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Date: 16 July 2019

<b>MEETING OF LICENSING</b>			
<b>On:</b>	Wednesday 24 July 2019	<b>At:</b>	10.00 am
<b>Venue:</b>	Town Hall - Bridge Street, Bideford, EX39 2HS		

#### **NOTICE OF MEETING**

<b>To:</b>	Councillor K James (Chair) Councillor J McKenzie (Vice-Chair) Councillors: C Bright, D Bushby, M Clarke, P Hackett, P Hames, T Inch and R Wiseman
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**Members are requested to turn off their mobile phones for the duration of the meeting**

#### **AGENDA**

##### **PART I - (OPEN SESSION)**

1.	<b>Apologies For Absence</b> To receive apologies for absence for the meeting.
2.	<b>Minutes (Pages 3 - 7)</b> Confirmation of the Minutes of the meeting held on 29 May 2019.
3.	<b>Declarations of Interests</b> Members with interests to declare should refer to the agenda item and describe the nature of their interest when the item is being considered.
4.	<b>Agreement of Agenda Items Part I and II</b>
5.	<b>Urgent Matters of Information to be Brought Forward with the Permission of the Chair and the Committee</b>

6.	<b>Annual Business Report</b> (Pages 8 - 12) To receive the report of the Lead Licensing Officer.
7.	<b>Taxi Rank Issues</b> (Pages 13 - 15) To receive the report of the Lead Licensing Officer.
8.	<b>Hearing Procedures</b> To receive a brief training from the Lead Licensing Officer.
9.	<b>Consideration of the Forward Plan</b> (Page 16)
10.	<b>EXCLUSION OF THE PUBLIC</b> The Chairman to move:-  That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Part I of schedule 12A of the Local Government Act 1972.
11.	<b>Part II (CLOSED SESSION)</b>
	Meeting Organiser: Mary Richards

## TORRIDGE DISTRICT COUNCIL

### LICENSING MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 29 May 2019 - 10.00 am

PRESENT Councillor K James (Chair)  
Councillors J McKenzie, C Bright, D Bushby, M Clarke,  
P Hackett, P Hames and T Inch

ALSO PRESENT C Norman - Solicitor  
S Dorey - Senior Solicitor  
C Parkhouse - Lead Licensing Officer  
M Richards - Democratic Services Officer  
J Williams - Environmental Health & Community Safety  
Manager  
  
Councillor L Ford  
Councillor S Harding  
Councillor C Hawkins  
Councillor N Laws  
Councillor C Leather  
Councillor D McGeough  
Councillor G Rossi

The Chair welcomed everyone to the meeting.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wiseman.

2. MINUTES

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

Resolved:

That the minutes of the meeting held on 27 February be agreed and signed as a correct record.

No vote was taken.

### **Matters Arising**

#### Minute 42 – Taxi Drivers Liaison Committee and Taxi Rank Working Group

The Chair asked for an update on the Taxi Rank Working Group. The Lead Licensing Officer advised that this will be brought to the next committee meeting.

### Minute 46 – Business Report

A summary of the changes in animal licensing legislation was requested. The Lead Licensing Officer explained that there had been substantial changes brought about by DEFRA introducing new regulations effective 1 October 2018. A different inspection regime and star rating scheme had been introduced which had to be adopted by all authorities.

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

Resolved:

That the minutes of the meeting held on 17 April be agreed and signed as a correct record.

No vote was taken.

### 3. 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.

### 4. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

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

There were no urgent matters.

### 6. AN INTRODUCTION TO THE ROLE OF THE LICENSING COMMITTEE

The Environmental Health & Community Safety Manager explained to the Committee that Licensing fell within Environmental Health and Regulatory Services. The Lead Licensing Officer and the Senior Solicitor were very experienced in the legal procedural aspects of licensing and were there to support Committee Members in ensuring decisions made by the Committee were legal and could be supported within the legislative framework.

To emphasise the importance of the role of the Licensing Committee Member, the Environmental Health & Community Safety Manager referred to the independent inquiry carried out by Professor Alexis Jay into the Child Sexual Exploitation case in Rotherham and a further report by Louise Casey. Licensing services had been heavily criticised in the report. The executive summary had highlighted the failings of officers, management and Members.

The Environmental Health & Community Safety Manager went on to illustrate the robust measures Torridge had in place to safeguard and protect the public from harm.

The officer was asked whether a database was available to all councils which showed every taxi driver, regardless of where they operated, who had been classified as not fit and proper. The response was that a database had been brought in which is voluntary at the moment. However, the Government was reviewing it with the intention of making it mandatory. Torridge has signed up to the database but policies and procedures need to be reviewed. The review will be carried out next year. TDC's corporate enforcement policy had been updated last year, specifically around safeguarding.

Further information was requested about the amount of information which could be given to Members relating to investigations. Committee Members will be provided with all of the information which can be legally provided. Advice would need to be sought from the legal team and procedures within the licensing framework would have to be considered.

The Lead Licensing Officer delivered a presentation which focused on the 2 main activities of his role – taxi licensing and the Licensing Act 2003.

Taxi/Private Hire Vehicles outside of London are licensed by the local authority and are governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. However, new legislation is expected within the next few years. Although not a statutory requirement, Torridge District Council does have a taxi licensing policy. This is reviewed every 3 years and is due for review in 2020.

Details were given about:

- the difference between a taxi (hackney carriage) and a private hire vehicle and how these are designated within Torridge
- driver, vehicle and operators licences
- safeguarding – determining whether a driver is fit and proper
- qualifications and standards
- the hearing procedure – it is essential as much information as possible is provided to support complaints

The number of plates within Torridge is restricted to 49 plates. This figure had been in place a number of years and was determined by an independent demand analysis which is reviewed every 3 years. A number of aspects had been considered when reaching this figure including the size of the taxi rank; and the needs of the public being balanced against the needs of the trade.

Councillor Bushby declared an interest – hackney carriage testing is carried out at his garage.

The age of vehicles was discussed and the Lead Licensing Officer confirmed that this had been considered by the Licensing Committee at the last policy review. The result had been the introduction of additional vehicle inspections for older vehicles. Incentives were in place to encourage more environmentally friendly vehicles.

The Senior Solicitor spoke about licensing hearings, complaints and appeals. She informed the meeting of the structure of the Licensing Sub-committee and her role as overseer to ensure the hearing was conducted fairly. The prime considerations for the Sub-committee were the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

The Lead Licensing Officer introduced the Licensing Act 2003, adding that issues covered by this act also came to a licensing hearing. Members were informed that there was a statutory requirement to have a Licensing Act policy and to review this every 5 years. The last review took place in 2018.

The types of establishment, activities, licence categories and regulations were explained.

The Lead Licensing Officer provided answers to questions:

- Details were given about the type of convictions the licensing hearing committee might have to consider. However, it was noted that whenever a personal licence application is submitted, the police are always consulted and they carry out a check of the criminal record.
- Planning and licensing applications are 2 distinctly separate applications. The Licensing team encourages applicants to sort out any planning issues before applying for a licence under the Licensing Act 2003. Nonetheless, this cannot not be enforced. If a licence is granted within the framework of the Licensing Act 2003 and there is a breach of planning conditions, responsibility for enforcement lies with the Plans Department.
- Silent partners – Checks can only be carried out on the applicant.
- If there are objections to an application, the Licensing authority is permitted to negotiate between the applicant and any objectors prior to an application going to a hearing. Furthermore, applicants are invited to discuss the application with the Licensing team and receive guidance prior to submitting an application. Should Members receive complaints from residents, they should raise these with the Licensing team as soon as possible.

## 7. CONSIDERATION OF THE FORWARD PLAN

The Chair explained the format of the Forward Plan

Items for the next meeting:

- Hearing procedure
- Annual business report – what the licensing team has done over the past year
- Taxis - general discussion

Councillor McGeough asked that the taxi rank in Bridgeland Street be reviewed.

The Environmental Health and Community Safety Manager responded to a question on the licensing of caravan parks and swimming pools, advising that this was not area the Licensing Committee was responsible for. To be discussed further outside of the meeting with Councillor Hames.

Certain items have to be reviewed at specific times and the Lead Licensing Officer will programme these into the Forward Plan.

The Committee discussed public houses:

A review of the public houses in Bideford was requested, particularly with reference to drug dealing. The Lead Licensing Officer told the Committee that intel and police evidence were required for any enforcement to be implemented.

There was concern that there is only one part time enforcement officer – it was felt this should be reviewed.

Pub Watch – currently the scheme was not in operation, however, it is in the business plan and the intention is to set this up this year. Premises had been surveyed but the response had been poor, although Holsworthy and Westward Ho! had expressed an interest. Councillor Bushby suggested that, if the council feel this is good practice, it should be a condition of the licence. The Environmental Health and Community Safety Manager advised that the Pub Watch Scheme had to be run by the trade and the council would facilitate it. A launch event is planned where the benefits to the trade will be illustrated.

The Chair spoke about the sub-committees which are often required after meetings. Councillor Mckenzie will chair any sub-committees pertaining to taxi drivers and Councillor James will head up any sub-committees relating to licensing.

The meeting commenced at 10.00 am and closed at 11.47 am.

Chair:

Date:

# Agenda Item 6

## Agenda Item

**REPORT OF** LEAD LICENSING OFFICER

**To:** LICENSING COMMITTEE

**Subject:** LICENSING SERVICE – ANNUAL BUSINESS REPORT

**Date:** 24 JULY 2019

**Reference:**

### PURPOSE OF REPORT:

To provide information to Members on the performance of the Licensing Service.

## 1. INTRODUCTION

This report provides a summary of the performance of the Licensing Service between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019.

## 2. REPORT

The report provides information under the following headings:

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

Members will have received some of this information through the Quarterly Business Review mechanism but this report provides additional detail which will be of interest to Members.

### Business Activity and Performance

Demand on the Service has decreased this last year – 765 applications compared with 803. This is mainly due to a decrease in Licensing Act applications. Average processing times have reduced. A breakdown of the applications received appears in Table 1.

A more detailed analysis of licenses issued is provided in Appendix A.

Table 1 – Number of Applications

Licence	Applications		Target Processing Time		Average Processing Time	
	2017/18	2018/19	2017/18	2018/19	2017/18	2018/19
Licensing Act 2003	432	401	6 days	6 days	3.9	2.3
Taxis	231	232	6 days	6 days	1.4	1.5
Other (GA2005 etc.)	140	132	6 days	6 days	6.4	3.6
Total	803	765	6 days	6 days	3.9	2.5

## Financial Performance

Revenue for the financial year stands at £127,551 which is £4,881 above the previous year's income. The increase in income is due to the revised animal activity licencing fees introduced as a result of the new legislation. A breakdown of income is shown in Table 2.

Table 2 – Income

Licence	Income 2017/18	Income 2018/19	Variance
LA 2003	68,372	66,010	-2,362
Taxis	40,868	40,948	+80
Other	13,430	20,593	+7,163
Total	122,670	127,551	4,881

## Enforcement and Inspection Activity

Pro-active premises licence and hackney carriage/private hire vehicle inspections were not undertaken during 2018/19. The pro-active inspection programme will commence again during the 2019/20 financial year. 45 animal welfare inspections were undertaken 2018/19.

The Service continues to work with other agencies such as the police and fire service to provide co-ordinated enforcement where appropriate.

There were 2 Licensing Sub-Committee hearings during the year.

### 3. IMPLICATIONS

#### Legal Implications

None

#### Financial Implications

None

#### Human Resources Implications

None

#### Sustainability Implications

None

#### Equality/Diversity

None

#### Risk Management

None

#### Compliance with Policies and Strategies

All regulatory activity is carried out in accordance with current policy and procedures.

#### Data Protection (GDPR) Implications

None

Lead Member Views

Councillor James, Lead Member, has been consulted.

**4. CONCLUSIONS**

Demand on the service during the year has reduced which has resulted in a reduction in processing times.

**5. RECOMMENDATIONS**

It is recommended that Members note the content of the report.

**SUPPORTING INFORMATION**

Consultations:	None
Contact Officer:	Chris Parkhouse
Background Papers:	Licensing data area/files

## APPENDIX A

### Summary of licenses issued

#### Licensing Act 2003

Type of application	2017/18	2018/19
Premises Licences	95	83
Personal Licences	79	73
Temporary Event Notices	258	245
TOTAL	432	401

#### Taxis/Private Hire

Type of application	2017/18	2018/19
Driver Licences	83	85
Vehicle Licences	138	138
Operator Licences	10	9
TOTAL	231	232

#### Other Applications

Type of application	2017/18	2018/19
Animal Welfare Licences	44	43
Boat and Boatman Licences	10	11
Gambling Licences	11	10
Small Society Lotteries	29	19
Scrap Metal Dealers	3	3
Street and House to House collections	43	46
TOTAL	140	132
GRAND TOTAL	803	765

## APPENDIX B

Summary of current live licences

### Licensing Act 2003

Type of licence/certificate	
Premises Licences	324
Personal Licences	1356
Club Premises Certificates	26

### Taxis/Private Hire

Type of licence	
Driver Licences	132
Hackney carriage vehicle	49
Private hire vehicle	58
Operator Licences	17

### Gambling Act

Type of licence/permit/notification	
Betting Premises	3
Adult Gaming Centre	3
Family Entertainment Centre	1
Unlicensed Family Entertainment Centre	3
Bingo	1
Club Machine Permit	5
Gaming Machine Permit	2
Licensed Premises Gaming machine notifications	48
Small Society Lotteries	95

### Other Applications

Type of licence	
Animal Activity Licences	42
Boat and Boatman Licences	10
Scrap Metal Dealer Licences	14

# Agenda Item 7

## Agenda Item

**REPORT OF** LEAD LICENSING OFFICER

**To:** LICENSING COMMITTEE

**Subject:** TAXI RANK ISSUES

**Date:** 24 JULY 2019

**Reference:**

### **PURPOSE OF REPORT:**

To provide the Licensing Committee with a summary of the issues relating to the Taxi Rank than have previously been discussed.

## **1. INTRODUCTION**

In September 2016 Community and Resources Committee agreed to remove the taxi feeder rank provisions and prohibit taxis approaching the taxi rank from behind the harbour office.

Issues relating to the taxi rank have been discussed frequently at subsequent Licensing Committee Meetings. However no suitable alternative provisions have been identified.

## **2. REPORT**

The taxi rank has been frequently discussed at Committee. The main issue is that the taxi rank is not large enough, at times, to fully accommodate demand. Taxis, therefore, have to find alternative places to wait for space to become available. Previous attempts to find additional rank space have been unsuccessful as this would result in loss of income to either Torridge District Council (off street parking) or Devon County Council (on street parking).

Councillors have previously reported taxis driving on to the rank by exiting the quay car park through the entrance against the flow of traffic. A "No Exit" sign was placed at the entrance. However, it was still reported that some drivers ignored this sign and gained access to the rank from the car park.

In order to take action against any offenders the Licensing team need sufficient evidence such as date, time, plate number and registration number. If there is sufficient evidence to take action the Licensing Team are able to utilise the penalty points scheme. However under the scheme a maximum of 4 points can be used per offence so individuals would have to accrue 3 offences before the offender can be taken to a Sub-Committee hearing.

The Licensing team has insufficient resources to monitor the rank on a frequent basis.

Various options were provided to members, such as the installation of CCTV, additional enforcement, reversing the flow of traffic in the quay car park, but none were identified as viable and/or cost effective.

The only identified viable solution would be to make the current part time rank outside the café and solicitors into a full time rank. However, there was opposition from Devon County Council as they would lose pay and display income and they argued that the rank was not used after 4pm. The taxi trade were requested to survey the usage of the rank and report issues of public cars using the rank after 4pm. A very limited response was received and insufficient evidence was provided to build a suitable case to present to Devon County Council.

The Committee resolved to write to the taxi trade and give them one month to provide supporting information and if insufficient information was provided to write to Devon County Council and advise that the part time rank was not longer required.

The Lead Licensing Officer was due to report back to the Licensing Committee in April and was proposing to suggest that due to the fact a new demand study was due to be undertaken this year that the decision to request the removal of the part time rank be suspended until the results of the study were available as this might help to determine demand for taxi provision and the requirement for additional rank space. Unfortunately the meeting was not quorate so this was not discussed. It was therefore decided to suspend any further action until the new Committee was formed and the issues can be reassessed.

### **3. IMPLICATIONS**

#### Legal Implications

None

#### Financial Implications

None

#### Human Resources Implications

None

#### Sustainability Implications

None.

#### Equality/Diversity

None.

#### Risk Management

Any decision will need to balance public safety, public finance, compliance with legislation and potential damage to reputation.

#### Compliance with Policies and Strategies

All regulatory activity will be carried out in accordance with current policy and procedures.

#### Data Protection (GDPR) Implications

None

#### Lead Member Views

Councillor James, Lead Member, has been consulted.

#### **4. CONCLUSIONS**

There are limited cost effective options available to provide a satisfactory solution.

There is no provision in the current budget for additional expenditure so any costs will need to be approved by Community and Resources Committee.

#### **5. RECOMMENDATIONS**

It is recommended that:

Members determine what action to take in respect of the issues identified in this report.

#### **SUPPORTING INFORMATION**

Consultations:	Taxi liaison committee
Contact Officer:	Chris Parkhouse
Background Papers:	Licensing data area/files

LICENSING COMMITTEE – FORWARD PLAN 2019/20

2019/20	Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5	Cycle 6	Cycle 7	Cycle 8
	29 May 2019	24 July 2019	11 Sept 2019	23 Oct 2019	4 Dec 2019	15 Jan 2020	11 March 2020	23 Apr 2020
	10am	10am	10am	10am	10am	10am	10am	10am
Page 16			Taxi Demand Study Results  Business Report		Sex Establishment Policy Review  Business Report		Taxi Policy Review  Business Report	
	Standing Item	Taxi Drivers Liaison Committee	Taxi Drivers Liaison Committee	Taxi Drivers Liaison Committee	Taxi Drivers Liaison Committee	Taxi Drivers Liaison Committee	Taxi Drivers Liaison Committee	Taxi Drivers Liaison Committee
					Taxi rank WG	Taxi rank WG	Taxi rank WG	Taxi rank WG