



Minutes of the Licensing Committee

1 November 2018

-: Present :-

Councillor Thomas (J) (Chairman)

Councillors Brooks, Darling (M), Darling (S), Excell, Manning, Pentney, Stocks, Stubley and Thomas (D)

54. Apologies

Apologies for absence were received from Councillors Mills and Tolchard.

It was reported that, in accordance with the wishes of the Liberal Democrat Group, Councillor Darling (S) had filled the Liberal Democrat Group vacancy.

55. Minutes

The Minutes of the meeting of the Licensing Committee held on 19 July 2018 were confirmed as a correct record and signed by the Chairman.

56. Hackney Carriage and Private Hire Licensing Policy 2018

Members considered a report that sought approval for the Hackney Carriage and Private Hire Licensing Policy. The Principal Licensing Officer informed Members that on 15 March 2018 the Licensing Committee agreed to consult upon the draft Hackney Carriage and Private Hire Licensing Policy, the consultation concluded on 31 August 2018. In total 213 consultation questionnaires were returned, in addition a separate representation was received from the Torbay Taxi and Private Hire Association (TPHA), a further 23 copies of this representation was submitted in support from individuals who are not part of the TPHA and another 3 individual letters were received from other trade members as well as one additional letter from the Guide Dogs for the Blind Association.

At the Committee Mr Boyle, Mr Collins and Mr Green submitted oral representations to Members. Members proceeded to debate each recommendation as set out in Appendix 2 to the submitted report and resolved:

That the Hackney Carriage and Private Hire Licensing Policy as set out in appendix 1 to the submitted report be approved subject to the following:

- i) that paragraph 2.6 should remain unaltered;
- ii) that paragraphs 14.12 to 14.14 should remain unaltered;

- iii) that paragraph 14.29 should be amended to read:

Failure to present the vehicle for inspection by the due inspection date, will result in the vehicle licence being immediately suspended until such time as the inspection has been undertaken, a satisfactory pass certificate presented to the Licensing Authority and written confirmation that the suspension has been lifted is received from the Licensing Authority.

- iv) That:

- a) paragraph 5.15 be amended to read:

5.15 Exemption from carrying guide, hearing and certain other assistance dogs which accompany disabled persons, can only be sought on strict medical grounds. Therefore, applicants will need to clearly demonstrate the grounds for applying this exemption by providing medical evidence to the Licensing Authority, such as a blood test, a skin prick test or clinical history and a signed letter from their registered GP and/or relevant medical specialist. All costs in obtaining this exemption shall be borne by the licensed driver.

- b) all new drivers undertake disability and dementia awareness training prior to being licenced.
- v) that the agreed consultation draft policy to require a driver to appear before Licensing Committee should they receive more than nine penalty points be retained;
- vi) that the timeframes relating to Child Sex Exploitation training remain at 6 months as outlined in the draft policy;
- vii) that DVLA licence checks on all drivers are to be undertaken every six months;
- viii) that the new Code of Conduct at Appendix B to the draft Policy be included as consulted;
- ix) that the maximum age limit of a licensed vehicle be increased to 10 years instead of 8;
- x) that the maximum mileage for all vehicles when first presented for licensing be reduced to 50,000 miles;
- xi) that compliance testing be introduced as outlined in the draft policy, effective from 1 May 2019, following a procurement process and appointment of suitable test provider(s);
- xii) that permanent vinyl door stickers as consulted in the draft policy, **not** be implemented;

- xiii) that exemptions relating to door signs and plate exemptions **not** be implemented;
- xiv) that conditions relating to Wheel Chair Accessible Vehicles be included, as published in the draft policy;
- xv) that the policy be amended to remove the requirement for any Hackney Carriage or Private Hire Vehicle to be wrapped in contrasting colours, that Hackney Carriages be required to be in manufactures black only and that Private Hire Vehicles may be of any colour other than black. This condition comes into force immediately in all cases for newly licensed vehicles and will apply to existing licensed vehicles at point of replacement of the vehicle.
- xvi) that all vehicles be a minimum standard of 100 brake horse power (BHP);
- xvii) that the CCTV information be included, as published in the draft policy.

57. Result of an Unmet Demand Study of Taxis in Torbay

Members considered a report that detailed the outcome of an Unmet Demand Study commissioned by Torbay Council in response to guidance issued by the Department from Transport. The guidance states that a quantity control study of unmet taxi demand should be undertaken approximately every three years.

Members received a presentation from Ian Millership of CTS Traffic and Transportation Services Ltd who advised that the study commenced in April 2018, the study included 300 hours of rank observations, 212 on street interviews, a questionnaire sent to all Hackney Carriage and Private Hire drivers and vehicle licence holders and separate questionnaires sent to local businesses and stakeholders.

Resolved:

- i) that the current quantitative limit of Hackney Carriage licences of 162 full time licences with 7 additional summer (seasonal) only licences be maintained;
- ii) that a further report be presented to the Licensing Committee in 6 to 12 months following full consideration of the impacts of the study relating to future unmet demand and pollutant vehicles, in order to present proposals relating to increasing or deregulating the quantitative limit in the future; and
- iii) that the current vacant summer licence should remain unallocated pending the outcome of the report requested in ii) above.