

# WEST DEVON PLANNING & LICENSING COMMITTEE



West Devon  
Borough  
Council

## Minutes of a meeting of the **West Devon Planning & Licensing Committee** held on **Tuesday, 18th October, 2016 at 10.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

**Chairman** Cllr Sanders  
**Vice Chairman** Cllr Parker

Cllr Baldwin  
Cllr Cann OBE  
Cllr Mott  
Cllr Pearce

Cllr Benson  
Cllr Hockridge  
Cllr Moyse  
Cllr Roberts

### **In attendance:**

Councillors:

Cllr Cloke  
Cllr Yelland

Cllr Leech

Officers:

James Kershaw  
Sue Nightingale  
Patrick Whymer  
Naomi Wopling

Solicitor  
Lead Specialist DM

### 25. **Urgent Business**

#### **\*P&L 25**

The Chairman asked that an explanation be given as to the reason for the deferral of application 00938/2015. The COP Lead Development Management advised that, since the agenda had been published, concerns had arisen relating to the Public Right of Way that dissected the application site and until further information was forthcoming, Members would not be in a position to make a decision on the application.

26. **Declarations of Interest**

**\*P&L 26**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr C Mott declared a personal interest in Agenda Item 9 (Minute \*P&L 32 below refers) by virtue of knowing the applicant. She remained in the meeting and took part in the debate but abstained from the vote.

Cllr G Parker also declared a personal interest in Agenda Item 9 (Minute \*P&L 32 below refers) by virtue of knowing one of the referees. He remained in the meeting and took part in the debate and vote.

27. **Confirmation of Minutes**

**\*P&L 27**

The Minutes of the Planning and Licensing Committee Meeting held on 20<sup>th</sup> September 2016 were confirmed and signed by the Chairman as a correct record.

28. **Planning Appeals Update**

**\*P&L 28**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

29. **Planning Performance Indicators**

**\*P&L 29**

The COP Lead Development Management presented the Performance Indicators and outlined the key information for Members consideration.

The Chairman confirmed that this information would be included on each Committee meeting agenda in the future.

30. **Exclusion of Public and Press**

**\*P&L 30**

**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 items of

business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

31. **To determine whether to grant a Hackney Carriage and Private Hire driver licence - Report 1**

**\*P&L 31**

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 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report. The Applicant and a representative were in attendance at the meeting and were given the opportunity to address the Committee. Some Members asked questions of the Applicant, his representative and the Licensing Specialist.

(At this point, the Chairman adjourned the meeting to enable the Committee to make a decision. The Solicitor remained in the meeting in an advisory capacity).

**The Decision**

The Chairman then proceeded to announce the decision as follows:

Members of the Licensing Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer's report, which you have had sight of.
- We have read the details on the Disclosure and Barring certificate, and DVLA record taking into consideration the nature of the offences and when these were committed.
- We have listened very carefully to what you have told today and read the references provided.
- 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 refuse the renewal of your Joint Hackney Carriage and Private Hire Driver Licence.

32. **To determine whether to grant a Hackney Carriage and Private Hire driver licence - Report 2**

**\*P&L 32**

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 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report. The Applicant was in attendance at the meeting and was given the opportunity to address the Committee. The Applicant provided a number of references for consideration by the Committee. Some Members asked questions of the Applicant and the Licensing Specialist.

(At this point, the Chairman adjourned the meeting to enable the Committee to make a decision. The Solicitor remained in the meeting in an advisory capacity).

### **The Decision**

The Chairman then proceeded to announce the decision as follows:

Members of the Licensing Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer's report, which you have had sight of.
- We have read the details on the Disclosure and Barring certificate, and DVLA record taking into consideration the nature of the offences and when these were committed.
- We have listened very carefully to what you have told today and read the references provided.
- 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 refuse the renewal of your Joint Hackney Carriage and Private Hire Driver Licence.

The Meeting concluded at 12.55 pm

**Signed by:**

**Chairman**

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