



Wednesday, 27 May 2015

LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

Thursday, 4 June 2015

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Members of the Licensing Committee will be determined at the Adjourned Annual Council Meeting on 1 June 2015.

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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LICENSING COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the 2015/16 Municipal Year.
2. **Apologies**
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Appointment of Vice-Chairman/woman**
To elect a Vice-Chairman/woman for the 2015/16 Municipal Year.
4. **Minutes** (Pages 1 - 2)
To confirm as a correct record the Minutes of the meeting of this Committee held on 22 January 2015.
5. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
6. **Urgent items**
To consider any other items that the Chairman decides are urgent
7. **Wheelchair Accessible Vehicles** (Pages 3 - 16)
The percentage of hackney Carriages and private hire vehicles that are wheelchair accessible.

8. **Decisions Taken in Relation to Licensing Act 2003 Applications Under Delegated Powers** (Pages 17 - 19)
To consider a report that informs Members of the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.
9. **Decisions Taken in Relation to Gambling Act 2005 Applications Under Delegated Powers** (Pages 20 - 22)
To consider a report that informs Members of the decisions taken in relation to Gambling Act 2005 applications by the Executive Head Community Safety under delegated powers.
10. **Establishment of Licensing Sub-Committee** (Pages 23 - 26)
To consider a report that seeks to establish a Licensing Sub-Committee to deal with all matters in connection with licensing applications.



Minutes of the Licensing Committee

22 January 2015

-: Present :-

Councillor Addis (Chairman)

Councillors Amil, Bent, Brooksbank, Hytche, Doggett, Ellery and Parrott

10. Apologies

Apologies for absence were received from Councillors Cowell and Tyerman.

11. Minutes

The Minutes of the meeting of the Licensing Committee held on 15 May 2014 were confirmed as a correct record and signed by the Chairman.

12. Results of Unmet Demand Study of Taxis in Torbay 2014

Members considered a report that detailed the outcome of an unmet demand study commissioned by the Council in response to the guidance issued by the Department for Transport. In order to comply with the requirement the Council engaged the services of the Halcrow Group Limited to undertake the study.

Liz Richardson from Halcrow Group Limited advised the Committee that the report highlights the results of the rank observation survey. The rank observation programme covered a period of 252 hours during October 2014, excess supply was experienced during 16% of the hours observed while excess demand was experienced 10% of the hours observed. The rank observation data has also shown the level of demand for taxis at the rank has increased by 17.6%.

The outcome of the survey is that there was no unmet demand.

Halcrow Group Limited were also asked to review and identify methods for increasing the percentage of wheelchair accessible vehicles (WAV's), they were asked to:

- determine the level of provision of WAV's across the Taxi and Private Hire industry in Torbay;
- determine the demand for WAV's across the Taxi and Private Hire Industry in Torbay; and
- recommend a scheme on how to increase the percentage of WAV's across the Taxi and Private Hire industry in Torbay.

The Halcrow Group Limited recommended that the Council initially advertises on its website and with disability groups, the availability of WAV's in the first instance, the study also suggested other incentives that would require a further piece of work to be undertaken before formal recommendations can be put forward.

Members welcomed the idea of advertising the availability of WAV's on the Council's website and requested when considering policy changes that an aspiration of 20% of the vehicle fleet be WAV's.

Resolved:

- i) that the current quantitative limit of Hackney Carriage licences of 162 full time licences, with seven additional summer only licences be approved;
- ii) that the Environmental Health Manager (Commercial) forward the report to the Executive Head for Residents and Visitors and Senior Service Manager Environmental Policy with a formal request that consideration be given to providing an additional rank on either Kurnow Road or Torbay Road in Paignton and the rank outside Lymington Road Coach Station, Torquay be relocated within the Coach Station itself.
- iii) that a report detailing proposals to deliver a significant increase in the provision of wheelchair accessible vehicles be presented to a future meeting of the Licensing Committee.

13. Decisions taken in relation to Licensing Act 2003 applications under delegated powers

The Committee noted the report that set out the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.

14. Decisions taken in relation to Gambling Act 2005 applications under delegated powers

The Committee noted the decisions taken in relation to the Gambling Act 2005 applications in Torbay by the Executive Head Community Safety under delegated powers.

15. Vote of Thanks

The Chairman announced that he would not be re-standing as a Councillor and took the opportunity to thank members of the Licensing Committee for their support and wished them well with their future endeavours.

Chairman/woman



Report No: _____ Public Agenda Item: **Yes**

Title: **Wheelchair Accessible Vehicles**

Wards Affected: **All**

To: **Licensing Committee** On: **4 June 2015**

Key Decision: **Yes**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**
Telephone: **01803 208034**
E.mail: **Steve.cox@torbay.gov.uk**

1. What we are trying to achieve

1.1 Members are being asked to consider three possible options for an increase in the number of Wheelchair Accessible Vehicles. This is to meet a new aspiration of 20% of Wheelchair Accessible Vehicles within the Hackney Carriage and Private Hire Vehicle fleet by 2018 and to undertake a public consultation on these potential changes to Torbay Councils Hackney Carriage and Private Hire Vehicle Licensing Policy.

2. Recommendation(s) for decision

2.1 That the Licensing Committee agrees that one or more of the options below are consulted upon for a period of six weeks and a further report is brought to a future Licensing Committee to hear any representations or objections and agree any final policy changes.

- (i) Torbay Council will set the vehicle application or vehicle renewal fee for Wheelchair Accessible Vehicles at half the financial amount set for non Wheelchair Accessible Vehicles.
- (ii) Torbay Council requires all new and replacement Hackney Carriage and Private Hire Vehicles from 1st November 2015 to be Wheelchair Accessible Vehicles.
- (iii) Torbay Council requires from 1st November 2015 that all new Hackney Carriage and Private Hire Vehicles with 5 passenger seats or more, to be Wheelchair Accessible Vehicles and those vehicles will have a higher rate of tariff set for those journeys where 5 or more passengers are carried.

3. Key points and reasons for recommendations

- 3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 On the 31st January 2013, Licensing Committee set an aspiration level of 5% of the Hackney Carriage and Private Hire Vehicles to be wheelchair accessible. This was achieved by September 2013, but the percentage has remained stubbornly at about 7% since that time.
- 3.3 On the 22nd January 2015, Licensing Committee set an aspiration level of 20% of the Hackney Carriage and Private Hire Vehicles to be wheelchair accessible and for a report to be brought to the next Licensing Committee to consider a range of options to incentivise that aspirational increase. See Appendix One.
- 3.4 During the Unmet Demand study 2014, advice was sought on increasing the number of Wheelchair Accessible Vehicles. Section 8.5 of that report recommends that incentives are implemented to encourage or require the uptake of Wheelchair Accessible Vehicles. See Section 8.5 of the report in Appendix Two. This could include
 - Reducing the fee for new or/and renewal Wheelchair Accessible Vehicles for a time limited period.
 - Requiring all transferred licences to become Wheelchair Accessible Vehicles until the 20% aspiration is achieved.
 - Requiring all new vehicles with 5 seats or over to be Wheelchair Accessible Vehicles, but allowing for an increase in the Hackney Carriage tariff when there are 5 or more passengers.
- 3.5 Each option has been considered and proposed new conditions suggested and the potential implications of those proposed changes. All options will require amendments to the Hackney Carriage and Private Hire Licensing Policy, with one option requiring the Hackney Carriage tariff being reviewed, with the potential for an increase in certain circumstances.
- 3.6 It is recommended that a public consultation exercise is undertaken for a period of six weeks and that a further report is written for a future Licensing Committee to consider the representations made and any final Policy changes to be agreed.

For more detailed information on this proposal please refer to Appendix A.

Frances Hughes
Executive Head Community Safety

Appendix A – Supporting information to Report

A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 On the 31st January 2013 Licensing Committee agreed to amend the Hackney Carriage and Private Hire Licensing Policy to include an aspirational target of 5% of both fleets being wheelchair accessible by 2018.
- A 1.3 This was achieved as of the 30th September 2013 6.8% of the Hackney Carriage Fleet (11 out of 169) and 7.2% of the Private Hire Fleet (21 out of 293) were wheelchair accessible.
- A1.4 It was agreed that a further report be submitted following the renewal period commencing 1st May 2014. The figures for that date were 9.5% of the Hackney Carriage Fleet (16 out of 169) and 6.8% of the Private Hire Fleet (18 out of 273) were wheelchair accessible. This is a small increase in Hackney Carriages but a slight decrease in Private Hire Vehicles. Overall this is an increase in two vehicles.
- A1.5 On the 1st May 2015, after the annual renewal process was completed the figures for that date are 7.7% of the Hackney Carriage Fleet (13 out of 169) and 6.8% of the Private Hire Fleet (18 out of 262) were wheelchair accessible. This is a small decrease in Hackney Carriages and the same number Private Hire Vehicles. Overall this is a decrease of three vehicles.
- A1.6 Licensing Committee on the 22nd January 2015, set a new aspiration of 20%. This would be an amendment to condition 14.16 below. See Appendix Two.

“The Licensing Authority aspires to achieve 20% wheelchair accessible vehicles by 2018 with regard to both hackney carriage and private hire vehicles.”

- A1.7 The figures above fall significantly short of the new aspiration of 20% and would suggest that the measure of increasing the vehicles life for Wheelchair Accessible Vehicles from 8 to 10 years has now stabilised and new incentives are required.
- A1.8 In 2014, Halcrow, a company commissioned by Torbay Council to undertake an Unmet Demand Study, did as part of this study review and identify methods for increasing the percentage of Wheelchair Accessible Vehicles. They were asked to:
- determine the level of provision of Wheelchair Accessible Vehicles across the Taxi and Private Hire industry in Torbay;
 - determine the demand for Wheelchair Accessible Vehicles across the Taxi and Private Hire Industry in Torbay; and
 - recommend a scheme on how to increase the percentage of Wheelchair Accessible Vehicles across the Taxi and Private Hire industry in Torbay.

A1.9 The provision of Wheelchair Accessible Vehicles were benchmarked against other authorities which are classified by the Audit Commission as it's statistically nearest neighbours to Torbay. Torbay was the ranked lowest amongst those 10 Local Authorities; see Section 8.1 of the report in Appendix Two.

A1.10 Section 8 of the report identifies a number of methods that are being tried or have been successful in other areas in increasing the percentage of Wheelchair Accessible Vehicles. The report also identifies that about half the trade would not be prepared to change to Wheelchair Accessible Vehicles for any reason. In addition all parties believe that a mixed vehicle fleet is the best vehicle fleet. See Section 8 of the report in Appendix Two.

A1.11 Section 8.5 recommends incentives are implemented to encourage or require the uptake of Wheelchair Accessible Vehicles. See Section 8.5 of the report in Appendix Two. This could include

- Reducing the fee for new or/and renewal Wheelchair Accessible Vehicles for a time limited period.
- Requiring all transferred licences to become Wheelchair Accessible Vehicles.
- Requiring all new vehicles with 5 seats or over to be Wheelchair Accessible Vehicles, but allowing for an increase in the Hackney Carriage tariff when there are 5 or more passengers.

A1.12 The first option is the reducing the fee, which is a cost neutral option in medium term, but it may require a slight increase in fees for non Wheelchair Accessible Vehicles, should a significant number of new vehicles become Wheelchair Accessible. This would require a report to Full Council, as it would be an amendment to the discretionary fees and charges.

A recommended new condition 14.17 could read;

“Torbay Council will set the vehicle application or vehicle renewal fee for Wheelchair Accessible Vehicles at half the financial amount set for non Wheelchair Accessible Vehicles.”

A1.13 The second option is requiring all transferred licences to become Wheelchair Accessible Vehicles. In Torbay, there are very few transfers and this refers transferring a vehicles from person A to person B. However a 'Change of Vehicle' is when an owner replaces their vehicle. This option should include both change of vehicles and new vehicles. Wheelchair Accessible Vehicles are generally more expensive to purchase and if members were considering the implementation of this option, current vehicle owners should be given sufficient notice before such implementation, as additional capital will be required. This may also have an impact on fee income, as 'Change of Vehicles' are a significant income stream.

A recommended new conditions 14.18 could read;

“Torbay Council requires all new and replacement Hackney Carriage and Private Hire Vehicles from 1st November 2015 to be Wheelchair Accessible Vehicles until the 20% aspiration is achieved.

A1.14 The third option is requiring all new vehicles with 5 seats or more to be Wheelchair Accessible Vehicles, but allowing for an increase in the Hackney Carriage tariff where there are 5 or more passengers being carried. This would be cost neutral, as it does not affect the fee structure. However a Hackney Carriage tariff change will require both the advertising of that new tariff and a subsequent Committee hearing to consider any objections before it can be implemented. This will have a cost implication but such costs can be recouped through the fees in the medium term.

A recommended new conditions 14.19 could read;

“Torbay Council requires from 1st November 2015 that all new Hackney Carriage and Private Hire Vehicles with 5 passenger seats or more to be Wheelchair Accessible Vehicles and Hackney Carriage vehicles will have a new higher rate of tariff set for those journeys when 5 or more passengers are carried”

A1.15 It should be noted that 50% of those who responded to previous consultation, stated that they would not change to a Wheelchair Accessible Vehicles under any circumstances.

A1.16 The implementation of one, two or all three of the options/incentives will require a Policy change and/or a tariff change. It is recommended that the above changes are consulted upon for a period of six weeks and that a further Licensing Committee hearing is set to hear any objections or any further recommendations, which can then agree those changes and set a new tariff for the third option, if appropriate.

A1.17 Since no Policy changes are to be agreed by this Licensing Committee meeting, there is no right of appeal.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is no immediate risk, as there are no Policy changes being implemented by this Licensing.

A3. Options

A3.1 There are two other options:

- (i) Members to implement the Policy changes outlined above, though this will exclude public consultation and could result in a legal challenge.
- (ii) Refuse the recommendation.

A4. Summary of resource implications

A4.1 There are some resource implications for the approval of the recommendation, as there will be some costs in resources to undertaking the consultation, however there are no external costs.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no crime and disorder or sustainability issues regarding this report.

A5.2 There are equality issues regarding Wheelchair Accessible Vehicles, as the aim of the report and recommendation is to increase the percentage of such vehicles within the Hackney Carriage and Private Hire Fleets, which should be regarded as a positive change.

A6. Consultation and Customer Focus

A6.1 There has been consultation with users, stakeholders and operators of Hackney Carriage and Private Hire Vehicles, which formed part of the aforementioned Unmet Demand Study.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units, if the recommendations are supported.

Annexes

Appendix 1 Draft minutes Licensing Committee 22nd January 2015

Appendix 2 Hackney Carriage Unmet Demand Study Final Report – Section 8.0 January 2015

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None



Minutes of the Licensing Committee

22 January 2015

-: Present :-

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Councillors Amil, Bent, Brooksbank, Hytche, Doggett, Ellery and Parrott

10. Apologies

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12. Results of Unmet Demand Study of Taxis in Torbay 2014

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The outcome of the survey is that there was no unmet demand.

Halcrow Group Limited were also asked to review and identify methods for increasing the percentage of wheelchair accessible vehicles (WAV's), they were asked to:

- determine the level of provision of WAV's across the Taxi and Private Hire industry in Torbay;
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The Halcrow Group Limited recommended that the Council initially advertises on its website and with disability groups, the availability of WAV's in the first instance, the study also suggested other incentives that would require a further piece of work to be undertaken before formal recommendations can be put forward.

Members welcomed the idea of advertising the availability of WAV's on the Council's website and requested when considering policy changes that an aspiration of 20% of the vehicle fleet be WAV's.

Resolved:

- i) that the current quantitative limit of Hackney Carriage licences of 162 full time licences, with seven additional summer only licences be approved;
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The Committee noted the report that set out the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.

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15. Vote of Thanks

The Chairman announced that he would not be re-standing as a Councillor and took the opportunity to thank members of the Licensing Committee for their support and wished them well with their future endeavours.

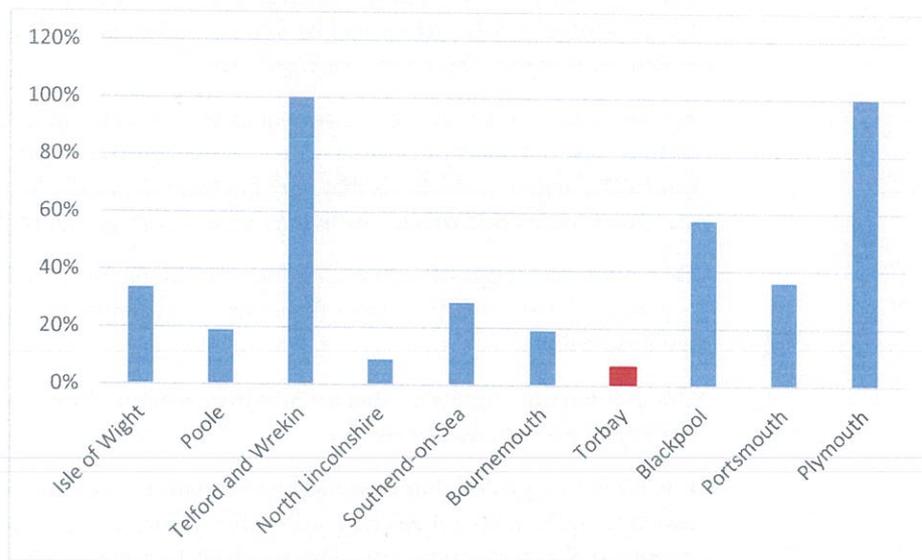
Chairman/woman

8 Assessment of Taxi Services for people with disabilities

8.1 Review of Existing Provision

There are currently some 11 wheelchair accessible hackney carriage vehicles licensed in Torbay equating to 6.8% of the fleet. There are 21 wheelchair accessible vehicles in the private hire fleet equating to 7.4% of the private hire fleet. Figure 8.1 details the proportion of wheelchair accessible vehicles in the Torbay hackney fleet against its comparable authorities.

Figure 8.1 Proportion of hackney fleet that is accessible



Torbay has the lowest proportion of wheelchair accessible vehicles in the hackney fleet. Telford and Plymouth have the highest at 100%.

Discussion with a number of UK licensing authorities identified a number of ways that they were trying to increase the proportion of wheelchair accessible vehicles. Brighton and Hove Council looked to encourage the take up of WAVs in two ways:

Firstly, they insist that all vehicles that are able to carry 5+ passengers must be a WAV. These vehicles are then able to charge 1.5 times the fare when carrying more than 5 passengers.

Secondly and Brighton's greatest success is the policy of ensuring that when a vehicle is 'transferred' to another person it must become a WAV at renewal. This has resulted in an increase of the WAV fleet from 23% in 2010 to a current level of 40%.

West Dunbartonshire Council have tried to address this problem. The Committee determined that 20% of the hackney fleet should be WAVs. The authority are looking to consult with the trade on how best this is achieved.

Stroud District Council have recently taken steps to encourage the purchase of WAVs. Following a benchmarking exercise the authority decided to waive 50% of the application fee if an application related to a WAV. This policy came into being in June 2014 and is for a period of 12 months, when it will be reviewed.

8.2 Demand for Wheelchair Accessible Vehicles

A focus group was held with members of the Torbay Coalition of Disabled People. One of the group used a motorised wheelchair.

Attendees had varying levels of usage of taxis in Torbay. Those who could use public transport preferred to do so as they found this much cheaper.

The overall view from the group was that there is no one vehicle that can satisfy everyone's needs. One of the attendees preferred a saloon vehicle as he prefers to transfer from his wheelchair and he found minibuses or purpose built taxis too high to step into. Other participants preferred MPVs.

Participants stated that when using taxis they always seemed to feel that 'they were putting taxi drivers out of their way.'. However the group said that they tended to ignore the negative reactions that they got from the trade. It was noted that there were also some very good drivers in Torbay who would go out of their way to help.

One attendee suggested that training should be provided to operators. On one occasion when this lady's usual firm weren't available the operator stated 'the driver won't like that'.

One participant suggested that an incentive scheme should be introduced for drivers, to reward good customer service.

It was also suggested that it would be of benefit for Torbay Council to provide a list of taxi operators with wheelchair accessible vehicles. This would make it easier for people to obtain the most appropriate wheelchair accessible vehicle.

8.3 Mystery Shopper Exercise

Three members of the Torbay Coalition of Disabled People agreed to take part in a mystery shopper exercise. A number of journeys were arranged by both ambulant disabled people and those unable to transfer from a wheelchair. Seven journeys were attempted in total. Out of the 7 journeys only 6 were undertaken – on one occasion the operator did not have any available wheelchair accessible vehicles and so the individual was unable to make the journey. Each taxi journey was rated on a list of criteria (see table 8.1). With regard to the ease of prebooking the vehicle, the majority were happy with the level of service.

However when shoppers were asked to rate the length of time they had to wait for a vehicle, on two occasions the rating was 'very poor'. On one occasion the vehicle was sent to the wrong address and on the second occasion there was a 90 minute wait for an accessible vehicle. Of those individuals requiring to use the ramps, all were satisfied with the correct use of the ramps. Overall the mystery shoppers were pleased with how their wheelchairs were clamped into the vehicle. However on two

occasions when travelling in a Peugeot Partner the user noted that they were only clamped in by one clamp – but they did not know if this was a quirk of the vehicle. Customer Service was rated highly by the majority of travelers. The majority of travelers considered the price to be ‘average’ and one mystery shopper noted differences of a £1 in price for the same journey. Quality of driving was also rated highly. However when the type of vehicle was rated there was a greater variation in rating. On one journey the vehicle was rated as ‘very poor’ because it was a minibus and the individual had difficulty accessing the vehicle. On the occasions where the vehicle was rated as ‘Poor’ this was due to the lack of headroom in the vehicle – a Peugeot Partner.

Additional comments were made by one user who liked the smaller Ford transit vehicle for travelling in.

Table 8.1 Journey Ratings

	Very Poor	Poor	Average	Good	Very Good
Ease with prebooking the vehicle			✓	✓	✓✓✓✓
Length of time had to wait for the vehicle	✓✓		✓		✓✓✓
Correct use of ramps					✓✓✓✓
Correct securing of the wheelchair			✓	✓✓	✓
Customer Service			✓✓	✓✓	✓✓
Price			✓✓✓✓	✓✓	
Quality of Driving			✓	✓✓✓	✓✓
Type of vehicle	✓	✓✓	✓	✓✓	

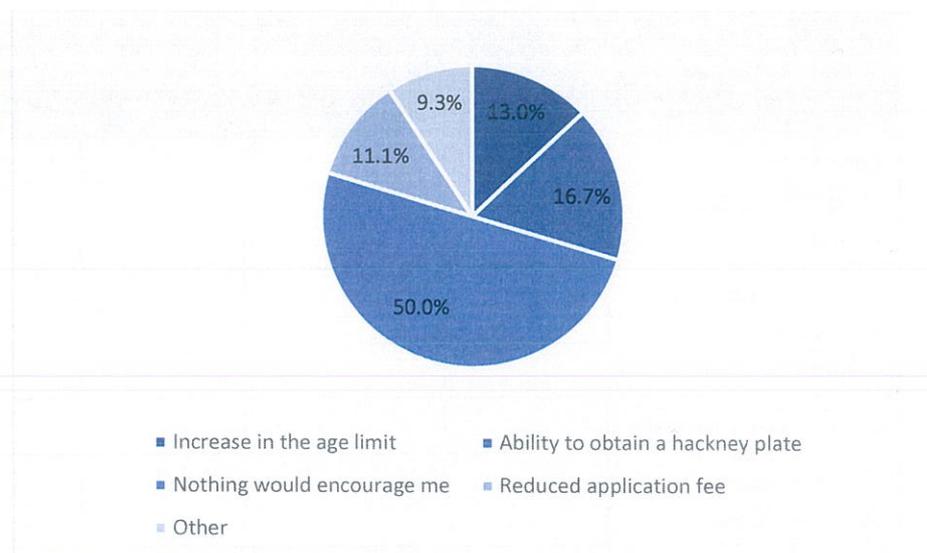
8.4 Trade Survey

As part of the trade postal survey detailed in Chapter 7, members of the trade were asked why they had a wheelchair accessible vehicle. Only nine of the respondents drove a wheelchair accessible vehicle. Their reasons for purchasing their vehicle were:

- 'Flexibility – can carry up to 8 passengers'; and
- Versatility;
- Best on the market

Members of the trade were then asked what would encourage them to buy a wheelchair accessible vehicle. Out of the 107 people who responded to this question Figure 8.2 details the results.

Figure 8.2 What would encourage you to purchase a wheelchair accessible vehicle?



Half of respondents stated that nothing would encourage them to purchase a wheelchair accessible vehicle. Some 9.3% of respondents stated 'other'. Suggestions included:

- Increase in wheelchair work;
- Luxury wc accessible vehicles;
- An increase in the taxi fare;
- £15k subsidy towards the cost of the vehicle;
- Guaranteed a reasonable amount of work;
- To be offered a long term contract by Torbay Council;

8.5 Recommendations

The trade survey indicated that some 50% of the trade could not be incentivised to purchase a WAV. However this still leaves the remaining 50% of the trade. It is clear from the consultation that a policy of 100% WAV is not suitable for everyone – passengers and the drivers themselves. Before the authority look to increase the number of WAVs in the fleet it is our recommendation that the current WAVs are well publicised and promoted through Torbay Council website and the Coalition of Disabled People. As most WAV users prebook their vehicle it is imperative that users know how to contact the operators of these vehicles.

Once this has been undertaken we feel that the authority should introduce a number of incentives to drivers over a period of time. If these do not work, we suggest the removal of the numerical limit together with the introduction of a high quality WAV policy. This will ensure that there will be considered investment into the trade with high quality, relevant WAVs.

Prior to this we recommend the following:

- change in the policy for 'transferred' vehicles – this has proven successful in Brighton;
- period of 6 months where the application fee for a WAV is reduced.



Report No: Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Licensing Act 2003 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **4 June 2015**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**
☎ Telephone: **01803 208034**
✉ E.mail: **Steve.cox@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 To inform Members of the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.
- 1.2 To inform members of Torbay Council's response to the Governments Personal Licences consultation.

2. Recommendation(s) for decision

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current licensing situation under the Licensing Act 2003.

3. Key points and reasons for recommendations

- 3.1 Torbay Council's "Statement of Licensing Policy" (adopted December 2010) details the scheme of delegation under the Licensing Act 2003. This Policy also requires that the Licensing Committee receive regular reports (section 1.19) on delegated decisions, so that it can maintain a general overview of the current licensing situation.

**For more detailed information on this proposal please refer to Appendix A.
Frances Hughes
Executive Head Community Safety**

Appendix A – Supporting information to Report

A1. Introduction and history

A1.1 The Licensing Act 2003 came into force on the 24th November 2005. On the 31st March 2015 Torbay Council had 802 Premises Licences/Club Premises Certificates; this is a slight decrease on 6 months earlier, but fits within the usual seasonal pattern. Up until 31st March 2015 the Licensing Committee has dealt with 560 premises hearings, of which 9 were between 1st October 2014 and 31st March 2015. Additionally up to 31st March 2015, 2949 Personal Licences had been issued, of which 94 had been issued between 1st October 2014 and 31st March 2015.

A1.2 From 1st October 2014 and 31st March 2015, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	Total
Premises/Club Premises Applications – New	8
Premises/Club Premises Applications – Variations	16
Premises/Club Premises Applications – Minor Variations	12
Personal Licences	94
Hearings (Licensing Committee/Sub-Committee)	9
Appeals (to Magistrates Court)	0
Temporary Event Notices	88
Reviews of Licences (Licensing Committee/Sub-Committee)	1
Transfers of Premises Licences/Club Premises Certificates	36
Transfers of Designated Premises Supervisors	77

A1.3 The number of applications, being received by the Licensing and Public Protection Team was 36 compared to 32 in the previous 6 months.

A1.4 The number of Personal Licences issued increased slightly from 82 to 94. While the number of Temporary Events Notices (TENs), showed a decrease compared to the last winter period from 120 down to 88.

A1.5 There has been no appeals and one review during the period. There have been 27 appeals in total, 10 arising from Review decisions. There was one Review during the period which did not result in an appeal.

A1.6 Transfers of Licences and Designated Premises Supervisors variations showed little change.

A1.7 The general picture is therefore still a fairly static.

A1.8 The Government has reviewed the need for Personal Licences in 2013, and decided to retain them, however due to the delay to amending the legislation, renewals had to take place until 1st April 2015.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report.

A3. Options

A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with the Licensing Policy.

A4. Summary of resource implications

A4.1 There is a fairly static picture, so the income has remained the same.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the "Prevention of Crime and Disorder", so the work will have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 There is public consultation on all new and variation applications for a 28 day period.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board and several teams within Community Safety are consultees on the applications.

Annexes

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None

Agenda Item 9



Report No: Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Gambling Act 2005 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **4 June 2015**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve

1.1 To inform Members of the decisions taken in relation to Gambling Act 2005 applications in Torbay by the Executive Head Community Safety under delegated powers.

2. Recommendation(s) for decision

2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current gambling situation under the Gambling Act 2005 in Torbay.

3. Key points and reasons for recommendations

3.1 Torbay Council's "Gambling Policy Statement" (adopted December 2009) details the scheme of delegation under the Gambling Act 2005. This Policy also requires that the Licensing Committee receive regular reports (Section 9.15) on delegated decisions so that it can maintain a general overview of the current gambling situation in Torbay.

For more detailed information on this proposal please refer to Appendix A.

Frances Hughes
Executive Head Community Safety

Appendix A – Supporting information to Report

A1. Introduction and history

A1.1 The Gambling Act 2005 came into force on 1st September 2007. Torbay Council, as the Licensing Authority are responsible for the Premises Licences issued under the legislation, along with permits for gaming machines in a number of Premises, notably Unlicensed Family Entertainment Centres (UFEC's), Club and Pub Premises. The Gambling Commission are responsible for Operator Licences and Personal Licences.

A1.2 From 30th April 2007, Torbay Council became responsible for the administration and issuing of Premises Licences and UFEC's. Below are the applications dealt with between 1st October 2014 and 31st March 2015.

	Total
Casino Premises Licences – New	0 (1)
Casino Premises Licences – Variation	1
Bingo Premises Licences – New	0 (7)
Bingo Premises Licences – Variation	0
Betting Premises Licences – New	0 (17)
Betting Premises Licences – Variation	0
Adult Gaming Centre Premises Licences – New	1 (19)
Adult Gaming Centre Premises Licences – Variation	0
Family Entertainment Centre Premises Licences – New	0 (3)
Family Entertainment Centre Premises Licences – Variation	1
Unlicensed Family Entertainment Centre Gaming Machine Permit – New	1 (18)
Temporary Use Notices	0
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Hearings (Licensing Committee/Sub-Committee)	0
Appeals (to Magistrates Court)	0

The numbers in brackets are the total number of each type of Premises Licences issued. There have been 3 applications for Premises Licences, two variations and one new and one for an Unlicensed FEC.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report.

A3. Options

A3.1 None. Members cannot change the Officer decisions but need to be appraised of the issues in accordance with Torbay Council's Gambling Policy.

A4. Summary of resource implications

A4.1 There is no significant additional resource implications from routine Gambling Act work.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 There is public consultation on all New and Variation Premises Licence applications for a 28 day period before any licence is granted.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board is a consultee on all applications.

Annexes

None

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None



Title: **Establishment of Licensing Sub Committee**

Wards Affected: **All Wards**

To: **Licensing Committee** On: **4 June 2015**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

1.1 To establish a Licensing Sub-Committee to deal with all matters in connection with licensing applications.

2. Recommendation(s) for decision

2.1 **That a sub-committee of the Licensing Committee be established to comprise three Members of the Licensing Committee;**

2.2 **that the terms of reference of the sub-committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);**

2.3 **that the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations; and**

2.4 **that the Governance Support Manager be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required.**

3. Key points and reasons for recommendations

3.1 The establishment of a Licensing Sub-Committee at this time will enable the requirements of the Licensing Act 2003 to be implemented as expediently as possible and will comply with prescribed timescales.

For more detailed information on this proposal please refer to the supporting information attached.

**Anne-Marie Bond
Executive Head of Commercial Services**

Supporting information to Report

A1. Introduction and history

A1.1 The Licensing Act 2003 (section 6(1)) states that “each licensing authority must establish a licensing committee consisting of at least ten but not more than fifteen members of the authority”. At the meeting of the Council held on 16 December 2004 (minute 425/12/04 refers), Members considered Report Env/61/04 setting out the recommendations of Licensing Working Party in relation to the new licensing arrangements. The Council agreed to establish a committee comprising 15 Members to carry out the licensing functions of the Council.

A1.2 The Act also provides for the establishment of one or more sub-committees (Section 9(1)), consisting of 3 members of the Committee. The committee may arrange to delegate any of its functions to the sub-committees, and the sub-committees may in turn delegate the functions concerned to an officer of the licensing authority (subject to certain exemptions).

A1.3 In order to expedite the Licensing Authority’s functions, it would be preferable for all new and existing licensing functions of the Council to be delegated to sub-committees. The Licensing Committee would therefore in practice only meet twice a year to consider:

- Regular reports on decisions made by officers;
- Any information it wishes to pass to the Development Control Committee;
- Reports on the needs of the local tourist economy; and
- Reports on the local employment situation
- Reports on changes to licensing policy e.g. Licensing, Gambling, Taxi etc.

A1.4 The sub-committee would therefore deal with the majority of licensing matters. Given the frequency of meetings of the sub-committee, it may not always be possible to secure membership which is politically balanced. It is proposed that the composition of the sub-committee should not be governed by political balance. Any decision to waive the political balance will require a resolution of the Licensing Committee with no Member voting against.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.2 The legislation in respect of applications and notices under the Licensing Act 2003 requires a very short timescale in which some matters must be decided. Failure to appoint a Licensing Sub-Committee will cause difficulties in meeting such timescales and will require the full Committee or the Council to make required decisions with associated resource implications.

A3. Options

A3.1 It is the intention that the sub-committee would be appointed by the Licensing Committee. The sub-committee does not have to have a fixed membership,

providing all three of the Members are drawn from the parent Licensing Committee. The Council could determine to appoint the sub-committees.

A4. Summary of resource implications

A4.1 Costs associated with the operation of the sub-committee will be met from existing budgets.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the 'Prevention of Crime and Disorder', so the work should have a positive impact on reducing this.

A6. Consultation and Customer Focus

A6.1 The legislation associated with licensing and gambling requires stipulated procedures to be followed, including the right to personal attendance and representation for the parties to a contentious matter. A Sub-Committee facilitates the necessary and required discussion of the issues more favourably than the full committee.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units.

Appendices

None

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Licensing Act 2003

Gambling Act Policy/Statement of Principles