

Meeting LC **02M** 10:11
Date: 8 November 2010

South Somerset District Council

Draft Minutes of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way, Yeovil** on **Monday 8 November 2010**.

(10.00 am –10.55 am)

PRESENT:

Members:

Dave Bulmer	Peter Roake
John Hann	Keith Ronaldson
Roy Mills	Martin Wale
Nigel Mermagen (Chairman)	

Officers:

Anne Herridge	Committee Administrator
Anita Legg	Licensing Officer
Nigel Marston	Licensing Manager

Other:

PC Brett Gitsham	Nighttime Economy Beat Manger South Somerset
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NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

9. Minutes

The minutes of the Licensing Committee held on 12 October 2010, copies of which had been circulated, were approved as a correct record and signed by the chairman of that meeting, Cllr Martin Wale.

10. Apologies for Absence

Apologies for absence were received from Councillors Linda Vijeh, Tony Fife, Lucy Wallace and William Wallace.

11. Declarations of Interest

There were no declarations of interest.

12. Public Participation

Questions/comments from members of the public

There were no members of the public present at the meeting.

13. Driver Standards Agency Private Hire & Hackney Carriage Testing

The Licensing Manager explained that the Driver Standards Agency (DSA) Private Hire & Hackney Carriage Testing had worked very well since its introduction in April 2008. The testing had improved the standard of taxi and private hire driving throughout the district.

He reminded members that the Licensing Committee had agreed to adopt the requirement that all new private hire and hackney carriage drivers attained a pass in (DSA) Taxi Test and Assessment before the Council would consider their application.

He pointed out that booking of the required tests had now become more problematic for business owners and operators over the last 6 months. That came to a head in late August 2010 when a letter was received from Mr Andrew Rossiter, the proprietor of Radio Cabs. The letter had been attached to the agenda report as appendix A, and circulated to all SSDC Councillors separately.

The basis of the letter was the fact that the earliest dates available to book tests for potential new drivers were in November 2010, which was three months away at the time. That had caused problems for local taxi businesses.

Cllr Peter Seib made a suggestion that Licensing Officers should contact Mr Bryan Booth the Chairman of the Yeovil & District Driving Instructors Association.

It transpired that Mr Booth was a fully qualified driving instructor and a grade 6 instructor. Of the 30,000 qualified driving instructors in the UK only 7% of those qualified are at grade 6, the highest level. Mr Booth was also an accredited Taxi Driver Trainer and he held all the necessary professional indemnity and public liability insurances. A testing regime was then devised that was the equivalent of the current DSA test format attached at Appendix C of the agenda report. Mr Booth expected to be able to conduct a test within 1 week of booking and would only charge a fee of £35.00 to take the test as opposed to the £78.00 charged by the DSA

The Licensing Manager explained that the Portfolio Holder would make the final decision but the support of Licensing Committee members would be required.

He responded to members questions that:

- Potential drivers would still have the option to take the test set by the DSA. Mr Booth would not have the monopoly;
- The test was optional but SSDC had chosen to use it before a license was issued.

Members were in favour of the recommendation that the policy be amended to include the equivalent test, they felt it was a sensible idea, and commended the Licensing Service on the speed in which they had brought the report to committee. Members also wished to thank Cllr Peter Seib for the initial suggestion.

RESOLVED:

- (1) That the existing policy for private hire and hackney carriage driver applications be amended to also include the acceptance of a DSA equivalent test as determined by the Council;
- (2) That the Portfolio Holder Health & Housing be requested to make the necessary policy amendment in conjunction with the Licensing Manager.

(Voting: Unanimous)

Lead Officer: Nigel J Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

14. Statement of Licensing Policy under the Licensing Act 2003

The Licensing Manager explained that the Licensing Policy was subject to a statutory tri-annual review and had to reflect changes in the legislation and must be published by January 2011. The Licensing Service had hoped not to have to undertake the review this year as there were a number of proposed changes to the Licensing Act 2003, which were unlikely to be implemented until 2012.

The Licensing Manager commented that the major change to the policy was the addition of a Cumulative Impact Policy; maps of the proposed areas for the implementation of the Cumulative Impact Policy were attached at Appendix B to the report; those areas had been highlighted after consultation with the Avon and Somerset Constabulary.

The agenda report also highlighted additional or re-written paragraphs of the policy.

Members made several observations that included:

- That the presumption would normally be that a licence would be granted on application, but if within a Cumulative Impact area the presumption would be that a licence would probably not be granted (if representations were received) unless the applicant could demonstrate that they would not add to any existing problems already within those areas;
- clarity was required over which streets came under the 'St Benedicts (Chard)' area in section 5.0 of the draft policy;
- A correction to a typo in the report should show Coombe Street correctly spelt as Combe Street;
- Future reports to include the number of visits made to each premises under section 5.00 'Nighttime Economy';
- The original policy document was good as there had only been 8 responses out of the 550 letters sent out.

In response to several queries the Licensing Manager replied that:

- He thought St Benedicts was the route taken by revellers on their way home, but he would clarify that and make the other suggested amendments/corrections before taking the draft policy to members of the District Executive;
- The Licensing Committee would not have the discretion to change the Cumulative Impact Area as any changes would have to be agreed by members at Full Council;
- The Licensing Service could review and amend the policy if necessary during the 3-year period.

RESOLVED:

That the Licensing Committee recommend that Full Council agrees:

- 1) That the Statement of Licensing Policy be revised in accordance with Edition 4 and;
- 2) that Edition 4 be approved for publication by the statutory deadline of January 2011.

(Voting: Unanimous)

Lead Officer: Nigel Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

Before Agenda Item 7, the Chairman advised members that he and the Licensing Officer had attended the LGA conference in London on 20 October 2010 however the meeting had coincided with the Government Spending Review, therefore had not been well attended. They had not obtained very much new information regarding the future but had learnt that the revision of the Licensing Act would not be carried out until at least 2012.

15. Licensing Enforcement Update

The Licensing Manager confirmed that an enforcement update would now be given regularly to Licensing Committee members, as had been previously requested.

He referred to the detailed report in the agenda and explained that the monthly visits to the local railway stations had proved to be very successful, by visiting Castle Cary station regularly, the taxi drivers from the Mendip area had been made more aware and deterred them from collecting fares from the station unless pre-booked.

The force wide 'Operation Relentless' had been very successful in working with scrap metal dealers, they had given the Licensing Service good feedback.

With reference to Street Trading, the officer advised that 8 of the 13 permanent street traders were within the Yeovil area and prosecution proceedings would commence against the 2 traders who had still not applied for a Consent.

Complaints to the service had decreased in general, mainly due to the way enforcement was now carried out. Examples of the complaints received were:

- regarding taxi drivers;
- animal welfare - regarding people who boarded animals without the relevant permission;
- tattoos given to under 18 year olds without parental consent;
- notices had been given to 2 taxi drivers regarding smoking in their cabs.

With reference to the inspection programme, questionnaires had been sent to 263 low risk premises of which 230 had been returned, the 33 that had not been returned would now receive an inspection to ensure compliance. This method meant that target enforcement was carried out rather than targeting unnecessary premises. Regular inspections of licensed premises would be conducted throughout the year.

In response to members questions, the Licensing Manager replied that:

- first aid kits carried by taxi drivers were checked to ensure all items were in date;

- the bigger scrap dealers tended to be more co-operative regarding the imparting of information if offered dubious scrap metal;
- all scrap dealers within the South Somerset area had signed up to the relevant code of conduct;
- Tattooists had been advised to always check the ID of young people to avoid potential problems.

The officer was thanked for his report and the Licensing Service were commended on the extremely good way in which enforcement had been carried out at the recent carnivals held in the area.

NOTED

Lead Officer: Nigel J Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

16. Licensing Committee Forward Plan

There were no suggestions for further reports at this moment in time.

RESOLVED:

that members commented upon and noted the proposed Licensing Committee Forward Plan as attached at Appendix A.

Head of Service: Nigel Marston, Licensing Manager
Lead Officer: Anne Herridge, Committee Administrator
Contact Details: anne.herridge@southsomerset.gov.uk or (01935) 462570

17. Next Meeting

Members noted that the next scheduled meeting of the Licensing Committee would take place on Tuesday 8 February 2011 at 10.00 am at the Council Offices, Brympton Way Yeovil, and noted that there would not be a meeting of the Licensing Committee on 14 December 2010.

Anne Herridge Committee Administrator, Legal and Democratic Services SSDC
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 Chairman