

You are requested to attend a meeting of the Licensing Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 1 June 2016 at 18:15.

Agenda

- 1 Appointment of Chairman.
- 2 Appointment of Vice-Chairman
- 3 Apologies.
- 4 Minutes of the meeting of the Licensing Committee held on 2 March 2016 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 Licensing Service Update Report. Report of the Licensing Manager (attached).
Reporting Officer: John Rendell
- 8 Report on Changes to Testing Regime for Hackney Carriage and Private Hire Vehicles. Report of the Licensing Officer (attached).
Reporting Officer: Alison Evens

Bruce Lang
Assistant Chief Executive

06 October 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.

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

Licensing Committee – 2 March 2016

Present: Councillor Miss Durdan (Chairman)
Councillor James (Vice-Chairman)
Councillors Brown, Davies, Mrs Edwards, Gage, Mrs Gunner, Hunt, Mrs Lees,
Morrell, Nicholls and Sully.

Officers: John Rendell (Licensing Manager), Alison Evens (Licensing Officer), Mark Banczyk-Gee (Licensing Officer) and Emma Hill (Democratic Services Officer)

Other: Councillor Berry
Councillor Lillis - Chairman of Licensing Committee, West Somerset Council

(The meeting commenced at 6.15 pm)

1. Apologies/Substitution

Apologies: Councillors Mrs Adkins and Ross.
Substitution: Councillor Morrell for Councillor Ross.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 18 November 2015 were taken as read and were signed.

3. Declarations of Interest

Councillor Hunt declared a personal interest as a member of Somerset County Council.

4. 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.

Since the last meeting of the committee, John Rendell had been appointed as Licensing Manager and Mark Banczyk-Gee as Licensing Officer.

The performance of service was measured against the number of applications that had been determined within 14 days of receipt and this target was 95% within the timescale. 71% of applications had been determined within the timescale. Although the service had not achieved its target for quarter three, this did represent an improvement of 11% on quarter two.

The Licensing Team had launched a 'duty assistant/officer' rota in December to look to improve customer service, staff diary management and overall performance of the service and statistics for December had shown a further improvement, with 80% of applications determined within the timescale. The aim was to achieve the performance target for quarter one of the 2016/2017 financial year.

The team had now reduced the total number of incomplete activities to 136, with 61 left of the original isolated backlog. The number of incomplete activities would never realistically reach zero, due to regular submissions of applications, which could not legally be determined right away.

Noted that an independent inquiry into Child Sexual Exploitation (CSE) cases, had highlighted “significant concerns” that taxi and private hire vehicles had been used to transport victims, with young people being collected from outside schools, bus and railway stations and care homes and then returned.

Taxi drivers were key to identifying CSE as they might come into contact with children or young people who were being transported by the perpetrator, by taxi.

To support the work of the Somerset Local Safeguarding Children Board CSE Strategic Group a new guide had been developed to help taxi and private hire vehicle drivers identify the signs of CSE and understand how and where to report it.

The guide was circulated to Members and would be introduced to the taxi and private hire trade at a future meeting of the ‘Taxi Forum’ and would also be developed into a more compact, user friendly leaflet.

Members were provided with a comparison of the number of applications received between October and December 2015 for the preceding two years and a summary of the numbers of licenses in force and notices given as at 9 February 2016.

The application numbers during this period remained fairly similar in number to that period in the preceding two years, with the exception of taxi and private hire related applications. Although interest from out of area drivers had reduced since the implementation of the Out of Area Driver Policy last August, there were many out of area applicants still attempting to renew licences. Five licences had been refused during this period on the grounds that the applicants had been unable to provide evidence to support working as a hackney carriage/private hire driver in Taunton Deane.

Members were also provided with the numbers of service requests received by the service between October and December 2015, compared with the previous two years.

There were significantly more service requests recorded in 2015 due to a combination of improved record keeping and an increase in complaints against hackney carriage and private hire vehicles and drivers. 35 of the 39 service requests in 2015 related to complaints against hackney carriage and private hire vehicles and drivers.

During the discussion of this item, the following points were raised:-

- With regard to CSE the drivers were being encouraged to report any possible incidents of CSE to multi-agency partners tasked and trained to investigate these cases and observations.
- Members expressed that this might apply undue pressure upon taxi drivers. Officers accepted this was a valid concern surrounding pressure to identify and report suspected incidents with their limited knowledge.

- Members suggested that this should be widened to encourage the reporting of all crime by drivers and operators and they should be issued with a confidential contact number to report such crimes.
- Could service performance data be widened to encompass data from each quarter within the financial year as well as comparisons to entire previous years?
- Clarification was sought as to how the department ensured that the Licensing Officer kept up to date with current legal thinking, common laws and statutes and what resources had been made available for this. Reassurance was given that regular updates on changes to the existing law and new case law were provided and officers had the opportunity to attend relevant training courses.

Resolved that the report to be noted.

5. Report on Hackney Carriage Vehicle unmet Demand Survey

Considered report previously circulated, concerning the proposal for the commission of a Survey about the unmet demand for Hackney Carriage Vehicles.

Through meetings of the 'Taxi Forum', the Hackney Carriage and Private Hire trade had put forward a number of proposals, which included introducing a limit on the numbers of Hackney Carriage vehicles licensed by the Council.

The qualitative and quantitative data that would be gathered from the commissioned survey would be used as part of policy review and development.

The Taxi Forum had met irregularly since 2012 and a number of key recurring issues had been raised and had become prominent in meetings of the forum held since August 2015.

In 1998, the Council removed a restriction on the number of Hackney Carriages that could be licensed to operate in Taunton Deane, enabling an increase from 63 vehicles. This number rose to 140 in April 2009 and currently stood at 204.

Representatives at the Taxi Forum and members of the trade in general agreed that the provision of Hackney Carriages outweighed demand, opinion as to whether Hackney Carriage numbers should be limited was divided, with many concerned that a restriction would not allow existing businesses to grow.

Also in 1998, the Council decided to introduce the requirement that all new Hackney Carriage vehicles must be wheelchair accessible.

The decision to introduce an accessibility requirement was made in response to Central Government policy current at the time. However the Government had abandoned this policy prior to 2005 and to this current day, there was no definitive proposal to introduce a requirement for all Hackney Carriages to be wheelchair accessible.

Vehicles that were adapted to carry wheelchairs were naturally higher in price than those, which were not. Officers were also aware of anecdotal evidence from members of the trade and members of the public, which pointed to wheelchair accessible vehicles being difficult to access for people with non-wheelchair based mobility issues, particularly the elderly.

It was understood that demand for saloon style vehicles outstripped that of wheelchair accessible vehicles, due to the demographic of users and that as a result, only those within the trade who operated protected saloon style Hackney Carriages had access to this market.

Reported that there was concern that the current vehicle specification policy might not be adequately meeting the needs of the travelling public, nor was it providing members of the trade, current and new, with equal business opportunities.

To establish the existence or otherwise of unmet demand and at the level at which numbers could be restricted, usual practice was for an initial survey to be taken, to then be repeated at regular intervals (every three years).

As well as establishing the level of demand for Hackney Carriages so that the Committee could consider whether restricting the number of licensed vehicles was appropriate, such a survey would also provide other qualitative and quantitative data on demand for Hackney Carriages by wheelchair users, behaviour of drivers and members of the public at taxi ranks and perceptions of the trade from service users. This would help to review and develop, where appropriate, other areas of Hackney Carriage and private hire policy.

It was anticipated that such a survey would take around three months from commission to production of the survey report.

The results of the survey would not bind the Council, should no unmet demand be established. It was intended that the results the survey would be used to inform discussion and the review of Hackney Carriage and private hire related policy.

During the discussion of this item, the following points were raised:

- Would the Council have to wait for any Government decision before making a policy change regarding the types of taxi vehicles and restricting their numbers? The Committee would have to be mindful of this when looking at the results of the survey but there was no information or timescale from the Government about the possibility of new legislation and there had been no clear direction from the Government since 2005.
- Was there anything Licensing could do to restrict or prevent Taxi Drivers and Operators being able to sell on their vehicles with the license plates at a substantial cost? The current legislation allowed this to happen.
- Could West Somerset Council (WSC) 'piggy back' on the proposed survey – that is for the survey to cover the WSC district as well?
- Members were informed that the possibility of a joint survey would be investigated and, if considered sensible, would be presented to the WSC Licensing Committee for approval.
- Members were informed that the proposed survey was an additional project for the service but it would be commissioned to an outside company and the additional cost of the survey would be met by future Licensing fee setting and not from the General Fund.

Resolved that the commissioning of an Unmet Demand Survey on the Hackney Carriage Vehicles be approved.

6. Report on Proper Business Accounting by Hackney Carriage and Private Hire Vehicle Drivers and Operators

Considered report previously circulated, concerning an update on the work of the Licensing service following calls from the Hackney Carriage and private hire trade to clamp down on drivers and operators who evaded tax.

This issue had been explored at length at recent Taxi Forums and a number of proposals, had been discussed. There were already existing channels that allowed members of the public to report tax evasion directly to Her Majesty's Revenues and Customs (HMRC). Some members of the forum felt that, rather than report intelligence or evidence of crime to HMRC, to prevent crime, the Council should require drivers and operators to demonstrate proper business accounting, which included payment of VAT before they received a licence.

Before the Council could grant or renew a licence to a Hackney Carriage/private hire vehicle driver or private hire operator, it must be satisfied that the applicant was a 'fit and proper person'. It was arguable that the Council could require an applicant to demonstrate proper business accounting as an element of the 'fit and proper' decision making process.

Any proposal to require applicants to demonstrate proper business accounting would have the potential to increase costs to be recovered through the fees levied for grant and renewal applications for drivers and private hire operators. However, the discussions between both the Forum and the Council had focussed on proposals which might deliver the desired outcome but with minimal time expenditure.

One such proposal was that upon applying to renew a licence, an applicant must provide a 'Unique Tax Reference' (UTR) number, which identified an individual as a self-employed tax payer. It was proposed that this information could then be provided to HMRC.

Representatives of HMRC had been in contact with the Licensing Manager with a view to holding a meeting to discuss the risk of non-compliance with tax paying requirements amongst the licensed driver population and the potential for data sharing. It was anticipated that this meeting would take place in March.

A further report with an update and full set of recommendations would be presented at the next Licensing Committee meeting.

Resolved that the report be noted.

(The meeting ended at 6.50 pm)

Taunton Deane Borough Council

Licensing Committee – 1 June 2016

Licensing Update report

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : John Rendell, Licensing Manager

1 Executive Summary

- 1.1 This report provides an update on the activities of the council's licensing service, changes to legislation, current consultations and other general licensing matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
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	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

Staffing

- 4.1 Since the last meeting of the committee, Alison Evens has been permanently appointed as Licensing Officer. Alison had previously been acting as a Licensing Officer on a temporary basis, providing maternity cover in the team. Before that, she had served a number of years as Licensing Assistant.

Performance of the service

- 4.2 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.
- 4.3 The service did not achieve this target for the final quarter of the financial year (having also failed to reach the target for the previous three quarters), determining 91% of applications within the timescale. However, this figure does represent an improvement of 20% when compared with the third quarter (71%).

- 4.4 Improvement in the performance of the service has been continual, since an all-time low of 60% was recorded for the second quarter.
- 4.5 The team aims to achieve the performance target for the first quarter of the 2016/17 financial year.

Backlog

- 4.6 Members will recall that failings in the service resulted in the development of a backlog of applications in 2015, which as of September 2015 stood at 420 incomplete activities on the service database. 283 of those activities became an isolated backlog.
- 4.7 At the last licensing committee meeting, it was reported that the isolated backlog had been reduced to 61. There is currently only one remaining application left outstanding from the backlog.

Licensing team 'duty rota'

- 4.8 As mentioned briefly in the update report presented to the Licensing Committee at the meeting in March, the team began trialling a 'duty assistant/officer rota' in December 2015, the purpose of which was to, primarily, improve customer service. This was prompted by high levels of complaints made by customers, particularly surrounding responses to telephone calls and emails.
- 4.9 The primary purpose of the duty rota was to ensure that individuals within the team would take ownership of each customer enquiry, regardless of its types; whether a telephone, email or face to face enquiries or application submission. This was to be achieved through the designation of a 'duty' licensing assistant and licensing officer for each working day, whose primary focus is to respond to enquiries.
- 4.10 Following a successful trial, the rota was formally implemented in January. It has since evolved as other benefits of using the rota have been identified, such as its use as the basis for distributing work evenly between team members. To provide members of the committee with more information, the duty rota guide is attached at **Appendix A**.

4.11 Extension to licensing hours to mark the Queen's 90th birthday

- 4.12 The government is to allow premises that are licensed for alcohol on-sales e.g. pubs, clubs and restaurants, to extend their operating hours on the 10th and 11th of June this year to mark the Queen's 90th birthday.
- 4.13 Within the draft order; The Licensing Act 2003 (Her Majesty The Queen's Birthday Licensing Hours) Order 2016, are measures to authorise premises that can currently sell alcohol to be consumed on their premises till at least 11:00pm to continue trading through the night until 01:00am on the 11th and 12th of June. Premises that must currently cease trading before 11:00pm, will not benefit from this order, should it become a full statutory instrument.
- 4.14 The extension would apply to all licensable activities that premises within scope currently have authorisation for, so could permit later alcohol on-sales (but not off-sales), entertainment and late night refreshment. Any licence conditions that currently apply, would also apply for any extended hours of trading.
- 4.15 The draft order was approved on 5th May 2016, following approval by the Commons on

28th April 2016 and will come into force in due course.

Development of the hackney carriage and private hire driver knowledge and suitability interview

- 4.16 The knowledge and suitability interview is the final stage in the consideration of the fit and proper test applied to all those seeking a hackney carriage and private hire drivers licence from the Council. It is a chance for the officer to meet the applicant face to face and establish, amongst other things, their knowledge of current policy and legislation. The officer also assess the demeanour, comprehension and motivation of the applicant before answering the overarching question " Would you allow your son daughter, mother, spouse or other person you care about get into this vehicle with this person alone?".
- 4.17 At the meeting of the Licensing Committee on the 26th of August 2015, Members approved to expand of the knowledge and suitability interview, to include questions on local geography and an appropriate level of mathematical ability. However, work to progress these new elements of the interview stalled as the service underwent significant upheaval during the remainder of 2015.
- 4.18 Since the turn of the year, this work has recommenced. The team have been drawing from examples of good practice from neighbouring authorities and have created a pool of 30 questions similar to knowledge tests used by Mendip and South Somerset District Councils, designed to test applicants on their knowledge of points of interest, the wider transport network and main artery roads in the district, among others. A list of sample questions is attached at **Appendix B**.
- 4.19 The aim is was to supplement the pool of geographical test questions with questions on maths and using currency, plus the Highway Code and passenger driving good practice, akin to the tests used by Mendip and South Somerset. Further sample questions are included in **Appendix B** to give members of the committee an idea of what applicants can expect. Each pool of questions will be separated into set test papers, reducing the likelihood of applicants being able to anticipate the questions they will be asked.

Deregulation of low level lotteries

- 4.20 Amendments to the Gambling Act 2005 to reduce red tape associated with charitable and not for profit lotteries took effect on the 6th of April.
- 4.21 Lotteries are a form of gambling that, in general terms, involves partisans having to pay to enter the 'game' and the awarding of a minimum of one prize based on chance. Common forms of lottery include raffles, sweepstakes, 100 clubs and duck races although not all require authorisation.
- 4.22 There are various types of lottery which do not require formal authorisation, such as lotteries run by private societies, for customers of a business or at places of work, for which strict rules apply, despite authorisation not being required. Under previous rules, these lotteries could not be used to raise money for charitable or not for profit causes and instead, monies raised could only be used for the purposes for which each group or society was established.
- 4.23 The changes to the Gambling Act 2005 now also enable lotteries arranged to raise money for charitable or not for profit causes to be held during commercial events, whereas this was prohibited previously.

- 4.24 The Gambling Commission's basic guide to lotteries and raffles is to be included with this report for more information.

Tackling unlicensed animal boarding establishments

- 4.25 Businesses that provide accommodation for cats or dogs, during the day or overnight and in a home or commercial premises, require an 'animal boarding' licence from the local authority, in accordance with the Animal Boarding Establishment Act 1963.
- 4.26 Members of the licensed animal boarding business community have brought to the attention of officers details of numerous unlicensed boarding providers who are advertising on notice boards in pet shops, veterinary clinics and through social media sites.
- 4.27 As well as contacting those concerned, in order to signpost members of the public to a list of licensed providers published on the Council website, pet shops and veterinary clinics within the district have been contacted by letter and asked to display the notice attached at **Appendix C**.
- 4.28 The Environmental Health department are planning a 'Dog Action Day' on Wednesday 25th of May, where they will be visiting popular dog walking sites to speak to dog owners about responsible dog ownership and fouling law in particular. Licensing Officers plan to also participate to also raise awareness of animal boarding licensing and the list of licensed providers published online in particular.

Applications received and licences in force

- 4.29 The numbers of applications received for each of the regimes administered by the Licensing Team between January and March 2016 are shown in comparison with those received for the period in the preceding two years at **Appendix D**. The numbers of licenses currently in force and notices given as of the 10 May 2016 are shown at **Appendix E**.
- 4.30 Generally, application numbers during this period remain fairly similar in number to that period in the preceding two years.

Service requests

- 4.31 Also shown at **Appendix A** are the numbers of service requests received between January and March 2016, compared with the previous two years.
- 4.32 There are significantly more service requests recorded in 2015 due to an improved record keeping.

5 Links to Corporate Aims / Priorities

- 5.1 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 enable cultural and leisure activities, thereby supporting the Council's growth agenda.

6 Finance / Resource Implications

- 6.1 None identified.

7 Legal Implications (if any)

7.1 There are no legal implications resulting from this report.

8 Environmental Impact Implications (if any)

8.1 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.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 There are no specific safeguarding or community safety implications identified as a result of this report.

10 Equality and Diversity Implications (if any)

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications (if any)

11.1 No social value implications have been identified.

12 Partnership Implications (if any)

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications (if any)

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications (if any)

14.1 No asset management implications were identified.

15 Consultation Implications (if any)

15.1 No consultation implications were identified.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : Once only Ad-hoc Quarterly
 Twice-yearly Annually

List of Appendices

Appendix A	Duty Licensing Assistant and Duty Licensing Officer system
Appendix B	Hackney carriage and private hire driver knowledge and suitability interview
Appendix C	Animal boarding licensing notice
Appendix D	Applications received, notices given, service requests and complaints
Appendix E	Licences issued and notices given
Appendix F	Running Lottery – A Quick Guide

Contact Officers

Name	John Rendell
Direct Dial	01823 256343
Email	j.rendell@tauntondeane.gov.uk

Duty Licensing Assistant and Duty Licensing Officer system

Purpose

Provide a first and second 'line of defence' for all enquiries through the designation of a 'duty licensing assistant' (DLA) and 'duty licensing officer' (DLO) for every working day.

Ensure a good level of customer service is maintained, through ownership within the team of all enquiries; whether verbal, electronic, paper based or in person.

Facilitate the even distribution of work amongst the team and support diary and time management, by enabling the non-duty members of the team to focus on other, less customer service focussed tasks e.g. finance, progression of applications, investigations and projects.

Support the service in achieving the performance target.

Priority

When acting as the DLA or DLO, the responsibilities of acting as the DLA or DLO become the number one priority for that individual, for that working day.

Each responsibility that the DLA and DLO has is of equal importance. Clearly, phone calls made to the office direct dial line will take immediate priority as they cannot be ignored but both the DLA and DLO must effectively manage the remainder of their time during the working day to ensure that emails and applications are progressed in line with internal procedures and/or legislative requirements.

Where possible, the DLA and DLO must avoid attending meetings and duties which might require them to be out of the office for a period of time e.g. an inspection, except where it is essential for the needs of the service. In such instances, the DLA or DLO must arrange suitable cover in the form of a substitute DLA or the DLO.

Duty Licensing Assistant role and responsibilities

Telephone

- Answers the licensing direct line telephone;
- Ascertains the nature of the enquiry and responds as far as knowledge and skills allow;
- Transfers enquiries that cannot be dealt with to the DLO or Licensing Manager, where appropriate;
- Takes all reasonable steps to deal with the customer enquiry even if the customer requests to speak with a named officer, except where a member of the team has made it known that they are expecting a call back;
- Complaints made by telephone:

- Records complaints against licensed premises, persons or vehicles as a 'Service Request' (SR) whilst a customer remains on the telephone;
- Explains an officer will be in contact within 48 hours to explain likely actions;
- Gives the customer their SR reference number before finishing the call;
- Sends an email to the DLO with the SR reference for it to be progressed.
- Voicemail:
 - Collects messages from the voicemail service and responds to messages as far as knowledge and skills allow and by the end of the following working day;
 - Sends an email to the DLO with the details of any voicemail messages that cannot be dealt with.

Emails

- Monitors the licensing service email address inbox and filters enquiries; responding to emails as far as knowledge and skills allow (using the generic email signature - see Appendix 1 for template), then forwards the remainder to the DLO or Licensing Manager, as appropriate.
- Filters Gov.uk notifications and responds to applications as appropriate (see task matrix) and forwards the remainder to DLO;
- Deletes emails once a suitable response has been provided (including allocation to the Duty LO), which must be by the end of the following working day.

Applications

- At the start of the working day, collects applications and post from the Licensing & Planning reception desk;
- Filters the applications collected, responds to applications as appropriate (see task matrix) and leaves the remainder in the DLO in-tray.

Duty Licensing Officer role and responsibilities

Desk use

- Work from the designated DLO desk within the office to facilitate flexible working within the team and maximise support to the DLA.

Telephone

- Answers the licensing direct line telephone when the DLA is unavailable;
- Takes all reasonable steps to deal with the customer enquiry even if the customer requests to speak with a named officer, except where a member of the team has made it known that they are expecting a call back;
- Complaints made by telephone:
 - Records complaints against licensed premises, persons or vehicles as a 'Service Request' (SR) whilst a customer remains on the telephone;
 - Explains an officer will be in contact within 48 hours to explain likely actions;

- Gives the customer their SR reference number and explains the likely course of action, before finishing the call.

Emails

- Responds to email enquiries sent by the DLA, using the generic email signature (see Appendix 1 for template);
- Checks and inputs applications upon receipt of Gov.uk notifications sent by the DLA.
- Upon receiving notification of a SR from the DLA, must contact the customer within 48 hours of SR being logged, quoting the SR reference number, to explain likely actions.

Applications

- Manages the drawer system and prioritises applications to ensure work is completed in line with the performance target and service objectives;
- Filters applications that are left in the DLO in-tray, responds to and inputs applications as appropriate (see task matrix) and leaves the remainder in the DLA in-tray, only delegating work when a critical workload level is reached.

Team responsibilities

- When expecting a telephone call back from a customer, team members must notify the DLA.

Appendix 1

Template Licensing generic email signature for use when replying to Licensing email address enquiries:

Kind regards

<*first name*>

The Licensing Team
of Taunton Deane Borough Council and West Somerset Council
01823 356343

licensing@tauntondeane.gov.uk

www.tauntondeane.gov.uk

www.westsomersetonline.gov.uk

Hackney carriage and private hire driver knowledge and suitability interview

Sample geographical test questions (not included in actual test)

1. Where would you find the Greyhound Inn?
 - a) Norton Fitzwarren
 - b) Fitzhead
 - c) Staple Fitzpaine
 - d) Otterford

2. What road is the entrance to Kings College school on?
 - a) North Street
 - b) East Street
 - c) South Street
 - d) West Street

3. What main road would you use to get from Wellington to Tiverton?
 - a) A38
 - b) A358
 - c) A303
 - d) A39

4. You pick someone up from the Priory Way entrance to the Somerset County Cricket Club and they ask to be taken to the Premier Inn at Ruishton. Which is the most direct route?
 - a) St James Street, Priory Avenue, Toneway (A358)
 - b) Priory Way, Toneway (A358)
 - c) Priory Way, A38
 - d) Priory Way, A39

Sample maths/currency test question (not included in actual test)

1. You carry out four fares in a day, taking £25, £12.50, £17.40 and £3.60. How much does that add up to?

2. You carry out a fare and the meter reads £16.40. The customer pays you with a £20 note. What amount in change should you give them?



Do you love your pet?

Only send your pets to Licensed animal boarders.

Businesses that provide accommodation for cats or dogs, during the day or overnight and in a home or commercial premises, require an 'animal boarding' licence from the local authority, in accordance with the Animal Boarding Establishment Act 1963.

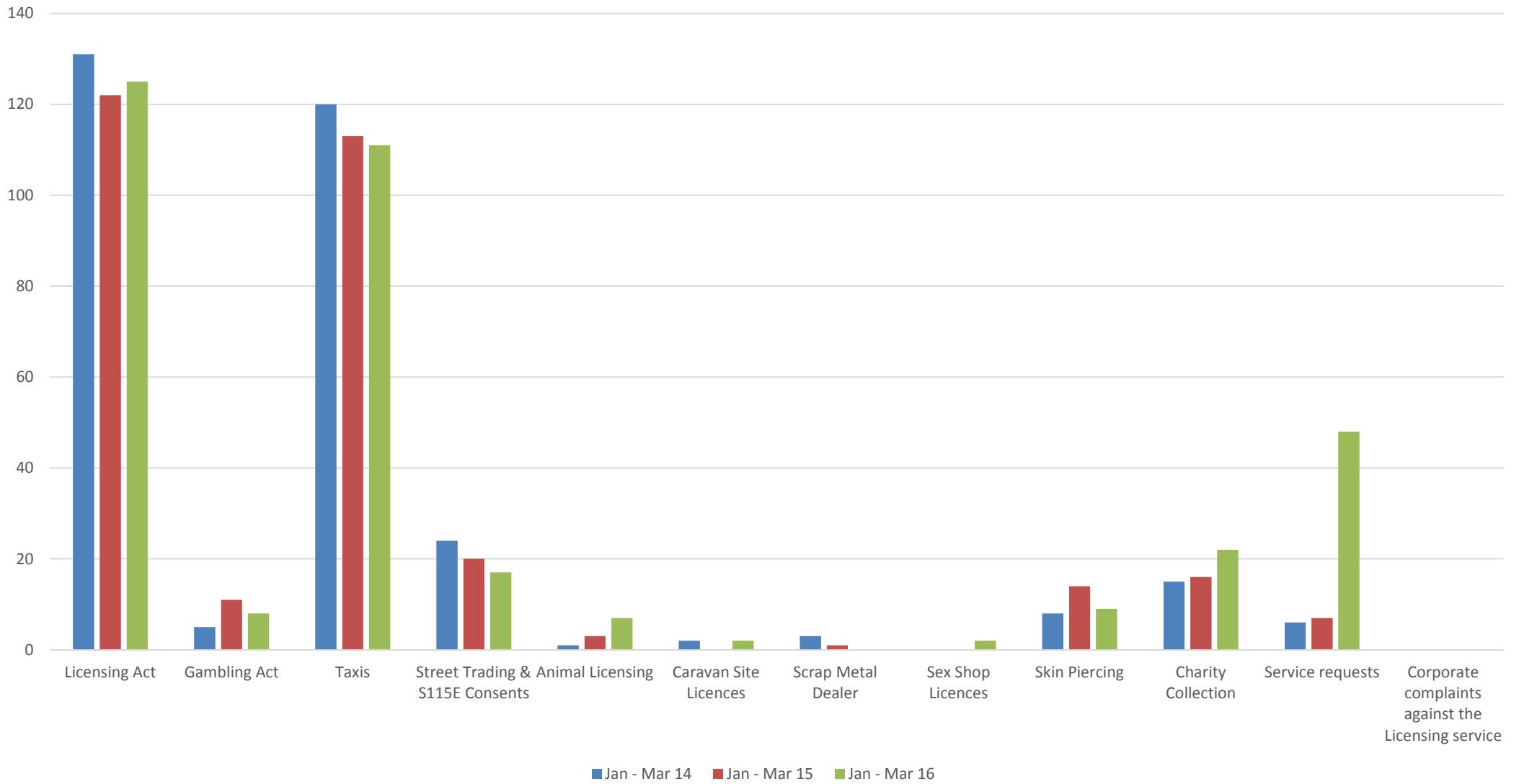
Those who operate without a licence break the law and can be prosecuted. They do not necessarily meet the required minimum standards that licensed businesses have to comply with by law and any insurance policy they might claim to have in order to protect your pet, were it to stay with them, and is likely to be invalid.

Before you book somewhere for your pet to stay, check the business is properly licensed by visiting our 'licensed animal businesses' webpage on our website; **www.tauntondeane.gov.uk** or you can phone us on 01823 356343 for more information.

A handwritten signature in black ink, appearing to read 'J. M. D. W.', is positioned above the title.

Licensing Manager

Applications Received, Notices Given, Service Requests and Complaints



Licences Issued and Notices Given

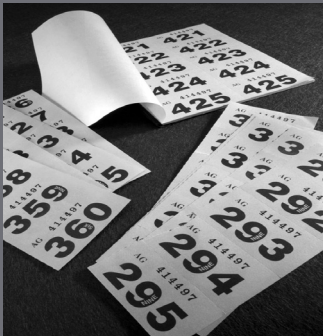
These figures show the number of licences in force at the 9 February 2016 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	407
Licensing Act 2003 Club Premises Certificates	29
Licensing Act 2003 Personal Licences	1347
Licensing Act 2003 Temporary Event Notices	3258
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	10
Gambling Act 2005 Occasional Use Notices	40
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	103
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	63
Hackney Carriages	189
Private Hire Vehicles	36
Hackney Carriage & Private Hire Drivers	265
Private Hire Operators	22
Street Trading Consents	20
Section 115E (Pavement Café) Permits	6
Zoo Licences	0
Pet Shop Licences	3
Dog Breeding Licence	3
Animal Boarding Licence	13
Riding Establishment Licences	10
Dangerous Wild Animal Licences	0
Caravan Site Licences	42
Scrap Metal Dealer licence	18
Sex Shop Licences	2
Skin Piercing Registrations	246
Street Collection Permits	298
House to House Collection Permit	125

Running a lottery including raffles, tombolas, sweepstakes and more



[Click here for printer-friendly version](#)



People have a variety of reasons for wanting to run a lottery. They may want to collect money for a good cause such as a charity or help their local sports club buy some equipment or simply to have some fun by running an office sweepstake.

Whatever the reason – fundraising or just fun – lotteries are a form of gambling and so there is a need for safeguards and other regulations.

These regulations are all set out in the Gambling Act 2005 and are the responsibility of the Gambling Commission, which has issued this leaflet.

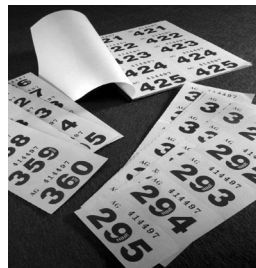
We will try to answer some initial questions and help you to decide which type of lottery to go for.

This leaflet does not apply to any National Lottery products. The National Lottery is regulated by the Gambling Commission under a separate Act.

What exactly is a lottery?

A lottery is a kind of gambling which has three essential ingredients:

- You have to pay to enter the game
- There is always at least one prize
- Prizes are awarded purely on chance



A typical small-scale lottery is a raffle where players buy a ticket with a number on it. The tickets are randomly drawn and those holding the same numbered ticket win a prize.

Another version is a sweepstake, for example, where the participants pay to randomly draw the names of a horse in a race. The person who draws the winning horse wins the entry money.

There are other versions too, such as a tombola - often found at a funday or summer fete; or a 100 club which is often a weekly event organised, for members only, by a PTA.

As well as the three elements of a lottery outlined above, they all (with the exception of incidental lotteries) have something else in common: while there is no maximum price for a ticket, in each lottery all tickets must cost the same. That way, everyone has the same chance of winning for the same outlay. Incidental lotteries are the exception to this rule and do not have specific ticket requirements.

Types of lottery under the Gambling Act 2005

For legal reasons, the Gambling Act has created eight categories of lottery, each of which has its own dos and don'ts. Here is a short description of them, together with a table on the back page to answer some initial queries.

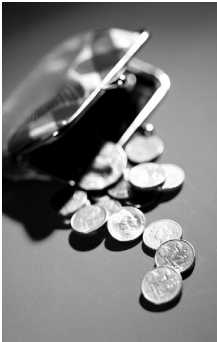
These types of lottery require permission, find out more about them in *Promoting society and local authority lotteries* a publication on the Commission website.

Small society lotteries The society in question must be set up for non-commercial purposes eg sports, cultural or charitable. There is a top limit of £20,000 in ticket sales.

Large society lotteries Similar to the small society lottery, but there is a minimum of £20,000 in ticket sales.

Local authority lotteries Run by the local authority, to help with any expenditure it normally incurs. They must hold a Gambling Commission licence.

These types of lottery do not require permission, find out more about them in *Organising small lotteries* a publication on our website.



Private society lotteries Must raise money for the purposes for which the society is conducted or to raise funds to support a charity or good cause. No rollovers.

Work lotteries/Residents' lotteries Only for colleagues who work at the same single set of premises/people who live on the same single set of premises. No rollovers. Must either:

- Make no profit (ie all the proceeds are used for reasonable expenses and prizes)
- Or be to raise funds for a charity or good cause.

Customer lotteries These can only be run by a business, at its own premises and for its own customers. No prize can be more than £50 in value. This type of lottery cannot make a profit, and so is unsuitable for fundraising. No rollovers.

Incidental lotteries These can be held at commercial events (such as exhibitions) or non-commercial events (such as school fetes) and must be for charitable or other good causes. They cannot be run for private or commercial gain.

All tickets must be sold at the location/time of the event but the draw can be at the event or after it has finished. Promoters of the lottery may deduct from the proceeds of the lottery no more than £100 for expenses and no more than £500 spent on prizes (other prizes may be donated). No rollovers.

The following refers to the table on the back page

System A	System B	System C	System D
Tickets must show the name of the society or local authority, the ticket price, the name and address of the organiser and the date of the draw.	Tickets must show the name and address of the organiser, the ticket price, any restrictions as to who may or may not buy a ticket, and state that the rights created by the ticket are non-transferable.	A ticket must be provided but there are no specific requirements for tickets. The price payable for each ticket must be the same and the rights created by the ticket are non-transferable.	A ticket must be provided but there are no specific requirements for tickets.

Type of Lottery	Fund raising?	Who can play?	Who can run one?	Limits on time	Limits on place	Can I claim my costs?	Rollover permitted?	Ticket system (See over)
Types of lottery that require permission								
Small Society	Yes, at least 20% of proceeds	16 & over	Society members or nominated fundraisers	None	Check with licensing authority	Yes, for prizes and expenses: Up to 80% of sales	Yes	A
Large Society	Yes, at least 20% of proceeds	16 & over	Society members or nominated fundraisers	None	Not in public street	Yes, for prizes and expenses: Up to 80% of sales	Yes	A
Local Authority	Yes, at least 20% of proceeds	16 & over	Authority nominees	None	Not in public street	Yes, for prizes and expenses: Up to 80% of sales	Yes	A
Types of lottery that do not require permission								
Customer	No profit can be made	Your customers 16 & over	Occupier of business premises	7 days between.	No sales or ads off premises	Yes, for prizes and reasonable lottery running costs	No	B
Private Society	Yes	Members or guests on the society premises	Society members	One-off	No sales or ads off premises. Members or guests must be on society premises	Yes, for prizes and reasonable lottery running costs	No	C
Work	Yes	Employees at a single premises only	Any employees	One-off	No ads off premises Single premises only	Yes, for prizes and reasonable lottery running costs	No	C
Residents'	Yes	Residents at a single premises only	Any residents	One-off	No ads off premises Single premises only	Yes, for prizes and reasonable lottery running costs	No	C
Incidental	Yes	Anyone at the event	Anyone	One-off	Sales only at event Results can be drawn during or after event	£100 max taken from proceed for expenses £500 max for prizes	No	D

Taunton Deane Borough Council

Licensing Committee – 1st June 2016

Changes to the Testing Regime for Hackney Carriage and Private Hire Vehicles

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : Alison Evens, Licensing Officer

1 Executive Summary / Purpose of the Report

1.1 This report provides an update to members on changes to the hackney carriage and private hire vehicle testing regime within Taunton Deane.

2 Recommendations

2.1 That the report be noted.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
Risk of harm to passengers of licensed vehicles due to unsafe and damaged internal vehicle fixtures and fittings.	3	3	9
Low public confidence in licensed vehicles, public transport network in general and the licensing service, due to licensed vehicles not being kept clean, tidy or in a good state of general repair.	3	2	6

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 In accordance with section 48 of the Local Government (Miscellaneous Provisions) Act 1976, a district council shall not grant a licence to a private hire vehicle unless that council is satisfied that the vehicle is of a suitable design, in suitable mechanical condition and is safe and comfortable.
- 4.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows a district council to attach to the grant of a hackney carriage vehicle licence, 'such conditions as the district council may consider reasonably necessary.' It is a standard condition of every hackney carriage vehicle licence issued by Taunton Deane Borough Council that the vehicle must pass a test to ensure it is clean and free from damage. The same conditions also apply to private hire vehicle licences.
- 4.3 To determine that a vehicle is in a suitable mechanical condition, the council requires that hackney carriage and private hire vehicles pass a Ministry of Transport (MOT) test and a bespoke council test, called the 'motorised vehicles plate test'. The plate test concerns aspects of passenger safety and general vehicle maintenance which are not otherwise covered by an MOT. The plate test is carried out on behalf of the council by three separate Driver and Vehicle Standards Agency (DVSA, formerly VOSA) approved vehicle testing stations; the MOT Centre of St James Street, Taunton; Hickleys of Taunton and Wellington Motors of Chelston.

- 4.4 When an application for a vehicle licence is made, whether grant or renewal, evidence that the vehicle has successfully passed a plate test and MOT must be provided.
- 4.5 The Licensing service carries out its own ad hoc inspections on licensed vehicles, where Officers check to make sure that vehicles are compliant with the non-mechanical aspects of the plate test. Officers have the ability to suspend or revoke the licences associated with vehicles which do not comply.
- 4.6 Officers have been concerned by the standards of some vehicles which have been inspected over recent months, with poor cleanliness and unsafe interior fittings being particular causes for alarm. Due to the ambiguity of existing licence conditions and failure of the plate test to address interior cleanliness and safety of interior fittings, Officers were unable to take the level of action that was necessary.
- 4.7 Officers presented proposals to amend the plate test, to incorporate interior cleanliness and safe internal fittings, to members of the hackney carriage and private hire trade at the meeting of the taxi and private hire forum held on 24th March 2016. Shown at Appendix A, is the Plate Test criteria with the amendments that were proposed highlighted in yellow. These proposals were, in general, supported by those that attended the meeting. To ensure that those that did not attend the meeting were given the same opportunity to provide feedback on the proposals, a consultation email was sent to all licensed drivers. No negative responses to the proposal were received.
- 4.8 The Licensing Manager and Chair of Licensing Committee met to formally discuss the proposals to change the plate test on 17 May 2016. It was agreed that these changes would be implemented but not take effect until 1 June 2016, to allow time for the nominated testing station vehicle inspection sheets and other related documents to be prepared and for the trade to be made aware.

5 Links to Corporate Aims / Priorities

- 5.1 The purpose of licensing hackney carriage and private hire vehicles is to protect the public, which is one of the council's primary roles, as identified in the Corporate Strategy.

6 Finance / Resource Implications

- 6.1 None.

7 Legal Implications (if any)

- 7.1 The powers the council has to license hackney carriages and private hire vehicles and attach conditions to any licences issued, is explained at paragraphs 4.1 and 4.2 of this report.

8 Environmental Impact Implications (if any)

- 8.1 No environmental impact implications have been identified within this report.

9 Safeguarding and/or Community Safety Implications (if any)

- 9.1 The changes to the plate test explained within this report have been implemented to reduce the risk of harm to members of the travelling public.

10 Equality and Diversity Implications (if any)

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications (if any)

11.1 No social value implications were identified.

12 Partnership Implications (if any)

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications (if any)

13.1 Through effective regulation of hackney carriage and private hire vehicles and drivers, confidence in a safe public transport regime can be maintained, aiding its continued use by residents to support independent living.

14 Asset Management Implications (if any)

14.1 The report does not have any asset management implications.

15 Consultation Implications (if any)

15.1 As explained within paragraph 4.7 and before implementation, members of the hackney carriage and private hire trade were consulted on the proposals by email and the meeting of the taxi and private hire trade forum.

16 Scrutiny Comments (if any)

16.1 The purpose of the Licensing Committee is to act for the Council in respect of licensing and registration functions. The Committee's powers include the power to discharge the licensing functions on behalf of the licensing authority, outside of the usual democratic process.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : Once only Ad-hoc Quarterly
 Twice-yearly Annually

List of Appendices (delete if not applicable)

Appendix A	Plate Test criteria
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Contact Officers

Name	Alison Evens
Direct Dial	01823 356 343
Email	licensing@tauntondeane.gov.uk

Hackney Carriage and Private Hire vehicles: Plate test for motorised vehicles

1. The whole exterior of the vehicle must be adequately maintained and clean, to allow for identification, visual amenity and the protection of other's property;
2. The interior of the vehicle must be safe for all classes of the public;
3. The interior of the vehicle must be free from any accumulations of litter, dirt, dust or any other form of debris;
4. Passenger seats must be a minimum of 406mm in width. In addition, there must be a minimum of 229mm of clear knee space, measured from the front portion of the passenger seat to the surface in front;
5. Where adjustable windows are installed, they must be capable of use by passengers to ensure comfort and safety;
6. An appropriate number of interior lights must be fitted to ensure passenger comfort and safety;
7. Any upholstery and internal fittings must be undamaged and unblemished for comfort, safety and visual amenity;
8. Carpet or floor covering must be secure to promote the safety of passengers;
9. The boot or luggage area of the vehicle must be clean and dry to ensure the protection of customer property and for visual amenity;
10. The boot or luggage area of the vehicle must be adequately equipped to ensure the safe and secure transportation of luggage;
11. Front and rear window demisters must be in good working order to enable the driver to maintain a good level of vision and awareness of the road at all times;
12. The Council issued vehicle internal identification sticker must be displayed so that it is clearly visible to all passengers;
13. The Council issued vehicle licence plate must be fixed so that, where practicable, it is visible when the boot is in an upright position. The plate must also not extend below the bumper line and must not be placed in the rear window of the vehicle;
14. All tyres fitted must be appropriate for the type of vehicle;
15. The vehicle must carry a fire extinguisher that meets the BS EN3 standard and bears the British Standard kitemark. It must be fitted with a seal to verify that it has not been used, permanently marked with the vehicle registration number and securely fixed in a easily accessible position;

16. Where a vehicle is fitted with a meter:
 - a) It must be fitted so as to be visible to all passengers and;
 - b) A current Council tariff card must be displayed so that it is clearly visible to all passengers;

17. The vehicle must carry a first aid kit which is fixed in an easily accessible position and;
 - a) Contains at least one of each of the following items:
 - Eye pad
 - Triangle bandage
 - Cleansing wipe
 - Powder free gloves
 - Conforming bandage
 - Wash proof plaster

 - b) Where applicable, the items listed above must not be beyond their expiry date.

18. Doors must be capable of being secured in an open position to ensure passenger safety;

19. Wheelchair accessible vehicles: The vehicle must be equipped with a system that enables and promotes the safe, secure and comfortable boarding, conveyance and alighting of wheelchair bound passengers in accordance with the Hackney Carriage and Private Hire National Inspection Standards.

20. Overall judgment of inspector: At the time of the vehicle being tested, it must, in the inspector's opinion, be capable of withstanding the demands of operating as a licensed vehicle for the period of a year and therefore fit to be licensed as a Hackney Carriage or Private Hire vehicle.