

## Taunton Deane Borough Council

### Licensing Committee – 26 August 2015

#### Licensing Update Report

#### Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Patrick Berry)

#### 1. Executive Summary

This report provides an update on the activities of the Council's Licensing Team, changes to legislation, current consultations and other general licensing matters.

#### 2. Background

- 2.1 This report is produced to keep the Council's statutory committee up to date with current arrangements and statistics relating to the Licensing Service.

#### 3. Report

##### 3.1 Applications received and licences in force

The numbers of applications received for each of the regimes administered by the Licensing Team between April and June 2015 are shown in comparison with those received for the period in the preceding two years at **Appendix 1**. The numbers of licenses in force and notices given at the end of July 2015 are shown at **Appendix 2**.

##### Service requests

- 3.2 Also shown at **Appendix 1** are the numbers of service requests received between April and June 2015, compared with the previous two years. Three of the four requests related to contraventions of taxi and private hire legislation, with the fourth being a complaint about overzealous face to face fundraisers.

##### 3.3 Hearings

There have been no meetings of the Licensing Sub Committee between April and June, despite there being two separate Licensing Act 2003 applications which drew representations during this time. One application is awaiting to be determined at a hearing in August, whilst with the other application, mediation took place and the applicants were able to reach an agreed position. This enabled the Licensing Authority, to dispense with the hearings in accordance with regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005. With there being no matters for consideration and in order to determine the application, members of the committee met with the case officer in the members room at Deane House

for a verbal update and to give their authorisation to grant the licence without the need of a formal hearing in public.

### 3.4 Forums

There have been two meetings of the taxi forum since the last committee. Members of the forum were invited to write down their comments regarding the current licensing regime and these were then recorded and analysed by the team. A response was prepared indicating potential timescales for taking steps to address concerns and these were discussed at the next meeting of forum members. A copy of the response sent to all members of the forum is attached at Appendix 3. Two of the main matters discussed have led to the presentation of reports to this committee for consideration with regard to the Knowledge & Suitability Interview and a proposed amendment to the Council's taxi licensing policy.

### 3.5 Changes to legislation

Regulated Entertainment:

On 6 April 2015 the Legislative Reform (Entertainment Licensing) Order 2014 came into effect and introduced further exemptions to the requirement to obtain an authorisation for the provision of entertainment under the Licensing Act 2003.

Work is progressing on the production of a guidance note for members of the public and elected members alike on the types of entertainment that do and do not require a licence. Should members require advice in the meantime please contact the licensing team or alternatively information can be found online at GOV.UK (<https://www.gov.uk/entertainment-licensing-changes-under-the-live-music-act>)

## **4 Finance Comments**

None.

## **5 Legal Comments**

The legal implications are set out within the report.

## **6 Links to Corporate Aims**

As an update report there are no links to specific corporate aims. However if the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy.

## **7 Environmental and Community Safety Implications**

None identified.

## **8 Equalities Impact**

As an update report there are no equality impacts upon service users, employees or the wider community. Any new policies, procedures and processes implemented by the Licensing Teams undertaking of project work will be subject to the requirement of an Equality Impact Assessment.

**9 Risk Management**

None identified.

**10 Partnership Implications (if any)**

None identified

**11 Recommendations**

That the report be noted.

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**Licences Issued and Notices Given**

These figures show the number of licences in force at the 30 July 2015 and the number of notices given since commencement of the relevant legislation

Licensing Act 2003 Premises Licences	405
Licensing Act 2003 Club Premises Certificates	30
Licensing Act 2003 Personal Licences	1286
Licensing Act 2003 Temporary Event Notices	3052
Gambling Act 2005 Club Machine Permit	6
Gambling Act 2005 Licensed Premises Gaming Machine Permits	8
Gambling Act 2005 Occasional Use Notices	34
Gambling Act 2005 Premises Licences	16
Gambling Act 2005 Prize Gaming Permits	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	97
Gambling Act 2005 Temporary Use Notices	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	4
Gambling Act 2005 Notification of 2 or less Gaming Machines	62
Hackney Carriages	202
Private Hire Vehicles	43
Hackney Carriage & Private Hire Drivers	307
Private Hire Operators	28
Street Trading Consents	16
Section 115E (Pavement Café) Permits	4
Zoo Licences	0
Pet Shop Licences	7
Dog Breeding Licence	2
Animal Boarding Licence	13
Riding Establishment Licences	11
Dangerous Wild Animal Licences	0
Caravan Site Licences	42
Scrap Metal Dealer licence	17
Sex Shop Licences	2
Skin Piercing Registrations	248
Street Collection Permits	286
House to House Collection Permit	118

Applications Received, Notices Given, Service Requests and Complaints

	Apr - Jun 13	Apr - Jun 14	Apr - Jun 15
Licensing Act	166	136	127
Gambling Act	4	6	2
Taxis	114	133	187
Street Trading & S115E Consents	21	27	13
Animal Licensing	5	13	1
Caravan Site Licences	0	1	2
Scrap Metal Dealer	18	1	0
Sex Shop Licences	2	2	2
Skin Piercing	5	5	1
Charity Collection	17	16	1
Service requests	12	10	4
Corporate complaints against the Licensing service	0	0	0

## APPENDIX 3

### Response to Comments from the Taxi Forum

The comments received are set out at 1. below and have been classified as a resource or a policy issue.

Resource issues are part of a wider subject across the licensing service and are being considered holistically rather than against individual regimes.

In respect of individual policy issues an indication has been given as to a likely timescale for action that may assist in resolving the issues raised, should the Council, through the Licensing Committee, determine that it wishes to do so.

Notwithstanding the above, the first of the policy issues that the Licensing Committee will be asked to consider are amendments to the knowledge test and the adoption of new policies regarding out of area applicants. Further information on these proposed changes is set out at 2. below and comments on them will be sought through the next meeting of the taxi forum before the reports to the Committee are finalised.

#### 1. Comments from the Taxi Forum

<b>The Concern</b>	<b>Resource/Policy Issue/Comments</b>	<b>Possible timescale</b>
Bring back knowledge test	See 2. below	
Check Licences on Gates doing airport and private work for companies	Resource Issue	
Check Medical exceptions on drivers and cars	Amend Existing Policy	12 Months
Out of area working <ul style="list-style-type: none"> <li>• Pass by law to control where drivers can come from</li> <li>• As well as proper knowledge test</li> </ul>	See 2. below See 2. below	
Department of TDBC Growth Plan to include taxis as essential transport provider for elderly	Liase with Council departments	
TDBC Improvements <ul style="list-style-type: none"> <li>• Deliver renewal times</li> <li>• Availability to respond</li> <li>• Inspect vehicles by licensing</li> <li>• Control saloon exemptions</li> </ul>	Resource Issue Resource Issue Resource Issue New Policy	12 months
Service Improvements – Public <ul style="list-style-type: none"> <li>• Meter – calendar controlled</li> <li>• BTEC – for new drivers</li> <li>• English, Maths, Knowledge test</li> <li>• Proper in year testing</li> </ul>	New Policy New Policy See 2. below Resource Issue	8 months 8 months
Lack of communication	Resource Issue	
14 Day Plate	Resource Issue	

West Somerset	Resource Issue	
Answer our questions	Resource Issue	
Staff in Office	Resource Issue	
Knowledge Test of What	See 2. below	
Disability Plates - the using of and qualify for	Amend existing policy	12 months
The difficulty in contact <b>any</b> member of the licencing department	Resource Issue	
The issuing of saloon plates to “exemption certificate” holders	Amend existing policy	12 months
Put info into newspaper on tariffs	Publish on website	2 weeks
14 days isn’t being adhered to, but is too long	Resource Issue	
Stopping the “bad back saloon plate	Amend existing policy	12 months
The length of time of obtaining a new Hackney Plate for a new vehicle	Resource Issue	
Bad back plates	Amend existing policy	12 months
DBS – Flaws – UK Driving Licence	Existing requirement Legislation permits otherwise	
Geographic, Maths, English Speaking tests	See 2. below	
TA postcode to hold plates and badges	See 2. below	
Time to obtain plates – 7 – 14 days most	Resource Issue	
Rank space and bus lanes and gates	Liaise with SCC	
DBS checks prior to entering the country	This would need to be a change in National Policy/Law	
Out of area licensed taxis by TDBC	See 2. below	
Reintroduction of knowledge test, to include English and Maths	See 2. below	
Knowledge Test	See 2. below	
Cap on cars	New Policy	12 months
Must have a full UK Driving Licence	Legislation permits other licences	
Cap on number of cars	New Policy	12 months
New Drivers must have a 5 year checking history	Existing requirement	
Meter tests	Resource Issue	
Live inside a 15 miles road of TDBC	See 2. below	
License application turnaround time both vehicles and drivers	Resource Issue	
Getting hold of Licensing Department and response time	Resource Issue	
Top-hats on cars and working	New Policy	8 Months

5 year checkable DBC	Existing requirement using DBS equivalents	
Rank space	Liaise with SCC	
A review of portion of vehicles in the TDBC that should be wheelchair accessible	New Policy	12 months
5 year checkable DBS	Existing requirement using DBS equivalents	
Full UK Licence – not international	Legislation permits otherwise	
Car number of cars	New Policy	12 months
Quality of cars ie 2 MOT's	New Policy	8 months
Rank Space	Liaise with SCC	
Quality of Cars	New Policy	8 months
Bring back 6 month MOT	New Policy	8 months
More checks/random on current cars	Resource Issue	
Must have a TA postcode/live within certain distance of Taunton to apply/hold a hackney badge/plate or genuine reason why you don't live in the post code thinking about moving not a good reason when you have moved  An exemption from this rule is a replacement insurance vehicle from accident management company	See 2. below	
Must have a checkable history of at least 5 years before applying to become a drive/plate holder	Existing requirement using DBS equivalents	
Must have a valid UK driving licence and not international licence	Legislation permits otherwise	
Must be able to speak and understand the English language	Existing requirement	
Bring back the knowledge test of geographical Taunton, not a driving test as we have all a DSA test so should assume we can all drive a car to a reasonable standard already	See 2. below	
Can you print and issue each driver a copy of the handbook or at least make printed copies available in reception for all drivers that want them (special request can you do a large print one Bob please?)	Yes – recovery of costs?	1 month



Can you tell us what TDBC's policy is regarding a disabled friendly cab it is still all have to be way.	Yes	
As the number of wheelchair passengers is only about 0.7% of the population should this be reflected in the number of wheelchair accessible cars ie a company with over 5 cars 20% of them be disable friendly cars, the rest can be made up of saloon cars	New Policy	12 months
Saloon cars should be made available without the need of a medical exemption	New Policy	12 months
Cap the total number of plates in Taunton Deane at say, 220, with a review every 2 years to fall in line with the growth of the town	New Policy	12 months
Bring back the meter test and check all tariffs 1/2/3 and not just tariff 1	Resource Issue	
Reduce the waiting time for plates/badges etc from 14 days to a max of 7 we know this isn't always possible but should be able to be worked to	Resource Issue	
Have somebody in the office to answer the phone still all too often it is going to answer machine and the only way to get hold of someone is to email when in fact you actually need to speak to a person	Resource Issue	
Dates for appointments to hand in paperwork/fitness/knowledge test should be within 7 days max	Resource Issue	
Please work with SCC for extra taxi ranks this has been going on now for at least the last ten years here are a few ideas for extra spaces	Liaise with SCC	
Does Taunton Deane hold any knowledge of the new plans for taxi ranks within the proposed developments?	Liaise with SCC	
Move Hammett Street to the top of the road and add 3 spaces to make it a 5 car rank	Liaise with SCC	
Extend Primark rank by 2 spaces	Liaise with SCC	
4/5 car rank at the top of the High Street	Liaise with SCC	

Outside Waterstones, poss 3 car rank	Liaise with SCC	
Crescent car park, opp Crown Walk, turn 4 parking bays into rank spaces	Liaise with SCC	
Opposite Lidl's in Wood Street there is a layby with 30 min free bays make that into a taxi rank	Liaise with SCC	
Taxis being able to use bus gates in Taunton	Liaise with SCC	
As in all things we know that we won't get everything we want and it won't be done over night, all we ask is reasonable consideration and mutual respect as it is our livelihoods that is at stake and most of us are long term drivers of 10 years plus under our belts and we have seen the trade change of the years and not always for the best		

## 2. Matters for consideration by the Licensing Committee

At the next meeting of the Licensing Committee (26 August 2015) members will be asked to consider proposed amendments to the Knowledge and Suitability Interview and the adoption of new policies with regard to out of area applicants and remote working. These proposals are summarised below.

### Proposed changes to the Knowledge & Suitability Interview

1. The introduction of a local knowledge test requiring applicants;
  - to identify on a map local points of interest / popular destinations.
  - to identify given locations on a map.
  - to identify directions of travel to points of interest / popular destinations out of the district.
2. The introduction of a mathematical test requiring applicants to demonstrate sufficient ability to calculate 'change' correctly.
3. The introduction of a requirement for applicants to formally evidence their intention to work entirely or predominately with the administrative area of the Council.

### Proposed new policies for out of area applicants

The introduction of these policies is being recommended to protect public safety, the safety and wellbeing of licensed drivers and to promote the aims and objectives of the Corporate Business Plan by improving support to local businesses.

1. The Council will require that all vehicles and drivers licenced by the Council work entirely or predominantly within its administrative boundaries and it will not licence those that it believes will not or do not do so.
2. If following the grant of a licence the Council receives evidence that a driver is not working entirely or predominately within its administrative boundaries it may suspend or revoke that licence.
3. The Council will refuse any new applications made by those persons resident (at the time of their application being submitted) outside of the Taunton Deane Borough Council boundaries, unless they are able to prove to the satisfaction of the Council that they will either work for a licensed Taunton Deane operator or that they genuinely intend to work entirely or predominantly in the Taunton area.
4. All existing licence holders that reside outside of the Taunton Deane administrative area will be required on renewal (after the implementation of this policy) to demonstrate to the satisfaction of the Council that they either work for a Taunton Deane licensed operator or that they work entirely or predominantly in the Taunton area. If they are unable to satisfy the Authority on this issue, or if they fail to provide such information, their application will be delayed and may be refused.