



Minutes of the Licensing Sub-Committee

21 April 2011

-: Present :-

Councillors Addis, Stocks and Richards

690. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

691. Apologies

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

692. Minutes

The Minutes of the meeting of the Sub-Committee held on 24 March 2011 were confirmed as a correct record and signed by the Chairman.

693. Paddy's Bar and Restaurant, 107 Winner Street, Paignton

Members considered Report 90/2011 which sought a Review of a Premises Licence in respect of Paddy's Bar and Restaurant, 107 Winner Street, Paignton.

Written representations received from:

Name	Details	Date of Representation
Police	Application (plus supporting documentation) for a Review of the Premises Licence on the grounds of 'The Prevention of Crime and Disorder', 'Public Safety' and 'The Prevention of Public Nuisance', as set out in Appendix 1 to Report 90/2011.	2 March 2011
Respondent	Letter from the Respondent offering to engage an appropriately licensed and experienced Manager / Manageress, as set out in Appendix 4 to Report 90/2011.	5 March 2011

Additional Information:

Prior to the Sub-Committee, the Applicant requested 15 minutes to present their application. The Sub-Committee agreed to this extension of time at the hearing and informed the Respondent's Solicitor that he too would be entitled to 15 minutes when making his oral representation.

Oral representations received from:

Name	Details
Police (Applicant)	<p>The Police Representative outlined the details of the application, as set out in the written representations and proposed additional conditions to be added to the Premises Licence to address their concerns and to ensure that the Licensing Objectives were being promoted.</p> <p>The Police Representative also played two CD's demonstrating the poor quality of the CCTV footage currently being recorded by the equipment in Paddy's Bar and Restaurant, 107 Winner Street, Paignton.</p>
Respondent's Solicitor	<p>The Respondent's Solicitor responded to the written and oral representations made by the Police and confirmed that the Respondent had agreed to the proposed conditions suggested by the Police. The Respondent's Solicitor, the Respondent and Respondent's Partner proceeded to respond to questions from the Members.</p>

Decision and Reason for Decision

Having carefully considered all the written and oral representations Members resolved to remove Mr Walsh as the Designation Premises Supervisor and to modify the conditions of the Premises Licence, as proposed by the Police and accepted by the Respondent.

In addition Members would like it noted that they still have serious concerns about the future management of this Premises, in light of the personal relationship between the current Premises Licence Holder and new proposed Designated Premises Supervisor.

However, Members were reassured that the Police would bring a further Review of these Premises should future incidents occur.

694. Suspension of Hackney Carriage Driver's Licence - Mr Paul Stone

Members considered Report 91/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Paul Stone.

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 a nine month period on The Strand, Torquay 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 ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
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.	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 Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009

Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand, Torquay.	31 August 2010
Parking Operations Officer	One enforcement report.	29 October 2010
Licensing Support Officer	Letter sent to Mr Stone regarding illegal parking on the Harbourside in Torquay.	3 November 2010
Parking Operations Officer	Two enforcement reports.	18 and 19 February 2011
Licensing Support Officer	Letter sent to Mr Stone regarding illegal parking on the Harbourside in Torquay.	4 March 2011
Respondent	Letter from Mr Paul Stone responding to a letter sent by the Licensing Support Officer, reference SRU 160041, explaining the difficulties of using the ranks on the Harbourside.	8 March 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	

Additional information:

Members noted Mr Paul Stone was not present for the Hearing and agreed the Hearing would be held in his absence, as no reason for his absence had been made to the Licensing Department.

Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 91/2011.

Decision:

That Mr Paul Stone's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any 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 this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 3 November 2010 and 4 March 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay.

Members noted Mr Stone's written admission, as dated 8 March 2011 in that he had parked not in accordance with the Road Traffic Orders or Byelaw 8. In addition Members noted that Mr Stone had not followed the direction, as specified in the Hackney Carriage and Private Hire Drivers Handbook, point 19 of Section 1 Part B.

In concluding Members were satisfied that Mr Stone had been given sufficient warnings but despite this, had parked illegally on 29 October 2010 and again on the 18 February 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

695. Suspension of Hackney Carriage Driver's Licence - Mr Dariush Zarezadeh

Members considered Report 92/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Dariush Zarezadeh.

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 a nine month period on The Strand, Torquay 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 ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
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.	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 Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand, Torquay.	31 August 2010
Parking Operations Officer	One enforcement report showing two incidents of and two photographs showing a taxi parked illegally on Union Street, Torquay.	18 October 2010 22 October 2010

Licensing Support Officer	Letter sent to Mr Zarzedah regarding illegal parking on Union Street, Torquay.	28 October 2010
Parking Operations Officer	One enforcement report.	19 February 2011
Licensing Support Officer	Letter sent to Mr Zarezadeh regarding illegal parking on Union Street, Torquay.	4 March 2011
Respondent	Letter from Mr Dariush Zarezadeh responding to a letter sent by the Licensing Support Officer, dated 4 March 2011, which offered an explanation for the incidents of illegal parking.	10 March 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	
Environmental Health Manager (Commercial)	Witness Statement regarding an incident of illegal parking on the Harbourside on 19 February 2011.	7 April 2011

Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 92/2011.
Respondent	The Respondent explained the circumstances surrounding his breaches of the Road Traffic Orders and Byelaw 8 and responded to Members' questions.

Decision:

That Mr Dariush Zarezadeh's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any 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 this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 28 October 2010 and 4 March 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay. Mr Zarezadeh confirmed that he had received these warning letters and had received the Hackney Carriage and Private Hire Drivers Handbook which states at point 19 of Section 1, Part B that:

‘The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at time of a vehicles’ arrival at a rank then the driver must proceed to the next available rank.’

Members noted Mr Zarezadeh’s oral admission that he had parked not in accordance with the Road Traffic Orders or Byelaw 8 and that he had not followed the direction, as specified in the Hackney Carriage and Private Hire Drivers Handbook

In concluding Members were satisfied that Mr Zarezadeh had been given sufficient warnings but despite this, had parked illegally on 18 and 22 October 2010, on 19 February 2011 whereby of particular concern, his actions on this day caused an obstruction to the highway and as such, delayed a Police vehicle on an emergency call, as stated in the witness statement of Mr Steve Cox dated 7 April and again parked illegally on the 10 March 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

Chairman