

**LICENSING BOARD
16 October 2018**

PRESENT: Councillor Andrew Morgan - Chairman; Councillor David Kelsey - Vice-Chairman; Councillors Norman Decent, Bobbie Dove, Gina Mackin, John Trickett, Chris Wakefield and Kieron Wilson.

The meeting commenced at 9.45 am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

58. REVIEW OF STATEMENT OF GAMBLING POLICY

The Senior Licensing Officer highlighted that a draft version of the Statement of Gambling Policy had been to the Board for comment and had been out to consultation. The consultation period ended on the 10th of September and a summary of the responses were included in the Board's papers at appendix C. The Community Overview and Scrutiny Panel had also provided a response to the consultation. The changes to the Policy were highlighted in red and were put to the Board for comments.

Two main points were raised and discussed at the meeting regarding changes to the Policy. These were 11.1.3 which Gosschalks Solicitors had raised on behalf of the Association of British Bookmakers (ABB), this paragraph referred to 'areas of deprivation' which the ABB believed had no bearing on any risk to the licensing objectives and should therefore be removed from the policy, and 4.2.3 which referred to Fixed Odds Betting Terminals. The Board decided to accept the proposed changes to the policy as presented by the officers, subject to some grammatical edits.

The Senior Licensing Officer clarified that she had consulted with the National Casino Forum and would include them on the list at 2.4.1. The Board were advised that the Policy needed to go to Full Council before the 6th December, this would be followed by a 4-week period of public notice, with the policy coming into effect from the 31st January 2019.

DECISION MADE:

To except the proposed changes after consideration of the responses received and to recommend the Statement of Gambling Policy to Full Council.

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

59. APOLOGIES

Apologies were received from Councillor Mark Battistini and Councillor Beverley Dunlop.

60. DECLARATIONS OF INTERESTS

There were no declarations of any disclosable pecuniary interests or other interests made by members of the Board.

61. PUBLIC ITEMS

There were no public questions or deputations received for this meeting.

62. EXCLUSION OF PRESS AND PUBLIC

DECISION MADE:

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

63. REVIEW OF PUBLIC CARRIAGE DRIVER'S LICENCE

The Chairman made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Manager introduced a non-public report marked '4' which considered the case of a public carriage driver licensed by the Council. The Licensing Team had received information from the Local Authority Designated Officer (LADO) that the driver had been convicted of domestic abuse and breach of bail conditions. The Board were asked to consider whether the driver's actions were consistent with that of a 'fit and proper person' and whether it was appropriate for the driver to hold a Public Carriage licence.

The public carriage driver provided a statement and attended the hearing with a legal representative, who gave verbal evidence in support of the driver. The Board also heard from a United Taxis Manager. Members of the Board asked various questions of those in attendance during the hearing to clarify their understanding of events. The driver, the legal representative and the licensing officers were asked if they had any further comments before the Board retired to make its decision.

DECISION MADE:

That the public carriage driver named in report '4' be issued with a written caution regarding the non-disclosure of a driving offence or the court proceedings initiated due to domestic abuse and breach of bail conditions.

REASONS FOR DECISION:

The Board carefully considered the written and verbal evidence presented at the hearing and concluded that the public carriage driver was a fit and proper person to hold a public carriage driver's licence. It was noted that the driver had received no comments or complaints against him and had dealt with stressful circumstances in the past. He was considered to have a good record and was advised that he would receive a written caution. The Chairman reminded the driver of his responsibility to behave appropriately and to disclose any offences.

Note: Councillor Bobbie Dove asked for her vote against the decision to issue the driver with a written warning be recorded.

64. REVIEW OF PUBLIC CARRIAGE DRIVER'S LICENCE

The Senior Licensing Officer informed the Board that the public carriage driver licensed by the Council was unable to attend the hearing. The driver had been convicted in the Magistrates Court of harassment, had been made to have alcohol dependency treatment and had been issued a restraining order until 2021. He had also been before the Board in 2016 and had received a final caution on his record following a conviction at the Magistrates Court for the offences of being Drunk and Disorderly and Assault on an Officer. The Licensing Team had tried to contact the driver but had received no response until Monday 15th October. The driver had explained that his circumstances were very difficult and he felt that he was in no position to attend the hearing.

DECISION MADE:

1. That the hearing for the public carriage driver named in report '5' be deferred to a subsequent meeting;
2. That the public carriage driver be asked to voluntarily surrender his licence to the Council until the hearing date.

REASONS FOR DECISION:

As the public carriage driver was unable to attend the hearing and present his case, the Board felt it was appropriate that he had the opportunity to do so. The Board were also concerned the driver would continue to use his licence, so it was suggested he voluntarily surrendered his licence to the Council until the hearing date.

THE MEETING RESUMED IN PUBLIC SESSION

65. ANY OTHER BUSINESS

The Licensing Manager informed the Board that staff at Southcote Road, where taxi drivers undertake their yearly mechanical inspection, had been experiencing a high level of abuse from drivers. The Board suggested that the Vice-Chairman would in collaboration with the Licensing Manager write to the taxi drivers and proprietors on behalf of the Board.

The meeting closed at 11:05am

Contact: Samineh Richardson, Senior Democratic and Overview & Scrutiny Officer
☎ 01202 454713
✉ samineh.richardson@bournemouth.gov.uk

Website: www.bournemouth.gov.uk