

## LICENSING COMMITTEE

14 February 2012

Present:

Councillor Macdonald (Chair)

Councillors Branston, Choules, Fullam, D J Henson, Newby, Newcombe, Robson, Ruffle, Shiel, Thompson and Tippins

Apologies:

Councillors Stone and Payne

Also present:

Principal Licensing Officer, Licensing Solicitor, Trainee Legal Executive/Solicitor and Member Services Officer (HB)

**1 Minutes**

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

**2 Declarations of Interest**

The following Member declared a personal interest as indicated:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	9 (known to the applicant)

**3 Meetings with Exeter's Taxi Associations/ Businesses**

The Chair, Deputy Chair, the Principal Licensing Officer and the Licensing Solicitor had attended a meeting of the Taxi Forum on 26 September 2011 and the Chair summarised for Members' information the notes of the meeting. The notes would be circulated to Committee Members and further meetings of the Forum were to be arranged.

A Member requested if further consideration could be given to the issue of engaging rank marshals to assist in the orderly dispersal of the general public using taxis after late night pub/club closures.

**RESOLVED** that:-

- (1) a report on rank marshals be submitted to a future meeting of the Committee;
- (2) Members wishing to serve on the Forum advise the Chair and/or Member Services; and
- (3) the notes of the meeting held on 26 September 2011 be circulated to Committee Members.

4 **Policies applicable to applications for Hackney Carriage Vehicle Licences**

The Licensing Solicitor presented the report setting out the policies relevant to the determination of applications for hackney carriage licences.

With regard to policy issues, it was noted that reviews and any changes had occurred at roughly the same time as the three yearly surveys into unmet demand but that there was no direct correlation. It was noted that the Law Commission was currently undertaking a comprehensive review of legislation relating to taxi and private hire licensing and that consultations would be undertaken in 2013. Members asked that details of policies and Exeter City Council procedures and criteria regarding taxi licensing be placed on the Council website.

**RESOLVED** that:-

- (1) the report be noted; and
- (2) City Council policies and procedures relating to applications for hackney carriage licences be included on the Council's website.

(Report circulated)

5 **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 Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

6 **Urgent Business**

The Committee agreed to take the following matter as urgent business because of the requirement for an early decision to be given to the request.

7 **Application for the issue of a Street Trading Consent (Mark Marshall Youth Fund)**

The Principal Licensing Officer reported that the Mark Marshall Youth Fund Charity had requested consent to trade for three hours at a Pancake Race event on the Cathedral Green on 21 February 2012. After discussion, it was unanimously agreed to grant consent without the imposition of any fees or charges.

**RESOLVED** that consent be granted for the above Charity event free of charge.

8 **Application for the issue of a Street Trading Consent (Mr DC)**

The Principal Licensing Officer reported that Mr DC had applied for consent to street trade for a period of three months in Castle Street, a designated area under the provisions of the Local Government Act 1982. He had not previously held consent to trade in any part of the City.

Mr DC wished to site an oven selling jacket potatoes. The oven would be 14,300 mm wide and 2,460 mm long and on wheels for mobility purposes. The times and days requested were from 09.00 hours to 17:30 hours Monday to Saturday.

In February 2008, this Committee had agreed to increase the number of consents in Castle Street from three to four following an application to allow a small coffee vending unit into the area. The newly consented pitch had been agreed on the basis that it would only be used by a small vending unit to ensure that access and egress to the area was not impeded.

Mr DC attended the meeting and spoke in support of his application for this fast food business. Members sought clarification as to the size and location of the unit and to any impact on emergency doors of the retail unit to the rear of the proposed location. Mr DC stated that he had measured the proposed site and confirmed that, in his opinion, there would be no impact on the emergency doors. He would transport the unit from the Longbrook Street Car Park.

The Licensing Committee retired to make its decision.

**RESOLVED** that consent be granted for a period of three months.

(Report circulated to Members)

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

#### **9 Application for the issue of a Hackney Carriage Vehicle Licence (Mr K.J.)**

Councillor Choules declared a personal interest as the applicant was known to him. He left the meeting at this point.

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 disputed that he had been a previous owner of a licence plate. Members asked whether the application should be deferred in order for this matter to be clarified prior to the application being considered.

Mr KJ and the Principal Licensing Officer were asked to leave the room for legal advice to be given.

The Licensing Solicitor advised that the application should be determined firstly on the grounds of whether Mr KJ could provide evidence that cast doubt on the findings of the survey into unmet demand or, alternatively, persuade the Committee that there were exceptional circumstances that would merit the granting of a licence. Only if the Committee were satisfied that a licence should be issued, would the matter of whether or not an earlier licence plate had been issued, be investigated.

Mr KJ and the Principal Licensing Officer returned to the meeting and the former was advised that the application would be considered at this meeting.

Mr KJ stated that, in his opinion, there was an unmet demand. He referred, in particular, to the previous Saturday night which, in his opinion, had been very busy with apparently insufficient taxis to cope with the demand. He also stated that there was an unmet demand because of the increased number of students in the City, the opening of new hotels and new shops, provision of new homes at Cranbrook and a

new nightclub on the Quay. He confirmed that he proposed to put on the circuit a yellow London type cab (TX4), a photo of which he showed the Committee. This would possess a bulkhead to prevent contact between himself and his passengers. This would afford him some protection from any assault.

Mr KJ stated that there was a demand from people with wheelchairs which was not being met and that the taxi he proposed to put on the circuit would be able to accommodate both electric and non electric wheelchairs. He stated that a number of taxi proprietors had exchanged six seater vehicles for four seater taxis which could accommodate wheelchairs.

The Licensing Committee retired to make its decision.

**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 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)

10 **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. He had indicated that, if successful, he would put a London type cab (TX4 Elegance) onto the circuit.

The Licensing Solicitor confirmed that Mr SH did not and had not held a licence issued to him by the Council as the first holder and therefore the word "may" in the recommendation should be replaced with the word "must".

Mr SH attended the meeting and spoke in support of his application. He stated that, in his opinion, there was an unmet demand. Mr SH referred to the previous Saturday night which, in his opinion, had been very busy with apparently insufficient taxis to cope with the demand and with disorder occurring from queue jumping etc. He stated that, whereas previously 45 taxis had operated from St David's, all of the 65 hackney carriages currently licensed now used this Great Western owned rank leaving an unmet demand elsewhere in the City such as outside the John Lewis building and the Chevalier pub. He stated that he could draw up a list of those owners who had exchanged their six seater vehicles which reduced the maximum number of passengers that could be transported in one journey. Also, with regard to the selling on of licence plates, he undertook to return the plate to the Council should he be granted a licence and subsequently wished to relinquish it.

The Licensing Committee retired to make its decision.

**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 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)

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

The Principal Licensing Officer reported that Mr SR had applied for a hackney carriage licence. Mr SR had indicated that, if successful, he would put a Ford Journey onto the circuit.

Mr SR attended the meeting and spoke in support of his application. He referred to the papers he had submitted with his application stating that he had expressed his view in the documents and did not wish to take up more Committee time by repeating what he had already said.

The Licensing Committee retired to make its decision.

**RESOLVED** that Mr SR'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 in March 2011 that there was no significant unmet demand for hackney carriages in Exeter. Mr SR 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)

12 **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. He had indicated that, if successful, he would put a Peugeot E7 on to the circuit.

Mr SB attended the meeting and spoke in support of his application. He stated that he had previously rented a vehicle from a taxi operator but that, after a spell in hospital, the owner had rented the vehicle to another driver. He had temporarily driven a further taxi during a period when the driver was unable to work but was unable to drive at all at present as no hackney carriages were available to rent.

The Licensing Committee retired to make its decision.

**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 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)

13      **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. He had indicated that, if successful, he would put a Ford Journey onto the circuit.

Mr AT attended the meeting and spoke in support of his application. He circulated a schedule of signatures in support of his application. He stated 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 periods of snow in the winter of 2010/11. 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.

**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 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)

The meeting commenced at 5.30 pm and closed at 8.03 pm

Chair