

LICENSING SUB-COMMITTEE

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

Thursday, 24 March 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 Addis

Councillor Excell

Councillor Pentney

Our vision is for a cleaner, safer, prosperous Bay

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

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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 Sub-Committee.
3. **Minutes** (1 - 14)
To confirm as a correct record the Minutes of the meetings of the Sub-Committees held on 3 and 10 March 2011.
4. **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.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Suspension of Hackney Carriage Driver's Licence - Mr Christopher Mallett** (15 - 68)
To consider Report 80/2011 on the suspension of a Hackney Carriage Driver's Licence.

7. **Suspension of Hackney Carriage Driver's Licence - Mr Albert Boyne** (69 - 108)
To consider Report 81/2011 on the suspension of a Hackney Carriage Driver's Licence.
8. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
9. **Application for Private Hire Driver's Licence** (109 - 146)
To consider exempt Report 82/2011 on the application for a Private Hire Driver's Licence.

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Minutes of the Licensing Sub-Committee

3 March 2011

-: Present :-

Councillors Addis, Doggett and Mills

567. Election of Chairman.

Councillor Addis was elected as Chairman for the meeting.

Councillor Addis in the Chair.

568. Sub-Committee Membership.

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Doggett instead of Councillor Stocks.

569. Minutes.

The Minutes of the meeting of the Sub-Committee held on 3 February 2011 were confirmed as a correct record and signed by the Chairman.

570. Matters for Consideration.

The Sub-Committee considered the following matters, full details of which are set out in Appendix 1 to these Minutes.

570.1 Review of Taxi Driver's Licence.

Chairman

**Appendix 1
to the minutes of the Licensing Sub-Committee
held on 3 March 2011**

Review of Taxi Driver's Licence

Decision maker:

The Licensing Sub-Committee at its meeting held on 3 March 2011.

Details of application:

Review of Taxi Driver's Licence in respect of Mr Gabor Tardi, as set out in Report 41/2011.

Written representations received from:

Name	Details	Date of Representation
Licensing Enforcement Officer	Written submission outlining the history of the case and a summary of an interview held with the respondent set out at Appendix 1 to Report 41/2011.	Undated

Additional information:

The Environmental Health Manager (Commercial) requested Members disregard the third paragraph of the Licensing Enforcement Officer's representation set out at Appendix 1 to Report 41/2011

Oral representations received from:

Name	Details
Environmental Health Manager (Commercial)	The Environmental Health Manager (Commercial) outlined the Council's case, as set out in the submitted Report, and the reasons for requesting the Licensing Sub-Committee support the Licence revocation for the current licence period. He also responded to Members questions.
Mr Tardi (Respondent)	Mr Tardi explained the circumstances surrounding the incidents which led to him losing his driving licence and responded to Members questions.

Appendix 1 continued ...

Decision:

Having carefully considered all the written and oral representations put before the Licensing Sub-Committee, members resolved that they could not be satisfied Mr Tardi remained a fit and proper person to hold a Hackney Carriage Driver's Licence.

Members therefore find the ground for revoking Mr. Tardi's Hackney Carriage Driver's Licence on the basis of any other reasonable cause to be established. Accordingly the Licensing Sub-Committee revoked Mr. Tardi's licence for the remainder of the current licence period which ends on 30 April 2011

Reason for Decision:

The compelling evidence presented to the Licensing Sub-Committee demonstrates that Mr Tardi has committed a number of road traffic offences in recent years sufficient for him to be disqualified from driving under the totting up provisions for a period of six months. These offences include failing to comply with traffic signs, driving without insurance and without due care and attention. These are not isolated incidents and their frequency causes the Licensing Sub-Committee to consider that Mr Tardi is not a fit and proper person to hold a Hackney Carriage Driver's Licence.

This situation is compounded by the fact that Mr Tardi has failed to notify the Council in writing of the facts of these convictions during the currency of his Hackney Carriage Driver's Licence, which is in clear contravention of the conditions to which his licence is subject.

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Minutes of the Licensing Sub-Committee

10 March 2011

-: Present :-

Councillors Manning, Mills and Pentney

575. Election of Chairman.

Councillor Manning was elected as Chairman for the meeting.

Councillor Manning in the Chair.

576. Matters for Consideration.

The Sub-Committee considered the following matters, full details of which are set out in Appendix 1 to these Minutes.

576.1 Lucius Food and Wine, 12 Lucius Street, Torquay.

576.2 Suspension of Hackney Carriage Driver's Licence.

576.3 Suspension of Private Hire Driver's Licence.

(**Note:** Prior to consideration of the item in Minute 576.3 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

Chairman

APPENDIX 1
to the Minutes of the Licensing Sub-Committee
held on 10 March 2011

Lucius Food and Wine, 12 Lucius Street, Torquay

Decision maker:

The Licensing Sub-Committee at its meeting held on 10 March 2011.

Details of application:

Application for a Premises Licence in respect of Lucius Food and Wine, 12 Lucius Street, Torquay, as set out in Report 45/2011.

Cumulative Impact Zone:

The Premises do not fall within the Cumulative Impact Area.

Written representations received from:

Name	Details	Date of Representation
Police	Representation confirming the Police have no objection to the application, and suggesting three conditions be added to the Licence if granted, as set out in Appendix 2 to Report 45/2011.	14 February 2011
Members of the public	Four letters objecting to the application for a Premise Licence, as set out in Appendix 3 to Report 45/2011.	Not available

Additional information:

Prior to the Sub-Committee the applicant's representative requested an extension to the normal allowance of 10 minutes to 20 minutes to present their application. The Sub-Committee agreed to the extension of time and informed the objectors and Police that they too would be entitled to 20 minutes when making their representations.

APPENDIX 1 (continued)

Oral representations received from:

Name	Details
Applicant's representatives	The applicant's representatives outlined the application as set out in Report 45/2011 confirming that the Applicant was willing to accept the three additional conditions suggested by the Police, if the License was granted.
Police	The Police representative confirmed the Police had no objection to the application and outlined the three conditions they were recommending, as set out in Appendix 2 to Report 45/2011, if the Licence was granted,
Two Members of the Public	Two member of the public outlined their objection to the application.

Applicant's response to representations:

The applicant's representative confirmed that the applicant had agreed, prior to the Licensing Sub-Committee, to the three additional conditions proposed by the Police.

Decision:

That the application for a Premises Licence in respect of Lucius Food and Wine, 12 Lucius Street, Torquay be granted as submitted subject to the imposition of the three conditions recommended by the Police in their written representation dated 14 February 2011 (set out in Appendix 2 to Report 45/2011).

Reason for decision:

Members carefully considered all the written and oral representations put before the Sub-Committee by the applicant, the Police and the interested parties. Members noted that although the Police had made representations, they were not objecting to the grant of the application provided three specified conditions were added to the licence in order to promote the licensing objectives. Members noted that the applicant was agreeable to these conditions.

Members considered the various representations from the interested parties, the common theme of which was that by granting this application the vicinity's alcohol related problems of crime and disorder, public nuisance and anti-social behaviour will be added to.

The Licensing Sub-Committee treated these representations seriously, however they found that there was no evidence for them to determine that such problems would be added to if the application was granted. The Sub-Committee noted that the area in which these premises were located was not within the Cumulative Impact Area and that the Police have not represented that the alcohol related problems referred to will increase in the area if this licence is granted.

APPENDIX 1 (continued)

The Sub-Committee had regard to the applicant's Operating Schedule and the measures proposed to promote the four licensing objectives, particularly through its training programme.

The Sub-Committee also had regard to the three conditions proposed by the Police, which had been accepted by the applicant, which were aimed at promoting the four licensing objectives. As a result, the Sub-Committee found that to grant this application on the basis of the proposals presented to the Sub-Committee at its meeting, the four licensing objectives would be promoted rather than undermined and the concerns of the interested parties should be alleviated.

APPENDIX 1 (Continued)

Suspension of Hackney Carriage Driver's Licence – Mr Keith Dooley

Decision maker:

The Licensing Sub-Committee at its meeting held on 10 March 2011.

Details of application:

Review of Hackney Carriage Driver's Licence in respect of Mr Keith Dooley, as set out in Report 46/2011.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over the past nine months on The Strand involving taxi drivers.	4 February 2010
Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay, and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming the ongoing problems with taxis parking at The Strand bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers regarding the use of The Strand, its taxi rank, the adjacent bus bay and the roundabout.	16 January 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	3 April 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009
	Minutes of the Licensing Sub-Committee held on 1 April 2010.	1 April 2010
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	31 August 2010

APPENDIX 1 (Continued)

Licensing Officer	Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand.	
Parking Enforcement Officer	Taxi/Private Hire Parking Report Form.	15 October 2010
Licensing Support Officer	Letter sent to Mr Ford regarding illegal parking on the Harbourside, Torquay.	29 October 2010
Parking Enforcement Officer	Parking Enforcement reports, extract from the Highway Code showing definition of hash lines and two photographs of the relevant area. Plan of Road Traffic Orders in place on Torquay harbour side. Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	11 December 2010 15 January 2011
Licensing Support Officer	Letter sent to Mr Keith Dooley in respect of a queuing/parking offence and inviting his comments. Hackney Carriages and Private Hire Vehicles Byelaw 8.	4 February 2011
Respondent	Letter from Mr Keith Dooley responding to a letter sent by the Licensing Support Officer, dated 10 February 2011 and an email received on 11 February 2011, explaining the circumstances of the incidents.	10 February 2011 11 February 2011

Oral representations received from:

Name	Details
Environmental Health Manager (Commercial)	The Environmental Health Manager (Commercial) outlined the Council's case, as set out in Report 45/2011 and the reasons for recommending that Mr Dooley be suspended for 21 days.
Mr Dooley	Mr Dooley explained the circumstances surrounding his breaches of the Road Traffic Orders and Byelaw and responded to Members' questions.

APPENDIX 1 (Continued)

Decision:

That Mr Keith Dooley's Carriage Driver's Licence be suspended for a period of 14 days on the ground of 'any other reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for decision:

Having carefully considered all the written and oral representations put before the Sub-Committee, Members resolved that Mr Dooley's Hackney Carriage Driver's Licence be suspended for a period of 14 days on the ground of 'any any other reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Members found this ground to be established, as on the basis of the evidence before them they could not be satisfied Mr Dooley remained a fit and proper person to hold a licence. Members had regard to the fact that over a period of three months Mr Dooley has contravened Road Traffic Orders, relevant Byelaws or the Highway Code on five occasions whilst working as a Hackney Carriage Driver.

Members also considered the fact that on 1 April 2010 Mr Dooley's Hackney Carriage Driver's Licence was suspended for a period of seven days following similar contraventions. However, Members noted there was no evidence before them that any person was actually placed at risk as a consequence of Mr Dooley's contraventions and that Mr Dooley was now mainly operating in Brixham. The Sub-Committee also noted Mr Dooley's full acceptance of responsibility for his actions, his regret and remorse and his promise to avoid any contraventions in the future.

Members therefore resolved to suspend the licence for the 14 day period. Members felt this to be a proportionate and necessary response in the interests of public safety and one that would be sufficient to ensure that upon the return of his licence Mr Dooley would be a fit and proper person to hold it.

APPENDIX 1 (Continued)

Suspension of Hackney Carriage Driver's Licence

Decision maker:

The Licensing Sub-Committee at its meeting held on 10 March 2011.

Details of application:

Review of Hackney Carriage Driver's Licence, as set out in exempt Report 48/2011.

Written representations received from:

Name	Details	Date of Representation
Licensing Enforcement Officer	Representation requesting the Private Hire Driver named in the Exempt Report to contact the Safety and Licensing Section.	14 February 2011
Police (Notifiable Occupation Co-ordinator)	Representation informing Torbay Council's Community Safety Team of two incidents by the Private Hire Driver named in the Exempt Report.	17 February 2011
Executive Head for Community Safety	Representation informing the Private Hire Driver named in the Exempt Report of his suspension pending a Licensing Committee.	15 February 2011
Police (Notifiable Occupation Co-ordinator)	Representation notifying Torbay Council's Community Safety Team of other relevant information in respect of the Private Hire Driver named in the Exempt Report.	25 February 2011

Oral representations received from:

Name	Details
Environmental Health Manager (Commercial)	The Environmental Health Manager (Commercial) outlined the Council's case, as set out in exempt Report 48/2011.

Decision:

Having carefully considered all the written and oral representations put before the Licensing Sub-Committee, Members resolved that they could not be satisfied the Private Hire Driver named in exempt Report 48/2011 remained a fit and proper person to hold a Private Hire Driver's Licence.

APPENDIX 1 (Continued)

Members therefore found the ground for revoking his Private Hire Driver's Licence on the basis of any other reasonable cause to be established. Accordingly the suspension was supported and his licence was revoked with immediate effect.

In addition Members resolved that the interests of public safety demand that this revocation has immediate effect once the requisite notice is handed to the Private Hire Driver named in the exempt report.

Reason for decision:

The compelling evidence presented to the Licensing Sub-Committee demonstrated that the Private Hire Driver named in exempt Report 48/2011 had been involved in a number of incidents over a short period of time (which were set out in the exempt Report).

Members noted their duties to ensure only suitable persons were licensed to drive Private Hire Vehicles. Members could not be satisfied, on the basis of the evidence, that the Private Hire Driver named in the exempt Report is or would be a suitable person for the foreseeable future. The Sub-Committee found that to allow the Private Hire Driver named in the exempt Report to retain his licence would create an unacceptable risk to public safety and so find the immediate revocation of his licence a proportionate action to protect passengers and members of the public.

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Report No: **80/2011** Public Agenda Item: **Yes**

Title: **Suspension of Hackney Carriage Driver's Licence – Mr Christopher Mallett**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **24 March 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

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 Christopher Mallett'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 threaten to move the Taxi's ranks from The Strand, onto Torwood Street. This raised significant concerns so officer attended a meeting with taxi drivers. 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 to Mr Mallett, on 15th October 2010 at 13.47 a Parking Enforcement Officer witnessed Hackney Carriage Licence Number HC152, registration number YM54 EEH (Mr. Mallett's Silver Ford Mondeo) parked illegally on double yellow lines outside Natwest Bank, Union Street, Torquay. Mr Mallett was subsequently sent a warning letter dated 25th October 2010 about this incident.
- 3.6 On the 20th October 2010 at 14.26 and again at 15.33 on the same day Hackney Carriage Licence Number HC152, registration number YM54 EEH was witnessed by a Parking Enforcement Officer parked illegally on the double yellow lines outside Natwest Bank. Also on the 26th October at 15.20 Hackney Carriage HC152, registration number YM54 EEH was witnessed by a Parking Enforcement Officer parked illegally on the double yellow lines outside Natwest Bank. No action was taken at the time as he would not have received the letter dated 25th October 2010.
- 3.7 At 14.34 on the 2nd February 2011 Hackney Carriage Licence Number HC152, registration number YM54 EEH was witnessed by a Licensing Enforcement Officer parked on the double yellow lines outside Natwest Bank. Again on the 8th February 2011 at 13.46 Hackney Carriage Licence Number HC152, registration number YM54 EEH was witnessed by a Licensing Enforcement Officer parked illegally on the double yellow lines outside Natwest Bank. The vehicle moved off at the request of the Licensing Enforcement Officer, however 5 minutes later at 13.51 the Licensing Enforcement Officer witnessed the same vehicle parked on the loading bay opposite Natwest Bank, once again on double yellow lines. A letter was sent to Mr Mallett on the 9th February 2011 regarding these incidents and requesting an explanation.
- 3.8 Further to the above incidents, on the 18th February 2011 at 23.43pm Mr Mallett was queuing/waiting in the bus bay on The Strand 17 minutes before the bus bay becomes a taxi rank. On the same night, 19th February 2011, Mr Mallett joined the rear of the bus bay taxi rank at 00.30 and waited for a period of three minutes on double yellow lines, causing an obstruction to the highway. These 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 80/2011

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 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 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 threaten to move 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 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 approached 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 the majority still comply and at this time it has been felt that to move the ranks would disadvantage those, although it still remains an option.
- A1.8 What follows is the failures of Mr Mallett to comply with Road Traffic Orders both in

Torquay Town Centre and on the harbourside.

- A1.09 On 15th October 2010 at 13.47 a Parking Enforcement Officer witnessed Hackney Carriage Licence Number HC152, registration number YM54 EEH (Silver Ford Mondeo) parked illegally on double yellow lines outside Natwest Bank, Union Street, Torquay. It was established that Mr Mallett was the driver of this vehicle and he was subsequently sent a warning letter dated 25th October 2010 about this incident. See Appendix 4.
- A1.10 On the 20th October 2010 at 14.26 and again at 15.33 on the same day Hackney Carriage Licence Number HC152, registration number YM54 EEH was witnessed by a Parking Enforcement Officer parked illegally on the double yellow lines outside Natwest Bank. Also on the 26th October at 15.20 Hackney Carriage HC152, registration number YM54 EEH was witnessed by a Parking Enforcement Officer parked illegally on the double yellow lines outside Natwest Bank. The photographs and one report are shown as Appendix 5. No further action was taken at this time as Mr Mallett would not have received the letter dated 25th October 2010.
- A1.11 At 14.34 on the 2nd February 2011 Hackney Carriage Licence Number HC152, registration number YM54 EEH was witnessed by a Licensing Enforcement Officer parked on the double yellow lines outside Natwest Bank. Again on the 8th February 2011 at 13.46 Hackney Carriage Licence Number HC152, registration number YM54 EEH was witnessed by a Licensing Enforcement Officer parked illegally on the double yellow lines outside Natwest Bank. The vehicle moved off at the request of the Licensing Enforcement Officer, however 5 minutes later at 13.51 the Licensing Enforcement Officer witnessed the same vehicle parked on the loading bay opposite Natwest Bank, once again on double yellow lines. A letter was sent to Mr Mallett on the 9th February 2011 regarding these incidents and requesting an explanation. See Appendix 6.
- A1.12 Mr Mallett responded to the letter dated 9th February 2011 by email on the 15th February 2011. See Appendix 7.
- A1.13 On the 18th February 2011 at 23.43pm Mr Mallack was queuing/waiting in the bus bay on The Strand 17 minutes before the bus bay becomes a taxi rank. Furthermore the same night, 19th February 2011, Mr Mallett joined the rear of the bus bay taxi rank at 00.30 and waited for a period of three minutes on double yellow lines, causing an obstruction to the highway. See Appendix 8. These 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 Attached is a map of the location, giving the Road Traffic requirements that apply to the harbourside. See Appendix 9.
- A1.15 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 temporary rank outside The Clocktower public house. See Appendix 10.

A1.16 A copy of Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles Byelaws is attached at Appendix 11.

A1.17 In light of the fact that Mr Mallett has received 5 warning letters it is recommended that Mr Mallett's Hackney Carriage Drivers Licence be suspended for 7 days.

A1.18 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 1a Letter from Richard Brown Parking Operations Officer dated 28th January 2010

Appendix 1b Email from the Police dated 4th Feb 2010

Appendix 1c Briefing note from Lesley Dransfield dated 27th January 2010 and from Christine Ratcliffe Operations Manager at Stage Coach dated 28th January 2010.

Appendix 2a Letter to All Hackney Carriage Drivers dated 16th January 2009

Appendix 2b Letter to All Hackney Carriage Drivers dated 3rd April 2009

Appendix 2c Letter to All Hackney Carriage Drivers dated 4th December 2009

Appendix 3 Letter to All Hackney Carriage Drivers dated 31st August 2010

Appendix 4 Enforcement sheet for 15th October 2010 and the letter dated 25th October 2010

Appendix 5 A series of photos from the 20th and 26th October 2010, and one enforcement report.

Appendix 6 Copy of Shaun Rackley's notebook dated 2nd February 2011 and a letter dated 9th February 2011.

Appendix 7 Copy of an email dated 15th February from Mr Mallett.

Appendix 8 Copy of two enforcement sheets for the evening 18/19th February 2011

Appendix 9 Plan of Road Traffic Orders in place on Torquay harbour side

Appendix 10 Spreadsheet showing the percentage of Taxi Rank space on the harbour side

Appendix 11 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 1a

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 fares 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

27th January 2010

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

28th 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

Please reply to: Lesley Dransfield

Highways & Engineering

4th 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

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

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
4th 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 2a

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

To Hackney Carriage Drivers

Your ref:
Telephone: 01803 208126
Fax: 01803 208854
E-mail: Licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 16th 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 their 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

Appendix 2b

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

To Hackney Carriage Drivers

Your ref:
Telephone: 01803 208126
Fax: 01803 208854
E-mail: Licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 3rd 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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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

Appendix 2c

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: 4th 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 23rd 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.

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

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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

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

Website: www.torbay.gov.uk

Date: 31st August 2010

Dear

Re: Hackney Carriage Drivers

I am writing to you following a meeting of the Torbay Taxi Association dated 17th 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 17th 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 17th 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

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bus bays or where there are Road Traffic Orders. The removal of the 9pm to midnight 'unofficial' use of 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

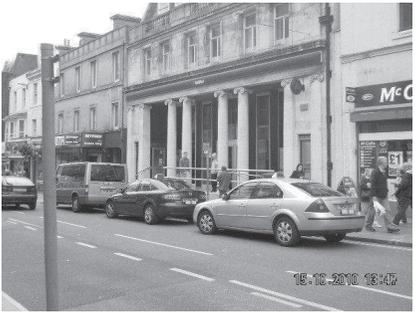
Although Torbay Council and the Police will endeavour to enforce during the specified trial period, the ultimate responsibility is for ALL drivers to ensure that the trial is a success. The responsibility is therefore partially yours if you work in this area at night. If you do work on Torquay harbourside 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



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Appendix 4b

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

Mr C S Mallett
(address removed)

My ref: SAR090439
Your ref: **SRU 155332**
Telephone: 01803 208121
Fax: 01803 208854
E-mail: Shaun.Rackley@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 25th October 2010

Dear Mr Mallett,

Re: Hackney Carriage Number HC152 – Registration Number YM54 EEH

I am writing to you to inform you that your vehicle registration details have been passed to me by Torbay Council's Parking Enforcement Officers because your vehicle has been seen illegally parked on Union Street, Torquay. The Parking Enforcement Officers have informed me that at 13:47 hrs on Friday 15th October 2010 your vehicle was parked on double yellow lines outside Natwest Bank on Union Street. Please be reminded that you should not be parking illegally at any time and any further breaches of parking regulations could result in you being brought before the Licensing Committee to explain your actions. I have enclosed the relevant photograph from the date quoted.

As I am sure you are aware there have been many problems with the parking of taxis around Torquay 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 being taken by Licensing Staff, Parking Staff and the Police as well as CCTV and these numbers will be 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.

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

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

Yours sincerely

Shaun Rackley
Licensing Support Officer
Safety & Licensing Section

ENC

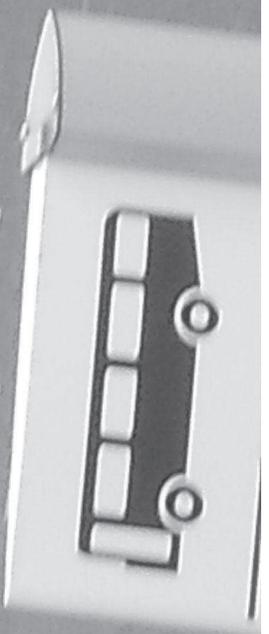


20.10.2010 14:26

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20.10.2010 15:33



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TAXI/PRIVATE HIRE PARKING REPORT FORM

CEO No.	VRM No.	TAXI PLATE No (Blue / Red)	TIME SEEN	DATE	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS
Pete Winsor	YM54 EEH	HC152	15.20	26/10/10	UNION ST	ON LOADING BAN	1

COMMENTS (TO INCLUDE
ANY DETAILS OF WHETHER
ANY OTHER VEHICLE WAS
OBSTRUCTED, HOW LONG
THEY WERE THERE)

Parked outside Nat West



26/10/2010 15:20

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02/02/11
14:34

HC [redacted] outside Natwest bank on
double yellow lines (tergung) advised
to move on.
HC152 on loading bay on union
street opposite natwest bank tergung
advised to move on. se

08/02/11
13:46

Hc152, HC [redacted], HC [redacted] all parked
illegally on double yellow lines.
HC152 outside Natwest Bank,
Tergung, HC [redacted] + HC [redacted] on loading
bay opposite Natwest bank tergung
HC152 parked illegally on double
yellow lines on loading bay opposite
Natwest Bank, Tergung. HC [redacted] still

13:51

in same position on loading bay
opposite Natwest Bank, Tergung
HC152 driven by Chris Mallett and
HC [redacted] driven by [redacted]

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Appendix 6b

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

Mr C S Mallett
(address removed)

My ref: SRU 159283
Your ref:
Telephone: 01803 208121
Fax: 01803 208854
E-mail: Shaun.rackley@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 9th February 2011

Dear Mr Mallett,

Re: Hackney Carriage Number 152 – Registration Number YM54 EEH

I am writing to inform you that your vehicle has been seen illegally parked by Licensing Enforcement Officers. Your Vehicle was seen at 13:46 hrs on Tuesday 8th February 2011, parked outside Natwest Bank, Union Street, Torquay. At this point you were told to move off as there is no waiting as you were parked on double yellow lines. Your vehicle did then move off double yellow lines and at 13:51 hrs you were seen on the loading bay opposite Natwest Bank, Union Street, Torquay again on double yellow lines. In another incident on the 2nd February 2011 at 14:34 hrs your vehicle was again seen parked illegally on double yellow lines outside Natwest Bank, Union Street, Torquay.

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: SRU155332, dated 25th October 2010) regarding illegal parking on Union Street, Torquay 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.

Cox, Steve

Appendix 7

From: Tristan Armes [REDACTED]
Sent: 15 February 2011 02:15
To: Rackley, Shaun
Subject: Dear Saun Rackley

[REDACTED]
[REDACTED]
Torquay
[REDACTED]

Your Ref :SRU 159283

14th February

2011

Dear Saun Rackley,

I am writing to you in reply to your letter, dated9th Feb, 2011m in which you have asked me to explain my actions.

I agree that it is not acceptable to park illegally on double yellow lines and I don't enjoy having to do so, but please take into account that we are all struggling to earn a living, in the quietest winter in living memory. With the inflated price of fuel at the moment and the lack of spaces for taxis in the town centre and the sheer number of drivers competing for every space, we can't afford to drive casually around the town, hoping that a space will appear. I am sure that if the members of the licensing committee were in our shoes, they would not want to use their fuel up either. We have lost several spaces from ranks being taken away ie Library, Market Street and Abbey Road, which makes it even harder to find spaces for taxis.

I am very sorry that I have felt under pressure to park on the opposite side of the rank, until a space becomes available for me to move across to it and I shall endeavor to avoid doing so in the future, but I cannot promise that it will never happen again with taxi drivers.

Yours sincerely

Chris Mallett

Ps Any further correspondence regarding this matter should be sent by letter to the above address, as I am using a friend's computer and may not get your reply. Thank you.

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①

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)
/			22:59	Short rank, The second Toryway	See notes	/	Parked in middle of carriage way for min then reversed into oncoming traffic onto rank.
/			23:40	Short rank, The second Toryway	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
/	YMS4 E3H	HC152	23:43	"	Parked in bus lane, seaward side.	/	in bus bay from 23:43

Page 27

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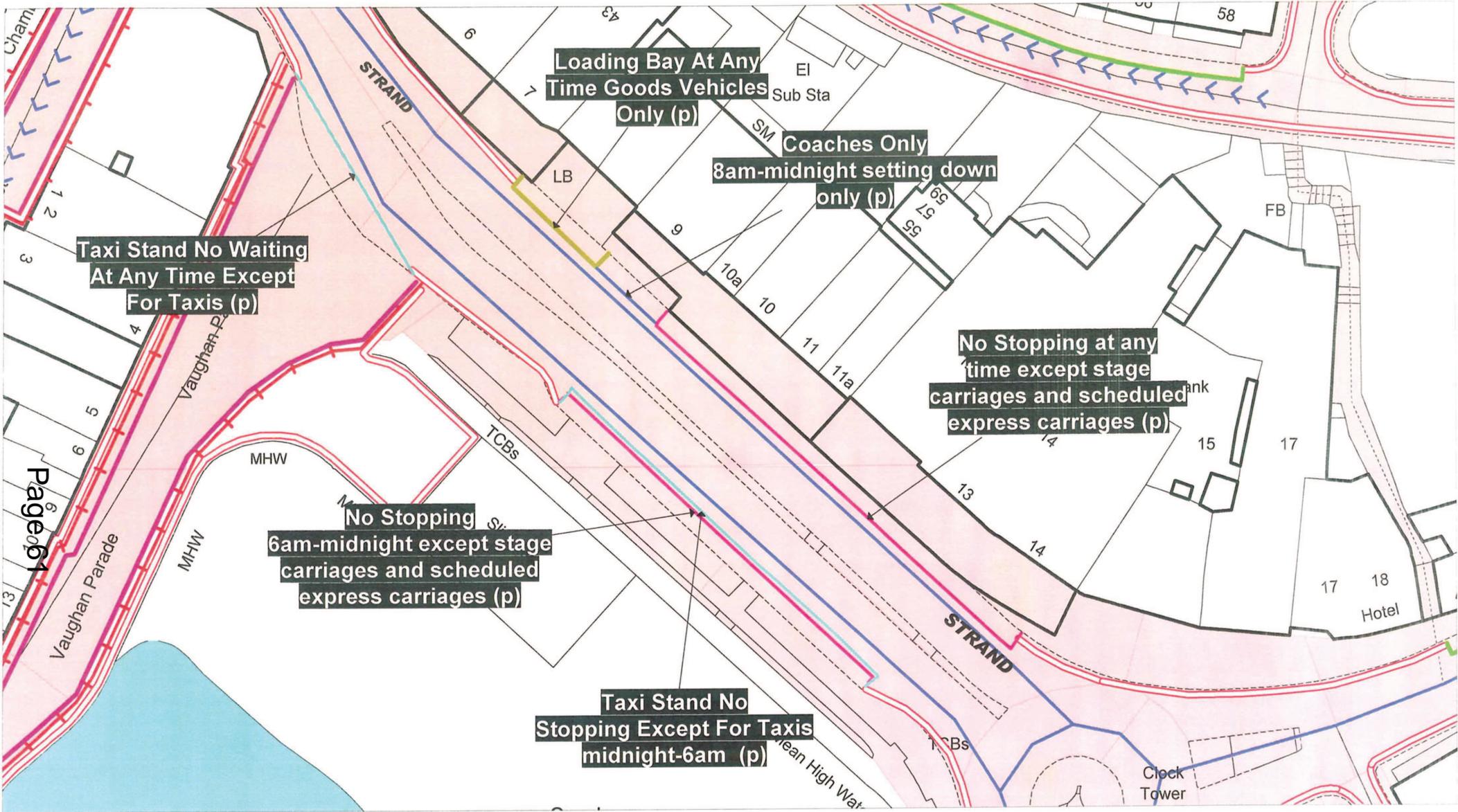
6

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)
/			00:22	Bus lane, Seaward side The Strand, Torquay	Back of bus lane	/	Parked on double yellow lines.
/	YM54 EEH	HC152	00:30	"	Back of bus lane	/	Parked on double yellow lines for 3 minutes.
/			00:37	"	Back of bus lane	/	Parked on double yellow lines and moved on bus Police.
/			00:37	"	Back of bus lane	/	Parked on double yellow lines and moved on bus Police.

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Page 6 of 61

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)		
Including 'No Waiting'										
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		
Total (m)	910	109	295	18	180	15	0	1527		
% of kerb length	60	7	19	1	12	1	0	100		
Note: After midnight, when the bus bay becomes an extra taxi rank the length increases to 161m, which equates to 11%.										
Excluding 'No Waiting'										
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		
Total (m)	109	295	18	180	15	0	0	617		
% 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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BYELAWS

made by the
COUNCIL
of the
BOROUGH OF TORBAY
with respect to

**HACKNEY CARRIAGES AND
PRIVATE HIRE VEHICLES**

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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:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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.

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:

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading or unloading;
- (c) 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 therefrom 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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Report No: **81/2011** Public Agenda Item: **Yes**

Title: **Suspension of Hackney Carriage Driver's Licence – Mr Albert Boyne**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **24 March 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

1. What we are trying to achieve

- 1.1** The 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:

Mr Albert Boyne be suspended for 3 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 Drivers 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, 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. Although the changes proposed related to the harbourside and so are not covered in this report, the result was that another letter was sent to all Hackney Carriage Drivers dated 31st August 2010. Although this letter refers mainly to the harbourside the last paragraph clearly refers to compliance with Road Traffic Orders in other areas as well.
- 3.5 Despite these letters, Mr Boyne HC018, vehicle registration AF57 UJD was witnessed by a Parking Enforcement Officer at 12.58 on the 7th October 2010 parked illegally on double yellow lines with the rear of the vehicle sticking out into the road, Union Street, Torquay. There was no passenger seen. At 13.49 on the 15th October 2010 a Parking Operations Officer witnessed the same vehicle parked on an area where pedestrians cross, with the engine off, waiting to get into the rank, Union Street, Torquay. A warning letter dated 19th October 2010, was sent to Mr Boyne about these incidents.
- 3.6 At 13.46 on the 8th February 2011 a Licensing Support Officer witnessed Mr Boyne in vehicle HC018, vehicle registration number AF57 UJD illegally parked on double yellow lines in the loading bay, opposite Natwest Bank, Union Street, Torquay. It should be noted that Mr Boyne had been previously warned on several occasions since October 2010 about illegal parking in this area. This is 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 81/2011

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 Drivers 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, 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. 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. However there have been significant concerns relating to the Union Street Taxi Rank and the Fleet Street (GPO) roundabout taxi rank too. 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.
- A1.4 Although a number of different measures had been tried and three letters have been sent to all Hackney Carriage Drivers during 2009 (see Appendix 2), resulting in a number of Drivers having their Drivers Licences suspended, 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. Although the changes proposed related to the harbourside and so are not covered in this report, the result was that another letter was sent to all Hackney Carriage Drivers dated 31st August 2010. Although this letter refers mainly to the harbourside the last paragraph clearly refers to compliance with Road Traffic Orders in other areas as well. See appendix 3.
- A1.5 Despite these letters, Mr Boyne HC018, vehicle registration AF57 UJD was witnessed by a Parking Enforcement Officer at 12.58 on the 7th October 2010 parked illegally on double yellow lines with the rear of the vehicle sticking out into the road, Union Street, Torquay. There was no passenger seen. At 13.49 on the 15th October 2010 a Parking Operations Officer witnessed the same vehicle parked on an area where pedestrians cross, with the engine off, waiting to get into the rank, Union Street, Torquay. A warning letter dated 19th October 2010, was sent to Mr Boyne about these incidents. See Appendix 4.
- A1.6 At 13.46 on the 8th February 2011 a Licensing Support Officer witnessed Mr Boyne in vehicle HC018, vehicle registration number AF57 UJD illegally parked on double yellow lines in the loading bay, opposite Natwest Bank, Union Street, Torquay. Attached is a copy of the Licensing Support Officer's notebook. See Appendix 5. It should be noted that Mr Boyne had been previously warned on several occasions since October 2010 about illegal parking in this area.
- A1.7 A letter was sent to Mr Boyne dated 9th February 2011 advising him that he had

contravened both the Road Traffic Orders and Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles inviting his comments. See Appendix 6.

A1.8 A copy of Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles is attached at Appendix 7.

A1.9 A letter of response was received from Mr Boyne on the 16th February 2011. See Appendix 8.

A1.10 In light of the offences it is recommended that Mr Boyne has his Hackney Carriage Drivers Licence suspended for 3 days. A copy of the report and an accompanying letter was hand delivered to his address.

A1.11 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 road users 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 refused, 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 drivers' 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 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, though 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 1a Letter from Richard Brown Parking Operations Officer dated 28th January 2010

Appendix 1b Email from the Police dated 4th Feb 2010

Appendix 1c Briefing note from Lesley Dransfield dated 27th January 2010 and from Christine Ratcliffe Operations Manager at Stage Coach dated 28th January 2010.

Appendix 2a Letter to All Hackney Carriage Drivers dated 16th January 2009

Appendix 2b Letter to All Hackney Carriage Drivers dated 3rd April 2009

Appendix 2c Letter to All Hackney Carriage Drivers dated 4th December 2009

Appendix 3 Letter to All Hackney Carriage Drivers dated 31st August 2010

Appendix 4 Enforcement sheet for 7th October 2010, 15th October 2010, three photographs and letter dated 19th October 2010

Appendix 5 Extract from Licensing Support Officers note book dated 8th February 2011

Appendix 6 Letter to Mr Boyne in respect of the offences and inviting his comments for this Committee Report dated 9th February 2011

Appendix 7 A copy of Byelaw 8 of Torbay Council's Hackney Carriages and Private Hire Vehicles

Appendix 8 Letter from Mr Boyne received 16th February 2011

Documents available in members' rooms

None

Background Papers:

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

None

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Appendix 1a

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 fares 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](#)

Devon & Cornwall Constabulary aims to serve the communities of Devon & Cornwall and help inspire greater confidence in the Police. For more information please visit our website at www.devon-cornwall.police.uk

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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

27th January 2010

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

28th 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
4th 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

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
4th 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 2a

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

To Hackney Carriage Drivers

Your ref:
Telephone: 01803 208126
Fax: 01803 208854
E-mail: Licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 16th 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 their 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

Appendix 2b

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

To Hackney Carriage Drivers

Your ref:
Telephone: 01803 208126
Fax: 01803 208854
E-mail: Licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 3rd 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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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

Appendix 2c

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: 4th 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 23rd 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.

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

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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

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

Website: www.torbay.gov.uk

Date: 31st August 2010

Dear

Re: Hackney Carriage Drivers

I am writing to you following a meeting of the Torbay Taxi Association dated 17th 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 17th 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 17th 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

TAXI/PRIVATE HIRE PARKING REPORT FORM

Appendix 4a

CEO No.	VRM No.	TAXI PLATE No (Blue / Red)	TIME SEEN	DATE	LOCATION	WHAT WAS BEING OBSTRUCTED	No PHOTOS	COMMENTS (TO INCLUDE ANY DETAILS OF WHETHER ANY OTHER VEHICLE WAS OBSTRUCTED, HOW LONG THEY WERE THERE)
S2	AF57UJD	18	12 58	07/10/10	UNION ST	ON LOADING BAN	1	Parked with rear of vehicle sticking out, no passenger seen
Richard Brown	AF57UJD	18	13.49	15/10/10	UNION ST	ON LOADING BAN	2	Parked on pedestrian crossing with engine off waiting to get into rank

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08/02/11
13:46

HC [redacted], HC18, HC [redacted] all parked
illegally on double yellow lines.
HC [redacted] outside Natwest Bank,
Tongway, HC018 + HC [redacted] on loading
bay opposite Natwest bank Tongway

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Appendix 6

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

Mr A Boyne
(address removed)

My ref: SRU 155326
Your ref:
Telephone: 01803 208121
Fax: 01803 208854
E-mail: Shaun.rackley@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 9th February 2011

Dear Mr Boyne,

Re: Hackney Carriage Number 018 – Registration Number AF57 UJD

I am writing to inform you that your vehicle has been seen illegally parked by Licensing Enforcement Officers. Your Vehicle was seen at 13:46 hrs on Tuesday 8th February 2011, parked in the loading bay opposite Natwest Bank, Union Street, Torquay. At this point you were told to move off as there is no waiting ass you were parked on double yellow lines.

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: SRU155326, dated 19th October 2010) regarding illegal parking on Union Street, Torquay 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.



BYELAWS

made by the
COUNCIL
of the
BOROUGH OF TORBAY
with respect to

**HACKNEY CARRIAGES AND
PRIVATE HIRE VEHICLES**

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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:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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.

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:

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading or unloading;
- (c) 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 therefrom 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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16 FEB 2011

A.T.Boyne

Devon

Hackney Carriage Number 018- Reg No AF57 UJD

Dear Mr Rackley

I am speaking for myself and the rest of the taxi drivers in Torquay which have all at some point used the loading bay in question as feeder rank for the union square taxi rank, some even still park outside the bank and on the pedestrian crossing which is stopping people from crossing the road safely.

I have only every used the loading bay on a few occasions due to the sheer lack of ranks to accommodate the amount of taxis on the roads of Torquay. The town centre is a one way system which is costly in fuel with the prices as they are today to keep going round the system to await a space on the ranks. As you are no doubt fully aware that there is a huge supply of taxi services in Torquay, with a marginal demand for them due to the lack of daytime activity in the town centre as a result of shops closing or changing to less popular retailers each month. This has had a profound affect on the taxi service business in general. This in turn causes a bottle neck of taxis drivers all trying to get a highly valued position or hot spot on a rank that has the highest potential for business to make a sustainable living. The few ranks in Torquay are inadequate for the amount of vehicles that are attempting to use them and their location, for example the G.P.O is a 3-4 car rank, on many occasions I have seen in access of 8 crowded around the roundabout, that in my opinion poses a far greater hindrance to the likes of emergency services that frequently use the pedestrianised part of union street leading to the G.P.O this is yet shining more light on the fact of insufficient size and location of Torquay's ranks. I have never positioned my vehicle in any place or position that has posed a danger to any person or other vehicles, if a goods vehicle needed the use of the loading bay I would of pulled off immediately with no hesitation. I have been a taxi driver in Torquay for the best part of 35 years and this is my first breach of conduct. I don't wish for this letter to come across as a buck pass, I am merely bringing to your attention the reason for my actions and I deeply regret that they have resulted in a written letter. I am a believer that honesty is the best policy I am not about to try and deny my involvement in this incident. I hope that the statements in this letter gives some justifiability to my actions and that of many of my colleagues, my feelings are also felt by and if not stronger by many other cabbies in this area. There is a resounding concern from us all and the feeling is that something needs to be done to alleviate these issues. A written response would me much appreciated. Many thanks.

Yours sincerely

A.T. Boyne
A.T.Boyne

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