

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON MONDAY 30 JANUARY 2020**

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:

Licensing Specialist; Deputy Monitoring Officer and Senior Specialist – Democratic Services

L.05/19 MINUTES

The minutes of the meeting of the Licensing Committee held on 30 September 2019 were confirmed as a correct record and signed by the Chairman.

L.06/19 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting and these were recorded as follows:

Cllr P C Smerdon declared a personal interest in agenda item 7: '*Determination of Whether to Grant a Hackney Carriage and Private Hire Driver Licence*' (Minute L.08/19 below refers) by virtue of the applicant having been employed by a contractor that had undertaken some work for him approximately fifteen years ago. Cllr Smerdon remained in the meeting and took part in the debate and vote thereon.

L.07/19 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.08/19

DETERMINATION OF WHETHER TO GRANT A HACKNEY DRIVER AND PRIVATE HIRE DRIVER LICENCE

Consideration was given to an exempt report that sought to determine whether or not an applicant was a 'fit and proper person' to hold a Hackney Carriage and Private Hire Driver Licence, in accordance with Sections 51 and 29 of the Local Government (Miscellaneous Provisions) Act 1976.

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

- Licensing Specialist to introduce the officer report;
- Committee Members to ask any questions on the report and the officer introduction;
- The applicant and his representative to make their submissions in support of the driver acquiring a Hackney Carriage licence;
- Committee Members to ask any questions on these representations;
- 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.

In making their representations, the applicant and his representative presented to the meeting a number of supporting submissions. The Chairman briefly adjourned the meeting to enable Members sufficient time to read the contents of each of these submissions.

Once all parties in attendance were content that they had no further questions or issues to raise, the Committee then adjourned (at 10.15am) in the presence of the Deputy Monitoring Officer to consider the matter.

The meeting was subsequently reconvened at 10.50am and the Chairman proceeded to read out the Committee decision as follows:

The Decision

'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 Specialist's report, which you have had sight of;*
- *We have read the letters 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 are a ‘fit and proper’ person to hold a joint Private Hire and Hackney Carriage drivers licence / vehicle licence.*

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

- *The fact that you have acted on the recommendations of the Committee meeting held on 30 September 2019;*
- *The fact that you have undertaken the Council’s Safeguarding and Child Sexual Exploitation training session on 8 October 2019;*
- *You having undertaken Counselling for your grief;*
- *The Committee considering and accepting the references that you have presented to the Committee meeting;*
- *The Committee accepting that you are both genuinely remorseful and have given reassurances that it will not happen again and that you will adhere by the Council’s Licensing Policy and Code of Conduct;*
- *The Committee being satisfied that it will not be necessary to complete a driving test or local knowledge test given your previous experience.’*

(Meeting commenced at 9.40am and concluded at 10.50am).

Chairman

