

SWT Licensing Committee

Monday, 20th June, 2022,
6.15 pm

The John Meikle Room - The Deane
House



Somerset West
and Taunton

[SWT MEETING WEBCAST LINK](#)

Members: Simon Coles, Ed Firmin, Andrew Hadley, John Hassall, Dawn Johnson, Sue Lees, Mark Lithgow, Janet Lloyd, Craig Palmer, Anthony Trollope-Bellew, Ray Tully, Danny Wedderkopp, Brenda Weston, Keith Wheatley and Loretta Whetlor

Agenda

1. **Appointment of Chair**
2. **Appointment of Vice Chair**
3. **Apologies**
To receive any apologies for absence.
4. **Minutes of the previous meeting of the Licensing Committee**
To approve the minutes of the previous meeting of the Committee.
5. **Declarations of Interest**
To receive and note any declarations of disclosable pecuniary or prejudicial or personal 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.)
6. **Public Participation**
The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the

(Pages 5 - 8)

Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

7. **Licensing Update report**

(Pages 9 - 24)

8. **Street trading policy working group**

(Pages 25 - 32)

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

ANDREW PRITCHARD
CHIEF EXECUTIVE

Please note that this meeting will be recorded. At the start of the meeting the Chair will confirm if all or part of the meeting is being recorded and webcast. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

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 3 minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the 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.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

The meeting rooms, including the Council Chamber at The Deane House, are on the first floor and are fully accessible. Lift access to The John Meikle Room (Council Chamber), is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Licensing Committee - 21 March 2022

Present: Councillor Mark Lithgow (Chair)

Councillors Janet Lloyd, Simon Coles, Andrew Hadley, John Hassall, Ray Tully, Brenda Weston and Keith Wheatley

Officers: Brad Fear and Clare Rendell

Also Present: Councillors Anthony Trollope-Bellew and Marcus Kravis

(The meeting commenced at 6.15 pm)

17. Apologies

Apologies were received from Councillors C Palmer, A Trollope-Bellew and L Whetlor.

18. Minutes of the previous meeting of the Licensing Committee

(Minutes of the meeting of the Licensing Committee held on 20 December 2021 circulated with the agenda)

Resolved that the minutes of the Licensing Committee held on 20 December 2021 be confirmed as a correct record.

19. Declarations of Interest

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

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted

20. Public Participation

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

21. **Proposed amendment to local Taxi Policies to allow for the licensing of motor tricycles as private hire vehicles**

During the discussion, the following points were raised:-

- Councillors queried whether the age and height restrictions had been used by another council.
The Licensing Officer advised that the height restriction was guidance given by the manufacturer due to the design of the vehicle and for safety reasons. Age restrictions had been used by another council and it was based on the understanding that the use of the vehicle would need a level of responsibility as they had to undertake a safety debrief and understand the importance of wearing safety clothing.
- Councillor K Wheatley proposed an additional recommendation which was duly seconded by Councillor M Lithgow and approved by the Committee:-
 - Agreed to amend the age and height restrictions as follows:
If a customer was under 14 years of age but was over 165cm in height, they would be permitted to travel if accompanied by an adult (who was over 165cm in height)
- Concern was raised that the vehicles would not be accessible for different types of users.
- Councillors queried whether the vehicles could be adapted so that they were accessible.
The Licensing Officer would investigate into what options might be available for adaptations.
- Concern was raised on the safety of the vehicles whilst driving along rural roads.
The licensing Officer advised that the vehicle was built for road use, so it should adhere to road safety regulations.
- Councillors queried what the maximum speed would be for the vehicles.
The Licensing Officer advised that they needed to adhere to the speed limits on the roads as per other road users.
- Councillors queried whether the operators would have safety gear in various sizes as per their guidance.
The Licensing Officer advised that it was for the operator to ensure that they had safety gear available for all their users, as it was part of their responsibility and if users did not wear any safety gear, it would be a breach of their licence.
- Councillors queried how many licences the officer anticipated to receive.
The Licensing Officer advised that there was no limit at this stage as it was a trial scheme.
- Councillors requested clarification that the tricycle operator would be dealt with in the same manner as taxi drivers, which meant that if they had any previous offences, that they would be taken to a sub-committee hearing.

Resolved that the Licensing Committee:-

- 2.1 Considered the observations of officers and the appropriateness of proposed additions to the policy, as well as proposed conditions, measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determined if the

proposed amendments should be applied, thereby allowing motor tricycles to be licensed as private hire vehicles in our area.

2.2 Considered and approved the addition of the proposed wording attached as Appendix 5 to existing local taxi policies, both for the former West Somerset area and the former Taunton Deane area.

2.3 Agreed to amend the age and height restrictions as follows:

- If a customer was under 14 years of age but was over 165cm in height, they would be permitted to travel if accompanied by an adult (who was over 165cm in height)

22. **Licensing Update Report**

Resolved that the Update Report was noted.

23. **Street Trading Policy Working Group**

Resolved that the Licensing Committee agreed to defer the item until the next meeting of the Licensing Committee as the report author was not present.

(The Meeting ended at 7.15 pm)

Somerset West and Taunton Council

Licensing Committee – 20 June 2022

Licensing Update report

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

1 Purpose of the Report

- 1.1 Somerset West and Taunton Council is required by law to establish a Licensing Committee, to discharge various licensing functions and is referred to as the 'Licensing Authority'. These functions include the regulation of alcohol and entertainment, taxis and private hire vehicles, drivers and operators, gambling, and types of animal business, amongst many others.
- 1.2 The Licensing Authority's objectives (some of which are statutory) are to:
 - Prevent crime and disorder.
 - Prevent public nuisance.
 - Keep the public safe.
 - Protect children and other vulnerable people, from harm.
 - Ensure gambling is conducted in a fair and open way.
 - Ensure businesses provide high standards of care to animals.
- 1.3 Some of functions of the Licensing Authority, such as determining individual licence applications, are discharged by Sub-committees. The main Committee is largely responsible for setting policy.
- 1.4 This report updates members of the committee on work of note, progress on any projects, changes in legislation and looks ahead to any significant events on the horizon.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

4 Background and Full details of the Report

Numbers of licences currently in force

- 4.1 To give an idea of the variety and number of persons, premises, vehicles and activities which are currently licensed, the numbers of licences in force as of the 16th of May 2022 are shown at **Appendix 1**.
- 4.2 There has been a noticeable decline in the number of animal boarding establishments, with a number of businesses suffering during the Covid pandemic. The current number of licensed premises is currently 25, which is 52% down from the end of February. Be that as it may, the total number is expected to increase in the coming weeks, as there are currently seven applications in the process of being determined. Should all seven be granted, the total number would be 32; 16% less than February.

Publication of guidance notes for animal inspectors

- 4.3 In order to ensure a uniform approach to the assessment of welfare standards, in 2018 the Department for Environment, Food & Rural Affairs (DEFRA) compiled a series of comprehensive 'guidance notes' for animal licensing inspectors. These guidance notes cover conditions mandated under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, outlining what sort of practices, procedures and standards are to be expected from certain types of animal licensed businesses, including catteries, doggy day care, pet shops and horse-riding instructors. While licence conditions themselves were stipulated under the 2018 regulations, the guidance notes undergo regular review with veterinarians and industry experts, to ensure that the standards outline adhere to the latest professional welfare guidance.
- 4.4 In February 2022, guidance notes for all activities covered under the 2018 regulations were updated following review. While they largely remain the same as the existing standards, changes made included new wording (for better clarity) and slight amendments to certain higher standards, in line with industry guidance. As such, animal activity licences being granted or renewed as of 1st March 2022 were assessed using the new guidance notes. In most instances this wouldn't have had a major impact, but in some instances, advice was required and some procedural changes necessary (on the part of some business owners), to ensure they were still adhering to the DEFRA highest standards.
- 4.5 Business owners must achieve the highest standards if they want to be awarded a five-star rating and the longest length of licence possible, being three years.

Taxi and private hire policy proposals and consultation

- 4.6 The holders of taxi and private hire licences have been consulted on proposed changes to the existing licensing policies for the former Taunton Deane and West Somerset districts.
- 4.7 There are four proposals:

- Relax restrictions on the age of vehicles to be licensed as taxis and private hire vehicles.
- Change the rules on roof signs, so that they are mandatory for taxis but prohibited for private hire vehicles.
- Change the frequency of medical checks for drivers, aligning them with the point of renewing a licence rather than the person's age.
- Allow vehicles equipped for rear loading of wheelchairs in the West Somerset area (as is already the case for the Taunton Deane area).

4.8 Full details of the proposals are attached at **Appendix 2**.

4.9 The return of the Taxi and Private Hire Trade Forum meetings has generated a number of questions and discussion around certain aspects of the policies, resulting in three of the four proposals listed above.

4.10 Licence holders have until the 12th of June to make comment.

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

4.11 On the 28th of June, the aforementioned Act will amend the Equalities Act 2010 new, and amend existing, duties for local authorities and taxi and private hire vehicle drivers and operators alike.

4.12 It will be mandatory for Licensing Authorities to maintain and publish a list of licensed taxis and private hire vehicles they designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties at section 165 of the Equality Act 2010 on providing assistance to wheelchair users and refraining from charging extra for this. The publishing of such a list is currently discretionary.

Pavement licensing

4.13 The Government is proposing to make permanent the pavement licensing scheme, introduced during the early stages of the Covid pandemic to support hospitality businesses by simplifying and speeding up the process of getting permission to use tables and chairs on the highway.

4.14 Under the Levelling-up and Regeneration Bill, businesses will be able to renew pavement licences they had been issued and are set to expire on the 30th of September 2022, when the Business and Planning Act 2022, that introduced the scheme, expires. The Bill proposes making slight amendments to the current provisions, summarised as follows:

- Amend the fee councils can charge applicants, increasing it from £100 to £350 for premises which already hold a pavement licence, and £500 for new applicants.

- Extend the public consultation period and council determination period from 7 days to 14 days.
- Extend the maximum duration of pavement licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
- Provide that pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
- Insert a new enforcement schedule providing powers to the local authority to remove furniture if a premise is not abiding by its pavement licence conditions and hours.

4.15 When calculating licensing fees for 2022/23, it was worked out that a pavement licence application fee ought to be £167 were it to become discretionary. Such a fee would, following established fee setting principles, allow for full cost recovery, except for enforcement against unauthorised activities (unlawful unless stated). The Bill proposes a facility to renew a licence and, since the process is expected to be similar, the intention would be to charge a £167 fee. An officer decision form will be prepared ready to seek approval for the fees from the s.151 Officer should the Bill be enacted.

5 Links to Corporate Strategy

5.1 The Council has a statutory duty to issues licences for various activities, as outlined in **Appendix 1**. By providing advice to the public, helping them to understand and meet regulatory requirements and responding proportionately where breaches of legislation occur, the service can support the following corporate aims:

- Support the town centres throughout the district to meet the challenge of changing shopping habits.
- Support the enhancement of arts and culture provision within the district.

6 Finance / Resource Implications

6.1 There are no financial implications.

7 Legal Implications

7.1 No legal implications identified.

8 Climate and Sustainability Implications

8.1 There are no climate and sustainability implications.

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

9.2 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 several 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:

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

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 Data Protection Implications

15.1 No data protection implications were identified.

16 Consultation Implications

16.1 As this is an update report, consultation has not been necessary.

17 Scrutiny Comments / Recommendation(s)

Licences Issued and Notices Given

These figures show the number of licences in force at the 16th of May

	Total	Difference Since February
Licensing Act 2003 Premises Licences	741	0%
Licensing Act 2003 Club Premises Certificates	48	-4%
Licensing Act 2003 Personal Licences	2126	1%
Gambling Act 2005 Club Machine Permit	14	-21%
Gambling Act 2005 Licensed Premises Gaming Machine Permits	17	0%
Gambling Act 2005 Premises Licences	23	-4%
Gambling Act 2005 Prize Gaming Permits	2	0%
Gambling Act 2005 Society Lotteries	132	-28%
Gambling Act 2005 Unlicensed Family Entertainment Centres	10	-10%
Hackney Carriages	189	-3%
Private Hire Vehicles	50	2%
Hackney Carriage & Private Hire Drivers	252	0%
Private Hire Operators	32	3%
Street Trading Consents	46	17%
Section 115E (Pavement Café) Permits	4	50%
Pavement licences	13	23%
Animal Boarding Licence	25	-52%
Dog Breeding Licence	17	18%
Dangerous Wild Animal Licences	0	0%
Pet Shop Licences	4	-25%
Hiring of Horses Licences	11	-18%
Zoo Licences	2	50%
Keeping or Training of Animals for Exhibition Licences	3	-33%
Caravan Site Licences	79	13%
Scrap Metal Dealer licence	11	9%
Sex Establishment Licences	1	0%
Skin Piercing Registrations	393	2%

Appendix 2

Taxi and Private Hire policy changes, Summer 2022

Proposal 1
What do the Licensing Department want to change?
Age restrictions on hackney carriages and private hire vehicles.
What is the Council's policy now?
<p>In the policy which applies to the former Taunton Deane district, hackney carriages and private hire vehicles must be no more than 7 years old from the date of registration at the point that they are to be licensed for the first time. There is no age restriction on 'specialist' and 'novelty' vehicles, or vehicles which have been extensively modified to be accessible to disabled persons. <i>Part 3.1, 'vehicle specification'</i>.</p> <p>In the policy which applies to the former West Somerset district, hackney carriages and private hire vehicles must be more than 3 years old from the date of registration, at the point that they are to be licensed for the first time. Purpose built wheelchair accessible vehicles may be up to 4 years old. Licensing Officers have the discretion to approve vehicles up to 5 years old if the following criteria can be met:</p> <ul style="list-style-type: none">• No more than average mileage (calculated at 12,000 miles per year).• Good bodywork (no dents, scratches or evidence of accidents).• Evidence of complete full-service history.• Complies with all the other regulations and conditions. <p>Vehicles that are more than 10 years old <i>"will not generally be licensed"</i>.</p> <p><i>Appendix C, 'vehicle regulations and conditions', conditions 3, 4 and 5.</i></p>
What change do Licensing want to make to the policy?
Remove all these age restrictions.
Why change it?
The department has been asked to consider aligning the age restrictions across the two area policies in order to make it fair for all proprietors operating in

Somerset West and Taunton. Restrictions are currently tighter in the West Somerset area.

Since the formation of SWT Council, the aim has always been to create one policy so that all rules are the same, across the district. So, the first reason for changing the policy is to do exactly that.

Furthermore, the Department for Transport's (DfT) '[Taxi and private hire vehicle licensing: best practice](#)', published in 2010, states "*It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.*"

This best practice is in the process of being revised, but the [current draft](#) continues to encourage councils to move away from age restrictions, placing greater emphasis on things like emissions policies and drivers conducting their own checks.

Upon application for the grant or renewal of a vehicle licence, the applicant must produce evidence that the vehicle is safe and in suitable condition to be used for hire, currently in the form of MOT and 'Plate Test' certificates. The Licensing Department believes greater importance should be placed on this, than the age of the vehicle.

The Licensing Managers and Leads across the various Somerset district councils (Mendip, Sedgemoor, South Somerset and SWT) are planning to create a single policy for Somerset, after Somerset Council is created on the 1st of April 2023 (replacing the district councils and county council). This policy will, by and large, follow all existing best practice guidance published by central government or any other specialist group or body e.g. the Institute of Licensing. Age restrictions across the 4 districts currently vary. Mendip District Council is currently the only Somerset authority not to have an age restriction for vehicles.

What are the proposed changes specifically?

Part 3.1 of the [Taunton Deane policy](#) (page 21) and conditions 3, 4 and 5 of Appendix C of the [West Somerset policy](#) (page 32) to be replaced with the following:

There are no restrictions on the age of vehicles which are to be considered for licensing as hackney carriages or private hire vehicles.

Furthermore, conditions 24 and 25 of both Appendix 3 and Appendix 4 of the [Taunton Deane Policy](#) (standard conditions of a hackney carriage vehicle licence, page 48 and standard conditions of a private hire vehicle licence, page 52) to be removed.

Proposal 2

What do the Licensing Department want to change?

Rules on roof signs for taxis and private hire vehicles.

What is the Council's policy now?

The [Taunton Deane area policy](#) prohibits any “advertisement sign or light may be placed inside or outside the licensed vehicle that is not required by law...” or the private hire vehicle standard conditions – Appendix 4, condition 14.

The [West Somerset area policy](#) permits roof signs on private hire vehicles. Condition 16 of the ‘vehicle regulations and conditions’ states they may “provided that:

- a) *the wording of the roof sign states only “Advanced Bookings Only” on the front of the sign with the telephone number of the operating company on the reverse; and*
- b) *the sign is white to the front and red to the rear, with any wording in black lettering; and*
- c) *the sign complies at all times with any necessary legislation including any vehicle lighting regulation requirements, if and when illuminated; and*
- d) *the sign has been approved in writing by the Council prior to its first display.”*

What change do Licensing want to make to the policy?

Make roof signs mandatory for hackney carriages but prohibit their use on private hire vehicles completely.

Why change it?

The law, being [section 64 of the Transport Act 1980](#), restricts roof signs on passenger carrying vehicles other than taxis.

“Roof-signs on vehicle other than taxis.

- 1) *There shall not, in any part of England and Wales outside the metropolitan police district and the City of London, be displayed on or above the roof of any vehicle which is used for carrying passengers for hire or reward but which is not a taxi—*
- a) *any sign which consists of or includes the word “taxi” or “cab”, whether in the singular or plural, or “hire”, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or*

b) *any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi.*”

Contravening this section is an offence.

Given that taxis come in all shapes, sizes and colours, there are few, true defining features of a modern taxi, other than a roof sign. Therefore, a roof sign is clearly a sign which would ‘suggest that the vehicle is a taxi’ as per b) above. On this basis, it would seem that the West Somerset policy contradicts the law; and the law will always take precedent.

Section 38 of The DFT’s [‘Taxi and private hire vehicle licensing: best practice’](#), states that *“Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle.”* It goes on to say that *“roof-mounted signs on PHVs are not seen as best practice”* on the basis that *“it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi.”*

The [draft](#) of this best practice currently under consultation states: *“The intention is to try and make taxis the most noticeable and distinctive vehicle to members of the public who want to engage a taxi or PHV and to make it clear that only taxis can be hired without being prebooked. Increasing the differentiation between taxis and PHVs, so that taxis are easy to identify and PHVs are less visible would simplify safety messaging to the public that they should only get into a vehicle that looks like a taxi unless prebooked.”*

There needs to be a single policy on roof signs in the whole of Somerset West and Taunton and it should be clear.

The Taunton Taxi Association have asked the Council to consider introducing new rules on roof signs which includes making them mandatory for taxis in order to ensure they are easily distinguished from private hire vehicles.

The matter of restrictions on roof signs when Somerset Council is formed has been discussed by the Licensing Managers and Leads for the Somerset districts. There are currently varying rules between the districts. The preference is that they become mandatory for taxis and are prohibited on private hire vehicles under a single policy for Somerset. There may then, in time, be further rules introduced to ensure uniformity amongst roof signs on taxis in terms of style, colour and so forth.

What are the proposed changes specifically?

Condition 16 of the [West Somerset policy](#) (page 34) to be replaced with the following:

Roof signs are not permitted on private hire vehicles.

A new condition to be added to the standard conditions of hackney carriage licences, which form Appendix 3 of the [Taunton Deane Policy](#) and Appendix C of the [West Somerset policy](#):

A roof sign must be displayed on the roof of the vehicle, whether fitted or in-built, to help identify the vehicle as a hackney carriage.

Proposal 3

What do the Licensing Department want to change?

Frequency of medical checks for licensed drivers.

What is the Council's policy now?

The council's medical checks are based on the [group 2 standards](#). The current policy for drivers licensed to operate in the Taunton Deane area is that they must provide a medical check when renewing their licence at the age of 45, 50, 55 or 60 and then every year when above 60.

For drivers who are licensed to operate in the former West Somerset Council area, it is at the following intervals:

- Every three years.
- Every year when above 65.
- Following any illness and/or injury which prevents the driver from working for more than 6 months.

Remove the requirement for medical checks based on age and instead require a medical every time an application for renewal is submitted.

What change do Licensing want to make to the policy?

Remove the requirement for medical checks based on age and instead require a medical every time an application for renewal is submitted.

Why change it?

In principle, the reasons for changing the policy are twofold:

1. Drivers under the age of 45 are not required to have regular medical checks, potentially putting the public at risk.
2. The frequency of medical checks could be increased in individual circumstances where necessary but is instead determined by age. The existing policy needs to be more consistent with the Equality Act 2010.

Section 67 of the DFT's '[Taxi and private hire vehicle licensing: best practice](#)' supports medical checks upon renewal: *"It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:*

- *they carry members of the general public who have expectations of a safe journey.*
- *they are on the road for longer hours than most car drivers, and*
- *they may have to assist disabled passengers and handle luggage.”*

There may be times where it is necessary for a driver to provide medical checks more frequently than 3 yearly, in which case, under the proposal, the Council could issue an individual with a licence for a period less than the standard 3 years, or require an additional medical during the term of a licence. This would seem a better and fairer approach, rather than increasing the frequency for everyone of a certain age.

What are the proposed changes specifically?

Paragraph 2.7 b) of the [West Somerset policy](#) (page 6), to be amended to:

Produce a medical certificate as to his/her fitness to driver:

- i. Upon application for the grant of a driver’s licence.*
- ii. Upon application for the renewal of a driver’s licence.*
- iii. following any illness and/or injury, which prevents the driver from working for more than 6 months.*

Part 2.6 of the [Taunton Deane policy](#) (page 7), second and third paragraphs to be replaced with:

A medical certificate shall be submitted upon application for the grant and renewal of a driver’s licence.

Proposal 4

What do the Licensing Department want to change?

Policy on vehicles with wheelchair loading access.

What is the Council’s policy now?

The policy for the West Somerset area is that wheelchair accessible vehicles (WAVs) must be side loading only i.e. no rear loading vehicles.

What change do Licensing want to make to the policy?

Remove the West Somerset prohibition on rear loading WAVs.

Why change it?

Rear (and side) loading WAVs have been permitted in the Taunton Deane area for many years, with no reports of any issues/incidents. The West Somerset area policy does not give reasons for being prescriptive about side loading WAVs and not allowing rear loading. Without reasons or evidence to support the restriction, Officers feel it should be removed to ensure there is a common approach across the whole of Somerset West and Taunton.

What are the proposed changes specifically?

Condition 1 a) of Appendix C of the [West Somerset policy](#) (page 32) to be replaced with the following:

London style cab, or similar with full wheelchair access facilities (without the requirement to remove seats to obtain wheelchair compliance) such vehicles to be defined as a purpose-built hackney carriage with wheelchair access and which has either:

- i. achieved National Low Volume Type Approval in its final format; or*
- ii. been fully tested to M.1. category, such testing having been witnessed by the Vehicle Certification Agency.*

Somerset West and Taunton Council

Licensing Committee – 20 June 2022

Street trading policy working group

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

1 Purpose of the Report

- 1.1 The Council issues consents to permit street trading across the district on public and private land.
- 1.2 The Licensing Manager has begun reviewing the Council's policies on street trading and it is felt that the formation of a Working Group would enhance the review.

2 Recommendations

- 2.1 Resolve to form a Working Group, in accordance with Council protocols, to assist with the revising of the Council's policy on street trading.
- 2.2 Consider expanding the membership of the Working Group to include the Portfolio Holder for Asset Management and Economic Development, on account of the impact of street trading in town centres and how this links to the Corporate Strategy.

3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

4 Background and Full details of the Report

- 4.1 Somerset West and Taunton's predecessor councils both adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, permitting street trading where consent is given by the Council.
- 4.2 The 1982 Act defines street trading as being 'the selling or exposing or offering for sale of any article (including a living thing) in a street'. It also defines 'street' as being 'any road, footway, beach or other area to which the public have access without payment' or 'a service area as defined in section 329 of the Highways Act 1980'. There are certain exemptions, which includes news vendors, pedlars and roundsmen.
- 4.3 The Council is not obliged, by law, to adopt a street trading policy as it must with the

licensing regimes for gambling and alcohol, entertainment and late night refreshment. Be that as it may, adopting a policy allows the Council to be clear about its approach to determining applications for consents, attaching conditions to consents and enforcement, amongst other things. It demonstrates good governance and supports the making of robust decisions.

4.4 The street trading policies have not been comprehensively reviewed for many years, long before the formation of Somerset West and Taunton even. A review is long overdue.

4.5 The Licensing Manager has begun drafting a new policy, combining the best elements of the existing policies and incorporating examples of best practice elsewhere in Somerset and further afield. It is felt that a Working Group would add value to the review and drafting of, a new policy, as well as deciding on the scope of a consultation and considering any responses that arise from that consultation.

4.6 The Council's ['Member Working Group Protocol' document](#) has guidance on the Licensing Committee forming working groups:

- A Working Group arising from the Licensing Committee will be formed from Members from that Committee only – unless they resolve to expand the membership.
- The Committee will determine who is on the Working Group.
- The Working Group does not have to be politically balanced and the Licensing Committee shall determine the membership.
- The first item of business is to nominate a Chair but it should be a Member from the Licensing Committee.'

4.7 In accordance with the protocol, terms of reference have been drafted for the proposed working group, as part of draft 'scoping document'; see **Appendix A**. Completing the scoping document would be one of the first matters of business of the working group.

5 Links to Corporate Strategy

5.1 The Council has a statutory duty to control street trading within its administrative boundaries.

5.2 15 of the 39 consents currently in effect relate to traders and markets in Taunton town centre and a further one, Wellington town centre. Together, they represent 41% of all consents issued.

5.3 Allowing traders and markets to operate in town centre streets and spaces, backed by effective policies, processes and procedures, can support the following objective:

- Our Environment and Economy: support the town centres throughout the district to meet the challenge of changing shopping habits.

6 Finance / Resource Implications

6.1 There are no financial implications.

7 Legal Implications

7.1 No legal implications identified.

8 Climate and Sustainability Implications

8.1 There are no climate and sustainability implications.

9 Safeguarding and/or Community Safety Implications

9.1 There are no safeguarding or community safety implications.

10 Equality and Diversity Implications

10.1 There are several 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:

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

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 Data Protection Implications

15.1 No data protection implications were identified.

16 Consultation Implications

16.1 The review will involve a consultation but there are no direct consultation implications with this report.

17 Scrutiny Comments / Recommendation(s)

17.1 There are no scrutiny comments or recommendations as this is a Licensing Committee report only.

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	Draft scoping document (with terms of reference)
------------	--

Contact Officers

Name	John Rendell
Direct Dial	01823 219491
Email	j.rendell@somersetwestandtaunton.gov.uk

**Appendix A - SWT MEMBER WORKING GROUP
SCOPING DOCUMENT**

NAME OF WORKING GROUP:	Street trading policy review
CHAIR:	TBC
MEMBERS:	TBC
LEAD OFFICERS:	<ul style="list-style-type: none"> • John Rendell, Licensing Manager • Craig Stone, Senior Economic Development Officer - Town Centre Resilience and Transformation Lead
SUBJECT TO BE REVIEWED:	Street Trading policy
REASON(S) FOR THE REVIEW:	To introduce a single policy for the licensing of street trading in SWT and clarify the Council's approach.
IDENTIFY APPROPRIATE CORPORATE AIMS:	<p>The regulation of street trading is a statutory duty but this work also supports the following aim:</p> <p>Our Environment and Economy - Support the town centres throughout the District to meet the challenge of changing shopping habits</p>
TERMS OF REFERENCE:	<p>This Working Group will:</p> <ul style="list-style-type: none"> • Consider, discuss and prepare a street trading policy for consultation. • Carry out a consultation. • Make recommendations to the Licensing Committee in relation to the adoption of the policy
SCOPE, AIMS AND OBJECTIVES OF REVIEW: (Remember to consider what is NOT to be included in the review):	<ul style="list-style-type: none"> • Review existing procedures and processes for street trading and anything new which it is proposed be adopted. • Ensure street trading licensing arrangements are robust and fit for purpose. • Work with the Licensing Manager to finalise a draft street trading policy. • Agree the scope of the consultation on the draft policy.

	<ul style="list-style-type: none"> • Consider any responses to the consultation and make any necessary amendments. • Agree a policy which can then be taken to the Licensing Committee with a view to being adopted.
METHOD(S) OF REVIEW (HOW WILL THE REVIEW BE CONDUCTED?):	<ul style="list-style-type: none"> • A recap of how the licensing of street trading works and the importance of striking the right balance. • To review lessons learnt from recent cases and service complaints. • Discuss examples of good practice. • Introduction to proposed street trading policy. • Agree details of consultation • Consider the responses to the consultation. • To discuss and agree amendments (if any) to the proposed policy. • Agree draft of policy. • Agree recommendations to Licensing Committee.
BENEFITS TO THE COUNCIL AND LOCAL COMMUNITY: KEY ISSUES AND RISKS:	<ul style="list-style-type: none"> • Clarity over Council's policy, processes and procedures. • Strengthen decision making. • A document which will support and guide customers, officers and members. • Lead the way on the formation of street trading policy for the new unitary authority.
IMPLICATIONS: (Financial and Legal implications particularly will need to be considered and signed off by the relevant officer)	The final report taken to the Licensing Committee to have the policy adopted will be subject to the usual sign-off from Legal.
DOCUMENTARY RESEARCH AND EVIDENCE: E.g. Is there any National or local guidance or research into this subject? Is there any best practice guidance available?)	<p>There is no national, statutory or non-statutory guidance in relation to the control of street trading.</p> <p>Policies adopted by Mendip, South Somerset, Bristol and Birmingham Councils were used as points of reference when drafting this policy.</p>
RESOURCE IMPLICATIONS OF REVIEW: E.g. implications on officer	This piece of work is being delivered by the Licensing Manager. There are no direct budget implications.

resource or impact on the Council's budget.	
EXTERNAL ADVISORS: Does the Working Group wish to invite any involvement from external advisors?	TBC

Timescales	Estimated	Revised (include reasons)	Actual
First meeting of Working Group			
Milestone 1:			
Milestone 2:			
Milestone 3:			
Draft Report:			
Report:			

PROJECT OUTCOMES CONCLUSIONS:

RECOMMENDATIONS:

EXECUTIVE CONSIDERED:

OUTCOME : FOLLOW UP:

REVIEW OF PROCESS/COMMENTS:

SIGNED OFF BY CHAIR:

DATE:

