

Licensing Committee – 6 March 2013

Present: Councillor Hunt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Beaven, Brooks, Mrs Hill, Mrs S Lees, Meikle,
Mrs Reed, Gill Slattery, Swaine, Mrs Waymouth and A Wedderkopp.

Officers: Ian Carter (Licensing Manager), John Rendell (Licensing Officer) and Emma Hill
(Corporate Support Officer)

(The meeting commenced at 6.15 pm)

1. Apologies/Substitution

Apologies: Councillor Miss Durdan, R Lees, Miss James and Nottrodt.

Substitution: Councillor A Wedderkopp for Councillor R Lees.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 19 December 2012 were taken as read and were signed.

3. Declarations of Interest

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. Councillor Mrs Allgrove declared a personal interest as the Vice-Chairman of the Somerset Association of Local Councils.

4. Licensing Update Report

Considered report previously circulated, which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters. This report was produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

Summary of activity relating to the Licensing Act 2003:-

- Application numbers had remained consistently high for this quarter.
- There had been an increase of 20 Temporary Event Notices (TEN's) during January compared to last year. This might be due to groups and organisation planning ahead.

Applications under the Gambling Act 2005, including renewals, had stayed fairly similar to the same period in both 2011 and 2012.

With regard to taxis, reported that the number of drivers (237) was lower than this point last year when the figure stood at 251.

There had been very little change in the number of permits held within Taunton Deane relating to Animal Welfare Licensing, Street Trading and Pavement Cafes.

Summary of activity relating to Other Licensing:-

- There had been a big increase in the number of Scrap Metal Dealer registrations compared with the same period last year.
- Permits and Licences issued for Caravan Sites, Motor Salvage Operators, Scrap Metal Dealer Registrations and Sex Shop Licences had remained similar to the same period in 2012.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Had the Licensing Department had any problems with TEN's?
Most were agreed without problems. There would be more information to follow with regard to Central Government proposing to de-regulate areas of the Licensing Act around Community Groups.

Cumulative Impact Policies (CIP)

“Cumulative impact” meant the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The current situation within Taunton Deane was that although there were sporadic concerns expressed to the Licensing Department regarding potential negative impact on the Licensing Objectives, no clear evidence of a consistent pattern within any particular area could be established.

With support from partner agencies the Licensing Team was actively pursuing the application of other measures, most prominent being the use of education and mediation, to limit any detrimental impact on the licensing objectives within the area.

In conclusion, the overall opinion of the Licensing Authority was that there were no areas within the district where the number, type or density of premises selling alcohol was high at the present time. It was felt that the necessary evidential basis for a special policy could not be established and the best way forward would be the continuation of the current partnership approach of education and mediation across Taunton Deane.

There were no indications that this approach would not continue to be successful. However, should monitoring of intelligence, statistics and concerns indicate otherwise a further report on this matter would be brought back to the Committee for consideration.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Could the Council base the need for a CIP on concentration in a particular part of the town – for example East Street and East Reach rather than on a numerical basis? *The Council would need evidence before using a CIP.*

Until evidence of problems was produced in certain areas then the Licensing Officer would be unable to re-act. The Licensing Act dealt with impact.

- Concerns were raised in connection with how stretched out the Town Centre of Taunton was. This would be part of the problem for a CIP. Would the Council still operate a No re-admittance Policy? *This policy was welcomed by local businesses and enforced by the Police. The policy was flexible in relation to smokers requiring to leave the premises to smoke outside. The Council had been trying to concentrate new premises as part of the town centre regeneration encouraging people and businesses to take up already available plots.*
- A suggestion was made about using 'Mystery Drinkers' to investigate how businesses handled people being admitted or not?

Taxis Forum Update

The Licensing Officer gave a verbal update in relation to the recent taxis forum held on 5 March 2013.

- There were five members of the trade present at the meeting.
- The Council had secured 60 places on a new BTEC qualification available through the Government.
- A review of the Council's Compliance Policy would be undertaken with the inclusion of taxis trades and test stations in the consultation.
- An update on the project to move the Taxi Rank on Corporation Street to Hammet Street had also been discussed.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Would the Council be approaching individual members of the trade with regard to the review of the Compliance Policy? Concerns were expressed over the suggestions that might be received.
- Would the Council actively encourage members of the taxi trade in the Taunton Deane area to take up the BTEC qualification? Should obtaining the qualification become mandatory? *The advantages of making the qualification mandatory were acknowledged and would be considered further by the Committee and the Council.*
- Could a badge or sticker be issued to those drivers that had taken qualification?
- A full appraisal should be presented to the committee before considering making the qualification mandatory. Making this mandatory could mean that drivers would increase their fares meaning they might become too expensive for poorer residents of Taunton.
- The Council should encourage drivers to become professional by either making it mandatory or highly recommended before obtaining a licence in Taunton Deane. *The officers would put together a report with all the options available to the Committee. The Committee would need to consider how this would affect 'Grandfather Rights'.*
- The mandatory route would mean that drivers would need to qualify before getting a licence so this should not affect fares.

The qualification could be a mandatory element for new drivers only. Licenses were currently only valid for one or three years. The mandatory element could therefore be introduced in stages.

- Was there any evidence of non-professional drivers? Had the department had complaints? Was there any need to re-train or alter the current requirements if the Council did not have any reason to? Managers and owners of businesses dealt with any issues, complaints and problems internally.
- Members were encouraged by the opening of second testing station. What had been the up take of this new testing station?
The Licensing Department reviewed all certificates returned to the Council from the testing stations and there had been some uptake of the new station.

Street Traders Policy and Consultation Update

The Licensing Officer dealing with this project had met and consulted with all current street traders for comments, suggestions and opinion on the new Street Traders Policy. This policy had also been circulated to other responsible bodies and organisations. They were generally happy with the current situation connected to the Street Traders.

During the discussion of this item, Members made comments and statements and asked questions which included: - (Responses are shown in italics)

- Would the new policy be able to do something about 'Chuggers' or Face to Face Detail Collectors? Could it enforce some rules and regulations or even stop them completely? *This was a perennial interest. The Council had no powers over these groups of 'traders'. Some Local Authorities had created and introduced Street Management Agreements but this was only a voluntary agreement.*
- Concerns were raised around the placement of pitches in relation to current permanent businesses such as County Stores or Hatchers and that the Council needed more control around Street Traders and 'Chuggers'.
Taunton Deane currently did not operate a pitch system for Street Traders.
- The bottom of the High Street felt a bit congested and blocked with the number of Street Traders. With the introduction of the Street Traders Policy a single lines of 'pitches' could be introduced to free up the bottom end of High Street.
- Street Traders might not want to move to permanent premises due to the cost of doing so. This would mean a loss of income.
- Concerns were raised about allowing permanent businesses dictating what was outside their businesses. What the Council needed to do would be to control the number and type of Street Trading businesses within the Town Centre. The Council also needed to consider what suited Taunton in the way of Street Traders. *The Council had suggested to the Government that a review should take place before bringing in the legislation. The control of Street Traders needed to be with local government.*

Resolved that:-

- (1) The update report be noted;

- (2) It be recommended that Taxi Drivers be actively encouraged to take up the available places for the BTEC qualification and that a report be submitted to the next meeting for the Committee to review and consider future options relating to this qualification and whether it should become mandatory; and
- (3) A six monthly update report on the Cumulative Impact Policy in the Taunton Deane area be submitted to the Committee.

(The meeting ended at 8:00 pm)