

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE
HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE,
HADLEIGH ON THURSDAY 2 AUGUST 2012

PRESENT: Mr A J Ward – Vice Chairman in the Chair

Mr M J Deacon	Mr R C Smith
Mr D G Grutchfield	Mr R W Thake
Mr J M Owen	Mr L H Young
Mr J R A Sayers	

The following Members were unable to be present:

Mr J R B Cave, Mr P J Holbrook, Mr P Jones and Mr B Riley.

6 DECLARATION OF INTERESTS

None declared.

7 MINUTES

RESOLVED

That the Minutes of the meeting held on 5 July 2012 be confirmed and signed as a correct record.

8 PETITIONS

None received.

9 QUESTIONS FROM MEMBERS

None received.

10 LICENSING ACT 2003 AMENDMENTS VIA THE POLICE REFORM AND SOCIAL
RESPONSIBILITY ACT 2011: LICENSING AUTHORITY AS A RESPONSIBLE
AUTHORITY

The Head of Environment submitted a report (Paper M56) asking Members to approve delegation and a new Protocol to address the proper separation of roles when the Licensing Authority acts as a Responsible Authority under the 2003 Act.

In introducing Paper M56, the Corporate Manager – Licensing referred to the main effect of the changes, and the need to approve a Protocol as soon as possible. He also confirmed that the item and identical Protocol had recently been approved by Mid Suffolk's Licensing Committee. Members noted that the Protocol would be subject to on-going review in the light of developing case law and changing circumstances. The Corporate Manager responded to questions about various matters referred to in the report, including the operation of the Safety Advisory Group and the Night Time Economy Group, and the Licensing Section's input in these areas.

RESOLVED

- (1) **That the Corporate Manager – Licensing and a senior Licensing Officer be delegated the authority to perform the Responsible Authority role on behalf of Babergh District Council.**
- (2) **That the Protocol for the Licensing Authority acting as a Responsible Authority under the Licensing Act 2003 (Appendix A to Paper M56) to guide on how the roles shall be performed and properly separated, be approved.**

RECOMMENDED TO COUNCIL

That the appropriate update to the Council’s Constitution to reflect the decisions referred to in Resolutions (1) and (2) above be approved.

11 LAW COMMISSION REVIEW OF TAXI AND PRIVATE HIRE LEGISLATION

The Head of Environment submitted a report (Paper M57) asking Members to agree a response to the Law Commission’s proposals for the reform of taxi and private hire legislation.

In presenting the report, the Corporate Manager – Licensing outlined the main reforms suggested, which although not as fundamental as might have been anticipated, aimed to achieve greater consistency both geographically and in aspects such as minimum safety standards. He also answered Members’ questions and explained the actions being taken through the Licensing and Enforcement regimes to deal with operators and drivers who did not comply with the current requirements.

During the course of the discussion on the suggested questionnaire responses, it was noted that Members would be updated on the progress of the review and its results through a further report to the Committee after 12 months, or such other period as appropriate.

RESOLVED

That Babergh District Council’s response to the Law Commission’s consultation questionnaire be approved as set out in Appendix A to Paper M57, subject to any minor clarifications to be made by the Corporate Manager – Licensing resulting from the Committee’s consideration.

The business of the meeting was concluded at 10.30 a.m.

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Chairman