



2006-2007
Waste and Recycling
2006-2007
Culture and Sport for
Hard to Reach Groups

COMMITTEE: **STRATEGY**

VENUE: **Council Chamber, Council
Offices, Corks Lane, Hadleigh**

DATE/TIME: **Thursday, 24 November 2011
at 9.30 a.m.**

Members

Mrs J Antill
Mr A C Bavington
Mr N A Bennett
Mrs S Carpendale
Mr A J Hinton

Ms J A Jenkins
Mrs A K Pollard
Mr N A Ridley
Mrs S M Wigglesworth
Mr L H Young

A G E N D A

ITEM

BUSINESS

PART I

1 **SUBSTITUTES AND APOLOGIES**

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 **DECLARATION OF INTERESTS**

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 **MINUTES**

To confirm and sign the Minutes of the meeting held on [3 November 2011](#) as a correct record.

4 **PETITIONS**

The Joint Strategic Director (Corporate) to report, in accordance with Council Procedure Rule No.13, the receipt of any petitions submitted to the Chief Executive.

5 **QUESTIONS FROM MEMBERS**

The Chairman to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District and which fall within the terms of reference of the Committee of which due notice has been given in accordance with Council Procedure Rule No.15.4 (a) and (b).

6 ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

None received.

7 RECOMMENDATIONS AND REPORTS FROM COMMITTEES

Government Proposals to De-regulate Entertainment Activities from the Licensing Act 2003 (Licensing and Appeals Committee 10 November 2011)

Paper
[L94](#)

The Licensing and Appeals Committee considered the report of the Head of Natural and Built Environment (Paper L94) asking Members to review and recommend to Strategy Committee a proposed draft response to the Government consultation on proposals to de-regulate various entertainment activities. In addition to Paper L94 circulated with the agenda for the meeting, Members also had before them additional information in the form of Appendix D, circulated prior to the commencement of the meeting, which set out proposed draft responses to Questions 46, 47 and 48.

In presenting Paper L94, the Licensing Officer Lee Carvell emphasised that the concerns raised by the Council's licensing and environmental protection officers were shared by various agencies and all the Suffolk Licensing Authorities, and that the proposed draft response (Appendix A) had been agreed by the Suffolk Licensing Officers Group for submission to their respective Councils. Mr Carvell was thanked for a comprehensive report and draft response.

During the course of the ensuing discussion, Members raised various issues of particular concern including the following:-

- The DCMS deregulatory proposals represent a worrying move from proactive and inclusive promotion of licensing objectives to reactive and resource costly enforcement. This would result in a reduction or removal in opportunities for residents and key authorities to be consulted and mitigate risks. The current system is fair, balanced and is proven to work.
- Although deregulation should be strongly opposed altogether, any later decision by the Government to deregulate should be consistent and compatible in its detail with other legislation – including noise legislation – for example on hours when noise restrictions should apply.
- Although any capacity setting is arbitrary, as the licensing objectives can be adversely impacted by any sized event, proposed capacity limits of 5000 are far too high and 500 as referred to by the Association of Chief Police Officers may be a more suitable number. However, concerns were also raised that even small capacity events/venues for 50 or less people, such as those in poorly attenuated buildings in residential settings, have potential to cause nuisance and affect the wellbeing of our communities.
- There is no evidence in the Babergh District Area that emergence of new talent is being deterred by licensing requirements.

- Any deregulation will cause confusion and conflict with existing licences on issue, and remove locally considered and applied controls which promote the licensing objectives.

Although the existing draft response adequately echoes many of the concerns raised, it was agreed that the draft response should be amplified by the addition of appropriate wording (shown in italics) to cover the following aspects:-

Question 12 (page 7)

Setting a limit is arbitrary. Even small scale events can affect the licensing objectives, and each activity therefore should be assessed locally and on its individual merits, with a mechanism for local community input. Please refer to our general commentary for expansion/examples on this point. Although we in no way agree with the principle of a threshold, if this is progressed, then it should be set far lower than the 5000 proposed *and 500 may be a more appropriate limit, as referred to by the Association of Chief Police Officers.*

Para 6.4 (page 6)

6.4 Care needs to be taken as implementation of the PRSR Act 2011 reforms together with, potentially, simultaneous deregulation of entertainment may have some conflict and significant unintended consequences. An example of this, in addition to the reference we have made at 5.5 of this response, is that the 2011 Act is reducing the test for Licensing Authorities in applying conditions to licences to 'appropriate' rather than 'necessary'. The absence of licensing controls for entertainment will cause some uncertainty with how this should or would work. *Whilst deregulation is strongly opposed altogether by Babergh District Council, any later decision by the Government to proceed with it should ensure consistency and compatibility in its detail with other regulation – including noise legislation – for example on hours when noise restrictions should apply.*

RECOMMENDED TO STRATEGY COMMITTEE

- (1) That the draft response (as set out in Appendix A to Paper L94 and with the inclusion of the comments contained in Appendix D) to the Government's consultation proposals to remove most entertainment activities from requiring licensing under the Licensing Act 2003**
 - (a) be amended to take into account the aspects identified by the Licensing and Appeals Committee in relation to Question 12 and paragraph 6.4 and**
 - (b) be approved as amended in accordance with (a) above, and submitted as Babergh District Council's formal response to the consultation.**
- (2) That the Head of Natural and Build Environment be authorised to make any further minor or consequential amendments to the response.**

ITEM	BUSINESS
8	<u>WORK PLAN FOR 2011/12</u>
Paper L105	Report by the Joint Strategic Director (Corporate) attached.
9	<u>SECTION 106 PLANNING OBLIGATIONS GUIDANCE FOR DEVELOPERS</u>
Paper L106	Report by the Head of Natural and Built Environment attached.
10	<u>FUTURE OF HOUSING REVENUE ACCOUNT FINANCING</u>
Paper L108	Report by the Director of Finance attached.
11	<u>EXCLUSION OF PUBLIC (WHICH TERM INCLUDES THE PRESS)</u>
	<p>To consider whether, pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item.</p> <p>The author of the report proposed to be considered in Part II of the Agenda is satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
PART II	
12	<u>PROCUREMENT OF A PRIVATE SECTOR LEASING SCHEME (Exempt information by virtue of paragraph 3 of Part 1)</u>
Paper L107	Report by the Head of Community Development attached.

For further information on any of the Part 1 items listed above, please contact Steve Ellwood on (01473) 825876 or via e-mail at committee.services@babergh.gov.uk