

South Hams Licensing Committee



Title:	Agenda										
Date:	Thursday, 30th January, 2020										
Time:	9.30 am										
Venue:	Cary Room - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brown</p> <p style="text-align: center;">Vice Chairman Cllr Holway</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Foss</td> <td style="width: 33%;">Cllr Pannell</td> </tr> <tr> <td>Cllr May</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Pringle</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Sweett</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Thomas</td> </tr> </table>	Cllr Foss	Cllr Pannell	Cllr May	Cllr Reeve	Cllr Pringle	Cllr Smerdon	Cllr Rowe	Cllr Sweett	Cllr Kemp	Cllr Thomas
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Cllr Kemp	Cllr Thomas										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Democratic.Services@swdevon.gov.uk										

1. Apologies for absence

2. Minutes of last meeting

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To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Licensing Committee held on 30 September 2019;

3. Urgent Business

Brought forward at the discretion of the Chairman;

4. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

5. Declarations of interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;

6. Exclusion of Public and Press

to consider the following resolution to exclude the public and press:-

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

7. Determination of Whether to Grant a Hackney Carriage and Private Hire Driver Licence

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**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON MONDAY 30 SEPTEMBER 2019**

MEMBERS

* Cllr D Brown - Chairman

* Cllr T R Holway - Vice-Chairman

∅ Cllr R Foss

∅ Cllr K Kemp

∅ Cllr D W May

* Cllr G Pannell

* Cllr K Pringle

* Cllr H Reeve

* Cllr R Rowe

∅ Cllr P C Smerdon

* Cllr J Sweett

* Cllr D Thomas

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

Environmental Health Head of Practice; Environmental Health Senior Specialist;
Deputy Monitoring Officer and Senior Specialist – Democratic Services

L.01/19 **MINUTES**

The minutes of the meetings of the Licensing Committee held on 8 November 2018 and the Sub-Committee held on 25 April 2019 were both confirmed as a correct record and signed by the Chairman.

L.02/19 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

L.03/19 **EXCLUSION OF PUBLIC AND PRESS**

It was then:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

L.04/19

CONSIDERATION OF WHETHER A DRIVER REMAINS A 'FIT AND PROPER' PERSON TO HOLD A TAXI LICENCE

Consideration was given to an exempt report that sought to determine whether or not a Hackney Carriage licence holder remained a 'fit and proper' person.

The Chairman advised those present that the agenda item would be considered in the following running order:

- Environment Health Senior Specialist to introduce the officer report;
- Committee Members to ask any questions on the report and the officer introduction;
- The applicant and his legal representative to make their representations in support of the driver retaining his Hackney Carriage licence;
- Committee Members to ask any questions on these representations;
- The Deputy Monitoring Officer to summarise the main points that had been raised before outlining the options that were available to the Committee;
- The Committee to adjourn to consider the matter in the presence of the Deputy Monitoring Officer; and
- The meeting to be reconvened with the Chairman to read out the Committee decision.

Once all parties in attendance were content that they had no further questions or issues to raise, the Committee then adjourned (at 2.30pm) in the presence of the Deputy Monitoring Officer to consider the matter.

The meeting was subsequently reconvened at 4.20pm and the Chairman proceeded to read out the Committee decision as follows:

The Decision

'Members of the Licensing Committee have considered very carefully the facts surrounding the allegations and subsequent investigation by officers.

- *We have read the Licensing Specialist's report, which you have had sight of;*
- *We have read the information provided by partner agencies;*
- *We have read the character references that you have provided today;*
- *We have also listened very carefully to what you and your representative have told us today;*
- *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 remain a 'fit and proper' person to hold a joint Private Hire and Hackney Carriage drivers licence / vehicle licence.*

The Committee has decided to REVOKE your taxi driver licence.'

The Chairman proceeded to outline to the licence holder and his legal representative the reasons for this decision and confirmed that these would be sent out (in writing) to them both in due course.

Finally, the licence holder was also advised that he did have the right to appeal to the Magistrates Court.

(Meeting commenced at 2.00 pm and concluded at 4.30 pm).

Chairman

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