

# Somerset West and Taunton Council

## Licensing Committee – 21 March 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 22<sup>nd</sup> of February 2022 are shown at **Appendix 1**.

### Hackney carriage (taxi) fare increase

- 4.2 At its meeting on the 19<sup>th</sup> of January, the Executive resolved to increase the maximum permitted hackney carriage fares to those shown at **Appendix 2**.
- 4.3 The table of fares adopted was a modified version of the one proposed in the Licensing Manager's report to the Executive. The original proposal came from a formal request made by a local taxi business. Included in Appendix 2 are the costs of certain journeys if charged at the new maximum fares, compared with the previous fares and fares proposed in the report to Executive.

### Taxi and private hire trade forum

- 4.4 Taunton Deane Borough Council's Licensing service used to periodically meet with hackney carriage and private hire licence holders to discuss issues of shared interest, such as changes in legislation, new policy and to suggest service improvements. The taxi and private hire trade forum, more commonly referred to as the 'taxi forum', tended to be held quarterly and face to face, but stalled following the formation of Somerset West and Taunton.
- 4.5 Now that video meeting technology is readily available and accessible, and with plenty of changes ahead (predominantly the formation of the unitary authority in 2023), the forum has been brought back, with the first meeting held on the 23<sup>rd</sup> of February. The agenda for the meeting included updates from Officers on preparations for the unitary council and implementation of a new knowledge test, as well as requests from the Taunton Taxi Association to make taxi roof lights/signs mandatory and reintroduce annual taxi meter testing.
- 4.6 Discussions were positive, constructive and may lead to changes to the taxi and private hire licensing policy (the 'handbook') in the near future, possibly even prior to the formation of the unitary council.

### Pavement licensing

- 4.7 All pavement licences issued in accordance with the [Business and Planning Act 2020](#) are due to expire on the 30<sup>th</sup> of September 2022. The temporary scheme was introduced to support hospitality businesses during periods of Covid restrictions, by allowing them to apply to place tables, chairs and other furniture in the street. The Department for Levelling Up, Housing and Communities (DLUHC) has recently consulted on proposals for a permanent regime.
- 4.8 Prior to the implementation of the 2020 Act, SWT had, unlike the other district councils

in Somerset, already been authorising furniture on the street using powers under section 115E of the Highways Act 1980. That process has a consultation period of 28 days and the authority is able to charge a fee to allow for the recovery of the cost of providing permission and other reasonable expenses. The fee currently charged by SWT for the grant of section 115E permission is £373.

- 4.9 Under the 2020 Act, the consultation period for a pavement licence application is seven days, followed by a further period of seven days within which the local authority must determine the application. Furthermore, the fee has been capped at £100. Such a quick turnaround for the applications and relatively low fee has obviously been a real lifeline for businesses during the pandemic but naturally, this places pressures on the local authority and others involved in the process and means the fee does not cover all of the local authority's costs. The Licensing Manager has responded to the consultation to recommend that any permanent regime has a much longer consultation period, primarily so that interested parties are not at a disadvantage. In the response, it was also recommended that local authorities be able to levy a discretionary fee based on full cost recovery.

#### Appeal against revocation of premises licence

- 4.10 In the coming months, North Somerset Magistrates' Court will hear an appeal against the decision to revoke the premises licence for 7 Days, 23 East Reach, Taunton.
- 4.11 The decision to revoke was made by the Licensing Sub-Committee at a hearing, following an application to review the licence made by Heart of the Southwest Trading Standards Services.
- 4.12 A preliminary hearing is scheduled for the 25<sup>th</sup> of February, at which the court will give directions for a full hearing.

### **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)

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:  Once only       Ad-hoc     Quarterly  
 Twice-yearly       Annually

### List of Appendices

Appendix 1	Licences in force.
Appendix 2	Hackney carriage maximum fares

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