

LICENSING BOARD
11 MAY 2017

PRESENT: Councillor Andrew Morgan - Chairman; Councillors David Kelsey - Vice Chair, Mark Battistini, Norman Decent, Bobbie Dove, Beverley Dunlop, Gina Mackin, Susan Phillips, and John Trickett.

To see a copy of the public reports that were considered by the Board please visit:

<https://www.bournemouth.gov.uk/councildemocratic/CouncilMeetings/CommitteeMeetings/LicensingBoard/2017/05/11/licensingboard11-may-2017.aspx>

The meeting commenced at 09.57am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

28. APOLOGIES

Apologies were received from Councillors Rey and Wakefield

29. DECLARATIONS OF INTEREST

There were none.

30. CONFIRMATION OF MINUTES

DECISION MADE:

That the minutes of the Licensing Board meeting held on 16 February 2017 and the Licensing Sub-Committee held on 2 March 2017 be confirmed as a correct record for signing by the Chairman.

31. PUBLIC ITEMS

There were no public questions or deputations.

32. APPLICATION FOR A NEW PREMISES LICENCE - SIGNATURE PIZZA, 872 CHRISTCHURCH ROAD

The Board considered an application for a new premises licence for Signature Pizza, 872 Christchurch Road made by Mr Karol Ledzinski. The application sought to allow the supply of alcohol on and off the premises between the hours of 12.00 and 23.00 each day of the week. The Chairman informed the Board that despite officers' attempts to contact the applicant the applicant was not present for the hearing and

Licensing Board, 11 May 2017

therefore it was proposed by the Chairman and the Board agreed to proceed with the hearing in the absence of the applicant. The Chairman made introductions and explained the procedure for the hearing which was agreed by all parties.

The Senior Licensing Officer summarised the detail of the application as set out in Report '5'. Representation had been received from Environmental Health Pollution Control on the Grounds of prevention of public nuisance but following mediation, the following conditions were agreed and the representation had been withdrawn. Two further representations were received from other persons.

The following persons attended the Board hearing and gave verbal evidence based on their written submissions:

- Mr Mark Lee - other person making a representation
- Ward Councillor Gina Mackin - representing Mr Mark Lee

It was noted that whilst Councillor Mackin had recently been appointed to the Licensing Board she would not be sitting on the Board for consideration of this item and would leave the meeting room whilst deliberations took place. The Chairman confirmed with Councillor Mackin that she was speaking as a ward Councillor on behalf of Mr Lee, who gave his verbal consent for Councillor Mackin to speak on his behalf at this meeting. Councillor Mackin was unable to speak on behalf of the other person making a representation as they had not confirmed that they wanted Councillor Mackin to represent them and no representation had been received by the Licensing Authority.

Members of the Board asked various questions of the Senior Licensing Officer, Mr Lee and Councillor Mackin during the hearing. All parties were given the opportunity to sum up before the Board retired to make its decision.

DECISION MADE:

That the application for a new premises licence for Signature Pizza, 872 Christchurch Road to permit the sale of alcohol between 12:00 and 23:00 hours each day of the week be refused.

Reason for Decision:

The Board gave detailed consideration to the written and pictorial evidence that had been submitted before the meeting, along with the verbal submissions and responses given at the meeting by all parties present.

The Chairman explained that whilst not a legal requirement it was disappointing that the applicant was unable to attend the hearing and provide an opportunity for the Board to question some of the matters arising from the application further.

The Chairman advised that the Board had taken the decision to refuse the application on grounds of public safety and in particular on the grounds of fire safety concerns which were contrary to paragraph 2.8 of the Revised Guidance issued under

Licensing Board, 11 May 2017

section 182 of the Licensing Act. Concerns regarding fire safety were highlighted in the representations made and in consideration of the photos of the premises which were presented to the Board as part of the report.

The Board also considered the prevention of public nuisance licensing objective as referred to in the representations. The applicant had not sufficiently addressed what, if any, mitigating measures may be taken to prevent the noise disturbances occurring at the premises in the middle of a residential area.

The Board was not satisfied that there was anything in the offered conditions, which appeared to be a non-specific copy of other conditions, that illustrated that these points would be sufficiently addressed should a Premises Licence be granted.

33. REVISION OF THE CRIMINAL CONVICTIONS POLICY FOR ALL NEW AND EXISTING PRIVATE HIRE AND HACKNEY CARRIAGE LICENCE HOLDERS

The Chairman welcomed Councillor Mackin to the Board. The Licensing Manager introduced the report and explained that this had been brought to the Panel as the current policy was adopted in 1992. Since that time there had been a number of significant changes to the guidance and new criminal legislation which the Council's Policy should reflect. The Board was advised that the new Policy was based on guidance issued by the Local Government Association in 2010. The Board was asked to consider the draft Policy attached at Appendix 3 to the report and to decide whether it should go out to consultation. A list of proposed consultees was included at Appendix 5 to the report.

The Chairman welcomed the detailed nature of the updated policy albeit several years since the updated guidance was issued. The Chairman found that the proposed policy provided a thorough update to the existing policy.

A Board Member asked whether there was a compulsion on taxi drivers to report any convictions to the licensing Authority. The Licensing Officer advised that a driver should immediately report any convictions. A system for disclosure from the police for convictions used to work very well but in recent years this no longer worked to the same level and the Licensing Authority now tended to only receive notifications of more serious offences and these were usually reported directly by police officers rather than through the disclosure system. It was noted that the revised policy still retains the requirement for drivers to notify the Licensing Authority of any convictions within 7 working days.

In response to a question it was confirmed that all Disclosure and Barring Service (DBS) checks carried out by the Council on Taxi Drivers were enhanced.

DECISION MADE:

The Board recommended that the Policy as attached at Appendix 4 to the report be endorsed and that consultation on the policy be implemented as soon as possible.

Licensing Board, 11 May 2017

34. AMENDMENT TO THE FIT AND PROPER PERSON REQUIREMENTS FOR NEW APPLICATIONS FOR A PUBLIC CARRIAGE DRIVER LICENCE

The Board considered a report from the Licensing Manager which outlined proposals to change the current application process for a Public Carriage Drivers Licence. The current requirement allowed drivers to apply for a 1-year licence if they did not hold the appropriate BTEC/NVQ qualification in Transporting Passengers by Taxi and Private Hire which could then be extended to 3 years once the qualification was achieved or it would lapse after a year. The Licensing Authority would prefer that all drivers held this qualification before being issued with a Licence.

In response to a question the Board the Board were advised that consultation with the trade was not required before these changes were made. The Chairman asked for clarification that drivers with learning difficulties would not be discriminated against. It was noted that the qualifications were administered by Bournemouth University and therefore there would be educational professionals to provide any required support.

The Board was advised that the content of the BTEC covered a wide range of issues which taxi drivers were expected to be familiar with as part of the job, including topography, first aid, disability awareness, child sexual exploitation, customer service and business management. As such it provided a comprehensive qualification.

It was noted that there was no difference in the cost currently between a 1 and 3-year licence as if the qualification was achieved the two further years would be renewed on a pro-rata basis.

This amendment should improve the overall standard of drivers in Bournemouth and would not be a significant change as very few drivers now applied without the qualification.

There was an ensuing discussion about how the qualifications held were checked as genuine by the local authority. The Licensing Authority would ensure that ID was in the same name as the exam certificate but it was for the university to check identity for those sitting the exam. The university also undertook a face to face assessment on those applying for the course to ensure that they had an appropriate level of understanding to proceed with the course

DECISION MADE:

The Licensing Board supported the proposal to amend the qualifying criteria for applications for public carriage licences to hold a BTEC/NVQ qualification in Transporting Passengers by Taxi and Private Hire before a 3 year Licence is granted.

35. CSE TRAINING FOR PUBLIC CARRIAGE LICENCE HOLDERS

The Licensing Manager advised the Panel that all drivers had now completed the Child Sexual Exploitation (CSE) training. The training was delivered via an e-module and all new drivers were required to complete this before being granted a licence. There was an ensuing discussion regarding the takeover of Christchurch Radio Cabs

Licensing Board, 11 May 2017

by United Taxis. The Licensing Officer explained that a change in government legislation has allowed operators to transfer bookings between them. This means that a Christchurch Radio Cab may pick up a United Taxi booking. There was some discussion about making changes to operators' conditions to ensure that all drivers making Bournemouth journeys had completed CSE training. Unfortunately, this was not possible as the Taxis were operating under a Christchurch licence for a Christchurch operator and Bournemouth's Licensing Authority had no control over this.

It was noted that any contracts for provision of children's transport with Bournemouth would require the driver to be CSE trained independently of who they held a licence with.

The Licensing Manager advised that she had a liaison meeting in the following week with colleagues from both Poole and Christchurch Licensing Authorities and she could therefore raise this issue with them and ask them to take the same action on CSE training. It was noted that Poole had a requirement for this to be in place but not until 2018.

The Licensing Officer undertook to speak to the passenger transport team regarding this issue. Councillor Dove also suggested that this could be raised at the next Children's Services Overview and Scrutiny Panel.

DECISION MADE:

The Chairman asked that a summary report be brought back to the Board in approximately one month on the change in legislation and to clarify that the Licensing Authority had taken any and all possible action regarding this.

That the Board write to the relevant services to request that they ensure that anyone operating on their contract has had CSE training.

36. ANY OTHER BUSINESS

APPLICATION FOR VARIATION OF PREMISES LICENCE – ISTANBUL, 144 OLD CHRISTCHURCH ROAD

The Chairman updated the Panel on the outcoming of the Licensing Sub-Committee hearing held on 4 May 2017 for a variation of a premises licence for Istanbul. It was noted that Mr S. Wright who was representing the applicant had raised a concern at the hearing that the representation received on this application from Dorset Police was not received within the statutory notice period. The Sub Committee agreed to adjourn consideration of the application to enable officers the opportunity to look into the issues raised until the next meeting. The Legal Officer confirmed that after considering the circumstances around this case in her opinion the representation made was valid. This information had been conveyed to the applicant. At the request of the applicant the Board was asked to adjourn the hearing of this application until the next meeting scheduled for 25 May.

Licensing Board, 11 May 2017

The Chairman asked if Mr Wright was now viewing the representation as valid. The legal officer confirmed that this was the legal view on the matter and Mr Wright had not indicated whether his view had changed.

It was noted that the time to make representations had now passed but the rep. made stands and will be considered. The Licensing Manager explained that reps. Should be in writing after the date the application was made but also explained that the original application was not resubmitted but just re-advertised.

DECISION MADE: That consideration of the application for a variation of premises licence for Istanbul, 144 Old Christchurch Road be adjourned until the Licensing Board on 25 May 2017.

KNOWLEDGE TEST

The Licensing Manager advised that applicants were still continuing to try to cheat on the Knowledge Test. The latest example of which was outlined to the Board. The Licensing Manager advised that there was nothing in the Blue Book to say that someone found cheating or acting dishonestly was not a fit and proper person for the purposes of applying for a Licence. The Board was asked to consider whether someone caught cheating or acting dishonestly during any part of the licence application process should not be allowed to re-sit the test or reapply for a licence. The Licensing Officer noted that certain aspects of the application process already addressed this. The Board agreed that this proposal should be implemented as soon as possible.

DECISION MADE:

The Board agreed that the Blue Book be updated to include that if an applicant is found to have acted dishonestly or employed any form of cheating or malpractice during any stage of the application process for a Licence, including during the Knowledge Test then said person would not be permitted to reapply for a licence for a period of three years.

The Meeting was adjourned between the following times:

- 10.35 am and 10.45 am
- 10.48 am and 10.55 am

The meeting finished at 11.38am

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