

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 26 August 2015 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 previous Licensing Committee held on 4 March 2015 ( 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
- 8 Licensing Regime for Hackney Carriage/Private Hire Drivers and Private Hire Operators
- 9 Knowledge and Suitability Interviews for Hackney Carriage/Private Hire Drivers Applicants

Bruce Lang  
Assistant Chief Executive

17 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.

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**Licensing Committee Members:-**

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

## **Licensing Committee – 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)

## Taunton Deane Borough Council

### Licensing Committee – 26 August 2015

#### Licensing Update Report

#### Report of the Licensing Manager

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

#### 1. Executive Summary

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

#### 2. Background

- 2.1 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 June 2015 are shown in comparison with those received for the period in the preceding two years at **Appendix 1**. The numbers of licenses in force and notices given at the end of July 2015 are shown at **Appendix 2**.

##### Service requests

- 3.2 Also shown at **Appendix 1** are the numbers of service requests received between April and June 2015, compared with the previous two years. Three of the four requests related to contraventions of taxi and private hire legislation, with the fourth being a complaint about overzealous face to face fundraisers.

##### 3.3 Hearings

There have been no meetings of the Licensing Sub Committee between April and June, despite there being two separate Licensing Act 2003 applications which drew representations during this time. One application is awaiting to be determined at a hearing in August, whilst with the other application, mediation took place and the applicants were able to reach an agreed position. This 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 application, members of the committee met with the case officer in the members room at Deane House

for a verbal update and to give their authorisation to grant the licence without the need of a formal hearing in public.

### 3.4 Forums

There have been two meetings of the taxi forum since the last committee. Members of the forum were invited to write down their comments regarding the current licensing regime and these were then recorded and analysed by the team. A response was prepared indicating potential timescales for taking steps to address concerns and these were discussed at the next meeting of forum members. A copy of the response sent to all members of the forum is attached at Appendix 3. Two of the main matters discussed have led to the presentation of reports to this committee for consideration with regard to the Knowledge & Suitability Interview and a proposed amendment to the Council's taxi licensing policy.

### 3.5 Changes to legislation

Regulated Entertainment:

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

Work is progressing on the production of a guidance note for members of the public and elected members alike on the types of entertainment that do and do not require a licence. Should members require advice in the meantime please contact the licensing team or alternatively information can be found online at GOV.UK (<https://www.gov.uk/entertainment-licensing-changes-under-the-live-music-act>)

## **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:**

Ian Carter, Licensing Manager  
Tel: 01823 356343  
E-mail: [i.carter@tauntondeane.gov.uk](mailto:i.carter@tauntondeane.gov.uk)

**Licences Issued and Notices Given**

These figures show the number of licences in force at the 30 July 2015 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	405
Licensing Act 2003 Club Premises Certificates	30
Licensing Act 2003 Personal Licences	1286
Licensing Act 2003 Temporary Event Notices	3052
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	8
Gambling Act 2005 Occasional Use Notices	34
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	97
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	4
Gambling Act 2005 Notification of 2 or less Gaming Machines	62
Hackney Carriages	202
Private Hire Vehicles	43
Hackney Carriage & Private Hire Drivers	307
Private Hire Operators	28
Street Trading Consents	16
Section 115E (Pavement Café) Permits	4
Zoo Licences	0
Pet Shop Licences	7
Dog Breeding Licence	2
Animal Boarding Licence	13
Riding Establishment Licences	11
Dangerous Wild Animal Licences	0
Caravan Site Licences	42
Scrap Metal Dealer licence	17
Sex Shop Licences	2
Skin Piercing Registrations	248
Street Collection Permits	286
House to House Collection Permit	118

Applications Received, Notices Given, Service Requests and Complaints

	Apr - Jun 13	Apr - Jun 14	Apr - Jun 15
Licensing Act	166	136	127
Gambling Act	4	6	2
Taxis	114	133	187
Street Trading & S115E Consents	21	27	13
Animal Licensing	5	13	1
Caravan Site Licences	0	1	2
Scrap Metal Dealer	18	1	0
Sex Shop Licences	2	2	2
Skin Piercing	5	5	1
Charity Collection	17	16	1
Service requests	12	10	4
Corporate complaints against the Licensing service	0	0	0

## APPENDIX 3

### Response to Comments from the Taxi Forum

The comments received are set out at 1. below and have been classified as a resource or a policy issue.

Resource issues are part of a wider subject across the licensing service and are being considered holistically rather than against individual regimes.

In respect of individual policy issues an indication has been given as to a likely timescale for action that may assist in resolving the issues raised, should the Council, through the Licensing Committee, determine that it wishes to do so.

Notwithstanding the above, the first of the policy issues that the Licensing Committee will be asked to consider are amendments to the knowledge test and the adoption of new policies regarding out of area applicants. Further information on these proposed changes is set out at 2. below and comments on them will be sought through the next meeting of the taxi forum before the reports to the Committee are finalised.

#### 1. Comments from the Taxi Forum

<b>The Concern</b>	<b>Resource/Policy Issue/Comments</b>	<b>Possible timescale</b>
Bring back knowledge test	See 2. below	
Check Licences on Gates doing airport and private work for companies	Resource Issue	
Check Medical exceptions on drivers and cars	Amend Existing Policy	12 Months
Out of area working <ul style="list-style-type: none"> <li>• Pass by law to control where drivers can come from</li> <li>• As well as proper knowledge test</li> </ul>	See 2. below See 2. below	
Department of TDBC Growth Plan to include taxis as essential transport provider for elderly	Liase with Council departments	
TDBC Improvements <ul style="list-style-type: none"> <li>• Deliver renewal times</li> <li>• Availability to respond</li> <li>• Inspect vehicles by licensing</li> <li>• Control saloon exemptions</li> </ul>	Resource Issue Resource Issue Resource Issue New Policy	12 months
Service Improvements – Public <ul style="list-style-type: none"> <li>• Meter – calendar controlled</li> <li>• BTEC – for new drivers</li> <li>• English, Maths, Knowledge test</li> <li>• Proper in year testing</li> </ul>	New Policy New Policy See 2. below Resource Issue	8 months 8 months
Lack of communication	Resource Issue	
14 Day Plate	Resource Issue	

West Somerset	Resource Issue	
Answer our questions	Resource Issue	
Staff in Office	Resource Issue	
Knowledge Test of What	See 2. below	
Disability Plates - the using of and qualify for	Amend existing policy	12 months
The difficulty in contact <b>any</b> member of the licencing department	Resource Issue	
The issuing of saloon plates to "exemption certificate" holders	Amend existing policy	12 months
Put info into newspaper on tariffs	Publish on website	2 weeks
14 days isn't being adhered to, but is too long	Resource Issue	
Stopping the "bad back saloon plate	Amend existing policy	12 months
The length of time of obtaining a new Hackney Plate for a new vehicle	Resource Issue	
Bad back plates	Amend existing policy	12 months
DBS – Flaws – UK Driving Licence	Existing requirement Legislation permits otherwise	
Geographic, Maths, English Speaking tests	See 2. below	
TA postcode to hold plates and badges	See 2. below	
Time to obtain plates – 7 – 14 days most	Resource Issue	
Rank space and bus lanes and gates	Liase with SCC	
DBS checks prior to entering the country	This would need to be a change in National Policy/Law	
Out of area licensed taxis by TDBC	See 2. below	
Reintroduction of knowledge test, to include English and Maths	See 2. below	
Knowledge Test	See 2. below	
Cap on cars	New Policy	12 months
Must have a full UK Driving Licence	Legislation permits other licences	
Cap on number of cars	New Policy	12 months
New Drivers must have a 5 year checking history	Existing requirement	
Meter tests	Resource Issue	
Live inside a 15 miles road of TDBC	See 2. below	
License application turnaround time both vehicles and drivers	Resource Issue	
Getting hold of Licensing Department and response time	Resource Issue	
Top-hats on cars and working	New Policy	8 Months

5 year checkable DBC	Existing requirement using DBS equivalents	
Rank space	Liaise with SCC	
A review of portion of vehicles in the TDBC that should be wheelchair accessible	New Policy	12 months
5 year checkable DBS	Existing requirement using DBS equivalents	
Full UK Licence – not international	Legislation permits otherwise	
Car number of cars	New Policy	12 months
Quality of cars ie 2 MOT's	New Policy	8 months
Rank Space	Liaise with SCC	
Quality of Cars	New Policy	8 months
Bring back 6 month MOT	New Policy	8 months
More checks/random on current cars	Resource Issue	
Must have a TA postcode/live within certain distance of Taunton to apply/hold a hackney badge/plate or genuine reason why you don't live in the post code thinking about moving not a good reason when you have moved  An exemption from this rule is a replacement insurance vehicle from accident management company	See 2. below	
Must have a checkable history of at least 5 years before applying to become a drive/plate holder	Existing requirement using DBS equivalents	
Must have a valid UK driving licence and not international licence	Legislation permits otherwise	
Must be able to speak and understand the English language	Existing requirement	
Bring back the knowledge test of geographical Taunton, not a driving test as we have all a DSA test so should assume we can all drive a car to a reasonable standard already	See 2. below	
Can you print and issue each driver a copy of the handbook or at least make printed copies available in reception for all drivers that want them (special request can you do a large print one Bob please?)	Yes – recovery of costs?	1 month

Can you tell us what TDBC's policy is regarding a disabled friendly cab it is still all have to be way.	Yes	
As the number of wheelchair passengers is only about 0.7% of the population should this be reflected in the number of wheelchair accessible cars ie a company with over 5 cars 20% of them be disable friendly cars, the rest can be made up of saloon cars	New Policy	12 months
Saloon cars should be made available without the need of a medical exemption	New Policy	12 months
Cap the total number of plates in Taunton Deane at say, 220, with a review every 2 years to fall in line with the growth of the town	New Policy	12 months
Bring back the meter test and check all tariffs 1/2/3 and not just tariff 1	Resource Issue	
Reduce the waiting time for plates/badges etc from 14 days to a max of 7 we know this isn't always possible but should be able to be worked to	Resource Issue	
Have somebody in the office to answer the phone still all too often it is going to answer machine and the only way to get hold of someone is to email when in fact you actually need to speak to a person	Resource Issue	
Dates for appointments to hand in paperwork/fitness/knowledge test should be within 7 days max	Resource Issue	
Please work with SCC for extra taxi ranks this has been going on now for at least the last ten years here are a few ideas for extra spaces	Liaise with SCC	
Does Taunton Deane hold any knowledge of the new plans for taxi ranks within the proposed developments?	Liaise with SCC	
Move Hammett Street to the top of the road and add 3 spaces to make it a 5 car rank	Liaise with SCC	
Extend Primark rank by 2 spaces	Liaise with SCC	
4/5 car rank at the top of the High Street	Liaise with SCC	

Outside Waterstones, poss 3 car rank	Liaise with SCC	
Crescent car park, opp Crown Walk, turn 4 parking bays into rank spaces	Liaise with SCC	
Opposite Lidl's in Wood Street there is a layby with 30 min free bays make that into a taxi rank	Liaise with SCC	
Taxis being able to use bus gates in Taunton	Liaise with SCC	
As in all things we know that we won't get everything we want and it won't be done over night, all we ask is reasonable consideration and mutual respect as it is our livelihoods that is at stake and most of us are long term drivers of 10 years plus under our belts and we have seen the trade change of the years and not always for the best	Liaise with SCC	

## 2. Matters for consideration by the Licensing Committee

At the next meeting of the Licensing Committee (26 August 2015) members will be asked to consider proposed amendments to the Knowledge and Suitability Interview and the adoption of new policies with regard to out of area applicants and remote working. These proposals are summarised below.

### Proposed changes to the Knowledge & Suitability Interview

1. The introduction of a local knowledge test requiring applicants;
  - to identify on a map local points of interest / popular destinations.
  - to identify given locations on a map.
  - to identify directions of travel to points of interest / popular destinations out of the district.
2. The introduction of a mathematical test requiring applicants to demonstrate sufficient ability to calculate 'change' correctly.
3. The introduction of a requirement for applicants to formally evidence their intention to work entirely or predominately with the administrative area of the Council.



### Proposed new policies for out of area applicants

The introduction of these policies is being recommended to protect public safety, the safety and wellbeing of licensed drivers and to promote the aims and objectives of the Corporate Business Plan by improving support to local businesses.

1. The Council will require that all vehicles and drivers licenced by the Council work entirely or predominantly within its administrative boundaries and it will not licence those that it believes will not or do not do so.
2. If following the grant of a licence the Council receives evidence that a driver is not working entirely or predominately within its administrative boundaries it may suspend or revoke that licence.
3. The Council will refuse any new applications made by those persons resident (at the time of their application being submitted) outside of the Taunton Deane Borough Council boundaries, unless they are able to prove to the satisfaction of the Council that they will either work for a licensed Taunton Deane operator or that they genuinely intend to work entirely or predominantly in the Taunton area.
4. All existing licence holders that reside outside of the Taunton Deane administrative area will be required on renewal (after the implementation of this policy) to demonstrate to the satisfaction of the Council that they either work for a Taunton Deane licensed operator or that they work entirely or predominantly in the Taunton area. If they are unable to satisfy the Authority on this issue, or if they fail to provide such information, their application will be delayed and may be refused.

# Taunton Deane Borough Council

## Licensing Committee – 26 August 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 Patrick Berry)

#### 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 introduction of new policies regarding out of area applicants and cross-border hiring.

#### 2. Background

- 2.1** The overarching aim of taxi licensing is public safety. Through the implementation of its policies the Council as Licensing Authority seeks to ensure that members of the public travel in safety in well maintained vehicles driven by competent drivers, as well as ensuring the provision of a fair and reasonable service for the licensed trade.
- 2.2** Cross border hiring describes a taxi being used for private hire purposes outside of the district in which it has been licensed or when a private hire vehicle picks up a passenger from another district. It is a legal and legitimate activity but has the potential to cause problems with monitoring and supervision of the licensed fleet.
- 2.3** Under the legislation, in most circumstances, a Licensing Authority may only take action against a vehicle or driver that it has licensed and is therefore unable to act, unless a criminal activity has taken place, against vehicles operating within its area that are licensed elsewhere. This leaves the authority powerless to intervene if the driver contravenes any licence condition or provides a poor quality service to passengers
- 2.4** Recently there has been a marked increase in the number of applications from applicants who reside outside of the district (the majority of which have Bristol residences) and although their motives are examined through the Knowledge & Suitability Interview, evidence received from the licensed trade and Bristol City Council shows that many of these are operating entirely or predominantly away from the Borough.

- 2.5** Taxi forum members have identified the issuing of licences to out of area applicants as an area of major concern to the trade.
- 2.6** Sadly, national events have also identified Safeguarding concerns over the activities of taxis in Child Sexual Exploitation and highlighted that Councils should assume that CSE is present and preventative activity must be put in place.

### **3. Report**

- 3.1** Although not an unlawful activity, there are potentially undesirable consequences of taxis and drivers licensed by the Council operating remotely from it, as the Council has to supervise these drivers and vehicles from a distance and faces difficulty in keeping them under observation.
- 3.2** The most notable case law on this subject was between Newcastle City Council and Berwick Borough Council. Here, the Judge did not find that the granting of licences to people who intended to operate remotely was unlawful but did conclude that the intention of the licensing system was that “it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used.”
- 3.3** Recently Officers have observed a substantial increase in the number of applications and enquiries from applicants who do not reside within Taunton Deane. In the absence of a policy to the contrary, these applicants, having been found suitable through the normal licensing regime, have been licensed. Evidence is now coming forward that indicates many of these vehicles are working entirely or predominately away from the Borough.
- 3.4** It therefore appears reasonable to expect that people who live outside of the Borough are more likely to work away from the Borough and a change of policy is considered necessary to ensure that the Authority meets its legal and social obligations.
- 3.5** Following consultation with the members of the taxi forum, it is felt appropriate that when considering an application for grant or renewal of a Hackney Carriage and Private Hire Vehicle Drivers Licence and applications for Hackney Carriage Vehicle Licences, from applicants who reside outside of the Council’s administrative boundaries, the Authority will require such evidence as it reasonably considers appropriate to make an assesment of the intention to work or proof of operating since the grant of the licence, entirely or predominately within the Council’s administrative area.
- 3.6** When considering such evidence the Authority have regard to the following
- i. The residential address of the applicant
  - ii. Any offer or contract of employment from or with a company or operator based within the Borough.

- iii. The monetary value of work that starts and finishes within the Borough and that which does not.
- iv. Any activities carried out by the applicant that may influence where they might work.
- v. Whether they will carry out the role full time or not.
- vi. Any other information that the Council considers relevant.

**3.7** The policy changes recommended within this report and the report recommending changes to the Knowledge & Suitability Interview (also before this Committee for consideration) will have an impact on the resources of the licensing team and will increase the cost to those wishing to become licensed. However these increases, for the reasons set out above, will ensure that genuine applicants retain the opportunity to be licensed, where appropriate, while all reasonable steps are taken to protect the public.

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

**4.1** No direct financial implications.

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

**5.1** The recommendations set out in this report would meet the requirements of the legislation.

#### **6. Links to Corporate Aims**

**6.1** The introduction of the new policies will promote the provision of an effective licensing regime which 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 the new policies will support the Council's Safeguarding and Child Sexual Exploitation Policy.

#### **8. Equalities Impact**

**8.1** No adverse equality impact identified.

#### **9. Risk Management**

**9.1** The risks highlighted within the report will, in the opinion of officers, be mitigated by the more robust checks being undertaken at grant and renewal.

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

**10.1** None.

#### **11. Recommendations**

**11.1** That Members approve the adoption of a new policy that the Authority will refuse applications made by those persons residing (at the time of submission of their application) outside of the administrative boundaries of the Council, unless the applicant can prove to the satisfaction of the Authority, that they genuinely intend to work or do work entirely or predominately within the Borough.

**11.2** That Members approve the adoption of a new policy that where the Authority believes that a licensed driver is not working entirely or predominately within the Borough then it may suspend or revoke that person's Hackney Carriage and Private Hire Vehicle Driver's Licence together with any vehicle licence associated with that individual.

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

# Taunton Deane Borough Council

## Licensing Committee – 26 August 2015

### Knowledge & Suitability Interviews for Hackney Carriage/Private Hire Drivers Applicants.

#### Report of the Licensing Manager

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

#### 1. Executive Summary

Members are asked to consider increasing the breadth and depth of knowledge required to obtain a Hackney Carriage/Private Hire Drivers Licence and the recommendations set out at section 11 of the report with regard to the additional areas to be included within the Knowledge & Suitability Interview.

#### 2. Background

- 2.1 Knowledge and suitability interviews were introduced to replace the previous knowledge test in June 2010, as Members felt that since the increased use of satellite navigation systems, it was not necessary for drivers to take the route test and that too much emphasis was placed on the routes drivers should take. They resolved that the test should be revised to include questions from the Hackney Carriage and Private Hire Drivers Handbook (which includes the Council's policies).
- 2.2 The interviews are 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?".

#### 3. Report

- 3.1 Taunton has historically benefited from a very high standard of taxi provision and the possibility of those standards dropping through the revision of the knowledge test was and through the taxi forums has been identified as still being a very strong concern of the trade.

- 3.2** Although no empirical evidence has been found to support those concerns the amount of anecdotal evidence from the trade and the increased numbers of applicants that do not reside within the local area or operate taxis as their main employment presents a risk to the levels of service provision to the travelling public.
- 3.3** To mitigate that risk it is considered necessary to expand the knowledge and suitability interviews so that new applicants are required to demonstrate knowledge of the local area, local and regional points of importance by identifying given locations on a map and being able to identify directions of travel to destinations outside of the district.
- 3.4** The Licensing Team has asked members of the taxi forum to provide suggestions or examples of frequently requested destinations so that a realistic list of questions can be produced to determine suitable geographical knowledge. Responses received have included village halls, hotels, transport and medical facilities.
- 3.5** It is also considered necessary that questions should be introduced for applicants to demonstrate a suitable ability to calculate change from tendered amounts.
- 3.6** The increase in the duration of the knowledge and suitability interviews will have an impact on the resources of the licensing team and will increase the cost to those wishing to become licensed. However these increases, for the reasons set out above, can be balanced by the potential increased standards of drivers and the benefits to services users.

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

- 4.1** No direct financial implications.

#### **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** Public safety is at the heart of the Licensing regime and it is essential that the public as a whole has the trust and confidence in the public transport system.

#### **8. Equalities Impact**

- 8.1** No adverse equality impact identified.

**9. Risk Management**

**9.1** By approving the recommendation at paragraph 11.1, the standard of drivers will improve and therefore the risk to the travelling public is reduced.

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

**10.1** None.

**11. Recommendations**

**11.1** That Members approve the expansion of the Knowledge and suitability interview to include questions on local geography and an appropriate level of mathematical ability.

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



## **Licensing Committee – 26 August 2015**

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

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

Others: Councillors Berry and Mrs Warmington

(The meeting commenced at 6.15 pm)

### **18. Appointment of Chairman**

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

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

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

### **20. Apologies/Substitution**

Apologies: Councillors Mrs Lees, Ross and Miss Smith

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

### **21. Minutes**

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

### **22. Licensing Update Report**

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

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

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

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

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

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

### Changes to legislation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Resolved that:-**

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

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

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

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

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

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

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

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

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

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

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

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

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

(The meeting ended at 6.55 pm)