



Members of the Licensing Committee –

Councillors R P Lillis (Chairman), H J W Davies (Vice Chairman),
I Aldridge, T Hall, S Y Goss, B Leaker, J Parbrook, R Thomas,
N Thwaites, K H Turner, D J Westcott

14 July 2015

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Dear Councillor

LICENSING COMMITTEE MEETING

Date: Tuesday 21 July 2015
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

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Yours sincerely

BRUCE LANG
Proper Officer

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

LICENSING COMMITTEE

AGENDA

21 July 2015 at 4.30 pm

Council Chamber, Williton

1. **Apologies for Absence**
2. **Minutes of the meeting held on 10 March 2015**
3. **Declarations of Interest**
4. **Public Participation**

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. **Licensing Update Report**

To consider Report No. WSC 48/15. Report to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service. To be presented by the Licensing Officer – **SEE ATTACHED.**

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

The Council's Vision:

To enable people to live, work and prosper in West Somerset

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

The Council's Core Values:

- Integrity
- Fairness
- Respect
- Trust

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 10 MARCH 2015

AT 4.30 PM

IN THE COUNCIL CHAMBER, WILLITON

Present:

Councillor D J Sanders Chairman

Councillor H J W Davies
Councillor A F Knight
Councillor E May
Councillor K H Turner

Councillor A P Hadley
Councillor R P Lillis
Councillor L W Smith
Councillor D J Westcott

Officers in Attendance:

Licensing Manager (I Carter)
Licensing Officer (J Rendell)
Mendip Legal Representative (L Dolan)
Meeting Administrator (K Kowalewska)

LEP1 Apologies for Absence

No apologies for absence were received.

LEP2 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Councillor H J W Davies	All	SCC	Spoke and voted
Councillor L W Smith	All	Minehead	Spoke and voted
Councillor K H Turner	All	Brompton Ralph	Spoke and voted
Councillor D J Westcott	All	Watchet	Spoke and voted

LEP3 Public Participation

No member of the public had requested to speak on any item on the agenda.

LEP4 Licensing Regime for Hackney Carriage/Private Hire Drivers and Taxi Assessment Test

(Report No. WSC 47/15 – circulated with the Agenda.)

The purpose of the report was for Members to consider the licensing requirements for Hackney Carriage/Private Hire Drivers within West Somerset with regard to the requirement to pass a practical driving assessment before a drivers licence was granted or renewed.

The Licensing Officer presented the report and advised that Members were being asked to approve one of the two options as set out in the report, having considered the impact upon the trade and the obligations on the Council to protect the safety of the public using licensed Hackney Carriages or Private Hire Vehicles. It was highlighted that option 2 of the recommendation was the officers' preferred option.

The Committee debated the recommended options and various questions and issues were asked and answered by the officers.

The main points raised during the discussion included:

- Members objected to the current arrangement of the Somerset Road Safety tests starting and finishing at Deane House, Taunton due to the inconvenience this would cause to the taxi drivers with regards to fuel costs and the potential loss of trade by taking the time to travel to Taunton. However, officers confirmed that options to undertake the tests in West Somerset could be explored, and it was proposed to amend the recommendation to indicate that the tests could be held at an alternative location in West Somerset.
- It was also proposed that the recommendation should have a three year period written into it so that the test should be taken at renewal or every three years.
- There was no flexibility on the location of where the DVSA test centres were held.
- Members supported the requirement of applicants having to retake the test on renewal of a hackney carriage and private hire vehicles drivers licence.
- It was noted that Option 2 of the recommendations should be amended to read "That Members resolve to require all applicants for the grant and/or renewal of..."
- The differences between the DVSA Taxi Test and the Somerset Road Safety were explained, however it was advised that the same test was conducted and applicants were tested to the same level by qualified examiners using the same requirements.
- Following concerns, it was confirmed that a portion of the test called the 'free drive' was designed to examine the applicant's knowledge of the area.

- Queries pertaining to the wheelchair exercise being optional were raised and officers confirmed that there was a requirement for a hackney carriage vehicle to be wheelchair accessible but this did not apply to a private hire vehicle. Further clarification would be sought from Somerset Road Safety on this issue and the Committee would be advised accordingly.

On being put to the vote Option 1 of the recommendation was REFUSED.

It was proposed to approve Option 2, to include amendments relating to the tests being held in West Somerset and to be undertaken over a three year period from renewal. The amended recommendation was duly seconded. On being put to the vote Option 2, as amended, was CARRIED.

RESOLVED that all applicants for the grant and/or renewal, over a three year period, of a hackney carriage and private hire vehicles drivers licence be required to provide proof that they have completed the DVSA Taxi Test or Somerset Road Safety Test. All Somerset Road Safety Tests to be offered in West Somerset.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

LEP5 **Licensing Regime for Hackney Carriage/Private Hire Drivers and Private Hire Operators**

(Report No. WSC 46/15, circulated with the Agenda.)

The purpose of the report was for Members to consider the licensing requirements for Hackney Carriage/Private Hire Drivers and Private Hire Operators within West Somerset with regard to the removal of one year licences, the granting of licences that run for a period of up to three years from the date of issue, the replacement of the Knowledge Test with a Knowledge and Suitability Interview, requiring applicants for renewal of a drivers licence to pass a knowledge and suitability interview and obtain a suitable medical certificate before a licence is granted.

The Licensing Manager presented the item, providing brief details and reasons for the proposed recommendations that would change the practice of hackney carriage/private hire drivers and private hire operators.

During the debate the following main points were raised:

- Clarification was provided on the removal of the DBS check for those years when it was not required; and it was confirmed that DBS was required at grant and every three years.
- In response to concerns regarding the monitoring of convictions during the three year period, there was a requirement within the taxi policy, and a condition on the licence, that the Council must be notified if a driver was convicted of an offence.

- The discretion for giving a refund would lie with the Licensing Manager who would look at each situation on its own merits and would be able to calculate what was owed. Legislation did not require a refund to be provided.
- In response to a request for the Licensing Committee Chair or Vice-Chair to be present at the knowledge and suitability interview, it was advised that under the Scheme of Delegations responsibility for granting a licence to a suitable applicant was currently delegated to the Licensing Manager and under the current scheme the Chair or Vice-Chair of the Licensing Committee did not have a role in granting a licence.
- The Legal Advisor advised that the Scheme could be amended to enable the Chair or Vice-Chair to be consulted by the Licensing Manager before a licence was granted; the Constitution would have to be revised because in its present form it did not support the request.
- The set format of the face-to-face interview was explained.
- The reason for not restricting the location of the interview was explained, however it was advised that the majority of the interviews would be held at the Williton Council Offices.
- It was proposed to amend recommendation 2.4 of the report to include 'Choice of office by arrangement'.
- The proposed amendments to the policy would be put in effect in April 2016 to allow the trade to become fully informed and accustomed to the changes.
- It was confirmed that the licensing regime did not have statutory consultees.

Councillor D Sanders proposed the recommendations of the report, as amended, which were seconded by Councillor D J Westcott.

On being put to the vote the recommendations, as amended, were CARRIED, with one abstention.

RESOLVED (1) that the removal of one year licences for Hackney Carriage and Private Hire Vehicles Drivers Licences and Private Hire Operators Licences be approved.

RESOLVED (2) that the removal of the requirement to provide a conviction check in the form of either a standard DBS check or a Police Subject Access check (data held on PNC) for those years when an Enhanced DBS disclosure is not required be approved.

RESOLVED (3) that the granting of Hackney Carriage and Private Hire Vehicles Drivers Licences and Private Hire Operators Licences for a period of up to three years from the date of grant of the licence be approved.

RESOLVED (4) that the replacement of the knowledge test with a knowledge and suitability interview be approved. Choice of office by arrangement.

RESOLVED (5) that the requirement for all drivers seeking a renewal of a drivers licence to pass a knowledge and suitability interview prior to the granting of a licence be approved.

RESOLVED (6) that all applicants for the grant or renewal of a hackney carriage and private hire vehicles drivers licence be required to obtain a suitable medical certificate before a licence is granted.

In recognition of this being the last Licensing Committee before the May elections, the Chairman took the opportunity to thank the Members of the Committee and the officers and legal advisors who attended the meetings for their help, guidance and commitment.

The meeting closed at 5.37 pm

Report Number: [Click here and type Report No]
Presented by: Councillor Keith Turner
Author of the Report: Ian Cater Licensing Manager
Contact Details:

Tel. No. Direct Line 01823 358406
Email: i.carter@tauntondeane.gov.uk

Report to a Meeting of: Licensing Committee
To be Held on: 21 July 2015
Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: N/A

LICENSING UPDATE REPORT

1. PURPOSE OF REPORT

1.1. This report is produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

2. CONTRIBUTION TO CORPORATE PRIORITIES

2.1. As an update report there are no links to specific corporate priorities. However if the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Plan.

3. RECOMMENDATIONS

3.1. That the report be noted

4. RISK ASSESSMENT (IF APPLICABLE)

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	5	4	20
<i>Demonstrating good governance of the Licensing Function through presentation of current arrangements and statistics relating to the Licensing Service.</i>	3	4	12

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

5. BACKGROUND INFORMATION

5.1. Applications received and licences in force

The numbers of applications received for each of the regimes administered by the Licensing Team between April and December last year are shown in comparison with those received for the period in the preceding two years at Appendix 1. The numbers of licenses in force and notices given at the beginning of July 2015 are shown at Appendix 2.

5.2. Hearings

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

5.3. Changes to legislation

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

Those exemptions included

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

A full guide to the changes is being produced for Members.

5.4. More changes to the Licensing Act came into force on 1 April 2015 when the requirement to renew personal licences was removed. All existing and future personal licences will now run indefinitely unless surrendered or revoked.

5.5. Consultations

The consultation on the guidance to licensing authorities undertaken by the Gambling Commission closed on 22 June and the response is awaited. The consultation sought views on proposals to amend the guidance to include matters such as local area profiles and local

risk assessments to promote collaborative working between licensing authorities and local operators.

5.6. Staffing Levels

As Members will be aware authority to recruit a temporary Licensing Officer, to address a regrettable drop in the level of service delivery caused by increased workloads, was secured in March of this year. The temporary post holder has cleared sufficient levels of the application and enquiries backlog to allow the service to get back on track which in turn has created improvements in the administration and supervision of the licensing function to service users within West Somerset. This has moved the Council to a position where it can demonstrate the proper consideration and effective determination of all licensing applications received. The process of seeking authority to make permanent the post of a Licensing Officer is being commenced to maintain the improvements in levels of service provision achieved by the current temporary post holder.

6. FINANCIAL/RESOURCE IMPLICATIONS

6.1. None

7. COMMENTS ON BEHALF OF SECTION 151 OFFICER

7.1. None

8. EQUALITY & DIVERSITY IMPLICATIONS

8.1. **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

8.2. None

9. CRIME AND DISORDER IMPLICATIONS

9.1. None

10. CONSULTATION IMPLICATIONS

10.1. None

11. ASSET MANAGEMENT IMPLICATIONS

11.1. None

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1. None

13. HEALTH & WELLBEING

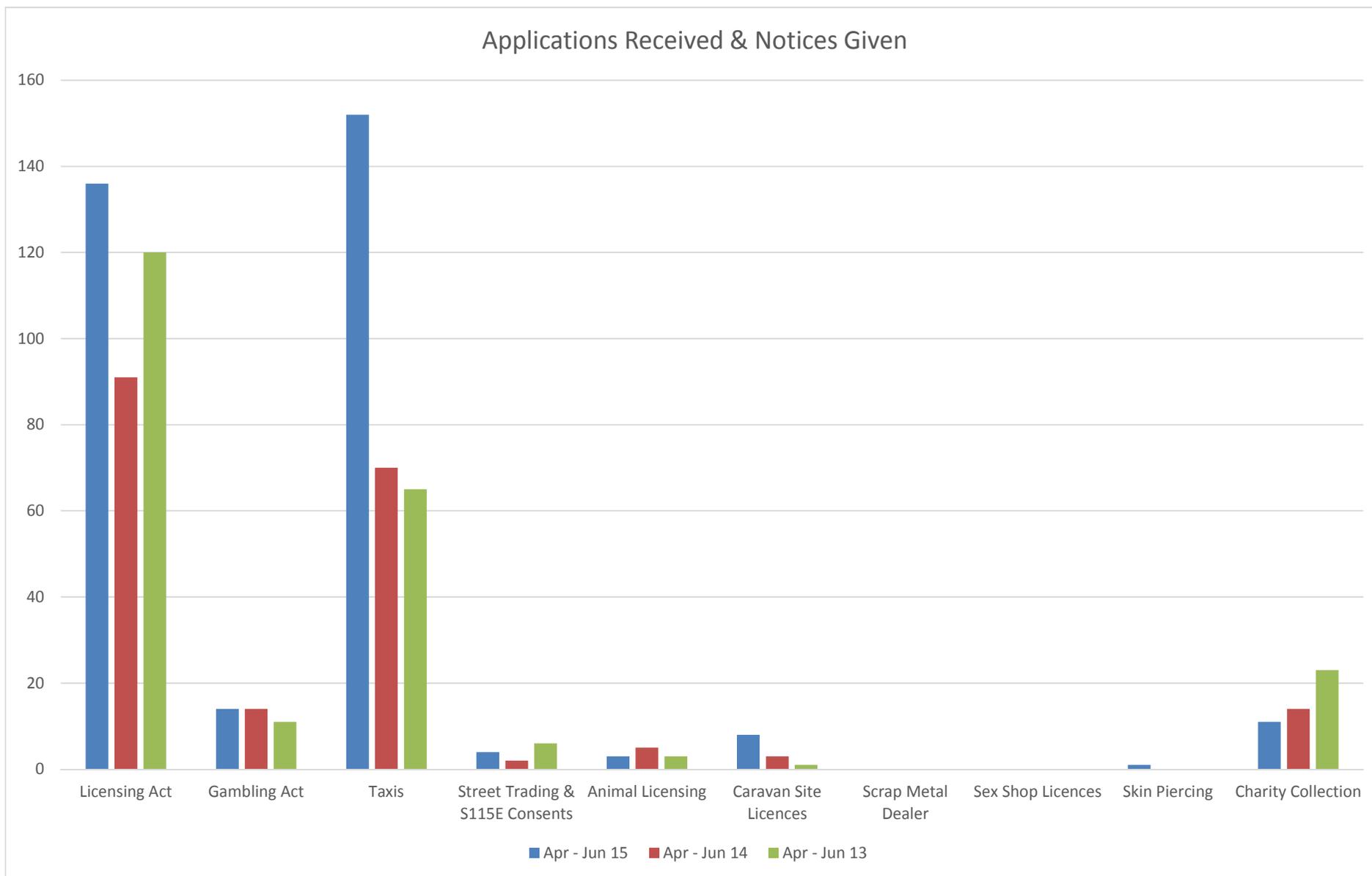
Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

13.1. None

14. LEGAL IMPLICATIONS

14.1. The legal implications are set out within the report



Licences Issued and Notices Given

These figures show the number of licences in force at the 6 July 2015 and the number of notices given since commencement of the releveant legislation

Licensing Act 2003 Premises Licences	271
Licensing Act 2003 Club Premises Certificates	22
Licensing Act 2003 Personal Licences	699
Licensing Act 2003 Temporary Event Notices	2324
Gambling Act 2005 Club Machine Permit	9
Gambling Act 2005 Licensed Premises Gaming Machine Permits	3
Gambling Act 2005 Occasional Use Notices	16
Gambling Act 2005 Premises Licences	
Gambling Act 2005 Prize Gaming Permits	1
Gambling Act 2005 Society Lotteries (since 01/09/2007)	57
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	2
Gambling Act 2005 Notification of 2 or less Gaming Machines	48
Hackney Carriages	40
Private Hire Vehicles	23
Hackney Carriage & Private Hire Drivers	71
Private Hire Operators	18
Street Trading Consents	11
Section 115E (Pavement Café) Permits	N/A
Zoo Licences	3
Pet Shop Licences	1
Dog Breeding Licence	0
Animal Boarding Licence	6
Riding Establishment Licences	5
Dangerous Wild Animal Licences	0
Caravan Site Licences	36
Scrap Metal Dealer licence	2
Sex Shop Licences	0
Skin Piercing Registrations	17
Street Collection Permits	415
House to House Collection Permit	323