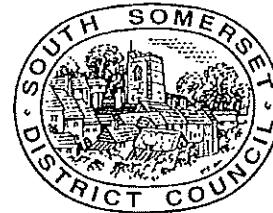


South Somerset District Council

Notice of Meeting



Licensing Committee

Making a difference where it counts

Tuesday 12 June 2012

10.00 am

**Council Chamber B
Council Offices
Brympton Way
Yeovil
Somerset**

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, **Anne Herridge** on Yeovil (01935) 462570
email: anne.herridge@southsomerset.gov.uk, website: www.southsomerset.gov.uk

This Agenda was issued on Thursday 31 May 2012

Ian Clarke, Assistant Director (Legal & Corporate Services)



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



Licensing Committee Membership

Chairman Nigel Mermagen
Vice-Chairman Martin Wale

Dave Bulmer	Jenny Kenton	David Recardo
John Vincent Chainey	Tony Lock	Linda Vjeh
Pauline Clarke	Paul Maxwell	William Wallace
Nick Colbert	Roy Mills	
Tony Fife	David Norris	

South Somerset District Council – Corporate Aims

Our key aims 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.

Information for the Public

The Licensing Committee shall be responsible for those licensing 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.

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.

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Licensing Committee

Tuesday 12 June 2012 at 10.00 am

Agenda

Preliminary Items

1. To approve as a correct record the Minutes of the Licensing Committee meeting held on 14 February 2012 and various Sub Committee Meetings.
2. Apologies for Absence
3. Declarations of Interest

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the Agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10.

4. 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

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Licensing Committee – 12 June 2012

5. Police Reform & Social Responsibility Act 2011

Executive Portfolio Holder: Peter Seib – Regulatory & Democratic Services
Group Manager: Nigel Marston – Licensing Manager
Lead Officer: Nigel Marston
Contact Details: nigel.marston@southsomerset.gov.uk or (01935)462150

Purpose of the Report

To update members on the implementation of the Police Reform & Social Responsibility Act 2011 (PRSRA), and the changes that have been brought into force with effect from the 25th April 2012 in relation to the Licensing Act 2003.

Recommendation

That members note the report.

Background

The PFSRA 2011 was passed on the 15th September 2011. The Act has amended several areas of the Licensing Act 2003 with effect from the 25th April 2012. Further amendments are expected in October 2012 by way of a further commencement Order. At the same time the Home Office published revised Guidance for licensing authorities that not only covers the amended sections of the Act but also makes changes to others aspects of licensing interpretation and administration

A Summary of the Main Changes

The local licensing authority has become a 'Responsible Authority'.

Previously, the licensing authority had to wait for either a Responsible Authority or an Interested Party to make representations about a licence application, or to request a review of a licence in the district. From now on, they will be able to start proceedings in their own right.

Primary Care Trusts/Local Health Boards will also be able to object or make representations.

Although the promotion of health is not a licensing objective, the Government thinks that health professionals and health bodies should have a say in whether a licence application should be granted, or premises called for review.

The vicinity test for neighbours and interested parties has been abolished.

The definition of 'interested party' has been scrapped. From now on, anyone anywhere can object to a licence, as long as it meets one or other of the licensing objectives and is relevant to those particular premises. There is no need for objectors to live within a certain distance of the premises. This applies to both applications for premises licences and club premises certificates.

Change of words to make conditions easier

The Government thinks that by changing the word 'necessary' to 'appropriate' throughout the Act and Guidance, this will help councils and other authorities apply controlling conditions more easily and with less opportunity for challenge. In future, they will not have to show that any condition is necessary for some reason merely that it is appropriate in the circumstances.

Environmental health officers can object to Temporary Event Notices (TENs)

Until now there were few objections to TENs because only the police could object, and only on crime and disorder grounds. Now, both the police and EHOs can object to TENs on any of the licensing objectives and include such issues as noise, disturbance and safety. If they object to short-notice TENs (see below) the event will not go ahead; no hearing will take place.

Conditions can be placed on TENs

Another change is that where police or EHOs have issued an objection notice, the TEN for a pub, club or other licensed premises can be granted with conditions or restrictions. However, the conditions must be the same or similar to those on the existing licence or certificate and the Licensing Sub-Committee consider it appropriate. Previously, no conditions could be imposed on TENs at all, as long as the notice met the Act's requirements

Late notices introduced

One of the disadvantages of the TEN system, has always been the notice period of at least 10 working days, which prevents last-minute adjustments to an event. Now there is an opportunity to put in a late notice (between 9 and 5 working days) to cater for postponements and sudden requirements. A personal licence holder may give 10 late TENs per calendar year (which count towards the 50 they are entitled to submit. A person 18 years or over who does not hold a personal licence may only give up to 2 'late' TENs per calendar year (which count towards the 5 they are entitled to submit.

TEN limits changed

Two of the TEN limits have also been changed, although many stay the same. The maximum duration of a single TEN has gone up to 168 hours (7 consecutive days) from 96 hours (four consecutive days); the total number of days allowed in a year for individual premises has been increased from 15 to 21. However, you can still only have 12 notices a year per specified premises and the maximum number of people allowed at an event is still 499. Also, a TEN extending after midnight will still count as two days, not one.

Under-age fine doubled

The Government has doubled the maximum fine for "persistent" sales as part of its strong campaign against under-age sales (i.e. two instances of sales of alcohol to a minor) from £10,000 to £20,000, in spite of the fact that no fine of this level has ever been levied by the magistrates. It is seen as a further deterrent, however

Suspension time increased

Of more relevance on under-age sales is the decision to increase the maximum police suspension period from 48 hours to 336 hours, which is two weeks. If the police find evidence of two under-age sales within a 3-month period, they can issue a closure notice inviting the licensee to accept a period of closure in place of a prosecution. It is up to the police to decide when this period of closure will be. Acceptance of this closure will stop a prosecution but it will NOT stop a review of the licence, which the new Guidance recommends should go ahead in every case.

Failure to pay annual fee

Premises licences are not renewed annually, but there is an annual fee to pay, based on rateable value. This is normally due on the anniversary of the grant of the licence. In future, if the fee is not paid promptly, (unless due to an administrative error) the local authority can issue a suspension notice that will have the delayed effect of suspending the licence, preventing alcohol sales. There is a 21-day period of grace and also the suspensions will not take effect if there is a dispute about liability or amount of the fee itself. However, the subsequent delay is quite short and the police may well be informed immediately of the suspension, in order to enforce it.

Policies reviewable in five years

The requirement in the Licensing Act for local authorities to review their licensing policy statements every three years has been increased to five. However, in view of the recent changes it is likely that amendments will be required to our policy later this year.

Personal licence relevant offences

To the specific offences named in schedule 4 to the Licensing Act there is now to be added 'attempting' to commit any of those offences and also 'conspiracy' to commit any of them, something which the police use as a charge fairly regularly.

What is not coming in yet

Three key elements of licensing reform are not due to come into effect until later in the year, probably in October. These are:

- **Early morning alcohol restriction order (EMRO)**
As its name suggests, this new measure will provide a curfew power for local authorities between midnight and 6 am in a specified area. They will have to arrange a consultation process on this before bringing it in and there are likely to be exceptions and exemptions. The Government is currently consulting on its proposals in this area.
- **Late Night Levy**
This ability to impose a charge on all licensed premises in a council area has been the subject of great controversy, but is planned to go ahead in any case, although it will be up to individual councils whether they bring it in. No less than 70% of the net value of any money raised goes to the police for dealing with late-night problems. The current consultation is looking at who might be exempt from the charge, but the general idea is that everyone pays, no matter where they are located. It is not possible to charge the levy in a specified area only.

- **Councils to set fees locally**

The final change to licensing laws gives power to local councils to set the fee level for licences and certificates in line with regulations made by the Secretary of State. There are likely to be limits and caps on the amount, but it will mean that the standard fees now charged are likely to be different depending on where in the country the premises are located and is likely to be based on full cost recovery.

Financial Implications

Not yet known. Although it is likely that there will be a requirement for more hearings in relation to TEN's as even if parties agree to conditions there is no ability to dispense with the need for a hearing. The cost of £21 in relation to these type of applications is already below the cost of dealing with these applications.

Implications for Corporate Priorities

Many of the amendments will have a positive impact on Corporate Theme 4, ensuring safe, sustainable and cohesive communities.

Other Implications

None.

Background Papers: *Licensing Act 2003*
Police Reform & Social Responsibility Act 2011

Licensing Committee – 12 June 2012

6. **Consultation on a proposal by the Law Commission on “Reforming The Law Of Taxi & Private Hire Services**

Executive Portfolio Holder: Peter Seib
Head of Service: Laurence Willis, Assistant Director - Environment
Lead Officer: Nigel J Marston – Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

Purpose of the Report

To advise the Licensing Committee of a response to the Law Commission consultation concerning “Reforming the Law of Taxi & Private Hire Services.

Recommendation

That the report be noted.

Background

On 10th May 2012 the Law Commission published a consultation document entitled “Reforming the Law of Taxi and Private Hire Services”. The consultation period ends on 10th August 2012. The response provided is as set out below.

The Proposal

The Law Commission have sought to review the law relating to the regulation of taxis and private hire vehicles, with a view to its modernisation and simplification, having due regard to the potential advantages of deregulation in reducing the burdens on business and increasing economic efficiency. The Law Commission is therefore proposing a new Act to regulate the provision of taxi and private hire vehicle services in England & Wales.

The consultation sets out the provisional proposals for reform and asks for feedback upon them.

The Response from SSDC

Much of the law in relation to taxis is outdated and relates to horse drawn transport, the legislation in relation to both taxis and private hire was last updated in 1976 and due to the advance of technology is outdated and no longer fit for purpose. This consultation is to be welcomed.

Please see Appendix One, which is the detailed response from SSDC.

Financial Implications

Invariably as with any change of legislation there will be costs to the authority as new policies etc will be required to be drafted and approved. The exact costs are not yet known, although it is expected that as with the current legislation the administration of the taxi licensing regime will be self funding although it is likely that the costs of enforcement may fall to the licensing authority.

Implications for Corporate Priorities

Not yet known although it is expected that the proposed changes will have particular implications in terms of national standards for safety in relation to taxi and private hire businesses. This will have a positive impact upon Focus 4 Health & Communities.

Other Implications

None

Background Papers: Law Commission – Consultation Paper No 203

Appendix One

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles which can only accept pre-booked fares. (Page 160)

Agreed, but subject to the reforms proposed within this consultation document.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Unable to comment as not a London Authority.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Agreed

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Whilst this would undoubtedly be an easier system to operate, it would result in a large tranche of vehicles such as rickshaws, pedicabs, horse drawn carriages falling outside of any licensing regime. It would be better to include all vehicles provided for hire with a driver and then set national standards and conditions for these types of vehicles to protect public safety.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Agreed

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Agreed

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Limousines & Novelty vehicles are an area that needs addressing once and for all, our experience has been that these vehicles are often unsafe. Despite several roadshows with traffic commissioners and the promise of joint operations to deal with these vehicles nothing has been forthcoming. It would be our proposal that the local authority licenses these vehicles with national standards for these vehicles being set by Government.

Provisional proposal 8

The concept of "in the course of a business of carrying passengers" should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Agreed, providing the definitions of what is ancillary are clearly defined.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

- (a) carpooling; and
- (b) members clubs? (Page 170)

Both of these areas should not be included within the taxi and private hire regime.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Agreed

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Agreed that wedding cars should not be expressly excluded, however funeral cars should still be excluded as unlike wedding cars they are not used for other transport functions such as proms, stag parties etc.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers' exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

We can see no merits in reintroducing this particular exemption.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to "streets". (Page 175)

Agreed

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

Unable to comment on this proposal as we have no experience of the issues faced by those authorities with airports in their districts.

Provisional proposal 15

The defining feature of taxis, the concept of "plying for hire", should be placed on a statutory footing and include:

- (a) references to ranking and hailing;
- (b) a non-exhaustive list of factors indicating plying for hire; and
- (c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Agreed

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Agreed

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of "arrangements made in a public place" instead of "plying for hire"? (Page 182)

The Scottish definition does appear to be simpler and more easily understood for all parties. The term "public place" would need to be tightly defined for the reasons mentioned at 14.79.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Agreed

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Agreed

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Agreed

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. *(Page 185)*

Agreed, this would be a welcome step in ensuring consistency of approach across the country.

Provisional proposal 22

Reformed legislation should refer to "taxis" and "private hire vehicles" respectively. References to "hackney carriages" should be abandoned. *(Page 185)*

Agreed

Question 23

Should private hire vehicles be able to use terms such as "taxi" or "cab" in advertising provided they are only used in combination with terms like "pre-booked" and did not otherwise lead to customer confusion? *(Page 186)*

Agreed, but those that do must be able to be distinguished by door signs etc. that state pre-booked journeys only. Roof signs should not be allowed on PH vehicles.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK**Provisional proposal 24**

Taxi and private hire services should each be subject to national safety requirements. *(Page 188)*

Agreed

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

Agreed, however to ensure consistency in terms of local conditions any local conditions should be able to be selected from a pool of conditions set by Government.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

Agreed

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*

Agreed

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

Yes.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Privacy glass is an issue that comes up time after time, especially given that many car manufacturers fit this as standard. Whilst this may be acceptable for a private hire vehicle as the customer has the choice as to which vehicle provider he/she uses this is clearly not the case for a taxi. The proposed national safety standards need to address this issue to provide clarity to local authorities.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

The key difference here is that unlike a private hire booking where the operator will have the name and address details of the passenger a taxi hailed on the street does not know who their passenger is, merely their destination. For this reason there could be a distinction between the safety requirements for drivers in respect of taxis.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should *only* cover conditions relating to safety. (Page 192)

Disagree. Whilst safety is of key importance other standard conditions could be produced as a pool of available conditions to ensure consistency of approach by authorities.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Agreed.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

A technical advisory panel would be a welcome approach to ensuring uniformity and consistency across the country.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Yes, but only from a pool of standard conditions to again ensure consistency.

Question 35

Should there be statutory limits to licensing authorities' ability to set local taxi standards? (Page 194)

Yes, they should only be allowed to set additional conditions over and above the national standards from within a pool of nationally set additional conditions.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes, but only from within a pool of national conditions.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

This would be best left to authorities to make their own local arrangements where they feel that this is would be of benefit to the trade and to the authority.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Agreed, this would enable joint working and enforcement to be more practicable.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

As a rural authority we don't see this as necessary for ourselves, however we do see the benefit for those authorities with major cities in the area.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences' that may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Yes, this would be extremely beneficial. As an authority that removed the restriction on numbers some years ago, we find that there is over provision of taxis during the day, with a shortage in the early to midweek evenings. Peak time licences would be a method to resolve this issue.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Given that at 15.51 you recognise enforcement resources are at a premium, how can this possibly aid the situation? Investigations of possible offences could involve over 4 local authorities if this proposal is followed through. The present system is easy to understand for all. The other factor to take into account here is the economical one, whereby operators, drivers and vehicles will all be licensed with the cheapest local authority provider.

Provisional proposal 42

We do not propose to introduce a "return to area" requirement in respect of out of area drop offs. (Page 199)

Agreed.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares.
Licensing authorities should not have the power to regulate private hire fares.
(Page 200)

Agreed

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

Yes, provided the fare is agreed in advance. As a rural authority we currently have problems with this particular aspect of fare regulation with drivers often having a large amount of dead mileage travelling to a fare before the meter can be activated.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING**Question 45**

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

The “fit and proper person” element should be clearly set out in primary legislation.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Disagree; the “fit and proper test” should also be applied to vehicle owners. By its very nature the taxi and private hire trade is a largely cash business, ensuring vehicle owners are “fit and proper” is paramount to prevent criminality such as money laundering within the sector.

Question 47

Should national vehicle safety standards be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

They should be included within the Secretary of States powers to set national safety conditions; this would enable any changes to the conditions to be made more quickly.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles.
(Page 207)

Agreed

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Yes, the requirement should be to keep a record of the booking in a similar format to that of operators.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Agreed

Question 51

Should "fit and proper" criteria in respect of operators be retained? (Page 210)

Yes

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Agreed

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes, if records are kept then it will be a way of ensuring that for these journeys fare regulation does not apply, should complaints arise.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Agreed

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

There will inevitably be an initial increase in taxi numbers; however our experience has been that this evens out over time.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

Unable to comment as quantity restrictions have already been removed.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles?

This could involve:

- (1) a duty on the licensee to give priority to disabled passengers; and
- (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

This would be welcomed; however before any rank requirements could be met, it would be essential to decide on the specification for wheelchair accessible vehicles, specifically as to whether they should be side loading or rear loading.

Question 58

Should licensing authorities offer lower licence fees for vehicles, which meet certain accessibility standards? (Page 217)

Whilst this would be unpopular within certain areas of the trade, it would encourage more provision for accessible vehicles and would be welcomed.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

No

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

This is welcomed for the reasons given in paragraphs 18.10 & 18.11

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Agreed, this is essential.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Agreed

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

It could, but it would be difficult to enforce. Who's to say it was safe and reasonable to stop?

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

This would be a real step forward in ensuring effective enforcement. It is not always possible to have VOSA or the Police involved in taxi enforcement operations and currently these are the only people that can stop a vehicle.

Question 65

What more could be done to address touting? Touting refers to the offence "in a public place, to solicit persons to hire vehicles to carry them as passengers".
(Page 223)

This is not a problem in our rural district, so feel unable to comment on this matter.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Whilst it would be desirable as a particularly strong deterrent, the practicalities would need to be carefully considered.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Fixed penalty schemes would be an ideal way of dealing with those issues, that we as enforcement officers encounter every day, but know that we are never going to take to court. Offences such as failing to wear a badge, taxis parking on double yellow lines, people leaving private vehicles on taxi ranks could all be dealt with by way of fixed penalties.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Agreed, this would be relatively easy if national standards are brought in.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Cross border enforcement powers should be limited to suspensions only, revocations should be the remit of the home authority.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Agreed

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*

Agreed, this would appear to be a pragmatic solution.

Provisional proposal 72

Appeals should continue to be heard in the magistrates' court. *(Page 232)*

Agreed

Question 73

Should there be an onward right of appeal to the Crown Court? *(Page 233)*

Yes, but only on particularly important points of law.

Licensing Committee – 12 June 2012

7. Enforcement Update

Executive Portfolio Holder: Peter Seib Regulatory & Democratic Services
Asst Director: Laurence Willis
Lead Officer: Colin Chown, Licensing Enforcement Officer
Contact Details: Colin.chown@southsomerset.gov.uk or (01935)462135

Purpose of the Report

To update members on the work of the licensing enforcement team and the various issues they are currently involved with.

Recommendation

That the report is noted.

Background

Officers carry out a number of enforcement activities under the various legislative provisions that relate to licensing, in particularly with regard to taxi's. This report seeks to brief members on the current issues that are being dealt with by the enforcement team.

Report Detail

Taxis

General

Enforcement officers and the Police have carried out regular taxi checks throughout the previous three months with 36 vehicles being given thorough roadside Licensing inspections.

This has resulted in 6 drivers being given advice regarding vehicle cleanliness. Advice was given to 4, regarding various lights not working.

Weekly daytime checks and several late night checks were carried out throughout the past three months on taxis in and around the centre of Yeovil to ensure compliance with the our Hackney Carriage Policy and Bylaws.

Monthly taxi checks are carried out at the Pen Mill, Yeovil Junction and Castle Cary railway stations in order to ensure that vehicles that do not tend to use the ranks in and around the main towns are also subject to ad hoc inspections.

We took part in a multi-agency taxi- enforcement exercise at Bristol Airport last week involving officers from 5 councils (North Somerset, Bristol City, South Gloucestershire, South Somerset & Taunton Deane); the Vehicle & Operator Services Agency (VOSA) and Avon & Somerset Constabulary.

Checks were made to ensure that vehicles being used to transport passengers to and from the airport were correctly licensed and in a safe condition.

In total 63 vehicles were inspected and seven prohibition notices were issued by VOSA for defective vehicles. The defects included worn tyres, defective seat belts and electrical systems. These vehicles were stopped from being used for carrying passengers until the defects had been rectified.

One vehicle was found to be operating without valid insurance and was immediately impounded by the police, the driver was issued with a £200 fixed penalty fine.

Driver checks were also undertaken and these revealed three minibus drivers with incorrect licences and one driver who had been driving over the permitted number of hours. One minibus was found to be operating without the required tachograph.

The checks also revealed two unlicensed vehicles in use as taxis and two unlicensed taxi drivers. Legal action is being considered in relation to the unlicensed vehicles and drivers.

The exercise proved interesting and raises issues for the safety of passengers travelling to Bristol Airport and further checks are envisaged.

We have received eight taxi/private hire related complaints in the past three months.

(Jubilee) Road Closures

Twenty eight applications for road closures have been received and issued for the jubilee bank holiday weekend,

Financial Implications

None

Implications for Corporate Priorities

Ensure safe, sustainable and cohesive communities and increase economic vitality and prosperity

Other Implications

None

Background Papers: None

Licensing Committee – 12 June 2012

8. Licensing Committee Forward Plan

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

Purpose of the Report

This report informs Members of the agreed Licensing Forward Plan.

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Licensing Committee Forward Plan as attached at Appendix A; and
- (2) Identify priorities for further reports to be added to the Licensing Committee Forward Plan.

Licensing Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Licensing Committee agenda, where members of the Licensing Committee (LC) may endorse or request amendments.

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Further details on these items, or to suggest/request an agenda item for the Licensing Committee, please contact the Agenda Co-ordinator; Anne Herridge.

Background Papers: None

Licensing Forward Plan

Appendix A

Notes

- (1) Further details on these items, or to suggest / request an agenda item for the Licensing Committee, please contact the Agenda Co-ordinator; Anne Herridge 01935 462570 or e mail anne.herridge@southsomerset.gov.uk

Meeting Date	Agenda Item	Background Purpose	Lead Officer
14 August 12	The role of the Licensing sub Committee	To report on the role of the Licensing sub Committee and any related Special Responsibility Allowance (SRA) attached to the role of Licensing sub committee chairman	Angela Cox/ Anne Herridge
14 August 12	A report Public Fundraising Regulatory Association (PFRA) and SSDC	To update members on the monitoring and performance of the site management agreement with the Public Fundraising Regulatory Association (PFRA) in relation to face-to-face fundraising.	Nigel Marston Licensing Manager
9 Oct 12	Annual update of the Licensing service	To inform members of recent activities of the Licensing service	Nigel Marston Licensing Manager

*Anne Herridge, Committee Administrator, (01935) 462570
email: anne.herridge@southsomerset.gov.uk*

Licensing Committee – 14 February 2012

9. Next Meeting

Members note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 14 August 2012 at 10.00 am at the Council Offices, Brympton Way Yeovil.

*Anne Herridge Committee Administrator, Legal and Democratic Services SSDC
anne.herridge@southsomerset.gov.uk or (01935) 462570*
