



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 2 March 2016 at 18:15.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 18 November 2015 (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 Manager (attached).
Reporting Officer: John Rendell
- 6 Report on Hackney Carriage Vehicle unmet Demand Survey. Report of the Licensing Manager (attached).
Reporting Officer: John Rendell
- 7 Report on Proper Business accounting by Hackney Carriage and Private Hire Vehicle Drivers and Operators. Report of the Licensing Manager (attached).
Reporting Officer: John Rendell

Bruce Lang
Assistant Chief Executive

31 May 2016

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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



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



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

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

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Licensing Committee Members:-

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

Licensing Committee – 18 November 2015

Present: Councillor Miss Durdan (Chairman)
Councillor James (Vice-Chairman)
Councillors Brown, Davies, Mrs Floyd, Gage and Nicholls.

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

Other: Councillor Berry

(The meeting commenced at 6.15 pm)

25. Apologies

Councillors Mrs Adkins, Hunt, Mrs Lees and Sully.

26. Minutes

The minutes of the meeting of the Licensing Committee held on 26 August 2015 were taken as read and were signed.

27. Public Question Time

Naomi and Amy Clarke from Barking Mad submitted asked why there was such a large difference between the Home Boarding Licence fees for Taunton Deane (and therefore West Somerset) and Sedgemoor (£98) and South Somerset (£75)?

In reply, the Acting Licensing Manager stated that the Animal Boarding Establishment Act of 1963 gave local authorities the power to set a fee for animal boarding and home boarding licences. The fee had to be reasonable and proportionate, with regard to the costs that the local authority incurred through processing an application and monitoring compliance with the licence thereafter.

Each local authority had its own application process and programme of monitoring compliance once a licence had been granted. In addition, it was for each local authority to decide how much of the costs the local authority wished to recover (and how this impacted on its central budget).

Taunton Deane Borough Council had decided that all costs that were incurred, were to be recovered. The current fee structure reflected the costs of processing an application and two inspections per annum, however this was to be reviewed over the course of 2016.

28. 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.

The performance of service was measured against the number of applications that were determined within 14 days of receipt and this target was 95% within the timescale. For Quarter 1, 75% of applications had been determined with 14 days with figures for Quarter 2 showing a decline to 60% within the timescale.

The backlog of applications had been isolated and stood at approximately 340 and it was estimated that it could take up to four months to clear. To address the backlog of work, two temporary members of staff had been employed, for a minimum of three months. This would be kept under review.

Ian Carter had now left the Council and John Rendell had been appointed Acting Licensing Manager. A permanent appointment for this position would be made in April 2016. Until then, the vacant Licensing Officer position would be backfilled temporarily.

Members were also provided with a comparison of the number of applications received between July and September 2015 for the preceding two years and a summary of the numbers of licenses in force and notices given as at 14 October 2015.

Below was a summary of activity relating to the Licensing Act 2003:-

- Licenses Issued - 402 Premises Licences, 1301 Personal Licences and 3011 Temporary Event Notices (TEN's) in force on 30 July 2015.
- Licenses Issued - 209 Hackney Carriages, 53 Private Hire Licences, 322 Taxi Drivers and 20 Private Hire Operators.
- Street Trading and s115e Consents - The Council had received 28 applications so far this year.
- Total number of Licenses under the Gambling Act 2005 was 228.
- The Street Collection Permits for this period was 288.
- The Animal Boarding Licence for this period was 13.

Below was a summary of all Licensing service activity. This included applications received and licences in force between July and September:-

- Application numbers between July and September remained fairly similar to that period in the preceding two years, with the exception of taxi and private hire related applications.
- Taxi and private hire applications had risen considerably since 2013. This could be attributed to applications made by out of area applicants - the majority of whom resided in Bristol.
- Since the introduction of the new policy, the number of applications had begun to decline and a number of applicants had withdrawn their applications.
- The full impact of the policy change would become clearer when the numbers of applications were known for the period October to December 2015.
- There had been a numbers of service requests received, nine of the requests constituted complaints about the conduct of licensed Hackney Carriage and private hire vehicle drivers.
- There had been only one formal Licensing Sub-Committee. This was held to determine a Premises Licence grant application for Knapp Farm, Hillfarrance.
- There had been an informal meeting of the Licensing Sub-Committee during July to determine an application to vary a premises licence for 2 Bridge Street, Taunton. The formal Sub-Committee had been dispensed with.

- There had been two meetings of the Taxi Forum since August and a number of ideas had been brought forward at these meetings for information reports. This included limiting the number of Hackney Carriages and expanding the 'fit and proper' person test applied to drivers.

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

- Officers had presented Members with very clear evidence of the large increase to Taxi, Private Hire and driver applications.
- Which department did someone contact regarding holding an event near the town centre for instance in Somerset Square and Castle Green? *Contact needed to be made initially with James Hay at the Priory Depot.*

Resolved that the report to be noted.

(The meeting ended at 6.35 pm)

Taunton Deane Borough Council

Licensing Committee – 2 March 2016

Licensing Update report

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : John Rendell, Licensing Manager

1 Executive Summary

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

2 Recommendations

2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
If the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

Risk Scoring Matrix

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

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

4 Background and Full details of the Report

Staffing and work backlog

- 4.1 Since the last meeting of the committee, John Rendell has been appointed as Licensing Manager and Mark Banczyk-Gee as Licensing Officer.
- 4.2 The performance of the Licensing service is measured against the number of applications that are determined within 14 days of receipt. The service target for each quarter is to determine 95% within this timescale. The service did not achieve this target for the third quarter of the financial year (having also failed to reach the target for the first two quarters), determining 71% of applications within the timescale. This did represent an improvement of 11% on the second quarter (60%). The team launched a 'duty assistant/officer' rota in December to look to improve customer service, staff diary management and overall performance of the service and statistics for December show a further improvement, with 80% of applications determined within the timescale. It is the aim to achieve the performance target for the first quarter of the 2016/17 financial year.
- 4.3 Members will recall that failings in the service resulted in the development of a backlog of applications in 2015, which as of September 2015 stood at 420 incomplete activities on the service database. 283 of those activities became an isolated backlog. At the last licensing committee meeting, it was reported that the total number of incomplete

activities stood at 344. The team have reduced this to 136, with 61 left of the original isolated backlog. Although the number of incomplete activities will never realistically reach zero, due to there being regular submissions of applications which cannot be determined right away, the team aim to have cleared the isolated backlog by the beginning of the 2016/17 financial year.

Child sex exploitation

- 4.4 An independent inquiry into a child sexual exploitation (CSE) cases in Rotherham highlighted “significant concerns” that taxi and private hire vehicles had been used to transport victims, with young people being collected from and taken to take-aways, outside schools, bus and train stations, and care homes. Taxi drivers are key to identifying Child Sexual Exploitation as they may come into contact with children or young people who are transported by the perpetrator, by taxi.
- 4.5 To support the work of Somerset Local Safeguarding Children Board CSE Strategic Group and in particular its CSE ‘Prevent’ Sub Group, officers have developed a new guide to help taxi and private hire vehicle drivers identify the signs of CSE and understand how and where to report it. Attached to the report at **Appendix C** is the guide, as it is to appear in the Hackney Carriage and Private Hire Operators, Vehicles and Drivers Handbook policy document. This document is to be introduced to the taxi and private hire trade at a future meeting of the ‘Taxi Forum’ and will also be developed into a more compact, user friend leaflet.

Applications received and licences in force

- 4.6 The numbers of applications received for each of the regimes administered by the Licensing Team between October and December 2015 are shown in comparison with those received for the period in the preceding two years at **Appendix A**. The numbers of licenses in force and notices given as of the 9 February 2016 are shown at **Appendix B**.
- 4.7 Generally, application numbers during this period remain fairly similar in number to that period in the preceding two years, with the exception of taxi and private hire related applications, which has risen considerably since that period in 2013. This can be attributed to applications made by out of area applicants, the majority of whom reside in Bristol. Although interest from out of area drivers has reduced since the implementation of the out of area driver policy in August, there are many out of area applicants still attempting to renew licences. Five licences have been refused during this period on the grounds that the applicants have been unable to provide evidence to support working as a hackney carriage/private hire driver in the Borough.

Service requests

- 4.8 Also shown at **Appendix A** are the numbers of service requests received between October and December 2015, compared with the previous two years.
- 4.9 There are significantly more service requests recorded in 2015 due to a combination of improved record keeping and an increase in complaints against hackney carriage and private hire vehicles and drivers. 35 of the 39 service requests in 2015 relate to complaints against hackney carriage and private hire vehicles and drivers.

5 Links to Corporate Aims / Priorities

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

6 Finance / Resource Implications

- 6.1 None identified.

7 Legal Implications (if any)

- 7.1 There are legal implications resulting from this report.

8 Environmental Impact Implications (if any)

- 8.1 The four licensing objectives under the Licensing Act 2003 are:

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

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

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

- 9.1 As described earlier in this report, the Licensing service is working with multi-agency partners to reduce the risk of harm to vulnerable members of the community and is developing literature for the taxi and private hire trade to help them identify and report signs of child sex exploitation.

10 Equality and Diversity Implications (if any)

- 10.1 No equality and diversity implications were identified.

11 Social Value Implications (if any)

- 11.1 No social value implications have been identified.

12 Partnership Implications (if any)

- 12.1 No partnership implications were identified.

13 Health and Wellbeing Implications (if any)

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

14 Asset Management Implications (if any)

- 14.1 No asset management implications were identified.

15 Consultation Implications (if any)

15.1 No consultation implications were identified.

16 Scrutiny Comments / Recommendation(s) (if any)

16.1 None.

Democratic Path:

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

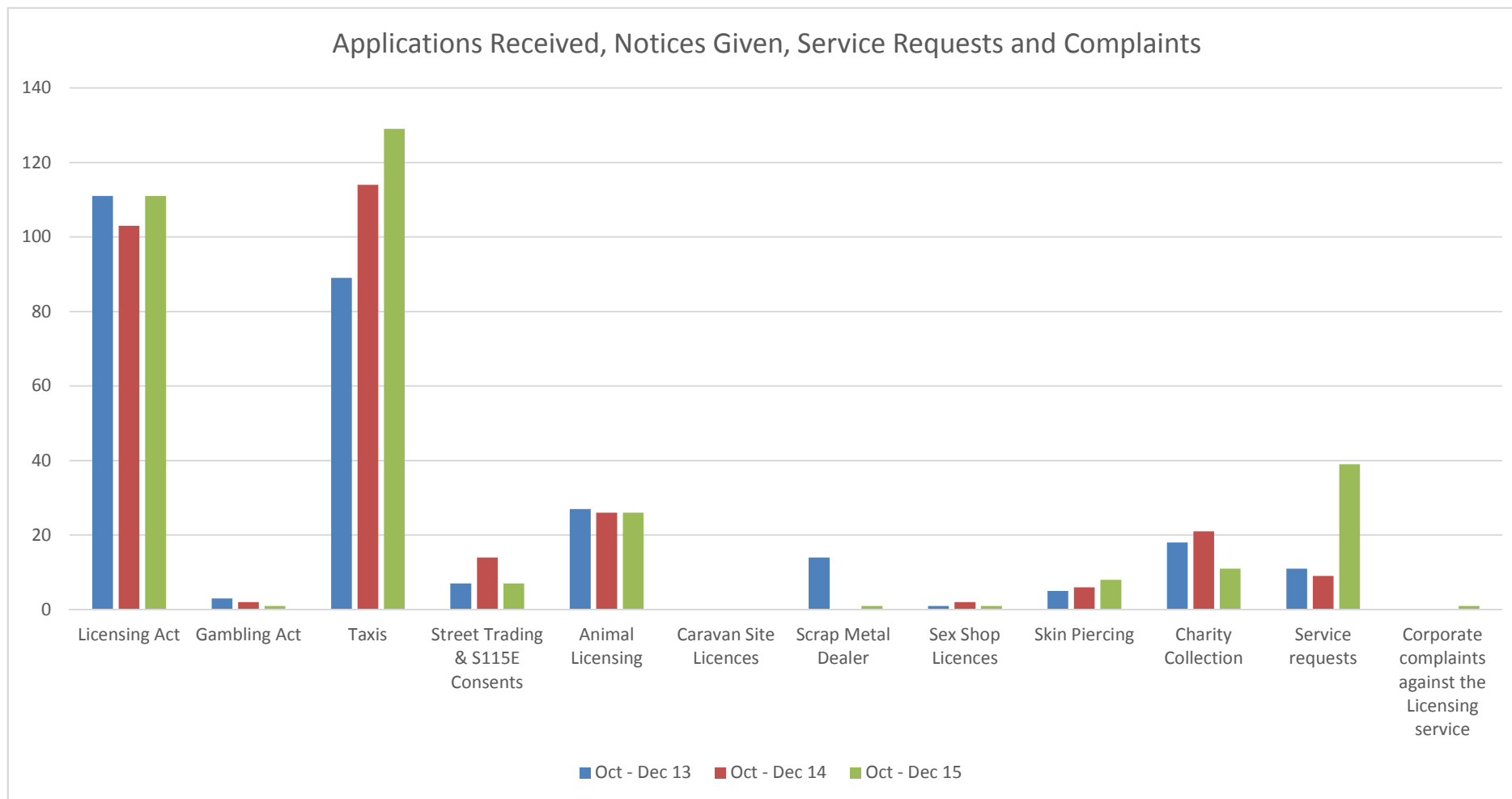
Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

List of Appendices (delete if not applicable)

Appendix A	Applications received, notices given, service requests and complaints
Appendix B	Licences issued and notices given
Appendix C	Child sex exploitation – guide for taxi and private hire vehicle drivers

Contact Officers

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



Licences Issued and Notices Given

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

Licensing Act 2003 Premises Licences	406
Licensing Act 2003 Club Premises Certificates	29
Licensing Act 2003 Personal Licences	1316
Licensing Act 2003 Temporary Event Notices	3186
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	9
Gambling Act 2005 Occasional Use Notices	38
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	98
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	4
Gambling Act 2005 Notification of 2 or less Gaming Machines	63
Hackney Carriages	204
Private Hire Vehicles	40
Hackney Carriage & Private Hire Drivers	281
Private Hire Operators	23
Street Trading Consents	20
Section 115E (Pavement Café) Permits	
Zoo Licences	0
Pet Shop Licences	5
Dog Breeding Licence	2
Animal Boarding Licence	11
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	237
Street Collection Permits	291
House to House Collection Permit	120

Child Sexual Exploitation – a guide for taxi and private hire vehicle drivers

Whilst going about your job as a taxi/private hire vehicle driver, have you:

- Taken or collected a child or young person (under the age of 18) to or from a hotel, B&B or house parties?
- Picked up a child or young person from other cars?
- Noticed children or young people who are distressed or intimidated?
- Noticed children or young people who are under the influence of alcohol and/or drugs?
- Been aware of young women offering bribes to avoid paying fares or other drivers accepting sexual favours from young women?
- Noticed males regularly requesting taxi rides to and from locations, whilst taking children or young people with them?
- Noticed older people hanging around 'hot spots' (e.g. take-aways, parks) or leaving these hotspots with children or young people.
- Taken a child or young person to A&E, without their parents being present?
- Noticed that a child or young person is displaying inappropriate sexualised behaviours e.g. over familiarity with strangers, dressing in a sexual manner or sending sexualised images by mobile phone?
- Noticed that a child is showing signs of unexplained physical harm such as bruising and cigarette marks?

These are all signs that a child may be the subject of Child Sexual Exploitation.

What is Child Sexual Exploitation?

Child Sexual Exploitation is a major child protection issue across the UK. Hidden from view and going unnoticed, vulnerable young girls and boys are groomed and then abused, leaving them traumatised and scarred for life. Over 70% of adults involved in prostitution were sexually exploited as children or teenagers.

Child Sexual Exploitation is a type of abuse in which children are sexually exploited for money, power or status. A children or young person may be tricked into believing they're in a loving, consensual relationship with an older person or they may be given something (food, accomodation, drugs, alcohol, cigarettes, affection, gifts, money etc.) as a result of them performing a sexual act. The person that has groomed them, may ask for them to perform sexual acts on them or their 'friends'. CSE can also take place through the use of technology; for example a child or young person being persuaded to post sexual images on the internet or send them using their mobile phones.

Grooming of children and young people for Child Sexual Exploitation can take place in all sorts of different locations, such as parks, shopping centres, hostels, bars, pubs, clubs, takeaways, gyms, leisure centres, hotels, and at house parties

It can affect both boys and girls, some as young as eight years old. Children and young people from **all backgrounds** can be targeted but young people who are most likely to be targeted are:

- young people who are vulnerable; homeless, neglected or distant from family or friends, misuse drugs or alcohol, not attending school)
- children in care or leaving care;
- children with disabilities.

Why do I need to know?

An independent inquiry into a Child Sexual Exploitation cases in Rotherham highlighted “significant concerns” that taxi and private hire vehicles had been used to transport victims, young people were collected from take-aways, outside schools, bus and train stations, and care homes.

Taxi drivers are key to identifying Child Sexual Exploitation as they may come into contact with children or young people who are transported by the perpetrator by taxi.

It is therefore vital that the taxi and private hire trade Taunton Deane Borough Council and other agencies work together to report concerns, raise awareness and prevent abuse.

What concern may I have?

- Concerns about young people in your vehicle.
- Concerns about locations/venues you drop young people off at.
- Concerns about adults paying for young peoples’ taxi fares.
- Concerns about young person’s conversation in your vehicle
- Concerns about the actions of another taxi driver

What should I do if I notice something?

If you have seen something that makes you concerned about the safety of a child or young person you must report what you have seen.

If you can, make notes of the following:

- Names of the children or young people;
- Locations and addresses relating to concerns;
- Descriptions of people involved;
- Car registration plates, makes and models of vehicles;
- Description of activity that has caused concern.

Even if you don’t have all this information **you must report what you have seen by calling 101**, which is the Police non-emergency phone line.

Taunton Deane Borough Council

Licensing Committee – 2 March 2016

Hackney carriage vehicle unmet demand survey

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : John Rendell, Licensing Manager

1 Executive Summary

- 1.1 Through meetings of the 'taxi forum', the hackney carriage and private hire trade have put forward a number of proposals, including introducing a limit on the numbers of hackney carriage vehicles licensed by the council and members are asked to consider the commissioning of an unmet demand survey so that qualitative and quantitative data can be gathered to inform policy review and development.

2 Recommendations

- 2.1 That members approve the commission of an unmet demand survey.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
The Council is unable to adequately control hackney carriages as the level of demand for such vehicles is not fully understood.	4	2	8
Hackney carriage related policy is not fit for purpose.	3	3	9

Risk Scoring Matrix

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

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

4 Background and Full details of the Report

- 4.1 The 'Taxi Forum' is a meeting held between members of the hackney carriage and private hire trade, Councillor representatives from the licensing committee and Council officers to discuss hackney carriage and private hire licensing matters.
- 4.2 The forum has met irregularly since 2012 but there have been a number of key recurring issues raised, which include the implementation of a limit on the number of hackney carriages licensed by the council, removal of the requirement for all new licensed hackney carriages to be wheelchair accessible and expansion of the 'fit and proper person' test to include proper business accounting/payment of tax, which is the subject of a separate report to be presented at this committee meeting. These issues have become prominent in meetings of the forum held since August 2015.

Limiting the number of hackney carriages

- 4.3 In 1998, the Council removed a restriction on the number of hackney carriages that could be licensed to operate in the Borough, enabling an increase from 63 vehicles. This number rose to 140 in April 2009 and currently stands at 204.
- 4.4 Section 16 of the Transport Act 1985 permits the Council to refuse to grant a hackney carriage vehicle licence 'for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant

licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.

- 4.5 Although representatives at the taxi forum and members of the trade in general agree that the provision of hackney carriages in the borough outweighs demand, opinion as to whether hackney carriage numbers should be limited is divided, with many concerned that a restriction would not allow existing businesses to grow. At a taxi forum meeting held on the 21st October 2015, members of the trade were asked to vote as to whether they would be in favour of limiting the number of hackney carriages. Out of ten representatives from the trade at the meeting, four voted in favour of limiting numbers, three against and three abstained from the vote.

Wheelchair accessibility requirement

- 4.6 When the Council removed the restriction on hackney carriage numbers in 1998, a decision was also made to introduce a requirement that all new hackney carriage vehicles must be wheelchair accessible.
- 4.7 This decision to introduce an accessibility requirement was made in response to central government policy current at the time, which proposed that all hackney carriages should be wheelchair accessible by the year 2005. Central government abandoned this policy prior to 2005 and to this current day, there is no definitive proposal to introduce a requirement for all hackney carriages to be wheelchair accessible. The House of Lords' Equality Act 2010 and Disability Committee has recently announced that it is currently undertaking a review of the Equality Act 2010, which includes looking specifically at the accessibility of taxis.
- 4.8 Vehicles that are adapted to carry wheelchairs are naturally higher in price than those which are not. Officers are also aware of anecdotal evidence from members of the trade and members of the public, which points to wheelchair accessible vehicles being difficult (sometimes impossible) to access for people with non-wheelchair based mobility issues, particularly the elderly. This results in wheelchair accessible vehicles being overlooked on taxi ranks in the Borough, in favour of saloon style hackney carriages (those licensed by virtue of the protection allocated to certain number licence plates as part of the 1998 decision). It is understood that demand for saloon style vehicles outstrips that of wheelchair accessible vehicles, due to the demographic of users and that as a result, only those within the trade that operate protected saloon style hackney carriages have access to this market. This would appear to be supported by reports from members of the trade that this has allowed protected saloon hackney carriage plates to command their own value, often thousands of pounds, when sold between operators. Officers are concerned that the current vehicle specification policy may not be adequately meeting the needs of the travelling public, nor is it providing members of the trade, current and new, with equal business opportunities.

Unmet demand survey

- 4.9 To establish the existence or otherwise of unmet demand and at the level at which numbers can be restricted, usual practice is for an initial survey to be taken, to then be repeated at regular intervals (generally every 3 years).
- 4.10 As well as establishing the level of demand for hackney carriages within the Borough, so that the committee can consider whether restricting the number of licensed vehicles is appropriate, such a survey will also provide other qualitative and quantitative data on demand for hackney carriages by wheelchair users, behaviour of drivers and members

of the public at taxi ranks and perceptions of the trade from service users. This will help to review and develop, where appropriate, other areas of hackney carriage and private hire policy such as the hackney carriage wheelchair accessibility requirement.

- 4.11 The costs associated with commission a survey are explained at paragraph 6.1 of this report.
- 4.12 It is anticipated that such a survey would take around three months from commission to production of the survey report.
- 4.13 The results of the survey do not bind the council, should no unmet demand be established. It is intended that the results the survey be used to inform discussion and review of hackney carriage and private hire related policy.

5 Links to Corporate Aims / Priorities

- 5.1 The results of a survey would enable officers and members to fully understand the hackney carriage market in order to implement hackney carriage and private hire related council policy that is fit for purpose. Policy that is fit for purpose will improve support to local businesses and support the councils growth agenda.

6 Finance / Resource Implications

- 6.1 An initial enquiry has indicated an unmet demand survey is likely to cost in the region of £6,500, however a total of three quotes would be obtained.
- 6.2 Since numbers of private hire vehicles cannot be limited by the Council, the cost of undertaking a survey could only be recovered through licensing fees for Hackney Carriage Vehicles.
- 6.3 The Taxi Licensing budget is ring fenced and any balance of income over expenditure each financial year is transferred to or from an earmarked reserve; there is currently £3,640 in this reserve and could be used to contribute towards the cost of the survey.
- 6.4 The costs of any subsequent surveys (normally three yearly) to monitor demand for hackney carriages and any associated administration by the licensing service would have to be incorporated into fee construction for fees levied for hackney carriage vehicle applications. It is expected that this would cause hackney carriage application fees to increase, particularly as the survey costs cannot be apportioned to drivers, private hire vehicles or private hire operators as the legislation does not impact upon them.

7 Legal Implications (if any)

- 7.1 There may be future legal implications but only as a result of proposed changes made as a result of data gathered in the survey and these would be explored in future reports presented to the committee.

8 Environmental Impact Implications (if any)

- 8.1 The over provision of hackney carriages in the Borough has the potential to negatively impact on carbon emissions, since a slow turnover of hackney carriages on taxi ranks will force other vehicles to circle built up areas of the district as they wait to be hailed by members of the public.

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

- 9.1 An unmet demand survey may help to identify crime and disorder and/or safeguarding activity or risks at taxi ranks, which can then be addressed through the tackling of issues through the meetings of the taxi forum, the development of council policy or other changes made to the hackney carriage licensing regime.
- 9.2 Through effective regulation of hackney carriage and private hire vehicles and drivers, confidence in a safe public transport regime can be maintained aiding its continued use by vulnerable members of the community to support independent living.

10 Equality and Diversity Implications (if any)

- 10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:
- Eliminate discrimination, harassment, victimisation;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 The commission of an unmet demand survey would enable officers and members of the committee to consider data on the use of hackney carriages by disabled and minority groups and also feedback from such groups on their experiences of using hackney carriage vehicles, which would in turn enable Council policy to be reviewed and developed, as appropriate, to ensure that it meets the needs of the wider travelling public are met.

11 Social Value Implications (if any)

- 11.1 The recommendation set out in this report is a stepping stone in creating a vibrant hackney carriage economy which is fit for purpose.

12 Partnership Implications (if any)

- 12.1 No partnership implications have been identified within this report.

13 Health and Wellbeing Implications (if any)

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

14 Asset Management Implications (if any)

- 14.1 No asset management implications have been identified within this report.

15 Consultation Implications (if any)

15.1 This report and proposals contained within have been driven by consultation with the hackney carriage and private hire trade through the meeting of the Taxi Forum.

16 Scrutiny Comments / Recommendation(s) (if any)

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

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No** (delete as appropriate)
- **Cabinet/Executive – No** (delete as appropriate)
- **Full Council – No** (delete as appropriate)

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

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Taunton Deane Borough Council

Licensing Committee – 2 March 2016

Proper business accounting by hackney carriage and private hire vehicle drivers and operators

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : John Rendell, Licensing Manager

1 Executive Summary / Purpose of the Report

- 1.1 This report provides an update on the work of the Licensing service following calls from the hackney carriage and private hire trade to clamp down on drivers and operators who evade tax.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
The Council licences hackney carriage and private hire drivers who evade tax.	3	2	6
Failure to support external partners in preventing criminal activity from being carried out amongst the licensed hackney carriage and private hire driver community.	3	2	6

Risk Scoring Matrix

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

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

4 Background and Full details of the Report

- 4.1 The 'Taxi Forum' is a meeting held between members of the hackney carriage and private hire trade, Councillor representatives from the licensing committee and Council officers to discuss hackney carriage and private hire licensing matters.
- 4.2 The forum has met irregularly since 2012 but there have been a number of key recurring issues raised, which includes drivers and operators evading tax. There are reports within the trade, predominantly anecdotal, that there are many hackney carriage and private hire drivers licensed by the council who fail to pay VAT to HM Revenues and Customers.
- 4.3 This issue has been explored at length at recent forums and a number of proposals (and their implications), have been discussed. Although there are already existing channels that allow members of the public to report tax evasion directly to HMRC, which includes an online reporting form found on the www.gov.uk website, some members of the taxi forum feel that, rather than report intelligence or evidence of crime to HMRC, to prevent crime, the Council should require drivers and operators to demonstrate proper business accounting, including payment of VAT before they receive a licence.

Fit and proper person test

- 4.4 Before the Council can grant or renew a licence to a hackney carriage/private hire vehicle driver or private hire operator, it must be satisfied that the applicant is a 'fit and proper person'. Fitness and propriety is not legally defined and thus the Council has the freedom

to consider a wealth of criteria before reaching a decision. In reaching a decision, the Council also has the power to request from the applicant any information as is considered necessary to determine whether a licence can be granted and whether conditions should be attached to a licence. For these reasons, it is arguable that the Council can require an applicant to demonstrate proper business accounting as an element of the 'fit and proper' decision making process.

- 4.5 Any proposal to require applicants to demonstrate proper business accounting would, if agreed and implemented, place additional demands on the resources of the Licensing Team and therefore have the potential to increase costs to be recovered through the fees levied for grant and renewal applications for drivers and private hire operators.

Proposals

- 4.6 A number of proposals have been discussed at meetings of the taxi forum. Officers and members of the taxi forum alike are wary that placing additional demands on the licensing service will affect costs to the trade and may negatively impact on the performance of the service. Thus, discussions have focussed on proposals which might deliver the desired outcome but with minimal time expenditure.
- 4.7 Once such proposal is that upon applying to renew a licence to act as the driver of a hackney carriage and private hire vehicle, an applicant must provide a 'Unique Tax Reference' (UTR) number, that identifies an individual as a self-employed tax payer. It was proposed that this information could then be provided to HMRC.
- 4.8 Coincidentally, representatives of HMRC have been in contact with the Licensing Manager with a view to holding a meeting to discuss the risk of non compliance with tax paying requirements amongst the licensed driver population and potential for data sharing. It is anticipated that this meeting will take place in March.
- 4.9 A further report with an update and full set of recommendations will be presented at the next Licensing Committee meeting.

5 Links to Corporate Aims / Priorities

- 5.1 The Licensing service can help to support the Council's corporate objective; 'Improve the perception of Taunton as regional centre of economic growth and a place to do business – attracting new businesses whilst supporting existing ones' by working with HMRC to ensure a level playing field for businesses and show that those who pay their taxes will not disadvantaged.

6 Finance / Resource Implications

- 6.1 Any future proposals to introduce an additional requirement for applicants to demonstrate proper business accounting, as described earlier in this report, will place additional duties on the licensing service but the costs of these duties can be met through hackney carriage/private hire driver application fees levied.

7 Legal Implications (if any)

- 7.1 There may be legal implications from future proposals made and these will be explained in the report to be presented at the next Licensing Committee meeting.

8 Environmental Impact Implications (if any)

8.1 No environmental implications have been identified.

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

9.1 It is not unreasonable to expect that hackney carriage and private hire vehicle operators who deliberately evade tax, are also likely ignore other legislative requirements, potentially putting members of the travelling public at risk. By working with HMRC to eliminate rogue traders, confidence in a safe public transport regime can be maintained aiding its continued use by vulnerable members of the community to support independent living.

10 Equality and Diversity Implications (if any)

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

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

10.2 No equality and diversity implications have been identified within this report.

11 Social Value Implications (if any)

11.1 There may be future social value implications from future proposals made and these will be explained in the report to be presented at the next Licensing Committee meeting.

12 Partnership Implications (if any)

12.1 There is the potential for discussions with HMRC to highlight joint working opportunities, particularly data sharing arrangements but any proposals will be clearly set out within the report to be presented at the next Licensing Committee.

13 Health and Wellbeing Implications (if any)

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

14 Asset Management Implications (if any)

14.1 No asset management implications have been identified within this report.

15 Consultation Implications (if any)

15.1 This content of this report has been driven by consultation with the hackney carriage and private hire trade through the meeting of the Taxi Forum.

16 Scrutiny Comments / Recommendation(s) (if any)

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

Democratic Path:

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

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

Contact Officers

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Licensing Committee – 2 March 2016

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

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

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

(The meeting commenced at 6.15 pm)

1. Apologies/Substitution

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

2. Minutes

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

3. Declarations of Interest

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

4. Licensing Update Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved that the report to be noted.

5. Report on Hackney Carriage Vehicle unmet Demand Survey

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved that the report be noted.

(The meeting ended at 6.50 pm)