

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the REGULATORY SUB COMMITTEE D held on 25 May 2018 at 9.30 am

**Present
Councillors** R J Chesterton, Mrs G Doe and D J Knowles

**Present
Officers** Jeremy Pritchard (Lead Officer Commercial Team), Thomas Keating (Lead Licensing Officer), Philip Langdon (Solicitor), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

2 ELECTION OF CHAIRMAN

RESOLVED that Cllr Mrs G Doe be elected Chairman of the Sub Committee for the meeting.

Cllr Mrs G Doe then took the Chair.

3 A HEARING TO DETERMINE WHETHER OR NOT AN APPLICANT IS FIT AND PROPER TO HOLD A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE

The Members, officers and applicant introduced themselves.

There were no interests to declare.

Prior to consideration of a report * from the Group Manager for Public Health and Regulatory Services considering whether an applicant for a Hackney Carriage / Private Hire Driver could be considered 'fit and proper' to hold a licence, the Sub Committee discussed whether or not the Hearing should be held in public or private. Members considered that the circumstances of the case would be likely to reveal the identity of the applicant. The following resolution was therefore passed:

ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

The Lead Licensing Officer outlined the contents of the report. He explained the key aims and objectives within the policy, those being public safety and the prevention of

crime and disorder. The options before the Sub Committee in relation to the licence were also outlined.

The applicant outlined the circumstances pertaining to his application.

The Sub Committee withdrew to consider its decision.

Having reflected on the evidence presented the Sub Committee **RESOLVED** to grant the application for a Hackney Carriage / Private Hire Driver Licence subject to completing the correct processes.

The Sub Committee were impressed by the applicant's personality, his references, his explanations and did not see that public safety was endangered by granting this licence.

(Proposed by the Chairman)

Note: Report * previously circulated.

4 A HEARING TO DETERMINE WHETHER OR NOT A LICENCE HOLDER IS FIT AND PROPER TO HOLD LICENCES(S) WITH MID DEVON DISTRICT COUNCIL

The Members, officers, applicant and the applicant's solicitor introduced themselves.

There were no interests to declare.

Prior to consideration of a report * from the Group Manager for Public Health and Regulatory Services considering whether an applicant for a Hackney Carriage / Private Hire Driver could be considered 'fit and proper' to hold a licence, the Sub Committee discussed whether or not the Hearing should be held in public or private. Members considered that the circumstances of the case would be likely to reveal the identity of the applicant. The following resolution was therefore passed:

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The Lead Licensing Officer outlined the contents of the report. He explained the key aims and objectives within the policy, those being public safety along with the prevention of crime and disorder. The options before the Sub Committee in relation to the licence were also outlined.

The applicant's solicitor provided the Sub Committee with a full summary of the circumstances relating to statements made within the report.

The Sub Committee withdrew to consider its decision. During their deliberations the Sub Committee were made aware of some additional information, however, since this could not be substantiated the Sub Committee returned to its deliberations discounting the possible new information.

The Sub Committee **RESOLVED** that having reflected on the evidence and having had regard to the policy the Licence Holder be allowed to retain his two licences. However, the Sub Committee would like to issue a formal warning in the strongest possible terms to the Licence Holder in respect of his failure to fulfil his obligations to the Licensing Authority, most specifically his failure to report a traffic offence.

On listening to the case put by the applicant's solicitor, the Sub Committee considered there to be mitigating circumstances meaning that public safety was unlikely to be put in jeopardy by the continuation of these licences.

(Proposed by the Chairman)

Note: Report * previously circulated

(The meeting ended at 12.20 pm)

CHAIRMAN