



Wednesday, 10 August 2011

## LICENSING SUB-COMMITTEE

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

**Thursday, 18 August 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 Doggett

Councillor Butt

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

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

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

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



# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 6)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 26 May 2011 and 19 June 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. **Hackney Carriage Tariff Increase** (Pages 7 - 22)  
To consider a report regarding a request to increase the applicable fare tariff in respect of all Hackney Carriages in Torbay.



## Minutes of the Licensing Sub-Committee

26 May 2011

-: Present :-

Councillor

Councillors Addis, Parrott and Stocks

(Also in attendance: Councillor James)

### 665. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 666. Minutes

The Minutes of the meetings of the Sub-Committee held on 21 and 28 April 2011 were confirmed as a correct record and signed by the Chairman.

### 667. Sportsmans Arms, 15-17 Laburnum Street, Torquay

Members considered a report on the application for a Review of a Premises Licence in respect of the Sportsmans Arms, 15-17 Laburnum Street, Torquay.

Written representations received from:

Name	Details	Date of Representation
Public Protection	Application for a Review and supporting information, as set out in Appendices 1 and 2 of the report.	6 April and 4 May 2011
Police	Representation relating to the application for a Review of the Premises Licence on the grounds of "The Prevention of Crime and Disorder".	3 May 2011
Three Members of the Public	Three representations relating to the application for a Review of the Premises Licence on the grounds of "The Prevention of Public Nuisance" and "The Prevention of Crime and	5 May, 5 May and 27 April 2011

	Disorder”.	
Two Members of the Public	Two representations received in support of the Premises Licence.	23 April and 4 May 2011

Oral representations received:

Name	Details
Applicant – Public Protection Officer	The Public Protection Officer outlined the application on the grounds of “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance” and answered Members questions.
Police	The Police outlined their representation as set out in Appendix 4 of the report.
Three Members of the Public	Three Members of the Public outlined their representations in support of the application for Review and responded to Members questions.
Respondent	The Respondent and those supporting her responded to the evidence put before the Sub-Committee and answered Members questions.

Decision:

That the Premises Licence in respect of the Sportsmans Arms, 15-17 Laburnum Street, Torquay be modified to the sale of alcohol from 10.00 a.m. until 10.30 p.m. Monday to Saturday and noon until 10.00 p.m. on Sunday, with closing of the Premises being 30 minutes after ceasing the sale of alcohol. The provision for the making of music shall also be removed from the licence, and the licence will be modified to include the following conditions:

- 1) All doors and windows to be kept closed at all times during the operating hours of the Premises.
- 2) The management must take all reasonable steps to ensure that patrons leaving the Premises do so as quietly as possible so as not to disturb local residents.
- 3) An SIA approved door steward to be in position outside the front of the Premises between the hours of 9.00 p.m. and closing on Friday and Saturday, to ensure Patrons smoking or leaving the Premises do so in a manner not to cause a nuisance.
- 4) A management scheme shall be in place to manage noise emanating from patrons using the smoking area at the rear and front of the Premises.

Reason for Decision:

Having carefully considered all of the written and oral representations and the evidence before them, Members resolved that the modification of the licence and the removal of licensable activity was proportionate and necessary to promote the Licensing Objectives and as such, should alleviate the concerns of local residents and Responsible Authorities.

Members seriously considered in depth the concerns of residents, and in their opinion the removal of the provision for making music was necessary because of the close proximity of the Premises to residential properties and the negative impact when it had occurred.

In concluding, Members seriously considered revocation or suspension of the Premises Licence and the removal of the Designated Premises Supervisor, but resolved that implementing the measures put forward by the Responsible Authorities should address the issues complained of. Members stated that the modification of the Premises Licence should serve as a strong warning to Mrs Lang that failure to comply with the provision and conditions of her Licence in the future should result in this Premises being brought back before the Sub-Committee, and as such Members would encourage this.

**668. Exclusion of the Press and Public**

Prior to consideration of the item in Minute 669 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).)

**669. An application for a Personal Licence**

The Sub-Committee considered the exempt report on an application for a Personal Licence.

Decision:

Having carefully considered all the written and oral representations, Members believed that, having regard to the Objection Notice, the application should be rejected as this was necessary for the promotion of the Crime Prevention Objective.

Reason for Decision:

Members were not satisfied that the circumstances in this case were exceptional or compelling to justify granting the application, as in accordance with paragraph 4.9 of the Guidance issued under section 182 of the Licensing Act 2003.

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Chairman

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## Minutes of the Licensing Sub-Committee

16 June 2011

-: Present :-

Councillors Addis, Ellery and James

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**84. Election of Chairman/woman**

Councillor Addis was elected as Chairman for the meeting.

**85. Minutes**

The Minutes of the meeting of the Sub-Committee held on 19 May 2011 were confirmed as a correct record and signed by the Chairman.

**86. Coyote Cafe Bar, 3-5 Union Street, Torquay**

Upon receiving information from the Senior Licensing Officer and advice from the Legal Advisor to the Sub-Committee, Members were satisfied that every effort had been made by the Licensing Department to contact the applicant for Coyote Café Bar, 3-5 Union Street, Torquay. In light of the Licence being transferred to the freeholders, Members resolved that this matter be dismissed.

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Chairman

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Public Agenda Item: **Yes**

Title: **Hackney Carriage Tariff Increase**

Wards Affected: **All**

To: **Licensing sub-Committee** On: **18 August 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 request from the Torbay Licensed Taxi Association to increase the applicable fare tariff in respect of all Hackney Carriages in Torbay.

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

2.1 There is no recommendation however the options are either to grant or reject the increase.

## **3. Key points for consideration**

3.1 Under the terms of the Local Government (Miscellaneous Provisions) Act 1976, a Local Licensing Authority may determine the maximum level of charges to be levied by all Hackney Carriages operating under its control.

3.2 A letter has been received on the 13<sup>th</sup> April 2011 from the Torbay Licensed Taxi Association requesting that a 6% increase to be considered in the current year. Although the Torbay Licensed Taxi Association represents many in the Hackney Carriage trade, a significant number are not members of the Association.

3.3 Licensing Committee agreed on 2<sup>nd</sup> June 2011 that the proposals be advertised by way of Public Notice, allowing 14 days for any objections. If, as in this event, objections are received, these responses must be considered by the Licensing Sub-Committee before any increase can take effect.

3.4 During the consultation period, five representations have been received. Of these five, one is for the proposed increase and four are opposed to it. These are found in Appendix 4.

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

**Frances Hughes  
Executive Head Community Safety**

## **Supporting information to Report**

### **A1. Introduction and history**

- A1.1 Under the terms of the Local Government (Miscellaneous Provisions) Act 1976, a Local Licensing Authority may determine the maximum level of charges to be levied by all Hackney Carriages operating under its control. Fares have been so determined for many years with regular reviews.
- A1.2 A letter was received on the 13<sup>th</sup> April 2011 from the Torbay Licensed Taxi Association requesting that a 6% increase to be considered in the current year. This is set out in correspondence attached as Appendix 1. Although the Torbay Licensed Taxi Association represents many in the Hackney Carriage trade, a significant number are not members of the Association.
- A1.3 The proposed request is that, Tariff 1 journeys be charged at £2.50 for the first 470 yards (430 metres) or part thereof, then 15p for each subsequent 141 yards (129 metres), or part thereof. This a reduction from 500 yards (457 metres) to 470 yards (430 metres) and a reduction of 150 yards (137 metres) to 141 yards (129 metres) respectively. Tariff 1 is applicable for all hiring's made between 7 am and 11 pm on any day except Sundays and Bank Holidays.
- A1.4 Tariff 2 journeys to be charged at £3.00 for the first 470 yards (430 metres) or part thereof, which remains the same, then 20p for each subsequent 141 yards (129 metres), or part thereof. This a reduction from 500 yards (457 metres) to 470 yards (430 metres) and a reduction of 150 yards (137 metres) to 141 yards (129 metres) respectively. Tariff 2 relates to journeys at all other times, including night times, Sundays, Bank Holidays, Christmas Eve and New Year's Eve.
- A1.5 The last increase in fares was agreed in May 2008 and came in to force on 1<sup>st</sup> July 2008 and the details of these current charges are shown in Appendix 2.
- A1.6 On the 2<sup>nd</sup> June 2011 a report was taken to Licensing Committee to agree to advertise the proposals by way of Public Notice. This allowed 14 days so that any objections can be received. If no objections were received then the rise would have commence from 1<sup>st</sup> July 2011. A copy of the public notice is shown in Appendix 3.
- A1.7 During the consultation period, five representations have been received. Of these five, one is for the proposed increase and four are opposed to it. See Appendix 4.
- A1.8 The options are to either grant the tariff increase or to refuse it.

A1.9 There is no right of appeal to the decision.

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

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

There are no significant risks.

### **A3. Options**

A3.1 The options are:

- (i) to refuse the fare increase, or
- (ii) to grant the fare increase.

**A4. Summary of resource implications**

A4.1 There are no significant resource implications for the Council

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

A5.1 There are no equalities, environmental sustainability or crime and disorder issues.

**A6. Consultation and Customer Focus**

A6.1 There has been a public notice placed in the local paper in accordance with the legal requirements.

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

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

**Appendices**

Appendix 1 Copy of a letter from Torbay Licensed Taxi Association

Appendix 2 Summary of Current Charges from 1<sup>st</sup> July 2008

Appendix 3 Copy of the Public Notice

Appendix 4 Copy of the Representations

**Documents available in members' rooms**

None

**Background Papers:**

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

None

Dear Mr Col

I WAS VOTED AT OUR ANNUAL GENERAL MEETING TO RAISE OUR TARIFF BY 6%

THE YARDAGE ON THE PULL OFF WILL CHANGE FROM 500 yds to 470 yds and THE CLICKS ON 15P AND 20P ON T-1-T-2 WILL MOVE FROM 150 yds to 141 yds. CAN.

I TAKE THIS OPPORTUNITY TO APPLY FOR THIS RAISE FOR TORBAY HACKNEY TAXIS

David Green

Chairman

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**Existing Maximum Hackney  
Carriage Fare Scale as approved  
with effect from 1<sup>st</sup> July 2008:**

Tariff 1 – initial charge of £2.50 for the first 500 yards (457 metres), or part thereof, then 15p for each subsequent 150 yards (137 metres), or part thereof, and waiting time to be charged at 15p for each 40 seconds;

Tariff 2 – Initial charge of £3.00 for the first 500 yards (457 metres), or part thereof, then 20p for each subsequent 150 yards (137 metres), or part thereof, and waiting time to be charged at 18p for each 40 seconds; and

Additional charges – 20p for each additional passenger, 50p call out charge and £50 for any fouling of the hackney carriage. No additional charges will be made for luggage, perambulators, pushchairs, wheeled trolleys or animals.

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Dear Sir,

I note it is proposed to increase taxi fares in Torbay. I live at the top of a long, steep hill and do as much shopping as I can in Brixham and have other errands which take me into Brixham at least twice and often more a week. Even with the proposed increase I prefer to use taxis; it costs not much more than parking my car and I neither have to worry about finding a space nor have to clock-watch to be sure not to over-stay my time.

By its nature, a consultation usually only prompts those who object to respond. I think it is important that you know there are people who consider the taxis provide real value for money. Without a price increase a lot of the drivers will go out of business, which helps nobody.

Yours faithfully,

10<sup>th</sup> June 2011

Ms Francis Hughes  
Executive Head Community Safety  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

Ref: Licensing

TORBAY COUNCIL  
13 JUN 2011  
LICENSING SECTION

Dear Ms Hughes,

As a Hackney Carriage driver I write to formally object to the proposal by Torbay Licensed Taxi Association to increase fares by 6%. I accept that cost increases, particularly fuel are difficult to absorb but passing these increases on to customers simply will not work. Hackney Carriages are licensed for "immediate hire" and therefore rely predominantly on fares picked up from ranks. Private Hire Vehicles, our main competitors, rely on pre-booked fares and are already significantly cheaper than Hackney Carriages. According to an OFT report Private Hire Vehicles now have nearly 70% of the taxi market. An increase in Hackney Carriage fares will make us even less competitive and reduce further our market share. Any casual observer will have seen the large number of cabs waiting for fares even at busy periods at weekends. The AGM at which this increase was proposed was attended by only 20 members of the association of which only 15 voted for the increase. Importantly no formal notice of the AGM was sent to members. I do not believe therefore that there is a credible mandate for an increase in fares at the present moment and to do so would not be in the interests of the trade or the public.

Yours Sincerely



15 JUN 2011

Dear Ms. Hughes.

I am writing to you as a Hackney Carriage driver opposed to the proposed tariff increase for the following reasons:

1) Most taxi drivers were not aware of the

Taxi Association's AGM when the decision was taken to apply for a tariff increase, and although it is required that the association should write to members informing them of the time, date, and place, of the AGM, this was not done.

A notice of the meeting was displayed in the offices of some taxi companies, but most did not see it and consequently only about twenty people (including the committee) turned up.

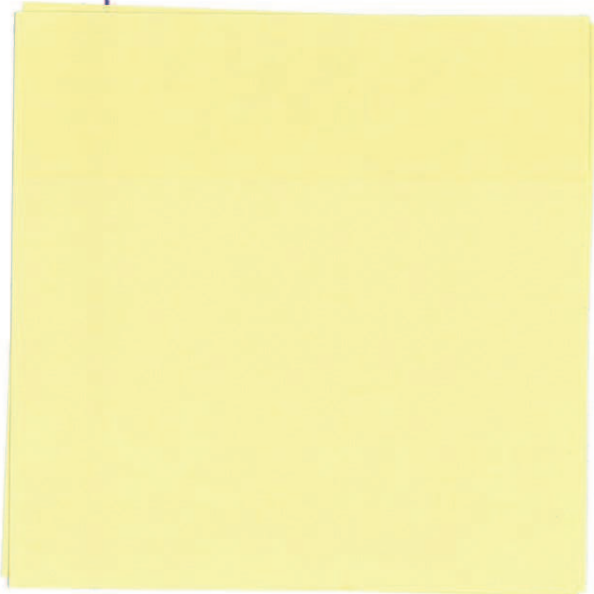
2) In the current financial situation where the Consumer Price Index is above 4% and many people face a wage freeze and/or redundancy, an increase in taxi fares can only be regarded as indulgent.


3.) Although petrol and diesel has recently become more expensive, so it has for everyone. Many businesses are prepared to absorb the extra costs and the taxi trade could do likewise, at least for the next twelve months.

4.) In the league table of taxi fares published by PRIVATE HIRE & TAXI MONTHLY, Torbay is placed 73<sup>RD</sup> out of 380 licensing authorities, and as such I do not see how a tariff increase can be justified.

I would be most obliged if this letter could be copied and given to the licensing committee for when they meet to consider objections.

Yours sincerely





Ref: Hackney Carriage Tariff Increase

21 June 2011

Dear Sirs

*We write to register our objections to the above increase for the following reasons:*

- As a licensed Hackney operator and driver we would like to play our part in improving the financial situation that we all find ourselves in. Yes fuel and insurance costs have increased this year, likewise in July 2008 the date of the last tariff increase, but by xmas 2008 the price of fuel in particular had fallen and remained stable throughout 2009/2010. During this time nobody asked for a tariff reduction as we were all happy to take the money.*
- The decision to ask for a tariff increase was taken at the Torbay Taxi association AGM in March 2011. No formal written notification of the AGM was given so the majority of approx 400 Hackney drivers and plate owners did not attend. We believe only 22 members voters 12 for 10 against. This hardly represents the true feelings within the trade*
- You yourselves have had to make some difficult financial decisions this year with the obvious objections, in this instance we believe the majority would support your decision if you declined the tariff increase.*

*Yours Sincerely,*






TORBAY COUNCIL  
17 JUN 2011  
ENVIRONMENT  
FOOD SAFETY



To whom it may concern,

I  would like to formally object to the proposed fare increase for Hackney Carriages. I place my objection on three main points.

Firstly, the taxi association meeting that voted on the proposal was not properly organised, members of the association (of which I am not a member) were not informed correctly or with in a decent amount of time in order to attend the meeting, and it appears that only a small hand picked section of the Hackney Carriage association attended the meeting, a total twenty people, and the vote was 12 for, 6 against and 2 abstentions, 12 people do not give an accurate feeling within the Hackney Carriage trade.

Secondly, we are currently in a recession, people within the borough of Torbay are having wage freezes, wage cuts, and some are losing their jobs. Unemployment figures are rising, inflation is rising and even yourselves at the council are having to save money because of budget cuts, it would be very inappropriate for us as a trade to add the pressure of increasing costs onto the already tight budgets of the general public in Torbay.

Thirdly, three years ago (2008) your licensing committee granted the Hackney Carriage association a rather large fare increase, the main reason given was a steep rise in fuel prices. At the time diesel within the bay had reached £1.30 plus per litre. Within a few months of being granted the rise, fuel prices steadily decreased down to £1.01 per litre. After being given the rise to help with fuel costs, the Hackney Carriage association did not seem fit to drop prices again after fuel had dropped, but instead had kept artificially high price for some 2 years. Now that fuel has reached the high level again (£1.30+ per litre) it would not be fair for us to ask for more money. Nearly every person in the Torbay area is having to trim their budgets and cut their over heads in order to make ends meet, and taxi drivers of Torbay who have had it good for so long should learn that they too need to trim their budgets and over heads.

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