

## **BATH AND NORTH EAST SOMERSET**

### **LICENSING COMMITTEE**

Wednesday, 14th October, 2015

**Present:-** Councillors Paul Myers (Chair), Cherry Beath, Emma Dixon, Donal Hassett, Deirdre Horstmann, Michael Norton, Caroline Roberts, Will Sandry and Mark Shelford

**Also in attendance:** Carrie-Ann Evans (Senior Legal Adviser), Cathryn Humphries (Team Manager for Licensing and Environmental Protection), Alan Bartlett (Public Protection Team Leader) and John Dowding (Senior Public Protection Officer)

#### **1 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

#### **2 ELECTION OF VICE-CHAIR (IF DESIRED)**

**RESOLVED** that a Vice-Chair was not required on this occasion.

#### **3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Cllr Karen Walker.

#### **4 DECLARATIONS OF INTEREST**

There were none.

#### **5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **6 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

There were none.

#### **7 MINUTES: 19TH JUNE 2015**

The minutes of the meeting of 19<sup>th</sup> June 2015, were approved as a correct record.

#### **8 REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING PRINCIPLES UNDER THE GAMBLING ACT 2005**

The Team Manager for Licensing and Environmental Protection presented the report. She said that as agreed at the previous meeting the draft Statement of Principles under the Gambling Act 2005 was being set before the Committee after the conclusion of a twelve-week public consultation and before it was presented to Council for approval. This was the third review of the Statement since the Act came

into force in 2007. Four responses had been received to the consultation, one from an individual and three from organisations. The responses and comments on them were given in Annex A. She drew attention to paragraph 19 of the Statement, which had been changed after the consultation period to reflect new regulations which come into force from April 2016.

The Chair noted that only a few responses had been received to the consultation, but suggested that this might indicate that the public were generally satisfied with Council policy on gambling. A Member, however, felt that the fact that the consultation took place during the holiday season might have reduced the response rate. The point was made by the Public Protection Team Leader that the extended consultation period of 12 weeks had been given to take account of the holiday period.

It was proposed by the Chair and seconded by Cllr Norton and **RESOLVED**

1. To note the responses to the consultation exercise and agree that the officer recommendations should be incorporated into the revised Statement of Principles.
2. To recommend that the draft Statement of Principles, provided in Annex B, should be presented to Full Council for adoption.

The Chair thanked officers for an excellent piece of work.

## **9 A VERBAL UPDATE FROM THE LICENSING TEAM**

### Uber Britannia Ltd

The Chair had requested information about the Council's grant of a private hire operators' licence to Uber Britannia Ltd, which had been announced in a Council press notice on 22 September 2015.

The Chair said that he thought there were three aspects to the issue:

- a. a summary of the facts;
- b. clarification of how the Council's licensing process worked in this instance;
- c. how the Committee could be better kept informed in future.

A briefing note on Uber was circulated to Members. The Team Manager for Licensing and Environmental Protection explained that Uber are a global company that differs from other private hire operators by the fact that customers use the Uber app on their smart phones to make a booking. The app shows where the nearest Uber taxi is located. When a booking is made the customer can see a map showing where the taxi is, a photo of the driver and details of the vehicle on their smart phone. In London there is specific legislation restricting the use of taximeters to Hackney Carriages. The London taxi trade believes that Uber's use of GPS technology to calculate fares is the equivalent of using a taximeter and that this practice is unlawful. This dispute is being referred to the High Court. There is no such legislation outside of London. A private hire operator have to fulfil a number of criteria in order to be granted a license, one of which is that they must have an

operational base in the local authority. Uber have secured such a base in Midsomer Norton. Uber has been granted operator licences in Bristol, North Somerset and South Gloucestershire subject to standard conditions and without referral to Licensing Committees. Some comments received by Council officers about Uber have suggested that they are using unlicensed drivers and that there is a risk to public safety. This is not the case. Uber is subject to the Council's standard terms and conditions and drivers and vehicles must be licensed by the Council.

In response to questions from Members officers explained:

- The recent taxi unmet demand survey related only to Hackney Carriages; the number of private hire vehicles is not regulated
- Uber sets its' own fares; private hire fares are not regulated by the Council
- There seems to have been no significant impact from Uber on the regular taxi trade in other local authority areas where it is operating
- Uber take a 20% cut of each fare
- Experience in other local authorities areas suggests that Uber will mostly use existing licensed drivers; Uber has undertaken to provide Licensing with regular updates on the drivers' who work for them

The Chair commented that Uber seemed to have almost devised a means of operating private hire vehicles as though they were Hackney Carriages, which was clever, although could seem confusing in terms of the existing legal framework. Members noted that Uber seemed to offer particular benefits to certain groups of customers, such as women travelling alone at night and customers who did not have cash on them.

Officers explained that, in accordance with the Scheme of Delegation, the Council's Policy and legislation, the decision to grant an operating licence to Uber was one for officers, and did not have to come before the Committee.

Members felt that it was unhelpful that they had only learned of the grant of the licence when the press notice was released. It would have assisted them to respond appropriately to enquiries if they had been given forewarning. The Chair said he accepted the Committee could not be briefed about individual applicants, but he thought that in future Licensing and Communications should find some means of ensuring that Members were informed of issues that were likely to attract media interest or contacts from the public. An indicator that an issue was significant was that there was a press release about it. This should be copied to the Chair and if possible to Members, accompanied by a few short lines about how to respond to points that might be raised in enquiries. The Team Manager for Licensing and Environmental Protection agreed to consider how information about potentially controversial issues could be communicated to Members in future.

### Licensing Enforcement

The Team Manager for Licensing and Environmental Protection updated Members on recent enforcement action, giving details of recent enforcement cases and their outcomes. She reported that a Taxi Forum meeting was taking place on Friday 16<sup>th</sup> October 2015, and she would highlight the Council's monitoring and enforcement activity at this meeting.

The Senior Legal Adviser reported that an appeal by a taxi driver against the Licensing Sub-Committee's decision to revoke his Private Hire/Hackney Carriage Driver's Licence had been dismissed by the Magistrates' Court and was now to be heard by the Crown Court. She would inform Members of the outcome.

Responding to a Member's question about the proposed closure of Bath Magistrates' Court, the Team Manager for Licensing and Environmental Protection said that it would take a great deal more of officers' time if they had to attend the Magistrate's Court in Bristol for cases. The Council had made representations to the consultation on the closure of Bath Magistrates' Court as part of the public consultation.

The Chair referred to a community training session on licensing law he had attended some years ago, and asked whether such further such events could be repeated. Refreshments were often provided at village events and sometimes the organisers might want to provide a glass of wine. The volunteers who ran such events might not be aware of licensing legislation. He suggested that Members might be involved in training sessions in their local communities. The Team Manager for Licensing and Environmental Protection said that officers would be happy to support such training sessions.

#### Taxi Unmet Demand Survey

The Team Manager for Licensing and Environmental Protection informed Members that the Cabinet Member for Community Services had accepted the recommendation that the number of hackney carriage licences in Zone 1 be increased from 122 to 125. Two of the additional vehicle licences had been awarded at the Licensing Sub-Committee on 6 October 2015 and the hearing of an application for a third had been adjourned to a meeting of the Sub-Committee to be held immediately after today's Committee meeting.

The meeting ended at 10.44 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**