

Notice of Licensing Committee



Date: Thursday, 26 January 2023 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 T Johnson

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 D Kelsey
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?MIId=5547>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake 01202 127564 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

18 January 2023



Available online and
on the Modern.gov
app

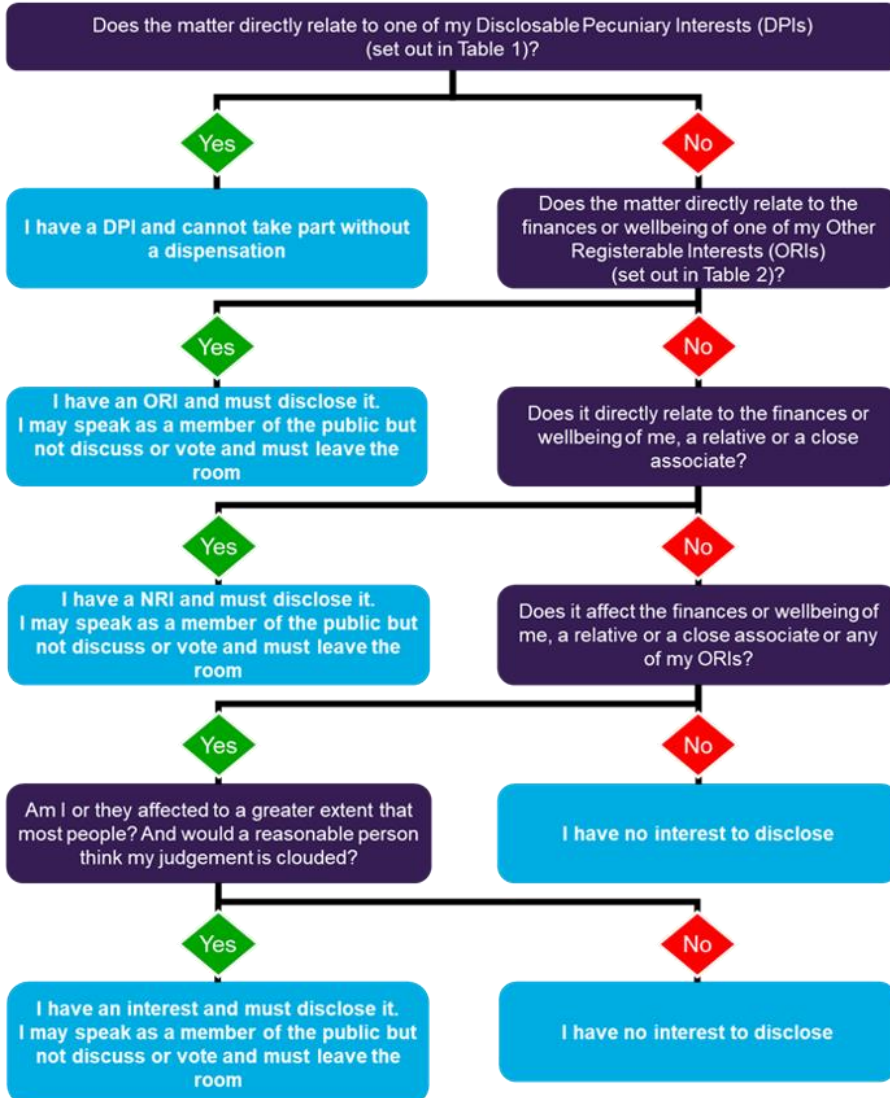


Maintaining and promoting high standards of conduct

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
(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. 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. Fee Review - Gambling Act, Scrap Metal, Pleasure Boats, Sex Establishments and Licensing Act

The purpose of this report is for the Licensing Committee to consider a cost of living increase in of the non-statutory set fees charged for licences/registrations which are administered by the Licensing Committee.

The fees under review are as follows:

The Gambling Act 2005 sets statutory fees for certain activities. In addition the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and the Gambling (Temporary Use Notices)

Regulations 2007 allows local authorities to set fees up to a statutory maximum for certain types of premises such as casinos, bingo halls and betting shops.

Scrap Metal Dealers Act 2013 sets the framework for issuing licences for scrap metal collectors and sites. The legislation allows local authorities to set fees to cover the costs of administering the licences and includes any necessary compliance checks.

The Public Health Acts Amendment Act 1907 (Section 94) and the Local Government (Miscellaneous Provisions) Act 1976 (Section 18) governs the licensing of pleasure boats which are hired and self-driven or provide passage for up to 12 passengers.

Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) and the Policing & Crime Act 2009 (Section 27) legislate the licensing of sexual entertainment and sex establishments. Schedule 3, para 19 states that an application for the grant, variation, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

The Licensing Act 2003 sets the national fees all Local Authorities can charge for the administration of all licenses under the Act which includes the annual fees. The fees were set when the legislation was created in 2005 and there has been no review of these fees since then.

6. Review of Hackney Carriage and Private Hire Licence Fees

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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, Section 53 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.

Section 70, of the Act, requires that the fees are charged to recover the costs for administration of licences for vehicles and operators. Any change to these fees is subject to a 28-day minimum consultation period.

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.