



Licensing Committee

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 9 March 2011 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 6 October 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Licensing Act 2003 - Taxi Handbook Amendments - Report of the Licensing Officer (attached)
Reporting Officer: John Rendell
- 6 Licensing Update Report - Report of the Licensing Manager - (attached)
Reporting Officer: Ian Carter

Tonya Meers
Legal and Democratic Services Manager

28 February 2011

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

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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 – 6 October 2010

- Present Councillors Mrs Allgrove, Beaven, Brooks, Critchard, Ms Durdan, Guerrier, Mrs Hill, House, Mrs Lees, Murphy and Mrs Waymouth
- Officers: Mr I Carter (Licensing Manager), Mr P Dare (Licensing Officer), Mr J Rendell (Licensing Officer) and Miss O Walton (Licensing Officer) Miss H Mockridge (Administrative Officer – Democratic Services)
- Others: Mike Davis – A1 Taxis
Martin Jones – Taunton Deane Taxi Association
Andy Woodford – A1/ACE Taxis

(The meeting commenced at 6.15 pm).

9. **Appointment of Chairman**

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

10. **Appointment of Vice-Chairman**

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

11. **Apology**

Councillor Coles

12. **Minutes**

The minutes of the meeting held on 1 June 2010 were taken as read and were signed.

13. **Public Question Time**

The representatives from the Taunton Taxi firms introduced themselves and referred to the Licensing Manager's report regarding the request for a Hackney Carriage fare tariff increase which had been previously circulated.

To support their case they explained that Taunton had higher than average fares. Each Authority set fares according to their own needs. Taunton was compared to East Devon regarding the type of trade and the different distribution of the population differed. They felt these differences were reflected in the fare tariffs set by the Authority.

The average fuel prices for the South West and the effects of inflation were stated. The overall figure for inflation from January 2008

to date was 9.2%. The VAT increase due in January would increase prices and add to their costs. A decision had already been made by the County Council to voluntarily increase the rates paid to existing transport contractors.

It was felt the report did not take this into account. Increases in licence fees since 2008 had been quoted.

The representatives felt that customers would expect to see taxi fares increase in price due to the current economic climate and felt that customer surveys should have been included in the Licensing Manager's report.

In their summary it was stated that the trade did not think it unreasonable to ask for a fare increase of 3.3%. They asked Members not to accept the recommendation in the Licensing Manager's report.

14. Declaration of Interests

Councillors Brooks and Mrs Waymouth declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council.

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

Considered report previously circulated concerning a request from Taunton Deane Taxi Association for an increase in the current Hackney Carriage Fare Tariff set by Taunton Deane Borough Council.

The Hackney Carriage Fare Tariff was last increased in 2008. The Taxi Association felt that rising fuel costs, an increase in the number of taxis licensed by the Council and delays caused by traffic problems in Taunton necessitated an increase in the fare tariff.

A consultation had been undertaken with all Taunton Deane licensed drivers and operators. There were three options:-

- Increase the fares as requested by the Association;
- Increase the fares by another amount; or
- Not increase the fares at this time.

The responses were summarised and shown in the report.

Taunton Deane had the ninth highest tariff of all the Local Authorities in the South West and was above the South West's average fare.

The report mentioned fuel prices and the rate of inflation.

It was thought that in the current economic climate that a fare increase was unjustified. It was also felt that an increase could damage the use of local taxis which currently represented good value for money.

The report recommended that Members refuse the request of the Taunton Deane Taxi Association to increase the Hackney Carriage Fare Tariff.

Members agreed however that the Taxi Association had demonstrated how costs had risen and that a good case for a fare increase had been outlined although there were concerns about an increase affecting the poor and vulnerable. Members felt the request for an increase was reasonable.

Resolved that the Hackney Carriage Fare Tariff be increased by 3.3%.

16. Licensing Act 2003 – Taxi Handbook Amendments

Considered report previously circulated to consider adopting the amended “Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook”.

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”. This had been approved and adopted by the Council as the definitive source of information for those in the trade, officers and other agencies.

Since then changes had taken place in the Licensing Team which had required sections of the handbook to be redrafted. This had taken into account the changes in post titles. The Taunton Deane Taxi Association had also requested certain conditions be re-examined.

These conditions stated that seats in the rear of a vehicle that could only be accessed by the boot/rear hatch or via seats that fold down or flip up should not be allowed for the conveyance of passengers in any vehicle unless with the written permission of the Council. This did not specifically apply to any vehicle where the rear door was specifically designed for the egress and ingress of passengers.

A consultation had taken place with all the Private Hire or Hackney Carriage drivers and owners licensed by Taunton Deane Borough Council. The consultation gave a choice of one of the following three options:-

- Remove the conditions;
- Retain the conditions; or
- Amend the conditions.

Two thirds of those consulted agreed to the removal of the conditions.

Following research, no justification could be found for the retention of these conditions. The Licensing Manager felt therefore that there should be no resistance to their removal.

The report submitted showed the Appendices which should be altered. The new wording would read "provide at least 9 inches/229mm of clear knee room per passenger seat to the rear of the seat in front".

Resolved that the amendments to the taxi handbook be approved.

17. Licensing Update Report

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, since the last meeting.

Licensing Act 2003

- The report included the total number of licences issued and notices given;
- All applications received and notices given;
- A summary of the Licensing Sub-Committees held;
- A summary of a Home Office consultation to overhaul the current licensing regime to give more power to local authorities and the Police, entitled 'Rebalancing the Licensing Act'. The Licensing Manager and Chairman had compiled a response which had been returned to the Home Office. The earliest the proposal could be introduced would be 2012. A report detailing any changes would be put before the Committee in due course.

Gambling Act 2005

- The total number of licences issued and notices given;
- The total number of applications received and notices given.

Taxis

- The total number of licences issued; and
- All applications determined;
- A consultation had been undertaken with licensed drivers and operators over the provision of taxi ranks;

- A meeting had been held with the Highway Authority as uncertainty existed over proposed traffic measures for Taunton.

Taxi Forum

Mention was made of the new Taxi Drivers Forum which had been set up. A verbal report was given to the Committee.

John Rendell was congratulated on the relationship he had built up with the taxi drivers. Members suggested some items for the next Taxi Forum meeting.

Street Trading and Pavement Cafes

- The total number of permits and licences issued and notices given;
- Applications received and decided; and
- Mention was made of an attempt to secure a regular Farmers Market in Wellington.

Members asked whether spot checks were carried out on Street Traders and the Licensing Manager responded that officers regularly visited High Street traders and those on the outskirts of the town. In addition all traders were checked on an annual basis.

Members asked what controls there were over food outlets. The Licensing Manager explained that traders had to apply for a licence and standards had to be adhered to. The application was assessed to ensure there was a variety of food vendors.

Animal Licensing

- The total number of licences, consents and permits issued at the end of the last quarter; and
- All applications decided;

Other Licensing

- The total number of licences, consents, registrations and permits issued at the end of the last quarter;
- All licences decided;

Sexual Entertainment Venues

The Licensing Officer gave Members a verbal update on Sexual Entertainment Venues. Section 27 of the Policing and Crime Act 2009 had amended the Local Government (Miscellaneous Provisions Act) 1982 by

introducing a new category of sex establishment called 'sexual entertainment venue'. This allowed local authorities to regulate lap dancing clubs and similar venues under Section 3 of the 1982 Act. A report recommending that Taunton Deane should adopt this amendment had been submitted to Full Council on 5 October 2010 and the recommendation had been approved.

Resolved that report be noted.

18. Licensing Act 2003 – Licensing Policy Adoption

Considered report previously circulated, regarding an update on the tri-annual review of the Council's Licensing Act 2003 Policy and the results of the consultation process. Members were asked to note the results and consider recommending that Council adopt the amended Licensing Policy as required by the Licensing Act 2003 at its next meeting on 14 December 2010.

The current policy had been kept under review over the past three years. A number of small changes had been proposed as a result of this to reflect current practices and updated guidance. A draft of the Licensing Policy had been made available for consultation on 9 July 2010. The closing date for comments was 24 September 2010.

Once approved by Council the Licensing Policy would be published on the Council's website.

Resolved that Full Council be recommended to adopt the amended Licensing Policy.

(The meeting ended at 8pm)

Taunton Deane Borough Council

Licensing Committee – 9 March 2011

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”.
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2. Background

2.1 All of Taunton Deane Borough Council’s recommendations, policies, practice and conditions relating to taxi licensing are contained in one document, entitled 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.

3. Report

3.1 Following a request by members of the taxi trade, the Licensing Team have reviewed Appendix 5 (Hackney Carriage and Private Hire vehicle test criteria), specifically the paragraph relating to first aid kits.

3.2 Currently, the testing criteria requires all taxis and private hire vehicles to have first aid kits containing the following:

- Ten antiseptic wipes, hygienically packed
- One conforming disposable bandage (not less than 7.5 cm wide)
- Two triangular bandages
- One packet of 24 assorted adhesive dressings
- Three large sterile unmedicated dressings (not less than 15 cm x 20 cm)
- Two sterile eye pads, with attachments
- Twelve assorted safety pins
- One pair of rustless blunt-ended scissors

As per the handbook, any vehicle without a first kit containing all of the above items, fails the Council's vehicle compliance test, which is carried out at an approved testing station. As members are aware, to address the concerns of the trade with a minimum amount of disruption, we allowed vehicles with incomplete first aid kits to be given advisory notes instead of failing the compliance test.

- 3.3** Since the last Licensing Committee meeting, we have contacted St John Ambulance and looked at standard first aid kits for passenger carrying vehicles. We have developed a new first aid kit list comprising of items that are included in St John Ambulance's passenger carrying vehicle kit but are also items that members of the taxi trade can easily go out and buy. We are therefore requesting that the committee agree to amend the testing criteria and list of items required in a first aid kit to the following:

- Eye pad
- Triangle bandage
- Cleansing wipe
- Powder free gloves
- Conforming bandage
- Washproof plaster

In order for a vehicle to pass the compliance test, it's first aid kit must have at least one of each of the above mentioned items. Incomplete kits will cause a vehicle to fail.

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 amendment to the testing criteria contained within Appendix 5 of the “Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook”.

Contact: John Rendell
01823 356343
j.rendell@tauntondeane.gov.uk

Taunton Deane Borough Council

Licensing Committee – 9 March 2011

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 January 2011 are set out in Appendix 1.
- 3.2 All Applications and Notices processed since the last Committee have been determined without the need for a formal hearing to take place.
- 3.3 In January 2011, the Home Office conducted a consultation on a relaxation of the licensing hours for the royal wedding. Following this consultation, the government has decided to relax licensing hours for the Royal Wedding. Pubs, clubs and other licenced premises will be allowed to open for an extra two hours from 11pm on Friday 29 April to 1am on Saturday 30 April and from 11pm on Saturday 30 April to 1am on Sunday 1 May.
- 3.4 Also in January 2001, the Home Office gave notice of the government's intention to introduce a new measure which would prevent retailers from selling a 1 litre bottle of vodka (37.5 per cent abv) for less than £10.71 and a 440ml can of lager (4.2 per cent abv) for less than 38p. This has at the time of writing not yet come into being.

- 3.5 A number of the proposals outlined in the Rebalancing the Licensing Act consultation are being taken forward in the Police Reform and Social Responsibility Bill, which was introduced on 1 December 2010. The Bill has had its second reading in the House of Commons and at the time of writing was proceeding to the committee stage.
- 3.6 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

- 3.7 The total numbers of licences issued and notices given at the end of the last quarter are set out in Appendix 2.
- 3.8 All applications and notices decided since the date of last Committee have been determined without the need for a formal hearing to take place.
- 3.9 Between November 2010 and January 2011, DCMS undertook a consultation on increasing the maximum stake for category B3 gaming machines, which are machines with a maximum stake limit of £1 and a maximum prize limit of £500, and a recalibration of B3 gaming machine entitlements for adult gaming centres (AGCs) and bingo clubs. The results of the consultation have not yet been published.

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.

Taxi Forum

- 3.12 The 2nd Taxi Forum was held on the 21st of February 2011. 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.
- 3.13 The main topics discussed at the meeting were the Council's requirement for licensed taxis and private hire vehicles to have first aid kits, which MOT testing station the Council uses for the vehicle compliance test, smoking in taxis, magnetic advertising signs, a request for an unmet demand survey and a change in Licensing's application procedure.
- 3.14 The Licensing Team would be happy to send the minutes, when published, to any members who would like to see them.

Street Trading & Pavement Cafes

- 3.15 The total number of permits and licences issued and notices given at the end of the last quarter are set out in Appendix 4.
- 3.16 All applications decided since the date of last Committee have been determined without the need for a formal hearing to take place.

Street Traders Forum

- 3.17 On 3rd February 2011 the Licensing Team met with Street Traders. Eight traders attended the meeting, ranging from those that trade in the High Street, to lay-bys. Traders were happy with the way they are dealt with by Licensing, they are also happy with the Police presence in the High Street during late night shopping, and the Christmas period.

It was agreed that there will be regular meetings with the traders and Licensing. An agenda will be sent out a week prior to the meeting, with the traders themselves setting items to be discussed. Individual items of concerns raised by traders are being dealt with under separate cover. One trader at the meeting suggested that it would be very helpful for new traders coming to Taunton to have more information on how to gain a permit, available on the website or a leaflet that could be sent out to applicants on request. This is something that the Licensing Team will be looking into.

Animal Licensing

- 3.18 The total numbers of licences, consents and permits issued at the end of the last quarter are set out in Appendix 5.
- 3.19 All applications decided since the date of last Committee have been determined without the need for a formal hearing to take place.
- 3.20 Recently the Licensing Team have been working with the RSPCA to exchange information and ideas on best practice for animal boarding and breeding establishments.

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 The amendment of the Local Government (Miscellaneous Provisions) Act 1982 by the introduction of a new category of sex establishment called 'sexual entertainment venue' came into force in Taunton Deane on 3rd January 2011. To date no applications for sexual entertainment venues have been received.

Training and Workshops

- 3.24 Two very successful Institute of Licensing Courses have been run at Taunton Deane during February. The courses on Inspecting Licensed Premises and the South West Regional Training Day were well attended and gave very useful and topical advice on matters. We hope to retain the strong links we have with the Institute of licensing and look forward to welcoming them to use the Council's facilities for future events.
- 3.25 A series of four workshops exploring drinking cultures in the South West were held by the Alcohol Cultural Exchange in February 2011. Each of these events were attended by representatives of the Licensing team. Councillor Mrs Allgrove, as Chair of this Committee, also attended three of the workshops. These workshops were a very useful opportunity to investigate how cultural influences can support alcohol harm reduction in the south west. Delegates were drawn from licensing authorities, universities, the health sector, the alcohol industry, youth organisations and crime reduction partnerships.
- 3.26 On 23rd February 2011 a Personal Licence Holders Course was attended by members of the Licensing Committee, Licensing Officers and representatives from partner agencies and a neighbouring Licensing Authority. The course was very well received and a verbal update will be presented at the committee.

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

	As at end Jan 2011
Premises Licences	385
Club Premises Certificates	30
Personal Licences	941
Temporary Event Notices	1549

Applications Received and Notices Given

	Jan-11
Grant of a Premises Licence	0
Variation of a Premises Licence	1
Transfer of a Premises Licence	3
Change of Designated Premises Supervisor	7
Minor Variations	0
Grant of a Personal Licence	3
Temporary Event Notices given	27

Gambling Act 2005

Licences Issued and Notices Given

	As at end Jan 2011
Club Machine Permit	8
Licensed Premises Gaming Machine Permits	6
Occasional Use Notices	11
Premises Licences	16
Prize Gaming Permits	0
Society Lotteries	195
Temporary Use Notices	0
Unlicensed FECs	2
Notification of 2 or less Gaming Machines	61
Pools Promoter Licence	1

Applications Received and Notices Given

	Jan-11
Applications for a Permit	0
Application for a Licence	1
Notification of Intent to have Gaming Machines	0
Occasional Use Notice	1

Taxis

Licences Issued

	As at end Jan 2011
Hackney Carriages	164
Private Hire Vehicles	30
Hackney Carriage & Private Hire Drivers	250
Private Hire Operators	29

Applications Received

	Jan-11
Hackney Carriage Licence (including renewals, transfers and vehicle changes)	7
Hackney Carriage & Private Hire Drivers Licence (including renewals)	8
Private Hire Vehicle Licence	3
Private Hire Operator Licence	0

Street Trading

Consents & Permits Issued

	As at end Jan 2011
Street Trading Consents	52
Pavement Café Permits	15

Applications Received

	Jan-11
New Consents	3
Renewals	0

Animal Licensing

Licences Issued

	As at end Jan 2011
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

	Jan-11
Zoo Licences (including renewals)	0
Pet Shop Licences (including renewals)	1
Dog Breeding Licence (including renewals)	0
Home Boarding Licence (including renewals)	1
Riding Establishment Licences (including renewals)	1
Dangerous Wild Animal Licences	0

Other Licensing

Licences, Registrations and Permits Issued

	As at end Jan 2011
Caravan Site Licences	46
House to House Collection Permit	70
Motor Salvage Operator	2
Scrap Metal Dealer Registration	10
Sex Shop Licences	2
Skin Piercing Registrations	158
Street Collection Permits	220

Applications Received

	Jan-11
New Applications	12
Renewals	0