

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 6 October 2010 at 18:15.

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### Agenda

- 1 Appointment of Chairman
- 2 Appointment of Vice-Chairman
- 3 Apologies.
- 4 Minutes of the meeting of the Licensing Committee held on 1 June 2010 (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 - report of the Licensing Manager (attached)  
Reporting Officer: John Rendell
- 8 Licensing Act 2003 - Licensing Policy Adoption - report of the Licensing Manager (attached)  
Reporting Officer: Olivia Walton
- 9 Licensing Act 2003 - Taxi Handbook Amendments - report of the Licensing Manager (attached)  
Reporting Officer: Paul Dare
- 10 Licensing Act 2003 - Request for a Hackney Carriage Fare Tariff Increase - report of the Licensing Manager (attached)  
Reporting Officer: Ian Carter

Tonya Meers  
Legal and Democratic Services Manager

27 September 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.

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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](mailto:d.durham@tauntondeane.gov.uk)**

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**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 E Waymouth  
Councillor K Durdan

## **Licensing Committee - 1 June 2010**

Present                      Councillors Mrs Allgrove, Beaven, Brooks, Coles, Critchard, Mrs Floyd, Guerrier, House, Mrs Lees, Meikle, Murphy, Watson and A Wedderkopp

Officers:                    Mr I Carter (Licensing Manager), Mrs J Jackson (Legal Services Manager), Miss H Mockridge (Administrative Officer – Democratic Services), Mr J Rendell (Licensing Officer) and Miss O Walton (Licensing Officer)

Others:                      Councillors Henley, R Lees and Mrs Wilson

(The meeting commenced at 6.15 pm).

### **1. Appointment of Chairman**

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

### **2. Appointment of Vice-Chairman**

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

### **3. Apologies/Substitutions**

Apologies : Councillors Mrs Hill and McMahan

Substitutions : Councillor A Wedderkopp for Councillor Mrs Hill  
Councillor Watson for Councillor McMahan

### **4. Minutes**

The minutes of the meeting held on 19 November 2009 were taken as read and were signed.

### **5. Declaration of Interests**

Councillors Brooks and Mrs Waymouth declared interests as County Councillors. Councillor Coles declared an interest as a Director of Southwest One.

### **6. Licensing Update**

Considered report previously circulated, regarding an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other licensing matters.

### Licensing Act 2003

- The report included the total number of licences issued and notices given at the end of the last quarter; and
- All applications and notices decided since the last meeting, without the need of a formal hearing.

### Gambling Act 2005

- The total number of licences issued and notices given at the end of the last quarter; and
- All applications and notices decided since the date of the last meeting without the need of a formal hearing.

### Taxis

- The total number of licences issued at the end of the last quarter; and
- A summary of the three sub-committee hearings held since the last meeting. The hearings considered the applications of drivers who had complied with the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, because of previous convictions.

### Street Trading

- The total number of licences issued and notices given at the end of the last quarter;
- All applications and notices decided since the last meeting without the need of a formal hearing; and
- Licensing Officers involvement in consultations to secure the presence of a regular Farmer's Market in Wellington. An application was expected in the near future.

### Animal Licensing

- The total number of licences, consents and permits issued at the end of the last quarter; and
- All applications and notices decided since the date of the last meeting without the need of a formal hearing.

## Other Licensing

- The total number of licences, consents, registrations and permits issued at the end of the last quarter; and
- All applications and notices decided since the last meeting, without the need for a formal hearing taking place.

Members were concerned about the lack of taxi ranks in Taunton. The Licensing Manager agreed to progress matters and would contact Somerset County Council.

**Resolved** that the contents of the report be noted

### **7. Consideration of maintaining the Knowledge Test for grant application for a Hackney Carriage and Private Hire Driver's Licence**

Considered report previously circulated, concerning the requirement for applicants of a Hackney Carriage/Private Hire Driver Licence to complete a Knowledge Test.

A copy of the current Knowledge Test was submitted for the information of the committee. The Knowledge Test had been in place for several years and the questions had remained unchanged. Details of the Test criteria and process which was undertaken were submitted. This had been considered alongside the best practice of other Local Authorities.

It was felt that the Knowledge Test could deter applicants who were not as committed to becoming a taxi driver as others might be. If the Committee decided to keep the Knowledge Test as part of the process of applicants gaining their Hackney Carriage/Private Hire Drivers' Licence, it was felt by the Licensing Team that a new test should be devised to include a greater selection of questions from the Hackney Carriage, Private Hire Drivers Vehicle and Operator Handbook.

Members felt that since the increased use of satellite navigation systems, it was not necessary for drivers to take the 'route test'. They also felt that too much emphasis was placed on the routes drivers should take. However, they agreed that the questions included in the Knowledge Test should cover the most essential requirements.

**Resolved** that a revised Knowledge Test be produced to include Section two of the existing test and questions added from the Hackney Carriage and Private Hire Drivers Vehicles and Operators Handbook.

### **8. Licensing Act 2003**

Considered report previously circulated, concerning a change to the Licensing Act 2003 whereby elected members of Licensing Authorities could act as interested parties in their own right.

At present elected Members were only able to make representations on licence applications or request reviews if they lived or had a business in the vicinity of the premises, or if they had been asked to represent a constituent who lived or had a business in the vicinity.

Section 33 of the Policing and Crime Act 2009 amended S.13 (3) of the Licensing Act 2003 and changed the status of elected Members of a licensing authority so that they could now be considered as 'interested parties'.

Section 33 of the Policing and Crime Act came into force on 29 January 2010. This changed the definition of 'interested parties' under the Licensing Act 2003 by adding a new category 'a Member of the relevant licensing authority'. All elected Members of the licensing authority could now make representations or seek a review. They were not required to live in the vicinity or the same ward as the licensed premises/club or required to have been requested to act by any other person or body.

The term 'Member of a licensing authority' referred only to elected Councillors not officers or employees.

However, there were limitations. Representations or applications for a review could only be made against the following licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm; and
- Representations or applications for a review had to be accompanied by evidence. There had to be a causal link to the premises in question.

If the elected Member wanted to make a representation regarding a premises, the Licensing Team would expect the following:

The representation or application had to:

- Be in writing showing the name and address of the person making it;
- Clearly set out the likely effects either the grant of the licence or the existing licence was having on the promotion of one of the licensing objectives;
- Present evidence in support of the representation or review;
- Clearly relate to the premises for which the representation/application was being made.



The Licensing Manager would have delegated authority to decide whether any representation was relevant.

**Resolved** that the contents of the report be noted.

(The meeting ended at 7.05pm)

## **Declarations of Interest**

### **Licensing Committee**

- Members of Somerset County Council – Councillors Brooks, McMahon and Mrs Waymouth
- Director of South West One – Councillor McMahon
- Employee of Somerset County Council – Councillor Mrs Hill

# Taunton Deane Borough Council

## Licensing Committee – 6 October 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 August 2010 are set out in Appendix 1.
- 3.2 Two Licensing Sub Committees have been held since the date of the last Committee. The first on 21 July 2010 considered the application for a review of the premises licence held by Dellers Nightclub. Mediation between the parties to the application resulted in an agreed position being put before the Committee who resolved to amend the licence by the imposition of additional conditions.
- 3.3 The second Committee on 3 August 2010 considered an application for the grant of a new premises licence at Tone Dale Mill. The Committee resolved to approve the premises licence subject to conditions.
- 3.4 On 28 July 2010 the Home Office conducted a consultation on government plans to overhaul the current licensing regime, in order to give more power to local authorities and Police. The consultation entitled 'Rebalancing the Licensing Act' - a consultation on empowering individuals, families and local communities to shape and determine local

licensing closed on 8 September 2010. Respondents were limited to commenting on what the implications of implementing the proposals will be, rather than views on the proposals themselves.

- 3.5 The Licensing Manager and Licensing Chairman compiled a response to the consultation that has been returned to the Home Office. The response was broadly in support of the proposals but questioned the suitability of some of the approaches.
- 3.6 At the time of the consultation it was anticipated that the proposals would be implemented in the very near future. However the government have now stated that the proposals will not be introduced until 2012 at the very earliest. A further report detailing any changes to the Licensing Act will be presented to Committee at the appropriate time.
- 3.7 Although service requests have been received since the last update to committee a continued co-ordinated multi agency approach has again secured remedy or compliance without the need for formal legal action.

#### Gambling Act 2005

- 3.8 The total numbers of licences issued and notices given at the end of the last quarter are set out in Appendix 2.
- 3.9 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

- 3.10 The total numbers of Licences issued at the end of the last quarter are set out in Appendix 3.
- 3.11 All applications decided since the date of last Committee have been determined without the need for a formal hearing to take place.
- 3.12 Following the request from Committee, a consultation has been undertaken with all licensed drivers and operators over the provision of Taxi Ranks.
- 3.13 A meeting has been held with the County Council's Highway Authority to discuss the suggestions of the trade. At the time of the meeting uncertainty still existed over the proposed traffic measures for the town.

#### Taxi Forum

- 3.14 In response to a request from the trade a Taxi Forum has been set up. Membership of the Forum is made up of representatives from licensed drivers and operators put forward by the trade themselves, Licensing Officers and members of the Licensing Committee.
- 3.15 At the time of writing, the first forum has not yet been held. It is scheduled to take place on 28 September 2010 and a verbal report regarding it will be presented to the Committee.

### Street Trading & Pavement Cafes

- 3.16 The total number of permits and licences issued and notices given at the end of the last quarter are set out in Appendix 4.
- 3.17 All applications decided since the date of last Committee have been determined without the need for a formal hearing to take place.
- 3.18 Licensing Officers have been involved in consultation to secure a regular presence of the Farmers Market in Wellington. The Farmers Market is currently being licensed by means of temporary Street Trading Consents.

### Animal Licensing

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

### Other Licensing

- 3.21 The total number of licences, consents, registrations and permits issued at the end of the last quarter are set out in Appendix 6.
- 3.22 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.

### Sexual Entertainment Venues

- 3.23 Section 27 of the Policing and Crime Act 2009 has amended the Local Government (Miscellaneous Provisions) Act 1982 by introducing a new category of sex establishment called 'sexual entertainment venue'. This amendment allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act as is currently the case with sex shops and sex cinemas.
- 3.24 A report recommending that Taunton Deane adopt the amendment to the Local Government Miscellaneous Provisions Act is being considered by Council at its meeting on 5 October 2010. A verbal report on the resolution of Council will be presented at the meeting.

### General Information

- 3.25 The Licensing Team have now relocated from Flook House to Room 235 in Deane House. Contact details for the team remain unchanged.

## **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 corporate 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  
01823 356343  
i.carter@tauntondeane.gov.uk

## Licensing Act 2003

Licences Issued and Notices Given

|                            | Total up to the end of Aug-10 |
|----------------------------|-------------------------------|
| Premises Licences          | 392                           |
| Club Premises Certificates | 30                            |
| Personal Licences          | 923                           |
| Temporary Event Notices    | 1,441                         |

Applications Received and Notices Given

|  | Apr-10 | May-10 | Jun-10 | Jul-10 | Aug-10 |
|--|--------|--------|--------|--------|--------|
| Grant of a Premises Licence              | 3      | 0      | 4      | 2      | 2      |
| Variation of a Premises Licence          | 0      | 2      | 1      | 2      | 1      |
| Transfer of a Premises Licence           | 5      | 3      | 2      | 2      | 7      |
| Change of Designated Premises Supervisor | 9      | 13     | 6      | 4      | 9      |
| Minor Variations                         | 0      | 0      | 1      | 1      | 0      |
| Grant of a Personal Licences             | 9      | 3      | 5      | 10     | 5      |
| Temporary Event Notices given            | 26     | 31     | 46     | 27     | 20     |

## Gambling Act 2005

Licences Issued and Notices Given

|  | Total up to the end of Aug-10 |
|--|-------------------------------|
| Club Machine Permit                      | 8                             |
| Licensed Premises Gaming Machine Permits | 6                             |
| Occasional Use Notices                   | 7                             |
| Premises Licences                        | 15                            |
| Prize Gaming Permits                     | 0                             |
| Society Lotteries                        | 195                           |
| Temporary Use Notices                    | 0                             |

Applications Received and Notices Given

|  | Apr-10 | May-10 | Jun-10 | Jul-10 | Aug-10 |
|--|--------|--------|--------|--------|--------|
| Applications for a Permit                      | 1      | 0      | 3      | 0      | 2      |
| Application for a Licence                      | 0      | 0      | 1      | 0      | 0      |
| Notification of Intent to have Gaming Machines | 0      | 0      | 0      | 0      | 1      |
| Occasional Use Notices                         | 0      | 2      | 0      | 0      | 1      |



## Taxis

Licences Issued

|   | Total up to the end of Aug-10 |
|---|-------------------------------|
| Hackney Carriages                       | 160                           |
| Private Hire Vehicles                   | 29                            |
| Hackney Carriage & Private Hire Drivers | 248                           |
| Private Hire Operators                  | 28                            |

Applications Received

|  | Apr-10 | May-10 | Jun-10 | Jul-10 | Aug-10 |
|--|--------|--------|--------|--------|--------|
| Hackney Carriage Licence (including renewals, transfers & vehicle changes) | 26     | 10     | 13     | 17     | 11     |
| Hackney Carriage & Private Hire Drivers Licence (including renewals)       | 10     | 5      | 3      | 18     | 8      |
| Private Hire Vehicle Licence (including renewals)                          | 0      | 2      | 3      | 1      | 2      |
| Private Hire Operators Licence   | 6      | 0      | 3      | 2      | 1      |

Street Trading

Consents & Permits Issued

|                         | Total up to the end of | Aug-10 |
|-------------------------|------------------------|--------|
| Street Trading Consents |                        | 40     |
| Pavement Café Permits   |                        | 15     |

Applications Received

|              | Apr-10 | May-10 | Jun-10 | Jul-10 | Aug-10 |
|--------------|--------|--------|--------|--------|--------|
| New Consents | 2      | 5      | 1      | 1      | 1      |
| Renewals     | 9      | 1      | 1      | 0      | 0      |

Animal Licensing

Licences Issued

|                                | Total up to the end of Aug-10 |
|--------------------------------|-------------------------------|
| Zoo Licences                   | 0                             |
| Pet shop licences              | 14                            |
| Dog Breeding Licence           | 2                             |
| Home Boarding Licence          | 13                            |
| Riding Establishment Licences  | 8                             |
| Dangerous Wild Animal Licences | 1                             |

Applications Received

|   | Apr-10 | May-10 | Jun-10 | Jul-10 | Aug-10 |
|---|--------|--------|--------|--------|--------|
| Zoo Licence (including renewals)                    | 0      | 0      | 0      | 0      | 0      |
| Pet Shop Licences (including renewals)              | 0      | 0      | 0      | 0      | 0      |
| Dog Breeding Licence (including renewals)           | 0      | 0      | 0      | 0      | 0      |
| Home Boarding Licence (including renewals)          | 0      | 1      | 0      | 0      | 0      |
| Riding Establishment Licences (including renewals)  | 1      | 0      | 0      | 0      | 0      |
| Dangerous Wild Animal Licences (including renewals) | 0      | 1      | 0      | 0      | 0      |

Other Licensing

Licences, Registrations & Permits Issued

|                                  | Total up to the end of Aug-10 |
|----------------------------------|-------------------------------|
| Caravan Site Licences            | 43                            |
| House to House Collection Permit | 66                            |
| Motor Salvage Operator           | 2                             |
| Scrap Metal Dealer Registration  | 12                            |
| Sex Shop Licences                | 2                             |
| Skin Piercing Registrations      | 151                           |
| Street Collection Permits        | 210                           |

Applications Received

|                  | Apr-10 | May-10 | Jun-10 | Jul-10 | Aug-10 |
|------------------|--------|--------|--------|--------|--------|
| New applications | 8      | 12     | 5      | 5      | 7      |

# Taunton Deane Borough Council

## Licensing Committee – 6 October 2010

### Licensing Act 2003 – Licensing Policy Adoption

#### Report of the Licensing Manager

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

#### 1. Executive Summary

This report updates the Licensing Committee on the tri-annual review of the Council's Licensing Act 2003 Policy and the results of the consultation process. Members are asked to consider recommending that Council adopt the amended Licensing Policy as required by the Licensing Act 2003 at its next meeting on 14 December 2010.

#### 2. Background

2.1 Under the Licensing Act 2003 it is the responsibility of the Council to develop and publish a Statement of Licensing Policy. The published Policy then provides the framework for all decisions on applications relating to the Licensing Act 2003 and the way the Authority carries out its functions in relation to the legislation.

2.2 The Licensing Act 2003 requires that the Policy must be reviewed at least every three years although if there is a need identified it can be reviewed earlier. The Council's current Policy was adopted by Council on the 14 December 2007 and an amended Policy must be adopted by 14 December 2010.

#### 3. Report

3.1 Over the past three years the current policy has been kept under review by the Licensing Unit. As a result a number of small changes have been proposed to reflect current practices and updated guidance issued under section 182 of the Licensing Act. There is however little change to the main aim and purpose of the current policy document adopted in 2007.

3.2 The District Council's draft Licensing Policy, with the changes highlighted was made available for consultation on the 9<sup>th</sup> July 2010. The closing date for comments was 24 September 2010.

3.3 Consultees were given the choice of downloading a copy of the draft Policy from the District Council's website or requesting a printed copy to

be sent out by post. This has provided opportunity for views and representations to be received from industry, statutory bodies, Taunton Deane residents and other agencies.

- 3.4** Although a number of changes were proposed within the draft policy the main substance of the document remained unaltered. Reflecting this very few responses have been received. Those that have been received are listed in the table at **Appendix A** to this report. Column 6 (far right) in this document indicates whether a change is proposed to the draft Policy as a result of the consultee's comment.
- 3.5** In response to the consultation the policy has, where appropriate, been updated and is attached at **Appendix B** to this report. For ease of reference the proposed changes have been underlined.
- 3.6** The Licensing Authority must adopt a policy by the 14 December 2010 in order to exercise its powers under the Act. Once the Council has approved its Licensing Policy it will be published through the Council's website.

#### **4. Finance Comments**

There are no financial considerations contained in this report.

#### **5. Legal Comments**

The legal implications are set out within the report.

#### **6. Links to Corporate Aims**

There are no direct links to the corporate aims.

#### **7. Environmental and Community Safety Implications**

None

#### **8. Equalities Impact**

Not required

#### **9. Risk Management**

If the Policy is not properly adopted by the District Council the Authority will be liable to legal challenge which if successful could entail heavy costs being awarded against the Council.

#### **10. Partnership Implications (if any)**

None

#### **11. Recommendations**

- 11.1** That Members note the results of the consultation undertaken on the Council's draft Licensing Policy relating to the Licensing Act 2003.

**11.2** That Members recommend that the Taunton Deane Licensing Act 2003 Policy be adopted by the Council at its meeting on 14 December 2010.

**Contact:** Ian Carter  
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## Licensing Policy Consultation Responses

### Table Headings

- |   |                         |   |
|---|-------------------------|---|
| 1 | Reference number        | A unique number given to the particular representation                        |
| 2 | Policy paragraph number | This identifies the section of the Policy to which the representation relates |
| 3 | Respondent              | The identification of the individual, company or organisation responding      |
| 4 | Details of comments     | A copy of the representation made   |
| 5 | Appraisal of comments   | Details the Licensing Manager's response to the representation                |
| 6 | Resulting Action        | Has the policy been amended?  |

| 1    | 2       | 3                                      | 4   | 5   | 6   |
|------|---------|--|---|---|-----|
| FAR1 | General | Devon & Somerset Fire & Rescue Service | There appear to be no issues that would raise any concerns to the Fire & Rescue Authority within the highlighted changes.   |   | No  |
| MOP1 | General | Mrs J A White                          | I paid a full years Licence Fee in August 2007, we then closed the Restaurant 3 months later but was denied any refund for the 9 months we were not trading. Totally unfair and beyond understanding as to why a refund was not possible. In spite of several requests a refund was denied. This should be changed. | This is not a matter for the policy. The fees, charges and procedures are set by central government within the legislation. | No  |
| LH1  | 3.42    | Mr T Prosser                           | example should include main pedestrian route to residential areas   | Accepted and included within the example.   | Yes |



Taunton Deane Borough Council  
Draft Statement of Licensing Policy  
January 2011

**(Proposed changes to the text of the previous Policy are highlighted)**

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## Adoption & Contact Details

This Statement of Licensing Policy was considered by the Licensing Committee on 6 October 2010 and by the Executive Board on 1 December 2010 and was recommended to the full Council for adoption.

The full Council of Taunton Deane on 14 December 2010 adopted this Statement of Licensing Policy for the period 2011 – 2014.

This Statement of Licensing Policy became operative from 7 January 2011.

For further information regarding this document please contact:

The Licensing Team, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, Somerset. TA1 1HE. Tel: 01823 356343 Fax: 01823 351801 Email [licensing@tauntondeane.gov.uk](mailto:licensing@tauntondeane.gov.uk)

## 1.0 Introduction

### 1.1 Background

1.1.1 Taunton Deane Borough Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment within the District:

- premises licences including provisional statements, variations, transfers, interim authorities and reviews
- club premises certificates
- temporary events notices
- personal licences

1.1.2 Unless otherwise stated this licensing policy will not depart from the Secretary of State's Guidance. Therefore to reduce repetition if matters are detailed in the Guidance they may not be included in this policy.

### 1.2 Aim

The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives.

The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote the four licensing objectives, which are:

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

These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

### 1.3 Purpose

The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment.

### 1.4 Consultation

1.4.1 Before determining its policy for any three year period, the Licensing Authority will consult the following:

- the Chief Officer of Police
- the Fire Authority
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the District

- 1.4.2 The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals.
- 1.5 Fundamental Principles
- 1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the Act. Nothing in the Policy will undermine the right of any individual to apply for permissions and to have any such application considered on its individual merits. Similarly, nothing in the policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provisions have been made to do so in the Act.
- 1.5.2 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives.
- 1.5.3 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.
- 1.5.4 It is necessary to consider national guidance in the context of local circumstances. Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of such disturbance to later in the night. The Guidance acknowledges that tighter control may be justified in residential areas and the Licensing Authority considers that this is particularly relevant to parts of its administrative area, always having regard to the individual merits of any application.
- 1.5.5 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the licensing objectives.
- 1.5.6 Once people are beyond the control of the individual, club or business holding the relevant authorisation licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in this Borough.

## 2.0 General Principles

In all applications relating to premises, the Legislation requires applicants to specify methods by which they will promote the four licensing objectives in their operating schedules. The operating schedule should include reference to the measures the applicant intends to use to promote the licensing objectives.

### 2.1 Revisions to Policy.

- 2.1.1 The Licensing Authority have a duty to review their Licensing Policy and have therefore consulted with Responsible Authorities and other stakeholders since the implementation of the legislation in order to identify topics that may need to be added or removed from the Licensing Policy.
- 2.1.2 Specific areas of concern include:
- **Sales of alcohol from "On" and "Off" licensed premises to underage drinkers.**
  - **Glass related injuries.**
  - **Noise from music on the premises.**
  - **Nuisance and disturbance from smokers immediately outside premises.**

2.1.3 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they prevent sales of alcohol to persons under 18, minimise glass related injuries and or assaults, prevent noise from licensed premises becoming a nuisance and manage customers outside their premises who are smoking.

2.1.4 Crime Statistics locally have indicated that a last time of entry condition has assisted in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1am."

## 2.2 Children and cinemas

2.2.1 The Act requires applicants for premises licences and club premises certificates to copy details of their applications to a body which:

- a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.

2.2.2 The Licensing Authority's policy is that the "Responsible Authority" in relation to the protection of children from harm will be Somerset County Council's Social Services Department at County Hall, Taunton, TA1 4DY.

2.2.3 The Licensing Authority will expect licensees of premises giving film exhibitions to include, in their operating schedules, arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, (BBFC) or in specific cases where such certificates have not been granted, the Licensing Authority.

2.2.4 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to amend the classification imposed by the British Board of Film Classification.

2.2.5 If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published on the Council's website at [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk).

## 2.3 Licensing Hours

2.3.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits.

2.3.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the licensing objectives. Specifically, the applicant should ensure that the operating schedule for such a premises demonstrates how the licensing objectives will be met. Applicants are strongly recommended to seek the advice of both the Council's Licensing Officers and the Police in this regard.

2.3.3 This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.

- 2.3.4 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns and so applications for such premises to operate past midnight are more likely to be successful.
- 2.3.5 The Licensing Authority will pay special regard to the proximity of residential uses to the proposed premises, the parking areas and routes taken by customers when arriving at and leaving the premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential property.
- 2.3.6 The Licensing Authority considers that these issues will be of less significance where proposed premises are not within 250 metres of any residential property.
- 2.3.7 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for the premises. Applicants should state in their operating schedule the time they require to clear the premises. In normal circumstances, this will not exceed 30 minutes from the last sale of alcohol. Where the applicant can show that an extended period would assist in the promotion of the licensing objectives, the Council will consider permitting longer than 30 minutes.
- 2.3.8 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.

## 2.4 Maximum Capacities

- 2.4.1 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues. For example, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3 am than there is in a well managed public house located in a quiet back street that provides limited regulated entertainment and closes at 11 pm.
- 2.4.2 The Licensing Authority believes that some of the problems that may occur in late night licensed premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance

## 2.5 Late Night Refreshment

The Licensing Authority will expect applicants for licences, in respect of late night refreshment premises, to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter and noise disturbance.

## 3.0 Licensing Approach

### 3.1 Partnership Working

3.1.1 The Council recognises that Licensing functions are not the only means of promoting the licensing objectives. Delivery must involve working in partnership with Planning, Environmental Health, the Police, the Fire Authority, the Crime and Disorder Reduction Partnership, the Town Centre Manager, Pubwatch, local businesses and residents, Somerset County Council, transport operators and those involved with child protection.

3.1.2 The Council recognises that co-operation and partnership remain the best means of promoting the licensing objectives.

### 3.2 Integrating Strategies

3.2.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim, as far as possible, to coordinate them.

3.2.2 Cultural Strategy – The Council will monitor the impact of any decisions on the provision of regulated entertainment. The aim is not to deter live music, but to ensure that the licensing objectives are promoted. The Council will monitor the effect of licensing on the provision of regulated entertainment, particularly live music and dancing, to ensure that any licensing conditions that impose any restrictions, on such events, are proportionate and reasonable.

3.2.3 Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact of these issues on the Licensing Policy will be monitored and amendments will be made as necessary.

3.2.4 Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat and the Environmental Health Enforcement Procedures.

### 3.3 Avoiding Duplication

3.3.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable activities and in such cases tailored conditions may be necessary but only if relevant representations are received.

3.3.2 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether or not to grant a licence but only if relevant representations are received.

### 3.4 Vicinity

3.4.1 The term "vicinity" is used in the Act on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. The Act defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons".

However, the Act does not define the term “vicinity”.

3.4.2 The Licensing Authority has decided that in order to assist applicants and residents it would be helpful to provide guidance as to how it will approach the meaning of the term “vicinity.” The Licensing Authority will normally treat the term “vicinity” as meaning within a 100 metre radius of the premises in question. However, this is a guideline and the Licensing Authority will consider representations from those who live or work outside that distance if they can demonstrate that they are (or, in the case of new premises, are likely to be), affected by disorder and disturbance occurring (or potentially occurring) on those premises. It is also open to an applicant to argue that, in particular instances, an objection from an “interested party” within this radius is not relevant, for example, where a major traffic route lies between the resident and the premises and noise from the premises is highly unlikely to affect the resident. Similarly it is also open to an “interested party” located outside of this radius to argue that a representation is valid, for example, where the resident lives on the route from the premises to bus stops, main taxi ranks or main pedestrian routes to residential areas.

### 3.5 Conditions

3.5.1 Conditions may only be attached if relevant representations are received, any such conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned.

3.5.2 However, where it is considered necessary to promote one or more of the licensing objectives the Licensing Authority will consider attaching conditions, if relevant representations are received, drawn from the Pool of Model Conditions set out in the Secretary of State’s Guidance. This list is not exhaustive and additional conditions may be attached to any licence or authorisation, if a representation is received.

### 3.6 Enforcement

3.6.1 The Council when planning and carrying out enforcement activities will always have regard to the principles in the Regulators’ Compliance Code.

3.6.2 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and any licence conditions. It will also be important to monitor the District for unlicensed activities that require a licence.

3.6.3 The Licensing Authority has established protocols with Avon and Somerset Police Authority, Somerset County Council Trading Standards and Devon and Somerset Fire Authority on enforcement issues to ensure an efficient deployment of Police and Council officers.

### 3.7 Live Music, Dancing and Theatre

3.7.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and, in particular, for children and young people.

3.7.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.



## 4.0 Administrative Issues

### 4.1 Temporary Event Notices

- 4.1.1 The Act states that the organiser of a Temporary Event must give the Licensing Authority a minimum of 10 working days' notice. However, in a significant number of cases this time period would not allow enough time for the organiser to liaise with the fire authority, the police and the relevant Council officers to ensure that the event passes off safely with minimum disturbance to local residents.
- 4.1.2 The Licensing Authority recommends that the Licensing Authority and the Avon and Somerset Police receive Temporary Event Notices at least 28 days before the planned event.

### 4.2 Applicants for Personal Licences

The Licensing Authority places particular emphasis on the role of premises supervisors and licensees and, where the Police object, on the grounds of prevention of crime and disorder there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

### 4.3 Large Scale Events

Large Scale events of a temporary or more permanent nature will generally require detailed planning and more consultation with responsible Authorities and possibly representatives of other organisation concerned with safety. **For such events it is therefore recommended that applicants contact the Licensing Team at the earliest opportunity to discuss their proposals.**

### 4.4 Reviews of Licence or Club Premises Certificate

- 4.4.1 The Licensing Act details that; where a premises licence or club premises certificate has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence. The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a responsible authority, that the ground is frivolous or vexatious, or the ground is a repetition.
- 4.4.2 The Licensing Authority can, on review of licence or certificate, revoke the licence or certificate, suspend the licence or certificate, remove the DPS, reduce hours or licensable activity or add conditions to the licence or certificate.
- 4.4.3 The Licensing Authority recommends that Persons or Bodies considering seeking a review should discuss the matter with the Licensing Team to discuss possible alternatives and to ascertain the correct procedure.

### 4.5 Administration, Exercise and Delegation of Functions

- 4.5.1 The Council has a Licensing Committee, consisting of 15 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a statement of licensing policy.
- 4.5.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to sub-committees and officers.

- 4.5.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers.
- 4.5.4 The following table sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.
- 4.5.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

| <b>MATTER TO BE DEALT WITH</b>  | <b>SUB-COMMITTEE</b>          | <b>OFFICERS</b>              |
|---|-------------------------------|------------------------------|
| Application for personal licence  | If an objection is made       | If no objection is made      |
| Application for personal licence, with unspent convictions  | All cases                     |                              |
| Application for premises licence/club premises certificate  | If a representation is made   | If no representation is made |
| Application for provisional statement   | If a representation is made   | If no representation is made |
| Application to vary premises licence/club premises certificate  | If a representation is made   | If no representation is made |
| Application to vary designated premises supervisor  | If a police objection is made | All other cases              |
| Request to be removed as designated premises supervisor   |                               | All cases                    |
| Application for transfer of premises licence  | If a police objection is made | All other cases              |
| Application for interim authority   | If a police objection is made | All other cases              |
| Application to review premises licence/club premises certificate  | All cases                     |                              |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc  |                               | All cases                    |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | All cases                     |                              |
| Determination of a police objection to a temporary event notice   | All cases                     |                              |

## 5.0 Further Information

5.1 Further information about the Licensing Act 2003 and this statement of Licensing Policy can be obtained from:

The licensing Team,  
Taunton Deane Borough Council, The Deane House, Belvedere Road, TAUNTON. TA1 1HE  
Tel: 01823 356343 Fax: 01823 351801  
Email: [licensing@tauntondeane.gov.uk](mailto:licensing@tauntondeane.gov.uk)  
Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)

5.2 Information is also available from the Department for Media Culture and Sport

2- 4 Cockspur Street, London SW1Y 5DH.  
Tel: 020 7211 6200  
Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

## APPENDIX A GLOSSARY OF TERMINOLOGY

|  |  |
|--|--|
| Club Premises Certificate                            | means a certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members by or on behalf of the club.  |
| Entertainment facilities                             | are defined as facilities for enabling persons to take part in entertainment for the purpose of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).  |
| Hot food or hot drink                                | <p>food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:</p> <p>(i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,</p> <p>or</p> <p>(ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.</p>   |
| Interested Party                                     | <p>is defined as:</p> <p>(i) a person living in the vicinity of the premises</p> <p>(ii) a body representing persons who live in that vicinity</p> <p>(iii) a person involved in a business in that vicinity</p> <p>(iv) a body representing persons involved in such businesses.</p> <p><b>(v) a member of the relevant licensing authority.</b></p>  |
| Licensable activities and qualifying club activities | <p>are defined in the Licensing Act as:</p> <p>(i) the sale by retail of alcohol</p> <p>(ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club</p> <p>(iii) the provision of regulated entertainment</p> <p>(iv) the provision of late night refreshment - for those purposes the following licensable activities are also qualifying club activities:</p> <p>(i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place</p> <p>(ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place</p> <p>(iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of</p> |

|                                     |  |
|-------------------------------------|--|
|                                     | the club and their guests.   |
| Operating Schedule                  | <p>means a document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters:</p> <ul style="list-style-type: none"> <li>• the relevant licensable activities</li> <li>• the times at which licensable activities are to take place and any other times the premises are to be open to the public</li> <li>• information about the Designated Premises Supervisor</li> <li>• whether any alcohol sales are on and/or off sales</li> <li>• the steps being taken to promote the licensing objectives.</li> </ul>  |
| Personal Licence                    | authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.   |
| Premises Licence                    | authorises the premises to be used for one or more licensable activity.  |
| Provision of late night refreshment | <p>is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am</p> <p>or</p> <p>at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.</p>  |
| Regulated Entertainment             | <p>is defined as:</p> <p>(a) a performance of a play</p> <p>(b) an exhibition of film</p> <p>(c) an indoor sporting event</p> <p>(d) a boxing or wrestling entertainment</p> <p>(e) a performance of live music</p> <p>(f) any playing of recorded music</p> <p>(g) a performance of dance</p> <p>(h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the present of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).</p> <p>(i) Entertainment Facilities. This definition is subject to Part 1 of Schedule 1 to the Licensing Act 2003 (interpretation).</p> |
| Responsible Authority               | is defined as:   |

|                        |   |
|------------------------|---|
|                        | <p>(i) Chief Officer of Police for any Police area in which the premises are situated</p> <p>(ii) the Fire Authority for any area in which the premises are situated</p> <p>(iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated</p> <p>(iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated</p> <p>(v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health</p> <p>(vi) a body which:</p> <p>(a) represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and</p> <p>(b) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters</p> <p>(vii) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated</p> <p>(viii) in relation to a vessel:</p> <p>(a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities</p> <p>(b) the Environment Agency</p> <p>(c) the British Waterways Board, or</p> <p>(d) the Secretary of State</p> <p>(e) a person prescribed for the purpose of this subsection.</p> |
| Temporary Event        | is defined as the use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place.  |
| Temporary Event Notice | a document giving notice to the Licensing Authority of intention to hold a temporary event.   |

# Taunton Deane Borough Council

## Licensing Committee – 6 October 2010

### Licensing Act 2003 – Taxi Handbook Amendments

#### Report of the Licensing Manager

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

#### 1. Executive Summary

|  |
|--|
| Members are asked to consider adopting the amended “Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook”. |
|--|

#### 2. Background

- 2.1 In 2009 all of the recommendations, policies, practice and conditions relating to taxi licensing were pulled together into one document the “Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook”. The handbook was approved and adopted by the Council as the definitive source of information for those in the trade, officers and other agencies.
- 2.2 Since adoption of the Handbook a number of changes have taken place within the structure of the Licensing Team requiring a redrafting of sections to reflect the changes in post title. Also at the request of the Taunton Deane Taxi Association certain conditions have been re-examined and found unsustainable.

#### 3. Report

- 3.1 The original version of the Taxi Handbook that was adopted referred to post titles that have since been changed through the restructuring of the Licensing Unit. To reflect this and for the purposes of clarity changes have been made to ensure that the handbook relates only to those post titles that currently exist.
- 3.2 At the request of the Taunton Deane Taxi Association conditions 19 of Appendix 3 (Standard Conditions for a Hackney Carriage Vehicle Licence) and 21 of Appendix 4 (Standard Conditions for a Private Hire Vehicle Licence) have been re-examined. These conditions stated “Seats in the rear of the vehicle that can only be accessed by the boot/rear hatch or via seats that fold down or flip up will not be allowed for the conveyance of passengers in any vehicle unless with the written permission of the Council.

This does not necessarily apply to any vehicle where the rear door is specifically designed for the egress and ingress of passengers.”

- 3.3** Part of the re-examination was a consultation of all the Private Hire or Hackney Carriage drivers and owners licensed by Taunton Deane Borough Council. The consultation gave a choice of one of three options 1) Remove the conditions, 2) Retain the conditions or 3) Amend the conditions. Two thirds of those who responded to the consultation agreed to the removal of the conditions.
- 3.4** Following research no persuasive or historical justification for the retention of these conditions has been identified. It is the opinion of the Licensing Manager that in the absence of robust reasons to retain the conditions their removal should not be resisted.
- 3.5** The removal of the conditions regarding seats necessitates an alteration to the requirements of conditions 17 (d) of Appendix 3 (Standard Conditions for a Hackney Carriage Vehicle Licence) and 20 (d) of Appendix 4 (Standard Conditions for a Private Hire Vehicle Licence) regarding leg room.
- 3.6** The new wording for the conditions will be “provide at least 9inches/229mm of clear knee room per passenger, measured from the front portion of the passenger seat to the rear of the seat in front.

**4. Finance Comments**

None

**5. Legal Comments**

The legal implications are set out within the report.

**6. Links to Corporate Aims**

No direct links to the Corporate Aims

**7. Environmental and Community Safety Implications**

None

**8. Equalities Impact**

Not required

**9. Risk Management**

N/A

**10. Partnership Implications (if any)**

None



## **11. Recommendations**

That Members approve the amendments to the “Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook”.

**Contact:** Ian Carter  
01823 356343  
i.carter@tauntondeane.gov.uk

# Taunton Deane Borough Council

## Licensing Committee – 6 October 2010

### Licensing Act 2003 – Request for a Hackney Carriage Fare Tariff Increase

#### Report of the Licensing Manager

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

#### 1. Executive Summary

|   |
|---|
| Members are asked to consider a request from Taunton Deane Taxi Association for an increase in the current Hackney Carriage Fare Tariff set by Taunton Deane Borough Council. |
|---|

#### 2. Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 permits District Councils to set the fares tariff for Hackney Carriages licensed in the District.
- 2.2 A request has been received from the Taunton Deane Taxi Association to increase the current Hackney Carriage Fare Tariff. A copy of their explanatory letter is attached at Appendix A. Their proposed tariff is attached at Appendix B.

#### 3. Report

- 3.1 The Hackney Carriage Fare Tariff was last increased in 2008. A copy of the current tariff is attached at Appendix B.
- 3.2 The Taxi Association feel that that rising costs of fuel, increases in the numbers of Taxi's licensed by the Council and the delays caused by traffic problems in Taunton necessitate an increase in the fare tariff.
- 3.3 Following receipt of the request a consultation was undertaken with all Taunton Deane licensed drivers and operators. Three options were given 1) Increase the fares as requested by the Association, 2) Increase the fares by some other amount or 3) Do not increase the fares at this time. 21 responses were received and are summarised in table form at Appendix C.

- 3.4** From figures provided by the National Private Hire Association in August this year the Tariff within Taunton Deane is 9<sup>th</sup> highest of the 34 Local Authorities in the South West and is shown to be above the South West's average fare.
- 3.5** From an examination of the published AA Fuel Price Reports from July 2008 to August 2010, attached in chart form at Appendix D, it can be seen that although fuel prices have fluctuated they have mainly stayed and still remain below 2008's figures. In July 2008 the rate of inflation was 4.4% (source BBC News Channel) at the time of writing the current rate of inflation is 3.1% (source Bank of England).
- 3.5** It is the opinion of the Licensing Manager that any increase right now may appear unjustified to the travelling public especially in the current economic climate.
- 3.6** The Licensing Manager is also of the opinion that any increase has the potential to seriously damage the use of local taxis, which currently represent good value for money, as a viable public service and could encourage people to use their own transport increasing congestion and pollution within the Council area.

**4. Finance Comments**

None

**5. Legal Comments**

The legal implications are set out within the report.

**6. Links to Corporate Aims**

For the reasons set out within the report above maintaining the current Hackney Carriage Fare Tariff would support two of the core objectives of the Council Tackling Deprivation and Sustainable Community Development and Climate Change.

**7. Environmental and Community Safety Implications**

Set out within the report

**8. Equalities Impact**

Not required

**9. Risk Management**

N/A

**10. Partnership Implications (if any)**

None

## **11. Recommendations**

That Members refuse the request of the Taunton Deane Taxi Association to increase the Hackney Carriage Fare Tariff.

**Contact:** Ian Carter  
01823 356343  
i.carter@tauntondeane.gov.uk

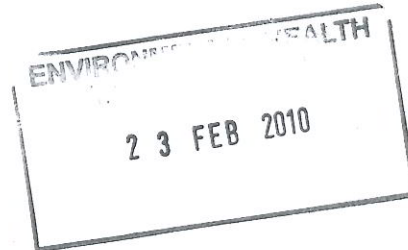
## TAUNTON DEANE TAXI ASSOCIATION

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57 Mountway Road  
Bishops Hull  
Taunton  
Somerset  
TA1 5DS  
Tel Home: 01823-289094  
Mobile: 07989398433  
E-mail: mv.jones@btinternet.com

21 February 2010

Paul Dare  
Licencing Officer  
Taunton Deane Borough Council  
The Deane House  
Taunton




Dear Paul

During a recent meeting of the association, it was decided by majority vote that we should ask the Council to consider a fare increase. It would be prudent at this time to inform you that the "Taunton Deane Taxi Owners Association" has ceased to be and have amalgamated with our association. I trust you will find this makes negotiations far easier dealing with one voice for the trade, as our membership now accounts for in excess of 75% of the current plates issued.

Due to economic conditions we voted not to ask for a fare increase last year. This decision was partly based on national trends. With recent fuel increase and more new plates being issued almost daily we must act now to keep up with inflation. "The Office of National Statistics" show current inflation at 3.7%. This is of course an overall figure and doesn't consider fuel increases alone, of over 10% just in recent months. This is our major outgoing after vehicle purchase costs.

In line with the above we wish to ask for the changes to the tariff shown on the attached. We do not wish to alter the flag drop from £2.40 but a small drop in yardage on this and the subsequent yardage will give an increase on the meter, from £6.00 to £6.20 on the two mile fare, a 3.3% increase. With the ongoing traffic problems in the town time taken to cover any journey is increasing. We have not had any change in waiting time within the last two fare increases but now need to cover the costs as time equals money. We are therefore asking for an increase of 7.15%, above inflation but required due to traffic conditions. There is also one change to wording required to clarify rates for hiring's for in excess of four passengers.

We look forward to your early response.



Martin Jones ( Spokesman)

**Taunton Deane Borough Council**  
**Maximum Permitted Taxi Fares – Valid from 15<sup>th</sup> July 2008**

**Standard Fare** if the distance does not exceed 520 yards .....£2.40

**If the distance does exceed 520 yards:**

For the first 520 yards .....£2.40

For each completed 170 yards or part thereof .....20p

**Waiting Time** for each completed period of 45 seconds .....20p

**Extra Charges**

For hirings commencing between 10pm and 7am.....+ 50% of the Standard Fare

For Saturday & Sunday .....+ 50% of the Standard Fare

For all Public and Bank Holidays.....+ 100% of the Standard Fare

In Excess of 4 Passengers at any point during the hire ....+ 50% of the Standard Fare

In Excess of 4 Passengers between 10 pm and 7am,

Sundays and Bank holidays.....+ 100% of The Standard Fare

**Soiling Charge**.....£100.00

**If you have any queries or comments relating to this taxi, please contact the  
Licensing Unit on 01823 356343 quoting the vehicle's registration or plate number**

*All charges are inclusive of V.A.T. (if applicable)*

Taunton Deane Taxi Association – Requested Increase (underlined)

**Taunton Deane Borough Council**  
**Maximum Permitted Taxi Fares – Valid from 15<sup>th</sup> July 2008**

**Standard Fare** if the distance does not exceed 500 yards .....£2.40

**If the distance does exceed 500 yards:**

For the first 500 yards .....£2.40

For each completed 160 yards or part thereof .....20p

**Waiting Time** for each completed period of 42 seconds .....20p

**Extra Charges**

For hirings commencing between 10pm and 7am.....+ 50% of the Standard Fare

For Saturday & Sunday .....+ 50% of the Standard Fare

For all Public and Bank Holidays.....+ 100% of the Standard Fare

In Excess of 4 Passengers at any point during the hire ....+ 50% of the Standard Fare

In Excess of 4 Passengers between 10 pm and 7am,

Sundays and Bank holidays.....+ 100% of The Standard Fare

**Soiling Charge**.....£100.00

**If you have any queries or comments relating to this taxi, please contact the  
Licensing Unit on 01823 356343 quoting the vehicle's registration or plate number**

*All charges are inclusive of V.A.T. (if applicable)*

**Consultation One - Fares**

|                         |   |       |   |
|-------------------------|---|-------|---|
| Option 1                | Increase the fares as requested by the TDTA |       |   |
|                         |   | Total | 9 |
| Option 2                | Increase the fares by some other amount.    |       |   |
|                         |   | Total | 4 |
| Option 3                | Do not increase the fares at this time.     |       |   |
|                         |   | Total | 6 |
| Alternative Suggestions | Reduce current fares                        |       |   |
|                         |   | Total | 2 |

Details of alternative suggestions

Reduce yardage from 170 to 160 yards

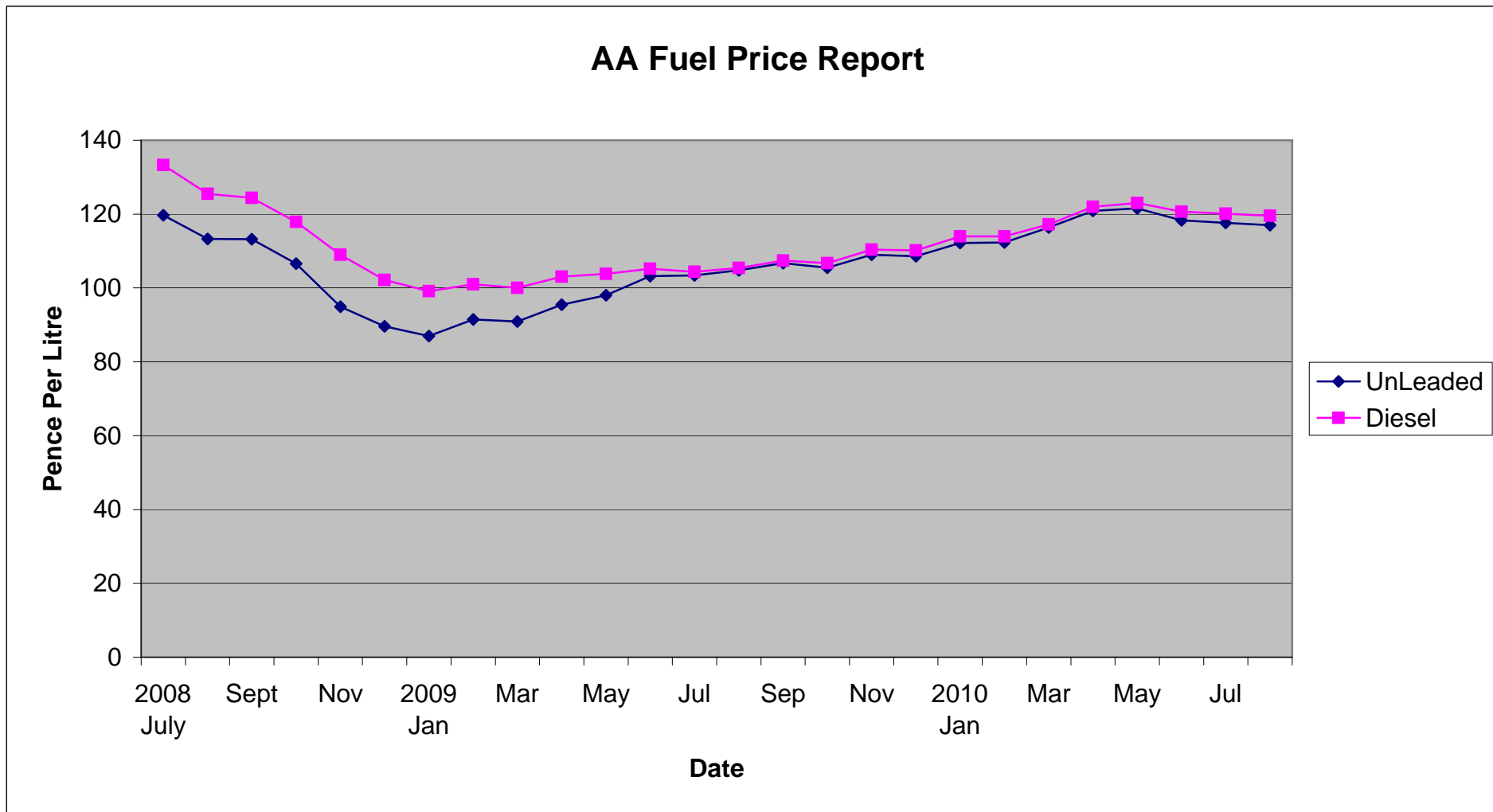
Increase flag to £2.80 and all else as per TDTA proposal.

Increase flag to £2.80 and all else as per TDTA proposal.

No Suggested figures

Abolish double time fares for Bank Holidays with the exception of Christmas & New Years Day

Abolish double time fares for Bank Holidays and reduce to time and a half. And Abolish time and a half for Saturdays and reduce to time.



|        | Unleaded | Diesel |
|--------|----------|--------|
| Jul-08 | 119.7    | 133.3  |
| Aug-10 | 117      | 119.6  |

Figures show the average prices in the South West.



