

TORRIDGE DISTRICT COUNCIL

LICENSING COMMITTEE

The Committee Room, Riverbank House, Bideford

2 October 2014 at 4pm

PRESENT: Councillors: R Tisdale (Chair), B Edwards, S Inch, J Himan,
R Johnson
P Davies (left at 2.55), M Langmead, M Footitt (left at 2.55),

ALSO PRESENT: A Nicholls - Licensing Manager
D Morgan – Regulatory Services Manager
S Dorey – Solicitor
L Inch – Democratic Services Officer

The Chair welcomed three taxi drivers present for the meeting, Mr S Moyse, Mr G Appleton and Mr L Maunder.

16. APOLOGIES

Apologies for absence were received from Councillor T Johns

17. MINUTES

It was proposed by Councillor Johnson, seconded by Councillor Davies and

Resolved :

That the minutes of the meeting held on 10 July 2014 be signed as a correct record.

(Vote: For 5, Abstentions 3)

18. DECLARATIONS OF INTEREST

There were no declarations of interest.

19. AGREEMENT OF AGENDA ITEMS PART I AND PART II

There were no Part II items.

20. URGENT MATTERS OF INFORMATION BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR AND THE COMMITTEE

There were no urgent matters.

Councillor Himan mentioned that some Members were finding it difficult to attend

Meetings as the dates and times were being changed this doesn't fit in with some Members who work. The Chair advised that this would be discussed at the end of the meeting.

Small Commercial Vessels

Cllr Edwards made reference to the minutes of the meeting on 10th July 2014 and enquired about the situation with regard to a qualified marine surveyor for Torridge as the previous surveyor had left the country. He also asked for an update on the possible extension of category C waters. The Licensing Manager advised that he had identified two marine surveyors, one in Appledore and one in Ilfracombe who would be able to undertake vessel surveys under the Council's boat licensing scheme. For vessels that are licensed under MCA scheme both surveyors would have to be approved by the MCA. The Licensing Manager advised that he is still in discussion with the MCA on this matter but that it is proving difficult to make progress. The Licensing Manager said that he would make sure that D Morgan is fully briefed on this.

21. TAXI LICENSING POLICY

The Licensing Manager advised that the purpose of the report was to present to the Committee the results of the consultation carried out on the current review of the Council's Licensing Policy for Hackney Carriage and Private Hire Licences.

He advised that the Committee approved the draft Licensing Policy for Taxi and Private Hire Licences on 29 May 2014. Consultation had been carried out between 16 June and 5 September 2014. The report provided a summary and analysis of all the responses received.

The Licensing Manager referred to the proposal to review the Policy every 5 years. He advised that it would be more sensible to bring the review into line with the regular review of the Authority's policy on limited taxi licensing numbers. The Council is due to review this policy in 2015. As this would be too early for a further review of the Taxi Licensing Policy, the Licensing Manager suggested the next policy review be carried out in 2018.

The Licensing Manager advised that, from the trades' perspective, one issue had overshadowed all others, namely the proposed vehicle age policy. The Licensing Manager outlined the key concerns of the trade within the report. He advised that data from recent demand surveys showed that there had been a 41% reduction in hiring from taxi ranks between 2001 and 2012.

The Licensing Manager summarised other general comments made as part of the consultation:

- A suggestion that the minimum engine capacity is reduced from 1300 cc to 1000cc
- Better enforcement is needed for taxi ranks to function effectively
- Suggestions for locations for additional taxi ranks
- Mixed views on the proposal for applicants for a Private Hire Operators Licence

- to provide evidence that they have planning permission for their business.
- Mixed views on the proposed policy on seating in licensed vehicles in relation to MPVs
- A general opinion within the trade that the policy does not strike the right balance between protection of the public and the needs of licence holders.

The Licensing Manager referred to the analysis of responses at Appendix 3 of the report and to two letters received from taxi drivers Mr Moyse and Mrs Boyle which had been included.

In view of the serious opposition from the trade to the proposed age policy, the Licensing Manager advised that it would be prudent to remove this from the draft Policy and to carry out further research and consultation with the trade.

Members debated the responses to the consultation and discussed the following matters:

- The evidence showing a decline in the taxi trade over recent years
- Safety of passengers
- The desirability of vehicles being checked twice a year
- Age policies in other Authorities
- Improved vehicle safety design
- Consideration of high vehicle mileage due to rural operation

Cllr Langmead asked if records were kept of accidents/injuries/deaths caused by taxi drivers.

The Licensing Manager advised that this information is not kept. However, any taxi driver involved in an accident is required to provide an accident report which is kept on the relevant file. The Licensing Manager stated that, during the last 10 years, there had, to the best of his knowledge, been no fatal accidents involving taxi drivers.

Following further discussion,

It was proposed by Councillor Johnson, seconded by Councillor Footitt -

That the proposed vehicle age limit be retained but with a maximum transitional period of 24 months.

(Vote: For 4, Against 4)

The Chair used his casting vote against this proposal.

It was then proposed by Councillor Langmead, seconded by Councillor Edwards and

Resolved:

That the proposed age policy be removed from the draft policy and be re-considered when the Authority next reviews its policy on limitation of taxi licence numbers and

that a working group of Members and officers is set up to carry out further research into the issue.

(Vote: For – Unanimous)

It was proposed by Councillor Edwards, seconded by Councillor Davies and

Resolved:

1. that Appendices A and C of the draft Licensing Policy – Taxi and Private Hire Licences be amended to permit vehicles with a minimum engine capacity of 1000cc to be licensed;
2. that, subject to [1] above, the draft policy be approved;
3. that the Policy be reviewed in 2018 or earlier if required by new legislation or local licensing issues which need urgent consideration; and
4. that other issues identified through the consultation process be taken up with the relevant organisations as appropriate

(Vote: For - Unanimous)

22. DOG BREEDING CONDITIONS

The Licensing Manager advised that the purpose of the report was to seek approval for revisions to the Authority's current conditions of licence for dog breeding establishments.

The Licensing Manager advised that the Chartered Institute of Environment Health have produced a revised model conditions for dog breeding establishments. He stated that the Authority's licence conditions have not been reviewed for many years and that this was an opportune time to update them.

The Licensing Manager stated that he had consulted the Council's Animal Welfare Officer with regard to the proposed conditions and who had found them acceptable. The Licensing Manager stated that, although the proposed conditions are more comprehensive, they should form part of normal operating procedures for breeding establishments and would help to ensure high standards of animal welfare.

It was proposed by Councillor Edwards, seconded by Councillor Johnsons and

Resolved:

That the draft revised conditions of licence for dogs be approved and implemented with immediate effect.

(Vote: For – Unanimous)

23. BUSINESS REPORT

The Licensing Manager presented the report, the purpose of which was to provide

information to Members on the performance of the Licensing Service between 1st April 2014 and 31st August 2014.

He gave an overview of the report which provided information under the following headings:

Business Activity and Performance
Financial Performance
Enforcement and Inspection Activity
Customer Satisfaction

The Licensing Manager advised that the demand on service had declined by some 14% during the first five months of the year due to the reduction in applications for alcohol and entertainment licences. However, the Licensing Manager pointed out that application numbers have been steady over the last six years averaging around 1,030 per year and that he expected demand to be close to this level by the year end. Income for the first five months of the year stands at £39,764 – 2.1% below the profiled budget. The Licensing Manager gave a brief update of the enforcement and inspection carried out in the last 5 months.

No customer service data was available at the time of drafting the report.

Members noted the report.

Councillor Langmead referred to a previous discussion with the Licensing Manager regarding taxi drivers exiting the wrong way from the Quay Car Park to join the taxi rank. The Licensing Manager advised that this has been looked at before and the system had been changed to create a one way system around Kingsley Statue/Quay Car Park. He pointed out that there are still risks with this system and that discussions had been held with the Head of Operational Services, the Parking Services Manager and Councillors Boyd and Leather to explore other options. No obvious solution had been identified. The Licensing Manager suggested that the working group set up to look at the vehicle age policy could also consider this issue.

The Chair informed Members of a letter which had been received from Johns Rous, Managing Director of the Clovelly Estate Company stating that the Licensing Team had been administered with the highest professional standards and that the Licensing Manager's advice would be greatly missed. The Chair said that he totally endorsed Mr Rous' comments and, on behalf of the Committee, would like to thank the Licensing Manager for all his hard work over the years.

The meeting commenced at 2.00pm and closed at 3.25pm

It was agreed that future Licensing Committee meetings will commence at 3.00pm.

Chair:

Date: