

LICENSING COMMITTEE

19 April 2011

Present:

Councillor Norman Shiel (Chair)

Councillors Branston, S Brock, Mrs Danks, A Hannaford, Macdonald, Robson, Ruffle and Wadham

Licensing Solicitor, Principal Licensing Officer (IL) and Member Services Officer (SLS)

17 Declarations of Interest

The following Members declared personal interests as indicated:-

| COUNCILLOR | MINUTE |
|------------------------------|---------------------------------------|
| Councillor Mrs Danks | Min. No. 28 (known to the applicant) |
| Councillors Ruffle and Shiel | Min. No. 29 (known to the applicant) |

18 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16

19 Application for a Hackney Carriage Vehicle Licence (Mr A.A.)

The Principal Licensing Officer reported that Mr AA had applied for a hackney carriage licence.

Mr AA did not attend the meeting. In his absence, the Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr AA's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr AA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

20 **Application for a Hackney Carriage Vehicle Licence (Mr J.A.)**

The Principal Licensing Officer reported that Mr JA had applied for a hackney carriage licence.

Mr JA spoke in support of his application and stated that, in his view, there was an unmet demand. He submitted a number of letters in support of his application. He had a number of regular customers including disabled passengers. He had purchased a black TX4 London style taxi that could accommodate wheelchairs. .

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr JA's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr JA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

21 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.A.)**

The Principal Licensing Officer reported that Mr SA had applied for a hackney carriage licence.

Mr SA spoke in support of his application and stated that, in his view, there was an unmet demand. He requested permission to circulate photographs of the taxi ranks at Debenhams, which were taken to depict the level of queuing on a number of different dates and times. Members noted the photographs, but suggested it was difficult to ascertain the propensity of the queue. Mr SA responded to a number of Member questions including recalling the busiest periods for taxis leaving the rank at both the former Debenhams store in Sidwell Street and also St David's' Station. The Licensing Solicitor clarified that both ranks at St David's Station and the former Debenhams store in Sidwell Street were included in the comprehensive survey last May. The Licensing Solicitor advised the Licensing Committee that it was not possible to restrict the operating times of a hackney carriage licence and that night demand was covered in the recent survey.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr SA's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

22 **Application for the issue of a Hackney carriage Vehicle Licence (Mr S.B.)**

The Principal Licensing Officer reported that Mr SB had applied for a hackney carriage licence.

Mr SB attended and spoke in support of his application. In his view, there existed an unmet demand in Exeter arising from the removal of swivel seats in saloon hackney carriages. Mr SB stated that the vehicle he proposed to purchase, subject to obtaining a licence, would accommodate a wheelchair and up to seven passengers.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr SB's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey by the same company (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SB had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

23 **Application for a Hackney Carriage Vehicle Licence (Mr SH)**

The Principal Licensing Officer reported that Mr SH had applied for a hackney carriage licence.

Mr SH attended and spoke in support of his application. He had purchased a London type taxi with the capability of seating six passengers. He referred to his own research with regard to the number of plates issued since 2003. He also suggested that a recent change in private hire vehicles serving two of the city's nightclubs now presented a case of unmet demand, with patrons regularly waiting for taxis, the relatively low number of London style hackney carriages operating in the district (6) and the lack of a rank outside the Arena nightclub. Mr SH also outlined the benefits of a London style taxi in relation to electric wheelchair carriage and passenger safety.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr SH's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SH had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

24 **Application for a Hackney Carriage Vehicle Licence (Mr A.D.)**

The Principal Licensing Officer reported that Mr AD had applied for a hackney carriage licence.

Mr AD spoke in support of his application. He also submitted a number of letters in support of his application, and relayed the circumstances relating to his inability to work for a period of time following a physical assault. Mr AD stated that he wished to include some additional safety features in his vehicle, but that would not be possible unless he was the proprietor of a hackney carriage himself. At present the owner of the hackney carriage driven by Mr AD was under no duty to ensure Mr AD's health and safety at work and so the measures required could not be implemented. In response to a Member's question, the Principal Licensing Officer confirmed an employers' duty to protect an individual at his place of work and in this case that Mr AD was his own employer for these purposes.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that a Hackney Carriage Licence be issued to Mr AD, as there were exceptional circumstances relating to the serious physical assault suffered by Mr AD and the impact that had had on him. This enabled the Licensing Committee to depart from the policy and exercise its discretion to grant a further licence plate.

(Report circulated to Members)

25 **Application for a Hackney Carriage Vehicle Licence (Mr K.J.)**

The Principal Licensing Officer reported that Mr KJ had applied for a hackney carriage licence.

Mr KJ attended the meeting and spoke in support of his application. He stated that he had submitted letters of evidence from potential users of his service, which would, he said support his stance that an unmet demand existed and further support the need for additional wheelchair accessible vehicles and give him the opportunity to start his own business. The letters were not available at the hearing.

The Licensing Committee retired to discuss the matter in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr KJ's application for a hackney carriage licence be adjourned to the next meeting to establish the contents of the most recent correspondence.

(Report circulated to Members)

26 **Application for a Hackney carriage Vehicle Licence (Mr G.Q.)**

The Principal Licensing Officer reported that Mr GQ had applied for a hackney carriage licence.

Mr GQ spoke in support of his application and stated that, in his view, there was an unmet demand in Exeter. He provided additional letters in support of his application including the demand for an eight seater hackney carriage being available late at nights. Mr GQ proposed, subject to obtaining a licence, purchasing an eight seater vehicle and stated that there was only one other eight seater vehicle currently operating in Exeter. Mr GQ confirmed that his vehicle would be configured to take one wheelchair and four additional passengers as opposed to the usual one or two additional passengers. He spoke of his need to being able to comply with the appropriate health and safety requirements and enjoy adequate protection. The

Licensing Solicitor sought clarity with Mr GQ and his need to be protected, but noted he had not put forward any evidence to support his need.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr GQ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr GQ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

27 **Application for a Hackney Carriage Vehicle Licence (Mr S.B.R.)**

The Principal Licensing Officer reported that Mr SBR had applied for a hackney carriage licence.

Mr SBR spoke in support of his application and referred to his work as an interpreter and to the fact that he was attending a further education establishment. He referred to the uncertainty of working for an employer and stated that his own hackney carriage licence would offer him more stability and more of a guarantee of permanent employment.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr SBR's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SBR had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

28 **Application for a Hackney Carriage Vehicle Licence (Mr A.T.)**

Councillor Mrs Danks declared a personal interest as she knew the applicant.

The Principal Licensing Officer reported that Mr AT had applied for a hackney carriage licence.

Mr AT did not attend the meeting. The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr AT's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter.

Mr AT had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

29 **Application for a Hackney Carriage Vehicle Licence (Mr D.J.Y.)**

Councillor Ruffle declared a personal interest, as he knew the applicant, and withdrew from the meeting whilst this application was discussed. Councillor Shiel also declared a personal interest as he knew the applicant and withdrew from the meeting and the Chair whilst this matter was discussed. Councillor Mrs Danks took the Chair for this application.

The Principal Licensing Officer reported that Mr DY had applied for a hackney carriage licence. Mr DY spoke in support of his application, stating that there was an unmet demand which his vehicle, a Renault Traffic 8 could meet being able to carry two wheelchairs and their carers. He also referred to the proposed new housing developments in the city and surrounding area and accommodation at the University which could bring many new residents into the city. It was noted that this accommodation would take some time to be developed, by which time a further survey would be required. The Licensing Solicitor confirmed that there were currently two vehicles capable of carrying two wheelchairs users and their carers.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that Mr DY's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr DY had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.15 pm

Chair