

SWT Licensing Committee - 24 June 2019

Present:

Councillors Marcus Barr, Paul Bolton, Kelly Durdan, Caroline Ellis, Andrew Hadley, Libby Lisgo, Martin Peters, Sarah Wakefield and Loretta Whetlor

Officers: Fern Avis, John Rendell and Clare Rendell

Also Present: Councillors Hugh Davies and Craig Palmer

(The meeting commenced at 6.15 pm)

1. **Appointment of Chair**

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

2. **Appointment of Vice Chair**

Resolved that Councillor S Wakefield be appointed Vice-Chair of the Licensing Committee for the remainder of the Municipal Year.

3. **Apologies**

Apologies were received from Councillors M Hill and C Herbert.

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

(Minutes of the meetings of the Taunton Deane Borough Council Licensing Committee held on 21 November 2018 and the West Somerset Council Licensing Committee held on 27 November 2018 circulated with the agenda)

Resolved that the minutes were noted for information only.

5. **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 M Barr	All Items	Wellington	Personal	Spoke and Voted
Cllr P Bolton	All Items	Minehead	Personal	Spoke and Voted
Cllr C Ellis	All Items	Taunton Charter Trustee	Personal	Spoke and Voted

Cllr L Lisgo	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Peters	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

Councillors K Durdan and A Hadley further declared that they were licence holders.

Councillor S Wakefield further declared that she was acting on behalf of a customer with an active licensing application.

Councillors M Bolton, K Durdan and A Hadley advised they had been lobbied on agenda item six in regards to zero emission vehicles.

6. Public Participation

Mr Charlesworth spoke on Agenda Item 4.

He spoke with regards to the approval of the West Somerset Council Licensing Committee Minutes for the meeting held on 27 November 2018.

He stated that the minutes had been signed off as correct without the approval from the Committee. He further commented that the law stated in the Local Government Act 1972, section 12, part 6, paragraph 39, that all questions that arose before a Local Authority should be decided by a majority of the members of the Authority present and voted thereon at a meeting of the Authority. He stated that there was never any meeting of the Committee, the meeting scheduled for the 13 March 2019 was cancelled. The law stated that they had to be approved before they were signed off, which had not been done, law broken. He had received an email which confirmed that the minutes had been signed as a correct record from the Governance and Democracy Case Manager.

Later in the meeting, the Licensing Specialist responded and explained to the Committee that a complaint had been received regarding the alleged inaccuracy of the minutes and the process in which they had been approved, the Specialist Manager had explained when the complaint was made, that legal advice had been taken prior to the approval of the minutes and that a different process was taken and the Council was satisfied that a proper process had been followed. The Specialist Manager did not support the claims that any inaccuracies had been minuted from the meeting, therefore the complaint was not upheld and the complainant was advised if he wanted to take it further, to approach the Local Government Ombudsman.

7. Licensing Update Report

During the discussion, the following points were raised:-

- Councillors queried whether Licensing covered Public Space Protection Orders (PSPO).
The Licensing Specialist confirmed that PSPOs were covered by the Licensing Service.

- Councillors requested that the Watchet PSPO was updated because they were concerned it covered the whole of the town and should be for specific areas.
The Licensing Specialist would note the request and advised it was on his list of work that was to be undertaken.
- The Chair was aware of the staffing issues faced by the Licensing Service and queried whether there was anything that the Committee could do to assist with the staffing level.
The Licensing Specialist appreciated that the new structure was not very clear and that the new operating model had hoped that customers would be able to self-serve more on the website through Firmstep, which had not been implemented for their service area yet. The Case Managers were also still using two computer systems which was a challenge. More managerial duties had been placed on the Specialist and Case Manager Lead, which meant that firm deadlines could not be set for policy work due to the constantly changing priorities. It was confirmed that a temporary member of staff was being recruited, to assist over a limited period of time.
- The Chair was disappointed that the Portfolio Holder was not present at the meeting.
- Concern was raised on Firmstep and that not all the processes had been added yet.
The Licensing Specialist advised that Firmstep was in operation but was taking time to bed in and officers were generally happy with the way it was working. He gave an example of how it could work in the future once the back office systems were in place.
- Councillors thought that the Licensing forms were supposed to be in the first group of forms to be used.
Yes that was correct but after tests had been carried out, they highlighted that they were not working properly and they were awaiting for the relevant action to be taken to correct them.
- Councillors had been involved in a Task and Finish Group that had carried out work on the taxi policies and queried whether that approach would be used again or whether the policy review would be officer led. Councillors wanted to be involved in the review.
The Licensing Specialist welcomed Councillors input and would look into the option of setting up a Task and Finish Group.
- Concern was raised that personal licence cards that had been issued prior to April 2019, still had the West Somerset Council and West Somerset District Council logos on them and that they would no longer be recognised as a valid licence by other Authorities.
The Licensing Specialist confirmed that the personal licences no longer had an expiry date, so the cards would remain valid. They had taken the decision not to re-issue all the cards based on the cost to the Council. However, if a licence holder wished to have a new card, they could pay an admin fee and have a new card issued.
- Concern was raised on the staffing resource and Councillors urged that another full time post was recruited.
- Councillors highlighted that Licensing played a strategic role in climate change.

- Concern was raised that it was not clear whether West Somerset Council or Taunton Deane Borough Council had a designated list of wheelchair accessible vehicles and that there should be a list advertised to adhere with the Equality Act 2010.
The designated list was on the list of work to be completed, along with the knowledge test for taxi drivers.
- Councillors queried how many saloon vehicles were registered for taxi use and how many vehicles were wheelchair accessible.
The Licensing Specialist believed that there was approximately 65 saloon vehicles registered. The rest should all be wheelchair accessible.
- The Chair highlighted that not all vehicles used in the taxi trade could be saloon vehicles because that would not be fair on those customers that required wheelchair accessible vehicles.
- Concern was raised on the use of two taxi zones within Somerset West and Taunton Council (SWT) area.
There were lots of concerns to consider, the Licensing Specialist suggested they looked at how Bristol City Council operated their taxi trade as they had gone for more of an 'eco' approach.
- Councillors queried what areas their training sessions could cover.
The Licensing Specialist advised that the training could cover any of the licensing topics, such as animal licensing, street trading consent, safety advisory group, fees and charges, to name a few. Another Councillor had requested some training on what certain licences looked like, so that when they were approached by their constituents, they knew what was valid or not.
- Councillors highlighted that within the report it stated that targets had been met and thanked the officers for their hard work. They acknowledged that the policy work would take time and thought that certain work needed to be prioritised.
- Councillors highlighted that a taxi in Taunton had been issued a licence for an electric vehicle and queried whether there could be a certain amount of licences set aside for electric saloon vehicles.
The Licensing Specialist confirmed that a licence had been granted for a taxi but it was a private hire vehicle and not a hackney carriage, which did not have the same rules on wheelchair access. Yes certain rules could be introduced for electric vehicles, however that needed to be done when the policy was reviewed and consultations would be carried out with all of the relevant parties.
- Councillors agreed that knowing what a licence looked like was useful and also requested whether they could have a list of what licences SWT were responsible for.
The Licensing Specialist was happy to arrange a presentation on street trading consent which would assist Councillors. He advised that he had compiled a list, which was available on the website, of all the licences that SWT were not responsible for and who was, to help signpost customers to the correct agency.
- Councillors proposed that the Licensing Team compiled a designated list under the Equality Act 2010.
The Licensing Specialist advised that it was already on the list of work to be carried out and suggested he would send that list out to Councillors.

- The Chair agreed that was a good idea and would help Councillors see what work was scheduled to be done.
- Councillors queried whether the Committee could meet more frequently. *The Licensing Specialist explained that there could be more meetings, but that would impact on the officers workload and deflect them away from policy work as they would spend their time working on reports for the Committee.*
- The Chair queried whether the Taxi Forum would be set up again, as it was a very useful way of communicating with the local taxi drivers. *The Licensing Specialist agreed but wanted to carry out some more work on the taxi policy before arranging a Forum. He suggested that he could arrange one just before the policy changes were sent through the democratic path to consult with the taxi drivers and collate some feedback.*
- The Chair requested whether a site visit could be arranged for the Committee to go out and visit premises and taxis in the main towns in the SWT area. She had carried out several site visits before and found them to be very useful. *The officers were happy to arrange that.*
- Councillors highlighted that they received a lot of communications from the taxi trade and requested that when any correspondence was sent out to the taxi drivers, that the Committee Members also received a copy, so that they could field any queries.
- Councillors queried if they were made aware of someone trading without a licence, were they to report it to the Licensing Team. *The Licensing Specialist advised of the process to follow.*
- Councillors queried who authorised the location of the taxi ranks in the area. *Somerset County Council were responsible as it fell under the jurisdiction of the Highways Department.*

Resolved that the Licensing Update Report was noted.

8. **Licensing Forward Plan**

Requests for the Forward Plan had been covered in the debate on agenda item seven, the Licensing Update Report.

Councillors were reminded that if they had an item they wanted to add to the agenda, that they should send their requests to the Governance and Democracy Case Manager.

Resolved that the Licensing Committee Forward Plan be noted.

(The Meeting ended at 7.50 pm)