



## **Minutes of the Licensing Sub-Committee**

**10 February 2011**

**-: Present :-**

Councillors Dogget, Excell and Manning

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### **525. Election of Chairman.**

Councillor Manning was elected as Chairman for the meeting.

**Councillor Manning in the Chair.**

### **526. Sub-Committee Membership.**

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

### **527. Matters for Consideration.**

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

#### **527.1 Suspension of Hackney Carriage Driver's Licence – Mr Ryan Ford.**

Chairman

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

**Suspension of Hackney Carriage Driver's Licence – Mr Ryan Ford**

**Decision maker:**

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

**Details of application:**

Review of Hackney Carriage Driver's Licence in respect of Mr Ryan Ford, as set out in Report 24/2011.

**Written representations received from:**

<b>Name</b>	<b>Details</b>	<b>Date of Representation</b>
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

**APPENDIX 1 (Continued)**

<b>Name</b>	<b>Details</b>	<b>Date of Representation</b>
	Minutes of the Licensing Sub-Committee held on 18 February 2010.	18 February 2010
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.	31 August 2010
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.	25 October 2010
Parking Enforcement Officer	Notes from Parking Operations Officer notebook and two photographs showing Taxi parked illegally.	1 December 2010
Parking Enforcement Officer	Witness Statement regarding a Taxi parked illegally parking on the GPO Roundabout, Torquay.	13 January 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
Licensing Support Officer	Letter sent to Mr R Ford in respect of a queuing/parking offence and inviting his comments.	17 December 2010
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	
Respondent	Letter from Mr R Ford responding to a letter sent by the Licensing Support Officer, dated 17 December 2010, explaining the circumstances of the incidents.	24 December 2010

## APPENDIX 1 (Continued)

Name	Details	Date of Representation
	Torbay Taxi Rank Report, table detailing observations of Taxi's parked in a Rank from 20:42 to 23:56.	15 January 2011
	Two photographs showing Taxi's parked illegally.	25 January 2011

### Additional information:

Colour copies of the two photos dated 25 January 2011 at 12:39 and black and white copies of the two photos dated 1 December 2010 at 11:49 were circulated at the meeting.

### Oral representations received from:

Name	Details
Licensing Officer	The Licensing Officer outlined the Council's case, as set out in Report 24/2011 and the reasons for recommending that Mr Ford be suspended for 28 days.
Mr Ryan Ford	Mr Ford explained the circumstances surrounding his breaches of the Road Traffic Orders and Byelaw and responded to Members' questions. He confirmed that he had received all the warning letters.
Civil Enforcement Officer	The Civil Enforcement Officer responded to questions from Members of the Licensing Sub-Committee.

### Applicant's response to representations:

With the approval of the Anti-Social Behaviour and Licensing Legal Advisor and the agreement of the Sub-Committee, the Respondent submitted a copy of a letter dated 8 February 2011 to the Environmental Health Officer responding to his letter dated 28 January 2011. This letter formed the basis of the Respondent's oral Representation to the Licensing Sub-Committee. In addition and by agreement, a witness statement dated 3 February 2011 from Shazad Ramzan; a witness statement dated 9 February 2011 from Mr Nicholas Murphy; and a witness statement from Mr John Robert Cree was also submitted by the Respondent.

### Decision:

**That Mr Ryan Ford's Hackney Carriage Driver's Licence be revoked on the ground of 'any other reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.**

**In accordance with Section 61(2)(2B) of the Local Government (Miscellaneous Provisions) Act 1976 the revocation to have immediate effect in the interest of public safety.**

## APPENDIX 1 (Continued)

### Reason for decision:

Having carefully considered all the written and oral Representations, the Sub-Committee resolved that in reaching their decision they had regard to the Licensing Sub-Committee's decision on the 18 February 2009 to suspend Mr Ford's Hackney Carriage Driver's Licence for a period of seven days for similar offences. In addition Members noted that subsequent to that decision, a further warning letter dated the 31 August 2010 was sent to all Hackney Carriage Drivers, which included Mr Ford. Members were satisfied that this letter stated in clear terms the continued concerns for public safety and warned of the possible risks to drivers should they be caught parking or queuing in areas with Road Traffic Orders.

Despite these warnings and previous suspension Members found on the oral, written and submitted photographic evidence that Mr Ford had again breached Road Traffic Orders and therefore in their opinion posed a real risk to public safety.

Members found not only that a previous suspension for similar offences was an aggravating factor but in addition, that Mr Ford committed further breaches of Road Traffic Orders on three occasions, namely two on the 15 January 2011 and one on the 25 January 2011, which was after he had been notified that he would appear before a Licensing Sub-Committee for the breaches which occurred on the 15 December 2010 and 1 December 2010.

Members noted the three witness statements submitted by Mr Ford at the hearing but found Mr Jepson to be a credible witness who in his own words 'had never met Mr Ford before the incident on the 1 December 2010 and was just reporting what he had seen, as advised to do so'. Therefore they found that Mr Ford's response to Mr Jepson, whilst carrying out his duties as a Parking Enforcement Supervisor to be of great concern.

In reaching their decision to revoke Mr Ford's Hackney Carriage Driver's Licence, as opposed to suspending it for a period of 28 days, as in accordance with the recommendation of Report 24/2011, Members deliberated as to what further steps could be taken for them to be satisfied that Mr Ford remained a 'fit and proper' person to hold a Hackney Carriage Driver's Licence. In concluding, Members felt in their opinion that all reasonable steps had previously been tried and failed and that a period of 28 days suspension would not satisfy them that Mr Ford would comply with Road Traffic Orders in the future, due to his previous conduct which in their opinion displayed an apparent disregard for public safety. This was especially noted by Members when considering the photographic evidence of the 1 December 2010 and the 25 January 2011 whereby Mr Ford's vehicle was clearly seen overhanging and potentially causing an obstruction to other road users which could result in a fatal accident not only to the other road users but also to any pedestrians waiting to cross at the pedestrian crossing. In forming this concern Members had regard to page 23, section 7(b) of the Hackney Carriage & Private Hire Driver's Handbook, as issued to all drivers and namely to Mr Ford on the 24 September 2007 which states that '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'. In their opinion Members concluded that Mr Ford did not do this and as such, his actions posed a real risk to public safety.

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

## **APPENDIX 1 (Continued)**

Given that Members resolved to revoke Mr Ford's Hackney Carriage Driver's Licence and that this should be with immediate effect, as in accordance with Section 61(2)(2B) of the Local Government (Miscellaneous Provisions) Act 1976 their reason for doing so was due to Mr Ford's continued apparent disregard for Road Traffic Orders and as such, public safety despite a previous suspension and a number of warnings.

In Members' opinion the decision to apply the revocation with immediate effect was proportionate and necessary based on the previous conduct of Mr Ford and that they believed the circumstances in which Mr Ford found himself before them had a high probability of continuing, if they permitted Mr Ford to continue as a Hackney Carriage Driver until either the end of the appeal period or until the conclusion of any appeal and as such could not be satisfied that he did not pose a real risk to public safety.