

# Taunton Deane Borough Council

## Licensing Committee – 20 February 2019

### Licensing Update report

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author: John Rendell, Licensing Manager

#### 1 Executive Summary

- 1.1 This report provides an update on the activities of the council's licensing service, changes to legislation, current consultations and other general licensing 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

<b>Likelihood</b>	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
			<b>Impact</b>				

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
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

### Performance of the service

- 4.1 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined i.e. decision as to whether to grant the licence or not, has been reached. 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 them being determined.
- 4.2 98.9% (265 out of 268) of all applications completed between the 1<sup>st</sup> of October and 31<sup>st</sup> of December 2018 were completed within the 14 day timescale. This is an increase of 0.5% from the previous quarter.
- 4.3 Work on implementing the councils new operating model and preparation for the new council is gathering pace and this is having a negative impact on service delivery. To date, the Licensing Manager has focussed resources on dealing with enquiries,

processing applications and investigating complaints; ensuring businesses can trade and the public are kept safe; this means there has been a negligible impact as far as most customers will be concerned. However, policy and project work has slowed or in some cases, not progressed, such as revising the councils Licensing Act 2003 and Gambling Act 2005 policies, which are now out of date. The next few months are expected to be particularly challenging and the Licensing Manager is hoping to work with the newly formed Communications and Engagement Team with a view to putting out communications to try and manage customer expectations.

4.4 Taxi and private hire licensing is seen as being a critical area of the service. The speed in which these types of licences are being issued is therefore being closely monitored. The percentage of taxi licences (which includes drivers, vehicles and private hire operators) issued within five working days of a decision, over the course of the last four months, is as follows:

- October: 81.3%
- November: 60%
- December: 80%
- January: 63.3%

4.5 The 63.3% for January represents 19 out of 30 licence applications. Of the remaining 11 which were issued after five working days, three were issued in over 14 days (which forms part of the performance target for the service). The Licensing Manager anticipates that the service is almost certain not to achieve the levels of performance seen in October and December in the foreseeable future due to the disruption which will be felt when the new organisational structure is stood up at the beginning of March.

#### Applications received and licences in force

4.6 The numbers of applications received for each of the regimes administered by the licensing service, between October and December 2018, are shown in comparison with those received for the period in the preceding two years at **Appendix A**. The numbers of licences in force and notices given as of the 11<sup>th</sup> February 2019 are shown at **Appendix B**.

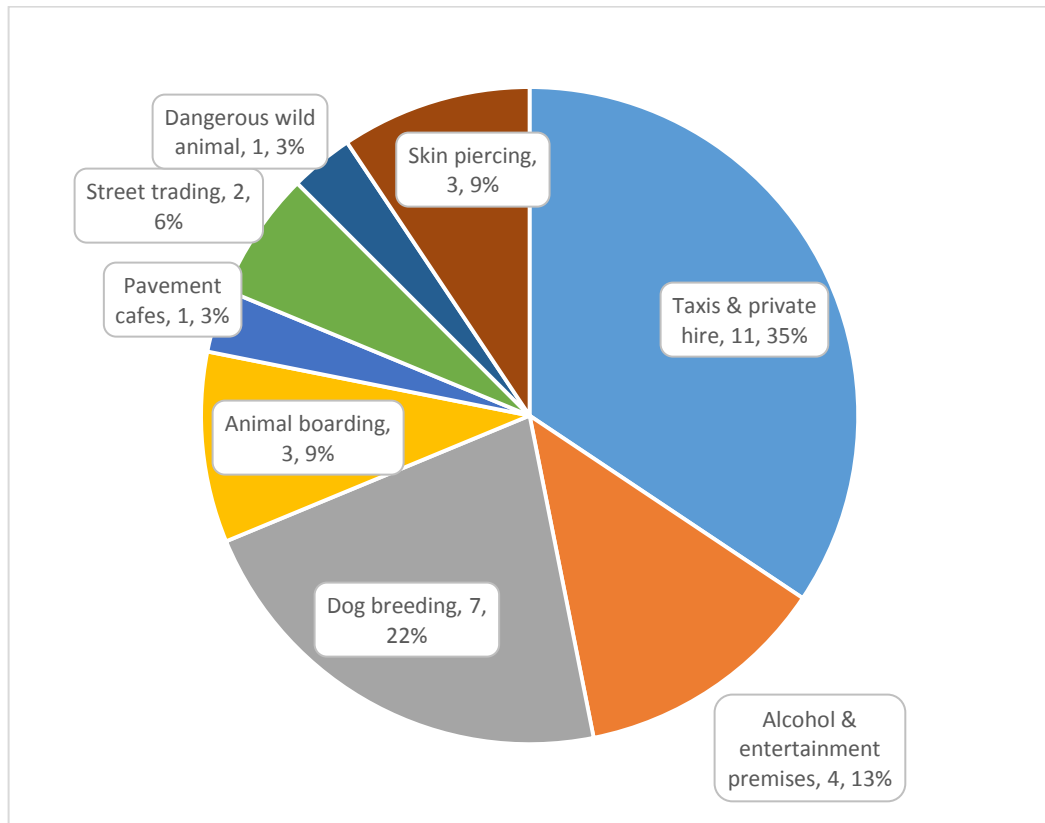
4.7 Application numbers for the various types of animal licence are low in 2018, when compared with 2016 and 2017. This is largely down to the Licensing Manager extending those licences that would normally expire in December by two extra months, as described in the last update report.

#### Service requests

4.8 Complaints and requests for service which relate to licensed premises, persons and vehicles (and those who may need a licence) are recorded on the database as 'service requests'.

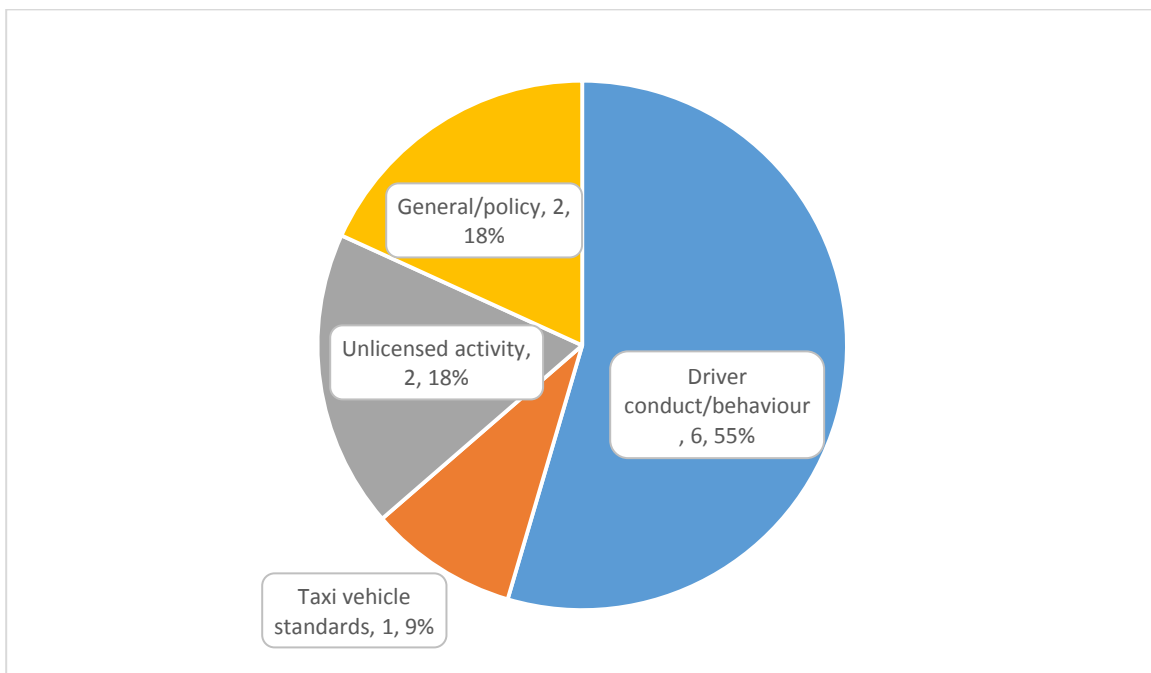
4.9 Also shown at **Appendix A** are the numbers of service requests received between October and December 2018, compared with the previous two years.

4.10 33 service requests were received in total. A split, by category is shown below:



4.11 5 of the aforementioned service requests are ongoing and/or a conclusion has not yet been reached.

4.12 As is always the case, the majority of complaints and requests for service relate to taxi and private hire drivers, vehicles and operators. The category split is shown in the graph below. 4 of these service requests have enquiries ongoing and/or a conclusion has not yet been reached.



## Taxi mystery shopping exercise

- 4.13 Towards the latter part of 2018, the service commissioned Compass Disability Services to carry out a survey in order to ascertain the nature of the service offered by taxi companies, in Taunton Deane, to wheelchair bound passengers. This was done by way of a secret shopper method, with Compass Disability volunteers scoring drivers out of five across a range of criteria; scoring sheet at **Appendix C**.
- 4.14 Customers in wheelchairs should, when they need a taxi, find that a suitable vehicle is readily available, assistance is provided and that the driver's or company's manner is positive and not discriminatory in any way. By getting a snap shot of the service offered to wheelchair users, Licensing Officers hoped to highlight good practice and, should there be any bad practice, identify ways to address this in future.
- 4.15 Eight of the companies who operate in Taunton town were captured in the survey. Sixteen attempts were made to use a taxi, either from a rank or by way of advance booking. Only six of those attempts resulted in the passenger being transported by taxi, two of which were without fault and the drivers complemented on the service offered and their manner.
- 4.16 From the council's point of view, our expectation is always that any service given by a taxi operator and their drivers will be exemplary. The results have been disappointing and Officers believe there is work to be done in respect of the transportation of wheel chair bound passengers. Consideration is therefore being given to introducing some form of disability awareness training; whether that is just as an option made available to members of a sub-committee when asked to determine the outcome of a complaint or investigation, or whether as a mandatory part of the process of applying to become a taxi driver.
- 4.17 The cost of the exercise was £700, which will be will be recovered through licence application fees.

## **5 Links to Corporate Aims / 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 (if any)**

- 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

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 Consultation Implications**

15.1 No consultation implications were identified.

## **16 Scrutiny Comments**

16.1 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 A	Applications received, notices given, service requests and complaints
Appendix B	Licences issued and notices given
Appendix C	Taxi driver mystery shopper feedback form

**Contact Officers**

Name	John Rendell
Direct Dial	01823 219491
Email	j.rendell@tauntondeane.gov.uk