



## 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 16 November 2016 at 18:15.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Licensing Committee held on 1 June 2016 (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.  
Reporting Officer: John Rendell

Bruce Lang  
Assistant Chief Executive

22 February 2018

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

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**Licensing Committee Members:-**

Councillor K Durdan (Chairman)  
Councillor G James (Vice-Chairman)  
Councillor J Blatchford  
Councillor W Brown  
Councillor T Davies  
Councillor M Floyd  
Councillor J Gage  
Councillor A Gunner  
Councillor M Hill  
Councillor J Hunt  
Councillor S Lees  
Councillor I Morrell, BA LLB  
Councillor S Nicholls  
Councillor A Sully

## **Licensing Committee – 1 June 2016**

Present: Councillor Mrs Adkins, Durdan, Mrs Edwards, Mrs Floyd, Hunt, and Sully.

Officers: John Rendell (Licensing Manager) and Emma Hill (Democratic Services Officer)

Other: Councillor Berry

(The meeting commenced at 6.15 pm)

### **7. Appointment of Chairman**

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

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

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

### **9. Apologies**

Councillors Brown, Gage, James, Mrs Lees and Nicholls.

### **10. Minutes**

The minutes of the meeting of the Licensing Committee held on 2 March 2016 were taken as read and were signed.

### **11. Declarations of Interest**

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

### **12. 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 the activity and performance of the Licensing Service since the last meeting of the Committee was as follows:-

- The service had not achieved the target for the final quarter of the financial year.
- The service had determined 91% of applications within the timescale.

- This figure represented an improvement of 20%, when compared with the third quarter (71%).
- This improvement had been continuous since the second quarter where the service had hit an all-time low of 60%.
- Members would recall that failure to meet the performance target had resulted in a backlog of applications in 2015.
- This current backlog stood at 420 incomplete activities on the service database as of September 2015.
- Following the last meeting of the Committee the isolated backlog of 61 had been reduced to one remaining incomplete activity.
- Also following the March meeting, temporary Licensing Officer Alison Evens had been made permanent and Olivia Denis had returned from Maternity Leave on part time basis.
- In January 2015, the Licensing Service had permanently implemented a duty Assistant/Officer rota. This was following a successful trial.
- The recently approved extension of Licensing Hours to mark the Queen's 90<sup>th</sup> Birthday would soon come into force. The draft order was approved on 5 May 2016.
- Officers updated Members on the developments with the Hackney Carriage and Private Hire Driver knowledge tests. This included the supplementing of geographical questions with maths, use of currency, Highway Code and passenger and driver good practice.
- There had been changes to the Gambling Act 2005 to reduce red tape associated with charitable and not for profit lotteries. This took effect on the 6 April 2016.
- The Council had become aware of numerous unlicensed boarding providers who were advertising on notice boards in pet shops, veterinary clinics and through social media sites. The Licensing Team were contacting those concerned, in order to signpost members of the public to a list of licensed providers published on the Council website. Pet shops and veterinary clinics had also been asked to display the notice.
- In addition to this, the Environmental Health department were organising a 'Dog Action Day' on 25 May 2016. They would be visiting popular dog walking sites to speak to dog owners about responsible dog ownership and fouling law in particular. Licensing Officers would attend to raise awareness of animal boarding licensing and the list of licensed providers published online.

Members were provided with a comparison of the number of applications received between January and March 2016 for the preceding two years and a summary of the numbers of licenses in force and notices given as at 10 May 2016. Generally, application numbers during this period remained fairly similar in number to that period in the preceding two years.

The numbers of service requests received by the service between January and March 2016, compared with the previous two years were also reported. There were significantly more service requests recorded in 2015 due to improved record keeping.

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

- Members were informed that the term 'isolated backlog' was an historic term, which was used when the service were required to separate off a list of waiting applications that had already been pre-determined to reduce the demand on the service. This allowed the team to concentrate on those applications that had a deadline for determination.

- It was acknowledged that information concerning Animal Boarding Licensed Premises was difficult to find on the website and that it appeared to be incomplete. This issue would be looked at by the Licensing Manager.
- The Committee was informed that the Licensing Team was up to date with current requests and applications, apart from seven applications from last week which had yet to be dealt with due to staff sickness.
- With regard to Boarding Licenses, had there been any cases of revoked licenses due to Noise Nuisance? The service had not refused to renew a license due to noise nuisance but there had been cases where licenses had been revoked due to animal welfare convictions.
- With regard to the process for the public to make objections and formal complaints regarding Animal Boarding Licence applications or premises, there was no formal consultation process for making representations against such applications unlike other types of licence applications. Currently, the public could make complaints or raise concerns regarding licensed premises for issues such as noise through Environmental Health as this was a potential statutory noise nuisance. This was then kept on record and was considered when the licence came up for renewal.
- The Committee was informed that all taxi drivers were subject to Disclosure and Barring Service checks before and whilst holding their licence. It had to be completed every three years. It contained detailed background information including both current and spent convictions.

**Resolved** that the report be noted.

### **13. Report on Changes to Testing Regime for Hackney Carriage and Private Vehicles.**

Considered report previously circulated, concerning an update on changes to the Hackney Carriage and private hire vehicle testing regime within Taunton Deane.

To determine that a vehicle was in a suitable mechanical condition as required by the Local Government (Miscellaneous Provisions) Act 1976, the Council required that Hackney Carriage and private hire vehicles passed a Ministry of Transport (MOT) test and a bespoke Council test, called the 'motorised vehicles plate test'.

The plate test concerned aspects of passenger safety and general vehicle maintenance which were not otherwise covered by an MOT. The plate test was carried out on behalf of the Council by three separate Driver and Vehicle Standards Agency (DVSA, formerly VOSA) approved vehicle testing stations in Taunton and Wellington.

When an application for a vehicle licence was made, whether grant or renewal, evidence that the vehicle had successfully passed a plate test and MOT had to be provided.

The Licensing Service carried out its own adhoc inspections on licensed vehicles, where officers checked that vehicles were compliant with the non-mechanical aspects of the plate test. Officers had the ability to suspend or revoke the licences associated with vehicles, which did not comply.

Concerns had been expressed about the standards of some vehicles, which had been inspected over recent months, with poor cleanliness and unsafe interior fittings

being particular causes for alarm. Due to the ambiguity of existing licence conditions officers had been unable to take the level of action that was considered necessary to remedy the concerns.

Proposals had therefore been presented to the Taxi and Private Hire Forum held on 24 March 2016 to amend the plate test, to incorporate interior cleanliness and safe internal fittings, to members of the Hackney Carriage and private hire trade at the meeting of

A copy of the plate test criteria with the proposed amendments was provided for the Committee's information.

These proposals were, in general, supported by those that attended the Forum meeting and a consultation email had also been sent to all licensed drivers. No negative responses to the proposals had been received.

The Chairman and Licensing Manager had agreed that these changes should be implemented but not take effect until 1 June 2016, to allow time for the nominated testing station vehicle inspection sheets and other related documents to be prepared and for the trade to be made aware.

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

- How would the service deal with a driver whose vehicle was found to be in breach of the new requirements? Although the ultimate sanction was the revoking of the vehicle licence, it was more likely that officers would immediately suspend the vehicle licence if they did not meet the criteria. Members of the trade knew that if their vehicle was suspended over the weekend, the suspension notice would not be lifted until the following Monday. It was hoped that this would be a deterrent for drivers and force them to maintain their vehicles properly.
- Had any complaints from the public been recently received concerning driving standards, behaviour and the condition of vehicles? Although there had been some direct complaints often people were unaware who to contact with complaints. The Council had therefore provided licensed vehicles with information stickers to display with the Councils' contact details on.
- It was suggested that the Licensing Service should consider creating a Facebook or Twitter page for the public to contact them regarding issues, information or providing feedback. The Licensing Manager confirmed that he had already submitted a Business Case to the Media and Communications Officer to request that Licensing should be allowed to create its own page.
- Members were informed that there was a list of set tariffs for different days and times during the week. These tariffs set a maximum starting charge when the meter was started after a customer entered the vehicle. Companies and drivers were able to be more competitive and charge below the maximum starting tariff.
- Details of these individual tariffs were to be displayed within the taxi for the information of customers.

**Resolved** that the report be noted

#### **14. Discussion on Temporary Taxi Ranks within the Taunton Town Centre**

Members had a discussion concerning the creation of an official temporary taxi rank outside Zinc Nightclub on Bridge Street, Taunton. Although taxi drivers had been parking outside the nightclub for some time to collect customers but they had recently been moved on.

It was felt that this would be a good location for a 'temporary rank', which would only operate at certain times and this would prevent members of the public having to make their way up North Street to Corporation Street to the Taxi Rank.

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

- The queuing of taxis outside local nightclubs had been happening on and off for several years. Following discussions with the Taxi Forum, the Licensing Service had consulted the Police and it had been decided that it was safer to allow the queuing outside the nightclub rather than allowing the queue to block or limit the access to the bus lane onto Corporation Street.
- Licensing had contacted Somerset County Highways about the possibility of improving the existing ranks within the town but they had seemed uninterested in this.
- Initial suggestions for operational times for any temporary rank would be Friday night, Saturday night and Sundays during Bank Holiday weekends only.
- It was unlikely many cyclists would be using the cycle lane outside Zinc during the early hours of Saturday and Sunday morning.
- Driving through the centre of Taunton during the early hours of Saturday or Sunday mornings could be hazardous as drunk members of public had tendency to wander all over the road.
- Members expressed support for a temporary taxi rank and requested officers to investigate whether its provision was possible.

(The meeting ended at 7.15 pm)

# Taunton Deane Borough Council

## Licensing Committee – 16 November 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

<b>Likelihood</b>	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
			<b>Impact</b>				

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
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

### Performance of the service

- 4.1 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined i.e. the licence is issued after a decision as to whether to grant the licence or not, has been reached. The target for the service is that, for all applications that are completed within a set quarter, 95% must be completed within 14 days of them being determined.
- 4.2 96% of all applications completed between the 1<sup>st</sup> of July and 30<sup>th</sup> of September 2016 were completed within the 14 day timescale. Although there have been steady improvements in the performance of the service over the last year, this is the first time that the performance target has been achieved in over 15 months.

### Applications received and licences in force

- 4.3 The numbers of applications received for each of the regimes administered by the licensing service, between July and September 2016, 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 2 November 2016 are shown at **Appendix B**.

- 4.4 Across the board, application numbers remain broadly similar when compared with 2014 and 2015, except that there has been a noticeable increase in the number of charitable collection permits applied for during the period; up by 59%, when compared with 2015.
- 4.5 This is, in part, due to applications made by young people taking part in the National Citizen Service (NCS); a scheme open to 16 to 17 year olds during the Spring, Summer and Autumn. It involves participants spending time away from home, followed by them embarking on a team community project where they must develop a social action plan to deal with a local issue they're passionate about. To complete the scheme, they then spend 30 hours putting the project into action in their community. Some of the young people who live in Taunton Deane that have taken part have chosen to fund raise for charity and applying for a street collection permit in order to collect money in the street has been a necessary step in completing their project.

#### Service requests

- 4.6 Also shown at **Appendix A** are the numbers of service requests received between April and June 2016, compared with the previous two years.
- 4.7 Generally speaking, there are more service requests recorded after 2015, due to improved record keeping. However, there has been a marked increase over the last quarter due in part to reports of hackney carriage/private hire vehicle drivers operating in Bristol. These account for 8 of the 45 service requests record in the last quarter (18%). 4 of those 8 investigations are ongoing. A full update on the work of the team to reduce the number of out of area drivers has been provided at paragraph 4.13.
- 4.8 Complaints against licensed hackney carriage and private hire vehicles and drivers, in general, account for 30 of the 45 service requests (67%).

#### Staffing

- 4.9 After almost ten years of service, Licensing Officer Olivia Denis left the team on the 5<sup>th</sup> of October. During her time at Taunton Deane, Olivia dealt with around 4600 applications, went on over 640 inspections and carried out around 230 investigations into complaints made against licensed premises, persons and vehicles.
- 4.10 Licensing Assistant Sally Attfield is set to leave the team in December. Sally has been with Licensing on a temporary contract since February 2015, having initially been brought into clear the backlog and improve customer service.
- 4.11 Approval to recruit permanent replacements for both Olivia and Sally was obtained from Executive Councillor Patrick Berry and Assistant Director for Operational Delivery, Chris Hall, in accordance with Council policy and at the time of writing this report, the vacancies are being advertised. The closing date for applications is the 17<sup>th</sup> of November. It is hoped that an appointment can be made by mid-December.

#### Unmet demand survey update

- 4.12 At the meeting of the Licensing Committee on 2 March 2016, members approved a proposal to commission a hackney carriage unmet demand survey.
- 4.13 Since the update within the last Licensing Committee report, CTS Traffic was successfully appointed to carry out the survey and at the time of writing this report, certain elements of the survey, which includes the videoing of the taxi ranks, has already

been completed. There are consultations to licensed drivers, stakeholders (as recommended within the Department for Transport's best practice guidance) and an 'on the ground' survey of members of the public, to follow.

#### Out of area hackney carriage and private hire drivers

- 4.14 Within the last update report presented to the Licensing Committee, it was reported that officers had revoked hackney carriage and private hire vehicle driver licences from four separate men, who were suspected to be working regularly in Bristol. This is at odds with the Councils policy for drivers who live outside of the district.
- 4.15 In the case of one such driver, Mr Abdo Al Arab; not only could he not evidence that he was regularly working within the Taunton Deane district, he also gave a false address on one of his applications. Mr Abdo Al Arab chose to appeal the decision to revoke his licence and the matter was heard at Taunton Magistrates' Court on the 19<sup>th</sup> of October 2016. The decision made by the Magistrates was to uphold the Councils decision to revoke Mr Al Arab's licence and they awarded the Council £300 in costs. A press release was sent to the Somerset County Gazette and Wellington Weekly News and officers were pleased to note that both newspapers gave the story prominent coverage, publishing the full release.
- 4.16 There are currently 20 individuals registered to Bristol addresses that still hold driver licences, which is 10 less since the last report to the Licensing Committee. There are six ongoing service requests/investigations into complaints which relate to individual drivers within the 20 referred to above.

#### Changes to licensing as a consequence of the Immigration Act 2016

- 4.17 The Immigration Act 2016, which commences on the 1<sup>st</sup> of December 2016, amends existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle and taxi sector.
- 4.18 From the commencement date, the provisions in the 2016 Act mandate all licensing authorities not to issue licences to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. This is to be achieved by carrying out certain immigration checks when a person applies for the grant or renewal of a driver licence; namely the checking of their identification, such as a birth certificate, passport and for those born overseas, their biometric residency permit or similar.
- 4.19 Officers attended a Home Office training session held at Deane House on the 31<sup>st</sup> of October, where they were briefed on the changes and given practical demonstrations in how to determine if identity documents have been forged or counterfeited, using real forged and counterfeit passports, residency permits and driving licences.
- 4.20 The provisions within the Act also add immigration offences and penalties to the list of grounds on which a driver and operator licence may be suspended or revoked by licensing authorities. In circumstances where the driver or operator licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine of up to £1,000, plus £10 for each day that the licence is not returned after conviction.

## **5 Links to Corporate Aims / Priorities**

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

## **6 Finance / Resource Implications**

- 6.1 The changes to the licensing regime for hackney carriage and private hire vehicle drivers, as a consequence of the Immigration Act 2016 as explained within paragraphs 4.17 to 4.20, will have an impact on the resources of the Licensing service, since it will take longer than the current face to face meeting with the applicant, to establish the validity of any identification document presented and whether the applicant has the right to live and work in the UK.
- 6.2 That being said, the service is able to recover all reasonable costs associated with the administration of an application for the grant or renewal of a hackney carriage/private hire vehicle drivers licence, such as the time a Licensing Officer spends interviewing an applicant and checking their identification. In this instance, the application fee is to be adjusted to ensure that the additional cost to the service is recovered and there is not a detrimental impact on the Council general fund.
- 6.3 The Council is able to set discretionary fees for a number of different licensing regimes in order to recover reasonable costs, as explained above. These reasonable costs includes staff salaries and as above, the calculation of licence fees has taken into account the staffing changes explained at paragraph 4.11 to ensure that there is not a detrimental impact on the Council general fund.

## **7 Legal Implications (if any)**

- 7.1 As explained within paragraphs 4.17 to 4.20, the commencement of the Immigration Act 2016 on the 1<sup>st</sup> of December 2016, will place a legal duty on the Council to not issue hackney carriage/private hire vehicle drivers licences to individuals who do not have the right to live and work in the UK.

## **8 Environmental Impact Implications (if any)**

- 8.1 There are no specific environmental impact implications identified as a result of this report.

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

- 9.1 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 community safety.

## **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 changes to the licensing regime for hackney carriage and private hire vehicle drivers, as a consequence of the Immigration Act 2016, explained within paragraphs 4.17 to 4.20, are to be applied to all individuals that apply for the grant or renewal of a hackney carriage/private hire vehicle drivers licence, irrespective of their race, nationality or country of birth (including those born within the UK).
- 10.3 No other 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 Members of the taxi and private hire trade are to be briefed on the changes to their licensing regime as a result of the Immigration Act 2016 at the next meeting of the trade forum, to be held on the 24<sup>th</sup> of the November, with the minutes of the meeting to be circulated subsequently via email to all licensed drivers.
- 16 Scrutiny Comments**
- 16.1 There are no scrutiny comments or recommendations.

**Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**

- Cabinet/Executive – No

- Full Council – No

Reporting Frequency :  Once only  Ad-hoc  Quarterly

Twice-yearly  Annually

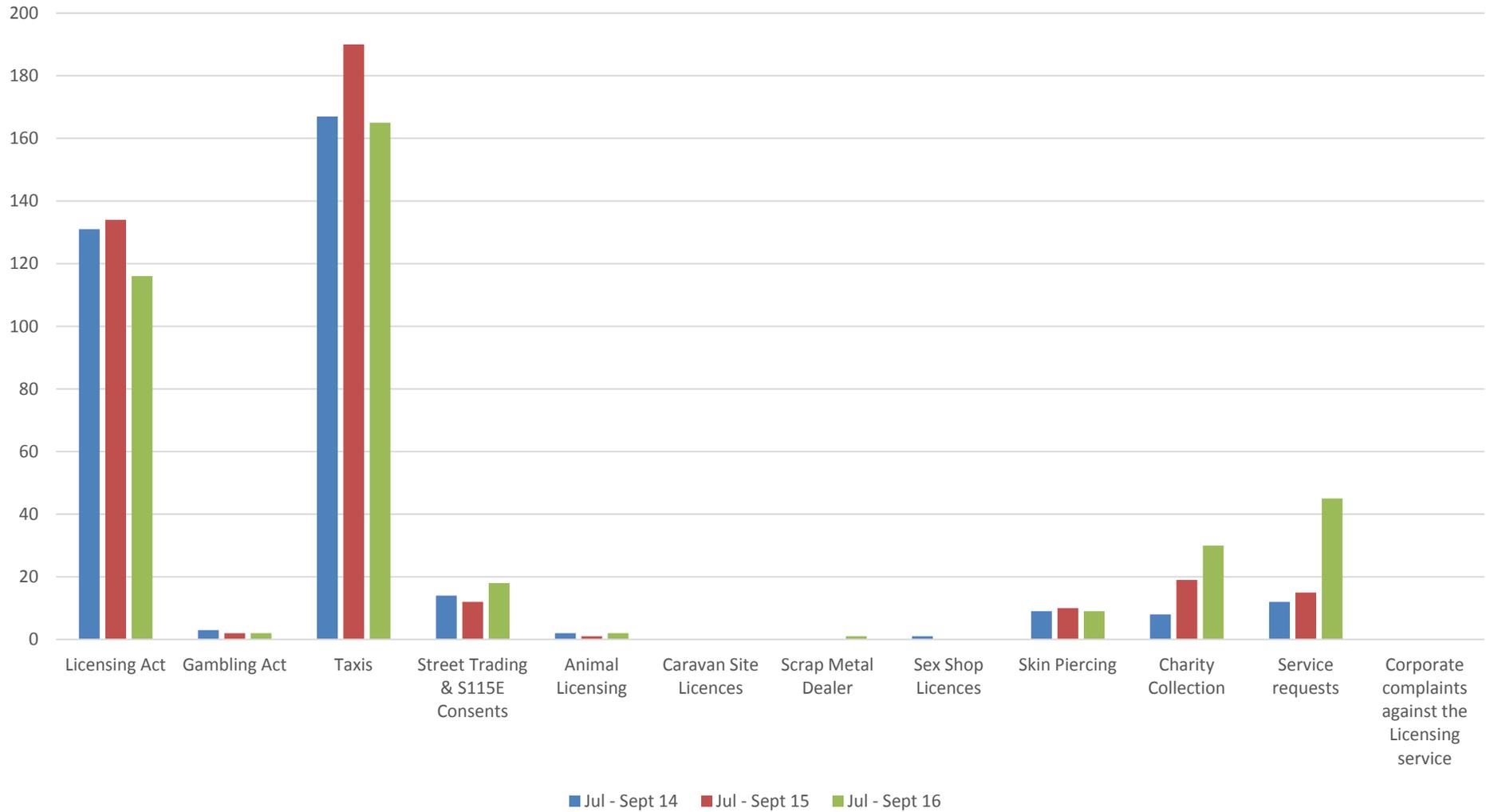
### List of Appendices

Appendix A	Applications received, notices given, service requests and complaints
Appendix B	Licences issued and notices given

### Contact Officers

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

### Applications Received, Notices Given, Service Requests and Complaints



**Licences Issued and Notices Given**

These figures show the number of licences in force at the 2nd November 2016 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	404
Licensing Act 2003 Club Premises Certificates	29
Licensing Act 2003 Personal Licences	1387
Licensing Act 2003 Temporary Event Notices	3510
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	10
Gambling Act 2005 Occasional Use Notices	40
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries	109
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	197
Private Hire Vehicles	38
Hackney Carriage & Private Hire Drivers	259
Private Hire Operators	15
Street Trading Consents	20
Section 115E (Pavement Café) Permits	5
Zoo Licences	0
Pet Shop Licences	3
Dog Breeding Licence	4
Animal Boarding Licence	21
Riding Establishment Licences	10
Dangerous Wild Animal Licences	0
Caravan Site Licences	42
Scrap Metal Dealer licence	18
Sex Shop Licences	1
Skin Piercing Registrations	266
Street Collection Permits	315
House to House Collection Permit	127

(since 01/09/2007)

Applications Received, Notices Given, Service Requests and Complaints

	Jul - Sept 14	Jul - Sept 15	Jul - Sept 16
Licensing Act	131	134	116
Gambling Act	3	2	2
Taxis	167	190	165
Street Trading & S115E Consents	14	12	18
Animal Licensing	2	1	2
Caravan Site Licences	0	0	0
Scrap Metal Dealer	0	0	1
Sex Shop Licences	1	0	0
Skin Piercing	9	10	9
Charity Collection	8	19	30
Service requests	12	15	45
Corporate complaints against the Licensing service	0	0	0

## Revised Version

### Licensing Committee – 16 November 2016

Present: Councillor Miss Durdan (Chairman)  
Councillors Mrs Blatchford, Brown, Davies, Mrs Floyd, Mrs Gunner, Mrs Hill,  
James, Mrs Lees, Morrell, Nicholls and Sully.

Officers: John Rendell (Licensing Manager), Alison Evens (Licensing Assistant) and  
Richard Bryant (Democratic Services Manager)

Other: Councillors Berry and R Lees

(The meeting commenced at 6.15 pm)

### 15. Apologies/Substitution

Apologies : Councillors Gage, Hunt and Ross.

Substitution : Councillor Morrell for Councillor Ross.

### 16. Minutes

The minutes of the meeting of the Licensing Committee held on 1 June 2016 were taken as read and were signed.

### 17. Licensing Update Report

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

A summary of the activity and performance of the Licensing Service since the last meeting of the Committee was as follows:-

- The performance of the Licensing service was measured against the number of applications that were completed within 14 days of them being determined. The target was 95%.
- This target had been exceeded between 1 July and 30 September 2016 where 96% of applications had been completed.
- This was the first time the performance target had been achieved in 15 months.

Members were provided with a comparison of the number of applications received between July and September 2016 for the preceding two years and a summary of the numbers of licenses in force and notices given as at 2 November 2016.

Generally, application numbers during this period remained fairly similar in number to that period in the preceding two years. The exception had been a 59% increase in the number of charitable collection permits applied for during the second quarter.

This was mostly due to applications made by young people taking part in the National Citizen Service – a scheme which involved ‘team community projects’, some of which had involved the possibility of fund raising for charity. This had resulted in applications for street collecting permits being sought.

The numbers of service requests received by the service between April and June 2016, compared with the previous two years were also reported. There were significantly more service requests recorded in 2015 due to improved record keeping.

There had been a marked increase over the last quarter due in part to reports of hackney carriage/private hire vehicle drivers operating in Bristol. These had accounted for 8 of the 45 service requests recorded in the last quarter (18%). Complaints against licensed hackney carriage and private hire vehicles and drivers, in general, accounted for 30 of the 45 service requests (67%).

Reported that with regard to the previously approved hackney carriage unmet demand survey, certain elements of the survey including the videoing of the taxi ranks, had been completed. Consultations with licensed drivers, stakeholders and an ‘on the ground’ survey of members of the public, would shortly be undertaken.

At the last meeting of the Committee, it was reported that officers had revoked hackney carriage and private hire vehicle driver licences from four separate men, who were suspected to be working regularly in Bristol, which was against current policy.

In the case of one such driver, an appeal against the decision to revoke his licence had been submitted and the matter was recently heard at Taunton Magistrates’ Court on the 19 October 2016. The Magistrates had upheld the Council’s decision to revoke the licence and they awarded the Council £300 in costs. The case had been given prominent coverage in the local media.

Further reported that the Immigration Act 2016 would amend existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle and taxi sector.

From the 1 December 2016, the provisions in the Act mandated all licensing authorities not to issue licences to people who were illegally present in the UK, who were not permitted to work, or who were permitted to work but were subject to a condition that prohibited them from holding such a licence.

Lastly, the Committee noted that Olivia Denis, one of the Licensing Officers, had left the Council’s employment in early October 2016 and Sally Attfield would shortly also be leaving. Action to recruit replacement staff was being taken.

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

- There was no statutory level of staffing in a Licensing Department. It was down to the Council itself to find the right balance of officers to deal with the throughput of work.
- It was noted how short the agenda for the meeting was. If such circumstances arose in future, it was suggested that appropriate ‘in house’ training could be provided to Members once the business of the meeting had been conducted. Members were asked to submit requests for subjects to be covered through these proposed training sessions.

- The promised review of the Street Trading Policy was long overdue. There was a clear imbalance in the cost of consents and the competition with established traders in Taunton was causing considerable annoyance.
- Concern about the Town Centre Entertainment Licences was raised approximately 18 months ago. However, although it was appreciated that there had been other issues within Licensing that had had to be addressed, the Entertainment Licences needed to be reviewed and revised.
- As a result of the preceding points, Councillor Morrell proposed a recommendation that “a meeting involving the Chairman, Portfolio-Holder and the Licensing Manager be held at some point in the near future, and the Committee and other Councillors be invited to provide recommendations for agenda items and any form of standing operating procedures that the Committee would see beneficial moving forward”.
- More information was sought as to what appeared to be the ‘arbitrary cost of licences’. In most cases, the Council was only able to charge a fee which covered the reasonable costs incurred in dealing with the application for a licence. This would be covered in more detail within a future training session.
- Were the street traders at the recent Wellington Carnival licensed? With walking traders, the individuals concerned would probably have been in possession of a Pedlar’s Licence – issued by the Police – which entitled them to trade. Fixed stalls or vehicles would however have been obliged to be properly licensed.
- Pedlars, who were often not from the local area, made a lot of money from selling their products at events such as Carnivals. Taunton Carnival Committee had started recruiting its own pedlars which not only resulted in fewer visiting pedlars, but the fees charged were added to the collection for the various charities supported.
- Were cheques presented to the Council’s bank before or after a decision on a licence application? The cheques were banked on receipt and although applicants could request a refund before a decision was made, the Council was able to deduct its costs in processing the application up to that stage. Only a proportion of the original fee was therefore ever refunded. This was made clear on the application form.
- Where a licence was issued to a partnership or a couple, what happened if the partnership dissolved or the couple split? All of the parties named on a licence would be legally liable until such time as the licence had been modified.
- No licences were currently needed in connection with businesses who sold e-cigarettes or vaping products.

**Resolved that:-**

- (1) The report be noted;
- (2) In circumstances where the agenda for a Licensing Committee was relatively short, the suggestion that ‘in house’ training be provided to Members once the business of the meeting had been conducted, be accepted; and
- (3) The recommendation of Councillor Morrell be supported.

(The meeting ended at 6.44 pm)