

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 90th 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)