



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 18 November 2015 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 26 August 2015 (attached).
- 3 Public Question Time.
- 4 Licensing Update Report. Report of the Acting Licensing Manager (attached).
Reporting Officer: John Rendell

Bruce Lang
Assistant Chief Executive

25 January 2016

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, 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

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Licensing Committee Members:-

Councillor K Durdan	(Chairman)
Councillor G James	(Vice-Chairman)
Councillor J Adkins	
Councillor W Brown	
Councillor T Davies	
Councillor C Edwards	
Councillor M Floyd	
Councillor J Gage	
Councillor A Gunner	
Councillor J Hunt	
Councillor S Lees	
Councillor S Nicholls	
Councillor S Ross	
Councillor Miss F Smith	
Councillor A Sully	

Licensing Committee – 26 August 2015

Present: Councillors Mrs Adkins, Brown, Davies, Miss Durdan, Mrs Edwards, Gage, Hunt, James, R Lees, Morrell, Nicholls and Sully.

Officers: Ian Carter (Licensing Manager), Alison Evens (Licensing Officer), Roy Pinney (Legal Services Manager), Leigh-Ann Fumagalli (Licensing Observer) and Michelle Brooks (Democratic Services Officer)

Others: Councillors Berry and Mrs Warmington

(The meeting commenced at 6.15 pm)

18. Appointment of Chairman

Resolved that Councillor Miss Durdan be appointed Chairman of the Licensing Committee for the remainder of the Municipal Year.

19. Appointment of Vice-Chairman

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

20. Apologies/Substitution

Apologies: Councillors Mrs Lees, Ross and Miss Smith

Substitutions: Councillor Morrell for Councillor Ross
Councillor R Lees for Councillor Mrs Lees

21. Minutes

The minutes of the meeting of the Licensing Committee held on 4 March 2015 were taken as read and were signed.

22. Licensing Update Report

Considered report previously circulated, which provided an update on the activities of the Council's Licensing Team, changes to legislation, current consultations and other general licensing matters.

A summary of activity relating to the Licensing Act 2003 was as follows:-

- Licenses Issued; 405 Premises Licences, 1286 Personal Licences and 3052 Temporary Event Notices (TEN's) in force on 30 July 2015.
- There had been no Licensing Sub-Committee Hearings held in the past quarter
- There had been an increase in Gambling Act applications on this time last year with two applications in 2014.

- Street Trading and s115e Consents -The Council had received 20 applications so far this year.
- Total number of Licenses under the Gambling Act 2005 was 227.
- The Street Collection Permits for this period was 286.

A summary of activities relating to Licenses in force was submitted as follows:-

- There had been four requests for service and three of those requests related to contraventions of taxi and private hire legislation, with the fourth being a complaint about overzealous face to face fundraisers.
- There had been no meetings of the Licensing Sub Committee between April and June, despite there being two separate Licensing Act 2003 applications which drew representations during this time.
- There had been two meetings of the Taxi Forum since the last Committee. Members of the forum had been invited to write down their comments regarding the current Licensing regime and these were then recorded and analysed by the team.

Changes to legislation

On 6 April 2015 the Legislative Reform (Entertainment Licensing) Order 2014 came into effect and introduced further exemptions to the requirement to obtain an authorisation for the provision of entertainment under the Licensing Act 2003.

Work was progressing on the production of a guidance note for members of the public and elected Members alike on the types of entertainment that did and did not require a licence.

Also submitted comments from the Taxi Forum regarding proposed amendments and the inclusion of new Policies.

During the discussion of this item, Members made comments and statements and asked questions which included:- (Responses were shown in italics)

- What was meant by 'Check Licenses on Gates'?
This usually related to checking Taxi Licenses at places such as airports. On a more local basis, the Licensing Officers did a smaller scale but similar operation outside Butlins in Minehead.
- Could officers expand on the current resource issue and what could be done to improve them?
This issue was being addressed in the short term through the employment of agency staff and, in the longer term, looking towards employing additional staff if a case was accepted that they were required. The lack of resources had highlighted concerns relating to the affect the delay in issuing taxi licenses could have on a person's ability to work. However, there were ways – including the issue of a Letter of Authorisation – which could be implemented to provide a temporary solution whilst the new license was fully processed.
- How representative of the Trade were the taxi driver's comments? Was it fairly well spread across or was it limited to large operators?
The comments were collected from the first meeting where 20 members of the trade attended so these comments had come from a cross section throughout the trade.

If the taxi drivers were agreeable, maybe the Council could consider employing someone simply to administer taxis related issues with the cost reflected in the Taxi Licensing Fee?

- Could the Council's Customer Contact Centre assist Licensing as the first point of contact?

Licensing was already in discussion with the Contact Centre about this.

- What was the current situation relating to the possibility of introducing a cap on the numbers of vehicles or licenses?

Work on this was at an early stage as the current legislation did not support such action. Care therefore had to be taken not to propose something that would not fail under a robust challenge. Further discussion of this topic was likely to be undertaken through the Taxi Forum.

- All Members of the Committee were invited to attend the next meeting of the Taxi Forum on Wednesday, 16 September 2015.

Resolved that the report to be noted.

23. Licensing Regime for Hackney Carriage/Private Hire Drivers and Private Hire Operators

Considered report previously circulated, concerning the introduction of new policies regarding out of area applicants and cross-border hiring.

The overarching aim of Taxi Licensing was public safety. Through the implementation of its policies the Council (as Licensing Authority) sought to ensure that members of the public travelled in safety in well maintained vehicles driven by competent drivers, as well as ensuring the provision of a fair and reasonable service for the licensed trade.

Under the legislation, a Licensing Authority could not take action against vehicles operating within its area that were licensed elsewhere, unless criminal activity had taken place. This left the authority powerless to intervene if the driver contravened any licence condition or provided a poor quality of service to passengers

Recently there had been a marked increase in the number of applications from applicants who resided outside of the district and although their motives were examined through the Knowledge and Suitability Interview, evidence received from the licensed trade and Bristol City Council had shown that many of these applicants were operating entirely or predominantly away from Taunton Deane. This was a major area of concern for the Taxi Forum.

Although not an unlawful activity, there were potentially undesirable consequences of taxis and drivers licensed by the Council operating remotely from it, as the Council had to supervise these drivers and vehicles from a distance and faced real difficulty in keeping them under observation.

After Consultation, it was felt appropriate that when considering an application for the grant or renewal of a Hackney Carriage and Private Hire Vehicle Drivers Licence and applications for Hackney Carriage Vehicle Licences, from applicants who resided outside of the Council's administrative boundaries, Taunton Deane would require such evidence as it reasonably considered appropriate, to make an assessment of the intention to work or proof of operating since the grant of the licence, entirely or predominately within the Council's administrative area.

Although these policy changes would have a further impact on Licensing Team and would increase the cost to those wishing to become licensed, they would ensure that genuine applicants retained the opportunity to be licensed, where appropriate, while all reasonable steps were taken to protect the public.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses were shown in italics)

- How would the Council enforce knowing where the taxi was within Taunton Deane unless it had GPS tracking system? How did the Council envisage undertaking such a process?
Following consultation with other Local Authorities, there were various means of obtaining information relating to journeys and the monetary value of work that started and finished within Taunton Deane and that which did not. Although this relied heavily on submission of information from the vehicle proprietor or licensed driver, the inability to supply this evidence would mean the Council not granting the licence.
- How could the Council, compel a particular action when there was case law which might suggest differently?
Officers and this Committee had the option of proceeding in a number of ways. It was however recommended that this Council should proceed with the proposals specifically identified within the report which would not be in conflict with the case law referred to. Taunton Deane would effectively be exercising its discretion to proceed in a particular way.
- In relation to people who had licenses already from outside of the area, when they came up for renewal, what would the process be?
At the point of renewal any driver residing outside of the district would be expected to supply evidence that they were working, or had worked entirely and predominately in the district.
- Was the Council going to notify all registered License holders to warn them in advance of this policy change?
All interested parties and stakeholders would be informed.

Resolved that:-

1. The adoption of a new policy be approved which would provide the Council with the means to refuse applications made by those persons residing (at the time of submission of their application) outside of the administrative boundaries of the Council, unless the applicant could prove to the satisfaction of the Authority, that they genuinely intended to work or do work entirely or predominately within the Taunton Deane area..
2. The adoption of a further new policy be approved whereby if the Council believed that a licensed driver was not working entirely or predominately within the Taunton Deane area then it may suspend or revoke that person's Hackney Carriage or Private Hire Vehicle Driver's Licence together with any vehicle licence associated with that individual.

24. Knowledge and Suitability for Hackney Carriage/Private Hire Drivers Applicants

Considered report previously circulated, concerning increasing the breadth and depth of knowledge required to obtain a Hackney Carriage/Private Hire Drivers Licence.

Knowledge and suitability interviews were introduced to replace the previous knowledge test in June 2010. At the time, it was felt that the increased use of satellite navigation systems meant that it was unnecessary for drivers to take the route test. The Committee had therefore resolved that the test should be revised to include questions from the Hackney Carriage and Private Hire Drivers Handbook.

The interviews were the final stage in the consideration of the fit and proper test applied to all those seeking a drivers licence from the Council. It was a chance for the officer to meet the applicant face to face and establish, amongst other things, their knowledge of current policy and legislation.

Reported that anecdotal evidence from the trade and the increased numbers of applicants who did not reside within the local area or operate taxis as their main employment presented a risk to the levels of service provision to the travelling public.

To mitigate that risk it was considered necessary to expand the knowledge and suitability interviews so that new applicants were required to demonstrate knowledge of the local area, local and regional points of importance by identifying given locations on a map and being able to identify directions of travel to destinations outside of the district.

It was also considered necessary that questions should be introduced for applicants to demonstrate a suitable ability to calculate change from tendered amounts.

The increase in the duration of the knowledge and suitability interviews would have an impact on the resources of the Licensing Team and would increase the cost to those wishing to become licensed. However these increases could be balanced by the potential increased standards of drivers and the benefits to services users.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses were shown in italics)

- Could clarification be provided as to what the Knowledge and Suitability Interview comprised?
It was mostly a verbal questionnaire but officers also required the applicant to identify specific points on a map. The discussion that took place was guided by an instruction sheet which had to be completed by the Licensing Officer. This was then presented to the Licensing Manager for his recommendation as to the issue of the licence. The other advantage to questioning applicants verbally, allowed officers to test comprehension of the English language at the same time.
- Did an applicant not have to fill out any forms?
Prior to the discussion interview, an applicant had to make an application to the Disclosure and Barring Service in order to prove they were fit and proper. The applicant was required to make an appointment so officers could check that they had filled out the appropriate forms correctly themselves.

- Were there issues with comprehension of the English language with some applicants?
The comprehension factor was a consideration and if the applicant could not comprehend what they were being asked by the officer, they would not be considered.
- Was it right that taxi drivers were obliged to take guide dogs into their taxis?
Legislation required taxi drivers to transport somebody with assistance dog, unless under the Equality Act a medical exemption had been issued to the driver. Taunton Deane did have some drivers that had this exemption so could refuse to take assistance dogs.

Resolved that the expansion of the Knowledge and Suitability interview to include questions on local geography and an appropriate level of mathematical ability be approved.

(The meeting ended at 6.55 pm)

Taunton Deane Borough Council

Licensing Committee – 18 November 2015

Licensing Update Report

Report of the Acting Licensing Manager

(This matter is the responsibility of Executive Councillor Patrick Berry)

1. Executive Summary

This report provides an update on the activities of the Council's Licensing Team, changes to legislation, current consultations and other general licensing matters.

2. Background

- 2.1 In the last three months, since the last report, the Licensing Manager, Ian Carter, has left the organisation. Several other changes to staffing have taken place during that time which are reflected below.

3. Report

Work backlog and staffing

- 3.1 The performance of the Licensing service is measured against the number of applications that are determined within 14 days of receipt. The service target for each quarter is to determine 95% within this timescale. The service failed to reach that target in the first quarter of the financial year, determining 75% of applications within 14 days. The most recent figures produced for the second quarter show a further decline, with 60% being determined within the timescale.
- 3.2 In addition to failing to reach the target performance, as described above, the team have had to 'isolate' a backlog of applications. The number of applications awaiting determination currently stands at approximately 344. In order to address the backlog of work, a temporary Licensing Officer and temporary Licensing Assistant have been employed, for a minimum of three months. It is estimated that it will take approximately four months to clear the backlog. This will be kept under review.
- 3.3 Ian Carter has now left the Council and John Rendell has been appointed acting Licensing Manager. A permanent appointment for this position will be made once the backlog has been cleared and the team is on a more stable footing. Until then, the Licensing Officer position that John had previously occupied will be backfilled temporarily.

Applications received and licences in force

- 3.4 The numbers of applications received for each of the regimes administered by the Licensing Team between July and September 2015 are shown in comparison with those received for the period in the preceding two years at **Appendix 1**. The numbers

of licenses in force and notices given as of the 14th of October 2015 are shown at **Appendix 2**.

- 3.5 Generally, application numbers during this period remain fairly similar in number to that period in the preceding two years, with the exception of taxi and private hire related applications, which has risen considerably since that period in 2013. This can be attributed to applications made by out of area applicants, the majority of which reside in Bristol. Members may recall that a report on a proposed change to policy, requiring out of area applicants to support their applications with evidence of working within the Taunton Deane area, was presented and resolved at the last meeting of the committee. Since the policy has been introduced, application numbers have begun to decline and a number of applicants have withdrawn their applications. The full impact of the change to policy will be clearer when the numbers of applications are known for the period of October to December.

Service requests

- 3.6 Also shown at **Appendix 1** are the numbers of service requests received between July and September 2015, compared with the previous two years. Nine of the requests constituted complaints about the conduct of licensed hackney carriage and private hire vehicle drivers.
- 3.7 Numbers of service requests recorded in this period have shown no dramatic change since the period in 2014.

Hearings

- 3.8 Only one formal hearing took place between July and September. A licensing sub committee was held in August to determine a premises licence grant application for Knapp Farm, Hillfarrance.
- 3.9 A licensing sub committee also met informally in July. This was to determine an application to vary a premises licence for 2 Bridge Street, Taunton. A formal hearing was dispensed with, following mediation and a compromise having been reached between the applicant and residents who had made representations (in accordance with regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005). Members of the sub committee met with the case officer for a verbal update and to determine the application, without the applicant and residents having to attend.

Forums

- 3.10 There have been two meetings of the taxi forum since the last committee. Since then, officers and members of the trade have been exploring a number of ideas brought forward at previous meetings, which include limiting the number of hackney carriages and expanding the 'fit and proper' person test applied to drivers to include a requirement to provide proof of proper business accounting and reviewing Council policy which restricts the types of vehicle that can be licensed as a hackney carriage. Two reports on these issues will be presented at the next meeting of the licensing committee.

Changes to legislation

- 3.11 On 1 October 2015, section 10 of the Deregulation Act 2015 came into effect, changing the duration of some hackney carriage and private hire vehicle driver licences and private hire operator licences.
- 3.12 Prior to the commencement of the Act, licensing authorities could grant hackney carriage/private hire drivers licences for up to three years in duration. Our current licence and fee structure permits a one year licence to be issued upon an application for the grant of a licence. The licence holder then has a choice to renew that licence for one year or three years thereafter. The change in legislation creates a standard duration of three years upon grant or renewal, unless there are circumstances which would justify a lesser period.
- 3.13 With regard to private hire operator licences and prior to the commencement of the Act, licensing authorities could grant private hire operator licences for up to five years in duration. Our current licence and fee structure permits a one year licence to be issued upon applications for both the grant and renewal of a licence. The change in legislation creates a standard duration of five years upon grant or renewal, unless there are circumstances concerning the driver which would justify a lesser period.
- 3.14 With no fee structure in place to facilitate a the grant of a three year driver licence and grant or renewal of a five year private hire operator licence, we are not fully compliant at present but work will be undertaken to develop new fees and procedures so that a report can be presented on the matter at a subsequent licensing committee meeting.

4 Finance Comments

- 4.1 The temporary increase in staffing will cost an additional £19,000 over the 4 months that initial estimate suggests they will be required. There will also be a small impact on the income stream with the withdrawal of applications that have not been processed within the required timescales but this should be mitigated by the staffing increase.
- 4.2 Further detail on the implications of the Deregulation Act 2015 will be provided at the next committee meeting.

5 Legal Comments

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

6 Links to Corporate Aims

- 6.1 The Licensing Service is committed to helping businesses and individuals to comply with all relevant legislation in order to support new and existing businesses and enabling cultural and leisure activities, thereby supporting the Council's Corporate Aims of 'a vibrant economic environment' and 'a vibrant social, cultural and leisure environment'.

7 Environmental and Community Safety Implications

7.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring environmental and community safety.

8 Equalities Impact

8.1 As an update report there are no equality impacts upon service users, employees or the wider community. Any new policies, procedures and processes implemented by the Licensing Teams undertaking of project work will be subject to the requirement of an Equality Impact Assessment.

9 Risk Management

9.1 Steps to secure additional resources have been taken to address the work backlog and mitigate the risk of the service failing to achieve its aims, as identified at paragraph 7.1, which will also mitigate the risk to the reputation of the Council.

10 Partnership Implications

None identified

11 Recommendations

That the report be noted.

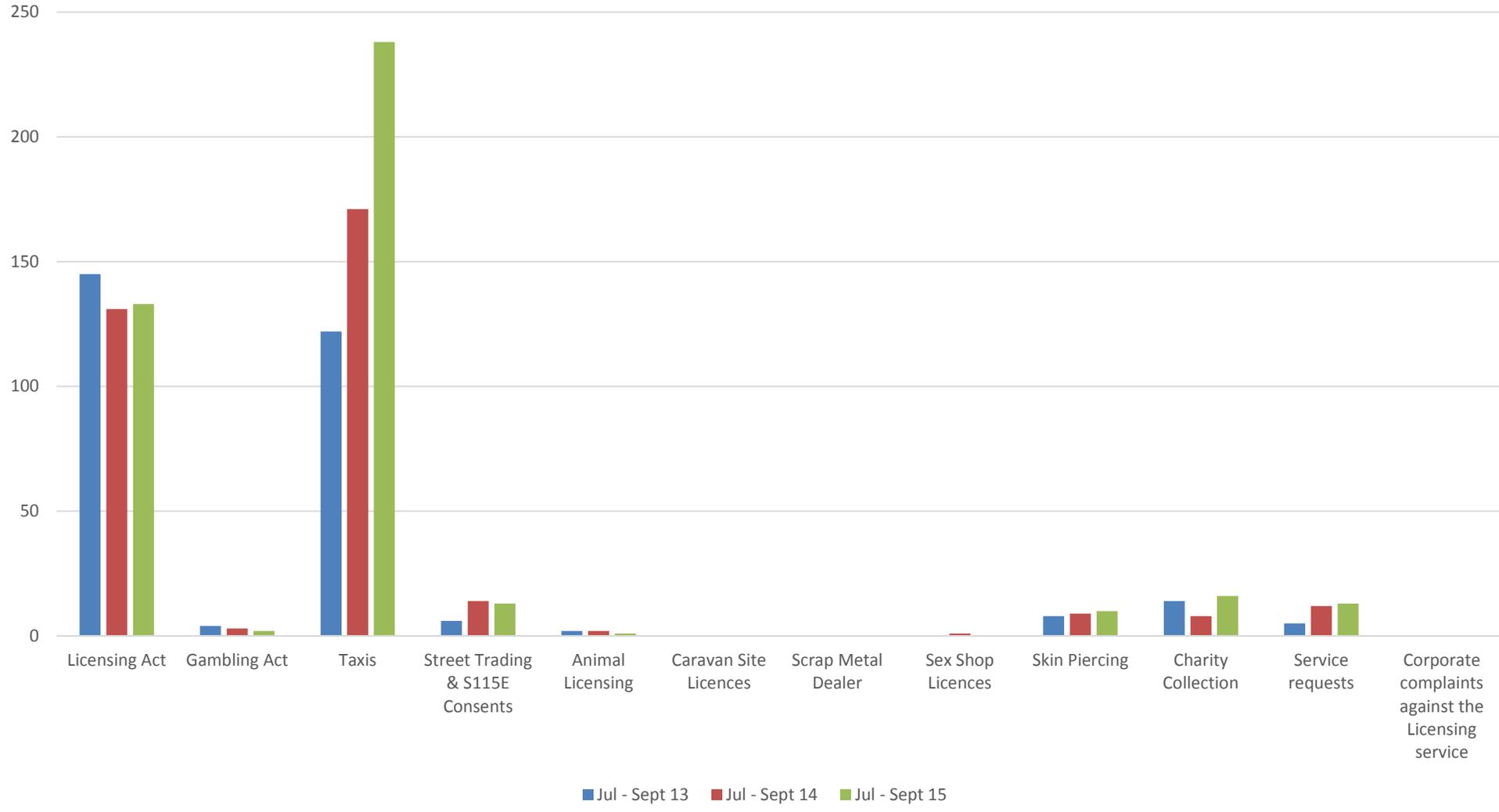
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Appendix

Appendix 1 – Table showing Number of Applications Received, Notices Given, Service Requests and Complaints

Appendix 2 – Spreadsheet of Licenses Issued and Notices Given

Applications Received, Notices Given, Service Requests and Complaints



Licences Issued and Notices Given

These figures show the number of licences in force at the 14 October 2015 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	402
Licensing Act 2003 Club Premises Certificates	30
Licensing Act 2003 Personal Licences	1301
Licensing Act 2003 Temporary Event Notices	3111

Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	8
Gambling Act 2005 Occasional Use Notices	35
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	97
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	4
Gambling Act 2005 Notification of 2 or less Gaming Machines	62

Hackney Carriages	209
Private Hire Vehicles	53
Hackney Carriage & Private Hire Drivers	322
Private Hire Operators	20

Street Trading Consents	28
Section 115E (Pavement Café) Permits	

Zoo Licences	0
Pet Shop Licences	7
Dog Breeding Licence	2
Animal Boarding Licence	13
Riding Establishment Licences	11
Dangerous Wild Animal Licences	0

Caravan Site Licences	42
Scrap Metal Dealer licence	17
Sex Shop Licences	2
Skin Piercing Registrations	258
Street Collection Permits	288
House to House Collection Permit	118