

Notice of Licensing Committee

Date: Wednesday, 15 May 2024 at 10.00 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Chair:

To be elected

Vice Chair:

To be elected

Membership of the Licensing Committee to be appointed at the full Council meeting on 7 May 2024.

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=5832>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler on 01202 128581 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

7 May 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. **Election of Chair**

To elect a Chair of the Licensing Committee for the 2024/25 Municipal Year.

4. **Election of Vice Chair**

To elect a Vice Chair of the Licensing Committee for the 2024/25 Municipal Year.

5. **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.

6. **Confirmation of Minutes**

To confirm and sign as a correct record the minutes of the Licensing Committee meeting held on 7 March 2024 and the Licensing Sub Committee meetings held on 28 February, 13 and 27 March 2024.

5 - 24

7. **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 midday Thursday 9 May 2024 [midday 3 clear working days before the meeting].

The deadline for the submission of a public statement is midday Tuesday

14 May 2024 [midday the working day before the meeting].

The deadline for the submission of a petition is Tuesday 30 April 2024 [10 working days before the meeting].

8. Amendment to Private Hire Vehicle Fee

25 - 30

On 7 March 2024 the Committee approved an increase in the Private Hire and Hackney Carriage Fees. Officers have realised that there was an error within the spreadsheet provided. All fees were subject to a 4% inflationary increase.

Unfortunately, the calculation for the Private Hire Vehicle fee used the fee for 2022 which was £160 but the fee for 2023 which should have been subject to the increase was £175. This means that the fee for 2024 should be £182 and NOT £166 as stated within the report.

These fees are subject to public consultation and no objections were received. However, this amendment will mean the consultation for this one fee will need to take place before it can be implemented. All other fees came into effect as of 1 May 2024.

A copy of the report and appendix considered by the Committee on 7 March is appended for information. The chart on page one of the appendix should be updated as follows:

Vehicle	BCP Current Fees	BCP Proposed Fees 2024
Private Hire Vehicle Licence (1 year)	£175.00	£182.00

In accordance with the recommendation in the March report, Members are asked to consider the proposed fee for the Private Hire Vehicle Licence and either

- a) Agree the proposed fee as stated;**
- b) Agree an amended fee following consideration;**
- c) Maintain the current fee.**

9. Forward Plan

31 - 36

To consider, amend as required and agree the Committee's proposed 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 07 March 2024 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Cllr S Moore – Vice-Chairman

Present: Cllr B Castle, Cllr A Chapmanlaw, Cllr M Dower, Cllr G Farquhar,
Cllr A Filer, Cllr E Harman, Cllr M Howell, Cllr A Keddie,
Cllr C Matthews, Cllr J Richardson and Cllr L Williams

34. Apologies

Apologies were received from Cllr P Hilliard.

35. Substitute Members

There were no substitute members.

36. Declarations of Interests

There were no declarations of interest.

37. Confirmation of Minutes

RESOLVED that the minutes of the Licensing Committee on 7 December 2023 and the Licensing Sub Committees held on 14 and 23 November 2023, 6 and 12 December 2023, 3, 17, 22, 24 and 31 January 2024 and 14 February 2024 be signed by the Chair as an accurate record.

38. Public Issues

There were no public questions, statements or petitions for this meeting.

39. Review of Hackney Carriage Maximum Fares and Charges Tariff

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 Sub-Committee was advised that a request had been received by Mr David Lane, on behalf of BCP Taxi Private Hire Association, for a 4% increase in the current Hackney Carriage Tariff. The Local Government (Miscellaneous Provisions) Act 1976 allowed the Council to fix the rates or fares within the district for time as well as distance. Any change in the tariff

would be reflected across all three current Hackney Carriage zones within the BCP Council conurbation.

Mr David Lane was in attendance and responded to various questions raised by committee members, as follow:

- A further amendment was requested for the extra charge permitted for five or more passengers in a multi seater, on tariff 1 this went from £1.00 to £2.00 and on tariffs 2 and 3 from £1.25 to £2.00. This was to cover drivers that may have to drive some distance in for a job if a customer had requested a 6/8 seater vehicle. It was highlighted that the vehicles previously used as 6 seaters were no longer available for replacement and therefore drivers had to purchase 8 seater vehicles, which cost more. An additional fare would only be incurred if there were over 4 passengers in a 6/8 seater vehicle.
- Tarif 1 and 2 waiting times were there to recompensate drivers when they were stationary e.g. sat in traffic or or waiting at traffic lights.

RESOLVED that the Licensing Committee approve the request for an adjustment in the current fares and charges as requested.

Voting: Unanimous

40. Hackney Carriage and Private Hire Fees review

The Licensing Manager 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 Committee was asked to consider an increase of 4% to the fees charged by BCP Council in 2023 for the administration of the Hackney Carriage and Private Hire licensing regime. The Licensing Manager explained that an increase greater than 4% ran the risk of losing drivers to neighbouring authorities. It was noted that any change to the fees for vehicles and Private Hire Operators would be subject to a 28-day minimum consultation period.

In response to various questions raised by the Committee, the Licensing Manager advised that:

- It appeared that the BCP application fee was significantly less than what Dorset County Council and Southampton City Council charged, however, BCP charged an application fee, and once approved, drivers then had to pay an additional licence fee, which brought the total cost to £275. In addition, BCP charged more for a 3-year licence.
- The figures given for Southampton City Council and Dorset County Council were up to date.
- A fee review had been undertaken across the service and by law, the authority could only charge fees on a cost recovery basis. It was

a challenging process to ensure that vehicles and drivers were operating safely whilst working on a cost recovery basis.

- Any changes to Driver Licence fees would be implemented from 1 April 2024 and changes to Vehicle Licences and Operators Licences would be implemented at the conclusion of the consultation period and/or any other Licensing Committee meeting that may be required.

RESOLVED that the Licensing Committee agree the proposed fees as stated.

41. Review of Licensing fees

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

The purpose of the report was 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 had discretion to do so.

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

The fees under review were Scrap Metal Dealers (3 year Licence), Pleasure Boats and Sexual Establishments (both 1 year licences).

In response to various questions raised by the Committee, the Licensing Manager advised that:

- The fees only covered self-drive boats and passenger boats covering up to 12 passengers, inland only, and did not apply to visiting boats.
- The Licensing Team regularly liaised with Dorset Police with regard to the operation of scrap metal dealers in the conurbation to ensure compliance.
- Legislation stated that scrap metal operatives only required basic DPS checks, which they must fund themselves.

Cllrs Dowell and Farquhar abstained from voting on sex establishment licence fees due to a moral interest.

The Legal Adviser recommended that the vote be broken down into 3 parts so that Clls Dowell and Farquhar could vote on the proposed fees for scrap metal dealers and pleasure boats.

RESOLVED that

- I. **The Licensing Committee agree the proposed fees, as stated, in relation to Scrap Metal Dealers.**

Voting: Unanimous

- II. The Licensing Committee agree the proposed fees, as stated, in relation to Pleasure Boats.**

Voting: Unanimous

- III. The Licensing Committee agree the proposed fees, as stated, in relation to Sexual Establishments**

**Voting: 11 in favour
2 abstained**

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

The Licensing Manager asked the Licensing Committee to approve the following minor amendments to the Hackney Carriage and Private Hire Vehicle Policy:

- Colour of Private Hire Vehicles –
section 23.1 amend to read ‘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 –
section 14.1 amend to read ‘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).’
Section 14.2 amend to read ‘It is the licence holder’s responsibility to ensure any vehicle meets this standard prior to purchase and presentation for licence’.

RESOLVED that the Committee approve the proposed amendments, as stated, with the changes to wheelchair accessible vehicles to take place with immediate effect.

Voting: Unanimous

43. Forward Plan

The Licensing Manager took members through the committee’s forward plan, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

The meeting ended at 10.55 am

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 28 February 2024 at 10.15 am

Present:-

Present: Cllr G Farquhar, Cllr A Filer and Cllr E Harman

107. Election of Chair

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

Voting: Unanimous

108. Apologies

No apologies for absence were received.

109. Declarations of Interests

There were no declarations of interest.

110. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

111. Application to Vary Premises Licence at 4 The Triangle, Bournemouth, BH2 5RY

Attendance:

BCP Council:

Ellie King – 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 the 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 to vary the premises licence for the premises known as 'The Vibe', 4 the Triangle, Bournemouth, BH2 5RY.

The application prompted a representation by Dorset Police under the Prevention of Crime and Disorder and Public Safety licensing objectives.

A supplementary pack of information had been submitted on behalf of Dorset Police after the report was published, a copy of which had been circulated and which appears as Appendix B to these minutes in the Minute Book.

A supplementary document had also been submitted by the Applicant after the report was published, a copy of which had been circulated and which appears as Appendix C to these minutes in the Minute Book.

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

David Crank, Agent, representing the applicant
William Mouhana, the applicant

Vanessa Rosales, Dorset Police, objecting
Louise Busfield – Dorset Police, objecting

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.

During the hearing, Mr Crank offered a reduction in the times sought. He advised that the applicant would be willing to stop all licensable activities at 04:00hrs and close the premises at 04:30hrs. He confirmed that if the request to vary the hours was granted, the last entry time to the premises would be amended to 03:00 hrs, one hour before the end of licensable activities.

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 to vary the premises licence in respect of the premises known as ‘The Vibe’ (to be rebranded to ‘Diva’), 4 The Triangle, Bournemouth, BH2 5RY to increase the licensable hours for Live and Recorded Music, Performance of Dance and Supply of Alcohol (on sales only) to allow the premises to open later and to add the ‘Provision of anything of a similar description to live music, recorded music or performances of dance’ licensable activity and amend two conditions already included in the licence be GRANTED with the following amendments to timings:

- **The terminal hour for all licensable activities, including the supply of alcohol shall be 04:00 seven days a week.**

- **The premises shall close at 04:30 seven days a week.**
- **Last entry to the premises shall be 03:00hrs on any day.**

Condition 2.18 of Annex 2 – Conditions consistent with the operating schedule of the Premises Licence be amended as follows:

- **Management shall actively monitor the smoking area, which will be designated and enclosed by a temporary barrier, to the front of the premises. In order to reduce noise in this area only 10 customers will be permitted at any one time.**

Condition 3.10 of Annex 3 – Conditions attached after a hearing by the licensing authority, be amended as follow:

- **Polycarbonate drinking vessels shall be used throughout the premises. However, where the alcohol is provided in plastic bottles the drink may be served in the bottle. The only exception may be the service of Champagne which may be served by the bottle with glass champagne flutes.**

Reasons for Decision

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, together with the additional information from both the Applicant and Dorset Police contained within the supplementary papers and the verbal submissions made at the hearing by Mr David Crank, the applicant's solicitor, Mr Mouhanna, the Manager and Designated Premises Supervisor (DPS) and Vanessa Rosales and Louise Busfield, Dorset Police.

The Sub-Committee noted that mediation had taken place between the applicant and Dorset Police and reduced hours had been offered, but Dorset Police were not prepared to accept a later terminal hour than 03:00hours. Dorset Police believe a closing time of 03:00hrs best fits the profile of Bournemouth Town Centre, given that their statistics show increased incidents of violent crime and disorder occurred between the hours of 03:00hrs and 06:00hrs.

During the hearing, Mr Crank offered a reduction in the times sought, which was welcomed by the Sub-Committee. Mr Crank advised that the applicant would be willing to stop all licensable activities at 04:00hrs and close the premises at 04:30hrs. He confirmed that if the request to vary the hours was granted, that the last entry time to the premises be amended to 03:00 hrs, one hour before the end of licensable activities.

At the hearing Dorset Police explained the areas of concern which led them to making a representation against the application on the grounds of the prevention of crime and disorder and public safety; namely that the

premises was in the Triangle area of Bournemouth and was on the periphery of an area which saw high levels of violent crime and disorder. The heat map provided by Dorset Police in their supplementary papers showed the violent crime and disorder hot spots between the hours of 03:00 – 06:00 from 29 July 2023 to currently and where the premises were situated in relation to it. They were concerned if the premises were open any later customers leaving other premises will be encouraged to walk up to this premise and this may impact the demand on Dorset Police dealing with crime and disorder in the hot spot area.

Dorset Police had also expressed concern that Mr Mouhanna had limited experience in running a nightclub and had not traded consistently throughout peak season. Dorset Police were not confident that Mr Mouhanna could handle the challenges presented by the nighttime economy when trading during the peak season.

The Sub-Committee noted that the premises was a small venue with a capacity of less than 250 patrons situated just outside the hot spots identified by Dorset Police. When asked, Dorset Police were unable to comment on whether levels of crime and disorder would increase in the area because of these small premises opening an extra hour at this time of the morning.

The Sub-Committee also noted that despite the concerns raised by Dorset Police, the Police had stated that they found Mr Mouhanna to be both compliant and co-operative in their dealings with him. Dorset Police had no concerns about how the premises were being managed or any incidents connected to the premises, their only concern would be customers leaving the premises at a later hour adding to numbers already in the area.

The Sub-Committee was impressed with Mr Mouhanna, particularly his understanding of the four licensing objectives and the way he appeared to strictly manage his premises. They agreed that he had demonstrated that the premises was currently run in an effective and responsible way. The premises was well monitored with ample CCTV and the SIA door staff were organised and worked in collaboration with each other and as such there had been no reported incidents at the premises. The Sub-Committee were impressed when advised the premises had a welfare room available if necessary and with Mr Mouhanna's determination to provide a safe environment for patrons.

The Sub-Committee was advised that there was a system in place for the SIA door staff to monitor the numbers of patrons using the smoking area and agreed that the process appeared to be well managed. No representations had been made with reference to increasing numbers using the smoking the area to 10 so there was an assumption there were no current concerns around noise nuisance and the amendment to condition 2.18 was agreed.

Dorset Police were concerned that the premises have only been open for a relatively short time and the applicant has yet to demonstrate over a 12-

month period including the peak summer season that they can consistently operate within the existing licensing conditions. The Sub-Committee noted the premises had opened on the 28 July 2023, so it was in operation during the late summer months and over Christmas and New Year when there would be more visitors to the town centre and had operated without incident.

Despite having limited experience in running nightclubs, the Sub-Committee had confidence that Mr Mouhanna would continue to abide by the conditions of the licence and that the licensing objectives would be upheld, particularly in relation to the prevention of crime and disorder and public safety even if the premises opened to a later hour.

The Sub-Committee considered that the representation made by Dorset Police lacked evidence and speculated what may happen in the future should the application be granted, and the Sub-Committee was unable to base its decision on such concerns. There is currently no Cumulative Impact Policy in place within the BCP Council area and the Statement of Licensing Policy is silent on the terminal hour of any operation.

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 of actual crime and disorder or public nuisance occurring in the location of the premises that would show that granting the variation of the licence would give rise to negative impact on the licensing objectives. No other representations had been received from any other responsible authorities or residents. The Sub-Committee did not find any evidence to justify a refusal of the application.

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 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.

Right of Appeal

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.

The meeting ended at 12.00 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 13 March 2024 at 10.15 am

Present: Cllr M Howell, Cllr A Keddie and Cllr S Moore

112. Election of Chair

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

Voting: Unanimous

113. Apologies

No apologies for absence were received.

114. Declarations of Interests

There were no declarations of interest.

115. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

116. Application for a Premises Licence at Premier, 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB

Attendance:

BCP Council:

Sarah Rogers – Senior Licensing Officer
Mary Almeida – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee
Cllr Judy Richardson – Observing for training purposes

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

The Sub-Committee was informed that the objector, Cllr Oliver Walters would not be attending the hearing. Mr Veli Bulbul, the applicant, had also given his apologies due to a family bereavement.

The Licensing Officer presented the 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 for a new premises licence for the premises known as 'Premier', 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB to permit the Supply of Alcohol (Off Sales only) from 07:00 to 00:00 on every day of the week.

The Licensing Authority received 1 representation from 1 other person on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.

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

Mr Phillip Day, Lacey's Solicitors – Solicitor representing the Applicant
Jackson Warriner, Lacey's Solicitors – Apprentice solicitor, attending for training purposes

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.

RESOLVED that the application for a new premises licence in respect of the premises known as 'Premier', 1 Bank Chambers, Penn Hill Avenue, Poole, BH14 9NB, to permit the Supply of Alcohol (Off Sales only) from 07:00 to 00:00 on every day of the week be GRANTED.

Reasons for Decision

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, together with verbal submissions made at the hearing by Mr Philip Day, the applicant's solicitor.

The Sub-Committee noted that there had been no representations made by any responsible authorities and that there was no evidence of crime and disorder, public nuisance or public safety issues associated with the premises or in the locality of the premises.

Although the applicant, Mr Bulbul, was unable to attend the hearing, the Sub-Committee was satisfied with Mr Day's response to various questions raised regarding Mr Bulbul's ability as a licensee. Mr Day advised that Mr Bulbul had been in the licensed trade for several years and has other licensed premises in the conurbation, none of which had ever been subject to a review.

The Sub-Committee considered the written representation made by Cllr Oliver Walters, Penn Hill Ward, on the grounds that "late night sales will increase the availability of alcohol on Penn Hill Avenue and could lead to an increase in crime, aggressive behaviour and transient noise causing disturbance to those living nearby". The Sub-Committee noted Cllr Walters was unable to attend the hearing to expand on his representation and had submitted no evidence to support his claim.

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 of actual crime and disorder or public nuisance/public safety issues occurring in the location of the premises that would show that granting the application would give rise to negative impact on the licensing objectives. No other representations had been received from any other responsible authorities or residents. The Sub-Committee did not find any evidence to justify a refusal of the application.

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 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.

117. Update on Review of Premises Licence - Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG

This item was omitted and has been scheduled for the next meeting of the Licensing Sub-Committee, taking place on 27 March 2024.

The meeting ended at 10.38 am

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 27 March 2024 at 10.15 am

Present: Cllr C Matthews, Cllr S Moore and Cllr J Richardson

118. Election of Chair

RESOLVED that Councillor Sandra Moore be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

119. Apologies

No apologies for absence were received.

120. Declarations of Interests

There were no declarations of interest.

121. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

122. Update on Review of Premises Licence - Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG

The Chairman advised that at on 24 January 2024, the Sub-Committee agreed to further adjourn the hearing to review the existing premises licence for Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth, BH2 5EG, to enable sufficient time for that licence to be surrendered to the Licensing Authority. The proposal to surrender the existing licence followed a decision by the Sub-Committee at the same meeting to grant an application for a new premises licence for the same premises. The Sub-Committee was advised that the licence, which was subject to review, was surrendered to the Licensing Authority on 29 January 2024 and therefore a hearing was no longer required.

123. Cameron's Club and Lounge, 29-31 Bargates, Christchurch BH23 1QD

The Chairman advised that Dorset Police had withdrawn their representation following successful mediation with the applicant. Therefore, there was no longer a need for a hearing to take place.

124. Grooves on the Green, Ashley Cross Park, Parkstone, Poole BH14 0ES

Attendance:

BCP Council:

Tania Jardim – Licensing Officer
Johanne McNamara – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee
Cllr Chapmanlaw – Observing for training purposes
Cllr Farquhar – Observing for training purposes

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties. The Applicant, Mrs Janice Crump, advised that a member of her party, Mr Josh Baker, Security Company Representative, was going to be late for the hearing, however, she was happy for the hearing to commence without him present.

The Licensing Officer presented the 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 Mrs Janice Crump to vary the premises licence for ‘Grooves on the Green’, Ashley Cross, Parkstone Park, Parkstone, BH14 0ES, to extend the hours for licensable activities by adding Friday 15:00hrs to 21:00hrs and to increase the hours on Saturday to terminate at 21:00hrs.

The Licensing Authority had received one representation from a local resident on the grounds of the Prevention of Crime and Disorder and Public Safety and Public Nuisance licensing objectives.

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

Mrs Janice Crump – the Applicant, (Event Organiser, Designated Premises Supervisor and Premises Licence Holder)
Mr Andrew Watts – Event Organiser
Mr Josh Baker – Security Company Representative (arrived at 10:30hrs)

The objector that had made a representation, Ms Kim Rowley, was 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.

RESOLVED that the application to vary the premises licence for 'Grooves on the Green', Ashley Cross, Parkstone Park, Parkstone, BH14 0ES to extend the hours for licensable activities by adding Friday 15:00 to 21:00 and to increase the hours on Saturday to terminate at 21:00 be **GRANTED**, with the following conditions attached, as agreed with BCP Council's Environmental Health through mediation in advance of the Hearing:

- I. On site monitoring of sound levels will be carried out by a competent person at least every hour in two locations. These locations will be agreed in advance with Environmental Health. A log detailing the time, location and the levels measured will be completed and will be available for council officers to view both during and after the event.
- II. A contact number for the event organiser will be made available to Environmental Health in advance of the event, this number will be monitored throughout the event should officers need to speak to the organiser.
- III. A letter drop will be made to nearby residents in advance of the event. This letter will contain details and timings of the event and contain a contact number for residents to call should they have any issues. This number will be monitored throughout the duration of the event.

Reason for the Decision

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 7, together with the additional information from the Applicant contained within the supplementary papers and the verbal submissions made at the Hearing by Janice Crump, the Applicant and Event Organiser, Andrew Watts, Joint Event Organiser and Josh Baker, Security Company Representative.

The Sub-Committee considered the written representation made by Kim Rowley, local resident, on the grounds that granting the variation would undermine the prevention of crime and disorder, public safety, and the prevention of public nuisance licensing objective. The Sub-Committee noted Ms Rowley was not present at the Hearing to expand on her representation and had submitted no evidence to support her claims. The Sub-Committee was satisfied that the Applicant had thoroughly addressed all points raised in Ms Rowley's written representation during the Hearing. The Sub-Committee noted that there had been no representations made by any responsible authorities and that there was no evidence of any previous complaints associated with the event, which had been running for a number of years. The Sub-Committee noted that mediation had taken place between the event organisers and BCP Council's Environmental Health, and 3 conditions had been agreed.

The Sub-Committee noted that the event organisers had engaged fully with responsible authorities and had attended several Safety Advisory Group (SAG) meetings. The event organisers appeared to have a strong working

relationship with the event security team and the Sub-Committee was satisfied that the event organisers would run the event both safely and professionally.

The Sub-Committee did not find any evidence to justify a refusal of the application and was satisfied that if the premises operated in accordance with the conditions, as set out above, that the premises should not undermine the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance.

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.

Right of Appeal

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.

The meeting ended at 11.10 am

CHAIRMAN

LICENSING COMMITTEE



Report subject	Hackney Carriage and Private Hire Fees review
Meeting date	7 March 2024
Status	Public Report
Executive summary	<p>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.</p> <p>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.</p> <p>Any change to the fees for vehicles and Private Hire Operators is subject to a 28-day minimum consultation period.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the proposed fees and either</p> <ul style="list-style-type: none"> a) Agree the proposed fees as stated b) Agree amended fees following consideration c) Maintain the current fee structure. <p>Any change in the fees for vehicles and Private Hire Operators is subject to a 28-day consultation period.</p>
Reason for recommendations	<p>The legislation allows for full cost recovery of the administration of the licensing of drivers, vehicles, and operators. Due to increases in the council's operating costs as a result of inflationary increases, the current licence fees have been reviewed.</p> <p>Any changes to Driver Licence fees will be implemented from 1 April 2024 and changes to Vehicle licence and Operators licences will be implemented at the conclusion of the consultation period and or any other Licensing Committee meeting that may be required.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Communities
Corporate Director	Jillian Kay - Corporate Director for Wellbeing
Report Authors	Nananka Randle – Licensing Manager
Wards	Council-wide
Classification	For Decision

Background

1. It is recognised that inflationary pressures and increases in cost of living has a broad impact across the community and local businesses. However, the Council must apply cost recovery fee structures where this is permitted by statute, in order that the cost of relevant services do not present an additional burden to the council taxpayer.
2. The current set of fees for the administration of Hackney Carriage and Private Hire licences was implemented on the 1 April 2023. Since then, inflation has resulted in increases in the costs associated with the administration of the service. This includes salary pay awards, corporate recharges and direct oncosts for supplies.
3. The Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to charge fees on a cost recovery basis only. The proposed changes to the fees include the cost of administration, compliance checks and the issuing of licences, and plates.
4. Hackney Carriage licensing fees also includes recharges for the upkeep of taxi ranks and the requirement to undertake an unmet needs survey every three years.
5. Driver licences are issued for 3 years, Private Hire Operator licences are issued for 5 years, and vehicle licences are issued for 1 year.
6. The proposed fees are as shown at Appendix 1 and have been calculated to reflect the costs to BCP Council of providing the service with a 4 % uplift on fees from last year based on the increase in the inflation rate during over the last year.
7. It was considered that any greater increase in fees would increase the risk of the potential loss of driver and vehicle numbers to neighbouring local authority areas where the fees are significantly lower than ours.
8. Maintaining the current fees or reducing them would represent an unmanageable impact on our budgetary position.
9. Also contained in Appendix 1 is benchmarking information which shows what neighbouring Councils are currently charging for the delivery of their taxi and private hire services.

Consultation

10. There is a statutory requirement to advertise the change in fees for vehicle and Private Hire Operators licences.
11. A notice must be published in a local paper advising of the variation in fees and set out the consultation period which shall be no less than 28 days. In addition, the notice must be displayed in the Civic Offices for a minimum 28-day period.
12. If no objections are received the new fees will come into force on the date specified.
13. If there are objections which are not withdrawn, then a further Committee meeting will be required to consider the matter further. This meeting must take place within 2 months of the expiry of the consultation.

Options Appraisal

14. Members are asked to either.
 - a) Agree the proposed fees as presented, or
 - b) Agree amended fees, or
 - c) Maintain the current fee structure
15. Once the fee level is agreed if there is an increase or variation members are asked to approve publishing the necessary notices

Summary of financial implications

16. The fees must cover the cost of delivery of the service. The finance officer has reviewed the proposed fees and confirmed that they do not exceed the cost to the service..
17. If the fees are not sufficient to cover the costs associated with the delivery of the service, there is a risk that staff costs may need to be reduced to reflect any income shortfall.

Summary of legal implications

18. The fees are required to meet the costs of the services and must be set in accordance with the legislation on a cost recovery basis. If the fees are set incorrectly this can result in judicial review

Summary of human resources implications

19. The delivery of the service will remain within existing staffing levels.

Summary of sustainability impact

20. There are no sustainability impacts.

Summary of public health implications

21. An Equalities Impact Assessment (EIA) screening document has been completed. It will be presented to the EIA panel on 28 February 2024

Summary of risk assessment

22. If the fees are set incorrectly this can result in judicial review.

23. If the fees are not correct, licence holders may choose not to renew with BCP and may seek licences elsewhere.
24. The fees as proposed have been carefully considered and calculated based on officer time for each licensable activity.

Background papers

Local Government (Miscellaneous Provisions) Act 1976

[Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1976/67)

Appendices

Appendix 1 – Current and proposed fees

				Benchmarking		
	BCP Current Fees	BCP Proposed Fees 2024		Southampton City Council 2024	Dorset Council	New Forest District Council 2024
VEHICLES						
New/Replacement Private Hire Vehicle Application Fee	£105.00	£109.00		£180.00	£190.00 (£240.00 Weymouth)	
New/Replacement Hackney Carriage Vehicle Application Fee	£150.00	£156.00		£180.00	£190.00 (£240.00 Weymouth)	
Private Hire Vehicle Licence (1 year)	£160.00	£166.00		£170.00	£183.00 (£223.00 Weymouth)	£167.00
Hackney Carriage Vehicle Licence (1 year)	£225.00	£234.00		£170.00	£183.00 (£223.00 Weymouth)	
Transfer of vehicle licence	£90.00	£94.00				
Temporary Replacement authorisation and plate	£ 80.00	£83.00			£75.00	
Replacement plate	£65.00	£68.00			£25.00	
Replacement door insignia	£50.00	£52.00				
	BCP Current Fees	BCP Proposed Fees 2024		Southampton City Council 2024	Dorset Council	New Forest District Council 2024

DRIVERS						
New drivers application inc knowledge test	£175.00	£182.00		£155.00	£192.00	
Knowledge test resit	£75.00	£78.00		£50.00	£50.00	£50.00
Safeguarding course	paid to provider					
Driver Issue/reissue of licence 3 year	£350.00	£364.00		£350.00	£113.00	£162.00
Dual Licence additional fee						
Change of details/replace licence	£30.00	£31.00			£15.00	£12.50
Dual Licence	£50.00	£52.00				
OPERATORS						
Application for new operator's licence (non-returnable)	£70.00	£73.00				
Issue/reissue application for up to 10 vehicles (5 year)	£305.00	£317.00		£1,000.00	£416.00	£520.00
For each additional 10 vehicle	£30.00	£31.00				

Forward Plan – Licensing Committee, 15 May 2024 - *Publication date: 7 May 2024*

Forthcoming meetings 2024/25: 15 May / 19 September / 12 December / 13 March

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
1	Pleasure Boats and Boatpersons Licensing Policy	To consider the policy following the outcome of the public consultation, amend as required and recommend to Council for adoption.	Harbour Master Public consultation	Sarah Rogers, Senior Licensing Officer	15 May 2024 Due to a delay in commencing the consultation this item is now delayed until 2025. In the meantime officers are going to directly engage with licence holders, harbour master and stakeholders.
2	Review of Statement of Licensing Policy	To review the existing BCP Statement of Licensing Policy 2020/25. In accordance with Section 5 of the Licensing Act 2003 a Licensing Authority is required to prepare and publish a statement of its licensing policy every five years.	To include those persons listed in section 5(3) of the 2003 Act. These are: Chief Constable of Dorset Police; Dorset and Wiltshire Fire and Rescue; BCP Director of Public Health; Persons/bodies representative of local Premises Licence Holders, local Club Premises Certificate Holders and local Personal Licence	Nananka Randle, Licensing Manager	19 September 2024 Draft Policy

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
			<p>Holders; and Persons/bodies representative of businesses and residents in its area.</p> <p>Licensing Committee Working Group</p>		
3	Review of Hackney Carriage and Private Hire Driver, Vehicle and Operator Policies	<p>To review the existing BCP Hackney Carriage and Private Hire, Vehicle and Operator Policies 2021/25</p> <p>These policies are due to be reviewed by 2025.</p>	<p>BCP Taxi and Private Hire Association</p> <p>Licensing Committee Working Group</p> <p>Full public consultation</p>	Nananka Randle, Licensing Manager	<p>19 September 2024</p> <p>12 December 2024</p> <p>Draft Policy</p>
4	Review of Scrap Metal Policy	<p>To review the existing BCP Scrap Metal Policy 2020/25.</p> <p>There is no statutory requirement for Councils to have in place a formal policy for dealing with applications made under the Scrap Metal Dealers Act 2013. BCP Council has chosen to adopt a formal policy for this purpose, in line with Best Practice.</p>	Not applicable	Nananka Randle. Licensing Manager	<p>19 September 2024</p> <p>12 December 2024</p> <p>Draft Policy</p>

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
5	Review of Statement of Licensing Principles - Gambling Act 2005	<p>To commence a review of the existing BCP Statement of Licensing Principles – Gambling Act 2005.</p> <p>The Council is required to publish a Statement of Licensing Principles under section 349 of the Gambling Act 2005 every three years. The purpose of the Statement is to define how the Licensing Authority will exercise its responsibilities under the Act.</p>	Full public consultation	Nananka Randle, Licensing Manager	<p>Review to commence 2025, pending receipt of Gambling Commission guidance.</p> <p>19 September 2024</p> <p>Following guidance issued by the Gambling Commission a light touch update will be presented for approval as a final document. A full review will take place during 2025.</p>

Committee Briefings and Training Sessions

	Training / Briefing to be delivered	When / Where	Attendees	Suggested Delivery
1.	Overview of the work undertaken by the Council's Licensing Team over the last 12 month period.	√ Circulated by email on 1 February 2024	N/A	Briefing paper from Licensing Manager. To provide further information to members on the various areas of work undertaken by the Council's Licensing team as a whole, in addition to those items referred to the committee and its sub committees.
2.	Licensing Sub Committee Chairing Skills	√ Following Committee meeting on 7 March 2024 Committee Room, BCP Civic Centre Annexe	New and existing chairs (all Licensing Committee Members welcome)	Internal briefing and feedback session on key skills and support required for chairing sub committees.
3.	Night Time Economy	Following Committee meeting on 15 May 2024 HMS Phoebe Committee Room, BCP Civic Centre	Licensing Committee Members	Internal briefing to provide members with more detailed understanding of the roles of the Council, the Responsible Authorities and other external agencies in the night time economy. Outcomes from this session will be used to inform the review of the statement of licensing policy.

4	NEW App based Private Hire Operators – mythbusting	Following Committee meeting on 15 May 2024 HMS Phoebe Committee Room, BCP Civic Centre	Licensing Committee Members	Officers will present members with information regarding how APP based operators work and seek feedback on approval process.
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