



Minutes of the Licensing Committee

2 June 2011

-: Present :-

Councillors Addis, Amil, Brooksbank, Butt, Cowell, Doggett, Ellery, James and Parrott

48. Election of Chairman/woman

Councillor Addis was elected Chairman for the 2011/2012 Municipal Year.

49. Apologies

Apologies for absence were received from Councillors Barnby, Bent and Hytche.

50. Appointment of Vice-Chairman

Councillor Butt was elected Vice-Chairman for the 2011/2012 Municipal Year.

51. Minutes

The Minutes of the meeting of the Licensing Committee held on 17 March 2011 were confirmed as a correct record and signed by the Chairman.

52. Hackney Carriage Tariff Increase

Members considered a report concerning a request from the Torbay Licensed Taxi Association to increase the applicable fare tariff in respect of all Hackney Carriages in Torbay.

The Environmental Health Manager (Commercial) advised Members that 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. He informed Members that the last increase in fares was agreed in May 2008 and the Torbay Licensed Taxi Association was requesting an increase of 6%.

Members noted that the proposed changes would be advertised and should any objections be received the responses must be considered by a Licensing Sub-Committee.

Resolved:

- i) that the appropriate Public Notices are placed to advertise the requested increase in the Hackney Carriage Fare Scale, as set out in the letter from the Torbay Licensed Taxi Association as set out in Appendix 1 to the report;
- ii) that any responses to the Public Notice be considered by the Licensing Sub-Committee; and
- iii) in the event that no objections are received then the new tariff would take effect from 1 July 2011.

53. Decisions Taken in Relation to Licensing Act 2003 Applications Under Delegated Powers

The Committee noted the report which set out the details of the decisions taken by the Executive Head Community Safety in relation to the Licensing Act 2003 applications, using their delegated powers. Members were informed that the Licensing Policy required the decisions made under delegated powers to be reported to the Committee on a regular basis.

54. Decisions Taken in Relation to Gambling Act 2005 Applications Under Delegated Powers

Members noted the report which set the decisions taken in relation to the Gambling Act 2005, taken by the Executive Head Community Safety in relation to the Gambling Act 2005 applications, using their delegated powers.

55. Establishment of Licensing Sub Committee

The Committee considered a report in relation to the establishment of a Licensing Sub-Committee which would be able to deal with all matters in connection with licensing applications. It was noted that the Licensing Act 2003 provided for the establishment of one or more sub-committees (Section 9(1)), consisting of 3 members of the Licensing Committee.

Resolved:

- i) that a sub-committee of the Licensing Committee be established to comprise of three Members of the Licensing Committee;
- ii) that the terms of reference of the sub-committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);

- (iii) that the Licensing Sub-Committee be exempt from the rules of Committee proportionality, as defined in the Local Government and Housing Act 1989 and supporting regulations; and
- (iv) that the Democratic Services Manager in liaison with the Chairman be authorised to empanel members of the Licensing Committee to serve on the Licensing Sub-Committee as and when required.

Chairman