

Notice of Licensing Committee



Date: Thursday, 8 December 2022 at 10.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Chair:

Cllr J J Butt

Vice Chair:

Cllr D Kelsey

Cllr S C Anderson
Cllr J Bagwell
Cllr D Brown
Cllr R Burton
Cllr N Decent

Cllr B Dion
Cllr G Farquhar
Cllr D Farr
Cllr D A Flagg
Cllr M Howell

Cllr T Johnson
Cllr L Williams
Cllr K Wilson

All Members of the Licensing Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=4720>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services on 01202 096660 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

30 November 2022



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. **Apologies**

To receive any apologies for absence from Councillors.

2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. **Confirmation of Minutes**

To confirm and sign as a correct record the minutes of the Licensing Committee meeting held on 15 September 2022 and the minutes of Licensing Sub Committee meetings held on 31 August, 14 and 29 September, 12 October and 9 November 2022.

Note: The full exempt versions of the minutes of the Sub Committees held on 14 and 29 September 2022 are also appended as restricted documents. At each of these meetings the Sub Committee resolved to exclude the press and public for the reasons set out in the public and exempt versions of the minutes.

5. **Public Issues**

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is 4 clear working days before the meeting.

The deadline for the submission of a public statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

5 - 40

6. Electric and Hybrid Vehicles - Taxi and Private Hire	41 - 44
BCP Council declared a climate emergency in 2019 and since then our policies have reflected our commitment to reducing harmful emissions. The Taxi and Private Hire Vehicle Policy 2021 was amended in 2022 and at that time the members of the Licensing Committee requested that officers propose additional wording to be included within the policy relating to hybrid and electrical vehicles.	
7. Forward Plan	45 - 48
To consider, update as required and agree the Committee's Forward Plan.	

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 15 September 2022 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Cllr D Kelsey – Vice-Chairman

Present: Cllr S C Anderson, Cllr D Brown, Cllr R Burton, Cllr G Farquhar, Cllr D Farr, Cllr M Howell, Cllr T Johnson, Cllr D Kelsey, Cllr A Filer (In place of Cllr L Williams), Cllr P Hilliard (In place of Cllr D A Flagg), Cllr L Northover (In place of Cllr K Wilson), Cllr M Iyengar (In place of Cllr J Bagwell) and Cllr B Dion (In place of Cllr N Decent)

29. Apologies

Apologies were received from Cllrs J Bagwell, N Decent, D Flagg, L Williams, K Wilson

30. Substitute Members

Cllr M Iyengar substituted for Cllr J Bagwell, Cllr B Dion for Cllr N Decent, Cllr P Hilliard for Cllr D Flagg, Cllr A Filer for Cllr L Williams, Cllr L Northover for Cllr K Wilson.

31. Election of Chair

The Chairman of the Council presided over this item and sought nominations for Chair. A nomination was received and seconded for Cllr J Butt. No further nominations were received.

RESOLVED that Cllr J Butt be elected Chairman of the Licensing Committee for the 2022/23 Municipal Year.

32. Election of Vice Chair

The Chair sought nominations for the position of Vice-Chair. Nominations were received and seconded for Cllr J Bagwell and Cllr D Brown. Following a secret ballot, it was:

RESOLVED that Cllr J Bagwell be elected Vice-Chair for the 2022/23 municipal year.

Note: This was later declared invalid as Cllr Bagwell was being substituted for this meeting and therefore not eligible for nomination as Vice-Chair.

33. Declarations of Interests

There were no declarations of interests made.

34. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Licensing Committee meeting held on 10 March 2022 and the minutes of Licensing Sub Committee meetings held on 2, 16 and 30 March, 27 and 28 April, 11 and 26 May, 8 June, 6, 19 and 20 July, and 3 and 17 August 2022.

35. Public Issues

There were no public issues.

36. Review of the Hackney Carriage maximum fares and charges

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the minute Book. The Licensing Manager advised that a request has been received by Mr David Lane on behalf of BCP Taxi and Private Hire Association for a 6% increase on the current Hackney Carriage Tariff. It was noted that any change in the tariff would be reflected across all three current Hackney Carriage zones within BCP Council conurbation. The Committee were asked to consider the request and consider whether it should be approved, approved with amendments, or refused.

The Committee invited Mr Lane to address the Committee on behalf of the association and give the reasons for the requested increase originally submitted on. A number of issues were outlined to the Committee which included:

- The exponential rise in the cost of fuel for drivers, which reflected a 12.5 percent increase in drivers expenses. The cost of fuel was 35 pence a litre more than at the beginning of the year.
- Drivers needed to return to ranks, increasing the number of miles travelled
- General cost of living increases facing both the general public and drivers
- The 6 percent increase being requested would only be covering the increase in costs occurred by drivers

A number of issues were raised by members in discussing the request, including:

Whether it would be possible to revert to lower charges should the current high prices reduce in future. It was explained that there was a cost to drivers in changing the meter and therefore the most likely scenario would be that a further increase would not be requested until the effects had been worked through.

That the previous request was only for a 6 percent increase and whether the current request would actually be enough. In the present climate the Committee was advised that it was difficult to know but it was also

important not to increase fares by too much as taxis would need to remain a viable transport option.

Whether the increase could be weighted towards night-time usage to lesson the effect towards those who used taxis for essential purposes. In relation to this a committee member asked whether a lot of shift workers or those supporting the night-time economy would be impacted by a weighted increase. It was explained that it would be difficult to regulate prices dependent upon the time of day. The Chairman commented that many different groups used the service, and it was important that it was fiscally able to continue. However, it was not felt to be appropriate to ask the trade to come back with new submissions.

The number of vehicles which were electric or hybrid and therefore less effected by fuel price increases. It was confirmed that the Licensing Service were not aware of any fully electric vehicles but there were a number of hybrid vehicles. However, it was not just the impact of fuel costs which would be affecting them, there was also an increase to licence fees coming up as well as general living and electricity costs.

It was confirmed that this was only in relation to Hackney Carriages, although there may be an indirect effect to other licensed vehicles.

(Cllr G Farquhar left the meeting)

Licensing Officers were asked if the committee had ability to set a rise for a specific time period. It was noted that there were difficulties with this as previously discussed including the cost of setting metres. It was noted that the Licensing team and trade meet regularly and a potential solution could be to place the issue on the Committees Forward plan for future meeting to look at again. However, the decision rested solely with Council to make this change.

A Committee member moved that an amendment be made to the requested increase, that it should be accepted for a limited time period between 1 November to 30 April and would then automatically revert back to the current rates or it would be open to a review from the trade at any point during this period. The move was duly seconded.

The meeting adjourned at 11.06am and resumed 11.25am

The amendment put forward was debated by the Committee. It was noted that whilst the amendment was well-minded the automatic reduction would incur a cost to the trade. Concerns were also raised regarding continuity.

The motion was put to the vote. There were 2 votes in favour and 11 against.

2 in favour 11 against of amendment

A Committee member then moved that the requested adjustment in current fares and charges be accepted. This was seconded and following a vote it was:

RESOVLED: That the requested adjustment be accepted.

Voting: 11 in favour, 0 against, 2 abstentions

(Cllr A Filer left the meeting)

37. Election of Vice-Chair

Following advice from the monitoring officer the election for Vice-Chair was ruled invalid as Cllr Bagwell was being substituted at the time and was therefore not a member of the Committee and not eligible for nomination.

The Committee was advised that the options to rectify the situation was for the meeting to either agree that the other nominee Cllr D Brown be elected Vice-Chair, that new nominations be sought and a second secret ballot held if required, or that the meeting be adjourned to a future date to defer the issue (due to a member having left the meeting). The recommendation from the Monitoring Officer was that the election of Vice-Chair be reconsidered and the ballot rerun.

The meeting agreed to first consider if Cllr D Brown should be Vice-Chair. A recorded vote on whether Cllr D Brown should assume the position of Vice-Chair was requested. The voting was as follows:

Those for the motion: Cllr D Brown, Cllr R Burton, Cllr P Hilliard, Cllr M Howell and Cllr L Northover

Those against the motion: Cllr J Butt, Cllr M Iyengar, Cllr S Anderson, Cllr B Dion, Cllr D Farr, Cllr T Johnson and Cllr D Kelsey.

The vote was lost and the Chair then sought nominations for the position of Vice-Chair. Nominations were received and seconded for Cllr D Kelsey and Cllr D Brown. Following a secret ballot it was:

RESOLVED that Cllr D Kelsey be elected Vice-Chair for the 2022/23 Municipal year.

A number of Councillors raised their concerns that proper procedure had not been followed and that some considered that the second vote for the position of Vice-Chairman was unlawful.

38. Forward Plan

The Chairman requested that the Licensing Manager take the Committee through the Forward Plan. The Chairman outlined those items which had been requested and which were currently scheduled on the Forward Plan.

(Cllr S Anderson left the meeting).

A Committee member suggested that an item to review the pricing mechanism for licensed vehicles be added to the plan. The Licensing Manager advised that this would be added to the plan for potentially the meetings in either March or May next year depending on the financial climate.

At the next meeting it was anticipated that there would be an additional item which had come up over the next few weeks which would be a review of the taxi fees and charges.

Officers had been assessing provision and positioning of taxi ranks and will need to meet with highways before bringing this to Committee in March
An unmet need report would also be coming through in March.

In March there would also need to be a review of wheelchair accessibility. It was noted that it was becoming difficult to pre-book wheelchair accessible journeys. It was suggested that a working party may be needed to look at all the options with regards to this. The Chairman asked all those interested in taking part in the working party to contact the Chair.

The Committee agreed to support the current Forward Plan

Chair reminded all members for the effective running of the Sub-Committee, that members needed to be mindful of the Sub-Committee rota and to provide apologies for any allocated to, as either a member or a reserve, if unable to attend. In relation to this, Cllr Brown offered apologies for all future sub-committees due to his concerns on the legality of the election of Vice-Chair and the proper running of meetings.

The meeting ended at 12.13 pm

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 31 August 2022 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr J J Butt, Cllr D Kelsey and Cllr L Williams

Officers in attendance: Trudi Barlow – Licensing Technician
Linda Cole – Senior Solicitor
Joseph Tyler – Democratic Services Officer

53. Election of Chair

RESOLVED that Councillor Judes Butt be elected Chair of the Sub-Committee for the duration of the meeting.

54. Apologies

Apologies were received from Cllr J Bagwell who was the first reserve. The Chair thanked Cllr G Farquhar for attending as the second reserve, however confirmed that he was not needed to step in.

55. Declarations of Interests

There were no declarations of interest.

56. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

57. Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

Attendance:

From BCP Council:

Trudi Barlow – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Joseph Tyler – Clerk to the Sub-Committee

The Applicant did not attend.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to decide whether the applicant was a 'fit and proper' person to hold a Hackney Carriage and/or Private Hire Driver's licence.

The Applicant did not address the Sub-Committee as they failed to attend the hearing.

The Sub-Committee asked questions of the Licensing Officer and was grateful for the responses received.

The Licensing Officer was invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

It was RESOLVED that having considered the written report of the Licensing Officer and the verbal submissions and responses to questions provided at the hearing by the Licensing Officer and having regard to the BCP Hackney Carriage and Private Hire Driver Policy and the relevant guidance documents issued by the Institute of Licensing (IOL) and the Department of Transport, the Sub-Committee has decided that the applicant is not a 'fit and proper' person to hold a Hackney carriage and/or Private Hire drivers licence.

Reasons for Decision:

The applicant did not attend the Licensing Sub-Committee hearing on 31 August 2022. The Sub-Committee were not convinced with the reasons given for the applicant's absence and were minded not to grant the application given they could not ascertain the requisite information the applicant. The Sub-Committee felt that the applicant's failure to attend the hearing was irresponsible and did not demonstrate the character required to hold a Hackney carriage and/or Private Hire drivers licence.

The Sub-Committee took into consideration the written documents and information contained in Agenda Item 6; the BCP Council Private Hire and Hackney Carriage Conditions, Bylaws and Guidance, the BCP Private Hire and Hackney Carriage Policy, the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades and the verbal representations made at the Hearing on 31 August 2022.

The meeting ended at 10.30 am

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 14 September 2022 at 10.00 am

Present: Cllr S C Anderson, Cllr J J Butt and Cllr D Kelsey

58. Election of Chair

RESOLVED that Councillor Judes Butt be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

59. Apologies

An apology for absence was received from Cllr David Brown and Councillor David Kelsey, as a reserve member, assumed the role as a Licensing Sub-Committee member, in his absence.

60. Declarations of Interests

There were no declarations of interest.

61. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

62. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

63. Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

Attendance:

From BCP Council:

Wesley Freeman – Licensing Officer

Mary Almeida – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The Applicant was in attendance.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Licensing Sub-Committee was asked to decide whether the applicant was a 'fit and proper' person to hold a Hackney Carriage and/or Private Hire Driver's licence.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that having considered the written report of the Licensing Officer and the verbal submissions and responses to questions provided at the hearing by all parties, the Sub-Committee have decided that the applicant is a not a 'fit and proper' person to hold a Private Hire Drivers and Hackney Carriage Drivers Licence at this time.

In reaching its decision the Sub-Committee also gave due regard to the BCP Hackney Carriage and Private Hire Driver Policy and the relevant guidance documents issued by the Institute of Licensing (IOL) and the Department of Transport.

Reason for the Decision

The guidance issued by the Institute of Licensing 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'

States at section 4.39 that :-

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. However, subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted a licence or retain a licence.

In addition, section 4.45 of the guidance states *that where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.*

The Sub-Committee agreed that the applicant displayed a pattern of unsafe and incompetent driving, which was unsuitable for a professional licensed driver.

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of the decision in writing.

Voting - Unanimous

The meeting ended at 10.50 am

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 29 September 2022 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr S C Anderson and Cllr L Williams

69. Election of Chair

RESOLVED that Councillor Judes Butt be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

70. Apologies

Apologies were received from Sub Committee member, Cllr D Brown, and reserve member, Cllr R Burton.

The Chair thanked Cllr L Williams for stepping up as member of the sub committee for this meeting. She also thanked Cllr D Kelsey for stepping up as a reserve member to attend at the start of the meeting in case his attendance had been required.

71. Declarations of Interests

There were no declarations of interest.

72. Application for Review of Premises Licence at Bargain Convenience Store, 495 Wimborne Road, Bournemouth, BH9 2AW

Present:

From BCP Council:

Tania Jardim– Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Licensing Officer corrected a typographical error in paragraph 3 of the report regarding the date the premises was issued with a premises licence which should read 16 January 2007.

The Sub Committee was asked to consider an application for a review of the premises licence for the premises known as Bargain Convenience Store, 495 Wimborne Road, Bournemouth BH9 2AW, submitted by Dorset Police on 15 August 2022, on the grounds that the premises was not upholding the prevention of crime and disorder licensing objective.

One representation in support of the review from one 'other person' had been received during the consultation period. Following the submission of a survey and recommendations in relation to the premises' operation, undertaken by Mr David Ramsay, under instruction from the premises licence holder, Dorset Police had confirmed that it maintains its original position.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

Louise Busfield – Dorset Police Licensing Team

Mr David Ramsay - Legal representative for the current Premises Licence Holder

Mr Ali Zmnako – Premises Licence Holder

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that having considered the application to review the premises licence for Bargain Convenience Store, 495 Wimborne Road, Bournemouth BH9 2AW, the Sub Committee has decided to revoke the premises licence on the grounds that the premises are not upholding the prevention of crime and disorder Licensing Objective.

Reason for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report and appendices for Agenda Item 5, in particular the written evidence provided by Dorset Police in support of the application for review and the verbal submissions made at the hearing by Ms Louise Busfield on behalf of Dorset Police Licensing, by Mr David Ramsay, licensing representative for Mr Ali Zmnako, the Premises Licence Holder, and by Mr Zmnako himself and the responses given to all questions asked at the hearing.

In determining the review, the Sub Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003. The Sub Committee shared the view of Dorset Police that none

of the other available options would address the reasons for the review and that these options would not be appropriate in upholding the Licensing Objectives, as follows:

Modification/addition of conditions of the premises licence:

While it was noted that Mr Ramsay had proposed replacement conditions as a result of his survey of the premises' operation in order to rectify most of the shortcomings and acknowledged breaches of current conditions, the Sub Committee did not consider that there were any conditions which could address the concerns raised regarding the storage and sale of illicit tobacco on the premises.

Exclusion of a licensable activity from the scope of the licence:

The Sub Committee noted that the exclusion of one or more licensable activities was not applicable in this case as it would not address the concerns raised in the review.

The removal of the Designated Premises Supervisor from the licence:

The Sub Committee noted the intention to change the DPS from Mr Zmnako to his wife. The Sub Committee did not consider that the removal of Mr Zmnako as DPS would resolve the concerns caused by his direct involvement in the sale and storage of smuggled tobacco, as his association with the premises would remain, due to him being the owner of the premises and Premises Licence Holder. The Sub Committee were advised that his wife already works in the Shop and therefore would have been aware of these criminal activities taking place on the premises. This proposed change of DPS gave them no confidence that the premises would be run responsibly.

Suspension of the Licence:

The Sub Committee was not satisfied that suspending the licence would address concerns or promote the Licensing Objectives as it did not change those responsible for the management of the premises and the criminal activity that took place at the premises.

Leave the licence in its current state.

The Sub Committee did not consider this to be a viable option due to the serious nature of the activities taking place on the premises.

The Sub Committee had no confidence or trust in the current management of the premises and did not believe the incident on 12 July 2022 to be a one-off incident. The visit to the premises by Dorset Police, Trading Standards and HMRC on 12 July 2022 was part of an intelligence led operation where prior intelligence of illegal activity had been received. It was noted that Mr Zmnako had already been issued with a written warning

by the Licensing Office in July 2018 regarding selling alcohol and cigarettes to underage persons and alleged sale of non-duty cigarettes (a letter which Mr Zmnako stated at the hearing he had not received). At the time of the visit on 12 July 2022 Mr Zmnako reported that he was unable to identify whom he had bought the illegal products from, only stating there were always Polish or Romanians asking if he wanted to buy tobacco, yet at the hearing it was stated that Mr Zmnako had accepted the products as part payment for an outstanding debt.

In making its decision, the Sub Committee took particular account of paragraphs 11.27 and 11.28 of the Guidance issued under section 182 of the Licensing Act 2003 and agreed that revocation of the premises licence was the only effective action that could be taken given the particularly serious nature of the criminal activity, in order to deter such activity and crime and to promote the licensing objectives and to protect the public from consuming a potentially unsafe product.

Right of appeal

An appeal against the review decision may be made to a Magistrates Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

Voting: Unanimous

73. **Exclusion of Press and Public**

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

74. **Consideration of suitability of Public Carriage Driver**

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Ellie King and Trudi Barlow – Licensing Officers
Linda Cole – Legal Advisor to the Sub-Committee
Jill Holyoake – Clerk to the Sub-Committee

The Driver was also in attendance, accompanied by a member of BCP Taxi and Private Hire Association in a non-participatory role.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Sub Committee was asked to consider whether the driver remained a 'fit and proper' person to hold a Hackney Carriage and Private Hire Driver's licence. The driver addressed the Sub Committee to present his case.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that having considered the written report of the Licensing Officer and the supporting information provided by the driver and the verbal submissions and responses to questions provided at the hearing by all parties and having regard to the BCP Hackney Carriage and Private Hire Driver Policy and the relevant guidance documents issued by the Institute of Licensing (IOL) and the Department of Transport, the Sub-Committee has decided that the driver remains a 'fit and proper' person to hold a Hackney Carriage and Private Hire Drivers Licence.

Reason for Decision:

In making its decision, the Sub-Committee considered all the information presented and listened to the answers the driver provided to the questions members asked.

Having considered and noted all the circumstances of the case, as detailed in the exempt version of these minutes, on balance the Sub Committee finds the driver to be a fit and proper person. The Sub-Committee is happy to give the driver a fresh start and hopes that he uses it wisely

Voting – Unanimous

The meeting ended at 1.00 pm

CHAIR

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 12 October 2022 at 10.00 am

Present: Cllr J Bagwell, Cllr R Burton and Cllr D Kelsey

75. Election of Chair

RESOLVED that Councillor David Kelsey be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

76. Apologies

Apologies for absence were received from Cllrs Judes Butt and Norman Decent.

77. Declarations of Interests

There were no declarations of interest.

78. Application for Premises Licence at Seaside Mini Market, 18 Westover Road, Bournemouth, BH1 1PE

Present:

From BCP Council:

Tania Jardim – Licensing Officer
Linda Cole – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Licensing Officer advised that the premises had changed its name from 'Seaside Mini Market' to 'Seafront Mini Market'.

The Sub Committee was asked to consider an application for a new premises licence for the premises known as 'Seafront Mini Market', 18 Westover Road, Bournemouth, BH1 1PE.

The Licensing Authority received 11 representations from other persons in objection to the application on the grounds that to grant the application would undermine the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm licensing objectives. Representation in objection to the application was also received from Dorset Police on the grounds of Prevention of Crime and Disorder and Public Safety.

The following persons attended the hearing and addressed the Sub- Committee to expand on the points made in written submissions:

Tom Hollington – Agent on behalf of the Applicant
Elina Kadir - Applicant
Louise Busfield – Dorset Police Licensing Team, Objector
Catherine Gosney - (Roberta Boutique), Objector

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application for a premises licence at the premises known as ‘Seaside Mini Market’, now known as ‘Seafront Mini Market’ 18 Westover Road, Bournemouth to permit the off sale of alcohol between the hours of 08:00 to 03:00 Monday to Sunday, dated 17 August 2022, be REFUSED.

Reason for Decision

The Sub-Committee considered all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5, in particular the written representations made by 11 other persons in objection to the application and the witness statement made by Sgt Scott Janes. They also considered the verbal submissions made at the hearing by the Licensing Officer, Tania Jardim, Mr Tom Hollington, the agent on behalf of the Applicant, Ms Elina Kadir, the applicant, Louise Busfield on behalf of Dorset Police and Ms Catherine Gosney on behalf of Roberta Boutique, both objecting.

The Sub-Committee also considered the responses given to all the questions asked at the hearing.

The Sub-Committee considered the concerns raised by Dorset Police regarding the location of the premises in Bournemouth Town Centre, in an area that already experienced a disproportionate number of street drinkers and suffered anti-social behaviour and crime and disorder, which already negatively impacted the local community and the business community along Westover Road. The Sub-Committee noted that Westover Road was opposite the Lower Gardens, which already necessitated a seasonal dedicated policing presence due to the high levels of anti-social behaviour beside and in the gardens, fuelled by alcohol and other substance misuse.

The Sub-Committee considered the letter of representation from the Board of the Bournemouth Town Centre BID, that had objected to the application due to existing levels of anti-social behaviour in the town centre described as retail crime, aggressive begging, perceived & real threatening behaviour and substance abuse. In particular, the Sub-Committee noted that in the past 6 months, the Town Ranger team had logged 30 ASB issues between the hours of 09:00 & 17:15 (their

hours of work), making it clear the problems are not just being experienced in the evening but in the daytime too. It appears clear that Police and BCP resources are already challenged trying to manage anti-social behaviour in this area.

The Sub-Committee took the view that granting a license to these premises would increase the propensity for ASB in this area of the town and agreed that to grant the licence would only exacerbate the existing issues. Although the applicant appears to be an experienced licensee who holds other premises licences, the very location of this premises selling alcohol off the premises would attract more individuals to Westover Road, who could be drawn into the anti-social behaviour, however responsibly the premises was managed. The Sub-Committee noted the offer to reduce the hours for sale of alcohol to 08:00 to 01:00 and to supply an SIA doorman from 23:00 to close on Fridays, Saturdays and Sundays before bank holidays, but as already determined, what is being experienced is not just a night-time problem. Therefore, the Sub-Committee unanimously agreed to refuse the application, as to grant it would undermine the licensing objectives of public nuisance and crime and disorder.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

The legal adviser explained that all parties to the application have the right to appeal to the Magistrates Court within the period of 21 days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing, and that the decision would not come into effect until the expiry of said 21 days.

79. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

80. FYEO, 134 -136 Old Christchurch Road, Bournemouth

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer

Michelle Cutler, Clerk to the Sub-Committee

Joe Cannon – Barrister, Legal Advisor to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application made by Hampshire Restaurants Limited for the renewal of the licence to use the premises as a sexual entertainment venue, providing relevant entertainment, for a further twelve-month period.

The Licensing Authority received 2 valid objections.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

For the Applicant:

Julia Palmer - Solicitor, JCP Law, representing the Applicant
Mrs Alex Ivins - the Applicant
Mr Glen Nice – Consultant for the Applicant

The 2 persons objecting were not in attendance.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision

The Sub-Committee heard from the Licensing Officer, Sarah Rogers, and from Julia Palmer on behalf of the Applicant, who spoke to her written submissions. It was noted that she addressed a number of the points raised by those objecting in her written submissions, and orally, including a number of ways in which the matters raised by those objecting had been acknowledged and addressed. In particular she confirmed that it would be a condition of the licence, if renewed, that CCTV images would be made available to the police upon request. She also confirmed that the work to refurbish the facade of the premises had been done.

Objector 1 was not present, having sent apologies in advance. The Sub-Committee took account of her written objection and put a number of the points raised in it to the Applicant via Ms Palmer. Objector 2 was not present either, having sent apologies shortly before the start of the hearing and again, the Sub-Committee took full account of the contents of her objection.

The Sub-Committee agreed that section 10 of the SEV Policy applied to these premises, as an 'existing licence' named in the Policy. Because objections had been received, the application was considered in light of the relevant legislation, and in particular paragraph 12(3)(d) of the 1976 Act. No objection raised any matter going to any of the other potentially relevant sections.

In respect of the character of the locality, the Sub-Committee accepted that it had not changed materially since the previous renewal, or indeed for some years, and agreed that it was one of the principal locations within the area for the night-time economy. There had been no substantial changes to the uses to which buildings in the vicinity were put, and in terms of the premises itself, the Sub-Committee was pleased to hear of the works that the Applicant had either done or was proposing to do and saw no basis on which to refuse the application on this basis.

Overall, noting the exemplary record of these premises, the annual renewals without complaint or issue, and the constructive response to the points raised by those who objected to this application, the Sub-Committee was of the view that the licence should be renewed for another year.

They thus voted to grant the application and renew the licence.

The meeting ended at 11.40 am

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 09 November 2022 at 10.00 am

Present: Cllr J J Butt, Cllr D Farr and Cllr D A Flagg

81. Election of Chair

RESOLVED that Councillor Judes Butt be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

82. Apologies

No apologies for absence were received.

83. Declarations of Interests

There were no declarations of interest.

84. Premier Westover 12 Westover Road Bournemouth

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Mary Almeida – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book. The Sub-Committee was advised that the applicant had offered to reduce the daily terminal hour to permit the sale of alcohol off the premises from 03:00hrs to midnight as they were conscious of the concerns raised by objectors relating to a 03:00 hr closure.

The Sub Committee was asked to consider an application for a new premises licence for the premises known as 'Premier Westover', 12 Westover Road, Bournemouth.

The Licensing Authority received 5 representations from other persons, including one from Dorset Police as a responsible authority.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

David Ramsey – Agent on behalf of the Applicant
Serkan Yildirim - Applicant
Louise Busfield – Dorset Police Licensing Team, Objector
Sergeant Gareth Gosling, Dorset Police, Objector
Samuel Old – Robert Old (menswear), retailer on Westover Road, Bournemouth, Objector

The Clerk advised that the following objectors had been contacted and were no longer attending, Mathew Corcia (Michael Mathews Jewellery), Sarah Watson (Bournemouth YMCA) and Paul Kinvig (Bournemouth Tow Centre BID).

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions.

Louise Busfield, Dorset Police, referred to several letters of support that had been circulated by David Ramsey, agent for the applicant, in advance of the hearing. The Chairman advised that the Sub-Committee had not had sight of these as they had been submitted after the statutory timeframe for representations to be made and therefore the letters of support had not been accepted by the Sub-Committee.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application for a premises licence, dated the 26th September 2022, for the premises known as ‘Premier Westover’, 12 Westover Road, Bournemouth to permit the off sale of alcohol between the hours of 08:00 to 00:00 Monday to Sunday, be REFUSED.

Reason for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report, including the written representations received in objection to the application.

The Sub-Committee further considered the verbal submissions made at the hearing by Sarah Rogers, the Senior Licensing Officer, David Ramsey, Agent on behalf of the applicant, Serkan Yildirim, the applicant, Louise Busfield, Licensing Officer Dorset Police, Sergeant Gareth Gosling, Dorset Police and Samuel Old, Robert Old (menswear), Westover Road, Bournemouth.

The Sub-Committee also took into account the responses given to all the questions asked at the hearing.

The Sub-Committee noted the concerns raised by Dorset Police regarding the location of the premises, in an area of Bournemouth Town Centre that experienced a disproportionate number of street drinkers, anti-social behaviour, crime and disorder, all of which already negatively impacted on the local community.

The Sub-Committee further noted that Westover Road was opposite the Lower Gardens, in Bournemouth which necessitated a seasonal dedicated policing presence due to the high levels of anti-social behaviour.

The Sub-Committee took into account the letter of representation from the Board of the Bournemouth Town Centre BID, who objected to the application due to existing levels of anti-social behaviour in the town centre, namely retail crime, aggressive begging, perceived and real threatening behaviour and substance abuse. In particular, the Sub-Committee noted that in the past six months, the Town Ranger Team had logged forty anti-social behaviour issues between the hours of 09:00 and 17:15 hours (their hours of work).

The Sub-Committee also noted the written submission from the Chief Executive Officer of the YMCA, Bournemouth, which was located at 56 Westover Road stating that if the licence was granted the premises would constitute a clear and present safeguarding risk to their vulnerable residents.

Taking everything into account the Sub-Committee took the view that granting a license to these premises would increase the propensity for anti-social behaviour and would exacerbate the existing issues. The Sub-Committee felt that the conditions offered by the applicant were not sufficient to alleviate the concerns raised by Dorset Police and other objectors, therefore, the Sub-Committee unanimously agreed to refuse the application.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

85. Parlourmentary 7 Southbourne Grove Bournemouth

Present:

From BCP Council:

Sarah Rogers – Licensing Officer
Mary Almeida – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Clerk advised that every effort had been made to contact Mr Brian Stocker, objector, however, he had not responded, and it was unlikely that he would be in attendance.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Licensing Officer clarified that the address of the premises was 7 Southbourne Grove, Bournemouth and that 4 Southbourne Grove was the registered company address.

The Sub-Committee was asked to consider an application for a new premises licence for the premises known as 'Parlourmentary', 7 Southbourne Grove, Bournemouth.

The Licensing Authority received 2 representations from other persons in objection to the application on the grounds of the public nuisance licensing objective.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

Mr James Fowler – applicant

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application, dated 16th September 2022, to permit recorded music between the hours of 07:00 and 23:00 and the sale of alcohol (on and off the premises) between the hours of 08:00 and 23:00, each day of the week for the premises known as 'Parlourmentary', be GRANTED.

This Premises Licence is granted subject to all of the conditions offered in the operating schedule in part M of the application.

In addition, the following conditions, agreed between the applicant and Dorset Police in advance of the hearing and imposed by the Sub-Committee on deliberation, shall be attached to the Licence:

1. All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence.
 - 1.1 Refresher training shall be provided at least once every six months.
 - 1.2 A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer.
 - 1.3 The records shall be kept for a minimum of twelve months and made available for inspection by the police, licensing, or other authorised officers.
2. An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved and shall be made available on request to an authorised officer of the council or the police, said log shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system /or searching equipment/ or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service
 - (f) all crimes reported to the venue
 - (g) all ejections of patrons
 - (h) all seizures of drugs or offensive weapons.
- 2.1 This log to be checked on a weekly basis by the DPS of the premises.

3. Challenge 25 shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport or holographically marked PASS scheme identification cards).
- 3.1 Appropriate signage advising customers of the policy shall be prominently displayed in the premises.
4. A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.
- 4.1 The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for
licensable activities. It shall operate during all times when customers remain on the premises.
- 4.2 All recordings shall be stored for a minimum period of thirty-one days with correct date and time stamping.
- 4.3 Recordings shall be made available immediately upon the request of police or an authorised officer of the council throughout the preceding thirty-one day period.
- 4.4 The CCTV system shall be updated and maintained according to police recommendations.
- 4.5 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 the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 4.6 CCTV shall be downloaded on request of the police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
- 4.7 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the thirty-one days storage for recordings is being maintained.
5. On sales of alcohol to be ancillary to pre-arranged food tasting event.
6. Off sales of alcohol to be in sealed containers with the exception of alcohol infused ice cream.

Reason for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report, in particular the written representations made by two other persons regarding the potential impact for public nuisance.

The Sub-Committee further considered the verbal submissions made at the hearing by Sarah Rogers, Senior Licensing Officer and James Fowler, the applicant.

The Sub-Committee also noted the responses given to all the questions asked at the hearing.

The Sub-Committee was mindful that no representations had been received from any of the Responsible Authorities.

The Sub-Committee acknowledged the concerns expressed but believed that the conditions put forward by the applicant and Dorset Police would address the relevant concerns raised to ensure compliance with the licensing objectives.

The submissions were mainly concerns speculating what may happen in the future should the application be granted; the Sub-Committee is unable to base its decision on such concerns. The Sub-Committee did not find any evidence to justify a refusal of the application.

In making its decision, the Sub-Committee has had regard to the case of 'Thwaites PLC v Wirral Borough Magistrates' Court 2008. There was no evidence before the Sub-Committee that would show that granting the licence would give rise to negative impact on the licensing objectives.

The Sub-Committee was satisfied that if the premises operated in accordance with the conditions on the premises licence, then the premises licence holder should not undermine the licensing objectives.

It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that may undermine the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

Voting: Unanimous

The meeting ended at 12.00 pm

CHAIRMAN

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

LICENSING COMMITTEE



Report subject	Electric and Hybrid Vehicles - Taxi and Private Hire
Meeting date	8 December 2022
Status	Public Report
Executive summary	BCP Council declared a climate emergency in 2019 and since then our policies have reflected our commitment to reducing harmful emissions. The Taxi and Private Hire Vehicle Policy 2021 was amended in 2022 and at that time the members of the Licensing Committee requested that officers propose additional wording to be included within the policy relating to hybrid and electrical vehicles.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members either</p> <ul style="list-style-type: none"> I. Agree with the proposed policy amendment or II. Reword the proposed policy amendment or III. Make no amendment to the policy
Reason for recommendations	<p>At its meeting on 10 March 2022 the Committee considered an update report on the implementation of the new BCP Taxi and Private Hire Vehicle Policy and in relation to Electric/Hybrid vehicles the Committee asked about actions to progress the current lack of provision or incentives to provide for these vehicles, prior to a full review of the policy in 2025.</p> <p>The Committee asked that officers prepare some wording to include in the policy to indicate that the Council is keen to work with the Trade to increase provision of electric and hybrid licensed vehicles.</p>

Portfolio Holder(s):	Cllr Bobbie Dove, Portfolio Holder for Community Safety and Regulation
Corporate Director	Jess Gibbons, Chief Operating Officer
Report Authors	Nananka Randle, Interim Head of Safer Communities
Wards	Council-wide
Classification	For Decision

Background

1. Taxis and Private Hire vehicles account for 4% of the UK's domestic transport greenhouse gas emissions despite only accounting for 0.93% of all registered cars. Due to their relatively high mileage, mostly urban journeys and vehicle ages, taxis contribute significantly to poor local air quality which impacts on the health of residents, pedestrians and other drivers.
2. BCP Council declared a climate emergency in July 2019. The BCP Council Taxi and Private Hire Vehicle Policy 2021-2025 addressed this by setting maximum age limits and minimum emission standards that must be met by all licenced vehicles.
3. At its meeting on 10 March 2022 the committee considered an update on the implementation of the BCP Council Taxi and Private Hire Vehicle Policy 2021. At this meeting the Committee members asked officers to prepare wording to include within the policy to indicate the councils commitment to supporting the licensing of electric and hybrid vehicles.
4. At this time there are 141 electric/hybrid vehicles licenced out of a fleet of 932 this is approximately 17% of our licenced fleet.
5. We are over time seeing more such vehicles coming onto the fleet as prices decrease and costs of running are competitive against petrol/diesel.
6. The number of charging sites throughout the conurbation is increasing, making access to charging locations much easier for the taxi trade.
7. The Sustainable Transport Policy Manager John McVey has provided insight into the current position and advises that the current electric vehicle charge point (EVCP) installation programme is providing a good geographical spread of chargers across the conurbation, building on the 12 Rapid chargers already in place. These are located in car parks but will be supplemented by further on-street locations next year. The new EVCPs are mixture of Fast and Rapid chargers which include four Rapid 'hubs' which are banks of chargers providing multiple facilities there are 12 charging stations with more planned for installation later in the year. A full list of charging locations can be found on our website [Electric Vehicle \(EV\) Chargers \(bcpCouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/electric-vehicle-ev-chargers).
8. In addition to this, all vehicles including taxis can access commercially provided EVCPs at some supermarkets, privately operated car parks and pub car parks. Locations can be found using Zap Map: <https://www.zap-map.com/live/>.

9. Vehicle owners can also charge at home, which will be the cheapest way. Vehicle range is increasing so this could be sufficient in a lot of cases.
10. The costs of charging sites are not set by the Council but by the charging provider. The providers does do not offer variations in fees except for members vs non members. Fuelling electric cars continues to work out cheaper per mile than conventional vehicles even with recent energy price rises.
11. The current BCP Council, Taxi and Private hire licensing fee structure covers the cost of the service, spread evenly across the types of licence issued; a rebalance to support lower emission vehicles in line with the principles of protecting the environment and public health will be included in the review of the Policy in 2025.
12. As such we will include the following wording within the current policy under Section 9 Vehicle emission requirements and add a new paragraph at 9.5
We propose (wish) to encourage the take up (use) of low emission vehicles while discouraging high emission fossil fuelled vehicles in our fleet. This may include introducing differing vehicle licensing fees for hybrid electric and ultra-low emission vehicles and high emission vehicles. We will seek to examine the feasibility of this by working with the taxi trade, to examine options that are available, with a view to differentiating the licence fees paid by vehicle type when the policy is fully reviewed in 2025
13. As we move forward the licensing team will continue to engage with the taxi trade in this matter and ensure it is a standing item on future trade liaison meetings.

Options Appraisal

14. Members are asked to consider this wording and to
 - a. Accept the wording as proposed
 - b. Amend the wording
 - c. Do not include any additional wording

Summary of financial implications

15. Not applicable

Summary of legal implications

16. Not applicable

Summary of human resources implications

17. Not applicable

Summary of sustainability impact

18. The proposed wording is a commitment to encouraging the use of electric and hybrid vehicles to reduce vehicle emissions and promote more sustainable transport options.

Summary of public health implications

19. Reducing vehicle emissions and encouraging the use of more sustainable vehicles will reduce the amount of roadside emissions residents and visitors are

exposed to. By making the fleet cleaner we will be making the air healthier to breathe.

Summary of equality implications

20. Not applicable

Summary of risk assessment

- 21. Reducing income from fees by encouraging the use of electric and hybrid vehicles could result in a reduction of income, if the reduction is not off balanced by higher fee income from non-electric/hybrid vehicles.
- 22. If not carefully managed this could result in a reduction in licensing officer resource to offset the reduction of income.

Background papers

Energy Saving Trust – A step-by-step guide for local authorities on transitioning the taxi trade to electric vehicles

[Transitioning-the-taxi-trade-to-electric-vehicles-A-step-by-step-guide-for-LAs-Final-v1-1.pdf \(energysavingtrust.org.uk\)](#)

Forward Plan – Licensing Committee, 8 December 2022 - *Publication date: 30 November 2022*

Forthcoming meetings 8 December 2022 / 26 January 2023 / 9 March 2023 / 24 May 2023

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
1.	Electric and Hybrid Vehicles – Taxi and Private Hire	<p>At its meeting on 10 March 2022 the Committee considered an update report on the implementation of the new BCP Taxi and Private Hire Vehicle Policy and in relation to Electric/Hybrid vehicles the Committee asked about actions to progress the current lack of provision or incentives to provide for these vehicles, prior to a full review of the policy in 2025.</p> <p>The Committee agreed that the Chair should write to the Leader of the Council and the Portfolio Holder for Transport and Sustainability on behalf of the Committee to ask whether there are any funding opportunities to address the lack of electric charging points at hackney carriage ranks.</p> <p>The Committee also asked that officers (a) prepare some wording to include in the policy to indicate that the Council is keen to work with the Trade to increase provision of electric and hybrid licensed vehicles,</p>	<p>Transport and Sustainability team</p> <p>BCP Taxi and Private Hire Association</p>	Nananka Randle, Interim Head of Safer Communities	8 December 2022

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
		and (b) add this item to the Committee's Forward Plan.			
2	Review of Fees and Charges	To consider a report outlining proposed fees and charges for issued licences within the remit of the licensing team.	Not applicable	Nananka Randle, Interim Head of Safer Communities	26 January 2023
3.	Provision and Positioning of Taxi Ranks	To report back on the outcome of discussions with the Taxi Trade in response to an issue being raised at the Committee meeting on 10 March 2022 questioning whether the provision and location of taxi ranks was meeting current need.	BCP Highways BCP Taxi and Private Hire Association	Nananka Randle, Interim Head of Safer Communities	9 March 2023
4.	Unmet Needs Survey	To consider the outcome of the latest Unmet Needs Survey and determine whether any change to the current number of Hackney Carriage vehicles is required. In accordance with Department for Transport best practice guidance dated April 2010, if a Local Authority places quantitative restrictions on the number of Hackney Carriage licences it needs to demonstrate that there is no significant unmet	The format of the Unmet Needs Survey includes observation survey of taxi ranks and public and stakeholder consultation.	Nananka Randle, Interim Head of Safer Communities	9 March 2023

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
		need, usually by means of carrying out a survey at no more than three-yearly intervals.			
5.	Wheelchair Accessibility Vehicles	To consider amendments to the vehicle policy to address concerns raised relating to the number and availability of licenced wheelchair accessible vehicles.	Passenger transportation service Disability consultation group Access Dorset BCP Taxi and Private Hire Association Suggested Licensing Committee working party	Nananka Randle Interim Head of Safer Communities	Was 9 March 2023, now proposed for 24 May 2023
6.	Review of Pricing Mechanism for Licensed Vehicles	To consider how hackney carriage fare charge reviews are undertaken, in response to a request from the Committee asking if a mechanism can be addressed.	BCP Taxi and Private Hire Association	Nananka Randle Interim Head of Safer Communities	24 May 2023

This page is intentionally left blank