

SWT Licensing Committee

Monday, 24th June, 2019,
6.15 pm



Somerset West
and Taunton

Council Chamber - West Somerset
House

Members: Marcus Barr, Paul Bolton, Kelly Durdan, Caroline Ellis, Andrew Hadley, Catherine Herbert, Marcia Hill, Marcus Kravis, Sue Lees, Libby Lisgo, Andy Milne, Martin Peters, Ray Tully, Sarah Wakefield 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 note the minutes of the previous 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.

(Pages 5 - 16)

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 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.

7. Licensing Update Report

This report provides an update on the activities of the council's licensing service, changes in licensing legislation and other licensing related matters.

8. Licensing Forward Plan

To receive items for the Forward Plan.

(Pages 17 - 30)



**JAMES HASSETT
CHIEF EXECUTIVE**

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If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a 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. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

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Licensing Committee - 21 November 2018

Present: Councillor K Durdan (Chairman)
Councillors G James, W Brown, M Hill and S Nicholls

Officers: Fern Avis, Clare Rendell and John Rendell

Also Present: Councillor P Berry

(The meeting commenced at 6.15 pm)

6. **Apologies.**

Apologies were received from Councillors J Blatchford and J Hunt.

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

The minutes of the meeting of the Licensing Committee held on 6 June 2018 were taken as read and were signed.

8. **Declaration of Interests.**

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

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr W Brown	All Items	Wellington	Personal	Spoke and Voted
Cllr G James	All Items	Wellington	Personal	Spoke and Voted
Cllr S Nicholls	All Items	Comeytrowe	Personal	Spoke and Voted

9. **Licensing Update Report. Report of the Licensing Manager (attached).**

Considered report previously circulated, which provided an update on the activities of the Council's Licensing Service, changes to legislation, current consultations and other general Licensing matters.

A summary of the activity and performance of the Licensing Service since the last meeting of the Committee was set out:-

- The performance of the Licensing Service was measured against the number of applications that were completed within 14 days of them being determined. The target was 95%.
- This target had been reached between 1 July and 30 September 2018.
- Members were provided with a comparison of the number of applications received between July and September 2018 for the preceding two years

and a summary of the numbers of the licences in force and notices given as at 29 October 2018.

- The numbers of service requests received by the service between July and September 2018, compared with the previous two years were also reported.
- 39 service requests had been received and there were 15 service requests where enquiries were ongoing or a conclusion had not been reached.

It was explained in the update report circulated in August 2018 that The Animal Welfare Regulations 2018 were to come into effect as of the 1 October 2018. The Regulations repealed a number of Acts responsible for regulating animal boarders, riding establishments, pet shops and dog breeders.

During the discussion of this item, the following points were raised:-

- Members queried what areas of an animal establishment would the star rating cover.
The star ratings would include various checks, some of which were whether an animal enclosure was safe, cleanliness and enrichment for the animals.
- Members queried how often the premises would be inspected.
There would be an initial inspection for the licence to be granted and then there would be a spot check carried out midway through their licence period. The Licensing Manager confirmed that first time applicants would not be able to apply for the full three year licence and would not be able to achieve the full star rating until after their first year.
- Members requested clarification on the renewal dates of the animal licences.
In the report it stated that the renewals were due in December but due to work load and other factors, the Licensing Manager suggested that they would give customers two months grace and carry out the renewals in February as that would best suit the department.
- Concern was raised on the loss of income for those two months.
The two month grace was only a one off due to the work demands placed on the department.
- Members requested clarification on the plus and minus figures reported within appendix two for licences issued.
Clarification was given.

Resolved that the report be noted.

10. **Proposed changes to the Hackney Carriage and Private Hire Vehicle Driver Licensing Regime. Report of the Licensing Officer (attached).**

Considered report previously circulated, which considered the licensing requirements for hackney carriage and private hire drivers and the recommendations set out in the report with regard to the requirement of drivers to pass a practical driving test on grant of a new licence.

During the discussion of this item, the following points were raised:-

- Members queried who would be involved in trialling the new test.
The Licensing Manager advised the test would only apply to new applicants and licensed drivers would only be requested to take the test if the department received complaints about the drivers conduct.
- Members queried whether the test would run parallel to that used in the West Somerset area.
Yes, the knowledge and suitability tests were similar to those used within West Somerset, so the practical test had been set up in the same manner to help with the alignment of the policies for the New Council.
- Members requested clarification on the creation of new Licensing Committee.
Clarification was given.
- Concern was raised on whether the driver's would be expected to gain knowledge of the extended area of the New Council. Would Taunton taxi drivers be expected to know the Dulverton area and vice versa.
The Licensing Officer had carried out some research on how the knowledge test would work in the New Council. In the Mendip area, similar concerns were raised and they had adopted a knowledge test that included several generic questions and then the taxi driver would be asked to specify which area of the District they would predominantly work in and then they would be asked several questions based on the area they had selected. A similar approach was suggested for the Somerset West and Taunton area.

Resolved that Members approved a proposal to introduce a practical driving test, which follows the format of the former DSA test, to be taken by all new applicants. Also to be taken by drivers should they accumulate six or more penalty points on their DVLA driving licence within the three year licence period or where the Licensing Manager deemed it necessary, following an evidenced compliant about the driving ability of the licence holder (be that from the Police, other agency or other third party).

11. **Adoption of a new policy concerning use of the National Register of Taxi Licence Revocations and Refusals. Report of the Licensing Manager (attached).**

Considered report previously circulated, which considered the licensing requirements for hackney carriage and private hire drivers and the recommendations set out in the report with regard to the adoption of a new policy which would enable the Council to use the National Register of Taxi Licence Revocations and Refusals, also known as NR3.

During the discussion of this item, the following points were raised:-

- Members supported the proposal and that it would assist in decisions made by Sub-Committees.
- Members queried whether if a decision was made at a Sub-Committee to allow a driver to have their licence renewed for a year with conditions applied, would that show on the NR3.

The NR3 was restricted to revocations and refusals only. However, if the driver did not comply with the conditions placed on the licence, then the licence would be revoked and would then be added to the NR3.

- Members suggested the same type of register should be set up for other types of licence holders.
- Concern was raised that if a taxi driver's licence was due to expire and circumstances had arisen which meant they were likely to have their licence revoked, but the driver then chose not to renew or cancelled their licence, would that be added to the NR3.

No that would not be added to the register.

- Further concern was raised due to the outcome of a recent Sub-Committee, which was likely to revoke the driver's licence, but then the driver surrendered their licence, so they were not added to the NR3. The driver was now known to be a licensed driver in London.
- Members queried whether information was held for a certain period of time on the NR3.

Data was retained for twenty-five years. The Licensing Manager confirmed that although the data was kept for a long length of time, officer's discretion could still be used to grant a licence and they would look at each case based on their individual merit. If needed, they would ask for a Sub-Committee to be used to make the decision.

Resolved that Members approved the adoption of the policy, which could then be incorporated into the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, more commonly referred to as the Taxi Handbook.

12. **Discussion on Vaping in Licensed Premises. Requested by the Vice-Chair of the Committee.**

The Vice-Chair of the Licensing Committee had recently been approached by several members of the public who were concerned about vaping being allowed in licensed premises. He had looked on the World Health Organisation website and found the following information: <http://www.who.int/bulletin/volumes/95/7/16-186536/en/>

The Licensing Manager highlighted a report by the Royal Society for Public Health that had ranked Taunton as the third healthiest British high street in 2018: <https://www.rsph.org.uk/about-us/news/britain-s-unhealthiest-high-streets-revealed-northern-towns-and-cities-top-the-rankings-for-unhealthiest-high-streets.html>

The report had included scoring information on vape shops.

During the discussion of this item, the following points were raised:-

- Members queried where vaping was allowed. Taunton based residents confirmed that the licensed premises within the town did not allow vaping. *The premises that allowed vaping were mainly located in the rural towns and areas.*
- Members highlighted that vaping was not illegal, so it would be difficult to implement a policy prohibiting vaping in licensed premises.

The Licensing Manager agreed it was a difficult to consider a policy to ban vaping due to health concerns. Under the Licensing Act 2003, public health was not one of the objectives used. He highlighted the four objectives which were: prevent crime and disorder; prevent public nuisance; public safety; and protection of children from harm.

- Members suggested that a reminder could be distributed to landlords, advising them that they had the discretion to ban vaping in their premises. *The Licensing Manager suggested that he could approach the Pub Watch schemes in the rural areas to highlight the concern.*

(The Meeting ended at 7.30 pm)

LICENSING COMMITTEE

MINUTES OF THE 27 NOVEMBER 2018

AT 3.30 PM

COUNCIL CHAMBER - WEST SOMERSET HOUSE

Present:

Councillor R Lillis

Chairman

Councillor D Westcott

Councillor J Parbrook

Councillor I Aldridge

Councillor R Thomas

Councillor I Jones

Councillor T Venner

Councillor A Kingston-James

Members in Attendance:

Officers in Attendance:

Clare Rendell

John Rendell

LIC6 Apologies.

Apologies were received from Councillors N Thwaites and K Turner.

LIC7 Minutes of the previous meeting of the Licensing Committee.

(Minutes of the Meeting of the Licensing Committee held on 4 July 2018 – circulated with the Agenda.)

RESOLVED that the Minutes of the Licensing Committee held on the 4 July 2018 be noted.

LIC8 Declarations of Interest.

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

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr I Aldridge	All Items	Williton Parish Council	Personal	Spoke and Voted
Cllr A Kingston-James	All Items	Minehead Town Council	Personal	Spoke and Voted
Cllr J Parbrook	All Items	Minehead Town Council	Personal	Spoke and Voted
Cllr R Thomas	All Items	Minehead Town Council	Personal	Spoke and Voted
Cllr T Venner	All Items	Minehead Town Council	Personal	Spoke and Voted
Cllr D Westcott	All Items	Watchet Town Council	Personal	Spoke and Voted

LIC9 Public Participation.

Agenda Item 7 – Zero Emissions Licences

Mr K Griffiths, a local taxi driver, spoke on the introduction of electric cars to his taxi fleet. He had worked as a licensed taxi driver in the area for 25 years and had invested heavily in his company to provide two vehicles that best suited the needs for his customers. He had submitted a request for a new hackney carriage licence for a 100% electric vehicle. However, the Licensing Manager had raised some concern on the issue of a brand new licence for the sole use of an electric vehicle due to the work load involved. Mr Griffiths had been asked to attend the meeting to discuss the option of re-issuing the last remaining hackney carriage licence, which had been recently returned to the Council, for use on the electric vehicle. The Licensing Manager had advised he thought it would be inappropriate to issue the licence without the guidance of the Licensing Committee. Mr Griffiths did not believe there were any legal grounds for which the licence could not be issued because the licence already existed and fell within regulation 3.3 of the Taxi Policy which allowed up to 28 saloon cars to be licensed. He hoped that the Committee would support his request.

LIC10 Licensing Update Report.

The purpose of the report was to keep the Council's statutory Committee up to date on the activities of the Council's Licensing Service, changes to legislation, current consultations and other general licensing matters.

A summary of the activity and performance of the Licensing Service since the last meeting of the Committee was as follows:-

- The performance of the Licensing Service was measured against the number of applications that were completed within 14 days of them being determined. Between 1 July and 30 September 2018, 98.5% of applications had been completed within the 14 day timescale.
- Members were provided with a comparison of the numbers of applications received for each of the regimes administered by the Licensing Team between July and September 2018 and the numbers of licences in force and notices given as at 16 November 2018.

The Animal Welfare Regulations 2018 came into effect as of the 1 October 2018. The Regulations repealed a number of Acts responsible for regulating animal boarders, riding establishments, pet shops and dog breeders.

The review of statements of licensing policy for both the gambling and alcohol, entertainment and late night refreshment licensing regimes had been delayed, owing to predominantly an increase in work pressures due to the organisational restructure and the complication of the formation of a New Council.

During the discussion of this item, the following points were raised:-

- Concern was raised on the significant price increase on animal licences for West Somerset Council (WSC) compared to Taunton Deane Borough Council (TDBC).
The Licensing Manager explained that back in 2012, the previous Manager had reviewed the TDBC fees and had calculated the true cost of the services provided. That work had not been carried out for WSC, so this would be the first time in years that the fees had been adjusted to reflect the true cost.
- Members queried the price increase for skin piercing licences and whether there had been any changes that had caused it.
No, there had been no changes in legislation or any trends that would have caused it.
- Members agreed that the fees needed to be aligned with those set for TDBC in preparation for the New Council.
- Members queried whether vaping shops needed to be licensed.
Vaping shops were not regulated, so therefore were not licensed.
- Members queried whether any of the fees had gone down in price.
Yes there were a few, scrap metal dealers licences had gone down along with some others.
- Members queried if there were one set of fees, how could the New Council operate two taxi regimes.
The Licensing Manager agreed and there were many options to choose from. His preference was to operate one area. However, he could operate two areas but then he would have to introduce different fees because the costs would be different. He hoped to work towards a position that meant he had the same regime operating across the New Council area.

RESOLVED that the report be noted.

LIC11 Adoption of a new policy concerning use of the National Register of Taxi Licence Revocations and Refusals.

The purpose of the report was to consider the licensing requirements for hackney carriage and private hire drivers and the recommendations set out in the report with regard to the adoption of a new policy which would enable the Council to use the National Register of Taxi Licence Revocations and Refusals, also known as NR3.

During the discussion of this item, the following points were raised:-

- Members queried whether the Licensing Department still received information from the Police when penalty points and convictions were accrued by taxi drivers.

Yes, the NR3 would support the current process which included a Disclosure Barring Service check and they would continue to use DVLA for other information.

- Concern was raised on access to personal information and the new General Data Protection Regulations.
The Licensing Manager advised that part of the Policy governed who had access and it ensured that only staff who were properly trained were allowed access to the system.
- Members queried whether there was a cost to use the NR3.
The Licensing Department were already registered with the National Anti-Fraud Network which held the NR3 register. There was a fee involved but the Licensing Manager would calculate the cost and include it in the taxi fees.
- Members queried whether the NR3 had been adopted by TDBC.
Yes it had been adopted by TDBC.

RESOLVED that Members approved the adoption of the policy which could then be incorporated into the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, more commonly referred to as the Taxi Handbook.

LIC12 Zero Emissions Licences.

Councillor Parbrook had requested a discussion on Zero Emissions Licences.

The Licensing Manager had advised Mr Griffiths, the taxi driver who spoke during Public Participation, to attend the meeting and raise his query on use of electric vehicles within the taxi trade.

Following on from Public Participation, the Licensing Manager highlighted the following:-

- The Licensing Manager confirmed that section 3.3 of the Policy was correct, however, there was another section of the Policy, 6.1, that needed to be considered and that covered the vehicle specification. It detailed that any new vehicle licences issued after May 2006 should only be issued to vehicles that were disabled access compliant.
- Although the Policy stated that there could be a maximum of 28 saloon cars, it was later updated that all new vehicles had to be wheelchair accessible, this was to promote accessibility for people who used wheelchairs and others with disabilities.
- He was reluctant to issue the spare vehicle licence based on the individual request as the type of electric vehicle that Mr Griffiths wished to purchase did not fit the criteria set for disabled access.
- He advised the Committee that guidance had been received from Central Government a few years ago that stated Councils should aim to be compliant with disability access regulations and so therefore the department had made the decision to change the Policy so that any new vehicle licences would only be issued to vehicles which complied with the disability access criteria. However, a certain amount of licences were reserved for saloon cars to allow the existing taxi drivers to carry on with their trade without forcing them to purchase new vehicles.

- The Licensing Manager believed the discussion required a wider debate by the Committee.

During the discussion of this item, the following points were raised:-

- Members highlighted that the Government had set a target that all new cars had to be electric or zero emission by the year 2030, which was not far away.
- Members accepted that the cars used for taxis should have disabled access but there were certain advantages to electric cars and that the Policy needed to be updated to reflect them.
- Members advised that they were aware of one type of electric vehicle that appeared to have disabled access, but it had a very high price tag, which could prevent taxi drivers from being able to apply for a new vehicle licence.
- Members suggested a 'pilot' scheme could be introduced which would only allow taxi drivers to use an electric saloon car if they were able to offer an alternative mode of transport for those that required disabled access.
- Members believed it would be an incentive to other drivers if they saw a zero emissions vehicle being used.
- Members agreed that they should support the taxi drivers and that the Policy was out of date and needed to be aligned with the TDBC Policy.
- Members suggested that someone had to be the first to issue an electric vehicle licence, why couldn't it be WSC.
- Concern was raised on the restriction caused by the lack of charging points.

Mr Griffiths advised that an electric vehicle was ideal for the Bristol Airport journey as there were charging points along the route. Electric vehicles also had an information section on the dashboard that guided the driver to where the nearest charging points were and was updated within real time.

- Members suggested that if the spare licence was issued, the Licensing Manager could specify that it was for electric vehicle use only.

Mr Griffiths confirmed he would be happy to provide proof of purchase before he was issued with the licence.

The Licensing Manager raised a concern that if he issued the spare licence, then it would give Mr Griffiths a commercial advantage because the Policy would not allow any more licences to be issued as 28 was the maximum allowed for saloon vehicles. However, he advised if the licence was granted, he could add a condition to specify it was for electric vehicle use only.

- Members queried how long electric taxi vehicles lasted.
Mr Griffiths advised that there was a taxi company that had used electric vehicles and they lasted for approximately 5 years.
- Concern was raised that electric vehicles were not the same as zero emission vehicles because they still needed to be charged which caused emissions. Members queried which was more efficient, petrol or electric. They needed to be clear on the reasons as to why they would impose electric vehicles on the taxi trade.
- Members queried whether the 28 licences that were reserved for saloon cars could be reserved for electric vehicles.

The Licensing Manager confirmed that the licences that were already in use could be transferred to electric vehicles if the licence holders purchased an electric vehicle. It was the regulation on new licences that was restricted. He wanted the Policy to be fair for all drivers and customers.

- Members queried how the spare licence would be allocated or would it be kept as a spare. They further queried how that would work in the New Council.

The Licensing Manager advised that the saloon car licences were not due to be reallocated because of the Policy and that he wanted all taxis to be wheelchair accessible and saloon cars were not. He confirmed that there were many options to be discussed for the future of taxi licences in the New Council.

- Members queried whether the amount of licences should be demand related and whether a consultation had been carried out.

The Licensing Manager gave information on un-met demand consultations.

- Members requested that work was carried out by the Licensing Department on the introduction of electric vehicles and that a report be brought back to the next Committee meeting.

The Licensing Manager advised that there would not be enough time to carry out the work.

- Some of the Members agreed that the licence should be issued with the condition that it was for electric use only and therefore exempt from the regulations on disabled access and if another saloon licence became available, it would have the same condition placed upon it.

RESOLVED that the Committee requested that the Licensing Manager investigated the use of electric vehicles and amended the Policy for the future and the New Council.

The Meeting closed at 5.20 pm

Somerset West and Taunton Council

Licensing Committee – 24 of June 2019

Licensing Quarterly Update Report

This matter is the responsibility of Executive Councillor Alan Wedderkopp

Report Author: John Rendell, Specialist: Licensing & Parking

1 Purpose of the Report

- 1.1 This report provides an update on the activities of the council's licensing service, changes in licensing legislation and other licensing related matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
If the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy.	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

Risk scoring matrix on next page.

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

Introduction to the licensing service

4.1 Staff in the licensing service/function perform a range of tasks and functions. These can be broadly categorised as:

- Acknowledge, log and respond to licensing related queries, be that via telephone, email or 'general enquiries' submitted through the website;
- Log and process licence applications and then issue notices and licences in various forms, including taxi vehicle plates;

- Investigate reports and complaints against people, premises and vehicles which are licensed and reports of illegal activity. This includes gathering evidence, carrying out visits and interviewing witnesses etc.;
- Formulate responses to Freedom of Information Act requests;
- Submit periodic statistical returns to various government departments;
- Work with the council's finance function to ensure, where appropriate, invoices are issued to licence holders;
- Carry out inspections and visits to licensed premises to check compliance with legislation and/or licence rules;
- Write, review and update the various licensing policies and procedures.

4.2 Before the council's transformation programme and restructure, the licensing service was represented by a 'Licensing Team', with the following dedicated numbers of staff:

- Licensing Assistant: 1.8 full time equivalent (FTE) at pay grade D, responsible for taking phone calls, responding to simple email enquiries, processing basic licence applications, invoicing etc. Previous post holders were Jane Carpenter and Joanna Kalwaszewska.
- Licensing Officer: 3 FTE at grade F, responsible for investigating complaints/reports about licence holders, processing licence applications, policy and procedure review/writing etc. Previous post holders were Alison Evens, Fern Avis, Mark Banczyk-Gee and Brad Fear.
- Licensing Manager: 1 FTE at grade H, responsible for managing/leading the team in all aspects, delegated decisions, handling complaints about the licensing service itself, complex policy and procedure review/writing, etc. Previous post holder was John Rendell.

4.3 Following the restructure, there is no formally recognised 'Licensing Team' within the operating model. Instead there a number of staff coming together to deliver the licensing service from a number of job 'families', all within the Customer function. The resource allocated to the service following the restructure recruitment exercise was:

- Case Manager: 1 full time equivalent (FTE) at pay grade D, responsible for taking phone calls, responding to simple email enquiries, processing basic licence applications, invoicing etc.
- Case Manager: 2 FTE at grade F, responsible for investigating complaints/reports about licence holders, processing licence applications, policy and procedure review/writing etc.

- Specialist: 1 FTE at grade H but split across other functions, responsible for providing expert advice, delegated decisions, handling complaints about the licensing service itself, complex policy and procedure review/writing, etc.
- Case Management Lead: 0.6 FTE at grade H but split across other functions, responsible for performance management, recruitment etc.

4.4 At the point of the new structure being implemented (1st April 2019), the actual resource was slightly less than above, with there being 0.8 FTE Case Manager at grade D and 1.8 Case Manager at grade F.

4.5 Since the beginning of June, the service has been further bolstered by the temporary employment of another 1 FTE Case Manager at grade D, through an agency. This is a transitional resource.

4.6 A complete 'Who's who' of current licensing staff is attached at **Appendix 1**.

4.7 Where customers are unable to find the whatever information they desire on the council website, they can contact licensing by phoning the Customer Contact Centre on 0300 304 8000, or by using the '[General Enquiries' online form on the website](#). Members can use these methods or go through the Member Case Manager, Jess McVie, via membercm@somersetwestandtaunton.gov.uk

Performance of the service

4.8 The service has a statutory duty to process various application types. In some cases, there are even prescribed time periods within which these applications should be completed.

4.9 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined. In essence, this is when the council is in possession of all the information it needs and has made its decision to grant a licence or not. In some cases, an application is 'determined' immediately upon receipt and this might be because the form is judged to have been filled in correctly and the relevant fee has been paid. In other, more complex cases, a consultation may need to be carried out and the determination cannot not be made until after the consultation period has finished. The target for the service is that, for all applications that are completed within a set quarter, 95% must be completed within 14 days of that application having been determined.

4.10 It has been the norm, for a number of years, for the committee to be provided with the performance figures for the previous quarter. For quarter 4 of 2018/19, which is January to March, the service completed 97% of applications (393 of 405) within 14 days of them being determined, meaning the target was achieved. Having looked more closely at the results, 81% of applications (328 of 405) was completed within seven days. Comparing quarter 4 with quarter 3 (October to December), there has been a slight dip in performance of 1.9%. This is a difference of 9 more applications

completed after 14 days. Given the significant changes which have occurred within the organisation since the turn of the year, most notably those in terms of staffing, the small dip in performance is not a concern.

4.11 Looking at more recent performance, the service completed 97.1% (166 of 171) applications within 14 days and 82% within 7 days for April. For May, 99.4% (165 of 166) were completed within 14 days and 82.5% (137 of 166) within 7 days. The average for the current quarter, with 1 month left to go, is therefore 98.3%. It is expected the service will achieve a similar level of performance for June and therefore its performance target, for quarter 1 of 2019/20.

4.12 Throughout the transformation programme, the processing of applications has been the main focus and therefore in this regard, the team/service has, going by the aforementioned statistics, performed well. However, the need to support the organisational change has added significant pressure to the team and other areas of work has suffered. The following areas of work have all stalled in recent months:

- review of Licensing Act 2003 policy;
- review of the Gambling Act 2005 policy;
- delivery of an improved knowledge test for taxi drivers;
- integration of the use of the national register of revoked/refused taxi licences (known as 'NR3') into working practices;
- proactive compliance and enforcement inspections.

4.13 The implementation of new systems of working within the organisation has not been without its teething problems and licensing has been no exception. There have been delays which have naturally caused customers to become frustrated at times. The team is, however, working hard, with others, to identify the causes of issues, when made aware and, where necessary, are adapting working practices to ensure further problems are avoided.

4.14 The progress of the service is also being hampered by the delayed delivery of a single back office system. Case Managers must currently log applications, services requests and so on, onto two separate databases, with Civica APP being used for Taunton Deane licences and Northgate M3 being used for West Somerset. This proves especially challenging when training new members of staff. It is hoped this project will restart around October.

Applications received and licences in force

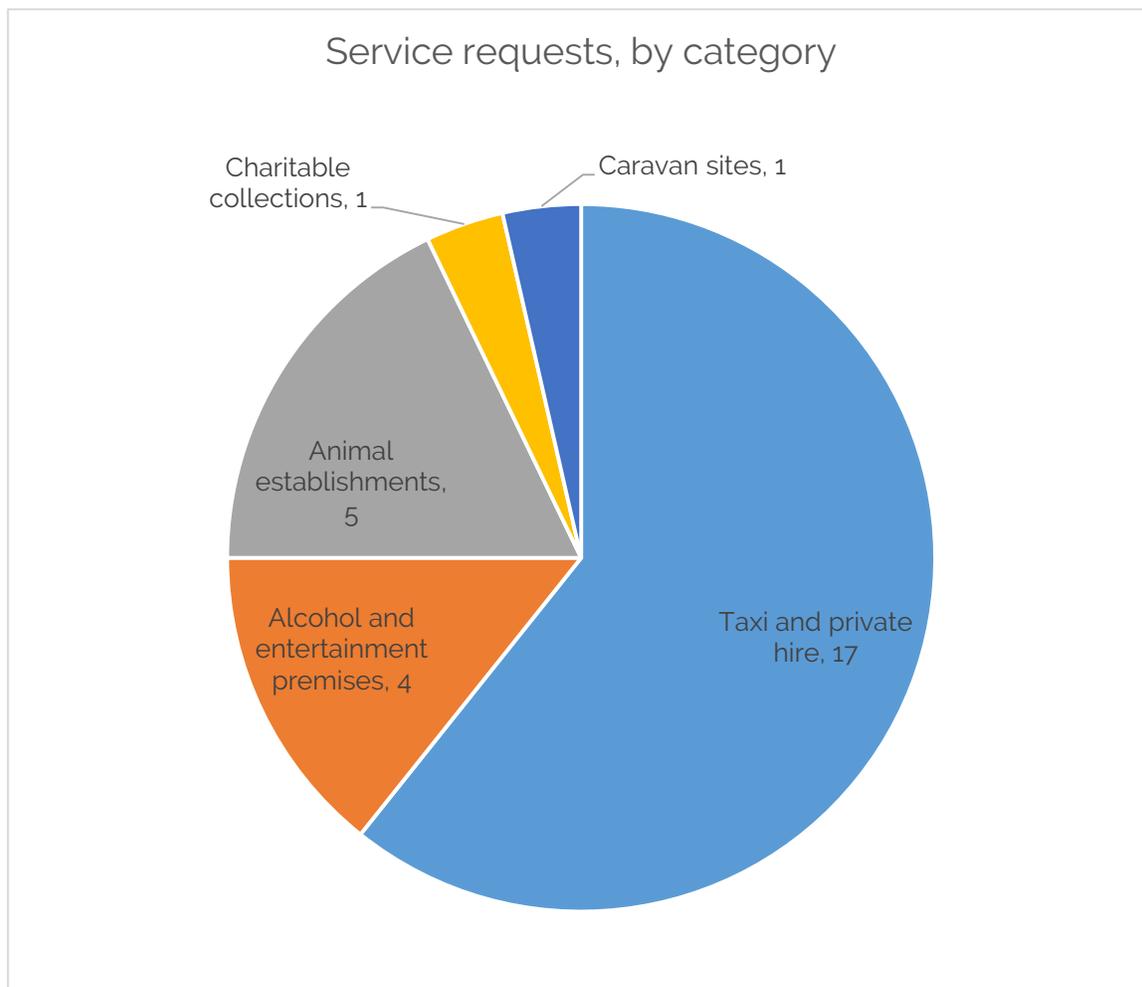
4.15 To give an idea of the variety and number of persons, premises, vehicles and activities licensed, the numbers of licences in force as of the 13th June 2019 and numbers of notices given, are shown at **Appendix 2**.

Service requests

4.16 Complaints about licensed premises, persons and vehicles and reports of

unauthorised activities are recorded on the database as 'service requests' (often abbreviated to 'SR').

4.17 Between January and March, 28 complaints/reports were made to the licensing service. The split, in terms of categories, is:



Current continuation of separate taxi licensing areas

4.18 Although the new council has been formed, the two separate taxi and private hire licensing districts of Taunton Deane and West Somerset are being maintained, for the time being. Once the two sets of policies, licence rules and taxi fare tariffs can be reviewed, consolidated and updated, the process of consulting with the public and licensed trade will begin, with the ultimate aim being to ask the Licensing Committee to consider whether there should be a single taxi licensing district. It is hoped this will happen sometime in 2020.

4.19 This is a massive piece of work, to be led by the Specialist, and will have to be phased over many months.

4.20 In order to be able to distinguish which drivers and vehicles are authorised to operate in either the Taunton Deane area or West Somerset area, licence badges and plates bearing the old council logos and colour schemes are still being used. There is

[advice and information for taxi passengers on the council website](#) which explains the current position and different fare tariffs.

Appeal against decision to refuse to grant a hackney carriage vehicle licence

- 4.21 A taxi business proprietor who was refused a hackney carriage vehicle licence has appealed the decision. The case is scheduled to be heard on the 3rd of September 2019 at North Somerset Magistrate's Court by the District Judge.
- 4.22 Although the matter is being heard at the Magistrate's Court, the District Judge will actually be acting in the capacity of the Crown Court, to whom appeals of this nature have to be lodged.
- 4.23 The committee will be provided with an update after the matter has been concluded.

5 Links to Corporate Aims and Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

6 Finance / Resource Implications

- 6.1 Where legislation allows for cost recovery, licence fees are levied against the administration of the regime and the supervision of licences issued. It would be unlawful to deliberately set the fees to make a profit and any over (or under) recovery is redressed in future fee levels.

7 Legal Implications

- 7.1 No legal implications identified.

8 Environmental Impact Implications

- 8.1 There are no specific environmental impact implications identified as a result of this report.

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 With the addition of securing the welfare of animals, these are the main aims of the Licensing Service. 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 a number of 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:

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

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 a quarterly report just 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 (delete if not applicable)

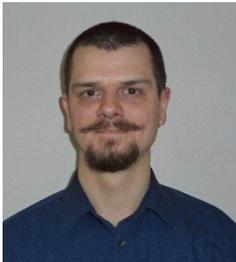
Appendix 1	Who's who in licensing
Appendix 2	Licences issued and notices given

Contact Officers

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

Appendix 1 – Who's who in licensing

Specialist: Licensing & Parking	Case Management Lead (for licensing, and others)
	
John Rendell	Fern Avis

Case Managers – grade F	
	
Brad Fear	Mark Banczyk-Gee

Case Managers – grade D	
	
Reece Dyke	Joanna Kalwaszewska

Licences Issued and Notices Given

These figures show the number of licences in force at the 13th June and the number of notices given since commencement of relevant legislation

	Total	Difference from previous committee +/-
Licensing Act 2003 Premises Licences	703	-1
Licensing Act 2003 Club Premises Certificates	50	None
Licensing Act 2003 Personal Licences	2516	±56
Licensing Act 2003 Temporary Event Notices	7535	±242
Gambling Act 2005 Club Machine Permit	13	-1
Gambling Act 2005 Licensed Premises Gaming Machine Permits	16	±12
Gambling Act 2005 Occasional Use Notices	80	±2
Gambling Act 2005 Premises Licences	27	-1
Gambling Act 2005 Prize Gaming Permits	1	None
Gambling Act 2005 Society Lotteries (since 01/09/2007)	150	-18
Gambling Act 2005 Temporary Use Notices	0	None
Gambling Act 2005 Unlicensed Family Entertainment Centres	13	None
Gambling Act 2005 Notification of 2 or less Gaming Machines	95	±1
Hackney Carriages	227	±9
Private Hire Vehicles	50	-4
Hackney Carriage & Private Hire Drivers	299	-1
Private Hire Operators	37	None
Street Trading Consents	9	-4
Section 115E (Pavement Café) Permits	6	3
Zoo Licences	2	None
Pet Shop Licences	4	-1
Dog Breeding Licence	11	±3
Animal Boarding Licence	32	-6
Hiring of Horses Licences	10	-7
Dangerous Wild Animal Licences	1	±1
Keeping or Training of Animals for Exhibition Licences	0	None
Caravan Site Licences	86	-1
Scrap Metal Dealer licence	13	None
Sex Establishment Licences	1	None
Skin Piercing Registrations	355	±14
Street Collection Permits	893	±16
House to House Collection Permit	534	±12

