

Licensing Committee – 27 May 2014

Present: Councillors Mrs Allgrove, Beaven, Coles, Miss Durdan, Mrs Hill, Miss James, R Lees, Morrell and A Wedderkopp.

Officers: Ian Carter (Licensing Manager), Olivia Denis (Licensing Officer), John Rendell (Licensing Officer), Roy Pinney (Legal Services Manager) and Andrew Randell (Corporate Support Officer).

Others: Councillor Hayward
David Sanders (Chairman of West Somerset Licencing Committee).
Mike Davis from A1/Ace Taxis

(The meeting commenced at 6.15 pm)

5. Appointment of Chairman

Resolved that Councillor Miss K Durdan be appointed Chairman of the Licensing Committee for the remainder of the Municipal Year.

6. Appointment of Vice-Chairman

Resolved that Councillor Coles be appointed Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

7. Apologies/Substitution

Apologies: Councillors Mrs Lees, Nottrodt and Mrs Reed.
Substitution: Councillor A Wedderkopp for Mrs Lees.

8. Minutes

The minutes of the meeting of the Licensing Committee held on 6 March 2013 were taken as read and were signed.

9. Declarations of Interest

Councillor Coles declared a personal interest as Member 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.

An additional declaration of a personal interest was made by Councillor A Wedderkopp as a Somerset County Councillor.

10. 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.

A Summary of activity relating to the Licensing Act 2003 was as follows:-

- Application numbers had been considerably higher than last year.
- Licenses Issued; 414 Premises Licences, 1191 Personal Licences and 2684 Temporary Event Notices (TEN's) in force on 2 May 2014.
- There has been no Licensing Sub-Committee Hearings held.
- There had been an increase in Gambling Act applications on this time last year with two applications in 2014.
- There had also been an increase on the number of Street Trading and s115e Consents from 10 in 2013 to 22 in 2014.

A Summary of activities relating to other Licensing:-

- Work was underway on a review of the 'Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook' - the Council's private hire licencing regime policy document.
- Members of the taxi and private hire trade were now able to have their vehicles tested in Taunton. Neither the trade nor testing stations had reported any problems.
- The Licensing Team was currently undertaking a full review of all its policies, procedures and processes.

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

- The criteria that needed to be met to obtain a taxi licence was discussed. *As well as the current criteria, a criminal check would also be done on new applicants to ensure they were a fit and proper person.*
- The number of taxi licences issued were discussed. *There was no upper limit on the number of taxi permits that were issued but numbers were staying broadly level.*
- Members commended the number of taxis that provided wheelchair access.
- The nationality of drivers and if there was a requirement that they spoke English was discussed. *Taxi firms could not insist on English being spoken due to equalities and diversity concerns.*
- Minimum alcohol pricing was discussed. *This would be debated the next meeting of the committee.*

Resolved that the report to be noted.

11. Report of Caravan Site Licensing

Considered report previously circulated, which provided details on Caravan Site Licensing.

The Council had the power to levy fees in respect of applications for the grant of a site licence, an application to transfer or vary the conditions of a site licence and the deposit of site rules.

With regard to increased enforcement powers, the Mobile Homes Act 2013 had introduced the power for Local Authorities to serve compliance notices and take direct action in respect of breaches of conditions. Provision to charge the site owner for the cost associated with enforcement action had also been introduced. These costs could not be passed on to residents through pitch fees.

Other powers regarding the service of notices and undertaking of emergency works and the requirement to publish and maintain an online register of site rules had also been given to Local Authorities.

There were 28 Relevant Protected Sites licensed by the Council with a total of 319 pitches spread across them. 16 of the sites were restricted by condition to occupancy by one or more families whilst the remaining 12 were commercial businesses. Those in family occupancy had four or less permanent residential units while the others ranged from six to 60 units.

From the Licensing records for the last four years there had been very few complaints against site owners and no uncorrected breaches of conditions requiring formal intervention by the Council.

Taking the low amount of intervention into account and the fact that the legislation had provided the Council with powers rather than imposed obligations, Members were asked to consider the following options with regard to changes to the caravan site licensing regime:-

Option 1. The introduction of a full charging policy for applications and enforcement activities and implementation of an annual inspection programme requiring the payment of an annual fee for all Relevant Protected Sites within Taunton Deane.

Option 2. The introduction of a charging policy for applications and enforcement activity only for all Relevant Protected Sites and an annual inspection, levying an annual fee against those sites with more than five residential units only.

Option 3. The Council introduced a charging policy for applications and enforcement activity/emergency works only in respect of all Relevant Protected Sites.

In the opinion of officers, Option 3 represented the most proportionate and reasonable approach to utilising the new licensing powers, given the history of compliance from site owners in Taunton Deane.

During the discussion of this item, Members were informed that if compliance issues changed from site owners in Taunton Deane then the policy could be looked at again and altered if required.

The Licensing Manager also confirmed that a pricing structure would need to be agreed before any of the above options could be implemented. A proposed structure would be submitted to a future meeting of the Committee for approval.

- The pricing structure would be agreed and would go through appropriate channels and sent to the committee before going before changing any fee's the policy would be in place.

Resolved that:-

- (a) Option 3, details of which were set out in the report, be approved; and
- (b) A fees policy be drafted, approved by the Committee and published by the Council before any fees could be levied.

(The meeting ended at 7.10 pm)