

South Somerset District Council

Notice of Meeting



Special Licensing Committee

Making a difference where it counts

Tuesday 26th April 2016

10.00 am

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

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



The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris, Democratic Services Officer**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 18 April 2016.

A handwritten signature in cursive script that reads 'Ian Clarke'.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



Licensing Committee Membership

The following members are requested to attend the meeting:

Chairman: Martin Wale
Vice-chairman: David Recardo

Clare Aparicio Paul
Jason Baker
Neil Bloomfield
Dave Bulmer
Val Keitch

Jenny Kenton
Tony Lock
David Norris
Crispin Raikes
Wes Read

Garry Shortland
Alan Smith
Linda Vijeh

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses
- Environment – We want an attractive environment to live in with increased recycling and lower energy use
- Homes – We want decent housing for our residents that matches their income
- Health and Communities – We want communities that are healthy, self-reliant and have individuals who are willing to help each other

Members Questions on reports prior to the Meeting

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

Recording and photography at council meetings

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

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

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

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

Information for the Public

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

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

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

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

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

Licensing Committee agendas and minutes are published on the Council's website www.southsomerset.gov.uk

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

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

Licensing Committee

Tuesday 26 April 2016

Agenda

Preliminary Items

- 1. Apologies for Absence**
- 2. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

- 3. Public Participation at Committees**

a) Questions/comments from members of the public

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

Items for Discussion

- 4. Licensing Fees & Charges 2016-17 (Pages 5 - 13)**
- 5. Permission to apply for a non-wheelchair accessible Hackney Carriage Vehicle Licence (Pages 14 - 19)**
- 6. Date of Next Meeting (Page 20)**

Agenda Item 4

Licensing Fees & Charges 2016 - 17

<i>Portfolio Holder:</i>	<i>Peter Gubbins, Licensing Portfolio Holder</i>
<i>Assistant Director:</i>	<i>Laurence Willis, Environment</i>
<i>Service Manager:</i>	<i>Nigel Marston, Licensing Manager</i>
<i>Lead Officer:</i>	<i>Nigel Marston, Licensing Manager</i>
<i>Contact Details:</i>	<i>Nigel.marston@southsomerset.gov.uk or 01935 462150</i>

Purpose of the Report

To advise Licensing Committee of objections received to the proposed fees for private hire operators and hackney carriage drivers for the 2016/17 financial year. The fees having been set at a level to ensure that the Council's costs in providing the Licensing Service are being recovered in full, wherever the relevant legislation permits.

Public Interest

Whenever changes are proposed to taxi fees, it is recommended and confirmed by case law that where there is no specific requirement to consult on the changes conferred by statute, it would appear sensible for an authority to follow the same procedure as contained in Local Government (Miscellaneous Provisions) Act 1976 s70. This relates specifically to fees for drivers and operators licences.

Recommendations

That Licensing Committee consider the objections and either

1. Modify the proposed fees and set a new date for these to take effect
2. Agree not to modify the proposed fees and set a new date for these to take effect.

Background

Members will recall that at the meeting of the Licensing Committee on the 19th February 2016, fees and charges for 2016/17 were agreed and recommended to Full Council as part of the budget setting process.

In accordance with the legislative requirements, once these fees were agreed by Full Council then they were required to follow the procedure outlined below.

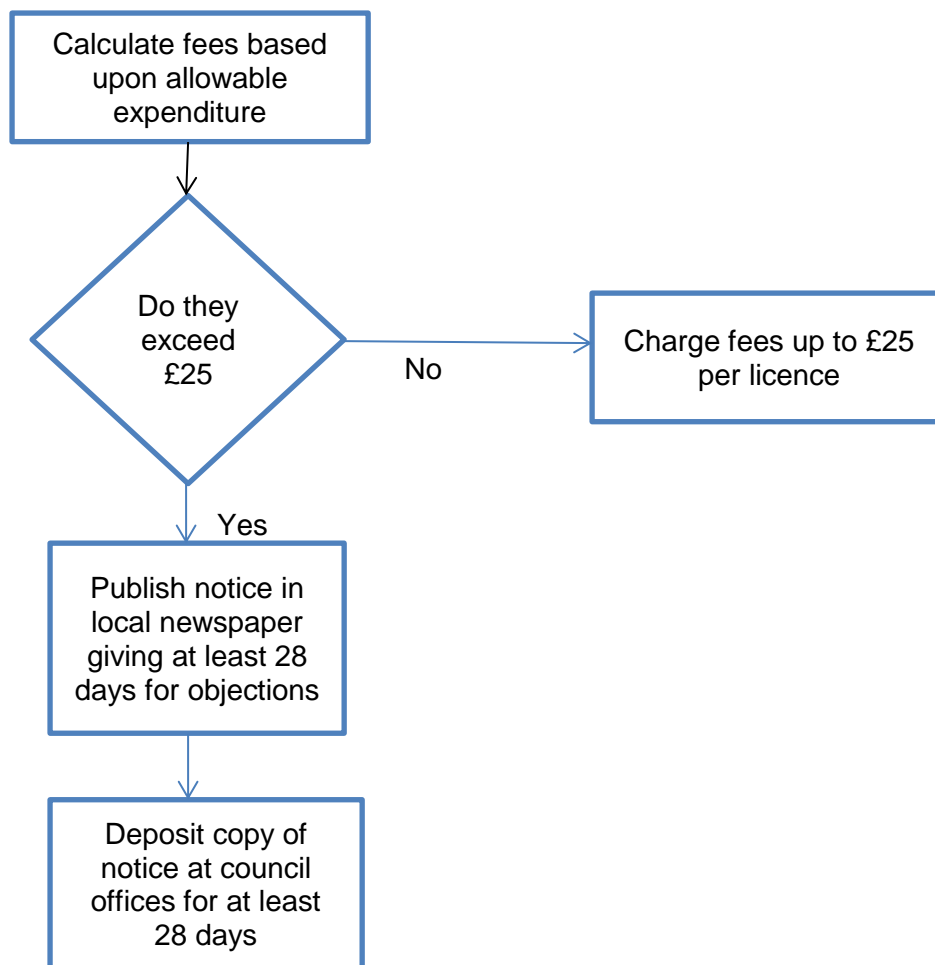
1. A notice must be published in a local newspaper, stating the proposed fees.
2. The notice to specify a date, not less than 28 days from the date of publication. The date has two functions;
 - (a) it is the date by which any objections must be lodged; and
 - (b) it is the date on which the revised fees will come into effect if either-
 - (i)no objections are received; or
 - (ii)any objections received have been withdrawn before that specified date.
3. It must also state where objections should be addressed, and how they can be made.
4. A copy of the notice must be available at the council offices for inspection, free of charge at all reasonable times.

5. Once the objection period (usually 28 days) has expired, if there have been no objections received or those received have subsequently been withdrawn, then the new fees take effect, either at the end of the objection period, or when the last objection is withdrawn.
6. If objections are made and not withdrawn, then the council must consider the objections.
7. In the light of the objections (although they must be considered, the Council does not have to vary the proposals as a result of them) the council then sets a second date, which cannot be more than two months after the first date specified, when the new fees come into force.

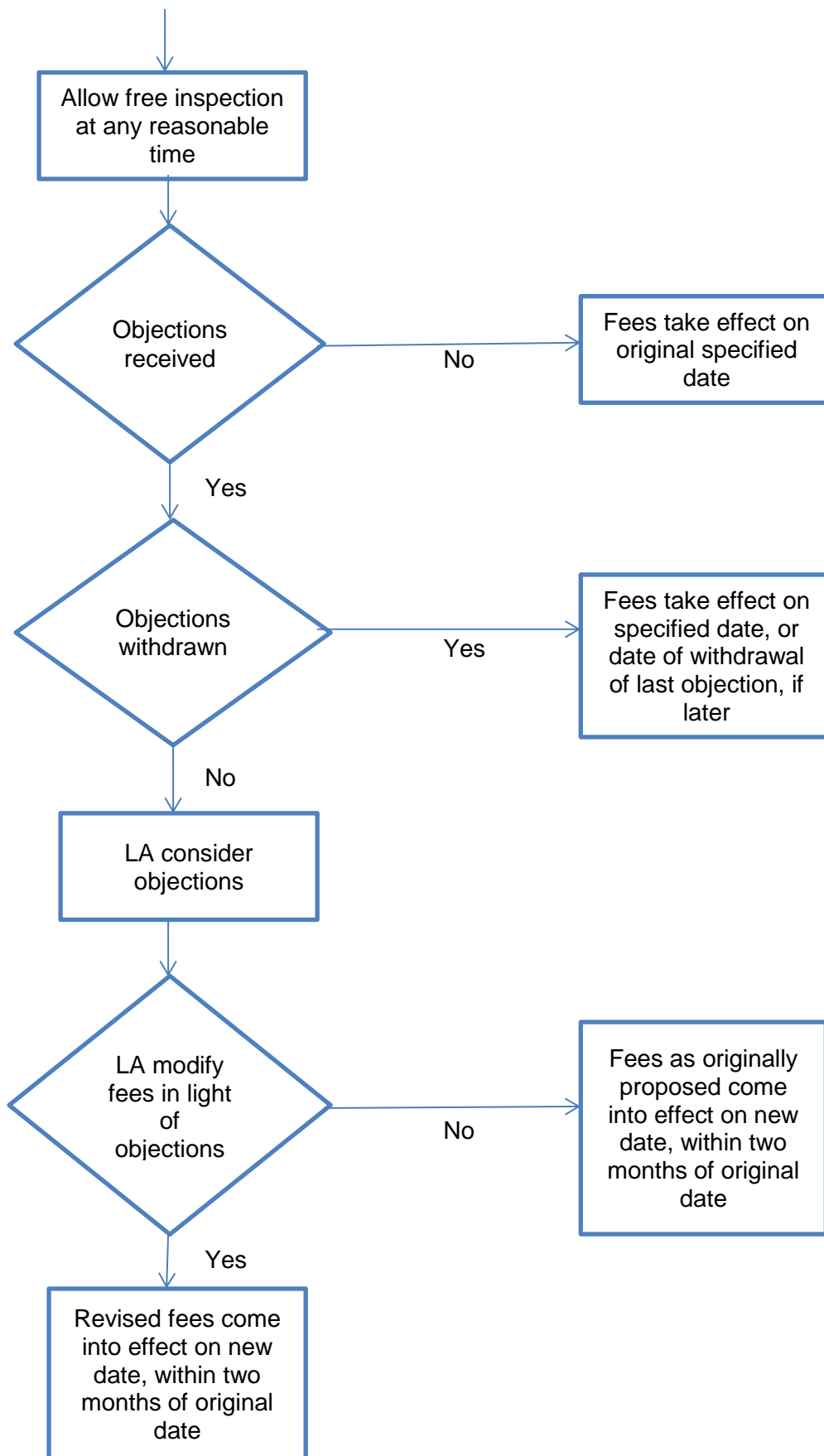
It would appear that any failure to comply with all these requirements would render the fees invalid, this is reinforced by the remarks of Schiemann LJ in the case of *Kelly v Liverpool City Council*¹ where, in relation to fees levied under s70 he stated:

“What is clearly important is that any proposed increase is advertised and considered in the way envisaged in subsections (70)(3)-(5).”

Flow Chart For Fees Set Under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976



¹ [2003] EWCA Civ 197, [2003] 2 all ER 772



The Process

The agreed fees were set by Licensing Committee at a level to ensure total cost recovery as endorsed by Scrutiny Committee, District Executive and Full Council.

The fees were advertised by publishing a notice in the Western Gazette on the 25th February 2016.² The notice specified that all objections were required to be made in writing within 28 days of the publication date. All objections needed to be received by the 24th March 2016.

A notice was placed on the Statutory Notices board at the Council Offices on the 25th February 2016.

A total of three letters and one e-mail of objection have been received to the proposed fees, none of these objections have been withdrawn. The objections relate specifically to the cost of a private hire operators licence and to a hackney carriage/private hire drivers badge.

The objections are attached as Appendix 1.

The Councils solicitor has advised that these objections would best be considered by the Licensing Committee.

The Proposed Fees

Details of Licence/Fees	Fee 2015/16	VAT @ 20% if applicable	Fee 2016/17	Comments	Statutory or Discretionary
Private Hire Operator 3 yrs	£85.00	N/A	£820.00	Now 5 years Application processing £42 Consumables £44 Policy development £57 Enforcement (record checks) 2 hrs x 2 per year over 5 years at £33.88 (to include all on costs) = £677	Discretionary
Drivers badges 3 years	£80.00	N/A	£260.00	Application processing £43 Consumables £45 Administration £172	Discretionary

² The Licensing Manager has a copy of the paper notice.

Financial Implications

The proposed fees have been set at a level to ensure full cost recovery, any changes to the fee level will impact on the licensing budget. The fee setting method and calculations were designed in conjunction with the finance and legal teams.

Council Plan Implications

This proposal will have an effect on theme 5 – It will enable the Council to continue to deliver well managed cost effective services valued by our customers.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

None

Privacy Impact Assessment

None required

Background Papers

Licensing Committee 09/06/15 & 19/01/16
Scrutiny Committee 01/12/15
District Executive 03/12/15
Full Council 25/02/15

Nigel Marston,
Licensing Manager,
South Somerset District Council
The Council Offices
Brympton Way
Yeovil,
Somerset

Sarah Langdon
Crewkerne Taxis
3 North Street
Crewkerne
Somerset
TA18 7AJ

25TH February 2016

Dear Mr Marston,

With Reference to the proposed changes to the taxi operating fees.

I am totally opposed to such an unjustified dramatic change in the operating costs detailed in the Western Gazette today.

Have you taken in to consideration that the majority of taxi firms in South Somerset are small businesses or in fact sole traders?? What warrants such an increase in the fees?

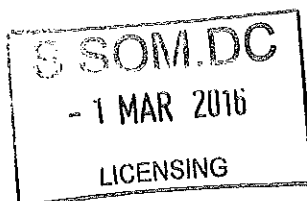
We have taken small increases over the years which we have accepted as par for the course but for a sudden unexpected jump it's a lot to accept. I feel you need to look at the wider picture and take in to consideration the actual service taxi operators and drivers provide to the community .

I believe a sudden dramatic increase in operating fees would be detrimental to the taxi trade within South Somerset and should be reconsidered to better suit the economic climate.

Yours Sincerely



Sarah Langdon



Nigel Marston
Licensing Manager
South Somerset District Council
The Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

Charles w Apps
CandS Taxis
5 North Street
Crewkerne
Somerset
TA18 7AJ

25th February 2016

Dear Sir

Ref: The article in today's Western Gazette, propose changes to taxi fees.

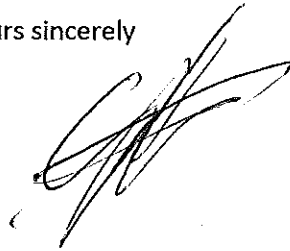
I strongly oppose the changes. I am beginning to think that the council want to get rid of all the taxis in south somerset.

By adding all these extra costs the council are making a difficult job even harder.

Putting these extra costs on drivers will make it harder for drivers to maintain their vehicles also it has been made difficult to replace vehicles with 5 year age limit on new licences and having to have brand new hackney carriage vehicles wheel chair accessible (I have never been asked for one in 17 years of taxi driving).

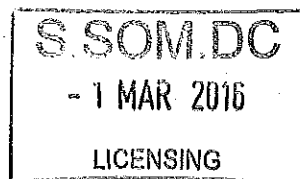
I think the operating fees should stay as they are. Also I think the council should realise that this is south somerset not London or Bristol.

Yours sincerely



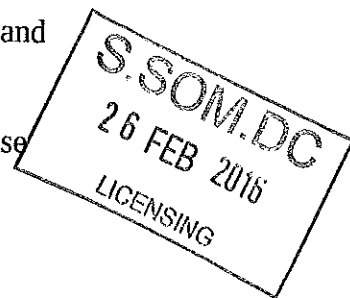
C.W.APPS.

C.and S. Taxis



Nigel Marston
Licensing Manager
South Somerset District Council
The Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

Roger A Woodland
CR Taxis
The Cottage
De Combe House
Mount Pleasant
Crewkerne
Somerset
TA17 8AH



25th February 2016

Dear Mr Marston

Ref: Proposed changes to taxi operating fees.

I am writing to you regarding the proposed rate changes as detailed in the Western Gazette this week.

I very much oppose the changes that you have specified and fail to see how you can justify increasing our operating costs by over 50% per annum.

Each year there have been various increases in one or two different areas and, we have had to absorb these costs. What you are proposing now is a substantial increase across the board.

Due to various rule changes that have been implemented recently additional new costs have been brought in, i.e. 6 monthly MOT checks etc.

Taxi meter rates, which most private hire operators work in line with to remain competitive, have not been increased since 2008.

I feel that it is time that consideration is given to operating taxi drivers in your district. I believe that operating fees should remain unchanged for the foreseeable future, until such time as a more favourable economic climate exists.

I look forward to your reply.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R A Woodland', written in a cursive style.

R A Woodland
CR Taxis

To: <peter.gubbins@southsomerset.gov.uk>
Subject: TAXI LICENCE INCREASES 2016/17

Dear Sir,

After some research on the council web site I have found you are the "Portfoilo Holder" for Taxi Licensing; I am part of the Management Team and also drive for a family firm in Wincanton. We were disgusted to find the proposed changes to pricing listed in the back corner of the Western Gazette. We were even more disgusted when we worked out the increases. How can you justify putting the cost of a Private Hire Operators Licence up by six times, £ 85 to £ 820 !!! Equally how can you justify a 3 year Drivers Licence increasing from £ 80 to £ 260 !!!

It is " economic suicide" and will make a large hole in the Private Hire Fleet and the number of Drivers available. Why are these operations suddenly taking so much extra money to run.

Over and above this, now that licencing has been moved back to Yeovil from Wincanton Town Council we are being expected to make a 30 round trip to Yeovil every time we have a vehicle/driver application despite being told we would be able to complete the paperwork at Churchfields in Wincanton.

I would welcome a reply as soon as possible as we shall now have to look at the future of our vehicles and drivers.

--

Yours Faithfully
Ian Trotter.



Agenda Item 5

Permission to apply for a non-wheelchair accessible Hackney Carriage Vehicle Licence

Executive Portfolio Holder: Peter Gubbins, Licensing Portfolio Holder
Assistant Director: Laurence Willis, Environment
Service Manager: Nigel J Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

Purpose of the Report

The Committee is asked to consider a request from Greenway Travel Limited to be permitted to apply for a hackney carriage vehicle licence for a non-wheelchair accessible vehicle contrary to paragraph 6.32 of the South Somerset District Council – Taxi Licensing Policy.

Options available

- (1) Refuse the request;
- (2) Accept the request and allow the applicant to submit a full application for a hackney carriage vehicle licence for a non-wheelchair accessible vehicle;
- (3) Should option 2 be the preferred option then to delegate the decision on the grant of the licence to the Licensing Manager, once an application is received.

Background

Officers would normally deal with applications for hackney carriage licences, however as licensing this vehicle would necessitate a departure from our agreed policy, it was necessary that the matter should come before committee.

Report Detail

Full Council adopted the South Somerset District Council – Taxi Licensing Policy at the meeting of 6th November 2014 and agreed that it was to take effect from 1st April 2015. The policy states at paragraph 6.32 that all new vehicle applications be restricted to purpose built wheelchair accessible vehicles (WAV's) until 20% of the total hackney carriage fleet is wheelchair accessible. A review of this element of the policy will be conducted in a years time or before if this target (20%) is achieved to check whether the policy has achieved the aim of ensuring better access to taxis for disabled passengers.

As at 1st January 2016, the total percentage of the hackney carriage fleet that is wheelchair accessible is 7.8%, an increase of 2.3% since the policy was introduced, but remaining short of the 20% figure that the Council desired.

Peter Embling the owner and operator of Greenway Travel Ltd has submitted a letter requesting that his company be exempted from the requirements to provide a wheelchair accessible vehicle. A copy of this letter is provided as Appendix 1.

Mr Embling submits in the letter that the ethos of his company is to provide a green alternative to conventional taxis by using the most suitable ultra low emission vehicles. He currently runs a fleet of 2 Toyota Prius vehicles. His company has been operating these particular vehicles since 2013 and we have had no problems with Mr Embling or his company in any respect.

Whilst, there is currently much development in electronic vehicles and the government continues to encourage their use. At the time of writing there are only two available electric or ultra low emission wheelchair accessible taxis. Details of these vehicles are included as Appendix 2. However, neither vehicle has sufficient range to enable it to be used successfully in a rural area such as South Somerset.

Financial Implications

None at this stage, however if an official application is made and refused there are the possible costs of appeal to Magistrates if the licence is refused.

Implications for Corporate Priorities

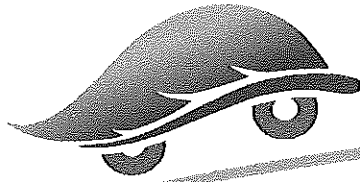
Jobs - We want a strong economy which has low unemployment and thriving businesses. If we are to agree this dispensation we will be continuing to support a growing local business

Environment - We want an attractive environment to live in with increased recycling and lower energy use. Supporting this proposal would fit well with this priority. Ultra low emission vehicles and in particular businesses that use them should be encouraged.

Other Implications

None

Background Papers: *Full Council 06/11/2014, South Somerset District Council –
Taxi Licensing Policy*



Greenway Travel Limited

26 High Street, West Coker, Yeovil, Somerset BA22 9AR
01935 357777 www.greenwaytravel.co.uk

23rd March 2016

Mr Nigel Marston
Licensing Manager
South Somerset District Council

Dear Nigel,

On behalf of my Company, Greenway Travel Limited, and acting as one of its Directors, I would like to make a formal application to be granted an exception to the current requirement that all new and replacement licenced hackney carriages in the SSDC area be WAV (Wheelchair Accessible Vehicles).

Background

Let me say at the outset that myself, my company and all of my staff firmly believe in the principles behind the Equality Act and of the sound and solid objectives behind the Council's decision to increase the number of WAVs available in the region. However, the old adage of "where there is a demand, there will be a supply" exists here. We live in a rural community where there is a very limited visiting population and as such virtually every resident is aware of what is available and what is not. This includes WAVs. Our vehicles spend a great deal of time on the rank at Yeovil Junction Station – a key gateway for visitors to Yeovil. We have never, ever, been approached by a disabled person in a motorised wheelchair that would necessitate a WAV. We have, however, been approached many, many times by passengers in conventional collapsible wheelchairs which we can – and do - comfortably accommodate. I can also state that in the three years since our start and the many thousands of telephone calls we have received, we have only been asked perhaps four or five times if we can carry wheel chairs – of any nature. To date, we have never had to decline a customer who is disabled.

Unique Business Model

I formed this company in 2013 with the intention of giving environmentally aware customers, both private and commercial, a real, demonstrable alternative to conventional taxis. We invested in new vehicles that were, and are still, the best and most appropriate ULEV (Ultra Low Emission Vehicle) to be used as a taxi. Since that time we have striven to promote our company and I believe we now have a maturing, established business providing a real alternative for the future sustainability of our area. We now have a solid and expanding client base, both corporate and private, who choose to use us because of the very real difference our vehicles can make to reduce pollution. However, to continue to grow our business we need to increase our fleet size and to replace older vehicles with newer ones.

(cont...)

Registered in England No. 8430670

(cont...)

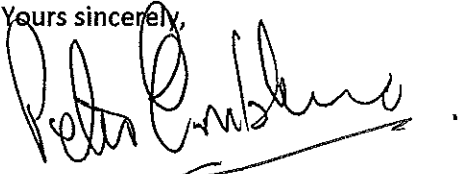
New Licensing Policy

Since our inception there have been changes to the SSDC licensing policy that requires all new and replacement hackney carriages to be WAVs. Notwithstanding my comments in the opening paragraph, we would be happy, indeed keen, to adhere to this policy, if a vehicle existed which met our ULEV criteria. There is currently no such vehicle in existence, nor is there one in the planning stages. A leading WAV supplier in our area, Brotherwood, does have a WAV based on a purely electric van under trial, but the very limited range of the vehicle and the total lack of any electric charging infrastructure in this area rules it out for us to use as a taxi. To our knowledge there is no other appropriate vehicle in existence.

Conclusion

I therefore formally request that Greenway Travel Limited be granted an exception to the current licensing policy requirement which states that only WAVs be considered for licensing as taxis on the basis that we are a unique operator in this area, pre-dating the requirement by some two years or so, and that no such vehicle exists that would allow us to maintain our company ethos.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Embling', with a long horizontal flourish extending to the right.

Peter Embling
Director

Nissan BEV Taxis



Private Hire and Hackney

Parameter	Nissan Leaf	Nissan eNV200 Combi 5-seat	Nissan eNV200 Combi 7-seat	Nissan eNV200 Evalia 5-seat	Nissan eNV200 Evalia 7-seat
Wheelchair?	No	Not from factory, but third-party conversions possible			
Plug-in grant?	Yes, 35% up to £5k	Yes, 20% up to £8k			
Passengers	4	4	6	4	6
Dimensions	4.45m length	4.56m length			
Kerb weight	1,493 kg	1,606 kg			
Top speed	89 mph	76 mph			
Range	124 miles	106 miles			
Battery Capacity	24kWh Lion				
Vehicle Charging	CHAdeMO DC 50kW and J1772 5 pin up to 6.6kW (30min to 80% and 4h to 100%, respectively)				
OTR price inc VAT	£15,999 achievable	£22,287	TBA		
Servicing and MOT costs	Approx. £250 for servicing and £40 for MOT				
Vehicle Life	Approx. 170,000 miles				

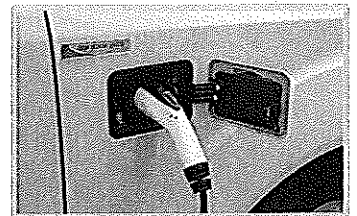


Frazer-Nash PHEV Taxis



Private Hire and Hackney

Parameter	Ecotive Metrocab
Wheelchair?	Yes
Plug-in grant?	Yes, 20% up to £8k
Passengers	7
Dimensions	4.91m length
Kerb weight	2,515 kg
Top speed	80 mph
Range	25 miles electric, 325 additional miles on petrol
Battery Capacity	12.2 kWh Lion
Vehicle Charging	J1772 five pin 3kW charger, 4-5h charge (not rapid)
OTR price inc VAT	Ca £33k
Servicing and MOT costs	Not stated
Vehicle Life	Not stated



Agenda Item 6

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 7th June 2016 at 10.00am in the Council Offices, Brympton Way, Yeovil.