

Notice of Licensing Committee



Date: Thursday, 7 March 2024 at 10.00 am

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

Membership:

Chair:

Cllr D A Flagg

Vice Chair:

Cllr S Moore

Cllr B Castle
Cllr A Chapmanlaw
Cllr M Dower
Cllr G Farquhar

Cllr A Filer
Cllr E Harman
Cllr P Hilliard
Cllr M Howell

Cllr A Keddie
Cllr C Matthews
Cllr J Richardson
Cllr L Williams

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?MIId=5454>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler 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

28 February 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



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
(janie.berry@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 7 December 2023 and the Licensing Sub Committee meetings held on 14 and 23 November 2023, 6 and 12 December 2023, 3, 17, 22, 24 and 31 January 2024 and 14 February 2024.

The exempt section of the minutes where relevant are also appended as restricted documents.

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.bcpCouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is midday 3 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.

6. Review of Hackney Carriage Maximum Fares and Charges Tariff

A request has been received by Mr David Lane on behalf of BCP taxi

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private hire association for a 4% increase in the current Hackney Carriage Tariff.

The Local Government (Miscellaneous Provisions) Act 1976 allows the council to fix the rates or fares within the district for time as well as distance.

Any change in the tariff will be reflected across all three current Hackney Carriage zones within the BCP Council conurbation.

7. Hackney Carriage and Private Hire Fees review

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The purpose of this report is for the committee to consider an increase to the fees charged by BCP Council for the administration of the Hackney Carriage and Private Hire licensing regime.

The Local Government (Miscellaneous Provisions) Act 1976, allows local authorities to set the fees charged to recover the costs associated with the administration and compliance of licensing drivers of Hackney Carriage and Private Hire vehicles.

Any change to the fees for vehicles and Private Hire Operators is subject to a 28-day minimum consultation period.

8. Review of Licensing fees

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The purpose of this report is to establish the licensing fees and charges that should apply from 1 April 2024 for the next three years for those licensing activities where the Council has discretion to do so.

The statutory principle in relation to the setting of fees is that they should be reasonable and should relate to the costs of performing the function, including staffing, administration, testing, inspections, hearings, regulation and appeals.

Inflationary increases to staff salaries mean that costs to provide the service have increased. A 4% uplift in fees has been applied to reflect these increased costs.

The fees under review are as follows:

Scrap Metal Dealers
Pleasure Boats
Sexual Establishments

The fees charged under the Licensing Act 2003 are set by statute so cannot be amended by Local Authorities. The level of these fees have not been amended since they were first introduced in 2005.

The fees charged under the Gambling Act 2005 are subject to a statutory maximum limit. Currently our fees are at this limit and cannot be increased any further.

9. Hackney Carriage and Private Hire Vehicle Policy - Minor Amendments

The Committee is asked to consider the following minor amendments proposed in respect of private hire vehicles in the current Hackney Carriage and Private Hire Vehicle Policy:

- Colour of Private Hire Vehicles - deadline to be provided to change any current white vehicles.

Current wording

23.1 No vehicle licensed as a Private Hire shall be coloured white. (this is to avoid confusion with Hackney Carriages.)

Proposed wording

23.1 No vehicle licensed as a Private Hire shall be coloured white. (this is to avoid confusion with Hackney Carriages.) Any existing private hire vehicles which are white must be resprayed another colour by 31 December 2024.

- Wheelchair Accessible Vehicles

The best practice guidance document was reissued in November 2023 and this now makes reference to the access to taxis and private hire vehicles for disabled users best practice guidance document which was published in 2022 [Access to taxis and private hire vehicles for disabled users - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users)

This guidance includes a specification for a reference wheelchair which is slightly different from the one in the current policy.

Current wording

14.1 The Equality Act 2010 statutory guidance requires that local authorities must publish a list of wheelchair accessible vehicles that are capable of transporting a reference wheelchair as set out in Public Services Vehicles Accessibility Regulations 2000
<http://www.legislation.gov.uk/ukxi/2000/1970/schedule/1/made>

14.2 It is expected all vehicles presented to the council to be licenced as a wheelchair accessible vehicle will meet required space standards which are 1500mm high, 750mm wide and 1300mm length

Proposed wording

14.1 It is expected any vehicle presented to the council to be licenced as a wheelchair accessible vehicle must meet the following space standards which are 1350mm high, 700mm wide, 1200mm long as stated within the Statutory Guidance document access to taxis and private hire vehicles for disabled users. [Access to taxis and private hire vehicles for disabled users - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users)

14.2 It is the licence holder's responsibility to ensure any vehicle meets this standard prior to purchase and presentation for licence.

10. Forward Plan

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To consider, amend as required and approve the Committee's forward plan of work.

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.