

TORRIDGE DISTRICT COUNCIL

LICENSING MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Tuesday, 29 January 2019 - 10.00 am

PRESENT Councillor J Himan (Chair)
 Councillors T Inch and M Langmead

ALSO PRESENT S Dorey - Senior Solicitor
 C Parkhouse - Lead Licensing Officer
 M Richards - Democratic Services Officer
 K Hewlett - Electoral and Democratic Services Officer

The Licence Holder

1. EXCLUSION OF THE PUBLIC

The Chair moved:

That under Section 100(a)(4) of the Local Government Act (as amended) the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information by virtue of Paragraph 3 of Part 1 and Paragraph 10 of Part 2 of Schedule 12A of the Local Government Act 1972.

2. PART II (CLOSED SESSION)

3. REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Councillor Himan opened the meeting and introduced the Licensing Sub-Committee Members and Torrridge District Council staff present.

Members present declared that they had no prejudicial interest in the matter before them.

The Chair welcomed the Licence holder and explained the procedure for the hearing.

The Lead Licensing Officer presented the report and advised that the purpose of the hearing was to provide the sub-Committee with information relating to the conduct of a licensed taxi driver to enable Members to determine if any further action should be taken in respect of his Hackney Carriage/Private Hire Driver's Licence. An error within the report was highlighted and the correct information was provided.

The Licence Holder confirmed his name and address and put forward his case.

The Sub-Committee retired at 10.15 to consider their decision.

At 10.20 the Senior Solicitor left the room to give technical advice to the Sub-Committee.

At 10.36 am the Sub-Committee returned.

The Chair stated that the Sub-Committee had carefully considered the matter and the written and oral evidence. Furthermore, they had had regard to the Council's Licensing Policy for Taxis and Private Hire and to the Council's Enforcement Policy and also the Regulator's Code.

The Sub-Committee's findings were that:

- The Sub-Committee had a duty of care to ensure that the Licence Holder was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.
- The protection of public safety was paramount and the Sub-Committee had considered whether the public had been put at risk.

The Sub-Committee had resolved:

- That a final written warning be given to the Licence Holder, and
- That the Licence Holder undergo a training course within 3 months of today's date to obtain a BTech and that the certificate be submitted to the Lead Licensing Officer. Failure to comply would result in a further Licensing Sub-Committee hearing.

The Chair advised the Licence Holder that he had the right of appeal to the Magistrates' Court against the decision of the Licensing sub-Committee and that an appeal must be made within 21 days of the date of notification of the Sub-Committee's decision.

The hearing closed at 10.39 am. The Licence Holder thanked the Sub-Committee and left the meeting.

4. PART I (OPEN SESSION)

It was proposed by Councillor Langmead and seconded by Councillor T Inch that the press and public be re-admitted.

(Vote: For – Unanimous)

5. ALLOCATION OF HACKNEY CARRIAGE PLATE

The Lead Licensing Officer advised that the report had been brought before the Sub-Committee for them to assess the applications received for the allocation of the available hackney carriage plate.

The Sub-Committee reviewed both applications, seeking further clarification from the Lead Licensing Officer. Members were advised that the authority restricted the number of hackney carriage plates in the district to 49, 4 of which were specifically ring fenced for wheelchair accessible vehicles.

Following careful consideration, the Sub-Committee scored the applications, based on Licence History, Age of Vehicle and Rural Operation, as follows:

Applicant 1, Mr Biggin – 30 points

Applicant 2, Mr Wood – 50 points

In assessing the Applicant Statements, the Sub-Committee had given consideration to encouraging new business and to whether there were more opportunities for hailing a taxi in urban rather than rural communities.

The Sub-Committee was minded to allocate the plate to Mr Wood.

It was proposed by Councillor Langmead and seconded by Councillor T Inch –

That:

An informal meeting be held with Mr Wood within 2 weeks of today's meeting to clarify some points.

The Lead Licensing Officer will e-mail Members of the Sub-committee with proposed dates.

The meeting commenced at 8.58 am and closed at 11.07 am.

Chair:

Date: