

Licensing Committee – 7 March 2012

Present Councillor Mrs Allgrove (Chairman)
 Councillor Coles (Vice-Chairman)
 Councillors Beaven, Mrs Hill, Hunt, Miss James, R Lees,
 Mrs Lees, Mrs Reed and Mrs Waymouth

Officers: James Barrah (Community Services Manager, Ian Carter
 (Licensing Manager), Olivia Walton (Licensing Officer), John
 Rendell (Licensing Officer), Judith Jackson (Legal Services
 Manager) and Richard Bryant (Democratic Services Manager)

Other: Councillor Hayward

(The meeting commenced at 6.15pm)

1. Apologies

Councillors Brooks, Miss Durdan, Meikle, Nottrodt and Swaine.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 23 November 2011 were taken as read and were signed.

3. Public Question Time

Mr Mike Toon asked why Taunton Deane was still 'plagued' by private hire vehicles from other Districts? He felt that this was undercutting the local trade and should be stopped.

In response the Licensing Manager, Ian Carter, felt that much of the perceived problem appeared to relate to vehicles which were used in connection with contracts issued by Somerset County Council's Social Services Department. He undertook to find out more about how such contracts were issued..

5. Declarations of Interest

Councillor Mrs Waymouth declared a personal interest as a Member of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor R Lees declared a personal interest as a regular user of taxis. The Chairman (Councillor Mrs Allgrove) declared a personal interest as the Vice-Chairman of the Somerset Association of Local Councils.

6. Testing Regime for Hackney Carriages

Considered report previously circulated, concerning the Hackney Carriage and Private Hire Vehicle Testing Regime within Taunton Deane.

The Department of Transport had stated within its Best Practice Guidance that the aim of local authority licensing of the taxi and private hire vehicle trades was to protect the public.

The Council therefore needed to be satisfied that the vehicles operating within its area were fit to do so through the use of the provisions within the Local Government (Miscellaneous Provisions) Act 1976. This gave Taunton Deane powers to require proprietors to present their vehicles for annual and occasional inspection and testing by, or on behalf of, the Council at such place within the area of the Council as they might reasonably require.

In order to make certain all vehicles met the high standards the Council considered necessary to ensure licensed vehicles were safe before a licence could be granted, a vehicle was required, in addition to meeting the legal requirements for a domestic vehicle, to pass the following tests:-

- Part I – this was a test which used the same criteria as an MOT test and was undertaken by the Council's nominated testing station;
- Part II - this was a test currently undertaken by the Council's nominated testing station that covered all the additional items that the Council had determined were required for licensing purposes, such as the physical condition of the vehicle, safety of wheelchair restraints, comfort and physical appearance of the vehicle; and
- The Meter test – to assess the legality and accuracy of taximeters fitted to vehicles. This was currently undertaken by Licensing Officers.

As permitted under the 1976 Act, the Council had a nominated testing station which undertook all Part I and Part II tests on behalf of the Licensing Service under the control of a Service Level Agreement. The nominated testing station was currently the Service and MOT Centre (formerly MJ Autos) who were appointed in 2007 following the cancellation of the service level agreement previously held with the.

Research of other Somerset Authorities had shown that they did not have a separate Part I test equivalent and that an MOT test from any approved Vehicle and Operator Services Agency (VOSA) testing station was accepted. However, they did all have nominated testing stations for the undertaking of the equivalent Part II testing of vehicles.

Noted that the Conditions for vehicle testing and Hackney Carriage and Private Hire Vehicle Test Criteria were last considered by this Committee when the Taxi Handbook was adopted in April 2009.

Following the receipt of a 39 signature petition a review of, and consultation on, the vehicle testing regime had been undertaken.

There had been a response rate of 18% to the consultation and overall there appeared to be support for the replacement of the Part I test with an MOT

issued by any VOSA approved testing station and to increase the number of Council Nominated testing Stations.

Part 1 test and MOT

Further reported that one of the Council's current requirements for any vehicle to be licensed as a Hackney Carriage or Private Hire Vehicle was that it should hold a valid MOT (if the vehicle was over one year old) and had passed the Council's Part I test undertaken by the Council's nominated testing station.

The Part I test was in practice carried out at the same time as the MOT inspection and the MOT Certificate from the nominated testing station took the place of the Part I compliance certificate. Vehicle proprietors could obtain an MOT certificate from elsewhere and then a Part I compliance certificate from the nominated testing station but in reality this would not make financial sense.

Submitted details of the following options with regard to the Part I test and the MOT:-

- **Option 1.** The current position to remain unchanged.

However the retention of the Part I test could be seen to be unnecessarily duplicating the MOT test and it could be suggested that the Council was not allowing proprietors choice in where an MOT was undertaken.

- **Option 2.** The Part I test was replaced by an MOT issued by any VOSA approved testing station, this could include the nominated testing station which would then be able to offer to undertake the MOT and Part II test as a package deal.

This option would allow vehicle proprietors the freedom to choose where an MOT was undertaken and would remove the duplication of testing criteria that existed at present with the Part I test.

An additional matter that would need to be considered with this option was the question of acceptability of MOT certificates from testing stations that had an identifiable relationship with the vehicle proprietor. If public scrutiny of a relationship between a vehicle proprietor and the operator/owner of a testing station through personal or commercial links raised reasonable doubt as to a conflict of interests, then it was proposed that Licensing should refuse to accept the certificate.

- **Option 3.** The Part I test was replaced by an MOT issued by a Council nominated testing station.

This option removed the duplication of the MOT and Part 1 tests that currently existed and might offer an opportunity for savings to

proprietors through the nominated testing stations undertaking both MOT and Part II tests.

Noted that under all three options vehicles would still require to achieve compliance with the Council's Part II test which would be undertaken at the nominated testing station.

Part II test

In addition to the Part I test the Council required a further set of test criteria, the Part II test, to be applied to vehicles before a Hackney Carriage or Private Hire Vehicle Licence could be issued.

The matters to be examined required a judgement which included safety and suitable mechanical condition and the Council therefore required the test to be undertaken by a suitably qualified vehicle mechanic. For reasons of consistency and customer service, the Council further required that the test was undertaken by the nominated testing station.

Because of the nature of the matters to be inspected, it was not considered appropriate for the test to be undertaken by Licensing Officers who did not have the necessary knowledge or skills base.

Nomination of Testing Station(s)

Reported that the Council maintained a nominated testing station for reasons of control and customer support. The legislation further required that the testing station should be located within the administrative area of the Council.

The Council's current nominated testing station had provided an exemplary level of service since first entering the Service Level Agreement in 2007 and through that time expressions of support and very few formal complaints had been received by the Licensing Team regarding the service that had been provided to the trade.

With regard to Testing Station provision, the following options had been identified through the review process:-

- **Option 1.** Retain the current position – the Service and MOT Centre Taunton would remain as the Council's sole nominated testing station.
- **Option 2.** Increase the number of nominated testing stations.

If spread across the district, this could offer advantages to those vehicle proprietors who did not live within Taunton. It might also offer savings to the trade through the pricing structures of individual testing stations. From the Council's perspective the appointment of at least one additional testing station would provide for continuity of service if one testing station was unable to operate for a period of time.

Before Councillors discussed the contents of the report, the Chairman invited Mr Andy Woodford to make his detailed representations about the Testing Regime for Hackney Carriages and Private Hire Vehicles to the Committee.

He reported that the trade favoured a fourth option whereby the Part I test was replaced by an MOT from any MOT garage and that the Part II test was carried out by Licensing Officers.

During the discussion of this item Councillors considered the merits of the various options presented to them. Option 1 and 2 relating to the Part I test were not accepted. Option 3 was however accepted together with the proposal that at least one further testing station was identified in the Taunton Deane area.

Resolved that:-

- (1) Option 3 - The Part I test to be replaced by an MOT issued by a Council nominated testing station – be approved;
- (2) The requirement for the Part II test to be undertaken by a suitably qualified vehicle mechanic at a nominated testing station, be retained;
- (3) Authority be delegated to the Licensing Manager, in consultation with the Chairman of the Committee, to ascertain the suitability of interested businesses with a view to appointing at least one additional nominated testing station; and
- (4) Priority be given to appointing a nominated testing station located outside of Taunton but within the Council's administrative area.

7. Application procedure for licensing of brand new vehicles as Hackney Carriages or for Private Hire

Reported that the Licensing Team had introduced a service guarantee in April 2011, whereby all licences would be issued within a maximum of 14 days, upon receipt of a full application.

In practice licences were issued within 7 to 10 days but during busy periods, such as the run up to Christmas, could take the full 14 days.

Where licences for Hackney Carriage and Private Hire vehicles were concerned, a full application consisted of:-

- Completed application form;
- Valid insurance certificate or insurance cover note;
- V5 logbook or bill of sale;
- Payment of full licence fee (and meter test fee where appropriate);
- Part I and Part II vehicle compliance test certificate or MOT and the Part II compliance test certificate, carried out at the Service Centre, Taunton.

A brand new vehicle was defined as one that had delivery mileage only and where the applicant was the first registered keeper.

Further reported that the team had received a request from the trade, that a procedure be introduced to speed up the process for the licensing of brand new vehicles.

Working with the trade, a procedure had been created whereby an application would, in future, be made 14 days before the vehicle underwent the compliance tests. This would allow the Licensing Team to prepare the necessary licence, ready for issue upon receipt of proof of compliance with the vehicle tests and the vehicle having completed a satisfactory meter test (if appropriate).

The system had been in place on a trial basis since December last year and had operated without incident.

Resolved that the inclusion of the new vehicle procedure as set within the report in the Hackney Carriage and Private Hire Drivers, Vehicles and Operators Handbook be approved.

8. Licensing Update Report

Considered report previously circulated, concerning the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation, together with other general licensing matters.

The number of premises licences granted during the period from November 2011 to January 2012 was up compared to the same period last year. There had been a decrease of applications received for the variation of a premises licence and change of Designated Premises Supervisor but a slight increase in applications for transfer of premises licence, minor variations, granting of personal licences and Temporary Event Notices.

A Home Office consultation had been launched during January 2012 which sought views on two measures in the Police Reform and Social Responsibility Act 2011 that would be implemented through regulations - Early Morning Restriction Orders (EMROs) and the late night levy.

This would allow local authorities to charge a levy for late-night licences to contribute to the cost of extra policing and extend EMROs, a power that would allow licensing authorities to restrict the sale of alcohol in all or part of their areas, to any time between midnight and 6am. The consultation would close on 10 April 2012.

It was likely that some schemes such as Business Improvement Districts (BID) might fulfil the purpose of the levy, by raising contributions towards late night services, without the need for local authority intervention. It was therefore proposed that licensing authorities should be able to grant an exemption to those paying a levy as part of a BID.

A response to this consultation would be made through the Somerset Licensing Group and the Institute of Licensing.

The Order detailing the extension of licensing hours for the Queen's Diamond Jubilee had been approved. The Order relaxed licensing hours on two consecutive days during the period of the Jubilee celebrations.

Operators hoping to make the most of the Diamond Jubilee celebrations were being encouraged to consider the use of a Temporary Event Notice (TEN) to provide entertainment which was not already covered by their existing premises licence.

Further reported that there had been an increase in the number of Gambling Act 2005 Permits, Registrations and Licences held with Taunton Deane from two in the period of November 2010 to January 2011 to six in November 2011 to January 2012. However, application numbers still remained low.

A decrease in the number of Hackney Carriage and Private Hire Vehicle grants, transfers and renewals and Private Hire Operators compared to the same period in 2010/2011 was reported.

A fifth meeting of the Taxi Forum had been held on 15 February 2012 and various topics had been discussed.

Enquiries into positions available in the High Street for Street Trading remain high.

The Licensing Team together with Economic Development were working closely together to look at new areas for trading and markets such as Castle Green, Somerset Square and Goodlands Gardens and the ability to offer goods other than hot food and drink.

The number of animal boarding licences had increased with the addition of a new cattery in the area.

The total number of licences, consents, registrations and permits issued at the end of the last quarter showed a significant increase in the number of House to House Collections and Street Collections in Taunton Deane during November and December 2011 compared to the same period in 2010.

Before Councillors discussed the contents of the report, the Chairman invited Mr Martin Jones to make his representations about the Taxi Forum which was felt to be a waste of time, for the reasons he set out.

During the discussion of this item, Members made the following comments and asked questions. Responses are shown in italics:

- Was it time to stop issuing licences to face to face fundraisers? *There was currently nothing that could be done to stop "direct debit charity*

collectors” as they did not need a licence to operate. If complaints were received from members of the public about these types of fundraisers, these were taken up directly with the organisers. There was a national move towards Councils being granted powers to control face to face fundraising although some Councils appeared to have found a way to do so already, notably in Bradford. This would be investigated.

- With regard to street trading, was liaison taking place between the Licensing Team and Project Taunton to ensure the look of Taunton’s streets was not being compromised? *Yes, such discussions were taking place.*

Resolved that the report be noted.

(The meeting ended at 7.55 pm)