

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING SUB-COMMITTEE E of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Monday 12th November 2018 at 9.30 a.m.

PRESENT: Members:

Councillor Yabsley (Chair)

Councillors Biederman and Gubb (Substitute for Councillor Hunt).

Officers:

Solicitor (DH), Licensing Officer (PF) and Corporate and Community Support Officer (KJ).

(a) APOLOGIES FOR ABSENCE

There were no apologies for absence received.

(b) DECLARATIONS OF INTEREST

There were no declarations of interest announced.

(c) APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE, (REFERENCE PFNV005)

Also present: the Applicant.

The Chair introduced himself, Members of the Sub-Committee, and Officers present and outlined the nature of the hearing.

The Licensing Officer outlined his report (circulated previously) regarding an application for a private hire vehicle licence (reference PFNV005). He explained to the Sub-Committee that the application had been received from the Applicant in respect of a vehicle which did not meet the age criteria specifications of the North Devon District Council's Hackney Carriage and Private Licensing Policy of August 2016. He then referred to the relevant part of the policy stated under section 7.9 Maximum Age of Vehicle.

The Licensing Officer confirmed that the vehicle in question was a Toyota Avensis which had been first registered on 28th September 2012 and was therefore over six years old. Its mileage was 77,258 as at 17th October 2018 when the garage check was completed. The Licensing Officer confirmed that the Applicant had previously surrendered the licence on 13th February 2018.

The Chairman invited the applicant to address the Sub-Committee.

The Applicant advised that he had stopped working as a taxi driver in February 2018 when a family member had become ill. He then assisted him with his business and ceased his own work. He had surrendered the licence and the relevant insurance in order to recoup some of the money. He now wished to resume his work as a taxi driver which he had done for 12 years. The Applicant confirmed that he brought the vehicle today and it was available for inspection.

The Chair advised that he wished to examine the vehicle.

RESOLVED, that it being 9.40 am the meeting be adjourned to enable the Sub-Committee to inspect the vehicle.

RESOLVED, that it being 9.48 am and the conclusion of the inspection the meeting be reconvened.

The Sub-Committee agreed that the vehicle appeared to be in very good condition and was clearly well looked-after.

The Chair asked the Applicant to sum up.

The Applicant summed up. He confirmed that the vehicle was regularly serviced. He also added that he was hoping to replace the vehicle in the next 12-18 months.

The Licensing Officer summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members and the Legal representative in order for the Sub-Committee 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.

The Chairman requested that the Corporate and Community Services Officer read the proposed decision, which was voted upon and agreed.

RESOLVED, that the application for a Private Hire Vehicle Licence, reference PFNV005, be granted.

In reaching its decision the Sub-Committee had regard to the representations made by the Licensing Officer and Applicant who confirmed that he had surrendered his vehicle licence in February 2018 to assist with a family member's business whilst that person was ill. The family member was now well again and the applicant wished to resume his work

as a taxi driver (which he had done so for the past 12 years). The Sub-Committee inspected the vehicle, which it considered to be in very good condition.

RESOLVED, that it being 9.49 am the meeting be adjourned whilst the Applicant for the first agenda item leave.

RESOLVED, that it being 10.00 am the meeting be reconvened.

(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 item as it 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 confidential 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, (REFERENCE PFND004)

Also present: the Applicant.

The Chair outlined the nature of the hearing.

The Licensing Officer outlined the report (circulated previously) regarding an application for a hackney carriage and a private hire driver's licence (reference PFND004).

The Licensing Officer noted the additional information received from the Applicant which had been circulated previously to the Sub-Committee. The documentation provided consisted of several character references and medical reports from 2004 to 2018. He advised the Sub-Committee that these were pertinent to the application due to the nature of the previous convictions. He confirmed that the previous convictions declared by the applicant were all spent, and over 12 years old.

There were no further questions from the Sub-Committee.

The Chair invited the applicant to address the Sub-Committee.

The Applicant addressed the Sub-Committee. He outlined the medical circumstances which he considered had contributed to his previous convictions. He felt he was now honest, kind and caring and hoped that his character references would confirm this to the Sub-Committee.

In response to questions from the Sub-Committee, the applicant confirmed that

- he had undertaken a BTEC course in which he excelled in the areas covering how to work with the disabled. He felt he was a quick learner and could be an asset to the Council as a taxi driver.
- he was hoping to be able to purchase a hybrid car to promote a green taxi service and reduce his carbon footprint. He had already put a deposit down on a vehicle.

The Licensing Officer advised that, should a licence be granted, the Applicant should act responsibly and allow for breaks where needed (to combat the fatigue which the Applicant now experienced as a result of previous health issues). He also confirmed that the Applicant had undergone a Group 2 medical test which had found him to be fit and well.

The Chair thanked the applicant for his representation.

RESOLVED, that everyone be excluded from the meeting with the exception of Members and the Legal representative in order for the Sub-Committee 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.

The Chairman requested that the Corporate and Community Services Officer read the proposed decision, which was voted upon and agreed.

RESOLVED, that the application for a Hackney Carriage and Private Hire Driver's Licence, reference PFND004, be granted.

In reaching its decision the Sub-Committee had regard to the Statutory Framework and the Council's own Licensing Policy regarding previous convictions together with the representations made by the Applicant and the medical evidence provided in support of the application.

The Sub-Committee was satisfied that the Applicant was a fit and proper person to hold these licences, as all of the spent convictions were over 12 years old.

Chairman

The meeting ended at 10.52 a.m.

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