

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the REGULATORY SUB COMMITTEE D held on 8 May 2017 at 9.00 am

**Present
Councillors**

Mrs G Doe (Chairman)
K Busch and P H D Hare-Scott

**Present
Officers**

Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Simon Newcombe (Public Health and Professional Services Manager), Thomas Keating (Lead Licensing Officer) and Sarah Lees (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

2 CHAIRMAN - ELECTION

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 TO DETERMINE WHETHER OR NOT A LICENCE HOLDER REMAINS FIT AND PROPER TO HOLD A LICENCE (HEARING 1)

The Members and officers present introduced themselves.

There were no interests to declare.

Prior to consideration of a report from the Director of Operations setting out the circumstances relating to a licence holder and a review of their licence, the Sub Committee considered that the circumstances of the case would be likely to reveal the identity of the applicant as well as details relating to his or her personal life and business affairs. The following resolution was therefore passed:

ACCESS TO INFORMATION – 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 section 100I and paragraph 1, of Part 1 of Schedule 12A of the Act, namely information relating to any individual.

The Lead Licensing Officer informed the Sub Committee that since the report had been published with the agenda the applicant had surrendered the licence in question and was now working for another operator. Given this information there was now no need for the Sub Committee to determine the applicant's suitability to hold a licence as the application had been withdrawn.

4 **TO DETERMINE WHETHER OR NOT A LICENCE HOLDER REMAINS FIT AND PROPER TO HOLD A LICENCE (HEARING 2)**

Prior to consideration of a report of the Director of Operations considering an application which had been received for a hackney carriage / private hire driver 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 as well as details relating to his or her personal life and business affairs. 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 section 100I and paragraph 1, of Part 1 of Schedule 12A of the Act, namely information relating to any individual.

The Public Health and Professional Services Manager outlined the contents of the report and the relevant facts of the case. The applicant, who was in attendance, was given the opportunity to respond to comments made within the report and to present their own version of events.

Having reflected on the evidence presented to them the Sub Committee:

RESOLVED that the application to renew a Hackney Carriage/Private Hire Driver's Licence be granted for a period of one year. However, in granting the licence the Sub Committee felt that the applicant needed to bear in mind comments made by the Sub Committee in relation to previous conduct and their attitude towards the licensing process.

Reasons:

In reaching this decision the Sub Committee's overarching concern was for the safety of the public and they were mindful of the absence of any concerns raised by the public.

However in granting the licence, the Sub Committee wished for it to be issued with a strong warning regarding any future unacceptable behaviour towards Council staff. The applicant needed to understand that there was no automatic right to a licence and that there needed to be respect for the licensing process, which it was stressed was a statutory procedure applied consistently to all applicants.

(The meeting ended at 12.10 pm)

CHAIRMAN