

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 25 September 2019 at 10.00 am

Present:-

Cllr D A Flagg – Chairman
– Vice-Chairman

Present: Cllr J Bagwell, Cllr S Baron, Cllr R Burton, Cllr D Butler, Cllr J J Butt,
Cllr B Dove, Cllr T Johnson, Cllr D Kelsey, Cllr P Parrish and
Cllr L Lewis (In place of Cllr G Farquhar)

Also in
attendance:

8. Apologies

Apologies were received from Cllrs N Decent, B Dion, B Dunlop, G Farquhar and D Farr.

9. Substitute Members

It was reported that Cllr L Lewis had been appointed as a substitute member for Cllr G Farquhar for this meeting.

Note: The meeting was adjourned briefly at this point to clarify advice provided in advance of the meeting by the Council's Monitoring Officer regarding the use of substitute members. It was confirmed that the limitation on substitute members under the Licensing Act 2003 related to the membership of sub-committees rather than the full Licensing Committee. A number of members maintained their reservations in respect of this position.

10. Declarations of Interests

There were no declarations of interest.

11. Confirmation of Minutes

RESOLVED that the minutes of the Licensing Committee on 29 May 2019 and the Licensing Sub Committees on 12 June, 9 and 23 July, and 6 and 20 August 2019, be confirmed and signed by the relevant Chairmen, subject to the following amendments to the minutes of the Licensing Sub Committee on 6 August 2019:

- List of members present to be corrected to read Cllr D A Flagg – Chairman, Cllr J Bagwell and Cllr D Kelsey.
- Clause 30, paragraph 4 – Baggies Coffee House, 43 High Street, Christchurch. In respect of the additional evidence submitted

by the applicant, add the following sentence: 'The Sub Committee therefore disregarded the additional evidence.'

Voting: Unanimous

12. Public Issues

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

13. Review of Hackney Carriage Fares within the Christchurch Zone

The Committee considered a report on a request to review hackney carriage fares within the Christchurch Zone to align with the fares charged in the Bournemouth and Poole Zones. A copy of the report had been circulated and appears as Appendix 'A' to these minutes in the Minute Book.

The Committee was advised that the request to increase the tariffs in the Christchurch Zone had been submitted by representatives of the taxi trade. The current and proposed fare structures were set out in the report. The Public Health and Protection Manager explained the process for public consultation on the proposed fare structure and the requirement to consider any objections if received. He confirmed that the alignment would result in the same tariffs being applied in across three Zones.

Members of the Committee spoke in support of the proposed fare structure, as a step towards achieving an equity of service for customers across Bournemouth, Christchurch and Poole. The increase in tariffs was considered to be fair and it was noted that rates in Christchurch had not changed since 2017. Members agreed that it would be helpful if the taxi trade could work towards submitting a single application on behalf of the three Zones.

RESOLVED that the proposed hackney carriage fare structure for the Christchurch Zone as set out in the report be approved, and subject to the outcome of the public consultation exercise will come into force 14 days after the public consultation commences.

Voting - Unanimous

14. Licensing Act 2003 - Review and Harmonisation of Statement of Licensing Policy

The Committee considered a report on the process for preparing a new BCP Statement of Licensing Policy. A copy of the report had been circulated and appears as Appendix 'B' to these minutes in the Minute Book.

The Committee was advised that there was a legal requirement for the Licensing Authority to determine and publish a Statement of Licensing Policy ('policy') every five years, to be referred to when making decisions under the Licensing Act 2003. There were currently three policies for each legacy authority. The Licensing Manager explained the proposed procedure and timescale for drafting a single policy to represent the new BCP Council area and priorities. It was anticipated that a draft policy document would be submitted to the next Licensing Committee on 18 December 2019 to give members the opportunity to comment and shape the new policy, prior to a full public consultation period of 12 weeks in early 2020. Following the consultation the draft policy and any comments received would be resubmitted to the Committee for further consideration and where necessary amendment before the final policy was put forward for adoption by the full Council.

Members of the Committee spoke in support of the process for preparing a new BCP Statement of Licensing Policy. Members acknowledged the scale of the work involved in preparing a new single policy and agreed that it would be helpful to arrange two workshops for Committee members, one before the draft policy came to the Committee in December, and another before the draft policy and feedback was considered by the Committee following the consultation.

RESOLVED that the Committee agrees to the drafting of a new BCP Statement of Licensing Policy as set out in the report

Voting - Unanimous

15. Administrative Arrangements for the Licensing Committee and Sub Committees

The Committee considered a report on arrangements for appointing Sub Committees and provisions for undertaking site visits. A copy of the report had been circulated and appears as Appendix 'C' to these minutes in the Minute Book.

The Committee was advised of the legislative and constitutional requirements relating to the appointment of sub committees, with the recommendation that the membership and quorum of sub committees consist of three members, with provision for one named reserve. Interim arrangements for appointing sub committees on this basis had been in place since May 2019. All members of the Committee had now been fully trained and there had been opportunities to serve on or attend and observe sub committees during this time. The Committee was asked to agree a methodology for appointing sub committees from 15 October onwards. One possible option based on an alphabetical rota system was set out in Appendix 1 of the report as an aid to discussion.

Members of the Committee discussed the importance of sub committees operating with a consistent approach to procedure and decision-making. Membership arrangements in the preceding authorities were commented

on. It was noted that arrangements in other local authorities varied. Members felt that the alphabetical rota as currently set out in Appendix 1 was too simplistic in approach. Members agreed that wherever possible the Chairman of the Committee, or in their absence the Vice Chairman, should be included on the membership of all sub committees, in order to provide a level of continuity in the consideration and determination of business. It was noted that there may be occasions when neither the Chairman or Vice Chairman would be available, in which case membership should include at least one experienced member with the ability to chair if required.

The Committee was also asked to consider any circumstances where a site visit might be necessary in the course of undertaking its business. If so, it was suggested that a protocol be drawn up, similar to that adopted by the Planning Committee, to ensure a transparent and consistent approach was taken to dealing with requests for site visits and how these should be conducted. Members of the Committee felt that as there may be exceptional circumstances where a site visit was required it would be useful to have a protocol in place to govern this.

RESOLVED that:-

- (a) Membership of Licensing Sub Committees consist of three members of the Licensing Committee plus one named reserve, comprising wherever possible the Chairman of the Licensing Committee, or in their absence the Vice Chairman, or in the absence of both, an experienced Committee member to chair if required, with the remaining two members and one reserve member to be selected from Committee members on an alphabetical rota basis (subject to availability).**
- (b) A site visit protocol be drafted for consideration at the next meeting, to set out how site visits are agreed, arranged and undertaken.**

Voting - Unanimous

The meeting ended at 10.50 am

CHAIRMAN