

SWT Licensing Committee

Monday, 20th December, 2021,
6.15 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

Members: Mark Lithgow (Chair), Janet Lloyd (Vice-Chair), Marcus Barr, Simon Coles, Andrew Hadley, John Hassall, Marcia Hill, Sue Lees, Craig Palmer, Anthony Trollope-Bellew, Ray Tully, Brenda Weston, Keith Wheatley and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meetings of the Licensing Committee

To approve the minutes of the previous meetings of the Committee.

(Pages 5 - 10)

3. 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.)

4. 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.

Temporary measures during the Coronavirus Pandemic

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

5. Licensing Update Report

This report gives officers the opportunity to update members of the committee on work of note, progress on any projects, changes in legislation and look ahead to any significant events that lie ahead.

(Pages 11 - 22)



ANDREW PRITCHARD
CHIEF EXECUTIVE

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

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Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Licensing Committee - 21 June 2021

Present: Councillors Marcus Barr, Simon Coles, Sue Lees, Mark Lithgow, Janet Lloyd, Craig Palmer, Anthony Trollope-Bellew, Ray Tully, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Clare Rendell, John Rendell and Tracey Meadows

(The meeting commenced at 6.15 pm)

1. **Appointment of Chair**

Resolved that Councillor Mark Lithgow be appointed as Chair of the Licensing Committee for the remainder of the municipal year.

2. **Appointment of Vice-Chair**

Resolved that Councillor Janet Lloyd be appointed as Vice-Chair of the Licensing Committee for the remainder of the municipal year.

3. **Apologies**

Apologies were received from Councillors P Bolton, A Hadley and M Hill.

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

(Minutes of the meeting of the Licensing Committee held on 18 January 2021 circulated with the agenda)

Resolved that the minutes of the Licensing Committee held on 18 January 2021 be confirmed as a correct record.

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 S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford	Personal	Spoke and Voted

		Arundel		
Cllr C Palmer	All Items	Minehead	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	Personal	Spoke
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

6. Public Participation

No members of the public had requested to speak on any item on the agenda.

7. Licensing Quarterly Update Report

During the discussion, the following points were made:-

- Councillors queried what licensing information was held on the council's website.
The Licensing Specialist advised that there was a lot of information held on the website to help assist licence holders with their responsibilities and to guide them on the different processes to follow. Complaints made against licence holders were not held as part of that information.
- Concern was raised on the properties at West Bay Residential Park.
The Licensing Specialist advised that since the report had been published, a compliance notice had been served. The geo-technical report suggested that stabilisation works could be done on the proviso that the cliff works were carried out. The notice had now changed to ask that the impacted homes were moved.
- Councillors queried whether the Licensing Department were involved with the work that was carried out by the Covid Marshalls.
The Licensing Specialist advised that Licensing were involved and that the marshalls reported to a Covid Compliant Manager who met with the other responsible parties to discuss any complaints that had been received and who then decided on any necessary action to be taken.
- Councillors suggested that a GPS system should be installed in all taxi vehicles to help reduce the amount of accidents or prevent cases of assault.
The Licensing Specialist advised that there was no requirement but he was happy to investigate further.
- Councillors requested clarification on the extension available for pavement licences mentioned in the update report.
The Licensing Specialist gave clarification.
- Councillors queried whether there had been any increase in taxi driver applications from operators outside the council area since 2019.
The Licensing Specialist advised that the council had adopted a policy to ensure that any drivers applying from outside the area had to prove they would be predominantly working within the council area, which had dealt with that issue.
- Councillors asked for a progress update on the amalgamation of the old West Somerset and Taunton Deane licensing policies.

The Licensing Specialist advised that work had been carried out on the old policies but had not yet been completed.

- Councillors queried whether the proportion of private hire licences compared to hackney carriage licences was reasonable.

The Licensing Specialist advised that the department had previously carried out an unmet demand review, which highlighted that a limit of taxi licences would go against good practice and was not required within the area.

- Councillors queried whether taxi safety checks were still being carried out. *The Licensing Specialist advised that the multi-agency checks were still being carried out but could not disclose the dates they would be done.*

- Councillors queried why there was only fifteen saloon licences as they would like to see more inclusion of other types of vehicles.

The Licensing Specialist agreed and advised that it would be looked at as part of some work to ensure more types of vehicles were included. He also highlighted that officers would also calculate the amount of vehicles that would be required to be wheelchair accessible, to ensure that the inclusion of different types of vehicles would not exclude different groups of customers.

- Concern was raised that not all types of disabilities were included in the requirements for taxi vehicles.

The Licensing Specialist advised he would look at examples of best practices for ideas of ways to include different types of requirements.

- Councillors requested clarification on street trading licences and whether individual traders had to apply for their own consent or whether they were covered under a 'blanket' consent.

The Licensing Specialist advised that if it was an event, then traders would be covered under a 'blanket' consent. However, it depended on how the event had been organised. If it was an individual street trader, they would need to apply for all the relevant consents themselves.

Resolved that the Committee noted the Licensing Update Report.

(The Meeting ended at 6.55 pm)

SWT Special Licensing Committee - 29 November 2021

Present: Councillor Mark Lithgow (Chair)

Councillors Janet Lloyd, Simon Coles, Andrew Hadley, John Hassall, Sue Lees, Craig Palmer, Anthony Trollope-Bellew and Loretta Whetlor

Officers: Lesley Dolan, Clare Rendell and John Rendell

(The meeting commenced at 6.15 pm)

8. Apologies

Apologies were received from Councillors P Bolton and B Weston.

9. 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 S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr C Palmer	All Items	Minehead	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

10. Public Participation

No members of the public had requested to speak on any item on the agenda.

11. Statements of Licensing Policy for the Licensing Act 2003 and Gambling Act 2005

Resolved that the Licensing Committee approved that the Licensing Manager carry out a four-week consultation with statutory consultees for each of the proposed policies.

(The Meeting ended at 6.19 pm)

Draft

Somerset West and Taunton

Licensing Committee – 20 December 2021

Licensing Update Report

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

1 Purpose of the Report

- 1.1 Somerset West and Taunton Council is required by law to establish a Licensing Committee, to discharge various licensing functions and is referred to as the 'Licensing Authority'. These functions include the regulation of alcohol and entertainment, taxis and private hire vehicles, drivers and operators, gambling, and types of animal business, amongst many others.
- 1.2 The Licensing Authority's objectives (some of which are statutory) are to:
 - Prevent crime and disorder.
 - Prevent public nuisance.
 - Keep the public safe.
 - Protect children and other vulnerable people, from harm.
 - Ensure gambling is conducted in a fair and open way.
 - Ensure businesses provide high standards of care to animals.
- 1.3 Some of functions of the Licensing Authority, such as determining individual licence applications, are discharged by Sub-committees. The main Committee is largely responsible for setting policy.
- 1.4 This report gives officers the opportunity to update members of the committee on work of note, progress on any projects, changes in legislation and look ahead to any significant events that lie ahead.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

4 Background and Full details of the Report

Numbers of licences currently in force

- 4.1 To give an idea of the variety and number of persons, premises, vehicles and activities

which are currently licensed, the numbers of licences in force as of the 3rd of December 2021 are shown at **Appendix 1**.

- 4.2 All the pavement licences issued during the course of last year have now expired, since the Business and Planning Act 2020 only originally permitted licences to be granted up to the 30th of September 2020. The Act was amended this year, allowing for further licences to be applied for and granted up to the 30th of September 2022, which many premises have taken advantage of. At this moment in time, there is one less pavement licence than there was in January; down from 11 to 10. Officers have been visiting premises to check compliance and ensure that, where required, new licences are being applied for. We anticipate an increase in the number of licences in the future, perhaps in the Spring when the weather is better for outdoors dining.
- 4.3 As the Pavement Licence scheme approaches its end in 2022, we anticipate that we will see a sharp increase in the number of applications for permission under section 115E of the Highways Act 1980; the scheme that had been used prior to the pandemic to authorise tables and chairs in the street. This will be necessary where businesses wish to continue using furniture outside on public land, unless that is the Pavement Licence scheme is extended further.

Register of fit and proper mobile home site owners and managers

- 4.4 Since the 1st of October 2021, the owners of residential mobile home sites are required to apply to be entered onto their local authority's register of fit and proper site owners.
- 4.5 Applications are determined having had regard to, amongst other things, the applicant's:
- experience in operating sites.
 - their criminal record and in particular, the existence of any relevant convictions.
 - the management and financial arrangements in place for their site.
- 4.6 The register can be viewed on the Council website:

<https://www.somersetwestandtaunton.gov.uk/media/2992/register-of-mobile-home-fit-and-proper-persons.pdf>

Hackney carriage fare increase proposal

- 4.7 Following a formal request from a local hackney carriage (taxi) business, the Licensing Authority has proposed to increase the maximum fares that taxi drivers can charge their customers.
- 4.8 The cost of using a taxi generally depends on when and how far a person travels. The total cost of using a taxi is referred to as a 'fare' and is calculated on an electronic meter installed in the vehicle where it can be easily seen by passengers.
- 4.9 A taxi driver can charge anything up to, but not more than, the maximum fares set by a council. Taxi drivers licensed by Somerset West and Taunton (SWT) must, as a condition of their licence, use their taxi meter for every journey to help demonstrate that the correct fares are being charged, which is especially important when a customer has asked for and agreed a fare upfront.
- 4.10 Since its formation, SWT has not yet created a single table of fares. There are two tables of fares currently in operation which apply to the two former districts of Taunton Deane

and West Somerset. These tables have not changed since 2010 and 2011 respectively. They are shown at **Appendix 2**. Shown at **Appendix 3** is the table that is being proposed (exactly as requested by the local taxi business).

4.11 Notice of the proposed table of fares was published in local newspapers and on the Council website. In total, eight objections were received during the objection period, meaning that the Executive must now consider whether to adopt the proposed table, with or without modifications.

4.12 A report is scheduled to be presented to the Executive at its meeting on the 19th of January.

5 Links to Corporate Strategy

5.1 The Council has a statutory duty to issue licences for various activities, as outlined in **Appendix 1**. By providing advice to the public, helping them to understand and meet regulatory requirements and responding proportionately where breaches of legislation occur, the service can support the following corporate aims:

- Support the town centres throughout the district to meet the challenge of changing shopping habits.
- Support the enhancement of arts and culture provision within the district.

6 Finance / Resource Implications

6.1 There are no financial implications.

7 Legal Implications

7.1 No legal implications identified.

8 Climate and Sustainability Implications

8.1 There are no climate and sustainability implications.

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 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 several 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:

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

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 this is an update report 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

Appendix 1	Licences in force.
Appendix 2	Current tables of hackney carriage fares
Appendix 3	Proposed table of hackney carriage fares

Contact Officers

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

Licences Issued and Notices Given

These figures show the number of licences in force at the 3rd December 2021 and the number of notices given since commencement of relevant legislation

	Total	Difference Since January
Licensing Act 2003 Premises Licences	735	3%
Licensing Act 2003 Club Premises Certificates	50	2%
Licensing Act 2003 Personal Licences	2093	2%
Gambling Act 2005 Club Machine Permit	14	-29%
Gambling Act 2005 Licensed Premises Gaming Machine Permits	18	17%
Gambling Act 2005 Premises Licences	22	-18%
Gambling Act 2005 Prize Gaming Permits	2	50%
Gambling Act 2005 Society Lotteries	164	5%
Gambling Act 2005 Unlicensed Family Entertainment Centres	11	-9%
Hackney Carriages	197	3%
Private Hire Vehicles	40	-8%
Hackney Carriage & Private Hire Drivers	253	-12%
Private Hire Operators	31	-16%
Street Trading Consents	39	31%
Section 115E (Pavement Café) Permits	2	-150%
Pavement licences	9	-11%
Animal Boarding Licence	39	-3%
Dog Breeding Licence	14	14%
Dangerous Wild Animal Licences	0	0%
Pet Shop Licences	4	-25%
Hiring of Horses Licences	13	-8%
Zoo Licences	1	-100%
Keeping or Training of Animals for Exhibition Licences	4	25%
Caravan Site Licences	78	-13%
Scrap Metal Dealer licence	11	9%
Sex Establishment Licences	1	0%
Skin Piercing Registrations	377	7%

Appendix 2

Current tables of hackney carriage fares

Taunton Deane area tariff (valid from 25th November 2010)	
First 500 yards	£2.40
For each completed 160 yards	£0.20
Waiting time: each completed 42 seconds	£0.20
Soiling charge	£100.00
For hirings commencing between 22:00 hours and 07:00 hours	+50% (time and a half)
For Saturday and Sunday	+50%
For all Public and Bank Holidays	+100% (double time)
In excess of 4 passengers at any point during the hire	+50%
In excess of 4 passengers between 22:00 hours and 07:00 hours	+100%
In excess of 4 passengers on a Saturday, Sunday, Bank holiday or Public holiday	+100%

West Somerset area tariff (valid from 16th December 2011)	
First 530 yards	£2.40
For each completed 180 yards	£0.20
Waiting time: each completed 45 seconds	£0.20
Soiling charge	£100.00
Per each person in excess of 2	£0.20
For luggage perambulators per item	£0.20
For each animal (at driver's discretion, excluding assistance dogs)	£0.20
For hirings commencing between 19:00 hours and 07:00 hours	50%
For Sundays	50%
For all Public and Bank Holidays	100%

Appendix 3

Proposed table of hackney carriage fares

First 400 yards	£2.60
For each completed 140 yards	£0.20
Waiting time: each completed 35 seconds	£0.20
Soiling charge	£100.00
For hirings commencing between 22:00 hours and 07:00 hours	+50% (time and a half)
For Saturday and Sunday	+50%
For all Public and Bank Holidays	+100% (double time)
Christmas Eve and New Years Eve from 18:00 hours	+50%
In excess of 4 passengers at any point during the hire	+50%
In excess of 4 passengers between 22:00 hours and 07:00 hours	+100%
In excess of 4 passengers on a Saturday, Sunday, Bank holiday or Public holiday	+100%

