

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY SUB COMMITTEE D** held on 10 November 2016 at 2.00 pm

Present Councillors

Mrs G Doe, D J Knowles and P H D Hare-Scott

Also Present Councillor(s)

D R Coren

Also Present Officer(s):

Thomas Keating (Lead Licensing Officer), Jacqueline Taylor (Licensing Officer) and Julia Stuckey (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies given.

2 CHAIRMAN - ELECTION

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

Cllr Mrs Doe then 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 Committee confirmed that they had no interests to declare and agreed that the meeting should be held in public.

Consideration was given to a report * from the Director of Corporate Affairs and Business Transformation relating to a licensed driver who had on five occasions in the last 18 months failed to submit vehicle documentation in accordance with the Councils Hackney Carriage and Private Hire Licensing Policy. Furthermore, on two occasions in the last 18 months the driver had failed to present the private hire vehicle for inspection as required under section (50)1 Local Government Miscellaneous provisions Act 1976.

Prior to discussing the report the officer pointed out errors within the document: 2.5 should have read 50 (5), 2.5 should have read 31 August 2015 not 30 September 2015 and 4.3 should have read 6.11.3.

The Licensing Officer then outlined the contents of the report, reminding Members that drivers of hackney carriages and private hire vehicles were licensed under the

Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This council issued a joint licence which enabled them to drive both hackney and private hire vehicles.

The Council was not permitted to grant a licence unless it was satisfied that the applicant was a fit and proper person and took steps to establish that applicants and existing drivers were such persons.

Members were reminded that the document reminder service was not a statutory service and that failure to receive a reminder was not an excuse for missing documents.

The officer informed Members that the Licensing Team had cause to contact Ms Fajado regarding late documents on five occasions in eight months when policy conditions had been breached and on two further occasions when legislation had been breached. There had been numerous amounts of correspondence, both written and verbal and Ms Fajado had been warned that if problems persisted the matter would be referred to the Committee.

Mrs Fajado had submitted an email explaining the reasons for the documents being late, and this was contained within the report.

The officer explained the options that Members could choose to take and that the decision must be proportionate and that clear reasons must be given.

The Chairman asked Ms Fajado if there was anything that she would like to say. Ms Fajado said that her actions were defenceless and that what she should have adhered to was in black and white. She said that when she started up her business she had 'bitten off more than she could chew'. She had wanted to start a children's transportation service which she thought there was a need for. From personal experience she had felt that there was a need for a service that parents could feel safe with. She had a background in child care and had worked with the youth offending team so had thought she would be well placed to start this. The business started small but had built up to two vehicles. Ms Fajado said that she had no business acumen and that she lacked what it took to run a business. She said that the Licensing Team had been very supportive. Ms Fajado was now only running one vehicle. She had decided not to renew her Operator Licence and to just work as a driver. She said that she had not set out to be duplicitous, had no points on her licence and vehicles were all MOT'd at all times. Ms Fajado said that she considered herself to be fit to be a driver but not an operator.

Ms Fajado was asked how she would prevent this situation happening again. Mr Fajado, who was in attendance to support Ms Fajado, informed the Sub Committee that he had agreed to take over her paperwork and that he would ensure everything was submitted on time, as he did with his own paperwork. He considered that Ms Fajado had failed to communicate with the Licensing Team properly and that this was what had caused her problems.

The Licensing Officer clarified that even if Mr Fajado undertook to submit the paperwork Ms Fajado would still be responsible for it.

The Sub Committee withdrew to consider its decision.

It was **RESOLVED** to issue a warning as to future conduct regarding the submission of paperwork and to clarify that though Mr Fajaro was submitting documents on behalf of Mrs Fajaro she was still the responsible person.

Reasons given were:

- a. The Sub Committee considered that Ms Fajaro was a fit and proper person to hold a Hackney Carriage/private hire driver licence;
- b. That regard was given to the Mid Devon District Council Hackney Carriage and Private Hire Licensing Policy dated 29 February 2016;
- c. The Sub Committee had regard to the case put forward and the remarks that the driver had made both in correspondence and before the committee;
- d. The Sub Committee had considered the compliance history of the driver;
- e. The Sub Committee had no concerns regarding safety of the public in the evidence that was before them;
- f. The Sub Committee felt confident that the driver could provide the licensing team with documents in the future.

The Legal Officer outlined the appeal process.

(The meeting ended at 2.40 pm)

CHAIRMAN