

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **REGULATORY SUB COMMITTEE B** held on 21 September 2018 at 12.00 pm

### **Present**

**Councillors** A Bush, D R Coren and Mrs G Doe

### **Also Present**

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

## **1 APOLOGIES AND SUBSTITUTE MEMBERS**

No Apologies were recorded.

## **2 CHAIRMAN - ELECTION**

**RESOLVED** that Cllr D R Coren be elected as Chairman of the Sub Committee for the meeting.

Cllr D R Coren took the chair.

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

Members of the Sub-Committee and officers introduced themselves.

Members of the Sub -Committee confirmed that they had no interests to declare and discussed whether to hold the hearing in public or in private. Given the specific information contained within the report it was:

**RESOLVED** that under Section 100A (4) of the local Government Act 1972, the public be excluded from the meeting 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.

(Proposed by the Chairman)

The Lead Licensing Officer outlined the contents of the report, explaining the responsibility of the Local Authority and informing the applicant where the Hackney Carriage and Private Hire Policy could be found if required. He explained the key aims and objectives of the hearing, being the protection of public health and safety and the prevention of crime and disorder (as per Mid Devon policy). He highlighted that the priority is always the safety of the public.

The applicant provided the committee with certificates and diplomas and asked that they to be considered alongside his application.

The Sub Committee withdrew to consider the additional information that had not been available to them prior to the meeting.

Having reflected on the evidence presented the Sub Committee:

**RESOLVED** to refuse the application for a Hackney Carriage/Private Hire Driver Licence as they did not feel that the applicant was a fit and proper person to hold a licence.

Reasons for this were:

- a) MDDC's policy states that in the light of the applicant's serious convictions the application should be refused. The Sub Committee had not been persuaded by anything it had heard or read which departed from the policy. The policy stated that offences of violence sentenced within the previous 10 years should normally mean an application should be refused. The applicant had a serious offence of violence sentenced in 2009 and a caution for violence issued in 2012.
- b) The Sub Committee were not satisfied with the explanation as to why the convictions had not been disclosed in the application.

(Proposed by the Chairman)

A representative from the Legal Department explained the right of appeal to the applicant.

Note: \* Report previously circulated; copy attached to the signed minutes.

(The meeting ended at 1.47 pm)

**CHAIRMAN**