

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY SUB COMMITTEE A** held on 30 July 2021 at 10.00 am

Present Councillors

J M Downes, D J Knowles and
Miss J Norton

Also Present

Officer(s): Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Sarah Lees (Member Services Officer), Deborah Sharpley (Solicitor) and Carole Oliphant (Member Services Officer)

11 **CHAIRMAN - ELECTION**

Cllr D J Knowles was duly elected Chairman for the Sub Committee.

12 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies or substitute Members.

13 **REMOTE MEETINGS PROTOCOL**

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

Note: *Protocol previously circulated and attached to the minutes.

14 **ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC**

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.

15 **TO DETERMINE WHETHER OR NOT A LICENCE HOLDER IS FIT AND PROPER TO HOLD A HACKNEY CARRIAGE/PRIVATE HIRE LICENCE**

The Corporate Manager for Public Health, Regulation & Housing, Public Health 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 an incident that had occurred.

The Officer outlined the circumstances of the case and drew attention to additional information received which had been circulated to the Sub Committee.

The defendant answered questions from the Sub Committee and explained that they had not instigated the situation and had tried to walk away from it on a number of occasions.

The Sub Committee then withdrew to consider the evidence.

Having reflected on the evidence presented to the Sub Committee:

The Sub-Committee took into account the relevant legislation, the Council's Hackney Carriage and Private Hire Policy and the Statutory Taxi and Private Hire Vehicle Standards (Department for Transport) –regarding the 'fit and proper' test and especially the overriding consideration of public safety and maintaining the public confidence in the licensing regime given the incident occurred in a public space i.e. Gold Street.

It also considered what was said by the defendant and the CCTV footage of the incident. It was felt they acted with some restraint in all of the circumstances and were acting in defence of themselves and others at times.

The Sub-Committee **RESOLVED** to issue a warning. The Sub-committee would not condone this sort of behaviour and wanted the defendant to understand the need to uphold professional behaviour at all times whilst licensed, not just whilst driving. They needed to understand that their behaviour could bring the Council's licensing process into disrepute as it had to regulate licensing in Mid Devon.

(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 11.09 am)

CHAIRMAN