

SOUTH HAMS LICENSING COMMITTEE



Minutes of a meeting of the **South Hams Licensing Committee** held on
Thursday, 24th November, 2016 at 2.00 pm at the **Cary Room - Follaton House**

Present: **Councillors:**

Chairman Cllr May
Vice Chairman Cllr Holway

Cllr Baldry
Cllr Brown
Cllr Foss
Cllr Pringle

Cllr Blackler
Cllr Cane
Cllr Hopwood
Cllr Rowe

In attendance:

Councillors:

Officers:

Catherine Bowen
James Kershaw
Naomi Wopling

5. **Minutes**

L.05/16

The minutes of the meeting of the Licensing Committee held on 26 May 2016 and the Licensing Sub-Committee meetings held during the period 25 April 2016 to 5 October 2016 were all confirmed as a correct record and signed by the Chairman.

6. **Declarations of interest**

L.06/16

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:

Cllr D W May declared a personal interest in Item 9: 'Summary of Licences Issued Between 1 October 2015 and 30 September 2016' (Minute L.11/16 below refers) by virtue of knowing the applicant for the Trehill Arms, Ivybridge licence and remained in the meeting during the debate on this item.

7. **Licensing of Taxi Drivers Policy**

L.07/16

Consideration was given to a report that informed that the Council (as the Licensing Authority) had the power to issue licences to drivers of Hackney Carriages and Private Hire Vehicles.

Since there was no legal definition of what made a driver a 'fit and proper person', it was therefore a matter for the Licensing Authority to determine what qualifications they required an applicant to meet in order to be licensed. As a consequence, the report presented a policy that sought to set the minimum requirements that the Council would seek from new and existing drivers.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that the draft Taxi Driver Licensing Policy (as outlined at Appendix B of the presented agenda report) be adopted to come into effect from 1 January 2017.

8. **Taxi Fare Setting Formula and Policy**

L.08/16

The Committee considered a report that advised that, in accordance with the Local Government (Miscellaneous Provisions) Act 1976 Section 65, the Council had the power to set the fares charged within its area by Hackney Carriage (taxi) drivers.

The report noted that these fares were last revisited in 2012 and it was now considered timely to undertake a review. This review was further prompted by drivers regularly making requests for the cost of fares to be increased. However, the report also recognised that too large an increase could adversely impact the ability of vulnerable users to be able to afford this essential service.

In discussion, reference was made to:-

- (a) variations in the cost of fuel. Whilst acknowledging that there were national (and regional) variations in the cost of fuel, it was noted that the proposed policy sought to apply the national average (as calculated by the AA) for the cost of fuel;
- (b) general support for the proposals. Some Members were of the view that the proposals were reasonable and therefore stated their support for the recommendations.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that:

1. the policy and associated formula for setting taxi fares in the South Hams be approved and that approval also be given to the use of the South Hams average annual wage as the basis for this formula;
2. the draft Maximum Chargeable Fare Setting Policy be adopted; and
3. the Constitution be amended to delegate to the Community of Practice Lead for Environmental Health authority to use the approved formula to set the cost per mile for taxi fares.

9. **Delegation of Powers for Determination of Certain Licensing Functions**

L.09/16

Members considered a report that sought to make some minor amendments to the Council Constitution.

In introducing this item, the Senior Specialist – Environmental Health asked Members to consider a slight revision to Appendix A of the presented agenda report whereby an additional responsibility for the Committee be included as follows:-

'To determine to revoke or suspend a Hackney Carriage / Private Hire Driver or Private Hire Operator Licence.'

In the ensuing debate, the Committee confirmed its support for the addition and noted that the Monitoring Officer was wholly supportive of each of the suggested amendments.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to adopt the amendments proposed to the Constitution in relation to the delegation of powers for the determination of licensing decisions, as attached at Appendix A, subject to inclusion of the following additional responsibility:

'To determine to revoke or suspend a Hackney Carriage / Private Hire Driver or Private Hire Operator Licence.'

10. **Licensing of Pleasure Boats and Pleasure Boatmen**

L.10/16

The Committee considered a report that highlighted that the Council had the power to grant licences for the operation of Pleasure Boats and for Pleasure Boatmen.

In discussion, some Members expressed their surprise that it was a requirement for operators of Canoes and Stand Up Paddleboards required a licence.

It was then:

RECOMMENDED

That Council be **RECOMMENDED**:

1. to adopt the South West Regional Ports Associations guidelines for the licensing of Pleasure Boats and Pleasure Boatmen licences; and
2. to amend the Constitution whereby the power to grant, withhold, revoke or suspend Pleasure Boat and Pleasure Boatmen Licences be delegated to the Marine Officer.

11. **Summary of Licenses Issued between 1 October 2015 and 30 September 2016**

L.11/16

Members were presented with a paper that provided them with a summary of the licences that had been issued between 1 October 2015 and 30 September 2016.

The Committee welcomed the fact that all Members and town and parish councils were consulted on every application and the view was expressed that this working practice was well received.

It was then:

RESOLVED

That the summary of licences issued between 1 October 2015 and 30 September 2016 be noted.

12. **Exclusion of Public and Press**

L.12/16

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act”

13. **Report the Facts Regarding the Suspension of a Driver Licence, as Authorised by the Community Of Practice Lead for Environmental Health, in a Matter of Urgency**

L.13/16

Consideration was given to an exempt report that informed of the suspension of a Driver Licence in a matter of urgency.

The report noted that this action had been taken in accordance with Section 61 of the Local Government (Miscellaneous Provision) Act 1976 as amended by Section 52 Road Safety Act 2006.

It was then:

RESOLVED

1. That the facts in relation to the immediate suspension of a Hackney Carriage Driver licence due to failing to meet the minimum standards by no longer being a licensed driver by the DVSA nor meeting the minimum health requirements of the Licensing Authority be noted; and
2. That the action taken by the Community of Practice Lead for Environmental Health in determining to suspend the Hackney Carriage Driver Licence be noted.

The Meeting concluded at 2.35 pm

Signed by:

Chairman
