

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE C of the LICENSING COMMITTEE held at the Civic Centre, Barnstaple on Tuesday 2nd December 2014 at 3.00 p.m.

PRESENT: Members:

Councillor Turner (Chairman)

Councillors Clark and Wilkinson (substitute for Councillor Hunt).

Councillor Haywood attended the meeting as a Substitute Member.

Officers:

Assistant Solicitor (DH), Regulatory Services Officer (PF) and Senior Member Services Officer (BT).

(a) APPOINTMENT OF CHAIRMAN

RESOLVED, that (in the absence of the Chairman) Councillor Turner be appointed Chairman.

(b) APOLOGIES FOR ABSENCE

There were no apologies for absence received.

(c) DECLARATIONS OF INTEREST

There were no declarations of interest announced.

(d) EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (i) That, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as they involved the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information);
- (ii) That all documents and reports relating to the items be confirmed as "Not for Publication".

(e) APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND A PRIVATE HIRE DRIVER'S LICENCE – MRAG

The Chairman introduced himself, Members of the Sub-Committee, Officers present to the applicant before outlining the nature of the hearing.

The Regulatory Services Officer outlined a report (circulated previously) regarding an application for the grant of a Hackney Carriage and Private Hire Driver's Licence (reference MRAG) and confirmed that the formal requirements had been met.

The applicant addressed the Sub-Committee. He explained the reasons and circumstances relating to the offences being committed. He advised that he held another type of licence with the Council and was also a registered Security Industry Authority (SIA) door steward. He also explained that he owned two businesses and outlined the nature of those businesses to the Sub-Committee. He outlined the nature of the voluntary and charity work that he was also involved in and provided a portfolio containing photographs and references relating to his SIA licence for the Sub-Committee to view.

Members of the Sub-Committee questioned the applicant.

The applicant advised the Sub-Committee of how he would deal with a member of the public who was intoxicated with alcohol. He explained the reasons and circumstances relating to the more recent offences that had occurred and how he had now turned his life around. He also advised of his previous experience dealing with vulnerable people whilst working as a Door Steward.

The Sub-Committee viewed the applicant's portfolio.

The Regulatory Services Officer summed up.

The applicant had no further comments to make.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal representative and Committee Clerk in order to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting.

RESOLVED that the application for a Hackney Carriage and a Private Hire Driver's Licence (reference MRAG) be granted.

In reaching its decision, the Sub-Committee was satisfied that the applicant had demonstrated that he was a fit and proper person as he was a registered SIA door steward, held another type of licence with the Council, and was

actively involved in charity work. The Sub-Committee also considered that the spent convictions were over 5 years old.

(f) DISCIPLINARY HEARING OF A HACKNEY CARRIAGE AND PRIVATE HIRE LICENSED DRIVER (REFERENCE MRMH)

The Chairman introduced himself, Members of the Sub-Committee, Officers present to the driver before outlining the nature of the hearing.

The Regulatory Services Officer outlined a report (circulated previously) regarding a disciplinary hearing of a Hackney Carriage and Private Hire Driver's Licensed driver (reference MRMH) and confirmed that the formal requirements had been met. He also advised that to date the driver had failed to provide a copy of his current driver's licence despite requests.

The driver addressed the Sub-Committee. He explained the reasons and circumstances relating to the offences being committed.

Members of the Sub-Committee questioned the driver.

The driver explained the reasons why he hadn't received correspondence from the Council. He provided a copy of his current driver's licence to the Regulatory Services Officer. He also explained that the delay in reporting the accident to the Council was due to it occurring at a weekend. He advised that following the accident, he had attended a driving awareness course in Exeter. He confirmed that being a Hackney Carriage and Private Hire driver was his only source of income.

The Regulatory Services Officer summed up.

The driver had no further comments to make.

RESOLVED that everyone be excluded from the meeting with the exception of Members, the Legal representative and Committee Clerk in order to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting.

RESOLVED that both the Hackney Carriage Driver's and Private Hire Driver's Licences (driver reference MRMH) be revoked to take effect after a period of 21 days beginning on the day in which the notice was given to the driver.

In reaching its decision, the Sub-Committee had regard to the statutory framework and took account of the Council's own Licensing Policy and all of the evidence presented at the hearing.

The Sub-Committee did not consider the driver to be a fit and proper person as there had been a series of driving incidents over a short period of time and he had shown a lack of remorse with regard to the seriousness of the offences.

Chairman

The meeting ended at 4.20 p.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Licensing Committee.