



Licensing Committee

Date: Thursday, 16 June 2022
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum)

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

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

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

Item		Pages
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	MINUTES	5 - 8
	To confirm the minutes of the meeting held on 18 th March 2022.	
3.	DECLARATIONS OF INTEREST	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

4. PUBLIC PARTICIPATION

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Representatives of town or parish councils and members of the public who live, work, or represent an organisation within the Dorset Council area are welcome to submit up to two questions or two statements for each meeting. Alternatively, you could submit one question and one statement for each meeting.

All submissions must be emailed in full to elaine.tibble@dorsetcouncil.gov.uk by **8.30am on Tuesday 14 June 2022**.

When submitting your question(s) and/or statement(s) please note that:

- no more than three minutes will be allowed for any one question or statement to be asked/read
- a question may include a short pre-amble to set the context and this will be included within the three-minute period
- please note that sub divided questions count towards your total of two
- when submitting a question please indicate who the question is for (e.g. the name of the committee or Portfolio Holder)
- Include your name, address and contact details. Only your name will be published but we may need your other details to contact you about your question or statement in advance of the meeting.
- questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda
- all questions, statements and responses will be published in full within the minutes of the meeting.

Dorset Council Constitution Procedure Rule 9

5. CONFIRMATION OF CONSTITUTION, DELEGATED POWERS AND APPOINTMENT OF LICENSING SUB-COMMITTEES

9 - 14

To receive a report from the Service Manager Licensing & Community Safety.

6. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

7. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act

1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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LICENSING COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 18 MARCH 2022

Present: Cllrs Mike Barron, Carole Jones, Emma Parker (Chairman), David Taylor, Les Fry, Brian Heatley and David Morgan

Apologies: Cllrs Jon Andrews, Kate Wheller, Derek Beer, Cathy Lugg, Susan Cocking and Mike Dyer

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

Aileen Powell (Team Leader Licensing), Elaine Tibble (Senior Democratic Services Officer), Graham Duggan (Head of Community & Public Protection) and Lara Atree (Senior Lawyer - Regulatory)

25. Appointment of Vice Chair for the meeting

Proposed by Cllr Parker, seconded by Cllr Fry.

Decision: that Cllr Brian Heatley be elected Vice Chair for the duration of the meeting.

26. Minutes

The minutes of the meeting held on 27 January 2022, 17 November 2021, 15 June 2021 and 22 October 2020 were agreed and signed as a correct record.

The minutes of the meeting of 26 July 2019 which had been approved at the meeting of 22 October 2020 were also signed as a correct record.

27. Declarations of Interest

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

28. Public Participation

There were no questions or statements from the public.

29. Taxi Fares and Fees

The Licensing Team Leader presented the report detailing the maximum level of fares that could be charged by a Hackney Carriage Proprietor and the fees for the Private Hire and Hackney Carriage Licence regimes. The committee members were advised that there had been two further comments which had been circulated and published together with corrected appendix 7.1.

The Licensing Team Leader stated that one of the basic principles that the council must adhere to was that the cost of the function of licensing Hackney Cabs and Private Hire vehicles should be covered by the fees charged. No profit should be made, nor should there be any cost to the council tax payer.

The fees had been advertised and sent to all 2399 licence holders, resulting in 13 comments which were addressed by the Licensing Team Leader.

The fees proposed in the report were considerably lower than neighbouring authorities and would be reviewed on an annual basis.

In relation to the tariffs, 5 tariffs had been brought into line and levelled up, with the exception of the defined Weymouth Zone within the taxi policy. It was suggested that these tariffs also be reviewed annually so that any sustained fuel price increases could be taken into account.

The Licensing Team Leader suggested that three requests following consultation, to consider earlier tariff 2 charge times, add in the 30p per extra person and to increase the soiling charge to £100 be included in the recommendations.

The Committee Members were invited to ask questions of the Licensing Team Leader. Overall, there was support for the report, members did not consider it necessary to reduce fees for single car operators and were in agreement to include the three additional requests.

Proposed by Cllr Jones, seconded by Cllr Taylor.

Decision: that after consideration of the responses from the licensed trade, the new fees for the Hackney Carriage and Private Hire licences be agreed.

Proposed by Cllr Parker, seconded by Cllr Jones

Decision: that after consideration of the responses from the licensed trade, the new tariffs for both zones be agreed. This was to include the change from 23.00 to 22.00hrs for the tariff 2 rate, the inclusion of the 30p per passenger rate and increasing the soiling charge to £100.

30. **Urgent items**

There were no urgent items.

31. **Exempt Business**

There was no exempt business.

Duration of meeting: 10.00 - 10.32 am

Chairman

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Licensing Committee

16 June 2022

Confirmation of Constitution, Delegated Powers and Appointment of Licensing Sub-Committees

For Decision

Portfolio Holder: Cllr L Beddow, Communities and Customer Services

Local Councillor(s): N/A

Executive Director: J Sellgren, Executive Director of Place

Report Author: John Newcombe

Title: Service Manager Licensing & Community Safety

Tel: 01305 838027

Email: john.newcombe@dorsetcouncil.gov.uk

Report Status: Public

Recommendations:

- (1) That in relation to Licensing & Gambling functions of the Council; the Committee adopt the delegations of powers in respect of its sub-committees and officers as set out in the report and at Appendix 1.
- (2) That five sub-committees be appointed 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.

Reason for Recommendations:

To ensure compliance with the Constitution.

1. Executive Summary

- 1.1. In order to meet the requirements of the Constitution and, as is considered to be best practice, the Committee is requested to confirm the appointment of sub-committee(s) and their delegations of powers.

2. Financial Implications

- 2.1 There are no additional financial implications arising from decisions in relation to this report.

3. Well-being and Health Implications

- 3.1 There are no additional well-being and health implications arising from decisions in relation to this report.

4. Climate implications

- 4.1 There are no additional climate implications arising from decisions in relation to this report.

5. Other Implications

- 5.1 There are no additional implications arising from decisions in relation to this report.

6. Risk Assessment

- 6.1 Having considered the risks associated with this decision, the level of risk has been identified as:
Current Risk: Medium
Residual Risk: Medium

7. Equalities Impact Assessment

- 7.1 Not Applicable

8. Appendices

Appendix 1 Extract from the Article 8 of the Dorset Council Constitution

Appendix 2 Table for sub-committee appointments

9. Background Papers

There are no background papers for this report

10. Background

- 10.1. In order to meet the requirements of the Constitution, at the first meeting of the Licensing Committee after each Annual Council the Committee is required to review and appoint such sub-committees as it considers appropriate for the effective operation of the council's licensing duties.
- 10.2. The committee is therefore asked to appoint five sub-committees consisting of three councillors each for the consideration of matters in respect of the Licensing Act 2003 and the Gambling Act 2005. The sub-committee(s) will also undertake functions in relation to hackney carriage and private hire vehicles, drivers and operator licences.
- 10.3. The Chairman of the Licensing Sub-committee(s) shall be selected by the members of the sub-committee present at the time of the meeting. There shall also be powers for substitutes to be appointed to any sub-committee provided that the substitutes are councillors on the Licensing Committee. The Licensing Sub-committee(s) shall have a quorum of three.

10.4. In order to meet the requirements of the constitution and as is considered to be best practice; the committee is requested to confirm the appointment of sub-committee(s) and their delegations of powers as set out in Appendix 1.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

APPENDIX 1

EXTRACT FROM ARTICLE 8 DORSET COUNCIL CONSTITUTION (Version 8)

LICENSING COMMITTEE

8.25 Role/Terms of Reference and Membership

- (a) The Licensing Committee shall have primary responsibility for:
 - (i) the discharge of the Council's licensing, certification and registration functions; and
 - (ii) the determination of any application relating to the manufacture and/or storage of explosives;

that is not dealt with through the use of any other mechanism.

- (b) The Licensing Committee shall be the licensing committee of the Council for the purposes of exercising any functions expressly referred to a licensing committee by any legislation (e.g. the Licensing Act 2003 and the Gambling Act 2005).
- (c) The Licensing Committee may also deal with certain other matters which are referred to it having regard to provisions in the Licensing Act 2003 by a person or body possessing the power to make that determination.
- (d) The Licensing Committee will consist of 15 Members appointed by Full Council.
- (e) The quorum of the Licensing Committee shall be 3.

8.26 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Licensing Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.27 Meetings

- (a) The number of ordinary meetings of the Licensing Committee each year will normally be determined by Full Council.
- (b) The Chairman of Licensing Committee shall have the power to call one or more special meeting(s) of the Licensing Committee.
- (c) The Chairman of Licensing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No Member shall sit as a member of the Licensing Committee unless s/he has received licensing training provided to that Member for this purpose.
- (e) There shall be no power to appoint substitutes to the Licensing Committee.

8.28 **Licensing Sub-Committees**

- (a) At its first meeting after each Annual Council the Licensing Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective operation of the Council's licensing duties.
- (b) Where more than one Licensing Sub-Committee has been appointed they shall sit in rotation. Each Licensing Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.
- (c) Substitutes may only be appointed to a Licensing Sub-Committee from the membership of the Licensing Committee.
- (d) For the avoidance of doubt, all Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.29 **Delegated powers and powers to recommend of the Licensing Committee**

- (a) The Licensing Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Licensing Committee and any of its Sub-Committees can delegate any of its powers to any Officer (subject in particular in the case of the Licensing Act 2003 and the Gambling Act 2005 to any limitations prescribed in that legislation).

APPENDIX 2 - TABLE FOR SUB-COMMITTEE APPOINTMENTS

Sub-Committee A

Political Group	Name
Conservative	Emma Parker
LibDem	Sarah Williams
Conservative	Paul Harrison

Sub-Committee B

Political Group	Name
LibDem	Jon Andrews
Conservative	Cathy Lugg
LibDem	David Morgan

Sub-Committee C

Political Group	Name
ALL	Les Fry
LibDem	David Taylor
Conservative	Mike Dyer

Sub-Committee D

Political Group	Name
Independent	Kate Wheller
LibDem	Derek Beer
Conservative	Julie Robinson

Sub-Committee E

Political Group	Name
Green	Brian Heatley
ALL	Susan Cocking
Conservative	Mike Barron