

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING COMMITTEE**

Minutes of the Meeting held on 04 March 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Cllr J Bagwell – Vice-Chairman

Present: Cllr S C Anderson, Cllr D Brown, Cllr R Burton, Cllr N Decent,  
Cllr G Farquhar, Cllr D Farr, Cllr A Filer, Cllr D A Flagg, Cllr A Hadley,  
Cllr T Johnson, Cllr D Kelsey, Cllr T O'Neill and Cllr L Williams

26. Apologies

Apologies were received from Cllr B Dion and Cllr B Dove.

27. Substitute Members

Cllr A Filer was substituting for Cllr B Dion and Cllr T O'Neill was substituting Cllr B Dove for this meeting of the Committee.

28. Declarations of Interests

Cllr G Farquhar declared a non-pecuniary interest in the agenda item on the harmonisation of licensing fees. As an activist/educator on the exploitation of greyhounds, he would not take part in any decision relating to premises or licences of the Greyhound Board of Great Britain or any bookmaking activities within the BCP Council area.

29. Confirmation of Minutes

The minutes of the Licensing Committee held on 4 February 2021 and the minutes of the Licensing Sub Committee held on 21 January 2021 were confirmed as an accurate record for signing by the Chair.

30. Public Issues

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

31. Harmonisation of Licensing Fees for BCP Council

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which, together with an updated Appendix 1 Fee Schedule, appears as Appendix 'A' to these Minutes in the Minute Book.

The Committee was asked to consider the schedule of proposed fees for licences/registrations administered by the Licensing Committee, as set out in the updated Appendix 1. This was the first time the Licensing Authority

for BCP Council had reviewed these fees since the its creation on the 1<sup>st</sup> April 2019. Currently licence holders in the three legacy council areas were paying different fees for the same licences. This disparity was causing confusion for applicants and made administering the licensing function challenging. The proposed fees were based on statutory requirements and case law. They covered three main areas of licensing activity, as follows:

The Taxi and Private Hire function, which issued licences to drivers, vehicles and operators. The Local Government (Miscellaneous Provisions) Act 1976 allowed the local authority to charge fees on a cost recovery basis only. These fees covered the cost of administration, compliance and the issuing of licences, plates, etc. Hackney Carriage licensing fees also included recharges for the upkeep of taxi ranks and the requirement to undertake an unmet needs survey every three years. Driver fees included the cost of more frequent, six monthly DBS status checks under the new policy, where previously it had been every three years. It was noted that the dual licence fee in Appendix 1 should be listed under the Driver section, not the Vehicle section.

Taxi and Private Hire fees had last been reviewed in Bournemouth and Poole in 2015 and in Christchurch in 2017. The Licensing Manager explained that the new fees had been calculated from a starting point of zero, without reference to previous fees, to reflect the actual cost to BCP Council of providing the service. The finance officer had reviewed the proposed fees and had confirmed that they were set appropriately. There was a statutory requirement to advertise the new fees for a minimum period of 28 days. Any objections received would require consideration by the Licensing Committee.

The Gambling Act 2005 set statutory fees for certain activities; in addition the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 allowed local authorities to set fees up to a statutory maximum for certain types of premises such as casinos, bingo halls and betting shops. These fees covered the cost of administration, compliance, inspection, checking of documents, and liaison with the Gambling Commission. Previous fees in Bournemouth and Poole had been the same, in Christchurch significantly lower. Fees had not been reviewed for a number of years.

Licences were also issued for pleasure boats which were hired and self-driven or provided passage for up to 12 passengers. This function was covered under the Public Health Act 1907 and the Local Government (Miscellaneous Provisions) Act 1976.

The Head of Communities confirmed that the fees had been set in line with the cost recovery model following extensive work with colleagues in finance and accountancy. The fees had been fully considered from every aspect of the licensing process to provide an accurate reflection of what each step in the process cost to administer. This included officer time in responding to queries, undertaking checks, issuing reminders, running reports, etc, as

well as office accommodation, IT software, and on costs. It was noted that these costs would be kept under regular review.

The Licensing Team responded to technical questions from Committee Members on the following issues:

- Whether taxi ranks would be expanded if the number of licences increased. The Licensing Manager explained that no additional costs had been included, these would need to form part of a future reassessment of fees as required.
- Whether another unmet needs survey was required to be undertaken and costed in view of the new policy. It was confirmed that another survey would be needed before the review of the new policies in 2025.
- The difference between small and large casinos. This depended not only on their physical size but also on the type of gaming, bingo and betting available.
- Pleasure boat and waterboatman licences did not cover jet skis or kite/windsurfing. The Licensing Authority's involvement was limited to the administrative process of ensuring vessels were inspected and insured.
- It was unclear what had been included in the three legacy council fees and on what basis and frequency, but the starting point for the new fees was zero.
- The legal maximum amount had not been applied for gambling premises licences as the fee had been calculated on a cost recovery basis. The maximum amount was intended to take into account a London weighting.
- The safeguarding course provider for taxi and private hire drivers, Blue Lamp Trust, currently charged £25 per person.

A Committee Member asked for further information about the type of gambling premises licences listed in the report. It was explained that different licences were required depending on the type of gaming machines in a particular venue. Adult Gaming Centres were able to provide machines which were age restricted, whereas Family Entertainment Centres offered more amusement arcade style games, such as push penny. The Chair suggested that a glossary of terms may be a useful addition to similar reports in future. In respect of the Track licence listed in the report it was confirmed that a track betting licence was currently in force at Poole Stadium and this would include betting facilities for greyhound racing.

A Committee Member asked about the enforcement of gambling premises licences. The Committee was advised that the Gambling Commission supported the Licensing Authority in undertaking enforcement activity, by visiting premises, checking they were compliant with legislation, and ensuring appropriate checks were in place for age restricted products.

The Committee talked about the role of the Licensing Authority, Seafront Services and other agencies such as the Harbour Commission in the jurisdiction and licensing of water-based activities. It was agreed to seek

further clarity on these roles and responsibilities and report back to the Committee.

A Committee Member asked about the implementation date of the new fees and whether any amendment to the figures in Appendix 1 would impact on the budget settings for the Licensing service for 2021/22 financial year. It was confirmed that the fees for gambling premises and pleasure boats would come into effect on 1 April 2021, and the fees for taxi and private hire licensing on 1 June 2021 to allow for the statutory advertisement period. As the fees were based on cost recovery any reduction would mean that the Licensing Authority was partially subsidising the costs of providing the service and the resulting deficit would need to be found elsewhere within the Safer Communities budget. It was confirmed that there was no surplus or deficit carried forward from the legacy councils.

**RESOLVED that the proposed fees as set out in the updated Appendix 1 be agreed (with the correction to list the ‘dual licence’ figure under the driver section of the taxi and private hire fees).**

Voting: For – 14 Against – 1 Abstain – 0

Cllr G Farquhar asked for the reason for his vote against the resolution, in respect of his declaration of interest, to be recorded in the minutes.

## 32. Forward Plan

The Chair provided an update on a number of items relating to the Committee’s Forward Plan since the last meeting on 4 February 2021.

### **BCP Sex Establishment Policy:**

The Chair reported that the new BCP Sex Establishment Policy was currently rescheduled for the meeting on 19 May 2021. In order to consider in detail the 200 consultation responses received on what was a sensitive policy it was proposed to set up a working group of five members, provide an update to the Committee on 19 May, and consider a full report for decision at an additional meeting to be arranged in July. Anyone interested in being on the working group was advised to contact Democratic Services.

A Committee Member asked if there were any statutory deadlines for new BCP licensing policies to be adopted. The Senior Solicitor explained that there was no set deadline for completing the BCP Sex Establishment Policy. It was important to take time to give the issues raised proper consideration. With regard to a new BCP Gambling Policy the Gambling Commission had indicated a national implementation date of 2022, subject to licensing authorities working on a draft policy in the interim period. The draft BCP Gambling Policy was due to be considered by the Committee on 19 May 2021.

**Review of Licensing Sub Committee Arrangements:**

The Chair explained that she had originally requested this item, but as arrangements were working well it was not considered necessary to review these at the current time. The Committee would be asked to review the trial of the second reserve at its May meeting.

**Taxi and Private Hire Policies:**

As agreed by the Committee at its February meeting these policies would remain on the Forward Plan for monitoring purposes.

**RESOLVED that a working group of five members of the Licensing Committee be set up to consider the consultation responses on the draft BCP Sex Establishment Policy, to provide an update to the Committee on 19 May and a full report at an additional meeting to be arranged in July 2021.**

Voting: Unanimous

33. Item of Any Other Business - Procedural Issue

The Chair asked the Senior Solicitor to report on a procedural issue in relation to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Chair confirmed that she had decided to accept this item of any other business as a matter of urgency in order to comply with the legislation and timescales.

The Senior Solicitor explained that there had been an administrative oversight in respect of the resolution of the Council on 23 February 2021 to adopt Part II of the Local Government (Miscellaneous Provisions) Act 1976 to enable the creation of a single Private Hire relevant area for BCP Council.

In order to meet the procedural requirements of section 45 of the Local Government Miscellaneous Provisions Act 1976, BCP Council was required to notify the Parish Councils and place an advert in the local paper for two consecutive weeks of the Council's intention to resolve that the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 would apply in their area. Unfortunately the notification and advertisement had not taken place within the statutory timescale. In order to rectify the matter, the relevant parish councils had now been notified and adverts would be placed in the local press on 5 and 12 March 2021.

The Licensing Committee was therefore asked to pass a further resolution to recommend to Council the adoption of Part II of the Local Government (Miscellaneous Provisions) Act 1976, to apply to the whole administrative area of BCP Council from 1 June 2021. This date would tie in with the expected implementation of the new taxi and private hire licensing fees and policies.

A Committee Member asked whether there was any opportunity for parish councils or other interested parties to comment on the proposal once they had been notified. The Senior Solicitor confirmed that there was no provision in the legislation for comments or objections to be considered.

**RECOMMENDED that the Council resolves that Part II of the Local Government Miscellaneous Provisions Act 1976 shall apply to the whole administrative area of Bournemouth, Christchurch and Poole Council from 1 June 2021.**

Voting: Unanimous

The meeting ended at 11.12 am

CHAIRMAN