

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee A held at Barum Room - Brynsworthy on Thursday, 8th August, 2019 at 10.00 am

PRESENT: Members:

Councillor Tucker (Chairman)

Councillors D. Spear and L. Spear

Officers:

Senior Solicitor, (TB)

Licensing Officer, (PF)

Committee Clerk, (AD)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. EXCLUSION OF PUBLIC AND PRESS 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 in 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(ii) That all documents and reports relating to the items be confirmed as "Not for Publication".

3. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND A PRIVATE HIRE DRIVER'S LICENCE (REF PFND006)

Also present:

The Applicant.

The Chair introduced himself and those present introduced themselves. The Senior Legal Officer outlined the nature of the hearing.

The Licensing Officer outlined a report (circulated previously), regarding an application for the grant of a Hackney Carriage and a Private Hire Driver's Licence (Ref PFND006) and confirmed that the application had been properly made.

The Applicant addressed the Sub-Committee, outlining his previous lifestyle, his move to Devon over 20 years ago and his current employment status. The Applicant provided the Sub-Committee with three written character references which the Sub-Committee were happy to accept and read.

Members of the Sub-Committee questioned the Applicant and in response to their questions the Applicant explained he had worked in the Construction industry for 35 years and due to his age was beginning to feel the effects of this type of work, he enjoyed driving and currently travelled extensively as his work was in Exeter. He assured the Sub-Committee that there was no possibility of any further offences being committed as he was a completely changed person.

The Licensing Officer summed up.

The Applicant summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Legal representative and 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 Chairman requested that the Committee Clerk read the proposed decision, which was voted upon and agreed.

RESOLVED, that the Application for the Grant of a Hackney Carriage and a Private Hire Driver's Licence (reference PFND006) be granted.

Having listened to the Applicant and considered the Licensing Officer's report the Sub-Committee were satisfied that he was a fit and proper person. Having been out of the Criminal Justice system for over 17 years the Sub-Committee were happy that the Applicant would not return to criminal activity and were happy to grant both the licences.

4. **DISCIPLINARY HEARING OF A HACKNEY CARRIAGE AND PRIVATE HIRE LICENSED DRIVER (REF PFDD0007)**

Also present:

The Applicant.

The Chairman introduced himself. The Members introduced themselves as did the other Officers present.

The Senior Legal Officer summarised the Hearing process.

The Licensing Officer presented his report, (circulated previously) regarding the Disciplinary Hearing of a Hackney Carriage and Private Hire Licensed Driver (Reference PFDD0007). In response to a question on whether the penalty points had been notified to the authority correctly the Licensing Officer advised that the Applicant had stated that he had telephoned customer services with the information and had not notified the authority in writing. No record had been found as to the telephone call.

The Applicant presented his case explaining how he had accrued penalty points in two separate incidents and that he had been at fault for not familiarising himself with the policy handbook and did not know the procedure for notifying his offences to the Local Authority. He had previously attended a speed awareness course. He had changed how he worked to avoid pushing himself to get to jobs. He had been a driver for over ten years and drove about 100,000 miles in a year.

In response to questions from the Sub-Committee the Applicant confirmed he had changed his working pattern to prevent being squeezed for time.

The Licensing Officer summed up.

The Applicant summed up.

RESOLVED, that everyone be excluded from the meeting with the exception of Members, the Legal representative and 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 Chairman requested that the Committee Clerk read the proposed decision, which was voted upon and agreed.

RESOLVED that the Sub-Committee take no further action.

In reaching its decision the Sub-Committee had considered the Applicant's case and warned the Applicant that if he gained any further points not only would the Magistrate's Court deal with the matter, but he would find himself being required to attend before a Sub-Committee again when the likely outcome would be suspension or revocation of his licences.

Chairman

The meeting ended at 11.00 am

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

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