

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.
- 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 Peddler's Licence – issued by the Police – which entitled them to trade. Fixed stalls or vehicles would however have been obliged to be properly licensed.
- Peddlars, 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 peddlars which not only resulted in fewer visiting peddlars, 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; and
- (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.

(The meeting ended at 6.44 pm)