

Licensing Committee – 6 October 2010

- Present Councillors Mrs Allgrove, Beaven, Brooks, Critchard,
Ms Durdan, Guerrier, Mrs Hill, House, Mrs Lees, Murphy and
Mrs Waymouth
- Officers: Mr I Carter (Licensing Manager), Mr P Dare (Licensing Officer),
Mr J Rendell (Licensing Officer) and Miss O Walton (Licensing
Officer) Miss H Mockridge (Administrative Officer – Democratic
Services)
- Others: Mike Davis – A1 Taxis
Martin Jones – Taunton Deane Taxi Association
Andy Woodford – A1/ACE Taxis

(The meeting commenced at 6.15 pm).

9. **Appointment of Chairman**

Resolved that Councillor Mrs Allgrove be appointed Chairman of the Licensing Committee for the remainder of the Municipal Year.

10. **Appointment of Vice-Chairman**

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

11. **Apology**

Councillor Coles

12. **Minutes**

The minutes of the meeting held on 1 June 2010 were taken as read and were signed.

13. **Public Question Time**

The representatives from the Taunton Taxi firms introduced themselves and referred to the Licensing Manager's report regarding the request for a Hackney Carriage fare tariff increase which had been previously circulated.

To support their case they explained that Taunton had higher than average fares. Each Authority set fares according to their own needs. Taunton was compared to East Devon regarding the type of trade and the different distribution of the population differed. They felt these differences were reflected in the fare tariffs set by the Authority.

The average fuel prices for the South West and the effects of inflation were stated. The overall figure for inflation from January 2008

to date was 9.2%. The VAT increase due in January would increase prices and add to their costs. A decision had already been made by the County Council to voluntarily increase the rates paid to existing transport contractors.

It was felt the report did not take this into account. Increases in licence fees since 2008 had been quoted.

The representatives felt that customers would expect to see taxi fares increase in price due to the current economic climate and felt that customer surveys should have been included in the Licensing Manager's report.

In their summary it was stated that the trade did not think it unreasonable to ask for a fare increase of 3.3%. They asked Members not to accept the recommendation in the Licensing Manager's report.

14. Declaration of Interests

Councillors Brooks and Mrs Waymouth declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council.

15. Licensing Act 2003 – Request for a Hackney Carriage Fare Tariff Increase

Considered report previously circulated concerning a request from Taunton Deane Taxi Association for an increase in the current Hackney Carriage Fare Tariff set by Taunton Deane Borough Council.

The Hackney Carriage Fare Tariff was last increased in 2008. The Taxi Association felt that rising fuel costs, an increase in the number of taxis licensed by the Council and delays caused by traffic problems in Taunton necessitated an increase in the fare tariff.

A consultation had been undertaken with all Taunton Deane licensed drivers and operators. There were three options:-

- Increase the fares as requested by the Association;
- Increase the fares by another amount; or
- Not increase the fares at this time.

The responses were summarised and shown in the report.

Taunton Deane had the ninth highest tariff of all the Local Authorities in the South West and was above the South West's average fare.

The report mentioned fuel prices and the rate of inflation.

It was thought that in the current economic climate that a fare increase was unjustified. It was also felt that an increase could damage the use of local taxis which currently represented good value for money.

The report recommended that Members refuse the request of the Taunton Deane Taxi Association to increase the Hackney Carriage Fare Tariff.

Members agreed however that the Taxi Association had demonstrated how costs had risen and that a good case for a fare increase had been outlined although there were concerns about an increase affecting the poor and vulnerable. Members felt the request for an increase was reasonable.

Resolved that the Hackney Carriage Fare Tariff be increased by 3.3%.

16. Licensing Act 2003 – Taxi Handbook Amendments

Considered report previously circulated to consider adopting the amended “Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook”.

In 2009 all of the recommendations, policies, practice and conditions relating to taxi licensing were pulled together into one document the “Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook”. This had been approved and adopted by the Council as the definitive source of information for those in the trade, officers and other agencies.

Since then changes had taken place in the Licensing Team which had required sections of the handbook to be redrafted. This had taken into account the changes in post titles. The Taunton Deane Taxi Association had also requested certain conditions be re-examined.

These conditions stated that seats in the rear of a vehicle that could only be accessed by the boot/rear hatch or via seats that fold down or flip up should not be allowed for the conveyance of passengers in any vehicle unless with the written permission of the Council. This did not specifically apply to any vehicle where the rear door was specifically designed for the egress and ingress of passengers.

A consultation had taken place with all the Private Hire or Hackney Carriage drivers and owners licensed by Taunton Deane Borough Council. The consultation gave a choice of one of the following three options:-

- Remove the conditions;
- Retain the conditions; or
- Amend the conditions.

Two thirds of those consulted agreed to the removal of the conditions.

Following research, no justification could be found for the retention of these conditions. The Licensing Manager felt therefore that there should be no resistance to their removal.

The report submitted showed the Appendices which should be altered. The new wording would read "provide at least 9 inches/229mm of clear knee room per passenger seat to the rear of the seat in front".

Resolved that the amendments to the taxi handbook be approved.

17. Licensing Update Report

Considered report previously circulated regarding an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other licensing matters, since the last meeting.

Licensing Act 2003

- The report included the total number of licences issued and notices given;
- All applications received and notices given;
- A summary of the Licensing Sub-Committees held;
- A summary of a Home Office consultation to overhaul the current licensing regime to give more power to local authorities and the Police, entitled 'Rebalancing the Licensing Act'. The Licensing Manager and Chairman had compiled a response which had been returned to the Home Office. The earliest the proposal could be introduced would be 2012. A report detailing any changes would be put before the Committee in due course.

Gambling Act 2005

- The total number of licences issued and notices given;
- The total number of applications received and notices given.

Taxis

- The total number of licences issued; and
- All applications determined;
- A consultation had been undertaken with licensed drivers and operators over the provision of taxi ranks;

- A meeting had been held with the Highway Authority as uncertainty existed over proposed traffic measures for Taunton.

Taxi Forum

Mention was made of the new Taxi Drivers Forum which had been set up. A verbal report was given to the Committee.

John Rendell was congratulated on the relationship he had built up with the taxi drivers. Members suggested some items for the next Taxi Forum meeting.

Street Trading and Pavement Cafes

- The total number of permits and licences issued and notices given;
- Applications received and decided; and
- Mention was made of an attempt to secure a regular Farmers Market in Wellington.

Members asked whether spot checks were carried out on Street Traders and the Licensing Manager responded that officers regularly visited High Street traders and those on the outskirts of the town. In addition all traders were checked on an annual basis.

Members asked what controls there were over food outlets. The Licensing Manager explained that traders had to apply for a licence and standards had to be adhered to. The application was assessed to ensure there was a variety of food vendors.

Animal Licensing

- The total number of licences, consents and permits issued at the end of the last quarter; and
- All applications decided;

Other Licensing

- The total number of licences, consents, registrations and permits issued at the end of the last quarter;
- All licences decided;

Sexual Entertainment Venues

The Licensing Officer gave Members a verbal update on Sexual Entertainment Venues. Section 27 of the Policing and Crime Act 2009 had amended the Local Government (Miscellaneous Provisions Act) 1982 by

introducing a new category of sex establishment called 'sexual entertainment venue'. This allowed local authorities to regulate lap dancing clubs and similar venues under Section 3 of the 1982 Act. A report recommending that Taunton Deane should adopt this amendment had been submitted to Full Council on 5 October 2010 and the recommendation had been approved.

Resolved that report be noted.

18. Licensing Act 2003 – Licensing Policy Adoption

Considered report previously circulated, regarding an update on the tri-annual review of the Council's Licensing Act 2003 Policy and the results of the consultation process. Members were asked to note the results and consider recommending that Council adopt the amended Licensing Policy as required by the Licensing Act 2003 at its next meeting on 14 December 2010.

The current policy had been kept under review over the past three years. A number of small changes had been proposed as a result of this to reflect current practices and updated guidance. A draft of the Licensing Policy had been made available for consultation on 9 July 2010. The closing date for comments was 24 September 2010.

Once approved by Council the Licensing Policy would be published on the Council's website.

Resolved that Full Council be recommended to adopt the amended Licensing Policy.

(The meeting ended at 8pm)