

## LICENSING COMMITTEE

14 June 2011

Present:

Councillor Moira Macdonald (Chair)

Councillors Branston, Fullam, Henson D.J., Newcombe, Payne, Robson, Ruffle, Shiel, Thompson and Tippins

Head of Environmental Health Services, Principal Licensing Officer (IL), Licensing Solicitor and Member Services Officer (HB)

**30 Minutes**

The minutes of the meeting held on 29 March 2011 were taken as read and signed by the Chair as a correct record.

**31 Declarations of Interest**

The following Member declared a prejudicial interest and left the meeting during consideration of the item:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Macdonald	33 (Member of Fawcett Devon who had opposed the original application for a Licence)

**32 Proposal to designate streets as Prohibited Streets, Licence Streets and Consent Streets for Street Trading**

The Head of Environmental Health Services presented the report setting out the responses to the notification of an intention to re-designate all streets in Exeter for the purposes of street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982.

Councillor Prowse attended the meeting and spoke on this item having given notice under Standing Order No. 44. Councillor Prowse detailed the background to problems caused by a burger van parked in a lay-by in Cowley Bridge Road, residents in the vicinity having complained about additional traffic, lorries parking overnight and noise from the trader's generator. Councillor Prowse referred to letters received from local residents as well as a petition. Many of the residents had originally sought a prohibition rather than a consent designation. Councillor Prowse confirmed that, generally, the residents now understood the distinction and accepted that the change of designation to a consent street would effectively control any problem as traders wishing to operate on this street would require initial permission from this Committee, and would be reviewed if problems ensued.

The Head of Environmental Health Services responded to a Member's questions in respect of the cost of the licence and enforcement.

**RESOLVED** that:-

- (1) with effect from 1 August 2011, all existing street designations be rescinded and all streets in the City of Exeter be designated as advertised in the notice as set out in the circulated report dated 25 March 2011;
- (2) delegated powers be granted to the Head of Environmental Health Services to deal with the migration of existing consents, on this one occasion; and
- (3) existing consents be permitted to renew to the previously agreed expiry date without incurring an additional fee.

(Report circulated)

**33 Application for the grant of a Sex Entertainment Licence**

Councillor Macdonald declared a prejudicial interest as a Member of Fawcett Devon who had opposed the original application for a licence, vacated the Chair and left the meeting during consideration of this item. In her absence, Councillor Branston, the Deputy Chair, chaired the meeting.

The Principal Environmental Health Officer Services presented the report setting out an application by Mr K. Kimitri in respect of a business trading as The Eden Lounge, seeking the grant of a licence enabling the business to operate at EX4, 162-163 Fore Street, Exeter, EX4 3AT. This licence had been applied for in February 2010 under the provisions of the above legislation and granted.

**RESOLVED** that a licence be granted for a sex entertainment venue with the proposed conditions at the Eden Lounge situated at EX4, 162-163 Fore Street, Exeter, EX4 3AT.

(Report circulated)

**34 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.

**TRANSPORT ACT 1985**

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

**35 Application for the issue of 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 and his son Mr SA attended the meeting. Mr SA spoke on behalf of his father. His father was committed to purchasing a black TX4 London style taxi that could accommodate wheelchairs and he hoped that this would be of much value for both the elderly and disabled. Mr JA had a number of regular customers including disabled passengers and he referred to representations from some 20-25 disabled people who supported the application. He stated that there was an unmet demand

particularly from families, as a number of six seater taxis had been replaced by four seater taxis in recent months. His letter in support of his application had been circulated.

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 (published in 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)

**36 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 as there was a shortage of seven seater taxis with a number of taxi drivers having switched to four seater vehicles. He asserted that demand was significant on student nights outside night-clubs when large groups of students wished to travel home together. In addition, there was a need for a seven seater taxi to operate from the St. David's Station rank and, in this context, he referred to groups of marines who required taxis at the station to return to the Lymstone barracks. Mr SB stated that his vehicle accommodated two wheelchairs and that it was possible for the passengers to remain in situ in the wheelchairs.

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)

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

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 suggested that a recent change in private hire vehicles serving two of the City's nightclubs now presented a case of unmet demand. He referred to the pattern of taxi provision outside the clubs

where patrons regularly waited for taxis. He also stated that unmet demand in Exeter was exacerbated by taxi drivers switching from six/seven seater to four seater vehicles which offered a better return. His letter in support of his application had been circulated.

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 (published in 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)

### 38 **Application for the issue of 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. Mr KJ 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.

Mr KJ stated that there would be an increase in demand for taxis as a result of an expansion of the night time economy because of increasing number of students and greater demand in the day with the opening of new retail outlets such as Waitrose and John Lewis. Mr KJ also stated that many elderly and disabled individuals had confirmed that they would continue to use his service if he was granted a licence. Some of these had submitted letters of evidence in his support. Mr KJ circulated a picture of a vehicle he proposed to licence which would be able to accommodate wheelchairs as well as scooters by way of an electric ramp fitted to the vehicle. He referred to the fact that he had applied on previous occasions for a licence. Mr KJ was asked if he currently held a hackney carriage vehicle licence and replied no. When pressed, he said that he had never been issued with a plate by the Council but had bought one and had sold it for personal reasons. The Chair confirmed that the decision made unanimously by the Committee had been based on the merits of the application, the other matters raised playing no part in the process.

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 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 KJ 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)

39 **Application for the issue of 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 attended and spoke in support of his application. Mr GQ advised that he had been unable to meet the deadline for the previous Committee in producing evidence of an assault on him but that he had now made papers available. Copies of the Devon and Cornwall police log on Mr GQ had been tabled detailing an assault on him by a passenger. He enlarged on the incident and how it was not possible to anticipate the behaviour of passengers until they had been picked up. He referred to incidents of disorder that had occurred between passengers themselves as well as the potential for further assault on himself. He explained his pattern of work after the incident and confirmed that he worked at evenings because of family commitments. Mr GQ was asked by the Licensing Solicitor if his fears over his personal safety prevented him from working in the way he would normally do and he indicated that it did not.

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)

40 **Application for the issue of 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 the uncertainty of working for an employer. Mr SBR stated that owning his own hackney carriage licence would offer him more stability and more of a guarantee of permanent employment. In some cases, his employer had passed on his car to other individuals which had reduced his opportunities for working.

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)

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

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

Mr AT attended and spoke in support of his application stating that he did not wish to reiterate the same reasons used by other applicants in support of their applications but to seek the grant of a licence on the basis that he intended to convert a 4x4 vehicle for use as a taxi. He asserted that there was an unmet demand for such a vehicle as evidenced by the number of individuals who could not use public transport during the period of heavy snow in the winter of 2010. Mr AT referred to the demand from those wishing to leave the City to return to their home in the country as well as those who had arrived by public transport from elsewhere in the country. He proposed to make the 4x4 vehicle accessible by the disabled.

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)

**42 Capacity of Hackney Carriage Vehicles**

Members referred to the number of statements from the applicants for hackney carriage vehicle licences alleging that there was an increasing number of four seater vehicles in the City as opposed to larger licensed vehicles in the City, the owners allegedly having changed down from six or seven seater vehicles. The Committee asked that a report from the Head of Environmental Health Services be submitted identifying if there was any substance to this assertion.

**RESOLVED** that a report be submitted on this matter to a future meeting of this Committee.

The meeting commenced at 5.30 pm and closed at 8.40 pm

Chair