

WEST DEVON PLANNING AND LICENSING COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Planning and Licensing Committee** held on **Tuesday, 8th December, 2015 at 10.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Sellis
Vice Chairman Cllr Benson

Cllr Baldwin
Cllr Hockridge
Cllr Moyse
Cllr Pearce

Cllr Cann OBE
Cllr Mott
Cllr Parker
Cllr Roberts

In attendance:

Councillors:
Cllr Cloke
Cllr Evans
Cllr Leech

Cllr Musgrave
Cllr Sanders
Cllr Yelland

Officers:
CoP Lead – Development Management
CoP Lead – Environmental Health
Specialist – Licensing
Specialist – Assets
Solicitor

40. **Declarations of Interest**

***P&L 40**

Cllr G Parker declared a personal interest in TPO s305 (Minute P&L 45 below refers) by virtue of being a local Ward Member for the application and remained in the meeting and took part in the debate and vote thereon..

41. **Confirmation of Minutes**

***P&L 41**

The Minutes of the Planning and Licensing Committee Meeting held on 10 November 2015 (page 1 to the Agenda), were confirmed and signed by the Chairman as a correct record.

42.

To determine whether an applicant for a Hackney Carriage drivers Licence is a 'Fit and Proper' person to hold such a licence

***P&L 42**

It was moved and seconded and upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the debate that took place on this item of business on the grounds that exempt information may be disclosed under Paragraph 1 – Information relating to any individual from Part 1 of Schedule 12 (A) to the Act).

Consideration was given to an exempt report which sought to determine whether an applicant was a 'fit and proper' person to hold a Hackney Carriage Driver Licence with this Authority in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by section 52 Road Safety Act 2006.

The Licensing Specialist introduced the report. The Applicant was in attendance at the meeting and was given the opportunity to address the Committee. Some Members asked questions of those attending and the Licensing Specialist confirmed the options that were open to the Committee when making its decision.

(At this point, the Committee left the meeting with the Solicitor to enable them to make a decision).

The Decision

The Chairman then proceeded to announce the decision as follows:

Members of the Licensing Committee have considered very carefully your application to renew your Joint Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer's report and further information, which you have had sight of.
- We have listened very carefully to what you have told us this morning
- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you are a 'fit and proper person' to continue to drive a Hackney Carriage or Private Hire Vehicle.

The Committee has decided to **GRANT** the renewal of your Joint Hackney Carriage and Private Hire Driver Licence. This decision is based on:

- Your previous record of good character and that it was an isolated incident.
- The Committee wanted to emphasise your duty as a licensed Joint Hackney Carriage and Private Hire Driver to report any future offences to the Licensing Authority as soon as possible.

43. **Planning Applications & Enforcement Reports**

***P&L 43**

The Committee considered the application prepared by the Specialist – Assets and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED:**

TREE PRESERVATION ORDER REPORT

Case Officer: Alex Whish

Ward: Tavistock South West

Ward Members: Cllr Evans and Cllr Parker

Application No: TPO s305

Site Address: Land at Brook Lane, Tavistock PL19 9DP

Development: A provisional TPO has been made on 5 trees within the boundary hedgerows to the west and south of Brook Farm, Brook Lane, Tavistock

COMMITTEE DECISION: Confirm Tree Preservation Order s305 as served.

Speakers:

Cllr G Parker – Ward Member

44. **Planning Appeals Update**

***P&L 44**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals. The Lead Specialist Development Management provided more detailed information on specific decisions where requested.

45. **Scheme of Delegation**

P&L 45

The Committee was asked to consider a report that presented a review of the Planning Scheme of Delegation. The COP Lead Development

Management introduced the report, and in doing so outlined the main reasons for the review, the most important of which was to align working practices across West Devon Borough Council and South Hams District Council in order to increase the efficiency of the service.

Members discussed this matter at length, in particular the detail of some of the specific proposed changes, and there were differing views expressed amongst the Committee Members.

It was then **PROPOSED, SECONDED** and on being put to the vote declared **LOST** that:

Members recommend to Council the adoption of the revised Planning Delegation proposals (as attached at Appendix 1 to the presented Committee report).

Following this, a Member proposed that two Members of the Committee be authorised to meet with Members of South Hams District Council as a joint group to undertake a review of the draft Scheme. This proposal was seconded and it was therefore **RECOMMENDED** that:

Council be **RECOMMENDED** that two Members of the Planning and Licensing Committee be authorised to work with two Members of South Hams District Council as a joint group to be tasked with reviewing the Planning Scheme of Delegation.

46. **Approval of Licensing Policy for Horse Drawn Hackney Carriage/Omnibus**
P&L 46

The Committee was presented with a report that sought recommendation to Council of approval of a policy and fees in relation to Horse Drawn Hackney Carriage/Omnibuses.

The COP Lead Environmental Health introduced the report and set out the background. He then responded to specific questions raised by Members of the Committee.

It was then **RECOMMENDED** that Council be **RECOMMENDED** that:

1. The Horse Drawn Hackney Carriage/Omnibus Policy be adopted at the Council meeting on 8 December 2015; and
2. The resolution of 19 May 2015 be amended to exclude the requirement to prepare byelaws, and the proposed fees and charges be amended, so that the fees for a driver licence shall be the same as the current hackney carriage fee, and the carriage fee shall be £200.

47. **Approval of Licensing fee for Dog Day Care Centres**
P&L 47

The Committee was presented with a report that sought recommendation to Council of licensing fees for dog day care centres.

The COP Lead for Environmental Health introduced the report.

It was then **RECOMMENDED** that Council be **RECOMMENDED** that, at the Council meeting on 8 December 2015, the initial annual fee for a Dog Day Care Centre Licence under the Animal Boarding Establishments Act 1963 be set at £150.

The Meeting concluded at 12.50 pm

Signed by:

Chairman
