



## **AGENDA**

### **COUNCIL MEETING**

**THURSDAY, 26TH NOVEMBER, 2020  
– 5.30 PM**

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Members of the Council are summoned to a virtual meeting of the Mid Suffolk District Council on Thursday, 26th November, 2020 at 5.30 pm.

A handwritten signature in black ink, appearing to read "Arthur Charvonja".

Arthur Charvonja  
Chief Executive

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MSDC COUNCIL	
DATE:	THURSDAY, 26 NOVEMBER 2020 5.30 PM
VENUE:	VIRTUAL MEETING

This meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

**PART 1**  
**MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

Page(s)

- |   |   |         |
|---|---|---------|
| 1 | <b>APOLOGIES FOR ABSENCE</b>  |         |
| 2 | <b>DECLARATION OF INTERESTS BY COUNCILLORS</b>  |         |
| 3 | <b>MC/20/10 TO CONFIRM THE MINUTES OF THE ANNUAL MEETING HELD ON 24 SEPTEMBER 2020</b>  | 7 - 26  |
| 4 | <b>MC/20/11 CHAIRMAN'S ANNOUNCEMENTS</b>  | 27 - 28 |
| 5 | <b>LEADER'S ANNOUNCEMENTS</b>   |         |
| 6 | <b>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</b>  |         |
|   | <p>In accordance with Council Procedure Rule No. 11, the Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.</p> |         |
| 7 | <b>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</b>   |         |

The Chairs of Committees to answer any questions from the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Council Procedure Rule 12.

- 8      **QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**
- The Chairman of the Council, the Chairmen of Committees and Sub-Committees and Portfolio Holders to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rule No. 13.
- 9      **MC/20/12 OVERVIEW AND SCRUTINY COMMITTEE REPORT**      29 - 32
- Chair of Overview and Scrutiny Committee
- 10      **RECOMMENDATIONS FROM CABINET / COMMITTEES**
- a      **MC/20/13 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY STATUTORY FIVE-YEARLY ADOPTION**      33 - 66
- Chair of Licensing and Regulatory Committee
- At its meeting on 2 October 2020, the Licensing and Regulatory Committee considered Paper MLR/20/2 and accepted the Recommendations as set out in the report.
- RECOMMENDATION TO COUNCIL**
- That the ‘Statement of Licensing Policy’ document be adopted.**
- 11      **MC/20/14 ICT STRATEGY**      67 - 84
- Cabinet Member for Customers, Digital Transformation & Improvement
- 12      **COUNCILLOR APPOINTMENTS**
- Leader of the Council
- To agree the following appointments to Council Working Groups:
- Constitution Working Group – Councillor Peter Gould  
Member Learning & Development Working Group – Councillor Julie Flatman

### **Date and Time of next meeting**

Please note that the next meeting is scheduled for Thursday, 21 January 2021 at 5.30 pm.

### **Webcasting/ Live Streaming**

The Webcast of the meeting will be available to view on the Councils Youtube page:

[https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Committee Services on: 01473 296472 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

### **Protocol for Virtual Meetings**

#### **Live Streaming:**

1. The meeting will be held on TEAMS and speakers will be able to join via invite only. Any person who wishes to speak at the meeting must contact Committee Services at: [committees@baberghmidsuffolk.gov.uk](mailto:committees@baberghmidsuffolk.gov.uk) at least 24 hours before the start of the meeting.
2. The meeting will be live streamed and will be available to view on the Council's YouTube page as detailed below:

[https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

#### **Recording of proceedings:**

1. Proceedings will be conducted in video format.
2. A Second Governance Officer will be present and will control the TEAMS call and Livestreaming.

#### **Roll Call:**

1. A roll call or electronic confirmation of attendance of all Members present will be taken during the Apologies for Absence/Substitution to confirm all Members are present at the meeting.

#### **Disclosable Pecuniary Interests:**

1. A Councillor declaring a disclosable pecuniary interest will not be permitted to participate further in the meeting or vote on the item. Where practicable the Councillor will leave the virtual meeting, including by moving to a 'lobby' space and be invited to re-join the meeting by the Committee Officer at the appropriate time. Where it is not practicable for the Councillor to leave the virtual meeting, the Committee Officer will ensure that the Councillor's microphone is muted for the duration of the item.

#### **Questions and Debate:**

1. Once an item has been introduced, the Chair will ask if there are any questions. The Chair will either ask each Member in turn if they have any questions or Members of the Council / Committee will be asked to use the "Hands Up" function within teams. The Chair will then ask Members to speak.

2. Any Councillors present who are not part of the Committee will then be invited to ask questions by using the “Hands up function” within teams. The Chair will then ask Members to speak.
3. At the end of the questions the Chair will ask Members whether they have any further questions before entering into debate.
4. In the instance where a Member of the Committee would like to formally make a proposal, they should raise their hand using the Hands Up function. At this point the Chair would go directly to them and take the proposal. Once the proposal has been made the Chair would immediately ask if there was a seconder to the Motion. If there is it would become the substantive Motion and the Chair would again continue down the list of Councillors until there is no further debate.
5. Upon completion of any debate the Chair will move to the vote.

Voting:

1. Once a substantive motion is put before the Council / Committee and there is no further debate then a vote will be taken.
2. Due to circumstances the current voting by a show of hands would be impractical - as such the Governance Officer will conduct the vote by roll call or the vote will be conducted via an electronic voting method.
3. The total votes for and against and abstentions will be recorded in the minutes not the individual votes of each Councillor. Except where a recorded vote is requested in accordance with the Rules of Procedure.
4. The governance officer will then read out the result for the Chair to confirm.
5. A Councillor will not be prevented from voting on an item if they have been disconnected from the virtual meeting due to technical issues for part of the deliberation. If a connection to a Councillor is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

Confidential items:

1. The Public and Press may be Excluded from the meeting by resolution in accordance with normal procedural rules. The Committee Officer will ensure that any members of the public and press are disconnected from the meeting.

# Agenda Item 3

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the Annual Virtual Meeting of the **MID SUFFOLK COUNCIL** held on Thursday, 24 September 2020

### PRESENT:

Councillors:	Oliver Amorowson	Gerard Brewster
	David Burn	Terence Carter
	James Caston	Rachel Eburne
	Paul Ekpenyong	John Field
	Julie Flatman	Jessica Fleming
	Dr Helen Geake	Peter Gould
	Kathie Guthrie	Lavinia Hadingham
	Sarah Mansel	Matthew Hicks
	Barry Humphreys MBE	John Matthissen
	Andrew Mellen	Richard Meyer
	Suzie Morley	David Muller
	Mike Norris	Penny Otton
	Timothy Passmore	Stephen Phillips
	Dr Daniel Pratt	Harry Richardson
	Keith Scarff	Andrew Stringer
	Wendy Turner	Rowland Warboys
	Keith Welham	John Whitehead

### In attendance:

Officers:	Chief Executive (AC)
	Strategic Director (KN)
	Assistant Director Law and Governance and Monitoring Officer (EY)
	Assistant Director – Corporate Resources and Section 151 Officer (KS)
	Assistant Director - Customer Services (SW)
	Assistant Director – Sustainable Communities (TB)
	Assistant Director - Environment and Commercial Partnerships (CC)
	Assistant Director - Economic Development & Regeneration (FD)
	Corporate Manager - Financial and Commissioning and Procurement (ME)
	Corporate Manager - Strategic Planning (RH)
	Corporate Manager - Governance and Civic Office (JR)
	Senior Governance Support Officer (HH)

### Apologies:

None received.

## 1 ELECTION OF CHAIRMAN OF THE COUNCIL

- 1.1 Councillor Lavinia Hadingham, the Chair, asked for nominations for Chairman of the Council for the Municipal Year 2020/21.
- 1.2 Councillor Eburne **PROPOSED** Councillor Penny Otton as Chairman of the Council and was **SECONDED** by Councillor Field.

- 1.3 Councillor Morley **PROPOSED** Councillor Barry Humphreys MBE as Chairman of the Council and was **SECONDED** by Councillor Hicks.
- 1.4 The vote for Councillor Otton was 17 For and 17 Against.
- 1.5 The vote for Councillor Humphreys was 17 For and 17 Against.
- 1.6 Due to the deadlock vote, the Chair, Councillor Hadingham, exercised her casting vote in favour of Councillor Humphreys.

By the Chair's casting vote

**It was RESOLVED: -**

**That Councillor Barry Humphreys MBE be appointed Chairman of the Council for the Municipal Year 2020/21.**

- 1.7 Councillor Humphreys thereupon made his Declaration of Office.
- 1.8 Councillor Humphreys thanked everyone who had voted for him as Chair of the Council, and Councillor Hadingham for her service in the previous Municipal year. Councillor Humphreys announced his chosen charity would be Stowmarket Dementia Action Alliance.

## **2 ELECTION OF VICE-CHAIRMAN OF THE COUNCIL**

- 2.1 Councillor Matthissen **PROPOSED** Councillor Rowland Warboys and was **SECONDED** by Councillor Mansel.
- 2.2 Councillor Muller **PROPOSED** Councillor Paul Ekpenyong and was **SECONDED** by Councillor Hadingham.
- 2.3 The vote for Councillor Warboys was 17 For and 17 Against.
- 2.4 The vote for Councillor Ekpenyong was 17 For and 17 Against.
- 2.5 Due to the deadlock vote, the Chairman, Councillor Humphreys, exercised his casting vote in favour of Councillor Ekpenyong.

By the Chair's casting vote

**It was RESOLVED:-**

**That Councillor Paul Ekpenyong be appointed Vice-Chairman of the Council for the Municipal year 2020/21.**

- 2.6 Councillor Paul Ekpenyong thereupon made his Declaration of Office.

2.7 Councillor Ekpenyong thanked Members for voting for him as Vice-Chair of the Council.

### **3 APOLOGIES FOR ABSENCE**

3.1 There were no apologies received.

### **4 DECLARATION OF INTERESTS BY COUNCILLORS**

4.1 There were no declarations of interests declared.

### **5 MC/20/1 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 23 JULY 2020**

**It was RESOLVED:-**

**That the Minutes of the meeting held on 23 July 2020 be confirmed and signed as a true record.**

### **6 LEADER'S ANNOUNCEMENTS**

6.1 Councillor Morley, the Leader made her announcements and said that throughout the year and especially over the past 6 months of COVID-19, she would like to recognise all the staff as the 'unsung heroes' of local government. The Council's staff had worked through, sometimes, difficult personal circumstances, always with the best interests of Mid Suffolk residents at the forefront of their minds. Members recognised what had been achieved in managing, and helping to mitigate, the spread of COVID-19 in addition to maintaining vital services to residents and communities. Mid Suffolk remained one of the safest places to live, with only two new confirmed cases within the last week, the lowest number across the whole of Suffolk. So "Stick with It Suffolk" – we can do this! She also wanted to pay tribute to Councillors, who have continued to represent their residents and helped share important public messages. "Working Together" are achieving good outcomes for the people who live or work in Mid Suffolk.

6.2 Councillor Morley then highlighted some of the Council's achievements:

- Paddock House redevelopment received the go ahead – creating 16 affordable homes in Eye.
- The Council had received £800,000 Government funding for electricity micro generation and solar storage car ports, as part of the Climate Change initiatives.
- Great progress had been made on the Regal Theatre refurbishment and extension as part of the Stowmarket visioning work.
- Gateway 14 consultation was underway. This was an opportunity for the community to be heard and would help to support our economic recovery.
- A £200k investment in Stradbroke Pool & Fitness Centre had been completed and a £2.2m upgrade and extension to Mid Suffolk Leisure Centre in Stowmarket was now underway, including a new gym, poolside features and

changing rooms.

- CIL awards – eg improvements to Thurston Railway Station, new electrical vehicle charging points in Stowmarket, improvements to the Moors Lane children's play area in Eye, a new car park in Debenham and conversion of the Granary in Wingfield into a children's nursery. Each of these were creating communities with bright and healthy futures.
- "Working Together "with Babergh, the Council had secured £100,000 to provide safe and warm accommodation for homeless people and rough sleepers this winter.
- Inaugural Innovation Awards 2020 had been launched – this was recognising forward thinking businesses large and small (27th Sept closing date for nominations, held virtually on 3rd Nov).

6.3 The Leader then thanked Councillor Hadingham who had approached the role of Chair with energy and enthusiasm, both within the Chamber and as part of her Civic functions. It was a shame that the last 6 months had curtailed some of her duties out and about in our Communities, however her chosen charities had benefited from her endeavours to the tune of £1244.78. Councillor Hadingham had been, perhaps, an unconventional Chair with her somewhat irreverent style and she had kept Members on their toes throughout. She was determined that Councillor Hadingham's talents would not go to waste and she would like to take this opportunity to announce that Councillor Hadingham would join the Cabinet as the Portfolio Holder for Housing with immediate effect, where her abilities would be put to good use.

6.4 Councillor Eburne also thanked staff for their hard work during the challenging circumstances of recent months.

## **7 DESIGNATION OF COMMITTEES AND JOINT COMMITTEES**

7.1 To appoint the following Committees and Joint Committees:

- Mid Suffolk Overview and Scrutiny Committee
- Development Control Committee A
- Development Control Committee B
- Planning Referrals Committee
- Mid Suffolk Licensing and Regulatory Committee
- Joint Audit and Standards Committee
- Joint Appointments Committee

7.2 Councillor Morley **MOVED** the proposal, which was **SECONDED** by Councillor Ekpenyong.

**It was RESOLVED:-**

**That the following Committees and Joint Committees be appointed:-**

**Mid Suffolk Overview and Scrutiny Committee  
Development Control Committee A**

**Development Control Committee B**  
**Planning Referrals Committee**  
**Mid Suffolk Licensing and Regulatory Committee**  
**Joint Audit and Standards Committee**  
**Joint Appointments Committee**

## **8 MC/20/2 POLITICAL BALANCE AND COMPOSITION OF COMMITTEES**

- 8.1 Councillor Hicks raised the issue of an inappropriate 'GIF' posted in the meeting chat box, which the Monitoring Officer had requested the Councillor concerned to remove.
- 8.2 The Monitoring Officer informed Members that this would be dealt with outside of the meeting.
- 8.3 The Chair requested that the post be removed.
- 8.4 The Monitoring Officer introduced Paper MC/20/2 Political Balance and Composition of Committees and Appendices A and B.
- 8.5 Councillor Morley proposed the recommendations in the report, and this was seconded by Councillor Eburne.

Note: Councillor Amorowson was not available to vote.

By a unanimous vote

**It was RESOLVED:-**

- 1.1 That the Committees' size and numerical allocation of seats be approved as detailed in Appendix A of the report.**
- 1.2 That Committee Members be appointed as set out in Appendix B of the report.**

## **9 ELECTION OF CHAIRS AND VICE-CHAIRS OF COMMITTEES**

- 9.1 Nominations for the Chairs and Vice-Chairs of Committees were received as follows:-

**Mid Suffolk Overview and Scrutiny Committee:**

Chair: Councillor Keith Welham  
Vice-Chair Councillor Keith Scarff

Vote: Carried

**Development Control Committee A:**

Chair: Councillor Matthew Hicks  
Councillor Sarah Mansel

Vote: By the Chair's casting vote – Councillor Matthew Hicks

Vice-Chair: Councillor Dave Muller  
Councillor Sarah Mansel

Vote: By the Chair's casting vote – Councillor Muller.

**NOTE: The meeting was adjourned between 6:18pm until 6:23pm.**

- 9.2 The Chair then addressed Councillor Amorowson regarding his inappropriate use of the chat function, despite that the Chair had outlined the protocol at the beginning of the meeting. Therefore, in accordance with Council Procedure Rule 20.3, the Chair **MOVED** that Councillor Amorowson be no longer heard.
- 9.3 The Monitoring Officer clarified that Councillor Amorowson would not be permitted to debate any of the remaining items on the agenda but would be able to vote. If this Motion was seconded it would move straight to a vote without discussion.

Councillor Muller **SECONDED** the Motion.

By 17 votes to 16, with 1 abstention the vote was **CARRIED**

**It was Resolved:-**

**That Councillor Amorowson be no longer heard.**

- 9.4 Members then returned to the vote for Vice-Chair of the Development Control Committee A

Vote: By the Chair's casting vote - Councillor Dave Muller.

**Development Control Committee B:**

Chair: Councillor Kathie Guthrie  
Councillor Andrew Stringer

Vote: By the Chair's casting vote – Councillor Kathie Guthrie.

Vice-Chair: Councillor Barry Humphreys  
Councillor Andrew Stringer

Vote: By the Chair's casting vote – Councillor Barry Humphreys.

**Mid Suffolk Licensing and Regulatory Committee**

Chair: Councillor Kathie Guthrie  
Councillor Daniel Pratt

Vote: By the Chair's casting vote – Councillor Kathie Guthrie.

Vice-Chair: Councillor Dave Muller

Councillor Daniel Pratt

Vote: By the Chair's casting vote – Councillor Dave Muller

**Joint Audit and Standards Committee**

Co-Chair: Councillor Dave Muller  
Councillor Mike Norris

By the Chairs Casting Vote – Councillor Dave Muller

**Joint Appointments Committee**

Co-Chair: Councillor Suzie Morley

By 22 to 0 votes, 12 abstentions

**It was RESOLVED:-**

**That the following Councillors be appointed as Chairs and Vice-Chairs to the Committees for the Municipal year 2020 to 2021.**

**Mid Suffolk Overview and Scrutiny Committee:**

Chair: Councillor Keith Welham  
Vice-Chair Councillor Keith Scarff

**Development Control Committee A:**

Chair: Councillor Matthew Hicks  
Vice-Chair: Councillor Dave Muller

**Development Control Committee B:**

Chair: Councillor Kathie Guthrie  
Vice-Chair: Councillor Barry Humphreys

**Mid Suffolk Licensing and Regulatory Committee**

Chair: Councillor Kathie Guthrie  
Vice-Chair: Councillor Dave Muller

**Joint Audit and Standards Committee**

Co-Chair: Councillor Dave Muller

**Joint Appointments Committee**

Co-Chair: Councillor Suzie Morley

**10 MC/20/3 APPOINTMENTS TO OUTSIDE BODIES FOR 2020/21**

10.1 The Chair referred to Paper MC/20/3 and Appendix A in the Tabled Papers and invited the Leader to introduce the paper.

10.2 Councillor Morley introduced the paper and **MOVED** recommendation 2.1 and Appendix A in the Tabled Papers, which was **SECONDED** by Councillor Richardson.

10.3 Councillor Eburne **PROPOSED** that Councillor Welham be appointed substitute for Suffolk Flood Risk Management Scrutiny Sub Committee and that Councillor Sarah Mansel be appointed as substitute for Suffolk Health Scrutiny Committee.

10.4 The Proposer and Seconder approved this proposal.

By 33 to 1 vote, 1 abstention.

**It was RESOLVED: -**

**That Councillors be appointed to Outside Bodies as detailed in Appendix A to Paper MC/20/3 and the above amendment to the Suffolk Flood Risk Management Scrutiny Sub Committee for the Municipal year 2020/21, as follows:**

NAME OF BODY OR PANEL	NAME OF MEMBER NOMINATED
ARMED FORCES COVENANT	Barry Humphreys - Armed Forces Champion
ASSOCIATION FOR SUFFOLK MUSEUMS	Richard Meyer
EAST OF ENGLAND ASSEMBLY OF LEADERS	The Leader
EAST OF ENGLAND LOCAL GOVERNMENT ASSOCIATION	Suzie Morley
EAST SUFFOLK INTERNAL DRAINAGE BOARD	James Caston John Field Keith Welham
EAST WEST RAIL CONSORTIUM	Gerard Brewster
HAVEN GATEWAY PARTNERSHIP	Gerard Brewster
HOME-START MID SUFFOLK	Lavinia Hadingham
JOINT WASTE MANAGEMENT BOARD	Jessica Fleming
LOCAL GOVERNMENT ASSOCIATION – SPARSE	Suzie Morley
LOCAL GOVERNMENT ASSOCIATION ASSEMBLY	Suzie Morley Observer: Rachel Eburne
MID SUFFOLK DOMESTIC ABUSE FORUM	Stephen Phillips
MUSEUM OF EAST ANGLIAN LIFE LTD	Richard Meyer
SUFFOLK VIOLENCE AND ABUSE PARTNERSHIP	Stephen Phillips
SUFFOLK FLOOD RISK MANAGEMENT SCRUTINY SUB COMMITTEE	James Caston Keith Welham
SUFFOLK HEALTH AND WELLBEING BOARD	Harry Richardson (Sub: Penny Otton)
SUFFOLK HEALTH SCRUTINY COMMITTEE	Julie Flatman (Sub: Sarah Mansel)
SUFFOLK JOINT EMERGENCY PLANNING POLICY PANEL	Suzie Morley
SUFFOLK POLICE AND CRIME PANEL	Keith Welham (Sub: Terence Carter)
SUFFOLK WASTE PARTNERSHIP (SWP)	Jessica Fleming

<b>WESTERN SUFFOLK COMMUNITY SAFETY PARTNERSHIP (WSCSP)</b>	Sarah Mansel (Sub: Harry Richardson)
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# **11 APPOINTMENT OF COUNCILLORS TO THE SHARED REVENUES PARTNERSHIP JOINT COMMITTEE**

11.1 The Chair advised Members that nominations to the Shared Revenues Partnership were detailed under Item 11 in the Tabled Papers.

11.2 Councillor Kathy Guthrie **PROPOSED** the nominations in the Tabled Papers which was **SECONDED** by Councillor Flatman.

By 17 votes to 13, 4 abstentions

**It was RESOLVED: -**

**That Councillors Suzie Morley and John Whitehead be appointed as Members of the Shared Revenues Partnership Joint Committee and that Councillors Gerard Brewster and Jessica Fleming be appointed as substitute Members for the Municipal year 2020/21.**

# **12 APPOINTMENTS TO THE SUFFOLK JOINT STANDARDS BOARD**

12.1 The Chair advised Members that nominations to the Suffolk Joint Standards Board were detailed under Item 12 in the Tabled Papers.

12.2 Councillor Brewster **PROPOSED** the nominations in the Tabled Papers under Item 12, which was **SECONDED** by Councillor Hadingham.

By 33 votes, 1 abstention

**It was RESOLVED: -**

**That Councillors Paul Ekpenyong, John Matthissen and Mike Norris be appointed as Members of the Suffolk Joint Standards Board for the Municipal year 2020/21.**

# **13 APPOINTMENTS TO THE JOINT GYPSY AND TRAVELLER STEERING GROUP**

13.1 The Chair stated that Council was asked to appoint four Councillors to the Joint Gypsy and Traveller Steering Group and that the nominations were under Item 13 in the Tabled Papers.

13.2 Councillor Fleming **PROPOSED** the tabled nominations which was **SECONDED** by Councillor Mellen.

By 33 votes, 1 abstention

**It was RESOLVED: -**

**That Councillors Julie Flatman, Lavinia Hadingham, John Field and Andrew Stringer be appointed to the Joint Gypsy and Traveller Steering Group for the Municipal year 2020/21.**

#### **14 APPOINTMENTS TO COUNCIL WORKING GROUPS**

14.1 The Chair referred to the Tabled Papers Item 14 Appointments to the Council Working Groups and asked for a proposer.

14.2 Councillor Morley **PROPOSED** the nominated Councillors, which was **SECONDED** by Councillor Hadingham.

By 33 votes, 1 abstention

**It was RESOLVED: -**

1.1 That Councillors Suzie Morley, John Whitehead, Sarah Mansel and Penny Otton be appointed to the Community Governance Review Working Group.

1.2 That Councillors Matthew Hicks, Sarah Mansel and Keith Scarff be appointed to the Constitution Working Group.

1.3 That Councillors Suzie Morley, Rachel Eburne and Stephen Phillips be appointed to the Member Learning and Development Working Group.

**That Councillors David Burn, Kathie Guthrie, John Field and Andrew Stringer be appointed to the Local Plan Working Group.**

#### **15 MC/20/4 EXTENSION TO THE APPOINTMENT OF THE INDEPENDENT PERSONS FOR CODE OF CONDUCT COMPLAINTS**

15.1 The Monitoring Officer introduced Paper MC/20/4 which sought Councils approval to extend the appointment of the independent persons for a further two years.

15.2 Councillor Guthrie **PROPOSED** Recommendation 2.1, which was **SECONDED** by Councillor Richardson.

By 33 votes, 1 abstention

**It was RESOLVED: -**

**That the appointment of the four Independent Persons listed in section 3 of paper MC/20/4, be extended for a further two years pursuant to section 28 7) of the Localism Act 2011.**

#### **16 RECOMMENDATIONS AND REPORTS FROM CABINET / COMMITTEES**

- 16.1 The Chair invited Councillor Muller, Co-Chair of Joint Audit and Standards Committee, to move the recommendations in Paper JAC/19/24.

**16a JAC/19/24 ANNUAL TREASURY MANAGEMENT REPORT 2019/20**

- 16.1a Councillor Muller introduced Paper JAC/19/24 Annual Treasury Management Report 2019/20, which provided details of the performance and effects of decisions taken during the 2019/20 period. He provided a brief summary of the details in the report.
- 16.2a Councillor Muller **MOVED** Recommendations 3.1, 3.2 and 3.3 in the report. This was **SECONDED** by Councillor Whitehead.
- 16.3a Councillor Eburne queried Appendix B of the report, page 55, bullet point 1.1, the changes to the Public Works Loan Board (PWLB) interest rates and how this would affect any plans the Council has, Appendix C, page 60, bullet point 2.8 regarding the use of the equity in CIFCO, and Appendix C, page 60, bullet point 2.9 whether the investment income referred to was a net figure.
- 16.4a The Assistant Director for Corporate Resources confirmed that the increase in interest rates from the PWLB would only impact future borrowing from the PWLB and not existing loans. Councillor Eburne further queried whether the Council had any current plans to borrow any additional funds. It was confirmed that there were no current plans in place.
- 16.5a The Corporate Manager for Finance and Commissioning and Procurement provided clarification with regards to CIFCO that 10% of each purchase was attributable to equity.
- 16.7a Regarding the investment income in Appendix C the Corporate Manager for Finance and Commissioning and Procurement confirmed that this was a gross figure.
- 16.8a Councillor Otton requested an explanation regarding the Council's bank account being exceeded and enquired whether any penalties had been incurred.
- 16.9a The Assistant Director for Corporate Resources advised that this transaction related to a CIL payment and that no penalties were incurred.
- 16.10a In response to a query from Councillor Field regarding interest received from CIFCO, the Assistant Director advised that this figure related to interest on figures loaned to CIFCO from the Council.
- 16.11a Councillor Matthissen commented on the risks involved with investing in CIFCO, and the existing investments in Companies using fossil fuels.
- 16.12a Councillor Eburne felt that more clarity was needed with regards to reporting of matters relating to CIFCO. The Assistant Director for Corporate

Resources advised that this would be taken into consideration when preparing the next report.

- 16.13a Councillor Richardson thanked the Officers involved in producing the report, and Councillor Muller for his comprehensive introduction.

By 17 votes for to 16, and 1 abstention.

**It was RESOLVED:-**

- 1.1 That the Treasury Management activity for the year 2019/20 be noted. Further, that it be noted that performance was in line with the Prudential Indicators set for 2019/20.**
- 1.2 That it be noted that Mid Suffolk District Council Treasury Management activity for 2019/20 was in accordance with the approved Treasury Management Strategy, and that, except for one occasion when the Council exceeded its daily bank account limit with Lloyds by 2129k, as mentioned in Appendix C, paragraph 4.6 of the report, the Council had complied with all the Treasury Management Indicators for this period.**

## **17 MC/20/5 OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN 2020/21**

- 17.1 Councillor Welham, Chair of the Overview and Scrutiny Committee introduced Paper MC/20/5 The Overview and Scrutiny Committee Workplan 2020/21 and informed Members that the Committee worked with Babergh Overview and Scrutiny Committee and that most meetings were joint.
- 17.2 The Committee would not meet in October and would be undertaking a review of the Representations on Outside Bodies at the Joint Overview and Scrutiny Committee in November.
- 17.3 Councillor Otton asked if the Overview and Scrutiny Committee would consider the increasing number of people, who had applied for Universal Credit and Councillor Welham responded that he would raise the issue at the next Overview and Scrutiny Joint Chairs' Briefing.
- 17.4 Councillor Whitehead enquired if the Overview and Scrutiny Committees intended to seek any feedback from Parish Councils when scrutinising Planning Enforcement.

**It was RESOLVED:-**

**That the Overview and Scrutiny Committee's Work Plan for 2020/21 be noted.**

## **18 MC/20/6 MSDC SHELTERED HOUSING SERVICE CHARGES FOR 2020/21**

- 18.1 The Chair invited Councillor Flatman, Cabinet Member for Communities and Housing, to introduce Paper MC/20/6.

- 18.2 Councillor Flatman clarified that the sheltered housing service charges had not be agreed at the Full Council Meeting in February 2020 due to a procedural error, which had not been legally resolved before the District went into lockdown due to the Covid-19 Pandemic. However, the Sheltered Housing Team felt that it was not reasonable to increase charges for 2020/2021 due to the reduced service currently provided.
- 18.3 Councillor Flatman **MOVED** the Recommendation in the report, which was **SECONDED** by Councillor Hadingham.
- 18.4 Councillor Eburne queried if the increase in service charge income included in this year's Budget would be brought forward to next year's budget and if it would be staggered, as it had been previous years.
- 18.5 The Tenant Services Corporate Manager responded that the Budget setting for next year would be brought to Council for approval at a later stage.
- 18.6 Members debated the issues including:
- That it was the right decision to take in the current circumstances.
  - Some felt that the decision taken in February had been wrong, and so now supported the recommendations not to increase the Sheltered Housing Service Charges.
  - That the Sheltered Housing Team had worked successfully under difficult circumstance during the past months.
  - That support to residents had been possible because carers had recognised themselves to provide a good service to residents and at the same time avoiding spreading the Covid-19 virus.
- 18.7 Councillor Flatman thanked the Sheltered Housing Team and all of the Housing Team and officers, who had done a fantastic job during the Covid-19 Pandemic for the Sheltered Housing Service. She also thanked all the officers across the Council, who had been redeployed to help with the work undertaken.
- 18.8 The Chair asked that this be noted, and that Members thanked the whole Housing Team for the service they had provided and that this was appreciated.
- 18.9 Several further thanks were expressed by Members during the remainder of this item.
- 18.10 Councillor Phillips supported the Sheltered Housing team but had been dismayed when he had been informed by some residents that single parents had been housed in sheltered housing during the Covid-19 lockdown. This had caused some concern for the elderly people already housed there, as visitors of those temporarily housed there, had not been appropriate.
- 18.11 The Tenant Services Corporate Manager responded that this option had only

been taken in a few cases.

18.12 The Chair advised that this question was responded to outside the meeting. However, Councillor Phillips reiterated his question, as he had raised this question to Officer previously.

18.13 Councillor Flatman responded that some sheltered housing was unoccupied and that during the Covid-19 Pandemic there had been an increase in the need for emergency temporary accommodation. The decision had been taken to place those in need in emergency accommodation, until more suitable accommodation could be found.

18.14 Councillor Eburne asked that responses to questions taken outside the meeting be forwarded to all Members. She also expressed her thanks to the team and hoped that the issues addressed at this meeting for the most vulnerable in the community be taken into account when the budget was set for next year.

By a unanimous vote

**It was RESOLVED: -**

**That MSDC Sheltered Housing service charges not be increased in 2020/21.**

## **19 MC/20/7 CHANGES TO THE CURRENT PLANNING SYSTEM CONSULTATION**

**NOTE: The meeting was adjourned between 8:02pm to 8:16pm**

19.1 The meeting had reached the guillotine deadline and the Chair asked for a proposer and seconder for the meeting to continue.

19.2 Councillor Morley **PROPOSED** that the meeting continued, which was **SECONDED** by Councillor Eburne.

**NOTE: Councillor Passmore left the meeting at 8:19pm**

By 31 votes to 1, 1 abstention

**It was RESOLVED: -**

**that the meeting continued beyond the guillotine deadline, until all business was concluded**

19.3 The Chair invited Councillor Burn, the Cabinet Member for Planning to introduce Paper MC/20/7.

19.4 Councillor Burn outlined the background for the report and drew Members' attention to Paragraph 1.3, which outlined the proposed four points to which

consultation was sought. The Council's responses to the Consultation were outlined in Appendix A. There had been a cross party discussion on the 10 September 2020, which had formulated the responses.

- 19.5 Councillor Burn stated that the cross-party discussion had expressed concerns for the method to assess housing need which would raise the need from 535 dwellings per year to 750 dwellings per year. This would have implications for the Joint Local Plan, Communities, rural landscaping developments and the five-year Housing Land Supply position.
- 19.6 Councillor Burn **PROPOSED** Recommendations 3.1 and 3.2 in the report, which was **SECONDED** by Councillor Brewster.
- 19.7 Councillor Eburne **PROPOSED** an amendment to Recommendation 3.2 that after 'the Cabinet Members for Planning' the wording '*and the Opposition spokesperson for Planning, Councillor Andrew Stringer*' be added.
- 19.8 Councillor Otton **SECONDED** the amendment.
- 19.9 Councillor Burn responded that Councillor Stringer was part of the cross-party discussions and he **APPROVED** that Councillor Stringer be part of the collaboration.
- 19.10 He continued that Councillor Arthey, Babergh Cabinet Member for Planning, would also be part of the collaborations, as this was a joint response to the consultations.
- 19.11 Councillor Geake queried the answer to question three in relation to the adjustment to the standard measure and why the response was 'yes'.
- 19.12 The Assistant Director for Sustainable Communities responded that the standard method was not part of the consultation, and that the 'yes' in the response could be removed and go straight into the narrative, which Councillor Geake appreciated.
- 19.13 Councillor Mansel queried the responses relating to First Homes which was to form part of the affordable mix in a development, and if there was scope for any concept of whether First Homes formed part to the affordable homes or not.
- 19.14 The Assistant Director – Sustainable Communities, responded that the principles of First Homes had been part of a Consultation, which had taken place earlier in the year and to which the Council did not provide a response to this consultation. The answers in the report were responses to questions being asked now.
- 19.15 In response to Councillor Mansel's question regarding the consultation for First Homes, the Assistant Director – Sustainable Communities responded he would respond to this and further questions relating to this outside the meeting.

- 19.16 Councillor Field questioned the maturity and stability of the document. He thought the document was not completely clear on some of the points, and that some of the estimates were highly volatile. He asked what level of revision would be made to the Document, which would potentially be agreed this evening.
- 19.17 The Assistant Director - Sustainable Communities pointed Members' attention to the final paragraph in answer four. He continued to detail for the ration for shared ownership and affordable homes.
- 19.18 Councillor Carter asked for the definition of first homes and if this included adapted homes too. He questioned if there were any protections for disabled first time buyers, as standard able bodied first home buyers were means tested.
- 19.19 The Assistant Director – Sustainable Communities responded that expansion on the specific technical definitions provided in the report could be responded to outside the meeting. However, as a general rule there were no specifications for what size a home for first time buyers would be.
- 19.20 In response to Councillor Scarff's question in relation to the raise of the small site threshold from 40 to 50 dwellings and if the responses were strong enough to convey the Council's concerns. Councillor Burn responded that he was not averse to amend part of the responses in this was expressed by Members during the debate.
- 19.21 In response to Councillor Warboy's question for the first part of the consultation, the standard method and the proposed method factor, the Assistant Director – Sustainable Communities explained the algorithm and the methods. Responses to 1 to 7 evaluated if affordability was an appropriate way to adjust this. This was something the collaborations of Members and the Assistant Director – Sustainable Communities could consider. However, the housing targets were set by the Government and it was not possible to add local information.
- 19.22 Councillor Field queried question 13 and why first homes was media priced homes rather than lower quartile homes. To which the Assistant Director responded that some first-time buyers might be considering buying larger homes.
- 19.23 Members then debated the issues including:
- The issues around planning applications and outline planning applications in relation to developers' approach to affordable housing.
  - That affordable homes development could decrease if the planning system was changed.
  - That the affordability ration in question 3 did not work due to the way homes were being sold and that there was a risk that the Council's Five-year Housing Land Supply could be at risk, if the planning

system changed.

- That some Members were concerned that the changes in the planning system were a delivery vehicle for the upcoming white paper.
- That the changes did not consider biodiversity and carbon reduction.
- That the environmental implications could not be mitigated as suggested in paragraph 11.1 of the report.

**NOTE: Councillor Carter left the meeting at 9:04pm**

- That a robust response was required for the algorithms and that the document needed a careful quality assurance to ensure the Council's points were expressed in clear English.
- That the objections in responses 16 and 17 should be extremely clear.
- Some felt that the whole thrust of First Homes was to increase planning applications, which increased land value and profits for development companies.
- That further incentives should be made available to encourage the building of homes for social rental, which would stabilise house prices. For some a first home would be the only home they would ever own and for many this would be a council house.

19.24 Councillor Burn summed up the debate and that some questions asked during the debate were not questions asked in the Consultations. Many of the points made were specifically related to Mid Suffolk, though he shared Members' concern. However, the proposed responses would be reviewed, and he would ensure that the responses made would reflect the concerns made during the debate. He thanked both Mid Suffolk and Babergh Members of the Working Group for the work undertaken in the report.

19.25 The **SUBSTANTIVE MOTION** was put to Members for Voting and the votes was **UNANIMOUS**.

It was **RESOLVED: -**

**1.1 To respond to the 'Changes to the Planning System' consultation.**

**1.2 That the Assistant Director for Sustainable Communities in collaboration with the Cabinet Members for Planning and the Green and Liberal Democrat Groups' Spokesperson for Planning consider any proposed amendments to the suggested response and be authorised to make amendments before submitting a response to the Government.**

## **20 WHITE PAPER: PLANNING FOR THE FUTURE**

20.1 The Chair invited Councillor Burn, the Cabinet Member for Planning to introduce Item 20 on the Agenda.

20.2 Councillor Burn provided Members with an overview of the White Paper: *Planning for the Future being consulted on by the Government*.

- 20.3 Councillor Burn advised that the recommendation was included in the Tabled Papers and that an accompanying report had not been prepared for this item due to time constraints. It was therefore recommended that authority be delegated to the Assistant Director for Sustainable Communities to prepare a response.
- 20.4 Councillor Burn **PROPOSED** the recommendation as detailed in the Tabled Papers under Item 20, which was **SECONDED** by Councillor Guthrie.
- 20.5 In response to Councillor Warboy's question, Councillor Burn would be happy to receive any Member comments for discussion, as soon as possible.
- 20.6 Councillor Otton asked if the Council would be looking at responses from other organisations such as the LGA, to which Councillor Burn replied that the working group would be considering those and other groups and organisations responses.
- 20.7 Councillor Eburne asked that the Working Group met as soon as possible.
- 20.8 She continued with stating that there was a contradiction in the consultation between the support for the Neighbourhood Plan and the concerns that local government and Members were getting too involved in developments. She was concerned about 'zoning of protected areas' which referred to green belts which did not exist in Mid Suffolk.
- 20.9 Councillor Burn advised that he respond to this outside the meeting.
- 20.10 Councillor Geake asked what problems the paper was trying to solve, as there was a surplus of houses, which were of the wrong type, location and purpose, but a shortage of housing. As there were no shortage of planning permissions, she thought that the issues were that Councils should buy up 'hoarded' houses and turn them around for social housing, which would help first time buyers mentioned earlier to save up for a deposit for a house.
- 20.11 Members debated the issues including:
- That Members were content with the Working Group, and that the response would have to be well planned and within the five-weeks' timescale.
  - That the White Paper was created before the Pandemic and that it would be difficult to predict what the post pandemic world would be like and that there might be extensive empty commercial properties in town centres, which might be repopulated for private dwellings.
  - That the housing being proposed had a locally led planning system which should include and support infrastructure, schools, and promote greener and active travel and take into account the Government and the Councils commitment to the climate emergency.
- 20.12 Councillor Burn summed up the debate and thanked Members for the comments and suggestions put forward, which would be considered, when responding to the paper.

20.13 The recommendation was put to Members for voting and the vote was **UNANIMIOUS.**

**It was RESOLVED: -**

**That authority be delegated to the Assistant Director for Sustainable Communities to submit a response to the consultation on the White Paper: Planning for the Future on behalf of the Council, in consultation with the Cabinet Member for Planning and the same cross-party group that considered the changes to the current planning system consultation.**

The business of the meeting was concluded at 9.36 pm.

.....  
Chair

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**MC/20/11**

## **MID SUFFOLK DISTRICT COUNCIL - 26 NOVEMBER 2020**

### **CHAIRMAN'S ANNOUNCEMENTS**

<b>EVENT</b>	<b>LOCATION</b>	<b>DATE</b>	<b>CHAIRMAN</b>	<b>VICE CHAIR</b>
<b>OCTOBER 2020</b>				
<b>Staff Long Service Awards</b>	<b>Virtual Presentation</b>	<b>08-Oct</b>	<b>✓</b>	
<b>NOVEMBER 2020</b>				
<b>Remembrance Service: The Pan-African Ahmadiyya Muslim Association UK</b>	<b>Virtual Service</b>	<b>06-Nov</b>	<b>✓</b>	
<b>Stowmarket Remembrance Service and Wreath laying ceremony</b>	<b>Stowmarket War Memorial</b>	<b>08-Nov</b>	<b>✓</b>	

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# Agenda Item 9

## MID SUFFOLK DISTRICT COUNCIL

<b>TO: COUNCIL</b>	<b>REPORT NUMBER: MC/20/12</b>
<b>FROM: Chair of the Overview and Scrutiny Committee</b>	<b>DATE OF MEETING: 26 November 2020</b>

### **OVERVIEW & SCRUTINY COMMITTEE REPORT TO MID SUFFOLK COUNCIL 26 November 2020**

The Joint Overview & Scrutiny Committee met on 4 and 21 September 2020 and considered the following items:

#### **FUTURE DELIVERY MODEL FOR PUBLIC REALM**

The Assistant Director – Environment and Commercial Partnerships provided a summary of the background for the Public Realm provision and presented a report which outlined the differences between the present delivery of Public Realm Service to the two districts. The current contract arrangements in Babergh are due to expire in October 2021 with no option to extend further. If new contract arrangements are to be developed, a large body of urgent work needs to commence very soon.

The Assistant Director explained that four different options for future delivery had been considered:

- Continue as at present with an outsourced service in Babergh and in-house in Mid Suffolk
- Bring the services together as a single in-house operation
- Outsource the service to both districts
- Establish a wholly owned trading company (LATCo) to deliver services to both councils

Members discussed the way that the service is delivered in Babergh via a contractor and the in-house delivery of the service in Mid Suffolk. Across the two districts, the service covers the following:

- Countryside, including grounds maintenance and emptying litter bins
- Amenity areas, parks and open spaces
- Street scene, including litter picking, fly tipping and mechanical sweeping
- A14 litter picking under a partnership agreement
- Playgrounds
- Public conveniences
- Car parks – grounds maintenance and cleansing only

Members discussed the quality of service provided to the separate councils. Mid Suffolk members spoke highly of the service delivery by the in-house team; some areas where improvements could be made if an in-house team covering both districts was the adopted option were identified. For instance, purchase of specialised equipment and providing a broader in-house arboricultural service would be cost-effective.

Babergh Members spoke highly of some aspects of the service provided by the contractor; however, flexibility and responsiveness is more readily achieved with an in-house service.

It was recognised that Mid Suffolk already own much of the equipment needed to deliver the service in their district and a depot at Stowmarket. Babergh would need to acquire some equipment, and other equipment could be acquired jointly for use across both districts. Capital investment in a depot from which to deliver the Babergh service would need to be considered. Contractor's staff providing the service in Babergh would need to be transferred.

Members expressed concerns that there was currently no set of Key Performance Indicators (KPIs) to enable the efficiency and effectiveness of the service to be measured and asked that a set of KPIs be established for delivery of the service.

Members considered a tabulated assessment of the four options and agreed with the Assistant Director's recommendation that option 2 – joint in-house service delivery – be the preferred option. Members felt that in the longer term, option 4 – a wholly owned trading company to deliver the services to both districts - might be worthy of consideration.

**The Joint Committee resolved: -**

- 1. That the Joint Overview and Scrutiny Committee thanked the Assistant Director for Environment and Commercial Partnership and Consultants for the detailed report and recommended to Cabinet that the Committee endorses Option 2 as the preferred option.**
- 2. That further work be undertaken in respect of developing the KPIs and contract management.**
- 3. That Option 4 (LATCO) be retained as an option for future consideration by both Councils.**

**SCRUTINY AND FIRST REVIEW OF THE BABERGH AND MID SUFFOLK HOUSING DELIVERY TEST ACTION PLANS (SEPARATE DOCUMENTS)**

Christine Thurlow, Professional Lead - Key Sites and Infrastructure introduced the report and explained that the Housing Delivery Test Action Plan had been introduced by Government. Both Councils were to review the Action Plans in early 2020, however due to the Covid-19 Pandemic lockdown period this had been delayed. It is mandatory for any Planning Authority without a 5-year housing land supply to produce an Action Plan. Both Councils now have a 5-year supply, but it is nevertheless considered beneficial to produce an Action Plan.

Members considered the report and officers responded to a number of general points and ward-related queries. The joint committee commended officers on the report and agreed that progress had been made. Developers had their reasons for not bringing sites forward to be developed, often to maintain a steady flow of properties for sale and to avoid flooding the market with properties of the same size and asking price. The Government White Paper would not be able to prevent this.

Members praised the methods used to analyse the data collected and the way the Action Plans were set out. Although no longer mandatory, there is a clear benefit to having an Action Plan. However, it was difficult to see how the Committee could make specific recommendations.

**The Joint Committee resolved:**

**That the contents of this report and appendices together with verbal contributions at the Overview and Scrutiny Committee be noted and taken forward as part of the HDT Action Plan review (for both Councils) so that new HDTAPs produced for 2021 are informed in part by this scrutiny process.**

**ANNUAL REVIEW OF THE JOINT HOMES AND HOUSING STRATEGY AND HOMELESSNESS REDUCTION AND ROUGH SLEEPING REDUCTION STRATEGY, 2019-2024**

These two separate strategies were adopted by both councils in March 2019 and cover the period 2019-2024.

The Homes and Housing Strategy sets out the councils' vision 'for residents to live in affordable and high-quality homes that enable them to build settled, safe and healthy lives, within sustainable and thriving communities. As part of that Strategy, the councils also adopted a Homelessness and Rough Sleeping Strategy. When adopting the strategies, a commitment was made to report to Overview and scrutiny for an annual review and update to members.

The joint committee received a presentation from Heather Tucker, Corporate Manager – Housing Solutions who explained that the strategies had nine specific strategic aims and from these 93 action points had been identified. Delivery of the strategies is overseen by a project board made up of managers and senior officers from across the councils.

Following the outbreak of the coronavirus pandemic, officers were presented with an unexpected challenge. There had been an increase in people staying with friends and family (Sofa Surfers) or living with elderly relatives in the beginning of the year and who had been asked to leave as a result of the pandemic. This had created a high number of rough sleepers in the area and had increased the need for single accommodation. This challenge was met, and all rough sleepers and homeless people were accommodated very quickly. The Government will cover support costs and the councils have applied for additional funding from Central Government to enable further support for this group.

In response to concerns regarding evictions, the Corporate Manager responded that the eviction ban ended on 20 September 2020. The legislation was complicated and, in preparation, the team had worked with any known cases of impending evictions. The team was actively engaging with the individuals and had been successful to date, but there might be further unidentified cases. Private landlords were not able to share tenant information with the councils and may therefore not inform the councils if their tenants were at risk of being evicted. Both councils had made commitments not to evict any of their own tenants during the Covid-10 Pandemic.

Although the officer's report covered a wide range of housing services, much of the debate focussed on the councils' response to the pandemic. The committee praised the housing teams for their commitment and innovative approach when dealing with the many challenges presented by the coronavirus pandemic.

**The Joint Committee resolved:**

- 1 That Members had reviewed and noted the contents of this report and appendices, along with verbal contributions.**
- 2 That Members thanked the officers for the report, presentation and the work conducted, especially at the commencement of Covid-19 Pandemic restrictions and the innovative approach to the work undertaken.**
- 3 That the Joint Overview and Scrutiny Committee recognise the importance of these strategies and stresses that housing continues to be recognised by Cabinets and Council as primary functions.**

**BMSDC INDEPENDENT LIVING SERVICE - A NEW MODEL FOR DISABLED FACILITIES GRANTS**

The committee considered a report in confidential session, as detailed in the Local Government Act, 1972. This was in the public interest as it contained Sensitive and Confidential Information.

The joint committee, having previously examined this subject over the last two years and after careful consideration of the proposal, were pleased to support the Officer recommendation and sent our own recommendation to Cabinets.

**It was RESOLVED: -**

**That the Joint Overview and Scrutiny Committee recommends to Cabinet that the Committee endorses Option 3, and the recommendations listed in Appendix 3.**

Councillor Keith Welham  
Chair of the MSDC Overview and Scrutiny Committee  
26th November 2020

# Agenda Item 10a

## MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Council	<b>REPORT NUMBER:</b> <b>MC/20/13</b>
<b>FROM:</b> Licensing and Regulatory Committee	<b>DATE OF MEETING:</b> 26 November 2020
<b>OFFICER:</b> Emma Richbell – Assistant Manager – Food Safety and Licensing Kay Sanders – Licensing Officer	<b>KEY DECISION REF NO.</b> N/A

### LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY STATUTORY FIVE-YEARLY ADOPTION

#### 1. PURPOSE OF REPORT

- 1.1 To ask Council to adopt the amended 'Statement of Licensing Policy' under the Licensing Act 2003 ('the Act').

#### 2. OPTIONS CONSIDERED

- 2.1 Not applicable, Statutory consultation and re-adoption of a policy document.

<b>3. RECOMMENDATION</b>
3.1 That the draft revision Licensing Act 2003 'Statement of Licensing Policy' document as attached as Appendix A to this report be adopted, for publication and to take effect for five years (unless sooner revised) from 7 January 2021.
<b>REASON FOR DECISION</b>
Statutory requirement to review and readopt the Council's Licensing Policy.

#### 4. KEY INFORMATION

- 4.1 The Licensing and Regulatory Committee considered this matter on 2 October 2020, in report MLR/20/2 and determined to recommend to Council that the amended 'Statement of Policy' be adopted.
- 4.2 As the matter is reserved for the Council of each Licensing Authority, the Council must resolve whether to adopt the 'Statement of Licensing Policy' version as attached as **Appendix A**, which sets out how the Council will exercise its functions under the Act.
- 4.3 Section 5 of The Licensing Act 2003 (the Act) requires that each Licensing Authority shall determine and publish a local 'Statement of Licensing Policy' relating to the discharge of its licensing functions under the Act. The latest review requires the revised document to be adopted and to take effect from 7 January 2021. The 'Statement of Licensing Policy' will be applied alongside the legislation and guidance published by the Home Office (which in itself may be revised from time to time).

- 4.4 The decision to adopt the 'Statement of Licensing Policy' may only be taken by the Council and cannot be delegated to the Licensing and Regulatory Committee.

## **5. LINKS TO JOINT CORPORATE PLAN**

- 5.1 The Council's Licensing 'Statement of Licensing Policy' is the overarching set of principles which guide the Council in carrying out its Licensing Act functions. The policy assists in supporting businesses with regulatory compliance and also supports some of the wider social community aspects of the Licensing Act function.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 This is a statutory function. The Licensing Team has to date undertaken the necessary preparatory and consultation work within existing resources.
- 6.2 In general terms the legislation aims to secure full cost-recovery of administering Licensing Act 2003 functions through fees payable for licence applications and ongoing maintenance. The fee banding system and fee levels are currently set by Central Government via Regulation (as they have been, unchanged, since 2005). The previous government had decided in early 2015 to not activate the provisions of the Police Reform and Social Responsibility Act 2011 - section 121 of which would devolve fee setting to local licensing authorities.

## **7. LEGAL IMPLICATIONS/RISK MANAGEMENT**

- 7.1 This report is most closely linked with the Council's Significant Business Risk No. 14 – Councils may be perceived to be untrustworthy and have a poor reputation. Operational risks 2A03 & 2A04 – If licensing functions are not delivered within prescribed framework/local policy/timeframe, then businesses will be impacted, and reputational harm/appeal likelihood will increase incurring financial loss.

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation Measures</b>
Failure to review, revise and re-consult upon the policy will result in legal challenge to Council decisions under the 2003 Act (including potentially by Judicial Review)	3 – Probable	3 - Severe	Review, revise and re-consult on the Statement of Licensing Policy in accordance with the requirements of the Act, Regulations & Statutory Guidance

- 7.2 The risks that inherently apply to the Licensing Authority when carrying out its Licensing Act 2003 functions relate to promotion of the licensing objectives, which are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

## **8. CONSULTATIONS**

- 8.1 This will be the fifth edition of the Council's 'Statement of Policy' under the Licensing Act 2003. The Licensing Team has the necessary experience, stakeholder contacts and networking in place to ensure that a wide and balanced consultation has taken place. The consultation took place over a period of four weeks, through various channels/media.

## **9. EQUALITY ANALYSIS**

- 9.1 There are no equality implications arising directly from this report. This is a statutory revision to an existing policy. The Council recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and has had due regard to any comments received during the policy consultation on equality issues.

## **10. ENVIRONMENTAL IMPLICATIONS**

- 10.1 There are no direct Environmental Implications arising from this report.

## **11. APPENDICES**

Title	Location
(a) Statement of Licensing Policy (2019-2022) - DRAFT	Attached

## **12. BACKGROUND DOCUMENTS**

- 12.1 [Report MLR/20/2](#)
- 12.2 Licensing Act 2003
- 12.3 Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003

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Mid Suffolk District Council

# Licensing Act 2003

## Statement of Licensing Policy

**2020 REVISION – PRE CONSULTATION**

RED = pre-consultation draft revisions



5th EDITION: Adopted by Council on XXXXXXX

# **MID SUFFOLK DISTRICT COUNCIL**

## **LICENSING ACT 2003: Statement of Licensing Policy**

<b>CONTENTS</b>	<b>Page</b>
<ul style="list-style-type: none"> <li>○ <b>Introduction</b></li> <li>○ <b>The Mid Suffolk District</b></li> <li>○ <b>The Role of the Licensing Authority in the decision making process</b></li> </ul>	3-5
1. Licensing Objectives	6
2. Purpose of the Statement of Licensing Policy	7
3. Other legislation, strategies and guidance	7
4. Relationship with Planning Process	9
5. Cumulative Impact and Early Morning Alcohol Restriction Orders (EMROs)	9
6. Licensing Hours	11
7. Relevant Representations	12
8. Administration, Exercise and Delegation of Functions	13
9. Hearings	13
10. Conditions	14
11. Appeals	15
12. Enforcement	16
13. Closure Orders/Notices	17
14. Addressing the Licensing Objectives (the four objectives)	18
15. Personal Licences	24
16. Applications for Premises Licences	25
17. Club Premises Certificates	26
18. Temporary Event Notices (TENs)	26
19. Provisional Statements	27
20. Variations of Licences	27
21. Transfer of Premises Licences	28
22. Reviews	28

# MID SUFFOLK DISTRICT COUNCIL

## Licensing Act 2003 Statement of Licensing Policy (~~Fourth~~ Fifth Edition)

### INTRODUCTION

The Licensing Act 2003 became fully implemented on 24 November 2005, and brought about the single biggest change to the licensing arrangements for many types of leisure premises in 40 years. The legislation has been amended several times since 2005. Licensing legislation and national statutory guidance continue to evolve, be tested by the Courts and be amended.

The Act integrated six separate licensing regimes covering the sale and supply of alcohol, the provision of regulated entertainment, the provision of late night hot food or drink (between the hours of 11pm and 5am), night café, theatres and cinemas.

This document is the ~~fourth~~ fifth version of the local 'Statement of Licensing Policy' for Mid Suffolk District Council. Revisions endeavour to incorporate the Authority's practical experience of the legislation to date, law updates, feedback from all relevant stakeholders and achieve greater integration with its other functions and local priorities since the last revision in ~~2014~~ 2015. This version of the policy endeavours to strike the right balance between supporting growth and diversification, in all licensed sectors, with proportionate controls and protections which are appropriate to promote the licensing objectives. It is in everybody's interests for leisure businesses and events to be well managed, successful and sustainable.

The Licensing Authority recognises that it is not always straightforward to reach decisions that satisfy all parties, but the Authority shall always endeavour to carefully balance the interests of owners, employees, customers and neighbours of licensable premises, and will remain focused on the promotion of the four licensing objectives, which are:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm



# THE MID SUFFOLK DISTRICT



Mid Suffolk District Council is based in the heart of East Anglia within the County of Suffolk, providing a wide range of services for local people. It has attractive market towns, beautiful villages and a laid-back lifestyle that the rest of the country can only dream of.

Mid Suffolk lies in the heart of the Suffolk Countryside, to the north west of Ipswich. The District covers an area of ~~87,000~~ 87,107 hectares, with a population of approximately ~~98,000~~ 102,500. There are 123 parishes, ~~which is the most of any district in Suffolk~~, and that gives people a sense of community and place. Village life involves a strong sense of community, which in an area as rural as Mid Suffolk is essential.

There are three market towns, (Stowmarket, Needham Market and Eye) but the majority of the population lives in the 123 parishes. These communities are long established, many with listed buildings, fine trees and open spaces.

Mid Suffolk not only offers a place for residents to enjoy and relax, ~~we are it is~~ also a good location for commuters to London with the station at Stowmarket and ~~we also have~~ connections to the west of the country. The road links of the A14 and A12 make our district accessible, yet far away enough to preserve the tranquil nature that our residents ~~like~~ enjoy.

As a result of recent economic pressures many licensed premises in the district are seeking to diversify and offer more flexibility and greater choice to the consumer. Many traditional public houses now offer both food and entertainment to improve their economic viability, and many village halls and community facilities are seeking additional flexibility in their relevant licences in order to provide their local communities with a greater choice in how to spend their leisure time.

The Licensing Act 2003 catches 'any premises' involved in providing licensable activities, and Mid Suffolk District Council have issued licences to a broad variety of different types of premises, including:

- Pubs, commercial clubs, restaurants, hotels, guest houses
- Private members' clubs
- Shops, supermarkets, off-licences, breweries, farm shops, village tearooms
- Village halls, community facilities, schools, sports clubs
- Mobile late night fast food vans, florists, garages
- Festivals, concerts, street fairs, bonfire parties, agricultural shows, fairs
- Takeaways (serving hot food or drink between 11pm and 5am)
- Local Authority public open spaces

~~As of November 2015~~ At the time of writing Mid Suffolk District Council has on issue ~~364~~ 417 premises licences, ~~49~~ 51 club premises certificates, ~~984~~ 1170 personal licences and authorises approximately ~~500~~ 400 Temporary Event Notices per annum. Since 2005 the Licensing Authority has arranged in excess of 100 licensing hearings to determine contested applications, and helped facilitate mediated agreements for many more.

## THE ROLE OF THE LICENSING AUTHORITY IN THE DECISION MAKING PROCESS

It is important for any person reading this Statement of Licensing Policy to note that the Licensing Authority's decision making role, referred to throughout this Statement of Licensing Policy, is only engaged following a relevant representation/objection being lodged in respect of an application, and where that representation or objection is not withdrawn. From 2012 the power to raise representations was extended to Licensing Authorities in their own right. The relevant application would then ordinarily be heard by a sub-committee of the Council's Licensing Act 2003 Committee (as the statutory Licensing Committee). However it should also be noted that, in contrast, the process and determination in respect of minor variations and community premises mandatory conditions alternative are exceptions to these usual arrangements, as referred to later in this document.

The Licensing Act 2003 provides discretion for the Licensing Authority to facilitate a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so, the Licensing Authority will be mindful of the legislative framework and any relevant government guidance.

In cases where a premises licence application or club premises certificate has been lawfully made, and no responsible authority or other person has made a representation, the Licensing Authority must grant the application on the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act. This should be undertaken as an administrative process by the Licensing Authority's officers who will translate the proposals contained within the operating schedule to promote the licensing objectives into clear and understandable conditions. As referred to above, there are different arrangements in place for some minor processes under the Act.

It is the intention of the Licensing Authority to work closely and collaboratively with licensees and their representatives, responsible authorities, local communities, other persons and partner agencies in order to promote the licensing objectives and minimise the burden on all involved to ensure that as far as possible the licensing arrangements work satisfactorily and successfully.

# STATEMENT OF LICENSING POLICY (4<sup>th</sup>-5<sup>th</sup> Edition)

This policy was adopted by the Council on **DATE** and is effective from **DATE** until revised (whether under statutory or voluntary arrangements)

## 1. Licensing Objectives

- 1.1 This policy must be read in conjunction with the Licensing Act 2003 (the Act), secondary legislation and the Guidance issued under s.182 of the Licensing Act 2003 (the Guidance).
- 1.2 Where revisions are made to the legislation or Guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with such revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, Guidance and its own Statement of Licensing Policy.
- 1.3 In preparing this Statement of Licensing Policy the Licensing Authority has consulted in accordance with the requirements of the Act, and has had due regard to the Guidance. For details of the consultation see the Minutes of the Licensing Act 2003 Committee meeting held on **DATE**.
- 1.4 The Licensing Authority recognises that balancing the interests of owners, employees, customers and neighbours of licensable premises will not always be straightforward, but it will always be guided by the four licensing objectives of the Act, which are :
  - a) the prevention of crime and disorder;
  - b) the prevention of public nuisance;
  - c) public safety; and
  - d) the protection of children from harm

The Licensing Authority's general approach to addressing these four licensing objectives is set out in section 14 of this Statement of Licensing Policy.

- 1.5 In exercising its licensing functions, once its discretion is engaged, the Licensing Authority will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the locality of the licensed premises, and steps which are appropriate to promote the licensing objectives.
- 1.6 The area impacted by the presence of licensed premises is a question of fact and will depend on the particular circumstances of each case.
- 1.7 The aims of this Statement of Licensing Policy include:
  - a) Helping to encourage and support strong and inclusive communities that balance the rights of licensable businesses and event organisers, customers and local residents/businesses; and
  - b) Integrating the Licensing Authority's aims and objectives with other strategic local priorities, initiatives and strategies that will help to:
    - reduce crime and disorder, and the fear of crime;
    - encourage tourism, economic growth and cultural diversity;
    - reduce alcohol misuse and contribute towards the better health and wellbeing of persons in our communities ;
    - encourage the self sufficiency of local communities; and

- reduce the burden of regulation on business through collaboration, transparency and accessibility.

1.8 This Statement of Licensing Policy does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits, where the Licensing Authority's discretion has been engaged. It does not seek to override the right of any person to make representations on or about an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

1.9 The licensing process can only seek to control those measures within the control of the licensee or certificate holder (and their staff/agents). Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it a cure-all for community problems. If a licence holder has taken all appropriate steps to promote the licensing objectives whilst carrying on authorised licensable activities, and there is no causal link established between problem issues in the locality and a specific premises then it is unlikely that licensing processes are the mechanism to address them.

## **2. Purpose of the Statement of Licensing Policy**

2.1 The purpose of this Statement of Licensing Policy is to:

- inform the elected councillors serving on the Licensing and Regulatory Committee of the parameters within which licensing decisions can be made;
- inform applicants, responsible authorities, residents and businesses of the parameters within which the Licensing Authority will make licensing decisions;
- ~~• inform residents and businesses about how the Licensing Authority will make licensing decisions; and~~
- provide a basis for decisions made by the Licensing Authority if these decisions are challenged in a court of law.

2.2 This policy relates to the following licensable activities as defined by the Act:

- Retail sale of alcohol;
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- Provision of regulated entertainment, which generally includes music, film, plays, indoor sporting events, boxing or wrestling, dance and similar activities. It should be noted that some entertainment activities may be subject to full or limited exemption in particular circumstances; and
- Provision of late night refreshment

2.3 It should be noted that some previous licensable activities, and locations, are now deregulated (whether fully or partially) via amendments made to the 2003 Act. Further information on these is available from [www.gov.uk](http://www.gov.uk). Whether activities/locations may be entitled to benefit from an exemption or de-regulation would be assessed on a case-by-case basis.

2.4 In some cases additional licences for entertainment may be required under separate legislation, for example sexual entertainment venues may also require a licence under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or the venue may also require Performing Rights Society (PRS) or other permissions.

## **3. Other legislation, strategies and guidance**

3.1 When carrying out its functions the Local Authority has duties, responsibilities and considerations under other legislation and strategies, for example:

- (a) Crime and Disorder Act 1998 (in particular obligations under section 17 relating to the prevention of crime and disorder);
- (b) The European Convention on Human Rights, given effect by the Human Rights Act 1998; (subject to change 1<sup>st</sup> January 2021)
- ~~(c) Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000);~~
- (c) Anti-Social Behaviour, Crime and Policing Act 2014 (in particular powers available under section 80 relating to the closure of premises on the grounds of crime, disorder or nuisance);
- (d) Environmental Protection Act 1990 (as amended) (in particular investigation of, and any enforcement action in relation to, statutory nuisances – including by noise, light or odour);
- (e) Health and Safety at Work etc Act 1974;
- (f) Noise Act 1996 (as amended);
- (g) Health Act 2006;
- (h) Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issued fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am);
- (i) Policing and Crime Act 2009
- (j) Policing and Crime Act 2017 (giving the Licensing Authority powers to suspend a Personal Licence).
- (k) The Council's published procedure for dealing with petitions and its obligations under the Local Democracy, Economic Development and Construction Act 2009;
- (l) Equality and diversity obligations; (Equality Act 2010 and The Immigration Act 2016)
- (m) European Union Services Directive.
- (n) Regulators Code under the Legislative and Regulatory Reform Act 2006
- (o) The Legislative Reform (Entertainment Licensing) Order 2014
- (p) The Deregulation Act 2015

- 3.2 Premises operators/responsible persons within a business or activity are normally responsible for compliance with any other separate statutory requirements which may apply, not dealt with directly by the Local Authority, for example compliance with the Regulatory Reform (Fire Safety) Order 2005.
- 3.3 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties on the premises licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that tailored and proportionate conditions may be attached to a licence.
- 3.4 Other Local Authority and Central Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them.
- 3.5 For example, the Licensing Authority will liaise closely with the local Police/PCSOs and/or Community Safety/Locality Officers to ensure that the Local Authority can develop effective strategies that take full account of any local crime and disorder issues.
- 3.6 It is the Local Authority's intention that it will, through its officers and councillors monitor how these matters, set out in 3.4 above, impact on the Authority's licensing and other functions, in order that it may seek to co-ordinate and integrate its licensing function with other relevant strategies.

- 3.7 The Local Authority may, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments which add value to our communities and the local economy.
- 3.8 In respect of cultural strategies the Licensing Authority will, for example through consultation with local Communities/Locality officers, consider whether the provision of cultural activities and entertainments is being deterred by local licensing requirements, whether by the Licensing Authority directly or other responsible authorities. Where there is any indication that this is the case, the Licensing Authority may consider investigating how the situation might be reversed, and may if necessary in the light of such investigations consider a revision to the Statement of Licensing Policy.
- 3.9 Where it considers it appropriate to do so, and in order to seek proper integration of the licensing function, the Licensing Authority may directly or indirectly provide periodic reports to the Planning Authority on the general situation regarding licensed premises in the area, which may include reference to the impact of alcohol related crime and disorder. Reports and intelligence may also be shared with Economic Development officers in relation to growth, regeneration and local skills and employment matters.

#### **4. Relationship with Planning Process**

- 4.1 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.
- 4.2 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.
- 4.3 The Licensing Authority wishes to emphasise that the granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 4.4 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. However liaison will be undertaken between functions to provide a joined-up approach for service users, wherever possible.
- 4.5 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, and will not normally impose licensing conditions where the same or similar conditions have been imposed on a planning consent.
- 4.6 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 4.7 Where as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law.

#### **5. Cumulative Impact and Early Morning Alcohol Restriction Orders (EMROs)**

- 5.1 The Licensing Authority recognises that the cumulative effect of licensed premises may have negative consequences which could include:
- an increase in crime against both property and persons;
  - an increase in noise causing disturbance to residents;
  - traffic congestion and/or parking difficulties; and
  - an increase in littering and fouling,
- and that enforcement action taken to ensure that conditions are complied with may not always resolve any problems experienced in the vicinity of licensed premises.
- 5.2 Licensing is only one means of addressing the problems identified above, and cannot in isolation provide a solution to many of the problems that may be experienced. Other mechanisms to address problems could include:
- Planning controls;
  - Powers of Local Authorities or Police to designate parts of the Local Authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas;
  - Police and Local Authority powers to close down premises or temporary events for up to 48 hours on the grounds of preventing crime, disorder or nuisance;
  - Prosecution of personal licence holders who sell alcohol to people who are drunk or underage;
  - Police and Local Authority powers under the Anti-Social Behaviour, Crime and Policing Act 2014;
  - Powers available to responsible authorities under the provisions of the Policing and Crime Act 2009 or Violent Crime Reduction Act 2006.
- 5.3 Where the Licensing Authority is satisfied that there is evidence of a disproportionate detrimental effect on neighbouring businesses and residents and the operation of a number of premises in a defined area has the effect of undermining the licensing objectives, a special policy may be developed. Such a policy would ordinarily address the impact of a concentration of licensed premises selling alcohol for consumption on the premises, as it would not normally be justifiable to adopt such a policy on the basis of a concentration of shops, stores and supermarkets selling alcohol for consumption off the premises.
- 5.4 When setting such a policy, the Licensing Authority shall have due regard to the Guidance, and will follow the consultation, adoption and review procedures applicable to the process.
- 5.5 No special policy adopted for a specific area will be absolute, each application shall be considered individually on its own merits.
- 5.6 Whilst no part of the district is at the time of this policy revision subject to any Early Morning Alcohol Restriction Order (EMRO), the Licensing Authority is aware of the power conferred on it as set out in sections 172A to 172E of the 2003 Act to make, vary or revoke an EMRO. The exercise of the licensing authority's functions may be delegated by its committee to a sub-committee, other than the decision to make, vary or revoke an EMRO (which is exercised by full council). This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 5.7 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

- 5.8 Before the Licensing Authority would make a determination to recommend to full council that it makes a proposed EMRO, it will satisfy itself that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable the Licensing Authority to draw upon its experience from other licensing decisions it makes under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority would consider evidence from partners, including from responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 5.9 If at any point in time the licensing authority already has a Cumulative Impact Policy (CIP) in its Statement of Licensing Policy it will consider the relationship between the CIP and proposed EMRO area, and the potential overall impact on its local licensing policy.

## **6. Licensing Hours**

- 6.1 The Licensing Authority, through the exercise of its licensing functions once its discretion is engaged, shall not seek to restrict the trading hours of any particular premises unless considered appropriate and proportionate to promote one or more of the licensing objectives. Each application will be considered individually on its own merits.
- 6.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours. A possible example of an occasion when a limitation could be considered would be following Police representations that a shop was known to be a focal point for crime and disorder due to groups congregating there.
- 6.3 The Licensing Authority recognises that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol, in a well-managed environment, can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce friction and congregations at late night fast food outlets, taxi ranks and other areas which can lead to crime, disorder and disturbance.
- 6.4 The Licensing Authority also acknowledges that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for business growth and diversification, investment and employment locally and attractive to domestic and international tourists.
- 6.5 The Licensing Authority will however, where its discretion is engaged, always carefully balance the considerations in 6.3 and 6.4 above against its duty to promote the licensing objectives and protect the rights of local residents and businesses impacted by licensed premises.
- 6.6 The Licensing Authority will consider each application individually on its merits, once its discretion is engaged, and notes the Government's guidance that there is no general presumption in favour of lengthening licensing hours and that the four licensing objectives should be paramount considerations at all times. Where there are relevant representations against an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 6.7 Irrespective of the hours of operation granted for a premises under any licence under the Act, the premises operators should ensure that they comply with any limitation on hours imposed under any other relevant legislation in force - for example planning law, Sunday Trading Act 1994 or Christmas Day (Trading) Act 2004.

## **7. Relevant Representations**

7.1 A relevant representation is one that is made in writing and:

- is about the likely effect of the licence on the promotion of the licensing objectives (for new applications representations may be probative/speculative and it will be for the Licensing Authority in each case to determine what weight to attach to representations and any supporting evidence) ;
- has been made by a responsible authority, other person or elected councillor, as defined by the Act, within the relevant time period as prescribed by regulation;
- has not been withdrawn; and
- has not been determined by the Licensing Authority as frivolous or vexatious (or repetitious in respect of a review).

7.2 In 'borderline' cases, the Licensing Authority will normally give the benefit of the doubt to the other person or responsible authority making the representation, and any subsequent hearing would provide an opportunity for the person or body making the representation to amplify and clarify it. However, the Licensing Authority could decide not to take any action in respect of the application if, for example, the representation could not be supported.

7.3 Representations can be made in opposition to, or in support of, an application. In cases where only 'positive' representations are made, without qualifications, the Licensing Authority will consider whether a hearing is necessary, and may contact the parties concerned to give them an opportunity to withdraw their representations.

7.4 The Licensing Authority will determine, in accordance with its scheme of delegation, whether:

- the representation has been made by an 'other person' as defined under the Act; and
- any ordinary and reasonable person would consider the issue(s) raised in a representation as frivolous or vexatious (or repetitious in respect of a review).

A person aggrieved by a rejection of his representation on these grounds may challenge the Licensing Authority's decision by way of judicial review.

7.5 In addressing whether or not other persons, or incidents, are impacted by licensed premises, the Licensing Authority will primarily focus on the direct impact of the activities taking place, or proposed to take place, at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

7.6 Where a relevant representation is made in respect of:

- an application; or
- an existing licensed premises

a hearing will be held, unless an agreement is reached between the Licensing Authority, the applicant and all of the parties who have made relevant representations, that a hearing is not required.

7.7 The Licensing Act 2003 provides discretion for the Licensing Authority to facilitate a mediation process between parties. The Licensing Authority will attempt mediation between the relevant parties wherever it may be practicable or appropriate to do so, so as to avoid unnecessary hearings. It may also extend the normal time limits for hearings where it is

considered to be in the public interest to do so (for example where all parties are on the point of reaching agreement or so as to ensure that it is possible for a party to attend the hearing). Mediation potential will be assessed case-by-case as each set of circumstances will be different. Where compromise may be viable to appropriately balance the interests of all stakeholders, and doing so will not prejudice any party's rights under the law, then the Licensing Authority will take all reasonable steps to facilitate such discussions.

- 7.8 Whilst pre-application discussion between licence applicants and responsible authorities, and the communities in which they operate, is strongly encouraged, once an application has been formally lodged the process of relevant representations, supported by evidence and witnesses where appropriate, should be observed as should the discretion of the Licensing Authority to facilitate mediation.
- 7.9 It should be noted that the usual hearing arrangements, following receipt of a relevant representation, do not apply to minor variations. For these processes the power to determine the application has been delegated to the Licensing Officer, and no hearing mechanism is involved. Relevant representations and statutory guidance will, however, be considered as part of this process, and applications shall be assessed individually and on merit by the relevant officer.
- 7.10 The Corporate Manager ~~(Licensing)~~ (Public Protection) has been duly authorised by the Licensing Authority to perform the Licensing Authority role as a 'responsible authority' on behalf of Mid Suffolk District Council and this enables in relevant circumstances the raising of relevant representations about applications, or seeking the review of a licence or certificate on issue, when and if considered reasonably appropriate on a case-by-case basis. There is also a delegation enabling an authorised Licensing Officer to perform the same duties in circumstances where the Corporate Manager – ~~Licensing~~ Public Protection is unavailable or excluded. The councillor approved protocol underpinning that delegation and process is available directly from the Licensing Team upon request.

## **8. Administration, Exercise and Delegations of Functions**

- 8.1 The Council's published delegation scheme of functions under the Licensing Act 2003 is available on the Council website at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) (see Part 3h of the Council's Constitution) or by contacting the Licensing Team.
- 8.2 Where an application has been lawfully made under the Act, and no relevant representations are outstanding, the Licensing Authority will grant the application, in accordance with the requirements of the Act under the authority delegated to an officer. The exceptions to this usual administrative process include minor variations and community premises mandatory conditions disapplication requests, as referred to elsewhere in this document.
- 8.3 Electronic applications will be administered in accordance with the requirements of the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc.) Regulations 2009.

## **9. Hearings**

*(Subject to Regulations issued under s.183 of the Act)*

- 9.1 Where a hearing is required, the relevant representations made will be put before the Licensing Sub-Committee. The representations, including the name and address of the person making them, will normally become part of a public document. The address of the person making the representation is relevant to consideration of their representation. If any person is deterred from making a representation due to these requirements, for example if they have a genuine and well-founded fear of intimidation or violence, then they should promptly contact the Licensing Team for advice.

- 9.2 The hearing will be conducted in accordance with the Licensing Authority's published procedure, which is available on the Council website at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or directly from the Licensing Team upon request. The hearing will take the form of an informal discussion led by the Licensing Authority.
- 9.3 Where an application is determined at a hearing, the Licensing Sub-Committee will give appropriate weight to the:
- relevant representations made;
  - submissions and any evidence presented by all parties;
  - Guidance issued under section 182 of the Act (as may be amended from time to time);
  - Licensing Authority's Statement of Licensing Policy; and
  - steps appropriate to promote the licensing objectives.
- 9.4 The Licensing Authority may use the power given within the hearings regulations to extend time limits where it considers this to be in the public interest. Extending time limits in the public interest will be assessed individually on a case-by-case basis.

## **10. Conditions**

- 10.1 The 2003 Act (under sections 19, 19A, 20 and 21) makes provision for certain mandatory conditions which are summarised below. There are also mandatory conditions relating to a code of conduct for holders of on-licensed premises, via the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - arising from the Policing and Crime Act 2009. The Secretary of State has powers to set or amend mandatory conditions and may use this power from time to time.

- (a) Where a premises licence authorises the sale or supply of alcohol, no supply may be made at any time when there is:
- No designated premises supervisor (DPS) in respect of the licence; or
  - At a time when the designated premises supervisor does not hold a personal licence or it is suspended.

Note: an alternative mandatory condition may apply to community premises who have removed the usual DPS requirement, and this will place responsibility on the management committee/board.

- (b) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring that the admission of children is restricted in accordance with the recommendation of the film classification body, or where varied, the film classification awarded by the Licensing Authority. (Note: The Licensing Authority may either award a classification to an unclassified film or vary the classification of a film upon application in accordance with its policy).

The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

- (c) Where a licence includes a condition requiring that one or more individuals are present at the premises to carry out security activities, the licence must include a condition requiring such individuals to be licensed by the Security Industry Authority. This requirement will not normally apply to employees who benefit from any relevant exemption under the Private Security Industry ~~Authority~~ Act 2001 (the 2001 Act) or

by virtue of any other legislation (for example the Violent Crime Reduction Act 2006).

Note: A premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as ‘unlicensed premises’ – being premises staging plays or exhibiting films, licensed gaming premises such as casinos and bingo halls, and premises where a club premises certificate is in force and when activities are being carried on under the authority of that certificate.

- (d) Where a premises licence or club premises certificate authorises sale or supply of alcohol a condition relating to prohibiting irresponsible drinks promotions, providing potable water, age verification policy, availability of smaller measures and prohibition on below cost sales may apply.

- 10.2 The Licensing Authority may not attach to a licence authorising the performance of plays any condition which restricts the nature or manner of performing those plays (other than on the grounds of public safety).
- 10.3 With the exception of the above mandatory conditions, once its discretion is engaged the Licensing Authority will only attach appropriate and proportionate conditions to a premises licence or club premises certificate where these:
  - are consistent with the issues addressed in the operating schedule which the applicant submits as part of their application; and
  - are appropriate for the promotion of the licensing objectives.
- 10.4 It is the intention of the Licensing Authority to express any such conditions in unequivocal and unambiguous terms and such conditions will be tailored to the specific premises concerned.
- 10.5 The Licensing Authority will avoid attaching standard conditions to premises licences or club premises certificates, but would draw applicants’ attention to pools of possible measures to promote the licensing objectives for specific types and scale of licensed operations. Various licence types, available to view on the Council’s on-line public registers or upon request to the Licensing Team, may assist an applicant or licence holder with their own consideration of the licensing objectives. Such model wording and examples are purely provided to assist with an applicant formulating their own operating schedule who should base their proposals upon the individual nature, characteristics and activities of their own operation. Applicants will not be obliged or required to use anything produced or made available by the Licensing Authority for this purpose.
- 10.6 The Licensing Authority will avoid, as far as possible, attaching conditions to licences/certificates that duplicate the same or similar duties that are already placed on an employer or operator of a premises under other existing laws. However, where these general duties do not *adequately* address specific issues additional and supplementary measures may be appropriate to promote the licensing objectives.
- 10.7 A committee or board of individuals with responsibility for the management of community premises (‘the management committee’) may apply to have an alternative licence condition included in a premises licence in place of the normal mandatory conditions. The alternative condition is that every supply of alcohol under the licence be made or authorised by the management committee.

## **11. Appeals**

- 11.1 Entitlement to appeal against any decision of the Licensing Authority is set out in Schedule 5 of the Act. Rights of appeal will be notified in writing to all parties to hearings as part of the decision notification.

## **12. Enforcement**

- 12.1 Where necessary, enforcement action will be considered in accordance with the Regulators' Code and the Council's ~~General~~ **Corporate** Enforcement Policy. These guidelines are available direct from Mid Suffolk District Council and may be subject to periodic amendment.
- 12.2 The emphasis will be upon a risk-assessed and targeted approach to inspections, concentrating on those premises which either:
- present a greater risk;
  - have a history of non-compliance with conditions/regulation; or
  - demonstrate poor management practice which undermines the licensing objectives.
- 12.3 The Licensing Authority will not normally undertake inspections routinely but may do so when and if they are considered by the Authority as reasonably necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with an enforcement role.
- 12.4 The Licensing Authority has adopted a joint enforcement protocol with partner authorities – available via the Council website at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or upon request from the Licensing Team. This may be subject to periodic review and revision. In exercising its own compliance and enforcement remit the Licensing Authority will at all times be guided by its general enforcement policy based upon Regulators' Code principles, and where there is a shared remit for leading on enforcement matters with another agency (or agencies) the Licensing Authority will continue to observe its adopted corporate enforcement policy, accepting that other authorities are not bound to it and may have their own escalation policies or national guidance framework. The Licensing Authority will in all cases seek a collaborative and partnership approach to promotion of the licensing objectives and compliance support for licensed business, which includes that Regulators should:
- carry out their activities in a way that supports those they regulate to comply and grow;
  - provide simple and straightforward ways to engage with those they regulate and hear their views;
  - base their regulatory activities on risk;
  - share information about compliance and risk;
  - ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
  - ensure that their approach to their regulatory activities is transparent.
- 12.5 The Licensing Authority will normally act as the enforcing authority in respect of offences under the Act, and for breaches of licence conditions, unless the circumstances of the particular case are such that it is appropriate for another responsible authority to act, in accordance with the agreed enforcement concordat, instead.
- 12.6 Suffolk Constabulary will retain responsibility as the enforcing authority in respect of the following offences under the Act:
- Section 97 Powers to enter and search
  - Section 143 Failure to leave licensed premises
  - Section 144 Keeping of smuggled goods
  - Section 155 Confiscation of alcohol;

- Section 157 Power to prohibit sale of alcohol on a train; and
- Part 8 offences with respect to closure of premises.

12.7 Suffolk County Council Trading Standards will retain responsibility as the enforcing authority in respect of the following offences under the Act, and may work in partnership where appropriate with Suffolk Constabulary in relation to the investigation and enforcement of underage sales:

- Section 146 Sale of alcohol to children
- Section 147 Allowing the sale of alcohol to children
- Section 147A Persistently selling alcohol underage
- Section 154 Weights and measures offences

(which enable Trading Standards Officers to conduct test purchases and authorise other persons to do so).

12.8 Where expedient for the promotion or protection of the interests of the inhabitants of their area, the Council may also take action under Section 222 of the Local Government Act 1972, and other relevant provisions including Section 80 of the Anti-social Behaviour, Crime and Policing Act 2014. The Council will also have due regard to section 17 of the Crime and Disorder Act 1998 whilst carrying out its functions.

### **13. Closure Orders/Notices**

13.1 Part 8 of the Licensing Act 2003 provides for the arrangements relating to closure orders, and there are also powers available to the Local Authority and/or responsible authorities/court to close premises via other legislation on grounds of serious crime or disorder, persistent nuisance or protection of children - for example under the Violent Crime Reduction Act 2006, Criminal Justice and Immigration Act 2008 and Anti-social Behaviour, Crime & Policing Act 2014.

13.2 Where a Magistrates' Court has determined to exercise its powers in respect of a closure order, the Licensing Authority must conduct a review of the relevant premises licence in accordance with procedures prescribed by regulation. This will normally involve:

- serving notice on the premises licence holder and responsible authorities and advertising the review in accordance with the regulations;
- holding a hearing in accordance with the procedures outlined in section 9 of this Statement of Licensing Policy to review the premises licence; and
- determining the review no later than 28 days after the day on which it receives the notification of the closure order from the Magistrates' Court.

13.3 When determining a review following the notification of a closure order, the Licensing Authority will consider:

- the closure order and any extension to it;
- any magistrates' directives in relation to the order; and
- any relevant representations; and will

take such steps as it considers appropriate to promote the licensing objectives as outlined in section 22.4 of this Statement of Licensing Policy.

13.4 The Licensing Authority will notify the licence holder, the Chief Officer of Police and any person who made relevant representations of the outcome of the review hearing, including reasons for the decision. The Licensing Authority may suspend the operation of its decision until the end of the period given to appeal, or until the appeal is disposed of (if not already

suspended by the Magistrates' Court), and will consider its powers under section 168 of the 2003 Act in that regard.

## **14.1 Addressing the Licensing Objectives**

- 14.1.1 In respect of addressing each of the four licensing objectives in their Operating Schedule, applicants should carefully consider what steps they regard as appropriate to promote the licensing objectives, relevant to the individual style and characteristics of their premises and activities. Reference could be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract larger or different demographic audiences.
- 14.1.2 Whilst applicants are not required to seek the views of responsible authorities before formally submitting applications, the Licensing Authority strongly encourage applicants to do so when drafting their operating schedule as applicants may find this a source of useful advice when addressing the licensing objectives. This may in some instances reduce the possibility of responsible authorities, or other persons, raising representations against an application. Organisers of large, temporary outdoor events (such as music festivals, fairs, shows and carnivals) are strongly encouraged to engage as early as possible with the responsible authorities, or any local Safety Advisory Group network, to ensure that their planned event is developed in a way likely to promote the licensing objectives.
- 14.1.3 As steps volunteered by applicants within their operating schedule will very often directly translate to conditions on the licence, the Licensing Authority encourages applicants to state their proposed steps to promote the licensing objectives in unequivocal and unambiguous terms. Pools of example conditions and model wording will be made available as an optional guidance tool to assist applicants/licence-holders.

## **14.2 Prevention of Crime and Disorder**

- 14.2.1 The Council is committed to further improving the quality of life in its area by continuing to help reduce crime and disorder and the fear of crime. To this end, the Licensing Authority strongly encourages applicants and licensees to ensure that relevant factors within their control which impact on crime and disorder have been considered, for example:
- underage drinking;
  - drunkenness on the premises;
  - drunkenness in public;
  - drugs;
  - violent behaviour;
  - anti-social behaviour; and
  - **Firearms and weapons**
- 14.2.2 Section 17 of the Crime and Disorder Act 1998 imposes a duty on each Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 14.2.3 In order to promote the prevention of crime and disorder objective, the Licensing Authority encourages licence holders to become active partners with the Licensing and Responsible Authorities. Applicants are encouraged to demonstrate in their operating schedule that relevant, suitable and sufficient measures within their control have been considered and identified and will be implemented and maintained in order to reduce or prevent crime and disorder on, and in the locality of, their premises.

- 14.2.4 When addressing the issue of crime and disorder in their operating schedule, applicants may consider, but are not limited to, factors identified at paragraph 14.2.1 above.
- ~~14.2.5 Applicants may find it helpful to contact the local Safer Neighbourhood Team (SNT) or Community Safety Officers in advance of making their application, as the SNT/CSO may be able to offer expert advice and guidance on local crime and disorder issues and promotion of this licensing objective.~~
- 14.2.5 The following examples of control measures are given purely to assist applicants with development their operating schedule, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements:
- (a) effective and responsible management of premises
  - (b) prevention of overcrowding/congregation flashpoints
  - (c) training and supervision of staff (including at periodic intervals)
  - (d) adoption of best practice guidance and other industry codes of practice
  - (e) use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures than those contained within mandatory conditions (see section 10 of this document)
  - (f) banning individuals subject to court exclusion orders or PubWatch bans (**suggested to have radio links and / or a ring around phone system between local premises**).
  - (g) provision and use of effective CCTV in and around premises (subject to any relevant data protection codes of practice)
  - (h) use of Security Industry Authority registered door staff (during specified days/times) and random searches for prohibited items (such as a search ratio of 1:10 customers)
  - (i) provision of toughened or plastic/polycarbonate glasses and polyethylene (PET) bottles
  - (j) provision of secure deposit boxes for confiscated items ('amnesty bins')
  - (k) provision of litter bins and security measures, such as lighting, outside premises
  - (l) control of customers entering and leaving with opened bottles/glasses – for example whilst they are observing smoke free regulations or using external areas.
  - (m) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.
  - (n) searching policy; dispersal policy; risk assessment process to consider the crime and disorder implications of individual staff/performers - such as DJs and promoters.
  - (o) recording of incidents, refusals, confiscated items and ejections
  - (p) effective and robust controls for third party hirings – for example hiring agreement and hirer vetting, premises supervision, signing-in books
- 14.2.6 Within the operating schedule for a premises from which alcohol will be sold, a premises supervisor must be designated (Designated Premises Supervisor or 'DPS'), unless a relevant community premises disapplication has been applied for/authorised. The DPS will often have been given the day-to-day responsibility for running the premises by the premises licence holder and, as such, will usually be the first point of contact for authorised officers. In exceptional circumstances, the police may object to the designation of a new DPS where they believe that such an appointment would undermine the crime prevention objective.
- 14.2.7 Where the police object to an individual being appointed as a Designated Premises Supervisor, or object to an application made by community premises management committee for the inclusion of the alternative licence condition, the Licensing Authority will arrange for a hearing at which the issue can be considered in accordance with the procedure outlined in section 9 of this Statement of Licensing Policy.
- 14.2.8 The Licensing Sub-Committee considering the matter will confine their consideration to the prevention of crime and disorder objective.

- 14.2.9 Certain temporary events (see section 18 of this Statement of Licensing Policy) should be notified to the Licensing Authority using the Temporary Event Notice procedure. Depending on the nature and location of such temporary events these may, on occasion, have crime and disorder implications. Organisers of such events are encouraged to submit their notification as soon as reasonably practicable in advance of the event (and no later than 5 working days before the event in line with existing statutory requirements) to enable the Police and the Local Authority to work with them to identify and reduce the risk of crime and disorder.

### 14.3 Public Safety

- 14.3.1 The Council is committed to ensuring that the physical safety of any person visiting or working in licensed premises is not compromised. To this end, the Licensing Authority encourages applicants and licensees to conduct a risk assessment prior to completion of their operating schedule to ensure that relevant factors within their control which impact on public safety have been considered and identified. These factors may include, but are not limited to:
- (a) the occupancy capacity of the premises (including staff and performers). Note: If a capacity has been imposed/set through other legislation, for example under Fire Safety legislation, it would be unnecessary to reproduce it in a premises licence. Anticipated maximum capacity/attendance for large, temporary outdoor events should be made clear.
  - (b) the age, design and layout of the premises, including means of escape in the event of fire or other emergency
  - (c) the nature of the licensable activities to be provided and whether those activities are of a temporary, occasional or permanent nature
  - (d) the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
  - (e) customer profile (such as age, disability or non-English first language)
  - (f) the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
  - (g) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.
  - (h) **Good communications with Local Authorities and Emergency Services.**
  - (i) **Presence of trained first aiders on the premises and appropriate first aid kit.**
- 14.3.2 The Licensing Authority shall not seek to impose fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005) adequately controls such matters.
- 14.3.3 The following examples of possible control measures are given purely to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements:
- (a) suitable and sufficient risk-assessments. Some applicants may wish to consider a commitment in their operating schedule to providing the relevant authorities with a full risk assessment prior to the commencement of licensable activities (this may be particular relevant to large temporary outdoor events).
  - (b) effective and responsible management of premises
  - (c) provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons/staff
  - (d) appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
  - (e) adoption of best practice guidance and other voluntary codes of practice (Note: Applicants may wish to contact the local Health & Safety Officers or HSE for advice)
  - (f) provision and use of effective CCTV in and around premises

- (g) provision of toughened or plastic/polycarbonate glasses and polyethylene (PET) bottles
- (h) implementation of crowd management measures
- (i) monitoring arrangements such as door staff, ticketing, attendance clickers or maintenance of attendance records
- (j) regular/periodic review and testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety
- (k) Frequent waste disposal, particularly of glass bottles.
- (l) Maintenance and repair relating to all aspects of the licenced premises at specified intervals and for evidence of these checks to be retained.
- (m) Liaison with public transport/taxi and private hire service providers.
- (n) Siting of external lighting, including security lighting to adequately light the external area.

## 14.4 Prevention of Public Nuisance

- 14.4.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity through public nuisances that arise from their operation.
- 14.4.2 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the locality of a licensed premises.
- 14.4.3 The Licensing Authority encourages applicants and licensees to conduct a risk assessment prior to completion of their operating schedule to ensure that relevant factors within their control which impact on public nuisance have been considered and identified.
- 14.4.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:
- they are situated in a residential or noise sensitive area;
  - events include amplified outdoor music or speech; or
  - extended opening hours are proposed.
- 14.4.5 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. These may include, but are not limited to:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, care homes, hospices and places of worship
  - the hours of operation, particularly between 23.00hrs and 07.00hrs
  - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside
  - the design and layout of premises and in particular the presence of noise limiting features
  - the occupancy capacity of the premises
  - the availability of public transport/taxi and private hire services
  - 'wind down period' between the end of the licensable activities and closure of the premises
  - last admission time
- 14.4.6 The following examples of control measures are given purely to assist applicants when preparing their operating schedules, having regard to their particular type of premises

and/or activities. These are not exhaustive, and are not to be regarded in any way as standard conditions or mandatory requirements, but include:

- (a) effective and responsible management of premises
- (b) appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance
- (c) control of operating hours for all or parts (such as garden, patio and terraced areas) of premises, including such matters as deliveries. This may include an earlier cessation timing, or a frequency control, for outdoor activities.
- (d) impact on neighbours due to customers opening doors/going outside or congregating to observe smokefree regulations
- (e) preparing a noise management plan, adoption of best practice guidance and other industry codes of practice. The local Environmental Protection Officer may be able to offer some helpful advice in this respect.
- (f) installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- (g) management of people, including staff, and traffic (and resulting queues) arriving and leaving premises, including a dispersal policy
- ~~(h) Liaison with public transport/taxi and private hire service providers~~
- (h) siting of external lighting, including security lighting. The local Environmental Protection Officer may assist in ensuring any external lighting minimises the potential for light pollution nuisance.
- (i) management arrangements for collection and disposal of litter
- (j) effective ventilation systems to prevent nuisance from odour or noxious smells
- (k) demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.
- (l) making available a clear point of contact for responding promptly to nuisance complaints

14.4.7 Please note that applicants should consider contacting the local Planning Authority for advice on whether any proposed installation of lighting, ventilation, soundproofing, smoking shelter or other works require planning approval from the Planning Authority. This may be particularly relevant where premises are a listed building.

## **14.5 Protection of Children from Harm**

14.5.1 The Licensing Authority, once its discretion is engaged concerning an application, shall not seek to limit the access of children to any premises unless it is necessary for the prevention of their physical, moral or psychological harm. Consideration shall be given to the individual merits of each application.

14.5.2 Whilst the Licensing Authority cannot anticipate every possible issue of concern that could arise in respect of children in relation to individual premises, areas that will give rise to particular concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are provided (whether permanently or occasionally);
- Where there have been convictions of members of the current staff at the premises for selling alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises (but not for example the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- **Where it is known that unaccompanied children have been allowed access.**

14.5.3 Whilst it is not possible for the Licensing Authority to give an exhaustive list of what amounts to relevant entertainment or services of an adult or sexual nature, examples

would generally include topless bar staff, striptease, lap-dancing, table-dancing, pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. It should be noted that premises deemed as 'sexual entertainment venues' under the Policing and Crime Act 2009 are also likely to require an additional licence under the Local Government (Miscellaneous Provisions) Act 1982.

- 14.5.4 The 2003 Act made it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN). 'Exclusively or primarily' in relation to the consumption of alcohol will bear their ordinary and natural meaning in the context of the particular circumstances.
- 14.5.5 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of a premises licence, club premises certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN).
- 14.5.6 The Licensing Authority considers that, subject only to the provisions of the 2003 Act and unless restriction of access is necessary to protect children from harm, this is a matter for the discretion of the licensee.
- 14.5.7 The Licensing Authority shall not seek to impose any condition on any licence or certificate requiring the admission of children.
- 14.5.8 Applicants are strongly encouraged to demonstrate in their operating schedule that they have considered and identified any suitable and sufficient measures relevant to the style, character and activities of their individual premises to protect children from harm.
- 14.5.9 Where it is necessary for promotion of the protection of children from harm licensing objective, there are a range of alternatives which may be considered for limiting the access of children. These could include:
- (a) Limitations on the hours when children may be present;
  - (b) Limitations excluding the presence of children under certain ages when particular activities are taking place;
  - (c) Limitations on the parts of premises to which children might be given access;
  - (d) Age limitations (below 18);
  - (e) Requirements for accompanying adults; and
  - (f) Full exclusion from those under 18 from the premises when any licensable activities are taking place.
  - (g) Restrictions or exclusions when certain activities are taking place.
- 14.5.10 The following examples of possible control measures are given purely to assist applicants with preparing their operating schedules, having regard to their particular type of premises and activities. These examples are not exhaustive, and are not in any way to be treated as standard conditions or mandatory requirements, but include:
- (a) provision of a sufficient number of people employed or engaged to secure the protection of children from harm
  - (b) appropriate instruction, training, supervision and background checks of those employed or engaged to secure the protection of children from harm
  - (c) adoption of best practice guidance (for example Public Places Charter)
  - (d) limitations on the hours when children may be present in all or parts of the premises

- (e) the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises
- (f) an adequate number of adult staff to be responsible for the child performers. Disclosure and Barring Service (DBS) checks on such adult staff may be appropriate.
- (g) use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures than those contained within mandatory conditions (see section 10 of this document)
- (h) Lost children arrangements (for larger outdoor events)
- (i) Regular safety checks and signage in relation to children's play equipment

14.5.11 Where film exhibitions are authorised at a premises, the licence shall include a mandatory condition (section 20 of the Act) requiring that children are restricted from viewing age-restricted films in accordance with the British Board of Film Classification (BBFC), or in accordance with any recommendation made by the Licensing Authority.

14.5.12 The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

14.5.13 Where an application is being made for a films activity, it is recommended that the applicant consider in their operating schedule how they will protect children from harm - for example a commitment to prohibiting or restricting the access of children to any film showing, or part thereof, that could give rise to concerns in protecting them from moral, psychological or physical harm.

For a non-BBFC rated film showing (for example the showing of a recorded television broadcast) the Licensing Authority may set an age restriction on the admission of children to that viewing.

The Licensing Authority seeks to work in partnership with licence holders in promotion of the licensing objectives, and Premises Licence/Club Premises Certificate holders may contact the Licensing Authority for guidance if they are planning to show a film that is not BBFC rated and may not be suitable for the presence of children. Where the Licensing Authority is minded to make any recommendation on a non-BBFC rated film showing it will do so in writing to the licence or certificate holder.

14.5.14 The Licensing Authority recognises the Suffolk Safeguarding Children Board as being competent to advise on matters relating to the protection of children from harm. Their contact details are [www.suffolkscb.org.uk](http://www.suffolkscb.org.uk)

14.5.15 Suffolk County Council Trading Standards and Suffolk Constabulary may, in collaboration with other appropriate agencies, conduct test purchases to check the compliance of retailers with the prohibition on underage sales of alcohol.

## 15. Personal Licences

*(Subject to Regulations issued under s.117 and s.133 of the Act)*

15.1 The Licensing Authority will grant a personal licence if the applicant has met the requirements set out in the Act and no objections are received. **Please note: All applicants must provide evidence of their right to work within the UK.**

15.2 Where an applicant is found to have an unspent conviction for a relevant offence or a foreign offence, and the Police object to the application on crime prevention grounds, the application will normally be referred to a Sub-Committee of the Licensing Committee.

15.3 Any hearing will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

- 15.4 All personal licence holders should ensure they are aware of the offences relating to personal licences, for example the duty of the holder to advise the Court of the existence of their personal licence if charged with a relevant offence and to advise the Licensing Authority of changes to name or address.
- 15.5 In accordance with the Guidance issued under section 182 of the Licensing Act 2003, the Licensing Authority recommends that personal licence holders (and DPSs/authorised community premises management committees) overtly authorise individuals in writing to sell alcohol under the authority of their personal licence/duty where the personal licence holder or DPS/management committee is unable to authorise the transaction(s) in person.

## **16. Applications for Premises Licences**

*(Subject to Regulations issued under s.17, s.54 and s.55 of the Act)*

- 16.1 Central government provides a written guide to making an application, and this is available free of charge by contacting the Licensing Team or visiting the government website at [www.gov.uk](http://www.gov.uk). Local information, such as contact details for responsible authorities and other resources, is available on the Council website at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or by contacting the Licensing Team.
- 16.2 The Licensing Authority will make available examples and optional guidance purely to assist licence applicants and holders. Nothing produced for this purpose will be considered as required or mandatory. The Council's on-line licensing register is also a useful self-help resource for prospective licence applicants.
- 16.3 An application can be made to the Licensing Authority for any place within its area to be used for licensable activities or recognised club activities. The application requirements are prescribed by regulation and will normally include:
- a) the required fee;
  - b) an operating schedule;
  - c) plan of the premises, in accordance with regulatory requirements; and
  - d) if it is intended that the premises be authorised to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor (DPS), or else request to disapply this usual requirement if for an eligible 'community premises'.
  - e) **Individual applicants must provide evidence of their right to work within the UK.**
- 16.4 The Operating Schedule will include a statement of:
- a) the relevant licensable activities, including a description of the style and character of the business and activities to be conducted on the premises;
  - b) the times during which the applicant proposes that the relevant licensable activities are to take place;
  - c) any other times during which the applicant proposes that the premises are to be open to the public;
  - d) where the applicant wishes the licence to have effect for a limited period, that period;
  - e) where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a consent form signed by that person including details of their personal licence (or else a 'community premises' disapplication request may be applicable);

- f) where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
  - g) the steps which the applicant proposes to take to promote the licensing objectives; and
  - h) any other prescribed matters.
- 16.5 Where relevant representations are received about an application, and those representations are not withdrawn, the application will normally be referred to a Sub-Committee of the Licensing Act 2003 Committee, which will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.
- 16.6 Where a premises licence application is being applied for to authorise a large scale outdoor event of a temporary nature (for example a music concert, street fair, show or carnival) the Licensing Authority strongly recommends that applicants contact the responsible authorities, and any local Safety Advisory Group network, as soon as possible in advance of making their application in order to seek expert advice and guidance on formulation of their operating schedule to ensure that the event runs safely and with a view to promoting the four licensing objectives.

## **17. Club Premises Certificates**

*(Subject to Regulations issued under s.71, s.91 and s.92 of the Act):*

- 17.1 Paragraphs 16.1 to 16.3 above apply
- 17.2. The application requirements for a Club Premises Certificate are set by regulation and will normally include provision of:
- a) the relevant fee;
  - b) the Club Operating Schedule;
  - c) a plan of the premises in accordance with regulatory requirements;
  - d) a copy of the rules of the Club; and
  - e) details to verify that the Club is a qualifying Club
- 17.3 The Club Operating Schedule will contain the following information:
- a) details of the recognised Club activities to which the application relates;
  - b) the times during which it is proposed the recognised Club activities take place;
  - c) any other times during which it is proposed the premises are open to members and their guests;
  - d) the steps which it is proposed to take to promote the licensing objectives; and
  - e) any other prescribed matters.
- 17.4. Where relevant representations are received in respect of an application, and those representations are not withdrawn, the application will normally be referred to a Sub-Committee of the Licensing Committee, and the hearing will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

## **18. Temporary Events Notices (TENS)**

- 18.1 The Act sets out the terms and conditions under which an application for a TEN may be made. Standard TENS must be applied for a minimum of 10 working days prior to the first day of the event, and the Licensing Authority recommend that wherever possible notice-givers submit their TEN a minimum of 28 days prior to the commencement of the event. Should any statutory modifications be made to the TENS system, for example relating to service requirements, then the Licensing Authority shall have due regard to these and publicise any such changes including via its website at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

- 18.2 Where a TEN is given and one or more of the relevant statutory limits are exceeded, the Licensing Authority will serve a Counter-Notice on the notice giver in accordance with section 107 of the Licensing Act 2003 to prevent the licensable activities from going ahead. There is no provision under the Act to appeal against the issue of a Counter-Notice.
- 18.3 Where a TEN complies with the statutory requirements, and the Chief Officer of Police or Environmental Health Officer has not submitted an objection notice to the Licensing Authority within the prescribed time, the Licensing Authority shall record the notice in its licensing register and send an authorised copy of the Notice to the premises user. The event may then proceed in accordance with the submission within the Temporary Event Notice.
- 18.4 Where the Chief Officer of Police or Environmental Health Officer has issued an objection notice, the Licensing Authority will normally consider this at a hearing (unless the objection notice is withdrawn before the hearing date). The hearing will be confined to consideration of the licensing objectives and will be held in accordance with the procedure outlined in section 9 above.
- 18.5 The Licensing Authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the temporary event notice.

## **19. Provisional Statements**

*(Subject to Regulations issued under s.29 and s.30 of the Act)*

- 19.1. The Act sets out the terms and conditions under which an application for a provisional statement may be made.
- 19.2 Where a Provisional Statement has been issued and a person subsequently applies for a Premises Licence in respect of the premises in accordance with the provisions of the Licensing Act, and:

- (a) The application for a licence is in the same form as the licence described in the provisional statement.
- (b) The work in the schedule of works has been satisfactorily completed.
- (c) Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but failed to do so without reasonable excuse; and,
- (d) There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

representations made by that person to the Licensing Authority cannot be taken into account.

## **20. Variations of Licences**

*(Subject to Regulations issued under s.34, s.37, s.41A and s.84 of the Act)*

- 20.1 Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to be made to vary the licence rather than requiring an application to be made for a new licence. It should be noted that 'substantial variations' may not be applied for using the variation procedures prescribed by section 34 of the Act, instead substantial changes, for example an amendment to the duration of the licence or

transfer of the licence from one premises to another, will require a new application under section 17 of the Act. In the case of a change of name or address of someone named in the licence (section 33) or application to vary the individual specified in the licence as DPS (section 37) there are simplified processes for making such applications.

- 20.2 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 (SI 2009/1724) amended the 2003 Act to allow certain 'community premises' which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) of the 2003 Act in the licence instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act. These provisions took effect from 29 July 2009.
- 20.2 The Act and Guidance set out the terms, conditions and considerations under which an application for a minor variation, or request from the management of 'community premises' to disapply the usual mandatory conditions, may be made. Minor variation processes may be applied for in some circumstances, subject to some specific exclusions, to reduce the normal service, advertising and consultation requirements (and associated financial impacts in cost and time).
- 20.3 The minor variation process is intended for some small variations to licences/certificates that will not adversely impact on promotion of the licensing objectives (for example small variations to layout or some minor alterations to activities, timing or conditions). In each case the Licensing Authority will consult the relevant Responsible Authorities and make a decision on whether the variation could impact adversely on the licensing objectives. This process also makes a more limited provision for 'other persons' to make comment on the proposals. In determining these applications, under his/her delegated authority on behalf of the Licensing Authority, the Licensing Officer shall carefully assess each application on a case-by-case basis in the light of government guidance and all relevant factors. The licence/certificate holder may wish to seek advice from responsible authorities, in advance of submitting an application, as to whether the licensing objectives are likely to be affected by the proposals.
- 20.4 If relevant representations are made and not withdrawn the Licensing Authority will normally hold a hearing, unless a minor variation, will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy, and at that hearing the Licensing Authority may:
- a) Grant the application as applied for, subject only to any conditions consistent with the operating schedule and any relevant mandatory conditions;
  - b) Modify the conditions (either by means of omission, inclusion or amendment) of the licence; or
  - c) Reject the application in whole or in part.
- 20.5 The Licensing Authority may determine a licence so that different conditions may apply to:
- a) different parts of the premises concerned; and
  - b) different licensable activities,

where to do so would be considered appropriate and proportionate for promotion of the licensing objectives.

- 20.6 Where the police submit an objection to an application to vary a Designated Premises Supervisor (DPS), or from a community premises to disapply the usual mandatory conditions, because they consider that the circumstances are such that granting it would undermine the crime and disorder objective then a hearing will normally be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

## **21. Transfer of Premises Licences**

*(Subject to Regulations issued under s.42 of the Act)*

- 21.1. Where an application is lawfully made under the Act for the transfer of a licence and the Police submit an objection to the application, the Licensing Authority will normally hold a hearing in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy. This hearing will be confined to consideration of the crime and disorder objective and the application may be rejected where the Licensing Authority considers it appropriate for the promotion of the crime prevention objective to do so. **Please note: All individual applicants must provide evidence of their right to work within the UK.**

## **22. Reviews**

*(Subject to Regulations issued under s.51, s.87 and s.167 of the Act):*

- 22.1 The review of a premises licence or club premises certificate is a key protection for local communities where problems associated with one or more of the licensing objectives are occurring and these are causally linked to the operation of licensed premises.
- 22.2 Where relevant representations are made about an existing licence or certificate the Licensing Authority will normally hold a hearing which will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy to consider them unless the representation is considered frivolous, vexatious or to be repetitious (that is, identical or substantially similar to a ground specified in an earlier application for a licence, provisional statement or review)
- 22.3 A review of the premises licence will normally also follow:
- (a) summary review powers of the Police pursuant to section 21 of the Violent Crime Reduction Act 2006 (regarding serious crime and disorder) ; or
  - (b) any exercise of the closure order powers available to the magistrates' court.
- 22.4 In determining a review application at a hearing, the Licensing Authority may take such steps as it considers necessary to promote the licensing objectives, which include:
- a) modifying the conditions of the licence (by inclusion, amendment or omission);
  - b) excluding a licensable activity from the scope of a licence;
  - c) removing a designated premises supervisor;
  - d) suspending the licence for a period not exceeding three months; or
  - e) revoking the licence.
- 22.5 Where the Police make application for summary review under section 53A of the Licensing Act 2003 the relevant licensing authority will normally consider whether it is necessary (noting that this provision has not been amended to 'appropriate') to take interim steps pending the determination of the review applied for. Such consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority. The interim steps the relevant licensing authority must consider taking are -
- (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence; and
  - (d) the suspension of the licence.

Should a summary review be instigated, the Licensing Authority shall follow the procedures as set out in the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

- 22.6 Applications may also be made for the review of licences which are held by a management committee in respect of community premises, and which include the alternative licence condition instead of the normal mandatory conditions. In relation to such applications, the licensing authority may determine that the normal mandatory conditions should apply instead of the alternative condition if it considers this to be necessary for the promotion of the licensing objectives. Such a determination may be reached following the usual procedure for review applications set out in sections 51 to 53 of the Act.
- 22.7 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of. For reviews following a closure order the Licensing Authority will consider its powers in the context of section 168 of the Licensing Act 2003.

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# ICT STRATEGY 2020

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Babergh and Mid Suffolk District Councils

## Contents

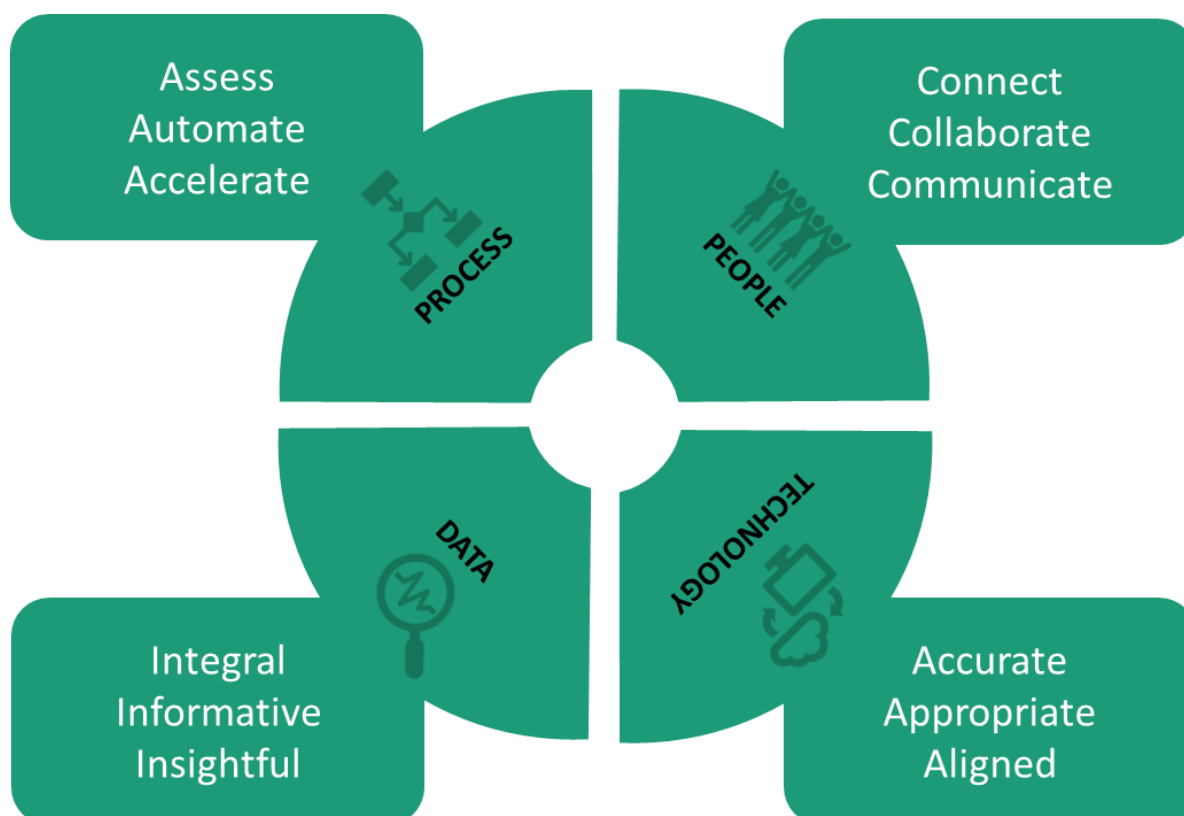
Executive Summary .....	3
People.....	4
Process .....	4
Data .....	4
Technology .....	5
Scene Setting.....	5
ICT Strategy – Key Design Standards.....	6
Leverage or Buy; not Build.....	7
Rationalisation, consolidation, and standardisation.....	8
Infrastructure free.....	8
Confidentiality, integrity, availability (Information Security) .....	9
Keep it simple.....	9
Action Plan – People and Process Direction of Travel .....	11
Action Plan – Data and Technology Direction of Travel .....	12
Draft Action Plan .....	13

## Executive Summary

Babergh and Mid Suffolk District Councils ICT Strategy is focussed on the business outcomes that the use of technology will enable and provides a strategic framework that adopts the recognised change formula for ICT, that of People, Process and Technology and strengthens it.

As a formula, People, Process and Technology has been developed as a result of recognising, from an ICT perspective, that the cultural change that ICT change initiatives need to enable, will only succeed if the people and process elements are considered and firmly embedded into organisational change initiatives.

They are key principles in successful ICT delivery - if ICT doesn't take account of people or support them, look at their processes and understand them, we are not going to implement technology that works for them. A fourth principle of 'data' complements and supplements the other three. Data is potentially one of our most overlooked assets which can evidence both the need for, and the result of, organisational change, as well as supporting staff to deliver services and make quick decisions. ICT can look to surface data in a way that is easily accessible and meaningful.



## People

- **Connect** the staff of Babergh and Mid Suffolk with the information and insight that enables them to undertake their roles effectively, from wherever they may be.
- **Connect** the customers of Babergh and Mid Suffolk to service fulfilment in the most cost effective and efficient way, enabling them to self-serve where appropriate.
- Enable the staff of Babergh and Mid Suffolk to **collaborate** across the organisation, connecting key strands of work quickly and effectively.
- Enable **collaboration** across partners and other delivery agencies.
- Ensure that key **communication** tools used by the people and staff of Babergh and Mid Suffolk are modern and fit for purpose.
- Ensure that **communication** with the customers and partners of Babergh & Mid Suffolk is relevant, timely and accurate.

## Process

- **Assess** our technologies with a view to ensuring they are enablers to effective processes within Babergh and Mid Suffolk and rationalise/consolidate our technologies where appropriate.
- **Automate** those processes that enable channel shift and leverage technologies that help to digitally enable processes within Babergh and Mid Suffolk.
- **Automate** repetitive robotic tasks allowing our staff to focus on more value-add tasks.
- Maximise the use of technologies that **accelerate** service fulfilment for the residents of Babergh and Mid Suffolk.

## Data

- Ensure that we utilise technology to surface our data to make it **integral** to the day to day running of our business.
- Integrate those data sets that help us to make **informed**, evidence based, decisions that improve services and products.
- Exploit our data, along with externally provided data to provide **insight** into the potential future demand for existing and new services.

## Technology

- Build **accuracy** into the running of ICT Services, enabling pro-active understanding of the financial, people and asset implications of our Technology Services
- Only exploit **appropriate** new technologies, whilst leveraging our existing technology stack, supporting the ambitions of Babergh and Mid Suffolk and improving outcomes for our customers.
- Deliver an ICT Service that is **aligned** to the value it needs to add to the services and staff of Babergh and Mid Suffolk, ensuring its resources are a key change agent, engaged early and often by services in their continuous service improvement.

These principles will be considered and referred to in all decisions in regards to Technology by Babergh and Mid Suffolk District Councils.

## Scene Setting

The following table provides context, showing what has been achieved whilst remaining realistic about the challenges we still face in regards ICT in Babergh and Mid Suffolk District Councils

Area	Achieved	Challenge
SCC IT Delivery	<ul style="list-style-type: none"> <li>• Day to day ICT provision seen as good.</li> <li>• Increased ownership and accountability of SCC ICT contract budget</li> <li>• Improved relationship with SCC ICT.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited understanding of what is provided by whom in regards ICT.</li> <li>• No logical separation of M365 toolset, policies, or governance.</li> </ul>
Microsoft Licencing and Suite	<ul style="list-style-type: none"> <li>• A Standard Productivity Suite and a set of tools that not only helps us to do our day job but is the same as others use, reducing issues of collaboration.</li> <li>• A toolset that is an enabler in a post-Covid workplace.</li> </ul>	<ul style="list-style-type: none"> <li>• We don't really know how to use some of the suite, and we aren't leveraging enough value from the tools.</li> <li>• Relevant licensing models for work styles.</li> </ul>

Device Provision	<ul style="list-style-type: none"> <li>• A good suite of appropriate devices for staff to use.</li> </ul>	<ul style="list-style-type: none"> <li>• Several unmanaged devices and some procurement of devices without ICT knowledge.</li> <li>• Refresh of some device types not accounted for.</li> <li>• Suitability of devices in post-Covid world.</li> </ul>
Digitisation of Process	<ul style="list-style-type: none"> <li>• A positive attitude and a genuine drive towards better digitisation of processes.</li> </ul>	<ul style="list-style-type: none"> <li>• Very few end-to-end digitised processes.</li> <li>• Technology limitations</li> <li>• Some cultural barriers to overcome.</li> </ul>
Communication and Collaboration Tools	<ul style="list-style-type: none"> <li>• Voice and Video tools have been readily adopted across the organisation.</li> </ul>	<ul style="list-style-type: none"> <li>• A mixed economy of functionality depending upon whom you are.</li> </ul>
Data	<ul style="list-style-type: none"> <li>• Early adoption of BI for specific single point uses.</li> </ul>	<ul style="list-style-type: none"> <li>• Data is difficult to surface and integrate and is not readily used. Some concerns around data quality.</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Nearly all staff have access to ICT, and where they have access can utilise personal devices to undertake some tasks.</li> </ul>	<ul style="list-style-type: none"> <li>• A two-tier approach to access to ICT Provision.</li> </ul>
Vendor and Contract Management	<ul style="list-style-type: none"> <li>• Contract Consolidation underway.</li> <li>• ICT Contract Register improved dramatically.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase focus of ICT Contract Management on business outcome.</li> </ul>
Security	<ul style="list-style-type: none"> <li>• Security training readily available (GDPR etc)</li> </ul>	<ul style="list-style-type: none"> <li>• Increased number of attack vectors due to distributed working.</li> </ul>

## ICT Strategy – Key Design Standards

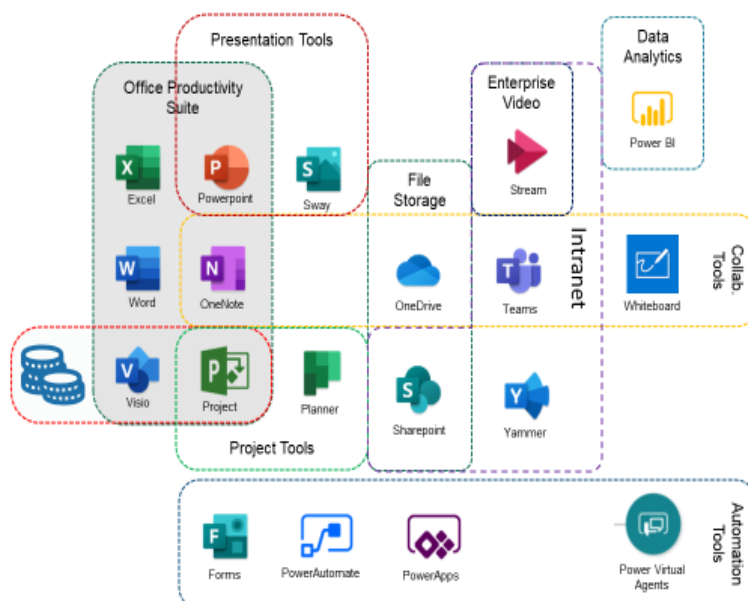
There are several design standards that underpin this strategy. It is important that these design standards are defined and adopted by the organisation, as they, alongside the principles, underpin the rationale and decision making around what technology solutions are adopted by the Councils’.

## Leverage or Buy; not Build

- BMSDC ICT capacity limits our opportunity to build and develop in house solutions. The commoditisation of ICT allows greater opportunity to buy the relevant components needed to support our services. The focus will therefore be on configuration and integration (where aligned to the ICT Infrastructure)
- Where we do need to build, we will leverage products that we already have, or look to procure products that enable low-code developments to be undertaken
- Where low-code platforms exist or are procured, we will ensure that the opportunity for development upon them is shared with the wider organisation, increasing our development capabilities.
- Where the wider organisation is enabled to develop their own solutions on low-code platforms we will adopt a Centre Of Excellence approach, with the central ICT team ensuring relevant safeguards and security is in place.
- We are currently, and for the foreseeable future, a Microsoft house. We will leverage as much value from our Microsoft Enterprise Subscription Agreement as possible.

## Our Key Microsoft Products

- Increase adoption of our Microsoft Products
- Digital Upskilling for those products that align with Strategy – Collaboration Tools, Data Analytics Tools and Automation Tools.
- Replace Intranet with Microsoft Products – Dynamic Intranet.
- Migrate File store from Physical Servers to Cloud Based services and link to Intranet, enabling better information access and sharing.



## Rationalisation, consolidation, and standardisation

- We will look for opportunities to consolidate applications and systems where we have duplicate systems offering the same capability
- When systems become end of life we will always look to evaluate them prior to replacement to ensure replacements increase functional scope and align with organisational need and ambition. We will look to ensure we understand:
  - What are the deficiencies of the existing technology? Can they be overcome or reduced to deliver a fit-for-purpose solution? Are there other applications within the organisation which can be exploited? Thorough evaluation supports specification for replacement if necessary.
  - Standard Device offerings will be developed in regards Smart Phones and Laptops (incl. Surface Pros) to ensure economies of scale, standardisation of usability and an alignment with core technologies such as the Microsoft Productivity Suite. Where devices that deviate from the standard offering are required, IT will ensure they align with technical architecture and it is expected that the ongoing refresh of such devices is factored into any business case for their use.

## Infrastructure free

- We are committed to cloud architecture as a means of reducing local reliance and cost whilst making the most of security and performance delivered by enterprise quality platforms.
- We will adopt public cloud-based solutions where technically feasible, cost effective and compliant to do so with the following order of preference in terms of cloud service offerings:
  - 1st - SaaS – Software as a Service e.g. Office 365.
  - 2nd - PaaS – Platform as a Service e.g. Web application hosting without requiring operating system management or virtual machines.
  - 3rd - IaaS – Infrastructure as a Service. Virtual machines with operating systems running on public cloud hypervisor.
- We are aware that cost and security concerns and the technology marketplace will restrict our ability to procure compliant public cloud-based solutions and in such circumstances will look to private cloud based solutions.

## Confidentiality, integrity, availability (Information Security)

These fundamental principles of confidentiality, integrity and availability, regarding Information Security are paramount for the protection of our customers and the delivery of our services. We will adopt the following:

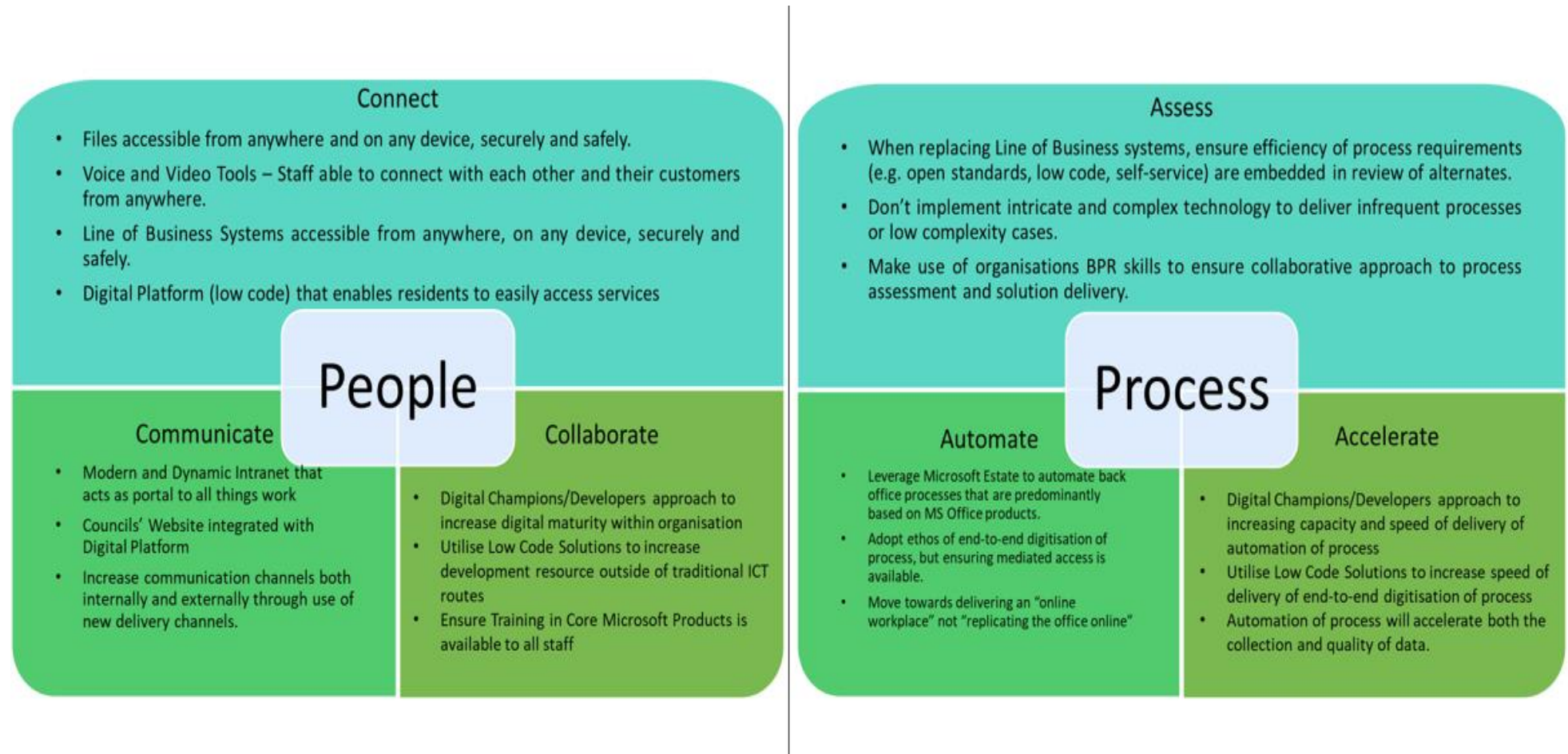
- Information is a valuable council resource; it has real, measurable value. In simple terms, the purpose of information is to facilitate decision-making. Accurate, up to date data is vital to accurate, timely decisions.
- Named Information Asset Owners (IAO) within the council will be accountable for the Confidentiality, Integrity and Availability of Datasets and associated information assets. Together with policy, process and technical controls the council will apply its risk management scheme to the management of information.
- Data processed into Information is the foundation of our decision-making, so we must also carefully manage data to ensure that we know where it is, can rely upon its accuracy, and can obtain it when and where we need it.
- Information must be appropriate and applicable to the business requirements so that it be found, opened, worked with, trusted and understood.
- Information and datasets are governed corporately and defined consistently throughout the enterprise. These universal definitions need to be understandable and available to all users and partners.
- Information Asset Owners will encourage the re-use of public sector information by removing obstacles that stand in the way of re-use. The main themes are improving transparency, fairness, consistency and how better use could be made of their information assets within the law.
- The council will publish information as required and increasing by default to enable more efficient administration. An 'information charter' will be established, detailing its approach to information management in terms of maximising the public benefit and how better use could be made of the council's information assets.

## Keep it simple

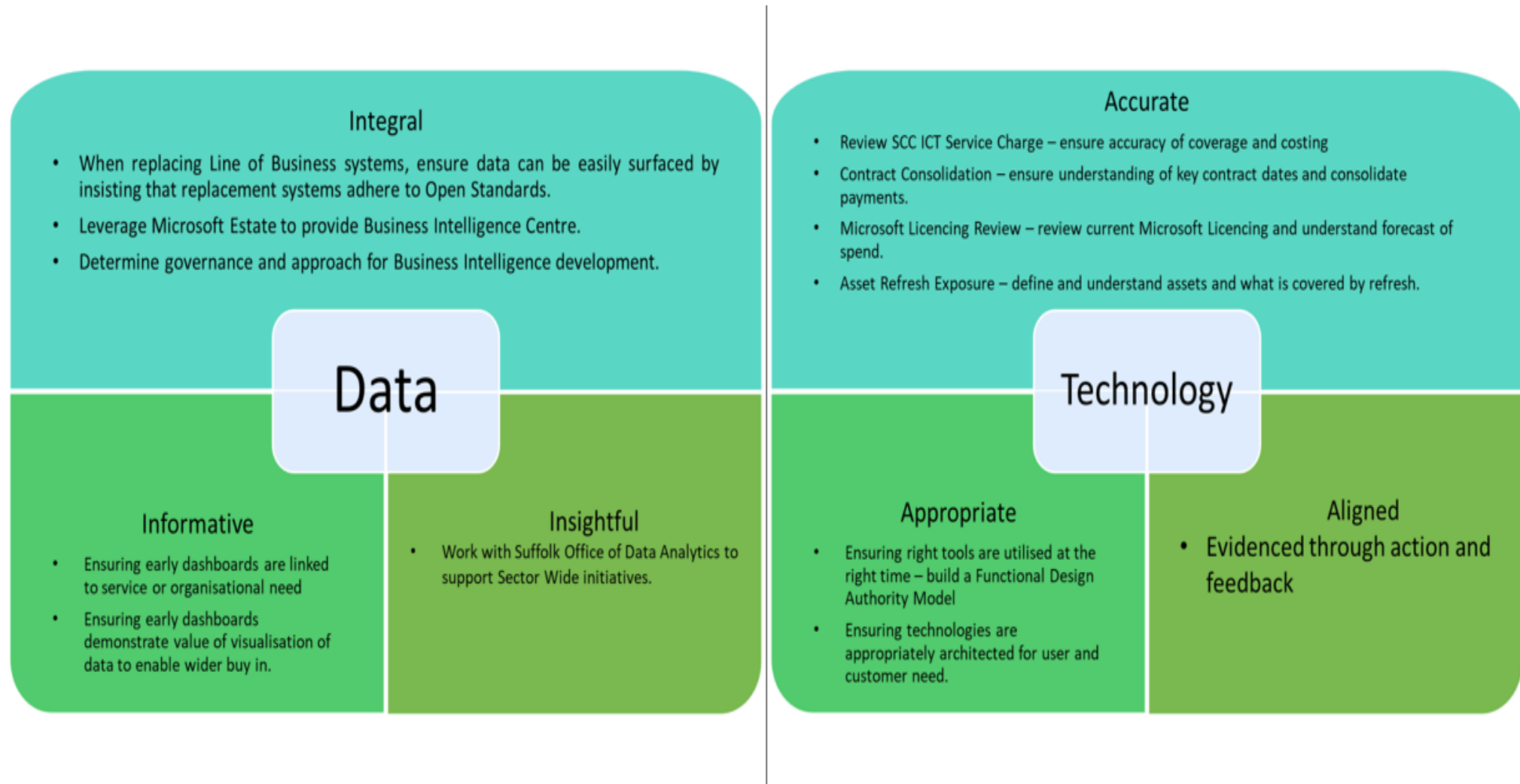
- We will always ensure we look to understand the requirements of those whom require new systems, assuring strong adoption of technology across the user base and an alignment of technology to the value it needs to provide.

- We will challenge unnecessary complication and intricacy ensuring that we adopt Pareto's principle (80% of result comes from 20% of effort) in terms of technology investment, whilst also ensuring ease of use.
- We will ensure return on investment and will not implement intricate technology to deliver infrequent processes or low-complexity cases.

## Action Plan – People and Process Direction of Travel



## Action Plan – Data and Technology Direction of Travel



## Draft Action Plan

						Alignment with Principles											
						People			Process			Data			Technology		
						Connect	Collaborate	Communicate	Assess	Automate	Accelerate	Integral	Informative	Insightful	Accurate	Appropriate	Aligned
Ref	Action	Description	#	High Level Action	Status/Start Date												
1	Files Accessible from Anywhere	All electronic files stored in secure online repositories and linked to intranet. 3 key areas of file store (all sharepoint) 1) One Drive - Personal Files 2) MS Teams - Files being worked on by a Team or for a particular initiative 3) Sharepoint Collection Sites - Final version of files that need to be shared and accessible.	1.1	Work with SCC ICT to secure separate and distinct MS Tenant	Underway												
			1.2	Review and determine structure	Dependant upon outcome of 1.1												
			1.3	Socialisation of Approach	Dependant upon outcome of 1.2												
			1.4	Move of Files	Dependant upon outcome of 1.3	y	y	y	y		y	y			y	y	
			1.5	Embed	Dependant upon outcome of 1.4												
2	Voice and Video Tools	Microsoft due to deprecate Skype For Business and SCC ICT shared O2 service due to end. Move telephony to MS Teams.	2.1	Increase adoption of MS Teams as key toolset within Councils	Complete	y	y	y	y	y						y	y
			2.2	MS Teams Training	Ongoing												
			2.3	Skype for Business Migration	Q3 20/21												

						Alignment with Principles											
						People			Process			Data			Technology		
						Connect	Collaborate	Communicate	Assess	Automate	Accelerate	Integral	Informative	Insightful	Accurate	Appropriate	Aligned
Ref	Action	Description	#	High Level Action	Status/Start Date												
			2.4	Microsoft Teams as key toolset for Digital Champions/ Developers	Q3 20/21												
3	Line of Business Systems Accessible from Anywhere	When reprocurring line of business systems look to ensure these are accessible from anywhere and on any device (Cloud SaaS). For existing systems, look to provide tactical solutions to increase accessibility.	3.1	Cloud Hosted Solution Procurement (individual covered in action 9)	Ongoing	y					y					y	y
			3.2	Tactical Solutions(individual covered in action 10)	Ongoing												
4	Digital Platform that enables residents to easily access services	Replace our websites with a Digital Platform that provides an integrated Content Management System, Low Code Workflow Engine, and core customer contact management elements.	4.1	Determine High Level Requirements	Complete	y	y	y	y	y	y	y	y		y	y	y
			4.2	Pre-Market Engagement	Underway												
			4.3	Low Level Requirements	Q3 20/21												
			4.4	Vendor Deep Dive	Q4 20/21												
			4.5	Procurement	Q4 20/21												
			4.6	Implementation	Q1 21/22												

						Alignment with Principles											
						People			Process			Data			Technology		
						Connect	Collaborate	Communicate	Assess	Automate	Accelerate	Integral	Informative	Insightful	Accurate	Appropriate	Aligned
Ref	Action	Description	#	High Level Action	Status/Start Date												
		Needs to align with and underpin principles of Customer Transformation Programme.															
5	Digital Champions/ Developers	Recognising the need to increase adoption of digital tools, provide confidence to staff in their use and drive a digital culture across the organisation we will adopt and foster an internal digital champion/developer approach. This, over time, will provide additional capacity across the organisation that can take advantage of low code toolsets, moving ICT from a provider model to an enabler model.	5.1	Determine Self Identifying Cohort (from MS Teams Adoption, BPR etc)	Underway	y	y	y	y	y	y	y	y	y	y	y	y
			5.2	Digital Champions/ Developers Branding and Network Development	Q3 20/21												
			5.3	Digital Champions/ Developers Supporting S4B migration	Q3 20/21												
			5.4	Digital Champions/ Developers and MS Power Tools in MS Teams	Q4 20/21												
			5.5	Ongoing Digital Champions/ Developer Programme	Q1 21/22												

						Alignment with Principles											
						People			Process			Data			Technology		
						Connect	Collaborate	Communicate	Assess	Automate	Accelerate	Integral	Informative	Insightful	Accurate	Appropriate	Aligned
Ref	Action	Description	#	High Level Action	Status/Start Date												
6	Ensure Training in Core Microsoft Products is available to all staff	To provide some learning pathways for all core Microsoft Products, and ensure this available to all. To ensure that this is provided in a manner that allows the repository of training to grow	6.1	Launch curated Microsoft Learning Pathways online learning provision.	Complete	y		y		y						y	y
			6.2	Utilise Digital Champion/ Developer network to maintain and increase training material.	Q3 20/21												
7	Business Intelligence	Look to create a Business Intelligence Centre underpinned by a single data dictionary that allows staff to build visual dashboards, safely and securely publish these	7.1	Identify high level approach to Business Intelligence delivery, taking us from early visualisation to a fully embedded analytics platform.	Complete	y	y	y	y	y	y	y	y	y	y	y	y
			7.2	Identify Publishing Cohort	Underway												
			7.3	Develop Data Governance Guidance and Checklist	Underway												
			7.4	Identify Early Pilot Areas	Underway												
			7.5	Undertake Early Pilot	Q4 20/21												

						Alignment with Principles											
						People			Process			Data			Technology		
						Connect	Collaborate	Communicate	Assess	Automate	Accelerate	Integral	Informative	Insightful	Accurate	Appropriate	Aligned
Ref	Action	Description	#	High Level Action	Status/Start Date												
			7.6	Implement rolling agile development plan	Q4 20/21												
			7.7	Data Warehousing	21/22												
			7.8	Data Gateways	21/22												
			7.9	Next Steps TBD	TBD												
8	ICT Financial Rigour	Improve rigour in regards ICT contract management and licencing.	8.1	Review SCC ICT Service Charge	Complete												
			8.2	Review Microsoft licencing to enable accurate revenue forecasting.	Underway												
			8.3	Consolidate payment dates for key contracts to enable accurate forecasting	Underway		y	y	y		y	y		y	y	y	
			8.4	Increase rigour in ICT contract management	Q4 20/21												
			8.5	Asset listing in preparation to look at refresh needs	Underway												
9	Line of Business Systems Rolling Programme	Rolling programme of Line of Business System retendering and potential replacement.	Commercial in Confidence			y	y		y	y	y	y	y		y	y	y

						Alignment with Principles											
						People			Process			Data			Technology		
						Connect	Collaborate	Communicate	Assess	Automate	Accelerate	Integral	Informative	Insightful	Accurate	Appropriate	Aligned
Ref	Action	Description	#	High Level Action	Status/Start Date												
10	New Way of Working	This is to cover both the urgent need that some may have in regards access to systems that have not been properly architected for "working from anywhere" or other ICT work related to the next normal that is not covered by other organisational initiatives.	10.1	M3 - RDS Temporary	Complete												
			10.2	M3 - RDS Permanent	Underway												
			10.2	FME - Move mapping compute workload to server rather than end point devices to minimise network traffic during Covid.	Complete	y	y				y				y	y	