

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **REGULATORY SUB COMMITTEE D** held on 25 July 2016 at 10.00 am

### **Present Councillors**

D J Knowles, Mrs F J Colthorpe and  
R Wright

### **Apologies Councillor(s)**

Mrs G Doe and P H D Hare-Scott

### **Also Present Councillor(s)**

D R Coren

### **Also Present Officer(s):**

Thomas Keating (Lead Licensing Officer), Simon Johnson (Legal Services Manager), Jacqueline Taylor (Licensing Officer) and Julia Stuckey (Member Services Officer)

## **1 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs G Doe who was substituted by Cllr Mrs F J Colthorpe and Cllr P H D Hare Scott who was substituted by Cllr R Wright.

## **2 CHAIRMAN - ELECTION**

**RESOLVED** that Cllr Mrs F J Colthorpe be elected Chairman of the Sub Committee for the meeting.

Cllr Mrs Colthorpe then took the Chair.

## **3 TO ASSESS THE FITNESS OF A CURRENT HACKNEY CARRIAGE / PRIVATE HIRE LICENSED DRIVER**

Members of the Sub Committee and officers introduced themselves.

Consideration was given to a report \* from the Head of Human Resources and Development relating to a licensed driver who had on three occasions in the last 12 months failed to submit vehicle documentation in accordance with the Councils Hackney Carriage and Private Hire Licensing Policy. Further, on one occasion in the last 12 months the driver had failed to present the Hackney Carriage for inspection as required under section (50)1 Local Government Miscellaneous provisions Act 1976.

Members of the Committee confirmed that they had no interests to declare and agreed that the meeting should be held in public.

Mr Wright presented a document in which he outlined the processes he proposed to put in place, to which the Committee gave consideration.

The Licencing Officer outlined the contents of the report explaining 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 authority was not permitted to grant a licence unless it was satisfied that the applicant was a 'fit and proper person' and took a number of steps to establish that applicants and existing drivers were such persons.

The Officer explained that the Authorities policy required that vehicles were regularly tested by an authorised and accredited garage to ensure that they met the criteria which was required to ensure public safety, that vehicles more than three years old had to be tested every six months, that documentation relating to taxi tests must be submitted for administration when required or requested and that vehicle insurance needed to be continuous and documentation submitted to the licensing team for administration when required or requested.

The officer pointed out that it was not a statutory requirement for the authority to issue reminders and failing to receive a reminder was not a valid excuse for failing to submit documents in a timely fashion.

The officer informed the Committee that Mr Christopher Wright had failed to submit documents in a timely fashion on three occasions in the last 12 months and a taxi test had been a week late.

Mr Wright had submitted an email which was attached to the report in which he explained the circumstances that resulted in the documents being late. The Officer confirmed that the Licensing team had regular contact with licence holders and that he had always been obliging when contacted.

The officer reminded the committee that they needed to decide whether or not Mr Wright remained fit and proper to hold a licence.

Mr Wright apologised for failing to provide information in a timely manner and said that there was no excuse for this. He said that paper work was not his forte and he got distracted by the 'day job' which was more about generating business and talking to customers. He had now convinced his partner to take on the paperwork side of the business and she had put a system in place to help with this. There was a cork board, a reminder system, a filing system and she would undertake the scanning of documents along with the delivery of the documents to the offices if this was required. Mr Wright now had another driver that was available to cover his work should he need to deal with licence issues.

Members of the Committee questioned Mr Wright regarding his new administrative systems, the type of business he carried out and aspects of his personal life that caused some difficulties but were now resolved.

Members of the Sub Committee withdrew to consider their decision.

**RESOLVED** that on this occasion Mr Wright receive a warning and be made aware that should there be any further incident of late production of necessary documentation it would result in a further hearing and the possibility of the licence being suspended or revoked.

**REASONS** The Chairman informed the meeting that the Committee had read all of the submissions and the statement made by the licence holder. Having further taken into consideration the written statement presented at the meeting and the licence holders willingness to address past problems, the Committee felt that the system he now had in place would assist in his future compliance with the timely production of documents. The Committee therefore felt that the appropriate action was to issue a warning. Should there be any further incident of late production of necessary documentation the licence holder should be aware that it would result in a further hearing and the possibility of the licence being suspended or revoked.

(Proposed by the Chairman)

Note: - Report previously circulated and attached to the Minutes.

(The meeting ended at 10.45 am)

**CHAIRMAN**