



IPSWICH
BOROUGH COUNCIL

LICENSING & REGULATORY COMMITTEE

**WEDNESDAY
13 JUNE 2018
GIPPING ROOM, GRAFTON HOUSE
6.00 PM**

COUNCILLORS

LABOUR

**C Allen
H Armitage
S Barber
G Chisholm
S Connelly
S Darwin
K E Elavalakan
E Hughes
A Ross
B Studd
C Wright**

CONSERVATIVE

**N Cenci
D Goldsmith
E Xhaferaj**

LIBERAL DEMOCRAT

I Lockington

A G E N D A

	PART 1
1.	Election of Chair
2.	Appointment of Vice Chair
3.	Apologies for Absence
4.	To consider the minutes of the meeting held on 19 April 2018 (Pages 1 - 6)
5.	To Confirm or Vary the Order of Business
6.	Declarations of Interest
7.	<p>To Confirm the Dates and Times of Meetings of the Committee To confirm the start time of Meetings as 6.00pm on the following dates for 2018/19:</p> <p>Tuesday 24 July 2018 Wednesday 29 August 2018 Tuesday 16 October 2018 Thursday 29 November 2018 Tuesday 22 January 2019 Tuesday 19 March 2019 Wednesday 17 April 2019</p>
8.	<p>Establishment of Sub-Committees</p> <p>(a) To establish Sub-Committees of 3 Councillors in the terms established by Committee on 27 January 2005, to deal with hearings under the Licensing Act 2003;</p> <p>(b) To establish Sub-Committees of 3 Councillors in the terms established by Committee on 21 June 2007 to deal with hearings under the Gambling Act 2005;</p> <p>(c) To establish Sub-Committees of 3 Councillors in the terms established by Committee on 20 December 2007, to deal with hackney carriage and private hire enforcement matters;</p> <p>(d) To establish a Sub-Committee of 3 Councillors in the terms established by Committee on 26 March 2009, to deal with applications for sitting out areas.</p>
9.	LR/18/01 Review of the Application Criteria for Hackney Carriage & Private Hire Driver's Licence (Pages 7 - 16)

10.	LR/18/02 Licensing Act 2003 Applications Update Report (Pages 17 - 28)
11.	Exclusion of Public To consider that the public (including the press) be excluded from the meeting during consideration of the following agenda items under Section 100(A) of the Local Government Act 1972 as it is likely that if members of the public were present during this item there would be disclosure of them of exempt information falling within paragraphs 1 of Schedule 12A of the Local Government Act 1972.

	PART 2 - NOT FOR PUBLICATION
12.	LR/18/03 Enforcement Report (Pages 29 - 34)

Helen Pluck

**HELEN PLUCK
MONITORING OFFICER**

5 June 2018

Any enquiries about this meeting should be addressed to
Jess Dool - 01473 432513
Grafton House, 15 - 17 Russell Road, Ipswich IP1 2DE.
Website: www.ipswich.gov.uk



The information contained within these papers can be made available in alternative formats. Please use the contact details above for assistance

LICENSING & REGULATORY COMMITTEE

MINUTES

THURSDAY 19 APRIL 2018
ORWELL ROOM, GRAFTON HOUSE
9.45 AM

Present: Councillors J Carnall, H Clarke, S Connelly, S Darwin, R Fern, C Jones, C Kreidewolf, I Lockington, D Maguire, A Ross, B Studd and R Vickery

27. Apologies for Absence

Apologies for absence were received from Councillors Cenci, Goldsmith and Wright.

28. Unconfirmed Minutes of Previous Meeting held on 30 November 2017

28.1. Debbie Devine, Senior Licensing and Enforcement Officer, reported that 20 drivers had their licences suspended as they had not attended the mandatory training on child sexual exploitation, dementia and disability awareness. However, for the majority of drivers involved this was due to the decision to retire from the trade/not renew their licence.

Resolved:

that the minutes of the previous meeting held on 30 November 2017 be confirmed as a true record.

29. To Confirm or Vary the Order of Business

Resolved:

That the Order of Business be confirmed as printed on the agenda.

30. Declarations of Interest

There were no declarations of interest.

31. Taximeter Calibration 2018 - Verbal Report from the Chair of the Ipswich Station Taxi Tenants Association

- 31.1. Malcolm Goodwin, Chair of the Station Taxi Tenants Association, raised concerns regarding the Taximeter Calibrations which took place on 12 March 2018 for Cygnus taximeters. These concerns included the ability for passengers to be overcharged for their journeys by use of the “extras” which could be charged on the taximeter. Mr Goodwin explained that the use of one chip for all taxi meters could have a detrimental effect on passengers and suggested that further investigation should take place. Councillor Connelly noted that the use of a lesser number of chips for all taxi meters had been proposed as this would cut down costs for drivers.
- 31.2. Ms Devine explained that taxi drivers could attempt to overcharge customers already for their journeys through the use of the “extras” button and confirmed that the tariff would be correct in terms of distance and time which was the most important element of the journey.
- 31.3. Councillor Ross reported that discussions would take place outside of the meeting with the Licensing & Enforcement Team to discuss the concerns which had been raised and to consider any possible alternatives prior to the next taximeter calibrations. He advised that the Council set benchmarks against other Councils within the area and it was hoped that in time, a national standard could be implemented across the board for all Local Authorities.
- 31.4. It was agreed that a future Working Group meeting would be arranged in the new municipal year where trade representatives would be invited to attend.
Action: that a Working Group meeting be arranged in the new municipal year for Taxi Trade Representatives to attend.
- 31.5. The Officer confirmed that the potential for passengers to be overcharged would always be possible however, every complaint received regarding overcharges would always be investigated.
- 31.6. It was suggested that the use of local media/the Angle could be used to publish information to taxi users about overcharging and how complaints could be made to the Council. This could also be advertised within the vehicle.

32. LR/17/08 Advertising on Private Hire Special Needs Vehicles

- 32.1. The Officer explained that the Committee had been asked to consider allowing commercial advertisements on Private Hire Special Needs Vehicles. At present, advertising was permitted for both Hackney Carriage and Private Hire Wheelchair Accessible vehicles.
- 32.2. Councillor Lockington suggested that any internal advertising should be considered to ensure that there would be no issues for passengers. The Officer confirmed that discussions regarding this would be undertaken with the Private Hire Operator, 405 Cabs.

Resolved:

that the proposed Conditions of Licence for Private Hire Special Needs Vehicle Licences attached as Appendices C be approved and attached to the grant and re-grant of relevant licences.

33. LR/17/09 Street Trading Application - Simply Donuts Ltd

- 33.1. The Officer confirmed that an application had been received by Simply Donuts Ltd regarding a street trading stall in Tavern Street operating between 8.30am and 5.00pm.
- 33.2. Councillor Jones commented on the requirement for a “Victorian” style stall and it was agreed that a review on the Street Trading requirements be undertaken in the near future.
- 33.3. Councillor Lockington asked if there had been a reduction in street traders and what the reason for this could be. The Officer reported that the income from street trading had decreased in the past year. It was hoped that more street traders could be encouraged to apply in Ipswich following the review.

Resolved:

that street trading consent be granted to Mr Bree to sell hot doughnuts and cold drinks in Tavern Street, 7 days a week, from 8.30am to 5.00pm, for a period of 12 months.

34. LR/17/10 Street Trading Application - Grill Hut

- 34.1. The Officer reported that an application had been received for the sale of grilled food in Ipswich. The applicant had applied to trade however, had requested that the Committee choose the most appropriate location between Carr Street and Westgate Street.
- 34.2. Discussion took place around food odours and how this could be accounted for. It was noted that no complaints had been received regarding similar food stalls within the town thus far.

Resolved:

that street trading consent be granted to Mr Ahmed to sell grilled food in Carr Street, 7 days a week, from 10.00am to 4.00pm, for a period of 12 months.

35. Prosecution under the Licensing Act 2003: Verbal Report on Outcome of Hearing (17 April 2018)

- 35.1. The Officer reported that Mamma Mia, Pizza & Grill Restaurant, had been prosecuted under the Licensing Act 2003 for providing late night refreshments

without a licence which had caused issues for local residents. The hearing had been held on the 17th April where the owner had pled guilty to the first charge and had been ordered to pay a fine of £150, costs of £2000 and a £30 victim surcharge.

35.2. The Licensing & Regulatory Committee noted the importance of cases such as these and congratulated the Officers involved.

36. LR/17/11 The Licensing Act 2003: Applications Update Report

36.1. Councillor Ross advised that there appeared to be a nationwide trend with regards to Hairdressers and Beauty Salons applying for licences for the sale of alcohol and therefore more applications could be received in the future.

36.2. Discussion took place around the timetable which was prepared for the 2018/19 Licensing Sub-Committee hearings. It was agreed that future discussions should take place about how effective this had been and what other options could be considered.

Resolved:

that the report be noted.

37. Exclusion of Public

It was resolved:

that the public (including the press) be excluded from the meeting during consideration of the following agenda item under Section 100(A) of the Local Government Act 1972 as it is likely that if member of the public were present during this item there would be disclosure to them of exempt information falling within paragraphs 1 of Schedule 12A of the Local Government Act 1972.

38. Unconfirmed Exempt Minutes of Previous Meeting held on 30 November 2017

Resolved:

that the unconfirmed minutes of the meeting held on 30 November 2017 be signed as a true record.

The meeting closed at 10.36 am

Chair

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COMMITTEE: LICENSING & REGULATORY REF NO: LR/18/01

DATE: 13 JUNE 2018

**SUBJECT: REVIEW OF APPLICATION CRITERIA FOR
HACKNEY CARRIAGE/PRIVATE HIRE
DRIVERS LICENCES**

PORTFOLIO HOLDER: COUNCILLOR A ROSS

HEAD OF SERVICE: IAN BLOFIELD

Short description of report content and the decision requested:

This reports details the current application process for new applicants for hackney carriage or private hire drivers licences and proposes introducing a training course with East Suffolk College as part of the application criteria.

Ward(s) affected:

All

List of Appendices included in this report:

a) Appendix 1 – Overview of the proposed course

*This report has been prepared by Debbie.devine, Tel: 01473 432065,
Email: debbie.devine@ipswich.gov.uk*

This report was prepared after consultation with:

Internal consultees

Legal Services

Head of Service

External consultees

Hackney Carriage trade representatives in Ipswich

Private Hire Operators licensed in Ipswich

The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

Building a Better Ipswich 2017

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

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| <p>1. Report to Licensing and Regulatory Committee 02/03/17 report reference LR/16/17</p> |
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OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

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| <p>1.</p> |
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1. Introduction

- 1.1 When considering applications for hackney carriage and private hire vehicle driver's licences, the Council must be satisfied that the applicant is a fit and proper person to be granted a licence. No definition is offered of this term, and the Council's discretion is wide-ranging.
- 1.2 On 2 March 2017 the Committee determined that all new and current holders of hackney carriage or private hire driver's licences would need to attend a training course on child sexual exploitation, disability and dementia awareness. Any driver who failed to attend the course would have their licence suspended until such time as they have completed the course. The company who provided this training was Skills UK Ltd.
- 1.3 Officers had been in discussion with East Suffolk College with a view to it introducing a training course for applicants for taxi and private hire drivers' licence and it was originally proposed to include this as part of the introduction of a Taxi Licensing Policy later in 2018. However, the Council has now been informed by Skills UK Ltd that it has ceased trading and an alternative training option is required immediately.

2. Background

- 2.1 The current application process for a new applicant for a hackney carriage or private hire driver's licence is:
 - i) An Enhanced DBS check;
 - ii) Immigration status check;
 - iii) English Test;
 - iv) Knowledge Test;
 - v) CSE, dementia and disability awareness training;
 - vi) Driving Assessment;
 - vii) Medical examination.
- 2.2 The knowledge tests are on the conditions of licence, essentially the law which needs to be followed, and on the local geography and it is very rare that an applicant passes these first time. On average the number of tests taken before a pass is 4.
- 2.3 Officers had noted that West Suffolk Council (St Edmundsbury and Forest Heath District Councils) had, in conjunction with West Suffolk College, introduced a training course for all new applicants for taxi and private hire driver's licences and approached East Suffolk College with a view to it introducing a similar course for Ipswich.
- 2.4 The college was very receptive to this concept and is willing to introduce a training course, named 'Introduction to the Role of the Professional Taxi and Private Hire Driver' and a copy of the course

detail is attached as Appendix A to this report. This course is identical to the BTEC course of the same name, however, to keep the cost of the course as low as possible, the course will not be BTEC accredited. Applicants will instead receive a certificate endorsed by the Council and the College.

- 2.5 It is a 2 day course, covering the following elements and involves an assessment at the end of the course;
- Health and Safety in the taxi and private hire work environment
 - Road safety when driving passengers in a taxi or private hire vehicle
 - Professional customer service in the taxi and private hire industry
 - Taxi and private hire vehicle maintenance and safety inspections
 - The regulatory framework of the taxi and private hire industry
 - Taxi and private hire services for passengers who require assistance
 - Routes and fares in the taxi and private hire vehicle industries
 - Transporting of parcels, luggage and other items in the taxi and private hire industries
 - Transporting of children and young persons by taxi or private hire vehicles
- 2.6 The cost of the course will be £160 and courses will be run every 6 to 8 weeks. Under the current system the cost of an English test is £35, a knowledge test is £42 for the first test and £25 per re-take, the cost of the CSE course was £100. Therefore, the majority of applicants will pay less by doing this course.
- 2.7 The remaining elements of the application process, e.g. DBS and immigration status check, driving assessment and medical will continue as at present.
- 2.8 It is further suggested that any applicant who passes this course be granted a combined hackney carriage/private hire vehicle driver's licence as the same training course would be required for each type of licence.
- 2.9 Mid-Suffolk and Babergh, Suffolk Coastal and Waveney District Council licensing officers have also been contacted about this course and a wider proposal to have a Suffolk wide standard for taxi and private hire drivers. They are unable to consider this at present due to other priorities, however, it may be possible in the future.
- 2.10 As stated above, a number of drivers had their licences suspended because they had not attended the CSE, dementia and disability awareness training and these have been advised that their licence will be returned once they have attended the course. It is suggested that in the absence of the Skills UK Ltd course, these drivers be required to pass the course through the college before their licences are returned to them.

3. Relevant Policies

- 3.1 Building a Better Ipswich 2017 underlying principle of a strong Ipswich economy of encouraging local companies to supply goods and services to the Council.
- 3.2 And Building a Better Ipswich 2017 underlying principle of working with businesses to ensure safe licensing practices.

4. Options Considered / Under Consideration

- 4.1 Option 1 – Remove the requirement for new applicants to attend CSE, disability and dementia awareness training;

Comment: New drivers entering the taxi and private hire trade would not have the same understanding of CSE, dementia and disability and their role in assisting the vulnerable in society. Drivers who have attended the course may be aggrieved if the requirement was now withdrawn.

Option 2 – Identify an alternative training provider for CSE, dementia and disability awareness.

Comment: The course ran by Skills UK Limited was tailor made to the Council's requirements and no similar courses have been identified so far. It may be possible to have separate courses for these elements, however, the cost would increase because of this.

Option 3 – Introduce the requirement for new applicants to pass the course on the Introduction to the role of the Professional taxi and private hire driver and remove the requirement for English and knowledge tests, and CSE, dementia and disability awareness, as these are incorporated in the course.

Comment: This is the preferred option as it combines the 3 key training elements for applicants to the trade in a cost effective manner.

5. Consultations

- 5.1 The Hackney Carriage trade representatives and all licensed private hire operators were consulted on this proposal.

5.2 3 responses were received and the comments were as follows:

- 1) This sounds like a good idea to me. Anything that standardises and raises standards in the trade is a good thing – Secretary of Ipswich Station Taxi Tenants Association;
- 2) If it helps the customer’s safety and well-being, it must be a good thing. My experience with customers I have transported over the last 23 years is that they do not have the trust in taxi and private hire drivers that they once had. Any training must help with the relationship with customers – Britannia Cabs;
- 3) I think this is going to be the way forward, as long as the course is done by the college and delivered properly – 405 Cab Co.

6. Risk Management

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
The Council’s requirements for a person to be fit and proper do not meet the required standard	New drivers could potentially break the law or miss a safeguarding risk	Ensure that all drivers are fit and proper people to hold a licence	E	3	Regular review of requirements for new and existing applicants to obtain a licence

7. Environmental Impact Assessment

7.1 There are no environmental impacts associated with this policy review.

8. Equalities and Diversity Implications

8.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do

not.

- 8.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 8.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 8.4 An Equality Impact Screening was undertaken to assess if this report could result in less favorable treatment of some groups, and how this could be mitigated. No negative impact on the equalities groups was foreseen however introduction of this training could create a positive impact on some groups of people who use Hackney Carriage and Private Hire Vehicles.

9. Financial Considerations

- 9.1 There will be a loss in income on the taxi and private hire budget of approximately £6,000, due to the knowledge test fee no longer being chargeable, but this loss of income can be accommodated within existing budgets.

10. Legal Considerations

- 10.1 Hackney Carriage and Private Hire Licensing is a function of the District Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 10.2 The Council is required to issue a hackney carriage or private hire vehicle driver's licence provided it is satisfied that the applicant is fit and proper to hold such a licence.
- 10.3 Each Local Authority can determine the criteria by which it can 'measure' if an applicant is fit and proper to hold a licence.

11. Performance Monitoring

- 11.1 If approved, the Guide for applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences will be amended and the revised requirements implemented for any new applicants applying for a licence.

12. Conclusions

- 12.1 The proposed introduction of a training course with East Suffolk College will financially benefit new applicants for licences and contribute towards a Suffolk wide standard for taxi and private hire drivers.
- 12.2 The Committee is asked to consider whether to introduce this training course as a requirement for obtaining a hackney carriage/private hire drivers licence and for those drivers whose licences were suspended for not attending the CSE, dementia and disability awareness training course.

13. Recommendations

- 13.1 That the Committee introduces a training course in the Introduction to the Role of the Professional Taxi and Private Hire Driver in conjunction with East Suffolk College;**
- 13.2 That any new applicant for a hackney carriage/private hire driver's licence be required to produce a pass certificate for the above course, or the same course held at West Suffolk College, before being granted a combined Hackney Carriage and Private Hire Driver's licence, with immediate effect;**
- 13.3 That the requirement for a new applicant to pass an English test, knowledge tests and attend a CSE, dementia and disability awareness course be discontinued with immediate effect;**
- 13.4 That any driver whose licence was suspended or not renewed due to not attending the CSE, dementia and disability awareness training be required to produce a pass certificate for the above course, or the same course held at West Suffolk College, before their licence is returned to them**

Introduction to the Role of the Professional Taxi and Private Hire Driver

Overview of course

We are pleased to be able to offer in partnership with Ipswich Borough Council, the 'Introduction to the Role of the Professional Taxi and Private Hire Driver'.

This course is intended for candidates who either work or wish to pursue a career as licenced taxi driver in the passenger transport sector.

The course will be delivered over 2 full days at Suffolk New College in Ipswich.

To register interest on this course please contact us on 01473 382425 or via email kelseyvincent@suffolk.ac.uk

Entry requirements

There are no formal entry requirements for this course, but delegates will be required to have a good understanding of English.

Qualifications

Upon successful completion of the course, delegates will receive a jointly endorsed certificate from Ipswich Borough Council and Suffolk New College.

Further course detail

Course content will include the following topics:

- Health and Safety in the taxi and private hire work environment
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Taxi and private hire vehicle maintenance and safety inspections
- The regulatory framework of the taxi and private hire industry
- Taxi and private hire services for passengers who require assistance
- Routes and fares in the taxi and private hire vehicle industries
- Transporting of parcels, luggage and other items in the taxi and private hire industries
- Transporting of children and young persons by taxi or private hire vehicles

Delegates will also undertake a multiple choice assessment at the end of the training.

Price

£160

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COMMITTEE: LICENSING & REGULATORY REF NO: LR/18/02
DATE: 13 JUNE 2018
SUBJECT: THE LICENSING ACT 2003: APPLICATIONS
 UPDATE REPORT
REPORT AUTHOR: SIMONE WOODRUM- LICENSING SYSTEMS
 OFFICER
HEAD OF SERVICE: IAN BLOFIELD

Short description of report content and the decision requested:
The report is for information and deals with the following:

- *A summary of applications under the Licensing Act 2003 since the last meeting of the Committee;*

Ward(s) affected:
Determined applications:
 Alexandra, Priory Heath
On-going applications:

List of Appendices included in this report:
 A) *Vista Café, 3a St. Peters Street, Ipswich*
 B) *McDonalds, 2-4 Hening Ave, Ipswich*
 C) *Nandos, 3 The Sandlings, Ransomes Way, Ipswich*

*This report has been prepared by Simone Woodrum, Licensing & Systems Officer Tel: 01473 433047
 Email: simone.woodrum@ipswich.gov.uk*

This report was prepared after consultation with:
Internal consultees - None
External consultees – None
The following policies form a context to this report:
Building a Better Ipswich

BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information –

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|--|
| 1 The applications referred to at Section 1 of the report. |
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OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

1. SUMMARY OF APPLICATIONS RECEIVED

1.1 The following is a summary of the outcome of Licensing & Regulatory Sub-Committee hearings and applications mediated or determined under delegated authority, since the last meeting of the Committee:

1.2 Applications determined

Premises	Address	Hearing/ Mediated	Date of Hearing	Outcome
Vista Café (New)	3a St. Peters Street, Ipswich	Mediated	N/A	Granted with additional conditions – Appendix A
McDonalds (New)	2/4 Hening Avenue, Ipswich	Hearing	18.05.18	Granted with additional conditions – Appendix B
Nandos	3 The Sandlings, Ipswich	Mediated	N/A	Granted with additional conditions – Appendix C
ITFC (Minor Variation)	Portman Road, Ipswich	N/A	N/A	Granted – inclusion of films

1.3 Current Applications

In consultation –

1.3.1 Save Your Night, 19 Holywells Road, Ipswich - NEW
Proposed business: Alcohol Sales for consumption off the premises to a registered address from a secure container in locked up yard
Activity: Alcohol Sales Times: 21.00-06.00
Christmas Day and Boxing Day 12.00-00.00
Consultation closes: 5th June 2018

1.3.2 Co-op, 3 Hines Road, Ipswich - VARIATION
Proposed Variation: Extending the hours for sale of alcohol off the premises.
Activity: Sale of alcohol OFF premises Times: 06:00 – 23:00
Consultation closes: 1st June 2018

2. Policy Context

2.1 The delivery of a licensing service and associated enforcement functions contribute to the Council's vision by making the town a safe environment for people to enjoy their leisure time.

3. Performance Monitoring

3.1 Not applicable.

4. Risk Management

4.1 Not applicable.

5. Environmental Impact Assessment

5.1 Not applicable.

6. Equalities and Diversity Implications

6.1 Not applicable.

7. Financial Considerations

7.1 There are no financial considerations associated with this report.

8. Recommendations:-

8.1 that the report be noted.

Mediation Report:

Vista Café, 3A St Peters Street, Ipswich

An application for a new Premises Licence under Section 17 of the Licensing Act 2003 was received.

Mediation has been sought between parties and the Sub-Committee are required to ratify the agreed conditions.

New conditions have been added to this licence and these are set out below.

As a result all parties have confirmed they consider a hearing is not necessary, they will not be attending and have withdrawn their representations.

The Sub-Committee is asked to ratify the following:

Conditions agreed through mediation with Suffolk Constabulary

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police. All entry and exit points will be covered, as will all areas where licensable activities are happening, enabling frontal identification of every person entering any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 30 days with the date and time stamping.
2. Recordings shall be made available immediately upon the request of the Police or authorised officer throughout the preceeding 30 day period.
3. A staff member who is conservant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member will be able to show a Police or authorised licensing officer recent data or footage with the absolute minimum delay when requested and be able to download relevant footage onto a disc or memory stick.
4. A Challenge 25 policy must be implemented whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or proof of age scheme (PASS) approved identification before alcohol can be supplied or sold to them. All staff will be instructed, through training, that alcohol cannot be supplied or sold unless this evidence is produced.

5. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a "Challenge 25" scheme operates in the premises.
6. All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or equivalent (which includes relevant in house training), within three months of commencing employment at the premises. All staff to be given refresher training every quarter.
7. Fully auditable training records should be maintained for all staff in respect of the sale of alcohol. These will be made available for inspection upon request to the Police and all other Responsible Authorities.
8. An incident log will be maintained and be kept for a minimum of 12 months from the date of each entry and will be provided to the Police and all other Responsible Authorities on request.
9. A register of refusals will be maintained and be kept for a minimum of 12 months from the date of each entry and will be provided to the Police and all other Responsible Authorities on request.
10. The supply of alcohol at the premises will only be to a person seated taking a table meal within the premises and for consumption by such a person as ancillary to their meal.
11. Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.

NOTICE OF DETERMINATION

Date of Hearing: 18 May 2018

Hearing Type: Application for a Premises Licence

Name of Applicant: Direct Dialog Visual Limited

Name of Premises: McDonalds Restaurants

Postal Address of Premises: 2/4 Hening Avenue, Ipswich, Suffolk, IP3 9QJ

Name of Responsible Authorities: Suffolk Constabulary

Name of Other Persons: Mr Atkinson
Ms Atkinson
Mr Barnes
Mr Borley
Mrs Eburne
Mr & Mrs Farnish
Mr Jones
Ms Kew
Mr Neale
Mr Picton
Ms Robson
Ms Waterworth
Ms Grey
Mr Manchester

Members of the Sub-Committee: Councillor S Connelly (Chair)
Councillor S Darwin
Councillor B Studd

Determination – The Sub-Committee’s decision and reasons

The Sub-Committee considered the application for a Premises Licence and the representations made by Other Persons. The Applicant, Direct Dialog Visual Limited, applied for a new Premises Licence for McDonald restaurants at 2/4 Hening Avenue, Ipswich to authorise the Provision of Late Night Refreshment licensable activity from 23:00 to 05:00 hours Monday to Sunday inclusive.

Written representations were received from Suffolk Constabulary, however, these were withdrawn before the hearing following successful mediation with agreed conditions. Representations were also received from Other Persons. There were 13 representations from Other Persons objecting to the grant of the application and one representation in support. The objections were based on the Prevention of Crime and Disorder and the Prevention of Public Nuisance licensing objectives. The objectors, made up of local residents, were concerned with various issues including noise, litter, anti-social behaviour and traffic.

The Applicant was represented by Mr Charalambides instructed by Shoosmiths Solicitors and was accompanied by Ms Rogersen, the franchisee. Mr Borley, Mrs Eburne and Ms Grey attended the hearing and made oral representation either by themselves or through a representative. Others were not present at the hearing but their written representations were taken into account by the Sub-Committee.

Decision and Reasons

In coming to its decision, the Sub-Committee considered the need to promote the 4 licensing objectives under the Licensing Act 2003, the Home Office Guidance and Ipswich Borough Council's Statement of Licensing Policy.

Having considered the representations made by all parties, the Sub-Committee determined to grant a licence to authorise the provision of late night refreshment licensable activity at the Premises between 23.00 and 05.00 hours Monday to Sunday. The Sub-Committee further determined to impose the conditions agreed between the Applicant and Suffolk Constabulary and two additional conditions stated below.

The Sub-Committee determined as follows:

"While we are sympathetic to the concerns raised by the residents and their representatives the decision of this Sub-Committee is that we grant this application as submitted subject to the conditions agreed with Suffolk Constabulary and two additional conditions.

Our decision can only relate to issues arising from the relevant licensing hours of 23.00 to 05.00.

We have listened to the concerns raised relating to the hours when the premises is not required to be licensed and are pleased to see that residents are taking a real interest in their community. We would encourage them to continue to monitor the situation and report incidents to the responsible authority as and when they occur.

We are encouraged to hear that the applicant is keen to engage with the local community and would ask that the applicant's offer to provide a litter pick map to the local residents group is accepted."

The Sub-Committee considers that the conditions imposed would help to ensure that the concerns raised by residents would not extend to the relevant licensing hours.

The Sub-Committee considers this decision to be an appropriate and proportionate response to the promotion of the licensing objectives.

Conditions Imposed

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police. All entry and exit points will be covered, as will all areas where licensable activities are happening, enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 30 days with date and time stamping.

- Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 30 day period.
- A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member will be able to show a Police or Authorised Licensing Officer recent data or footage with the absolute minimum delay when requested and be able to download relevant footage onto a disc or memory stick.
- The Applicant shall liaise with Ipswich Borough Council's Environmental Protection Services to set a maximum acceptable level of noise coming from the intercom before carrying on the provision of late night refreshment licensable activity.
- The Applicant shall display signage in a prominent position on the premises requesting that their customers respect the local residents and leave the premises quietly before carrying on the provision of late night refreshment licensable activity.

Right of a Party to appeal against the determination of the Authority

For your information, applicants and any party who made a relevant representation, or submitted an objection notice, who is aggrieved by the decision, or the imposition of any term, condition or restriction, have a right of appeal to the Magistrates' Court within 21 days of the date on which they are notified of the decision.

Notification Date: 22 May 2018

Mediation Report:**Nandos, 3 The Sandlings, Ipswich**

An application to vary a Premises Licence under Section 34 of the Licensing Act 2003 was received.

Mediation has been sought between parties and the Sub-Committee are required to ratify the agreed conditions.

New conditions have been added to this licence and these are set out below.

As a result all parties have confirmed they consider a hearing is not necessary, they will not be attending and have withdrawn their representations.

The Sub-Committee is asked to ratify the following:

Conditions agreed with Suffolk Constabulary through mediation at variation stage May 2018**The Prevention of Crime and Disorder**

- The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered, as will all areas where licensable activities are happening, enabling frontal identification of every person entering in any light condition. The CCTV system shall record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping.
- Recordings shall be made available upon the request of Police or authorised officer throughout the preceding 28-day period, such copies shall in any event be provided within forty-eight (48) hours subject to the Data Protection Act 1998.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

The Protection of Children from Harm

- A Challenge 21 policy must be implemented whereby all customers who appear to be under 21 must produce photographic identification in the form of a passport, driving licence or proof of age scheme (PASS) approved identification before alcohol can be supplied or sold to them. All staff, involved in the sale of alcohol, will be instructed, through training, that alcohol cannot be supplied or sold unless this evidence is produced.
- The premises licence holder shall ensure that notices shall be displayed in the premises to advise patrons and staff that a Challenge 21 scheme operates in the premises
- All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or equivalent (which includes in-house training) within three months of commencing employment at the premises
- Fully auditable training records should be maintained for all staff in respect of the sale of alcohol. These will be made available for inspection upon request to the police and other responsible authorities.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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