

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY SUB COMMITTEE A** held on 25 March 2021 at 11.00 am

Present Councillors

D J Knowles, S J Penny and A Wilce

Also Present Officer(s):

Maria De Leburne (Legal Services Team Leader), Deborah Sharpley (Solicitor), Thomas Keating (Specialist Lead (Licensing) Officer), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

7 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies or substitute Members

8 CHAIRMAN - ELECTION

Cllr A Wilce was duly elected Chairman of the Sub Committee

9 REMOTE MEETINGS PROTOCOL

The Sub Committee had before it, and **NOTED**, the *Remote Meetings Protocol

Note: *Protocol previously circulated and attached to the minutes

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

The Members and Officers introduced themselves.

Prior to consideration of a report from the Group Manager for Public Health and Regulatory Services to consider whether or not a license holder was fit and proper to hold a licence (or Licenses) with Mid Devon District Council the Sub Committee discussed whether or not the hearing should be held in public or private. Members considered the circumstances of the case and agreed that the hearing should be conducted in closed session. 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.

(Proposed by Cllr D J Knowles and seconded by Cllr S J Penny)

The Specialist Lead Licensing Officer outlined the contents of the report and 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 Officer explained that the hearing was to determine if the applicant was a fit and proper person to hold a hackney carriage/private hire licence in light of seven complaints being brought against him. He informed the Sub Committee that the Licence Holder had held a licence since 2010 and that a DVLA check on 1st March 2021 did not show any penalty points to consider. He explained that the licence holder had been fully informed of the complaints submitted against him and he had been given every opportunity to respond to the allegations or to dispute any of the information. The Licence Holder had not submitted any evidence but had confirmed to the Licensing Officer that he had been speeding on two occasions highlighted and that he was also half-asleep at the time of one of the speeding occasions.

In response to a question asked, the Specialist Lead Licensing Officer confirmed that the Licence Holder had been spoken to by his previous employer about some of the allegations and issued with a warning; he had also been spoken to by Devon County Council in relation to 2 of the incidents. The Licence Holder was provided with all the evidence against him and with details of the hearing to be held but had confirmed verbally that it was not his intention to attend or to provide any additional information.

The Sub Committee then withdrew to consider the evidence.

Having reflected on the evidence presented to the Sub Committee:

RESOLVED that the existing Hackney Carriage/Private Hire Driver Licence be revoked immediately as the Sub-Committee did not feel that the Licence Holder was a fit and proper person to hold a licence.

In particular, the Sub-Committee noted the following:

- Information provided in the Report, including the driver's responses provided to the Specialist Lead Licensing Officer;
- Whether the driver was a 'fit and proper' person;
- The fact that the driver had no points on his DVLA licence. Although the Sub-Committee felt that this did not add much in the light of the admissions of the driver;
- The potential effect on any passengers using the taxi and the public safety given the driver's admissions to speeding on 2 occasions, namely 12 November 2019 and 7 January 2021 and the driver's admission about being 'half –asleep on 7 January 2021;
- The driver had therefore not complied with the Mid Devon District Council's Hackney Carriage and Private Hire Licensing Policy or the Statutory Taxi and Private Hire Vehicle Standards;
- The fact that the driver had not used the opportunity to either make written submissions or attend the Sub-Committee Hearing.

(Proposed by the Chairman)

The Solicitor confirmed that written confirmation would be sent to the Licence holder which would include details of the right to appeal.

(The meeting ended at 11.29 am)

CHAIRMAN