



Licensing Committee

Date: Wednesday, 11 October 2023
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)

Emma Parker (Chairman), Jon Andrews (Vice-Chairman), Mike Barron, Derek Beer, Susan Cocking, Mike Dyer, Les Fry, Paul Harrison, Brian Heatley, Cathy Lugg, David Morgan, Julie Robinson, Andrew Starr, Kate Wheller and Sarah Williams

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224202 elaine.tibble@dorsetcouncil.gov.uk

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LICENSING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 24 MAY 2023

Present: Cllrs Jon Andrews (Vice-Chair, in the Chair), Susan Cocking, Les Fry, Cathy Lugg, David Morgan, Andrew Starr and Sarah Williams

Apologies: Cllrs Emma Parker, Derek Beer and Brian Heatley

Officers present (for all or part of the meeting):

Aileen Powell (Team Leader Licensing), Lara Aintree (Senior Lawyer - Regulatory), Elaine Tibble (Senior Democratic Services Officer), Graham Duggan (Head of Community & Public Protection) and John Newcombe (Service Manager, Licensing & Community Safety)

1. **Appointment of Vice-Chair**

Proposed by Cllr Jon Andrews, seconded by Cllr Cathy Lugg

Decision: that Cllr Les Fry be appointed Vice-Chairman for the duration of the meeting.

2. **Minutes**

The minutes of the meeting held on 16 June 2022 were confirmed and signed.

3. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

4. **Public Participation**

There were no statements or questions from Town and Parish Councils or the public at the meeting.

5. **Weymouth and Portland Zone Taxi Fares**

The Licensing Team Leader presented the report to consider an increase to the new Weymouth and Portland Hackney Zone tariff by 20p for the first mile and 10p for each subsequent mile. All proposed tariffs were set out in appendix 3 of the

report. The Licensing Team Leader explained that the law specifically stated the maximum fare, but operators were at liberty to charge less if they wished.

The Chairman felt that this was a small but modest rise and totally justified, hourly rates in garages, parts, and fuel prices were all much higher.

Proposed by Cllr Jon Andrews, seconded by Les Fry

Decision:

(1) That the new tariffs for the Weymouth hackney carriage zone as set out at Appendix 3 were agreed.

(2) That the public consultation of the new tariffs in a local newspaper was authorised.

(3) That the new tariffs will come into effect on 1 July 2023 if no objections are received within the specified time limit in the consultation.

(4) That the request for a change to the times that different tariffs operate would be considered.

6. Appointment of Licensing Sub-Committees and New Delegations to Officers/Sub-Committees

The technical report was presented by the Licensing Team Leader to agree various delegations to officers and appointments to sub-committees.

The report suggested that sexual entertainment licences be delegated to sub-committees rather than a full committee. Delegation to officers for Temporary Event Notices where conditions had been agreed between applicants and objectors, negating the need for a sub-committee to convene. Also for plate exemptions to be officially delegated to the Executive Director of Place in consultation with the Chair and Vice Chair of the Licensing Committee.

Proposed by Cllr Susan Cocking, seconded by Cllr Sarah Williams

Decision:

(1) That in relation to Licensing & Gambling functions of the Council; the delegation of powers to its sub-committees and officers as set out in the report and at Appendix 1 was approved.

(2) That five sub-committees consisting of three councillors each for consideration of matters relating to the Licensing Act 2003, Gambling Act 2005 and to undertake functions in relation to other licensing matters including hackney carriage and private hire vehicles, drivers and operator licences were appointed.

(3) That the power to determine applications for sexual entertainment licences that attract objections be granted to the Licensing Sub-Committee.

(4) That delegation was granted to the Executive Director of Place, to issue a Notice (Statement of Conditions) in circumstances where the Police or the Council's Environmental Protection Team have submitted an objection to a Temporary Event Notice (TEN) requesting that conditions from the Premises Licence for the venue be added to the TEN and the applicant for the TEN agrees to those conditions being added to the TEN.

(5) That delegation was granted to the Executive Director of Place in consultation with the Chair and Vice Chair of the Licensing Committee, the power to determine applications for plate exemptions to private hire proprietors.

7. Boat Licence Conditions

The report was presented by the Licensing Team Leader, who explained that there were only a few Boat Licences in specific areas. Licensing Officers had been looking to regulate Wareham Boats Ltd's position and give them permission to operate in line with their lease. The report also recommended delegation to officers for any future amendments required. just until the process of putting a new policy together with a standard set of conditions was completed.

In correcting recommendation (2) the Licensing Team Leader advised that any future amendments to Boat Licence conditions should be delegated to the Executive Director of Place not the Service Manager

Proposed by Cllr Sarah Williams, seconded by Cllr David Morgan.

Decision:

(1) That Wareham Boats Ltd to operate in line with their lease was approved.

(2) That any future amendments to Boat Licence conditions be delegated to the Executive Director of Place.

8. Urgent items

There were no urgent items.

9. Exempt Business

There was no exempt business.

Revised Taxi report to include recommendations

Duration of meeting: 11.08 - 11.20 am

Chairman

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Licensing Committee

24 May 2023

Weymouth and Portland Zone Taxi Fares

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): N/A

Executive Director: J Sellgren, Executive Director of Place

Report Author: Aileen Powell
Title: Licensing Team Leader
Tel: 01258 484022
Email: aileen.powell@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: To determine the maximum level of fares that can be charged by Hackney Carriage Proprietors in the Weymouth and Portland zone and to consider the request for a change to the times that different tariffs operate.

Recommendations:

- i. To agree the new tariffs for the Weymouth hackney carriage zone as set out at Appendix 3,
- ii. to authorise the public consultation of the new tariffs in a local newspaper
- iii. to agree that the new tariffs will come into effect on 1 July 2023 if no objections are received within the specified time limit in the consultation.
- iv. and to consider the request for a change to the times that different tariffs operate.

Reason for Recommendations: To ensure openness and transparency in the Council's decision making, and to ensure that those persons affected by changes are given the opportunity to have an input into it.

1. Background

- 1.1 The Dorset Council Taxi Licensing Policy removed the historic zones that have operated in the Dorset Council area, apart from the Weymouth and Portland hackney carriage zone that remains in place due to the restricted number of vehicles that can operate as hackney carriages there, see paragraphs 2.16 - 2.19 of the Policy which is attached in full at Appendix 1.

- 1.2 Paragraph 2.25 of the Policy states there will be one maximum tariff for the whole area, apart from the Weymouth and Portland zone.
- 1.3 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the legislative provisions for setting the tariff. Section 65 requires that any changes to fares need to be advertised to allow the public to comment. The legislation is attached at Appendix 2.

2. **New Fares**

- 2.1 The fares for Weymouth were last changed in April 2022, along with the fare changes for the rest of Dorset Council, when the new Taxi Licensing Policy came into effect. Prior to this they were changed by the various predecessor Councils on an 'ad hoc' basis as and when the trade requested it.
- 2.2 The Weymouth Private Hire and Hackney Carriage Association have requested a further small rise this year, as they believe that smaller annual increases are accepted by the travelling public better than infrequent larger ones.
- 2.3 Every Hackney Carriage Proprietor in Weymouth has been sent a copy of proposed fares as part of a pre-consultation exercise.
- 2.4 The existing tariff and the proposed new tariff can be found at Appendix 3.
- 2.5 There have been comments from ten hackney carriage proprietors on the fares which can be found in full at Appendix 4. Two of the respondents have been against any fare increase, the remainder are in favour.
- 2.6 There has been one request to amend the times that Tariff 1 changes to Tariff 2 to fall in line with the rest of Dorset.
- 2.7 It has also been requested that the Licensing Authority stipulates that all the taximeters have automatic calendar functions activated. Officers do not recommend that this request is approved as there is case law permitting Proprietors to charge lower than the maximum tariff if they choose. The 1983 case of R v Liverpool City Council, ex parte v Curzon Ltd held that it was both lawful to charge less than the fare shown on a taximeter and also that having meters set at a lower tariff was entirely lawful. Any attempt to fix the calendar function of the meters would potentially fall foul of this case law.
- 2.8 If the Licensing Committee agree to set the maximum tariff as requested a public consultation lasting two weeks will happen by way of a newspaper advertisement.
- 2.9 Should any public comments be received the matter would be brought back to a Licensing Committee for consideration before any new tariff came into effect.
- 2.10 If no comments are received it is recommended that the new tariff comes into effect on 1 July 2023.

3. **Financial Implications**

The funding for the public consultation of the fares will come from existing budgets. The Taxi and Private Hire Licensing regime is self-funding, so any advertising costs are met from this. There are no further financial implications arising from the recommendations of this report.

4. **Natural Environment, Climate & Ecology Implications**

There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

5. **Well-being and Health Implications**

There could potentially be an impact on the health and wellbeing of the public if the hackney carriage fares are set too high, which could make this form of transport inaccessible to some. The same could however be said if the fares are set too low resulting in a reduction of vehicles as they become uneconomical to run.

6. **Other Implications**

There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

7. **Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

8. **Equalities Impact Assessment**

An EqIA was prepared as part of the wider Dorset Council Taxi Licensing Policy consultation.

9. **Appendices**

Appendix 1 Dorset Council Taxi Licensing Policy

Appendix 2 Legislation

Appendix 3 Existing and Proposed Tariff

Appendix 4 Consultation Responses

10. **Background Papers**

Local Government (Miscellaneous Provisions) Act 1976