



Monday, 18 April 2011

## LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 28 April 2011**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor

Councillor Addis  
Councillor Manning

Councillor Stocks

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**Our vision is for a cleaner, safer, prosperous Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

**Lisa Warrillow, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207064**

Email: [democratic.services@torbay.gov.uk](mailto:democratic.services@torbay.gov.uk)



# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. **Declarations of interests**

(a) To receive declarations of personal interests in respect of items on this agenda

**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **The Green Room, 23-25 Victoria Parade, Torquay**

To consider Report 93/2011 on an application for Review in respect of The Green Room, 23-25 Victoria Parade, Torquay.

(Pages 1 -  
24)

6. **Lighthouse and Fusion, 26 Esplanade Road, Paignton**

To consider Report 95/2011 on an application for a Variation to a Premises Licence in respect of Lighthouse and Fusion, 26 Esplanade Road, Paignton.

(Pages 25 -  
60)

- 7. Suspension of Hackney Carriage Driver's Licence - Mr Keith Brown** (Pages 61 - 102)  
To consider Report 94/2011 on the suspension of a Hackney Carriage Driver's Licence.
- 8. Suspension of Hackney Carriage Driver's Licence - Mr Shazad Ramzan** (Pages 103 - 138)  
To consider Report 96/2011 on the suspension of a Hackney Carriage Driver's Licence.

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Briefing Report No: **93/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Review of a Premises Licence for The Green Room, 23-25 Victoria Parade, Torquay**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**

On: **28 April 2011**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

- 1.1 To consider and determine the above application for Review of a Premises Licence.
- 1.2 The matter may affect the Corporate Priorities of Community Prosperity and Economic Prosperity.
- 1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.
- 1.4 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.
- 1.5 The Authority must hold a hearing to consider the application and any relevant Representations.

The Authority must, having regard to the application and any relevant Representations, take such of the steps as detailed below, if any, as it considers necessary for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

If the licence is subject to sections 19, 20 and 21 (requirement to include certain

conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

## **2. Introduction**

- 2.1 An application has been made under Section 51 of the Act for a Review of the Premises Licence at the Premise detailed above. Details of the application are shown in Appendix 1.

A brief description of the Review is as follows:

An Interested Party living within the vicinity of the Premises, has sought a Review of the Premises Licence on grounds relating to the Licensing Objective, "The Prevention of Public Nuisance".

The Member of the Public who called the Review has since supplied supporting information relating to the Review in the form of 3 DVD's. This is shown as Appendix 2.

A copy of the current Premises Licence is shown in Appendix 3.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the application has been properly made, that the Applicant is an Interested Party, and that the administrative requirements of Section 51(3)(a) and (b) have been met and that the Representation has not been subsequently withdrawn and is not vexatious, frivolous or repetitious.

The Police have made a Representation in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 4.

Public Protection have made a Representation regarding the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 5.

We have received a letter of support of The Green Room from a business within the vicinity of the Premises. This is shown as Appendix 6.

There have been no additional Representations from any other Responsible Authority or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 52(2).
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-
  - (a) the Applicant for the Review,
  - (b) the holder of the Premises Licence, or

- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not be put in place until the Appeal is determined or withdrawn.

- 2.6 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the Appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
  - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such an order as to costs as it thinks fit.

**Frances Hughes**  
**Executive Head Community Safety**

### **Appendices**

- Appendix 1            Details of the application for Review.
- Appendix 2            Details of supporting information from the Interested Party applying for the Review in the form of 3 DVD's
- Appendix 3            A copy of the Premises Licence.
- Appendix 4            Representation from the Police
- Appendix 5            Representation from Public Protection
- Appendix 6            Letter of support for The Green Room

### **Documents available in members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2011.

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POLICE COMMUNITY E.H. & C.F. DIVISION			
- 4 MAR 2011			
OFFICER	FILE No	DOC No	

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**KEVIN HENTON**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>GREEN ROOM 23 VICTORIA PARADE TORQUAY</b>	
Post town <b>TORQUAY</b>	Post code (if known) <b>TQ12BB</b>
Name of premises licence holder or club holding club premises certificate (if known) <b>TIM MILNES</b>	
Number of premises licence or club premises certificate (if known)	

Part 2 - Applicant details

I am

- |   |                                     |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below)                           | Please tick yes                     |
| a) a person living in the vicinity of the premises                                  | <input checked="" type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/>            |
| c) a person involved in businesses in the vicinity of the premises                  | <input type="checkbox"/>            |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/>            |
| 2) a responsible authority (please complete (C) below)                              | <input type="checkbox"/>            |

3) a member of the club to which this application relates (please complete (A)  below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname

First names

HENTON

KEVIN

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

22 VICTORIA PARADE  
TORQUAY

Post town

TORQUAY

Post Code

TQ1 2BB

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)  
Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

NEW LICENCE GRANTED JUNE 2010.  
NO DOORSTAFF IN ATTENDANCE WHEN CUSTOMERS  
LEAVE THE BAR AFTER 2:30 AM.  
BOTTLES EMPTIED INTO OUTSIDE CONTAINERS  
AFTER 3 AM.  
CUSTOMER + FRIENDS NOISILY LEAVING  
BAR UP UNTIL 6 AM ON SUNDAYS

Please provide as much information as possible to support the application  
(please read guidance note 2)

NO DOORSTAFF IN ATTENDANCE  
OUTSIDE PROPERTY AFTER 2.30 AM  
WHEN NOISY CUSTOMERS ARE LEAVING -  
EVEN THEN NOTHING IS SAID TO MOVE  
THESE PEOPLE ON OR QUIETEN THEM.

BOTTLES ARE REGULARLY EMPTIED AFTER  
3 AM IN OUTSIDE BINS MAKING A HELL OF  
A NOISE - WE HAVE COMPLAINED TO BAR OWNER  
& ENVIRONMENTAL HEALTH BUT NO CHANGE.

CUSTOMERS, FRIENDS & STAFF AFTER 3.30 AM  
LOCK UP CONTINUE TO MAKE NOISE IN  
COURTYARD WHEN SMOKING, THIS CAN  
GO ON UNTIL 6 AM AND AFTER ON  
A WEEKEND WITH HEAVY DOORS BANGING  
EVERY FEW MINUTES AS PEOPLE LEAVE.

EDITED D.V.D FOOTAGE AUG 2010 TO  
DATE WILL SUPPORT MY CASE  
THE COPY OF NO 1 D.V.D IS WITH THE  
ENVIRONMENTAL HEALTH

Have you made an application for review relating to this premises before  Please tick yes

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

APRIL 2010 (APPROX)

OBJECTION AGAINST 3 AM LICENCE  
FOR LAP DANCING CLUB

Please tick yes

- \* I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- \* I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

1 MAR '11

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

MAN FRIDAYS  
22 VICTORIA PARADE  
TORQUAY

Post town

Post Code

TQ12BB

Telephone number (if any)

If you would prefer us to contact you by email address (optional)

email address your e-mail address

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

# GREEN ROOM

DISC 1

23/10/10 0315	BOTTLES ARREST NOISE
31/10/10 0310	NO DOORMAN
31/10/10 0250	
31/10/10 0255	SINGING
19/12/2010	NO DOORMAN
19/12/2010	BOTTLES

DISC 2

20/02/2011 0247	NOISE
0252	&
0305	BOTTLES
0315	
27/02/2011 0240	
0306	
0446	DOORS
0505	BANGING
03/03/2011 0145	
0201	
AFTER NOTICE	
06/03/2011 0219	
0247	
0320	

DISC 1 AUG 2010 - DEC 2010  
26 MIN 51 SEC

DISC 2 FEB 2011 - MARCH 2011  
21 MIN 50 SEC

DISC 3

6/03/2011 0315 noise/no doorman  
action  
13/3/2011 0425 banging doors  
13/3/2011 0249 happy birthday  
19/3/2011 0218 bottles again  
20/3/2011 0230 general noise  
26/3/2011 0154 general noise  
27/3/2011 1230 noise  
27/3/2011 0204 singing/no visible  
doorman  
27/3/2011 0211 threatening doorman

end 17 min 50 seconds

# GREEN ROOM


DISC 3 6/3/2011 - 27/3/2011



Licensing Act 2003

# Premises Licence

# 949

LOCAL AUTHORITY	
	<p>Licensing Section Torbay Council Roebuck House Abbey Road TORQUAY DEVON TQ2 5EJ</p> <div style="border: 1px solid black; padding: 5px; display: inline-block; font-size: 2em; font-weight: bold;">COPY</div>

## Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<p><b>The Green Room</b> 23-25 Victoria Parade, Torquay, Devon, TQ1 2BD. Telephone 01803 215848</p>	

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- an exhibition of a film</li> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- entertainment facilities for making music</li> <li>- entertainment facilities for dancing</li> <li>- provision of late night refreshment</li> <li>- the sale by retail of alcohol</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	7:00pm	3:00am
E. Performance of live music (Indoors)	Monday to Sunday New Year's Eve	10:00am 10:00am	Midnight 1:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	3:00am
I. Provision of facilities for making music (Indoors)	Monday to Sunday	Noon	Midnight
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	10:00am	3:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	3:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	3:00am

Licensing Act 2003  
**Premises Licence**

**949**

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	10:00am	3:30am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Top Bar Limited Waters Edge, The Strand, Ringmore, Shaldon, Devon, TQ14 0ES.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Top Bar Limited 04336420

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Timothy James MILNES Watersedge, The Strand, Ringmore, Shaldon, Devon, TQ14 0ES.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. MDVPE0087 Issued by Mid Devon



Steve Cox  
Environmental Health Manager (Commercial)  
14 February 2011



ANNEXES

ANNEXE 1

**MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3)
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7). The responsible person shall ensure that -

**ANNEXES continued ...**

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**MANDATORY CONDITION: EXHIBITION OF FILMS**

- 1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.
- 2) Where -
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

**ANNEXE 2****CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

1. A clear and legible notice shall be outside the premises indicating:-
  - i. the normal hours under the terms of the premises licence during which licensable activities are permitted.
  - ii. any restriction on the admission of children at specified times or for particular events or regulated entertainments. No children shall be allowed on the premises after 1900 hours.
2. To prevent the sale of alcohol to persons under the age of eighteen years, suitable written proof of age shall be requested from young people attempting to purchase alcohol in accordance with documents specified by Torbay Council's "Statement of Licensing Policy".
3. Regular glass and bottle collection shall be undertaken throughout the premises.
4. Patrons shall not be permitted to leave the premises with any glass or bottles which belong to the premises.
5. Toughened glasses shall be used for serving beverages.
6. As premises adjacent to a "No Drinking Zone" specified by the Council the licensees shall take steps in the form of advertising to their patrons on exit, that they are entering a "No Drinking Zone".

**The Prevention of Crime and Disorder**

1. Till drawers shall be removed at the end of the night and the till left open and empty.

**ANNEXES continued ...**

2. Drunk and disorderly behaviour must not be tolerated.
3. A CCTV system of an evidential standard, covering both inside and outside, shall be installed to the satisfaction of the police, and the system shall be in operation at all times the premises are open to the public. All recordings from that system shall be kept for a period of 14 days and the police to have access to recordings at any reasonable time.
4. On every occasion the premises sells alcohol after midnight and remains open after 12.30am, an SIA qualified door steward shall be employed at the premises from 10pm until closing.
5. Any SIA door steward employed on front of house duties shall wear high visibility reflective jackets for the entirety of their duty.
6. All drinks shall be served in toughened or strengthened glasses.
7. No drinks shall be served after midnight in glass bottles from which it is intended or likely that a person shall drink.
8. Premises shall join, maintain membership and activity participate in the Torquay Nitenet Radio Communication Scheme.
9. The premises shall join and maintain membership of the Torquay Night-time Economy Forum where a premises management representative shall attend at least two meetings per calendar year.
10. Food shall be available between 12 noon and 9pm daily.

**Public Safety**

1. An accident book and first aid box must be provided.
2. Fire exits must be kept free from obstruction.
3. Fire safety equipment and emergency lighting must be in place.
4. Fire checks must be conducted annually.

**The Prevention of Public Nuisance**

1. The placing of refuse into receptacles outside the premises shall take place at times that will prevent disturbance to nearby properties.
2. The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night or during the early morning.
3. A taxi telephone number shall be provided to patrons.
4. Cooking, noxious or persistent smells from the premises must not cause a nuisance to nearby properties.
5. A mechanical extract system installed within the kitchen shall operate in such a manner so as not to cause a noise or odour to nearby residents.
6. Noise or vibration shall not emanate from the premises so as to cause residents of the areas any disturbance. The main door and entrance to the premises shall remain closed after 2300 hours to ensure any noise is not distinguishable above background levels of noise.
7. Staff shall regularly check levels in the surrounding outside area in particular during live music performances.
8. During day time and up to this time noise shall be regulated and checked by the DPS or senior member of staff to ensure any noise shall be clearly distinguishable above other noise.
9. SIA trained door staff and staff on the premises shall promote noise reduction. The area designed for smoking outside the front of the premises in the enclosed court yard shall be surveilled by CCTV. Patrons and customers shall be advised by public notice and staff not to take their drinks outside in the smoking area.

**ANNEXES continued ...**

10. Prominent clear and legible notices shall be displayed at all exits requesting the public the needs of local residents and to leave the premises and area quietly at night time.
11. Amplified music shall be under the control of the DPS or senior staff on duty. Music shall be at background level during the day and monitored as above for noise disturbance at any other time.
12. Bottle skips shall be emptied during the day time only and not after closing time. This also applies to rubbish bins. Delivery and handling of bottles and beer keys shall not take place at night time or early morning.
13. Effective ventilation shall be provided in the kitchen area where food is being prepared and cooked. The outside area shall be monitored regularly by staff for persistent or offensive smells.
14. A fire proof bin shall be in place in the enclosed court yard for the disposal of cigarettes.

**The Protection of Children from Harm**

1. Young people who appear to be under the age of 21 shall be asked for identification before they are served alcoholic drinks.
2. Staff shall be trained in these procedures.
3. Proof of age shall normally be required by:-
  - i. Passport
  - ii. driving licence
4. Staff shall be trained in these procedures.
5. Children must be accompanied by an adult.
6. Children shall not be allowed on the premises after 1900 hours. This shall be advised to customers who are wanting to order food when accompanied by children.
7. Film showings shall be after 1900 hours.

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**The Prevention of Crime and Disorder**

1. There shall be no entry/re-entry to the premises after 2am.
2. All drinks shall be served in toughened, shatterproof, polycarbonate or plastic glasses and from 11pm daily, no drinks shall be served in glass bottles from which it is intended or likely that a person shall drink.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.



Our ref: Lic/Dev/njs

Your ref:

TORBAY COUNCIL  
POLICE DIVISION  
28 MAR 2011  
COMMUNICATIONS SECTION

DEVON & CORNWALL  
CONSTABULARY

Licensing Department  
Torbay Council  
Roebuck House  
Abbey Road  
TORQUAY  
TQ2 5EJ

SRU 160019

Licensing Department  
Devon and Cornwall Constabulary  
PO Box 1  
PAIGNTON TQ3 2YF

28 March 2011

Telephone: 01803 841327

Dear Sir/Madam

**Re: The Green Room, Rear of 23 Victoria Parade, Torquay**

I refer to the above premises and an application for the Review of the Premises Licence made by Mr Kevin Henton.

The police wish to make the following representation:

During the early hours of Sunday 6 March 2011, Neil Stanlake, one of my Police Licensing Officers, carried out a routine check of these premises and found that the two SIA door stewards on duty at the front entrance, were not wearing high visibility reflective jackets as per the condition on the Premises Licence (Condition 5, under Annex 2 The Prevention of Crime and Disorder refers).

Both door stewards were dressed in dark clothing and were wearing dark, woolly hats and therefore were not conspicuous and clearly visible. Both doormen were spoken to, as was the duty manager. The DPS, Mr Tim Milnes, was not present on the premises due to illness. He was subsequently spoken to by Neil a few days later and apologised for this breach of condition, and stated he would ensure in future that the condition would be complied with.

The premises have since been monitored and on each occasion the door stewards have been wearing their high visibility reflective jackets.

The police do not wish to make any further representations.

Should you wish to seek clarification regarding the above, please do not hesitate to contact Neil Stanlake of my Licensing Department who intends to be present at the Review Hearing.

Yours faithfully

Superintendent J Nye  
Geographic Superintendent – Torbay



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## Memorandum

**To:** **From :** Community Safety  
**c.c** **Contact :** Mr Gareth Fudge  
**c.c.** **Ext :** 01803 208010  
**c.c** **My Ref :** 1ZV SRU No: 16037  
**For the attention of: Licensing** **Your :**  
**Steve Cox** **Ref :**  
**Date :** 1<sup>st</sup> April 2011

**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: The Green Room, 23-25 Victoria Parade, Torquay, TQ1 2BB**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
  - i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

Bottles,

The Green Room is a nightclub situated just off Victoria Parade, Torquay. The club itself is largely below ground and is set back from the street. Access is via a private shared alley way (Appendix 1). The Green room shares this alley way with Mr Hentons business, whose access to his restaurant is on the same alley. Mr Hentons living accommodation is above the restaurant with his bedroom window overlooking the alley way.

The department first received a noise complaint from Mr Henton in September 2010 regarding noise breakout. Mr Milnes (Owner/Manager) agreed to reduce the noise level in the top bar which solved the noise breakout problem. In October 2010 Mr Henton made a 2<sup>nd</sup> complaint about noise from patrons in the alley way as they entered and left from the Green Room. Mr Henton was issued with a video camera, but found it was unsuitable. Instead Mr Henton was happy to use his own video camera to capture evidence. Mr Henton submitted a DVD with approximately 20 minutes of footage. The footage was not conclusive, although it showed customers had a tendency to congregate in the alley way and could be noisy at times. The footage showed the nuisance was not constant, but as was expected, the end of the night when most customers leave is particularly noisy.

A number of recommendations have made to Mr Milnes at a recent meeting held with him and his Bar Manager. Mr Milnes during our meeting had said emptying of bottles in the early hours of the morning was a one of occasions due to a new member of staff wrongly believing he was doing the right thing. Bottles can be clearly heard being emptying into recycling containers on a handful of occasions on the DVD footage filmed by Mr Henton. Mr Millnes was clear this practice has now stopped. I have no evidence to support this either way.

Mr Milnes disagrees with Mr Hentons allegations that his door staff where not overseeing the entrance. It was agreed all door staff will now wear high visibility jackets to make them easily identifiable.

Mr Milnes also agreed to the suggestion of a member of his door staff should patrol the alley way to encourage customers to move away quickly and quietly. I believe this will greatly reduce some of the noise problems Mr Henton is experiencing. Mr Henton is also being disturbed by the front door slamming when staff are leaving at the end of the night. Mr Millnes has now installed a self closure unit. I cannot confirm this has had the desired effect.

In making this representation I can state in the whole I support Mr Hentons representation based on the submission of Mr Hentons DVD footage. I can appreciate Mr Henton and his family are being disturbed until the early hours of the morning. The DVD footage does show evidence of customers being unreasonable noisy to levels likely to cause a statutory noise nuisance. In the main, door staff do not make any efforts to move people out of the alley. On occasions doorstaff can be heard asking customers to be quiet when leaving. During late night visits in December I spoke with one of the door staff from the Green Room who said they make every effort to ensure their customers leave quickly and quietly.

However being unable to have witnessed any statutory noise nuisance myself I cannot truly quantify the evidence presented to me. Yet based on Mr Hentons own evidence I am sure at times he is experiencing noise levels which may give rises to a statutory noise nuisance occurring.

If the Licensing Committee feel so minded to I would recommended the addition of two additional conditions to the Green Rooms licence.

1. No bottles to be emptied after 10:00pm and not before 9:00am Monday to Sunday.
2. An SIA approved member of door staff to patrol the alley from 11:00 pm until 3:30 am – for the purpose of approaching Patrons and asking them to disperse quietly.

Torquay  
TQ2 5EJ

10<sup>th</sup> March 2011

Dear Sir/Madam

Re: Review of Premises Licence, The Green Room, 23 Victoria Parade, Torquay, TQ1 2BB

Having been informed that there was to be a review of the Premises Licence of the Green Room on Victoria Parade, we would like to state that, as residents and also business owners of the [REDACTED] [REDACTED], we have never had any cause for concern regarding any disturbance or noise from the above premises.

Members of our staff visit the Green Room fairly often, after a hard night's work, and always report that it is well-run and appeals to the 20plus age group. They have never encountered any problems there.

I trust you will bear this in mind when reviewing the licence.

Yours faithfully

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Briefing Report No: **95/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Lighthouse and Fusion, 26 Esplanade Road, Paignton**

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub- Committee**      On: **28 April 2011**

Contact Officer: **Karen Ellicott**  
Telephone: **01803 208029**  
E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.
- 1.4 The matters raised relate to the Licensing Objective “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance” and “The Protection of Children from Harm”
- 1.5 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. Having regard to the Representation, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
  - (a) to modify the conditions of the licence, or
  - (b) reject the application in whole or in part.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

## 2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To allow the Supply of Alcohol on the Premises from 1100 to 0100 Monday to Saturday and from 0900 to Midnight on Sundays.

To extend the provision of Recorded Music from 0900 to 0100 Monday to Sunday (Indoors)

To be open to the public from 0900 until 0130 Monday to Saturday and from 0900 to 0030 on Sundays.

The Premise is currently licensed to provide Recorded Music from 0900 to 2330 from Sunday to Thursday and 0900 to 0030 on Friday and Saturday.

- 2.2 There is a current Premises Licence in place which is shown as Appendix 2.

- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the amended Premises Licence, as relevant Representations have been received from Interested Parties. The Licensing Authority is also satisfied that Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 3.

We have received a Representation from Community Safety in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 4

The Licensing Authority has also received six Representations from Interested Parties in relation to the Licensing Objectives "The Prevention of Crime and Disorder", "The Prevention of Public Nuisance" and "The Protection of Children from Harm". These are shown as Appendix 5.

There have been no additional Representations received from any other Responsible Authority or any other Interested Party.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to

the Applicant.

- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
- (a) The applicant for the variation of the licence against any decision to modify the conditions
  - (b) Any person who made a relevant representation in relation to the application who desires to contend
    - (i) that any variation made ought not to have been made, or
    - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
  - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

**Frances Hughes**  
**Executive Head Community Safety**

### **Appendices**

Appendix 1	Relevant parts of the application form
Appendix 2	Copy of the current Premises Licence
Appendix 3	Copy of the Representation from the Police
Appendix 4	Copy of the Representation from Community Safety
Appendix 5	Copy of the Representations from Interested Parties

### **Documents available in members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:

The current Premises Licence for the above Premise.  
Torbay Council Licensing Policy 2008 - 2011.

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**Torbay Council**  
Application to vary a premises licence  
Licensing Act 2003

For help contact  
licensing@torbay.gov.uk  
Telephone: 01803 208126

\* required information

**Section 1 of 20**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

The information given here will be saved and will be pre-filled in future forms.

**Section 2 of 20**

**APPLICATION DETAILS**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

**Section 3 of 20**

**VARIATION**

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe briefly the nature of the proposed variation

propose to serve wine beer and spirits in the downstairs area of the building, as well as offer late night refreshment and entertainment.  
Our licensee will be Vanessa Jane Elizabeth Ferrara - License no: PA2021

**Section 4 of 20**

**PROVISION OF PLAYS**

Will the schedule to provide plays be subject to change if this application to vary is successful?  
 Yes  No

**Section 5 of 20**

**PROVISION OF FILMS**

Will the schedule to provide films be subject to change if this application to vary is successful?  
 Yes  No

**Section 6 of 20**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?  
 Yes  No

**Section 7 of 20**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?  
 Yes  No

**Section 8 of 20**

**PROVISION OF LIVE MUSIC**

Continued from previous page...

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 20**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

MONDAY

Start 09:00

End 01:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 09:00

End 01:00

Start

End

WEDNESDAY

Start 09:00

End 01:00

Start

End

THURSDAY

Start 09:00

End 01:00

Start

End

FRIDAY

Start 09:00

End 01:00

Start

End

SATURDAY

Start 09:00

End 01:00

Start

End

SUNDAY

Start 09:00

End 01:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors  Outdoors  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

Recorded background music for patrons during opening hours

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 10 of 20**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 11 of 20**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 12 of 20**

**PROVISION OF FACILITIES FOR MAKING MUSIC**

Will the schedule to provide facilities for making music be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 20**

**PROVISION OF FACILITIES FOR DANCING**

Will the schedule to provide facilities for dancing be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

**Section 14 of 20**

**PROVISION OF FACILITIES FOR ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THOSE PROVIDED FOR MAKING MUSIC OR DANCING**

Will the schedule to provide facilities similar in nature to those provided for making music or dancing be subject to change if this application to vary is successful?

Yes

No

**Section 15 of 20**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

**Section 16 of 20**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve and New Year's Eve we would request a 02:00 closing time for sales of alcohol

**Section 17 of 20**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 18 of 20**

**HOURS PREMISES ARE OPEN TO THE MEMBERS AND GUESTS**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve and New Years Eve we would require a closing time of 02:00 for the sale of alcohol.



Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove Annexe 2 - Protection of Children From Harm- Ground floor- Condition 1

- I have enclosed the premises licence  
 I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

This is a revision to the original submission following consultation with Carrie Babbage

**Section 19 of 20**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

As current license except:  
Separate entrances to the ground floor and the upper floor, will be kept, ensuring that there is no confusion or mixing of patrons.  
The upstairs venue will remain alcohol free.  
SIA door staff will be employed on the Ground Floor Entrance, from 21:00 onwards unless it is felt that they are required earlier

b) The prevention of crime and disorder

As current licence except:  
2. Alcohol will only be served and allowed to be consumed on the ground floor and decking areas

c) Public safety

As current license

d) The prevention of public nuisance

As current license

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Licensing Act 2003  
**Premises Licence**

**944**

LOCAL AUTHORITY



Licensing Section  
Torbay Council  
Roebuck House  
Abbey Road  
TORQUAY  
DEVON  
TQ2 5EJ



Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Lighthouse & Fusion**

26 Esplanade Road, Paignton, Devon, TQ4 6BG.

Telephone 01803 665621

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
B. Exhibition of films (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
C. Indoor sporting event	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	9:00am	Midnight
F. Playing of recorded music (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
G. Performance of dance (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
J. Provision of facilities for dancing (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
L. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	Midnight
	Friday to Saturday	11:00pm	12:30am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Sunday to Thursday	9:00am	Midnight
Friday to Saturday	9:00am	12:30am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Devon Music Collective devonmusic@btinternet.com	124 Maidenway Road, Paignton, Devon, TQ3 2PZ. Telephone 0777 2964284
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**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Devon Music Collective	06878570
------------------------	----------

*F. K. Hughes*

Fran Hughes  
 Executive Head of Community Safety  
 2 June 2010

**ANNEXES**

**ANNEXE 1**

**MANDATORY CONDITION: EXHIBITION OF FILMS**

- 1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.
- 2) Where -
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**The Prevention of Crime and Disorder**

1. If young people between the ages of 14 and 18 are present at such as an event as at No 2 above one of the SIA door staff shall be female.
2. No alcohol shall be allowed on to the premises. Random searches shall be conducted when a performance event is being undertaken by appropriately qualified SIA door supervisors.
3. Similar checks shall be undertaken with regard to drugs.
4. Any person found to have alcohol shall be refused entry and/or removed from the premises and be subject to a future barring period.
5. Any person found to have drugs shall have their details taken, shall be refused entry or removed from the premises, be subject to a permanent bar and reported to the police.

**Public Safety**

1. Maximum occupancies shall be imposed with regard to relevant areas. Capacities shall be monitored at performance events by virtue of a clicker machine and such capacities shall be recorded and available for inspection upon reasonable request.  
  
Ground Floor - Sunday to Thursday: 400 persons, Friday and Saturday: 600 persons.  
  
First Floor - Sunday to Thursday: 350 persons, Friday and Saturday: 450 persons.
2. Regular checks shall be made with regard to decibel levels so as to ensure that noise levels within the premises do not exceed HSE recommendations. Free earplugs shall be available to staff volunteers and members of the public as requested.
3. When performances are undertaken, entrances, exits and gangways shall be clearly indicated and maintained to afford the public ready and ample means of escape.
4. All exit doors shall be kept unlocked and available for exit during the time that the public are on the premises providing that any person leaving during a performance/exhibition may be directed to certain exits at the discretion of the

ANNEXES continued ...

management.

5. Where entertainment involving a close seated audience is provided, seats must be allocated by row and seat number.
6. In the event of unusual performances involving use of naked flames, prior consent of the licensing authority and the fire authority shall be obtained.
7. Pyrotechnics shall not be used in the building at any time.
8. If lasers are to be used within any performance or activity, the prior consent of the licensing authority and fire authority shall be obtained.
9. An incident book shall be kept on site and maintained recording each incident, its time and date, the parties involved and which, if any, of the emergency services were caused to attend.

**The Prevention of Public Nuisance**

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise shall not be audible within any noise sensitive premises with windows open for normal ventilation after 11pm. The criteria applied, from boundary to nearest residential property are:  
  
Before 11pm - noise emanating from the premises shall not be clearly distinguishable above other noise.  
  
After 11pm - noise emanating from the premises shall not be clearly distinguishable above background levels of noise.
2. A senior member of staff shall assess the impact of noisy activities on neighbouring properties at the start of the activity/entertainment and periodically throughout the activity to ensure levels of noise have not increased.
3. The placing of refuse into receptacles outside the premises must take place at times that will prevent disturbances to neighbouring properties.
4. Checks shall be made by staff/volunteers on the surrounding area to prevent inappropriate behaviour and persons shall be requested not to stand at the front of the premises once it is closed but to leave the area quickly and quietly.
5. Appropriate and prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents.
6. No speech or music shall be relayed by external amplified speakers.

**The Protection of Children from Harm**

1. All staff/volunteers shall be CRB enhanced checked and recorded, such checks shall be available for inspection upon reasonable request.
2. A Child Protection Policy and Safeguarding Children from Harm Policy is in place and shall be issued to all staff and volunteers.
3. A female SIA licensed member of staff shall be present on the door for any events where young people under 18 years of age are present.
4. A ratio of 1 SIA door staff to 100 attendees shall be present at any events where such numbers are expected.

Ground Floor

1. The downstairs cafe area shall be accessible to all children, however, children under the age of 14 shall be supervised by a responsible adult within this area unless they are there for purposes purely of an educational activity, at which time the CRB checked staff and volunteers will be present.

First Floor

1. When operating as a music venue for performance, access shall be restricted to persons aged 14 years or over after 7pm.
2. During periods of time when the first floor area is used for educational purposes, access shall be available to all

ANNEXES continued ...

- children but subject to the same supervision as identified in 4. above.
3. A membership scheme shall be established whereby those 14 and over but under 18 shall be required to provide proof of age and emergency contact details for a responsible adult. Membership card shall be issued providing access to upstairs entertainment events. All consents issued shall be recorded and entry shall be restricted to those persons producing the ID card.
  4. In respect of visitors, temporary passes shall be provided to those aged 14 to 18 but this shall be based on production of a valid proof of age document.
  5. Clear policies shall be issued to staff regarding the admission of adults into the premises during performance events, particularly with a view to scrutinising adults who may be under the influence of alcohol, drugs or whom are considered inappropriate to be in contact with persons under the age of 18.
  6. Staff and stewards shall conduct regular checks and monitor behaviour of adults in the performance spaces when the venue is open to the public. Appropriate action in line with CPP and SCFH policies shall be taken to remove any apparent risk including removal of patrons and police intervention where appropriate.
  7. Toilet checks shall be conducted on a regular basis by appropriate staff and stewards.
  8. Should any film be shown in the course of an activity or by way of close seated viewing, proof of age scheme identification shall be required as appropriate in view of the certification issued in respect of the film in question.
  9. During the wind down period and at closure, staff shall endeavour to ensure the sensible dispersal of young people from the building and monitor the behaviour.
  10. A taxi phone shall be made available within the premises.

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**General**

1. Afternoon to early evening (7pm) acoustic music shall be performed on the front outside terrace only between 1st May to 30th September only.

**The Prevention of Crime and Disorder**

1. On nights when an event is being undertaken, which is open to members of the public, there shall be no admission after one hour before specified closing time.
2. SIA licensed door staff shall be employed for any events at a ratio of 1 SIA door staff member to 100 attendees.
3. Any persons exercising security function shall be licensed by the Security Industry Authority; such person shall be employed at the premises by the holder of the Premises Licence.

**Public Safety**

1. During performances, when the premises is used by a close seated audience, all seats shall be securely fitted to the floor. In any part of the premises not so regularly used, chairs, if provided, shall be securely fastened together in lengths of not less than 4 and no more than 12 whenever more than 250 persons are accommodated. There shall be space of not less than 300 mm between the back of one seat and the front of the one behind. In such cases, provision shall be made to the end seats in each row which flank the gangways to be securely fastened to the floor.

**ANNEXES continued ...**

2. When performances are being undertaken, all curtains and drapes within the premises shall be flame resistant to the satisfaction of the fire authority and the licensing authority. The premises licence holder shall provide documentary evidence of the nature and date of fire proofing treatment and such documentation to be available on reasonable request.

**The Prevention of Public Nuisance**

1. All doors and windows shall be kept shut during regulated entertainment to reduce noise break out. A management scheme shall be in place to ensure this occurs.
2. During regulated entertainment the door lobbies shall be effectively used throughout the time of the entertainment to prevent noise breakout.

**The Protection of Children from Harm**

1. Child Protection Officers will be appointed and all staff and volunteers shall be their name and contact details and the steps to be undertaken to record any incidents.
2. Safety leaflets shall be available and promoted within the premises to encourage young people to go home safely.
3. A collection point for parents collecting children shall be established at the side of the building off the main road and staffed appropriate offering assistance to young persons who are not collected should that situation arise.

**ANNEXE 4****PLANS**

Copy attached to Licence.



## LOCAL AUTHORITY



Licensing Section  
 Torbay Council  
 Roebuck House  
 Abbey Road  
 TORQUAY  
 DEVON  
 TQ2 5EJ

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Lighthouse & Fusion**

26 Esplanade Road, Paignton, Devon, TQ4 6BG.

Telephone 01803 665621

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
B. Exhibition of films (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
C. Indoor sporting event	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	9:00am	Midnight
F. Playing of recorded music (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
G. Performance of dance (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am

Licensing Act 2003  
**Premises Licence Summary**

**944**

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
J. Provision of facilities for dancing (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Thursday	9:00am	11:30pm
	Friday to Saturday	9:00am	12:30am
L. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	Midnight
	Friday to Saturday	11:00pm	12:30am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Sunday to Thursday	9:00am	Midnight
Friday to Saturday	9:00am	12:30am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

--

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Devon Music Collective	124 Maidenway Road, Paignton, Devon, TQ3 2PZ.
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**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Devon Music Collective	06878570
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**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

Access is restricted only under the terms of the Licensing Act 2003.
--

*F. K. Hughes*

Fran Hughes  
 Executive Head of Community Safety  
 2 June 2010

SRJ 159590



**DEVON & CORNWALL  
CONSTABULARY**

Our ref:

Your ref:

Licensing Department  
Torbay Council  
Roebuck House  
Abbey Road  
TORQUAY  
TQ2 5EJ

Dev/Lic/njs  
Licensing Department  
Devon and Cornwall Constabulary  
PO Box 1  
PAIGNTON TQ3 2YF

30 March 2011

Telephone: 01803 841287

Dear Sir/Madam

**Re: The Lighthouse, 26 Esplanade Road, Paignton**

I write with regards to an application for a Variation of the Premises Licence in respect of the above named premises.

The police have considered the application and will not be offering formal objection but in the event of the licence being granted, the police consider that the following conditions should be imposed in order that the licensing objectives are met.

1. CCTV to be installed throughout the premises, including the outside terraced areas, to the satisfaction of the police and maintained and used throughout the time the premises are open. Such CCTV shall be to an evidential standard and recordings retained for a minimum of 14 days, during which time the police shall have access to recordings at any reasonable time.
2. The premises to be fully alarmed throughout.
3. The premises must join and participate in the Nitenet Communications Scheme.
4. Door stewards shall be employed on the premises at a ratio of 1 steward per 100 persons.
5. All door stewards employed on the premises on front of house duties shall wear high visibility reflective jackets for the entirety of their duty.
6. Written records of all SIA door stewards (including full name and full SIA badge number) shall be kept on the premises for at least 12 months and be available for inspection at any reasonable time by a member of the Responsible Authorities, including the police.



7. All drinks to be served in toughened/strengthened/polycarbonate or plastic glasses, and from 9.00 pm daily, no drinks shall be served in glass bottles from which it is intended or likely that a person shall drink.
8. In respect of the ground floor, from 9.00 pm daily, there shall be no entry to any person under the age of 18 years.
9. In respect of the outside terraces and outside timber decked terraces, there shall be no drinks consumed in these areas after 12.00 midnight.
10. Food to be available throughout the premises until 9.00 pm daily.
11. In respect of the ground floor licensed area, the DPS or a Personal Licence Holder to be on duty on the premises daily from 9.00 pm until closing whenever licensable activities are operating.
12. All staff involved in the sale and supply of alcohol to complete the BIIAB Level 1 Aware in Responsible Alcohol Retailing within 2 months of commencement of employment at the premises. In respect of existing staff, this shall be done within 2 months.
13. A record of all staff training, including copies of all relevant BIIAB certificates, shall be kept on the premises and be available to the police or Council Licensing Officers for inspection on demand. Such records to be kept at the premises for a minimum of 12 months.
14. The DPS shall ensure that an Incident Book is kept on the premises and that all incidents are recorded therein on a daily basis. The Incident Book shall be made available for inspection by a police officer, a Police Licensing Officer or a member of the Council Licensing Department on demand and such records to be kept on the premises for a minimum of 12 months.
15. Appropriate signage shall be clearly displayed on the premises at each entrance/exit point, in the toilets and in the bar area, in relation to the prevention of drug use, indicating a zero tolerance by management and staff.
16. Suitable signage shall be clearly displayed at all exit points requesting customers to leave quietly.
17. Suitable signage shall be clearly displayed at all exit points requesting customers do not leave the premises with their drinks as they are entering a Torbay Council Designated No Drinking Zone.

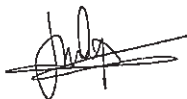
18. The existing fire exit doors on the ground floor adjacent to the DJ booth and reception area (as shown on plan marked EP.MAN.52A. (EXT)), to be permanently sealed in order that no entry or exit can be made and in so doing prevents internal communication between the ground and first floors.
19. All persons entering and leaving the ground floor licensed area must do so via the front terrace of the premises, other than in the event of an emergency.
20. All drinks promotions to be managed in a responsible manner.
21. Whenever the first floor non-alcohol licensed area is in use, all persons entering shall be subject to an Alcoblow Alcohol Meter test and all drink containers being carried into the premises will also be tested by the same means. Those persons indicating a positive test will be refused entry to the premises and all containers indicating a positive test shall be confiscated.

The police do not consider there are any other ways in which this application can be made acceptable.

The applicant has agreed with the police not to sell and supply alcohol, until such time as the CCTV system is installed and inspected and approved by the police and the internal doors as referred to in Condition 18 above are permanently sealed.

Should you require any further information, please contact my Licensing Department.

Yours faithfully



Superintendent J Nye  
Geographic Superintendent - Torbay

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## Memorandum

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<b>To:</b>	<b>From</b>	: <b>Community Safety</b>
<b>c.c</b>	<b>Contact</b>	: Mr Karl Martin
<b>c.c.</b>	<b>Ext</b>	: 01803 208010
<b>c.c</b>	<b>My Ref</b>	: 1ZV SRU No: 159590
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref Date</b>	:  : 1 <sup>st</sup> April 2011

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**Subject: Premises– Licensing Act 2003**

**Premises Name & Address: Lighthouse and Fusion , 26 Esplande Road, Paigton, Devon, TQ4 6BG.**

- a) I have no comments to make on the above application
  
- b) The application does not meet the following licensing objectives:
  - i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

I write in regards to an application for a Variation of the Premises Licence in respect of the above named premises.

Having considered the application I do not wish to formally object to the application, however I do feel it is appropriate to suggest conditions are added to the licence. This department has received a number of noise complaints in the last 12 months from a local resident. A noise diary was sent to the complainant, however the diary was not returned. Objections letters received from interested parties suggest there is still an on-going problem with noise. I have spoken with the resident who did not return a diary sheet and I am satisfied with their reason for not returning the diary sheet. Although I cannot present at this stage conclusive evidence of a statutory nuisance occurring, I anticipate based on evidence being presented by local residents there is a reasonable risk of noise nuisance occurring in the future and thereby undermining the licensing objectives.

For this reasons I feel in the event the licence is granted the following conditions should be imposed in order that the licensing objectives are met.

1. Noise or vibration shall not emanate from the premises as to cause persons in the neighbour hood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows opens for normal ventilation especially after 23:00hrs. The criteria applied, from boundary to nearest residential property are:
  - (i) Before 23:00 – Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 23:00 – Noise emanating from the premises shall not be clearly distinguishable above background levels of noise.
  - (iii) The local Authority shall reserve the right in case of tonal noise and where premises are attached to others to make further assessments from within the premises.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the licensee/Management and the controlling mechanisms shall be operated from a part of premises not accessible to the public.



Kind Regards  
Karl Martin  
Health and Safety Officer



**Application for liquor licence at “The Lighthouse” Paignton**

I, on behalf of members of the above society wish to object to the granting of a “liquor licence” to The Lighthouse situated at the Promenade Paignton.

1) Protection of minors

It was our understanding that this project was aimed at the youth of Paignton and it seems at odds to have alcohol in the same establishment which is aimed at the young. It is not beyond the wit of youngsters to end up in the bar drinking alcohol surreptitiously as they are allowed in licensed premises, with discretion and if accompanied by an adult.

2) Public Disorder

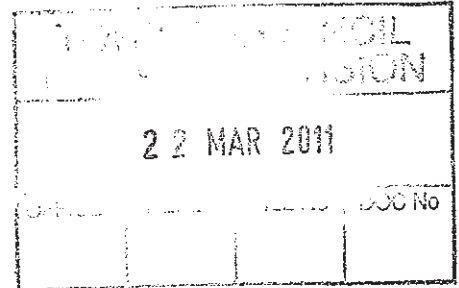
If the above scenario did take place it would be liable to lead to public disorder within and maybe outside the premises

3) Public nuisance and disturbance

If any of the above did take place members who live in the area consider it would turn into a public nuisance.

159 590

Carrie Babbage  
Licensing Enforcement Officer  
Licensing & Public Protection  
1<sup>st</sup> Floor, Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ



21<sup>st</sup> March 2011

Your ref: SRU:150289

Dear Carrie,

We have been given a copy of the Legal Notice in our local paper by one of our neighbours, informing us that The Devon Music Collective have applied for a licence to sell alcohol at The Lighthouse.

The music group currently use the ground floor room to the side and rear of the building, opposite the Inn on the Green. We complained about the high volume of noise many times last year. The room is only 5 metres from our apartment block and the noise is totally unacceptable. We have had secondary glazing fitted to our double-glazed windows, but we can still hear the sound, even with our television switched on.

This volume of noise will mean we are unable to open our windows at all in the warmer weather.

We are also greatly concerned about the anti-social behaviour that will result from young teenagers consuming alcohol to the late hours. We have already been told to 'f' off when we complained about the noise!!

Unless the music group are restricted to using rooms at the front of the building, life for everyone in Antony Court will be severely disrupted.

*Act JH*

2/

If this license is granted we will be getting some considerable people creating noise coming and going till 1 in a morning

PA can give this some considerable decision making

Note to Council Tax Office

THE FARTS AT THE BACK ARE BEING USED NIGHTS ON EVERY NIGHT 7 DAYS A WEEK

Atk.

21.3.11

Torbay Council Licensing Authority

22.3.2011

RE: Devon Music Collection  
ESPLANADE RD.  
25 MAR 2011

Twelve months ago I was glad to see noise initiated for the benefit of boys, girls and teenagers. They got a article published in the Herald Express paper saying no licensed bars etc. Since opening up the area around here is like a rubbish tip. NO SUPERVISION STATE ~~standards~~ standards on the front and side of premises. What do they want a licensed bar for? Teach the kids to drink while paying the music? I strongly object to a license being issued. I would also like police and council inspectors on a monthly basis.

The Executive Head,  
 of Community Safety,  
 Torbay Council,  
 Torquay, TQ2 5EG.

22 MAR 2011

18th March 11

Dear Sir,

Application for a Premises  
 Licence at The Lighthouse,  
 Paignton.

I must object strongly to the granting  
 of a licence for the sale of alcohol  
 in the above premises.

It was understood that this was  
 a youth club to encourage youngsters  
 to come & play an instrument and listen  
 to music by groups. Only yesterday  
 a friend of mine took her daughter  
 of 14 to do this. She was horrified that  
 alcohol could be served. An adult  
 boy of 18 could easily obtain a drink  
 for her.

The Council give a grant to them,  
 do they now approved of taxpayers'  
 money being used to encourage  
 drinking?

Our block of flats are literally  
 attached to this building, so we already  
 have vibrations & noise from drumming

1590

SCANNED



21.7.11

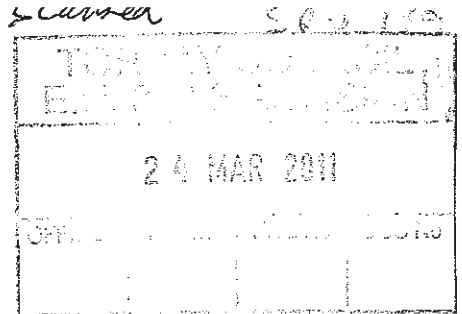
The Executive Head of Community Safety  
Torbay Council  
Roebuck House  
Abbey Road  
TORQUAY  
Devon  
TQ2 5EJ

Dear Sir

I would like to object to the application for a licence to sell alcohol at the Devon Music Collective, Ground Floor, The Lighthouse,, 26 Esplanade Road , PAIGNTON TQ4 6BF.

I am a resident in [REDACTED] There are already problems with Litter. Graffiti and Noise from the light house. As the people who use the Lighthouse are mostly teenagers I feel granting a license to consume alcohol on the premises can only cause problems for the residents living close to the Lighthouse.

see file 21.7.11



Licensing & Public Protection  
Torbay Council  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5TF  
23<sup>rd</sup> March 2011

Re – Application as advertised in the Herald Express Monday 14<sup>th</sup> March 2011  
**Licensing Act 2003 Application for a Premises Licence.**

I would like to make the licensing committee aware that we ( ) have issues with this application and therefore would like to **object to this application.**

**The provision of alcohol** was never going to be required, so the manager publicly stated on a number of occasions and in the paper. Had a provision in the license to serve alcohol been present in the previous application we would have made representations. The presence of an alcohol license will put into question the protection of young people not only from the consumption but from negative influences made to impressionable minds. People under the influence are far more likely to turn up the music, be noisy and rowdy especially outside where the noise will affect us. From past experience I predict more antisocial behaviour.

**Noise pollution** from amplified music and acoustic instruments like drum kits. I understand that there has been efforts to soundproof the premises and a lobby was fitted inside the ground floor around the fire doors on Garfield Road to the rear of the premises. No lobby door is present on the other fire doors so there is no way to contain the sound if they are opened and they do get opened and left open which is no problem until someone turns the music on, or a band starts playing. Last year I had to go across on three separate occasions to shut the open doors myself as they had excessive noise emanating from them. The bands that were playing, were very loud and on one occasion the manager was the drummer in the band which were playing. I had to speak to the chef and inform her that the music could be heard across the street and in our premises. I also sought to bring to the attention of someone in authority each time and on one occasion I could not find a manager. I did speak to the Manager about this problem, I told him I did not mean to be a spoil sport and thought it was good for the young people, but I also told him of the past owners and what problems they caused us with noise pollution. Even with the doors shut drums and bass orientated instruments and amplified music can still be heard to such an extent that particular tunes can be identified. This is unacceptable in an accommodation area. The sound can be heard above the normal background noise.

**Outside music** I was also made aware that outside music was going to take place. This again we strongly object to. We are endeavouring to provide quality accommodation and dining and to have a band or a disco start playing is not what our customers like. We pay high business rates unlike the applicant and we have to survive in a commercial environment unlike the Devon Music Collective, which I understand is a charity and we were led to believe for educational purposes.

**Opening times** we were told by the manager and he stated in the paper, would be restricted no music would carry on after 23:00.

**History**  
We have been involved and owned Park Hotel which is situated next door to the Lighthouse/Fusion, formally SportsXS/ClubXS formally The Fiesta/Impacto Disco during its many changes of name and ownership. We had tremendous problems with noise pollution and antisocial behaviour, we have had to involve Torbay Council many times to try and curb the noise emanating from the premises. We want to get on with our neighbours but see this as a threat to our livelihoods therefore we have no alternative than to send this letter.

Licensing and Consumer Protection  
Roebuck House  
Torquay  
Devon

25<sup>th</sup> March 2011

Re – Application as advertised in the Herald Express Monday 14<sup>th</sup> March 2011:-  
**Licensing Act 2003 Application for a Premises Licence.**  
**Lighthouse / Fusion. Esplanade Road, Paignton, Devon.**

Our letter of representation, dated 23<sup>rd</sup> March 2011 was in relation to the application to vary the Premises Licence for the Lighthouse/ Fusion.

Yours Sincerely

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Report No: **94/2011** Public Agenda Item: **Yes**

Title: **Suspension of Hackney Carriage Driver's Licence – Mr Keith Brown**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **28 April 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**  
Telephone: **01803 208034**  
E.mail: [Steve.cox@torbay.gov.uk](mailto:Steve.cox@torbay.gov.uk)

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## **1. What we are trying to achieve**

- 1.1 This report concerns a Hackney Carriage Driver who despite several warnings has failed to comply with the Road Traffic Orders and Byelaws of Torbay Council whilst going about his business.

## **2. Recommendation(s) for decision**

- 2.1 It is recommend that:

1. Mr Keith Brown's Hackney Carriage Driver's Licence be suspended for 7 days.

## **3. Key points and reasons for recommendations**

- 3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 Section 61 Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority the power to suspend or revoke a Hackney Carriage Driver's Licence for 'any other reasonable cause'.
- 3.3 This report concerns Hackney Carriage Drivers queuing and parking in areas in Torbay covered by Road Traffic Orders, as well as causing an obstruction to other road users. This has resulted in complaints from The Police, other road users and members of the public, as well as the general concerns Officers have about safety. This is particularly prevalent on Torquay harbour side but applies elsewhere too.

- 3.4 Although a number of different measures had been tried and three letters sent to all Hackney Carriage Drivers during 2009, problems were not resolved. In an attempt to address this, the Officer working party, with attendees from Parking Enforcement, Highways, Licensing, Transportation and the Police met again. It was decided at this meeting to propose moving the Taxi's ranks from The Strand, onto Torwood Street. This raised significant concerns amongst drivers so Officers attended a meeting with them to discuss the ongoing issue. The outcome of that meeting is that a trial was implemented to see if the Hackney Carriage Drivers would comply with the Road Traffic Orders. To help this, significant enforcement took place as well. A letter was sent to all Hackney Carriage Drivers advising them of the trial and the enforcement that would take place both on the harbourside and elsewhere, see Appendix 3.
- 3.5 Despite these letters, of which all were sent to Mr Brown, on 15 October 2010 at 2230 a Licensing Enforcement Officer witnessed Hackney Carriage Licence Number HC161, registration number WJ10 ZGE, parked in such a way that it was overhanging into the carriage way from the back of Vaughn Parade Short Rank. This was observed for 10 minutes. Then later on the same evening the same vehicle was witnessed at 2348 again overhanging the back of the same short rank. See Appendix 4. Mr Brown was subsequently sent a letter dated 25 October 2010 about these two incidents. He had also been written to previously on the 30<sup>th</sup> September 2010 about an incident which occurred on Friday 24<sup>th</sup> September 2010 at 23.56 hrs, as reported by the Police when Mr Brown's vehicle was parked in such a way that it was sticking out off the back of the Harbourside bus bay rank. See Appendix 5.
- 3.6 A letter was received from Mr Brown in response to our correspondence. See Appendix 6.
- 3.7 As such Mr Brown's case was reviewed because there was considerable doubt as to whether he had received the letter dated 30<sup>th</sup> September 2010 (not included in report), which was sent by Craig Noble, Licensing Enforcement Officer. The outcome of this review was to give Mr Brown the benefit of the doubt and to send a further final warning letter. This was sent by Steve Cox and dated 2<sup>nd</sup> November 2010. See Appendix 7.
- 3.8 Despite this benefit and considering Mr Brown's assurance that he would comply with the rules in full, on the 19 February 2011 at 0015, Hackney Carriage Number HC161, registration number WJ10 ZGE was witnessed by Licensing Enforcement Officers parked on double yellow lines to the rear of The Strand bus bay rank on the clocktower roundabout. See Appendix 8. A letter was sent to Mr Brown on the 4 March 2011 regarding this incident and requesting an explanation. See Appendix 9.
- 3.9 The above incidents are in contravention of both the Road Traffic Order and Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles Byelaws.

**For more detailed information on this proposal please refer to the Supporting Information.**

**Frances Hughes Executive Head Community Safety**

## Supporting information to Report 94/2011

### A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 Section 61 Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority the power to suspend or revoked a Hackney Carriage Driver's Licence for 'any other reasonable cause'.
- A1.3 This report concerns Hackney Carriage Drivers queuing and parking in areas in Torbay covered by Road Traffic Orders, as well as causing an obstruction to other road users. This has resulted in complaints from The Police, other road users and members of the public, as well as the general concerns Officers have about safety. See Appendix 1. This is particularly prevalent on Torquay harbour side but applies elsewhere too.
- A1.4 This biggest area for complaints and the concerns of Officers is around the bus bays and taxi ranks on The Strand and on The Clocktower roundabout, as well as Union Street and the GPO roundabout. Officers' concerns relate to the risk to pedestrians crossing the road, or alighting from buses, where they are away from the kerbside and being hit by a moving vehicle. There are also significant concerns about taxis obstructing the highway particularly at the exit to the roundabout and being a danger to other road users. There have been 13 road traffic accidents in the past 13 months up to December 2010 on the harbourside alone, though not all related to taxis. Torbay Council as the Licensing, Highways and Parking Enforcement Authority needs to exercise a duty of care in these matters, as informal attempts to resolve the issue have been unsuccessful.
- A1.5 Although a number of different measures had been tried and three letters sent to all Hackney Carriage Drivers during 2009 (see Appendix 2), problems were not resolved and this resulted in a number of Drivers having their Drivers Licences suspended.
- A1.6 In a further attempt to address this, an Officer working party, with attendees from Parking Enforcement, Highways, Licensing, Transportation and the Police, met. It was decided at this meeting to propose moving the Taxi's ranks from The Strand, onto Torwood Street. This was put to representatives of the Hackney Carriage Drivers in early August 2010. They raised significant concerns amongst drivers therefore Officers were invited to attend a meeting of the Taxi Trade Association.
- A1.7 The outcome of that meeting is that a trial was implemented to see if the Hackney Carriage Drivers would comply with the Road Traffic Orders. To help this, significant enforcement took place as well. A letter was sent to all Hackney Carriage Drivers advising them of the trial and the enforcement that would take place both on the harbourside and elsewhere, see Appendix 3. Overall this approach worked well, though since the end of the trial and the reduction in enforcement, some drivers have returned to being less compliant. However it is important to note that the majority of drivers do comply and at this time it has been felt that to move the ranks would disadvantage those drivers, although it

does still remain an option.

A1.8 What follows are the failures of Mr Brown to comply with Road Traffic Orders, both in Torquay Town Centre and on the harbourside.

A1.9 On 15 October 2010 at 2230 a Licensing Enforcement Officer witnessed Hackney Carriage Licence Number HC161, registration number WJ10 ZGE, parked in such a way that it was overhanging into the carriage way from the back of Vaughn Parade Short Rank. This was observed for 10 minutes. Then later on the same evening the same vehicle was witnessed at 2348 again overhanging the back of the same short rank. See Appendix 4. Mr Brown was subsequently sent a letter dated 25 October 2010 about these two incidents. He had also been written to previously on the 30<sup>th</sup> September 2010 about an incident which occurred on Friday 24<sup>th</sup> September 2010 at 23.56 hrs, as reported by the Police when Mr Brown's vehicle was parked in such a way that it was sticking out off the back of the Harbourside bus bay rank. See Appendix 5.

A1.10 A letter was received from Mr Brown in response to our correspondence. See Appendix 6.

A1.11 As such Mr Brown's case was reviewed because there was considerable doubt as to whether he had received the letter dated 30<sup>th</sup> September 2010 (not included in report), which was sent by Craig Noble, Licensing Enforcement Officer. The outcome of this review was to give Mr Brown the benefit of the doubt and to send a further final warning letter. This was sent by Steve Cox and dated 2<sup>nd</sup> November 2010. See Appendix 7.

A1.12 Despite this benefit and considering Mr Brown's assurance that he would comply with the rules in full, on the 19 February 2011 at 0015, Hackney Carriage Number HC161, registration number WJ10 ZGE, was witnessed by Licensing Enforcement Officers parked on double yellow lines to the rear of The Strand bus bay rank on the clocktower roundabout. See Appendix 8. A letter was sent to Mr Brown on the 4 March 2011 regarding this incident and requesting an explanation. See Appendix 9.

A1.13 The above incidents are in contravention of both the Road Traffic Order and Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles Byelaws.

A1.14 Mr Brown responded to the letter dated 4 March 2011 by a letter dated 8 March 2011. See Appendix 10.

A1.15 Attached is a map of the location, giving the Road Traffic requirements that apply to the harbourside. See Appendix 11.

A1.16 It should be noted that the harbourside is a very busy area with many competing interests. One argument put forward by some drivers is that there is insufficient space for taxis. There is no requirement in law for Torbay Council to provide Taxi Ranks; however the Council does provide space as Taxis provide an important part of an integrated transport strategy, helping to address late night economy issues. The taxi ranks are reviewed regularly as part of the Council's unmet demand study for Hackney Carriages. If 'no waiting areas' are excluded, Taxi ranks make up 18% of the space before midnight and 26% after midnight. This

does not at this time include the new rank outside The Clocktower public house. See Appendix 12.

A1.17 A copy of Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles Byelaws is attached at Appendix 13.

A1.18 It is recommended that Mr Stone's Hackney Carriage Drivers Licence be suspended for 7 days.

A1.19 There is a right of Appeal. Any Appeal would be to the Magistrates' Court within 21 days from the date of a Notice being sent out following the decision.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

A2.1.1 There are no significant risks if the recommendation is agreed. The potential risks to other road users and pedestrians would be reduced by agreeing the recommendation. However, there is the potential for an Appeal to the Magistrates' Court which may incur a financial cost.

A2.1.2 If the recommendation is not followed, then the risk may be greater in the long term, as the issue of ignoring the Road Traffic Orders and Byelaw may continue with the potential for further road traffic accidents or worse.

## **A3. Options**

A3.1 The options are:

- (i) to grant the suspension
- (ii) to refuse the suspension
- (iii) to suspend for a different period of time
- (iv) to revoke the licence

## **A4. Summary of resource implications**

A4.1 There are resource implications if there is an Appeal to the Magistrates' Court against the suspension.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no impacts upon equalities and environmental sustainability. There are potential crime and disorder issues associated with obstruction of the highway, but this approach should address those.

## **A6. Consultation and Customer Focus**

A6.1 There has been no public consultation on this matter, although the drivers are aware of the issues both from their Taxi handbook, from the letters they have received and from a Taxi Trade Association meeting.

## **A7. Are there any implications for other Business Units?**

A7.1 There are no implications for other business units.

### **Annexes**

Appendix 1 Letter from Richard Brown Parking Operations Officer dated 28<sup>th</sup> January 2010

Email from the Police dated 4<sup>th</sup> Feb 2010

Briefing note from Lesley Dransfield dated 27<sup>th</sup> January 2010 and from Christine Ratcliffe Operations Manager at Stage Coach dated 28<sup>th</sup> January 2010.

Appendix 2 Letter to All Hackney Carriage Drivers dated 16<sup>th</sup> January 2009

Letter to All Hackney Carriage Drivers dated 3<sup>rd</sup> April 2009

Letter to All Hackney Carriage Drivers dated 4<sup>th</sup> December 2009

Appendix 3 Letter to All Hackney Carriage Drivers dated 31<sup>st</sup> August 2010

Appendix 4 Enforcement sheet for 15<sup>th</sup> October 2010

Appendix 5 Letter dated 25<sup>th</sup> October 2010 to Mr Brown

Appendix 6 Letter from Mr Brown received on 1<sup>st</sup> November 2010

Appendix 7 Letter dated 2<sup>nd</sup> November 2010 to Mr Brown

Appendix 8 Enforcement sheet dated 19<sup>th</sup> February 2011

Appendix 9 Letter dated 4<sup>th</sup> March 2011 to Mr Brown

Appendix 10 Letter from Mr Brown dated 8<sup>th</sup> March 2011

Appendix 11 Plan of Road Traffic Orders in place on Torquay harbour side

Appendix 12 Spreadsheet showing the percentage of Taxi Rank space on the harbour side

Appendix 13 A copy of Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles

### **Documents available in members' rooms**

**None**

### **Background Papers:**

The following documents/files were used to compile this report:

None

### Appendix 1

Steve Cox  
Principle Licensing Officer  
Torbay Council

**Please reply to:** Richard Brown

Parking Operations Officer

Torbay Council

P O Box 422

Torquay, TQ2 5WU

**My ref:** RB/DW/Taxi

**Your ref:**

**Telephone:** 01803 207674

**Fax:** 01803 614302

**E-mail:** Richard.brown@torbay.gov.uk

**Website:** www.torbay.gov.uk

**Date:** 28 January 2010

---

Dear Steve

### Illegal Parking by Taxis in Torbay

For the past three years we have seen escalating problems with taxis parking illegally in Torbay. In particular in Torquay in Union Street, GPO Roundabout and within the Harbour side area during the evenings.

We have received a high volume of complaints over the years in particular from Stagecoach where taxis park in bus stops preventing buses alighting passengers safely, from bus users and members of the public who feel taxis are permitted to park illegally and not suffer the consequences. In general the illegal parking on double yellow lines, bus stops etc are causing congestion in busy town centre areas and road safety issues.

The problems we experience in enforcing the illegal parking is that the drivers are present with their taxis at all times and when we approach them in regard to enforcing the illegal parking they simply drive off to avoid enforcement. Our legal procedures dictate presently that the Penalty Charge Notice (PCN) has to be physically attached to the vehicle or handed to the driver and the taxis know this procedure well and will exit the location to avoid the issue of the PCN. This is very frustrating but we are putting in new plans under new legislation to ensure that the PCN is issued immediately and then it does not have to be affixed to the vehicle or handed to the driver and will be posted to the registered keeper, this we feel will improve enforcement in these circumstances.

We have undertaken increased patrols to deal with the taxi parking problem and even had enforcement staff working to Midnight on quite a few weekends on Torquay Harbour side but alas no PCNs were issued as taxis kept driving round in circles to get on the ranks to avoid the issue of a PCN. Our staff in trying to enforce these vehicle have also been the subject of threats and abuse by a number of drivers.

The problems appear to be much worse during the recent economic climate because there are too many taxis chasing too few fairs and therefore the ranks in particular in Torquay are overflowing with taxis. We would greatly appreciate any assistance you could provide us in holding the relevant taxis to account when seen to be parking illegally or abuse our staff, perhaps through the Committee route and suspend licences.

Your assistance in this matter would be most appreciated.

Yours sincerely

**Richard Brown**  
Parking Operations Officer



Steve Cox  
Principal Safety and Licensing Officer  
Torbay Council, Roebuck House  
Abbey Road, Torquay  
TQ2 5EJ

PC 864 Moorhouse  
NET/PACT TEAM  
Torquay Police Station  
South Street

04/02/2010

08452 777444

RE: Taxi Drivers on the Harbour Side

Dear Steve,

The intention of this letter is to clarify events of the last 9 months on The Strand involving Taxi Drivers and the issues being caused by them.

Over the last 9 months several problems have been caused and despite our joint efforts (and this includes Police, Council and NCP) the problems have continued and got worse. As you are aware a lot of work has gone in over this issue over the past few months (Inc the Night Time Economy Team) along with yourself and colleagues of yours from the council.

The main issues are with Hackney Carriage drivers. These primarily are constantly parking on the Debenhams side of The Strand, on the roundabout around the clocktower and parking on the exit of the roundabout where they are queuing to get on the bus stop on the harbour side of The Strand. The parking on the roundabout has already caused an accident in the latter part of last year involving a single decker bus which I am aware you know about. However there have been several incidents which have not been reported which have been very near misses. One was on Saturday night as I was issuing a ticket to a Taxi Driver who was parked causing an obstruction, when a double decker number 12 came around the roundabout and was confronted with a stationary taxi stopped in the same place. He slammed on his brakes and skidded on the wet ground missing the Taxi by cm. I am sure there will have been upset passengers, not to mention the driver. The taxi then sped off and unfortunately I did not see who it was.

With reference to parking on the Debenhams side of The Strand, the issue with this is there is nowhere for the buses to pull in causing them to have to block the road to set down passengers and then the passengers having to walk through parked cars to get to the safety of the pavement, which is completely unacceptable. After midnight when the busses stop, the problem is that there is nowhere for other taxis and members of the public to drop off or pick up, often drunk people again, causing the issues just described. Keeping that side of The Strand clear is also important just because often people who are drunk stagger into the road and the extra space can stop serious accidents. The fear is that a fatal RTC is only a matter of time away unless action is taken now.

I have also noticed that the number of Taxis on The Strand is increasing. I am not sure why, maybe more are just choosing to come to Torquay but there is definitely an increase. At one point over the weekend we had a line (parked every and anywhere they could) and I counted 41 Hackney Carriages, which I fear at the time was more than the number of people on The Strand. Also I have serious concerns about the rumours of de-regulation and the issues that it will bring. I spoke to a taxi driver who worked in Swansea when they did it and he said it was carnage, to the point it was reverted after 3 months. I would like to speak to you about this in more detail.

As you are aware I arranged with the drivers in consultation with you that they can use the first part of the bus stop from 21:00hrs in a bid to show that give and take is the best way to proceed.

However since that has been imposed our problem with drivers parking on the roundabout and blocking the exit has only started at 21:00hrs instead of 00:00hrs. Therefore as it was arranged that it would stay whilst it was used sensibly I recommend that this be removed with immediate effect. This is to ensure the continued safety of pedestrians and road users alike. I will have no issue with explaining to the drivers why that privilege has been removed.

I know that the council face difficulties as we do in dealing with this issue, but I must stress that something must be done. I know that space is limited and that there are too many Taxi's using Torquay at the moment. In response to this I have had an idea which involves closing the Vaughn Parade Taxi rank and utilising other currently unused space which will increase the number of Taxis able to fit on a rank. I promise that it is not as crazy as it sounds however it will be easier to discuss with you in person.

I look forward to your reply and please do not hesitate to contact me via email should you need to do so. Also I have emailed you reference meeting up with you in Paignton.

Yours Sincerely,

PC 864 Anthony Moorhouse  
P.A.C.T Traffic SPOC  
Torbay P.A.C.T Team / Night-Time Economy Team  
Devon BCU  
TEL : - 41520 / 41424  
EMAIL TORBAY P.A.C.T DIRECT

\*\*\*\*\*  
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## **BRIEFING PAPER**

### **TAXI PARKING STRAND, TORQUAY**

Since July 2006 the local Bus Company has encountered numerous complaints from drivers stating that they have been experiencing problems mainly on Friday and Saturday evenings with Taxi's taking over the bus bays on the Strand. When this problem occurs the buses cannot get in close to the kerb to load or unload passengers this causes an issue with passengers having to alight in the middle of the road. Also, those with disabilities who find it difficult to get off the bus because it is not adjacent to the kerb cannot alight at their stop.

On one occasion a bus driver noted a number of taxis causing problems on a particular night and one Taxi driver was particularly offensive to him.

Torbay Council has regular meetings with the bus companies and this issue is constantly being raised. Whilst signing and Traffic Orders are in place to prevent vehicles from waiting in the bus bays the problem has continued and bus drivers are becoming very despondent because no one seems to be addressing the issue.

The operation Managers for Stagecoach Bus Company have previously sent in a number of reports over the years completed by their drivers highlighting the taxi drivers causing the offences. These have been passed on to our Licensing Department requesting action be taken against the drivers.

The Licensing Department have informed Highways that many taxi drivers have been spoken with and reminded that it is an offence to park/wait within the Bus Bays however they do not have the power to take away a Drivers Licence and this is a matter for the Licensing Committee.

This is a very frustrating situation for the Council, as the Public Transport Team work to encourage and promote the use of Public Transport throughout the area. This in turn reduces congestion and carbon emissions and ensures buses can access the stops promoting the use for disabled and those with restricted mobility. However if the Bus Companies cannot access their specific bus bays for loading and unloading this discourages customers from using this form of transport.

The Taxi Parking issue has been ongoing for nearly four years since it was originally brought to the Council's attention.

Lesley Dransfield  
Public Transport Officer

27<sup>th</sup> January 2010

Lesley Dransfield  
Highways & Engineering  
4<sup>th</sup> Floor Roebuck House  
Abbey Road  
Torquay  
TQ2 5TF

28<sup>th</sup> January 2010

Dear Lesley,

I write to confirm the ongoing problems with taxis parking at the Strand bus stops.

This issue has been ongoing for the full duration of my time in post as Operations Manager since September 2007. However, I am aware that the previous manager raised this problem as early as 2006.

The main concern from my perspective is one of safety. If my vehicles cannot properly access their designated stopping places they are forced to disembark passengers in the middle of the road. This not only blocks the road for other road users but puts my passengers at risk.

Being unable to pull into the curb at a bus stop increases the potential of passengers falling on to or out of the bus and sustaining physical injuries. It also adds the risk of cyclists colliding with passengers on the nearside of the vehicle, which is a hazard that would otherwise not have been present.

I might add that the vast majority of my passengers are over the age of 60 and therefore many struggle with mobility issues. The step height from the bus to the curb is much lower than that directly onto the road; this in itself can cause physical injury and pain to some passengers.

The act of a taxi simply blocking a bus stop can therefore cause untold damage and is a deterrent to my passengers using my services in future.

We work in partnership with Torbay Council and hope to reach a resolution to this issue as soon as possible.

If you require any further information please do not hesitate to contact me.

Yours Sincerely,

Christina Ratcliffe  
Operations Manager -Torbay  
Stagecoach South West

Mr Richard McAllister  
Operations Manager Torbay  
Stagecoach Devon  
Regent Close  
Shiphay  
Torquay  
Devon TQ2 7AN

**Please reply to:** Lesley Dransfield  
Highways & Engineering  
4<sup>th</sup> Floor Roebuck House  
Abbey Road  
Torquay, TQ2 5TF  
**My ref:** LD/SH/30/4/3  
**Your ref:**  
**Telephone:** 01803 207687  
**Fax:** 01803 207670  
**E-mail:** Highways@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 09 February 2007

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Dear Richard

### **Operational Issues – Stagecoach Routes**

I am writing to update you regarding various issues you have raised concerning Stagecoach operations throughout Torbay and would ask you to pass the following information onto your staff.

Please note the following progress, which has been made to date:

#### **6. Taxis Parking on the Strand Bus Stops**

Following our regular meeting it would appear this matter has not been resolved. Agreed action - The Road Safety Officer along with yourself carried out a site visit on Saturday evening to understand the problems first hand of what the drivers are experiencing. The Road Safety Officer to bring this matter to the attention of the Devon & Cornwall Police at her regular meeting with Officers. Geoff Coleman to liaise closely with Licensing to establish a way forward.

Mr Richard McAllister  
Operations Manager Torbay  
Stagecoach Devon  
Regent Close  
Shiphay  
Torquay  
Devon TQ2 7AN

**Please reply to:** Lesley Dransfield  
Highways & Engineering  
4<sup>th</sup> Floor Roebuck House  
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Torquay, TQ2 5TF  
**My ref:** LD/SH/30/4/3  
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**Telephone:** 01803 207687  
**Fax:** 01803 207670  
**E-mail:** Lesley.Dransfield@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 04 July 2006

---

Dear Richard

### **Operational Issues – Stagecoach Routes**

I am writing to update you regarding various issues you have raised concerning Stagecoach operations throughout Torbay and would ask you to pass the following information onto your staff.

Please note the following progress, which has been made to date:

#### **5. Taxis Parking on the Strand Bus Stops**

The drivers report regarding taxis parking the entire length of the bus lanes during the late shifts on Saturday nights has been passed onto my colleague Geoff Coleman to deal with at his request.

### Appendix 2

**Please reply to: Steve Cox,**  
Principal Safety & Licensing Officer, Licensing  
Section, Roebuck House, Torquay. TQ2 5EJ  
**My ref:** SJC/SJC/0617353

**Your ref:**

To Hackney Carriage Drivers

**Telephone:** 01803 208126

**Fax:** 01803 208854

**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 16<sup>th</sup> January 2009

Dear

### **Re: Torquay Harbourside & The Strand Taxi rank and Bus Bay**

I am writing to you to advise you on the work being undertaken by Torbay Council and the Police to try and resolve issues that are arising in the use of The Strand, its taxi rank, the adjacent bus bay and the roundabout. During 2008 there have been a number of complaints about this area, mainly about drivers using areas not designated as taxi ranks. I have been tasked to try and find a solution to this problem. It is my view that a compromise is needed because there simply isn't enough space for all the demands made upon this area.

Torbay Council is also working with representatives of the Taxi Association to try and help find a solution.

I think it is important in the first instance to remind you that the only places drivers can queue for fares at this time are the three ranks, on Victoria Parade, on The Strand and on Cary Parade. Though waiting has been tolerated at times on the Bus Bay, it is must clear that the road traffic orders in place prohibit this.

Torbay Council has taken the view that it would be helpful to change the bus bay after midnight on the harbour side of The Strand; however it has to seek approval from the Department of Transport for this change. It has approached them about the change to the existing order and they have agreed with our submission that after midnight the Bus bay on the harbour side can become a taxi rank. This will still need to go through the proper channels of advertising etc, but we are hopeful that this can be agreed by mid March.

Until mid March there is no right to use this bus bay before or after midnight, and should you be approached and asked to move on, or even receive a fixed penalty notice, for doing so, I will expect you to comply. Should any driver make threats or anything similar against Torbay Council personnel or their contractors as some have done, they can expect to be brought before the Licensing Committee with the threat of their driver's licence being suspended. This also applies to any arguments with bus drivers, as they too have been warned and in two cases action has been taken against their drivers.

The same applies to the roundabout, where drivers have been queuing on it. This is simply not acceptable and is not only causing an obstruction but is simply dangerous. Ticketing is now taking

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place in that area, as several drivers have discovered.

Finally, at the start of this letter I said Torbay Council is working with the Taxi Association, and through them we hoped to identify some other potential locations for new ranks. It may be that we are not successful, but we do understand times are hard and if we can help we will. The process is slow and there will be other interests regarding any location, who will have a right to raise their concerns, but if we feel the location is right, I will add my support behind any report to Licensing Committee.

In due course I will write again to confirm any changes we have been able to achieve.

If you have any queries then please ring Craig Noble or myself.

Yours sincerely

**Steve Cox**  
Principal Safety & Licensing Officer  
Environmental Health & Consumer Protection



**Please reply to: Steve Cox,**  
Principal Safety & Licensing Officer, Licensing  
Section, Roebuck House, Torquay. TQ2 5EJ  
**My ref:** SJC/SJC/0617353

**Your ref:**

To Hackney Carriage Drivers

**Telephone:** 01803 208126

**Fax:** 01803 208854

**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 3<sup>rd</sup> April 2009

Dear

**Re: Torquay Harbourside & The Strand Taxi rank and Bus Bay**

I am writing to you and all other Hackney Carriage drivers to update you on the current situation with respect to taxi ranks and bus bays on the harbourside. The new rank, which is the bus bay on the harbourside of The Strand is now in place, for use after midnight. Stagecoach has agreed to move their final summer buses to the Debenham's side of The Strand to help facilitate this.

Unfortunately Hackney Carriage driver's have taken to using the Debenham's side of The Strand as well, for queuing. This is creating a similar problem that we were trying to resolve on the seaward side, that buses and other vehicles that are using that area legally, are potentially dropping passengers off away from the curb side. This is also happening at the GPO roundabout on the top of Fleet Walk by Tesco's. This could lead to a serious road incident, with potential injury or worse. There have already been a couple of near misses. I am sure this is not something you would wish to see and as a representative of Torbay Council I simply cannot allow to occur.

I must therefore insist that you do not use these areas, notably the bus bays on either side of The Strand and at the old GPO roundabout, by Tesco's. In the case of the seaward side of The Strand, this is just before midnight. This will also apply to any other areas which may cause obstruction of the highway or where there are Road Traffic Orders in place. If anybody is caught using them then they run the risk that action being taken against them, by way of fixed penalty notice or being brought before Licensing Committee.

I am sure this will be seen by many as unreasonable, but you must understand that waiting in these areas is not in compliance with the Road Traffic Orders, which are there to give everybody a share in the road space available, and as I said in my previous letter, there isn't sufficient space for all the competing interests.

Torbay Council is continuing to try and find further alternative spaces, to add to the 31 available after midnight on the harbourside. There are consultations taking place in several areas, following a meeting with the Taxi Association. I will give support to these and work on your behalf to try and secure more rank space, but I cannot promise anything at this time, as at least one location will also require Department of Transport approval, which will take time.

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**If you require this in a different format or language, please contact me.**

In due course I will write again to confirm any changes we have been able to achieve, but meanwhile be warned that enforcement action will commence before Easter.

If you have any queries then please ring Craig Noble, Shaun Rackley or myself.

Yours sincerely

**Steve Cox**  
Principal Safety & Licensing Officer  
Environmental Health & Consumer Protection

**Please reply to:** Steve Cox  
Safety & Licensing Team  
Roebuck House, Abbey Road,  
Torquay, Devon  
TQ2 5EJ

To All Hackney Carriage Drivers

**My ref:** SJC/BRE/0618190  
**Your ref:**  
**Telephone:** 01803 208126  
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**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)  
**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)  
**Date:** 4<sup>th</sup> December 2009

---

Dear

**Re: Torbay Harbourside & The Strand Taxi rank and Bus bay**

I am writing to you and all other Hackney Carriage Drivers to clarify the article in the Herald Express on Monday 23<sup>rd</sup> November, which you may have read. Torbay Council and Devon and Cornwall Police have been in discussions over the last 12 months to find solutions to a number of issues regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers. This applies to all areas of Torbay, but especially on the harbourside.

In January and April 2009 I wrote to all drivers about what is expected in terms of where they queue or park up, but unfortunately many drivers have ignored my advice. This was re-enforced by the use of staff from NCP to ask drivers not to use certain areas, but again many drivers have since ignored this. These staff, who are doing our work, have often received abuse, which is totally unacceptable. This was only from a minority of drivers and these are being dealt with.

In light of drivers ignoring advice, new technology is being investigated and adopted to mean that drivers may receive fixed penalty notices without the need of any ticket being affixed to a vehicle. In the meantime evidence is being collected by Officers of Torbay Council, NCP staff and the Police of non-compliance with Road Traffic Orders. If you are generally compliant with Road Traffic Orders then you have nothing to concern yourselves about. But should you be witnessed queuing or parking in non-authorised areas you will be brought before Licensing Committee with the risk of having your drivers badge suspended. I take no pleasure in issuing this warning but due to a significant minority ignoring previous requests it has left me with no option. So you must take this as a final warning.

So why are we doing this? Firstly to ensure all road users have their fair share of the limited space. This is particularly true of Torquay harbourside, but this equally applies elsewhere on the harbourside and in Torbay generally. Before midnight taxis have 18% of allocated space on the harbourside. After midnight it is 26%. The second reason is to avoid accidents due to incorrectly queuing or parked vehicles.

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If you require this in a different format or language, please contact me.

What else are we trying to do?

Discussions continue between various departments and the Police to find solutions and consultation has taken place on a section of road on Torwood Street in recent months, but unfortunately again the objections are too strong to change the present designation. Due to this we are prepared to allow 'unofficially' that the rear of the Strand bus stop 4 spaces to be used between 9pm and midnight. This is not a permanent situation because the development of further bus routes is one of the objectives of Torbay Council and the space may be needed in the future. However it may help us all get through the recession to better times.

There are also other considerations in the pipeline, but these would be linked to harbourside developments, so are not likely to arise in the near future. However we will continue to consider any options that are presented to us.

So as one final reminder, comply with the Road Traffic Orders or run the risk of having your drivers badge suspended, or worse.

Yours sincerely

Steve Cox  
Principal Safety and Licensing Officer  
Safety and Licensing Section

# Agenda Item 7

## Appendix 3

**Please reply to: Steve Cox,**  
Principal Safety & Licensing Officer, Licensing  
Section, Roebuck House, Torquay. TQ2 5EJ  
**My ref:** SJC/SJC/0618806

**Your ref:**

To ALL HC Drivers

**Telephone:** 01803 208126

**Fax:** 01803 208854

**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 31<sup>st</sup> August 2010

Dear

### **Re: Hackney Carriage Drivers**

I am writing to you following a meeting of the Torbay Taxi Association dated 17<sup>th</sup> August 2010, which I attended along with two colleagues from Devon and Cornwall Constabulary. The purpose of the meeting was to discuss a proposal by Torbay Council and Devon and Cornwall Constabulary to remove the Vaughan Parade and The Strand Bus Stop ranks and to replace them with new temporary ranks on Torwood Street.

This was met with complete opposition, due a number of reasons. Some of those reasons had validity but maybe some less so. The vast majority present preferred an option of hard enforcement to address the concerns of public safety, so targeting those who refuse to take responsibility for their actions. Since that meeting Officers at Torbay Council have met with their Police colleagues to review our response.

I am writing to all Hackney Carriage Drivers and Plate holders to confirm that response and to offer a compromise to these concerns. The first is that the Vaughan Parade rank will remain in use during the working day (between 6am to 6pm), so those drivers that rely upon it can continue to do so.

We are also offering to retain the Vaughan Parade rank during the evening and night (between 6pm to 6am) and The Strand Bus Bay rank (harbour side of The Strand between midnight and 6am), for a trial period of two months. However, this does **NOT** include The Strand Bus Bay (harbour side) between 9pm and midnight, which has been allowed 'unofficially' to be used as a rank.

If after a trial period of 2 months the problems continue, then these provisions will be withdrawn. The two months will commence from 6pm on 17<sup>th</sup> September 2010.

Finally a temporary rank will be installed outside The Clocktower pub, on Torwood Street in Torquay on Friday and Saturday evenings 6pm to 6am, as a means of trying to ease the situation though it may not be in place by the 17<sup>th</sup> September 2010, though I am hoping it will be.

The problems I make reference to above, include the queuing on the Clock Tower roundabout, or the driving around it numerous times which results in traffic being blocked, or any queuing in unauthorised bus bays or where there are Road Traffic Orders. The removal of the 9pm to midnight 'unofficial' use of

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the rear of The Strand (harbourside) is due to significant concerns that have arisen recently with drivers queuing on the Clock Tower roundabout, and buses using the roundabout. This has been made more difficult recently due to the hoardings that surround the Clock Tower meaning buses do not have a good line of sight. This was only ever agreed originally providing drivers policed it and did not queue on to the roundabout. However, this has not been the case and as such, this provision is now withdrawn

Although Torbay Council and the Police will endeavour to enforce during the specified trial period, the ultimate responsibility is for ALL drivers to ensure that the trial is a success. The responsibility is therefore partially yours if you work in this area at night. If you do work on Torquay harbourside at night and you want to keep these ranks then obey the Road Traffic Orders and help ensure that others do too.

Earlier this year Torbay Council used its Licensing Committee to support the work of the Police and the Parking Enforcement Team and a number of drivers were suspended for 7 days. So can you please take this as a warning as any driver who is caught parking or queuing in areas with Road Traffic Orders, runs the risk of having their drivers licence suspended. Although our enforcement will be concentrating initially on the harbourside, this will apply elsewhere too.

If you have any enquiries then please do not hesitate to contact Craig Noble, Shaun Rackley or myself.

Yours sincerely

**Steve Cox**  
Environmental Health Manager (Commercial)  
Community Safety

①

# TAXI/PRIVATE HIRE PARKING REPORT FORM

Day :- FRIDAY

Date :- 15 / 10 / 10

CEO No.	VRM No.	TAXI PLATE No. (Blue / Red)	TIME SEEN	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS	COMMENTS (TO INCLUDE ANY DETAILS OF WHETHER ANY OTHER VEHICLE WAS OBSTRUCTED, HOW LONG THEY WERE THERE)
			10.15	VATUGHAN PARADE	5TH ON RANK OVERHANGING		5 MINS
	WJ10 ZGE	B 161	10.30	"	"		10 MINS
			10.45	"	"		5 MINS
			10.47	"	"		5 MINS

(2)

# TAXI/PRIVATE HIRE PARKING REPORT FORM

Day :- FRIDAY Date :- 15 | 10 | 10

CEO No.	VRM No.	TAXI PLATE No (Blue / Red)	TIME SEEN	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS	COMMENTS (TO INCLUDE ANY DETAILS OF WHETHER ANY OTHER VEHICLE WAS OBSTRUCTED, HOW LONG THEY WERE THERE)
			10.50	VAUGHAN PARADE	5TH ON BANK OVERHANGING-		3 MINS
			11.45	"	"		"
	WJ10 ZGE	B 161	11.48	"	"		"
			11.55	"	"		3 MINS

11.58

9 MINS



**Please reply to:** Shaun Rackley  
Licensing & Public Protection  
Roebuck House, Abbey Road,  
Torquay, Devon  
TQ2 5EJ

Mr K G Brown  
(address removed)

**My ref:** SAR090438  
**Your ref:** **SRU 155360**  
**Telephone:** 01803 208121  
**Fax:** 01803 208854  
**E-mail:** Shaun.rackley@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 25<sup>th</sup> October 2010

Dear Mr Brown,

### **Re: Hackney Carriage Number 161 – Registration Number WJ10 ZGE**

I am writing to you to inform you that your vehicle registration details have been passed to me because your vehicle has been seen illegally parked on the Harbourside at Torquay by Licensing Enforcement Officers. I have been informed that at 22:30 hrs on Friday 15<sup>th</sup> October 2010, your vehicle was parked in such a way that it was overhanging into the carriage way from the back of the Vaughan Parade Short Rank, this was observed for 10 mins. Your vehicle was also observed doing exactly the same at 23:48hrs and was observed for 3 mins this time. The road traffic order for this rank has designated the rank for 3 cars, and although four can probably fit without causing an obstruction, five cannot.

As we have reminded you in previous correspondence you should not be parking illegally at any time and you were warned that any further breaches of parking regulations could result in you being brought before the Licensing Committee to explain your actions.

From our records we have recently written to you, (Ref: CN100057, dated 30<sup>th</sup> September 2010) regarding illegal parking on the harbour side on another separate occasion. As a result of this I would now like you to write to me as soon as possible and in no case no later than 7 days from receipt of this letter to explain your actions as to why you think it is acceptable to be carrying on breaking parking regulations. On receipt of this information the Licensing Manger will decide whether to take the matter to Licensing Committee for actioning.

Should you wish to discuss this matter further then please contact me on the above telephone number.

Yours sincerely

Shaun Rackley  
Licensing Support Officer  
Licensing & Public Protection.

TORBAY COUNCIL ENFORCEMENT DIVISION		
- 1 NOV 2010		
Officer No	FILE No	DOC No

Shaun Rackley  
Licensing Support Officer  
Safety & Licensing Section  
Torbay Council

Dear Shaun

I refer to my letter regarding illegal parking on Taxi Ranks recently.

May I first say that this is the first letter that I have received, apparently a previous letter went to the owner of the plate, Paul Mckee, a couple of weeks ago, but unfortunately Paul misplaced the letter and it was not passed on to me.

I unreservedly apologise for the infringements of the taxi rules that have occurred. My only excuse is that I was following what the other taxi drivers were doing on this particular night and now realise that it was unacceptable and can assure you that I will now comply with the rules in full.

I hope that on this occasion you will accept my word that this will not happen again.

Yours sincerely

Keith Brown

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# Agenda Item 7

## Appendix 7

**Please reply to: Steve Cox,**  
Environmental Health Manager (Commercial),  
Licensing Section, Roebuck House, Torquay.  
TQ2 5EJ

**My ref:** SJC/SJC/0618817

**Your ref:**

**Telephone:** 01803 208126

**Fax:** 01803 208854

**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 2<sup>nd</sup> November 2010

Mr Keith Brown

(address removed)

Dear Mr Brown

### **Re: Hackney Carriage Number 161 – Registration Number WJ10 ZGE**

I am writing to you to thank you for your letter we received on 1<sup>st</sup> November 2010. This was with respect to previous correspondence to all drivers of Hackney carriages about the queuing and parking in contravention of Road Traffic Orders. Evidence shows that you have been witnessed several times contravening that advice, and in normal circumstances you would be asked to appear in front of the Licensing Committee with a recommendation for a 7 day suspension.

However since we cannot confirm that you got our first letter, which was sent to Paul Mckee, I think you can consider yourself very lucky on this occasion.

I will therefore take you at your word that this will not happen again and thank you for that assurance. However as I am sure you will be fully aware that should it happen again, then I will have no choice but to take that formal action against you.

Can I take this opportunity to say that it would be our preference to retain these ranks on The Strand, so please work with us and those drivers who have been complying all along to ensure this is the case.

Yours sincerely

**Steve Cox**  
Environmental Health Manager (Commercial)  
Community Safety

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**If you require this in a different format or language, please contact me.**

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TAXI/PRIVATE HIRE PARKING REPORT FORM

Day :- *Saturday*

Date :- *19th February 2011*

CEO No.	VRM No.	TAXI PLATE No (Blue / Red)	TIME SEEN	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS	COMMENTS (TO INCLUDE ANY DETAILS OF WHETHER ANY OTHER VEHICLE WAS OBSTRUCTED, HOW LONG THEY WERE THERE)
—			00:05	Bus lane, Seaward side The Strand, Torquay	Back of bus lane	—	Parked on double yellow lines for 2 minutes.
—			00:05	"	Back of bus lane	—	Parked on double yellow lines for 2 minutes.
—			00:11	"	Back of bus lane	—	Parked on double yellow lines for 1 min.
—	WS10 ZGE	HC161	00:15	"	Back of bus lane	—	Parked on double yellow lines

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**Please reply to:** Shaun Rackley  
Licensing & Public Protection  
Roebuck House, Abbey Road,  
Torquay, Devon  
TQ2 5EJ

Mr K G Brown  
(address removed)

**My ref:**  
**Your ref:** SRU 160074  
**Telephone:** 01803 208121  
**Fax:** 01803 208854  
**E-mail:** Shaun.rackley@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 4<sup>th</sup> March 2011

Dear Mr Brown,

### **Re: Hackney Carriage Number 161 – Registration Number WJ10 ZGE**

I am writing to inform you that your vehicle has been seen illegally parked on the Harbourside at Torquay by Licensing Enforcement Officers. Your vehicle was seen at 00:15 hrs on Saturday 19<sup>th</sup> February 2011 parked illegally on double yellow lines at the back of the bus lane on the seaward side of Torquay Harbour.

As we have reminded you in previous correspondence you should not be parking illegally at any time and you were warned that any further breaches of parking regulations could result in you being brought before the Licensing Committee to explain your actions.

From our records we have recently written to you, (Ref: SAR 090438, dated 25<sup>th</sup> October 2010 and a final warning letter Ref:SJC/SJC/0618817, dated 2<sup>nd</sup> November 2010) regarding illegal parking on the harbour side on other separate occasions. As a result of this I would now like you to write to me as soon as possible and in no case no later than 7 days from receipt of this letter to explain your actions as to why you think it is acceptable to be carrying on breaking parking regulations. On receipt of this information the Licensing Manger will decide whether to take the matter to Licensing Committee for actioning.

Should you wish to discuss this matter further then please contact me on the above telephone number.

Yours sincerely

Shaun Rackley  
Licensing Support Officer  
Licensing & Public Protection.

8 March 2011

Dear Shaun,

Since I received my first letter dated 2 Nov 2010 I have been very conscious of my parking but on Sat 19th Nov I did not intend or deliberately mean to park at the rear of the rank, as prior to the offence I drove around the harbourick numerous times waiting for the rank to move once it started. I approached the rear of the rank and

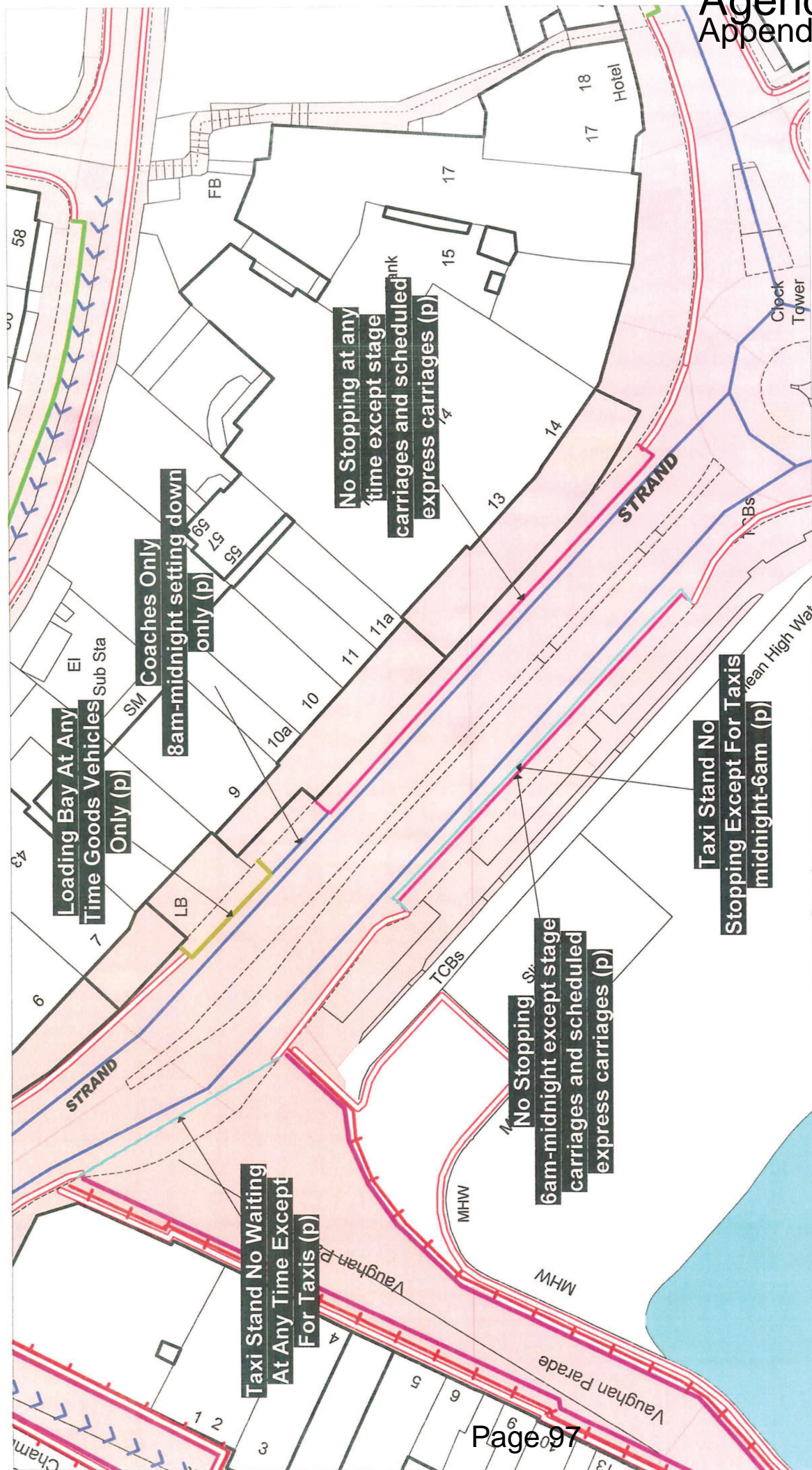
it stopped moving, to my recollection a multi seater was picking near the 12 bus stop.

This also caught out another taxi as he pulled up behind me.

This was a genuine and unintentional mistake we made in over four months. Shaun and I will carry on parking diligently

Yours Sincerely

KC Brown



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Licence No. 2003

The Strand, Torquay



SCALE 1 : 650

DATE 27/01/2010

DRAWING No.

DRAWN BY

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Parking % In Harbour Area										
	No Waiting Taxis at any time	only	Pay & Display 8am-6pm	Coaches Only - 8am - midnight	No Stoppin Loading except bus Bay	Disabled Parking	Powered Two Wheelers	Kerb Length (m)		
<b>Including 'No Waiting'</b>										
Cary Parade (m)	172	42	0	0	54	0	0	268		
Strand (m)	114	29	0	10	112	15	0	280		
Torwood Street (m)	346	0	165	8	14	0	0	533		
Victoria Road (m)	278	38	130	0	0	0	0	446		
<b>Total (m)</b>	<b>910</b>	<b>109</b>	<b>295</b>	<b>18</b>	<b>180</b>	<b>15</b>	<b>0</b>	<b>1527</b>		
% of kerb length	60	7	19	1	12	1	0	100		
<b>Note: After midnight, when the bus bay becomes an extra taxi rank the length increases to 161m, which equates to 11%.</b>										
<b>Excluding 'No Waiting'</b>										
Cary Parade (m)	42	0	0	0	54	0	0	96		
Strand (m)	29	0	0	10	112	15	0	166		
Torwood Street (m)	0	165	8	14	0	0	0	187		
Victoria Road (m)	38	130	0	0	0	0	0	168		
<b>Total (m)</b>	<b>109</b>	<b>295</b>	<b>18</b>	<b>180</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>617</b>		
% of kerb length	18	48	3	29	2	0	0	100		

**Note: After midnight, when the bus bay becomes an extra taxi rank the length increases to 161m, which equates to 26%**

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Appendix 11



# BYELAWS

made by the

COUNCIL

of the

BOROUGH OF TORBAY

with respect to

**HACKNEY CARRIAGES AND  
PRIVATE HIRE VEHICLES**

Agenda Item 7  
Appendix 13

14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall when standing or plying for hire and when hired wear that badge in such a position and manner as to be plainly visible.
15. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
- Convey a reasonable quantity of luggage;
  - Afford reasonable assistance in loading or unloading;
  - Afford reasonable assistance in removing it to or from the entrance of any house station or place at which he may take up or set down such person.
16. A driver of a motor hackney carriage shall not at any time when driving for hire smoke tobacco or any other like substance except with the consent of the hirer.
17. A proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person and shall immediately thereafter notify the fact to the Medical Officer of Health of the Council.
18. The driver or proprietor of a motor hackney carriage shall take all reasonable precautions to prevent the discharge herefrom in any street or public place of oil or spirit and shall not repair such carriage in any such street or public place so as to cause any such discharge except where such repairs are essential to secure the continued safe functioning of the vehicle and shall not wash such carriage in any street or public place.
19. The driver of a hackney carriage shall during the time that such carriage is standing at one of the stands referred to in these byelaws keep such stand in a clean and tidy condition.
20. The driver of a hackney carriage vehicle shall at all times while standing or plying for hire, have a copy of these Byelaws and shall produce the same for perusal and inspection on request by any person hiring the carriage, or other passenger, or any Authorised Officer of the Council.
21. A proprietor or driver of a hackney carriage shall not, while standing, plying or driving for hire drive or allow to be driven or harnessed to the carriage any animal in such a condition as to expose any person conveyed or being in such carriage or any person traversing any street to risk of injury.
22. The driver of a hackney carriage drawn by any animal or animals shall while standing plying or driving for hire cause every part of the harness of the animal or animals drawing the carriage to be kept in order so that the animal or animals shall be properly and securely attached to the carriage and under due control.

5

8. The driver of a hackney carriage of a description for which stands are fixed by any byelaw in that behalf shall when plying for hire in any street and not actually hired:
- Proceed with reasonable speed to and station the carriage on one of such stands or the stands provided at Torquay Paignton or Torre Stations if authorised by the Railway Authorities to use such stands;
  - If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to another stand;
  - On arriving at a stand not already occupied by the full number of carriages authorised to occupy it station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
  - If his carriage is the first or second carriage on the stand remain with the carriage ready to be hired at once.
9. A proprietor or driver of a hackney carriage when standing or plying for hire shall not be calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any person for the purpose.
10. Every proprietor or driver of a hackney carriage shall at all times when standing plying or driving for hire, conduct himself in a civil and orderly manner be clean and respectable in his dress and shall act with civility towards every person seeking to hire such carriage and shall comply with every reasonable requirement of any person hiring such carriage and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend with such carriage at such appointed time and place.
12. The driver of a hackney carriage when hired to drive to any particular destination shall subject to any directions given by the hirer proceed to that destination by the shortest available route.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. For the purposes of this byelaw, two children between the ages of three and ten years shall be regarded as one person but no more than six such children may be conveyed in a hackney carriage at any one time. A child under the age of three years shall not be reckoned.

4



Report No: **96/2011** Public Agenda Item: **Yes**

Title: **Suspension of Hackney Carriage Driver's Licence – Mr Shazad Ramzan**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **28 April 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**  
Telephone: **01803 208034**  
E.mail: [Steve.cox@torbay.gov.uk](mailto:Steve.cox@torbay.gov.uk)

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## **1. What we are trying to achieve**

- 1.1 This report concerns a Hackney Carriage Driver who despite several warnings has failed to comply with the Road Traffic Orders and Byelaws of Torbay Council whilst going about his business.

## **2. Recommendation(s) for decision**

- 2.1 It is recommend that:

1. Mr Shazad Ramzan's Hackney Carriage Driver's Licence be suspended for 7 days.

## **3. Key points and reasons for recommendations**

- 3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 Section 61 Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority the power to suspend or revoke a Hackney Carriage Driver's Licence for 'any other reasonable cause'.
- 3.3 This report concerns Hackney Carriage Drivers queuing and parking in areas in Torbay covered by Road Traffic Orders, as well as causing an obstruction to other road users. This has resulted in complaints from The Police, other road users and members of the public, as well as the general concerns Officers have about safety. This is particularly prevalent on Torquay harbour side but applies elsewhere too.

- 3.4 Although a number of different measures had been tried and three letters sent to all Hackney Carriage Drivers during 2009, problems were not resolved. In an attempt to address this, the Officer working party, with attendees from Parking Enforcement, Highways, Licensing, Transportation and the Police met again. It was decided at this meeting to propose moving the Taxi's ranks from The Strand, onto Torwood Street. This raised significant concerns amongst drivers so Officers attended a meeting with them to discuss the ongoing issue. The outcome of that meeting is that a trial was implemented to see if the Hackney Carriage Drivers would comply with the Road Traffic Orders. To help this, significant enforcement took place as well. A letter was sent to all Hackney Carriage Drivers advising them of the trial and the enforcement that would take place both on the harbourside and elsewhere, see Appendix 3.
- 3.5 Despite these letters of which all were sent to Mr Ramzan, on the 15 October 2010 at 2215 a Licensing Enforcement Officer witnessed Hackney Carriage Licence Number HC049, registration number WG08 VCK, parked in such a way that it was overhanging into the carriageway from the back of Vaughan Parade Short Rank. This was observed for 5 minutes. See Appendix 4. Mr Ramzan was sent a warning letter dated 20<sup>th</sup> October 2010 about this incident. See Appendix 5.
- 3.6 At 22.59 on the 18 February 2011, Hackney Carriage Number HC049, registration number WG08 VCK, was witnessed by a Licensing Enforcement Officers parked in the middle of the carriageway adjacent to the Vaughan Parade Short Rank for 2 minutes, then reversed into the oncoming traffic onto this rank. Again at 0020 on 19 February 2011 the same vehicle was witnessed by Licensing Enforcement Officers parked illegally on double yellow lines at the back of the bus bay on the seaward side of Torquay Harbour. See Appendix 6. A letter was sent to Mr Ramzan on the 4 March 2011 regarding these incidents and requesting an explanation. See Appendix 7.
- 3.7 No response has been received from Mr Ramzan regarding these matters.
- 3.8 The above incidents are in contravention of both the Road Traffic Order and Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles Byelaws.

**For more detailed information on this proposal please refer to the Supporting Information.**

**Frances Hughes  
Executive Head Community Safety**

## Supporting information to Report 96/2011

### A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 Section 61 Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority the power to suspend or revoke a Hackney Carriage Driver's Licence for 'any other reasonable cause'.
- A1.3 This report concerns Hackney Carriage Drivers queuing and parking in areas in Torbay covered by Road Traffic Orders, as well as causing an obstruction to other road users. This has resulted in complaints from The Police, other road users and members of the public, as well as the general concerns Officers have about safety. See Appendix 1. This is particularly prevalent on Torquay harbour side but applies elsewhere too.
- A1.4 This biggest area for complaints and the concerns of Officers is around the bus bays and taxi ranks on The Strand and on The Clocktower roundabout, as well as Union Street and the GPO roundabout. Officers' concerns relate to the risk to pedestrians crossing the road, or alighting from buses, where they are away from the kerbside and being hit by a moving vehicle. There are also significant concerns about taxis obstructing the highway particularly at the exit to the roundabout and being a danger to other road users. There have been 13 road traffic accidents in the past 13 months up to December 2010 on the harbourside alone, though not all related to taxis. Torbay Council as the Licensing, Highways and Parking Enforcement Authority needs to exercise a duty of care in these matters, as informal attempts to resolve the issue have been unsuccessful.
- A1.5 Although a number of different measures had been tried and three letters sent to all Hackney Carriage Drivers during 2009 (see Appendix 2), problems were not resolved and this resulted in a number of Drivers having their Drivers Licences suspended.
- A1.6 In a further attempt to address this, an Officer working party, with attendees from Parking Enforcement, Highways, Licensing, Transportation and the Police, met. It was decided at this meeting to propose moving the Taxi's ranks from The Strand, onto Torwood Street. This was put to representatives of the Hackney Carriage Drivers in early August 2010. They raised significant concerns amongst drivers therefore Officers were invited to attend a meeting of the Taxi Trade Association.
- A1.7 The outcome of that meeting is that a trial was implemented to see if the Hackney Carriage Drivers would comply with the Road Traffic Orders. To help this, significant enforcement took place as well. A letter was sent to all Hackney Carriage Drivers advising them of the trial and the enforcement that would take place both on the harbourside and elsewhere, see Appendix 3. Overall this approach worked well, though since the end of the trial and the reduction in enforcement, some drivers have returned to being less compliant. However it is important to note that the majority of drivers do comply and at this time it has been felt that to move the ranks would disadvantage those drivers, although it does still remains an option.

- A1.8 What follows is the failures of Mr Ramzan to comply with Road Traffic Orders, both in Torquay Town Centre and on the harbourside.
- A1.9 Despite these letters of which all were sent to Mr Ramzan, on the 15 October 2010 at 2215 a Licensing Enforcement Officer witnessed Hackney Carriage Licence Number HC049, registration number WG08 VCK, parked in such a way that it was overhanging into the carriage way from the back of Vaughan Parade Short Rank. This was observed for 5 minutes. See Appendix 4. Mr Ramzan was sent a warning letter dated 20<sup>th</sup> October 2010 about this incident. See Appendix 5.
- A1.10 On the 18 February 2011 at 22.59, Hackney Carriage Number HC049, registration number WG08 VCK, was witnessed by a Licensing Enforcement Officers parked in the middle of the carriageway adjacent to the Vaughan Parade Short Rank for 2 minutes, then reversed into the oncoming traffic onto this rank. Again at 0020 on 19 February 2011 the same vehicle was witnessed by Licensing Enforcement Officers parked illegally on double yellow lines at the back of the bus bay on the seaward side of Torquay Harbour. See Appendix 6. A letter was sent to Mr Ramzan on the 4 March 2011 regarding these incidents and requesting an explanation. See Appendix 7.
- A1.11 No response has been received from Mr Ramzan regarding these matters.
- A1.12 Attached is a map of the location, giving the Road Traffic requirements that apply to the harbourside. See Appendix 8.
- A1.13 It should be noted that the harbourside is a very busy area with many competing interests. One argument put forward by some drivers is that there is insufficient space for taxis. There is no requirement in law for Torbay Council to provide Taxi Ranks; however the Council does provide space as Taxis provide an important part of an integrated transport strategy, helping to address late night economy issues. The taxi ranks are reviewed regularly as part of the Council's unmet demand study for Hackney Carriages. If 'no waiting areas' are excluded, Taxi ranks make up 18% of the space before midnight and 26% after midnight. This does not at this time include the new rank outside The Clocktower public house. See Appendix 9.
- A1.14 A copy of Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles Byelaws is attached at Appendix 10.
- A1.15 It is recommended that Mr Ramzan's Hackney Carriage Drivers Licence be suspended for 7 days.
- A1.16 There is a right of Appeal. Any Appeal would be to the Magistrates' Court within 21 days from the date of a Notice being sent out following the decision.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

- A2.1.1 There are no significant risks if the recommendation is agreed. The potential risks to other road users and pedestrians would be reduced by agreeing the recommendation. However, there is the potential for an Appeal to the Magistrates' Court which may incur a financial cost.

A2.1.2 If the recommendation is not followed, then the risk may be greater in the long term, as the issue of ignoring the Road Traffic Orders and Byelaw may continue with the potential for further road traffic accidents or worse.

### **A3. Options**

A3.1 The options are:

- (i) to grant the suspension
- (ii) to refuse the suspension
- (iii) to suspend for a different period of time
- (iv) to revoke the licence

### **A4. Summary of resource implications**

A4.1 There are resource implications if there is an Appeal to the Magistrates' Court against the suspension.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no impacts upon equalities and environmental sustainability. There are potential crime and disorder issues associated with obstruction of the highway, but this approach should address those.

### **A6. Consultation and Customer Focus**

A6.1 There has been no public consultation on this matter, although the drivers are aware of the issues both from their Taxi handbook, from the letters they have received and from a Taxi Trade Association meeting.

### **A7. Are there any implications for other Business Units?**

A7.1 There are no implications for other business units.

## **Annexes**

Appendix 1 Letter from Richard Brown Parking Operations Officer dated 28<sup>th</sup> January 2010

Email from the Police dated 4<sup>th</sup> Feb 2010

Briefing note from Lesley Dransfield dated 27<sup>th</sup> January 2010 and from Christine Ratcliffe Operations Manager at Stage Coach dated 28<sup>th</sup> January 2010.

Appendix 2 Letter to All Hackney Carriage Drivers dated 16<sup>th</sup> January 2009

Letter to All Hackney Carriage Drivers dated 3<sup>rd</sup> April 2009

Letter to All Hackney Carriage Drivers dated 4<sup>th</sup> December 2009

Appendix 3 Letter to All Hackney Carriage Drivers dated 31<sup>st</sup> August 2010

- Appendix 4 Enforcement sheet for 15<sup>th</sup> October 2010
- Appendix 5 Letter dated 20<sup>th</sup> October 2010 to Mr Ramzan
- Appendix 6 Enforcement sheet dated 19<sup>th</sup> February 2011
- Appendix 7 Letter dated 4<sup>th</sup> March 2011 to Mr Ramzan
- Appendix 8 Plan of Road Traffic Orders in place on Torquay harbour side
- Appendix 9 Spreadsheet showing the percentage of Taxi Rank space on the harbour side
- Appendix 10 A copy of Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles

**Documents available in members' rooms**

None

**Background Papers:**

The following documents/files were used to compile this report:

None



### Appendix 1

Steve Cox  
Principle Licensing Officer  
Torbay Council

**Please reply to:** Richard Brown

Parking Operations Officer

Torbay Council

P O Box 422

Torquay, TQ2 5WU

**My ref:** RB/DW/Taxi

**Your ref:**

**Telephone:** 01803 207674

**Fax:** 01803 614302

**E-mail:** Richard.brown@torbay.gov.uk

**Website:** www.torbay.gov.uk

**Date:** 28 January 2010

---

Dear Steve

### Illegal Parking by Taxis in Torbay

For the past three years we have seen escalating problems with taxis parking illegally in Torbay. In particular in Torquay in Union Street, GPO Roundabout and within the Harbour side area during the evenings.

We have received a high volume of complaints over the years in particular from Stagecoach where taxis park in bus stops preventing buses alighting passengers safely, from bus users and members of the public who feel taxis are permitted to park illegally and not suffer the consequences. In general the illegal parking on double yellow lines, bus stops etc are causing congestion in busy town centre areas and road safety issues.

The problems we experience in enforcing the illegal parking is that the drivers are present with their taxis at all times and when we approach them in regard to enforcing the illegal parking they simply drive off to avoid enforcement. Our legal procedures dictate presently that the Penalty Charge Notice (PCN) has to be physically attached to the vehicle or handed to the driver and the taxis know this procedure well and will exit the location to avoid the issue of the PCN. This is very frustrating but we are putting in new plans under new legislation to ensure that the PCN is issued immediately and then it does not have to be affixed to the vehicle or handed to the driver and will be posted to the registered keeper, this we feel will improve enforcement in these circumstances.

We have undertaken increased patrols to deal with the taxi parking problem and even had enforcement staff working to Midnight on quite a few weekends on Torquay Harbour side but alas no PCNs were issued as taxis kept driving round in circles to get on the ranks to avoid the issue of a PCN. Our staff in trying to enforce these vehicle have also been the subject of threats and abuse by a number of drivers.

The problems appear to be much worse during the recent economic climate because there are too many taxis chasing too few fairs and therefore the ranks in particular in Torquay are overflowing with taxis. We would greatly appreciate any assistance you could provide us in holding the relevant taxis to account when seen to be parking illegally or abuse our staff, perhaps through the Committee route and suspend licences.

Your assistance in this matter would be most appreciated.

Yours sincerely

**Richard Brown**  
Parking Operations Officer

Steve Cox  
Principal Safety and Licensing Officer  
Torbay Council, Roebuck House  
Abbey Road, Torquay  
TQ2 5EJ

PC 864 Moorhouse  
NET/PACT TEAM  
Torquay Police Station  
South Street

04/02/2010

08452 777444

RE: Taxi Drivers on the Harbour Side

Dear Steve,

The intention of this letter is to clarify events of the last 9 months on The Strand involving Taxi Drivers and the issues being caused by them.

Over the last 9 months several problems have been caused and despite our joint efforts (and this includes Police, Council and NCP) the problems have continued and got worse. As you are aware a lot of work has gone in over this issue over the past few months (Inc the Night Time Economy Team) along with yourself and colleagues of yours from the council.

The main issues are with Hackney Carriage drivers. These primarily are constantly parking on the Debenhams side of The Strand, on the roundabout around the clocktower and parking on the exit of the roundabout where they are queuing to get on the bus stop on the harbour side of The Strand. The parking on the roundabout has already caused an accident in the latter part of last year involving a single decker bus which I am aware you know about. However there have been several incidents which have not been reported which have been very near misses. One was on Saturday night as I was issuing a ticket to a Taxi Driver who was parked causing an obstruction, when a double decker number 12 came around the roundabout and was confronted with a stationary taxi stopped in the same place. He slammed on his brakes and skidded on the wet ground missing the Taxi by cm. I am sure there will have been upset passengers, not to mention the driver. The taxi then sped off and unfortunately I did not see who it was.

With reference to parking on the Debenhams side of The Strand, the issue with this is there is nowhere for the buses to pull in causing them to have to block the road to set down passengers and then the passengers having to walk through parked cars to get to the safety of the pavement, which is completely unacceptable. After midnight when the busses stop, the problem is that there is nowhere for other taxis and members of the public to drop off or pick up, often drunk people again, causing the issues just described. Keeping that side of The Strand clear is also important just because often people who are drunk stagger into the road and the extra space can stop serious accidents. The fear is that a fatal RTC is only a matter of time away unless action is taken now.

I have also noticed that the number of Taxis on The Strand is increasing. I am not sure why, maybe more are just choosing to come to Torquay but there is definitely an increase. At one point over the weekend we had a line (parked every and anywhere they could) and I counted 41 Hackney Carriages, which I fear at the time was more than the number of people on The Strand. Also I have serious concerns about the rumours of de-regulation and the issues that it will bring. I spoke to a taxi driver who worked in Swansea when they did it and he said it was carnage, to the point it was reverted after 3 months. I would like to speak to you about this in more detail.

As you are aware I arranged with the drivers in consultation with you that they can use the first part of the bus stop from 21:00hrs in a bid to show that give and take is the best way to proceed.

However since that has been imposed our problem with drivers parking on the roundabout and blocking the exit has only started at 21:00hrs instead of 00:00hrs. Therefore as it was arranged that it would stay whilst it was used sensibly I recommend that this be removed with immediate effect. This is to ensure the continued safety of pedestrians and road users alike. I will have no issue with explaining to the drivers why that privilege has been removed.

I know that the council face difficulties as we do in dealing with this issue, but I must stress that something must be done. I know that space is limited and that there are too many Taxi's using Torquay at the moment. In response to this I have had an idea which involves closing the Vaughn Parade Taxi rank and utilising other currently unused space which will increase the number of Taxis able to fit on a rank. I promise that it is not as crazy as it sounds however it will be easier to discuss with you in person.

I look forward to your reply and please do not hesitate to contact me via email should you need to do so. Also I have emailed you reference meeting up with you in Paignton.

Yours Sincerely,

PC 864 Anthony Moorhouse  
P.A.C.T Traffic SPOC  
Torbay P.A.C.T Team / Night-Time Economy Team  
Devon BCU  
TEL : - 41520 / 41424  
EMAIL TORBAY P.A.C.T DIRECT

\*\*\*\*\*  
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\*\*\*\*\*  
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## **BRIEFING PAPER**

### **TAXI PARKING STRAND, TORQUAY**

Since July 2006 the local Bus Company has encountered numerous complaints from drivers stating that they have been experiencing problems mainly on Friday and Saturday evenings with Taxi's taking over the bus bays on the Strand. When this problem occurs the buses cannot get in close to the kerb to load or unload passengers this causes an issue with passengers having to alight in the middle of the road. Also, those with disabilities who find it difficult to get off the bus because it is not adjacent to the kerb cannot alight at their stop.

On one occasion a bus driver noted a number of taxis causing problems on a particular night and one Taxi driver was particularly offensive to him.

Torbay Council has regular meetings with the bus companies and this issue is constantly being raised. Whilst signing and Traffic Orders are in place to prevent vehicles from waiting in the bus bays the problem has continued and bus drivers are becoming very despondent because no one seems to be addressing the issue.

The operation Managers for Stagecoach Bus Company have previously sent in a number of reports over the years completed by their drivers highlighting the taxi drivers causing the offences. These have been passed on to our Licensing Department requesting action be taken against the drivers.

The Licensing Department have informed Highways that many taxi drivers have been spoken with and reminded that it is an offence to park/wait within the Bus Bays however they do not have the power to take away a Drivers Licence and this is a matter for the Licensing Committee.

This is a very frustrating situation for the Council, as the Public Transport Team work to encourage and promote the use of Public Transport throughout the area. This in turn reduces congestion and carbon emissions and ensures buses can access the stops promoting the use for disabled and those with restricted mobility. However if the Bus Companies cannot access their specific bus bays for loading and unloading this discourages customers from using this form of transport.

The Taxi Parking issue has been ongoing for nearly four years since it was originally brought to the Council's attention.

Lesley Dransfield  
Public Transport Officer

27<sup>th</sup> January 2010

Lesley Dransfield  
Highways & Engineering  
4<sup>th</sup> Floor Roebuck House  
Abbey Road  
Torquay  
TQ2 5TF

28<sup>th</sup> January 2010

Dear Lesley,

I write to confirm the ongoing problems with taxis parking at the Strand bus stops.

This issue has been ongoing for the full duration of my time in post as Operations Manager since September 2007. However, I am aware that the previous manager raised this problem as early as 2006.

The main concern from my perspective is one of safety. If my vehicles cannot properly access their designated stopping places they are forced to disembark passengers in the middle of the road. This not only blocks the road for other road users but puts my passengers at risk.

Being unable to pull into the curb at a bus stop increases the potential of passengers falling on to or out of the bus and sustaining physical injuries. It also adds the risk of cyclists colliding with passengers on the nearside of the vehicle, which is a hazard that would otherwise not have been present.

I might add that the vast majority of my passengers are over the age of 60 and therefore many struggle with mobility issues. The step height from the bus to the curb is much lower than that directly onto the road; this in itself can cause physical injury and pain to some passengers.

The act of a taxi simply blocking a bus stop can therefore cause untold damage and is a deterrent to my passengers using my services in future.

We work in partnership with Torbay Council and hope to reach a resolution to this issue as soon as possible.

If you require any further information please do not hesitate to contact me.

Yours Sincerely,

Christina Ratcliffe  
Operations Manager -Torbay  
Stagecoach South West

Mr Richard McAllister  
Operations Manager Torbay  
Stagecoach Devon  
Regent Close  
Shiphay  
Torquay  
Devon TQ2 7AN

**Please reply to:** Lesley Dransfield  
Highways & Engineering  
4<sup>th</sup> Floor Roebuck House  
Abbey Road  
Torquay, TQ2 5TF  
**My ref:** LD/SH/30/4/3  
**Your ref:**  
**Telephone:** 01803 207687  
**Fax:** 01803 207670  
**E-mail:** Highways@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 09 February 2007

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Dear Richard

### **Operational Issues – Stagecoach Routes**

I am writing to update you regarding various issues you have raised concerning Stagecoach operations throughout Torbay and would ask you to pass the following information onto your staff.

Please note the following progress, which has been made to date:

#### **6. Taxis Parking on the Strand Bus Stops**

Following our regular meeting it would appear this matter has not been resolved. Agreed action - The Road Safety Officer along with yourself carried out a site visit on Saturday evening to understand the problems first hand of what the drivers are experiencing. The Road Safety Officer to bring this matter to the attention of the Devon & Cornwall Police at her regular meeting with Officers. Geoff Coleman to liase closely with Licensing to establish a way forward.

Mr Richard McAllister  
Operations Manager Torbay  
Stagecoach Devon  
Regent Close  
Shiphay  
Torquay  
Devon TQ2 7AN

**Please reply to:** Lesley Dransfield  
Highways & Engineering  
4<sup>th</sup> Floor Roebuck House  
Abbey Road  
Torquay, TQ2 5TF  
**My ref:** LD/SH/30/4/3  
**Your ref:**  
**Telephone:** 01803 207687  
**Fax:** 01803 207670  
**E-mail:** Lesley.Dransfield@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 04 July 2006

---

Dear Richard

### **Operational Issues – Stagecoach Routes**

I am writing to update you regarding various issues you have raised concerning Stagecoach operations throughout Torbay and would ask you to pass the following information onto your staff.

Please note the following progress, which has been made to date:

#### **5. Taxis Parking on the Strand Bus Stops**

The drivers report regarding taxis parking the entire length of the bus lanes during the late shifts on Saturday nights has been passed onto my colleague Geoff Coleman to deal with at his request.



### Appendix 2

**Please reply to: Steve Cox,**  
Principal Safety & Licensing Officer, Licensing  
Section, Roebuck House, Torquay. TQ2 5EJ  
**My ref:** SJC/SJC/0617353

**Your ref:**

To Hackney Carriage Drivers

**Telephone:** 01803 208126

**Fax:** 01803 208854

**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 16<sup>th</sup> January 2009

Dear

### **Re: Torquay Harbourside & The Strand Taxi rank and Bus Bay**

I am writing to you to advise you on the work being undertaken by Torbay Council and the Police to try and resolve issues that are arising in the use of The Strand, its taxi rank, the adjacent bus bay and the roundabout. During 2008 there have been a number of complaints about this area, mainly about drivers using areas not designated as taxi ranks. I have been tasked to try and find a solution to this problem. It is my view that a compromise is needed because there simply isn't enough space for all the demands made upon this area.

Torbay Council is also working with representatives of the Taxi Association to try and help find a solution.

I think it is important in the first instance to remind you that the only places drivers can queue for fares at this time are the three ranks, on Victoria Parade, on The Strand and on Cary Parade. Though waiting has been tolerated at times on the Bus Bay, it is must clear that the road traffic orders in place prohibit this.

Torbay Council has taken the view that it would be helpful to change the bus bay after midnight on the harbour side of The Strand; however it has to seek approval from the Department of Transport for this change. It has approached them about the change to the existing order and they have agreed with our submission that after midnight the Bus bay on the harbour side can become a taxi rank. This will still need to go through the proper channels of advertising etc, but we are hopeful that this can be agreed by mid March.

Until mid March there is no right to use this bus bay before or after midnight, and should you be approached and asked to move on, or even receive a fixed penalty notice, for doing so, I will expect you to comply. Should any driver make threats or anything similar against Torbay Council personnel or their contractors as some have done, they can expect to be brought before the Licensing Committee with the threat of their driver's licence being suspended. This also applies to any arguments with bus drivers, as they too have been warned and in two cases action has been taken against their drivers.

The same applies to the roundabout, where drivers have been queuing on it. This is simply not acceptable and is not only causing an obstruction but is simply dangerous. Ticketing is now taking

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place in that area, as several drivers have discovered.

Finally, at the start of this letter I said Torbay Council is working with the Taxi Association, and through them we hoped to identify some other potential locations for new ranks. It may be that we are not successful, but we do understand times are hard and if we can help we will. The process is slow and there will be other interests regarding any location, who will have a right to raise their concerns, but if we feel the location is right, I will add my support behind any report to Licensing Committee.

In due course I will write again to confirm any changes we have been able to achieve.

If you have any queries then please ring Craig Noble or myself.

Yours sincerely

**Steve Cox**  
Principal Safety & Licensing Officer  
Environmental Health & Consumer Protection

**Please reply to: Steve Cox,**  
Principal Safety & Licensing Officer, Licensing  
Section, Roebuck House, Torquay. TQ2 5EJ  
**My ref:** SJC/SJC/0617353

**Your ref:**

To Hackney Carriage Drivers

**Telephone:** 01803 208126

**Fax:** 01803 208854

**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 3<sup>rd</sup> April 2009

Dear

**Re: Torquay Harbourside & The Strand Taxi rank and Bus Bay**

I am writing to you and all other Hackney Carriage drivers to update you on the current situation with respect to taxi ranks and bus bays on the harbourside. The new rank, which is the bus bay on the harbourside of The Strand is now in place, for use after midnight. Stagecoach has agreed to move their final summer buses to the Debenham's side of The Strand to help facilitate this.

Unfortunately Hackney Carriage driver's have taken to using the Debenham's side of The Strand as well, for queuing. This is creating a similar problem that we were trying to resolve on the seaward side, that buses and other vehicles that are using that area legally, are potentially dropping passengers off away from the curb side. This is also happening at the GPO roundabout on the top of Fleet Walk by Tesco's. This could lead to a serious road incident, with potential injury or worse. There have already been a couple of near misses. I am sure this is not something you would wish to see and as a representative of Torbay Council I simply cannot allow to occur.

I must therefore insist that you do not use these areas, notably the bus bays on either side of The Strand and at the old GPO roundabout, by Tesco's. In the case of the seaward side of The Strand, this is just before midnight. This will also apply to any other areas which may cause obstruction of the highway or where there are Road Traffic Orders in place. If anybody is caught using them then they run the risk that action being taken against them, by way of fixed penalty notice or being brought before Licensing Committee.

I am sure this will be seen by many as unreasonable, but you must understand that waiting in these areas is not in compliance with the Road Traffic Orders, which are there to give everybody a share in the road space available, and as I said in my previous letter, there isn't sufficient space for all the competing interests.

Torbay Council is continuing to try and find further alternative spaces, to add to the 31 available after midnight on the harbourside. There are consultations taking place in several areas, following a meeting with the Taxi Association. I will give support to these and work on your behalf to try and secure more rank space, but I cannot promise anything at this time, as at least one location will also require Department of Transport approval, which will take time.

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**If you require this in a different format or language, please contact me.**

In due course I will write again to confirm any changes we have been able to achieve, but meanwhile be warned that enforcement action will commence before Easter.

If you have any queries then please ring Craig Noble, Shaun Rackley or myself.

Yours sincerely

**Steve Cox**  
Principal Safety & Licensing Officer  
Environmental Health & Consumer Protection

**Please reply to:** Steve Cox  
Safety & Licensing Team  
Roebuck House, Abbey Road,  
Torquay, Devon  
TQ2 5EJ

To All Hackney Carriage Drivers

**My ref:** SJC/BRE/0618190  
**Your ref:**  
**Telephone:** 01803 208126  
**Fax:** 01803 208854  
**E-mail:** Licensing@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 4<sup>th</sup> December 2009

---

Dear

**Re: Torbay Harbourside & The Strand Taxi rank and Bus bay**

I am writing to you and all other Hackney Carriage Drivers to clarify the article in the Herald Express on Monday 23<sup>rd</sup> November, which you may have read. Torbay Council and Devon and Cornwall Police have been in discussions over the last 12 months to find solutions to a number of issues regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers. This applies to all areas of Torbay, but especially on the harbourside.

In January and April 2009 I wrote to all drivers about what is expected in terms of where they queue or park up, but unfortunately many drivers have ignored my advice. This was re-enforced by the use of staff from NCP to ask drivers not to use certain areas, but again many drivers have since ignored this. These staff, who are doing our work, have often received abuse, which is totally unacceptable. This was only from a minority of drivers and these are being dealt with.

In light of drivers ignoring advice, new technology is being investigated and adopted to mean that drivers may receive fixed penalty notices without the need of any ticket being affixed to a vehicle. In the meantime evidence is being collected by Officers of Torbay Council, NCP staff and the Police of non-compliance with Road Traffic Orders. If you are generally compliant with Road Traffic Orders then you have nothing to concern yourselves about. But should you be witnessed queuing or parking in non-authorised areas you will be brought before Licensing Committee with the risk of having your drivers badge suspended. I take no pleasure in issuing this warning but due to a significant minority ignoring previous requests it has left me with no option. So you must take this as a final warning.

So why are we doing this? Firstly to ensure all road users have their fair share of the limited space. This is particularly true of Torquay harbourside, but this equally applies elsewhere on the harbourside and in Torbay generally. Before midnight taxis have 18% of allocated space on the harbourside. After midnight it is 26%. The second reason is to avoid accidents due to incorrectly queuing or parked vehicles.

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If you require this in a different format or language, please contact me.

What else are we trying to do?

Discussions continue between various departments and the Police to find solutions and consultation has taken place on a section of road on Torwood Street in recent months, but unfortunately again the objections are too strong to change the present designation. Due to this we are prepared to allow 'unofficially' that the rear of the Strand bus stop 4 spaces to be used between 9pm and midnight. This is not a permanent situation because the development of further bus routes is one of the objectives of Torbay Council and the space may be needed in the future. However it may help us all get through the recession to better times.

There are also other considerations in the pipeline, but these would be linked to harbourside developments, so are not likely to arise in the near future. However we will continue to consider any options that are presented to us.

So as one final reminder, comply with the Road Traffic Orders or run the risk of having your drivers badge suspended, or worse.

Yours sincerely

Steve Cox  
Principal Safety and Licensing Officer  
Safety and Licensing Section

# Agenda Item 8

## Appendix 3

**Please reply to: Steve Cox,**  
Principal Safety & Licensing Officer, Licensing  
Section, Roebuck House, Torquay. TQ2 5EJ  
**My ref:** SJC/SJC/0618806

**Your ref:**

To ALL HC Drivers

**Telephone:** 01803 208126

**Fax:** 01803 208854

**E-mail:** [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk](http://www.torbay.gov.uk)

**Date:** 31<sup>st</sup> August 2010

Dear

### **Re: Hackney Carriage Drivers**

I am writing to you following a meeting of the Torbay Taxi Association dated 17<sup>th</sup> August 2010, which I attended along with two colleagues from Devon and Cornwall Constabulary. The purpose of the meeting was to discuss a proposal by Torbay Council and Devon and Cornwall Constabulary to remove the Vaughan Parade and The Strand Bus Stop ranks and to replace them with new temporary ranks on Torwood Street.

This was met with complete opposition, due a number of reasons. Some of those reasons had validity but maybe some less so. The vast majority present preferred an option of hard enforcement to address the concerns of public safety, so targeting those who refuse to take responsibility for their actions. Since that meeting Officers at Torbay Council have met with their Police colleagues to review our response.

I am writing to all Hackney Carriage Drivers and Plate holders to confirm that response and to offer a compromise to these concerns. The first is that the Vaughan Parade rank will remain in use during the working day (between 6am to 6pm), so those drivers that rely upon it can continue to do so.

We are also offering to retain the Vaughan Parade rank during the evening and night (between 6pm to 6am) and The Strand Bus Bay rank (harbour side of The Strand between midnight and 6am), for a trial period of two months. However, this does **NOT** include The Strand Bus Bay (harbour side) between 9pm and midnight, which has been allowed 'unofficially' to be used as a rank.

If after a trial period of 2 months the problems continue, then these provisions will be withdrawn. The two months will commence from 6pm on 17<sup>th</sup> September 2010.

Finally a temporary rank will be installed outside The Clocktower pub, on Torwood Street in Torquay on Friday and Saturday evenings 6pm to 6am, as a means of trying to ease the situation though it may not be in place by the 17<sup>th</sup> September 2010, though I am hoping it will be.

The problems I make reference to above, include the queuing on the Clock Tower roundabout, or the driving around it numerous times which results in traffic being blocked, or any queuing in unauthorised bus bays or where there are Road Traffic Orders. The removal of the 9pm to midnight 'unofficial' use of

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Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

**If you require this in a different format or language, please contact me.**

the rear of The Strand (harbourside) is due to significant concerns that have arisen recently with drivers queuing on the Clock Tower roundabout, and buses using the roundabout. This has been made more difficult recently due to the hoardings that surround the Clock Tower meaning buses do not have a good line of sight. This was only ever agreed originally providing drivers policed it and did not queue on to the roundabout. However, this has not been the case and as such, this provision is now withdrawn

Although Torbay Council and the Police will endeavour to enforce during the specified trial period, the ultimate responsibility is for ALL drivers to ensure that the trial is a success. The responsibility is therefore partially yours if you work in this area at night. If you do work on Torquay harbourside at night and you want to keep these ranks then obey the Road Traffic Orders and help ensure that others do too.

Earlier this year Torbay Council used its Licensing Committee to support the work of the Police and the Parking Enforcement Team and a number of drivers were suspended for 7 days. So can you please take this as a warning as any driver who is caught parking or queuing in areas with Road Traffic Orders, runs the risk of having their drivers licence suspended. Although our enforcement will be concentrating initially on the harbourside, this will apply elsewhere too.

If you have any enquiries then please do not hesitate to contact Craig Noble, Shaun Rackley or myself.

Yours sincerely

**Steve Cox**  
Environmental Health Manager (Commercial)  
Community Safety



TAXI/PRIVATE HIRE PARKING REPORT FORM

Day :- FRIDAY

Date :- 15 / 10 / 10

VRM No.	TAXI PLATE No (Blue / Red)	TIME SEEN	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS	COMMENTS (TO INCLUDE ANY DETAILS OF WHETHER ANY OTHER VEHICLE WAS OBSTRUCTED, HOW LONG THEY WERE THERE)
WG08 VCK	B 49	10.15	VAUGHAN PARADE	5TH ON RANK OVERHANGING		5 MINS
		10.30	"	"		10 MINS
		10.45	"	"		5 MINS
		10.47	"	"		5 MINS

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**Please reply to:** Shaun Rackley  
Licensing & Public Protection  
Roebuck House, Abbey Road,  
Torquay, Devon  
TQ2 5EJ

Mr S Ramzan  
(Address removed)

**My ref:** SAR090432  
**Your ref:** **SRU 155370**  
**Telephone:** 01803 208121  
**Fax:** 01803 208854  
**E-mail:** Shaun.rackley@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 20<sup>th</sup> October 2010

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Dear Mr Ramzan,

**Re: Hackney Carriage Number 049 – Registration Number WG08 VCK**

I am writing to you to inform you that your vehicle registration details have been passed to me because your vehicle has been seen illegally parked on the Harbourside at Torquay by Licensing Enforcement Officers. I have been informed that at 22:15 hrs on Friday 15<sup>th</sup> October 2010, your vehicle was parked in such a way that it was overhanging into the carriage way from the back of the Vaughan Parade Short Rank, this was observed for 5 mins. Although I have received details of an alleged parking offence before I can not take that offence in to account as we had no proof. Please be reminded that you should not be parking illegally at any time and any further breaches of parking regulations is likely to result in you being brought before the Licensing Committee to explain your actions, with the recommendation of suspension of your drivers badge. The road traffic order for this rank has designated the rank for 3 cars, and although four can probably fit without causing an obstruction, five cannot.

As I am sure you are aware there have been many problems with the parking of taxis around Torquay Harbourside for sometime now and we have reached the point where we can no longer allow this situation to continue. As a result many meetings have taken place between various representatives of the Council, the Taxi Trade and the Police and the result of these meetings is that the taxi trade have asked for a period of sustained enforcement which is now taking place. During this enforcement time registration numbers of illegally parked vehicles are been taken by Licensing Staff, Parking Staff and the Police as well as CCTV. These numbers are being passed to the Licensing Section and if any vehicle is seen to be repeatedly breaching parking regulations then action will be taken against the driver of the offending vehicle.

Please ensure that in the future you park your vehicle legally and in full compliance with all road traffic orders at all times. If you were not the driver of the vehicle at this time please accept my apologies however I do need you to contact me to advise me of who was driving your vehicle at the time this incident took place.

Should you wish to discuss this matter further then please contact me on the above telephone number.

Yours sincerely

Shaun Rackley  
Licensing Support Officer  
Licensing & Public Protection.

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TAXI/PRIVATE HIRE PARKING REPORT FORM

Day :- Friday

Date :- 18th February 2011

CEO No.	VRM No.	TAXI PLATE No (Blue / Red)	TIME SEEN	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS	COMMENTS (TO INCLUDE ANY DETAILS OF WHETHER ANY OTHER VEHICLE WAS OBSTRUCTED, HOW LONG THEY WERE THERE)
/	WG08 VCK	HCO49	22:59	Short rank, The Strand Targaryn	See notes	—	Parked in middle of carriage way for 4 min then reversed into oncoming traffic onto rank.
/			23:40	Short rank, The Strand Targaryn	Zig zags and crossing	—	Parked on crossing and zig zags for 3 minutes. Short rank was full with 4 cars on.
/			23:43	"	5th car on rank	—	7 mins hanging off back
/			23:43	"	Parked in bus lane, seaward side.	—	in bus bay from 23:43

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# TAXI/PRIVATE HIRE PARKING REPORT FORM

Day:- Saturday

Date:- 19th February 2011

CEO No.	VRM No.	TAXI PLATE No. (Blue / Red)	TIME SEEN	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS	COMMENTS (TO INCLUDE ANY DETAILS OF WHETHER ANY OTHER VEHICLE WAS OBSTRUCTED, HOW LONG THEY WERE THERE)
-			00:15	Bus lane, Seaward Side The Strand, Torquay	Back of bus lane	-	Parked on double yellow lines
-	wG08 VCN	HC049	00:20	"	Back of bus lane	-	Parked on double yellow lines.
-			00:20	"	Back of bus lane	-	Parked on double yellow lines.
-			00:22	"	Back of bus lane	-	Parked on double yellow lines.

**Please reply to:** Shaun Rackley  
Licensing & Public Protection  
Roebuck House, Abbey Road,  
Torquay, Devon  
TQ2 5EJ

Mr S Ramzan  
(Address removed)

**My ref:**  
**Your ref:** SRU 155370  
**Telephone:** 01803 208121  
**Fax:** 01803 208854  
**E-mail:** Shaun.rackley@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 4<sup>th</sup> February 2011

Dear Mr Ramzan,

### **Re: Hackney Carriage Number 049 – Registration Number WG08 VCK**

I am writing to inform you that your vehicle has been seen illegally parked on the Harbourside at Torquay by Licensing Enforcement Officers. Your vehicle was seen at 22:59 hrs on Friday 18<sup>th</sup> February 2011 parked in the middle of the carriage way next to the short rank, Torquay harbour, and this was observed for 1 minute until you dangerously reversed into oncoming traffic onto the back of the short rank. Your vehicle was also observed at 00:20 hrs on Saturday 19<sup>th</sup> February 2011 parked illegally on double yellow lines at the back of the bus lane on the seaward side of Torquay Harbour side.

As we have reminded you in previous correspondence you should not be parking illegally at any time and you were warned that any further breaches of parking regulations could result in you being brought before the Licensing Committee to explain your actions.

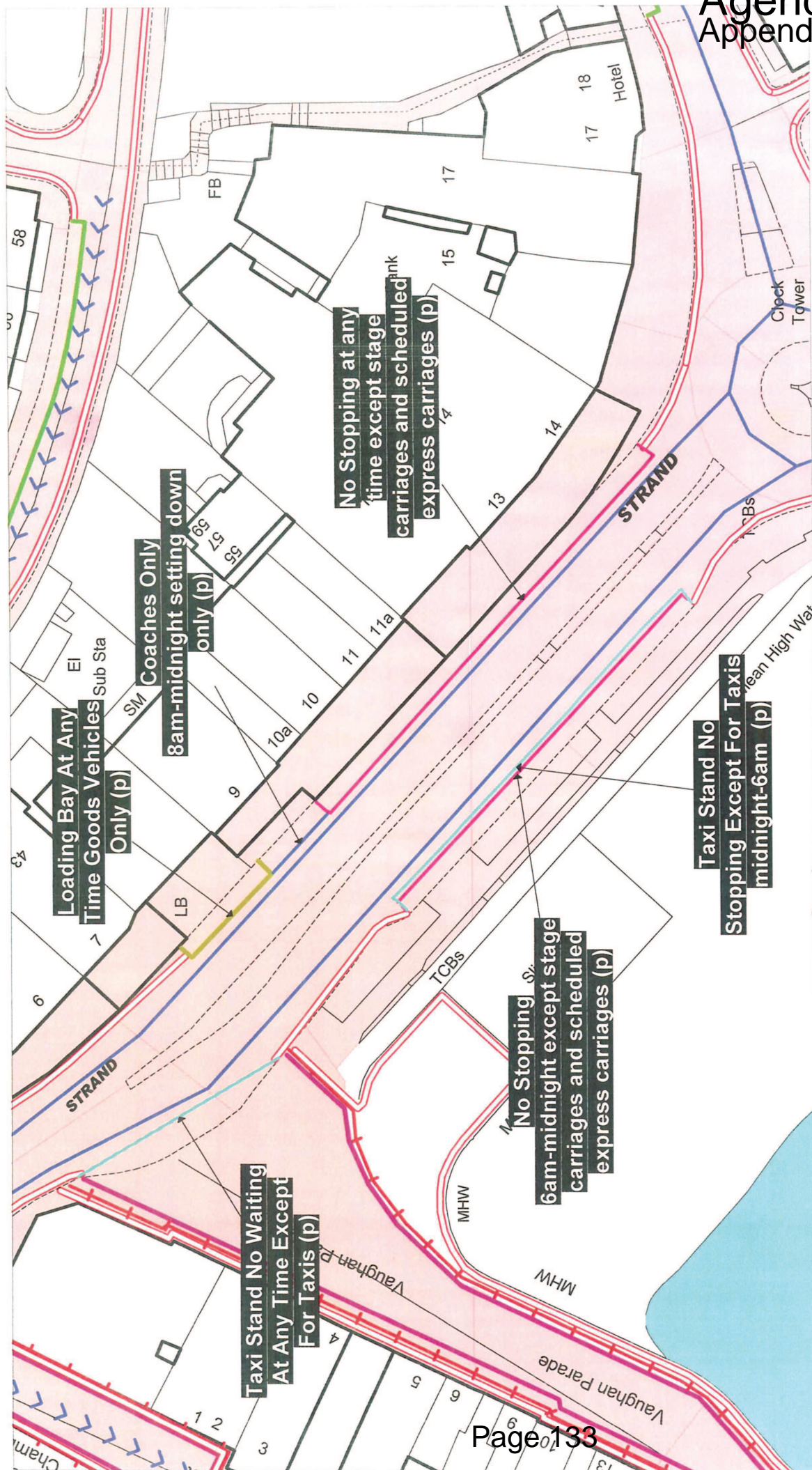
From our records we have recently written to you, (Ref: SAR090410, dated 30<sup>th</sup> September 2010 and also SAR090432, dated 20<sup>th</sup> October 2010) regarding illegal parking on the harbour side on other separate occasions. As a result of this I would now like you to write to me as soon as possible and in no case no later than 7 days from receipt of this letter to explain your actions as to why you think it is acceptable to be carrying on breaking parking regulations. On receipt of this information the Licensing Manger will decide whether to take the matter to Licensing Committee for actioning.

Should you wish to discuss this matter further then please contact me on the above telephone number.

Yours sincerely

Shaun Rackley  
Licensing Support Officer  
Licensing & Public Protection.





The Strand, Torquay

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SCALE	1 : 650
DATE	27/01/2010
DRAWING No.	
DRAWN BY	



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Parking % In Harbour Area										
	No Waiting Taxis at any time	only	Pay & Display 8am-6pm	Coaches Only - 8am - midnight	No Stoppin Loading except bus Bay	Disabled Parking	Powered Two Wheelers	Kerb Length (m)		
<b>Including 'No Waiting'</b>										
Cary Parade (m)	172	42	0	0	54	0	0	268		
Strand (m)	114	29	0	10	112	15	0	280		
Torwood Street (m)	346	0	165	8	14	0	0	533		
Victoria Road (m)	278	38	130	0	0	0	0	446		
<b>Total (m)</b>	<b>910</b>	<b>109</b>	<b>295</b>	<b>18</b>	<b>180</b>	<b>15</b>	<b>0</b>	<b>1527</b>		
% of kerb length	60	7	19	1	12	1	0	100		
<b>Note: After midnight, when the bus bay becomes an extra taxi rank the length increases to 161m, which equates to 11%.</b>										
<b>Excluding 'No Waiting'</b>										
Cary Parade (m)	42	0	0	0	54	0	0	96		
Strand (m)	29	0	0	10	112	15	0	166		
Torwood Street (m)	0	165	8	14	0	0	0	187		
Victoria Road (m)	38	130	0	0	0	0	0	168		
<b>Total (m)</b>	<b>109</b>	<b>295</b>	<b>18</b>	<b>180</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>617</b>		
% of kerb length	18	48	3	29	2	0	0	100		

**Note: After midnight, when the bus bay becomes an extra taxi rank the length increases to 161m, which equates to 26%**

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Appendix 11



# BYELAWS

made by the

COUNCIL

of the

BOROUGH OF TORBAY

with respect to

**HACKNEY CARRIAGES AND  
PRIVATE HIRE VEHICLES**

Agenda Item 8  
Appendix 10

14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall when standing or plying for hire and when hired wear that badge in such a position and manner as to be plainly visible.
15. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
- Convey a reasonable quantity of luggage;
  - Afford reasonable assistance in loading or unloading;
  - Afford reasonable assistance in removing it to or from the entrance of any house station or place at which he may take up or set down such person.
16. A driver of a motor hackney carriage shall not at any time when driving for hire smoke tobacco or any other like substance except with the consent of the hirer.
17. A proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person and shall immediately thereafter notify the fact to the Medical Officer of Health of the Council.
18. The driver or proprietor of a motor hackney carriage shall take all reasonable precautions to prevent the discharge herefrom in any street or public place of oil or spirit and shall not repair such carriage in any such street or public place so as to cause any such discharge except where such repairs are essential to secure the continued safe functioning of the vehicle and shall not wash such carriage in any street or public place.
19. The driver of a hackney carriage shall during the time that such carriage is standing at one of the stands referred to in these byelaws keep such stand in a clean and tidy condition.
20. The driver of a hackney carriage vehicle shall at all times while standing or plying for hire, have a copy of these Byelaws and shall produce the same for perusal and inspection on request by any person hiring the carriage, or other passenger, or any Authorised Officer of the Council.
21. A proprietor or driver of a hackney carriage shall not, while standing, plying or driving for hire drive or allow to be driven or harnessed to the carriage any animal in such a condition as to expose any person conveyed or being in such carriage or any person traversing any street to risk of injury.
22. The driver of a hackney carriage drawn by any animal or animals shall while standing plying or driving for hire cause every part of the harness of the animal or animals drawing the carriage to be kept in order so that the animal or animals shall be properly and securely attached to the carriage and under due control.

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8. The driver of a hackney carriage of a description for which stands are fixed by any byelaw in that behalf shall when plying for hire in any street and not actually hired:
- Proceed with reasonable speed to and station the carriage on one of such stands or the stands provided at Torquay Paignton or Torre Stations if authorised by the Railway Authorities to use such stands;
  - If a stand at the time of his arrival is occupied by the full number of carriages authorised to occupy it proceed to another stand;
  - On arriving at a stand not already occupied by the full number of carriages authorised to occupy it station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
  - If his carriage is the first or second carriage on the stand remain with the carriage ready to be hired at once.
9. A proprietor or driver of a hackney carriage when standing or plying for hire shall not be calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any person for the purpose.
10. Every proprietor or driver of a hackney carriage shall at all times when standing plying or driving for hire, conduct himself in a civil and orderly manner be clean and respectable in his dress and shall act with civility towards every person seeking to hire such carriage and shall comply with every reasonable requirement of any person hiring such carriage and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
11. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall unless delayed or prevented by some sufficient cause punctually attend with such carriage at such appointed time and place.
12. The driver of a hackney carriage when hired to drive to any particular destination shall subject to any directions given by the hirer proceed to that destination by the shortest available route.
13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. For the purposes of this byelaw, two children between the ages of three and ten years shall be regarded as one person but no more than six such children may be conveyed in a hackney carriage at any one time. A child under the age of three years shall not be reckoned.

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