

LICENSING AND REGULATION COMMITTEE

8 July 2004

Attendance:

Councillors:

Johnston (Chairman) (P)

Allgood (P)
Baxter (P)
Bennetts (P)
Coates
Cook (P)
Evans
Hammerton (P)

Lipscomb
Maynard (P)
Mather (P)
Pearson (P)
Pines (P)
Sutton (P)
Wagner (P)

Others in Attendance:

Councillor Cooper (Standing Deputy for Councillor Lipscomb)
Councillor Hiscock (Standing Deputy for Councillor Evans)

93. **APOLOGIES**

Apologies were received from Councillors Coates, Evans and Lipscomb.

94. **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:

That Councillor Pines be appointed Vice Chairman of the Committee for the 2004/05 Municipal Year.

95. **TIME OF MEETINGS**

RESOLVED:

That future meetings of the Committee commence at 6.30pm for the 2004/05 Municipal Year.

96. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 25 May 2004 be approved and adopted.

97. **PUBLIC PARTICIPATION**

There were no questions asked or statements made.

98. **REVIEW OF HACKNEY CARRIAGE FARES**
(Report LR105 refers)

The Licensing and Registration Manager explained that the Taxi Association was not in favour of increasing fares for short distances as these shorter journeys, during the day, were often elderly people returning home with their shopping.

At the invitation of the Chairman, Mr Smith, representing the Taxi Association, addressed the Committee. Responding to Members' questions he explained that the main expenses for hackney carriage drivers were fuel and insurance, both of which had increased above the rate of inflation over the past year.

Mr Smith also advised that, with regard to Appendix 1 of the above report, some other Local Authorities had additional charges such as boundary charges, which were not used in Winchester. A Member requested that these additional charges be included for consideration with future reports of this nature.

With regard to the proposed extra charge of £3 for each journey whilst in use for the purposes of pre-booked private hire by telephone, the Licensing and Registration Manager explained that, at present, Hackney Carriages when hired privately were only able to start charging from the moment of pick-up, which did not take account of the journey to the pick-up point. It was suggested that the extra charge be agreed to bring charges into line with private hire vehicles. In response, Mr Smith agreed that this was a useful charge when used correctly, although he had concerns that it may be open to abuse.

Following discussion, Members resolved that there should be a variation of the fares for Hackney carriages, due to the increased fuel and insurance costs.

RESOLVED:

1 That (subject to the statutory requirements for advertising and dealing with objections), fares which may be charged by Hackney Carriages in the area of Winchester City Council be varied as follows to come into effect from 1 September 2004 (Proposal 2 which produces a fare of £3.20 for the first mile and £1.50 for each subsequent mile, as detailed in Appendix 2 to the Report) :-

- | | | |
|-------|--|-------|
| (i) | <u>Distance</u>
For the first 480 yards (439 metres) or part thereof | £2.10 |
| | For each succeeding 120 yards (110 metres) or part thereof | £0.10 |
| (ii) | <u>Waiting Time</u>
For each period of 1 minute | £0.20 |
| (iii) | <u>Extra Charges</u>
For each hiring which commences between 11.00pm and 6.00am or at any time on Bank Holidays and Public Holidays, or after 6.30pm on Christmas Eve, 50% of the above rate fare | |
| | For each hiring on Christmas Day or at any one time until 6.00am on Boxing Day 100% of the above rate of fare | |

Fouling Charge (NO CHANGE) £40.00

For each journey whilst in use for the purposes of pre-booked private hire by telephone £3.00

99. **APPLICATION FOR AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE FOR AN OPEN AIR MUSIC FESTIVAL ON PRIVATE LAND AT METLANDS FARM, DEAN LANE, BISHOPS WALTHAM**
(Report LR107 refers)

It was reported that the three Ward Members for Bishops Waltham had no objection to the recommendation within the report.

RESOLVED:

That the decision to consider the grant of the Public Entertainment Licence be delegated to the City Secretary and Solicitor.

100. **APPLICATION FOR THE RENEWAL, TRANSFER AND VARIATION OF A PUBLIC ENTERTAINMENT LICENCE – MOLOKO BAR, THE SQUARE, WINCHESTER.**
(Report LR106 refers)

At the invitation of the Chairman, the solicitor acting on behalf of the applicant addressed the Committee. He made a submission for deferment of this item for the following main reasons;

- a) the alleged prejudice to the applicant due to references to criminal proceedings regarding under-age sales of alcohol against the existing licence holders, which were being strongly opposed, and which he believed were not relevant to this application.
- b) the allegations of lack of impartiality of the Licensing and Registration Manager, as he previously served as a Police Officer based in Winchester and dealt with matters affecting the above premises as part of his duties in that post.

The applicant's solicitor requested that this item be deferred until November, after the criminal case was heard in September and the revocation case was heard in October.

In response, Counsel for the Police addressed the Committee at the invitation of the Chairman. He explained that;

- a) if the under-age sales case was irrelevant to this case, there was no reason to defer consideration of this item until after the criminal case was heard.
- b) Sergeant French objected to and commenced revocation proceedings of the Liquor Licence. The Licensing and Registration Manager had no part in it.
- c) although the Licensing and Registration Manager had made a recommendation in the above report, it was for this Committee to make the decision.

The City Secretary and Solicitor explained that he had not been made aware of any allegations of lack of impartiality of the Licensing and Registration Manager prior to this meeting. He also advised that it was for this Committee to determine a recommendation.

The Committee retired to deliberate in camera. Neither the applicant's solicitor nor Counsel for the Police had any objection to the Assistant City Secretary (Legal) retiring with the Committee to provide legal advice only.

The Chairman stated that the Committee had decided to defer hearing of this application to a date to be arranged by the City Secretary and Solicitor as soon as possible. The hearing would take place during the day.

RESOLVED:

That the application be deferred for the reasons set out above.

The meeting commenced at 6.00pm and concluded at 8.10pm

Chairman