

# Somerset West and Taunton

## Licensing Committee – 20 December 2021

### 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 gives officers the opportunity to update members of the committee on work of note, progress on any projects, changes in legislation and look ahead to any significant events that lie ahead.

#### 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 3<sup>rd</sup> of December 2021 are shown at **Appendix 1**.

- 4.2 All the pavement licences issued during the course of last year have now expired, since the Business and Planning Act 2020 only originally permitted licences to be granted up to the 30<sup>th</sup> of September 2020. The Act was amended this year, allowing for further licences to be applied for and granted up to the 30<sup>th</sup> of September 2022, which many premises have taken advantage of. At this moment in time, there is one less pavement licence than there was in January; down from 11 to 10. Officers have been visiting premises to check compliance and ensure that, where required, new licences are being applied for. We anticipate an increase in the number of licences in the future, perhaps in the Spring when the weather is better for outdoors dining.
- 4.3 As the Pavement Licence scheme approaches its end in 2022, we anticipate that we will see a sharp increase in the number of applications for permission under section 115E of the Highways Act 1980; the scheme that had been used prior to the pandemic to authorise tables and chairs in the street. This will be necessary where businesses wish to continue using furniture outside on public land, unless that is the Pavement Licence scheme is extended further.

#### Register of fit and proper mobile home site owners and managers

- 4.4 Since the 1st of October 2021, the owners of residential mobile home sites are required to apply to be entered onto their local authority's register of fit and proper site owners.
- 4.5 Applications are determined having had regard to, amongst other things, the applicant's:
- experience in operating sites.
  - their criminal record and in particular, the existence of any relevant convictions.
  - the management and financial arrangements in place for their site.
- 4.6 The register can be viewed on the Council website:

<https://www.somersetwestandtaunton.gov.uk/media/2992/register-of-mobile-home-fit-and-proper-persons.pdf>

#### Hackney carriage fare increase proposal

- 4.7 Following a formal request from a local hackney carriage (taxi) business, the Licensing Authority has proposed to increase the maximum fares that taxi drivers can charge their customers.
- 4.8 The cost of using a taxi generally depends on when and how far a person travels. The total cost of using a taxi is referred to as a 'fare' and is calculated on an electronic meter installed in the vehicle where it can be easily seen by passengers.
- 4.9 A taxi driver can charge anything up to, but not more than, the maximum fares set by a council. Taxi drivers licensed by Somerset West and Taunton (SWT) must, as a condition of their licence, use their taxi meter for every journey to help demonstrate that the correct fares are being charged, which is especially important when a customer has asked for and agreed a fare upfront.
- 4.10 Since its formation, SWT has not yet created a single table of fares. There are two tables of fares currently in operation which apply to the two former districts of Taunton Deane

and West Somerset. These tables have not changed since 2010 and 2011 respectively. They are shown at **Appendix 2**. Shown at **Appendix 3** is the table that is being proposed (exactly as requested by the local taxi business).

4.11 Notice of the proposed table of fares was published in local newspapers and on the Council website. In total, eight objections were received during the objection period, meaning that the Executive must now consider whether to adopt the proposed table, with or without modifications.

4.12 A report is scheduled to be presented to the Executive at its meeting on the 19<sup>th</sup> of January.

## **5 Links to Corporate Strategy**

5.1 The Council has a statutory duty to issue 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)**

17.1 As this is an update report for the Licensing Committee, there are no scrutiny comments or recommendations.

### **Democratic Path:**

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

**Reporting Frequency: Quarterly**

## List of Appendices

Appendix 1	Licences in force.
Appendix 2	Current tables of hackney carriage fares
Appendix 3	Proposed table of hackney carriage fares

## Contact Officers

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