

**LICENSING BOARD
4 February 2016**

PRESENT: Councillor Andrew Morgan - Chairman; Councillor David Kelsey - Vice-Chairman; Councillors Pat Oakley, Susan Phillips, John Trickett, Chris Wakefield.

ALSO PRESENT: Councillor Jackie Edwards (observing)

The meeting commenced at 9.48am.

SECTION I - BUSINESS RECOMMENDED TO THE COUNCIL

No items

SECTION II - BUSINESS DECIDED UNDER DELEGATED POWERS

16. APOLOGIES

Apologies were received from Councillors Norman Decent and Bobbie Dove on local government business and Councillors Beverley Dunlop and Anne Rey.

17. DECLARATIONS OF INTERESTS

There were no declarations of any disclosable pecuniary interests by Members of the Board

In the interests of transparency the Chairman reported that he knew Mr Heritage, who was attending the meeting with Mr Holmes for the item on the review of hackney carriage fares.

18. CONFIRMATION OF MINUTES

DECISION MADE:

That the minutes of the meeting held on 12 January 2016 be confirmed for signing by the Chairman.

19. PUBLIC ITEMS

A deputation request was received from Mr Kevin Holmes, Chair of the Bournemouth Joint Taxi Trades, to speak to the Board about the annual review of hackney carriage fares which was due to be considered as an agenda item.

Licensing Board, 4 February 2016

DECISION MADE:

That the deputation be received.

Mr Holmes reported that the Trade was requesting a minimal increase of 0.5% to hackney carriage fares with effect from 1 April 2016. This was in line with other taxi authorities across the country. The 0.5% would not be applied to fares under 20 miles which would see no increase. From 20 miles the fare would rise by 20 pence. He explained that he would be happy to take any questions when the Board considered the report.

20. REVIEW OF HACKNEY CARRIAGE FARES

The Licensing Team Manager introduced a report on the Taxi Trade's application to review the Hackney Carriage maximum fares and charges. This was normally submitted on an annual basis in February in order for any adjustment approved by the Board to be implemented with effect from 1 April. For 2016/17 the Trade was requesting a 0.5% increase and the proposed new tariff was set out at Appendix A of the report.

Mr Holmes responded to a question from a Board member regarding the public perception of any increase at a time when the price of oil had fallen. He acknowledged that the price of fuel had reduced by 7% over the last 12 months but explained that this had been countered by the rise in insurance and service costs. The price of fuel did not affect most drivers, only the 1 in 5 who owned their own taxis and paid for the fuel themselves. Fuel costs were also unpredictable and difficult to forecast and may rise again in the next 12 months.

DECISION MADE:

That the proposed Hackney Carriage maximum fares and charges be approved to come into effect from 1 April 2016.

21. EXCLUSION OF THE PRESS AND PUBLIC

DECISION MADE:

That the press and public be excluded for the following items of business under Section 100(A)(4) of the Local Government Act 1972 as it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 in Part 1 of Schedule 12A of the Act, and the public interest in withholding the information outweighs the public interest in disclosing the information .

22. REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE

The Chairman welcomed the driver named in the non public report, made introductions and explained the process of the hearing. He confirmed with the driver that he was happy to proceed on the basis outlined.

Licensing Board, 4 February 2016

The report was introduced by the Licensing Team Manager who explained that the Traffic Regulation Order (TRO) in place in the Horseshoe Common area imposed a road closure for vehicular traffic between Midnight and 5.00am. As part of routine out of hours checks in the Town Centre on the night of the 24 November 2015 an Environmental Health Officer observed the Hackney Carriage of which the driver had been identified as driving, travelling through the restricted area at 1.30am in breach of the Order. The witness statement reported that he had driven through Old Christchurch Road.

The Licensing Team Manager reported that all licensed drivers had been sent general advisory letters from the Council about the TRO on 14 May and 14 July 2015. In addition the Council had written an individual warning letter to the driver on 2 April 2015 regarding a similar breach of the original TRO which occurred on 22 February 2015.

In considering whether the driver's actions were consistent with that of a 'fit and proper' person holding a Hackney Carriage driver's licence, the Board also had regard to the following:

- The individual warning letter regarding a similar incident had advised the driver of the serious consequences of any further breach of the Order.
- The danger and risk to public safety of a motorised vehicle unexpectedly entering a pedestrianised zone, when the main purpose of the TRO was to create a safe environment for pedestrians using the Horseshoe Common area after Midnight.
- The verbal evidence of the driver, who admitted to breaching the Order. He explained that he had been under financial pressure of work and had not wanted to lose business to other drivers who were entering the restricted area. He recognised that this had not been the right thing to do and that it was a big mistake for which he apologised. He had not been in trouble before and had not breached the Order since the incident on 24 November 2015. He now realised the seriousness of his actions and explained that he understood the purpose of the TRO in protecting the safety of pedestrians coming out of bars and clubs in the area.
- The driver gave a commitment to the Board that he would not breach the Order in future and would advise other drivers to do the same.

The Board retired to make its decision.

DECISION MADE:

That the named driver in the non public report be deemed a 'fit and proper person' to hold a hackney carriage driver's licence but be issued with a written caution in respect of a persistent failure to comply with road traffic legislation.

REASON FOR DECISION

The Chairman explained that the Board had carefully considered all the written and verbal evidence provided. The Board took the matter of public safety seriously and

Licensing Board, 4 February 2016

the TRO had been introduced for this purpose. It was disappointing that the driver had breached the Order after being sent a previous warning letter and two general advisory letters from the Council regarding the Order. However the driver had no previous record of any incident with the licensing authority. Although the driver had knowingly entered the restricted area on the occasion in question he had recognised his mistake and had apologised to the Board, the general public and his fellow drivers for his actions. He understood that driving in the restricted area was a serious risk to public safety. The Sub Committee was confident that he would not breach the TRO again and expected him to advise other drivers to take the road closures seriously.

NOTE: The above item was considered as a matter of any other business as it was deferred at the meeting on 28 January 2016 to enable the driver to attend.

The meeting resumed in public session

23. ANY OTHER BUSINESS

- **Public Carriage Conditions, Byelaws and Guidance**

This had been revised in January 2016 to include new guidance regarding safeguarding vulnerable passengers against human trafficking and child sexual exploitation and an updated version would be circulated to the Board.

- **Anti social behaviour**

A Board member reported on complaints received about incidents of anti social behaviour and street drinking in the vicinity of the car park at Asda, St Paul's Roundabout. She was advised that these should be directed to the Council's Community Safety and Anti Social Behaviour team in the first instance. The licensing authority was only able to consider such matters if a representation was received against a directly related licensed premises for not upholding one or more of the licensing objectives.

The meeting was adjourned between 10.11am and 10.25am.

The meeting closed at 10.33am

Contact: Jill Holyoake, Democratic and Overview & Scrutiny Officer
☎ 01202 454715
✉ jill.holyoake@bournemouth.gov.uk

Website: www.bournemouth.gov.uk