

You are requested to attend a meeting of the Licensing Committee to be held in Activity Room - Brittons Ash Community Hall on 20 February 2019 at 6.15 pm.

Agenda

- 1 Apologies.
- 2 Minutes of the previous meeting of the Licensing Committee. (Pages 5 - 10)
- 3 Declaration of Interests.

To receive and record any declarations of disclosable pecuniary interests or personal or prejudicial interests in respect of any matters included on the agenda for consideration at this meeting.
(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)
- 4 Public Question Time.
- 5 Licensing Update Report (Pages 11 - 24)

Bruce Lang
Assistant Chief Executive

12 February 2019

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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The meeting rooms at both Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall to enhance sound for anyone wearing a hearing aid or using a transmitter.

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Licensing Committee Members:

Councillor K Durdan (Chairman)

Councillor G James (Vice-Chair)

Councillor J Blatchford

Councillor W Brown

Councillor M Floyd

Councillor J Gage

Councillor A Gunner

Councillor T Hall

Councillor M Hill

Councillor J Hunt

Councillor S Lees

Councillor I Morrell

Councillor S Nicholls

Licensing Committee - 21 November 2018

Present: Councillor K Durdan (Chairman)
Councillors G James, W Brown, M Hill and S Nicholls

Officers: Fern Avis, Clare Rendell and John Rendell

Also Present: Councillor P Berry

(The meeting commenced at 6.15 pm)

6. **Apologies.**

Apologies were received from Councillors J Blatchford and J Hunt.

7. **Minutes of the previous meeting of the Licensing Committee.**

The minutes of the meeting of the Licensing Committee held on 6 June 2018 were taken as read and were signed.

8. **Declaration of Interests.**

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

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr W Brown	All Items	Wellington	Personal	Spoke and Voted
Cllr G James	All Items	Wellington	Personal	Spoke and Voted
Cllr S Nicholls	All Items	Comeytrowe	Personal	Spoke and Voted

9. **Licensing Update Report. Report of the Licensing Manager (attached).**

Considered report previously circulated, which provided an update 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 set out:-

- The performance of the Licensing Service was measured against the number of applications that were completed within 14 days of them being determined. The target was 95%.
- This target had been reached between 1 July and 30 September 2018.
- Members were provided with a comparison of the number of applications received between July and September 2018 for the preceding two years

and a summary of the numbers of the licences in force and notices given as at 29 October 2018.

- The numbers of service requests received by the service between July and September 2018, compared with the previous two years were also reported.
- 39 service requests had been received and there were 15 service requests where enquiries were ongoing or a conclusion had not been reached.

It was explained in the update report circulated in August 2018 that The Animal Welfare Regulations 2018 were to come into effect as of the 1 October 2018. The Regulations repealed a number of Acts responsible for regulating animal boarders, riding establishments, pet shops and dog breeders.

During the discussion of this item, the following points were raised:-

- Members queried what areas of an animal establishment would the star rating cover.
The star ratings would include various checks, some of which were whether an animal enclosure was safe, cleanliness and enrichment for the animals.
- Members queried how often the premises would be inspected.
There would be an initial inspection for the licence to be granted and then there would be a spot check carried out midway through their licence period. The Licensing Manager confirmed that first time applicants would not be able to apply for the full three year licence and would not be able to achieve the full star rating until after their first year.
- Members requested clarification on the renewal dates of the animal licences.
In the report it stated that the renewals were due in December but due to work load and other factors, the Licensing Manager suggested that they would give customers two months grace and carry out the renewals in February as that would best suit the department.
- Concern was raised on the loss of income for those two months.
The two month grace was only a one off due to the work demands placed on the department.
- Members requested clarification on the plus and minus figures reported within appendix two for licences issued.
Clarification was given.

Resolved that the report be noted.

10. **Proposed changes to the Hackney Carriage and Private Hire Vehicle Driver Licensing Regime. Report of the Licensing Officer (attached).**

Considered report previously circulated, which considered the licensing requirements for hackney carriage and private hire drivers and the recommendations set out in the report with regard to the requirement of drivers to pass a practical driving test on grant of a new licence.

During the discussion of this item, the following points were raised:-

- Members queried who would be involved in trialling the new test.
The Licensing Manager advised the test would only apply to new applicants and licensed drivers would only be requested to take the test if the department received complaints about the drivers conduct.
- Members queried whether the test would run parallel to that used in the West Somerset area.
Yes, the knowledge and suitability tests were similar to those used within West Somerset, so the practical test had been set up in the same manner to help with the alignment of the policies for the New Council.
- Members requested clarification on the creation of new Licensing Committee.
Clarification was given.
- Concern was raised on whether the driver's would be expected to gain knowledge of the extended area of the New Council. Would Taunton taxi drivers be expected to know the Dulverton area and vice versa.
The Licensing Officer had carried out some research on how the knowledge test would work in the New Council. In the Mendip area, similar concerns were raised and they had adopted a knowledge test that included several generic questions and then the taxi driver would be asked to specify which area of the District they would predominantly work in and then they would be asked several questions based on the area they had selected. A similar approach was suggested for the Somerset West and Taunton area.

Resolved that Members approved a proposal to introduce a practical driving test, which follows the format of the former DSA test, to be taken by all new applicants. Also to be taken by drivers should they accumulate six or more penalty points on their DVLA driving licence within the three year licence period or where the Licensing Manager deemed it necessary, following an evidenced compliant about the driving ability of the licence holder (be that from the Police, other agency or other third party).

11. **Adoption of a new policy concerning use of the National Register of Taxi Licence Revocations and Refusals. Report of the Licensing Manager (attached).**

Considered report previously circulated, which considered the licensing requirements for hackney carriage and private hire drivers and the recommendations set out in the report with regard to the adoption of a new policy which would enable the Council to use the National Register of Taxi Licence Revocations and Refusals, also known as NR3.

During the discussion of this item, the following points were raised:-

- Members supported the proposal and that it would assist in decisions made by Sub-Committees.
- Members queried whether if a decision was made at a Sub-Committee to allow a driver to have their licence renewed for a year with conditions applied, would that show on the NR3.

The NR3 was restricted to revocations and refusals only. However, if the driver did not comply with the conditions placed on the licence, then the licence would be revoked and would then be added to the NR3.

- Members suggested the same type of register should be set up for other types of licence holders.
- Concern was raised that if a taxi driver's licence was due to expire and circumstances had arisen which meant they were likely to have their licence revoked, but the driver then chose not to renew or cancelled their licence, would that be added to the NR3.

No that would not be added to the register.

- Further concern was raised due to the outcome of a recent Sub-Committee, which was likely to revoke the driver's licence, but then the driver surrendered their licence, so they were not added to the NR3. The driver was now known to be a licensed driver in London.
- Members queried whether information was held for a certain period of time on the NR3.

Data was retained for twenty-five years. The Licensing Manager confirmed that although the data was kept for a long length of time, officer's discretion could still be used to grant a licence and they would look at each case based on their individual merit. If needed, they would ask for a Sub-Committee to be used to make the decision.

Resolved that Members approved the adoption of the policy, which could then be incorporated into the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, more commonly referred to as the Taxi Handbook.

12. **Discussion on Vaping in Licensed Premises. Requested by the Vice-Chair of the Committee.**

The Vice-Chair of the Licensing Committee had recently been approached by several members of the public who were concerned about vaping being allowed in licensed premises. He had looked on the World Health Organisation website and found the following information: <http://www.who.int/bulletin/volumes/95/7/16-186536/en/>

The Licensing Manager highlighted a report by the Royal Society for Public Health that had ranked Taunton as the third healthiest British high street in 2018: <https://www.rsph.org.uk/about-us/news/britain-s-unhealthiest-high-streets-revealed-northern-towns-and-cities-top-the-rankings-for-unhealthiest-high-streets.html>

The report had included scoring information on vape shops.

During the discussion of this item, the following points were raised:-

- Members queried where vaping was allowed. Taunton based residents confirmed that the licensed premises within the town did not allow vaping. *The premises that allowed vaping were mainly located in the rural towns and areas.*
- Members highlighted that vaping was not illegal, so it would be difficult to implement a policy prohibiting vaping in licensed premises.

The Licensing Manager agreed it was a difficult to consider a policy to ban vaping due to health concerns. Under the Licensing Act 2003, public health was not one of the objectives used. He highlighted the four objectives which were: prevent crime and disorder; prevent public nuisance; public safety; and protection of children from harm.

- Members suggested that a reminder could be distributed to landlords, advising them that they had the discretion to ban vaping in their premises. *The Licensing Manager suggested that he could approach the Pub Watch schemes in the rural areas to highlight the concern.*

(The Meeting ended at 7.30 pm)

Taunton Deane Borough Council

Licensing Committee – 20 February 2019

Licensing Update report

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author: John Rendell, Licensing Manager

1 Executive Summary

- 1.1 This report provides an update on the activities of the council's licensing service, changes to legislation, current consultations and other general licensing matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
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.	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

Performance of the service

- 4.1 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined i.e. decision as to whether to grant the licence or not, has been reached. The target for the service is that, for all applications that are completed within a set quarter, 95% must be completed within 14 days of them being determined.
- 4.2 98.9% (265 out of 268) of all applications completed between the 1st of October and 31st of December 2018 were completed within the 14 day timescale. This is an increase of 0.5% from the previous quarter.
- 4.3 Work on implementing the councils new operating model and preparation for the new council is gathering pace and this is having a negative impact on service delivery. To date, the Licensing Manager has focussed resources on dealing with enquiries,

processing applications and investigating complaints; ensuring businesses can trade and the public are kept safe; this means there has been a negligible impact as far as most customers will be concerned. However, policy and project work has slowed or in some cases, not progressed, such as revising the councils Licensing Act 2003 and Gambling Act 2005 policies, which are now out of date. The next few months are expected to be particularly challenging and the Licensing Manager is hoping to work with the newly formed Communications and Engagement Team with a view to putting out communications to try and manage customer expectations.

4.4 Taxi and private hire licensing is seen as being a critical area of the service. The speed in which these types of licences are being issued is therefore being closely monitored. The percentage of taxi licences (which includes drivers, vehicles and private hire operators) issued within five working days of a decision, over the course of the last four months, is as follows:

- October: 81.3%
- November: 60%
- December: 80%
- January: 63.3%

4.5 The 63.3% for January represents 19 out of 30 licence applications. Of the remaining 11 which were issued after five working days, three were issued in over 14 days (which forms part of the performance target for the service). The Licensing Manager anticipates that the service is almost certain not to achieve the levels of performance seen in October and December in the foreseeable future due to the disruption which will be felt when the new organisational structure is stood up at the beginning of March.

Applications received and licences in force

4.6 The numbers of applications received for each of the regimes administered by the licensing service, between October and December 2018, are shown in comparison with those received for the period in the preceding two years at **Appendix A**. The numbers of licences in force and notices given as of the 11th February 2019 are shown at **Appendix B**.

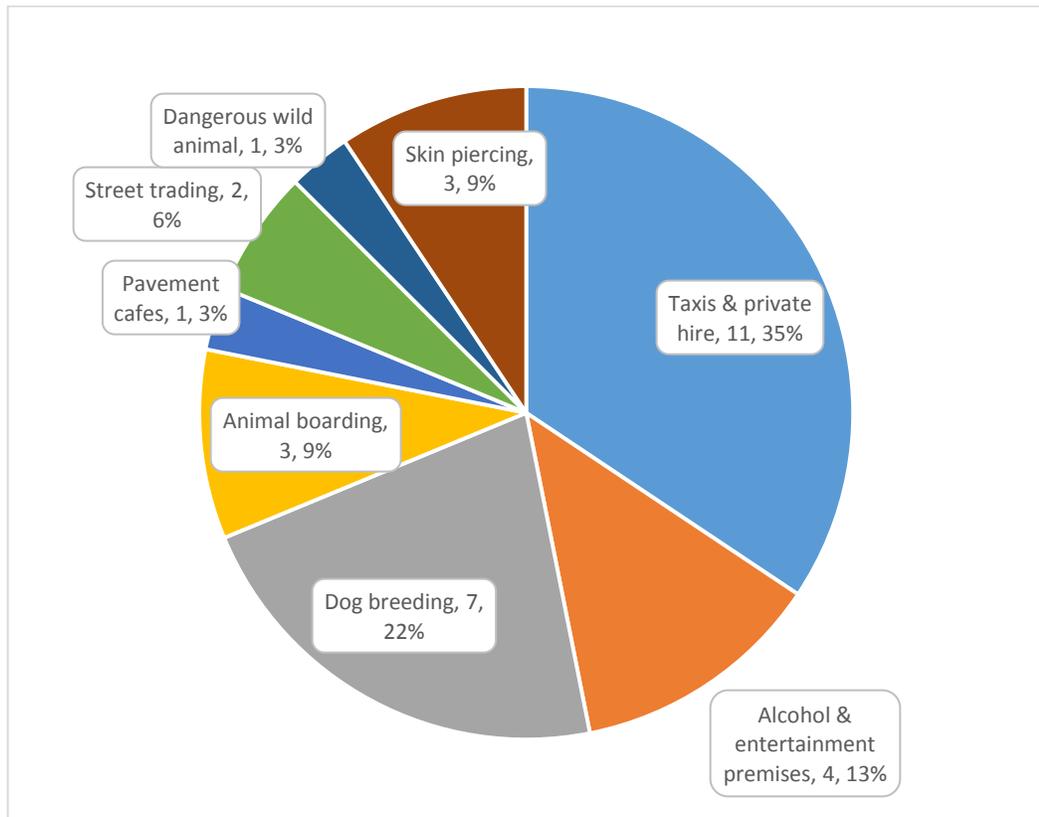
4.7 Application numbers for the various types of animal licence are low in 2018, when compared with 2016 and 2017. This is largely down to the Licensing Manager extending those licences that would normally expire in December by two extra months, as described in the last update report.

Service requests

4.8 Complaints and requests for service which relate to licensed premises, persons and vehicles (and those who may need a licence) are recorded on the database as 'service requests'.

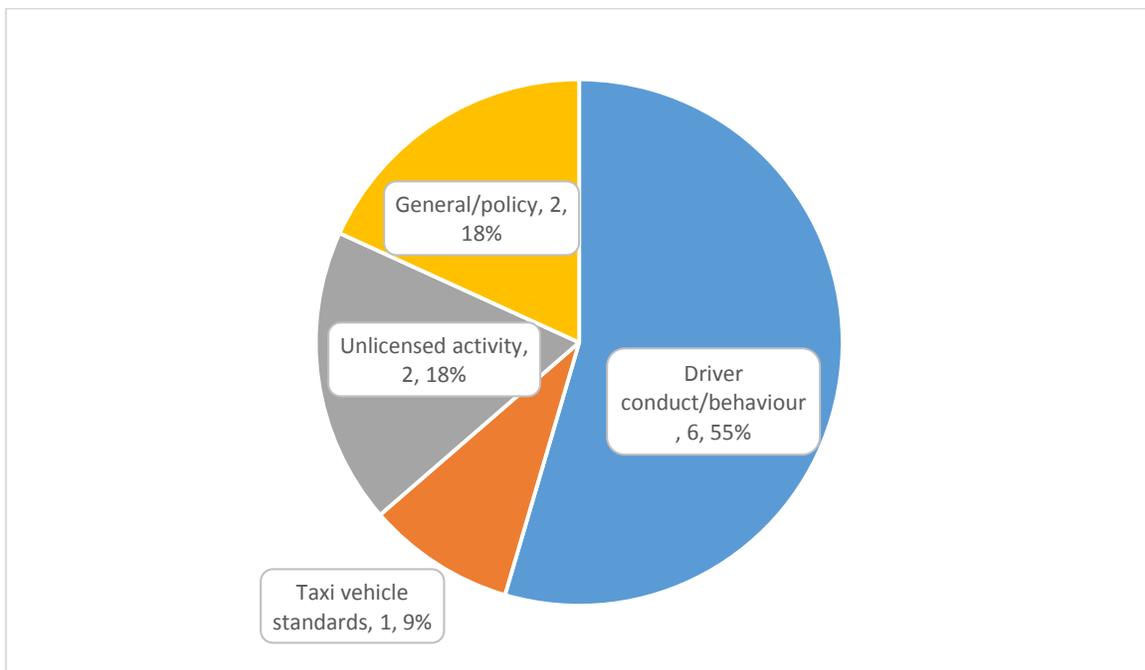
4.9 Also shown at **Appendix A** are the numbers of service requests received between October and December 2018, compared with the previous two years.

4.10 33 service requests were received in total. A split, by category is shown below:



4.11 5 of the aforementioned service requests are ongoing and/or a conclusion has not yet been reached.

4.12 As is always the case, the majority of complaints and requests for service relate to taxi and private hire drivers, vehicles and operators. The category split is shown in the graph below. 4 of these service requests have enquiries ongoing and/or a conclusion has not yet been reached.



Taxi mystery shopping exercise

- 4.13 Towards the latter part of 2018, the service commissioned Compass Disability Services to carry out a survey in order to ascertain the nature of the service offered by taxi companies, in Taunton Deane, to wheelchair bound passengers. This was done by way of a secret shopper method, with Compass Disability volunteers scoring drivers out of five across a range of criteria; scoring sheet at **Appendix C**.
- 4.14 Customers in wheelchairs should, when they need a taxi, find that a suitable vehicle is readily available, assistance is provided and that the driver's or company's manner is positive and not discriminatory in any way. By getting a snap shot of the service offered to wheelchair users, Licensing Officers hoped to highlight good practice and, should there be any bad practice, identify ways to address this in future.
- 4.15 Eight of the companies who operate in Taunton town were captured in the survey. Sixteen attempts were made to use a taxi, either from a rank or by way of advance booking. Only six of those attempts resulted in the passenger being transported by taxi, two of which were without fault and the drivers complemented on the service offered and their manner.
- 4.16 From the council's point of view, our expectation is always that any service given by a taxi operator and their drivers will be exemplary. The results have been disappointing and Officers believe there is work to be done in respect of the transportation of wheel chair bound passengers. Consideration is therefore being given to introducing some form of disability awareness training; whether that is just as an option made available to members of a sub-committee when asked to determine the outcome of a complaint or investigation, or whether as a mandatory part of the process of applying to become a taxi driver.
- 4.17 The cost of the exercise was £700, which will be will be recovered through licence application fees.

5 Links to Corporate Aims / Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

6 Finance / Resource Implications

- 6.1 Where legislation allows for cost recovery, licence fees are levied against the administration of the regime and the supervision of licences issued. It would be unlawful to deliberately set the fees to make a profit and any over (or under) recovery is redressed in future fee levels.

7 Legal Implications

- 7.1 No legal implications identified.

8 Environmental Impact Implications (if any)

- 8.1 There are no specific environmental impact implications identified as a result of this report.

9 Safeguarding and/or Community Safety Implications

9.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety.

10 Equality and Diversity Implications

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

12 Partnership Implications

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications

14.1 No asset management implications were identified.

15 Consultation Implications

15.1 No consultation implications were identified.

16 Scrutiny Comments

16.1 There are no scrutiny comments or recommendations.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

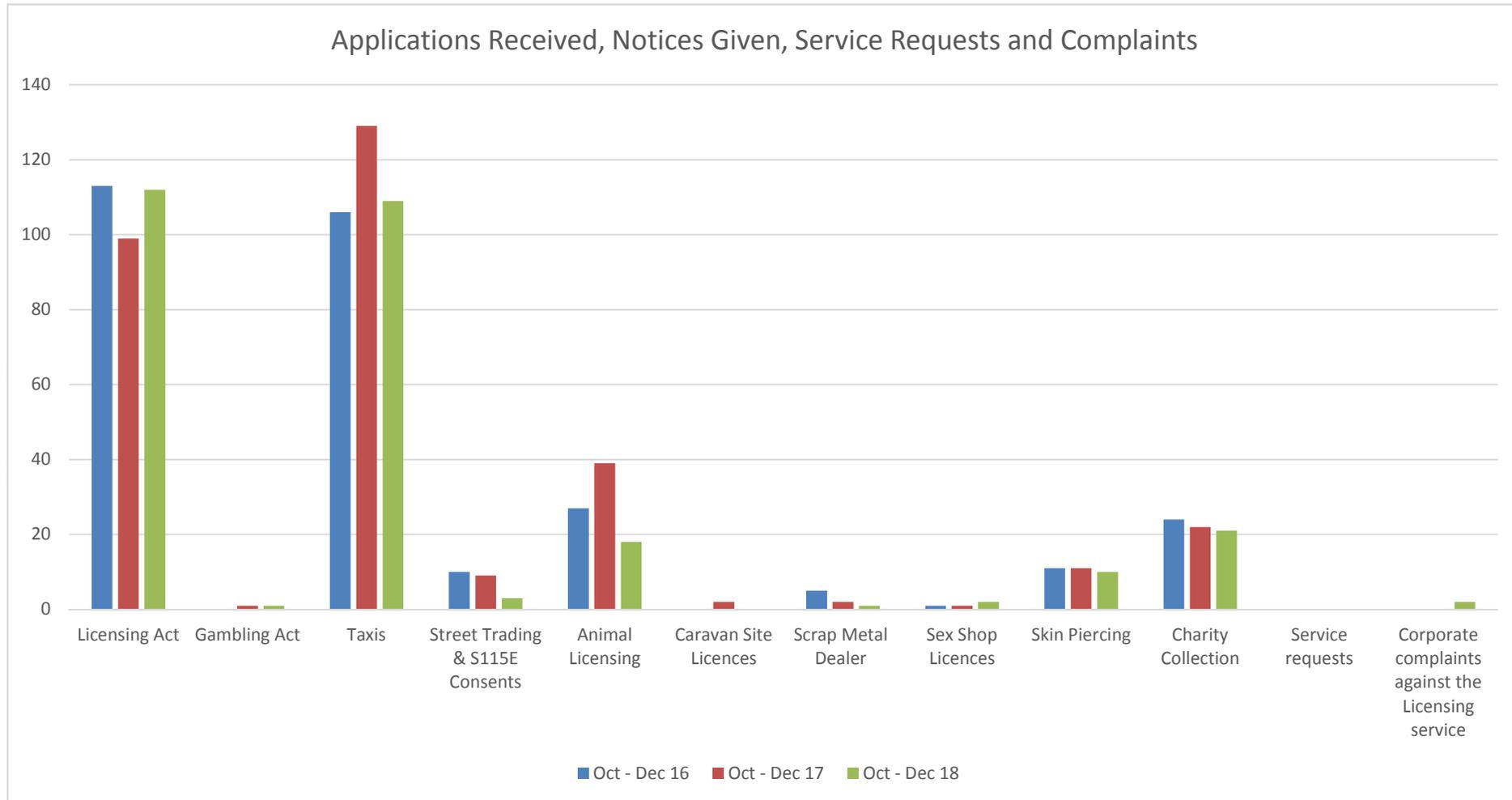
Reporting Frequency: **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

List of Appendices

Appendix A	Applications received, notices given, service requests and complaints
Appendix B	Licences issued and notices given
Appendix C	Taxi driver mystery shopper feedback form

Contact Officers

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Licences Issued and Notices Given

These figures show the number of licences in force at the 29th October and the number of notices given since commencement of the relevant legislation

	Total	Difference from previous committee +/-
Licensing Act 2003 Premises Licences	420	0
Licensing Act 2003 Club Premises Certificates	29	0
Licensing Act 2003 Personal Licences	1559	16
Licensing Act 2003 Temporary Event Notices	4239	77
Gambling Act 2005 Club Machine Permit	4	0
Gambling Act 2005 Licensed Premises Gaming Machine Permits	0	-11
Gambling Act 2005 Occasional Use Notices	47	0
Gambling Act 2005 Premises Licences	16	0
Gambling Act 2005 Prize Gaming Permits	0	0
Gambling Act 2005 Society Lotteries (since 01/09/2007)	134	0
Gambling Act 2005 Temporary Use Notices	0	0
Gambling Act 2005 Unlicensed Family Entertainment Centres	2	-1
Gambling Act 2005 Notification of 2 or less Gaming Machines	61	0
Hackney Carriages	184	-1
Private Hire Vehicles	39	-1
Hackney Carriage & Private Hire Drivers	238	5
Private Hire Operators	24	1
Street Trading Consents	10	1
Section 115E (Pavement Café) Permits	9	-1
Zoo Licences	0	0
Pet Shop Licences	4	0
Dog Breeding Licence	7	1
Animal Boarding Licence	25	2
Hiring of Horses Licences	11	0
Dangerous Wild Animal Licences	1	0
Keeping or Training of Animals for Exhibition Licences	0 N/A	
Caravan Site Licences	43	0
Scrap Metal Dealer licence	11	0
Sex Shop Licences	1	0
Skin Piercing Registrations	317	15
Street Collection Permits	348	10
House to House Collection Permit	147	2



Feedback sheet

Time and date of journey

How obtained

Taxi used

Driver

Journey

Driver's appearance (how dressed)

Drivers attitude (please evidence)

Driver's response to taking a wheelchair customer if any

-

Assistance given-

Any change in attitude towards customer-

State of taxi

Customer satisfaction 1 to 5 (based on 1 being poor and 5 being excellent)

