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## Licensing Committee

**Tuesday 10th September 2019**

**10.00 am**

**Council Chamber  
Council Offices  
Brympton Way  
Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



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Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462055 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 2 September 2019.

**Alex Parmley**, *Chief Executive Officer*



# Licensing Committee Membership

The following members are requested to attend the meeting:

**Chairman:** David Recardo  
**Vice-chairman:** Wes Read

Dave Bulmer  
Tony Lock  
Crispin Raikes  
Linda Vijeh  
Martin Wale

Jason Baker  
Nick Colbert  
Karl Gill  
Jenny Kenton  
Kevin Messenger

Paul Rowsell  
Andy Soughton  
William Wallace

## South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district.

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

## Members Questions on reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

## Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

## **Information for the Public**

The Licensing Committee shall be responsible for those functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

The Statutory Licensing Committee has responsibility for all activities under the Licensing Act 2003 and the Gambling Act 2005 except for policies and fees. Established under the Licensing Act 2003, it exercises the functions of the Licensing Authority which itself is the Council.

The Other Licensing Committee can be responsible for all other licensing matters. Established by the Council under discretionary power contained in Section 101 of the Local Government Act 1972.

It is lawful for the membership of the two committees to be the same, but they are differently constituted and run under different powers.

Meetings of the Licensing Committee are held bi-monthly at 10.00am normally on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

# Licensing Committee

**Tuesday 10 September 2019**

## Agenda

### *Preliminary Items*

**1. To approve as a correct record the Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the previous Meeting held on 3<sup>rd</sup> June 2019 and various Licensing Sub Committee meetings.

**2. Apologies for Absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

**4. Public Participation at Committees**

**a) Questions/comments from members of the public**

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

### *Items for Discussion*

**5. Update on the Wheelchair Accessible Vehicle Licensing Policy (Pages 5 - 9)**

**6. Request for Permission to apply for a non-wheelchair accessible Hackney Carriage Vehicle Licence (1) (Confidential) (Pages 10 - 14)**

**7. Request for Permission to apply for a non-wheelchair accessible Hackney Carriage Vehicle Licence (2) (Confidential) (Pages 15 - 18)**

**8. Request for Permission to apply for a non-wheelchair accessible Hackney Carriage Vehicle Licence (3) (Confidential) (Pages 19 - 23)**

**9. Request for Permission to apply for a non-wheelchair accessible Hackney Carriage Vehicle Licence (4) (Confidential) (Pages 24 - 38)**

**10. Date of Next Meeting (Page 39)**

# Agenda Item 5

## **Update on the Wheelchair Accessible Vehicle Licensing Policy**

*Executive Portfolio Holder:* Cllr Tony Lock, Protecting Core Services  
*Director:* Martin Woods, Service Delivery  
*Service Manager:* Nigel Marston, Specialist Team Manager  
*Lead Officer:* Rachel Lloyd, Specialist – Licensing, Service Delivery  
*Contact Details:* rachel.lloyd@southsomerset.gov.uk or 01935 462134

### **Purpose of the Report**

1. The Committee is being provided with an update on the wheelchair accessible vehicle licensing policy. The policy states that at least 20% of licensed Hackney Carriage Vehicles must be wheelchair accessible. When the 20% target has been achieved the Licensing Committee shall be provided with an update and then a review of the Policy should take place to find out if it has achieved the aim of ensuring better access to taxis for disabled passengers.

### **Public Interest**

2. The Council has a policy which says that at least 20% of the licensed Hackney Carriage Vehicles (taxis) must be wheelchair accessible and when this target is met it an update should be provided and the policy reviewed to check if it is ensuring that people who use wheelchairs have better access to taxis

### **Recommendations**

3. That the Licensing Committee:
  - a. Approve investigation to take place to determine if the figure of 20% is ensuring better access to taxis for disabled passengers.
  - b. Approve investigation into the use of the rank for wheelchair accessible vehicles on Old Station Road, Yeovil.

### **Background**

4. Full Council adopted the South Somerset District Council – Taxi Licensing Policy at the meeting of 6th November 2014 and agreed that it was to take effect from 1st April 2015. The policy states at paragraph 6.32 that all new vehicle applications be restricted to purpose built wheelchair accessible vehicles (WAV's) until 20% of the total hackney carriage fleet is wheelchair accessible.
5. There are 120 licensed Hackney Carriage Vehicles; 49 of these are wheelchair accessible vehicles (WAV) this means that 40.8% of the licensed Hackney Carriage Vehicles are wheelchair accessible (data analysed 13/08/19).
6. The decision that was made at Full Council, on 06 November 2014 is in table 1, below and the relevant sections from the Policy in relation to WAVs are below.

Table 1 Decision made on 06/11/14

<p>Hackney Carriage and Private Hire Policy</p>	<p><b>RESOLVED:</b> That the Council:</p> <ol style="list-style-type: none"> <li>1. Approved the introduction an implementation of the South Somerset Taxi Licensing Policy and Guidance with effect from 1<sup>st</sup> April 2015, subject to recommendation 2 as set out below.</li> <li>2. Agreed that all those vehicles currently licensed as a Hackney carriage on 1<sup>st</sup> April 2015 that do not comply with the new policy requirements, be permitted to continue to be licensed as a Hackney Carriage until 31<sup>st</sup> March 2018.</li> <li>3. Agreed that all new vehicle applications be restricted to purpose built wheelchair accessible vehicles (WAV's) until 20% of the total hackney carriage fleet is wheelchair accessible. A review of this element of the policy will be conducted in a years time or before if this target (20%) is achieved before this date to check whether this policy has achieved the aim of ensuring better access to taxis for disabled passengers.</li> <li>4. Agreed that Officers report back to the Licensing Committee 12 months after the introduction of the South Somerset Taxi Licensing Policy and Guidance to update Members as to its progress.</li> </ol>
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### Taxi Licensing Policy 6.30. Accessibility of vehicles

7. 6.31. The licensing authority is aware of developments to review the accessibility requirements of hackney carriage and private hire vehicles through proposed Regulations under the Equality Act 2010 and will, where appropriate, review its accessibility standards in light of any changes to the law.
8. 6.32. In the meantime, and as hackney carriages can be hired on the spot / in the street by customers dealing directly with the driver, the licensing authority believes that anyone should be able to hire a hackney carriage on approach of the driver with the minimum of delay and/or inconvenience. For this purpose, it is the policy of the licensing authority that all hackney carriages should be accessible to disabled people (including – but not only- people who need to travel in a wheelchair). For this reason all new vehicle applications will be restricted to purpose built wheelchair accessible vehicles (WAV's). This is subject to review after 12 months or when 20% of the total Hackney carriage fleet is made up of fully wheelchair accessible vehicles. 6.33. As private hire vehicles can only be booked through an operator (i.e. not immediately available for hire), it is the view of the licensing authority that the immediate need for wheelchair accessible vehicles is less essential. For this reason, while private hire operators are encouraged to offer accessible vehicles within their fleet, the licensing authority will not normally require, as a matter of course, private hire vehicles to provide such access.

### Wheelchair Accessible Vehicle (WAV) Policy

9. Five requests from licensed Hackney Carriage/Private Hire drivers have been received to request that the Council depart from the Policy and allow non-WAVs to be licensed as Hackney Carriage vehicles. Several other licensed drivers have been in contact to say that they would like to replace their existing licensed vehicle, but would like to licence a non-wheelchair accessible vehicle as they believe that a WAV is not suitable for the type of work they carry out and they have mentioned that some customers who are not in wheelchairs, but have some mobility issues struggle to get into some models of WAV because of the height of the vehicle, some customers prefer travel in a smaller vehicle and will choose those over a WAV when the vehicles are queued up on the rank.

10. Members of the public sometimes make requests for a list of WAVs licensed as Hackney Carriage or Private Hire Vehicles and comments that it is difficult to find a WAV for journeys which take place in the morning and evening have been received. The requests and comments have not been formally recorded.
11. Investigation is required to establish if the policy is meeting demand, exceeding demand or there is a lack of provision for passengers who use wheelchairs as there is not currently enough information to make a proper assessment of this.

### **WAV Taxi Rank, Old Station Road**

12. A Councillor has received comments that the rank on Old Station Road, Yeovil next to the Premier Inn is not being used by taxis. This rank consists of 7 spaces that are only for use by WAVs (pictures in Appendix 1).

### **Update on the recent Taxi Licensing Consultation**

13. The results of the Department of Transport Taxi and Private Hire Vehicle Licensing: Protecting Users consultation that the Licensing Committee responded to are still being collated.

### **Financial Implications**

14. None at this stage, however there could be costs involved if the Policy is challenged.

### **Council Plan Implications**

15. To promote a strong and growing economy with thriving urban, rural and land-based businesses
16. To enable health communities which are cohesive, sustainable and enjoy a high quality of life.

### **Carbon Emissions and Climate Change Implications**

17. Nothing which affects the report on "greenhouse gas emissions from local authorities own estate and operations".

### **Equality and Diversity Implications**

18. There are no direct equality implications arising from this report which is seeking members' approval to undertake research into whether the current provision of wheelchair accessible taxis is sufficient or whether there is an over or under provision.
19. If members agree to the research being carried out, a further report regarding any proposed changes to the policy as informed by the evidence will be supported by an Equality Impact Assessment.

### **Privacy Impact Assessment**

20. The recommendation is that we investigate the effect of the policy and it is likely that consultation will take place with stakeholders.
21. It will involve processing data we currently hold to inform licensed drivers and operators of the consultation.
22. The information will be used to inform policy.
23. The information gathered would only be kept until any changes to the policy have been made.

24. The data will not be shared or processed externally. Analysis of the data will be published, but personal information will not be shared.

### **Background Papers**

- South Somerset District Council - Taxi Licensing Policy
  - South Somerset District Council decisions taken by South Somerset District Council 6<sup>th</sup> November 2014
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**Appendix 1 – Pictures of the rank located on Old Station Road, Yeovil**



# Agenda Item 6

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 7

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# Agenda Item 8

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# Agenda Item 9

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# Agenda Item 10

## **Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 10<sup>th</sup> December 2019 at 10.00am in Council Chamber B, the Council Offices, Brympton Way, Yeovil.

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