

## LICENSING COMMITTEE

Minutes of the Meeting held on 14 March 2018 at 4.30pm

In The Council Chamber, West Somerset House, Williton

### Present:

Councillor R Lillis ..... Chairman  
Councillor D Westcott ..... Vice-Chairman

Councillor I Aldridge  
Councillor I Jones  
Councillor R Thomas

Councillor K Turner  
Councillor N Thwaites  
Councillor T Venner

### Officers in Attendance:

Licensing Manager (J Rendell)  
Licensing Officer (A Evens)  
Democratic Services Officer (C Rendell)

### LEP17 Apologies for Absence

Apologies were received from Councillors S Goss, J Parbrook and A Kingston-James.

### LEP18 Minutes of the meeting held on 28 November 2017

(Minutes of the Meeting of the Licensing Committee held on 28 November 2017 – circulated with the Agenda.)

**RESOLVED** that the Minutes of the Licensing Committee held on 28 November 2017 be noted.

### LEP19 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No.	Member of	Action Taken
Councillor I Aldridge	All	Williton Parish Council	Spoke and voted
Councillor R Thomas	All	Minehead Town Council	Spoke and voted
Councillor N Thwaites	All	Dulverton Town Council	Spoke and voted
Councillor K Turner	All	Brompton Ralph Parish Council	Spoke and voted
Councillor D Westcott	All	Watchet Town Council	Spoke and voted
Councillor T Venner	All	Minehead Town Council	Spoke and voted

### LEP20 Public Participation

No members of the public had requested to speak on any item on the agenda.

## **LEP21 Licensing Update Report**

The purpose of the report was to keep the Council's statutory Committee up to date 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. Between 1 October and 31 December 2017, 98% of applications had been completed within the 14 day timescale.

Members were provided with a comparison of the numbers of applications received for each of the regimes administered by the Licensing Team between October and December 2017 and the numbers of licences in force and notices given as at 27 February 2018.

The Licensing Manager had returned from supporting the Accommodation Team and a period of paternity leave, which had brought to an end the temporary management arrangements described in the last Licensing Committee update report.

Each Licensing Authority was required by the Licensing Act 2003 to publish a statement of licensing policy, in which it sets out the approach it intended to take when licensing decisions were made on alcohol, entertainment and late night refreshment licences. The policy must be reviewed every five years.

A revision of West Somerset Council's statement of policy was last reviewed in 2012, so was now overdue.

The Licensing Manager had not proposed to make any radical changes to the current document, apart from the introduction of a cumulative impact policy and an explanation of the procedure that the Licensing Authority followed when a Licensing Sub-Committee was required.

HM Revenues and Customs (HMRC) had consulted on proposed changes to certain licensing regimes in order to tackle the hidden economy.

The proposals would make compliance with certain tax obligations a condition of holding certain licences and introduce checks on applicants' tax-registration status as part of licensing processes.

The Licensing Manager had been in discussion with HMRC and had helped shape the proposals and taken part in talks around conducting a test-and-learn activity to trial how some aspects of the proposals would work in practice.

The Institute of Licensing had consulted its members in relation to draft guidance it had produced on determining the suitability of applicants and licensees in the taxi and private hire trade.

Produced in partnership with the Local Government Association, National Association of Licensing and Enforcement Officers and lawyers in Local Government, the document was intended to provide guidance on determining the suitability of applicants, taking into account the character of the applicant or licensee and would be available for use by local authorities for their own policies.

Officers had supported the proposals and intended to incorporate the guidance into the policy document, the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, more commonly known as the Taxi Handbook.

A Private Member's Bill that sought to introduce new rules to improve taxi safeguarding procedures had been published.

The Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill, proposed by Daniel Zeichner MP, had its first reading on 19 July 2017. The Bill sought to put a statutory duty on Licensing Authorities to share information about licences they had revoked, refused or suspended on a register and to check the register in respect of every new and renewal application.

Members of the Licensing Team were often asked why applications for licences and permits could not be issued on the day they were received and why they had a performance target of two weeks. This was because the Team must balance the demands of other duties within the department.

In order to provide an overview of the work the service carried out, in particular day to day functions, the Licensing Manager had created the Licensing Service Work Plan. The Licensing Manager would be working with the Team to prioritise the tasks and incorporate them into a workload.

During the discussion the following points were raised:-

- Members welcomed the Licensing Manager back from his time spent with the Accommodation Team.
- Members queried whether there would be a joint Taxi Handbook produced for both Councils to work from.  
*Yes there would be. The team wanted to join the policies from both Councils together so the service could work in an efficient way.*
- Members queried whether there was an age limit for the medical tests for taxi drivers. And suggested that drug testing should be added.  
*The Licensing Manager explained the differences between the testing in both Councils. West Somerset Council (WSC) tested drivers every three years until they reached the age of sixty and then they were tested every year. Taunton Deane Borough Council (TDBC) tested drivers every five years once they reached the age of forty-five and then when they turned sixty they were tested every year. The Licensing Manager advised the Committee that drivers should be tested when they applied for a licence and then again when they renewed their licence, he wanted to treat all drivers in an equal way regardless of age. TDBC did include the question whether the driver had any addictions and this could be adopted by WSC.*
- Members suggested that taxi drivers should take a language test before being granted a licence.  
*There was not a language test at present. Applicants were interviewed to test their knowledge of their responsibilities as a taxi driver and what they understood they could and could not do. It was a test for comprehension rather than language specific.*

- Members requested that driver's safety and local knowledge was tested.  
*The test ensured that the driver was safe, suitable, had the ability to drive and knew where they were going. The Licensing Manager wanted to include geographical and basic numeracy sections to the test.*
- Members were shocked that the taxi trade was not centrally governed.  
*The Institute of Licensing had lobbied to get legislation passed for the trade to be controlled centrally, which the Licensing Department supported.*
- Members requested that the amount of licences that had not been granted was included in the Update Report.
- Concern was raised that when the policies were joined, local traders were concerned about a possible loss in trade to Taunton businesses.  
*The traders from Taunton shared the same concern. It was possible to keep two licensing zones within the new structure, but that would be something the New Council would need to decide.*
- Concern was raised on how a complaint had been dealt with.  
*It was suggested that when a Member reported a complaint, that they included the Members Case Manager, who would check that it had been resolved.*
- Members queried who policed scrap metal dealers and whether they adhered to the policies.  
*The Police could stop and check their paperwork. The Licensing Department could also take action.*
- Concern was raised on the hidden economy and were there any data protection issues.  
*There was a clause within the Data Protection Act that allowed the agencies to share information.*
- Members requested an update on the Hinkley Point Accommodation item that was discussed at the last meeting.  
*The Licensing Officer was working with Planning and it would be brought back to the next Licensing Committee.*

**RESOLVED** that the update report be noted.

## **LEP22 Minutes of the Licensing Sub-Committees**

(Minutes of the Meeting of the Licensing Sub-Committee held on 4 October 2017 – circulated with the Agenda.)

**RESOLVED** that the Minutes of the Licensing Sub-Committee held on 4 October 2017 be noted for information.

**(The meeting closed at 5.35pm.)**