

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON THURSDAY, 26 NOVEMBER 2009**

MEMBERS

* Cllr J W Squire - Chairman

* Cllr P H Cook - Vice-Chairman

* Cllr K J Baldry	* Cllr C W Jones
* Cllr J H Baverstock	∅ Cllr D W May
* Cllr J I G Blackler	* Cllr C M Pannell
∅ Cllr B E Carson	∅ Cllr S L Rankin
* Cllr R J Carter	* Cllr M F Saltern

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

All Agenda Items: Licensing and Administration Manager and Member Support Services Manager; and
Item 9 (Minute L.11/09 below refers): Monitoring Officer.

Also in attendance and participating:

Item 9 (Minute L.11/09 below refers): Applicant for the licence.

L.5/09 **MINUTES**

The minutes of the meetings of the Licensing Committee held on 17 July 2009, and of the Licensing Sub Committees held during the period 9 July 2009 to 5 November 2009, were confirmed as a correct record and signed by the Chairman.

L.6/09 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as:-

Cllr P H Cook declared a prejudicial interest in Item 9 (Minute L.11/09 below refers) by virtue of a close relative of the applicant having previously rented a property within her ownership and left the meeting during the discussion and vote on this item.

L.7/09 **HACKNEY CARRIAGES – REVISED TABLE OF FARES FOR 2010/11**

The Committee considered a report which sought approval to change the Table of Fares for Hackney Carriages for 2010/11.

In calculating the proposed tariff increases, the report stated that allowances had been made for normal inflation and to keep pace with tariffs authorised by neighbouring authorities. When comparing tariffs with other local authorities, it was noted that the South Hams would still maintain one of the lowest rates.

In discussion, some Members stated their reluctance to approve any increase in charges and the following motion was **PROPOSED** and **SECONDED**:-

'That in respect of Hackney Carriages operating within the South Hams District Council area, the maximum fares which may be charged should remain frozen at the existing rate.'

In support of this motion, the following points were raised:-

- Members were reminded that the last rate increase was approved when fuel prices were significantly higher than they were at present;
- In the current economic climate, it would not be beneficial to increase the maximum fares, as in many instances, Hackney Carriage users were struggling to afford to use the service;
- To maintain the current level of fares would indirectly encourage taxi companies to be more environmentally friendly. It was noted that vehicles which were more energy efficient both used less fuel and were cheaper to tax;
- In making particular reference to the western end of the South Hams, a Member highlighted an example whereby the proposed new Tariff 1 for a ten mile journey would be markedly higher than the equivalent set by the neighbouring Plymouth City Council.

In contrast, other Members supported the proposed tariff increases (as detailed in the presented report) and made particular reference to:-

- the increased costs of motoring. It was felt that the spiralling costs of motoring (e.g. the significant increases in the cost of insurance) should be borne in mind when reaching a decision;
- the Council still comparing favourably with both the South West and national average rates. In making this point, a Member also reminded those present that these proposed fares were a maximum limit. Therefore, and in a competitive market, taxi drivers would have the scope to charge less within these rates;
- the current fluctuating and unstable nature of fuel prices;
- the economic climate. A Member felt that in the current climate, taxi companies were likely to have seen a downturn in usage and the proposed increase would provide greater scope for setting a pricing structure.

It was then:

RESOLVED

That in respect of Hackney Carriages operating within the South Hams District Council area, the maximum fares which may be charged should remain frozen at the existing rate.

L.8/09

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

A report was considered which ultimately sought Member approval of the proposed triennial 'Statement of Licensing Principles' for the period 2010-13.

In discussion, Members felt that the Workshop, which had been held to initially consider the matter, had been most useful. In commending the work undertaken by the Licensing and Administration Manager and his team, the Committee also welcomed the inclusion of the suggested amendments which had arisen at the Workshop.

RECOMMENDED

That Council be **RECOMMENDED** that the:-

1. 'Children and Young People Services' (formerly the 'Local Safeguarding Children Board') be nominated in writing as the body competent to advise the authority about the protection of children from harm issues (Section 157(h) of the Gambling Act 2005 refers);
2. proposed triennial 'Statement of Principles' (as amended for the period 31 January 2010 – 30 January 2013) be approved; and
3. Monitoring Officer, in liaison with the Chairman of the Licensing Committee, be granted approval to make any minor amendments to the Constitution or Statement of Principles arising from the Council's licensing responsibilities under the Gambling Act 2005.

L.9/09

TO DETERMINE THE FOLLOWING APPLICATIONS RECEIVED UNDER SECTION 48 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TO LICENCE A FIRE ENGINE AS A PRIVATE HIRE VEHICLE

Consideration was given to a report which sought a decision regarding whether a decommissioned and converted Volvo Fire Engine was deemed a suitable vehicle to licence as a Private Hire Vehicle.

In discussion, the following points were raised:-

- (a) In the event that the Committee was to support this application, a Member advised that he supported the inclusion of the suggested conditions;
- (b) A number of Members stated their reservations with regard to this application. Whilst these Members stated that their primary concern was in respect of the safety and risk implications of only having one exit door for passenger use, other perceived causes for concern included:
 - the blue light on top of the vehicle;
 - the vehicle being over twenty years old;
 - the difficulty in enforcing passengers to sit down when the vehicle was moving; and
 - the message that granting this application would convey to other road users.

It was then:

RESOLVED

That the Licensing Committee does not agree to make an exception to the standard vehicle specifications and therefore, refuses to grant the application.

L.10/09 **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

L.11/09 **TO DETERMINE WHETHER AN APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE IS A 'FIT AND PROPER' PERSON TO HOLD SUCH A LICENCE**

An exempt report was considered which sought to determine whether an applicant was a 'fit and proper' person to hold a Hackney Carriage Driver's Licence.

The Chairman advised that the format for consideration of this item would take the following stages:-

- 1) The Licensing and Administration Manager would present his report;
- 2) The applicant would present their case;
- 3) The Committee would ask any questions it had to the Licensing and Administration Manager and the applicant;
- 4) Once all parties were satisfied that they had no further points or questions to raise, the Licensing and Administration Manager and the applicant would leave the meeting room;
- 5) The Committee would debate the merits of granting the application in the presence of the Monitoring Officer and the Member Support Services Manger; and
- 6) The Licensing and Administration Manager and the applicant would be invited to return to the meeting at which point, the Chairman would announce the decision of the Committee.

At the end of this process, and following a lengthy debate, the Chairman announced that the Committee had considered in detail all of the evidence presented and wished to raise a degree of concern regarding its contents. Having said that, the Committee, on balance, wished to grant the application for a further twelve month period. However, if any further evidence or causes for concern came to light, the Chairman stated that the Committee would re-consider this matter.

It was then:

RESOLVED

That the application to renew a Hackney Carriage Driver Licence for twelve months be granted as submitted in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

(Meeting commenced at 10.00 am and concluded at 11.50 am).

Chairman