

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **REGULATORY SUB COMMITTEE A** held on 5 July 2017 at 2.30 pm

### **Present Councillors**

R J Chesterton, J L Smith and R Wright

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

Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Thomas Keating (Lead Licensing Officer) and Julia Stuckey (Member Services Officer)

#### **1 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

#### **2 CHAIRMAN - ELECTION**

**RESOLVED** that Cllr R Wright be elected Chairman of the Sub Committee for the meeting.

Cllr Wright 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 Sub-Committee confirmed that they had no interests to declare and discussed whether to hold the hearing in public or in private.

**RESOLVED** that under Section 100A (4) of the local Government Act 1972, the public be excluded from the meeting on the grounds that it involved 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 the Chairman)

The Sub Committee had before it a report \* from the Lead Licensing Officer relating to an application for a Hackney Carriage/Private Hire Licence asking it to consider if the applicant was 'fit and proper' to hold a licence.

The Lead Licensing Officer explained that the authority was responsible for licensing the Hackney Carriage and Private Hire trade in Mid Devon. The Local Government (Miscellaneous Provisions) Act 1976, as amended, and the Town Police Clauses Act 1847, provided much of the regulatory framework for that licensing regime.

The officer explained that the authority had adopted a Hackney Carriage and Private Hire Policy, the most recent version of which came in to effect on 29 February 2016.

The policy provided the framework for the administration of the service and set out how the Council would consider both new applications and also matters relating to existing licence holders.

The officer went on to inform Members that according to current policy their priorities in this instance should be the protection of public health and safety and the prevention of crime and disorder. Ultimately, the main priority was public safety.

The officer informed the Committee that the applicant had submitted an application to Mid Devon District Council for a new Hackney Carriage / Private Hire Drivers licence on 31 March 2017. A DBS (Disclosure and Baring Service) certificate was required and this had an issue date of 2 June 2017. It revealed previous convictions that the applicant had not declared on the application form.

The licensing team had contacted the DBS Service to discuss how this information could be used by decision makers and it had been confirmed that it must not be circulated in advance of the hearing taking place. They had stated that it must only be made available at the hearing itself.

The Officer highlighted that the application that the applicant had submitted for a new Hackney Carriage/Private Hire Drivers licence asked the following question and contained the accompanying note:

*'Have you ever been found guilty or convicted of ANY offence, or been made the subject of an order, by a court in the UK or abroad? This means ALL offences, however long ago they happened. If no, insert 'NONE'.*

*Under the Rehabilitation of Offenders Act 1974, holders of hackney carriage / private hire drivers licences are classified as exempted posts and all convictions (whether 'spent' or not) must be declared. Failure to declare all convictions may affect the outcome of your application'.*

The applicant had stated 'none' in response to this question. In light of the information received on the DBS this declaration was incorrect.

The Sub Committee withdrew to consider additional information that had not been available to it prior to the meeting.

On their return the Sub Committee put questions to the applicant.

The applicant informed the Sub Committee that he had been very young when he committed the offences and that he had thought that having paid the fine and undertaken community work that he did not need to declare them. He explained the circumstances of the offences and informed the Sub Committee that he had since settled down and was now a family man with a baby due soon.

The Sub Committee withdrew to consider its decision.

The Sub Committee **RESOLVED** to grant a Hackney Carriage and Private Hire Licence as applied for, for a period of 1 year. However the Sub Committee took a very serious view of:

- 1) The convictions themselves which could show a propensity for dishonest behaviour - honesty being a fundamental character requirement of taxi licensing.
- 2) The applicant's failure to disclose the convictions, which at worst showed a deliberate attempt to conceal these convictions and at best a lack of consideration for the importance or understanding of the licensing process

These failings must not be repeated and the council would have regard to any such matters in the future.

That said, the Sub Committee wished to give the applicant the benefit of the doubt to continue his efforts to settle down and establish himself in this community. Although the Sub Committee had found some of the answers and explanations given confusing, never the less they did find the applicants attitude to be friendly and approachable.

Note: - \* Report previously circulated and attached to Minutes.

(The meeting ended at 4.00 pm)

**CHAIRMAN**