

Democratic Services

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To: All Members of the Licensing Committee

Councillors: Manda Rigby (Chair), Patrick Anketell-Jones, Cherry Beath, Bryan Chalker, Anthony Clarke, Gerry Curran, Andrew Furse, Roger Symonds, Tim Warren, Chris Watt and Brian Webber

Chief Executive and other appropriate officers Press and Public

Dear Member

Licensing Committee: Monday, 7th July, 2014

You are invited to attend a meeting of the Licensing Committee, to be held on Monday, 7th July, 2014 at 2.00 pm in the Kaposvar Room - Guildhall, Bath.

The agenda is set out overleaf.

Yours sincerely



Sean O'Neill for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers: Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath 01225 395090 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings: The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Sean O'Neill as above.

3. Details of Decisions taken at this meeting can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- **4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- **5.** THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
- 6. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing Committee - Monday, 7th July, 2014

at 2.00 pm in the Kaposvar Room - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 7.

- 2. ELECTION OF VICE-CHAIR (IF DESIRED)
- 3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS
- 4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

- (a) The agenda item number in which they have an interest to declare.
- (b) The nature of their interest.
- (c) Whether their interest is a disclosable pecuniary interest <u>or</u> an other interest, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

- 5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR
- 6. ITEMS FROM THE PUBLIC TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS
- ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS.
- 8. MINUTES: 7 APRIL 2014 (Pages 5 8)
- APPROVAL OF TAXI AND PRIVATE HIRE VEHICLE TESTING STATIONS (Pages 9 18)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Monday, 7th April, 2014

Present:- Councillors Manda Rigby (Chair), Patrick Anketell-Jones, Cherry Beath, Bryan Chalker, Anthony Clarke, Ian Gilchrist (In place of Andrew Furse), Tim Warren (In place of Chris Watt) and Brian Webber

Also in attendance: Andrew Jones (Team Manager Environmental Monitoring and Licensing) and Simon Barnes (Principal Solicitor)

54 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

55 ELECTION OF VICE-CHAIR (IF DESIRED)

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

56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Gerry Curran, Andrew Furse, Roger Symonds and Chris Watt. Councillor Ian Gilchrist substituted for Councillor Andrew Furse and Councillor Tim Warren substituted for Councillor Chris Watt.

57 DECLARATIONS OF INTEREST

There were none.

58 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

Members stood in silence for one minute to show their respect for the late Councillor Gabriel Batt, a Member of the Committee and of the Licensing Sub-Committee, who had died the previous week. They sent their condolences to his family.

The Chair announced that this would be the last meeting of the Committee to be attended by Andrew Jones, Team Manager Environmental Monitoring and Licensing, before his retirement. Members thanked him for his many years of service to the Council and wished him well in his retirement.

59 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

60 MINUTES: 7 JANUARY 2014

These were approved as a correct record and signed by the Chair.

61 ANIMAL BOARDING ESTABLISHMENTS

The Team Manager Environmental Monitoring and Licensing presented the report. He explained that under the provisions of the Animal Boarding Establishments Act 1963 such establishments required a licence issued by the Council to which the Council could attach conditions. There were 19 animal boarding establishments within B&NES. The Council had a set of standard licence conditions, which had been adopted over 10 years ago. In 2013 the Chartered Institute of Environmental Health together with the Pet Care Trade Association and a number of other associations had issued model conditions for cat and dog boarding establishments. It was proposed that the Council replace its existing standard conditions with these new conditions.

Councillor Webber said that he was opposed to attempts to micromanage the activities of practical people, suggesting that the main incentive for those running animal boarding establishments to treat the animals in their care well was their desire to stay in business. He thought that the Council's current standard conditions were adequate and that the new model conditions were unduly detailed and lengthy.

Councillor Anketell-Jones said while he had some sympathy for the views expressed by Councillor Webber, he thought that the new model conditions offered excellent detailed guidance on how to run a boarding establishment, an activity for which no formal qualifications were required. He was happy to support the recommendation on that basis.

Councillor Beath spoke in favour of the proposal, saying that animal welfare should be promoted.

Councillor Clarke thought that the new regulations would offer the Council greater protection from potential claims by pet owners and would allow less opportunity for establishment owners to find loopholes.

Councillor Rigby said while she had sympathy with the views expressed by Councillor Webber, she believed that the new conditions would give a model of best practice to establishment owners and therefore she would support their adoption.

Councillor Clarke asked about feedback to the Council from establishment owners about the new model conditions. The Team Manager Environmental Monitoring and Licensing said that there had been none; the model conditions had been extensively discussed between the originating bodies and the trade, and establishment owners had ample opportunity for input.

It was moved by Councillor Warren and seconded by Councillor Chalker and **RESOLVED** with 7 votes in favour and 1 against that the Council adopt the model conditions provided in Annex B and Annex C of the report and attach the conditions to all new and renewed Animal Boarding Establishment licences issued by the Council.

62 PET SHOP CONDITIONS

The Team Manager Environmental Monitoring and Licensing presented the report. He explained that proprietors of pet shops required a licence from the Council under the provisions of the Pet Animals Act 1951. The Council had the power to attach conditions to such a licence. The Council had a set of standard conditions for these licences, which had been adopted over 10 years ago. In 2013 the Chartered Institute of Environmental Health together with a number of other associations had issued model conditions for pet vending licensing. It was proposed that the Council replace its existing set of standard conditions with the new model conditions. He informed Members that there were 7 pet vending establishments in B&NES.

Councillor Webber said that he was quite happy with the new model conditions, which were short and to the point and provided an example of how regulations of this kind could be drafted. He moved that they be adopted. This was seconded by Councillor Warren.

Councillor Anketell-Jones said that he was concerned at the lack of consistent standards of care in pet shops. There was also often doubt about where animals offered for sale had originated; the model regulations addressed this issue. He would support the recommendation.

Councillors Beath and Rigby spoke in support of the recommendation.

RESOLVED unanimously that the Council adopt the model conditions provided in Annex B of this report and attach the conditions to all new and renewed pet shop licences issued by the Council.

The meeting ended at 2.28 pm
Chair(person)
Date Confirmed and Signed
Prepared by Democratic Services

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Bath & North East Somerset Council				
MEETING/ DECISION MAKER:	Licensing Committee			
MEETING/ DECISION DATE:	7 th July 2014	EXECUTIVE FORWARD PLAN REFERENCE:		
TITLE:	Approval of Taxi and Private Hire Vehicle Testing Stations			
WARD:	All			
AN OPEN PUBLIC ITEM				
List of attachments to this report:				
Appendix A – Options Report into the Inspection of Taxi Vehicles				

1 THE ISSUE

- 1.1 As part of the Hackney Carriage and Private Hire Vehicle (Taxis) licensing process all Taxis are inspected to ensure they are in a suitable mechanical condition and are safe. These mechanical and safety inspections are currently carried out at one of six approved garages within B&NES.
- 1.2 The current system for managing the approval of garages has not been reviewed for some time.
- 1.3 A review of the process has been undertaken to ensure that the approval of garages is carried out in an open and transparent way, and that it complies with the current procurement guidance.
- 1.4 This report has been brought before the Council's Licensing Committee for information only.

2 RECOMMENDATION

2.1 The Committee are asked to note the report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Financial: There is no financial risk to the Council. The licensing legislation requires that the service should be cost neutral. Taxi operators will pay the garages directly for the vehicle license inspections. An application fee and an annual charge will be charged to those garages wishing to be placed on the Council's approved list. This charge will cover the cost of administering the scheme.
- 3.2 Staffing: The administration and compliance will be met from existing resources.
- 3.3 Equalities: An Equalities Impact Assessment has been completed and there are no implications with regard to the implementation of this new legislation.
- 3.4 Economic: The proposal aims to continue to support local businesses, including the taxi operators themselves by providing a choice of locations for vehicle license inspections throughout Bath and North East Somerset.
- 3.5 Environment: None arising directly from this report.
- 3.6 Council Wide Impacts: None arising directly from this report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The licensing of Taxis is required by the Town Police and Clauses Act 1847, byelaws, and the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Licensing Authority is also required to demonstrate good practice by having regard to the "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010"

5 THE REPORT

- 5.1 The licence inspection is carried out to ensure that vehicles are in a suitable mechanical condition and are safe to be licensed as Taxis thereby ensuring the safety of the public. Accordingly, the Licensing Authority must be satisfied with the quality of these inspections and therefore currently restricts approval of garages to those that are VOSA approved MOT Testing stations.
- 5.2 At present there are 365 Private Hire Vehicles and 162 Hackney Carriages licensed to operate within Bath & North East Somerset and the owners of these vehicles have the option of taking their vehicle to any one of the 6 approved garages within B&NES.
- 5.3 A review of the approval process for garages was recently undertaken to consider what future provision is considered necessary to ensure that our customers (the taxi operators) are provided with the most suitable cost effective service to meet their needs. Also the Licensing Authority must be satisfied that the inspection process is robust enough to ensure public safety.
- 5.4 The Council sets the maximum charge for these vehicle inspections, which is the same as the cost of an MOT. However, as the inspection is similar to the MOT, a combined test may be offered at a reduced rate. This does offer some benefit to taxi operators as, not only does it cost less, but more importantly it minimises the time that the vehicle is off the road.

- 5.5 If the vehicle is in a suitable mechanical condition and is safe the garage issues the driver with a completed vehicle inspection form, which is submitted to the Licensing Officer with the completed application or renewal form.
- 5.6 A number of options were considered, and these are outlined in the Options Paper Appendix A
- 5.7 Option 1 was considered to be the preferred option, as it:
 - Maintains customer choice
 - Provides competition and so value for money
 - Supports the local economy
 - Reduces the risk of fraud

6 RATIONALE

- 6.1 The best practice guidance recommends that local authorities should consult with stakeholders regarding licensing policy. In January 2013 the Licensing team undertook a satisfaction survey with all taxi operators. As part of this survey operators were asked which of the approved vehicle inspection stations they used, and if the number of stations was sufficient for their needs. At that time 96.4% considered that the current provision of 6 approved garages was sufficient for their needs.
- 6.2 As the garages will be required to pay an initial application fee of £200, and then an annual fee to the Council to allow them to be on the approved list (estimated to be around £120) and as there are only a finite number of vehicles to check, there will be a threshold number of inspections that the garages will need to undertake each year in order to break even and consider remaining part of the Council's approved scheme.
- 6.3 The 2013 survey also showed that 97% of inspections took place at 4 of the 6 garages, with 54% using the Transport Services garage at Locksbrook Road.
- 6.4 The survey demonstrated there is no justification for increasing the number of approved garages and that the current arrangement of six garages was acceptable to the taxi operators.
- 6.5 However, at present 4 of the garages are located in Bath and 2 in Radstock. There is currently no provision in Keynsham.
- 6.6 Under the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010 it is considered good practice to have more than one taxi testing station in an area and so to bring all inspections in house would not be seen as best practice.
- 6.7 The preferred option, (Option 1 in Appendix A)
 - helps to support the local economy
 - supports the Council's "Buy Local" policy

- continues to provide taxi operators with a choice as to where the test is carried out, which is most suitable or convenient to meet their business needs
- provides the licensing authority with the confidence that it reduces the risk of fraud and so protects public safety.
- by using a number of approved garages it complies with best practice

7 CONSULTATION

7.1 This report has not been sent to the Trades Unions because there are no staffing issues.

8 RISK MANAGEMENT

8.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

	Suzanne McCutcheon (Education and Enforcement Team Manager) Tel: 01225 396044	
Background papers	Taxi and Private Hire Vehicle licensing :Best Practice Guidance 2010	
	2. Service Level Agreement	
	3. Taxi and PHV licence conditions	
	4. Taxi and PHV Inspection Form	
Please contact the report author if you need to access this report in an alternative format		

Options Report for Taxi Licensing Checks

Background

There are currently 365 Private Hire Vehicles and 162 Hackney Carriages (Taxis) licensed to operate within Bath & North East Somerset.

Vehicle licences are renewed annually, the process for which encompasses a number of visual and mechanical vehicle checks as well as verification of certain documentation. These are shown below:

Physical Checks	Document Verification
Taxi Vehicle Licence Inspection	• MOT
Measured mile / meter check	Insurance

At present, 6 garages within B&NES carry out the taxi vehicle licence checks including the Council's own transport depot at Locksbrook Road. The current selection of the garages approved by the Council was made some years ago, and has not been subject to regular review. The Licencing team now wish to carry out a thorough and robust review of the approval and selection process so that the system is open and transparent and available for scrutiny.

The licence inspection is carried out to ensure that vehicles are in a suitable mechanical condition and are safe to be licensed as a Taxi thereby ensuring public safety. The Licensing Authority must be satisfied with the quality of the inspections carried out and so has therefore restricted inspecting garages to those that are VOSA approved MOT Testing stations. An independent review of the premises is also carried out by the Council's Transport Manager which looks at the quality of the audit carried out by the garage to ensure there is not only compliance with the licence terms and conditions, but consistency across all approved premises. As the licence inspection is similar to the MOT there is an opportunity for the two tests to be combined. This does offer some benefit to taxi operators as it does mean that the garages are able to offer a reduction in charge, and minimises the time that the vehicle is off the road. There is currently no restriction on drivers preventing them from using any approved VOSA approved MOT garage for carrying out the MOT check, however, the vehicle inspection, must be carried out one of the 6 Council approved garages.

Options

There are three options available:

1. To continue to regulate the number of garages approved to undertake licensed vehicle inspections

- 2. To permit any VOSA approved MOT centre to carry out the licensed vehicle inspections
- 3. To bring all licensed vehicle checks "in- house"

The current cost of the licence check is set at £54.85, and as with an MOT check, there is no cost for a retest, provided the faults are rectified and the vehicle is represented for a check with 10 days of the initial failed inspection.

Since the Council's transport depot moved to Locksbrook Road and the Taxi Licensing team were co-located here in June 2012, there has been a steady increase in the number of taxis—that have opted to take advantage of the Council's "One Stop Shop" approach, having either their vehicle inspection or a combined MOT and vehicle inspection at Locksbrook depot. The tests are carried out at the same time as their taxi meter/ measured mile test and authentication of the renewal paperwork which helps speed up the process.

Although vehicle operators currently pay the garage directly for the cost of the vehicle inspection, the cost of the garage auditing is funded from the licence fees.

The majority of the current approved garages are located within Bath, with the exception of two that are in Midsomer Norton. There are currently no approved garages within Keynsham.

Cost Benefit Analysis

Option 1 To continue to regulate the number of garages approved to undertake licensed vehicle inspections

The current approval system has been in operation for many years, but has not been subjected to current procurement guidelines.

The current level of income received from carrying out licence inspections totals £29,000 per annum and under the current arrangements, the fees for the vehicle test are paid direct to the garage. To conform with procurement guidelines, undertaking a procurement exercise would be costly both in financial terms as well as in officer time. The licensing legislation does allow the Licensing Authority to recover all costs incurred in administering the licensing process and so the procurement costs could be recovered from either the garage approval fees or from the vehicle licence fees.

The process would be as follows

- draw up specification, tender documentation, and evaluation criteria
- advertise in the local press requesting expressions of interest
- evaluation of all the submitted applications
- inspection of the garages

- training provided to successful bidders
- annual quality and competency assessment

This process would take approximately two months to conclude, and would then need to be closely monitored for the duration of the contract. The process would need to be retendered every 3 to 5 years.

The benefits of this are

- taxi operators would maintain the choice of where they have their vehicle checks carried out and they have the opportunity to use a garage local to where their business operates, provided that there is an approved garage in that area.
- 2. Having a small number of approved garages allows:
 - a. quality and assessment checks to be undertaken on a regular basis
 - b. greater control over certificates and prevention of fraud
 - c. the licensing authority is able to disseminate information and changes in regulations quickly to the garages
- 3. It also allows for competition, as the charges set by the Council are the maximum that can made, and an operator with a large number of vehicles may be able to negotiate a cheaper rate with its local garage.

The disadvantages of this for the Council are

- 1. Each garage will require auditing on an annual to ensure quality and consistency. Such checks can be conducted by Transport Services but there is a cost to this which will need to be recovered as part of an annual fee.
- 2. To ensure that this process was open to competition, the procurement exercise would need to be repeated on a regular basis.

Option 2. To permit any VOSA approved MOT centre that is "Buy With Confidence" (BWC) approved to carry out the licensed vehicle inspections

Opening up the scheme to any approved garage within the district does have a number of benefits to the Council:

- 1. it does not require a procurement process to be undertaken
- 2. there would be greater choice for taxi operators as to where they can take their vehicles
- 3. there is the opportunity for any garage complying with the approval criteria to participate in the scheme

However there are a number of disadvantages to this:

- 1. Any approved garage, operating within the district wishing to carry out the taxi tests would have to be audited by the licensing authority. Depending on the number of garages wishing to participate in approval scheme, the demand may be such that the annual approval audits could not be performed in house, resulting in the work having to be procured from outside the Council. This would mean that the Licensing Team would have little or no control over the process.
- 2. The cost of the audits would have to be funded from the licensing fee. However as the demand for approval would not be known prior to the setting of the licence fees, there would be a risk that the process would not be cost neutral.
- 3. Inspection certificate pads will have to be produced and issued to all MOT garages within the district, irrespective of whether or not they are going to be used. This Licensing Authority would have less control over the garages that were approved resulting in this option being more susceptible to fraud.

Option 3 Bringing all inspections in house

Locksbrook Road is the Council's transport depot. It is an approved VOSA, MOT testing station, and is also approved to carry out the taxi checks. The garage is also used by the Licensing team to carry out the measured mile/meter check on all licensed vehicles.

This option does have advantages for the Council and the taxi operators:

- All taxis have to be presented to the Licensing office at Locksbrook Road for the measured mile/meter check, and for the drivers to show their documentation to the Licensing Officer. Completion of the licensing inspection at the same time would reduce the time the vehicle is off the road.
- 2. The Locksbrook garage is also an approved MOT station and so can offer taxi operators the option of a combined test for a reduced cost.
- 3. The additional income generated from carrying out the inspections would enable the Transport team to invest back into the service.
- 4. The taxi operator can be guaranteed that the checks carried out at Locksbrook Road are completely independent, and that any faults identified require urgent attention. This is because Locksbrook Road does not carry out any vehicle repairs themselves.

The disadvantages to this are:

Any repairs required would have to be undertaken at another garage and the
vehicle would have to re-presented to Locksbrook Road for a recheck.
Although the cost of the recheck, like the cost of an MOT retest, is free
provided the vehicle is brought up to specification/ repaired and presented

- within 10 days, there would be added cost to the taxi operator in time the vehicle is off the road, and added inconvenience of finding another garage to undertake the repairs.
- 2. There is some concern over the capacity of Locksbrook Road to undertake the tests of all the Private Hire Vehicles within the current licence renewal timescale. At present there are 365 such vehicles licensed to operate within B&NES and all their licences are renewed between October and November each year. Although there are currently 2 MOT bays available, to comply with the VOSA approval, one bay would have to remain open for public use. With the garages current capacity it is unlikely that all these checks could be made within the renewal period; this does not take into account any additional time for any potential retests or combined vehicle inspection/MOT checks that some drivers might require.
 - Future peak demand could be negated by staggering the renewal period, and changing future renewal dates to coincide with the original date of application rather than the current practice of having all renewals due by a certain date each year.
- 3. This option does restrict customer choice and reduces competition. This option may also be less suitable for larger operators and those that operate outside of Bath.
- 4. This is contrary to the Council's policy of supporting local businesses and the Council's buy local policy.

Recommendations

It is recommended that Option 1 is the preferred option for the following reasons

- it supports the local economy
- it supports the Council's "Buy Local" policy,
- continues to provide taxi operators with a choice as to where the test is carried out, which is most suitable or convenient to meet their business needs.
- by using a number of approved garages it complies with best practice

This option also provides the Licensing Authority with the confidence that it maintains control over the process by reducing the risk of fraud, and most importantly protecting public safety.