

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 The Regulations repealed a number of Acts responsible for regulating animal boarders, riding establishments, pet shops and dog breeders.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)