

## LICENSING COMMITTEE

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### **DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 2 DECEMBER 2019 AT WEST WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Peter Hutton (Chairman), Cllr Pip Ridout, Cllr Ian Thorn and Cllr Peter Evans

#### **Also Present:**

Julie Anderson Hill (Head of Culture and Operational Change), Tom Ince (Principal Compliance Officer), Sarah Marshall (Senior Solicitor), Lisa Pullin (Democratic Services Officer)

#### **Members of the Public Present:**

Brendan Jeynes, Robert Martin-Logue, and Robin McGowan

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#### **36 Apologies/Substitutions/Membership Changes**

Apologies were received from Councillors Cllrs George Jeans, Mike Hewitt, Jim Lynch and Leo Randall. There were no changes to the membership.

#### **37 Minutes**

The minutes of the meeting held on 2 September 2019 were presented to the Committee.

#### **Resolved:**

**That the minutes of the meeting held on 2 September 2019 be approved and signed as a correct record.**

#### **38 Chairman's Announcements**

The Chairman, Councillor Peter Hutton made the following announcements:

Minutes silence

The Committee would be observing the Council's one-minute silence at 11am to reflect on the recent London Bridge attacks.

#### Statement of Licensing Policy

The revised Statement of Licensing Policy was approved by Council at their meeting on 26 November 2019.

#### Licensing Sub Committees – Reserve Member arrangements

At a recent Democratic Services Team meeting, the use of a 4<sup>th</sup> "reserve" Member for Licensing Sub Committees and School Transport Appeal hearings was discussed. It had been usual practice to ask for a 4<sup>th</sup> Panel Member to attend the briefing and hearing in case of unforeseen circumstances on the day of the hearing as there had previously been problems with Members being a 'no show' meaning the hearing could not go ahead until another Member was arranged or the hearing would have to be re-arranged. This problem had not occurred now for some time.

The Dem Services Team have now agreed that the new process would mean that a 4<sup>th</sup> Member would be asked to keep their diary free and be on call for a hearing in case they were needed but did not have to attend the meeting unless they were called upon. The Democratic Service Officer would make contact with the 3 Panel Members (email and/or phone) the day before the hearing to be confident that they were still able to attend and be reminded of times and location. The three Panel Members would be advised when the hearing was being set up that needed to inform us as soon as possible if they couldn't make the hearing as it would not be able to go ahead without 3 Members.

#### 39 **Declarations of Interest**

There were no declarations of interest.

#### 40 **Public Participation**

No questions had been submitted to the Committee from the public prior to the meeting. There were three members of the public present who wished to make statements in relation to the ensuing discussions for taxi tariffs and provision, particularly in Salisbury.

#### Statement from Mr Robert Martin-Logue

I work in the city as part of the late-night economy – I am part of a security team and Pubwatch and Purple Flag.

We have had a few issues with the taxi prices in Salisbury. We rely on taxis to be proactive and to get people home safely. We get complaints reported to us and I am aware that 3 young Royal Welsh soldiers couldn't get a taxi back to

Tidworth for less than £120. They were then taking the decision to walk home instead. We don't want this to be an option and are very concerned about the potential for accidents with people walking home instead. Are we really penny pinching for sake of lives?

I have compared the cost of taxi journeys and one elsewhere in Portsmouth was a 2.5-mile journey costing £13 whilst a one-way journey of 4 miles in Salisbury cost £27.50. These are both cities with a student life and it is concerning that we are ramping up price and forcing people to make decision about travel home and in some cases deciding to walk. Salisbury are looking to rebuild the city after the Novichok attacks – we have young women choosing to walk home. Another example is that a taxi journey was refused as it was too short and was told by a taxi driver that it was not worth it.

I have certain concerns for our young people in city – I work with young people and I know money is tight. Some of our staff are young and they struggle to get home – it can cost them 2 hours of their wages to be taken home. We can ask taxis to limit their prices, but another issue is the availability of taxis working. We urge you to consider your grandchildren how are they getting home at night – they are walking dark roads for sake of money to travel home – we are not comparable to any other city – I am very concerned about the safety of young people at weekends.

The Chairman commented that the taxi trade is a business and it is up to them whether they accept a journey. The Council are undertaking more enforcement to ensure that the drivers are compliant. The transport in the city is not just the sole duty of taxis. We have discussed with the Salisbury BID and would welcome to work with the military to see if they could assist with the provision of transport for the late-night economy. Many of the points the speaker has raised will be updated/responded to by Officers later in the meeting.

#### Statement from Brendan Jaynes

I am a representative on Pubwatch and been working in the late-night economy for nearly 30 years. The tariffs changed a few years ago and we have seen the impact. The biggest impact is on the local economy. On a Thursday we used to have 10/15 taxis now we are down to 1. It is disproportionate to what is going on in other cities. We seem to hike our prices up more than anyone else. Taxi drivers themselves are saying it is disproportionate.

I saw two Inspectors last Thursday and there was one taxi outside – there were not enough taxi drivers to talk to!! This has affected the whole of evening economy – a few bars have closed. We have reduced our staff from 6/7 door staff down to 1. We used to have 600/700 people coming in that we rely on but there is no point employing staff if there are no customers. We are arguing that taxis should be the same as the others and not charging more – it is affecting my business. The taxis are not earning so there is no justification why there is a hike to tariff 3. This was the first time I have seen Inspectors in Salisbury in 22

years. I approached them and informed them that it was a waste of time to come out on a Thursday. They said they will come back at a later date. I feel there are a lot of unscrupulous drivers charging too much and there should be a way for people to complain.

The Chairman commented to the speaker that the tariffs in Salisbury hadn't changed and it was in 2015 when the other areas in Wiltshire came up to the tariffs charged by Salisbury. At that time there were others that wanted to the tariff prices to go up more. Taxi operators make business decisions and the use of the tariff is purely for the rank – if they are not on rank driver can chose/agree what to do a trip for.

#### Statement from Robin McGowan

I represent businesses in the city centre. The taxi trade is not represented by the BID and we work to improve the future of town centres and impact of vibrancy. We make a lot of effort and work into improving the evening economy. The traditional 9-5 day is shifting, and we are working with the Wiltshire Council Economic Development Team following the massive impact the Novichok incident had on the night time businesses in Salisbury. The challenge is how to engage in BID to get correct information as to impact on business and how they get home – does it deter coming out? Lot of desire to support military basing but concern not being spent in County.

The Chairman commented that Wiltshire Council are committed to the taxi trade and want to work with you in Salisbury! He thanked the three gentlemen for attending and for their statements.

#### 41 Minutes of the Licensing Sub Committees

##### **Northern Area**

15/10/19 Application for a Premises Licence, Calne Town Football Club, Bremhill View, Calne

##### **Southern Area**

16/05/19 Application for a Premises Licence, MRH Durrington, Larkhill Road, Durrington

03/07/19 Application for a Variation of a Premises Licence, Cholderton Rare Breeds Farm, Beacon House, Amesbury Road, Cholderton

##### **Western Area**

30/04/19 Application for a Review of a Premises Licence, Stowford Farm, Farleigh Road, Wingfield, Trowbridge

## **Classification of a Film**

15/10/19 Classification of a Film – Marcello, Marcello

### **Resolved:**

**That the minutes of the meetings detailed above and be approved and signed as correct records by the Chairman.**

### 42 **Update from the Licensing Authority Working Group**

Tom Ince (Principal Compliance Officer) reported that one of the key objectives of the Licensing Authority Working Group was to review fares and tariffs and this process was started in June 2019 when the Council challenged the trade to come up with a proposal that could be adopted across Wiltshire. This gave the opportunity for the trade to input as businesses. It is important that the Council is aware that the tariffs will need to be viable to operators. It was made clear that the trade would need to come up with a tariff that is fit for purpose by 6 December 2019.

Officers met with the trade again in October to check on progress and at that meeting there was some common agreement at that point to relax the use of Tariff 3 and extending Tariff 2. In order to pull together a formal proposal in November Officers offered to facilitate a meeting at Council offices in order for the trade to meet and thrash out a proposal. That meeting was held last week at which we received one formal proposal from a representative of one area, but Officers have not yet received anything from the other 3 areas. Officers intend to send details to the trade and extend the deadline to the end of the year to then enable a proposal to be drafted in the new year and put out to formal consultation.

Julie Anderson-Hill (Head of Culture and Operational Change) reported that the team had been working with the trade for a considerable time and she had been invited to the Salisbury Purple Flag event and was keen to understand the trades concerns and anxiety and views that were being shared. The very small taxi service team have been working hard and have found that the Salisbury taxi trade appear to be very separate to the audience Officers was talking to at the Purple Flag event. Officers have considered whether there is an opportunity to engage with the Salisbury Taxi Trade direct and to encourage them to attend the Taxi trade meetings and be the voice for Salisbury as the feedback does not appear to be coming from Salisbury trade representatives.

A Committee Member acknowledged that there are multiple things going on in Salisbury, but that this Committee's primary objective is to ensure that all Wiltshire taxis are licenced and are safe for customers. They noted the criticism in relation to the numbers of taxis in operation, but the Council were not able to

make them go to certain places where others might feel there is a need. The Member felt that there were separating things going on and that they were not all in the remit of the Committee. Public transport and its funding are an issue and that is a bigger piece of work to be done about transport generally. There is the risk that if the fees/tariffs are too low businesses will not be able to operate and there will be no taxis available. They suggested that alternatives be discussed with the Passenger Transport Team.

Tom Ince reported that his team has a monthly meeting with the Passenger Transport Team to ensure any changes made that impact licensing and the taxi provision for the County contracts are known.

The Chairman suggested that links be made with the military to see if a bus or similar could be used and work with them and the BID to see what work could be done together to make improvements.

A Committee Member suggested that the 3 speakers from Salisbury work with their Area Boards and contact their Salisbury Councillors with their concerns.

Julie Anderson-Hill wished to reiterate that whilst there are several components that need solving for Salisbury, the tariffs had not changed in 5 years and at that time the rest of the County rose to Salisbury's tariff which is the maximum tariff that can be charged.

The Chairman commented that the Committee are passionate to resolve the issues reported and suggested that contact details be exchanged at the end of the meeting with the offer to get together to discuss further and invite input and feedback from all.

The Chairman then explained that the process for any change to tariff would be as follows:

- Officers to receive proposals for any changes to the tariffs by the end of December 2019
- Officers report these proposals to Licensing Committee (at Extraordinary meeting of Licensing Committee in January 2020) and agreement is sought to send out to consultation
- 28-day consultation process launched (including in the local press) and sent to representatives on Pubwatch and Purple Flag and Salisbury BID Licensing Committee consider feedback from consultation and make a decision on any changes to tariffs for Wiltshire at a meeting in Spring 2020.

It was suggested that an invite to respond to the consultation be extended to the Salisbury Bid and the Purple Flag.

**Resolved:**

**An extra ordinary meeting of the Licensing Committee would meet in January 2020 to consider the feedback and any proposals arising from the consultation and take a decision on changes to the tariffs in Wiltshire.**

43 **Performance Data for Taxi Licensing Service - October 2019**

Tom Ince (Principal Compliance Officer) reported that this was a new report to the Committee to share details of the Taxi Licensing Team's performance. Tom highlighted the following:

- The number of licence requests that have been processed is up 41% on the same period in 2018 – the increase in volume is primarily due to the introduction of the 3 yearly licences in 2015/16 which are now coming around for renewal;
- The already small team of 4 has had issues with staff turnover and two of these were newly recruited staff;
- The total number of drivers licenced in Wiltshire in October was 1042 – over the last 7 months there had been a marginal decrease in driver numbers;
- The south of the county has a higher percentage of hackney carriage drivers that use the ranks, but drivers are able to use hackney carriage as a private hire vehicle. The Council have the ability to put more conditions on the drivers of hackney carriage vehicles and they monitor the number of wheelchair accessible vehicles. The majority of these vehicles are used for the Council's passenger transport contracts and only 12% of the public are using these vehicles; and
- The Council were currently looking at ways to improve the number of wheelchair accessible vehicles and are considering relaxing the current regulations for these vehicles. We are also looking at demand, but we are being told by the industry that the demand isn't there. For operators 1 in 10 vehicles must be wheelchair accessible but there are very few operators that have more than 10 vehicles in their fleet.

Julie Anderson-Hill reported that they were still awaiting the results of the national consultation for taxis safety but in the meantime had put in place higher benchmarks and more enforcement and inspection of vehicles and drivers. They were also looking to introduce a review rating system which would see drivers having a 1 to 5 grading system in the window of the vehicle so that customers can see this and chose to use the taxi or not.

A Committee Member asked what the Team were doing in relation with climate change and wondered how far discussions had going with the trade as to the age of vehicles etc. Julie reported that they are working with fleet teams regarding electric charge points and Euro 6 points which is the threshold for all

new licences, but the Council cannot be specific at this stage as Euro 4 – 5 are still in operation.

A Committee Member commented that in the data the South seem to have a lot of drivers but that this did not correlate with what was raised with the public speakers earlier in the meeting. Could they be trading out of county?

Tom Ince reported that they did not have information on this, but it could be that whilst this number are licensed they may only choose to work on Friday and Saturday evenings as the footfall and business is not there all week for a sufficient living. That may be a reason why that figure is misleading.

**Resolved:**

**That the performance data for the Taxi Licensing Service for October 2019 be noted.**

44 **Adoption of the National Register of Taxi Licence Revocations and Refusals (NR3)**

Tom Ince (Principal Compliance Officer) referred to the report circulated with Agenda and reported that the Taxi Licensing Team were putting forward a proposal to introduce an additional check on drivers to make sure that the authority takes all necessary steps to get suitable taxi drivers. Currently we ask those who have applied for a licence/renewal to indicate if they have had a licence revoked or suspend before and we can only rely on their honesty. The team were now looking to adopt a formal process.

The National Register of Taxi Licence Revocations and Refusals is hosted by the National Anti-Fraud Network and there were a number of other Council departments who are members of the network. The Register only gives details of revocations and refusals of a licence for a driver and would not show any suspensions of a licence. The Committee were urged to adopt this process so that an additional check could be carried out.

**Resolved:**

- 1. That the Licensing Committee approves the adoption of Wiltshire Council's use of the National Register of Taxi Licensing Revocations and Refusals (NR3) database.**
- 2. This policy change will apply to all new applications and renewals that are received from 1 January 2020 and thereafter.**

45 **Dates of Future Committee Meetings**

Members noted the dates of future meetings of the Licensing Committee as detailed below, all to start at 10.30am:



27 January 2020 (Extraordinary meeting)  
2 March 2020  
1 June 2020  
7 September 2020  
7 December 2020.

46 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.25 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,  
direct line 01225 713015, e-mail [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115