

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 7 March 2012 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 23 November 2011 (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 Update Report - report of the Licensing Officer (attached)
Reporting Officer: Olivia Denis
- 6 Application procedure for licensing of brand new vehicles as Hackney Carriages or Private Hire - report of the Licensing Officer (attached)
Reporting Officer: John Rendell
- 7 Testing Regime for Hackney Carriages and Private Hire Vehicles - report of the Licensing Manager (attached)
Reporting Officer: Ian Carter

Tonya Meers
Legal and Democratic Services Manager

21 November 2012

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

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

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

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

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

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

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

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



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



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

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

Licensing Committee Members:-

Councillor A Beaven

Councillor S Brooks

Councillor K Durdan

Councillor M Hill

Councillor J Hunt

Councillor L James

Councillor R Lees

Councillor S Lees

Councillor J Meikle, MBE

Councillor B Nottrodt

Councillor J Reed

Councillor B Swaine

Councillor E Waymouth

Licensing Committee – 23 November 2011

Present Councillor Mrs Allgrove (Chairman)
 Councillors Beaven, Brooks, Mrs Hill, Hunt, Miss James,
 R Lees, Mrs Lees, Meikle, Nottrodt, Mrs Reed, Mrs Waymouth
 and A Wedderkopp

Officers: Ian Carter (Licensing Manager), Charlotte Dale (Environmental
 Health Lead), Donna Durham (Democratic Support Manager)
 and John Rendell (Licensing Officer)

Others: Councillor Hayward

(The meeting commenced at 6.15pm)

30. Apologies/Substitution

Apologies: Councillors Coles and Miss Durdan

Substitution: Councillor A Wedderkopp for Councillor Coles

31. Minutes

The minutes of the meeting of the Licensing Committee held on 28 June 2011 were taken as read and were signed.

32. Public Question Time

Mr Mike Davis, Director of A1/Ace Taxis expressed a number of concerns relating to the Licensing Department, in particular the policy relating to Certificates of Compliance.

After some debate, the Chairman asked that Mr Davis put his concerns in writing, so that the Licensing Department could respond to his concerns in a report that would be presented at the next Licensing Committee. It was agreed that a special meeting of the Licensing Committee be convened in January 2012, to which other taxi representatives would be invited.

33. Declarations of Interest

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.

34. Licensing Update

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

Although there had been a downward trend in Licensing applications in recent months, there had been little change in the number of Premises Licences and Club Premises Certificates within Taunton Deane.

The Police Reform and Social Responsibility Bill was enacted in September 2011. Within Part 2, it contained amendments to the Licensing Act 2003, the introduction of the Late Night Levy and the repealing of Alcohol Disorder Zones. No timescale for the commencement of the order had been indicated.

The Department for Culture, Media and Sport had launched a consultation that sought views on a proposal to remove licensing requirements in England and Wales for most activities currently defined as 'regulated entertainment' in Schedule One to the Licensing Act 2003. The Government suggested that if less than 5,000 people attended an event with no alcohol, there should be no licence required.

Further reported that there had been no significant change in the number of Gambling Act 2005 permits. The number of Permits, Registrations and Licences held in Taunton Deane remained low.

The licensed Taxi fleet within Taunton Deane had shown a small decrease in vehicles since May 2011.

Two Licensing Sub-Committee meetings had been held in July and September 2011 to determine two separate applications for licences to act as a taxi driver. One application was granted and the other refused.

Despite raising the issue at previous Taxi Forums, drivers continued to smoke in their vehicles and three fixed penalty notices had been served. The Council had contacted the NHS Smoking Cessation Service who would provide support and advice directly to drivers who wanted to stop smoking.

A fourth meeting of the Taxi Forum had been held in November 2011 and various topics had been discussed.

Applications for street trading and pavement cafes remained low. There was confusion on the part of traders over which areas attracted a fee, so it was proposed to 'zone' the town centre. The proposal was to encourage street traders in Goodland Gardens, Castle Green, Somerset Square and the top of the High Street.

The number of Animal Welfare licences had dropped slightly and one Licence had been withdrawn following the conviction of the proprietor on animal cruelty grounds.

The Licensing Team had ensured that all completed applications and renewals were processed and sent out within 14 days. A robust monitoring system was in place to ensure this could be scrutinised in the event of a complaint.

During the discussion of this item, Members made the following comments

and asked questions. Responses are shown in italics:

- Was there any move in legislation to charge a rent for street traders in prime locations? *Legislation referred to cost recovery, not revenue raising. A full review of fees and charges was being considered at the Corporate Scrutiny Committee on 24 November 2011;*
- Concern about the detrimental effect that street traders could have on nearby shops. Had the Licensing Department considered surveying the shop owners to find out how they felt about additional street traders? *Rates were included in the street trading fees. The promotion of other zones would encourage street traders to consider these areas, which was supported by Economic Development; and*
- Smoking in taxis had been a recent discussion topic on Somerset Sound, but did not make the legislation clear. *In order to be compliant, taxi drivers had to be completely out of the vehicles if smoking. They were constantly reminded of this and most of the taxi representatives were supportive of this initiative.*

Resolved that the report be noted.

(The meeting ended at 7.15pm)

Declarations of Interest

Licensing Committee

- Members of Somerset County Council – Councillors Brooks and Mrs Waymouth
- Employee of Somerset County Council – Councillor Mrs Hill

Taunton Deane Borough Council

Licensing Committee – 07 March 2012

Licensing Update Report

Report of the Licensing Officer

(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 number of premise licences granted during the period from November 2011 to January 2012 was up compared to the number of licences granted in the same period during 2010 to 2011. There was a decrease of applications received for the variation of premises licence and change of Designated Premises Supervisor. There was a slight increase in applications for transfer of premises licence, minor variations, granting of personal licences and Temporary Event Notices during November and December 2011. The total numbers of licences issued and notices given up to the end of January 2012 are set out in **Appendix 1**.
- 3.2 A Home Office consultation launched on 17 January 2012 is seeking views on two measures in the Police Reform and Social Responsibility Act 2011 that will be implemented through regulations; Early Morning Restriction Orders (EMROs) and the late night levy.

This will allow local authorities to charge a levy for late-night licences to contribute to the cost of extra policing and extend early morning restriction orders (EMROs), a power that will allow licensing authorities to restrict the sale of alcohol in all or part of their areas, to any time between midnight and 6am. The consultation closes on 10 April 2012.

Some schemes such as (BIDs) Business Improvement Districts as operated in Taunton may fulfil the purpose of the levy, by raising contributions towards late night services, without the need for local authority intervention. It is proposed that licensing authorities are able to grant an exemption to those paying a levy as part of a BID.

We shall respond to this consultation through Somerset Licensing Group and the Institute of Licensing. A full update will be provided once the Secretary of State has issued the necessary commencement orders.

- 3.3 The Order detailing the extension of licensing hours for the Queen's Diamond Jubilee has been approved. The Order relaxes licensing hours on two consecutive days during the Queen's Diamond Jubilee celebration.

It extends licensed premises' opening hours for the period of hours beginning; 23:00 on Friday 1 June and ending at 01:00 on Saturday 2 June 2012; and 23:00 on Saturday 2 June and ending at 01:00 on Sunday 3 June 2012; for the sale of alcohol for consumption on the premises and the provision of regulated entertainment and late night refreshment by licensed premises.

Operators hoping to make the most of the Diamond Jubilee celebrations may wish to consider the use of a Temporary Event Notice (TEN) to provide entertainment which is not already covered by their existing premises licence, or even if covered, to extend the two days subject to the Order, or the Sunday, Bank Holiday Monday or Tuesday of the extended Jubilee weekend.

Gambling Act 2005

- 3.4 There was a slight increase in the number of Permits, Registrations and Licences held with Taunton Deane from two in the period of November 2010 to January 2011 to six in November 2011 to January 2012. However, application numbers still remain low. The total numbers of Permits, Registrations and Licences issued from November 2011 to end of January 2012 are set out in **Appendix 2**.

Taxis

- 3.5 The number of Hackney Carriages & Private Hire Drivers licensed and renewed slightly increased in the period from November to December 2011 compared to the same period in 2010. However there was a large decrease in numbers for January 2012 compared to January 2011. Overall there was a decrease in the number of Hackney Carriage and Private Hire Vehicle grants, transfers and renewals and Private Hire Operators compared to the same period in 2010/2011. The total numbers of Licences issued and applications received up to the end of January 2012 are set out in **Appendix 3**.

Taxi Forum

- 3.6 The 5th Taxi Forum was held on 15 February 2012. 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.
- 3.7 A verbal report of topics discussed and the actions taken since the last Forum will be presented to the Committee.
- 3.8 The Licensing Team would be happy to send notes of the meeting, when published, to any members who would like to see them.

Street Trading & Pavement Cafes

- 3.09 Enquiries into positions available in the High Street for Street Trading remain high. The total number of permits and licences issued up to the end of January 2012 are set out in **Appendix 4**.
- 3.10 The Licensing Team together with Economic Development are working closely together to look at new areas for trading and markets such as Castle Green, Somerset Square and Goodlands Gardens and the ability to offer goods other than hot food and drink.

Animal Welfare Licensing

- 3.11 The number of animal boarding (cats and dogs) has increased with the addition of a new cattery in the area. The total numbers of licences consents and permits issued up to the end of January 2012 are set out in **Appendix 5**.

Other Licensing

- 3.12 The total number of licences, consents, registrations and permits issued at the end of the last quarter are set out in **Appendix 6**. These figures show an increase in the number of House to House Collections and Street Collections in the Borough significantly during November and December 2011 compared to the same period in 2010. As members will be aware there are no fees issued for these.

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.

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Licensing Officer

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Licensing Act 2003

Licences Issued and Notices Given

Premises Licences	390
Club Premises Certificates	29
Personal Licences	1027
Temporary Event Notices	1865

Applications Received and Notices Given

	November		December		January	
	2010	2011	2010	2011	2011	2012
Grant of a Premises Licence	0	2	0	4	0	1
Variation of a Premises Licence	1	0	1	0	1	0
Transfer of a Premises Licence	2	4	1	1	3	3
Change of Designated Premises Supervisor	11	7	2	4	7	4
Minor Variations	1	1	0	0	0	1
Grant of a Personal Licence	3	10	3	7	3	3
Temporary Event Notices given	26	27	5	7	28	24

APPENDIX 2

Gambling Act 2005

Licences Issued and Notices Given

Club Machine Permit	8
Licensed Premises Gaming Machine Permits	7
Occasional Use Notices	17
Premises Licences	17
Prize Gaming Permits	0
Society Lotteries	18
Temporary Use Notices	0
Unlicensed Family Entertainment Centres	4
Notification of 2 or less Gaming Machines	60

Applications Received and Notices Given

	November		December		January	
	2010	2011	2010	2011	2011	2012
Applications for a Permit	0	0	0	0	0	0
Application for a Licence	0	2	0	0	1	0
Notification of Intent to have Gaming Machines	0	0	0	0	0	0
Occasional Use Notice	0	4	0	0	1	0

Taxis

Licences Issued

Hackney Carriages	174
Private Hire Vehicles	30
Hackney Carriage & Private Hire Drivers	251
Private Hire Operators	28

Applications Received

	November		December		January	
	2010	2011	2010	2011	2011	2012
Hackney Carriage Licence (including renewals, transfers and vehicle changes)	15	12	5	5	7	6
Hackney Carriage & Private Hire Drivers Licence (including renewals)	13	22	9	10	26	11
Private Hire Vehicle Licence	2	2	2	2	3	2
Private Hire Operator Licence	1	0	1	0	0	1

Street Trading

Consents & Permits Issued

Street Trading Consents 48

Pavement Café Permits 15

Applications Received

	November		December		January	
	2010	2011	2010	2011	2011	2012
New Consents	1	3	0	0	3	1

Animal Licensing

Licences Issued

Zoo Licences	0
Pet Shop Licences	13
Dog Breeding Licence	2
Animal Boarding Licence	12
Riding Establishment Licences	10
Dangerous Wild Animal Licences	2

Applications Received

	November		December		January	
	2010	2011	2010	2011	2011	2012
Zoo Licences (including renewals)	0	0	0	0	0	0
Pet Shop Licences (including renewals)	1	3	7	1	1	2
Dog Breeding Licence (including renewals)	0	0	1	1	0	0
Animal Boarding Licence (including renewals)	2	1	6	8	1	2
Riding Establishment Licences (including renewals)	0	3	5	3	1	1
Dangerous Wild Animal Licences	0	0	0	0	0	0

Other Licensing

Licences, Registrations and Permits Issued

Caravan Site Licences	42
House to House Collection Permit	87
Motor Salvage Operator	4
Scrap Metal Dealer Registration	18
Sex Shop Licences	2
Skin Piercing Registrations	179
Street Collection Permits	250

Applications Received

	November		December		January	
	2010	2011	2010	2011	2011	2012
Caravan Site Licences	0	0	0	0	0	0
House to House Collection Permit	2	6	3	4	1	0
Motor Salvage Operator	0	0	0	0	0	0
Scrap Metal Dealer Registration	0	0	3	1	0	0
Sex Shop Licences	1	1	0	0	0	0
Skin Piercing Registrations	1	2	3	1	0	0
Street Collection Permits	7	6	7	8	6	3

Taunton Deane Borough Council

Licensing Committee – March 2012

Application procedure for licensing of brand new vehicles as Hackney Carriages or for Private Hire

Report of Licensing Officer

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

1. Executive Summary

Members are recommended to adopt the application procedure for licensing brand new vehicles.
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2. Background

2.1 The Licensing Team introduced a service guarantee in April 2011, whereby all licences would be issued within a maximum of 14 days, upon receipt of a full application.

2.2 In practice licences are, on average, issued within 7 to 10 days but during busy periods, such as the run up to Christmas, can take the full 14 days.

2.3 Where licences for Hackney Carriage and Private Hire vehicles are concerned, a full application consists of:

- Completed application form;
- Valid insurance certificate or insurance cover note;
- V5 logbook or bill of sale (stating the vehicle registration number, make, model, colour, date of registration and name of person licensing the vehicle);
- Payment of full licence fee (and meter test fee where appropriate);
- Part i and part ii vehicle compliance test certificate or MOT and part ii compliance test certificate, carried out at the Service Centre, Taunton.

2.4 A brand new vehicle is defined as one that has delivery mileage only and where the applicant is the first registered keeper.

3. Report

- 3.1 The team received a request, from the trade, that a procedure be introduced to speed up the process for the licensing of brand new vehicles.
- 3.2 Working with the trade, a procedure has been created whereby an application is made 14 days before the vehicle undergoes the compliance tests, this allows the Licensing team to prepare the necessary licence, ready for issue upon receipt of proof of compliance with the vehicle tests and the vehicle having completed a satisfactory meter test (if appropriate.)
- 3.3 The system has been in place on a trial basis since December last year and has operated without incident.

4. Finance Comments

The adoption of the new procedure will have a cost benefit to operators, as new vehicles will be ready to use at a quicker rate.

5. Legal Comments

All legal matters are as set out in the report.

6. Links to Corporate Aims

Although there are no direct links to the corporate aims the provision of an effective licensing regime benefits local businesses and the public alike in full accordance with the Council's Corporate Strategy.

7. Environmental and Community Safety Implications

None identified.

8. Equalities Impact

No adverse equality impact identified.

9. Risk Management

None identified.

10. Partnership Implications (if any)

None identified.

11. Recommendations

That Members approve the inclusion within the Hackney Carriage and Private Hire Drivers, Vehicles & Operators Handbook the new vehicle procedure as set out in Appendix 1 of this report.

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Application procedure for licensing brand new vehicles

Where an operator wishes to license a brand new vehicle, the application will begin to be processed by Licensing on receipt of the following documents as a single application:

- Completed application form;
- Valid insurance certificate or insurance cover note;
- V5 Logbook or bill of sale (stating the vehicle registration number, make, model, colour, date of registration and name of person licensing the vehicle);
- Payment of full licence fee (plus meter test fee where appropriate);

The applicant will be issued the licence and plate within 14 days after the application is made, provided the Part One and Part Two compliance test certificates have been submitted and the vehicle has completed a satisfactory meter test.

Applicants should be aware that the licence and plate duration (1 year) will start once they are issued and will not be re-dated if the vehicle fails the Compliance Test.

A brand new vehicle is defined as one that has delivery mileage only. In addition, the applicant must be the first registered keeper.

Taunton Deane Borough Council

Licensing Committee – 7 March 2012

Testing Regime for Hackney Carriages and Private Hire Vehicles

Report of the Licensing Manager

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

1. Executive Summary

Members are asked to consider the Hackney Carriage and Private Hire Vehicle Testing Regime within Taunton Deane and the recommendations set out at section 11 of the report with regard to the Part 1 Test and MOT, the undertaking of the Part II test and the nomination of approved testing stations.

2. Background

- 2.1** The Department of Transport states within its Best Practice Guidance that the aim of local authority licensing of the taxi and private hire vehicle trades is to protect the public.
- 2.2** Taunton Deane Borough Council needs to be satisfied that the vehicles operating within its area are fit to do so (i.e. safe, in a suitable mechanical condition and comfortable). To enable this the Council uses the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which gives the Council powers to require proprietors to present their vehicle for annual and occasional inspection and testing by or on behalf of the Council at such place within the area of the Council as they may reasonably require.
- 2.3** In order to make certain all vehicles meet the high standards the Council consider necessary to ensure licensed vehicles are safe, before a licence can be granted a vehicle is required, in addition to meeting the legal requirements for a domestic vehicle, to pass the following tests;
- Part I – this is a test which uses the same criteria as an MOT test and is undertaken by the Council's nominated testing station,
- Part II - this is a test currently undertaken by the Council's nominated testing station that covers all the additional items that the Council has determined are required for licensing purposes, such as physical condition of the vehicle, safety of wheelchair restraints, comfort and physical appearance of the vehicle.
- Meter test – this test assesses the legality and accuracy of taximeters fitted to vehicles and is currently undertaken by Licensing Officers.

- 2.4 As permitted under the Local Government (Miscellaneous Provisions) Act 1976 the Council has a nominated testing station which undertakes all Part I and Part II tests on behalf of the Licensing Service under the control of a Service Level Agreement. The nominated testing station is currently the Service and MOT Centre (formerly MJ Autos) who were appointed in 2007 following the cancellation of the service level agreement previously held with VOSA.
- 2.5 The Service Level Agreement covers not only the test criteria but also standards of customer service. It is monitored through a formal annual review and ad hoc meetings.
- 2.6 Research of other Somerset Authorities has shown that they do not have a separate Part I test equivalent and that an MOT test from any approved VOSA testing station is accepted. They do however all have nominated testing stations for the undertaking of the equivalent Part II testing of vehicles.
- 2.7 The Conditions for vehicle testing and Hackney Carriage and Private Hire Vehicle Test Criteria were last considered by this Committee when the Taxi Handbook was adopted in April 2009.
- 2.8 Following the receipt of a 39 signature petition a review of and consultation on the vehicle testing regime has been undertaken.
- 2.9 There was a response rate of 18% to the consultation and these have been broken down between Operators/Proprietors and Drivers to show how both elements of the trade considered the proposals. Overall there is support for the replacement of the Part I test with an MOT issued by any VOSA approved testing station and to increase the number of Council Nominated testing Stations. The responses to the consultation are set out at Appendix B.

3. Report

Part I test and MOT

- 3.1 One of the Council's current requirements for any vehicle to be licensed as a Hackney Carriage or Private Hire Vehicle is that it should hold a valid MOT (if the vehicle is over one year old) and pass the Council's Part I test undertaken by the Council's nominated testing station.
- 3.2 The Part I test is in practice carried out at the same time as the MOT inspection and the MOT Certificate from the nominated testing station takes the place of the part I compliance certificate. Vehicle proprietors could obtain an MOT certificate from elsewhere and then a Part I compliance certificate from the nominated testing station but in reality this would not make financial sense.
- 3.3 Members are asked to consider the following options with regard to the Part I test and the MOT. The question of suitability of having only one nominated testing station is presented for consideration later in this report.

- 3.4 Option 1.** The current position remains unchanged – proprietors will be able to obtain an MOT from a testing station of their choice but will still have to attend the nominated testing station to obtain compliance with the Council's Part I test, which will continue to be the equivalent of an MOT.
- 3.5** This option has the benefit of keeping down costs to the trade through the part I and part II tests being conducted on the same premises at the same time by the same member of staff. This option also brings advantages to vehicle proprietors in that they can receive an MOT certificate at no additional cost when securing compliance with the Part I test and through the Service Level Agreement the Council is able to offer them support in customer service issues and any disagreement that may arise with the nominated testing station.
- 3.6** However the retention of the part I test could be seen to be unnecessarily duplicating the MOT test and it could be suggested that the Council are not allowing proprietors choice in where an MOT is undertaken.
- 3.7 Option 2.** The Part I test is replaced by an MOT issued by any VOSA approved testing station, this could include the nominated testing station who would then be able to offer to undertake the MOT and Part II test as package deal .
- 3.8** This option would allow vehicle proprietors the freedom to choose where an MOT is undertaken and would remove the duplication of testing criteria that exists at present with the Part I test.
- 3.9** Although we have not undertaken market analysis for carrying out the part II test only, this option may however increase the costs to the trade as a testing station which is required to only undertake a part II test cannot benefit from any of the savings made through conducting both tests at the same time. Prices will need to be increased and consideration must be given as to the level of interest a garage may have in becoming a nominated testing station and conducting part II tests only.
- 3.10** An additional matter that will need to be considered is the question of acceptability of MOT certificates from testing stations that have an identifiable relationship with the vehicle proprietor. If public scrutiny of a relationship between a vehicle proprietor and the operator/owner of a testing station through personal or commercial links would raise reasonable doubt as to a conflict of interests then it is proposed that Licensing refuse to accept the certificate.
- 3.11 Option 3.** The Part I test is replaced by an MOT issued by a Council nominated testing station.
- 3.12** This option removes the duplication of the MOT and Part 1 tests that currently exists and may offer an opportunity for savings to proprietors through the nominated testing stations undertaking both MOT & Part II tests.

- 3.13** Under all three options vehicles will still require to achieve compliance with the Council's Part II test which will be undertaken at the nominated testing station.

Part II test

- 3.14** In addition to the Part I test the Council requires a further set of test criteria, the Part II test, be applied to Vehicles before a Hackney Carriage or Private Hire Vehicle Licence can be issued. A copy of the inspection sheet showing the areas that are examined is attached at Appendix A.
- 3.15** The matters to be examined require a judgement which includes safety and suitable mechanical condition and the Council therefore require the test to be undertaken by a suitably qualified vehicle mechanic. For reasons of consistency and customer service the Council further require that the test is undertaken by the nominated testing station.
- 3.16** Through the petition a request has been received that the Council's Licensing Officers undertake the Part II vehicle tests.
- 3.17** Because of the nature of the matters to be inspected it is not considered appropriate for the test to be undertaken by Licensing Officers who do not have the necessary knowledge or skills base and Members are asked to retain the requirement for the Part II test to be undertaken by a suitably qualified vehicle mechanic at a nominated testing station.

Nomination of Testing Station(s)

- 3.18** As set out earlier in the report the Council, as allowed through legislation, maintains a nominated testing station for reasons of control and customer support. The legislation further requires that the testing station is located within the administrative area of the Council
- 3.19** In addition to those reasons, the Council must also consider the suitability of a business's premises to inspect the range of vehicles that could be presented for licensing, as the legislation would permit the licensing of vehicles larger than domestic vehicles. The Council must also consider the ability of the business to meet the Council's required customer service standards (i.e. ensuring that an inspection can be carried out within five working days) and to produce data to assist in the monitoring and review of the Council's vehicle licensing regime.
- 3.20** The Council's current nominated testing station has to their credit provided an exemplary level of service since first entering the Agreement in 2007 and through that time expressions of support and very few formal complaints have been received by the Licensing Team regarding the service they have provided to the trade.
- 3.21** Members are asked to consider the following options that have been identified through the review process.
- 3.22** **Option 1.** Retain the current position – the Service and MOT Centre Taunton would remain as the Council's sole nominated testing station.

- 3.21** This option has advantages to the Council in that the quality of testing can be maintained. If a greater number of testing stations were introduced then there is the potential for discrepancies between testing standards to be introduced
- 3.23 Option 2.** Increase the number of nominated testing stations
- 3.24** Increasing of the number of testing stations particularly if spread across the district may offer advantages to those vehicle proprietors who do not live within Taunton. It may also offer savings to the trade through the pricing structures of individual testing stations. From the Council's perspective the appointment of at least one additional testing station provides for continuity of service if one testing station is unable to operate for a period of time.
- 3.25** Before any further testing stations can be appointed the Licensing Team will need to seek expressions of interest and produce a list of suitable testing stations for consideration with the Licensing Committee Chairman.
- 3.26** As discussed at 3.10 above if this option is approved the Council will need to have regard to excluding any testing station that has an identifiable personal or business relationship with the vehicle proprietor that could give the impression of a conflict of interest.

4. Finance Comments

By having both the part I & II tests undertaken at the same time by a single testing station the testing station may be able to offer a cost saving to vehicle proprietors. If the part II test were be conducted separately there will no longer be the opportunity for low costing through duality of staffing and resources at the testing station and on costs to the trade could be increased.

5. Legal Comments

All the options set out in this report would meet the requirements of the Local Government (Miscellaneous Provisions) Act1972.

6. Links to Corporate Aims

Although there are no direct links to the corporate aims the provision of an effective licensing regime benefits local businesses and the public alike in full accordance with the Council's Corporate Strategy.

7. Environmental and Community Safety Implications

None

8. Equalities Impact

No adverse equality impact identified.

9. Risk Management

No risk identified.

10. Partnership Implications (if any)

None

11. Recommendations

Part I test and MOT

11.1 That Members approve one of the three options set out within the report having considered the impact upon the trade and the obligations on the Council to protect the safety of the public using licensed Hackney Carriages or Private Hire Vehicles.

11.2 That Members delegate authority to exclude certificates from testing stations for the reasons set out in 11.1 above to the Licensing Manager and Licensing Committee Chairman.

Part II test

11.3 That members resolve to retain the requirement for the Part II test to be undertaken by a suitably qualified vehicle mechanic at a nominated testing station.

Nomination of Testing Station(s)

11.3 That members approve option 2 and delegate authority to the Licensing Manager and the Licensing Committee Chairman to ascertain suitability of interested businesses and appoint at least one additional nominated testing station.

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Part Two Test Inspection Form

Hackney Carriage & Private Hire Vehicles

Registration Mark:		Part Two Serial No.:		No. of Passenger Seats:			
Plate Number: HC/PH		Make & Model:		Date of Manufacture:			
VIN Number:		Mileage:		Colour:			
A. Item Tested	Ref.	Pass	Fail	Reasons for failure			
Exterior		Exterior	Exterior	Exterior	Exterior	Exterior	Exterior
External plate	3.5						
Dents	9.1						
Scratches	10.1						
Colour consistency	11.1						
Door signs fitted	3.2						
Top hat fitted (* PH only)	3.4						
Interior		Interior	Interior	Interior	Interior	Interior	Interior
Internal plate	3.3						
Seats	7.1						
Head lining	7.1						
Carpet condition *	7.1						
Interior damp or dirty	7.1						
Exterior clean	7.1						
Engine bay condition	7.1						
Interior lights working *	7.1						
Ashtrays fitted or covered	7.2						
Demisters working	7.1						
Windows working	7.1						
Means of exit *	7.1						
Seat width and leg room	7.1						
First aid kit suitability	6.3						
Meter	1.2						
Wheelchair straps and	12.1						
Strap stowing and release	12.1						
Trip hazards & rough	12.1						
Smoke free signage	7.1						
Fire Extinguishers		Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers	Fire Extinguishers
Type and capacity *	5.1						
Labeled	5.2						
Fixed *	5.4						
Ramps		Ramps	Ramps	Ramps	Ramps	Ramps	Ramps
Stowed in transit *	13.1						
In-use fixing method *	13.1						
Incline <12:1	13.1						
Permanently marked	13.1						
Rough edges/safety *	13.1						
Non-slip/raised edges *	13.1						
B. I certify that for the reasons shown above the vehicle has failed to comply with the statutory requirements.						Authentication Stamp:	
Signed:		Name (BLOCK CAPS):					
(Tester/Inspector)		Date:					
C. WARNING. In my opinion the vehicle is dangerous to drive because of the following defects:							
D. Comments:							

Responses to the Consultation

A total of 254 consultations were sent out to all licensed drivers, operators and vehicle proprietors. The consultation consisted of an explanatory document (attached at Appendix C) and a response sheet with the options as set out in the table below. The consultation period ran from 27th January to 14th February 2012

The Responses were as set out below.

Options	Responses		
	Overall	Operators/ Proprietors	Drivers
Total Responses Received	(45)	(28)	(17)
Part I test and MOT			
Current position remains unchanged – Vehicles are required to pass the Part I test at the Council’s nominated testing station	16	12	4
Part I test is replaced by an MOT issued by any VOSA approved testing station	29	16	13
Nomination of Testing Station(s)			
The Service and MOT Centre Taunton remain as the Council’s nominated testing station	11	10	2
The number of nominated testing stations is increased	31	17	14
No preferred option expressed regarding Nominated Testing Stations	2	1	1

Taunton Deane Borough Council Licensing Service

Testing Regime for Hackney Carriages and Private Hire Vehicles – Consultation Document January 2012

- 1.0 The Department of Transport states within its Best Practice Guidance that the aim of local authority licensing of the taxi and private hire vehicle trades is to protect the public.
- 1.1 Taunton Deane Borough Council needs to be satisfied that the vehicles operating within its area are fit to do so (i.e. safe, in a suitable mechanical condition and comfortable).
- 1.2 In order to make certain all vehicles meet the high standards the Council consider necessary to ensure licensed vehicles are safe, before a licence can be granted a vehicle is required, in addition to meeting the legal requirements for a domestic vehicle, to pass the following tests;
Part I – this is a test which uses the same criteria as an MOT test and is undertaken by the Council's nominated testing station,
Part II - this is a test currently undertaken by the Council's nominated testing station that covers all the additional items that the Council has determined are required for licensing purposes, such as physical condition of the vehicle, safety of wheelchair restraints, comfort and physical appearance of the vehicle.
Meter test – this test assesses the legality and accuracy of taximeters fitted to vehicles and is currently undertaken by Licensing Officers.
- 1.3 The Council has a nominated testing station which undertakes all Part I and Part II tests on behalf of the Licensing Service under the control of a Service Level Agreement. The nominated testing station is currently the 'Service and MOT Centre'.
- 1.4 The Service Level Agreement covers not only the test criteria but also standards of customer service.
- 1.5 Following the receipt of a 39 signature petition a review of the vehicle testing regime is being undertaken and this consultation forms part of that review. A report will be made to the Licensing Committee at its meeting on 7 March 2012 where Members will be informed of responses to this consultation.
- 2.0 **Part I test and MOT**
- 2.1 One of the Council's current requirements for any vehicle to be licensed as a Hackney Carriage or Private Hire Vehicle is that it should hold a valid MOT (if the vehicle is over one year old) and pass the Council's Part I test undertaken by the Council's nominated testing station.

- 2.2 The Part I test is in practice carried out at the same time as the MOT inspection and the MOT Certificate from the nominated testing station takes the place of the Part I compliance certificate. Vehicle proprietors could obtain an MOT certificate from elsewhere and then a Part I compliance certificate from the nominated testing station but in reality this would not make financial sense.
- 2.3 The Licensing Committee will be asked to consider the following options with regard to the Part I test and the MOT.
- 2.4 **Option 1.** The current position remains unchanged – proprietors will be able to obtain an MOT from a testing station of their choice but will still have to attend the nominated testing station to obtain compliance with the Council's Part I test.
- 2.5 This option has the benefit of keeping down costs to the trade through the part I and part II tests being conducted on the same premises at the same time by the same member of staff. This option also brings advantages to vehicle proprietors in that they can receive an MOT certificate at no additional cost when securing compliance with the part I test and through the Service Level Agreement the Council is able to offer them support in customer service issues.
- 2.6 However the retention of the part I test could be seen to be unnecessarily duplicating the MOT test and through the financial incentive of having tests done at the same time, the Council would not be offering any real choice in where an MOT is undertaken.
- 2.7 **Option 2.** The Part I test is replaced by an MOT issued by any VOSA approved testing station
- 2.8 This option would allow vehicle proprietors the freedom to choose where an MOT is undertaken and would remove the duplication of testing criteria that exists at present with the Part I. It would however undoubtedly increase the costs to the trade as a testing station which is required to only undertake a Part II test cannot benefit from any of the savings made through conducting both tests at the same time.
- 2.9 If the Committee resolve to approve option 2 an additional matter that members will be requested to consider is the exclusion of MOT certificates from testing stations where public scrutiny of the relationship between a vehicle proprietor and the operator/owner of a testing station through personal or commercial links would raise reasonable doubt as to a conflict of interests.
- 2.10 Under both options vehicles will still require to achieve compliance with the Council's Part II test which will be undertaken at the nominated testing station.
- 2.11 Your views are requested on whether option 1 or option 2 would be your preferred choice.
- 3.0 **Nomination of Testing Station(s)**

- 3.1 As set out earlier in the document the Council, as allowed through legislation, maintains a nominated testing station for reasons of control and customer support.
- 3.2 In addition to those reasons, the Council must also consider the suitability of a business's premises to inspect the range of vehicles that could be presented for licensing, as the legislation would permit the licensing of vehicles larger than domestic vehicles. The Council must also consider the ability of the business to meet the Council's required customer service standards (i.e. ensuring that an inspection can be carried out within five working days) and to produce data to assist in the monitoring and review of the Council's vehicle licensing regime.
- 3.3 The Council's nominated testing station has to their credit provided an exemplary level of service since first entering the Agreement in 2007 and through that time expressions of support and very few formal complaints have been received by the Licensing Team regarding the service they have provided to the trade.
- 3.4 The Licensing Committee will be asked to consider the following options that have been identified through the review process
- 3.5 **Option 1.** Retain the current position – the Service and MOT Centre Taunton would remain as the Council's sole nominated testing station.
- 3.6 This option has advantages to the Council in that quality of testing can be maintained. If a greater number of testing stations were introduced then there is the potential for discrepancies between testing standards to be introduced
- 3.7 **Option 2.** Increase the number of nominated testing stations
- 3.8 Increasing of the number of testing stations particularly if spread across the district may offer advantages to those vehicle proprietors who do not live within Taunton. It may also offer savings to the trade through the pricing structures of individual testing stations. From the Council's perspective the appointment of at least one additional testing station provides for continuity of service if one testing station is unable to operate for a period of time.
- 3.9 As discussed at 2.9 above if this option is approved the Council will need to have regard to excluding any testing station that has an identifiable personal or business relationship with the vehicle proprietor that could give the impression of a conflict of interest.
- 3.10 Your views are requested on whether option 1 or option 2 would be your preferred choice.
- 4.0 **For Information Only - Part II test**

- 4.1 In addition to the Part I test the Council requires a further set of test criteria, the Part II test, be applied to Vehicles before a Hackney Carriage or Private Hire Vehicle Licence can be issued.
- 4.2 Through the petition a request has been received that the Council's Licensing Officers undertake the Part II vehicle tests.
- 4.3 Because of the nature of the matters to be inspected it is not considered appropriate for the test to be undertaken by Licensing Officers who do not have the necessary knowledge or skills base and Members will be asked to retain the requirement for the Part II test to be undertaken by a suitably qualified vehicle mechanic at a nominated testing station.

- 5.0 Responding to the Consultation
- 5.1 The consultation is open to all licensed drivers and operators, vehicle proprietors and the Council's nominated testing station.
- 5.2 Please use the enclosed consultation response sheet and pre paid reply envelope to forward your responses to the consultation.
- 5.3 All responses should be received by the Council no later than **Tuesday 14 February 2012**.