



Wednesday, 23 November 2011

LICENSING SUB-COMMITTEE

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

Thursday, 1 December 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 Ellery

Councillor Bent

Our vision is working for a healthy, prosperous and happy Bay

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

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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**

To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 10 November 2011.

(Pages 1 - 2)

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. Exclusion of the Press and Public

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

7. Suspension of Licensed Drivers Licence

To consider an exempt report on the suspension of a Licensed Drivers Licence.

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Minutes of the Licensing Sub-Committee

10 November 2011

-: Present :-

Councillors Ellery, Parrott and Bent

(Also in attendance: Councillor Hytche)

367. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

368. Minutes

The Minutes of the meeting of the Sub-Committee held on 20 October 2011 were confirmed as a correct record and signed by the Chairman.

369. Extension by one year of Hackney Carriage Vehicle Licence

Members considered a report on an application for an extension by one year of a Hackney Carriage Vehicle Licence.

Written Representations received from:

Name	Details	Date of Representation
Licensing Enforcement Officer	Report recommending refusal of the application on the grounds that it is not in accordance with Torbay Council's Policy in respect of the requirement for the age of vehicles.	10 November 2011
Applicant	<ol style="list-style-type: none"> 1) One letter giving notice of application to extend the Vehicle Licence by one year. 2) One letter giving reasons for application. 3) 13 service reports. 4) Cash Invoice (consisting of three pages) for work completed on the car by Mercedes-Benz. 5) Mercedes-Benz 	<ol style="list-style-type: none"> 1) 17 August 2011 2) 23 August 2011 3) 19 August 2004, 18 November 2005, 24 April 2006, 11 September 2006, 23 March 2007, 30 August 2007, 18 March 2008, 21 August 2008, 27 May 2009, 7 December 2009, 16 September 2010, 18 February 2011

	electronic service sheet (consisting of three pages). 6) Health Check.	and 1 September 2011. 4) 1 September 2011. 5) 1 September 2011. 6) 1 September 2011.
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Additional Information:

10 photographs of the inside and outside of the vehicle were circulated to the Sub-Committee as evidence of the condition of the vehicle.

Oral Representations received from:

Name	Details
Licensing Enforcement Officer	Outlined the Officer's recommendation for refusal of the application.
Applicant	Outlined the application for a one year extension of the Hackney Carriage Vehicle Licence.

Decision:

That the request for an extension by one year on the use of a Hackney Carriage Vehicle be refused, as it deviated from Torbay Council's Licensing Policy with regard to the age of the fleet.

Reason for decision:

Having carefully considered all of the written, oral and photographic evidence put before the Licensing Sub-Committee by the Licence Holder and the Licensing Enforcement Officer, as well as the wording of the Policy, Members resolved that there should be no departure from the Policy as the Applicant had not provided appropriate evidence that would satisfy them that the vehicle was in an exceptional condition, as in accordance with Section 1- Part A, s1(c) of the Policy.

Chairman

By virtue of paragraph(s) 1,2,7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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