Act 2003: Statement of Policy - Revision

The Committee received report **LH 04/18** by the Cabinet Member with responsibility for Community Health. In introducing the report, the Cabinet Member referred to the obligation upon a Licensing Authority, introduced by the Licensing Act 2003, to adopt a Statement of Licensing Policy and review it every third year; Legislation now allowed for a five year review period. The report sought the Committee's approval of a public consultation on the draft Statement of Licensing Policy, having been amended to reflect new legislation and revised guidance under Section 182 of the Licensing Act 2003, and in accordance with the timetable detailed at paragraph 6.1 of the report.

The Cabinet Member highlighted, in particular, amendments related to Representations and the Local Authority's discretion to facilitate mediation between parties where practicable or appropriate (paragraph 7.7 on page 17 of the Committee papers) including extension of normal time limits for hearings by the Sub-Committee where it was considered to be in the public interest. The attention of the Committee was also drawn to legislative changes to Conditions (new paragraph 10.2 on page 20 of the Committee papers) which the Cabinet Member welcomed.

The Chairman invited questions.

A member of the Committee, with reference to new paragraph 10.2 on page 20, and the requirement to ensure no alcohol was sold or supplied for consumption on or off the premises for a price which was less than the permitted price, asked how this would be monitored. The Cabinet Member said 'events' with alcoholic drinks available at significantly reduced prices were, usually, very well advertised but this would no longer be the case with the introduction of this requirement. The Licensing Services Manager also replied that off-licences were also regularly checked by Trading Standards Officers, as a Responsible Authority under the legislation and as part of other routine monitoring; the Council's Licensing team worked in liaison with Trading Standards.

Another member of the Committee, with reference to paragraph 16.2 on page 32 of the Committee papers - applications for premises licences by individuals and the need for the Council to be satisfied of the entitlement to work in the UK – stated that he found it disconcerting that the legislation required the Council to act as "border police". The Licensing Services Manager said the requirement to ensure applicants were entitled to work in the UK had been introduced in April 2017 and so such checks were already carried out; this was now reflected in the revised Statement of Policy before the Committee. She also confirmed that the Council's Licensing team consulted with the Home Office in this regard.

It was proposed, seconded and unanimously

RESOLVED:

That the Licensing and Health Committee approved consultation on the draft Statement of Licensing Policy, as set out in Appendix A to report LH 04/18, commence in accordance with the timetable at paragraph 6.1 of the same report.

7. Gambling Act 2005: Statement of Principles - Revision

The Committee received report **LH 05/18** by the Cabinet Member with responsibility for Community Health. In introducing the report, the Cabinet Member stated that the Gambling Act 2005 required the Council to adopt a Statement of Principles and to update this Statement, following a consultation procedure, every three years (since 2010). The report sought the Committee's approval of a public consultation on the Statement of Principles which had been amended to take into account the revised Gambling Commission's Guidance for Local Authorities. The Cabinet Member referred the Committee, in particular, to the revised introduction on pages 46 and 47 of the Committee papers as well as new paragraphs 5.5 and 5.6 on page 50 of the papers regarding local risk assessments.

The Licensing Services Manager added that the Local Area Profile had been greatly expanded within the Statement of Principles and was now an appendix to the report to enable further updates to be undertaken, or rebranded, following the creation of the new East Suffolk Council, more easily.

There being no questions or matters raised for debate, it was proposed, seconded and unanimously

RESOLVED:

That the Licensing and Health Committee approved consultation on the draft Statement of Principles, as set out in **Appendix A** to report LH 05/18, commence in accordance with the timetable at paragraph 7.1 of the same report.

8. Sex Establishment Licensing Policy

The Committee received report **LH 06/18** by the Cabinet Member with responsibility for Community Health. The report stated that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which dealt with licensing by Councils of sex establishments, had been amended by the Policing and Crime Act 2009 by the addition of a new category of 'sexual entertainment venues' alongside sex shops and sex cinemas. In introducing the report, the Cabinet Member highlighted that it proposed a new joint draft policy relating to all sex establishments on which to base a consultation. The Cabinet Member highlighted, in particular, that the draft policy related to applications in respect of sex cinemas, sex shops and sexual entertainment venues and that, as detailed at paragraph 3.9, each case would be judged on its merits and the definition of Relevant Entertainment

(paragraph 3.7 referred) would apply to lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows. The Cabinet Member also highlighted paragraph 6.3 which listed those premises where, normally, a licence would not be granted in the vicinity. The Cabinet Member said the proposed policy was balanced and open.

The Chairman invited questions.

A member of the Committee, with reference to paragraph 6.2 which stated that the Council would not impose a limit on the number of premises that might be licensed in any area nor identify any exclusion zone for the purpose of applying for a sex establishment licence, asked how this would be monitored. The Cabinet Member said the Council, as Licensing Authority, would issue all such licences and so would know the precise numbers involved. The member asked if there was the possibility to state that no more than a certain figure would be licensed. The Licensing Services Manager said that each case would be considered on its own merits and that there was a legal right to apply for a sex establishment licence; she added that some Councils indicated a preferred maximum number.

The member also referred to paragraph 28 on page 133 of the Committee papers which related to Closed Circuit Television and the retention of recorded footage for a minimum of one calendar month; she asked if this was sufficient. The Cabinet Member said this was considered sufficient as the police, as a Responsible Authority, would seize such footage very quickly after any alleged incident at the premises.

In response to a question by another member, the Licensing Services Manager confirmed that there were currently no sex establishments in Suffolk Coastal or Waveney District Councils areas.

It was proposed, seconded and unanimously

RESOLVED:

That the Licensing and Health Committee approved consultation on the draft Sex Establishment Licensing Policy, as set out in **Appendix A** of report LH 06/18, commence in accordance with the timetable at paragraph 6.1 of the same report.

9. Taxi Matters - Safeguarding

The Committee received report **LH 07/18** by the Cabinet Member with responsibility for Community Health. The Cabinet Member in introducing the report stated that, in considering applications for hackney carriage and private hire vehicle driver's licences, the Council must be satisfied that the applicant was a 'fit and proper' person to be granted a licence. The report detailed the proposed training for new and existing drivers and the Licensing and Health Committee was requested to consider introducing this training as a mandatory requirement.

A member of the Committee asked for additional details of how the proposed training would be provided. The Licensing Services Manager said it would be provided as an e-learning module on the Council's website which could either be accessed remotely or, if preferred, drivers could arrange to come into the Council's offices and use a computer

there. In response to a further question by the member about the potential for offering classroom style training, the Licensing Services Manager explained that this had been explored but had not been possible logistically and had the potential to impact on drivers' earnings; she added that an e-module enabled drivers to undertake the training at a time and place that was most convenient to them.

Another member asked about costs to drivers. The Licensing Services Manager said that the training would be funded by the Council, at no cost to existing drivers, providing they completed the module within a certain timescale.

A further member of the Committee asked about the robustness of the training. The Cabinet Member said the training would raise awareness of safeguarding issues with taxi drivers and enforce the robust due diligence approach to all licence applications.

There being no further questions or matters raised for debate, it was proposed, seconded and unanimously

RESOLVED:

That the Licensing and Health Committee, in accordance with the Local Government (Miscellaneous Provisions) Act 1976:

1. Approved the introduction of a mandatory training module for all existing licenced drivers, existing private hire operators and new applicants for either category of licence, to initially cover safeguarding adults at risk of abuse and child sexual exploitation, but allowing for course content to change over the years, subject to Government guidance.
2. Approved the requirements that:
 - i) any new applicant, who had not successfully completed the training course made available to them at the time of application, not be granted a licence;
 - ii) any existing licensee, who had not successfully completed the training course made available to them at the time of renewal, not have their licence renewed; and
3. Authorised the Head of Legal and Democratic Services, in consultation with the Chairman of the Licensing and Health Committee, to select the provider of the training.

The meeting concluded at 7.28pm