



Licensing Committee (Informal)

Tuesday 9th November 2021

10.00 am

A virtual meeting using Zoom meeting software

The following members are requested to attend the meeting.

Chairman: David Recardo
Vice-chairman: Wes Read

Jason Baker
Dave Bulmer
Adam Dance
Karl Gill
Jenny Kenton

Tony Lock
Kevin Messenger
Crispin Raikes
Paul Rowsell
Andy Soughton

Linda Vjeh
Martin Wale
William Wallace

Any members of the public wishing to address the meeting need to email democracy@southsomerset.gov.uk by 9.00am on Monday 8th November 2021.

The meeting will be viewable online by selecting the committee meeting at: https://www.youtube.com/channel/UCXSfFPGd3f_k1VGoBa_egQw

For further information on the items to be discussed, please contact democracy@southsomerset.gov.uk

This Agenda was issued on Monday 1 November 2021.

Jane Portman, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app

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 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.

Licensing Committee agendas and minutes are published on the Council's website at: <http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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

Meetings of the Licensing Committee are held quarterly usually in the Council Offices, Brympton Way - However during the coronavirus pandemic these meetings will be held remotely via Zoom video-conferencing.

At the meetings of Full Council on 15 April 2021 and 8 July 2021 it was agreed to extend the delegation of all Executive and Quasi Judicial decisions listed in the Constitution to the Chief Executive and to the relevant Director in the Chief Executive's absence where not already delegated, in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable to ensure that the Council can continue to operate on-line meetings.

Councillors will continue to receive decision-making reports and meet using virtual meeting teleconferencing technology and debate the reports. They will form a view which will be communicated to the Chief Executive. The decision will be formally made by the Chief Executive (or relevant Director). This is an interim measure to 8 January 2022 when we hope to return to in-person meetings.

Public participation at meetings (held via Zoom)

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings. The public are able to participate and contribute to the meeting, you will need to be able to access the meeting through Zoom at: <https://zoom.us/join>

Each individual speaker shall be restricted to a total of three minutes. The period allowed for public participation usually shall not exceed 15 minutes

If you would like to address the virtual meeting during public participation, please email democracy@southsomerset.gov.uk by 9.00am on Monday 8 November 2021. When you have registered, an officer will provide the details to join the meeting. The Chairman will invite you to speak at the appropriate time during the virtual meeting.

If you would like to view the meeting without participating, please see:
https://www.youtube.com/channel/UCXSfFPGd3f_k1VGoBa_egQw

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will unmute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of five minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

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>

Licensing Committee (Informal)

Tuesday 9 November 2021

Agenda

Preliminary Items

1. To approve as a correct record the Minutes of the Previous Meetings

To approve as a correct record the minutes of previous Licensing Committee meetings held on 8 December 2020 and 13 July 2021.

To approve as a correct record the minutes of the Licensing Sub Committee meetings held on 8 February, 26 April, 8 June and 16 August 2021.

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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.

5. Date of Next Meeting

Members are asked to note that the next meeting of the Licensing Committee will be held on Tuesday 11th January 2022 commencing at 10.00am.

6. Hackney Carriage and Private Hire Policy Consultation (Pages 5 - 21)



Hackney Carriage and Private Hire Policy Consultation

Executive Portfolio Holder: Cllr Adam Dance, Area North and Licensing
Director: Kirsty Larkins, Service Delivery
Service Manager: Vicki Dawson, Lead Specialist – Environment
Lead Officer: Rachel Lloyd, Specialist - Licensing, Service Delivery
Contact Details: rachel.lloyd@southsomerset.gov.uk or 01935 462134

Purpose of the Report

1. The Committee is asked to consider the outcome of the Hackney Carriage and Private Hire Policy consultation.

Public Interest

2. The Council has a Taxi and Private Hire licensing policy which sets out the requirements for applying for taxi/private hire badge, vehicle licences and private hire operators and how we make decisions when determining applications and enforcing licences and the legislation.
3. The policy is now due for review to ensure all current legislation, guidance and best practice is incorporated. The Policy has been updated to include statutory guidance, an update to the criminal convictions policy, wheelchair access vehicle requirements and environmental standards for new applications for licensed vehicles.
4. Part of the process for updating the policy involves consultation with the taxi and private hire trade, passengers and other stakeholders such as the Police.
5. The consultation phase has ended and the report is to publish the results of the consultation.

Recommendation

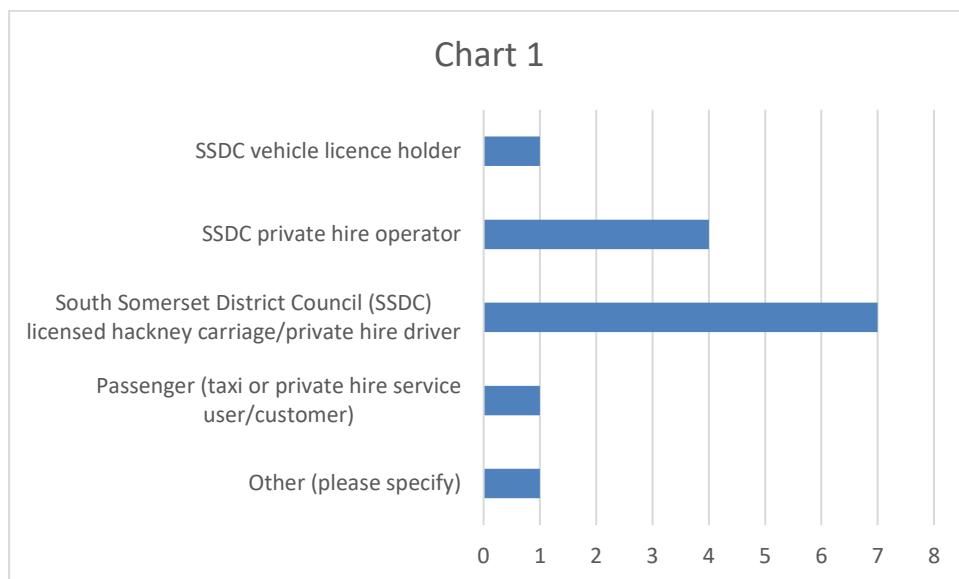
6. That the Licensing Committee:
 - Note the results of the consultation
 - Agree that no further revisions are required to the policy based on the consultation responses
 - Agree the proposed policy can be presented to Full Council for formal adoption

Background

7. The last Taxi and Private Hire Licensing Policy was approved in 2014 and implemented in 2015. The policy provides information and guidance to applicants, clarity for vehicle license holders, drivers and operators and informs the public on the way the Council will undertake its licensing functions. It is important that the policy is periodically reviewed to ensure it remains current.
8. Since the 2015 policy was adopted there have been updates to best practice and recently there has been a significant change with the introduction of statutory guidance. The existing policy also had a requirement for 20% of the hackney carriage vehicles to be wheelchair accessible but did not allow non-wheelchair accessible vehicles to be licensed without approval from the Licensing Committee when that percentage had been achieved. This revised policy now reflects these changes. In addition the policy has been restructured to allow for easier reading.
9. A report containing the draft policy was approved for consultation by the Licensing Committee on 13 July 2021. The consultation was published on the Council's consultation hub (Citizen Space) and commenced on 01 August 2021 and ended on 26 September 2021. In addition to this the consultation was sent to a number of consultees. A list of the consultees can be found in Appendix 1.

Report Detail – Consultation Results

10. The consultation comprised of the policy, details of the changes made to the policy and a questionnaire which focussed on views to do with the key changes. Respondents also had the opportunity to comment on any other aspect of the policy.
11. A total of 14 responses were received.
12. Respondents were asked to state if they were a private hire operator, vehicle licence holder, licensed hackney carriage or private hire driver, passenger or to provide a description of their role if none of the other categories applied. Chart 1 shows the breakdown of responses to this question. The majority of responses were from hackney carriage/private hire drivers. The person who responded 'other' specified that they are manage Great Western Railway taxi permits.



13. Reviewing the responses to the consultation in most questions there was a significant response in favour of the suggested policy or no opinion was offered. A detailed breakdown to all questions can be seen in Appendix 2.
14. The only questions where there was significant divided opinion were Question 6, Question 7 and Question 8.
15. Question 6 was suggesting a change from an age limit on private hire vehicles to applying the current EURO emission standard for new applications. Eight responses were in favour or had no opinion and six were not in favour of this change. It is worth noting that Question 5 asked the same question in relation to hackney carriage vehicles and in that question only two were not in favour of the change.
16. Of those not in favour, three were private hire operators and three were drivers. Of the three private hire operators two were in favour of applying the same policy to hackney carriage vehicles. Of the comments received one suggested this requirement may be expensive.
17. Officer recommendation is to not make any further changes to the proposed policy. In relation to the expense it will only relate to new vehicle licence applications and should not be a significant factor.
18. Question 7 was suggesting a change from requiring interim MOTs to vehicles under the age of 5 requiring a vehicle inspection at the time of application or renewal and having one MOT and vehicles over the age of 5 would require a vehicle inspection at the time of renewal.

19. In the existing policy, the number of tests is based on the mileage of the vehicle test. The minimum number of tests would be a vehicle test at Lufton plus the statutory MOT. For older vehicles the total number of MOTs can increase to three.
20. In the proposed policy the number of tests is based on the age of the vehicle for vehicles under 5 years the number of tests would be two (one vehicle test at Lufton plus the statutory MOT) this is a similar requirement to current lower mileage vehicles.
21. For vehicles over 5 years old, the proposed policy requires an additional Lufton vehicle inspection at the mid-point of the licence (around 6 months into the licence). This is change from requiring additional MOTs.
22. The cost of the Lufton test is currently £53. MOTs can vary from £30 to £54.85.
23. From the comments received two of those not in favour appear to have misunderstood the requirement as they have as they mentioned additional cost or need for additional testing. The requirement of the proposed policy is to change the emphasis in vehicles over 5 years from MOT testing to Lufton vehicle testing which is more comprehensive as opposed to increasing the number of tests required.
24. Officer recommendation is to not make any further changes to the proposed policy.
25. Question 8 was suggesting a change to the percentage of wheelchair accessible vehicles. The current policy requires that 20% of licensed hackney carriage vehicles are wheelchair accessible and the draft policy recommended an increase to 25% in line with the Disabled Persons Transport Advisory Committee.
26. Seven responses were in favour or offered no opinion and seven responses were not in favour.
27. Respondents who were not in favour of the change were contacted to ask what percentage of wheelchair accessible vehicles they would like to see. One response was to keep it at 20%, one response wished to increase to 45% and the other did not offer an opinion.
28. Officer recommendation is to not make any further changes to the proposed policy and use the recommendation from the Disabled Persons Transport Advisory Committee.

Financial Implications

29. There are costs in relation to the implementation of the policy and maintaining the policy requirements, in particular reminders, monitoring and enforcing the requirement for biannual DBS checks. These costs can be met from existing budgets as with the existing policy.

Council Plan Implications

30. This revised policy supports the Council Plan themes, in particular The Protecting Core Services and Environment Areas of focus

- Deliver a high quality, effective and timely service to our customers
- Enhance the quality of the environment and its resilience and ability to adapt to climate change in partnership with our communities and businesses

Carbon Emissions and Climate Change Implications

31. The environmental assessment toolkit has been used to consider carbon and climate implications of this report. Overall there are no negative carbon or climate change implications in adopting this policy.

32. This policy is primarily focused on ensuring public and vehicle safety for private hire and hackney carriage use in the district. By helping ensure a safe a taxi fleet this could help increase the use of public transport and reduce private vehicle use.

33. Whilst taxi vehicle use in itself will not be reduced, the policy does specifically include a requirement for new licensed vehicles to meet the current European Emission Standard. This will serve to ensure fuel use and emissions are reduced and air quality improved Whilst there is no current requirement for electric vehicles with use of renewable supplies, this will be considered in future as and when the market and infrastructure allow

34. There are no effects on the greenhouse gas emissions from the Councils own estate and operations.

Equality and Diversity Implications

35. A stage 1 Equality Analysis (EqA) was completed and agreed by the Equalities Officer and no further changes have been made to the policy which would affect this. This report does not pose any issue that would impact on any of the protected characteristics. An equality impact relevance check form can be found in Appendix 3.

Privacy Impact Assessment

36. The policy which is the subject of this report does not in itself involve the processing or handing of personal data. The processing of application forms in accordance with this policy currently involves the handling of personal data and no changes are being made to how that data is processed.



Background Papers

- South Somerset District Council - Taxi Licensing Policy and Guidance
- Taxi and Private Hire Policy (draft) report 13/07/21

Appendix 1 Consultees

All licensed hackney carriage drivers
All licensed hackney carriage proprietors
All licensed private hire drivers
All licensed private hire operators
All licensed private hire vehicle proprietors

SSDC Environmental Health (Food, Health & Safety)
SSDC Community Safety
SSDC Environmental Protection
SSDC Legal Services
SSDC Planning Services

Somerset Disability Engagement Service.

Somerset County Council – Transport Service
Somerset County Council Highways

Devon & Somerset Trading Standards & Consumer Protection

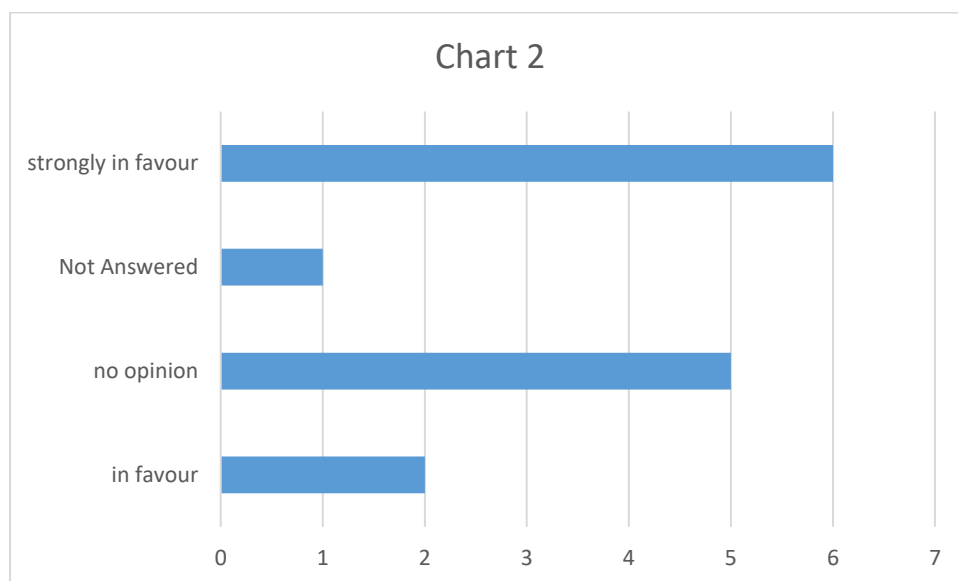
Avon & Somerset Constabulary.

National Private Hire & Taxi Association
Licensed Private Hire Car Association

Dorset Council
Mendip District Council
Sedgemoor District Council
Somerset West and Taunton District Council
East Devon District Council

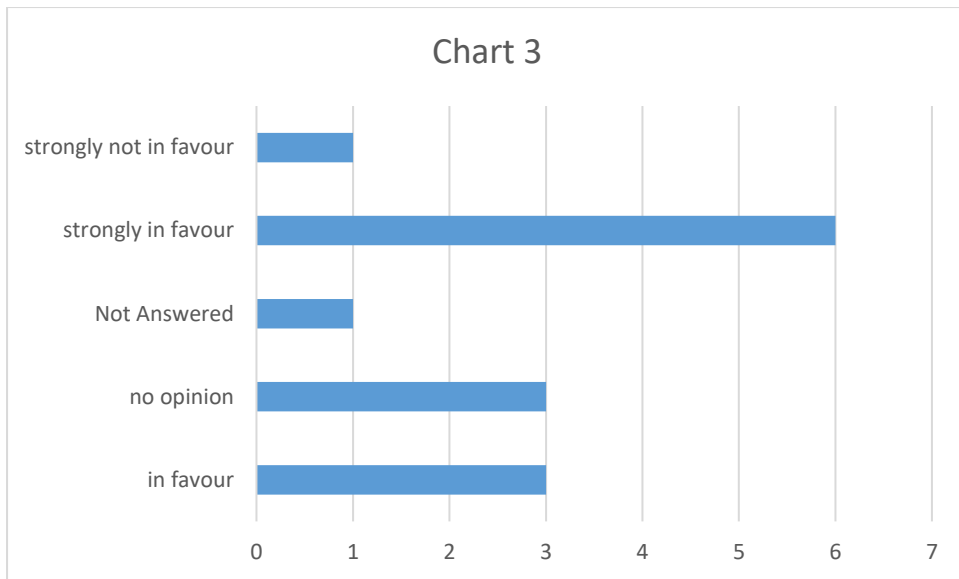
Appendix 2

1. Question 2 “The draft revised policy states that companies (where this information is known) will be informed if a driver who works for them has their hackney carriage/private hire licence suspended or revoked. What is your opinion on this?”
2. The results of question 2 show that the majority of respondents are in favour of a driver’s company being informed if their badge has been suspended or revoked. The full results are shown in Chart 2 below and shows that the majority of responses were strongly in favour of this change. One respondent commented that they did not understand the question.



3. Question 3 Our existing policy says that new drivers will only be issued a licence for a year when they first apply (thereafter, renewals are for 3 years).The draft revised policy says that all drivers licences will be issued for 3 years. What is your opinion of this?
4. The results of question 3 are shown in Chart 3 below. The majority of respondents are in favour of 3 years licences being granted to new applicants rather than for 1 year which is the current length of the licence for new applicants.
5. The comments which were provided with the responses were:

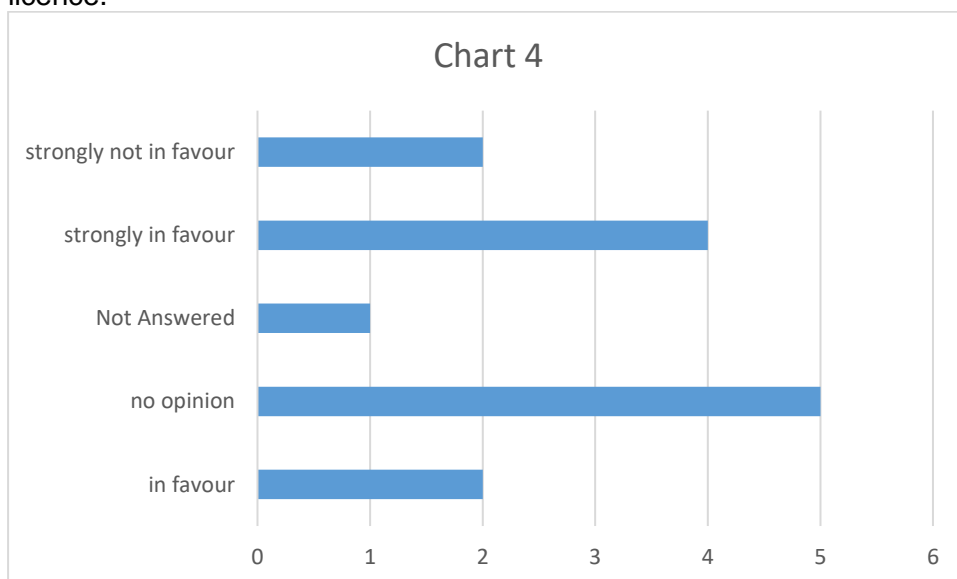
“Obviously less work for the council license will become cheaper, because when you have earned your licence it should be every 3 years”.
“This aligns with the DBS renewal”.



6. Question 4 was “The existing policy has a criminal convictions section. The proposal for the revised policy is to replace the existing criteria with the Institute of Licensing’s guidance on determining the suitability of applicants and licensees. This will apply to new applicants, and existing licence holders if they are convicted of an offence. The responses are shown in chart 4. The majority of respondents answered that they have no opinion on the criminal conviction policy and the second most popular response was strongly in favour”.

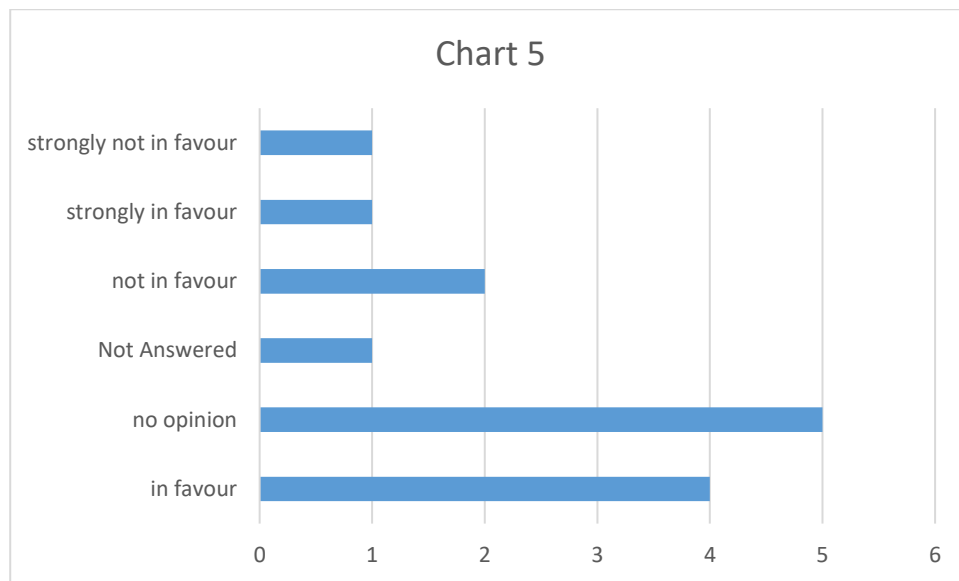
The comment received in relation to this question was “I feel its important to be aware of any type of criminal action”.

Applicants for and holders of hackney carriage and private hire drivers licences are required to apply for an enhanced disclosure and this will show all convictions (including convictions which would be considered to be spent under the Rehabilitation of Offenders Act). The criminal convictions policy would be used to assess if an applicant or licence holder with a criminal conviction is a suitable person to hold a licence.



12. Question 5 was “The current policy requires that all hackney carriage vehicles are less than 5 years old at the point they are first licensed. The draft revised policy proposes that instead of an age limit these vehicles comply with the current emission standard (EURO standard) i.e. all applications for new vehicle licence applications would be for EURO 6 standard vehicles and when EURO 7 is implemented new vehicle licence applications would be for EURO 7 standard vehicles. However, this would only apply to new applications from the point of adoption of the revised policy and would not be applied retrospectively to existing continuously licensed vehicles.

What is your opinion of this change within the draft revised policy?”



13. The majority of respondents do not have an opinion to do with this and the next most popular response was that respondents are in favour of this change.

14. The comments from this question were as follows:

- “I think it could be difficult and expensive for companies which have a large fleet of vehicles.”
- “Not sure what the standards are.”
- “Any car under 10 years old should be allowed, you insist on frequent mot’s and modern car are built to last.”

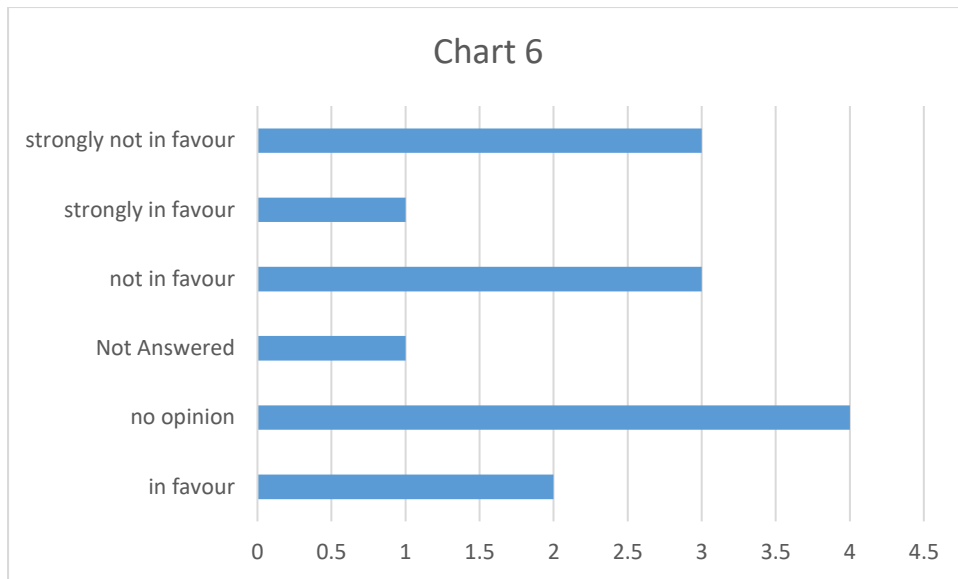
15. Question 6 was “The current policy does not have an age limit for private hire vehicles. The new policy seeks to change this to say that all new applications for private hire vehicles have to be for vehicles which comply with the current emission standard in force at the time (EURO Standard) i.e. all applications for new vehicle licence applications will be for EURO 6 standard vehicles and when EURO 7 is implemented new vehicle licence applications will be for EURO 7 standard vehicles). However, this would only apply to new applications from the point of adoption of the revised policy and would not be applied retrospectively to existing continuously licensed vehicles.

What is your opinion of this change within the draft revised policy?”

16. The responses are shown in Chart 6 and show that the most popular response was no opinion and following that respondents are strongly not in favour or not in favour of this change.

17. The comments received in relation to this question were:

“We still have a few years to go and again it would be very expensive to do this.”
“All well maintained vehicles should be allowed.”



18. Question 7 was “Our current policy requires that licensed vehicles are inspected at the Council’s testing station before they are licensed for the first time, when the vehicle licence is renewed as well as requiring up to 3 interim MOTs during the duration of the licence. The draft revised policy proposes that a vehicle inspection will be required at the time a vehicle is first licensed and renewed - as is currently the case - and in addition there will be a new requirement for vehicles over 5 years old to obtain an additional vehicle inspection at the mid-point of the licence. The standard MOT required for all vehicles would still be mandatory.

What is your opinion on this change within the draft revised policy?”

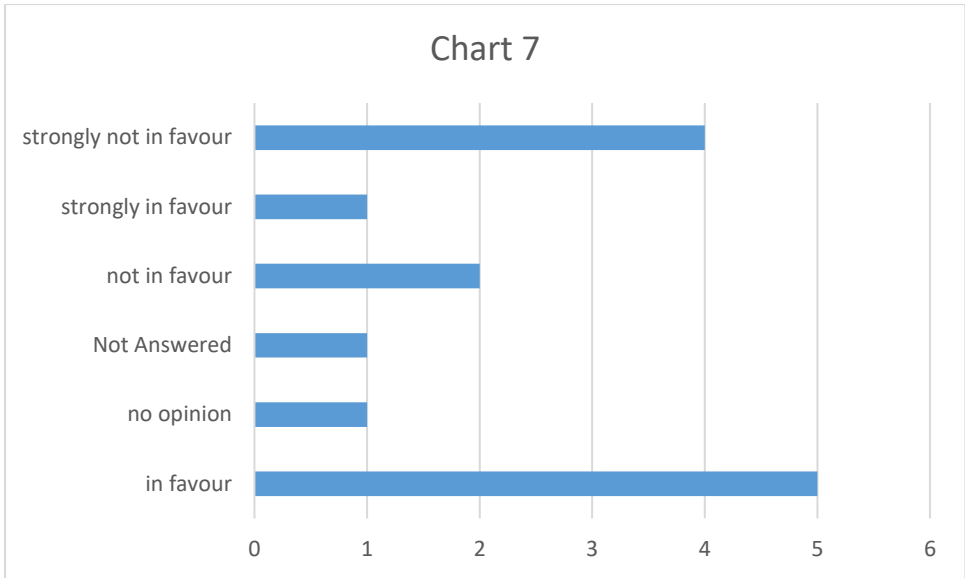
19. The majority of respondents are in favour of this change, however, the next most popular response was strongly not in favour.

20. The comments received in relation to this question were:

“If the vehicles have 1,2,or 3 interim mot, why should they also need yet another test at 6 months?”

“All vehicles should be road worthy at all times.”

“This adds to drivers and operators expenses”



23. Question 8 was “Our current policy requires that at least 20% of licensed hackney carriage vehicles are wheelchair accessible. The draft revised policy proposes to introduce a recommendation from the Disabled Persons Transport Advisory Committee namely that 25% of licensed hackney carriage vehicles are wheelchair accessible (as a guide the current percentage of wheelchair accessible vehicles is 33%).

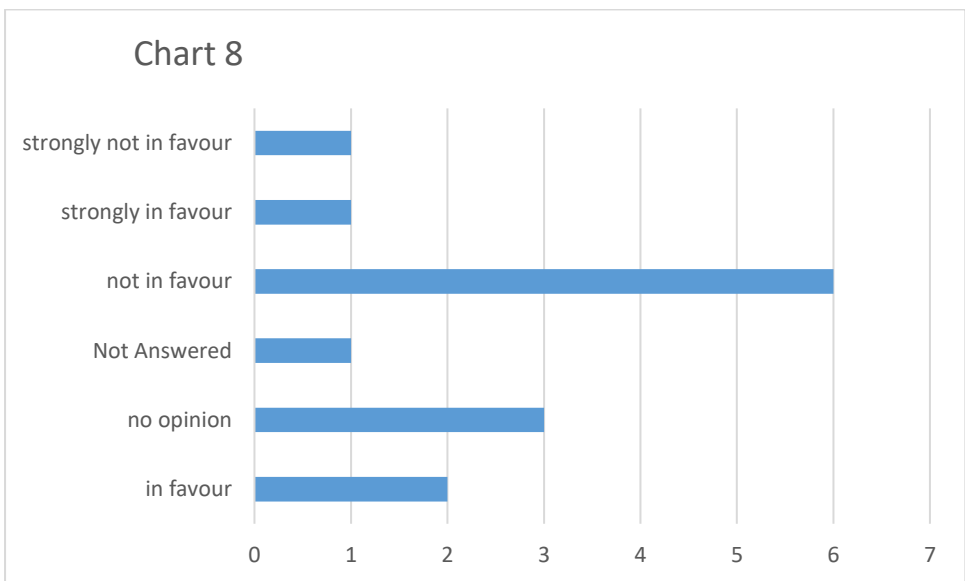
What is your opinion on this change within the draft revised policy?”

24. The majority of respondents are not in favour of this change.

25. The comments received in relation this question were:

“If a person has disabilities they will say when they need the transport and an appropriate vehicle will be used for them.”

“Because it would not be a requirement, only advisory.”



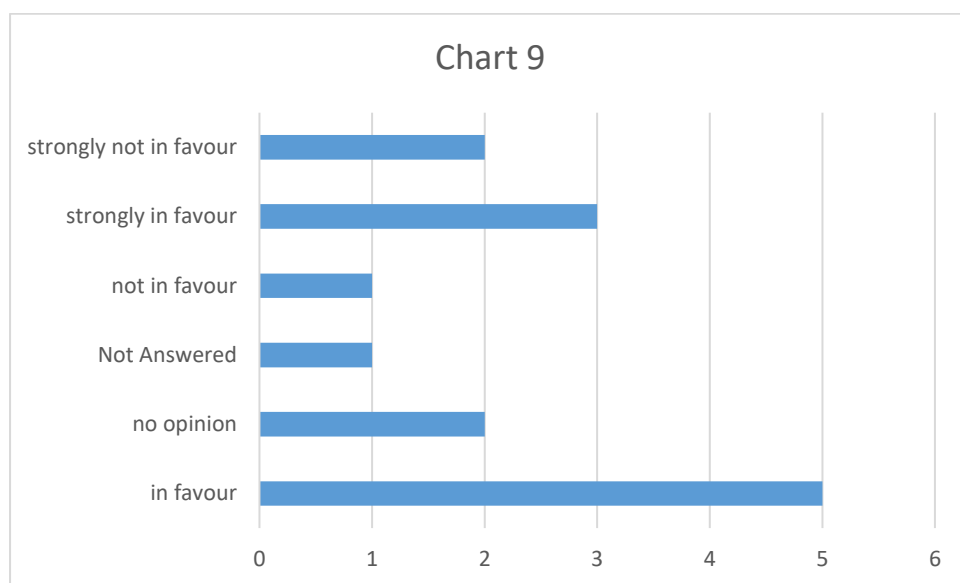
27. Question 9 was “Our current policy has no requirement for private hire vehicles to be wheelchair accessible and the draft revised policy is not proposing any change to this.”

28. The majority of respondents are in favour of not changing our current policy.

29. The comments received from this question were:

“If a person has disabilities they will say when they need the transport and an appropriate vehicle will be used for them”.

“Now would be the right time to change the policy to include disabled needs.”



30. Question 10 was “The draft revised policy incorporates requirements from the statutory guidance for taxis and private hire vehicle standards. One of the requirements is that vehicle licence applicants must provide a basic disclosure and barring service (DBS) check with each application (unless they are a South Somerset District Council licensed hackney carriage/private hire driver). Furthermore, the basic DBS must not be more than 3 months old at the time they are submitted with the application.

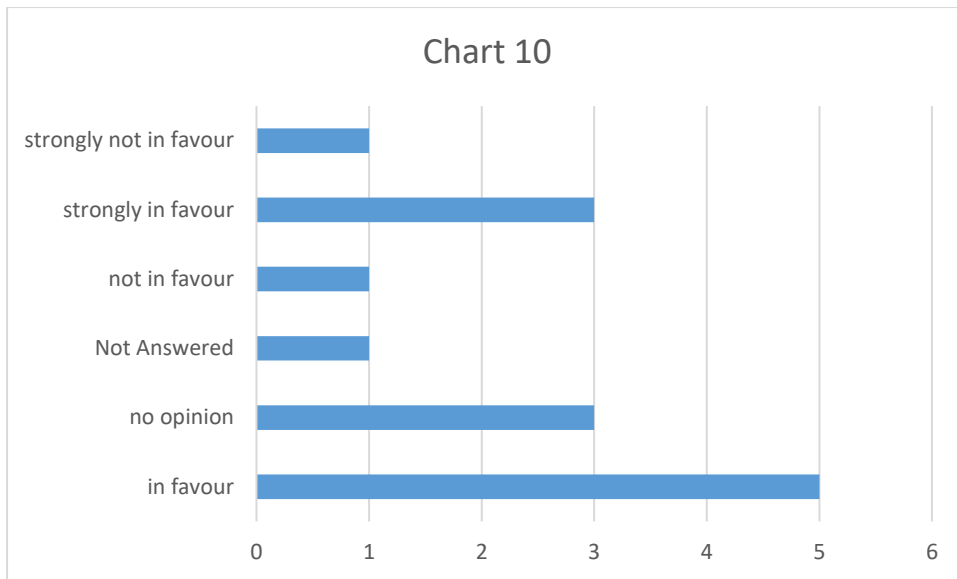
“What is your opinion on only accepting basic DBS checks which are less than 3 months old?”

31. The majority of respondents are in favour of this change.

32. The comments from this question are

“Its important to know if there is any reason that they are not suitable.”

“The DBS should be a FULL Disclosure”



33. There is eligibility criteria for applying for or requesting that an applicant or licence holder applies for an enhanced disclosure. A hackney or private hire driver is a role, which is eligible for an enhanced disclosure, however this does not extend to vehicle licences or private hire operators. Licensed drivers who apply to licence a vehicle would be subject to an enhanced disclosure and would not have to apply for an additional disclosure to licence a vehicle.

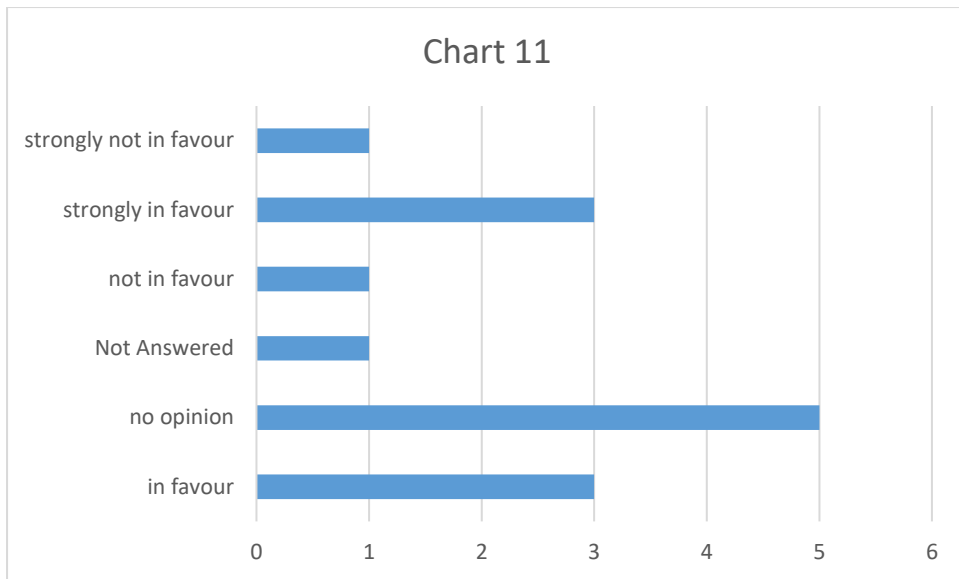
33. Question 11 was “The draft revised policy incorporates requirements from the statutory guidance for taxis and private hire vehicle standards. One of the requirements is that private hire operator applicants must provide a basic DBS check with each application and annually during the licensed period (unless they are a South Somerset District Council licensed hackney carriage/private hire driver). Furthermore, when submitting the basic DBS check to the Council, both with the initial licence application and when the DBS is renewed annually, it must be less than 3 months old.

What is your opinion on only accepting basic DBS checks which are less than 3 months old?”

34. The majority of respondents did not have an opinion on this.

35. The comments from this question were:

“Again anything older would not be up to date with any sort of criminal action.”
 “Should be FULL Disclosure DBS”

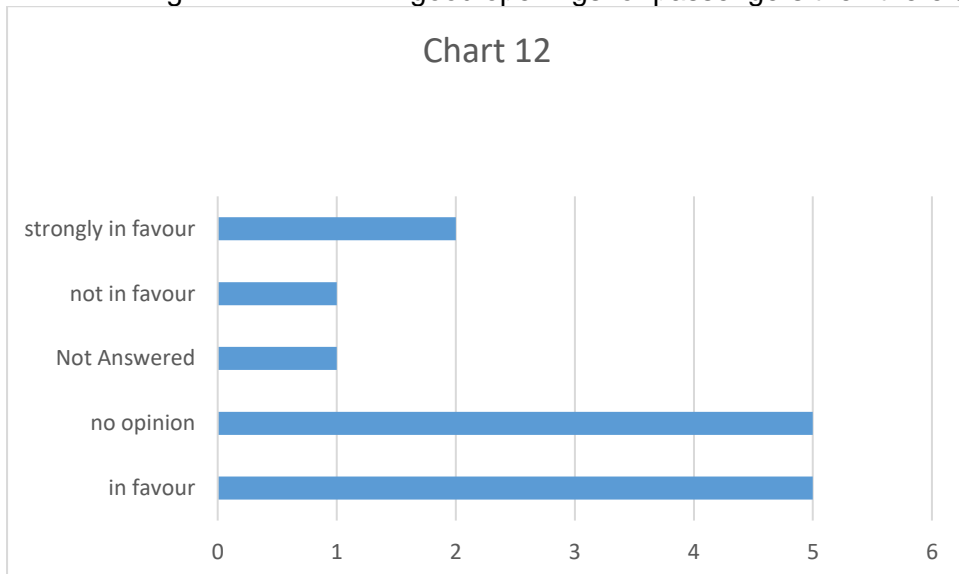


36. Question 12 was “The draft revised policy proposes that minibuses (8 passengers or fewer) and MPV style vehicles have at least 3 doors to the passenger accommodation (this would not apply to existing licensed vehicles which are continuously licensed).

What is your opinion of this?”

37. The responses are shown in Chart 12. The majority of respondents either had no opinion or were in favour of this change.

38. The comment from this question was:
 “I feel as long as there are two good openings for passengers then there are enough”



Other Comments

I have struggled with this survey as there is a lot of writing and struggled to understand the questions, so I hope I have answered them right.

If the policy is changed will there be an enforcement officer to touch base with or who will "police" the whole sector better?

I would add that licensing authorities should look at cases where Hackney and private hire drivers poach work from railway stations.

Reduce the cost of the drivers badge

£266 is too much.

Reduce the vehicle Hackney cost.

No visits to Lufton for vehicles, nominate more centres across south Somerset.

Allow up to 10 year old cars as Hackney.

Increase Hackney charges (fares) by 25 % and inflation each year.

Keep the knowledge test but update the questions quarterly.

Communicate with schools and hospital transport to encourage them to increase fare rates for contract jobs

I believe that there should be a national licensing policy and ALL councils should have the same rules

Appendix 3

19th March 2019

Equality Impact Relevance Check Form



The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required.

What is the proposal?	
Name of the proposal	Hackney Carriage and Private Hire Licensing Policy
Type of proposal (new or changed Strategy, policy, project, service or budget):	Amended and updated taxi and PH licensing policy
Brief description of the proposal:	changes made to reflect best practice and refresh the policy.
Name of lead officer:	Rachel Lloyd

You should consider whether the proposal has the potential to negatively impact on citizens or staff in the following ways:

- Access to or participation in a service,
- Levels of representation in our workforce, or
- Reducing quality of life (i.e. health, education, standard of living)

A negative impact is any change that could be considered detrimental. If a negative impact is imposed on any citizens or staff with protected characteristics, the Council has a legal duty to undertake a full Equality Impact Assessment.

Could your proposal negatively impact citizens with protected characteristics? (This includes service users and the wider community)	YES
Could your proposal negatively impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)	NO

Is a full Equality Impact Assessment required?	NO
If Yes, Please provide a brief description of where there may be negative impacts, and for whom. Then complete a full Equality Impact assessment Form	
If No, Please set out your justification for why not.	
Those most likely to be affected will be Disabled users. In amending and updating the policy we are adopting the Standard for wheelchair accessible vehicles set by the Disabled Persons Transport Advisory Committee which recommends that at least 25% of vehicles are wheelchair accessible. How this will be implemented can be found in paras 3.38 to 3.40 of the policy. Full consultation will take place with the trade and disabled users regarding this and future changes to the policy.	
Service Director / Manager sign-off and date	Vicki Dawson 22/06/21
Equalities Officer sign-off and date	Dave Crisfield 22 nd June 2021