



## 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 27 May 2014 at 18:15.

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### **Agenda**

- 1 Appointment of Chairman
- 2 Appointment of Vice-Chairman
- 3 Apologies.
- 4 Minutes of the meeting of the Licensing Committee held on 28 August 2013 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 Licensing Update Report of the Licensing Officer (attached).  
Reporting Officer: John Rendell
- 8 Report on Caravan Site Licensing. Report of the Licensing Manager (attached).

Bruce Lang  
Assistant Chief Executive

09 November 2015

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](mailto:r.bryant@tauntondeane.gov.uk)**

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## **Licensing Committee Members:-**

Councillor K Durdan (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor A Beaven  
Councillor A Govier  
Councillor M Hill  
Councillor L James  
Councillor R Lees  
Councillor S Lees  
Councillor I Morrell  
Councillor B Nottrodt  
Councillor J Reed  
Councillor (Historic) F Smith  
Councillor (Historic) Mrs E Waymouth

## **Licensing Committee – 28 August 2013**

Present: Councillors Mrs Allgrove, Beaven, Coles, Mrs Hill, Hunt, R Lees, S Lees, Morrell, Nottrodt, Mrs Reed, Mrs Smith and Mrs Waymouth.

Officers: Ian Carter (Licensing Manager), Olivia Denis (Licensing Officer), John Rendell (Licensing Officer), Scott Weetch (Environmental Health Lead), Roy Pinney (Legal Services Manager) and Emma Hill (Corporate Support Officer)

Others: Councillor Hayward  
Mike Davis from A1/Ace Taxis

(The meeting commenced at 6.15 pm)

### **5. Appointment of Chairman**

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

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

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

### **7. Apologies**

Councillor K Durdan, A Govier and Miss James.

### **8. Minutes**

The minutes of the meeting of the Licensing Committee held on 6 March 2013 were taken as read and were signed.

### **9. Declarations of Interest**

Councillors Coles declared a personal interest as Member of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Mrs Allgrove declared a personal interest as the Vice-Chairman of the Somerset Association of Local Councils. Councillor Lees declared a personal interest as regular user of Taxis. Councillor Nottrodt declared a personal interest as a Director of Southwest One.

### **10. Licensing Update Report**

Considered report previously circulated, which provided 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. This report was produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

Summary of activity relating to the Licensing Act 2003:-

- Application numbers had remained consistently high for this quarter but slightly lower compared with the same period last year.
- Licenses Issued; 411 Premises Licences, 1133 Personal Licences and 2423 Temporary Event Notices (TEN's) in force on 31 July 2013.
- Three Licensing Sub-Committee Hearings had been held to determine licence applications and all premises had been granted subject to additional conditions.
- There had been an increase in Gambling Act applications on this time last year from three to seven as well as a slight reduction in the Street Trading applications from 17 to 14.

Summary of activities relating to Other Licensing:-

- The Scrap Metal Dealers Act 2013 was expected to come into force in early October 2013.
- The Community Film Exemption Consultation was due to close on 28 August 2013.
- There would be Licensing Training on 28 October 2013 provided by the Institute of Licensing (IOL).
- The Licensing Team was currently undertaking a full review of all its policies, procedures and processes.

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

- Members expressed surprise that the applicant (241 Leisure) had decided to appeal the imposed conditions from Licensing Sub-Committee for 43 – 45 East Street, Taunton. *The Conditions that had been imposed were for the most part accepted. The applicant was unhappy with the 'cut off' time ('chill out period') for regulated entertainment which, in his view, was too early.*
- How many out of hour's enquiries relating to the breach of licences had been received as well as how many visits had Taunton Deane officers made? *The Licensing Team had had no out of hour's enquiries as the office had no out of hour's service.*
- Concern was raised about the Council having no out of hours services.
- Members requested that the re-introduction of the out of hours service be investigated with a report being submitted to the Committee. It was reported that *any out of hours service would sit with the Environmental Health Team and not the Licensing Team.*

**Resolved** that the officers report to be noted.

**11. Part I – Testing Regime for Hackney Carriages and Private Hire Vehicles**

Considered report previously circulated, which provided details on the Hackney Carriage and Private Hire Vehicle Testing Regime within Taunton Deane and the

recommendations with regard to the requirement for an MOT certificate to be obtained from a Council Nominated Testing Station.

The guidance from Government, the legislative framework and the rationale behind the Council's Taxi Regime were set out in the report.

Recent experience of assisting the Licensing Service within West Somerset Council had provided additional insight into how the taxi testing regime was implemented in another authority. They, as do all other Local Authorities within Somerset, allowed an MOT from any Vehicle and Operator Services Agency (VOSA) approved testing station to be submitted.

From within the Taxi Trade opinions were still being expressed that the requirement to obtain an MOT from a Nominated Testing Station only was overly burdensome and financially detrimental to their business. They felt that the freedom to obtain an MOT from any VOSA approved testing station should be permitted as it would offer financial savings. In addition, the compliance regime operated by VOSA, being more efficient with greater penalties and sanctions than any control that could be implemented by the Council, was more than adequate to remove any doubt as to the legitimacy of the documents submitted.

Having gained wider experience of the operation of the taxi licensing regime in other Authorities, officers were inclined to agree with the trade on this matter. Doubts did remain though over the financial viability of obtaining an MOT from elsewhere and then a Part II test from a nominated testing station. This was however considered by officers to be a business decision for the trade and not a matter that the Council should seek to regulate.

The main area of concern expressed by the Committee when it last considered this issue was the potential conflict of interest should a vehicle proprietor obtain an MOT from an approved VOSA testing station that had an identifiable business or personal relationship with them.

Although this risk did still exist, officers agreed with the trade that it could be reasonably mitigated through the following matters:-

- The business plan of the vehicle proprietor recognising the reputational and business risk of using a non-roadworthy vehicle;
- The business plan of the VOSA nominated testing station recognising the legal and reputational risks of non-compliance with VOSA's testing criteria;
- The Nominated Testing Station undertaking the Part II test being able to notify the Council and, through them, VOSA of any suspected or identified non-compliance with MOT requirements.

In order to ensure that there was no financial detriment to the nominated testing stations in undertaking a Part II test only, rather than an MOT and Part II test, the pricing structure for the conducting of a Part II test and the ability to offer a discounted price if both the MOT and Part II test was to be undertaken, would be a matter for the Nominated Testing Stations to determine. The Council would however require, through the Service Level Agreements with the Nominated Testing Stations, a full justification of the cost to be submitted to, and approved by, the Licensing Manager and Chairman of the Licensing Committee.

To allow for the amendment of the Service Level Agreement and the submission and approval of costs for the Part II test it was suggested that the implementation of the changes outlined in the report be delayed until the 1 November 2013.

**Resolved** that:-

1. The removal of the requirement for an MOT to be obtained from a Nominated Testing Station for any vehicle that applied to be licensed as a Hackney Carriage or Private Hire Vehicle be agreed with effect from 1 November 2013;
2. An amendment to the current taxi testing regime be approved requiring that before a Part II test was undertaken by a Council Nominated Testing Station evidence must be produced of a valid MOT for the vehicle to be tested;
3. Authority be delegated to the Licensing Manager, in consultation with the Licensing Committee Chairman to approve a pricing structure by the Nominated Testing Stations for the undertaking of the Part II test; and
4. The re-naming of the Part II test as the 'Plate test' be also approved.

## **12. Part II – Testing Regime for Hackney Carriages and Private Hire Vehicles**

Considered report previously circulated, which provided details of the Hackney Carriage and Private Hire Vehicle Testing Regime within Taunton Deane and the recommendations proposed with regard to replacing the current 'Part II test' with a new 'Plate test'.

The Part II test had remained unchanged since its introduction in 2007. Its purpose was to ensure that any vehicle licensed by the Council was safe, comfortable and visually acceptable. The Part II test covered those areas not included within the MOT that all licensed vehicles were also required to obtain. It could only be undertaken by the Council's Nominated Testing Stations.

Information received from the Taxi Trade had shown the current Part II test to be unfit for purpose. They had also expressed a desire for the testing regime to be improved to ensure vehicles within Taunton Deane met a high standard. The Council's Nominated Testing Stations had also found the Part II test wanting in areas such as vehicle modifications and the ability for vehicle testers to make recommendations.

Taking into account advice from a number of sources, a new set of vehicle testing criteria had been drafted to replace the current criteria as contained within the Council's Taxi Policy document, the Private Hire and the Hackney Carriage Drivers, Vehicles and Operators Handbook.

The new set of criteria would form part of a rebranding of the Part II test. The test would be renamed the 'Plate test' for clarity.

One of the notable changes in Plate test was the facility for the vehicle inspector to be able to recommend to the Licensing Authority that a licence should not be

issued to the vehicle being tested, on matters other than those contained within the test criteria. This would allow the licensing authority to benefit from the expertise of the Inspector, who might have concerns over the safety of certain areas of the vehicle which would not be covered by the Plate test criteria. It was hoped that this would ensure the closing of gaps in the current system.

The proposed Handbook insertion and inspection sheet were due to be introduced to the Taxi Trade on 16 August 2013 and any feedback received would be considered before the final version was produced.

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

- How many limos were there in Taunton Deane? *There were no limos.*
- Reference was made in the report to a meeting with the taxi trade presenting the proposed Handbook. Did this meeting go ahead? *The members of the taxi trade had received copies of the proposed Handbook.*
- The Committee requested feedback at the next meeting of the Committee so they could look at the vendor feedback. *The feedback would be presented to the Committee as part of Update Report.*

**Resolved** that:-

1. The replacement of the Part II test with a new 'Plate test' from November 2013 be approved; and
2. Authority be delegated to the Licensing Manager, in consultation with the Licensing Committee Chairman to approve any further changes to the Plate test.

(The meeting ended at 6.40 pm)



# Declarations of Interest

## Licensing Committee

- Members of Somerset County Council – Mrs Waymouth
- Employee of Somerset County Council – Councillor Mrs Hill
- Vice-Chairman of Somerset Association of Local Council – Councillor Mrs J Allgrove
- Regular User of Taxis – Councillor R Lees
- Director of Southwest One – Councillor B Nottrodt

# Taunton Deane Borough Council

## Licensing Committee – 27 May 2014

### Licensing Update Report

#### Report of the Licensing Officer

(This matter is the responsibility of Executive Councillor James Hunt)

#### 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 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

##### 3.1 Applications received and licences in force

The numbers of applications received for each of the regimes administered by the Licensing Team during the fourth quarter of the year are shown in comparison with those received for the same quarter in the preceding two years at Appendix 1. The numbers of licenses in force and notices given at the beginning of May 2014 are shown at Appendix 2.

##### 3.2 Hearings

There have been no meetings of the Licensing Sub Committee in the last quarter, despite the team having received a representation from the Police against a Licensing Act 2003 premises licence application for a Taunton based alcohol delivery business. The applicant and Police reached an agreed position and advised the Licensing Authority that a hearing was not required. To determine the application, members of the Committee were instead asked by the case officer to give authorisation to grant the licence via email.

##### 3.3 Forums

No trade forums have been held in the last quarter.

##### 3.4 Changes to legislation

### Minimum Alcohol Pricing

In the update report for March, we advised that The Licensing Act 2003 (Mandatory Conditions) Order 2014 would come into force on the 6<sup>th</sup> of April 2014. This order has been delayed and will now come into force on the 28<sup>th</sup> of May 2014. It will introduce a new mandatory condition to all licences and certificates issued under the Act, prohibiting the sale of alcohol below cost price.

### 3.5 Consultations

There have been no consultations on relevant legislation since the last meeting of the Committee.

### 3.6 Projects

#### Taxi and private hire licensing policy

Work is underway on a review of the 'Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook'; the Councils taxi and private hire licensing regime policy document.

The handbook began life in 2008 and has had several minor amendments to date, most notably the introduction of a new set of vehicle testing criteria in 2013.

The current document is repetitious and unfriendly and overly formal in style. It therefore does not lend well with its audience; the taxi trade. The aim of the review is to produce a set of policies and licence conditions that are clear, concise and accessible to members of the trade. The review will also provide an opportunity to implement new policies to address issues which have come to the fore since the handbooks inception.

### 3.7 Street Trading and S115e Guidance

Guidance adopted in November 2012 is currently under review following substantial changes that have taken place which include; the demise of the Taunton Town Centre Company, plans for the future installation of new street furniture and issues that were raised surrounding movement of street traders/markets and pavement cafes during the recent works on the highway.

Further guidance which was not covered in version 1.0 will be given on late night refreshment taking place in the High Street following comments raised by relevant authorities; Police, Somerset Highways and Economic Development, to an application for a take-away catering unit to trade between the hours of 21:00 and 04:00 in the High Street, Taunton.

Sections of the Guidance document which are no longer relevant will be removed and/or updated.

A full report including a draft version of the new guidance and policy will be presented to the Committee at the next meeting for agreement and approval.

### 3.8 Nominated Testing Stations

Members of the taxi and private hire trade are again able to have their vehicles tested in Taunton following the nomination of Hickleys and CR MOT Centre at the beginning of April. Neither the trade, nor testing stations have reported any problems.

### 3.9 Taxi and private hire multi-agency operation

Members of the team joined forces with the Police, VOSA and the Department for Work and Pensions as part of an evening of taxi and private hire vehicle checks, dubbed 'Operation Trip'.

Between 5:00pm and 8:45pm, twenty licensed vehicles were escorted to newly nominated testing station Hickleys to be inspected by officers representing the various agencies. Of the twenty, two were immediately ordered off the road for tyre related defects, whilst two others received delayed prohibition notices for not a missing fuel cap and a split drive shaft boot. Warnings and advice was given to other operators for less serious problems.

On a positive note, fourteen of the twenty vehicles were presented in a satisfactory condition of all the vehicles checked, none breached Council licensing requirements.

The exercise proved to be a success and attracted praise from members of the taxi trade, who welcomed efforts to drive up standards amongst those businesses operating in the district. We therefore hope to repeat the operation again in 2014.

### 3.10 Somerset Rocks – Rod Stewart Concert

Ian Carter and John Rendell attended the final Safety Advisory Group (SAG) meeting before the Rod Stewart concert which will take place on the 18<sup>th</sup> of June this year. None of the agencies present at the meeting raised concerns and therefore the event organisers just have a few minor amendments to make to their event management documentation before plans are finalised.

### 3.11 District Councils Network Staff Development Programme

John Rendell is one of sixty local government officers nationally who have been selected to take part in this years District Councils Network Staff Development Programme; a training scheme for young aspiring local government officers.

As part of the training scheme, John will attend four conferences at Local Government House, Westminster, over the course of the following year and will be mentored by Stuart Brown who is the Chief Executive for Mendip District Council. By participating in the scheme, John hopes to further develop his skills, build his

confidence and gain a broader understanding of the challenges that local authorities face at present.

**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**

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**

None identified.

**10 Partnership Implications (if any)**

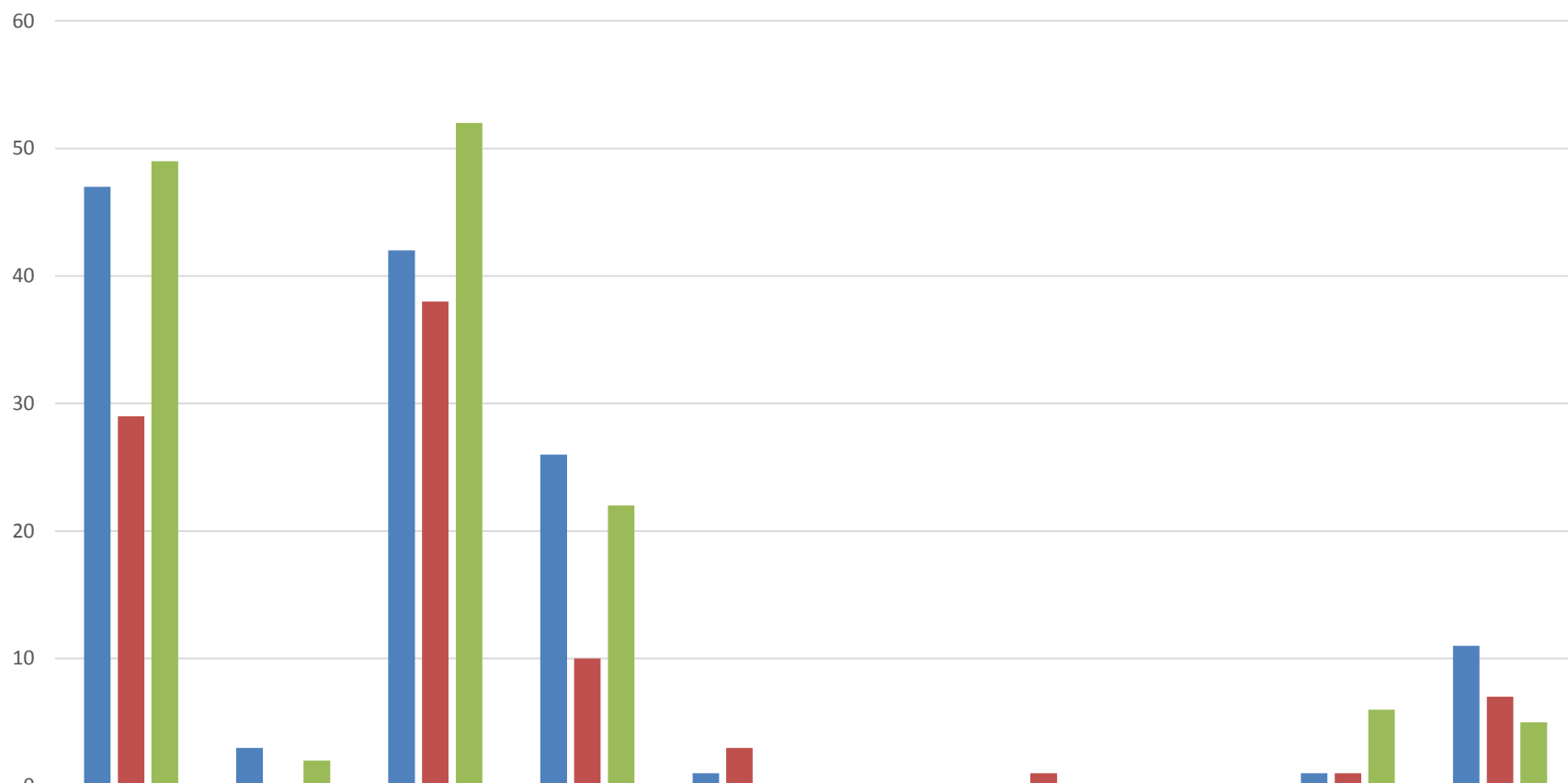
None identified

**11 Recommendations**

1. That the Licensing Update report be noted.

Contact: John Rendell,  
Licensing Officer  
Tel: 01823 356343  
E-mail: [j.rendell@tauntondeane.gov.uk](mailto:j.rendell@tauntondeane.gov.uk)

Appendix 1 - Applications Received and Notices Given



	Licensing Act	Gambling Act	Taxis	Street Trading & S115E Consents	Animal Licensing	Caravan Site Licences	Scrap Metal Dealer	Sex Shop Licences	Skin Piercing	Charity Collection
■ Jan - Mar 12	47	3	42	26	1	0	0	0	1	11
■ Jan - Mar 13	29	0	38	10	3	0	1	0	1	7
■ Jan - Mar 14	49	2	52	22	0	0	0	0	6	5

■ Jan - Mar 12   ■ Jan - Mar 13   ■ Jan - Mar 14

**Licences Issued and Notices Given**

These figures show the number of licences in force at the 2 May 2014 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	414
Licensing Act 2003 Club Premises Certificates	30
Licensing Act 2003 Personal Licences	1191
Licensing Act 2003 Temporary Event Notices	2684
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	6
Gambling Act 2005 Occasional Use Notices	30
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	230
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	58
Hackney Carriages	168
Private Hire Vehicles	41
Hackney Carriage & Private Hire Drivers	243
Private Hire Operators	34
Street Trading Consents	27
Section 115E (Pavement Café) Permits	7
Zoo Licences	0
Pet Shop Licences	6
Dog Breeding Licence	3
Animal Boarding Licence	12
Riding Establishment Licences	9
Dangerous Wild Animal Licences	0
Caravan Site Licences	42
Scrap Metal Dealer licence	17
Sex Shop Licences	2
Skin Piercing Registrations	214
Street Collection Permits	281
House to House Collection Permit	113

# Taunton Deane Borough Council

## Licensing Committee – 27 May 2014

### Caravan Site Licensing

#### Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor James Hunt)

#### 1. Executive Summary

<p>Members are asked to consider the Caravan Site Licensing Regime within Taunton Deane and the recommendations set out at section 11 of the report with regard to the adoption of a fees policy and implementation of a revised approach to caravan site licensing following the enactment of the Mobile Homes Act 2013.</p>
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#### 2. Background

- 2.1** Caravan Site Licensing is administered primarily under the Caravan Sites and Control of Development Act 1960 (CSCDA 1960), the Caravan Sites Act 1968 (CSA 1968) and the Mobile Homes Act 1983 (MHA 1983). These Acts have been amended by the Mobile Homes Act 2013 (MHA 2013).
- 2.2** The MHA 2013 received Royal Assent in March 2013 and was enacted in response to the Government's concern that the law relating to mobile homes was ineffective and out-dated. The Act has brought significant new powers to Local Authorities in respect of charging and enforcement for Relevant Protected Sites. That is those sites licensed for permanent residential occupation.
- 2.3** The Council now has the power to levy fees in respect of applications for the grant of a site licence, an application to transfer and or vary the conditions of a site licence and the deposit of site rules. The Act also allows the Council to charge an annual fee (that a site owner may pass on to residents through pitch fees) to any relevant protected site. Before levying a fee however the Council must publish a fees policy and may only charge in accordance with that policy.
- 2.4** With regard to increased enforcement powers the MHA 2013 has introduced the power for Local Authorities to serve compliance notices and take direct action in respect of breaches of conditions. A provision to charge the site owner for the cost associated with enforcement action was also introduced. These costs cannot be passed on to residents through pitch fees.
- 2.5** Other powers regarding the service of notices and undertaking of emergency works and the requirement to publish and maintain an online register of site rules have also been given to Local Authorities.

#### 3. Report



- 3.1** Currently there are 28 Relevant Protected Sites licensed by the Council with a total of 319 pitches spread across them. 16 of these sites are restricted by condition to occupancy by one or more families whilst the remaining 12 are commercial businesses. Those in family occupancy have 4 or less permanent residential units while the others range from 6 to 60 units.
- 3.2** From the Licensing records for the last four years there have been very few complaints against site owners and no uncorrected breaches of conditions requiring formal intervention by the Council.
- 3.3** Taking the low amount of intervention into account and the fact that the legislation has provided the Council with powers rather than imposed obligations Members are asked to consider the following options with regard to changes to the caravan site licensing regime.
- 3.4** **Option 1.** The Council introduces a full charging policy for applications and enforcement activities and implements an annual inspection programme requiring the payment of an annual fee for all Relevant Protected Sites within the Deane.
- 3.5** This option has the benefit of covering the costs of the Council in administering the regime. And through a programme of inspections will potentially allow the Council to identify issues before formal action is necessary.
- 3.6** However given the lack of proven issues with the licensed sites in recent times Members may wish to consider is it fair to introduce an additional burden on residents (annual fees can be passed on to them by the site owner) or to commit council resources to a programme of activity that may not be needed.
- 3.7** **Option 2.** The Council introduces a charging policy for applications and enforcement activity only for all Relevant Protected Sites but introduces an annual inspection and levies an annual fee against those sites with more than 5 residential units only.
- 3.8** This option recognises the Government's view that small sites are generally family owned rather than commercial operations and therefore present less of a risk of problems requiring intervention by the Council.
- 3.9** As the Council would not be levying an annual fee for sites licensed for less than 5 permanent residential the Council would not be inspecting those sites.
- 3.10** An additional matter that Members will need to consider is the question of the general fees for administration of the licensing regime. If the Council determines to undertake annual inspections and take a more involved stance in the licensing regime overall this will incur additional administration activities and costs. Although they will not be inspected the sites exempted from the annual fee will still have an indefinable cost within that general administration. The Council will therefore need to determine through Corporate Scrutiny whether those sites should be exempt from this portion of the fee as well.

- 3.11 Option 3.** The Council introduces a charging policy for applications and enforcement activity/emergency works only in respect of all Relevant Protected Sites.
- 3.12** This option removes the need for an annual inspection, the additional administrative tasks and associated costs. It does not restrict the power of the Council to act in respect of breaches of condition and ensures that rather than charging all sites regardless of their management and compliance history only those sites with problems will be charged.
- 3.13** This is a similar approach to that adopted by the Health & Safety Executive through the Fee For Intervention (FFI) scheme where if a business is found to be breaking the laws, HSE may recover its costs by charging a fee for the time and effort it spends on helping put the matter right, investigating and taking enforcement action but those who comply with the law are not charged.
- 3.14** In the opinion of officers this option represents the most proportionate and reasonable approach to utilising the new licensing powers, given the history of compliance from site owners in Taunton Deane.

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

Without confirmed figures it is not possible to quantify the actual costs against the level of income however Options 1 and 2 would appear to require additional staffing and therefore the level of fees would have to cover this additional cost. Due to the small number of sites it is unlikely that enough income would be achievable to cover the additional cost. Option 3 appears to be the most cost effective as staff cover is only required should problems occur. With limited sites the additional administration at the application level should be achievable with the staffing levels currently in place.

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

All the options set out in this report would meet the requirements of the Caravan Sites and Control of Development Act 1960 (CSCDA 1960), the Caravan Sites Act 1968 (CSA 1968) and the Mobile Homes Act 1983 (MHA 1983) amended by the Mobile Homes Act 2013 (MHA 2013).

#### **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**

Although the introduction of new legislation was in response to Government concern over problems with the existing regime this has not been the experience within Taunton Deane. Officers consider that the new ability to effectively respond and achieve cost recovery for enforcement and emergency works mitigates the majority of risk in administering the licensing regime.

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

The Council will continue its joint working with partner agencies to ensure continued good governance.

## **11. Recommendations**

- 11.1** That Members approve one of the three options set out within the report having considered the potential financial impact upon the site owners and residents and the powers available to the Council to protect the safety and amenity of those residents.
- 11.2** Whichever option is approved a fees policy will need to be approved and published by the Council before any fees can be levied.

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

## **Licensing Committee – 27 May 2014**

Present: Councillors Mrs Allgrove, Beaven, Coles, Miss Durdan, Mrs Hill, Miss James, R Lees, Morrell and A Wedderkopp.

Officers: Ian Carter (Licensing Manager), Olivia Denis (Licensing Officer), John Rendell (Licensing Officer), Roy Pinney (Legal Services Manager) and Andrew Randell (Corporate Support Officer).

Others: Councillor Hayward  
David Sanders (Chairman of West Somerset Licencing Committee).  
Mike Davis from A1/Ace Taxis

(The meeting commenced at 6.15 pm)

### **5. Appointment of Chairman**

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

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

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

### **7. Apologies/Substitution**

Apologies: Councillors Mrs Lees, Nottrodt and Mrs Reed.  
Substitution: Councillor A Wedderkopp for Mrs Lees.

### **8. Minutes**

The minutes of the meeting of the Licensing Committee held on 6 March 2013 were taken as read and were signed.

### **9. Declarations of Interest**

Councillor Coles declared a personal interest as Member of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Mrs Allgrove declared a personal interest as the Vice-Chairman of the Somerset Association of Local Councils.

An additional declaration of a personal interest was made by Councillor A Wedderkopp as a Somerset County Councillor.

### **10. Licensing Update Report**

Considered report previously circulated, which provided 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. This report was produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

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

- Application numbers had been considerably higher than last year.
- Licenses Issued; 414 Premises Licences, 1191 Personal Licences and 2684 Temporary Event Notices (TEN's) in force on 2 May 2014.
- There has been no Licensing Sub-Committee Hearings held.
- There had been an increase in Gambling Act applications on this time last year with two applications in 2014.
- There had also been an increase on the number of Street Trading and s115e Consents from 10 in 2013 to 22 in 2014.

A Summary of activities relating to other Licensing:-

- Work was underway on a review of the 'Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook' - the Council's private hire licencing regime policy document.
- Members of the taxi and private hire trade were now able to have their vehicles tested in Taunton. Neither the trade nor testing stations had reported any problems.
- The Licensing Team was currently undertaking a full review of all its policies, procedures and processes.

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

- The criteria that needed to be met to obtain a taxi licence was discussed. *As well as the current criteria, a criminal check would also be done on new applicants to ensure they were a fit and proper person.*
- The number of taxi licences issued were discussed. *There was no upper limit on the number of taxi permits that were issued but numbers were staying broadly level.*
- Members commended the number of taxis that provided wheelchair access.
- The nationality of drivers and if there was a requirement that they spoke English was discussed. *Taxi firms could not insist on English being spoken due to equalities and diversity concerns.*
- Minimum alcohol pricing was discussed. *This would be debated the next meeting of the committee.*

**Resolved** that the report to be noted.

## **11. Report of Caravan Site Licensing**

Considered report previously circulated, which provided details on Caravan Site Licensing.

The Council had the power to levy fees in respect of applications for the grant of a site licence, an application to transfer or vary the conditions of a site licence and the deposit of site rules.

With regard to increased enforcement powers, the Mobile Homes Act 2013 had introduced the power for Local Authorities to serve compliance notices and take direct action in respect of breaches of conditions. Provision to charge the site owner for the cost associated with enforcement action had also been introduced. These costs could not be passed on to residents through pitch fees.

Other powers regarding the service of notices and undertaking of emergency works and the requirement to publish and maintain an online register of site rules had also been given to Local Authorities.

There were 28 Relevant Protected Sites licensed by the Council with a total of 319 pitches spread across them. 16 of the sites were restricted by condition to occupancy by one or more families whilst the remaining 12 were commercial businesses. Those in family occupancy had four or less permanent residential units while the others ranged from six to 60 units.

From the Licensing records for the last four years there had been very few complaints against site owners and no uncorrected breaches of conditions requiring formal intervention by the Council.

Taking the low amount of intervention into account and the fact that the legislation had provided the Council with powers rather than imposed obligations, Members were asked to consider the following options with regard to changes to the caravan site licensing regime:-

**Option 1.** The introduction of a full charging policy for applications and enforcement activities and implementation of an annual inspection programme requiring the payment of an annual fee for all Relevant Protected Sites within Taunton Deane.

**Option 2.** The introduction of a charging policy for applications and enforcement activity only for all Relevant Protected Sites and an annual inspection, levying an annual fee against those sites with more than five residential units only.

**Option 3.** The Council introduced a charging policy for applications and enforcement activity/emergency works only in respect of all Relevant Protected Sites.

In the opinion of officers, Option 3 represented the most proportionate and reasonable approach to utilising the new licensing powers, given the history of compliance from site owners in Taunton Deane.

During the discussion of this item, Members were informed that if compliance issues changed from site owners in Taunton Deane then the policy could be looked at again and altered if required.

The Licensing Manager also confirmed that a pricing structure would need to be agreed before any of the above options could be implemented. A proposed structure would be submitted to a future meeting of the Committee for approval.

- The pricing structure would be agreed and would go through appropriate channels and sent to the committee before going before changing any fee's the policy would be in place.

**Resolved** that:-

- (a) Option 3, details of which were set out in the report, be approved; and
- (b) A fees policy be drafted, approved by the Committee and published by the Council before any fees could be levied.

(The meeting ended at 7.10 pm)