

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing Sub-Committee C held in the Barum Room at Brynsworthy Environment Centre on Thursday, 14th March, 2019 at 2.00 pm.

PRESENT: Members:

Councillor Mathews (Chairman)

Councillors Meadlarkin and Moore

Officers:

Service Lead Licensing, (HB)

Solicitor, (DH)

Corporate and Community Services Officer, (AD)

Also Present:

The Applicant

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTERESTS

There were no declarations of interest announced.

3. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED that:

- a) 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 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to any individual, and;
- b) All documents and reports relating to the item were confirmed as "Not for Publication".

4. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE LICENSED DRIVER (HBND0001)

The Service Lead Licensing read out his report on application for a Hackney Carriage and Private Hire Licensed Driver reference HBND0001, (circulated previously) and confirmed that the requirements had been met with exception of a DVLA check.

The Applicant confirmed that there were no endorsements on his DVLA licence.

The Service Lead Licensing advised the Sub-Committee on the Applicant's previous spent convictions and periods where he had held a taxi licence. At the request of the Local Authority the applicant had attended an appointment with an independent psychiatrist, the results of which were appended to the agenda.

The Chairman asked the Applicant to present his case.

The Members asked questions.

In response to a question on why he had given up taxi driving the Applicant explained that the company he was working for didn't have enough trade to keep him busy.

The Service Lead Licensing was asked to sum up.

The Applicant was asked to sum up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Legal representative and the Committee Clerk 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 committee clerk read out the proposed decision on which the Sub-Committee voted as follows:

RESOLVED, that the application for a Hackney Carriage and Private Hire Driver's Licence (reference HBND0001) be refused.

In reaching its decision the Sub-Committee had regard to Section 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 and Section 4.13 and Appendix F (Paragraph 1.0) of the North Devon Council's Hackney Carriage and Private Hire Licensing Policy, (August 2016), which requires the Council to be satisfied as to the medical fitness of the Applicant before granting a licence.

The Sub-Committee considered that the issues of drug misuse, intoxication and paranoia raised in the medical records, Group 2 medical certificate and Psychiatrist's

report (Agenda Item 6) were relevant and serious enough to justify a decision to refuse the licence.

Whilst the Sub-Committee accepted the Applicant's submissions and the Psychiatrist's comment that the Applicant had remained well and stable since March 2017, they had balanced this information against the Psychiatrist's conclusion that it was possible that the Applicant had had more than one episode of a psychotic illness and that there was a risk he would relapse, which was difficult to predict.

As a result, the Sub-Committee was not satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Licence.

Chairman

The meeting ended at 2.30 pm