



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 4 March 2015 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 27 May 2014 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Licensing Update Report. Report of the Licensing Officer.
Reporting Officer: John Rendell
- 6 Licensing Regime for Hackney Carriage/Private Hire Drivers and Private Hire Operators. Report of the Licensing Manager.

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.

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



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



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

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

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Licensing Committee Members:-

Councillor K Durdan (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Adkins
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 J Reed
Councillor G Slattery
Councillor (Historic)Mrs E Waymouth

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 Councils 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)

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 – 4 March 2015

Licensing Update Report

Report of the Licensing Officer

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

1. Executive Summary

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

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 between April and December last year are shown in comparison with those received for the period in the preceding two years at **Appendix 1**. The numbers of licenses in force and notices given at the beginning of February 2015 are shown at **Appendix 2**.

3.2 Hearings

There have been no meetings of the Licensing Sub Committee between April and December, despite there being six separate Licensing Act 2003 applications which drew representations during this time. On each occasion, mediation took place and the applicants were able to reach an agreed position, which enabled the Licensing Authority, to dispense with the hearings in accordance with regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005. With there being no matters for consideration and in order to determine the applications, members of the committee were instead asked by the case officer to give authorisation to grant the licence via email.

3.3 Forums

There have been several meetings of the taxi forum since the last committee. Matters discussed have led to the presentation of two reports to this committee for consideration with regard to Driver Standards and a proposed amendment to the Driver licensing regime.

3.4 Changes to legislation

Regulated Entertainment

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

These exemptions will include

- i. Increasing the size of an audience from 200 to 500 people for a performance of amplified live or recorded music between the hours of 8am and 11pm in premises licensed for the sale of alcohol.
- ii. Films being shown as incidental to another unlicensed activity.
- iii. Entertainment put on by or on behalf of a health care provider, local authority or school proprietor on their own land between the hours of 8am and 11pm in front of an audience of no more than 500 people will not require a licence.
- iv. Entertainment at unlicensed community premises subject to conditions similar to the above.
- v. Entertainment that forms part of a performance by a travelling circus.
- vi. A contest, display or exhibition of Greco-Roman wrestling or freestyle wrestling taking place indoors between 8 am and 11pm in front of no more than 1000 spectators that must also be wholly contained within the building.

A full guide to the changes will be produced for Members.

3.5 Taxi and private hire multi-agency operation

One of the team's officers joined forces with the Police, VOSA and the Department for Work and Pensions on New Year's Eve as part of an morning of taxi and private hire vehicle checks, dubbed 'Operation Tri Star'.

Over the course of the morning, officers checked 31 licensed vehicles at Taunton Police station to make sure they were safe to work. Only minor breaches of licence conditions were discovered, with the majority of those breaches being rectified at the location. No vehicles had to be taken off the road, in contrast to previous operations of this type.

Overall, the majority of vehicles checked were kept in excellent condition and those that presented their vehicles at the Police station were, in the main, extremely co-operative and supportive of the operation. The team will be working with the Police to arrange more checks in 2015.

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

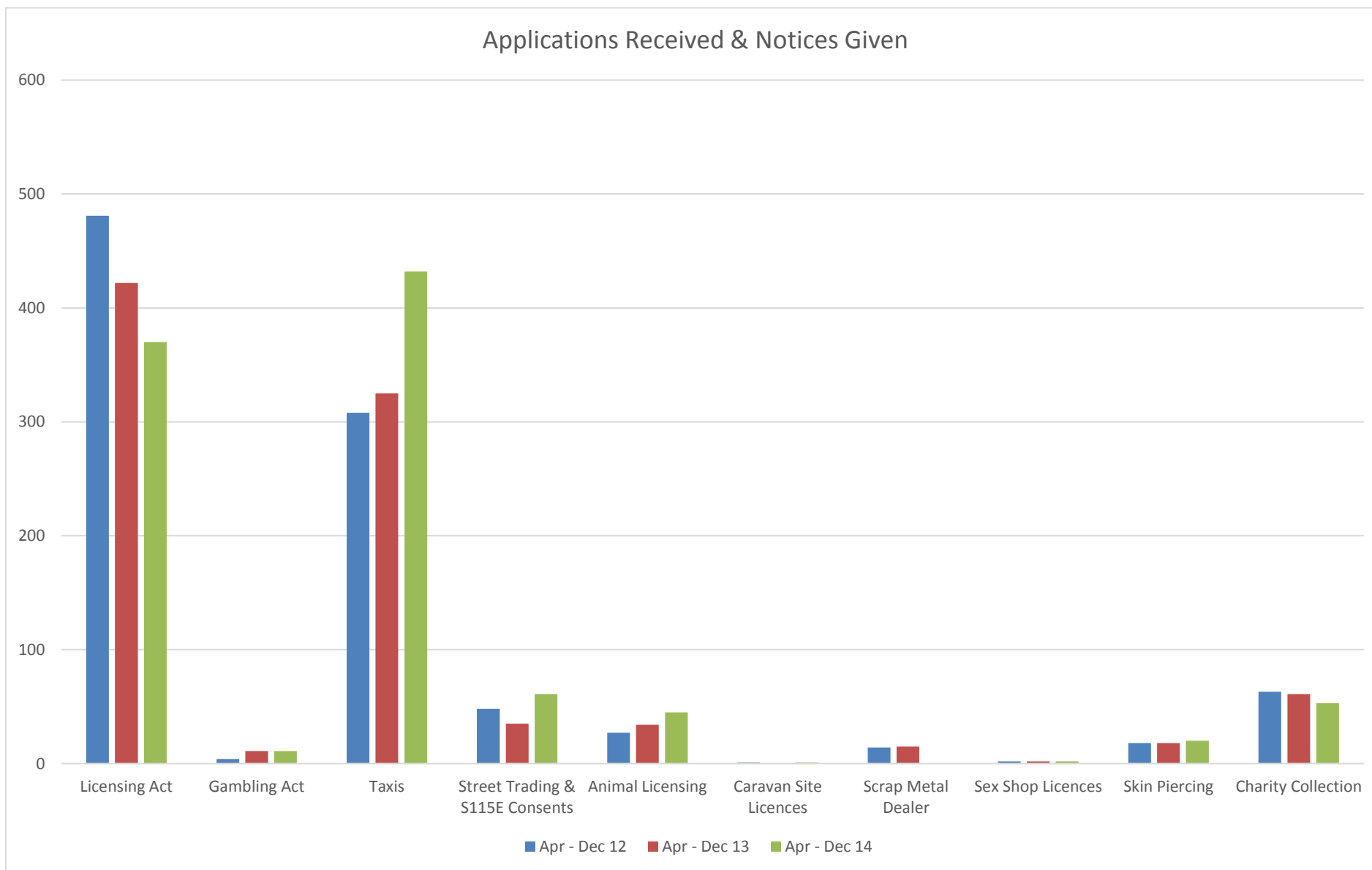
That the report be noted.

Contact:

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Licences Issued and Notices Given

These figures show the number of licences in force at the 5 February 2015 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	411
Licensing Act 2003 Club Premises Certificates	30
Licensing Act 2003 Personal Licences	1251
Licensing Act 2003 Temporary Event Notices	2754
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	7
Gambling Act 2005 Occasional Use Notices	33
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	97
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	4
Gambling Act 2005 Notification of 2 or less Gaming Machines	61
Hackney Carriages	177
Private Hire Vehicles	36
Hackney Carriage & Private Hire Drivers	279
Private Hire Operators	22
Street Trading Consents	25
Section 115E (Pavement Café) Permits	10
Zoo Licences	0
Pet Shop Licences	6
Dog Breeding Licence	2
Animal Boarding Licence	12
Riding Establishment Licences	10
Dangerous Wild Animal Licences	0
Caravan Site Licences	42
Scrap Metal Dealer licence	17
Sex Shop Licences	2
Skin Piercing Registrations	155
Street Collection Permits	289
House to House Collection Permit	118

Applications Received and Notices Given

	Apr - Dec 12	Apr - Dec 13	Apr - Dec 14
Licensing Act	481	422	370
Gambling Act	4	11	11
Taxis	308	325	432
Street Trading & S115E Consents	48	35	61
Animal Licensing	27	34	45
Caravan Site Licences	1	0	1
Scrap Metal Dealer	14	15	0
Sex Shop Licences	2	2	2
Skin Piercing	18	18	20
Charity Collection	63	61	53

Taunton Deane Borough Council

Licensing Committee – 4 March 2015

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

Report of the Licensing Manager

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

1. Executive Summary

Members are asked to consider the licensing requirements for Hackney Carriage/Private Hire Drivers and Private Hire Operators within Taunton Deane and the recommendations set out at section 11 of the report with regard to the removal of the one year drivers licence, the instigation of a three year Private Hire Operators licence and the requirement to pass a medical before a drivers licence is granted.

2. Background

Hackney Carriage/Private Hire Vehicles Drivers and Private Hire Operators Licence Period

- 2.1** The Council currently grants drivers licences for either 1 or 3 years and operator licences for 1 year only. The granting of 1 year licences appears to have been the case from before CRB/DBS checks were introduced, with 3 year licences being brought in to match the period of relevance for the CRB check in 2003.
- 2.2** Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows for the granting of drivers' licences for hackney carriages and private hire vehicles for a period of three years or such a lesser period as the council may specify.
- 2.3** Similarly, section 55 permits the granting of a private hire operator's licence for a period of up to 5 years again at the discretion of the Council.

Disclosure and Barring Service Checks

- 2.4** Criminal Records Bureau (CRB) checks (now replaced by Disclosure and Barring Service (DBS) checks) were introduced in 2002 and are relevant for a period of 3 years. Taxi driving is a notifiable occupation, this means that it is a profession which carries special trust or responsibility, in which the public interest in the disclosure of conviction and other information by the police generally outweighs the normal duty of confidentiality owed to

the individual. Consequently the Police will inform the Local Authority if a driver licensed by them is charged or convicted of a criminal offence.

Knowledge & Suitability Interview

- 2.5** The knowledge and suitability interview is the final stage in the consideration of the fit and proper test applied to all those seeking a 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 will 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?".

Driving Standards Test

- 2.6** At present the Council has no requirement for a driver's driving ability to be judged before a licence is issued. A separate report on this matter is before the Committee for consideration at this meeting.

Medicals

- 2.7** Under the Council's current taxi licensing policy a requirement of the fit and proper person criteria is that drivers and applicants obtain a medical certificate at those ages suggested within the Medical Commission for the Prevention of Accidents publication "Medical Aspects of Fitness to Drive" which mirror the requirements of Group 2 licence holders. Those ages are 45, 50, 55 and 60. After reaching 60 years of age a driver must provide a medical certificate every year.

3. Report

Hackney Carriage and Private Hire Vehicles Drivers Licence

- 3.1** The fact that the legislation limits the period for which a licence remains valid places an obligation on the Council to reconfirm the applicant's suitability before a further licence is granted. It is the opinion of officers that the present system of merely requiring a DBS check, driving licence validation and confirmation of details is insufficient to ensure that applicants are fit and proper to be licensed.
- 3.1** It is the view of officers that upon application for renewal the suitability of a driver should be re-examined in full to ensure that they remain fit and proper to be licensed.
- 3.2** This will of course place an additional burden upon the Council and the trade if the system of granting only one year licences is continued. Members are therefore being asked to consider the removal of yearly licences for drivers and operators and their replacement with 3 year licences.

- 3.3** Further supporting reasons for the policy change are set out in the following paragraphs.
- 3.2** Given that the Council will be made aware of any offences for which a driver has been charged or convicted through the notifiable occupation process and condition 17 on the drivers licence requires that the Council be notified by the driver within 72 hours of being charged or convicted of an offence, it is the opinion of officers that the requirement to renew annually is unnecessary in respect of that part of the fit and proper test.
- 3.4** By holding a knowledge & suitability interview at the time of each renewal officers will be able to ensure drivers have kept up to date with any legislation, policy or procedural changes, they will be able to discuss in detail any incidents that may have been recorded against the driver and be confident that no further similar incidents will occur and most importantly the Council can demonstrate complete compliance with the legislation and be entirely confident that the person licensed is indeed fit and proper.
- 3.5** The removal of the need to re-apply every year would reduce the administrative and financial burdens on drivers and in the case of new drivers would ensure that their DBS renewal date would match their licence renewal date, again reducing the administrative burden on both the drivers and the licensing team.
- 3.6** Should a driver find that he no longer wishes to continue within the profession during the period of his licence, the fee construction method currently being used by the Council allows for an accurate refund of the portion of the fee allocated to administration for the period remaining on their licence.
- 3.7** The instigation of a full re-testing of drivers will ensure that the current high standards within the profession are maintained.

Medicals

- 3.8** The paramount consideration when granting a licence is public safety and the current arrangements set out above with regard to medicals reflect the minimum standards that should be place to ensure drivers are medically fit to drive. Officers feel that this minimum standard is at odds with the overarching aim of public safety and the Council should be seeking a much firmer guarantee of the applicants medical fitness before issuing a licence allowing the driver to transport members of the public.

4. Finance Comments

If the removal of one year licensing is approved and the charging rate did not change there would be a reduction in income received by the department over a 5 year rolling period. This may be partly mitigated by a reduction in administration time required by the licensing department. It would therefore be necessary to re-evaluate the costs in order to correctly reflect the appropriate charging rate. This is in line with the Council's

commitment to set an appropriate level of charge proportionate to the costs for these licences.

5. Legal Comments

All the options set out in this report would meet the requirements of the Local Government (Miscellaneous Provisions) Act 1972.

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

The removal of the ability for applicants to apply for a one year licence may result in less opportunity for officers to interact with / oversee drivers during the term of their licence.

8. Equalities Impact

No adverse equality impact identified.

9. Risk Management

The risks highlighted at paragraph 7 above will, in the opinion of officers, be mitigated by the more detailed checks being undertaken at grant and renewal alongside an increased inspection regime.

10. Partnership Implications (if any)

None

11. Recommendations

- 11.1** That Members approve the removal of one year licences for Hackney Carriage and Private Hire Vehicles Drivers Licences and Private Hire Operators Licences.
- 11.2** That Members approve the instigation of 3 year licences for Private Hire Operators.
- 11.3** That Members approve the requirement for all drivers seeking a renewal of a drivers licence be required to pass a knowledge and suitability interview prior to the granting of a licence.
- 11.4** That Members resolve to require all applicants for the grant or renewal of a hackney carriage and private hire vehicles drivers licence drivers licence obtain a suitable medical certificate before a licence is granted.

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Taunton Deane Borough Council

Licensing Committee – 4 March 2015

Licensing Regime for Hackney Carriage/Private Hire Drivers

Report of the Licensing Officer

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

1. Executive Summary

Members are asked to consider the licensing requirements for Hackney Carriage/Private Hire Drivers within Taunton Deane and the recommendations set out at section 11 of the report with regard to the requirement to pass a practical driving assessment before a drivers licence is granted or renewed.

2. Background

Fit and Proper Person Test

- 2.1 The Council currently grants joint licences to drive Hackney Carriages and Private Hire vehicles.
- 2.2 The primary aim of carrying out this function is ensuring public safety.
- 2.3 Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant a licence to drive private hire vehicles unless they are satisfied that the applicant is a fit and proper person. Section 59 of the same Act requires that district councils make the same consideration when deciding whether to grant a licence to act as the driver of a hackney carriage.
- 2.4 The term 'fit and proper' is not further defined in the legislation, nor are there any statutory requirements or tests that a local authority must apply, other than that the applicant must have held a DVLA issued driving licence for a period of not less than a year, prior to making an application.
- 2.5 The Council's current system for checking the fitness and propriety involves a medical examination certificate, the results of a Disclosure and Barring Service application (DBS – formerly CRB), validation of the applicant's DVLA driving licence and the completion of a 'knowledge and suitability interview'.

- 2.6** Although, as above, the applicant's DVLA driving licence is validated, which includes consideration of any endorsements or convictions that may have been accrued, they do not have their driving ability assessed.
- 2.7** The Licensing Team occasionally receives complaints from members of the public and members of the taxi and private hire trade itself, regarding licensed drivers displaying poor or dangerous driving. This, coupled with the deaths of members of the public as a result of traffic accidents involving hackney carriage drivers licensed by the Council, has highlighted a shortfall in the Council's fit and proper person test. It is the opinion of officers that the introduction of a practical driving assessment would enable greater protection of the public.

Taxi Forum

- 2.8** Anyone who holds a licence under hackney carriage and private hire legislation is invited to participate in the Taxi Forum, which has included a monthly meeting chaired by Cllr Miss Kelly Durdan, as chairman of the Licensing Committee. Those that attend the forum have sought the introduction of additional application requirements to improve the standards of drivers licensed.

3. Report

DVSA Taxi Test

- 3.1** The Driver and Vehicle Standards Agency (DVSA), formerly Driving Standards Agency (DSA) has devised a 'Taxi test'; a practical driving assessment which local authorities may use to enhance their fit and proper person test.
- 3.2** The test is conducted by qualified driving examiners and involves being able to follow directions, perform certain manoeuvres such as a three point turn and safe stop at the side of the road to enable a passenger to exit the vehicle. It also involves an eyesight test and having to answer questions on the Highway Code and good practice e.g. what to do with lost property. The test currently costs £79.66 for a test on a weekday or £96 at weekends. This fee is separate to fees levied by the Council in respect of making an application.
- 3.3** Officers are of the opinion that introducing the DVSA Taxi Test (or equivalent) to the fit and proper person test would further promote public safety and remind applicants and existing drivers of their responsibility in ensuring that their passengers have a safe, comfortable and enjoyable journey. Members are therefore asked to consider the introduction of the DVSA Taxi Test or equivalent as a requirement of an application for the grant or renewal of a Hackney Carriage/Private Hire Vehicle Drivers Licence.

Somerset Road Safety

- 3.4** Somerset Road Safety (SRS) is a Somerset County Council partnership that works with Avon and Somerset Constabulary, Devon & Somerset Fire & Rescue Service, NHS Trusts and the Highways Agency, together with

- driving and safety organisations such as RoSPA, IAM, Driving Standards Agency and the Driving Instructors Association. Its aim is to drive down casualty rates, create safer communities and improve the quality of life for all residents and visitors to Somerset.
- 3.5** SRS have designed a practical driving assessment, the 'Taxi Assessment Test', to mirror the DVSA taxi test. SRS have provided a summary of the service they can provide, which is attached at **Appendix 1**. The test is only carried out by driving examiners that have attained the top two grades of professional accreditation; Approved Driving Instructors (ADI) Standards.
- 3.6** Mendip District Council, South Somerset District Council and West Somerset Council all require that each person who applies for a driver licence must have first completed the DVSA test. Mendip and South Somerset also accept the SRS test as an alternative and officers would support the council taking an identical stance, further reasons for which are set out below.
- 3.7** Through working at West Somerset Council as part of the JMASS project, officers are aware that applicants can encounter delays between the booking of and carrying out of the DVSA test. In order to reduce delay, applicants have on some occasions travelled to test centres in other counties. SRS propose to start and finish all tests for Taunton Deane applicants at Deane House in Taunton. SRS also have greater capacity than the DVSA for the booking of tests and re-tests, where the applicant may have failed. This will help reduce the period of time between an applicant gathering together all of the application pre-requisites and determination of the application.
- 3.8** Were members to approve the requirement for all applicants and drivers to have completed the DVSA taxi test, or equivalent, it would reduce the financial burden on independent operators and drivers who may in future look to work across the Mendip, South Somerset and West Somerset Districts, since they would be able to present proof of having already completed the test upon making an application to this or any of the other aforementioned local authorities.
- 3.9** At £45, the SRS test is significantly cheaper than the DVSA test. By enabling the SRS Taxi Test to be used as an alternative to the DVSA, it would help to reduce the financial burden that would be placed upon applicants and existing drivers.
- 3.10** A Taxi Forum was held on the 11th of November 2014, and representatives of the trade were asked if they would support the introduction of a practical driving assessment. Those in attendance generally supported the introduction of an assessment as a requirement upon application and for existing drivers, providing there be an exemption for existing drivers that have already completed the assessment or equivalent training.

4. Finance Comments

4.1 None.

5. Legal Comments

5.1 All the options set out in this report would meet the requirements of the Local Government (Miscellaneous Provisions) Act 1972.

6. Links to Corporate Aims

6.1 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

7.1 The introduction of a practical driving assessment for persons wishing to provide taxi and/or private hire services will act as an additional safeguard in the Council's process of determining whether such persons should be granted a licence, which would support the Council's aim of ensuring the safety of the travelling public.

8. Equalities Impact

8.1 No adverse equality impact identified.

9. Risk Management

9.1 No risk identified.

10. Partnership Implications (if any)

10.1 None.

11. Recommendations

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

Option 1

11.2 That members resolve to require all applicants for the grant of a hackney carriage and private hire vehicles drivers licence to provide proof that they have passed the DVSA Taxi Test or SRS Taxi Test.

Option 2

11.3 That members resolve to require all applicants for the grant or renewal of a hackney carriage and private hire vehicles drivers licence to provide proof that they have passed the DVSA Taxi Test or SRS Taxi Test. This is the officers' preferred option.

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



Taxi Assessment Test

The test has been designed to be the equivalent of the DVSA Private Hire & Hackney Carriage Assessment Test.

Start and finish point

The test will start and finish at The Deane House, Belvedere Road, Taunton TA1 1HE and you are advised to arrive at least five minutes before the appointed time.

Documents you must bring

You must bring both parts of your driving licence – the photo card and the paper counterpart. The test will not be conducted unless you will bring both parts.

You must bring your signed driving licence and a valid passport if you have an old-style paper licence.

The test cannot be conducted unless you bring both parts of the licence with you.

Vehicle requirements

Your vehicle must be roadworthy and have a MOT certificate if required, as well as current tax and insurance.

Before the test

The test will take approximately one hour. Before the start you will have to read a number plate from a distance of 20.5 metres.

- A medical check will have to be completed beforehand

Included in the test will be the following:

- A manoeuvre where you will be asked to turn your vehicle to face the opposite direction
- An emergency stop
- A pull away on a hill
- A pull away on the flat
- A pull away from behind a parked car
- Around 10 minutes of driving without being given directions by the assessor
- Two cabology questions
- Three Highway Code questions
- Five questions on road signs and markings
- You will be expected to demonstrate good control of the vehicle and excellent observational skills throughout the test

Wheelchair exercise (optional)

If vehicle is fitted with special equipment to allow access for wheelchairs and people with additional needs the following tasks will need to be undertaken:

- Put wheelchair ramps in place securely and safely
- Load and unload the wheelchair safely
- Safely and correctly install the wheelchair in vehicle, backing chair to fold down seats and secure the wheelchair and its brakes
- Secure seatbelt/safety harness as well as clamps or belts if fitted in vehicle

Passing the test

In order to pass the test you are not allowed to make any serious or dangerous faults and have a maximum of eight minor faults.

Please note:

If you do not give 48 hours notice to cancel your test or if you arrive more than five minutes late, or fail to bring the correct documents, you will be charged but your test will be cancelled.

To book:

To book the test please contact *ADI name and tel number*

The test will be taken in the examiner's own vehicle and it is advisable to have a one hour pre-test assessment drive at a cost of £30. This assessment is not compulsory, but it may highlight any 'bad habits' that you have developed prior to the official test.

Pre-test assessment drive £30 (not compulsory)

The test is £45

All payments direct to *name of ADI*



Licensing Committee – 4 March 2015

Present: Councillor Miss Durdan (Chairman)
Councillors Mrs Adkins, Mrs Allgrove, Beaven, Coles, Mrs Hill, Miss James,
Morrell, Mrs G Slattery and Mrs Waymouth.

Officers: Ian Carter (Licensing Manager), John Rendell (Licensing Officer), Roy Pinney
(Legal Services Manager) and Tracey Meadows (Democratic Services Officer)

Others: Mike Davis from A1/Ace Taxis

(The meeting commenced at 6.15 pm)

12. Apologies/Substitution

Apologies: Councillors A Govier, Mrs Lees, R Lees and Nottrodt.
Substitution: Councillor Mrs Adkins for Councillor Nottrodt.

13. Minutes

The minutes of the meeting of the Licensing Committee held on 27 May 2014 were taken as read and were signed.

14. Public Question Time

Mr Mike Davis of A1/Ace Taxis stated that dealing with the Council was very difficult with seemingly no one being accountable. The trade had been asking for:-

- 1) Reinstatement of the Knowledge Test since 2011;
- 2) An English Test since 2011;
- 3) Licensing to randomly test half the meters annually which, when 100% testing was removed, was a commitment in 2012. Not one meter had been tested since then, even in new vehicles!
- 4) Correct application of the law regarding fees which had been an issue since 2010. The Council could only set fees at the level the activity cost, not at a level of cost that covered over staffing to do a task.
- 5) The Council to take action to prevent people “pulling the wool over the eyes of the Council” with regard to claimed ill health, so allowing them to get saloon plates. Our issue was not with genuine need, but how easy it was to mislead the Council. There was no subsequent control mechanism to ensure other drivers who had no medical condition did not drive those vehicles, which had happened.
- 6) Action regarding the issue of many licences to Bristol residents which had come to light following a Freedom of Information request. They then approached the trade to hire a vehicle. If they successfully obtained a Vehicle Licence they could effectively operate anywhere in the country as a Private Hire business. A letter had been sent to all Councillors about the inherent child protection issues raised in

Rotherham about the use of "under the radar" cab firms. What would the implications be for the Council if it transpired that out of area drivers easily obtained Taunton Deane Driver and Vehicle Licences and were procuring children for sexual abuse?

7) The Council to take an interest in the large number of firms evading VAT which should be part of a simple 'fit and proper' test when a business or individual or family had more than three vehicles. This had been raised regularly since 2009.

8) More meaningful meetings of the Taxi Forum. They currently were shambolic and did not address questions that were asked. Councillor Kelly Durdan had not done what she had committed to do in addressing these issues.

When were all these issues going to be dealt with by the Council? All could be resolved quickly if someone was prepared to have a sensible conversation.

Mr Davis also submitted a written statement by Matt Woodford regarding some misleading statements in the Licensing Officer's report regarding driver testing following three tragic deaths in the last three years involving taxis.

The report appeared to suggest that the accidents were the taxi drivers fault. Mr Woodford asked that the report be amended to reflect the truth of these situations for the reasons set out in his submission.

The Chairman thanked Mr Davis for his comments and questions and for bringing Mr Woodford's statement to the attention of Members. She asked that written responses be provided to all the points made.

15. 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.

16. Licensing Update Report

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

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

- Application numbers for Taxis had been higher than last year.
- Licenses Issued; 414 Premises Licences, 1251 Personal Licences and 2754 Temporary Event Notices (TEN's) in force on 5 February 2015.
- There has been no Licensing Sub-Committee Hearings held between April and December, despite there being six separate Licensing Act 2003 applications which drew representations during this time. On each occasion, mediation took place and the applicants were able to reach an agreed position enabling the licence to be granted.

- There had been several meetings of the Taxi Forum since the last Committee. Matters discussed had led to the presentation of the following two reports on the agenda for the meeting.
- On 6 April 2015 the Legislative Reform (Entertainment Licensing) Order 2014 would come into effect. It would introduce further exemptions to the requirement to obtain an authorisation for the provision of entertainment under the Licensing Act 2003, details of which were submitted.

Also reported that one of the team's officers joined forces with the Police, VOSA and the Department for Work and Pensions on New Year's Eve to undertake taxi and private hire vehicle checks, dubbed 'Operation Tri Star'. Over the course of the morning, 31 licensed vehicles were checked at Taunton Police Station to make sure they were safe to work. Only minor breaches of licence conditions were discovered, with the majority of those breaches being rectified at the location.

During the discussion of this item, concerns were raised that complaints were not shown on the agenda. Members needed to know that issues had been resolved.

Resolved that the report to be noted.

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

Resolved that this report be not considered until such time as full consultations had been carried out in relation to the proposed changes to the Licensing Regime.

(The meeting ended at 6.55 pm)