

TORRIDGE DISTRICT COUNCIL

LICENSING MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 24 July 2019 - 10.00 am

PRESENT Councillor J McKenzie, Vice Chair (in the absence of the Chair, the Vice Chair took the Chair)
Councillors C Bright, D Bushby, M Clarke, P Hackett, P Hames, C Hawkins and T Inch

ALSO PRESENT C Norman - Solicitor
C Parkhouse - Lead Licensing Officer
S Cawsey - Democratic Services Officer

The Vice Chair welcomed everyone to the meeting.

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K James and D McGeough.

9. MINUTES

It was proposed by Councillor McKenzie, seconded by Councillor Hackett and –

Resolved:

That the minutes of the meeting held on 29 May be agreed and signed as a correct record.

(Vote: For 7, Abstentions 1)

10. DECLARATIONS OF INTERESTS

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

Councillor Bushby declared a personal interest – owns a garage and on occasions undertakes hackney testing.

11. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

12. URGENT MATTERS OF INFORMATION TO BE BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR AND THE COMMITTEE

There were no urgent matters.

13. ANNUAL BUSINESS REPORT

The Lead Licensing Officer presented the report which summarised the performance of the Licensing Service for the financial year 1 April 2018 – 31 March 2019, and showed comparisons with the previous year. The information presented included details on:

- Business Activity and Performance
- Financial Performance
- Enforcement and Inspection Activity

The Committee raised an enquiry with regard to Sub-Committee Hearings. The Lead Licensing Officer gave a brief response and advised full details would be given when Members received training under Agenda item 8 – Hearing Procedures.

The report was noted.

14. TAXI RANK ISSUES

Councillor A Inch declared a personal interest – dual hatted – Devon County Councillor

The Lead Licensing Officer gave a brief history of the problems relating to the previously used taxi feeder rank situated behind the harbour office and remarked that, despite signage, some drivers continued to exit the car park through the entrance to the car park, posing a health and safety issue as this entailed going against the flow of traffic. To date, no evidence had been provided to enable enforcement.

The Lead Licensing Officer also reported on the difficulties with identifying an alternative rank. Devon County Council had objected to the only recognised viable solution, which would be to make the current part time rank (although not a formal official rank) into a full time rank.

It had been decided to bring the matter back to the new Committee for reconsideration.

A suggestion put forward by Members was that the feeder rank be located by the harbour wall adjacent to the taxi rank. The Lead Licensing Officer advised that again this would pose health and safety issues, and also taxi drivers had concerns that the public would go to the feeder rank before the main rank.

Following further discussion it was agreed that a Task and Finish Group be established, and recommendations to be brought back to this Committee. The Group to be made up of four Councillors and four taxi drivers who sit on the Taxi Liaison Committee. The following Councillors put their names forward:

- Councillors Clarke, Bushby, McKenzie and A Inch.

It was proposed, seconded and –

Resolved:

That a Task and Finish Group be established.

(Vote: For – Unanimous)

15. HEARING PROCEDURES

The Lead Licensing Officer advised that as this is a new Committee and for Members to have a better understanding of the role of a Licensing Committee Member, training would be given at forthcoming Committee meetings.

The Lead Licensing Officer provided training on Sub-Committee Hearings. This included a Presentation which focused on the two main types of Hearing – Licensing Act 2003 and Taxi/Private Hire Drivers/Vehicles. The presentation included details about:

Each of the following Licensing Act Hearings –

- New Application and Variation of an Application – these must be advertised and responsible authorities are consulted. Any person can make a representation but it must be “relevant” and must not be “vexatious” or “frivolous”.
- Review – this process is a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a licence.
- Summary Review – fast track procedure when police consider the premises are associated with serious crime or disorder.

Timescales – Hearing to be held within 20 working days beginning with the day after the end of the period during which representations may be made. A notice of Hearing must be issued 10 working days prior to the Hearing.

Sub-Committee – to consist of 3 Members, quorum is 3. A decision may be taken by majority vote, no abstentions are allowed. These Hearings are generally held in public. Applicants can be represented by any person, they do not have to be legally qualified.

The Committee were advised of the purpose and procedure of a Hearing.

Decision – at the conclusion of the presentation of the cases the Sub-Committee will retire to make its decision.

A Taxi Hearing is very similar to the above, but most Hearings will be in Part II as they will contain sensitive information. There is also a slight change in procedure.

A number of questions were asked by the Committee which were duly answered by the Lead Licensing Officer.

16. CONSIDERATION OF THE FORWARD PLAN

The Forward Plan was reviewed and the following updates agreed by Members:

- To invite the Police Licensing Officer to give an update on his role
- Climate Change – the Lead Licensing Officer advised this could be incorporated into the Taxi Policy Review 2020. Members discussed reducing emissions, in particular with regard to the Council's own vehicles and the use of electric taxi's. Following a request by Members, the Lead Licensing Officer agreed to carry out a review of other Councils, to bring a report back to this Committee and to change the Policy if required.

The meeting commenced at 10.00am and closed at 11.15am

Chair:

Date: