

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee B held on Thursday, 10th October, 2019 at 10.00 am

PRESENT: Members:

Councillor York (Chair), (substitute for Cann)

Councillors Mack and Tucker (substitute for Orange)

Officers:

Solicitor (DH), Licensing Service Lead (HB) and Corporate and Community Services Officer (AD)

1. APPOINTMENT OF CHAIRMAN

The Corporate and Community Services Officer requested nominations for Chairman.

RESOLVED that Councillor York be appointed Chairman.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest received.

4. EXCLUSION OF PUBLIC AND PRESS RESTRICTION OF DOCUMENTS

RESOLVED:

(a) 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 involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to any individual (including the authority holding that information); and

(b) That all documents and reports relating to the item be confirmed as "Not for Publication".

5. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE

AND PRIVATE HIRE DRIVER'S LICENCE - (REF PFND008)

Also present, the Applicant.

The Chair introduced herself as did the other Members and Officers present.

The Solicitor summarised the hearing process.

The Licensing Service Lead Officer confirmed that the Applicant had met formal requirements and the application had been properly made.

The Licensing Service Lead summarised the report (circulated previously) in relation to the application for the grant of a Hackney Carriage and Private Hire Driver's Licence, (ref PFND008).

The Applicant presented his case in which he gave a comprehensive explanation for each of his convictions and employment history along with reasons why he subsequently moved to Devon. The relationship he had with his brother was the contributing factor along with alcohol for the events that had happened. The birth of his son was the reason he left his employment as door security. He stated he is not a violent person and had seen the effects alcohol had on people and no longer drinks himself. He had a written character reference with him from his previous employer which he passed to the Sub-Committee to read.

In response to a question about why he had five different addresses in five years, the Applicant explained the circumstances for each address.

His last employment was a rolling three month temporary contract and with uncertainties around Brexit, unfortunately was one of five employees let go and had been unemployed since.

In response to a question on how he would fit in working as a driver around his son and school holidays, the Applicant advised he had a good family support network.

The Service Lead Licensing Officer 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 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 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, (ref PFND008), be granted.

In reaching its decision the Sub-Committee had regard to section 4.12 and Appendix H (f) of the North Devon Council's Hackney Carriage and Private Hire Licensing Policy (August 2016).

The Sub-Committee considered that the three spent convictions listed in the disclosure and Barring Services (DBS) check were not relevant and serious enough to justify a decision to refuse the Hackney Carriage and Private Hire Driver's Licence.

In particular they noted that the offences of affray and battery both involved the drinking of alcohol and altercations involving his brother. Since that time the Applicant had moved away from London to Devon to make a fresh start, he no longer drank and had held a licence as a Security Industry Authority (SIA) door supervisor for approximately six years. He had also become a father and had custody of his son.

As a result the Sub-Committee were satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence.

6. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - (REF PFND009)

Also present, the Applicant.

The Chairman introduced herself as did the Sub-Committee Members and Officers present.

The Solicitor outlined the hearing process.

The Service Licensing Lead Officer confirmed all formal requirements had been met and the application had been properly made.

The Service Licensing Lead Officer summarised the report, (circulated previously), in relation to the grant of an application for a Hackney Carriage and Private Hire Driver's Licence, (ref PFND009).

The Applicant presented his case and expanded on the circumstances that led to his convictions.

In response to a question about why he wanted to be a driver, the Applicant advised the Sub-Committee that he enjoyed interacting with people and enjoyed driving.

The Chair asked the Service Licensing Lead Officer to sum up, he had nothing further to add.

The Applicant was asked to sum up, he had nothing further to add.

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RESOLVED, that everyone be excluded from the meeting with the exception of Members the Legal representative and the 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 Corporate and Community Services Officer read the proposed decision, which was voted on and agreed.

RESOLVED that the application for a Hackney Carriage and Private Hire Driver's Licence, (ref PFND009), be granted.

In reaching its decision the Sub-Committee had regard to Section 4.12 and Appendix H (e) of the North Devon Council's Hackney Carriage and Private Hire Licensing Policy (August 2016).

The Sub-Committee considered that the four convictions listed in the Disclosure and Barring Services (DBS) check were not relevant and serious enough to justify a decision to refuse. In particular they noted that the offences took place between 1971 and 1984 and as confirmed by the National Police Certificate of Australia he had not had any further convictions since that time.

As a result the Sub-Committee was satisfied that the Applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's Licence.

Chairman

The meeting ended at 11.15 am

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