

You are requested to attend a meeting of the Licensing Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 1 June 2010 at 18:15.

Agenda

- 1 Appointment of Chairman
- 2 Appointment of Vice-Chairman
- 3 Apologies.
- 4 Minutes of the meeting of the Licensing Committee held on 19 November 2009 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 Licensing Update - Report of the Licensing Manager (attached)
Reporting Officer: Ian Carter
- 8 Consideration of maintaining the knowledge test for grant application for a Hackney Carriage and Private Hire Drivers' Licence - Report of Licensing Officer (attached)
Reporting Officer: Olivia Walton
- 9 Licensing Act 2003 - Members as interested parties - Report of the Licensing Manager (attached)
Reporting Officer: Ian Carter

Tonya Meers
Legal and Democratic Services Manager

21 May 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

Licensing Committee Members:-

Councillor M Hill
Councillor D House
Councillor T Murphy
Councillor S Coles
Councillor P Critchard
Councillor S Lees
Councillor M Floyd
Councillor S Brooks
Councillor J Allgrove
Councillor A Beaven
Councillor C Guerrier
Councillor T McMahon
Councillor J Meikle MBE
Councillor N Stuart-Thorn
Councillor E Waymouth

Licensing Committee held on 19 November 2009 in the John Meikle Room, the Deane House, Belvedere Road, Taunton

- Present: Councillors Mrs Allgrove, Beaven, Coles, Mrs Court Stenning, Critchard, House, McMahon, Meikle, Stuart Thorne and Watson
- Officer Mrs D Durham (Democratic Services Officer), Mrs J Jackson (Legal Services Manager), Mr N Kerr, Operations Manager (Environmental Health), Miss H Mockridge (Administrative Officer – Democratic Services) and Miss O Walton (Licensing Officer), Mr P Dare (Licensing Officer)
- Others: Mr P Hawyes, the Driving Standards Agency

(The meeting commenced at 6.15 pm).

8. Appointment of Chairman

RESOLVED that Councillor Mrs Allgrove be appointed Chairman of the Licensing Committee for the remainder of the Municipal Year.

9. Appointment of Vice-Chairman

RESOLVED that Councillor House be appointed Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

10. Apologies/Substitution

Apologies : Councillors Guerrier, Mrs Hill, Mrs Lees, Murphy and Mrs Waymouth
Substitution : Councillor Stuart-Thorne for Councillor Mrs Waymouth

11. Minutes

The minutes of the meeting held on 28 April 2009 were taken as read and were signed.

Mr Kerr updated the Committee on two items which appeared in the April minutes as follows:-

EU Services Directive

The EU Services Directive was due to come into force on 28 December this year and it would replace a number of duties upon Local Authorities.

The two most important new duties were that Applicants for many types of Licences, Consents or Permits were able to make application on line.

The means for payments associated with applications to be made electronically should have been in place.

18 steps were identified that remained to be completed in order to comply with the deadline, 8 were essential.

Good progress was being made to complete tasks that were in the authority's' control, but many of the remaining tasks were heavily dependent upon close cooperation between Environmental Health and IT.

A meeting was to be held between the key players in order to draw up an Action Plan to take the project forward to completion.

The Councillors asked whether South West One and SAP were involved and pointed out that there was a diminishing timescale. Mr Kerr thought it was likely they would be involved but details of this would be looked at in the meeting. He acknowledged that timescales were short. The Councillors asked whether the Authority would be subject to penalties should the deadline not be met. Mr Kerr said that 90% of authorities would not be compliant and it would be up to the Authority to notify the Government at each stage.

Policing and Crime Bill

Mr Kerr explained the latest development which could give extended powers to Councillors. He was asked whether this would apply to members of the Licensing Committee. The Chair replied that it would, unless the member was part of the Sub-Committee, in which case they would not have been able to speak.

The Bill received Royal Assent on 12 November and was now law. It was being brought into force in stages and it was not yet clear when those sections that deal with Licensing matters would take effect.

It was hoped statutory guidance would be available before any changes were made to Licensing procedures.

There were two significant changes to the draft legislation. It was proposed that authorities would impose additional Conditions on licences in cases where two or more premises were linked to crime and disorder. This has been dropped from the Act as an addition to the original proposals; the Licensing Act 2003 would be amended to allow individual Councillors to make representations about Applications for premises licences or club certificates in their area. They would also be able to call for a Review of existing premises licences or club certificates.

12. Public Question Time

No members of the public were present at the meeting.

13. Declaration of Interests

Councillor Coles declared an interest as a Director of South West One. Councillor Mrs Allgrove and House declared an interest as a Trustees of Village Hall Halls. Councillor Mrs Court-Stenning declared an interest as an employee of Somerset County Council.

14. Introduction of Drivers Standards Agency Private Hire and Hackney Carriage Driver Assessments

Considered report previously circulated regarding amending the council's previous policy for private hire and hackney carriage driver applications by introducing a requirement for all applicants to obtain a pass certificate from the Driving Standards Agency (DSA) as part of the application process.

The Local Government Miscellaneous Provisions Act 1976 provided that the council mustn't grant a licence to drive a hackney carriage or private hire vehicle unless satisfied that the applicant was a fit and proper person to hold a drivers licence or to any person who had not, for at least twelve months prior to the date of the application, been authorised to drive a motor vehicle or was not so authorised at the date of the application.

The applicant was required by the district council to submit 'such information as they may have reasonably considered necessary' to enable them to determine whether the licence should have been granted and whether any conditions should have been attached to it.

All applicants were subject to a Criminal Records Bureau Check; this was taken into consideration before a licence was granted. No suitable Driving test was considered by the licensing officers at present as they were not qualified or trained to conduct one.

There was a large increase in the number of foreign drivers becoming hackney carriage and private hire drivers who had not passed a test in the UK. The introduction of the DSA driver's test and assessment was seen as a positive step towards addressing concerns raised.

This would not have applied to existing drivers unless sanctions had been imposed following a taxi sub-committee.

Hackney Carriage and Private Hire Drivers were the only group of professional drivers in the country not required to pass a national standard driving test. The DSA Hackney Carriage and Private Hire Assessment Test was designed to test the skills required to drive a taxi safely. Applicants could take the standard test and top it up with the wheelchair assessment at a later date. The Applicant arranged and paid for the test direct with the DSA. There was no cost implication for the authority.

The changes were to ensure the highest standards of safety and efficiency for the travelling public due to increasing traffic volumes and the influx of foreign drivers in the area.

It was proposed that the DSA testing criteria be added from April 2010.

Resolved: that the proposal be accepted and the Licensing Committee agreed to approve in principle the introduction of the Driving Standards Agency Assessment Scheme in respect of new drivers, with effect from 1 April 2010, subject to the results of a full consultation exercise. Further that a final decision should be made by the Chairman and Vice Chairman of the Licensing Committee, having taken account of comments arising from consultation.

That Members approved the Scheme being used as a sanction against existing drivers who may have committed offences that were in themselves, not sufficiently serious to warrant immediate suspension or revocation of Licences. Such a sanction would have required such drivers to pass the DSA Assessment within a specified period of an offence being notified, as an alternative to suspension or revocation.

15. Gambling Act 2005 – Revised Statement of Principles

Considered report previously circulated to agree a draft statement of principles for consultation in accordance with the requirements of the Gambling Act 2005.

The Gambling Act 2005 placed a duty on the Licensing Authority to produce a Statement of Principles (also known as the Gambling Policy).

The Licensing Authority was required to review the policy document at least every three years and take into account the views of those representing the holders of existing licences and certificates, local residents, businesses and the police. The Policy must be written and adopted by the Licensing Authority by 1 January 2010.

The report introduced the draft statement of principles for consultation in accordance with the requirements of the Gambling Act 2005.

The Gambling Act gave Licensing Authorities a number of functions in relation to gambling which included:-

- licensing premises for gambling activities
- considering notices given for the temporary use of premises for gambling
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- the regulation of gambling and gaming machines in alcohol licensed premises
- the grant of permits to family entertainment centres for the use of certain lower stake gaming machines
- the grant of permits for prize gaming
- the consideration of occasional use notices for betting at tracks
- the registration of small societies' lotteries

The revised draft statement of principles for re-adoption had been submitted. It was developed around the Statutory Guidance to Licensing Authorities issued by the Gambling Commission.

The Act did not allow gaming machine applications from premises which gave free access to children. Premises from which such applications would not be accepted were listed in the draft statement.

The draft statement could have been adopted within existing resources. The implementation of the Gambling Act and associated legislation etc had added to the Council's workload.

There were approximately 100 premises that required premises licences. These included public houses, betting shops, bingo halls, tracks and amusement arcades.

The revised draft statement of principles was subject to extensive consultations prior to re-adoption by the Council. The consultees were detailed in the draft statement of principles.

The Statutory Guidance to Licensing Authorities advised that the process should have followed best practice as set out by the Cabinet Office. 12 weeks should have been allowed for the responses. The end date for the consultation was Monday 12 October 2009.

Resolved that:

- (1) the revised statement of principles under the Gambling Act 2005 be agreed.
- (2) the agreed draft statement of principles undergoes consultation as required by the Gambling Act 2005 and associated statutory guidance.
- (3) a final statement of principles be submitted to full Council for consideration and approval following consultation.

16. Updated report on the Proposal to Allow the Removal of Requirements for a Designated Premises Supervisor and Personal Licence Holder for Community Premises

Considered report previously circulated regarding the introduction of a new process that allowed operators of community premises including village halls, church halls, chapel halls and similar community buildings, to seek to disapply the mandatory conditions that would otherwise require:

- a designated premises supervisor (DPS) was to be specified for every Premises licence authorising sales of alcohol
- every sale of alcohol at such premises was to be authorised by a Personal licence holder

Under the Licensing Act 2003 sales of alcohol had to be supervised by a personal licence holder and there had to be a DPS, holding a personal licence in respect of the premises.

The sale of alcohol carried with it greater responsibility than other licensable responsibilities. Individuals engaged in selling or authorising the sale of alcohol required a personal licence.

The Government acted to remove barriers regulating community premises seeking a licence for all of their activities, while still having retained an adequate level of public protection in relation to the sale of alcohol. Since August 2009, operators of community premises could have made an application for the usual mandatory conditions set out in the Licensing Act 2003 to be disapplied.

An application could be made if the licence holder was a committee or board of individuals responsible for the management of the premise.

The Licensing Authority had to be satisfied that the arrangements for the management of the premises by the committee or board were sufficient.

The effect would have been that the committee or board would have been responsible for the supervision and authorisation of all alcohol sales under the licence and there would have been no requirement for a DPS or for alcohol sales to be authorised by an individual personal licence holder.

Where a community premises already had a premises licence to sell alcohol but wished to take advantage of the scheme to disapply the usual mandatory conditions, it could submit the new form together with a fee of £23.

The application form required applicants to set out how the premises were managed, its committee structure and how the effective supervision of alcohol sales had to be ensured in different situations.

As the premises licence holder, the management committee would be collectively responsible for ensuring compliance with licence conditions and liable in law. However there would not necessarily have been an individual member always present at the premises during the time it was licensed for alcohol sales.

Where the premises were hired out, the hirer was clearly identified as having responsibility for matters falling within his or her control. In that respect it was similar to the arrangements for a third party holding an event under a Temporary Event Notice.

An additional safeguard was that in exceptional circumstances the Chief Officer of Police for the area in which the community premises was situated could have objected to a request for disapplication on the grounds of crime and disorder, and any responsible authority and/or interested party could have sought reinstatement of the mandatory conditions through a review of the licence.

The Police would have considered any history of incidents at an establishment in light of the actual or proposed management arrangements, which included the use of appropriate hire agreements. If the Chief Officer of Police issued a notice seeking the refusal of disapplication, the licensing authority must have held a hearing to reach a decision on whether to grant the application.

Applicants could appeal the decisions.

Resolved: that the contents of the report be noted.

17. Report Update on the Introduction of a Simplified Process for Minor Variations to Premises Licences and Club Premises Certificates

The Licensing Act 2003 was amended in August to allow a simplified process for minor variations to premises licences and club premises certificates. The report updated Members on the changes made.

The purpose of the minor variation process was to save time, money and regulatory sources. It allowed small variations that would not have adversely affected the promotion of licensing objectives through a simplified and less costly procedure.

Under the new process, the applicant did not need to advertise the variation or copy it to the Authorities. Details were displayed on a white notice at the premises for a period of ten working days.

The Licensing Authority had to consult the responsible authorities when it determined an application. Any relevant representations had to be taken into account. Representations from interested parties had to be made, in writing, within ten working days. The relevant representations should have only been concerned with the likely adverse effect of an application on the promotion of the licensing objectives.

The Licensing Authority could grant an application if it considered none of the variations proposed in the application would have had an adverse effect on the promotion of any of the licensing objectives. The Authority was to reject the application in any other case.

There was no right to a hearing in this process but the Authority was to take representations into account when arriving at a decision.

If an application was granted under the minor variation provision it was to notify the applicant in writing specifying the variations which were to have effect and the time when they were to have effect.

If an application was refused the Authority was to notify the applicant in writing, giving the reasons for refusal. The application was to be determined within fifteen working days of the receipt, otherwise the application was rejected and the authority was to return the application fee.

Minor variations fell into four categories:-

- minor changes to the structure or layout of the premises
- small adjustments to the licensing hours

- the removal of outdated, irrelevant or unenforceable conditions or the addition of volunteered conditions
- the addition of certain licensable activities

Major layout changes required the full variation process as they could have had an adverse impact on the promotion of licensing objectives.

The licensing authority would have considered the following factors when considering the applications:-

- the nature of the activity
- proximity of the premises to residential areas
- any licence conditions volunteered by the applicant to reduce the impact of the activity
- whether alcohol was sold at the premises when the licensable activity was taking place
- whether it would have continued to be sold during any extended period
- the track record of the premises, positive or negative. For example, any complaints or enforcement action related to the licensing objectives or any evidence of good practice in carrying on the licensable activity
- the proximity and density of public houses, nightclubs etc. If customers from the premises were likely to be attracted to the proposed licensable activity in large numbers. For example people visiting a takeaway after leaving a public house

Examples of changes regarded as minor and full variations were reported.

Applications to vary the time during which other licensable activities took place fell into either category and would be considered on a case by case basis.

The licensing authority could not impose its own conditions on the licence through the minor variations process. If the Licensing Officer considered that the proposed variation would have impacted adversely on the licensing objectives unless conditions were imposed, the application would have been refused. Applicants could volunteer conditions as part of the minor variation process.

Licence or club certificate conditions could normally have been volunteered or imposed to mitigate any possible adverse impact on the licensing objectives.

Resolved: that the contents of the report be noted.

The meeting ended at 7.42pm)

Taunton Deane Borough Council

Licensing Committee – 1 June 2010

Licensing Update Report

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Ken Hayward)

1. Executive Summary

The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters.

2. Background

- 2.1 This report is produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

3. Report

Licensing Act 2003

- 3.1 The total numbers of licences issued and notices given at the end of the last quarter are set out in Appendix 1.
- 3.2 All applications and notices decided since the date of the last Committee have been determined without the need for a formal hearing to take place.
- 3.3 Although service requests have been received a co-ordinated multi agency approach has secured remedy or compliance with out the need for formal legal action.

Gambling Act 2005

- 3.4 The total numbers of licences issued and notices given at the end of the last quarter are set out in Appendix 2.
- 3.5 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.

Taxis

- 3.6 The total numbers of Licences issued at the end of the last quarter are set out in Appendix 3
- 3.7 Three Sub-Committee hearings have been held since the date of the last Committee. All three hearings concerned drivers who did not comply with the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook because of previous convictions.
- 3.8 Following consideration of the matters two drivers were granted their drivers licences and one was refused. The period for appeal against the decision of the Sub-Committee has expired in all three cases and the Council has received no notification of an appeal being lodged.

Street Trading

- 3.9 The total numbers of licences issued and notices given at the end of the last quarter are set out in Appendix 4.
- 3.10 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.
- 3.11 Licensing Officers have been involved in consultation to secure a regular presence of the Farmers Market in Wellington. An application is expected to arrive shortly.

Animal Licensing

- 3.12 The total numbers of licences consents and permits issued at the end of the last quarter are set out in Appendix 5.
- 3.13 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.

Other Licensing

- 3.14 The total numbers of licences, consents, registrations and permits issued at the end of the last quarter are set out in Appendix 5.
- 3.15 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.

4. Finance Comments

None

5. Legal Comments

The legal implications are set out within the report.

6. Links to Corporate Aims

As an update report there are no links to specific cooperate aims. However if the Licensing function were not carried out in an efficient manner complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy

7. Environmental and Community Safety Implications

None identified

8. Equalities Impact

Not required

9. Risk Management

No risk identified

10. Partnership Implications (if any)

None identified

11. Recommendations

That the report be noted.

Contact: Ian Carter
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i.carter@tauntondeane.gov.uk

Licensing Act 2003

Licences Issued and Notices Given

	Mar-10
Premises Licences	393
Club Premises Certificates	30
Personal Licences	488
Temporary Event Notices	1,333

Applications Received and Notices Given

	Dec-09	Jan-10	Feb-10	Mar-10
Grant of a Premises Licence	2	1	2	5
Variation of a Premises Licence	0	1	2	1
Transfer of a Premises Licence	1	0	0	7
Change of Designated Premises Supervisor	2	7	1	6
Minor Variations	1	0	3	0
Grant of a Personal Licences	7	8	7	12
Temporary Event Notices given	12	30	17	24

Gambling Act 205

Licences Issued and Notices Given

	Mar-10
Club Machine Permit	7
Licensed Premises Gaming Machine Permits	4
Occasional Use Notices	7
Premises Licences	15
Prize Gaming Permits	0
Society Lotteries	193
Temporary Use Notices	0

Applications Received and Notices Given

	Dec-09	Jan-10	Feb-10	Mar-10
Applications for a Permit	0	1	0	0
Application for a Licence	0	0	0	0
Notification of Intent to have Gaming Machines	1	4	1	1

Taxis

Licences Issued

	Mar-10
Hackney Carriages	158
Private Hire Vehicles	28
Hackney Carriage & Private Hire Drivers	240
Private Hire Operators	27

Applications Received

	Dec-09	Jan-10	Feb-10	Mar-10
Hackney Carriage Licence (including renewals, transfers & vehicle changes)	29	0	19	22
Hackney Carriage & Private Hire Drivers Licence (including renewals)	14	36	10	58
Private Hire Vehicle Licence	7	3	1	1
Private Hire Operators Licence	0	3	1	1

Street Trading

Consents & Permits Issued

	Mar-10
Street Trading Consents	53
Pavement Café Permits	14

Applications Received

	Dec-09	Jan-10	Feb-10	Mar-10
New Consents	0	3	0	0
Renewals	0	0	0	28

Animal Licensing

Licences Issued

	Mar-10
Zoo Licences	1
Pet shop licences	14
Dog Breeding Licence	2
Home Boarding Licence	13
Riding Establishemt Licences	8

Applications Received

	Dec-09	Jan-10	Feb-10	Mar-10
Zoo Licence (including renewals)	0	0	0	0
Pet Shop Licences (including renewals)	4	0	0	0
Dog Breeding Licence (including renewals)	1	0	0	0
Home Boarding Licence (including renewals)	8	0	0	0
Riding Establishment Licences (including renewals)	3	1	0	0

Other Licensing

Licences, Registrations & Permits Issued

	Mar-10
Canvassing & campaigning permit	98
Caravan Site Licences	43
House to House Collection Permit	64
Motor Salvage Operator	2
Scrap Metal Dealer Registration	10
Sex Shop Licences	2
Skin Piercing Registrations	15
Street Collection Permits	204

Applications Received

	Dec-09	Jan-10	Feb-10	Mar-10
New applications	8	7	8	17

Taunton Deane Borough Council

Full Licensing Committee – Tuesday, 01 June 2010

Consideration of maintaining the knowledge test for grant application for a Hackney Carriage and Private Hire Drivers' Licence

Report of the Licensing Officer, Olivia Walton

(This matter is the responsibility of Executive Councillor Ken Hayward))

1. Executive Summary

The Licensing Sub-Committee is asked to consider whether the requirement for a Knowledge Test being carried out for all new Hackney Carriage/ Private Hire Driver applicants prior to receiving their Licence should remain in place

2. Background

- 2.1 The current Knowledge Test has been in place for several years. The questions have remained the same to my knowledge since 2007. A copy of the current Knowledge Test is at **Appendix A**.
- 2.2 The Knowledge Test is an oral test, which is carried out by a Licensing Officer. The Test is split into 2-sections; section one consists of fourteen questions based on the shortest route from point A to point B. The fourteen questions are split into three areas that make up the Taunton Deane Borough, seven questions on Taunton, four on Wellington and three on Wiveliscombe.
- 2.3 Section two consists of eight questions on the rules and regulations set out by the Licensing Department conditions for Private Hire and Hackney Carriage Vehicles, Drivers and Private Hire Operators.
- 2.4 The applicant is asked a maximum of five questions from each section, and has to answer a minimum of three questions correct in each section. If the applicant fails then they must re-sit the section of the test that they failed.

- 2.5 This report outlines the pros and cons of the Knowledge Test in order for the Committee to decide whether we should continue with the Test.

3. (Full details of the Report)

- 3.1 The reason for the Knowledge Test is to ensure that all new applicants, read, understand and are aware of conditions, rules and regulations set by Taunton Deane Borough Council that will be attached to their licence. By putting all new applicants through this test it is felt that the Licensing Department will receive fewer complaints from members of the public.
- 3.2 The Test process begins with an invite letter being sent to the applicant requesting that they come to the Deane House to take the test. This process is carried out as soon as all the information required for the Hackney Carriage/Private Hire Drivers Licence has been received such as; both references, satisfactory medical certificate and the Disclosure Application Form from the Criminal Records Bureau.
- 3.3 Test is usually booked to take place 5-days from the date that all the information required has been received. The reason for this is so the applicant receives sufficient notification so that they can ensure they have enough time to prepare for the test. The test can take between 15 – 20 minutes to be completed.
- 3.4 The time it takes to complete the test is dependant on how many questions have to be asked and how many question the applicant may want to ask the Officer at the end of the Test. The test does involve a certain amount of Officer time and can also further delay the applicant from starting work, their licence to act as a Hackney Carriage/Private Hire Driver shall not be issued until they have passed the Knowledge Test.
- 3.5 There has been an occasion when an answer in the Knowledge Test was proven to be incorrect. In Section One the answer for the shortest route from A to B was suggested not to be the shortest route available. The newly suggested route was tested by a Licensing Officer and was proven to be correct. This has posed the question of ‘are the other answers in the Test correct?’ These other routes have not yet been re-tested.
- 3.6 During the last few years Satellite Navigation Instruments have become very popular and cheaper to buy. It is very common to be asked by an applicant attending a Knowledge Test why we are testing them on routes when in reality if they did not know where they were going or picking up from they would simply turn to their ‘Sat-Nav’ for directions.
- 3.7 At present, South Somerset and Mendip District Council do not insist on applicants for Hackney Carriage/Private Hire Drivers’ Licences complete a Knowledge Test prior to their licences being granted. However, Mendip District Council are looking at introducing a Knowledge Test where the applicants are only tested on the conditions that will be attached to their licences according to rules and regulations set by Mendip District Council and not on their knowledge of getting from A to B.

- 3.8 It is felt that by having a Knowledge Test at Taunton Deane, this will deter applicants who may not be as committed to becoming a taxi driver as others.
- 3.9 If the Committee decide to keep the Knowledge Test as part of the process of applicants gaining their Hackney Carriage/Private Hire Drivers' Licence, it is strongly felt by the Licensing team that a new Test should be devised to include a larger selection of questions and the questions being produced from the Hackney Carriage, Private Hire Drivers, Vehicle and Operator Handbook. (A copy of this handbook is available on the Taunton Deane Website).

4. Finance Comments

- 4.1 None

5. Legal Comments

- 5.1 The legal implications are set out within the report.

6. Links to Corporate Aims

- 6.1 Although difficult to link to a specific corporate aim the Knowledge Test will show that all our licensed drivers are aware of conditions attached to their licences which should make them safer, conscientious drivers and assist in the delivery of the overall Corporate Strategy. Promote corporate strategy of the Council

7. Environmental and Community Safety Implications

- 7.1 None identified.

8. Equalities Impact

- 8.1 Not required.

9. Risk Management

- 9.1 No risks identified.

10. Partnership Implications

- 10.1 None identified.

11. Recommendations

- 11.1 Keep the Knowledge Test but update **ALL** questions in both Section One and Two
- 11.2 Licensing preferred option - Keep the Knowledge Test but **ONLY** Section 2 with new questions added from the new Hackney Carriage and Private Hire Drivers, Vehicles and Operators Handbook.
- 11.3 Remove the requirement for a Knowledge Test.

Contact:

Officer Name	Olivia Walton – Licensing Officer
Direct Dial No	01823 356343 (x2411)
e-mail address	o.walton@tauntondeane.gov.uk



HC & PH Drivers
Knowledge Test

Answer Sheet

Name: _____

Date: _____

Section 1

Number	Question Asked	Answer Correct	Answer Wrong	Didn't Know
1.1				
1.2				
1.3				
1.4				
1.5				
1.6				
1.7				
1.8				
1.9				
1.10				
1.11				
1.12				
1.13				
1.14				
1.15				

Section 2

Number	Question Asked	Answer Correct	Answer Wrong	Didn't Know
2.1				
2.2				
2.3				
2.4				
2.5				
2.6				
2.7				
2.8				



HC & PH Drivers
Knowledge Test

Questions & Answers

**Section 1
Taunton**

1.1

1.2 Bus Station to New Barn Park, Galmington.

Tower Street, right at roundabout along Park Street then onto Trull Road or Parkfield Road then turn right onto Galmington Road. Left onto College Way, Right onto Queensway - New Barn Park is on the left.

1.3 Railway Station to Musgrove Park Hospital, Galmington.

Down onto Station Road, turn left, carry on along Station Road. At lights follow Bridge Street into the town. Right at the Roundabout, along Corporation Street. Straight along Park Street, bear left onto Cann Street and follow the road to the right and go down Compass Hill. Turn Left onto Parkfield Road and right onto Parkfield Drive. The hospital is at the end of the road.

1.4 Asda's to Eastwick Road, Priorswood.

Turn left out of Asda's and join Toneway. At the roundabout turn right onto the Obridge Viaduct. Straight over the next roundabout onto Eastwick Rd.

1.5 Council Offices, Belvedere Road to Hudson Way, Staplegrove.

Out of the Council Offices, turn right onto Station Road. At lights turn right onto Staplegrove Road. After railway bridge turn Left onto Bindon Road and then turn right into Hudson Way.

1.6 SCAT, Wellington Road to Stoke Rd, Holway.

Turn right onto Wellington Road, bear right at Park Street, carry on past the Police Station. Turn right onto Silver Street and carry onto South Road. Turn left onto Stoke Road.

1.7 Corporation Street Taxi Rank to Wellsprings Road, Rowbarton.

From Corporation Street, left at roundabout onto North Street. At lights bear right onto Station Road and carry straight on onto Kingston Road, then turn Right onto Wellsprings Road.

1.8 Darby Way, Bishops Lydeard to Taunton Town Centre.

From Darby Way turn left into Bishop's Lydeard. Turn left into Hither Mead then left again and join the A358 into Taunton. Turn Left at Cross Keys roundabout and carry straight over the next roundabout. At the roundabout with the Staplegrove Inn on the left, turn Right. Follow Staplegrove Road all the way to the Traffic Lights. Use right hand lane, carry on into town over the bridge into the Town Centre.

Wellington

1.9 Greenway Road, Rockwell Green to the Police Station.

Turn Right onto Rockwell Green and at the lights turn Left and drive into the centre of Wellington. Turn Left onto North Street and then Right onto Victoria Street Police Station on the right.

1.10 Co-Op to Mill Stream Gardens, Tonedale.

Turn left onto Longforth Road then either right onto Victoria Street or straight on onto Station Road. Turn Left into Mill Stream Gardens.

1.11 Priory to Wellington Hospital.

From Priory onto main road into Wellington. Turn Left into South Street and then right at the roundabout into Bulford. Hospital on the left.

1.12 Courtfields School to Andrew Allen Road.

Turn Right onto main road then turn left at the lights onto Pope's Lane.
Turn Left into Andrew Allen Rd

Wiveliscombe

1.13 D Angers Lion to the Three Horse Shoes, Langley Marsh.

Turn right onto Ford Road and then left onto Burges Lane. Turn right onto North Street and carry on to Langley Marsh. The Three Horse Shoes is on the Right.

1.14 Jews Lane to the Doctors Surgery, Milverton.

Turn left onto West Street & at the Lights turn left onto Church Street. Carry on same road until the Milverton roundabout and turn Right. Straight on towards the centre of Milverton/Fore Street. Turn left into Creedwell Close and then right to the Doctors Surgery.

1.15 Plain Pond to Kingsmead School.

Turn onto North Street & turn left onto High Street. Straight across lights and follow road - the School is on the Left.

Section 2

- 2.1 What safety checks should you carry out to your vehicle before starting work?
- 2.2 What two items are you required to carry in your vehicle at all times and where would you find them?
- 2.3 Where should your drivers badge be displayed?
- 2.4 You turn up to a customer's house but there is no one outside. How do you let them know that you are there?
- 2.5 You've had a road traffic accident. When and who do you report this to?
- 2.6 You have just dropped off a customer and on checking the taxi you find a camera. The customer has gone, what do you do next?
- 2.7 You are parked up in the front of the taxi rank. A lady gets into the taxi behind you instead of yours. What do you do?
- 2.8 You're driving a wheelchair assessable taxi and a wheelchair bound customer would like you to take them home. It's late, it's been a long day, and you don't feel like taking them. Can you refuse to take them?

Taunton Deane Borough Council

Licensing Committee – 1 June 2010

Licensing Act 2003 – Members as interested parties

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Ken Hayward)

1. Executive Summary

A change have been made to the Licensing Act 2003 which means that elected members of licensing authorities may be interested parties in their own right within the area of the licensing authority.

2. Background

- 2.1 Currently elected members are only able to make representations on licence applications or request reviews if they live or have a business in the vicinity of the premises, or if they have been asked to represent a constituent who does live or have a business in the vicinity.
- 2.2 S.33 of the Policing and Crime Act 2009 has amended S.13(3) of the Licensing Act 2003 and changes the status of elected members of a licensing authority so that they are now 'interested parties'.

3. Report

- 3.1 Section 33 of the Policing and Crime Act 2009 came into force on the 29 January 2010. This section changed the definition of "Interested Parties" under the Licensing Act 2003 by adding a new category: "a member of the relevant licensing authority".
- 3.2 Taunton Deane Borough Council is a "relevant licensing authority".
- 3.3 The effect of the above is that all elected members of the licensing authority can now make representations or seek a review in their own right. They are not required to live in the vicinity or in the same ward as the licensed premises/club they are making a representation about, and are not required to have been requested to act by any other person or body.

- 3.4** The term "member of the licensing authority" refers only to elected councillors, and not officers or other employees of the authority.
- 3.5** This is a significant change from the previous situation but there are some limitations.
- 3.6** Firstly, representations or applications for review may only be made on the grounds of one or more of the four licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- There are no other grounds on which representations may be made.
- 3.7** Secondly, representations or applications for review should be accompanied by evidence, for example, a representation on the grounds that there is general noise and disorder in an area without a causal link to the premises in question may not carry any weight with the Sub Committee.
- 3.8** The Licensing Team would expect that if an elected member wanted to make a representation about a particular licensed premises or club or apply for a review of its licence then the representation or application must:
- be made in writing showing the name and address of the person making the representation/application (there is a form on our website for interested parties making representations as well as the prescribed form for a review);
 - clearly set out the likely effects either the grant of the licence or the existing licence is having on the promotion of at least one of the licensing objectives;
 - present evidence in support of the representation or review; and
 - clearly relate to the premises for which the representation/application is being made.
- 3.9** Representations that are made that are either vexatious or frivolous will not be considered relevant and the Licensing Manager has delegated authority to make that decision. Clear focus on the licensing objectives should eliminate any such representations.
- 3.10** The Local Authority Co-ordinators of Regulatory Services (LACORS) have produced a councillor briefing sheet on this topic and a copy is attached as Appendix 1.
- 3.11** Following this meeting I intend to circulate an email to all elected members of this Council to explain this new situation.

4. Finance Comments

None

5. Legal Comments

The legal implications are set out within the report.

6. Links to Corporate Aims

Although difficult to link to a specific corporate aim the ability of Members to act as interested parties may, through a greater involvement in the licensing process, assist in the delivery of the overall Corporate Strategy.

7. Environmental and Community Safety Implications

None

8. Equalities Impact

Not required

9. Risk Management

If members have the right information and training their decisions will be lawful and robust – if they do not there is the risk that decisions will be overturned on appeal

10. Partnership Implications (if any)

None

11. Recommendations

That members note the report.

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Councillor briefing: Licensing Act 2003: Councillors as Interested Parties

Note: this briefing applies to elected members in England and Wales

Summary

The Licensing Act 2003 has been amended to expand the definition of “interested party” to include councillors, as long as they are a member of a **council that is also a licensing authority** (i.e. nearly all councils in England and Wales).

This means that councillors can now make representations in respect of most types of licensing applications:

- New premises licence applications
- New club premises certificate applications
- Applications to vary existing premises licence applications
- Applications to vary existing club premises certificate applications
- Applications for a provisional statement
- Minor variation applications
- Applications for reviews of premises licences or club premises certificates

Legal basis for the change:

From 29th January 2010 the Licensing Act includes a fifth provision in section 13(3) to include councillors: ***“Interested party” means any of the following...(e) a member of the relevant licensing authority.*** The change was brought about by s33 of the Policing and Crime Act 2009.

Relevant Representations

Representations must address the likely effect of the proposed premises on one or more of the following licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; or
- the protection of children from harm

Representations about “demand” or general problems are not relevant. In addition, representations **must not be frivolous or vexatious.**

Reviews

Reviews must be made on a ground (or grounds) relevant to the licensing objectives, and must not be frivolous or vexatious (as above),

Additionally, review applications must not be **repetitious**. If a review has been held recently and the circumstances at the premises remain the same, the licensing authority could reject the application for review.

Further information

- DCMS’ overview of the Act, [“Licensing Act 2003 Explained”](#)
- LACORS Licensing and Gambling Policy Officer: emily.scantlebury@lacors.gov.uk